CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, SECOND SESSION.

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CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, SECOND SESSION.

SENATE.

SATURDAY, *June 13, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee and call upon Thy name in the performance of our highest duty, in the exercise of our highest powers, and in the enjoyment of our highest privilege. For any plan of life that does not take Thee into account is not worthy of the powers that Thou hast given to us, and any expression of life that does not have Thy blessing can bring no blessing upon those for whom we labor. Grant this day the light of Thy countenance upon our pathway that we may perform Thy righteous will. Bring our lives into conformity to Thy plan that the activity of our lives may bring blessing to those for whom we labor. For Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. JONES. Mr. President, there are just about a dozen Senators present. If we are to meet at 11 o'clock, we ought to start with a quorum. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lane	Sheppard
Borah	Cummins	McCumber	Sherman
Brady	Fletcher	Martin, Va.	Shively
Bristow	Goff	Myers	Simmons
Bryan	Hollis	Newlands	Smoot
Burton	James	Norris	Sutherland
Catron	Johnson	O'Gorman	Thornton
Chamberlain	Jones	Overman	Townsend
Chilton	Kenyon	Page	Warren
Clapp	Kern	Saulsbury	White
Clarke, Ark.	La Follette	Shafroth	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate, and that he is paired with me.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. PERKINS, Mr. RANSDELL, Mr. ROBINSON, Mr. STERLING, Mr. SWANSON, Mr. THOMAS, and Mr. TILLMAN answered to their names when called.

Mr. MYERS. I desire to make the announcement that my colleague [Mr. WALSH] is necessarily absent from the city on business.

Mr. WHITE. I wish to announce that my colleague [Mr. BANKHEAD] is necessarily absent from the Chamber this morning.

Mr. CHAMBERLAIN. I am advised that the Senator from South Carolina [Mr. SMITH] is unavoidably detained by official business.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Emma Alexander, in her own right and as administratrix of estates of Jennie Alexander, deceased, and of Charlie Alexander, deceased; Dora Alexander Miller, and Fannie Alexander King, *v.* United States (S. Doc. No. 499);

The Christian Church of Suffolk, Va., *v.* United States (S. Doc. No. 500);

Spencer Gordon, administrator of the estate of George Wright, *v.* United States (S. Doc. No. 501);

The Christian Church of Stanford, Ky., *v.* United States (S. Doc. No. 502);

The County of Barry, State of Missouri, *v.* United States (S. Doc. No. 503); and

The Langley Methodist Episcopal Church, of Langley, Va., *v.* United States (S. Doc. No. 504).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 55. An act for the relief of Daniel Hampton;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;

S. 2226. An act for the relief of Joel J. Parker;

S. 2576. An act for the relief of John Q. Adams; and

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

The message also announced that the House had passed the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13. An act for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909;

H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;

H. R. 816. An act for the relief of Abraham Hoover;

H. R. 962. An act for the relief of William H. Shannon;

H. R. 1182. An act for the relief of John Brodie;

H. R. 1405. An act for the relief of Frank W. Tucker;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 2696. An act for the relief of Thomas Haycock;

H. R. 3278. An act for the relief of Thomas R. Mason;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 5195. An act for the relief of the Atlantic Canning Co.;

H. R. 5474. An act for the relief of Patrick McGee, alias Patrick Gallagher;

H. R. 5966. An act for the relief of Clyde Odum;

H. R. 6609. An act for the relief of Arthur E. Rump;

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish;*

H. R. 7205. An act to correct the military record of H. S. Hathaway;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 9270. An act for the relief of John M. Gray;

H. R. 9335. An act for the relief of James H. Kelly;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 9615. An act for the relief of Benjamin F. Richardson;

H. R. 9703. An act for the relief of Thomas S. Johnson;

H. R. 9975. An act for the relief of Bayard T. Garrabrant;

H. R. 10168. An act for the relief of Leon Greenbaum;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 10719. An act for the relief of Joseph P. Leiter;

H. R. 10875. An act authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainy Mountain School in Oklahoma;

H. R. 11840. An act for the relief of R. G. Arrington;

H. R. 12681. An act for the relief of W. W. Wall;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma;

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy;

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia;

H. R. 13693. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce;

H. R. 13698. An act to correct the military record of Charles A. Coulson;

H. R. 13950. An act for the relief of Ella Slone;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 14404. An act for the relief of E. F. Anderson;

H. R. 14405. An act for the relief of C. F. Jackson;

H. R. 14609. An act for the relief of Cyntha Ramey;

H. R. 14925. An act for the retirement of H. R. Drake;

H. R. 16065. An act for the relief of Julia Klavinski;

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian; and

H. R. 16358. An act for the relief of Abraham Kauffman.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City; and

H. R. 14385. An act to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the the sanitation and government of the Canal Zone," approved August 24, 1912.

PETITIONS AND MEMORIALS.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented telegrams in the nature of memorials of the Indiana Veterinarian Medical Association, of Indianapolis; F. A. Bolser, of New Castle; L. M. Peterson and O. U. Chenoweth, of Otterbein; of the board of trustees of the Reid Memorial Hospital, of Richmond; and of the Wayne County Medical Society, of Richmond, all in the State of Indiana, remonstrating against the enactment of legislation to prohibit the dispensing and distribution of narcotic drugs by physicians, dentists, and veterinarians, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of Local Branch No. 207, National Association of Civil Service Employees, of Hartford, Conn., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Central Labor Union of Danbury, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Charles L. Burdett Camp, No. 4, United Spanish War Veterans, of Hartford, Conn., praying for the enactment of legislation granting pensions to widows and orphans of soldiers and sailors of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of the local Socialist Party of Norwich, Conn., remonstrating against the raising of mercenary private armies by corporations, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the congregation of the Second Congregational Church, of Putnam, Conn., and resolutions adopted by the Windham Association of Congregational Churches and Ministers, of Connecticut, favoring the establishment of an international tribunal for the adjudication of international differences, which were referred to the Committee on Foreign Relations.

Mr. SHIVELY presented petitions of John Byers Wirt, James Dunn, C. W. Seibold, and 151 other citizens of Indianapolis, Ind., praying for national recognition of Dr. Frederick A. Cook for his polar efforts, which were referred to the Committee on the Library.

He also presented memorials of George Rupp, Fred Dietzel, Albert Salisbury, and 4 other citizens of Evansville, Terre Haute, and Indianapolis, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Quarterly Meeting of Friends, with a membership of 2,015, of Richmond, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Quarterly Meeting of Friends, of Richmond, Ind., with a membership of 2,015, praying for the adoption of an amendment to the Constitution to grant the right of suffrage to women, which was ordered to lie on the table.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr President, I desire to report from the Committee on Interstate Commerce the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, and I submit a report (No. 597) thereon.

The action of the Senate committee substitutes for the House bill the provisions of the Senate bill recently reported regarding a Federal trade commission. We have added several provisions to the Senate bill which will enlarge the sphere of the trade commission's power and usefulness, among them the power, after hearing, to prevent unfair competition by order enforceable in the courts, also to investigate and report upon foreign trade practices which interfere with the fair marketing of American products, and also to investigate and report upon combinations between foreign and American producers for the control of prices. These powers, in addition to those previously provided for in the Senate bill, covering investigation and report from such corporations as the trade commission may designate, publicity, aid to the courts and to the Attorney General in framing and enforcing decrees dissolving corporations, if wisely exercised, will make the trade commission as useful and effective in building up a system of administrative law regarding trade as the Interstate Commerce Commission has been in matters of transportation.

Such a commission has been long needed, and if it had been provided for when the antitrust act was passed the trust question would by this time have been as near to satisfactory solution and equitable adjustment as is the transportation question.

The action of the Senate Committee on Interstate Commerce was thoroughly nonpartisan, prominent members of the Republican Party having participated actively in the perfection of the bill. I think it is fair to say that a majority of the Republican members of the committee will support the bill.

I see no reason why this bill should excite much discussion or why its passage should be long delayed. A measure of this kind has been discussed for years in the Senate, and the Senate is familiar with the subject. It has been discussed throughout the country. A poll of the boards of trade inaugurated by the National Chamber of Commerce resulted in almost a unanimous vote for a trade commission, and in the House the bill for a trade commission was adopted by an almost unanimous vote. The country desires such a measure. Had such a commission been organized contemporaneously with the passage of the Sherman antitrust law, the conflicting questions relating to trusts, monopoly, and unfair competition would have been as thoroughly settled by this time as have been the questions relating to transportation through the action of the Interstate Commerce Commission.

The need has long been felt for an administrative board which would act in these matters in aid of the enforcement of the Sherman antitrust law, which would have precedents and traditions and a continuous policy and would be free from the effect of such changing incumbency as has in the nature of things characterized the administration of the Attorney General's office.

I observe that an effort is being made to arouse the country against the so-called inquisitorial methods of this bill. I wish to say that whilst large powers of investigation are given, they are not greatly in excess of those now possessed and for years exercised by the Bureau of Corporations. Whilst reports are required, they are required only from such corporations or classes of corporations as may be designated by the commission. There are 350,000 corporations in this country. Of course, we all realize that there are perhaps not a thousand of such corporations that will be affected by the proposed legislation. The powers, of course, must be large, but the exercise of the powers will not be against honest business, but will be against corporate and business outlaws and will be persuasive and correctional rather than punitive, so far as well intentioned business is concerned.

I do not believe, therefore, that this bill will have any disturbing effect upon the public mind. In a short time it is probable that the Committee on Interstate Commerce will report a bill regarding railroad securities, and we expect that it will give reassurance rather than create doubt. We believe that such action as will be taken by the Interstate Commerce Committee will not limit the just powers of the railroads or affect injuriously their credit, but, on the contrary, will promote their credit by provisions protecting these corporations against the financial mismanagement of their trustees, of which there have been a few instances. I believe that in the end, after such legislation, the credit of the railroads will be improved, and that railroad securities will be regarded as very desirable investments.

We are passing, Mr. President, through a depression which is partly the result of world-wide causes and partly the result of necessary readjustments, following important economic changes. It is affecting the railroads as it is affecting many other classes

of business, but it is merely temporary. The legislation which the Interstate Commerce Committee has in hand. I am sure, will not tend to increase in any degree the state of mind which seems to now exist, but, on the contrary, will relieve that state of mind. I believe that this legislation will not only give assurance to business and trade but also to the railroads themselves, and that the result will be to place all of their securities upon a higher plane in the public estimation.

I wish to state that at an early moment I shall ask for the consideration of the bill for a Federal trade commission.

I ask that the Senate substitute, as reported by the Interstate Commerce Committee, be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The substitute referred to is as follows:

A commission is hereby created and established, to be known as the Federal trade commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal trade commission is referred to hereinafter as "the commission."

The words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

The term "corporation" or "corporations" shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenues for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913.

SEC. 2. Upon the organization of the commission, the Bureau of Corporations and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist, and the employees of said bureau shall become employees of the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau may be continued by the commission free from the direction or control of the Secretary of Commerce. All appropriations heretofore made for the support and maintenance of the bureau and its work are hereby authorized to be expended by the commission for said purposes.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices or connection with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of a vacancy in the office of any commissioner during his term, an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may, at its pleasure, meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, and for the purposes thereof to exercise the powers herein given the commission.

The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may, from time to time, be appropriated for by Congress, and shall have authority to audit their bills and fix their compensation. With the exception of the secretary and assistant secretary and one clerk to each of the commissioners, and such attorneys and experts as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the commission.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 3. The commission shall have power among others—

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management of any corporation engaged in commerce and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corporations, or to individuals, associations, or partnerships, and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the commerce in which such corporation under inquiry is engaged or concerning its relations to any individual, association, or partnership, and to make copies of the same.

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act, as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise in the discretion of the commission.

(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation.

(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

(f) Wherever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable, and the report shall be made public in the discretion of the commission.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order, at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

SEC. 6. That if any corporation subject to this act shall fail to file any annual or special report, as provided in subdivision (b) of section 3 thereof, within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 7. Any person who shall willfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States or authorize, assist in, or be privy to the willful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, the production of which the commission may require under this act, or who shall willfully make any false entry relating to commerce in any book of accounts or record of any trade association, corporate combination, or corporation, subject to the provisions of this act, or who shall willfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

SEC. 9. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish the disobedience thereof.

SEC. 10. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any trade association, corporate combination, or corporation, subject to any of the provisions of this act.

Amend the title so as to read: "An act to create a Federal trade commission, to define its powers and duties, and for other purposes."

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SAULSBURY:

A bill (S. 5845) to provide a government for the Territory of Porto Rico; to the Committee on Pacific Islands and Porto Rico.

By Mr. MYERS:

A bill (S. 5846) to amend the United States land laws in their application to Alaska, and for other purposes; and

A bill (S. 5847) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes; to the Committee on Public Lands.

A bill (S. 5848) for the relief of John F. Niklaus; and

A bill (S. 5849) for the relief of George A. Robertson; to the Committee on Claims.

A bill (S. 5850) granting an increase of pension to Mary A. De Lany; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5851) for the relief of William A. Erskine; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 5852) granting an increase of pension to Charles Nettleton (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5853) granting an increase of pension to Anna E. Knobe (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5854) granting a pension to Dora D. Walker; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5855) for the relief of Jacob Patterson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5856) granting an increase of pension to John W. Sullivan (with accompanying papers); and

A bill (S. 5857) granting an increase of pension to Maria E. Pitts (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes; to the Committee on Appropriations.

SECURITIES BY COMMON CARRIERS.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 16586) to amend section 20 of an act to regulate commerce to prevent overissues of securities by carriers, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

WOMAN SUFFRAGE (S. DOC. NO. 497).

Mr. CLAPP. On the 5th instant I asked to have printed in the RECORD the views of the minority of the Committee on the Judiciary of the House of Representatives on the subject of woman suffrage, submitted by Hon. Thomas B. Reed, of Maine, April 24, 1884. I now ask that the article may be printed as a Senate document.

The VICE PRESIDENT. Without objection, that action will be taken.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 13. An act for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909;

H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;

H. R. 1182. An act for the relief of John Brodie;

H. R. 1405. An act for the relief of Frank W. Tucker;

H. R. 2696. An act for the relief of Thomas Haycock;

H. R. 3278. An act for the relief of Thomas R. Mason;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 5195. An act for the relief of the Atlantic Canning Co.;

H. R. 5966. An act for the relief of Clyde Odum;

H. R. 6609. An act for the relief of Arthur E. Rump;

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish;*

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 9703. An act for the relief of Thomas S. Johnson;

H. R. 9975. An act for the relief of Bayard T. Garrabrant;

H. R. 10168. An act for the relief of Leon Greenbaum;

H. R. 12681. An act for the relief of W. W. Wall;

H. R. 13693. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Pruce;

H. R. 13950. An act for the relief of Ella Slone;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 14609. An act for the relief of Cyntha Ramey; and

H. R. 16065. An act for the relief of Julia Klavinski.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 816. An act for the relief of Abraham Hoover;

H. R. 962. An act for the relief of William H. Shannon;

H. R. 5474. An act for the relief of Patrick McGee, alias Patrick Gallagher;

H. R. 7205. An act to correct the military record of H. S. Hathaway;

H. R. 9270. An act for the relief of John M. Gray;

H. R. 9335. An act for the relief of James H. Kelly;

H. R. 9615. An act for the relief of Benjamin F. Richardson;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 10719. An act for the relief of Joseph P. Leiter;

H. R. 13698. An act to correct the military record of Charles A. Coulson;

H. R. 14925. An act for the retirement of H. R. Drake; and

H. R. 16358. An act for the relief of Abraham Kauffman.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1580. An act for the relief of John R. Norris;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 11840. An act for the relief of R. G. Arrington;

H. R. 14404. An act for the relief of E. F. Anderson;

H. R. 14405. An act for the relief of C. F. Jackson; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 10875. An act authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainy Mountain School in Oklahoma; and

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma.

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia, was read twice by its title and referred to the Committee on the District of Columbia.

LAND AT CAPE HENRY, VA.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably the joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That for procuring title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,000, the same to be immediately available and to remain available until expended, to complete the payment of awards in condemnation proceedings prosecuted by the War Department for the acquisition of land at Cape Henry, Va.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS managers at the further conference on the part of the House.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, and further insisting upon its disagreement to the amendments of the Senate to the bill and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate further insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to the appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER managers at the conference on the part of the Senate.

NAVAL APPROPRIATIONS.

Mr. TILLMAN. I submit the conference report on the naval appropriation bill. I ask that it may be printed and that it lie on the table, and I give notice I shall call it up on Monday morning.

The VICE PRESIDENT. Without objection, that action will be taken.

The conference report is as follows:

CONFERENCE REPORT (S. DOC. NO. 496).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 15, 16, 42, 43, 44, 50, 54, 66, 70, 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 39, 41, 46, 47, 48, 49, 51, 52, 55, 56, 58, 60, 61, 62, 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "officers," insert the following: "not exceeding five"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee on conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000" and in lieu thereof insert "$180,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000), $200,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment, strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "men," insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives, and one naval officer to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, capable of standing all ballistic and other necessary tests required for use in vessels of the Navy, at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual output capacity of 20,000 tons, and also a plant having an output of 10,000 tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each, and the estimated annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee, payable upon vouchers signed by the chairman of said committee."

And the Senate agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, and 71 the committee of conference have been unable to agree.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.
L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

TRANSPORTATION OF PARCEL-POST PACKAGES.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a preceding day.

The SECRETARY. Senate resolution 363, submitted by Mr. SMITH of Georgia on May 24.

The VICE PRESIDENT. The resolution will go over without prejudice for one week, until Saturday, June 20. The morning business is closed.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask unanimous consent that the Senate resume the consideration of the legislative, executive, and judicial appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. MARTIN of Virginia. Mr. President, before resuming the reading of the bill, I desire to return to page 60 and to ask the Senate to reconsider the action by which an amendment of the committee, in line 8, was disagreed to. I consented that that amendment should be disagreed to, but on investigation I find I was in error about it. It is simply a question between using the plural and the singular of the word "building."

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia to reconsider the vote by which the amendment was rejected.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. KENYON. Mr. President, I should like to call the attention of the Senator from Arkansas [Mr. CLARKE], the President pro tempore of the Senate, to a ruling made by him yesterday while he was occupying the chair.

Mr. CLARKE of Arkansas. To what page of the RECORD does the Senator refer?

Mr. KENYON. I refer to page 10302. The Senator will remember the situation. I called for the yeas and nays. The Chair held—the distinguished Senator from Arkansas then being in the chair—that the showing was not sufficient. I then asked for a quorum and the roll was called. After securing a quorum I asked again for the yeas and nays, but the Chair held that that was out of order. At that time the Chair asked me if I had any precedent for the position taken by me. I find that on the 21st day of May an exactly similar question arose. The Senator from North Dakota [Mr. MCCUMBER] called for the yeas and nays; they were not ordered; he asked for a division, and there were—ayes 16, noes 8. He then called for a quorum, and after securing a quorum he again called for the yeas and nays, and they were ordered. So I think the ruling of the Chair yesterday should not go as the precedent of the Senate. There were none of the parliamentary doctors, I think, here at the time this question was raised; I myself know very little about parliamentary law, and so the question was not discussed, but there are precedents for the position I then took.

Mr. CLARKE of Arkansas. Mr. President, treating the remarks of the Senator from Iowa as a challenge of the accuracy of the ruling that I had the privilege to make while in the chair yesterday, I may say a word in explanation of it.

There was at the time nearly a quorum of the Senate present, if not an actual quorum. The roll call which immediately followed disclosed the presence of a number of Members in excess of a quorum. There were only four Senators who joined the Senator from Iowa in the demand for the yeas and nays.

Mr. KENYON. Does the Senator say that there was nearly a quorum of the Senate present?

Mr. CLARKE of Arkansas. It looked so to the Chair on yesterday.

Mr. KENYON. My judgment is that there were not 15 Members of the Senate present.

Mr. CLARKE of Arkansas. There would be a difference of opinion about that, if it were now material.

Mr. KENYON. My opinion as to that is not as good as that of the Chair, of course.

Mr. CLARKE of Arkansas. I am not seeking to obtain any precedence for my opinion when compared with that of any other Senator; but it seemed at the time that there was so little support for the demand for the yeas and nays which the Senator from Iowa made it was not worth while to submit the demand a second time, unless the Chair felt compelled to do so by the obligatory terms of some existing rule or precedent having the force of a rule. I was quite willing, as presiding officer, to do whatever the rules of the Senate required should be done, because I had no wish in the matter that was not in accordance with the desire of the Senate; and when the Senator a second time called for the yeas and nays it occurred to the Chair that it was a proper case in which to strictly adhere to whatever rule existed; and if there was no rule directing that course to be pursued, it was proper, in the exercise of such discretion as the Chair had, to deny the second request.

Besides, the Senator called for the yeas and nays again after the vote had been taken by the voice. That, of course, could not be done if the first denial was valid, for the reason that that was the very question upon which it was desired to take a recorded vote of the Senate, and it could not alter the rule because there was doubt about the result on the vote in the mind of the Senator from Iowa, or have the effect that he should have his privilege in respect to that matter enlarged. I do not regard the instance pointed out by the Senator as a precedent for the second request made by him, for the reason that the question was not raised; it passed nemine contradicente, and we all know that many things are done when not challenged that would be deemed improper when challenged.

This will be about the only explanation I have to make at this time.

Mr. KENYON. I realize that the Senator from Arkansas knows a great deal more about it than I do, but if at the time of the first call for the yeas and nays there was no quorum present, as the RECORD a moment after disclosed, how could that call be binding or operative?

Mr. CLARKE of Arkansas. The Senator from Arkansas does not agree with the Senator from Iowa about the presence of a quorum. The word "presence" is rather an elastic one. It has come under construction many times in the courts. For instance, when a judge temporarily steps aside and puts somebody in charge of the court, if he is within call, near enough to be consulted in any emergency that may arise, the courts have universally held that he is present. I think it many times happens that Senators are sitting on the benches outside of their seats and sometimes in the cloak room, who, for all practical purposes, are present; and it would not do to require that the validity of all our proceedings here should depend upon a majority of Senators being actually in their seats at the time any given action takes place.

Mr. KENYON. I simply called attention to this matter in order that those of us who are not familiar with parliamentary law may understand that the wise thing to do is to call for a quorum before we call for the yeas and nays.

The reading of the bill was resumed and continued to the end of line 12, page 73, as follows:

GOVERNMENT IN THE TERRITORIES.

Territory of Alaska: Governor, $7,000; 4 judges, at $7,500 each; 4 attorneys, at $5,000 each; 4 marshals, at $4,000 each; 4 clerks, at $3,500 each; in all, $87,000.

Mr. BURTON. Mr. President, I should like to call attention to certain salaries in the House bill about which I should like to be informed. In lines 9 and 10, on page 73, provision is made for four judges in the Territory of Alaska at a salary of $7,500 each. On the following page, page 74, lines 7, 8, and 9, the salaries are fixed for the chief justice and associate justices of the Territory of Hawaii. The chief justice receives a salary of $6,000, two associate justices $5,500, and judges of the circuit courts only $4,000.

Save the city of New York and possibly one or two other districts of the United States, though I am not sure there is any other exception, the salaries of the United States district judges are $6,000 and circuit judges $7,000. Why should the four judges in Alaska receive this disportionate salary of $7,500? Are their expenses deducted from this amount?

Mr. MARTIN of Virginia. I suggest to the Senator from Ohio, if he will——

Mr. BURTON. There is another fact I wish to suggest in this connection, that in Hawaii the cost of living is notably high.

Mr. MARTIN of Virginia. I suggest to the Senator that he wait until we reach that clause in the bill relating to the Hawaiian judges, if he desires to offer an amendment increasing the salaries, and then we can consider it.

Mr. BURTON. What reason is there for so great a difference?

Mr. WARREN. Mr. President, is the Senator referring to Hawaii or Alaska?

Mr. BURTON. To Alaska, where the judges are paid a salary of $7,500. Why should their salaries be higher than the salaries paid judges in the Territory of Hawaii and the salaries of district and circuit court judges, including men of very marked ability in the United States?

Mr. WARREN. In Alaska the expense of living is more than double, or is reputed to be more than double, what it is in the United States, according to lists of commodities and their cost. I do not wonder that the Senator mentions the difference. A similar difference is apparent in the government of Territories and in the departments in the United States proper, where there was a general law that the salaries should be so-and-so. In the formerly numerous Territories they were low. Where in later years a Territory was brought in by a special law, as Hawaii was, for instance, the salaries are fixed at very much higher rates in the organic act, and hence the Appropriations Committees follow the law and appropriate accordingly in those cases, which oftentimes seems unjust. I do not think it is unjust, however, as to Alaska, because the expenses are so high; but we have the same phenomena in some of the departments. For instance, in the case of commissioners, we have the Commissioner of the General Land Office, who receives $5,000, and the assistant commissioner $3,500, and other old departments at similar salaries. When we brought in the bill creating the Department of Commerce and others we made the salary of some of the commissioners $6 000.

The Appropriations Committee feels it to be its duty to conform to the existing statutes. Of course we could fail to appropriate as much as the statute calls for, but it would raise a question which might require judicial attention afterwards.

Mr. BURTON. May I ask the Senator from Wyoming a question? For how long a time have the salaries of the judges in Alaska been fixed at $7,500 a year?

Mr. WARREN. I think something like six or eight years. I will say as to the governor of Alaska that the salary was raised by amendment on an appropriation bill here on the floor at the request of the President. A request came to the chairman of the Committee on Appropriations, here at his desk, when the bill was being considered, from the President of the United States, several pages in length, still wet from the letter book, asking that the salary should be made $10,000. The chairman of the committee consulted with Members on both sides, and before the bill passed it was placed at $7,000. It is probable that the salaries of the judges were established in a special bill. I am confident that those in Hawaii and, I think, those in Alaska outside of governor were fixed by legislation outside of appropriation bills.

Mr. BURTON. Mr. President, still another question. Why should the salaries of the judges be $500 more than the salary of the governor in Alaska?

Mr. WARREN. I suppose it is considered that the judges are required to have, perhaps, more extended legal education, and have much more arduous and numerous duties to perform. The governor of the Territory is restricted, as governors of Territories always are, while the judges in Alaska have very important functions to perform.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. BURTON. In just a moment.

I do not wish to introduce any amendment; but it seems to me this shows the general fact that the salaries of our public officials need readjustment. I really can not justify it by the cost of living. I have been in Alaska, and the qualifications required of a judge there certainly do not compare with those that are required of a judge in the United States, either of a district or of a circuit court.

Mr. NELSON. Mr. President, I desire to say, in reference to the judges of Alaska, that the situation is peculiar and different from that in the case of judges at any other place in the country.

The judges in Alaska, in addition to their judicial functions, have the civil administration in their hands. The whole civil government in Alaska is administered through the judges, who divide their respective divisions into commissioner districts and appoint commissioners, who, in addition to the ordinary duties of a court commissioner, are ex officio judges of probate, ex officio registers of deeds, ex officio collectors, ex officio notaries public, and ex officio coroners. In fact, they manage the whole thing, and liquor licenses as well. Applications for liquor licenses are made to the district courts, and the judges have to pass on the question of issuing liquor licenses.

In other words, in addition to their judicial functions the judges of the district courts in Alaska have all these administrative functions to perform. The distances are immense; they have to travel long distances, and the cost of living is immense. So, knowing the conditions as I do in Alaska, I think $7,500 is no more there than $5,000 would be here in our country, in the old Central States.

Mr. BURTON. Mr. President, will the Senator from Minnesota yield to me for a couple of questions?

Mr. NELSON. Certainly.

Mr. BURTON. In performing duties as notaries public, do they receive fees?

Mr. NELSON. The judges do not perform those functions.

Mr. BURTON. I thought the Senator said they did.

Mr. NELSON. No; the Senator misunderstood me. I said that there are four divisions in Alaska; each judge divides his division into commissioner districts and appoints commissioners, and those commissioners perform all these duties. A commissioner in a given district in Alaska is not only court commissioner in the ordinary sense as we understand it, but performs the functions of a justice of the peace, a notary public, a register of deeds, and a coroner. All those duties are performed through these commissioners. The judges have the appointment of the commissioners, and they have the designation of the districts; but in addition to that the judges have this other duty to perform in connection with licenses. Liquor licenses and also what we call trade licenses are granted by the judges of the district courts. Applications for liquor licenses and for trade licenses are made to the district judges, and they have to pass upon those matters. So the Senator will readily see that the judges in Alaska have a great many duties and functions to perform, outside of purely judicial functions, that are not ordinarily entailed on judges of Territories.

Mr. BURTON. Still a further question: Is there any allowance to these judges for traveling expenses?

Mr. NELSON. I think they have a limited allowance for traveling expenses, but not for their living expenses, and the cost of living there is immense. It is practically twice what it would be in the State of Ohio or the State of Minnesota.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriatons was, under the subhead "Government in the Territories," on page 73, line 14, after "$2,250," to strike out "janitor service, not to exceed $900," and insert "janitor service for the executive mansion and office building, not to exceed $2,100"; in line 19, after the word "lights," to insert "water," and in line 20, after the word "governor," to strike out "$7,850" and insert "$9,050," so as to make the clause read:

For incidental and contingent expenses, clerk hire, not to exceed $2,250; janitor service for the executive mansion and office building, not to exceed $2,100; traveling expenses of the governor while absent from Juneau on official business; repair and preservation of executive mansion, including $700 for painting; stationery, lights, water, and fuel, to be expended under the direction of the governor, $9,050.

The amendment was agreed to.

The next amendment was, on page 74, line 6, after the word "governor," to strike out "$7,000" and insert "$6,000," so as to read:

Territory of Hawaii: Governor, $6,000.

Mr. SUTHERLAND. Mr. President, I should like to ask a question about that amendment. Is not that salary fixed by law?

Mr. WARREN. It is. The committee took the ground that compared with the others, and the cost of living there, it should be reduced; but the Senator is right. The statute provides for the salary.

Mr. SUTHERLAND. I have no interest at all in the matter, but it seems to me that where the salary has been fixed by general law we ought to appropriate the amount and alter the general law. We ought not to appropriate an amount less than the general law itself provides for.

Mr. OVERMAN. I will say, so far as that is concerned, that if we did that and appropriated no more than the general law there would be a great many salaries reduced in this bill and in every other appropriation bill that comes here. In fact, all of those that are fixed by general law are subject to a point of

order, and many of them were stricken out in the House of Representatives for that reason.

Mr. SUTHERLAND. That might not be an unmixed evil.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 74, line 7, after the word "secretary," strike out "$4,000" and insert "$3,500," and in line 8, after the words "in all," to strike out "$28,000" and insert "$26,500," so as to read:

Secretary, $3,500; chief justice, $6,000; two associate justices, at $5,500 each; in all, $26,500.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 75, line 3, after the words "chief clerk," to insert "who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law," so as to read:

Office of the Secretary: Secretary of War, $12,000; Assistant Secretary, $5,000; assistant and chief clerk, who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law, $4,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 77, line 24, it is proposed to strike out the words "Office, Chief, Quartermaster Corps," and to insert in lieu thereof the words "Office of the Quartermaster General of the Army."

Mr. MARTIN of Virginia. I will say that that simply conforms to the provision of the Army bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 78, line 4, after the word "draftsmen," to strike out "three" and insert "four"; in the same line, after the word "each," to strike out "seven" and insert "six"; in line 6, after the words "civil engineer," to strike out "$1,800" and insert "$2,000"; in line 8, after the words "mechanical engineer," to strike out "$2,000" and insert "$2,250"; and in line 12, after the words "in all," to strike out "$376,370" and insert "$377,020," so as to make the clause read:

Office of the Quartermaster General of the Army: Chief clerk, $2,750; 5 principal clerks at $2,250 each; clerks—15 of class 4, 25 of class 3, 44 of class 2, 85 of class 1, 50 at $1,000 each, 10 at $900 each; advisory architect, $4,000; inspector of supplies, $2,500; draftsmen—4 at $1,800 each, 6 at $1,600 each, 5 at $1,400 each; supervising engineer, $2,750; hydraulic and sanitary engineer, $2,000; civil engineer, $2,000; electrical engineer at $2,000; electrical and mechanical engineer, $2,250; marine engineer, $3,500; assistant marine engineer, $1,800; sanitary and heating engineer, $1,800; blue-print operator, $900; 6 messengers; 14 assistant messengers; 12 laborers; laborers—1, $600; 1, $480; in all, $377 020.

The amendment was agreed to.

The next amendment was, on page 80, line 12, after the word "clerks," to insert "4 at $2,000 each"; in line 13, before the words "of class 4," to strike out "10" and insert "6"; in line 14, before the words "at $1,000 each," to strike out "12" and insert "11"; and, in line 16, after the words "in all," to strike out "$87,230" and insert "$87,030," so as to make the clause read:

Office of Bureau of Insular Affairs: Law officer, $4,500; chief clerk, $2,250; clerks—4, at $2,000 each; 6 of class 4, 7 of class 3, 11 of class 2, 14 of class 1, 11 at $1,000 each; 3 messengers; 2 assistant messengers; 4 laborers; 2 charwomen; in all, $87,030.

The amendment was agreed to.

The next amendment was, on page 82, line 4, after the words "Lemon Building," to strike out "expenses of horses and vehicles, including their exchange, to be used only for official purposes," and insert "for the purchase, exchange, care, and subsistence of horses, and the purchase, maintenance, repair, and exchange of wagons and horse-drawn passenger-carrying vehicles, and harness, to be used only for official purposes."

The amendment was agreed to.

The next amendment was, under the head of "Public Buildings and Grounds," on page 84, line 16, before the word "periodicals," to insert "scientific," so as to make the clause read:

For contingent and incidental expenses, including purchase of professional and scientific books and scientific periodicals, books of reference, blank books, photographs, and maps, $700.

The amendment was agreed to.

The next amendment was, under the subhead "State, War, and Navy Department Building," on page 85, line 21, after the words "toilet rooms," to strike out "at a total cost not exceeding $85,000, the sum of $40,000," and insert "$85,000," so as to make the clause read:

Toward the renovation of the plumbing system in the State, War, and Navy Building, including the removal of all present unserviceable fixtures, piping, etc., the purchase and installation of modern and sanitary equipment, and the refinishing of the toilet rooms, $85,000; and the superintendent of the State, War, and Navy Building is hereby authorized to employ day labor on the whole or any part of this work where advantageous to the Government.

The amendment was agreed to.

The next amendment was, at the top of page 86, to insert:

For the purchase of one gasoline automobile mail truck of 1½ tons capacity, to be used in transporting mail between the city post office and the mail rooms of the State, War, and Navy Departments, to be operated under the superintendent of the State, War, and Navy Building, $2,500; skilled laborer, $840; laborer; for fuel, repairs, supplies, etc., of automobile mail truck, $1,000; in all, $5,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 8, to insert:

For rewiring rooms in State, War, and Navy Building, including the removal of old gas and other fixtures and the purchase and installation of new metallic conduit, wire, and other material necessary to light all rooms by electricity, and for general repair work to walls and ceilings of rooms incidental to such installation, $32,000; and the superintendent of the State, War, and Navy Building is hereby authorized to employ day labor on this work in like manner as prescribed in the case of reconstruction of toilet rooms.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 87, line 7, before the words "of class two," to strike out "four" and insert "five," and in line 13, after the words "in all," to strike out "$75,060" and insert "$76,460," so as to make the clause read:

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; stenographer, $1,800; clerks—4 of class 4, 2 of class 3, 5 of class 2, 5 of class 1, 1, $1,100, 4 at $1,000 each; stenographer, $1,200; telegraph operator, $1,100; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers; 3 laborers; messenger boys—3 at $600 each, 1, $420, 1, $400; telephone switchboard operator; assistant telephone switchboard operator; in all, $76,460.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment, on page 87, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 87, line 23, it is proposed to strike out the word "three" where it first occurs and to insert in lieu thereof the word "four."

The amendment was agreed to.

The SECRETARY. It is also proposed, in the same line, to strike out the word "(indexer)."

The amendment was agreed to.

The SECRETARY. On page 88, line 1, it is proposed to amend the total, so as to read "$17,840."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the item of appropriation for the maintenance of the Hydrographic Office, on page 90, line 12, after the words "chart plate maker," to strike out "$1,200" and insert "$1,400," and in line 15, after the words "in all," to strike out "$123,460" and insert "$123,660," so as to read:

Electrotyper and chart plate maker, $1,400; assistant messenger; 4 laborers; helpers—2, at $720 each; 2, at $660 each; 1, $600; 1, $500; 1, $480; in all, $123,660.

The amendment was agreed to.

The next amendment was, on page 91, line 3, after the word "publications," to insert "books of reference and," and in line 5, after the words "terrestrial magnetism," to insert "and to other professional and technical subjects connected with the work of the Hydrographic Office," so as to make the clause read:

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements, and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; books of reference and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, $26,000.

The amendment was agreed to.

The next amendment was, on page 93, line 2, after the word "books," to insert "books of reference," so as to make the clause read:

For professional and scientific books, books of reference, periodicals (subscriptions to periodicals may be paid in advance), engravings, photographs, and fixtures for the library, $750.

The amendment was agreed to.

The next amendment was, at the top of page 94, to strike out:

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon and stars, $7,000.

Mr. BURTON. Mr. President, I should like to know the reason for striking out those lines. I am informed that for many years it has been the custom to engage these outside computers to do this work, that men of exceptional competency are obtained; also that this method is that which is approved by the head of the Naval Observatory. What is the reason why this provision is stricken out?

Mr. MARTIN of Virginia. I will say to the Senator that the committee believed they could get along without this appropriation, and for that reason they struck it out. I will say, furthermore, that the Senator from Washington [Mr. JONES] is more familiar with the matter than I am, and I should be glad if he would explain it. It was on his motion that the provision was stricken out, and I think properly stricken out.

Mr. JONES. Mr. President, the chairman of the committee is correct in saying that it was on my motion that this item was stricken out. I brought up this matter a couple of years ago. Some facts had been brought to my attention that convinced me that this provision for piecework was absolutely unnecessary for the transaction of the business of the office, and, furthermore, that it was, to say the least, very improperly used, and the investigations I have made since have made me more strongly of that opinion.

While I do not intend to go into the matter very minutely at this time, I will state a few facts that led me to move to strike out this provision.

A few years ago a board was appointed to investigate and report upon the conduct of the Nautical Almanac Office, and as to what was necessary. The board was made up of five of the officials of the department. It made a report, one paragraph of which is as follows:

In view of the fact that hereafter a considerable portion of the material for the American Ephemeris is to be furnished annually by the various foreign officers; and further, that the bulk of the recommendations of the board tend to lessen the time and labor hereafter necessary for the work in the American Ephemeris Office, it is recommended that in the future all computations and work required in the preparation and publication of the American Ephemeris shall be performed in the Nautical Almanac Office by the regular assistants of the office; and it is further suggested that such portion of the time of the assistants as may not be required in the routine work above noted should be devoted to the investigation of such questions as, by their proper development and solution, shall tend to increase the usefulness and accuracy of the Ephemeris.

That recommendation was concurred in by three of this board and not concurred in by two. I desire, however, to call the attention of the Senator to the character and experience of the men who concurred in that recommendation. One of them was Prof. W. S. Harshman, who had served 19 years in the Nautical Almanac Office, the last 7 years as director. The other two were Prof. H. L. Rice, who had served 14 years as assistant in the office, and the senior assistant, Mr. Robertson, who had served 19 years.

These were the three men who made that recommendation, men who were thoroughly familiar with the business of the office and what is necessary for its efficiency. Of the two men who signed the minority report, one was Prof. Eichelberger, who had served 2 years as director and some 20 or 30 years ago had been an assistant, and the second was Assistant Astronomer Morgan, who had never been connected with the office. That was enough, as far as I was concerned, to assure me that at least we ought to try to get along without this item when men of experience like these had reported that after an investigation the force in the office is sufficient to do this work and that the work ought to be done there.

Furthermore, the Paris conference, which I understand is a conference of the several nations, especially those interested in this Nautical Almanac work, agreed upon a plan of exchange of work by which one Government would get the benefit of the experience and the work of the officers of other Governments, and this board report here that in view of the fact that we will get the benefit of this Paris conference it will relieve the office of a great deal of work.

I have here a statement from what I consider a very reliable source as to the cost of the work of preparing the Nautical Almanac, the cost without the work of the Paris conference, and the cost since, and with that work. The cost of this work after the Paris conference would be about $6,285, and the cost without the Paris conference work would be about $11,744. The value of the work that would be furnished to us from these other offices is estimated at $5,459. We have appropriated in this bill $15,640, and I consider that that is all that is necessary, and that with that the work should be fully performed. I am satisfied it can be done and we will get better work even than we have now.

From this statement I want to present a few facts with reference especially to this piecework and what has to be done after we get it, what expenses we paid out for it, in my judgment practically duplicating that work. This statement shows original cost of computations made under piecework and the cost of checking the same in the office.

In the preparation of the Nautical Almanac for 1913 the first computation of the sun was made by outside parties at a cost of $750. Now that had to be checked in the office. That checking cost $121.57. Then for 1914 the first cost of computation was $750, the checking cost $130.29. Then in 1915 the first computation cost $750 and the checking—that is, the work in the office—cost $186.28. Then for the Nautical Almanac for 1916 the first computation cost $767.80 and the checking cost was $283.97. It seems to me where we have paid two or three hundred dollars for checking computations made outside the office we had better do that work directly in the office, because this checking expense resulted from the use of the force in the office itself.

But that is not the most striking example of this work. In the original computation of Mercury for 1913 the office cost was $611, the cost of checking $39.31, while for the 1915 the original cost was $611 and the checking $208.74. For the 1916 almanac the original cost was $193.04 and the checking $168.87, or almost equal to it. That work might just as well have been done in the office in the first instance, and it would have saved practically all the cost of $193.04.

Then, for the computation of Mars the first computation cost $361.35 for the 1913 office, and the checking of that cost $182.04. Then, for the 1914 office the original computation cost $360 and the checking $193.10. Then, for the 1915 office the first cost was $355 and the checking $174.11, while for 1916 the first computation was $150.83 and the checking $105.22, or almost as much. Practically one or the other of those items can be saved by doing the work in the office in the first instance.

Then, here is the computation of Jupiter: For the 1913 office the original computation was $140, made outside. Then, the checking of that in the office cost $102.28. In 1914 the first computation cost $166.88, the checking $80.34. Then, for 1915 the original cost was $140, and the checking cost was $169.59, or nearly $30 more for checking up the work to see whether it is correct or not. For 1916 the first cost was $56.47, and the checking of that cost $64.28, or more than the first cost.

Mr. TOWNSEND. May I ask the Senator if a different class of people do the work that is done for the purpose of certifying it? Is the work done by a different set of computers?

Mr. JONES. Yes; the original computation was made by the pieceworkers outside the office, and the checking was done by the people in the office.

Mr. BURTON. Is not this work of such extreme particularity that in any event a second person and perhaps the third would go over the figures to test their accuracy?

Mr. JONES. That is probably true, but that had better be done in the office.

Mr. BURTON. That would not be left to one person?

Mr. JONES. Certainly not entirely.

Mr. BURTON. It would be taken up by one and then by a second and perhaps a third.

Mr. JONES. Possibly so, if it was deemed necessary. It could be done in the office, however, by efficient men who have the time and ability to make these original computations as well as to check them. I have quite a number of items here of the same character. I shall not take the time to put in all now. The superintendent of the Naval Observatory had the Assistant Secretary of the Navy send a letter to the chairman of the committee, and he kindly furnished me a copy. In this letter the Assistant Secretary argues that this item be retained just as it is or that it be changed with an amendment. The amendment would be very unwise, but I want to call attention to one statement in the letter. He says that—

This appropriation has been in the bill for many years—

Of course that is true. We have many appropriations in these bills carried for many years, and it seems that because they have been carried for a good many years that is made the basis for an argument for continuing them, when, as a matter of fact, the reason for the continuance may have long since lapsed. If we are never to take such items out because they have been in for a good many years, a great many of them will never be taken out.

And the elimination of it will seriously cripple the high standard previously maintained in the production of the American Ephemeris and Nautical Almanac.

There is no reason given why that statement is true. As a matter of fact, the report of the board that was appointed shows that that would not follow at all. The records will show also that this office was kept up a few years ago much better than it has been with the use of this money on the outside.

Not only would the work be crippled for the fiscal year provided by the bill, but the services of several experts who are maintained under it would be lost, perhaps never to be regained, as they would, perforce, seek other employment.

That discloses the real purpose of the provision. It is to furnish employment for some experts on the outside.

Now, who are those experts? It came to me rather reliably that the superintendent or the director of this service stated that one of the members of the committee had said that a certain gentleman in the office force was knocking the office, assuming that he had furnished this information to me.

Mr. President, it is not necessary to go to any of the office force to acquire certain information with reference to the conduct of this office and with reference to the conduct of certain other bureaus and to show that this item should be included. I have gotten information that is absolutely reliable, and it does not necessarily come from anybody in the office. It is not necessary to go to the office to find out that some of the experts now being maintained were in the office just a few years ago as what we might call third-rate assistants, and who resigned and since that time have been employed at a higher salary under this piece-work proposition. For instance, one of the experts the superintendent is afraid he is going to lose was two years ago an assistant in the office at $1,200 a year. He retired from the office, and he is now getting $1,600 out of this $7,000 piece fund. I have not any doubt he may be a competent man, but the $1,200 assistant in the office is just as competent as he is now, and I do not think there will be any trouble in finding a great many men at almost any time when their services might be necessary to perform this work. It is also true that another man who was an assistant in the office a few years ago at $1,200 is getting $1,900 out of this $7,000 piece fund. It is not necessary to go to that office to get that information from some man there, but nevertheless it is true. Those two instances just illustrate what is done with this $7,000. It is an absolute and unjustifiable appropriation. It is absolutely unnecessary, and it could very properly be characterized in much stronger language as to the use of it.

I had some of the information in reference to this matter a couple of years ago, when I tried to have the item stricken out, and I have gotten some more information since that time. Some of that I have given to-day I have gotten since, and if the item is continued, or if it should go to conference and be finally reinstated, there will be some more information secured.

If we must have an investigation of this office, it will be had and it will show up a great many other things that will be condemned and which ought to be condemned. I do not have to go to the office force to find that one man who has been paid out of this fund has been letting the work out that is given to him at about half the amount he is paid for it, and I do not have to go to the office force to find that some of those who get some benefit of this piecework think it is unnecessary.

Mr. President, these are some of the facts that I have secured in reference to this appropriation. I think it is wholly unjustifiable. While it is a small item, yet it is one of many items that get engrafted into the law and are continued from year to year and year to year, and used as a sort of special favoritism item. Whenever we get the information about such an item, showing it unnecessary, we ought to have it stricken out. I hope this item will be stricken out and that the committee will insist in conference that it shall stay out. If it comes back in, I shall furnish additional information and shall insist upon a full and thorough investigation of this office and the expenditure of this piece money. The adoption of the amendment suggested would be very unwise. No power should be given to use or divert any of this money for any purpose not specifically directed by Congress.

Mr. BURTON. Has the Senator from Washington an itemized list of the payments from this $7,000 fund?

Mr. JONES. Not of all. I have those I have given to the Senator and I have some more, but I have not a full itemized statement. I have used these simply as illustrations to show how the fund is used. If this item shall be restored, I will insist on an accounting being made of its expenditure and to the expenditures heretofore made.

Mr. BURTON. Mr. President, there is no one on this floor who would not favor striking out this item if it causes unnecessary expense and the work can be done by the office force. My information on the subject is not at all complete. It is derived very largely from the recommendation of the superintendent of the Naval Observatory. This observatory is one of the best-equipped institutions in the world. It has made many computations which have been accepted by astronomers everywhere, and it is necessary that the very highest standard be maintained in the quality of the computations.

As the Senator from Washington has stated, the superintendent recommends that this item remain. The computations have been made by certain men of exceptionally scientific qualifications for many years past. Some of them have now become advanced in years. So far as I can learn, this item is necessary. However, I feel willing to have the item stricken from the bill and then the whole subject can be taken up in conference.

I had understood that the two Senators from Massachusetts, both of whom are absent to-day, had given attention to this item and oppose the omission of the appropriation. I certainly should not stand here for it if it is unnecessary or unless its omission would hamper the work of the observatory and diminish the very high standard of their work.

Mr. JONES. I want to ask the Senator if he ever found a bureau chief who would admit that an item that we had been appropriating for was not necessary in the conduct of his office?

Mr. BURTON. I think possibly I have, but I am perfectly free to concede the general tendency of all the executive departments is to obtain the greatest possible amount of appropriations and the largest possible number of subordinates.

Mr. MARTIN of Virginia. I will say to the Senator from Ohio that the Senator from Washington [Mr. JONES] investigated this matter, and on his presentation of it we agreed that this item ought to go out. If the Senators from Massachusetts, who are absent, desire to express their views they can do so to the conference committee, and the conference committee will give it careful consideration. I know of no reason why the item should be continued.

Mr. BURTON. I possibly may not be correct in saying both Senators from Massachusetts favor the retention of the appropriation. I may be in error in that regard.

Mr. MARTIN of Virginia. If they can give a good reason for its retention, it will be considered.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 96, line 19, after the words "messenger boys," to strike out "1, $600" and insert "3, at $600," and in line 20, after the word "laborer," to strike out "2 laborers at $600 each," so as to make the clause read:

Bureau of Supplies and Accounts: Civilian assistant, $2,500; 2 chief bookkeepers, at $2,000 each; clerks—4 of class 4, 8 of class 3, 7 of class 2, 15 of class 1, 10 at $1,100 each, 28 at $1,000 each, 12 at $900 each; 2 copyists, at $840 each; 5 assistant messengers; messenger boys—3 at $600 each, 3 at $400 each; laborer; in all, $113,040.

The amendment was agreed to.

The reading of the bill was continued to line 15, on page 97.

Mr. MARTIN of Virginia. I send to the desk an amendment which I submit from the committee. Let the Secretary read it.

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. Strike out lines 16 to 24, inclusive, on page 97, and lines 1 and 2, on page 98, and insert in lieu thereof the following:

Division of Naval Militia Affairs: For the following, now authorized by section 17 of the Naval Militia act approved February 16, 1914, namely: Chief clerk, $1,600; clerks—1 of class 2, 2 of class 1, 1 at $1,100, 1 at $1,000; messenger boy, $600; in all, $8,100.

For miscellaneous expenses of the Division of Naval Militia Affairs, including stationery, furniture, office equipment, postage, typewriters and exchange of same, and necessary printing and binding, $2,600, which sum, together with the foregoing amount for salaries, shall be paid from the appropriation for "Arming and equipping Naval Militia" for the fiscal year 1915, and no other or further sums shall be expended from said appropriation for or on account of said Division of Naval Militia Affairs during the fiscal year 1915.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the head of "Department of the Interior," in the item of appropriation for the maintenance of the office of the Secretary, on page 100, line 4, after the word "each," to insert "assistant superintendent, Patent Office Building, $1,200," and in line 15, after the words "in all," to strike out "$275,820" and insert "$277,020," so as to read:

Skilled mechanics—1 $900, 1 $720; 2 carpenters, at $900 each; assistant superintendent, Patent Office Building, $1,200; plumber, $900; electrician, $1,000; laborers—1 $600, 6 at $480 each; packer, $660; 2 elevator conductors, at $720 each; 8 charwomen; captain of the watch, $1,200; 40 watchmen; additional to 2 watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; 7 firemen; clerk to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $277,020.

The amendment was agreed to.

The next amendment was, on page 100, line 18, after "$1,600," to insert "machinist, $1,400"; in line 19, before the word "firemen," to strike out "four" and insert "three"; and in line 23, after the words "in all," to strike out "$39,380" and insert "$40,060," so as to make the clause read:

Old Post Office Department Building: Engineer and electrician, $1,600; machinist, $1,400; assistant engineer, $1,000; 3 firemen; 3 watchmen acting as lieutenants, at $840 each; 20 watchmen; elevator conductor, $720; 14 laborers; 9 laborers, at $480 each; 3 skilled mechanics (painter, carpenter, and plumber), at $900 each; in all $40,060.

The amendment was agreed to.

The next amendment was, on page 100, line 24, after the words "Assistant Attorney General," to insert "Three members of a board of appeals, to be appointed by the Secretary of the Interior, at $4,500 each," and on page 101, line 6, after the words "in all," to strike out "$65,850" and insert "$79,350," so as to make the clause read:

Office of Assistant Attorney General: Three members of a board of appeals, to be appointed by the Secretary of the Interior, at $4,500 each; assistant attorneys—1, $3,000; 2 at $2,750 each; 4 at $2,500 each; 7 at $2,250 each; 11 at $2,000 each; medical expert, $2,000; clerks—4 of class 3 (1 of whom shall act as stenographer and 1 of whom shall be a stenographer and typewriter); 1 of class 1; in all $79,350.

Mr. KENYON. I should like to have, from some member of the committee, a brief explanation of that item. Is the board of appeals provided for by law, or are these new offices?

Mr. MARTIN of Virginia. These are new offices. The accumulation of business there amounts to a denial of justice. Nothing has been appealed for more strongly by the department than this board of appeals.

Mr. KENYON. Is that in the Patent Office?

Mr. SMOOT. It is in the Interior Department.

Mr. KENYON. What is this proposed board of appeals to do?

Mr. MARTIN of Virginia. They are to decide controversies about land grants, land titles, and other land matters.

Mr. KENYON. Is this recommended by the Secretary of the Interior?

Mr. MARTIN of Virginia. It is very earnestly recommended by him.

Mr. SMOOT. I will say to the Senator from Iowa that there is nothing provided for in the bill which is more needed than is this board of appeals.

Mr. KENYON. I am inclined to think that that is true.

Mr. SMOOT. There are thousands of cases now held up; they are nearly two years behind; and in hundreds of cases the poor homesteader is almost discouraged and some are compelled to leave their homesteads because of the long delay of decisions.

Mr. KENYON. I am not raising any objection to the item; I simply wanted to understand it.

Mr. CRAWFORD. This is designed to give relief to the congested condition in that office in connection with the cases which come up from homesteaders?

Mr. SMOOT. That is the purpose of the provision.

Mr. CRAWFORD. I sincerely hope it will be adopted.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 102, line 9, before the words "of class 3," to strike out "51" and insert "52"; in line 10, before the words "of class 2," to strike out "74" and insert "37"; in the same line, before the words "of class 1," to strike out "77" and insert "84"; in line 11, before the words "at $1,000 each," to strike out "65" and insert "68"; in line 12, before the word "copyist," to strike out "65" and insert "67"; and in line 18, after the words "in all," to strike out "$631,250" and insert "$650,250," so as to make the clause read:

General Land Office: Commissioner, $5,000; Assistant Commissioner, $3,500; chief clerk, $3,000; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; chiefs of divisions—1 of surveys, $2,750; 1, $2,400; 10, at $2,000 each; assistant chief of division $2,000; law examiners—13, at $2,000 each; 10, at $1,800 each; 18, at $1,600 each; clerks—27 of class 4; 52 of class 3; 77 of class 2; 84 of class 1; 68, at $1,000 each; 67 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; messenger boys—10, at $600 each; 6, at $480 each; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000; in all, $650,250.

Mr. BURTON. Mr. President, I fancy these additional clerks are required, but why was this provision inserted by the committee of the Senate? Why was it not inserted in the other House?

Mr. MARTIN of Virginia. I am not able to explain why it was not inserted in the other House. It was inserted here because we believed it was necessary for the service. When it shall have passed this body, it will go back to the other House, and, if the House has any objection, the matter will be discussed, and whatever is right I hope will be done; but our committee could not decline to put provisions into the bill because the House did not do so. We do not know what actuated them, but we must meet the obligations of the Government and the necessities of the service as they are presented to us.

Mr. BURTON. It is for an additional number of clerks, and so forth.

Mr. MARTIN of Virginia. It is necessary.

Mr. BURTON. Is it put on at the recommendation of the Commissioner of the General Land Office or of the Secretary of the Interior?

Mr. MARTIN of Virginia. It is recommended by both.

Mr. BURTON. It is recommended by the Commissioner of the General Land Office and approved by the Secretary of the Interior?

Mr. MARTIN of Virginia. Absolutely; every item of it.

Mr. BURTON. Are the numbers provided for in the House bill the same as at present, under the existing order of things in the office?

Mr. MARTIN of Virginia. I am not prepared to state by comparison, but there is no doubt of it.

Mr. SMOOT. The House of Representatives merely followed the present law, not taking into consideration the increase of the amount of business. The Commissioner of the General Land Office appeared before the committee and showed the committee the great increase of work in the office. He stated that it would be absolutely impossible to take care of the business unless he had extra assistance. It was for that purpose that such assistance was provided by the committee.

Mr. MARTIN of Virginia. The House gave the assistance under the current law, but the Secretary of the Interior insisted on a very large addition. We granted a part of his request, but by no means all of it. We cut deeply into what he desired us to give him and what he recommended.

Mr. BURTON. Does that feature appear in other places in the bill, where the public service imperatively requires an additional force which the House refused to give?

Mr. MARTIN of Virginia. I think so; and we have put in such provisions in many places, but we have not put them all in by any means; perhaps not half of what we were urged to insert in the bill. As I said at the outset, in this bill, if we have erred at all, it has been in denying the requests of the departments. I am sure that we have cut off all that we were justified in cutting off, and perhaps more.

Mr. BURTON. Then, Mr. President, this fact appears, that a bill comes here in which the necessary enlargement of the public service is altogether ignored.

Mr. MARTIN of Virginia. I would not say that, Mr. President.

Mr. BURTON. At least in some branches of the public service.

Mr. MARTIN of Virginia. In some branches of the public service I do not think the House has provided all that should have been provided. We have endeavored to supplement the bill by providing for those things. Our amendments will go back to the other House, and they will be discussed between the two bodies in order to arrive at a just solution.

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment which the committee would like to have adopted on page 103.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 103, line 25, after the numerals "$3,500," it is proposed to insert:

Second assistant commissioner, who shall also perform the duties of chief clerk, $2,750.

The amendment was agreed to.

Mr. MARTIN of Virginia. I suggest that the amendment just adopted necessitates an increase of the total appropriation on page 104, line 11, and I move to amend in that particular.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 104, line 11, it is proposed to increase the total appropriation to $328,150.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 105, after line 19, to insert:

For an additional force of 5 special examiners for one year, at $1,300 each, $6,500, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Mr. BURTON. What does that mean—a reduction of the examiners now in the Pension Office, or what? It reads:

For an additional force of 5 special examiners for one year, at $1,300 each, $6,500, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Does that mean the selection of a new list of pension examiners?

Mr. MARTIN of Virginia. This provides for an additional force of special examiners.

Mr. SMOOT. It provides not for an additional force, but it provides that 5 of those who are already in the service out of the 45 that were before employed can be again employed. I will say to the Senator that it is virtually a reduction of the number of special examiners already employed in the Pension Office. The Senator will remember that when we passed the age-pension bill there were required a great many examiners and a great many extra employees in the office. That extra work is now nearly completed, and this amendment provides that 5 of those who are already in the service shall be reemployed if found capable.

Mr. BURTON. But it will be noticed that the last clause from line 23 to line 25 reads:

And any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

The interpretation of the Senator from Utah [Mr. SMOOT] is that those who were put on as a part of the extra force make up an eligible list from which these five may be selected? Does it not go further than that, however, and mean to establish a general rule in the Pension Office?

Mr. SMOOT. I do not think it goes any further than I have stated. I know that was the intention.

Mr. MARTIN of Virginia. Mr. President, I was misled by the language of the amendment, which reads: "For an additional force." An examination of the present law shows that there were 45 special examiners, and this reduces the number to 40. I will ask that the words "an additional" be stricken out, and that it be made to read: "For a force of five."

Mr. SMOOT. Mr. President, I think the Senator from Virginia is wrong. I think the wording is right.

Mr. MARTIN of Virginia. Then, I can not read the English language. If we reduce the number from 45 to 40, and then say "an additional force," that is a little more than I can take in.

Mr. SMOOT. The Senator can take it in if he wants to do so. I will explain it to the Senator.

Mr. MARTIN of Virginia. I should be glad to hear any explanation that justifies the retention of those words.

Mr. SMOOT. The whole 45 to be done away with at the close of the fiscal year under the present law constitute an additional force in the Pension Office. Even if there were only one, it would be an addition; but they have asked for five additional. These men are temporary employees, and not regular employees in the Pension Office. That was why the word "additional" has been used. If, however, the Senator desires to strike it out, I have no objection.

Mr. MARTIN of Virginia. I am not going to make any point about it.

Mr. THOMAS. Mr. President, I should like to inquire whether the Pension Bureau has requested this additional force?

Mr. MARTIN of Virginia. They have most earnestly asked for it.

Mr. THOMAS. I am unable to see any reason for an additional force of examiners in the Pension Office. My information is that the number of pensioners on the roll under the general law, exclusive of those who were put there by act of Congress, is decreasing all the time.

Mr. SMOOT. In answer to the Senator, I will say that 45 additional examiners were employed at the time of the passage of the age pension act.

Mr. THOMAS. That is the Sherwood Act, popularly known?

Mr. SMOOT. Yes. Most of that work has been completed, but the Commissioner of Pensions states that claims under that act are still coming in, not in such numbers, of course, as they came in a year or two ago; but he insists that he must have 5 of the 45 to continue the work that is not already completed; and that is why they are provided for by this bill.

Mr. THOMAS. The explanation of the Senator from Utah is perfectly clear; but, like the chairman of the committee, I am unable to reconcile the word "additional" with that statement.

Mr. SMOOT. Mr. President, the 45 examiners were an additional force in the Pension Bureau. Now, instead of having an additional force of 45 they want an additional force of 5.

Mr. THOMAS. That is, 5 additional to take the place of the 45 additional?

Mr. SMOOT. That is correct.

Mr. THOMAS. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BURTON. Mr. President, I want to make a suggestion to the chairman of the committee. Is there any objection to changing the word "those," in line 23, to the words "the additional force," as that is what I understand it means? If the amendment were modified in that way, it would read "and any of the additional force" instead of "those now employed in the Pension Office or as special examiners," and so forth.

Mr. MARTIN of Virginia. I have no objection to the change, and will ask that the amendment be modified in accordance with the suggestion of the Senator from Ohio.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 106, after line 7, to insert:

For the use of the Bureau of Pensions for the purchase, repair, and exchange of adding machines, addressing machines, typewriters, check-signing machines, and other labor-saving devices, furniture, filing cabinets, and postage on foreign mail, $6,000.

The amendment was agreed to.

The next amendment was, on page 106, line 15, after the word "clerk," to strike out "$2,500" and insert "who shall be qualified to act as principal examiner, $3,000," so as to read:

Patent Office: Commissioner, $5,000; first assistant commissioner, $4,500; assistant commissioner, $3,500; chief clerk, who shall be qualified to act as principal examiner, $3,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries of commissioner and assistants in the Patent Office, on page 107, line 12, after the words "in all," to strike out "$1,316,390" and insert "$1,316,890," so as to read:

Fifty copyists, at $720 each; 4 messengers; 25 assistant messengers; 14 laborers, at $600 each; 42 laborers, at $540 each; 40 messenger boys, at $420 each; in all, $1,316,890.

The amendment was agreed to.

Mr. O'GORMAN. Mr. President, at this point I desire to propose an amendment, to which I think there will be no objection.

The VICE PRESIDENT. The order of the Senate was to complete the committee amendments before amendments were offered by Senators.

Mr. O'GORMAN. Very well; I will leave the amendment at the desk and present it later.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 107, line 18, after the word "professional," to insert "and other reference books and publications," and in line 21, after the words "foreign governments," to strike out "$2,500" and insert "$4,500," so as to make the clause read:

For purchase of professional and other reference books and publications and scientific books and expense of transporting publications of patents issued by the Patent Office to foreign governments, $4,500.

The amendment was agreed to.

The next amendment was, at the top of page 109, to insert:

For the investigation of school and home gardening in cities and manufacturing towns, including personal services in the District of Columbia and elsewhere, $5,700.

The amendment was agreed to.

The next amendment was, on page 109, line 13, after the word "information," to insert "including personal services in the District of Columbia and elsewhere," so as to make the clause read:

For collecting statistics for special reports and circulars of information, including personal services in the District of Columbia and elsewhere, $3,600.

The amendment was agreed to.

The next amendment was, on page 109, line 20, after the word "same," to insert "including personal services in the District of Columbia, for the purpose of bringing the cataloguing up to date," so as to make the clause read:

For purchase, distribution, and exchange of educational documents, collection, exchange, and cataloguing of educational apparatus and appliances, textbooks, and educational reference books, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same, including personal services in the District of Columbia, for the purpose of bringing the cataloguing up to date, $2,500.

The amendment was agreed to.

The next amendment was, on page 110, line 17, after the word "expressage," to insert "horse-drawn vehicles for use of the

Secretary"; and in line 19, after the word "maintenance," to insert "repair," so as to make the clause read:

Contingent expenses, Department of the Interior: The following sums, which shall be so apportioned as to prevent deficiencies therein, namely: For contingent expenses of the office of the Secretary and the bureaus, offices, and buildings of the department, including $16,000 for the Civil Service Commission: Furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, street car tickets not exceeding $250, expressage, horse-drawn vehicles for use of the Secretary, wagons and harness, motor trucks, motor cycles, and bicycles, maintenance, repair, and exchange of same, food, forage, and shoeing of horses, diagrams, awnings, filing and labor-saving devices, constructing model and other cases and furniture, and other absolutely necessary expenses not hereinbefore provided for, including traveling expenses, fuel and lights, typewriting and adding machines and exchange of same, $135,000.

The amendment was agreed to.

The next amendment was, under the head of "Surveyors general and their clerks," on page 114, after line 14, to insert:

The Secretary of the Interior is hereby authorized to detail temporarily clerks from the office of one surveyor general to another as the necessities of the service may require.

The amendment was agreed to.

Mr. SMOOT. Mr. President, to come in after line 17, on page 114, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Utah proposes an amendment, which the Secretary will state.

The SECRETARY. On page 114, after line 17, and the amendment just agreed to, it is proposed to insert the following:

The use of the fund created by the act of July 2, 1864 (13 Stat., p. 365), and the act of March 2, 1895 (28 Stat., p. 937), for office work in the Surveyor General's offices and in the General Land Office is hereby extended for one year from June 30, 1914.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. SHAFROTH. I should like to ask the Senator for an explanation of that amendment.

Mr. OVERMAN. Is that a committee amendment?

Mr. SMOOT. I have submitted it to the chairman.

Mr. President, the general deficiency act of March 4, 1914, contained the same language as that proposed in this amendment. It proposes to extend the appropriation for the purpose of taking care of the plats in the General Land Office. I read the following extract from the estimates of 1915, submitted through the Secretary of the Interior, for the General Land Office:

One hundred or more surveys are waiting to be taken up and accepted in the General Land Office, involving hundreds of thousands of acres, and, unless the force of examining clerks is continued—

That is what this amendment does—

as recommended, the great army of settlers will suffer, and the development of the country will be retarded.

Mr. SHAFROTH. Is that from the Secretary of the Interior?

Mr. SMOOT. That is from the communication of the Secretary of the Interior to the Secretary of the Treasury, recommending that he include the item in his estimates to be submitted to Congress. I will state to the Senator what it means. Under the act referred to there are nine draftsmen who attend to the surveying plats in the department, and this amendment simply extends the employment of those nine experts for one year for the purpose of completing the work that is now far behind in the department.

Mr. SHAFROTH. Were those offices abolished by the act of March 3, 1914?

Mr. SMOOT. They were continued by that act, but they would have been abolished if that act had not been passed. This amendment extends their employment for one year.

Mr. SHAFROTH. And that act extended their employment for one year only?

Mr. SMOOT. For one year.

Mr. SHAFROTH. And this is in compliance with that act?

Mr. SMOOT. I will state that the department, in a letter to me, states:

Under this latter item work is now being performed, but is not finished, and will require another year.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I do.

Mr. OVERMAN. I do not understand why the amendment refers to a statute passed in 1864, allowing the use of a fund provided in that year.

Mr. SMOOT. That was an act allowing part of a fund that was appropriated as a lump sum for the department to be used for the purpose of preparing plats.

Mr. OVERMAN. It refers to a fund appropriated away back there?

Mr. SMOOT. It was a general fund; it was not a yearly appropriation.

Mr. OVERMAN. Was not the fund in 1864 an appropriation?

Mr. SMOOT. Before the appropriation bill for the fiscal year 1914 Congress appropriated directly for this work and not under the act as stated.

Mr. OVERMAN. I do not object to the amendment, but I wanted to get the information why it is that that fund, if there is such a fund, did not go back to the Treasury on the 1st day of July, as the law provides.

Mr. SMOOT. It was a general act, and——

Mr. OVERMAN. I understand; but we have a general act providing that all moneys not used by July 1 of each year shall go back into the Treasury. This appropriates for the use of a fund. It does not appropriate the money, as I understand.

Mr. SMOOT. No; the appropriation is a special fund for this purpose; but the special act of 1864 spoken of provides that a part of the amount appropriated can be used for this particular work, and this is simply reenacting that law so that the services of the nine men who are employed in the department now can be used for the coming year.

Mr. OVERMAN. I am not objecting as to the merits of the case. I want to know why it is that there is any fund remaining in the Treasury to the credit of any person or any department that has not gone back into the Treasury.

Mr. SMOOT. There is no fund.

Mr. OVERMAN. But the Senator used that expression—that the fund appropriated in 1864 "is hereby extended."

Mr. SMOOT. I tried to state to the Senator that that was an act of Congress stating that hereafter there should be appropriated a certain amount of money for this particular work.

Mr. OVERMAN. That was the direction of Congress?

Mr. SMOOT. That was the direction of Congress.

Mr. OVERMAN. But the language of the Senator's amendment is "the use of the fund created by the act of * * * 1864."

Mr. CRAWFORD. Mr. President, I should like to ask the Senator a question. I have received a communication, which I showed to the Senator yesterday, from the General Land Office, and I got the impression from it that this is not an increase in the appropriation at all, but that this expense comes out of a fund that is collected from deposits, repayments by railroads on grants, and money that came into the surveyor general's office.

Mr. OVERMAN. That is the very point I am getting at. If that is true, somebody has been holding funds in that department that ought to have gone back into the Treasury of the United States.

Mr. CRAWFORD. I have understood that there is an act here authorizing the use of it.

Mr. OVERMAN. But there has been a subsequent act that requires that all money that has not been used shall go back into the Treasury on the 1st day of July, and if any appropriation is necessary it shall be made for the next fiscal year.

I am not discussing the merits of this matter. I think the Senator is right about it. I want to know, however, why that fund has been kept there, when the law requires that it shall be deposited in the Treasury of the United States.

Mr. CRAWFORD. I do not know a thing about it.

Mr. OVERMAN. I think it ought to be investigated.

Mr. CRAWFORD. I think there is good reason for asking to have this force another year.

Mr. OVERMAN. I think so, too; but I should like to know from the Senator from Utah if there is any other department that is holding back money that was appropriated more than 50 years ago that ought to be in the Treasury of the United States to the credit of the general fund.

Mr. SMOOT. Of course the act itself at the time required that.

Mr. MARTIN of Virginia. Mr. President, I am not very well satisfied with my memory, but I think there was a law which provided that the receipts from these sources should be applied for certain purposes.

Mr. OVERMAN. Yes; but there is a law, passed not later than five years ago, requiring that all moneys not used by the 1st of July of each year shall go back into the Treasury.

Mr. MARTIN of Virginia. But that law could not possibly interfere with a special statute directing certain moneys to be used in a certain way.

Mr. OVERMAN. Yes; it could, and it is very important that that should be so, because when money is kept in one department the Government loses sight of it. It is very important that all moneys in the hands of the Government on the 1st day

of July shall go back into the Treasury of the United States, and then be reappropriated, if it is necessary; and that is what ought to have been done in this case. There ought to be an appropriation for it, and that is what called my attention to the matter. I am not opposing what the Senator wants to do.

Mr. MARTIN of Virginia. Then, let us get along with the amendment, as we are all agreed on it, and save time.

Mr. OVERMAN. I think I am doing good service by calling attention to the fact that if there are any funds in the hands of any of these departments, they must go back into the Treasury of the United States.

Mr. MARTIN of Virginia. In justice to the department, I think, if the Senator will reflect awhile, he will realize that a special law takes supremacy, and can not be controlled by a general law. Here is a specific provision that certain moneys shall be collected, and when collected shall be applied in a particular way. I do not think you can charge the head of the department, who is doing exactly what that specific, special law requires, with violation of law.

Mr. OVERMAN. When there is a general law which says that all these moneys shall be turned back into the Treasury?

Mr. MARTIN of Virginia. As a lawyer, does the Senator think that a general law takes priority over a special law?

Mr. OVERMAN. Yes; I think it repeals the other law.

Mr. MARTIN of Virginia. It is an elementary rule of interpretation that the special law shall prevail in such cases.

Mr. OVERMAN. If what I am contending for were not so, there would be hundreds of these appropriations.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SMOOT].

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment which the Secretary will report to the Senate.

The SECRETARY. On page 116, line 4, it is proposed to strike out "one $2,000" and to insert in lieu thereof "two at $2,000 each."

The PRESIDENT pro tempore. That is an individual amendment, and can not be considered until the committee amendments have been disposed of. The Secretary will lay aside the amendment until the committee amendments have been completed.

Mr. MARTIN of Virginia. Mr. President, I had no authority to offer that as a committee amendment, but I became satisfied that it ought to be adopted, so I did not object to its being offered by the Senator from Mississippi; but to observe the rule I think the Chair is entirely correct.

The PRESIDENT pro tempore. It will form a precedent which will give trouble if we do not adhere to the rules on this occasion. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Post Office Department," on page 116, after line 77, to strike out:

New Washington, District of Columbia, post-office building: For 4 assistant engineers, at $900 each; 4 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 4 oilers, at $720 each; 22 watchmen; additional to two watchmen acting as lieutenant of watch, at $120 each; 15 laborers; 1 assistant plumber, at $720; 2 female laborers, at $480 each; 15 charwomen; in all, $48,540.

The amendment was agreed to.

The next amendment was, on page 116, after line 15, to insert:

Washington, D. C., new post-office building: For 3 assistant engineers, at $900 each; 3 assistant electricians, at $900 each; 8 elevator conductors, at $720 each; 2 oilers, at $720 each; 12 watchmen; additional to 1 watchman acting as lieutenant of the watch, $120; 12 laborers; 1 assistant plumber, $720; 2 female laborers, at $480 each; 12 charwomen; in all $33,840.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 122, line 21, before the word "each," to strike out "$5,000" and insert "$7,500," and in the same line, after the word "each," to insert "Solicitor for the Department of the Interior, $5,000: *Provided*, That the title of Assistant Attorney General is hereby changed to that of Solicitor for the Department of the Interior, but this shall not affect the status of the present incumbent or require his reappointment," so as to read:

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $9,000; 6 Assistant Attorneys General, at $7,500 each; Solicitor for the Department of the Interior, $5,000: *Provided*, That the title of Assistant Attorney General is hereby changed to that of Solicitor for the Department of the Interior, but this shall not affect the status of the present incumbent or require his reappointment.

The amendment was agreed to.

The next amendment was, on page 123, line 2, after "$5,000," to strike out "*Provided*, That this change of title shall not affect the status of the present incumbent or require his reappointment" and insert "*Provided*, That the title of Assistant Attorney General for the Post Office Department is hereby changed to that of Solicitor for the Post Office Department, but this shall not affect the status of the present incumbent or require his reappointment," so as to read:

Solicitor for the Post Office Department, $5,000: *Provided*, That the title of Assistant Attorney General for the Post Office Department is hereby changed to that of Solicitor for the Post Office Department, but this shall not affect the status of the present incumbent or require his reappointment.

The amendment was agreed to.

Mr. MARTIN of Virginia. Mr. President, the change in the nomenclature of those offices here will necessitate some changes at other places. I send to the desk the amendments necessary to accomplish that purpose, and ask that we may revert to the parts of the bill to which they apply.

The PRESIDENT pro tempore. The Senator from Virginia offers certain amendments, which will be stated.

The SECRETARY. On page 100, line 24, it is proposed to strike out the words "Office of Assistant Attorney General," and insert in lieu thereof "Office of the Solicitor for the Department of the Interior."

Mr. BURTON. One question about that, Mr. President. Is this language sufficiently clear? Is there not a board of appeals in the Pension Department, as well as in the Land Department?

Mr. MARTIN of Virginia. This has no relation to the board of appeals. This is simply a change in the name of an officer. I have just asked that this amendment be adopted. It is necessary.

Mr. BURTON. This board is designated as follows:

Three members of a board of appeals.

Is that sufficiently definite as to the work that they are to perform? As I understand, that is to be in the Land Office.

Mr. MARTIN of Virginia. This amendment has no relation to that. It simply changes the title of the section.

Mr. BURTON. I so understand it, but I was referring to the amendment already adopted.

Mr. MARTIN of Virginia. If the Senator will let me dispose of this matter, then, if he wants to take up that one, very well. I think it is sufficiently defined. There is no trouble in the department. That is just the language that the department wanted. This board of appeals will consider appeals of a variety of classes. We can not, in this appropriation bill, go into all the classes of cases that this board of appeals will have to try and dispose of. That is an administrative matter, for which the Secretary of the Interior will provide.

Mr. BURTON. Then, as I understand, they may take up pension appeals?

Mr. MARTIN of Virginia. They can do so. That is my understanding.

Mr. BURTON. Or appeals in the Land Office?

Mr. MARTIN of Virginia. Anything.

Mr. BURTON. Or in any bureau of the Department of the Interior?

Mr. MARTIN of Virginia. That is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MARTIN of Virginia. There is another change at another place on the memorandum I sent up, which the Secretary will notice.

The SECRETARY. On page 116, line 3, it is proposed to strike out the words "Division of Assistant Attorney General" and to insert in lieu thereof "Division of Solicitor for the Post Office Department."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 123, line 15, after the word "interest," to strike out ", and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes."

The amendment was agreed to.

The next amendment was, on page 123, in line 18, before the words "at $3,500 each," to strike out "five" and insert "six"; in line 18, after the word "each," to strike out "one, $3,250"; in line 25, after "$3,000," to insert "clerk to the Attorney Gen-

eral, $1,800"; on page 124, line 2, before the words "of class 4," to strike out "one" and insert "two"; and in line 18, after the words "in all," to strike out "$452,830" and insert "$463,880," so as to read:

Attorneys—1, $3,750; 6, at $3,500 each; 14, at $3,000 each; 2, at $2,500 each; assistant attorneys—1, $3,500; 2, at $3,000 each; 2, at $2,750 each; 5, at $2,500 each; 1, $2,400; 2, at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of buildings, $3,000; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $3,000; clerk to the Attorney General, $1,800; stenographer to the Solicitor General, $1,600; law clerks—3, at $2,000 each; 2 of class 4; clerk in office of Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,000; superintendent of prisons, $4,000; disbursing clerk, $2,750; appointment clerk, $2,000; chief of division of investigation, $3,500; examiners—2, at $2,500 each; 4, at $2,250 each; 2, at $2,000 each; 3, at $1,800 each; librarian, $1,800; clerks—8 of class 4; 10 of class 3; 10 of class 2; 20 of class 1; 17, at $1,000 each; 15, at $900 each; chief messenger, $1,000; packer, $900; messenger, $960; 6 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 elevator conductors, at $720 each; head charwoman, $480; 24 charwomen. Division of Accounts: Chief, $2,500; administrative accountant, $2,500; chief bookkeeper and record clerk, $2,000; clerks—3 of class 4; 6 of class 3; 6 of class 2; 5 of class 1; 3, at $900 each; in all, $463,880.

The amendment was agreed to.

The next amendment was, on page 125, line 13, after the words "repairs of," to strike out "wagons" and insert "vehicles," so as to make the clause read:

For official transportation, including purchase and exchange, keep and shoeing of animals, and purchase, exchange, and repairs of vehicles and harness, and purchase and repair of bicycles, $2,500.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce," in the item of appropriation for the maintenance of the office of the Secretary, on page 127, line 6, before the word "three," to insert "skilled laborer, $720," and in line 12, after the words "in all," to strike out "$151,520" and insert "$152,240," so as to read:

Two skilled laborers, at $840 each (1 transferred to Department of Labor); skilled laborer, $720; 3 elevator conductors, at $720 each; 2 firemen, at $660 each; 13 laborers (4 transferred to Department of Labor); 2 laborers, at $480 each; cabinetmaker, $1,000; carpenter, $900; chief watchman, $900; 8 watchmen (3 transferred to Department of Labor); 20 charwomen (5 transferred to Department of Labor an increase of 7); in all, $152,240.

The amendment was agreed to.

The next amendment was, on page 128, line 9, after the words "in all," to strike out "$175,000" and insert "$173,000," so as to make the clause read:

For compensation and per diem, to be fixed by the Secretary of Commerce, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau, as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be, subject to such rules and regulations as the Secretary of Commerce may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares; in all, $173,000.

The amendment was agreed to.

The next amendment was, on page 129, line 24, after the words "per day," to strike out "$835,000" and insert "$925,000," so as to make the clause read:

For securing information for census reports, provided for by law, semimonthly reports of cotton production, periodical reports of stocks of baled cotton in the United States and of domestic and foreign consumption of cotton; per diem compensation of special agents and expenses of same and of detailed employees, whether employed in Washington, District of Columbia, or elsewhere; cost of transcribing State, municipal, or other records; temporary rental of quarters outside of the District of Columbia; for supervising agents, and employment by them of such temporary service as may be necessary in collecting statistics required by law, including $15,000 for collecting tobacco statistics authorized by law in addition to any other fund available therefor: *Provided*, That the compensation of not to exceed five special agents provided for in this paragraph may be fixed at an amount not to exceed $8 per day, $925,000.

The amendment was agreed to.

The next amendment was, on page 131, line 5, after the word "interests," to insert: "*Provided*, That out of the sum hereby appropriated there may be expended $2,000 for the employment of an editorial assistant, and $1,600 for an editorial clerk, in Washington, D. C., to edit the reports of the field agents employed under this appropriation," so as to make the clause read:

To further promote and develop the foreign and domestic commerce of the United States, $75,000, to be expended under the direction of the Secretary of Commerce: *Provided*, That not exceeding $3,000 out of the sum hereby appropriated may be expended for the purchase of documents, manuscripts, plans, specifications, and other publications necessary for the promotion of our commercial interests: *Provided*, That out of the sum hereby appropriated there may be expended $2,000 for the employment of an editorial assistant, and $1,600 for an editorial clerk, in Washington, D. C., to edit the reports of the field agents employed under this appropriation.

The amendment was agreed to.

The next amendment was, on page 132, after line 17, to insert:

Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, without examination under the civil-service rules, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés to be paid a salary not to exceed $1,500 each; and for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $100,000.

Mr. SMOOT. I ask the Senator in charge of the bill to let this amendment go over until we get through with the bill.

Mr. MARTIN of Virginia. It can be passed until we get to the end of the bill.

The PRESIDENT pro tempore. The request of the Senator from Utah will be granted unless there be objection. The Chair hears none. The Secretary will continue the reading of the bill.

The next amendment was, on page 133, line 25, before the words "at $1,600 each," to strike out "eight" and insert "ten," and, on page 134, line 1, after the words "in all," to strike out "$353,600" and insert "$356,800," so as to make the clause read:

Steamboat inspectors: For 10 supervising inspectors, at $3,000 each, as authorized by section 4404, Revised Statutes, $30,000; inspectors of hulls and inspectors of boilers, as authorized by acts approved April 9, 1906, May 28, 1908, and March 4, 1913, $171,100; assistant inspectors, as authorized by act of April 9, 1906, for the following ports: New York, 27 at $2,000 each; New Orleans, 4 at $1,800 each; Baltimore, 6 at $1,800 each; Boston, 6 at $1,800 each; Philadelphia, 8 at $1,800 each; San Francisco, 8 at $1,800 each; Buffalo, 4 at $1,600 each; Milwaukee, 8 at $1,600 each; Norfolk, 4 at $1,600 each; Seattle, 10 at $1,600 each; 1 traveling inspector, $2,500; $152,500; in all, $356,800.

The amendment was agreed to.

The next amendment was, on page 135, line 18, after the words "in all," to strike out "$5,000" and insert "$7,000," so as to make the clause read:

Contingent expenses: For rent, stationery, and other requisites for transaction of the business of shipping commissioners' offices, and for janitor in the commissioner's office at New York, $840; in all, $7,000.

The amendment was agreed to.

The next amendment was, on page 136, line 6, after the words "excursion boats," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

Enforcement of navigation laws: To enable the Secretary of Commerce to provide and operate such motor boats and employ thereon such persons as may be necessary for the enforcement, under his direction by customs officers, of laws relating to navigation and inspection of vessels, boarding of vessels, and counting of passengers on excursion boats, $20,000.

The amendment was agreed to.

The next amendment was, on page 142, line 17, after the words "District of Columbia," to strike out "including quarters for the Bureau of Labor Statistics of not less than 11,500 feet of floor space," so as to make the clause read:

For rent of buildings and parts of buildings in the District of Columbia, $49,800.

The amendment was agreed to.

The next amendment was, on page 142, line 21, after the word "quarters," to insert "including water-cooling plant"; in line 22, after the words "Census Office," to strike out "$17,500" and insert "$20,059"; and, on page 143, line 4, before the word "cents," to strike out "35" and insert "37½"; so as to make the clause read:

For rent of quarters, including water-cooling plant, for the accommodation of the Census Office, $20,059, and the Secretary of Commerce is authorized to enter into a contract for the lease, for a period not to exceed five years, of a modern fireproof office building or modern fireproof addition to the present Department of Commerce Building, containing no less than 50,000 square feet of available floor space for use of the Census Office, at an annual rental at a rate per square foot of available floor space not to exceed 37½ cents.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 144, line 10, after the word "conciliation," to insert "including an executive clerk, at $2,000 per annum, which is hereby authorized," so as to make the clause read:

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the act creating the Department of Labor, and to appoint commissioners of conciliation, including an executive clerk, at $2,000 per annum which is hereby

authorized, and for their services in the District of Columbia and elsewhere, and for their traveling expenses and subsistence while so employed, $50,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 145, line 4, after the word "exceed," to strike out "$3" and insert "$4," and, in line 5, after the words "temporary assistance," to strike out "for service in the District of Columbia and," so as to make the clause read:

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $4 per day, and for their transportation, for experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding $8 per day, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor Statistics, and for subvention to "International Association for Labor Legislation," and necessary expenses connected with representation of the United States Government therein, $64,090.

The amendment was agreed to.

The next amendment was, on page 146, line 10, before the words "of class 2," to strike out "six" and insert "seven"; in the same line, before the words "of class 1," to strike out "eight" and insert "nine"; in line 11, before the words "at $1,000 each." to strike out "eight" and insert "nine"; in the same line, before the words "at $900 each," to strike out "six" and insert "seven"; and in line 12, after the words "in all," to strike out "$57,900" and insert "$62,400," so as to make the clause read:

Bureau of Immigration: Commissioner General, $5,000; Assistant Commissioner General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; chief statistician, $2,000; clerks—3 of class 4, 4 of class 3, 7 of class 2, 9 of class 1, 9 at $1,000 each, 7 at $900 each; 2 messengers; assistant messengers; in all, $62,400.

The amendment was agreed to.

The next amendment was, on page 147, after line 3, to insert:

For the following additional employees for the Children's Bureau, namely: Expert on sanitation, $2,800; industrial expert, $2,000; social-service expert, $2,000; librarian expert, $2,000; 2 clerks of class 3; 4 clerks of class 2; 17 clerks of class 1; 9 clerks, at $1,000 each; special agent, $1,800; 4 special agents, at $1,600 each; 9 special agents, at $1,400 each; and 11 special agents, at $1,200 each; in all, $81,000.

The amendment was agreed to.

The next amendment was, on page 147, after line 11, to strike out:

To carry into effect the provisions of the act approved April 9, 1912, providing for the investigation of questions of infant mortality and dangerous occupations, $139,000.

And to insert:

For the subsistence and traveling expenses of officers, special agents, and other employees of the Children's Bureau while traveling on official business, away from their homes and outside of the District of Columbia, with the provision that in the discretion of the Secretary of Labor a per diem in lieu of subsistence may be paid special agents and other employees when so traveling at a rate not to exceed $4 a day, the exact rate to be fixed in each case in accordance with the reasonable cost of such subsistence by the Chief of the Children's Bureau, with the approval of the Secretary of Labor; for the employment of experts and temporary assistants, to be paid at a rate not exceeding $8 a day, and of interpreters, to be paid at a rate not exceeding $4 a day when actually employed; and for the purchase of reports and material for the publications of the Children's Bureau, books of reference, newspapers, and periodicals, including the advance payment of subscriptions for the same, for newspaper clippings to enable the Children's Bureau to secure data regarding the progress of legislation affecting children and the activities of public and private organizations dealing with children, and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, $58,000.

The amendment was agreed to.

The next amendment was, on page 149, line 17, after the words "Department of Labor," to strike out "$12,000" and insert "$16,500," so as to make the clause read:

Rent: For rent of buildings and parts of buildings in the District of Columbia for the use of the Department of Labor, $16,500.

The amendment was agreed to.

The reading was continued to page 150, line 6.

Mr. BURTON. I should like to inquire about the item just read. It reads:

District court, Territory of Hawaii: Two judges, at $6,000 each.

That is altogether distinct from the item on page 74, where provision is made for chief justice of the Territory of Hawaii at $6,000; two associate justices, at $5,500 each. How are these related to those?

Mr. MARTIN of Virginia. This is one of the United States district courts. It is an entirely distinct provision from the other.

Mr. BURTON. This is a United States court similar to our United States courts?

Mr. SMOOT. One is for the Territory, the other is the United States court.

The reading of the bill was continued.

The next amendment was, in section 4, page 153, line 25, before the word "act," to insert "or any other," and on page 154, line 9, after the words "Indian Service," to insert "the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools," so as to make the clause read:

SEC. 4. That no part of any money appropriated by this or any other act shall be used during the fiscal year 1915 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and model of machine during the period of the fiscal years 1913 and 1914; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools.

The amendment was agreed to.

The next amendment was, on page 154, after line 12, to insert:

Within 30 days after the passage of this act the President shall appoint a board consisting of three persons in the employment of the Government, who shall serve without additional compensation, and two of whom shall be experienced in mechanical manufacturing; it shall be the duty of said board to make an investigation of typewriting and other machines of like character and to fix a mechanical standard to be required for typewriting machines for each class of work in the public service requiring the use of such machines; it shall also ascertain and report as nearly as may be practicable the probable maximum cost of producing each such machine, based upon such mechanical standard, and shall communicate the same to Congress through the Secretary of the Treasury at the beginning of its next session.

Mr. BURTON. I make a point of order on the amendment.

Mr. MARTIN of Virginia. I can see that the point is well taken, and I am not going to consume any time. It is plainly out of order.

The PRESIDENT pro tempore. Let us see whether it is or not. Will the Senator from Ohio state the grounds on which the point of order is supposed to rest?

Mr. BURTON. It is legislation providing for the method of the selection of typewriters, and providing also for an investigation into it. It is going altogether outside of any ordinary appropriation bill.

The PRESIDENT pro tempore. As at present advised, the Chair will sustain the point of order. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 155, after line 18, to strike out:

SEC. 5. That appropriations made in this act shall not be available for purchase, maintenance, or repair of motor-propelled or horse-drawn passenger-carrying vehicles in the service of any of the executive departments or other Government establishments of the United States unless specific authority be granted by law for such purchase, maintenance, or repair, or unless authority for such expenses is stated in specific terms in any general appropriation used to defray the same.

And to insert in lieu thereof the following new section:

SEC. 5. No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the official or employees by whom the same are to be used.

Mr. VARDAMAN. Mr. President, I should like to ask the chairman of the committee if he can state the number of carriages and automobiles which the Government furnishes to the heads of the different departments for their family and private use?

Mr. MARTIN of Virginia. Mr. President, we are not supposed to furnish any. I communicated with the head of every department in Washington, and I have a report here which I have no doubt the Senator has. If he has it not, I will send it to his desk. I can not undertake to explain it from memory. It is a very elaborate report. There are hundreds of these vehicles.

Mr. VARDAMAN. I have the report before me. I understood the Senator to say that the law does not authorize the employment of these vehicles for private use.

Mr. MARTIN of Virginia. It is the general rule that they are not to be employed for private use.

Mr. VARDAMAN. Does not the Senator think that as a matter of economy the law should be so amended now as to prohibit the use of these vehicles in that way and thus save an enormous expense to the taxpayers of the country? I am opposed to providing Cabinet officers with carriages and automobiles for their private use.

Mr. MARTIN of Virginia. We have endeavored to deal with this matter in the most effective way that is consistent with economy and with justice. For the fiscal year commencing the 1st day of July, 1914, and ending July 1, 1915, there is no inhibition against repairing vehicles that the Government has bought and which are now in service; but after the year ending the 1st day of July, 1915, ordinarily referred to as the year 1915, they can neither repair nor purchase them. They can not purchase them at all after the passage of this bill, unless estimated for; but during the current year 1915 they can have vehicles they now own repaired, if necessary. From July 1, 1914, to July 1, 1915, they can have them repaired, but after that they can neither repair them nor purchase, unless they are estimated for and Congress specifically appropriates for the purpose. In other words, after this first year, if an automobile breaks down and has to be repaired, it can not be done unless there is an estimate of the cost and it is reported to Congress and Congress appropriates for it. They can neither repair one nor operate one nor purchase one after the year 1915. We felt that for the first year after the enactment of this law we would not forbid the repair of those now in use, but after this they can neither repair them nor purchase them nor operate them at Government expense, unless they first apply to Congress for the money to be used for that purpose, explaining exactly how they are going to use the machines and what they are going to cost.

So I think we have cut right into the roots of this habit. There has been some abuse, but there is a necessity for automobiles and carriages in the Government service, and when that necessity exists all that we provide is that parties feeling that it is necessary must make an estimate and report to Congress, and unless Congress makes the appropriation for the purpose they can not buy them. They have been buying them out of the contingent fund and getting these machines without the knowledge of Congress. I do not mean that they did it surreptitiously or wrongfully, but the habit has obtained in the Government service to buy such things out of the contingent fund. We have put a stop to that.

Mr. VARDAMAN. I want to commend the chairman of the committee for the effort he has made to stop this abuse. It has grown to an alarming and most burdensome extent. Just why Congress ever felt that it was necessary and proper to furnish the Cabinet officials and heads of departments with carriages and vehicles to be used by themselves and their families I can not understand. It is an unwarranted prodigality of public funds and ought not to be done. If it is proper to give the Secretary of State, the Secretary of War, the Secretary of Labor, and other Cabinet officials and heads of departments automobiles and carriages and furnish men to take care of them, why should we not furnish Senators and Members of the House of Representatives with these luxuries? It can not be justified except upon the theory that we are drifting to a regal form or system of government and forgetting our obligations to the taxpayers. Every additional expense of this character takes from the toilers of this land some of the necessaries of life and increases the hardships which every struggling boy and girl in this Republic is compelled to carry in the race of life. There was never in the history of this Republic a greater demand for economy and retrenchment in public expenditures than now.

I want to serve notice now that from this time on I am going to fight for the correction of this abuse. I do not want to do anything that will cripple the service. When the vehicles are used by the Government and in the interest of the business of the various departments I have no objection. I am perfectly willing that the Government shall have them, but that they should be provided as luxuries for Cabinet officers and the heads of departments is indefensible. Here we are making a fuss about the paying of mileage to Members of the House and Senate, and yet these things are furnished the other departments here that are tenfold greater in cost than this little piece of lagniappe—which really is not lagniappe at all, but rather a part of the compensation or salary of Members of Congress. We need to go back to the good old days when Democratic simplicity characterized the conduct of the officeholders of this Republic.

The amendment was agreed to.

The next amendment was, on page 156, after line 23, to strike out:

SEC. 6. That all laws or parts of laws, to the extent they are inconsistent with rates of salaries or compensation appropriated by this act, are repealed, and the rates of salaries or compensation of officers or employees herein appropriated shall constitute the rate of salary or compensation of such officers or employees, respectively, until otherwise fixed by annual rate of appropriation or other law.

Mr. BURTON. I should like to inquire the reason why this section is stricken out. Why is it not a necessary provision?

Mr. MARTIN of Virginia. The provision the House put in provides that the last appropriation shall be treated as if it were a general law. For instance, take the clerk of the Senator's committee, the appropriation being made for him, say, at $2,000; this provision made that a permanent law and gave that clerk a right to $2,000. We struck that out, so as to leave Congress free to fix from year to year the salaries as it saw fit. We did not think it wise—as the appropriations are frequently made under peculiar circumstances—that they should be a permanent law of the land. We wanted Congress free to appropriate each year for the salaries such sums as Congress saw fit to appropriate.

Mr. BURTON. It is based on the theory that in the appropriation bill the salaries might be higher or lower than the salaries fixed in the statute, and it were better to leave it that way, without modifying the existing law on the subject.

Mr. MARTIN of Virginia. That was the judgment of the committee.

Mr. FLETCHER. Mr. President——

Mr. MARTIN of Virginia. I will say to the Senator from Florida that some amendments were passed over, and as soon as they are disposed of——

The PRESIDENT pro tempore. The Senator from Florida may desire to address the Senate on this particular amendment. The Chair has not discovered the purpose for which he rose.

Mr. FLETCHER. I was going, if in order now, to offer an amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. MARTIN of Virginia. Several committee amendments have been passed over, and we want to return to them.

The PRESIDENT pro tempore. Unless there is objection, the pending amendment will be considered as agreed to. It is agreed to. That completes the committee amendments, except those reserved from time to time by Senators. The Secretary will report them in the order in which they were reserved.

The SECRETARY. The committee sent to the desk an amendment to insert, on page 54, after line 21:

To pay to Thomas P. Kane the difference between the compensation allowed by law for the Comptroller of the Currency and the compensation allowed by law for the Deputy Comptroller of the Currency for services as Acting Comptroller of the Currency from April 28, 1913, when the office of the Comptroller of the Currency was vacated, and continuing as long as the duties and responsibilities of said office of the Comptroller of the Currency shall devolve upon said Thomas P. Kane as Acting Comptroller of the Currency, such an amount as may be necessary to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of August 23, 1912 (37 Stat. L., p. 377), for such part of such services as may be rendered during the fiscal year ended June 30, 1913; and such amount as may be necessary to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of March 4, 1913 (Stat. L., p. 756), for such part of such services as may be rendered during the fiscal year ending June 30, 1914.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Virginia.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gore	Norris	Smith, Mich.
Brady	Hollis	O'Gorman	Smoot
Brandegee	James	Overman	Stephenson
Bryan	Johnson	Page	Sterling
Burton	Jones	Perkins	Stone
Chamberlain	Kenyon	Ransdell	Sutherland
Chilton	Lane	Root	Thomas
Clapp	Lee, Md.	Shafroth	Thornton
Clarke, Ark.	McCumber	Sheppard	Tillman
Crawford	Martin, Va.	Sherman	Vardaman
Cummins	Martine, N. J.	Shively	Warren
Dillingham	Nelson	Simmons	White
Fletcher	Newlands	Smith, Ariz.	Williams

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, a quorum of the Senate is present.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate to this proposed amendment, and I should like to

have them consider it very carefully before ever they vote to put a provision of this kind into an appropriation bill. Mr. Thomas P. Kane is Deputy Comptroller of the Currency. The Comptroller of the Currency, I believe, was Mr. Murray, who resigned over one year ago. Upon his resignation the office was not filled by appointment of the President. I believe it is universally conceded by everyone that the appointment was not made by the President of the United States for the reason that he desired that Mr. John Skelton Williams should be appointed to that place and fill the vacancy caused by the resignation of Mr. Murray. At that time Mr. Williams was holding the position of Assistant Secretary of the Treasury. He held it for a year, or nearly so, and the vacancy in the office of Comptroller of the Currency was not filled.

During that time Mr. Kane acted as Comptroller of the Currency, and this amendment undertakes to pay Mr. Kane now the difference between the compensation of a Deputy Comptroller of the Currency and the compensation of comptroller.

Mr. President, I do not know Mr. Kane; I have never met him; but I do know that for the Senate of the United States to vote for this amendment and establish a precedent that wherever there is a head of a division or wherever there is the head of a bureau of the Government, or I might go further and say that wherever there is the head of a department of the Government, who resigns and there is some other person in the department acting in his stead we will be asked to pay the difference between the salary drawn by the subordinate and the salary or compensation due to the head of the department.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. SMOOT. Certainly.

Mr. CHAMBERLAIN. The Senator expresses some fear about the establishment of a precedent in this matter. I call his attention to the fact that under a former administration, when Mr. Valentine went out of the Indian Department, his successor, who was performing the duties of assistant as well as the duties of the principal, had the difference between the two salaries allowed him.

Mr. SMOOT. I remember the case to which the Senator refers, but I want to say to the Senator that that office was never held open for a year for the purpose of putting Mr. Valentine or anyone else into that office, and I suppose the Senator will agree to that.

Mr. CHAMBERLAIN. I will not agree that the office of Comptroller of the Currency was ever held open for the purpose which the Senator suggests. We can draw our own inference, but the same inference might be drawn from the Valentine case.

Mr. SMOOT. The Senator from Oregon is the only person I ever heard say that that was not the case. I did not object to it. If the President of the United States wanted Mr. Williams as Comptroller of the Currency, he had a perfect right to have him; nobody objected to that; certainly I did not. But if we are now going to set a precedent here of paying the difference between the compensation of the head of a department and one of his subordinates who may be acting in his stead, I do not know where we are going to end. There is hardly a day but that some of the higher officials are absent in some of the departments and when some subordinate is acting in the place of a chief of a division or the head of a department. It is for that reason, Mr. President, that I call the attention of the Senate to the matter. So far as the small amount of money involved in this particular case is concerned, I do not care. The principle would be the same if the amount involved were but one dollar.

Mr. CHAMBERLAIN. May I interrupt the Senator once more?

Mr. SMOOT. Certainly.

Mr. CHAMBERLAIN. There is every reason in the world why in this case the additional compensation should be allowed. It fell to my lot to come in contact with Mr. Kane a good many times, and I know he really did the work of deputy comptroller and also of comptroller as well. The cases are very rare where such requests will be made because the chief rarely ever resigns; he goes away, and leaves the office, and draws his salary just the same. Not only has this been done in this administration, but in other administrations. In Mr. Murray's case I believe he did resign, and the whole work devolved upon Mr. Kane.

Mr. SMOOT. I have not said, nor intimated, that Mr. Kane is not a capable man or that he did not fill the position in a perfectly satisfactory manner. That is not the question involved in this case. It is a deeper question than that; it is a recognition by Congress that wherever there is a vacancy in an office in the Government of the United States that becomes so by resignation or by death, and during the vacancy in the office any substitute shall be paid the compensation due the principal, and not the compensation due the person who may have served as a substitute in that particular place.

Mr. President, there is not a Senator who does not know that correspondence comes from the departments of this Government signed by the Acting Secretary of the Interior, by the Acting Commissioner of the General Land Office, by the Acting Treasurer of the United States, and so forth. I could go through every one of the departments of the Government and show that just exactly the same situation exists.

This amendment will simply give notice to every department of the Government that if a man serves as the acting head of a department, or as chief or a bureau, he is entitled for the time of that service to the compensation that the head of the department himself or the chief of the bureau would have drawn. It is unwise, it is uncalled for, and it is a dangerous precedent to set. I therefore trust, Mr. President, that the Senate will disagree to the amendment.

Mr. OVERMAN. Mr. President, I have no more interest in this matter than has the Senator from Utah. Mr. Kane is a good Republican brother and has been in the office, I suppose, for 20 years. He is a very faithful man. The only interest I have in the matter is that I think I did this man an injustice. A similar provision to this was in a former bill recommended by another committee and reported to the Senate unanimously. When it came up on the floor of the Senate I did not think it was properly in that bill. I think there ought to be some system about the formation of our appropriation bills, and when I found this item in the last appropriation bill I made the point of order against it, because it ought to have been in the legislative appropriation bill and not in the deficiency appropriation bill, and it went out.

I think this man ought to be paid for the service rendered by him. It does not require any additional appropriation. The sum of $5,000 was appropriated last year to pay the Comptroller of the Currency and $3,500 to pay the Deputy Comptroller of the Currency. Mr. Murray was Comptroller of the Currency and received a salary of $5,000 when Mr. Williams was occupying the position of Assistant Secretary of the Treasury. For some reason this place was not filled, and all the duties of the Comptroller of the Currency were devolved for about a year upon Mr. Kane, the deputy. This is not really an appropriation of more money; it is a saving of $3,000 to the Government. It gives to Mr. Kane, who filled this position not for a day, not for a month, not for two months, not for three months, but for more than a year, the difference between the salary of Comptroller of the Currency and Deputy Comptroller of the Currency. The difference is about $1,100. I believe he ought to be given the difference between his salary as Deputy Comptroller and that of Comptroller of the Currency during the time he performed the important and arduous duties of the latter office and let the other $3,000 go back into the Treasury.

Mr. SMOOT. I merely wish to say, in answer to the Senator from North Carolina, that if this amendment is not adopted by the Senate, then the whole of the $5,000 which was appropriated will go back into the Treasury of the United States.

Mr. OVERMAN. Everybody knows that.

Mr. SMOOT. And, of course, if it is adopted, a part of the amount must be paid to Mr. Kane.

Mr. STONE. How much is involved?

Mr. SMOOT. The amendment does not say, but, as I understand, it is somewhere between $1,100 and $1,200.

Mr. OVERMAN. That is right.

Mr. SMOOT. So the amendment is virtually the same as if we appropriated that amount of money direct to him at this particular time, so far as the results to the Treasury of the United States are concerned.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Virginia [Mr. MARTIN].

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], but I transfer that pair to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT]

to the junior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I therefore withhold my vote.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I do not know how he would vote if present, and I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH], and ask that this announcement, both of the pair and of the transfer, stand for the day. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I have a pair with the senior Senator from Maryland [Mr. SMITH], and therefore withhold my vote. I desire the announcement to stand for the day.

Mr. CRAWFORD. I desire to know whether or not the senior Senator from Tennessee [Mr. LEA] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. CRAWFORD. I have a pair with that Senator, and therefore withhold my vote.

Mr. JOHNSON. I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I now transfer that pair to the junior Senator from Indiana [Mr. KERN] and vote. I vote "yea."

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], and therefore withhold my vote, unless it be necessary to make a quorum, in which case I shall vote.

Mr. MYERS. I desire to announce that my colleague [Mr. WALSH] is necessarily absent from the city and is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. SMOOT. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON], that the Senator from New Hampshire [Mr. GALLINGER] is paired with the Senator from New York [Mr. O'GORMAN], that the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Georgia [Mr. SMITH], and that the Senator from Connecticut [Mr. MCLEAN] is paired with the Senator from Montana [Mr. MYERS].

The PRESIDENT pro tempore. The Chair will state to the Senator from Utah that the junior Senator from New York [Mr. O'GORMAN] seems to have voted.

Mr. SMOOT. I am informed, Mr. President, that he has a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], though my information may be wrong.

The PRESIDENT pro tempore. The junior Senator from New York is recorded as having voted.

Mr. O'GORMAN (after having voted in the affirmative). I transfer my pair with the Senator from New Hampshire [Mr. GALLINGER] to the junior Senator from Tennessee [Mr. SHIELDS] and will let my vote stand.

I will state, Mr. President, that at the time I voted I had not observed the absence of the Senator from New Hampshire [Mr. GALLINGER], with whom I have a general pair.

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK] is unavoidably absent. He stands paired with the Senator from Missouri [Mr. STONE]. I make this announcement for the day.

Mr. STONE. I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. JAMES. The understanding between the Senator from Massachusetts [Mr. WEEKS] and myself is that, in case either of our votes is necessary to make a quorum, the pair does not apply. Therefore I vote "nay."

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from California [Mr. WORKS] and vote "yea."

The result was announced—yeas 31, nays 17, as follows:

YEAS—31.

Bristow	Lane	O'Gorman	Thompson
Burton	Lee, Md.	Overman	Thornton
Chamberlain	Lewis	Page	Tillman
Chilton	McCumber.	Perkins	Vardaman
Crawford	Martin, Va.	Ransdell	Warren
Hollis	Martine, N. J.	Saulsbury	White
Johnson	Myers	Simmons	Williams
La Follette	Norris	Swanson	

NAYS—17.

Brandegee	Jones	Smith, Ariz.	Stone
Bryan	Root	Smith, Mich.	Thomas
Clarke, Ark.	Shafroth	Smoot	
Fletcher	Sheppard	Stephenson	
James	Shively	Sterling	

NOT VOTING—47.

Ashurst	du Pont	Lodge	Sherman
Bankhead	Fall	McLean	Shields
Borah	Gallinger	Nelson	Smith, Ga.
Brady	Goff	Newlands	Smith, Md.
Burleigh	Gore	Oliver	Smith, S. C.
Catron	Gronna	Owen	Sutherland
Clapp	Hitchcock	Penrose	Townsend
Clark, Wyo.	Hughes	Pittman	Walsh
Colt	Kenyon	Poindexter	Weeks
Culberson	Kern	Pomerene	West
Cummins	Lea, Tenn.	Reed	Works
Dillingham	Lippitt	Robinson	

So the amendment of Mr. MARTIN of Virginia was agreed to.

Mr. BRANDEGEE. Mr. President, I move to reconsider the action of the Senate in adopting section 4, on page 153.

Mr. MARTIN of Virginia. I think, under the unanimous-consent agreement, we ought to finish the committee amendments, and then the Senator can offer his amendment.

The PRESIDENT pro tempore. The committee amendments have not yet been disposed of.

Mr. BRANDEGEE. I did not know there had been such a unanimous-consent agreement.

Mr. MARTIN of Virginia. We are working under a unanimous-consent agreement.

The PRESIDENT pro tempore. The Secretary will state the next reserved amendment.

The SECRETARY. At the top of page 60, it is proposed to insert the following:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services, either within or without the District of Columbia, $20,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, I do not want to take the time of the Senate this hot Saturday afternoon to discuss this question. I thought it had been decided not to report the amendment on this bill. It does seem to me, in just as few words as I can possibly state the matter, that it is an amendment having no other purpose than the creation of a few more offices. We have had investigation after investigation upon this very subject. I have seen very little good come from them, although they have cost hundreds of thousands of dollars in the past.

Further, I desire to say, Mr. President, that this is only one step; it is the beginning of a new examination.

Mr. MARTIN of Virginia. Mr. President, I am sure the Senator must be aware of the fact that this item has been carried in the bill for five years—three years, I think, at $75,000 and then for two years at $20,000—so that it is not the beginning of anything; it has been in existence for five years, certainly.

Mr. SMOOT. Then it is simply extending the last move toward an investigation of this kind.

Mr. MARTIN of Virginia. If the Senator will excuse me, I am sure that this is not intended simply to undertake an investigation. It is essentially a contingent fund, and it is the only place where a contingent fund is provided for the use of the Secretary of the Treasury. Under the language of the amendment he can use this fund for any of the purposes for which a contingent fund is ordinarily used. He speaks of it as a contingent fund, it is known as a contingent fund, and it is intended to be used as a contingent fund.

Mr. SMOOT. Mr. President, the amendment says specifically:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services, either within or without the District of Columbia, $20,000.

There is no contingent fund there. The provision does not so state, and I do not so understand it.

Mr. MARTIN of Virginia. Well, Mr. President, I so understand it. It embraces almost every contingency that can possibly arise; and the amount carried is to be used and has always been used by the Secretary of the Treasury as a contingent fund.

Mr. SMOOT. For purposes other than those enumerated?

Mr. MARTIN of Virginia. Everything is enumerated. There is hardly anything that is not embraced under the broad and comprehensive language employed. It may be used for anything that will better the service of the Treasury Department. The ingenuity of man can not make a more comprehensive authorization than is made in this amendment.

Mr. SMOOT. Mr. President, I have never understood that this was a contingent fund, and if it is I think it ought to be made a direct appropriation for a contingent fund to be used by the Secretary of the Treasury.

Mr. MARTIN of Virginia. I am sure the Senator is under a misapprehension. The language of the amendment is rather peculiar, but it is the stereotyped language that has been used for years. The Secretary of the Treasury speaks of it as a contingent fund. He says it is the only fund that will enable him to meet any contingent demand that may be made upon him. It has always been used, I think, as a contingent fund; that is what it is intended for; that is what it will be used for; and the language here is broad enough to include any contingency that may arise in the work of the Treasury Department.

Mr. SMOOT. I am not objecting to a contingent fund for the Secretary of the Treasury.

Mr. MARTIN of Virginia. That is all this is.

Mr. SMOOT. But I want to say, Mr. President, that the language here employed does not express, even in the faintest way, that this appropriation is for a contingent fund, for it specifically states just what it is for. This is the first time I have heard that it is to be used as a contingent fund.

Mr. President, I am not going to ask for the yeas and nays on the amendment, but I want the Senate to decide if they want to put this amount in this appropriation bill in this way.

The PRESIDING OFFICER (Mr. JAMES in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment reserved.

The SECRETARY. The next amendment passed over is on page 132, after line 17, to insert:

Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, without examination under the civil-service rules, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés to be paid a salary not to exceed $1,500 each; and for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $100,000.

Mr. KENYON. Mr. President, I make the point of order as to that amendment that it is new legislation attached to an appropriation bill.

Mr. MARTIN of Virginia. I call the attention of the Senator from Iowa to the fact that this is regularly estimated for by the department, and it can not possibly be subject, in my judgment, to any point of order. It is an appropriation pure and simple, for a worthy purpose, too, and estimated for by the Secretary of Commerce.

Mr. KENYON. If the words "without examination under the civil-service rules" were stricken from line 20 it might be a most estimable provision. With those words in, it seems to me it is very faulty, and those words in themselves make it new legislation.

The PRESIDING OFFICER. The Chair holds that the item was estimated for by the department and has been reported by a standing committee. The point of order is, therefore, overruled. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, as an amendment to the committee amendment, I move to strike out the words "without examination under the civil-service rules," on page 132, line 20.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. SMOOT] to the amendment reported by the committee, which the Secretary will state.

The SECRETARY. In the committee amendment on page 132, line 20, it is proposed to strike out the words "without examination under the civil-service rules."

Mr. SMOOT. Mr. President, I wish to say that I believe those words should not be included in this amendment. I can not see why the appointments that will be made under this amendment should not come under the civil-service rules as well as other appointments that may be made in the Government service, and in fact there is more reason why they should do so, because this is a particular line of work which, unless the person appointed is qualified, will be absolutely useless to the Government, and more than useless to the country, for it could not be relied upon.

It seems to me we are steadily and persistently violating the spirit of the civil-service law in passing appropriation bills of late. I should like to know how many men have been demoted and how many men have been dismissed from the Government service while under civil service in all of the departments of the Government. I think it would be a long, long list.

I did have occasion to look into the promotions and demotions in the Government Printing Office, and I have been rather surprised at that investigation. It has been charged upon this floor a number of times of late, and particularly when we were discussing the question of demotions of the old soldiers in the departments of the Government, that it had been done in the past by past administrations, and that no Democrats in any of the departments stood any show whatever of retaining their positions under a Republican administration or of retaining the amount of salary they were drawing at the time they were serving under a Democratic administration.

Mr. President, I have a list of the employees of the Government Printing Office holding preferred positions only with salaries ranging from $1,400 to $2,500. During all the last Republican administration, and while the Republicans have been in power, these preferred positions, 29 in number, have been held by Democrats. I wish to say now that as long as I was chairman of the Joint Committee on Printing of the two Houses and chairman of the Printing Committee of this body, the only man in behalf of whom I ever appealed to the President of the United States for reinstatement because I thought he had been wrongfully demoted was a Democrat.

I have the names, the positions held, and the salaries paid these 29 men who have served for years in the Government Printing Office. I shall ask to have the list of names printed without reading.

The PRESIDING OFFICER. Without objection, that will be done. The Chair hears none.

The matter referred to is as follows:

Preferred situations held by Democrats under the Republican administration.

Name.	Position.	Salary.
T. Franklin Morgan	Foreman and foreman of printing	$2,250.00 to 2,500.00
Robert W. Summers	Chief jacket writer	2,250.00
Edward J. Wilver	Cashier and paymaster	2,500.00
Wellington M. Nelson	Paying teller	2,000.00
Charles H. Welsh	Estimator and jacket writer	2,000.00
Edwin F. Geyer	do	2,000.00
Edward H. Ryan	do	2,000.00
George Lamb	Assistant storekeeper	2,000.00
John L. Alverson	Clerk	1,800.00
Seward T. Covert	Assistant accountant	2,250.00
Robert N. Henry	do	1,600.00
Sanford M. Warren	do	1,800.00
Charles F. Kreh	do	1,800.00
James W. Vanarsdell	Computer	1,878.00
Fremont M. Claflin	do	1,878.00
William W. Blake	Clerk	1,400.00
Russell O. Beene	do	1,800.00
Louis A. Potter	do	1,600.00
William J. Hendricks	do	1,800.00
Norval W. Gallaher	do	1,600.00
Adam Brandt	Foreman	2,250.00
Stanley H. Ridings	Deskman	1,627.60
A. J. Arnold	do	1,627.60
William H. Weber	Charge of section	1,752.80
Harry R. Christie	do	1,752.80
Daniel V. Chisholm	Press reviser	1,627.60
Archibald Edmonston	Jacket writer	2,000.00
William W. Taylor	Binder in charge	1,502.40
E. F. Flanagan	do	1,502.40

Mr. SMOOT. In passing, I wish to say that I have not taken a name with a salary less than that of a clerk drawing $1,400. They are all preferred positions. I think of all the departments of our Government that great printing establishment, the best one in all the world, should employ nothing but the very best of skilled labor, and it has been done in the past.

Let me call attention to what has been done by way of demotion, and also by way of promotion. I hold here a list of the names of some 50 to 60 employees, showing their positions, their salaries, the salaries to which they were reduced, and the decreases in the salaries. In passing, I wish to say that every single one of them is a Republican, and every one of these demotions has taken place within the last year. I ask that that list may be printed without reading.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The matter referred to follows.

REDUCTIONS.

[All reduced are Republicans.]

Name.	Position.	Salary.	Reduction to—	Salary.	State.	Decrease.
John R. Berg	Superintendent of work	$3,600.00	Copy editor	$1,627.60	Nebraska	$1,972.40
Chas. E. Malpas	Foreman binding	2,500.00	Bookbinder	1,252.00	Indiana	1,248.00
H. C. McFarland[1]	Foreman press work					
Arthur E. Barker	Storekeeper	2,500.00	Clerk	1,400.00	New York	1,100.00
L. P. Kenney	Foreman	2,250.00	Maker-up	1,502.40	Nebraska	747.60
H. G. Brown	Estimator in charge	2,250.00	Estimator	2,000.00	Pennsylvania	250.00
T. J. Rowe	Foreman	2,250.00	Proof reader	1,502.40	Minnesota	747.60
J. W. Michael	do	2,250.00	do	1,502.40	New York	747.60
E. E. Calhoon	Jacket writer	2,000.00	Maker-up	1,502.40	Ohio	497.60
H. W. Ziegler	Foreman	2,250.00	Compositor	1,252.00	New York	998.00
W. H. Fisher	do	2,000.00	Proof reader	1,502.40	Pennsylvania	497.60
M. R. Speelman	Assistant foreman	2,000.00	Office man	1,752.80	Missouri	247.20
H. F. Balmer	Estimator	2,000.00	Proof reader	1,502.40	Pennsylvania	497.60
D. J. Roberts	Assistant foreman	2,000.00	do	1,502.40	Kansas	497.60
L. D. Brandon	Foreman	2,250.00	do	1,502.40	Iowa	747.60
J. H. W. Thrush	Computer	1,878.00	do	1,502.40	Pennsylvania	375.60
Arthur M. Bueden[1]	Assistant foreman	2,000.00				
Chas. E. Slentz	do	2,000.00	Maker up and deskman	1,627.60	New York	372.40
A. J. Picotte	do	1,878.00	Pressman	1,377.20	do	500.80
W. T. Hastings	Foreman	2,000.00	Compositor	1,252.00	Nebraska	748.00
J. A. Patterson	Office man	1,752.80	Bookbinder	1,252.00	New York	500.80
James R. Armstrong	do	1,752.80	Proof reader	1,502.40	do	250.40
W. H. Smith	Assistant foreman and deskman.	2,000.00	Compositor	1,252.00	Missouri	748.00
J. K. Bishop	Charge of section	1,627.60	Pressman	1,377.20	New York	250.40
Charles Radley					do	
Charles Rudy	Foreman	2,250.00	Proof reader	1,502.40	Pennsylvania	747.60
Allan C. Clouch	Assistant foreman	2,000.00	Reviser	1,627.60	New Hampshire	372.40
Charles C. Covert	do	1,878.00	Bookbinder	1,252.00	New York	626.00
Albert Lindstrom	Binder in charge	1,752.80	do	1,252.00	Missouri	500.80
Walter H. Oliver	do	1,752.80	do	1,252.00	Maine	500.80
Charles Meier	Foreman	2,000.00	do	1,252.00	Pennsylvania	748.00
Henry W. Weber	Assistant foreman and reviser in charge.	2,000.00	Chief reviser	1,752.80	Indiana	246.20
James West[1]	Assistant foreman					
Charles W. Burnett	Maker-up	1,502.40	Compositor	1,252.00	Minnesota	250.40
Edward D. Wild	do	1,502.40	do	1,252.00	West Virginia	250.40
John D. Meyers	Assistant foreman	2,000.00	Pressman	1,377.20	Ohio	622.80
Robert E. Stenner	Copy editor	1,627.60	Linotype operator	1,502.40	Washington	125.20
Henry D. Lanedon	Maker-up	1,502.40	Compositor	1,252.00	New York	250.40
Renne H. Julian	do	1,502.40	do	1,252.00	Nebraska	250.40
H. J. Gaylor	Assistant foreman	2,000.00	Proof reader	1,502.40	New York	497.60
Edward A. Huse	Foreman	2,250.00	do	1,502.40	Massachusetts	747.60
Marion E. Bullock	Copy editor	1,878.00	do	1,502.40	Kansas	375.60
George Hurst	Bookbinder in charge	1,502.40	Bookbinder	1,252.00	New York	250.40
M. Harris	do	1,752.80	Removed			
W. C. Connor	do	1,752.80	Bookbinder	1,252.00	New York	500.80
P. J. Byrne	do	1,502.40	do	1,252.00	do	250.40

[1] Resigned.

Mr. SMOOT. I have here another list showing the names, the positions, the salaries to which increases were made, and the amounts of increases. I wish to say to the Senate that every one of that long list of names is a Democrat.

I ask that that may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the list will be printed. The Chair hears none, and it is so ordered.

The matter referred to is as follows:

PROMOTIONS.

[All promoted are Democrats.]

Name.	Position.	Salary.	Promotion to—	Salary.	State.	Increase.
Daniel V. Chisholm	Press reviser	$1,627.60	Superintendent of work	$3,600.00	South Carolina	$1,972.40
Joseph Duffy	Binder (caser-in)	1,377.20	Foreman of binding	2,500.00	Ohio	1,122.80
Edwin H. Walker	Pressman	1,377.20	Foreman of presswork	2,500.00	Texas	1,122.80
P. H. Gallagher	Proof reader	1,502.40	Storekeeper	2,500.00	Ohio	997.60
E. M. Nevils	Linotype operator	1,502.40	Foreman	2,250.00	Tennessee	747.60
J. W. Childress	Proof reader	1,502.40	Estimator in charge	2,250.00	do	747.60
Stanley H. Ridings	Maker-up	1,627.60	Foreman	2,250.00	Missouri	747.60
Wm. J. McEvoy	do	1,502.40	do	2,250.00	New York	747.60
Louis C. Vogt	Linotype operator	1,502.40	Jacket writer	2,000.00	Florida	497.60
Jas. E. Payne	Proof reader	1,502.40	Foreman	2,250.00	Illinois	747.60
Jas. H. Brodnax	Compositor	1,252.00	do	2,000.00	Arkansas	748.00
James F. Cowan	Bookbinder	1,252.00	Assistant foreman	2,000.00	New York	748.00
Joseph V. Gonzales	Binder (caser-in)	1,377.20	Computer	1,878.00	Alabama	500.80
George G. Wilson	Compositor	1,252.00	Assistant foreman	2,000.00	Georgia	748.00
Claude E. Haines	Proof reader	1,502.40	Foreman	2,250.00	West Virginia	747.60
Hubert Newsom	do	1,502.40	Computer	1,878.00	Missouri	375.60
Harry R. Christie	Pressman (section chief)	1,752.80	Assistant foreman	2,000.00	New York	247.20
Wm. S. Schinnerer	Maker-up	1,502.40	do	2,000.00	Arkansas	497.60
John P. Kahler	Pressman	1,377.20	do	2,000.00	Maryland	622.80
Frank M. Hatley	Compositor	1,252.00	Foreman	2,000.00	Texas	748.00
Luke F. Ludlow	Bookbinder	1,252.00	Binder in charge	1,752.80	New York	500.80
Fletcher Bowden	Imposer	1,377.20	Office man	1,752.80	Mississippi	375.60
Alex. M. Forrester	Linotype operator	1,502.40	Assistant foreman and deskman.	2,000.00	New York	497.60
Richard C. Lohmeyer	Bookbinder	1,252.00	Foreman	2,000.00	Virginia	748.00
George C. Cole	Pressman	1,377.20	Chief of section	1,752.80	Michigan	375.60
Henry C. McLean	Linotype operator	1,502.40	Foreman	2,250.00	Indiana	747.60
Richard Powers	Proof reader	1,502.40	Assistant foreman	2,000.00	New Mexico	497.60
Louis E. Halbleib	Bookbinder	1,252.00	Binder in charge	1,752.80	Kentucky	500.80
Timothy Shea	do	1,252.00	Assistant foreman	1,878.00	New Jersey	626.00
Michael M. Sweetman	do	1,252.00	Binder in charge	1,752.80	Ohio	500.80
Elmer M. Webster	Machine operator	1,377.20	do	1,752.80	Michigan	375.60
William W. Taylor	Bookbinder	1,502.40	Foreman	2,000.00	Virginia	497.60
Maurice Spencer	Proof reader	1,502.40	Assistant foreman and deskman.	2,000.00	Mississippi	497.60
W. F. O'Brien	do	1,502.40	Assistant foreman	2,000.00	Michigan	497.60
William A. Pratt	do	1,502.40	Foreman	2,250.00	Florida	747.60

PROMOTIONS—continued.

Name.	Position.	Salary.	Promotion to—	Salary.	State.	Increase.
J. A. Lednum	Pressman	$1,377.20	Assistant foreman	$2,000.00	Maryland	$622.80
A. J. Arnold	Deskman	1,627.60	do	2,000.00	New York	372.40
Edward P. Butscher	Bookbinder	1,252.00	Binder in charge	1,502.40	Pennsylvania	250.40
Walter H. Guthridge	Proof reader	1,502.40	Chief reviser	1,627.60	Maryland	125.20
Wm. T. Herritage	do	1,502.40	Assistant foreman	2,000.00	North Carolina	497.60
J. T. Geraci	Compositor	1,252.00	Maker-up	1,502.40	Maryland	250.40
George H. Sehorn	do	1,252.00	Deskman	1,752.80	Kentucky	500.80
E. F. Flanagan	Bookbinder in charge	1,502.40	Bookbinder in charge	1,752.80	Missouri	250.40
W. E. Muffley	do	1,252.00	do	1,502.40	Nebraska	250.40
H. E. Ohler	do	1,252.00	do	1,502.40	Pennsylvania	250.40
L. R. Lippincott	Proof reader	1,502.40	Assistant foreman	2,000.00	Delaware	497.60

Mr. SMOOT. Mr. President, I do this not for the purpose of criticizing this particular amendment, but for the purpose of showing to the Senate that it is following out a policy already well under headway. The attack that has been made upon the civil service in a number of appropriation bills that have been considered by this body of late is but a part of a concerted move and is exercised in every department of the Government.

I am one of those who believe that wherever there is an appointive office not under the civil service the President ought to appoint Democrats. I think they are entitled to the positions. I never have objected, and never shall object, to such appointments, for I think, unless the laws specifically provide that it shall be a bipartisan commission, in which the President is directed, of course, to appoint men of both political parties, he does nothing more than his duty if he sees that every office is filled by a Democrat. I say this because I believe it. I say this because I believe the Republicans, when in power, should have followed the same identical rule. It does seem to me, however, that if we are going to appoint commercial attachés to serve in foreign countries for the purpose of collecting information to be disseminated to the business interests of this country for the purpose of basing their future business transactions upon, the work ought to be performed and reports made by persons selected by the Civil Service Commission.

This is not a political question. We ought to secure the very best men there are in the United States for this work. We ought to select the men who are particularly qualified, and not only qualified but qualified with a special degree of knowledge and understanding of the different modes of manufacturing and the distribution and the marketing of the different classes of goods that we export to foreign countries.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I do.

Mr. OVERMAN. Does the Senator think we will get that kind of men under the civil service?

Mr. SMOOT. I certainly do, Mr. President.

Mr. OVERMAN. How? Just because they can read and write and spell, and probably speak one foreign language? That is about the kind of examination they have to stand.

Mr. SMOOT. I do not so understand it. I have more confidence than that in the Secretary of Commerce.

Mr. OVERMAN. He has not anything to do with it. The Civil Service Commission sends him the first three men on the list, and if he administers the law according to its terms he selects one of the three.

Mr. SMOOT. They always have done that.

Mr. OVERMAN. You have not been administering it in that way. If he administers the law as it has been administered while your party was in power, if the man making the appointment does not like any of those three, he will send for three more. I have known them to go down through 15 in order to get their own man. That is the way they have been administering the law.

Mr. SMOOT. I never have found it that way in my experience.

Mr. OVERMAN. The Senator knows, I think, and everybody on that side knows, that the administration of the law under all administrations in the past has not been according to the strict rule of the law. The man making the appointment always got his own man. I have been told by Senators on that side that the administration of the civil service was a humbug. A leading Republican told me it was a humbug when I first came here, and I found it so later in my own experience.

Mr. SMOOT. I do not know that it is going to be administered any differently now.

Mr. OVERMAN. I think not.

Mr. SMOOT. I simply wish to say, however, that if civil service is a humbug, we ought to abolish it entirely; but if it is a success, and if we do believe in it, then we ought to adhere to it strictly and not violate the spirit of it.

If it can be proven to Congress that it is as represented by the Senator from North Carolina, the quicker we do away with it the better; but as long as it is the policy to make appointments under the civil-service law, I believe it ought to be adhered to, and adhered to strictly. I believe the examinations that will be made under civil-service rules for these particular places will be such, and the requirements such, that they will have to pass an examination that will at least show that they are qualified not only as to the conditions of business in this country, but the conditions of business of the country to which they are assigned. I think the civil-service examination of men to be appointed under this provision would bring that about.

Mr. WILLIAMS. Mr. President, the other day, while we were discussing this question of demotion and dismissal from the public service, I put in the RECORD the names of those who had been demoted or dismissed from March 4, 1897, to December 31, 1898, during that period of the beginning of Mr. McKinley's administration. At that time I did not have the letters of the companies and the numbers of the regiments of the soldiers. Since that time I have secured that information.

This is only in one bureau, to wit, the Pension Bureau. Since then I have prefaced that list with a statement of the statute, of the Attorney General's opinions concerning its construction, the regulations of the Civil Service Commission, and the decisions of the Supreme Court in passing upon it; doing it all, however, in a bird's-eye way, by means of references for the most part, and making only six pages of letter paper.

I ask unanimous consent that the list of the soldiers, with their companies and regiments, and this preamble or statement to which I have just referred, may go into the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

By section 1754, Revised Statutes, persons honorably discharged from the military or naval service for disability originating in line of duty are to be preferred "for appointment to civil offices," provided they possess the business capacity necessary to a proper discharge of the duties of such offices. The preference conferred by this section was expressly continued by section 7, act of January 16, 1883 (22 Stat. L., 406), commonly called the "civil-service act."

The Attorney General (17 Op. Atty. Gen., 194) construed section 1754, Revised Statutes, to mean that the persons therein mentioned are not exempted from liability to examination for admission to the civil service, but that they are entitled to a preference for appointment as against other persons of equal qualification for the place.

The Civil Service Commission (Minute of Commission, April 18, 1896) has decided that preference under section 1754, Revised Statutes, applies only to original entrance to the service.

The preference in appointment to positions in the civil service of the United States of a certain class of honorably discharged persons having been fixed, Congress soon made provision for their retention by the act of August 15, 1876 (19 Stat. L., 169), wherein such persons are given protection in the matter of a compulsory reduction of the force employed in any executive department, the statute providing "that in making any reduction of force in any of the executive departments the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors."

In passing upon the statutes above referred to the Attorney General has held (27 Op. Atty. Gen., 490):

"Ex-soldiers or sailors, or the widows and orphans of deceased soldiers and sailors, are not entitled to preference over other persons * * * when reductions in salary and rank are to be made, even though their qualifications are equal."

Or, as stated by the Supreme Court in the case of Keim *v.* United States (177 U. S., 290, 295):

"These sections do not contemplate the retention in office of a clerk who is inefficient, nor to transfer the power of determining the question of efficiency from the heads of departments to the courts. * * *

"No thoughtful person questions the obligations which the Nation is under to those who have done faithful service in its Army or Navy. Congress has generously provided for the discharge of those obligations in a system of pensions more munificent than has ever before been known in the history of the world. But it would be an insult to the intelligence of Congress to suppose that it contemplated any degradation of the civil service by the appointment to or continuance in office

of incompetent or inefficient clerks simply because they had been honorably discharged from the military or naval service. The preference, and it is only a preference, is to be exercised as between those 'equally qualified,' and this petitioner was discharged because of inefficiency. That, it may be said, does not imply misconduct, but simply neglect: but a neglected duty often works as much against the interests of the Government as a duty wrongfully performed, and the Government has a right to demand and expect of its employees not merely competency but fidelity and attention to the duties of their positions.

Nowhere in these statutory provisions is there anything to indicate that the duty of passing, in the first instance, upon the qualifications of the applicants, or, later, upon the competency or efficiency of those who have been tested in the service, was taken away from the administrative officers and transferred to the courts. Indeed, it may well be doubted whether that is a duty which is strictly judicial in its nature. It would seem strange that one having passed a civil-service examination could challenge the rating made by the commission and ask the courts to review such rating, thus transferring from the commission, charged with the duty of examination, to the courts a function which is at least more administrative than judicial; and if courts should not be called upon to supervise the results of a civil-service examination equally inappropriate would be an investigation into the actual work done by the various clerks, a comparison of one with another as to competency, attention to duty, etc. These are matters peculiarly within the province of those who are in charge of and superintending the departments, and until Congress by some special and direct legislation makes provision to the contrary, we are clear that they must be settled by those administrative officers.

* * * * * * *

In the case of Taylor *v.* Taft (24 App. D. C., 95) it is held that—

"The right of appointment necessarily involves the right of removal. This power is absolute, except in so far as restricted by Congress. The civil-service act limits the power of removal in no respect, except for the single cause of failure to contribute money or service to a political party. An employee's fitness, capacity, and attention to his duties are questions of discretion and judgment to be determined by the heads of the departments. Such questions are beyond the power of any court."

In order to protect the honorably discharged soldiers and sailors in the classified service from dismissal, or reduction in rank or salary, when it may be necessary to reduce the force in any executive department, section 4 of the act of August 23, 1912 (37 Stat. L., 360, 413), enacts that no such soldier or sailor whose record in such department is rated as "good" shall be discharged, dropped, or reduced in rank or salary. This proviso plainly contemplates that honorably discharged soldiers and sailors with a record rated as "good" under the system of efficiency ratings established by said section 4 shall not be disturbed in the event that it becomes necessary to reduce the force in any executive department; that is to say, where the total number of employees in a particular branch of the service is to be reduced. Manifestly it has no application where a reorganization or reclassification of the force is undertaken by the head of a department with no necessity of law for reducing the total number of employees.

That the law recognizes the inherent power of the head of a department to arrange and classify his employees is easily demonstrated. It is only necessary to refer to section 1 of Rule XII, civil-service rules:

"A removal or reduction may be made for any cause which will promote the efficiency of the service, but like penalties shall be imposed for like offenses, and no discrimination shall be exercised for political or religious reasons."

Subject to the prescribed limitations the authority of the head of a department in the matter of changes appears to be amply sufficient to make such a classification of the personnel of his force as will best promote the efficiency of the service. Whether the changes be made because of delinquency or misconduct, or whether they become advisable for administrative reasons only, the right of the head of a department to act does not seem to be abridged, provided he complies with the procedure established by section 6 of the act of August 24, 1912 (37 Stat., 555), which is as follows:

"That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same: *Provided, however*, That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said Postal Service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with."

SOLDIERS AND SAILORS AFFECTED ADVERSELY FROM MARCH 4, 1897, TO DECEMBER 31, 1898.

Aspinwall, A. A. (Company F, Thirty-third New York Infantry), reduced from chief of division, $2,000, to $1,800.

Albert, A. D. (Company D, Forty-fifth Pennsylvania Infantry), reduced from principal examiner, $2,000, to $1,800.

Ake, W. S. (Company I, Seventy-second Ohio Infantry; Troop D, First United States Cavalry), reduced from $840 to $720.

Archer, J. W. (Company A, Fifty-ninth Indiana Infantry; Gen. Buford's staff), reduced from $1,400 to $1,200.

Bell, H. C. (Company K, Twenty-ninth Indiana Infantry), resigned(?).

Bassett, George T. (Company C, Fourth Battalion District of Columbia Volunteers), dismissed.

Bonorden, H. S. (Troop E, Second Iowa Cavalry), reduced from $1,400 to $1,300 to $1,200.

Boorom, C. R. (Company C, Eighth Iowa Infantry; Troop L, Second United States Dragoons), reduced from $1,400 to $1,200.

Brown, Henry B. (band, Seventh Massachusetts Infantry), reduced from $1,400 to $1,300.

Buckley, J. D. (Company D, Fifth Wisconsin Infantry), reduced from $1,400 to $1,300.

Bliss, W. W. (Company G, Forty-ninth Illinois Infantry), reduced from $750 to $720.

Britton, Wiley (Troops B and K, Sixth Kansas Cavalry), reduced from $1,300 to $1,200.

Clayton, E. P. (Fifth United States Cavalry, Regular Army, 1881–1888), reduced from $1,000 to $900.

Clements, John T. (National Rifles, District of Columbia Volunteers; brevet major), reduced from $1,400 to $1,300.

Crosby, W. O. (Company D, Second Ohio Infantry; Company C, Second Battalion, Fifteenth United States Infantry), reduced from $1,300 to $1,200.

Chipp, Rodney (United States Navy), reduced from $1,400 to $1,300.

Clark, Eben E. (Company E, Seventy-third Ohio Infantry), reduced from $1,400 to $1,300.

Clark, John B. (Missouri Home Guards), reduced from $1,000 to $900.

Davis, M. C. (Company E, Fifteenth Iowa Infantry), reduced from $1,400 to $1,300.

Davis, J. A. (First New York Mounted Rifles), reduced from $1,400 to $1,300.

Davis, William P. (lieutenant colonel Twenty-third Indiana Infantry), reduced from $2,000 to $1,400.

Dick, J. M. (Company H, Second Iowa Infantry; Company A, Twenty-fifth Iowa Infantry), dismissed.

Dungan, Irvine (Nineteenth Iowa Infantry), dropped.

Ellis, H. G. (Company E, Twenty-second New York Infantry; Second New York Veteran Volunteer Cavalry), reduced; dismissed.

Elliott, Edward P. (Company K, One hundred and thirty-sixth Indiana Infantry; adjutant One hundred and forty-third Indiana Infantry), reduced from $1,400 to $1,200.

Erdman, Adolph (Fifteenth Missouri Infantry), dropped.

Eager, J. H. L. (Company H, One hundred and ninety-fifth Pennsylvania Infantry; Fifth Pennsylvania Reserves; Troop C, Nineteenth Pennsylvania Cavalry), reduced from $1,400 to $1,200.

Elliot, James H. (Company G, Thirty-fourth Massachusetts Infantry), reduced from $1,400 to $1,300.

Fleming, George B. (Company H, One hundred and sixty-third Ohio Infantry, and Company G, One hundred and ninety-first Ohio Infantry), dismissed.

Frisbie, W. R. (surgeon steward, United States Navy), reduced from $2,000 to $1,400.

Fuss, W. H. (Company A, Sixth Battalion District of Columbia Volunteers), reduced from $1,300 to $1,200.

Fernald, George W. (Company C, Second New York State Militia; Eighty-second United States Volunteers), reduced from $1,400 to $1,300.

Fairbanks, Charles (Company E, Second United States Sharpshooters), reduced from $1,400 to $1,300.

Fawcett, Thomas R. (Company K, Sixteenth Massachusetts Volunteers), dismissed.

Fierce, W. W. (Company H, Eighty-seventh Indiana Infantry), dropped.

Foote, J. M. (Company B, Seventeenth Michigan Infantry; Twentieth Veteran Reserve Corps), reduced from $1,400 to $1,300.

Freeland, John J. (Company I, Seventy-fourth Indiana Infantry), reduced from $2,000 to $1,600 to $1,400.

Fritts, James R. (Company H, Fourteenth Indiana Volunteers), reduced from $1,800 to $1,600 to $1,400 to $1,300.

Fairhurst, Jeremiah F. (Eighteenth Ohio Infantry; Battery K, First Ohio Light Artillery), reduced from $750 to $720.

Gray, Thomas P. (Troop I, Twelfth Illinois, and Troop L, Seventh Tennessee Cavalry), reduced from $1,200 to $900.

Gallenne, J. B. (Seventh United States Cavalry, Regular Army, 1873–1878), reduced from $1,000 to $900.

Guernsey, A. W. (Troop D, Sixteenth Pennsylvania Cavalry), reduced from $1,300 to $1,200.

Goldstein, Moses (Company A, Sixth United States Infantry, Regular Army), dismissed.

Gury, Louis C. (C. M. Clay's battalion), reduced from $1,000 to $900.

Hanback, Charles (Company C, Tenth Illinois Infantry, and Company K, Twenty-seventh Illinois Infantry), reduced from $1,600 to $1,400.

Harris, C. E. (First New York Veteran Cavalry), reduced from $1,300 to $1,200.

Hughes, William (Troop D, Second New Jersey Cavalry, and Troops K and C, First New Jersey Cavalry), reduced from $1,400 to $1,300.

Halle, James D. (One hundred and ninety-third New York Infantry), dismissed.

Halley, Noah W. (Company G, One hundred and fortieth Indiana Infantry), reduced from $2,000 to $1,400 to $1,300.

Harding, A. C. (Company G, Seventieth Ohio Infantry), dismissed.

Helpbringer, William H. (Company K, Sixty-second Ohio Infantry), dismissed.

Hersey, S. R. (Company C, Forty-second Massachusetts Infantry), reduced from $2,000 to $1,800 to $1,400.

Harnet, J. N. (Company K, Fourth Ohio Volunteers), reduced from $1,400 to $1,300.

Hoffliger, P. J. (Company I, Ninety-fifth Pennsylvania Infantry), reduced from $1,300 to $1,200.

Hunter, A. J. (Company H, Eighteenth Iowa Infantry), reduced from $1,300 to $1,200; dismissed.

Hursh, E. G. (Company E, Fifth Wisconsin Infantry), reduced from $1,400 to $1,300.

Ingram, Thomas D. (Company D, Twenty-ninth Pennsylvania Volunteers), reduced from $2,000 to $1,400.

Jefferson, Ralph (general service, United States Army, September, 1862, to March, 1864), reduced from $1,400 to $1,300.

Johns, L. E., reduced from $1,600 to $1,400.

Jones, F. C. (Sixty-fourth New York Volunteers), dismissed.

Kennedy, James N. (Company A, Fifty-first Ohio Infantry, Gen. Hazen's staff), reduced from $1,400 to $1,300.

Kinney, A. T. (Company D, Eighty-fifth Ohio Infantry, and Company F, Two hundred and tenth Pennsylvania Infantry), reduced from $1,400 to $1,300.

Livingston, George S. (United States Signal Corps, Regular Army, 1878–1888), reduced from $1,800 to $1,600.

Lucas, N. A. (Company D, Forty-fifth Pennsylvania Volunteers), reduced from $1,400 to $1,300.
Lamson, H. P. (Second and Fourth Indiana Cavalry), reduced from $1,400 to $900.
Loomis, George C. (Company H, Twelfth Illinois Infantry), dismissed.
Luke, D. D. (Company I, Eighty-seventh, and Company D, Ninety-ninth Ohio Infantry), reduced from $1,400 to $1,300.
Liverpool, W. H. (Company E, Fifth United States Colored Heavy Artillery), reduced from messenger to assistant messenger.
Lowe, Heman (Company I, Third Michigan Engineers and Mechanics), reduced; dropped.
McClain, Dow (Company A, Forty-seventh, and Company C, One hundred and thirty-second Indiana Infantry), reduced from $1,400 to $1,300.
Macy, W. W. (Company A, Twentieth, and Company C, Nineteenth Indiana Infantry), reduced from $1,400 to $1,300.
Maxwell, E. H. (Company I, One hundred and tenth Ohio Volunteers), reduced from $1,400 to $1,200.
Maxwell, H. P. (Company H, Eighty-first Ohio Infantry, Company B, Fifty-ninth United States Colored Troops), reduced from $1,400 to $1,200.
Mays, Charles P. (Company K, Tenth New Hampshire Volunteers, and Company K, First United States Artillery), reduced from $1,400 to $1,300.
Miller, Martin B. (lieutenant colonel Eighty-fourth Indiana Infantry), reduced from $1,300 to $1,200.
Moler, Henry H. (Company I, ——— Ohio Volunteers), reduced from $2,000 to $1,300.
Melbourne, W. F. (United States Army, 1851 to 1865, inclusive), reduced; dismissed.
Martin, Henry T. (Forty-sixth Indiana Infantry), reduced from $750 to $720.
Noble, P. S. (Company H, Eleventh Michigan Infantry), reduced from $1,400 to $1,300.
Offley, Holmes E. (staff, Rear Admiral Goldsborough, United States Navy), dismissed.
Okey, C. W. (Company C, Sixth Wisconsin Infantry), reduced from $1,400 to $1,300.
Patterson, John S. (Company G, Tenth New Hampshire Infantry; adjutant Nineteenth United States Colored Troops), dropped.
Patton, H. N (Troop M, Twelfth Ohio Cavalry), reduced from $1,400 to $1,300.
Perkins, H. E (Company C, Seventh Vermont Infantry), reduced from $1,300 to $1,200.
Proctor, William H. (Second United States Sharpshooters; Sixth Veteran Reserve Corps; Twenty-fourth United States Colored Troops), reduced from $1,300 to $1,200.
Paine, John L. (Company I, Fiftieth New York Engineers), reduced from $1,400 to $1,300.
Palmer, A. B. P. (United States Signal Corps, Regular Army, 1875–1876), dismissed.
Parkinson, E. C. (Company B, Forty-fourth New York Infantry, Fifth United States Artillery, and Companies L and —, Thirteenth New York Heavy Artillery), reduced from $1,400 to $1,300.
Pearson, Samuel P. (Company A, First Pennsylvania Reserves, general service United States Army), reduced from $1,800 to $1,600.
Peck, Fred C. (Company F, Eighteenth Ohio Infantry, and Troop K, Seventh Kansas Cavalry), reduced from $1,600 to $1,300.
Powell, Ransom T. (Company L, Tenth West Virginia Infantry), reduced from $1,400 to $1,300.
Riley, John (apprentice, United States Navy), dismissed.
Riley, Thomas F. (Ordnance Corps, United States Army; second lieutenant, United States Infantry; captain, United States Infantry, 1863–1880), reduced from $1,000 to $900.
Ribble, George T. (Eleventh New Jersey Infantry), reduced from chief of division, $2,000 to $1,200.
Russell, Leonidas (assistant surgeon, Second Kentucky Volunteers; acting assistant surgeon, United States Volunteers), reduced from $1,800 to $1,400.
Schuckers, William F. (McLaughlin's Squadron, Ohio Cavalry), reduced from $1,400 to $1,300.
Shafer, Elias (Company K, Twenty-third Michigan Infantry), reduced from $1,400 to $1,300.
Shanks, C. D. (Company G, Eighty-third Ohio Infantry), reduced from $1,400 to $1,300.
Sidman, George D. (Company C, Sixteenth Michigan Infantry; Company D, Veteran Reserve Corps), reduced from $1,400 to $1,200.
Smith, George M. (United States Navy), reduced from $1,400 to $1,300.
Stibbs, J. H. (first sergeant, First Iowa Volunteers; lieutenant colonel, Twelfth Iowa Volunteers; brevet colonel and brigadier general), reduced from $1,400 to $1,200.
Shoemaker, J. A. (Company K, Twenty-third Ohio Infantry), dismissed.
Slavens, Charles (Company G, One hundred and seventy-third Ohio Infantry), reduced from $1,300 to $1,200.
Stockslager, T. A. (Company F, Thirteenth Indiana Cavalry), reduced from $1,600 to $1,400 to $1,200.
Smith, Napoleon J. (Company E, One hundred and twenty-fourth Illinois Infantry; Company I, Forty-eighth United States Colored Troops), dismissed.
Smith, William (Company G, Ninety-seventh New York Infantry), reduced from $2,000 to $1,400.
Sprague, F. H. (Companies E and B, First Rhode Island Cavalry), reduced from $1,400 to $1,300.
Swaim, George M. (Seventh Iowa Cavalry), dropped.
Schaffer, M. R. (Company B, One hundred and fiftieth Indiana Infantry), reduced from $1,600 to $1,400.
Stevens, C. A. (Ninth United States Veteran Volunteers; Berdan's Sharpshooters; Second Wisconsin Infantry), reduced from $1,600 to $1,200.
Sues, O. L. (Troop E, Fourth United States Cavalry, 1883–1888) (Regular Army or Navy), reduced from $1,400 to $1,200.
Tansill, Charles F. (United States Signal Corps, Regular Army, 1877–1879), reduced from $1,200 to $1,000.
Teicher, John G. (United States Navy, 1878–1879), dismissed.
Tegethoff, Anthony (Company H, Fifty-eighth New York Infantry; United States Signal Corps), reduced from $1,200 to $900.
Thompson, Charles W. (Twelfth Massachusetts Infantry; Company G, Thirty-ninth Massachusetts Infantry), reduced from $1,800 to $1,600.
Tierney, Matthew (Company F, Fifteenth United States Infantry), reduced from $1,000 to $900.
Tyers, Frederick (Company E, Thirty-fourth Illinois Infantry), reduced from $1,600 to $1,400.
Vail, Henry W. (Company H, Sixteenth Connecticut Infantry; hospital Steward, United States Army), dropped.
White, William L. (assistant surgeon, First and Twenty-fourth Kentucky Infantry), reduced from $1,600 to $1,200.
Wolston, J. R. (Company A, Third Maine Infantry), reduced from $1,400 to $1,300.
Wright, Moses B. C. (Company K, Thirteenth Ohio Infantry; major, Second Indian Home Guards), reduced from $2,000 to $1,800.

Mr. WILLIAMS. These cases were solely in the Pension Bureau. There are seven other departments which went through the same experience.

Mr. STONE. Mr. President, I should like to ask the Senator from Mississippi a question.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. I do.

Mr. STONE. How many names are there in the list in the Pension Bureau?

Mr. WILLIAMS. I counted them and stated the number the other day, but I do not remember it now. There is quite a long list of them; and that was only in the Pension Bureau, which is only one division of one department. There are seven other departments with their various divisions, and the thing ran along pretty much on a parity.

Mr. President, I am very much in favor of the amendment of the committee. I do not think anything is of more importance than the cultivation of our foreign trade and the finding of new markets for American products of every description. I want it with the words "without examination under the civil-service rules"; and I should like to have any man of common sense tell me what sort of an examination could possibly be prescribed to determine the fitness of men who are to do what? "To investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States."

Are you going to examine a man as to the textile industry? Are you going to examine him as to the steel and iron industry? Are you going to examine him as to the condition of the cotton market? Are you going to examine him as to millinery? Are you going to examine him as to ready-made clothing? What are you to examine him in? What particular branch of the agricultural industry, of the manufacturing industry, of the mining industry, or of commercial pursuits? No man knows all of either of these, and no man knows much about all of them when they are taken together.

In my opinion, the very best man for the Secretary of Commerce to send abroad in a matter of this sort is a good, live, commercial traveler. To bring a man up here and begin to examine him in arithmetic, in geography, and heaven knows what else, when what you want is a man to go over and report upon trade conditions, and a man who has been in the habit of considering trade conditions, seems to me totally unnecessary.

If I were going to do that work I would rather get hold of a New York or a Chicago or a St. Louis or a New Orleans drummer who had been all over the country hunting out new markets for a great American commercial enterprise, hunting up new customers for them, and reporting back to his house, and in the meanwhile selling goods en route, than to have any amount of civil-service examinations.

Civil service is all right up to a certain limit. We have made a fetish out of it, however, and we have carried it too far. Here, not long ago, men were talking about civil service for United States deputy marshals. If I subjected a candidate for one of those positions to a civil-service examination at all, I would take him to a shooting gallery, put a pistol in his hand, and see whether he could shoot better than his competitors. Then I would organize a night attack on him and let men fire blank cartridges at him, and if he did not kill one of them I would pronounce him incompetent for the service, and if he did I would appoint him. I imagine the examining board would not want to indulge in that sort of an examination to any very great extent.

We are making a fetish of the civil service, as I say. There is reason in all things. There is a limit to the application of any general principle of expediency or of government. There is no limit to the application of any moral principle, but there is to every other sort of general rule, and it seems to me that we will get very much better service from these attachés if we do not apply the civil-service examination rules to them.

I know it can be readily answered that perhaps I would not have said that if the Republicans had offered a like bill. I think I would have said it. Whether I would have said it or not, however, I know I would have thought it. I might have thought it was better to leave them the laboring oar.

The fact that these men are going to be Democrats for the most part, or even altogether, if that argument is made, does

not frighten me. There are plenty of men who are Democrats who are precisely fitted to attend to this service and to attend to it up to the handle, in the very best possible manner in which it can be attended to.

The present Secretary of Commerce is a man who has been long engaged in the business of exporting American products to a foreign market. He has exported them to Japan and to China and to Austria and to Germany and to Italy. He is not going to wreck his department and the effectiveness of its work by appointing men who are not fit for this particular service, concerning which he has had so much experience.

Mr. BURTON. Mr. President, it is quite evident that the party in power is not friendly to the civil-service system. One or two things that have been said this afternoon indicate that very clearly. The intimation that the whole plan is a humbug is one of them. It is possible that some Republican has made some such expression, although I do not know of anyone who has made it publicly. Nevertheless, I wish to state that the civil-service system has come, and come to stay. There may be a lapse under Democratic rule; there may be exceptions; but more and more we will bring these different positions under rules under which competency and fitness will be the qualification, and, furthermore, permanency of tenure will become more thoroughly established.

It is not alone the choice of men who are competent that is accomplished by this method. It is the confidence which it inspires that these branches of the public service are divorced from politics; that the selection is not governed by partisan considerations. Everyone knows that the moment any position, however unimportant it may be, becomes vacant it attracts a horde of applicants—that is, unless the position is within the civil-service rules. I remember one time, years ago, going into the Congressional Library. There was no civil service there, and a visitor might see a line of Congressmen, Senators, and others similar to those at a ticket office when a popular opera is being presented, all waiting to see Mr. Spofford, the Librarian, in order to present the claims of their friends. I became disgusted and left.

If these positions of commercial attachés or any other positions are made free from the civil-service rules, it will cause the same degree of pressure, and it will diminish the public confidence both in the men themselves and in their work.

I have no sympathy with this ridicule of civil-service examinations. Every time any particular position is sought to be exempted we hear this same talk in this Chamber, that to examine a man in reading and writing and arithmetic and geometry does not show whether he is a proper person to fill the position. Why, it is very easy to provide different examinations for different offices under the Government. That is the function of the Civil Service Commission and its examiners, to frame such questions as will show the qualifications for the appointment that is to be made.

The work of these attachés is prescribed here—to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States. It is perfectly easy to frame questions relating to foreign trade and the needs, tastes, and languages of other peoples. It is not difficult to ascertain an applicant's knowledge of the demand for our manufactures and products. If selections are made on a large scale or for the service of the public a competitive examination is the best method to test the capability of the applicant in all those directions. Of course no examination would be conducted without taking into account the experience of the applicant.

So, I say, the importance of obtaining competent men for these positions, those who will be free from the claims of partisanship and the suspicion which attaches to selections made under the promptings of political favoritism, is one of the strongest objections to this provision here. But it is perfectly evident that the party in power are seeking to undermine the whole system. In the last deficiency bill there was a provision inserted in regard to deputy United States marshals and collectors as follows:

CIVIL SERVICE COMMISSION.

Examination of fourth-class postmasters: For necessary additional office employees, printing, stationery, travel, contingent, and other necessary expenses of examinations, $30,000; field examiners at the rate of $1,500 per annum each, for work in connection with members of local boards and other necessary work as directed by the commission, $9,000; in all, $39,000, to be available during the fiscal year 1914: *Provided*, That hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or by authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond without regard to the provisions of an act of Congress entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the act, amendments, rules, or regulations aforesaid.

That was the first onslaught on the civil-service system, openly made in the deficiency appropriation act for the fiscal year 1913. When it was brought in here I believe I myself raised the point of order that it had no place in an appropriation bill.

In opposition to the point of order, the reason was given that it did have place in the bill because it diminished the appropriation for executing the law a paltry thousand dollars; that the exemption diminished expenses in making examinations. Consequently it was held to be in order—erroneously, I think. What happened? The bill went into conference, and the provision for the diminished expense of a thousand dollars was immediately stricken out, as if it were put there for the express purpose of making this exemption admissible under the bill. Of course the appropriation was not diminished one dollar.

When we had under consideration the bill for the collecting of the income tax there also an exemption was made. Let us think for a minute of the importance of that. Here is a new species of revenue, in the collection of which the officials of the Government are brought into very close contact with all the people, where there is great opportunity for the exercise of favoritism or, on the other hand, of oppression. If there is any one branch of the public service that should be free from any suspicion of the possibility of oppression or of favoritism it is that which has to do with the collection of the revenue. But there a large class of officials is exempted.

Then, again, in the Federal reserve act exemption is made. So all these things point one way—to the gradual undermining and the breaking down of the civil-service system.

To my mind, Mr. President, this is the worst of the list. This provision seeks to do a very salutary thing—to enlarge our trade abroad, to select commercial attachés, and their secretaries go with them. It is a new method practically of bringing our manufacturers and exporters into closer touch with foreign markets. What will be the result of that if these appointments are made, probably all from one political party, largely on the recommendation of Democratic Senators and Representatives. It will at the very outset be considered as so tainted by politics that it will be entirely without the confidence of the people and will fail in its efforts.

I do not think there is any country in the world that does not make such commercial attachés virtually a part of a system under which politics is entirely divorced. They are regarded as in the same class with consular and diplomatic officials.

The Senator from Utah has called attention to the demotions in the office of the Public Printer. My recollection goes back to the year 1894 when there was a showing made of what was done then in that office, and as some of the reasons for discharges were so very interesting I am going to refer to a few of them.

I believe President Cleveland was at heart in favor of civil service; I think President Wilson is also; but I am reminded of a remark one time made by a Russian to a traveler in Russia. This Russian spoke very freely and said, "I believe the Czar is an excellent kind of a man, but I also think a great many things are going on that he does not know anything about." I am inclined to think that in some of these departments things were going on that President Cleveland did not know anything about, and I fear that in some bureaus and branches of the Government things are going on that President Wilson does not know anything about.

In that great establishment—the Government Printing Office—in one day 735 Republicans were discharged and as many Democrats put in their places. That day was known as Bloody Monday. On a subsequent day 420 discharges were made, and other changes were made, until 1,800 Republicans were discharged, and most of the places were given to Democrats.

The private secretary of the Public Printer under President Cleveland's second administration had a memorandum book in which he entered the reasons for these discharges, and I quote some of those reasons to show to what shifts those who have the appointing power may resort when they are unfriendly to civil service and desire to give some excuses for the discharge of those of the opposite party:

C. P. Armstrong was discharged June 13, 1894. The simple memorandum is added, "Not wanted."

W. R. Burgess, compositor, discharged June 13, 1894. Trimmer. Joined the Old Dominion Republican Club.

Richard M. Calhoun, watchman, discharged June 13, 1894. Active and offensive in politics.

C. Deering, forwarder, discharged September 22, 1894. Not grateful to Public Printer. Left in 1889.

James C. Toy, wagon messenger, discharged September 17, 1894. Not willing. Causes trouble. G. A. R.

E. A. Townsend, compositor, discharged May 18, 1895. Disorganizer. Not satisfied.

John W. Usilton, discharged April 1, 1895. Agitator; charges Public Printer is dishonest and tyrant.

That perhaps was a sufficient reason—insubordination.

William Wilkins, laborer, discharged July 20, 1895. Offensive partisanship.

P. Wood, laborer, discharged March 6, 1895. Veteran and radical.

W. T. Johnson, finisher, discharged March 12, 1895. Trimmer, and abuses Democrats under Republican administration.

M. E. McClain, discharged March 13, 1895. Daughter teacher in public schools.

Henry L. Mathers, compositor, discharged April 20, 1895. Agitator, trimmer; says he will be back in 1896 from Ohio as a Republican.

It was evident there was a system of espionage so that everything anyone said was reported.

George P. Silence, laborer, discharged March 13, 1895. Anti-Democrat.

George McCutcheon, discharged April 3, 1895. Veteran and vindictive.

M. R. Dutton, compositor, discharged March 1, 1895. Critical of Public Printer.

Frank A. Everts, compositor, discharged March 13, 1895. He said, "All will get back in two years."

Alice Daly, discharged June 9, 1894. Not needed; daughter in department; soldier's widow.

Mamie E. Fisher, discharged July 14, 1894.

Here is a reason—

"All her folks are solid Republicans."

John M. Gauntley, discharged June 19, 1894. Offensive Republican.

Here is one that should appeal particularly to our honored Vice President and to the two distinguished Senators from Indiana.

John F. Atkinson, discharged July 1, 1894. N. G. Lives in Indiana. [Laughter.]

John Green, jr., discharged June 1, 1894. Bitter Republican.

Fred Bogia, ruler, discharged July 1, 1894. Cranky Republican.

Blanche Carey, discharged June 19, 1894.

Here is a reason that will appeal to many: Husband a lawyer.

Allie Basey Pitts, discharged June 2, 1894. Married and lives with her husband. [Laughter.]

As much as to say a person who is domestically inclined, loyal, and does not separate from her husband must get out of the Government Printing Office.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Yes.

Mr. STONE. I wish to ask the Senator where these reasons assigned for dismissal were obtained?

Mr. BURTON. They were obtained from a memorandum book of the private secretary of the Public Printer. His services were such that I believe he was transferred to a position under the Civil Service Commission and remained there for some time, and then resigned. The gentleman in question was recently a candidate from the city of New York for Public Printer, but President Wilson did not see fit to appoint him.

Mr. STONE. Was that book private property or public property?

Mr. BURTON. He left it in the Public Printing Office. I take it that it was public property. Whether it was public or private, I take it it gives adequately the reasons for these discharges.

Mr. STONE. Who furnished the information from that book?

Mr. BURTON. That does not appear. The book was found and these extracts were taken from it. There are a number of other items from it that I could give that are equally interesting with those I have stated.

Mr. STONE. Who took the extracts?

Mr. BURTON. They were taken by Mr. Landis, of Indiana, when a Representative in Congress. The book was in his possession for some time, perhaps only a few weeks.

Mr. STONE. Purloined by somebody?

Mr. BURTON. Not purloined. It was taken right out of its place. It was left there. He did not seem to have thought it proper for him to remove the book. At any rate, he left it there among the books.

Mr. STONE. Does the Senator know that the whole book was not prepared by somebody and turned over?

Mr. BURTON. Certainly not.

Mr. STONE. How does the Senator know it?

Mr. BURTON. I know that these same lists were given out and investigated thoroughly about 16 years ago. At first the cry was made that they were not authentic, but they were found to be absolutely authentic by everyone.

Mr. STONE. Does the Senator mean that the reasons were authentic?

Mr. BURTON. The book was authentic. I do not know whether the reasons were or not. I do not want to vouch for the reasons, which the private secretary gave.

Mr. STONE. The reasons given in the book, as stated, the Senator repeats here?

Mr. BURTON. Every one of them.

Mr. STONE. That seems like a very improbable story.

Mr. BURTON. I do not know about that. It might seem improbable.

Mr. STONE. It is a very improbable story, and I am surprised that a Senator of the high standing of the Senator from Ohio will repeat such trash as that seriously and make it the basis of an argument.

I wish to ask another question of the Senator. Did I understand the Senator to say that 700 people were fired from the Printing Office in one period of 24 hours?

Mr. BURTON. That is the statement made. It was not contradicted at the time it was made, in 1898.

Mr. STONE. And 700 were appointed?

Mr. BURTON. Yes. It was not contradicted at the time.

Mr. STONE. I am frank to say, I think that was a mighty good day's work; but I do not believe that the Printing Office was capable of doing that much work, however deserving, in that short space of time.

Mr. BURTON. Oh, well.

Mr. STONE. I think that is another one of those stories that the Senator from Ohio ought not to dignify with his importance.

Mr. BURTON. It is very well for the Senator from Missouri to speak of this as trash. It was not trash to these widows and Grand Army men who were turned out of their positions on these trivial grounds. They were holding their positions and doing their duty, and one by one they were thrown out on such pretexts as were given here by this private secretary. It is all very well to speak of it as trash and unworthy of mention, but it shows the methods that were adopted in getting men and women of one party out and getting those of another in.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. I do.

Mr. FLETCHER. If the Senator will allow me to interrupt him at this point, I hold in my hand a copy of the Fourteenth Report of the Civil Service Commission, of July 1, 1896, to June 30, 1897. I find in that report the commission says, on page 404:

An examination of the evidence adduced during the investigation disclosed the fact that of the 77 persons reduced 76 were Democrats; of the 91 persons promoted 82 were Republicans, 2 were Democrats, and the politics of 7, 3 of whom were women, were unknown; of the 51 persons removed 35 were Democrats, 1 was a Republican, and the politics of 15, 7 of whom were women, were unknown; and of the 59 persons reinstated 43 were Republicans and the politics of 16, 6 of whom were women, were unknown.

That took place under a Republican Public Printer, and is embodied in the report of the Civil Service Commission.

Mr. BURTON. What year was that, did the Senator say?

Mr. FLETCHER. This is the Fourteenth Report of the United States Civil Service Commission, July 1, 1896, to June 30, 1897.

Mr. BURTON. I am glad to note that after this wholesale demotion or discharge they began to observe civil-service rules. All this to which I have referred was in 1894 and 1895. I trust it means that they afterwards, perhaps under the direction of President Cleveland himself, established a fairer set of rules and pursued a fairer course.

Mr. STONE. The Senator from Florida referred to the Republican administration.

Mr. BURTON. In 1896?

Mr. STONE. It shows that in the succeeding administration, when a large number were appointed or restored, or in some way put back into the service or put into the service, a very large per cent, ranging from 75 per cent and up, were Republicans and the politics of others unknown. The Senator says that he was glad to note that when the Republicans came in they began to enforce the civil-service rules. In other words, it is good civil service to put Republicans in and bad civil

service to put them out and Democrats in. That is the theory upon which the law has been administered during the greater part of its existence.

Mr. BURTON. Mr. President, I did not understand the year the quotation of the Senator from Florida [Mr. FLETCHER] referred to. Was it July 1, 1896, to June 30, 1897?

Mr. FLETCHER. The report is from July 1, 1896, to June 30, 1897. It was printed in 1898. It deals with the practice at the time Mr. Palmer was the Public Printer and had reference also to Mr. Benedict's career as a Public Printer.

Mr. BURTON. In point of time eight months of that year were under Democratic administration and four months under Republican, but it is hardly conceivable that with so many dismissals made at wholesale, and made for reasons such as I have read here, because they were veterans, cranky Republicans, and this, that, and the other thing—it is hardly conceivable, I say, that in justice to them and to secure the efficiency of the office there should not have been a considerable number reinstated. The first thing that would naturally be done under a Public Printer who was a Republican would be to cure in some degree the injustice perpetrated by his predecessor.

Oh, Mr. President, I do not deny that to some extent the civil-service rules and civil-service law have been manipulated by the administrations of both parties, but I submit that your party, gentlemen across the aisle, has been far and away the worst transgressor. The proof of it, and the most conclusive proof of it, is that in the case of these very important positions you are seeking to make breaches in the wall. You are seeking to exempt positions from the civil service at a time when, month by month and year by year, the merit system is becoming more and more thoroughly established, the work of the departments more efficient, and when, instead of making exemptions, every act of Congress, every new office which is created, should point in the direction of the strengthening of the merit system, so that we may remove from it the blight of politics, so that we may give to our young men and our young women the promise of a career. They should not be compelled to kotow to some Representative or Senator or person of political influence in order to obtain access to the service of the Government. They should be able to rely upon a system under which they may know that if they are well educated for serving the people and if they will give their time and attention to public service they will be rewarded; at least they will have equal opportunity with all the rest.

I desire to enter my most decided objection to this line that is inserted here. It is a backward step. I repeat, the proposal casts suspicion upon the whole plan. Its adoption would create distrust for these attachés. It furnishes an example under which, in other branches of the civil service, exemptions can be made and appointments made not according to merit nor with a view to efficiency in the public service, but from political favor.

Mr. THOMAS. Mr. President, I am largely in sympathy with the position which the Senator from Ohio [Mr. BURTON] occupies with reference to the civil service and to its importance as a fundamental institution in government. Like him, I believe it is essential to the best service, and it ought to be, although it is not and never was enforced in the spirit as well as in the letter of the law. All parties in their platforms express devotion to civil service, and all parties in their practice, when in power, disregard it as effectually as possible, while professing compliance with the requirements of the statute.

Mr. President, the strictures which the Senator from Ohio has applied to the Democratic Party, and which he has reenforced by citing examples which occurred during the administration of President Cleveland, can be paralleled in the practices of the Republican Party in their administration of the system, and both will be paralleled, in all probability, by the practices of the Progressive Party in the event that that party should ever assume the reins of government. Hence I am entirely justified in asserting that the political parties of the country are none of them in love with the civil service and have observed its requirements only to the extent to which compliance is obligatory. The party of the minority, whichever it may be, is loyal to the merit system only so long as it remains in the minority. The party of the majority is hostile to that system only so long as it remains in the majority.

When Republicans accuse the Democracy of disregarding and violating civil-service regulations and Democrats accuse the Republican Party of the same practices, both of them are telling the truth. It is the old story of the pot calling the kettle black.

Wherever it is possible in the practical administration of the law to comply with its requirements and to disregard its spirit, that has been done by both of them, in so far as my experience goes. That is the reason, Mr. President, why, I presume, some exemptions from the system appear in bills which have been introduced and enacted into law by the existing Congress.

This suggests the query: How has the civil service been administered during the long period of Republican supremacy? We all know the procedure of the Civil Service Commission. It holds examinations and those who pass satisfactorily are reported to the various divisions of the Government in whose service the applicants desire to enter. The names of aspirants in a regular series represent the seniority of the application and the degree attained in the examination. Politics are not considered and ought not to be considered in this process. Probably, so far as the action of the Civil Service Commission is concerned, it does not enter into the problem at all. Yet it is a significant thing that the Republican Party, after a long lease of power, went out of office, turned the administration of governmental affairs over to its opponent, which soon discovers that from 80 to 85 per cent of the men and women who occupy the various subordinate positions in the departments of the Government are of the same political faith as the administration under which they were employed. This is not a coincidence. It is due to the deliberate action of the appointing power; and its successor, notwithstanding the provisions and the requirements of the civil service, is apt, when occasion arises, to discriminate in favor of members of their own party in precisely the same manner.

You may say that is reprehensible. I would hardly characterize the practice by so severe an expression, because it is human nature operating through political channels. Republicans do it; Democrats probably do it; and any other party that may come into power will do it until human nature changes or until the system is changed by adapting it to the conditions which call for its application.

So far as this amendment is concerned, I am in favor of it because of the declarations of my own party upon the subject. But, Mr. President, if I should live much longer than is probable, I do not expect to see the time when the spirit of the civil service shall be observed by any party so long as that party can avoid it.

Now, why not recognize these conditions and meet instead of attempting to overcome them by a process of crimination and recrimination? I think it is clear that the civil service has been carried further than it ought to have been. It has been made to apply to those who are virtually heads of departments, who represent administrative authority and are in a sense a part of it, instead of limiting its operation to the technical and clerical details of government. A postmaster, for example, is exempted from the civil service, and yet the deputy postmaster, who, so far as his duties are concerned, is the postmaster in fact, comes under the civil service. The same is true or has been until recently of United States deputy marshals. It is true in many of the departments of the Government.

There is no more reason, Mr. President, for exempting a deputy postmaster or a deputy marshal under the civil service than there is for placing an Assistant Secretary of the Treasury or an Assistant Secretary of State under the civil service, and if such an official should be placed under the civil service, then the President of the United States ought to be required to select his Cabinet from a list submitted to him for that purpose by the Civil Service Commission.

I know of nothing that can be urged against the application of the merit system as to every department of the Government the duties of which are mechanical, technical, or clerical. On the other hand, I know of no reason that would justify the application of the merit system to that class of appointees who in the discharge of their duty virtually represent and act for some part or portion of the administration in power. There should be harmony in such positions; there should be a complete unity in the general purposes and the general course of operations. Such conditions can not prevail where a part and portion of the acting power is of a permanent character with one political affiliation and political purpose and the other is changing and evanescent, which may or may not last over one administration, but which is out of political harmony with those holding the permanent positions. There is the difficulty; and this, I think, will continue, Mr. President, to operate adversely to the principle of civil service until it shall have been placed upon a more rational, systematic, and scientific basis. When that time comes, I think there will be fewer removals actually made for political reasons, but ostensibly made upon some other, than are being and have been done; but the universal extension or the proposed universal extension of the system to all classes and conditions of officials is bound to bring the system ultimately if not into disaster, at least into disrepute. What I have said bears more

upon the general subject than upon the concrete instance which has provoked the discussion. I shall vote for the amendment of the Senator from Utah [Mr. SMOOT].

Mr. NORRIS. Mr. President, with the first part of the address of the Senator from Colorado [Mr. THOMAS] I most heartily agree. I think if we would sum up what the Senator has said in a sentence, it would be that he is in favor of the application of the civil-service principle wherever it can be applied, and that as to the extent to which it can be applied, he fears that it has been attempted to apply it in many instances where, from the very weakness of human nature, it can not work out satisfactorily. He says, or I understood him to say, that the head of a department, for instance, if the civil-service rules were applied to all of his subordinates, would be handicapped to a great degree, because they would not be in harmony with the political policies believed in by the head of the department.

Mr. THOMAS. Mr. President——

Mr. NORRIS. I should be glad to have the Senator correct me, if that is not a correct statement of his view.

Mr. THOMAS. I think the Senator has carried my proposition a little too far. Perhaps I can illustrate what my meaning was or what my expression was intended to convey.

The postmaster of the city and county of Denver is a presidential appointee. The appointee may be selected at the will of the President. The deputy postmaster of Denver is an official who is appointed from a list of names furnished the department for that purpose. The duties of the presidential appointee on the one hand and the duties of the deputy with whose appointment the President has nothing to do upon the other are identical; in other words, the deputy is the alter ego of the principal, just as a deputy sheriff performs the duties of a sheriff, just as a deputy clerk performs the duties of a clerk, just as an assistant secretary of one of the departments performs the duties of the head of the department. As to all subordinate places which are so directly identified with the principal as that the duties of the two are the same, I can conceive of no reason why the civil-service laws should apply to the one and not to the other; and I do not think that they should apply to the principal.

When you come down to the other employees of the post office in Denver, the money-order clerk, if you please, the delivery clerk, and the men who distribute the mails and collect them, those duties are, of course, in no wise connected with the administration of the office, except in so far as they constitute a part of the detail. I think as to the latter the civil service should be made applicable; as to the former, it should not be made applicable.

I may say, before I take my seat, if the Senator from Nebraska will permit me, that I intended to emphasize the assertion which I made concerning the manner in which the merit system has been applied by the different parties; and I do not criticize the Republican Party for it any more than I would the Democratic Party. In this office it so happens that nearly every one of the subordinates, although they were selected under the merit system, are men whose politics is in harmony with the power which existed and controlled at the time of their selection.

Mr. NORRIS. Mr. President, I will take up the identical illustration given by the Senator from Colorado and use that as a text. He says that in Denver the postmaster is appointed by the President, but that the deputy postmaster is appointed under civil service; that the duties of the postmaster and of the deputy postmaster are the same; that therefore the civil-service rules should apply to both, or they should apply to neither of them; and that he thinks the civil-service rules should not apply to the postmaster. Therefore, I conclude it would logically follow that these civil-service rules should not apply to the deputy postmaster. Now I have it correct. Then the Senator says that those officials under the deputy postmaster can properly be classified under the civil service, because their duties are not the same as those of the postmaster and of the deputy postmaster. I want to take up both of those propositions.

I think the Senator is right when he says that the duties of a postmaster and of a deputy postmaster are very much the same, and that there is no logical reason why one should be appointed because of his politics and the other one appointed on merit. I agree with that proposition; but I can not agree with the Senator in his next proposition that, therefore, since their duties are the same we ought to take them both out of the merit class and put them both on the political partisan pie counter. Instead of taking the deputy out from under civil service and putting him up for sale for the political parties to make bids for, I would take the postmaster off from the political pie counter and put him on a merit basis.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. THOMAS. I think the Senator is perfectly consistent, as he always has been, upon this proposition, but I should like to ask him at that point to what extent he would carry that principle upward? Where, in other words, would he draw the line between appointees under the merit system and those who are merely political?

Mr. NORRIS. Of course, the Senator submits a difficult proposition to me when he asks me where I would draw the line. That is not material, however, on this question here, and it would be material at no time unless we are going to enact a new civil-service law and extend its limitations. I think they ought to be vastly extended. As to just where it ought to stop, of course, there would be honest reason for dispute, as there is now honest reason for dispute as to whether it has already gone too far. The Senator and myself do not agree on its present application. He thinks it has gone a little too far and I do not think it has gone quite far enough.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. THOMAS. The Senator from Nebraska always has an excellent reason for any position that he takes, and I was therefore curious to learn where the line would be drawn, because he would give a reason for doing so. The difficulty with me is that I can not concede the Senator's proposition with reference to the postmasters and at the same time deny it with reference to the President's Cabinet.

Mr. NORRIS. Mr. President, the Senator has asked me a fair question, and, of course, he has only asked for my opinion, and that is what I shall give. The Senator asks me where I would draw the line. We were speaking particularly of the Post Office Department. So far as I am concerned now, I am perfectly willing to answer the question with the same frankness with which it was asked. I say, I would draw no line in the Post Office Department. There is not a single duty to be performed officially now from the office of Postmaster General in Washington down to the janitor in any post office in the land that is in any way connected with partisan politics. I would, if I could, place the entire department on a merit basis. I would take it entirely out of politics.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. THOMAS. Do I understand the Senator by that statement to include the Postmaster General?

Mr. NORRIS. I do.

Mr. THOMAS. Then the President of the United States would be required under such a system to go to the names certified to him by the Civil Service Commission for a Postmaster General.

Mr. NORRIS. No; the Senator must not put that construction on it.

Mr. THOMAS. I am putting it on the Senator's statement. If the Senator means it—and I must infer that he meant it—if I properly understood him, I understood him to say that he would apply it to the Postmaster General.

Mr. NORRIS. I understand perfectly well that so far as, for instance, the Constitution of the United States is concerned, it can not be done; it would be unconstitutional if we should pass a law of that kind. The Constitution provides that the President shall appoint the heads of departments. I am not saying that in a strictly technical legal sense we pass such a law, and I answer the Senator on my own judgment as to what ought to be done. I said I would draw no line. I admit that to accomplish such a purpose there would have to be a law drawn under the Constitution. I think such a law could be drawn to have the practical effect of putting the entire Post Office Department, including the Postmaster General, on a merit basis. We can not under the Constitution take away the appointing power from the President, but we can make the term of the Postmaster General 10 years, and provide that he shall not be removed except for cause. We can provide that no one in the department can be removed except for cause. We can make it an impeachable offense to remove a man for partisan reasons. We can declare the purpose of the Government to put the entire department on a business basis and put into the law the necessary safeguards to make it effective.

Mr. THOMAS. I had no intention of raising the constitutional question. Of course, we all know that I was looking at it as an abstract proposition.

Mr. NORRIS. Of course that means that if I were selecting the Postmaster General of the United States politics would not enter into the consideration. The only letter suggesting an appointment that, I think, I have written to the present President of the United States, I wrote at the suggestion of some people who were very close to the President, who thought that he was a firm believer of having a business administration rather than a partisan one. I wrote to him suggesting the appointment of a certain individual, who is a Democrat, for Postmaster General. I remember that in that letter I said to the President that if I were President and making the appointment, this was the man I would select for this position, regardless of his politics.

But I think that is somewhat afield of the question. I want to go back to the illustration which the Senator from Colorado gave, taking up the Denver post office. The Denver postmaster has not a single official duty to perform in Denver that is in any way partisan. Why should the postmaster at Denver, who deals and does business with the people of Denver, lose his job or get his job simply because of the political belief of some man who is installed in the White House in Washington? Why would it not be just as reasonable to discharge the school-teachers in Denver when the political administration changes at Washington?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. THOMAS. Is it not also true that the Postmaster General, in the discharge of the duties of his position, has no political office to perform?

Mr. NORRIS. That is absolutely so; and if under the Constitution a method could be devised by which that office could be made nonpartisan I should like to see it adopted. I think it can be done. I did not intend to discuss this branch of the subject, but I will say that I introduced a bill, which I want to call to the attention of the Senator from Colorado—and I do it in the best of faith, because I have absolute confidence in the Senator's earnestness, and I believe he will be converted to this principle—I introduced a bill in the preceding Congress, under a Republican administration, which, in my judgment, if it were enacted into law, would have placed the entire Post Office Department beyond the realm of partisan politics.

As I have said, it would not be possible under the Constitution to take away the appointment of the Postmaster General and of presidential postmasters from the President, but it would be possible, in my judgment, and an easy thing to enact a law that would have the effect of taking that department out of politics without taking away or attempting to take away the constitutional right of the President to make these various appointments.

I believe that the deputy postmaster of Denver, when he shows exceptional ability, ought to have an opportunity to be promoted to the position of postmaster, a higher, a more responsible, and a more remunerative position in the department. When he becomes postmaster, if by virtue of his ability and his familiarity with the duties connected with the office he demonstrates a capability for further promotion, he ought still to have before him an opportunity to advance in the Post Office Department without limit until he reaches the head of the department as Postmaster General in Washington.

I know it is always stated in answer to that kind of an argument, "Why, the Postmaster General is part of the President's Cabinet; he helps the President to map out his course, and gives him advice." There is no law providing for a Cabinet. I think it is fair to assume that the President, when he consults the Postmaster General, consults him in regard to the Post Office Department. He does not need to consult him about political matters. If he wants political advisers, he can seek anyone's advice, whether he is in or out of the service, whether he holds a Cabinet position or whether he does not.

If the Postmaster General were appointed for a term, let us say, of 10 years, similar to a member of the Interstate Commerce Commission, and provision were made for the advancement of every man in the Post Office Department according to merit, so that from its head down to its very foot there would be no politics in it, we would have in a few years the most efficient organization in that great department resting on a business basis that the world has ever seen.

There is nothing in the Post Office Department but business. The deputy postmaster at Denver, the city used by the Senator from Colorado as an illustration, learns on account of his ability and his fitness for the place and the work in his office how to take care of that great post office. His position is one that requires a great deal of ability and experience; he is really the head of it, so far as the management of the business affairs of the office is concerned, but above him, drawing a salary twice as large as his, sits a political partisan ornament, known as the postmaster. I do not say that he is always an ornament. I do not know who the postmaster at Denver is and I do not want the Senator from Colorado to get the idea that I am finding any fault either with past postmasters or the present postmaster at Denver.

Mr. THOMAS. Mr. President, the present postmaster at Denver is an esteemed friend of mine, appointed by President Taft.

Mr. NORRIS. I have no reference to personalities. I do not want the Senator to get that idea.

Mr. THOMAS. I understand that.

Mr. NORRIS. I am talking of a general principle. When the postmaster, who is appointed over the deputy to draw the salary and hold the ornamental position while the deputy does the work, has been there for eight years, let us say, and has learned the duties of his office, he has finally, at the expense of the Treasury of the United States, been educated so that he can handle the Denver post office; but along comes a political change, and he goes out. He is efficient, then, and, if he had remained in office, he might run it properly and could perhaps have earned his salary; but some other man is put in, not because his predecessor was inefficient, but because in the White House there is a man who gives allegiance to a different political party than the President who had preceded him. That is the basis for it; that is the reason for it; and I submit to the business judgment of every Senator and every citizen that it is not right; it is not fair; it is not economy; and it ought not to be tolerated in the business department of our Government, as it would not be tolerated in the business department of any business corporation on earth.

Then, the deputy has a student on his hands. The man with the little salary, doing the work, teaches the new postmaster with the big salary what his duties are; and, when he gets him educated, another political party comes into power, or a different faction of the same political party comes into power, and the student whom the deputy postmaster has educated is thrown out again, and you go out into the political ranks and select some other partisan, not for his fitness particularly, but because he has done some political work for the man who succeeded to power, and who has the distribution of patronage at his disposal. It seems to me, therefore, Mr. President, that the extension of the civil service ought to go forward instead of backward.

Now, let me read just a little from the last Democratic platform adopted at Baltimore. I do not know but that that platform is pretty well shot to pieces, and there may not be many planks left in it unrepudiated, and this particular plank has been repudiated several times heretofore, but I am going to read one part of the Democratic platform which is going to be raped to-day.

Mr. CLAPP. Mr. President——

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. CLAPP. I want to ask the Senator from Nebraska whether that particular plank in the platform was authorized by any State convention before it was voted on by the Democratic national convention? If not, I do not think it should be recognized, because that seems to be urged now as the new test of authenticity in party platforms.

Mr. NORRIS. That is according to the doctrine promulgated here the other day.

Mr. CHAMBERLAIN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I will ask the Senator if he does not think it is just a little bit unkind, after the Democrats have been assisted by him in the violation of their platform, that he should now criticize them for it?

Mr. NORRIS. Well, I did what my vote could do to help them violate it, not because I cared about violating their platform, but because I had repudiated the platform long before President Wilson did, and so I was only carrying out my idea in that instance.

The Democratic platform had nothing whatever to do with my vote. Of course no one claims that I was bound in any way by the Democratic platform.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. I yield.

Mr. VARDAMAN. Will the Senator permit me to suggest that in repudiating the Democratic platform a day or two ago it strikes me that you repudiated all the platforms, for all the

platforms of the Democratic and Progressive Parties favored free tolls, while the candidate of the Republican Party favored free tolls.

Mr. NORRIS. That would not bother me at all if I did; it would not hurt me any. I did what I believed to be right in the Panama Canal repeal bill, and in doing so no charge can be made against me, because it is claimed some Democrats violated their platform pledge when they voted the same as I did.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield to the Senator from New York.

Mr. O'GORMAN. Do I understand that the Senator from Nebraska did at one time approve the Democratic platform?

Mr. NORRIS. I did not say so. There were some parts of it I approved, and I am going to read a part of it which I approve.

Mr. O'GORMAN. I would infer from the statement the Senator made that he had repudiated it; that at some earlier stage it must have had his approval and sanction.

Mr. NORRIS. The Senator is getting technical now with terms.

Mr. O'GORMAN. No; the Senator from Nebraska would be the last Member of this body who would impress me as being a repudiator. I rather think his attitude has been consistent. He simply has condemned that platform from the beginning, and that is nothing unusual for him.

Mr. NORRIS. I thank the Senator. Perhaps the term used by the Senator is better than "repudiated." I was about to read——

Mr. KENYON. Was that plank heard by the convention when it was read?

Mr. NORRIS. I have an idea that if you should get the history of it you would find that the present President of the United States many times before he was a candidate and during the time he was a candidate approved, not in specific terms this particular language, but he approved the idea here expressed and was one of the officials of a national organization having for its object the upholding of the civil-service laws of our country.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield.

Mr. CLAPP. Before we accept the particular plank in the platform we must have something more to identify it by than the mere fact that the President publicly approved it during the campaign. That is no longer sufficient. I think the Senator had better withdraw his witness entirely.

Mr. NORRIS. I am not offering it because I am sure that the Democractic Party will follow it, but it seems to me that, having gone back on nearly everything else in the platform, they perhaps would take this opportunity to save this little one item and stand by it.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator.

Mr. JONES. Is it not a fact that that declaration in the platform is contrary to the traditional policy of the Democratic Party, and therefore not binding on them?

Mr. NORRIS. Well, I think it is contrary to the policy that has been pursued during the present Congress to some extent, as I propose to show.

Mr. JONES. I want to ask the Senator another question. Was that plank adopted when the regular platform was adopted at the convention?

Mr. NORRIS. I presume so; I was not there. I am reading from this little book containing the platforms of the two great political parties.

Mr. JONES. I noticed that one of the delegates to that convention made a speech sometime ago, and said that when this platform was adopted the members of the convention were demoralized mentally and physically, and I wondered under those circumstances whether or not any declaration would be binding.

Mr. NORRIS. I am afraid that some of my friends——

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. NORRIS. In just a moment—I am afraid that some of my friends, when they call attention to these particular things peculiar to the Democratic situation, will only furnish an argument for our Democratic friends to pass this law. If you do not call attention to all their past sins it may be that their consciences will be affected by what I shall read, and they will feel like making good this particular pledge. I now yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, what I shall say is in no spirit of criticism, because I would not and could not criticize the Senator from Nebraska; but I believe we should proceed with the business of the country without any further discussion of platforms, because he must know, and all other men who think into things instead of around things must know, by this time, that a platform is made to "get in on." I am reminded of the old story of the brakeman on a passenger coach who spoke to a passenger standing upon the platform and said, "Get off of here." The passenger answered, "Can not a person stand and ride here?" "No," said the brakeman, "platforms are made to get in on, but not to ride on." [Laughter.] Having "got in on the platform," why weary the country further about riding on it?

Mr. NORRIS. Now we will proceed to the business of the Senate. I wish to say in passing, however, that I am not responsible for all these suggestions, and I hope the Democratic brethren will take this platform in good faith.

Mr. STONE. Mr. President, I think about all the Senators on this side who voted with the Republicans on the tolls bill have aided the Senator in his attack upon the platform; and the Senator can now proceed with his fine sarcasm without further interruption and assistance from this side of the Chamber.

Mr. NORRIS. I will say to the Senator that whether there was any sarcasm, and if there was, whether it was fine, as far as coming from me is concerned, it would not have come had it not been for the interruptions on both sides of the Chamber. I will say to the Senator also that I have no desire to put this question into politics. I have no desire to make a partisan question of the particular motion that is before the Senate. I do not believe it ought to be such; and yet I think it is proper to read a portion of the platform upon which the Senator himself stood, and other Senators the same way. I do not think anyone would charge me with trying to be sarcastic or with any impropriety in doing that.

We have before us now a proposition to take out from under the civil-service laws the appointment of certain officials provided for by this bill. There is going to be $100,000, if this provision is agreed to, spent for that purpose. I am in favor of the motion which strikes out that part of the provision that takes it out from under the control of the civil-service law.

Let me read what I started to read a long while ago. This is from the Democratic platform adopted at Baltimore:

> The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

I commend that to the Senate. I believe that is a statement of a principle that is right. If you did not believe it was right, or if the idea of the Senator from Arizona [Mr. ASHURST] is right, then you ought to have added another provision to the platform which, in substance, would have said: "As soon as we get into office we are going to rape the civil-service law every opportunity we get." That would have been fair; that would have given the people notice, and there would have been some reason for passing the various laws that have been passed to take out from under the civil-service law the appointment of officials.

Since that platform was adopted you have taken by law the deputy United States marshals out from under the civil service. You have taken by law the deputy internal collectors out from under the civil service. You have taken out from under the civil service the appointments to be made under the income-tax provision of the tariff law. You have also taken out from under the civil service, by law, the appointments to be made by the Federal Reserve Board under the new currency act. Now you propose, under this law, to take out from under the control of the civil service the appointments to be made of these attachés that are to investigate opportunities for American commerce and American trade in foreign lands, and to put those positions upon a partisan political pie counter to be given to men because of political service rather than for merit.

I say that, now, without regard to the present administration. The appointments under this law are to be made by the present Secretary of Commerce. Even if we should concede that when he made those appointments he would not make them for partisan reasons, it would not be right to put in the law the right of the official to make them for partisan reasons or to give him that privilege and to take away the effect of the civil-service law. If this law is to be permanent, even though for argument sake we conceded the present Secretary would not consider

politics in making the appointments, some succeeding Secretary would. It would become a fruitful source of paying political debts out of the Public Treasury. It will all come home to roost. History will repeat itself. Other parties will come into power at some time, sooner or later, and this law will be abused by them.

We are passing this law or establishing this precedent not for to-day nor only for the present administration. This law would be applicable if a Republican administration should succeed this one when the present term of our President expires and a Secretary of Commerce appointed for partisan reasons by a Republican President would go on and take all these men out, perhaps after they had just learned the business, and reward his political heelers by payment out of the United States Treasury under the ostensible purpose that they were traveling abroad to develop business for American commerce and American manufacturers and merchants.

These positions would be much sought after. A trip to Europe or a trip around the world, to pay some man for his influence in a convention or his control of a county or a State or a delegation from some place, would be a very beautiful reward. If those men must be rewarded, they ought not to be rewarded under any pretense that they are going to do something for the country and be paid out of the Treasury of the United States.

This bill does not fix any particular salary. I suppose the Secretary of Commerce would arrange that matter himself; but it is a very nice opportunity either for this Secretary or, if the language is so that it would be continuous, for some succeeding Secretary. I am not claiming that some other political party would have any more virtue, my Democratic friends, than yours has. They would use it for the same purpose if they could.

It has been argued here by the Senator from Colorado, and it is an old argument, it is made in defense of every political machine that ever existed when they undertook to do something that was wrong, that some other party did the same thing.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I do.

Mr. THOMAS. I did not state that as an argument; I stated it simply as a fact.

Mr. NORRIS. I am glad to have the Senator make the suggestion he has made.

The Senator from Ohio [Mr. BURTON] gave a long list of Republicans removed for partisan reasons from the Government Printing Office. Immediately following that the Senator from Florida [Mr. FLETCHER] gave a list of Democrats who were removed under a Republican administration and Republicans put in their places for partisan reasons. Is that an answer? If that is an answer, and if that is a defense of the present Democratic administration, let me ask you, why did you not put that in your platform and say, "While we believe so and so," as I have read from your platform, "yet the Republicans have disregarded the civil-service law, and if we get into power we are going to disregard it, too, just as badly as they did?"

You came into power because you promised to do better than the Republicans had done, and the people believed you would do better; and you will stay in power just as long as they believe you are doing better, and no longer. It may be "Hobson's choice," perhaps, but the sentiment of the country of 50 years ago is not the sentiment of the country now; and it is no longer any defense, in defending one political party, to cite the sins of another one and say that they had done the same thing when they had a chance. The people are anxiously waiting for an administration that will make its promises good, and when you say that you are going to enforce the civil-service law according to its spirit, it is your honorable duty to do it, even though Republicans have violated it before you. As far as I am concerned, if you did do it I would be one of the first to commend you for doing it, and to say so openly.

I regret very much to hear Senators on this floor, when citations are made of putting a man out because of his politics and putting another man in contrary to the law, commend it. Many commendatory expressions have been made on the floor of the Senate on that kind of conduct. In reality, when the Public Printer or any other official turns out of office a man purely for partisan reasons and fills his place with another one for partisan reasons he has violated the spirit of the law, if not its letter. He may have succeeded in getting some technical manner by which he can do the act legally, but the spirit of the law is violated, and when such violations are commended on the floor of the United States Senate we can not expect public officials to do their duties fearlessly. If you will trace the history of almost any legislation where any similar question arose, where there was politics in it or patronage in it, if you will trace the history of the legislation of Congress for the last 25 years, you will find that argument always made. It was made by Democrats against Republicans when Republicans were in control, and Republicans came back and answered, and said: "You did the same thing when you were in control." Now, when Democrats are in control, after making the promises they have made to the people, they say, in answer to an accusation of this kind that is demonstrated, "Why, we are doing only what you did. Platforms are to get in on, and we pay no more attention to them after we are in."

We sometimes think, and I think too often, that these men who are trying to get promotions, who are demanding that the civil-service laws shall be violated for partisan reasons, control the politics of the country. They do not. Under the old régime of the control of parties, where one man carried a State in his hand and another one carried a convention in his hand, some of those things might have been true, and without a doubt were true. When a political machine had control they were in shape to make these demands. Public officers often forget now that when the machine is making a demand, in reality it is like the frogs in a pond; there are not very many of them, but they make a great deal of noise.

It is said, and it is said truly, too, by my friend from Colorado [Mr. THOMAS], that this law always will be violated. Of course it will. Every law will be violated. There have been violations in the past; there will be violations in the future, both of this law and of other laws which we may pass; but that is not any reason why we should not do the best we can to fulfill the law. Instead of pleading that we are unable to do anything to make conditions better, while admitting that they are wrong, we ought to devote our energies to trying to build up the civil-service law, correct its mistakes, punish those who violate it, and remove them from office, and we will have no trouble in the future.

I think the law ought to be changed in a great many respects. Instead of saying that it always will be violated and that all parties have violated it, why not, in a spirit of nonpartisanship and with the idea only of the benefit of the country, get together like men and correct the evils making it possible for a man to remove for the causes that have been used as causes in the past by both parties, and make it a criminal offense for any official to remove for partisan reasons any man under the civil service, and also make it a criminal offense for any Senator or other public official to ask that it be done? If half of the energy and half of the ability had been devoted to trying to correct the loopholes of the civil-service law that have been exercised in trying to avoid its provisions, we would have a law that would have made it impossible for these violations to have occurred without punishment for the violators.

Mr. ROOT. Mr. President, I do not wish to delay the completion of the work upon this bill, but I do wish to put upon record my opposition to the feature of this amendment which prohibits the application of the civil-service rules to the appointment of the new commercial attachés; and I should like to call the attention of our friends on the other side of the Chamber to the fact that this amendment relates to a field of government service regarding which there is not even the slender excuse that may exist in some of the departments where appointments have been made for political reasons.

Of course, sir, the civil-service system of appointment upon examination, when it was first introduced, had to contend against inveterate custom and inveterate prejudice. It was exceedingly unpopular among a great part of our people, particularly those who had been active in politics; and it has taken a long time to eradicate the idea, first publicly proclaimed upon the floor of the Senate by a Senator from my own State, that "to the victors belong the spoils." I think, however, there has been a steady and gradual progress in the acceptance of the method of appointment which is provided in the civil-service rules and the statutes under which those rules are made.

Of course, there has been a great unevenness in this progress. It has been much greater in some departments than in others. There are certain departments of the Government in which the change has been practically complete.

We have the rule of appointment upon merit, to be ascertained primarily by examination, in force in the Army of the United States; and I think it is safe to say, upon some experience and observation, that for many years political affiliations or political recommendations have had substantially no influence in determining appointments to the Army.

The same thing is true as to the Navy of the United States. For a great many years the appointments in the Navy have been made without reference to political affiliations.

It is now a considerable number of years since the same change was introduced in the foreign service of the United States. In the year 1906 the administration then in power—and it is of no consequence whether it was Republican or Democratic, for I do not admit to my mind in the consideration of this subject any question as between the parties—formulated a series of civil-service rules, under the authority of statute, in accordance with which all consuls and consuls general of the United States were to be appointed on the basis of examination, and expressly excluding from consideration all ideas of political affiliation or political influence. From that time to this, or at all events until the beginning of the present administration, and I believe since the beginning of the present administration—and I discriminate only because I was more familiar with the subject before than I have been for the last year and a quarter—the appointments to the Consular Service of the United States have been made as freely upon the nomination of a Democrat from a Democratic State as upon the nomination of a Republican from a Republican State.

That change from the old system of political appointment to consulates was made upon full conference with the Senate Committee on Foreign Relations. It has resulted, sir, in a very great, signal, and salutary improvement of the Consular Service of the United States. It would be a great misfortune to go back to the old system, under which Senators owned consulates and put men into consulates for the benefit of their constituents or friends of their constituents.

Now, sir, this amendment proposes to create a series of officers who are virtually members of the foreign service of the United States. It reads:

Commercial attachés. Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, without examination under the civil-service rules, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

Then there is a provision for clerks and traveling expenses.

Those, sir, are the duties which consuls have to perform. The difference between these officers and the consuls we already have are, the one, that these gentlemen will range freely; they will not be confined to particular localities; and the other, that they will report to the Secretary of Commerce, instead of reporting to the State Department, and that department sending their reports to the Secretary of Commerce.

I do not think we can escape the conclusion that the prohibition in this amendment against appointing under civil-service rules these commercial attachés to render a foreign service, accredited by the Department of State, is a serious blow to the present system of nonpartisan, nonpolitical appointments of consuls and consuls general. It is a disapproval by the Congress of the United States of that method of appointment. It has no justification in any error or abuse of the past, for these are new offices; they are not put into vacancies made by removing a member of one party or another. The question here is plainly whether the Congress of the United States shall put the stamp of its disapproval upon the progress that has been made in the applications of the principles of the civil-service reform in the foreign service of the United States. If the amendment passes as it is phrased, this prohibition against the examination of these applicants means that Congress gives it warrant to all the abuses which have been referred to; that Congress is against the further improvement of the civil service; that Congress looks with unconcealed satisfaction upon all the attempts to evade and set at naught that manner of appointment, and that we are going back step by step to the old spoils system in which we individually force upon the executive officers of the United States appointments made not upon their judgment, not upon their knowledge, but upon the exigencies of politics in our own States and districts.

Mr. VARDAMAN. Mr. President, the civil service has put into office in the South a class of people which has made the service unpopular with the white people of that section without regard to political affiliation. As a matter of fact, certain branches of the service have been so Africanized as to make it a stench in the nostrils of our best people. For that reason, so far as it applies to the State from which I come, I am not particularly enamored of the system. But the Democratic Party in its platform is committed to civil service. Our Baltimore confession of faith commits us to the enlargement of the civil-service system. We are committed to the proposition that it shall be perfected and enlarged rather than disfigured and limited in its scope.

I believe that the promise we made to the people before the election ought to be redeemed now. And while I dislike to vote against my partisan friends on this side of the Chamber, I shall nevertheless vote to carry out the platform promises. I shall vote to extend the service rather than to contract it. I believe, Mr. President, that men trained in the various departments of the Government service are necessarily better equipped to perform the functions of the office or place to which they may be appointed than untrained men. And while I want to see all of these places filled by Democrats, my interest in the public service is superior and above my desire to serve my party. I wish it were so that in the South we could limit all of these offices to capable white men rather than being annoyed by the negroes who are making the civil service so very unpopular in that section. I am going to vote for the amendment offered by the Senator from Utah.

Mr. BURTON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	O'Gorman	Stone
Bankhead	James	Overman	Swanson
Brandegee	Johnson	Page	Thomas
Bristow	Jones	Perkins	Thompson
Bryan	Kenyon	Pittman	Thornton
Burton	Kern	Ransdell	Tillman
Chamberlain	La Follette	Robinson	Vardaman
Chilton	Lee, Md.	Root	Warren
Clapp	Martin, Va.	Sheppard	West
Clarke, Ark.	Martine, N. J.	Shively	White
Crawford	Myers	Smith, Ariz.	Williams
Cummins	Nelson	Smoot	
Fletcher	Norris	Sterling	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. BRANDEGEE. Mr. President, unfortunately I was detained in an important committee hearing and I have not had the advantage of hearing all the debate on this question. I do not know whether the Senator in charge of the bill has explained what these commercial attachés to be appointed by the Secretary of Commerce without examination under the civil-service rules are to do. Is it contemplated that they are permanently to reside abroad, like a consul?

Mr. MARTIN of Virginia. Undoubtedly, Mr. President, they are expected to reside abroad. The amendment itself explains what their duties are to be.

Mr. BRANDEGEE. I notice that the amendment, after providing "for one clerk to each of said commercial attachés, to be paid a salary not to exceed $1,500 each," provides that this sum may be expended, among other purposes, "for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States," and so forth. I did not know whether it was contemplated that they were to be a series of residents abroad, or whether they were to be field agents of the Department of Commerce abroad, or both.

Mr. MARTIN of Virginia. They were not expected to be traveling agents. I understand they are expected to spend their time abroad promoting the foreign commerce of the United States.

Mr. BRANDEGEE. I should like to ask the Senator, are our consuls abroad now under the civil service?

Mr. MARTIN of Virginia. In part they are expected to advance the commerce, but they have many other duties.

Mr. BRANDEGEE. The Senator did not understand me. Is our Consular Service at present covered by the civil-service laws?

Mr. MARTIN of Virginia. It is.

Mr. O'GORMAN. Yes. If I may be permitted a word, I do not understand that the Consular Service is controlled by what we mean by the civil-service law, but there is a civil-service system equally efficient, a system introduced by my colleague when he was Secretary of State, which has been in effect ever since his time, and which I believe is being respected in every detail by this administration.

Mr. BRANDEGEE. I would then like to ask the Senator's colleague, the senior Senator from New York [Mr. ROOT], if he is able to inform me to what extent our Consular Service is governed by the civil service.

Mr. ROOT. Mr. President, the Consular Service is governed by a code of rules established by the President under the authority of the civil-service provision contained in the Revised Statutes of the United States. It is a different code of laws from those which are applied to the domestic service, but it is a code based upon the same principles, following the same methods, and enacted by the same authority. It is as truly a civil-service system and a code of civil-service rules as the system under which clerks are appointed.

Mr. MARTIN of Virginia. I am sure the Senator from Connecticut understands, as well as every other Senator, that appointments in the Consular Service are controlled, as the

Senator from New York says, not by the regular Civil Service Commission, but under rules of like character laid down by the Secretary of State, first inaugurated by the Senator from New York when he was Secretary of State.

Mr. BRANDEGEE. The object of my inquiry was to ascertain from the Senator from New York whether our consuls resident abroad had to pass some sort of an examination in the nature of a civil-service examination under the law or the rules of the department warranted by law.

Mr. ROOT. They have, Mr. President. They have long had to pass an examination, but since 1906, eight years ago, they have had to pass an examination by a board the head of which is the chief examiner of the Civil Service Commission, and it is an exceedingly stringent system of examinations.

Mr. BRANDEGEE. Then it is fair to say, I assume, that the appointment of our consuls at the present time is controlled by the principle of the civil-service law. It is a merit system, and they have to show their qualifications in order to get an appointment.

Now, I should like to ask the Senator from Virginia why these attachés abroad of the Department of Commerce should not be subject to a similar system of determining their fitness for the positions to which they may be appointed.

Mr. MARTIN of Virginia. It was the opinion of a majority of the committee that better men for this particular service could be gotten by the appointment by the Secretary of Commerce instead of by these examinations. I merely state that position, because I do not think any good would come from a discussion between the Senator from Connecticut and myself. Every Senator on this floor knows all about this question, and knows what his views are. It seems to me all we need now is a vote. I do not think it would do any good for me to engage in a discussion with the Senator from Connecticut. He and I differ. He knows what his views are and I know what mine are, and every Senator on this floor must know what his views are on this civil-service question. We believe that better men can be gotten by the appointment by the Secretary of Commerce and we have so reported. If the Senate does not agree with it, just let Senators vote it down. The only thing, I think, which will serve the country now is a vote and not a running discussion between the Senator from Connecticut and myself.

Mr. BRANDEGEE. I have not invited the Senator to enter upon any discussion. I appreciate that taking the position he does and holding the view he does upon this question, it perhaps would be more prudent not to engage in any discussion upon the merits of the matter.

Mr. MARTIN of Virginia. Mr. President, I am perfectly willing for the Senator to enjoy the opinion of his own superiority. I hope it will be a delight to him. I said what I did purely in the interest of the dispatch of business.

Mr. BRANDEGEE. I have not yielded to the Senator.

Mr. MARTIN of Virginia. I have said about all I wanted to say, whether the Senator yielded or not.

Mr. BRANDEGEE. The Senator had said probably all he wanted to say and probably more than he would have wished to have said. In spite of that exuberance of the Senator I understand so far there is no reason on the record why these gentlemen should be exempted from the rules which the Government of the United States thinks are necessary to impose in the interest of the public service in the case of similar appointees of other departments whose duties are practically the same.

So, Mr. President, there being no reason presented why these commercial attachés should be exempted from the policy pursued by the Government in similar cases, in appointments involving similar abilities, I assume that no reason exists except the desire of the party in power to create $100,000 worth of offices to be filled solely in the discretion of the Secretary of Commerce, without any provision in the law as to how much each one is to receive. One hundred thousand dollars is appropriated in a loose lump sum without even naming how many of these attachés shall be hired for it. It is left to the uplift tendencies and the civil-service love of this head of a department to divide among the faithful according to his sweet will.

If that is to be considered a fulfillment of a profession for advancing the civil service of this Government upon an impartial basis and as a manifestation of the keen desire of the party in power to regulate carefully our expenditures and to reduce what they have been denouncing as the extravagance of the Republican Party, I submit the question upon its merits, if it has any, and am perfectly willing to join with the Senator from Virginia in taking a vote and making a record upon the question.

Mr. ROOT. Mr. President, before the vote is taken I want to call the attention of the Senator from Connecticut to what I think is an inadverience on his part in saying that no reason has been stated for prohibiting the application of the civil-service merit system to these appointments. I understood the Senator from Virginia to state a reason very distinctly, and to state it with his customary frankness and courage, and the reason he stated will be taken and must be taken by the people of the country as the reason which actuates the Democratic majority in this Chamber if they keep this provision in the bill. He said he believed that we would get better officers through an appointment by the Secretary of Commerce than we would get through the civil-service system.

That is, Mr. President, this amendment to the bill is conceived in a spirit of general hostility to the civil-service reform system, and, if adopted, it is fair notice that the dominant party in this Congress will do whatever they dare do to break down that system.

Mr. MARTIN of Virginia. Mr. President, the Senator from New York can not justly draw any such inference from what I have said. I have indicated no hostility to the principle of civil service. I said that for this particular service it was my opinion and the opinion of the committee that better men could be obtained by selection through the Secretary of Commerce. I believe that better service can be obtained by selection rather than by examination in this particular service; but I declared no hostility to the general principle of the civil-service system; I entertain no such opinion; and I speak only for myself when I say that I believe, in the main, it is an excellent service and has done great good. The Democratic Party has no purpose of destroying it; I have no such purpose; and I have said nothing to lead to such a conclusion. I said that for this particular service, which is a peculiar one, the officers should be appointed by selection of the Secretary of Commerce, and not by examination under arbitrary rules. I firmly believe that; but in believing that, and declaring that, and expressing the desire in this way to get the very best possible service for the country, I did not in any way indicate hostility to the principle of civil service.

Mr. BRANDEGEE. Mr. President, when I said that no reason had been given why this should be done, of course I meant no reason that could stand intelligent examination, no reason that could stand before the country. Of course I heard what the Senator from Virginia [Mr. MARTIN] said—that, in his individual opinion, this Democratic Secretary of Commerce could get better men than the civil-service system could furnish if it were not ravished and repealed—but I did not consider that additional reason, if I may call it such, given by the Senator from Virginia, why in this particular case this particular Secretary under this particular administration should select, was such a reason as I was seeking.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. Wait just a moment, until I finish the sentence, and then I will gladly yield. Why in this particular case it so happens by some inherent, I have no doubt, but not visible to the naked eye, reason that better men will be secured by violating the method which experience and all the political platforms have agreed would result in better service in all other cases, is one of those mysterious things that I am not competent to pry into nor to understand; but, of course, I assume it exists, for I know it did exist in that other "particular and peculiar case" where some "particular and peculiar" reason was given when we ravished the civil service to accommodate some of our Democratic hungry, faithful, outside-of-the-breastworks patriots, who were put into the offices of internal revenue collectors and United States marshals and deputies; and you will find, Mr. President, wherever the civil service is to be torn down and thrown to the winds in order to provide places for the Democratic faithful who are yearning for them that it is a "particular and peculiar case," which to the naked eye does not bear any peculiar evidence of requiring peculiar treatment, but which, to those skilled in the psychology of this situation, it is perfectly apparent demands that remedy.

Mr. BRISTOW. Mr. President, I suppose this is an appropriation of $100,000 to furnish provender; from the discussion that has gone on here and from the language in the bill it appears to me purely political provender that is to be handed out. At this time, when deficits are being created by extravagance, and our revenues are declining, though new systems of taxation have been discovered, I think that it is not very opportune to waste the public money in this way simply to give a lot of men jobs.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VARDAMAN. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed, in the committee amendment found on page 132, in line 20, to strike out the following words:

Without examination under the civil-service rules.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from Oklahoma [Mr. OWEN], and vote. I vote "nay."

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL]. I think that under the terms of my pair I am entitled to vote, though I shall not vote at this time, but will withhold my vote for the present.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], but I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "nay."

The roll call was concluded.

Mr. CRAWFORD (after having voted in the affirmative). Inadvertently I voted without mentioning by pair. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS], and will allow my vote to stand.

Mr. JAMES. I transfer the general pair which I have with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

Mr. STONE (after having voted in the negative). I voted inadvertently, forgetting for the moment that the Senator from Wyoming [Mr. CLARK], with whom I am paired, was not present. I now transfer my pair with the Senator from Wyoming to the Senator from Ohio [Mr. POMERENE], and will allow my vote to stand.

Mr. BANKHEAD (after having voted in the negative). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Jersey [Mr. HUGHES], and permit my vote to stand.

Mr. MYERS. I have a general pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. JOHNSON. I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. GALLINGER], who has a general pair with the junior Senator from New York [Mr. O'GORMAN].

I also desire to announce the unavoidable absence of the senior Senator from Massachusetts [Mr. LODGE], who has a general pair with the senior Senator from Georgia [Mr. SMITH].

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

The result was announced—yeas 24, nays 27, as follows:

YEAS—24.

Ashurst	Clapp	Lane	Root
Borah	Crawford	Martine, N. J.	Smoot
Brady	Cummins	Nelson	Sterling
Brandegee	Jones	Norris	Thomas
Bristow	Kenyon	Page	Vardaman
Burton	La Follette	Perkins	Warren

NAYS—27.

Bankhead	Johnson	Pittman	Swanson
Bryan	Kern	Ransdell	Thompson
Chamberlain	Lee, Md.	Robinson	Thornton
Chilton	Martin, Va.	Shafroth	West
Fletcher	Myers	Sheppard	White
Gore	O'Gorman	Simmons	Williams
James	Overman	Stone	

NOT VOTING—44.

Burleigh	Gronna	Oliver	Smith, Ga.
Catron	Hitchcock	Owen	Smith, Md.
Clark, Wyo.	Hollis	Penrose	Smith, Mich.
Clarke, Ark.	Hughes	Poindexter	Smith, S. C.
Colt	Lea, Tenn.	Pomerene	Stephenson
Culberson	Lewis	Reed	Sutherland
Dillingham	Lippitt	Saulsbury	Tillman
du Pont	Lodge	Sherman	Townsend
Fall	McCumber	Shields	Walsh
Gallinger	McLean	Shively	Weeks
Goff	Newlands	Smith, Ariz.	Works

So the amendment of Mr. SMOOT to the amendment of the committee was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. FLETCHER. I offer an amendment, on page 17, line 16, after the figures "$2,000," to insert "stenographer, $1,000," and then, in line 17, to change the figures from "$6,600" to "$7,600." That is to provide for the Joint Committee on Printing a stenographer, who is very much needed. A resolution has heretofore passed the Senate providing for this employee. Four committees of the House and of the Senate, two of each body, have approved of that proposition.

Mr. MARTIN of Virginia. That amendment was never presented to the committee, as the Senator from Florida was absent from the city when the bill was being considered by the committee. I am satisfied, however, that such stenographer is needed, and, so far as I am concerned, I think the amendment ought to be adopted.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 17, line 16, after the numerals "$2,000," it is proposed to insert "stenographer, $1,000," and in line 17 to strike out "$6,600" and insert "$7,600."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. I send forward an amendment to the committee amendment, on page 8, and, for the purpose of having the amendment considered, I ask that the vote whereby the committee amendment on that page was adopted may be reconsidered.

The VICE PRESIDENT. Without objection the vote by which the amendment was adopted is reconsidered, and the amendment is open to amendment. The Secretary will state the amendment to the amendment proposed by the Senator from North Carolina.

The SECRETARY. On page 8, at the end of line 10, after the numerals "$2,500," it is proposed to insert "assistant clerk, $2,220."

Mr. OVERMAN. Mr. President, I wish to say that the chairman of the Committee on Commerce, the Senator from Arkansas [Mr. CLARKE], was also absent from the city when the bill was being considered by the committee, and this amendment proposes to give to the committee of which he is chairman the clerical force it has had in the past. There was in previous appropriation bills a clerk provided for that committee by name—I refer to Mr. Pulsifer—but we struck that out of the last appropriation bill. This amendment makes for the Committee on Commerce the same provision in regard to assistant clerks as is made for the Committee on Military Affairs, the Committee on the Judiciary, and the Committee on Appropriations. The Committee on Commerce has only three employees attached to it now, and this allows the present chairman of that committee the clerical force allowed the committee when the late lamented Senator from Maine, Mr. Frye, was chairman of the committee. The Senator from Arkansas, who is now chairman of that committee, wants the same force that was formerly provided. I hope the amendment may be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. On page 130, line 25, I move to strike out "$75,000" and insert "$85,000."

In explanation of the amendment, I desire to state that the Secretary of Commerce has established a number of branch bureaus of foreign and domestic commerce. Such branches have up to the present time been established in New York, Chicago, San Francisco, and New Orleans. There have been applications for the establishment of similar branches at Atlanta, Seattle, St. Louis, Pittsburgh, and Boston. The Secretary of Commerce wrote a letter to the Senator from Massachusetts [Mr. WEEKS] indorsing in the strongest terms the establishment of one of these branches at Boston. It will take $10,000 for that purpose, and this amendment is offered at the request of the Senator from Massachusetts with that object in view.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 132, line 25, it is proposed to strike out "$75,000" and insert "$85,000."

The amendment was agreed to.

Mr. O'GORMAN. I now offer the amendment which I sent to the desk some time ago, to come in on page 107.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of line 12, page 107, the following:

For the temporary employment of typewriters, at $2.50 per day, who shall be certified by the Civil Service Commission in such numbers as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing copies of records, $10,000.

Mr. O'GORMAN. Mr. President, the Patent Office furnishes each year typewritten copies of records embodying from 25,000 to 30,000 words. This is a source of revenue to the Government. There is not sufficient clerical help from time to time to keep these orders for records fully discharged, and especially in the summer months, when some of the employees are away on their vacations there is a congestion of these orders. When the orders are not filled, at times the persons interested have the work done through outside agencies.

I am informed—and the information comes from the department head, from Mr. Lane himself—that each of these typewriters, costing the Government $2.50 a day, actually produces a return of $10 a day to the Government in the way of income earned in this manner.

The amendment which I suggest is an amendment proposed by the Interior Department. I understand the chairman of the committee is familiar with the merits of the amendment, and I think it should be adopted. To defeat it would be to deprive the Government of a certain income which it will receive if these typewriters are kept at work during the summer months.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I move that the Senate reconsider the vote by which the amendment at the bottom of page 153 was agreed to.

The SECRETARY. On page 153, line 25, after the word "this," the words "or any other" were inserted as a committee amendment.

The VICE PRESIDENT. The question is on agreeing to the motion to reconsider the vote whereby the committee amendment was adopted.

The motion to reconsider was agreed to.

Mr. BRANDEGEE. Mr. President, I had intended, at the time the committee amendment was agreed to, to make a point of order against those three words, "or any other." The bill as it stands provides in part as follows. I shall read only a very small portion of it:

That no part of any money appropriated by this or any other act shall be used during the fiscal year 1915 for the purchase of any typewriting machine—

And so forth.

It is, of course, within the power of Congress to impose a limitation upon the expenditure of the money carried in this bill without violating the rule of the Senate, but it seems to me that when this paragraph provides that neither the money appropriated in this bill nor in any other act shall be expended for a given purpose it clearly becomes general legislation upon an appropriation bill. Other acts of Congress which have appropriated money, and other acts——

The VICE PRESIDENT. Does the Senator from Connecticut make the point of order?

Mr. BRANDEGEE. I do.

Mr. MARTIN of Virginia. In order to save time and facilitate the disposition of the bill, I consent to the striking out of those words.

The VICE PRESIDENT. The point of order being made, the Chair sustains it.

Mr. WILLIAMS. Mr. President, I send to the desk an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The Senator from Mississippi offers the following amendment:

On page 116, line 4, under the "Division of Assistant Attorney General," strike out "one, $2,000," and insert in lieu thereof, "two at $2,000 each."

The amendment was agreed to.

The SECRETARY. The Senator from Mississippi also moves to change the total in line 7, so as to read "$24,270," instead of "$22,270."

The amendment was agreed to.

Mr. JOHNSON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 64, after line 16, under the head of "Collecting internal revenue," it is proposed to insert the following:

For one stamp deputy at Portland, Me., $600.

Mr. SMOOT. I should like to ask the chairman of the committee whether that has been estimated for?

Mr. MARTIN of Virginia. It has not been estimated for, so far as I can recall. It was rejected by the committee.

Mr. SMOOT. That is as I understood. I should like to ask the Senator from Maine for what reason he offers the amendment, and whether it is really necessary?

Mr. JOHNSON. I will say to the Senator from Utah that I have here a copy of a letter which the collector of internal revenue for that district wrote to the commissioner recommending the increase. It is only $300. The Commissioner of Internal Revenue says, in reply, that the salary is lower than it is in other places, and it ought to be increased, but that because of existing law, the amount having been appropriated in a lump sum, the increase can not be made unless there is some amendment.

Mr. MARTIN of Virginia. Mr. President, I merely desire to correct what I said. I was addressing myself, as I supposed, to an amendment offered by the Senator from Maryland [Mr. LEE]. I do not think this amendment was ever before the committee, but in a conversation with the Senator from Maine it commended itself very strongly to me as a just one.

Mr. JOHNSON. The only increase asked for is from $300 to $600. The collector of internal revenue reported that he could not obtain anybody to perform the work for $300.

Mr. SMOOT. May I ask the Senator to read the letter from the commissioner?

Mr. JOHNSON. I have here a letter from the commissioner, which reads as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, May 19, 1914.

SETH W. JONES, Esq.,
Collector Internal Revenue, Portsmouth, N. H.

SIR: This office is in receipt, by reference from Representative MCGILLICUDDY and Senator JOHNSON, of your letter of the 13th instant concerning the manner in which the business of the stamp deputy at Portland, Me., your district, is conducted and in which you recommend that the compensation of that place be increased from $300 to $600 per annum.

You say that Stamp Deputy Cummings has never done the work of said office, as he could not for the salary, but has farmed it out to a female stenographer, giving her one-half of the salary ($150) for doing the work.

Concerning this matter you will please see that this practice on the part of the stamp deputy at the place mentioned is discontinued at once, and that the person who performs the duties of stamp deputy receives the salary allowed for the place by the Secretary of the Treasury upon the recommendation of this office.

Concerning the compensation of the place referred to, this office is of the opinion that compared with the compensation now being received by other stamp deputies who perform a like service the stamp deputy at Portland should receive a greater compensation, but in view of a provision of the act of March 4, 1913, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, this office is not authorized to recommend an increase in the compensation of such place. The provision referred to is, in part, as follows:

"SEC. 7. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the personal services at a rate of compensation in excess of that paid for the same or similar services during the previous fiscal year * * *."

In all probability the compensation of the stamp deputy at Portland was fixed at a time when deputy collectors were embraced in the competitive classified civil service and the deputy who accepted the place was appointed without regard to civil-service law and rules, and under a rule of the civil-service commissioner could not receive compensation in excess of $300 per annum.

Your letter of the 16th instant on the same subject reached this office yesterday and is fully replied to herein.

Respectfully,

W. H. OSBORN, *Commissioner.*

In accordance with that letter and the statement of the collector of internal revenue, I saw the chairman of the committee after the bill was reported, and was advised that the only way the amendment could be offered at this time was to ask for an increase from $300 to $600.

Mr. SMOOT. I will ask to have the amendment stated again.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 64, after line 16, the Senator from Maine proposes to insert:

For one stamp deputy at Portland, Me., $600.

Mr. JOHNSON. If that is adopted, then I shall ask that the lump sum be decreased by $300.

Mr. SMOOT. As I understand, the stamp deputy to-day is paid out of the lump-sum appropriation the amount of $300 per annum?

Mr. JOHNSON. Yes.

Mr. SMOOT. Now, the Senator wants to provide in the bill a specific appropriation of $600 for that particular office?

Mr. JOHNSON. Yes.

Mr. SMOOT. And he will then ask that the lump-sum appropriation be decreased by $300?

Mr. JOHNSON. Three hundred dollars.

Mr. SMOOT. The only real objection to that, in my mind, is that there is no deputy stamp collector specifically provided for

in any other State in the Union. This is naming that particular office in that particular State. I think it ought to be done, if it is to be done at all, in conformity with the appropriations that go to all of the other States.

Mr. OVERMAN. Mr. President, the Senator will appreciate the fact that some time ago we adopted an amendment here forbidding any officer to raise a salary from a lump sum. All the other stamp deputies in the United States have salaries of $500, $600, and on up. This seems to be the smallest there is. The commissioner says he can not raise this salary out of the lump sum because of the amendment I introduced, as the Senator will remember, two years ago; so the only way to get it done is to do it specifically.

Generally the stamp deputies get all they are entitled to, but this man can not get anybody to employ for $300. Nobody will take the office. If you want a stamp deputy at this point, therefore, you will have to give as much as $600, and the only way to do it is to name it specifically in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON. I now move, on page 64, line 6, to strike out "$2,190,000" and insert in lieu thereof "$2,189,700."

The amendment was agreed to.

Mr. VARDAMAN. Mr. President, I move to reconsider the vote by which the amendment on page 15, lines 11 to 16, was adopted.

The SECRETARY. The Senator from Mississippi moves to reconsider the amendment agreed to on page 15, lines 11 to 16, relative to the purchase of automobiles for the Vice President and the Speaker of the House of Representatives.

Mr. MARTIN of Virginia. I move to lay the motion to reconsider on the table.

The motion was agreed to.

Mr. LEE of Maryland. Mr. President, I propose an amendment, as follows: On page 49, line 9, after the words "expert accountant, $3,000," I move to insert the words "chief of division of postmasters' accounts, $2,750"; in the same line, to strike out the word "four" and insert the word "three"; and at the end of the paragraph, in line 18, to strike out "$433,340" and insert "$433,840".

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 49, under the heading "Office of Auditor for Post Office Department," in line 9, after the words "expert accountant, $3,000" and after the semicolon, it is proposed to insert: "chief of division of postmasters' accounts, $2,750"; and on page 49, line 9, to strike out "four," where it reads "four chiefs of division," and insert "three"; and to change the total in line 18 to read "$433,840."

Mr. LEE of Maryland. Mr. President, the object of these amendments is to increase the compensation of the chief of the division of postmasters' accounts by the sum of $500. This was in the estimates of the department.

There are four divisions under the Auditor for the Post Office Department, and this is by far the leading division. In fact, it has very little less than three times the average number of employees of the other divisions. The position to which the amendment refers is a very important position. The Post Office Department estimated that the compensation should be increased, and reduced its estimates elsewhere in order to get increased compensation for this very important official, whose present compensation is very little more than many of the clerks under him are now receiving.

The following statement will give the Senate some conception of the situation:

> The Division of Postmasters' Accounts has assigned to it the most important work in the bureau, namely, the audit of the postal and money-order accounts of 58,000 postmasters, in which practically the entire revenue of the Postal Service is involved, as well as all expenditures under appropriations for that service which postmasters are authorized to disburse; the payment and collection of balances and the settlement of accounts of postal and money-order depositories, including the accounts of the Treasurer of the United States and the Superintendent Division of Finance, Post Office Department. It also conducts the correspondence pertaining to those settlements, and keeps a record of all data necessary for the auditing function.
>
> The division consists of 140 employees, with salaries ranging from $1,200 to $2,000 per annum. The character of the work requires the highest clerical ability, as the standing of the bureau as an auditing office is largely determined by the work done on the Division of Postmaster's Accounts.
>
> In view of the importance of the work of this division, the ability required to properly conduct the business, and the small difference between the maximum salary of the clerks and the compensation of the head of the division, the recommended increase will provide a salary more commensurate with the existing duties and responsibilities of the position.

In conclusion I should like to say that it is exceedingly poor policy not to give the men who are doing important supervisory work proper compensation in the Government service.

Mr. MARTIN of Virginia. Mr. President, this amendment was before the committee. We gave it as careful consideration as we could, and concluded we could not increase this salary. It is simply an increase of salary. On the same line of argument as that used by the Senator from Maryland, you might increase every salary in this list.

It is absolutely necessary to exercise some restraint on our disposition to be overgenerous to the clerks in the employ of the Government. Many of them perhaps are underpaid; but in this case $2,250 is what this clerk has been receiving, and it seems to me it is an adequate compensation.

I hope the Senate will not start here the system of just letting Senators get up and, to satisfy their own feelings for some employee of the Government, start to increase the salaries in this bill. If so, there is no end to it.

Unless some Senator wants to speak further on it, I move to lay the amendment on the table.

Mr. SMOOT. Just a minute, Mr. President.

Mr. MARTIN of Virginia. I withdraw the motion.

Mr. SMOOT. I wish to call the attention of the Senate to the fact that the chief of division in the office of the Auditor for the War Department receives only $2,000, and the chief of division in the office of the Auditor for the Navy Department receives only $2,000. It is true that in the case of the chiefs of division of the auditors for the other departments, where they are designated as "chief clerk and chief of division," they receive $2,250, and all four of the chiefs of division in the office of the Auditor for the Post Office Department receive $2,250, the highest salary that is paid any chief of division.

I want to say to the Senator offering the amendment that there appeared before the committee parties interested in the increase of the salary of the chief of division from $2,000 to $2,250, and they gave as a reason for the increase that we are paying chiefs of divisions of the Post Office Department that amount, and if this is carried to-day, on the next appropriation bill every one of them will be asking for an increased salary to the same amount.

Mr. LEE of Maryland. Mr. President, I wish to suggest, before the Senator makes his motion to lay on the table, that this is an estimate of the Post Office Department. The proposition was never heard of by me until a few minutes ago. The proposition involves the bringing of the total for this item up to the exact amount the total of this item was last year. The total for this item last year was $433,840, and the estimates for this year were reduced by the Post Office Department in order to provide for this increase, not by any emotional sympathy of the Senator from Maryland but by the cold calculation of the department in the exercise of its judgment that this change should be made.

Mr. SHAFROTH. Mr. President, I wish to say, in answer to the Senator, that the same line of reasoning would control every time the committee refuses to make appropriations over what they were last year. By the same kind of a rule we would increase the amount so as to make it equal. These people have been getting $2,250 a year, and they have received their appointments by reason of that rate. If there is going to be a change in the entire system of the payment of clerks, it might be well to consider the question with relation to this matter; but when the Senator says he never heard of it until a few minutes ago, to come in and move to raise the salary $500 in the case of four persons, it seems to me is something it would not be wise for the Senate to adopt.

Mr. LEE of Maryland. The Senator misapprehends what I said. I wish it to apply to only one person. It involves the raising of one salary $500, and is the estimate of the Post Office Department for one of the most important positions of that department.

Mr. THOMAS. Before the Senator from Maryland takes his seat I should like to ask him a question. Do I understand that he offered this amendment without a knowledge of the facts concerning it until a few minutes ago? And I should like to ask him whether that information was furnished by the parties interested.

Mr. LEE of Maryland. No; the information came from the department estimates and from the official over the party interested, and one who was perfectly disinterested in his statement on the subject, so far as I can judge.

Mr. MARTIN of Virginia. I move to lay the amendment on the table.

The motion was agreed to.

Mr. JONES. I desire to offer an amendment, to come in on page 35.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, line 18, strike out "$4,500," the first numeral in the line, and insert "$5,500," and strike out

"$4,000," where it appears in the line, and insert "$5,000," so that if amended it will read:

CIVIL SERVICE COMMISSION.

For commissioner, acting as president of the commission, $5,500; two commissioners, at $5,000 each.

Mr. JONES. Mr. President, I shall take but a few moments of the time of the Senate. I offered an amendment in the committee providing for a greater increase than this amendment proposes, but it was voted down very strongly. Probably this amendment will be voted down also, but I want to call the attention of the Senate to the increase in the work of the commission.

I consider it to be one of the most important organizations in the executive department of the Government. I believe myself in the civil-service system. I believe in everything that has been said about it here this afternoon. I am not in favor generally of increasing the salaries of the various officers. The members of the committee will bear me out in the statement that I have endeavored in the committee to keep down the appropriations as much as possible. But it does seem to me that there is a very great inequality in the salaries of the Civil Service Commissioners, especially when compared with many other officers of the Government occupying positions that I think are not nearly so important nor so responsible as are the positions which the members of this commission fill. If you will go through this bill, you will find position after position where, in my judgment and in the judgment of others—although Senators may differ, of course—the positions are not so important as the positions held by these commissioners, and yet a higher salary is given. I do not think they have such great responsibilities and duties devolving upon them.

The salaries of the members of this commission were fixed a great many years ago. I do not think they have been increased since the commission was organized. When the commission was organized there were in the classified service to be considered by it only 13,789 positions. That was in 1883. This number had increased in March, 1895, to 15,573 positions; June 30, 1897, to 87,104 positions; June 30, 1901, to 108,967 positions; June 30, 1905, to 171,807 positions; June 30, 1909, to 234,940 positions; and June 30, 1913, to 232,597 positions, showing the wonderful growth of the business of the Civil Service Commission.

Not long ago we placed under the commission the supervision practically of all the employees to be selected for the physical valuation of the railroads. They have to look after that. Then we placed the second assistant postmasters under the commission, and a great many other positions which warrant the statement made here as to the tremendous growth of the offices that are brought under the classified service. If we are going to have a Civil Service Commission—as we are going to have it, for the people of the country are behind it, and it is not going to be done away with—it should be just as efficiently administered as possible, for the commissioners who have charge of it have tremendous responsibilities.

I am not going to take further time, because I know the chairman of the committee is anxious to get through with the bill; but I really believe we should make the increase I propose here, of only $1,000, in the salary of these commissioners, which I understand is the salary which they were given when the commission was organized, in 1883. What I propose to give them is not as much as they really deserve, but we certainly ought to give them this additional amount.

Mr. SMOOT. I know the Senator does not want to make an error, but the salary of the commissioner, acting as president, has been increased.

Mr. JONES. It was increased $500.

Mr. SMOOT. Yes. It was originally $4,000, and it has been increased to $4,500.

Mr. JONES. I am glad the Senator called that to my attention, because, of course, I did not intend to misstate it.

Mr. KERN. Let me ask the Senator if the commissioners are demanding an increase of salary?

Mr. JONES. I do not think they are. Their position is very different from that of other bureau chiefs. They have nobody really to speak for them. They are not demanding it, I understand. I suppose they would have considerable delicacy about coming to the Senate. An increase of their salaries has been estimated for, I know. An estimate, I think, of $6,500 was made.

Mr. KERN. Has the Senator heard of any of them threatening to resign?

Mr. JONES. No; I think not. If that is to be used as an argument, then, of course, we would not increase any salaries, because there are very few of these people who are threatening to resign. I know there have been one or two increases in this bill where the head of the department came and said unless there was an increase made the party would resign. Yet there is not any doubt it would be very easy to get somebody who would competently fill the place. At least we would wonder what would become of the Government if a man happened to be stricken with palsy or heart failure or something of that kind when holding the position. It does not seem that the question suggested by the Senator from Indiana is a good argument to apply to a position of this kind. It is a question whether these men are being justly paid for their services. It certainly does require those among the most competent men of the land to fill the place.

We should remember, when we are considering the question whether these men are being justly paid for their services, that it certainly does require most competent men to fill this place. I know one member of the commission and I know he is most competent to fill any position under the Government, as far as that is concerned. Of course, he is not threatening to resign. He does not have to hold the place. He is filling it, however, and giving the best of his time and the best of his talent to its duties. I have not any doubt that other members of the commission are equally competent.

Mr. KERN. I should like to know the name of the member of the commission to whom the Senator has referred.

Mr. JONES. Mr. Craven, a gentleman I have known for a great many years.

Mr. KENYON. I should like to inquire of the Senator if the commissioners need automobiles in their work, and if the Senator has that in mind in offering the amendment?

Mr. JONES. No; I think not.

We pay the Director of the Mint a salary of $5,000 a year. I do not imagine that it takes a man any more competent to handle the position of Director of the Mint than one to look after the qualifications of the various officers throughout the country. Yet we pay him $5,000 a year and I hear no objection to that.

We have an assistant treasurer in several different cities around through the country the duties of whose office may be filled by any ordinary business man—that of receiving and disbursing money. As a matter of fact, the work is done very largely by subordinates. Yet what do they get? In Chicago the assistant treasurer gets $5,000 a year; in the city of Boston he gets $5,000 a year; and in the city of New York he gets $8,000 a year. Why the assistant treasurer should get more in New York than in Chicago I do not know. I do not imagine that he works any more hours a day in the city of New York than does the assistant treasurer in Chicago. I do not imagine that he works any harder during the hours he does work in New York than does the assistant treasurer in Chicago. Yet he gets a salary of $3,000 a year more than the assistant treasurers in the other cities receive.

Then we have the Commissioner of the Land Office, who receives $5,000 a year. That is a very responsible position, of course, yet it is not any more responsible than a position of this character. The work is done very largely by subordinates. Of course, I know all his time is taken up; there is no question about that; there is no question that he earns his salary; and I am not objecting to that amount. I think he is entitled to it, and he is probably entitled to more, but I am simply using it in a comparison between the salary paid this official and that paid the Civil Service Commissioners.

Then, the Chief of the Bureau of Education gets $5,000. The Commissioner of the Bureau of Corporations gets $5,000. The Commissioner of Lighthouses gets $5,000; the Chief of the Bureau of Foreign and Domestic Commerce gets $6,000. I do not claim that these salaries are too much, but I submit that none of these gentlemen have any more responsible positions or have any more work to do or fill a place that needs any higher qualification. I doubt if a great many of them need as high qualifications as the members of the Civil Service Commission. Yet the Civil Service Commissioners get only $4,000 a year, and my amendment simply proposes to increase the salary of each one of them $1,000, increasing the salary of the president of the commission from $4,500 to $5,500.

Mr. MARTIN of Virginia. Mr. President, this amendment was considered by the committee and the Senator from Washington gave the committee the benefit of his views. The committee was unwilling to grant this increase. Unless we are going into a general increase of the salaries it ought not, in my judgment, to be allowed. If we are going to revise all the entire salary list and revise it up, then this amendment ought to be adopted; but we could not see our way clear to grant the increase unless we were going into a revision of that sort and increase salaries generally. While there are others receiving more, there are others receiving less. I hope the Senate will adhere

to the report of the committee, which gave conscientious consideration to this proposition.

Mr. BURTON. Quite a number of salaries have been increased under this bill, have they not?

Mr. MARTIN of Virginia. Undoubtedly they have. It was almost impossible to resist the importunities of Senators who came before the committee about some particular man. We fought against it as far as we could conscientiously, but we have been unable to resist in some cases because it seemed to be necessary and just; but we did not feel that in this case it was necessary or just when considered in relation with the salaries paid other people in the employment of the Government. Of course we have increased some salaries.

Mr. BURTON. I notice there has been a considerable increase in the salaries of the Assistant Attorneys General.

Mr. MARTIN of Virginia. That is true.

Mr. BURTON. From $5,000 to $7,500.

Mr. MARTIN of Virginia. But that is the most important and the most responsible work that is now confronting the Government.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. JONES].

The amendment was rejected.

Mr. LEE of Maryland. Mr. President, on page 105 I move to strike out lines 11 to 19, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 105 it is proposed to strike out the paragraph, beginning on line 11, which reads as follows:

During the fiscal year 1915 not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions herein above provided for shall be filled except by promotion or demotion from among those in the classified service in said bureau. And the salaries or compensation of all places which may not be filled as herein above provided for shall not be available for expenditure, but shall lapse and shall be covered into the Treasury.

Mr. LEE of Maryland. Mr. President, there has been a good deal of fine feeling expressed in this body lately in behalf of the old soldiers of the country and there is no one who has more good feeling for them than myself. The real fact of the matter is, I realize, and all ought to realize, that every man who offers his service as a private volunteer soldier to the United States not only faces the legitimate ability of the enemy that he may go up against, but he goes forth to war under a system where there is no adequate provision for properly educating volunteer officers to lead troops. There ought to have been in this country, and there ought to be now, two more West Points. There ought to be another West Point in the Mississippi Valley and another West Point on the Pacific coast. But, as it is, the American soldier goes forth under the rawest imaginable kind of volunteer leadership. It costs many lives to educate such officers.

We have here a provision affecting the old soldier, and this being a practical question, I am interested to see how the Senate is going to act about it. Here is a bureau largely manned by a lot of old soldiers. If they become inefficient from old age, and additional help is needed, you have to discharge four of them to get one new man under this provision. You must discharge four old soldiers to get one young official under this provision of the bill, assuming that that department is largely manned by old soldiers.

Not only is this department itself in large part filled by old soldiers, but it is a department upon which the prompt, efficient payment of pensions depends.

In this connection I want to read to the Senate from page 432 of the hearings on this bill in the House, the statement of Mr. Saltzgaber, Commissioner of Pensions:

I want to ask you first of all—

Mr. JOHNSON inquired—

to say whether your office force is fairly efficient?

Mr. SALTZGABER. A large part of it is and a large part of it is inefficient.

Mr. JOHNSON. What is the inefficiency due to?

Mr. SALTZGABER. It is due to old age.

I want to call the attention of Members of the Senate, those gentlemen who are so sympathetic for the old and decrepit soldier who loses his place, to this:

Mr. JOHNSON. What is the inefficiency due to?

Mr. SALTZGABER. It is due to old age. That is the principal disqualification.

Mr. JOHNSON. Have you very many old people in that bureau?

Mr. SALTZGABER. We have quite a good many. I think we have been the dumping ground for other institutions and departments of the Government in that respect. I am afraid so. We have some people who have been there more than 40 years.

Mr. JOHNSON. I see you are asking for 100 people less next year than you have now; why are you able to get along with a less force?

Mr. SALTZGABER. We think the work of the bureau will decrease.

It is proper to say at this period that some subsequent letters from the same head, Mr. Saltzgaber, and from Mr. Lane, the Secretary of the Interior, reverse this last suggestion. They do not think that they will need less, but quite the contrary under certain conditions.

Mr. JOHNSON. Do you propose that vacancies shall not be filled, as has been the rule in that bureau for a number of years, except to a limited extent?

Mr. MARTIN of Virginia. Mr. President, if it is entirely agreeable to the Senator from Maryland, it is demonstrated that we can not finish the bill to-night. There are confronting us quite a large number of matters which will take a long time, and it is perfectly manifest we can not finish the bill to-night. If agreeable to the Senator from Maryland that the bill shall go over until Monday, I will ask that it be temporarily laid aside.

Mr. LA FOLLETTE. Will the Senator permit me to offer an amendment, that I may have it printed?

Mr. MARTIN of Virginia. I will be glad to yield for that purpose. I yield to the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. The Senator yields to me for that purpose, and I offer the amendment which I send to the desk.

Mr. LEE of Maryland. Mr. President, I am not willing to yield the floor at this time.

Mr. LA FOLLETTE. I beg pardon of the Senator from Maryland. I did not mean to intrude myself into the discussion.

Mr. LEE of Maryland. The chairman of the committee has asked me to yield. I will ask him when the bill will be brought up on Monday.

Mr. MARTIN of Virginia. Immediately after the routine business.

Mr. LEE of Maryland. In view of the fact that I can not be here between 11 and 12 o'clock on Monday, I think it will be advisable to dispose of this amendment now.

Mr. MARTIN of Virginia. That is impossible. The amendment is going to be debated. If Senators were not going to debate it, and if it were to be voted on at once, it would be all right, but it is impossible to dispose of it this evening.

Mr. LEE of Maryland. The Senator can at least let me present my views, and then the Senate can do what it pleases with the amendment, whether I am here or not.

Mr. MARTIN of Virginia. How long will it take the Senator to present his views?

Mr. LEE of Maryland. Not very long.

Mr. MARTIN of Virginia. That is a very vague statement.

Mr. LEE of Maryland. I have two letters here to read—one from Mr. Saltzgaber and one from Secretary Lane.

Mr. MARTIN of Virginia. The Senator yielded the floor.

Mr. LEE of Maryland. I have not yielded the floor, except in response to the Senator's inquiry. I think I have the floor, and I do not see how the Senator can offer a motion to adjourn——

Mr. MARTIN of Virginia. I am not disposed to be technical with the Senator, but he did yield the floor. I asked him to do so, and he said he would.

Mr. LEE of Maryland. I did not respond.

Mr. MARTIN of Virginia. Then I certainly misunderstood the Senator.

Mr. LEE of Maryland. The Senator certainly did misunderstand me.

Mr. MARTIN of Virginia. I got the recognition of the Chair. However, if the Senator merely wants to present his views briefly, very well.

Mr. LEE of Maryland. A Senator always gets recognition of the Chair before he asks another Senator to yield to him in order that he may make an inquiry. He can not make an inquiry in any other way.

Mr. SHAFROTH. Mr. President, I do not think the Senator from Maryland will take over 10 minutes.

Mr. LEE of Maryland. I do not think I will take over 10 minutes, and I can not be here, as I have said, early on Monday.

Mr. MARTIN of Virginia. I am perfectly willing that the Senator shall go on, then. I did not know how long the Senator desired to speak.

Mr. LEE of Maryland. I did not know.

Mr. MARTIN of Virginia. Now, the Senator says 10 minutes, and I will not make any further controversy about it.

Mr. LEE of Maryland. Mr. President, when interrupted I think I was reading from page 433 of the House hearings. Mr. Saltzgaber went on to say:

I desire to submit to the committee a suggestion—

There were so many old people in his bureau that, out of mercy to these old employees, this kindly man desired to suggest some way of giving them occupation and support, and he really asked the committee to provide a number of small places where they might be employed in the reduced condition of their extreme old age. His suggestion was this:

It is going to be pretty hard to turn off 100 and upward of our people, and it has been suggested to me that there be added to the estimates 50 positions at $900 each, $900 being the lowest salary upon which it is supposed that one would be able to subsist in Washington. That is proposed in order that we may be able to take care of many who are old and who have rendered faithful service, instead of turning them absolutely out. Now, I offer that suggestion to the committee for your consideration. I really am in favor of it myself.

Representative JOHNSON asked this question:

Mr. JOHNSON. Does not practically every low-priced clerk in your office draw a pension? Are not practically all of your low-priced clerks on the pension rolls?

Mr. SALTZGABER. No, sir. I can not say what the proportion of soldiers is, but I could tell exactly if I had anticipated the inquiry.

Now, Mr. President, after saying to the committee that he had expected a decrease in the number of his employees, Mr. Saltzgaber subsequently, on April 9, wrote to Hon. JOSEPH T. JOHNSON, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 9, 1914.

Hon. JOSEPH T. JOHNSON,
House of Representatives.

MY DEAR MR. JOHNSON: Referring to my conversation with you relative to the item in the legislative bill which provides that not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions provided for shall be filled except by promotion or demotion from among those in the classified service, I have the honor to advise you that the records show that this proviso restricting the appointments in the language contained in the bill has not heretofore appeared in any appropriation bill, with the exception of the appropriation bill for the present fiscal year.

It is understood that the proviso and restriction referred to, which appears in the legislative appropriation bill for the current fiscal year, was inserted on the recommendation of a former Acting Secretary of the Interior, to meet conditions and a policy which appeared to exist at that time, but which, in my judgment, would not apply to existing conditions at this time, or be in support and furtherance of the present policy of this bureau.

In this connection it is proper to state that from 1906 to 1910, inclusive, it was provided each year during that period in the legislative appropriation bill that no vacancy then existing in the clerical force of this bureau, or which might occur after March 1 and prior to July 1 of the years mentioned, should be filled by original appointment or transfer.

This provision was probably inserted to meet requirements existing during that period, but which appeared no longer necessary after 1910, as it was omitted from the appropriation bill after that year. Such a limitation certainly is not needed nor desired at the present time.

It is therefore earnestly requested that the proviso and restriction referred to herein be omitted from the appropriation bill for the next fiscal year.

Very truly, yours,

G. M. SALTZGABER, *Commissioner.*

This letter was followed by a letter from the Secretary of the Interior, Mr. Lane, to Hon. THOMAS S. MARTIN, chairman of the Committee on Appropriations, United States Senate, dated April 23, 1914. On the second page, after referring to other items, he says, after quoting the portion which I have moved to strike out:

I recommend that this be stricken from the bill, in order that the commissioner may be at liberty to fill such vacancies as may occur during the fiscal year, as the necessity may arise by reason of increase of work due to new legislation now pending, or likely to be enacted at this session by reason of changed conditions.

I need hardly say that such vacancies will not be filled, even though it be permitted, unless the necessity for such appointment shall arise.

In order that the reasons which prompt the above recommendations may be fully made known to the committee, I have the honor to request that the Commissioner of Pensions, Mr. Saltzgaber, and the chief clerk of the Department of the Interior, Mr. Parker, be given an opportunity to appear before the Committee on Appropriations and to be heard fully in the matter.

Thus, the Secretary of the Interior calls the attention of the Senate, Mr. President, especially to the fact that increased work is constantly being put upon the Pension Bureau by the legislation of Congress. It is certainly proper that this work should be efficiently carried out in that bureau. In addition to that, we have here from the Secretary himself, a respectable portion of a respectable administration, the assurance which should especially commend itself to this side of the Chamber that—

I need hardly say that such vacancies will not be filled, even though it be permitted, unless the necessity for such appointments shall arise.

Mr. President, I hardly think it is necessary for me to call any further attention to this subject, though there is another letter from Mr. Saltzgaber, the commissioner, which, if there is no objection, I ask leave to have printed in the RECORD. It shows the large number of old employees in the bureau.

The PRESIDENT pro tempore. Unless there is objection, the Senator will be permitted to print the matter referred to in the RECORD. The Chair hears no objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, May 26, 1914.

Hon. THOMAS B. MARTIN,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR SENATOR: I desire to call to your personal attention, and through you to the attention of other members of your committee, the proviso on page 105, lines 11 to 19, inclusive, in the legislative, executive, and judicial appropriation bill now pending, as follows:

"During the fiscal year 1915 not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions herein above provided for shall be filled except by promotion or demotion from among those in the classified service in said bureau. And the salaries or compensation of all places which may not be filled as herein above provided for shall not be available for expenditure, but shall lapse and shall be covered into the Treasury."

Under date of April 9, 1914, in a letter addressed to Mr. JOHNSON, chairman of the House Committee on Appropriations (copy of which is inclosed), my reasons for desiring the elimination in its entirety of this contemplated legislation are set forth.

Allow me to call special attention to the fact that from 1906 to 1910, inclusive, it was provided that no vacancy then existing in the clerical force of the Pension Bureau, or which might occur after March 1, and prior to July 1 of the years mentioned, should be filled by appointment or transfer. This covered a period of four months, during which time such salaries lapsed and the money was turned into the Treasury; whereas the clause in the present bill affecting original appointments and transfers covers the whole fiscal year, and if enacted into law will greatly handicap the Commissioner of Pensions in the work of the bureau. I believe that no good grounds now exist for the raising of this impediment to appointments or transfers to the Pension Bureau through the Civil Service Commission.

Out of a clerical force of 1,259 in the bureau, who are engaged in the adjudication and payment of pension claims, 26 are detailed to other departments and 394 have reached an age beyond 65 years, as follows: One is 90; 20 are between 80 and 85; 60 between 75 and 80; 145 between 70 and 75; and 168 are between 65 and 70; and when the force is decreased by 145, according to the present bill, the working force of the clerks below the age of 65 years will be reduced to 694.

It is therefore urged that the commissioner's hands may be free to fill these vacancies as they occur from natural causes, without restriction, to enable him to secure competent help when it is required, thus raising the standard of efficiency of the clerical force of the bureau, which, by reason of the mental and physical infirmities of the aged clerks, has fallen way below normal. It is not his intention or desire to fill any such vacancies unless the exigencies of the service actually require it. It is shown by his estimates and by the recommendations in the bill that the commissioner is very materially decreasing the force of the bureau, when and where it can be done judiciously, without impairment to the proper care and adjudication of pension claims, and this policy will be pursued hereafter with a view to improvement of the service and with a high regard for the rights of the pensioner as well as for the interest of the Government.

Present conditions in Mexico, which will certainly result in the presentation of many new claims, together with contemplated legislation relative to widows' claims, will very probably necessitate an increase of force unless the restrictive clause indicated be eliminated.

Your attention is particularly invited to the letter of the honorable Secretary of the Interior, addressed to you under date of April 23, 1914, bearing upon this subject.

All of which is respectfully submitted.

Very cordially, yours,

G. M. SALTZGABER, *Commissioner.*

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. LA FOLLETTE. I ask the Senator to withhold the motion for a moment to allow me to offer an amendment.

Mr. STONE. I withhold the motion.

Mr. LA FOLLETTE. I simply wish to submit an amendment to the pending bill, which I sent to the desk a moment ago, and ask to have it printed in the RECORD.

The PRESIDENT pro tempore. Unless there is objection, that action will be taken.

The amendment is as follows:

On page 30, after line 18, insert the following:

Legislative reference: To enable the Librarian of Congress to employ competent persons to prepare such indexes, digests, and compilations of law as may be required for Congress and other official use, pursuant to the act approved June 30, 1906, $25,000.

INTERNATIONAL HARVESTER CO. (S. DOC. NO. 498).

Mr. REED. Mr. President, I ask unanimous consent to have printed in the RECORD the opinion handed down by the Supreme Court of the United States in the case of the International Harvester Co. of America, plaintiff in error, against the State of Missouri, on information of its attorney general, decided on June 8, 1914, together with certain sections of the statutes of the State of Missouri referred to in the opinion.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the opinion of the Supreme Court of the United States in the case of the International Harvester Co. may be printed in the RECORD, including certain sections of the Missouri statutes referred to in the opinion. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED. I desire to say that my reason for submitting this opinion is especially on account of the fact that one of the defenses which was offered by the International Harvester Co. in this proceeding, which was brought to oust it from the State of Missouri as a pool, trust, or combination existing in violation

of the statutes of Missouri, was that the act was unconstitutional because it did not apply to combinations for the purpose of fixing the price of labor or services, and did not embrace within its purview organizations of that kind. Therefore it was claimed that the act was discriminatory. The defense was made in the following language, as quoted by the Supreme Court:

Because said statute arbitrarily discriminates between persons making or selling products and commodities and persons selling labor and service of all kinds, in that each section of said statute applies only to articles of merchandise, and not to labor or services and the like, the prices of which are equally and similarly determined by competition.

This opinion squarely decides that that defense is not a good defense, and that legislative bodies have the power to make that discrimination if they see fit. The decision is of importance at this time because it will throw light upon certain sections of the trust bill which has been recently sent to the Senate from the House.

The PRESIDENT pro tempore. Will the Senator amplify his request so as to have the opinion submitted by him printed as a Senate document, in order that it may be more accessible to Members of the Senate?

Mr. REED. I shall be glad to adopt the suggestion of the Chair.

The PRESIDENT pro tempore. Unless there is objection, that feature will be added to the request of the Senator from Missouri. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

INTERNATIONAL HARVESTER CO.

Supreme Court of the United States. No. 166—October term, 1913.

International Harvester Co. of America, plaintiff in error, *v.* The State of Missouri, on the information of its attorney general. In error to the Supreme Court of the State of Missouri. June 8, 1914.

Mr. Justice McKenna delivered the opinion of the court.

Information in the nature of quo warranto brought in the Supreme Court of the State to exclude plaintiff in error from the corporate rights, privileges, and franchises exercised or enjoyed by it under the laws of the State, that they be forfeited, and all or such portion of its property as the court may deem proper be confiscated or in lieu thereof a fine be imposed upon it in "punishment of the perversion, usurpation, abuse, and misuse of franchises."

The ground of the action is the alleged violation of the statutes of the State passed respectively in 1899 and 1909 and entitled "Pools, trusts, and conspiracies," and "Pools, trusts, and conspiracies and discriminations."

The facts alleged in the information are these: Plaintiff in error is a Wisconsin corporation engaged in the manufacture and sale of agricultural implements, binders, mowers, etc., and was licensed on the 5th of April, 1892, to do business in Missouri under the name of the Milwaukee Harvester Co., and on September 18, 1902, became licensed to do and engaged in such business in the State. In that year the International Harvester Co. of New Jersey was organized with a capital stock of $120,000,000 for the purpose of effecting a combination of plaintiff in error and certain other companies to restrain competition in the manufacture and sale of such agricultural implements in Missouri, and the New Jersey company has maintained plaintiff in error as its sole selling agent in Missouri. Before the combination the companies combined were competitors of one another and of other corporations, individuals and partnerships engaged in the same business in the State and that thereby the people of the State, and particularly the retail dealers and farmers of the State, received the benefit of competition in the purchase and sale of farm implements. The combination was designed and made with a view to lessen, and it tended to lessen, free competition in such implements, and thereby the said corporations entered into and became members of a pool, trust, combination, and agreement. In furtherance thereof and for the purpose of giving the International Harvester Co. of New Jersey a monopoly of the business of manufacturing and selling agricultural implements in the State, and for the purpose of preventing competition in the sale thereof, plaintiff in error has compelled the retail dealers in each county of the State who desire to handle and sell or act as agent for it to refrain from selling implements manufactured or sold by competing companies or persons. By reason thereof competition in such implements has been restrained, prices controlled, the quantity of such implements has been fixed and limited, and plaintiff in error has been able to secure, and for several years enjoy, from 85 to 90 per cent of the business, all to the great damage and loss of the people of the State, and by reason of its participation in the pool, trust, and combination and by reason of the acts and things done by it plaintiff in error has been guilty of an illegal, willful, and malicious perversion and abuse of its franchises, privileges, and licenses granted to it by the State.

The answer of plaintiff in error denied that it had become a party to any combination or that in its transactions there was any purpose to restrain or lessen competition, or that trade had been or was restrained.

The case was referred to a special commissioner to take the evidence and report his conclusions. He found, as alleged in the information, that the International Harvester Co. of New Jersey was a combination of the properties and businesses of formerly competing harvester companies, and plaintiff in error being one of such companies and, thereafter by selling the New Jersey company's products in Missouri, had violated the Missouri statutes against pools, trusts, and conspiracies.

In exceptions to the report of the special commissioner plaintiff in error urged that the statute of Missouri violated the equality clause and due process clause of the fourteenth amendment to the Constitution of the United States, "(1) because said statute arbitrarily discriminates between persons making or selling products and commodities and persons selling labor and service of all kinds: In that each section of said statute applies only to articles of merchandise and not to labor or services and the like, the prices of which are equally and similarly determined by competition, and may be equally and similarly the subject of combination and conspiracy to the detriment of the public. (2) Because said statute arbitrarily discriminates between the makers and sellers of products and commodities and the purchasers thereof. It prohibits manufacturers and sellers from making contracts or arrangements intended or tending to increase the market price of the articles they make or sell, but does not prohibit purchasers from combining to fix or reduce the market price of the commodities or articles to be purchased by them. (3) Because said statute, as construed by the commissioner, unreasonably and arbitrarily interferes with plaintiff in error's right to make proper and reasonable business contracts, and deprives it of property rights in respect thereto."

These exceptions were urged and argued in the Supreme Court upon the filing of the commissioner's report. Judgment was entered upon the report, in which it was adjudged that by reason of the violation of the statutes of the State, as charged in the information, plaintiff in error had forfeited the license theretofore granted to it to do business in the State, and it was adjudged that the license be forfeited and canceled and the company ousted from its rights and franchises granted by the State to do business in the State, and a fine of $50,000 was imposed upon it. It was, however, provided that upon payment of the fine on or before the 1st of January, 1912, and immediately ceasing all connection with the International Harvester Co. of New Jersey and the corporations and copartnerships with which it had combined, and not continuing and maintaining the unlawful agreement and combination with them to lessen and destroy competition in the sale of the enumerated farm implements and giving satisfactory evidence thereof to the court, the judgment of ouster should be suspended. The company was given until March 1, 1912, "to file its proof of willingness" to comply with the judgment. It was also adjudged that upon a subsequent violation of the statute "the suspension of the writ of ouster shall be removed" by the court "and absolute ouster be enforced," and to that end the court retained "its full and complete jurisdiction over the cause." (237 Mo., 369.)

A motion is made to dismiss on the ground that plaintiff in error in its answer simply denied that it had violated the antitrust laws of the State, and, it is contended, that by not alleging in its answer that those laws violated the Constitution of the United States it waived such defense. It is further contended that because the Federal right was not asserted in the answer the Supreme Court of the State could not have considered and did not consider or decide it. Decisions of the Supreme Court of Missouri are cited to sustain the contentions. The decisions declare the proposition that constitutional questions must be raised at the first opportunity or, as it is expressed in one of the cases (Brown *v.* Railway Co., 175 Mo., 1), "the protection of the Constitution must be timely and properly invoked in the trial court."

In Milling Co. *v.* Black (242 Mo., 31) it is said: The ruling of this court is that so grave a question [constitutional question] must be lodged at the first opportunity or it will be deemed to have been waived. If it can be properly and naturally raised in the pleadings, and thereby be a question lodged in the record proper, such is the time and place to raise it," and that it is too late to raise the question after judgment in a motion for new trial. In Hertzler *v.* Railway Co. (218 Mo., 1) it was held: "A motion for a new trial was not the first door for the question to enter, and in our later decisions we have ruled that a question of such gravity must be raised as soon as orderly procedure will allow. This in order that the trial court may be treated fairly and the question got into the case under correct safeguards and earmarked as of substance and not mere color."

It is manifest, we think, that the court only intended to express the condition of appellate review to be that in the trial court constitutional question should not be reserved until the case had gone to judgment on other issues and then used to secure a new trial. The principle of the rulings is satisfied in the case at bar. It is, as we have seen, an original proceeding in the Supreme Court and upon the report of the commissioner which brought the case to the court for decision of the issues and questions involved in it the Federal questions were made "under correct safeguards and earmarked as of substance and not mere color." It is true the court has not referred to them in its opinion, but we can not regard its silence as a condemnation of the time or manner at or in which they were raised. The motion to dismiss is, therefore, denied.

The assignments of error necessarily involve a consideration of the statutes. The relevant provisions are contained in section 10301 of the Revised Statutes of the State of 1909, and section 8966 of the Revised Statutes of 1899.

Section 10301 provides "that all arrangements, contracts, agreements, combinations, or understandings made or entered into between two or more persons, designed or made with a view to lessen, or which tend to lessen, lawful trade, or full and free competition in the importation, transportation, manufacture, or sale" in the State "of any product, commodity, or article, or thing bought or sold," and all such arrangements, etc., "which are designed or made with a view to increase, or which tend to increase, the market price of any product, commodity, or article, or thing of any class or kind whatsoever bought and sold" are declared to be against public policy, unlawful and void, and those offending "shall be deemed and adjudged guilty of a conspiracy in restraint of trade, and punished" as provided.

Section 8966 provides that arrangements, etc., such as described in section 10301, having like purpose, and all such arrangements, etc., "whereby and under the terms of which it is proposed, stipulated, provided, agreed, or understood that any person, association of persons, or corporations doing business in" the State, "shall deal in selling or offer for sale" in the State "any particular or specific article, product, or commodity, and shall not during the continuance or existence of any such arrangement * * * deal in, sell, or offer for sale," in the State, "any competing article, product, or commodity," are declared to be against public policy, unlawful, and void; and any person offending "shall be deemed and adjudged guilty of a conspiracy to defraud, and be subject to the penalties" provided.

By section 10304 of the Revised Statutes of 1909 it is provided that domestic offending corporations shall forfeit their charters and all or any part of their property as shall be adjudged by a court of competent jurisdiction, or be fined in lieu of the forfeiture of charters or of property.

Foreign offending corporations shall forfeit their right to do business in the State, with forfeiture also of property, or in lieu thereof the payment of a fine.

In State *v.* Standard Oil Co. (218 Mo., 1, 370, 372) the Supreme Court held that the antitrust statutes of the State "are limited in their scope and operations to persons and corporations dealing in commodities, and do not include combinations of persons engaged in labor pursuits." And, justifying the statutes against a charge of illegal discrimination, the court further said that "it must be borne in mind that the differentiation between labor and property is so great that they do not belong to the same general classification of rights or

things, and have never been so recognized by the common law or legislative enactments."

Accepting the construction put upon the statute, but contesting its legality as thus construed, plaintiff in error makes three contentions—(1) the statutes as so construed unreasonably and arbitrarily limit the right of contract; (2) discriminate between the vendors of commodities and the vendors of labor and services; and (3) between vendors and purchasers of commodities.

(1). The specification under this head is that the Supreme Court found, it is contended, benefit—not injury—to the public had resulted from the alleged combination. Granting that this is not an overstatement of the opinion the answer is immediate. It is too late in the day to assert against statutes which forbid combinations of competing companies that a particular combination was induced by good intentions and has had some good effect. (Armour Packing Co. *v.* United States, 209 U. S., 56, 62; Standard Sanitary Mfg. Co. *v.* United States, 226 U. S., 20, 49.) The purpose of such statutes is to secure competition and preclude combinations which tend to defeat it. And such is explicitly the purpose and policy of the Missouri statutes; and they have been sustained by the Supreme Court. There is nothing in the Constitution of the United States which precludes a State from adopting and enforcing such policy. To so decide would be stepping backward. (Carrol *v.* Greenwich Ins. Co., 199 U. S., 401; Central Lumber Co. *v.* South Dakota, 226 U. S., 157.)

It is true that the Supreme Court did not find a definite abuse of its powers by plaintiff in error, but it did find that there was an offending against the statute, a union of able competitors and a cessation of their competition, and the court said: "Some of the smaller concerns that were competitors in the market have ceased their struggle for existence and retired from the field." This is one of the results which the statute was intended to prevent, the unequal struggle of individual effort against the power of combination. The preventing of the engrossment of trade is as definitely the object of the law as is price regulation of commodities, its prohibition being against combinations "made with a view to lessen, or which tend to lessen, lawful trade or full and free competition in the importation, transportation, manufacture, or sale of any commodity or article or thing bought or sold." (See Standard Oil Co. *v.* United States, 221 U. S., 1; United States *v.* American Tobacco Co., Id., 106; United States *v* Patten, 225 U. S., 525.)

(2) and (3). These contentions may be considered together, both involving a charge of discrimination—the one because the law does not embrace vendors of labor, the other because it does not cover purchasers of commodities as well as vendors of them. Both, therefore, invoke a consideration of the power of classification which may be exerted in the legislation of the State. And we shall presently see that power has very broad range. A classification is not invalid because of simple inequality. We said in Atchison, Topeka & Santa Fe Railway Co. *v.* Matthews (174 U. S., 96, 106), by Mr. Justice Brewer: "The very idea of classification is that of inequality, so that it goes without saying that the fact of inequality in no manner determines the matter of constitutionality." Therefore it may be there is restraint of competition in a combination of laborers and in a combination of purchasers, but that does not demonstrate that legislation which does not include either combination is illegal. Whether it would have been better policy to have made such comprehensive classification it is not our province to decide. In other words, whether a combination of wage earners or purchasers of commodities called for repression by law under the conditions in the State was for the legislature of the State to determine.

In Carrcll *v.* Greenwich Insurance Co., supra, a statute of Iowa was considered which made it unlawful for two or more fire insurance companies doing business in the State, or their officers or agents, to make or enter into combinations or agreements in relation to the rates to be charged for insurance and certain other matters. The provision was held invalid by the Circuit Court of the United States for the District of Iowa on the ground of depriving of liberty of contract secured by the fourteenth amendment and of the equal protection of the laws. This court reversed the decision, saying, after stating that there was a general statute of Iowa which prohibited combinations to fix the price of any article of merchandise or commodity or to limit the quantity of the same produced or sold in the State:

"Therefore the act in question does little, if anything, more than apply and work out the policy of the general law in a particular case."

Again:

"If an evil is specially experienced in a particular branch of business, the constitution embodies no prohibition of laws confined to the evil or doctrinaire requirement that they should be couched in all-embracing terms."

And—

"If the Legislature of the State of Iowa deems it desirable artificially to prevent, so far as it can, the substitution of 'combination' for 'competition,' this court can not say that fire insurance may not present so conspicuous an example of what the legislature thinks an evil as to justify special treatment. The imposition of a more specific liability upon life and health insurance companies was held valid in Fidelity Mutual Life Insurance Co. *v.* Mettler (185 U. S., 308)."

Other cases were also cited in illustration.

Carroll *v.* Greenwich Insurance Co., supra, is especially apposite. It contains the elements of the case at bar and a decision upon them. It will be observed that the statute, which it was said declared the general policy of Iowa, was a prohibition against a combination of producers and sellers. There was the same distinction, therefore, between vendors and purchasers of commodities as in the Missouri statute and the same omission of prohibition of combinations of vendors of labor and services as in the Missouri law. The distinction and omission were continued when the policy of the State was extended to insurance companies. The law was not condemned because it went no further, because it did not prohibit the combination of all trades, businesses, and persons. We held that the omission was not for judicial cognizance, and that a court could not say that fire insurance might not present so conspicuous an example of what the legislature might think an evil "as to justify special treatment."

We might leave the discussion with that and the other cases. They decide that we are helped little in determining the legality of a legislative classification by making broad generalizations, and it is for a broad generalization that plaintiff in error contends—indeed, a generalization which includes all the activities and occupations of life, and there is an enumeration of wage earners in emphasis of the discrimination in which manufacturers and sellers are singled out from all others. The contention is deceptive, and yet it is earnestly urged in various ways which it would extend this opinion too much to detail. "In dealing with restraints of trade," it is said, "the proper basis of classification is obviously neither in commodities nor services nor in persons, but in restraints." A law to be valid, therefore, is the inflexible deduction, can not distinguish between "restraints," but must apply to all restraints, whatever their degree or effect or purpose, and that because the Missouri statute has not this universal operation it offends against the equality required by the fourteenth amendment. This court has decided many times that a legislative classification does not have to possess such comprehensive extent. Classification must be accommodated to the problems of legislation, and we decided in Ozan Lumber Co. *v.* Union County Bank (207 U. S., 251) that it may depend upon degrees of evil without being arbitrary or unreasonable. We repeated the ruling in Heath & Milligan Manufacturing Co. *v.* Worst (Id., 338), in Engel *v.* O'Malley (219 U. S., 128), in Mutual Loan Co. *v.* Martell (222 U. S., 225), and again in German Alliance Insurance Co. *v.* Lewis (233 U. S., 389, 418). In the latter case a distinction was sustained against a charge of discrimination between stock fire insurance companies and farmers' mutual insurance companies insuring farm property. If this power of classification did not exist, to what straits legislation would be brought. We may illustrate by the examples furnished by plaintiff in error.

In the enumeration of those who, it is contended, by combination are able to restrain trade are included, among others, "persons engaged in domestic service" and "nurses," and because these are not embraced in the law, plaintiff in error, it is contended, although a combination of companies uniting the power of $120,000,000 and able thereby to engross 85 per cent or 90 per cent of the trade in agricultural implements, is nevertheless beyond the competency of the legislature to prohibit. As great as the contrast is, a greater one may be made. Under the principle applied a combination of all the great industrial enterprises (and why not railroads as well?) could not be condemned unless the law applied as well to a combination of maidservants or to infants' nurses, whose humble functions preclude effective combination. Such contrasts and the considerations they suggest must be pushed aside by government, and a rigid and universal classification applied, is the contention of plaintiff in error; and to this the contention must come. Admit exceptions and you admit the power of the legislature to select them. But it may be said the comparison of extremes is forensic, and, it may be, fallacious; that there may be powerful labor combinations as well as powerful industrial combinations, and weak ones of both, and that the law to be valid can not distinguish between strong and weak offenders. This may be granted (Engel *v.* O'Malley, supra), but the comparisons are not without value in estimating the contentions of plaintiff in error. The foundation of our decision is, of course, the power of classification which a legislature may exercise, and the cases we have cited, as well as others which may be cited, demonstrate that some latitude must be allowed to the legislative judgment in selecting the "basis of community." We have said that it must be palpably arbitrary to authorize a judicial review of it, and that it can not be disturbed by the courts "unless they can see clearly that there is no fair reason for the law that would not require with equal force its extension to others whom it leaves untouched." (Mo., Kan. & Tex. Ry. Co. *v.* May, 194 U. S., 267, 269; Williams *v.* State of Ark., 217 U. S., 79, 90; Watson *v.* State of Maryland, 218 U. S., 173, 179.)

The instances of these cases are instructive. In the first there was a difference made between landowners as to liability for permitting certain noxious grasses to go to seed on the lands. In the second, the statute passed on made a difference between businesses in the solicitation of patronage on railroad trains and at depots. In the third, a difference, based on the evidence of qualification of physicians, was declared valid.

In Western Union Telegraph Co. *v.* Milling Co. (218 U. S., 406), a distinction was made between common carriers in the power to limit liability for negligence. In Engel *v.* O'Malley, supra, a distinction between bankers was sustained; and in Provident Savings Institution *v.* Malone (221 U. S., 660), deposits in savings banks were distinguished from deposits in other banks in the application of the statute of limitations.

Other cases might be cited whose instances illustrate the same principle and in which this court has refused to accept the higher generalizations urged as necessary to the fulfillment of the constitutional guaranty of the equal protection of the law, and in which we, in effect, held that it is competent for a legislature to determine upon what differences a distinction may be made for the purpose of statutory classification between objects otherwise having resemblances. Such power, of course, can not be arbitrarily exercised. The distinction made must have reasonable basis. (Magoun *v.* Illinois Trust, etc., Bank, 170 U. S., 283; Clark *v.* Kansas City, 176 U. S., 114; Gundling *v.* Chicago, 177 U. S., 183; Petit *v.* Minnesota, 177 U. S., 164; Williams *v.* Fears, 179 U. S., 270; American Sugar Refining Co. *v.* Louisiana, 179 U. S., 89; Griffith *v.* Connecticut, 218 U. S., 563; Chicago, R. I. & Pac. Ry. Co., 219 U. S., 453, 466; Lindsay *v.* Natural Carbonic Gas Co., 220 U. S., 61, 79; Fifth Avenue Coach Co. *v.* New York, 221 U. S., 467; Murphy *v.* California, 225 U. S., 623; Rosenthal *v.* New York, 226 U. S., 269, 270; Mo. Kan. & Tex. Ry. *v.* Cade, 233 U. S., —.)

And so in the case at bar. Whether the Missouri statute should have set its condemnation on restraints generally, prohibiting combined action for any purpose and to everybody, or confined it as the statute does to manufacturers and vendors of articles and permitting it to purchasers of such articles; prohibiting it to sellers of commodities and permitting it to sellers of services, was a matter of legislative judgment, and we can not say that the distinctions made are palpably arbitrary, which we have seen is the condition of judicial review. It is to be remembered that the question presented is of the power of the legislature, not the policy of the exercise of the power. To be able to find fault, therefore, with such policy is not to establish the invalidity of the law based upon it.

It is said that the statute as construed by the supreme court of the State comes within our ruling in Connelly *v.* Union Sewer Pipe Co. (184 U. S., 540), but we do not think so. If it did, we should, of course, apply that ruling here.

Judgment affirmed.

The sections of the Missouri Statutes quoted in the above decision are as follows:

[Section 8966 of the Revised Statutes of Missouri for 1899.]

"SEC. 8966. Certain agreements declared unlawful.—That from and after the passage of this article, all arrangements, contracts, agreements, or combinations between persons or corporations, or between persons or any association of persons and corporations, designed or made with a view to lessen, or which tend to lessen full and free competition in the importation, manufacture, or sale of any article, product, or commodity in this State, and all arrangements, combinations, contracts, or agreements whereby or under the terms of which it is proposed, stipulated, provided, agreed, or understood that any person,

association of persons, or corporations doing business in this State shall deal in, sell, or offer for sale in this State any particular or specified article, product, or commodity, and shall not during the continuance or existence of any such arrangement, combination, contract, or agreement deal in, sell, or offer for sale in this State any competing article, product, or commodity are hereby declared to be against public policy, unlawful, and void; and any person, association of persons, or corporation becoming a party to any such arrangement, contract, agreement, or combination, shall be deemed and adjudged guilty of a conspiracy to defraud and be subject to the penalties provided for in this article." (Laws 1897, p. 208.)

[Section 10301 of the Revised Statutes of Missouri for 1909.]

"SEC. 10301. Combination to increase prices declared conspiracy.—All arrangements, contracts, agreements, combinations, or understandings made or entered into between any two or more persons, designed or made with a view to lessen, or which tend to lessen, lawful trade or full and free competition in the importation, transportation, manufacture, or sale in this State of any product, commodity, or article or thing bought and sold of any class or kind whatsoever, including the price or premium to be paid for insuring property against loss or damage by fire, lightning, or storm, and all arrangements, contracts, agreements, combinations, or understandings made or entered into between any two or more persons which are designed or made with a view to increase or which tend to increase the market price of any product, commodity, or article or thing of any class or kind whatsoever bought and sold, including the price or premium to be paid for insuring property against loss or damage by fire, lightning, or storm are hereby declared to be against public policy, unlawful, and void; and any person or persons creating, entering into, becoming a member of or participating in such arrangements, contracts, agreements, combinations, or understandings shall be deemed and adjudged guilty of a conspiracy in restraint of trade and punished as provided for in this article." (Laws 1907, p. 377.)

[Section 10304 of the Revised Statutes of Missouri of 1909.]

SEC. 10304. Offending corporations to forfeit charter and property: Any corporation created or organized by or under the laws of this State which shall violate any of the provisions of this article may, upon proper proof being made thereof in any court of competent jurisdiction in this State, be declared by the court to have forfeited its corporate rights and franchises, and the same may by the court be declared forfeited, void, and of noneffect, and shall thereupon cease and determine; and such court may, by such judgment and decree, also declare all or any part of the property of such corporation forfeited unto the State, or in lieu of the forfeiture of its corporate rights and franchises or in lieu of the forfeiture of all or any part of the property of such corporation, assess against it a fine; and any corporation created or organized by or under the laws of any other State or country which shall violate any of the provisions of this article shall, upon proper proof being made thereof in any court of competent jurisdiction in this State, be declared by the court to have forfeited its right and privilege thereafter to do any business in this State, and the same shall by the court be declared forfeited, void, and of noneffect, and shall thereupon cease and determine; and such court may, by judgment and decree, also declare all or any part of the property in this State of such corporation forfeited unto the State, or in lieu of the forfeiture of its right and privilege to do business in this State, or in lieu of the forfeiture of all or any part of the property of such corporation assess against it a fine; and in all proceedings for the violation of any of the provisions of this article against any corporation created or organized under the laws of this or any other State or country proof of the acts of any person who has been acting as the agent of such corporation in transacting its business in this State in the name, behalf, or interest of such corporation shall be received as prima facie proof of the acts of the corporation itself; and it shall be the duty of the clerk of the court in which any judgment of forfeiture shall be rendered, as herein provided for, to certify the decree thereof to the secretary of state, and if it be an insurance company also to the superintendent of the insurance department, who shall take notice and be governed thereby as to the corporate powers and rights of said corporation; and in case any court shall render a decree forfeiting all or any part of the property of any corporation violating the provisions of this article, such court shall also appoint a receiver thereof to dispose of the same in such manner as the court may direct, and the net proceeds arising from the sale thereof shall be paid into the State treasury, as shall all fines that may be imposed against any person or corporation violating the provisions of this article be paid into the State treasury. (Laws 1907, p. 377.)

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, June 15, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 13, 1914.

COLLECTOR OF CUSTOMS.

Malcolm Argyle Franklin, of Columbus, Miss., to be collector of customs for the district of Hawaii in place of Edward R. Stackable, removed.

RECEIVER OF PUBLIC MONEYS.

Samuel L. Page, of Marysville, Utah, to be receiver of public moneys at Vernal, Utah, vice Don B. Colton, resigned.

POSTMASTERS.

ALABAMA.

Z. E. Bellah to be postmaster at Oneonta, Ala., in place of M. Wesley Brice. Incumbent's commission expires June 24, 1914.

R. E. Burnett to be postmaster at Greenville, Ala., in place of Belvins S. Perdue, resigned.

Thomas E. Hill to be postmaster at Troy, Ala., in place of William C. Starke. Incumbent's commission expired January 17, 1914.

H. G. Williams to be postmaster at Gordo, Ala., in place of Howard B. Williams, resigned.

ARKANSAS.

Lucy C. Dollarhide to be postmaster at Foreman, Ark., in place of Dan S. Collins, removed.

Jefferson D. Hailey to be postmaster at Berryville, Ark., in place of Carl O. Freeman, resigned.

William P. Williams to be postmaster at Nashville, Ark., in place of William E. Brown, declined.

CALIFORNIA.

H. P. Moffitt to be postmaster at Oilfields, Cal., in place of A. P. May, resigned.

James D. O'Connell to be postmaster at National City, Cal., in place of Samuel S. Johnston. Incumbent's commission expired March 8, 1914.

Mattie F. Shepard to be postmaster at Auburn, Cal., in place of Arthur S. Fleming, resigned.

COLORADO.

Lydia J. McGee to be postmaster at Pagosa Springs, Colo., in place of Eleanor H. Todd. Incumbent's commission expires June 21, 1914.

Edward O. Russell to be postmaster at Manzanola, Colo., in place of Thomas J. Stanley, deceased.

CONNECTICUT.

Willis B. Judd to be postmaster at Bethel, Conn., in place of Charles K. Bailey. Incumbent's commission expired June 2, 1914.

Edward L. Roberts to be postmaster at Canaan, Conn., in place of Harry A. Holt. Incumbent's commission expires June 24, 1914.

FLORIDA.

Lester Windsor to be postmaster at Winterhaven, Fla., in place of Frank L. Collins, resigned.

GEORGIA.

Thomas E. Brown to be postmaster at Bremen, Ga., in place of L. P. Trimble, removed.

R. D. Moore to be postmaster at Jefferson, Ga., in place of John B. Dunagan. Incumbent's commission expired April 20, 1914.

IDAHO.

William T. Roberts to be postmaster at Bellevue, Idaho, in place of Emma L. Reed. Incumbent's commission expired February 14, 1914.

ILLINOIS.

S. E. Avey to be postmaster at Mount Morris, Ill., in place of Holly C. Clark. Incumbent's commission expired June 2, 1914.

Edward Coryn to be postmaster at Moline, Ill., in place of Alfred T. Foster. Incumbent's commission expired March 15, 1914.

William B. Hogan to be postmaster at Lanark, Ill., in place of Harry M. Rowland, resigned.

Pearl Richcreek to be postmaster at Argo, Ill. Office became presidential April 1, 1914.

M. M. Sharp to be postmaster at Greenville, Ill., in place of William W. Lowis. Incumbent's commission expired April 28, 1914.

W. W. Story to be postmaster at Genoa, Ill., in place of George J. Patterson. Incumbent's commission expired January 10, 1914.

INDIANA.

Burton Cassaday to be postmaster at West Terre Haute, Ind., in place of Warren A. Sanford. Incumbent's commission expired February 15, 1914.

Charles F. Gerber, jr., to be postmaster at Cannelton, Ind., in place of Eugene F. Cummings, resigned.

Bertram W. Pickhardt to be postmaster at Huntingburg, Ind., in place of Louis H. Katter. Incumbent's commission expires June 21, 1914.

R. F. Schneider to be postmaster at Montpelier, Ind., in place of Harris L. Troutman. Incumbent's commission expired June 10, 1914.

Levi L. Simons to be postmaster at Warren, Ind., in place of Myron A. Thorp. Incumbent's commission expires June 21, 1914.

IOWA.

Edmund Ahart to be postmaster at Dow City, Iowa. Office became presidential January 1, 1914.

John L. Devine to be postmaster at Livermore, Iowa, in place of B. W. De Vine, resigned.

Cora A. Hidlebaugh to be postmaster at Bagley, Iowa. Office became presidential January 1, 1914.

Jacob B. Powers to be postmaster at Murray, Iowa, in place of Hiram Lamb, resigned.

KANSAS.

W. T. S. Griffith to be postmaster at Westphalia, Kans., in place of Elmer Alban, resigned.

Alice W. Lee to be postmaster at Glen Elder, Kans., in place of Frank Hobart. Incumbent's commission expires June 14, 1914.

Anna B. Marshall to be postmaster at La Cygne, Kans., in place of Harry J. Muth. Incumbent's commission expired April 15, 1914.

W. R. Martin to be postmaster at Wathena, Kans., in place of George Manville. Incumbent's commission expired May 31, 1914.

KENTUCKY.

Hubbard I. Hansbrough to be postmaster at Hodgenville, Ky., in place of Philip A. Taylor, removed.

Floyd J. Laswell to be postmaster at Owensboro, Ky., in place of Frederick A. Van Rensselaer. Incumbent's commission expired April 19, 1914.

Emmett S. Robey to be postmaster at Franklin, Ky., in place of Thomas Sympson, resigned.

Squire Turner to be postmaster at Mount Sterling, Ky., in place of H. W. Lockridge. Incumbent's commission expired March 7, 1914.

MAINE.

Otha H. Jellison to be postmaster at Bar Harbor, Me., in place of G. Raymond Joy. Incumbent's commission expired December 21, 1913.

John E. Murphy to be postmaster at Hallowell, Me., in place of Fitz M. Fish. Incumbent's commission expired March 16, 1914.

Willie B. Parlin to be postmaster at Machias, Me., in place of Eldridge H. Bryant, deceased.

Dennis Sheehan to be postmaster at Houlton, Me., in place of Frank M. Hume. Incumbent's commission expired February 1, 1914.

MASSACHUSETTS.

James E. Cadagon to be postmaster at Adams, Mass., in place of Peter P. Smith. Incumbent's commission expired February 1, 1914.

MICHIGAN.

N. D. Campbell to be postmaster at Gwinn, Mich. Office became presidential October 1, 1912.

George W. Manion to be postmaster at Alpena, Mich., in place of Fred N. Potter. Incumbent's commission expires June 13, 1914.

MINNESOTA.

John O. Ackerman to be postmaster at Hastings, Minn., in place of Edwin E. Tuttle. Incumbent's commission expired February 4, 1914.

J. Friend Holmes to be postmaster at Warroad, Minn., in place of Thomas L. Jones. Incumbent's commission expired March 5, 1914.

Charles Jesmore to be postmaster at Eveleth, Minn., in place of Edward Hatch, removed.

A. W. Johnson to be postmaster at Forest Lake, Minn., in place of William J. Simmons. Incumbent's commission expired March 30, 1914.

P. A. McEachin to be postmaster at Keewatin, Minn. Office became presidential April 1, 1914.

Joseph A. Roerig to be postmaster at Adrian, Minn., in place of Joseph Cowin, resigned.

MISSISSIPPI.

Felicie L. Delmas to be postmaster at Pascagoula, Miss., in place of Felicie L. Delmas. Incumbent's commission expired May 31, 1914.

MONTANA.

John T. Murphy to be postmaster at Boulder, Mont., in place of George Pfaff. Incumbent's commission expires June 14, 1914.

Anna D'G. Hough to be postmaster at Bridger, Mont., in place of Clarence E. Thompson. Incumbent's commission expired March 8, 1914.

NEBRASKA.

Henry C. Burritt to be postmaster at Shelby, Nebr., in place of William T. Mawhor. Incumbent's commission expired January 31, 1914.

R. W. Davis to be postmaster at Wolbach, Nebr., in place of Edgar A. Wight. Incumbent's commission expired January 31, 1914.

John C. Dullaghan to be postmaster at Rushville, Nebr., in place of John H. Davis. Incumbent's commission expired January 6, 1914.

Lyman H. Eastman to be postmaster at Campbell, Nebr., in place of John Parker, resigned.

Edward P. Griess to be postmaster at Sutton, Nebr., in place of John H. Tower. Incumbent's commission expired April 20, 1914.

Ward G. Higley to be postmaster at Wauneta, Nebr., in place of Cash D. Fuller. Incumbent's commission expired January 11, 1914.

Arthur G. Schoeneck to be postmaster at Scribner, Nebr., in place of James M. Beaver. Incumbent's commission expired June 2, 1914.

Charles H. Short to be postmaster at Ainsworth, Nebr., in place of Lewis M. Short. Incumbent's commission expired March 5, 1914.

Frances Wisner to be postmaster at Bayard, Nebr. Office became presidential January 1, 1914.

NEVADA.

Lee M. Boyce to be postmaster at East Ely, Nev., in place of Richard H. Frank. Incumbent's commission expired April 1, 1914.

NEW JERSEY.

Benjamine F. Apgar to be postmaster at Hampton, N. J., in place of Henry M. Bigelow, resigned.

Thomas F. Dolan to be postmaster at Sayreville, N. J., in place of Charles E. Gildersleeve. Incumbent's commission expired March 10, 1914.

Alvin E. Hoagland to be postmaster at Plainfield, N. J., in place of Elias H. Bird. Incumbent's commission expired April 15, 1914.

T. Harry Obert to be postmaster at Pleasantville, N. J., in place of R. M. Willis. Incumbent's commission expired May 18, 1914.

NEW MEXICO.

W. S. Gilliam to be postmaster at Mesilla Park, N. Mex., in place of May Crawford, removed.

Ella B. Taylor to be postmaster at Aztec, N. Mex., in place of Lucy P. Waring. Incumbent's commission expired May 11, 1914.

NEW YORK.

J. Frank Dimon to be postmaster at Riverhead, N. Y., in place of Howard V. Lane. Incumbent's commission expired May 6, 1914.

Minnie C. Fellows to be postmaster at Scarsdale, N. Y., in place of Minnie C. Fellows. Incumbent's commission expired January 11, 1914.

Peter Marcinkowski, jr., to be postmaster at Wallkill, N. Y., in place of E. B. Du Bois. Incumbent's commission expired February 8, 1914.

Bessie Sullivan to be postmaster at Lisbon, N. Y., in place of Edith Wallace, resigned.

Augusta H. Tilden to be postmaster at New Lebanon, N. Y., in place of Lincoln Sackett. Incumbent's commission expired June 28, 1913.

NORTH CAROLINA.

Robert H. Davis to be postmaster at Louisburg, N. C., in place of Mary W. Yarborough. Incumbent's commission expired April 4, 1914.

R. R. Ross to be postmaster at Ashboro, N. C., in place of E. L. Auman, resigned.

NORTH DAKOTA.

Paul Keller to be postmaster at Hebron, N. Dak., in place of Rudolph Dulemann. Incumbent's commission expired April 13, 1914.

Thomas Regan to be postmaster at Larimore, N. Dak., in place of Ellery C. Arnold. Incumbent's commission expired May 31, 1914.

Zora Svendsgaard to be postmaster at Bowdon, N. Dak. Office became presidential January 1, 1914.

OHIO.

R. J. Baxter to be postmaster at Conneaut, Ohio, in place of Charles S. Putnam, resigned.

W. F. J. Dehn to be postmaster at Struthers, Ohio, in place of William A. Morrison, resigned.

Thomas W. Fahnestock to be postmaster at Versailles, Ohio, in place of Charles W. Miller. Incumbent's commission expired April 6, 1914.

Samuel D. Hensel to be postmaster at Continental, Ohio, in place of D. S. Myers. Incumbent's commission expires June 24, 1914.

Joseph V. Lawler to be postmaster at Carrollton, Ohio, in place of J. C. Oglevee. Incumbent's commission expired May 24, 1914.

Isma H. Malick to be postmaster at Van Wert, Ohio, in place of Frank A. Gamble. Incumbent's commission expires June 23, 1914.

Emil Weber to be postmaster at Wauseon, Ohio, in place of John F. Outcalt. Incumbent's commission expired February 9, 1914.

OKLAHOMA.

H. S. Blair to be postmaster at Drumright, Okla. Office became presidential April 1, 1914.

Monroe Moore to be postmaster at Lamont, Okla., in place of O. J. Bradfield. Incumbent's commission expired May 19, 1914.

Omer Schnoebelen to be postmaster at Mooreland, Okla., in place of Clyde H. Morris. Incumbent's commission expired April 12, 1914.

Thomas P. Stone to be postmaster at Custer, Okla., in place of Sam L. Darrah. Incumbent's commission expired June 2, 1914.

Eugenia F. Turner to be postmaster at Krebs, Okla., in place of Jean C. Buell, resigned.

D. R. Wright to be postmaster at Taloga, Okla., in place of F. L. Berry, resigned.

PENNSYLVANIA.

Stanley Dropeski to be postmaster at Nanticoke, Pa., in place of Stanley Diopreski, to correct name of appointee.

E. E. Fricker to be postmaster at Glenside, Pa., in place of Robert H. Gracey, resigned.

Philip W. Miller to be postmaster at New Freedom, Pa., in place of James F. Singer, removed.

Thomas Rorer to be postmaster at North Wales, Pa., in place of Elmer E. McCracken. Incumbent's commission expired May 2, 1914.

David B. Thomas to be postmaster at New Brighton, Pa., in place of Charles M. McDanel. Incumbent's commission expired January 24, 1914.

SOUTH CAROLINA.

Charles E. Falkenstein to be postmaster at Barnwell, S. C., in place of Sheldon B. Moseley. Incumbent's commission expires June 14, 1914.

SOUTH DAKOTA.

William Galvin to be postmaster at Sturgis, S. Dak., in place of Frank Smith, resigned.

George E. McAllister to be postmaster at Frankfort, S. Dak., in place of George A. Fehlman. Incumbent's commission expired February 25, 1914.

TENNESSEE.

Addie D. Bell to be postmaster at Springfield, Tenn., in place of Frances D. Robertson. Incumbent's commission expired April 21, 1914.

TEXAS.

J. W. Hail to be postmaster at Crockett, Tex., in place of John T. Dawes. Incumbent's commission expires June 13, 1914.

VERMONT.

Burton E. Bailey to be postmaster at Montpelier, Vt., in place of Joseph G. Brown. Incumbent's commission expired April 26, 1914.

Moses E. Leary to be postmaster at Richmond, Vt., in place of Ira Towne. Incumbent's commission expired February 9, 1913.

Patrick Mahoney to be postmaster at Poultney, Vt., in place of Paul G. Ross. Incumbent's commission expired April 15, 1914.

W. J. O'Neill to be postmaster at Waterbury, Vt., in place of Mark H. Moody. Incumbent's commission expired February 22, 1914.

John J. Rock to be postmaster at Ludlow, Vt., in place of Elwin A. Howe. Incumbent's commission expired March 10, 1914.

Maurice J. Walshe to be postmaster at White River Junction, Vt., in place of David A. Perrin. Incumbent's commission expired April 26, 1914.

VIRGINIA.

A. S. Hamilton to be postmaster at Warrenton, Va., in place of James B. Grayson, resigned.

WASHINGTON.

Arthur A. Barnes to be postmaster at Pasco, Wash., in place of W. D. Schutt. Incumbent's commission expires June 24, 1914.

S. S. Moritz to be postmaster at Dayton, Wash., in place of Walter C. Frary, resigned.

Helen R. Whitney to be postmaster at Wapato, Wash., in place of John F. Niesz. Incumbent's commission expires June 22, 1914.

James M. G. Wilson to be postmaster at Waterville, Wash., in place of C. W. Frederickson. Incumbent's commission expires June 20, 1914.

WEST VIRGINIA.

L. W. Bartlett to be postmaster at Buckhannon, W. Va., in place of Harrison A. Darnall. Incumbent's commission expired May 25, 1914.

Grover F. Hedges to be postmaster at Spencer, W. Va., in place of Isaac I. Riley, removed.

W. E. Wood to be postmaster at Elk Horn, W. Va., in place of Ernest L. Stafford. Incumbent's commission expired June 2, 1914.

WISCONSIN.

C. A. Hoen to be postmaster at Edgerton, Wis., in place of Hugh McInnes. Incumbent's commission expired January 24, 1914.

Andrew P. Kealy to be postmaster at Hudson, Wis., in place of Allan Beggs. Incumbent's commission expired June 1, 1914.

WYOMING.

William E. Landau to be postmaster at Torrington, Wyo. Office became presidential January 1, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 13, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Edwin H. De Lany to be a commander.

Lieut. Percy W. Foote to be a lieutenant commander.

Lieut. (Junior Grade) Charles R. Clark to be a lieutenant.

Julius F. Neuberger to be an assistant surgeon in the Medical Reserve Corps.

Asst. Surg. Luther Sheldon, jr., to be a passed assistant surgeon.

Passed Asst. Paymaster John M. Hancock to be a paymaster.

First Lieut. Edward B. Cole to be a captain in the Marine Corps.

Second Lieut. Adolph B. Miller to be a first lieutenant in the Marine Corps.

Lieut. Lewis Coxe to be a lieutenant commander.

Lieut. (Junior Grade) Joseph S. Evans to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

William W. Smith.
Harold T. Smith.
Gerard Bradford.
Benjamin V. McCandlish.
Alan G. Kirk.
Levi B. Bye.
Francis W. Scanland.
Joel W. Bunkley.
Leo L. Lindley.
Monroe Kelly.
Alfred L. Ede.
George K. Stoddard.
Charles H. Morrison.
Paul H. Rice.
Charles E. Reordan.
Virgil J. Dixon.
Franklin Van Valkenburgh.
Eugene M. Woodson.
James S. Spore.
Mark C. Bowman.
Ralph G. Haxton.
James M. Doyle.
Ewart G. Haas.

Albert J. A. Hamilton to be an assistant surgeon in the Medical Reserve Corps.

The following-named assistant paymasters with rank of ensign to be assistant paymasters with rank of lieutenant (junior grade):

Arthur H. Mayo.
William Gower.
Thomas Cochran.
Frederick C. Bowerfind.

Pharmacist Maury D. Baker to be a chief pharmacist in the Navy from the 17th day of April, 1914.

Ensign Henry G. Cooper, jr., to be a lieutenant (junior grade).

The following-named midshipmen to be ensigns in the Navy:
Edward Ellsberg.
Edward L. Cochrane.
Noel Davis.
Robert W. Ferrell.
Warner W. Bayley.
George C. Manning.
Donald Royce.
Fred E. Pelton.
Adrian R. Marron.
Carl H. Jones.
John N. Laycock.
Conrad D. Fry.
Charles B. C. Carey.
Gordon W. Nelson.
Henry P. Samson.
Joseph L. McGuigan.
Carleton F. Bryant.
William J. Larson.
Fred M. Earle.
Alfred P. H. Tawresey.
Thomas N. Vinson.
John H. Buchanan.
Herman A. Spanagel.
Joseph R. Redman.
Frank L. Lowe.
Franklin G. Percival.
Theo D. Westfall.
K. P. Gilchrist.
Theodore D. Ruddock, jr.
Zeno W. Wicks.
Andrew H. Addoms.
Albert G. Berry, jr.
James D. Black.
George B. Wilson.
William H. Porter, jr.
William K. Harrill.
Sherrod H. Quarles.
John I. Hale.
Alfred H. Balsley.
Greene W. Dugger, jr.
Charles D. Swain.
Edmund W. Burrough.
Albert H. Rooks.
George F. Neiley.
Russell E. Perry.
Byron B. Ralston.
Stanley L. Wilson.
Herbert J. Ray.
Charles E. Rosendahl.
John G. Moyer.
Robert W. Hayler.
Bert F. Clark.
Theodore W. Sterling.
Archibald N. Offley.
Richard L. Conolly.
William A. Corn.
Thomas L. Nash.
Edwin T. Short.
William A. Teasley.
John B. W. Waller.
Arthur E. Wills.
Robert L. Vaughan.
Homer L. Ingram.
Thomas J. Doyle, jr.
Alexander R. Early, jr.
Charles F. Martin.
Vincent A. Clarke, jr.
Kemp C. Christian.
Philip W. Yeatman.
James A. McCown.
Samuel G. Moore.
William J. Hart, jr.
John L. Vaiden.
Swift Riché.
George Marvell.
Benjamin H. Page.
Frank J. Cunneen.
Allan W. Ashbrook.
Raymond A. Deming.
Charles T. S. Gladden.
Benjamin S. Killmaster.
Robert A. Dyer, 3d.
Raymond S. Hatch.
James E. Boak.
William A Heard.
Charles H. Mecum.
George T. Howe.
Rudolph F. Hans.
Simson C. Stengel.
Wilder DuP. Baker.
Julius M. Moss.
Boleslaw L. Dombrowski.
Robert S. Wyman.
Lewis H. McDonald.
Ervine D. Peck.
Thomas F. Downey.
Horace H. Jalbert.
George S. Arvin.
Foster C. Bumpus.
Harold J. Nelson.
William C. Burgy.
Frank P. Thomas.
Ralph O. Davis.
Francis K. O'Brien.
Sifrein F. Maury.
Martin Griffin.
Marion Y Cohen.
William F. Roehl.
Malcolm W. Callahan.
Thomas C. Slingluff.
Donald F. Washburn.
William S. Popham, jr.
Frederick D. Powers.
Robert H. Maury.
Thomas C. Latimore, jr.
Robert W. Cary, jr.
Karl R. Shears.
Lloyd J. Wiltse.
Leon O. Alford.
Lawrence J. K. Blades.
Henry W. Hoyt
Robert C. Starkey.
William DeW. Austin.
Joseph C. Arnold.
Philip R. Weaver.
Charles A. Macgowan.
Robert P. Luker.
Clarence J. McReavy.
Oliver O. Kessing.
John F. Moloney.
Delorimier M. Steece.
Wallis Gearing.
William K. Beard.
Paul Fitzsimons, jr.
Charles F. Angel.
John H. Brown, jr.
William D. Bungert.
Lewis J. Stecher.
Malcolm L. Worrell.
Ralph G. Pennoyer.
Lieut. Lewis Coxe to be a lieutenant commander.
Lieut. (Junior Grade) Joseph S. Evans to be a lieutenant.
The following-named ensigns to be lieutenants (junior grade):
Alfred L. Ede.
George K. Stoddard.
Charles H. Morrison.

POSTMASTERS.

ALABAMA.

Charles E. Niven, Columbiana.

ARKANSAS.

John A. Bridgford, Eureka Springs.
Henry R. Bowers, Imboden.
Hugh J. Floyd, Bentonville.
John P. Stafford, Springdale.
Ellis Turley, Forrest City.
William H. Watkins, Harrison.

ILLINOIS.

George Hanlon, Shawneetown.
Edgar H. Little, East St. Louis.
George Taylor, Evanston.
Charles Walkup, Oregon.

KENTUCKY.

Floyd J. Laswell, Owensboro.
Squire Turner, Mount Sterling.

NEW JERSEY.

Alvin E. Hoagland, Plainfield.

TENNESSEE.

T. J. Addington, Ducktown.
C. W. Metcalf, jr., Memphis.

WITHDRAWAL.

Executive nomination withdrawn June 13, 1914.

POSTMASTER.

NEW YORK.

Michael J. Ward to be postmaster at New Lebanon, in the State of New York.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 13, 1914.*

The House met at 12 o'clock noon.

Rev. Paul R. Hickok, pastor of the Metropolitan Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, King of kings and Lord of lords, from whom proceeds all power and dominion in heaven and earth, most heartily we beseech Thee to have in Thy loving favor these Thy servants summoned here for performance of duty by the great people they represent. Command the Holy Spirit to do His gracious work, guiding, directing, and overruling, for Thy glory, and the strengthening of righteousness and justice in the world. May our Nation continue increasingly to be a source of life and light and helpfulness to our own citizens and to the peoples of the earth. Upon this day particularly, when the thought of our country is directed to the flag we deeply revere and tenderly love, may there be a new sense of duty, a new appreciation of privilege. And may the words of our mouths, and the meditations of our hearts, together with all the acts of our lives, be acceptable in Thy sight, O Lord, our strength and our redeemer. Amen.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection the Journal as read will stand approved.

Mr. MANN. Mr. Speaker, I notice the Journal shows that a resolution concerning Clifford H. Tate was passed. It was not passed but it was objected to.

The SPEAKER. The Journal will be corrected in that respect. The Journal as corrected will stand approved.

There was no objection.

JAMES W. M'GREEVEY.

Mr. MANN. Mr. Speaker, the House last night passed H. R. 12909. There is an error in the name and I ask unanimous consent to vacate the proceedings by which the bill was engrossed and ordered to a third reading, and passed, and that it may be amended so that the name will read in the body of the bill "McGreevey."

The SPEAKER. What is the number of the bill?

Mr. MANN. Twelve thousand nine hundred and nine.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all proceedings touching H. R. 12909 back to the amendment stage be vacated.

Mr. MANN. And that the bill be amended so as to change the spelling of the name in the body of the bill to "McGreevey," the same as in the title.

The SPEAKER. And that the bill be amended so as to spell the name correctly. Is there objection? [After a pause.] The Chair hears none.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the District of Columbia appropriation bill (H. R. 10523), and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill and then read the conference statement.

The Clerk read as follows:

A bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

The conference report is as follows:

CONFERENCE REPORT (NO. 817).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 9, 10, 11, 18, 19, 20, 24, 26, 36, 37, 38, 50, 51, 54, 59, 61, 64, 68, 77, 89, 90, 91, 92, 94, 97, 98, 99, 107, 109, 115, 122, 130, 131, 132, 133, 134, 150, 151, 157, 161, 168, 170, 171, 183, 187, 190, 191, 201, 202, 203, 204, 212, 218, and 224.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 16, 17, 22, 25, 27, 29, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 55, 57, 58, 63, 67, 69, 70, 71, 72, 73, 75, 76, 79, 81, 82, 83, 84, 85, 86, 87, 93, 95, 96, 100, 108, 111, 114, 117, 118, 119, 120, 121, 123, 125, 126, 127, 128, 129, 138, 139, 140, 142, 143, 144, 145, 148, 149, 153, 155, 156, 159, 162, 163, 167, 172, 173, 174, 175, 179, 184, 186, 192, 193, 194, 197, 198, 199, 200, 205, 207, 209, 210, 213, 217, 219, 220, 221, 222, and 225, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,610"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,034"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit all of the matter inserted by said amendment after the word "Columbia," in line 1; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Philadelphia, Baltimore & Washington Railroad Co., and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, $110,000. And authority is hereby given said commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the construction authorized by this appropriation, and to construct said viaduct and bridge and the approaches thereto, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder: *Provided*, That the cost of constructing said viaduct and bridge, including approaches thereto, shall be borne and paid one-half by said railroad companies in proportion to the widths of their respective rights of way, and the remaining one-half by the United States and the District of Columbia; and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States; and the same shall be valid and subsisting liens against the franchise and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid; and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the commissioners of said District in the Supreme Court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co., or said Baltimore & Ohio Railroad Co., or both; and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company; and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the manner provided for in section 5 of "An act providing a *permanent* form of government for the District of Columbia," approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out "$4,150" and insert in lieu thereof the following: "$2,000, the same to be payment in full for said purposes"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,500"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For paving with asphalt the north approach to the Highway Bridge across the Potomac River from Water Street to the west intersecting park driveway nearest to the Highway Bridge, a distance of about 1,900 feet, and for paving with granite block the balance of the north approach from the west intersecting driveway to the bridge structure and the south approach to the bridge, $27,000: *Provided*, That the Commissioners of the District of Columbia are authorized and directed to do this work with their portable asphalt plant if, in the judgment of the officer in charge of public buildings and grounds, such work can be economically performed by the use of said plant: *And provided further*, That the said Commissioners of the District of Columbia are authorized to transfer to the officer in charge of public buildings and grounds for the above work any granite blocks removed from streets in the District of Columbia whose roadways are authorized herein to be repaved with a smoother pavement, the cost of hauling the blocks so transferred from the streets to the site of the work to be charged against this appropriation."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$270,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That this sum shall not be available for the payment of traveling or subsistence expenses"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, for playgrounds, $43,265, which sum shall be paid wholly out of the revenues of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of a site for a new Eastern High School, $150,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with amendments as follows: Restore the matter stricken out by said amendment amended as follows: On page 46 of the bill, line 25, after the word "athletics," insert the following: "including school playgrounds"; and on page 46, line 25, after the word "gardens," insert the following: "school publications"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty drivers, at $840 each"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$912,141.53"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,120"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,700"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For completion of the pound and stable as follows: For metal folding shutters for the wagon shed, $1,000; painting inside walls, $50; erecting flagpole, $75; screens and awnings, $100; and fire hose, $100; in all, $1,325."

And the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,350"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,800"; and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,450"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,800"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,850"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stenographer, $1,400"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "$1,000"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,325"; and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,280"; and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,780"; and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,120"; and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For agent, $1,800; clerk, $1,200; placing and investigating officers—one $1,200, one $1,000, five at $900 each; record clerk, $900; clerk, $720; messenger, $360; in all, $11,680."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000"; and the Senate agree to the same.

Amendment number 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,189"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,740"; and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,790"; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "supervisor of boys, $720"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,580"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,280"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,100"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,990"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$177,490"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph the following:

"There shall be assessed as special benefits for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District Line upon the aforesaid plans, such sum or sums as the jury hereinafter provided for may determine, on such lots and pieces or parcels of land abutting the area of improvement, and adjacent thereto, and any other lots, pieces, or parcels of land in the District of Columbia that such jury shall determine are specially benefited by reason of said reclamation and development, in the manner following, that is to say: It shall be the duty of the Secretary of War, for the purpose of said assessment, to divide into sections, in such manner as he may deem best, the entire area of improvement; as soon as practicable after the reclamation and development of each section is completed he shall furnish to the Commissioners of the District of Columbia a plat of such section showing the area reclaimed and developed, and thereupon it shall be the duty of said Commissioners to institute in the Supreme Court of the District of Columbia, sitting as a District court, by petition, a proceeding in rem for the assessment of benefits. The proceedings in such case shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, in so far as the same are applicable. It shall be the duty of the jury provided for in said proceeding to find as special benefits the increase in value which such reclamation and development has added to each lot, piece, or parcel of land abutting such improvement, and adjacent thereto, and any other lot, piece, or parcel of land in the District of Columbia, which it may find will be specially benefited by reason of said improvement; and of the amount which said jury shall find such lots, pieces, or parcels of land so benefited it shall assess one-half thereof upon such lot, piece, or parcel of land. In determining the amounts to be assessed against said lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may specially receive from such reclamation and development, and where any part of any lot, piece, or parcel of land has been dedicated for the purpose of such reclamation and development, the jury in determining whether the remainder of said lot, piece, or parcel of land is to be assessed for benefits and the amount of benefits if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of land so dedicated. The said assessments shall be levied and collected under the provisions of said subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, and shall be paid into the Treasury of the United States to the credit of the United States and of the District of Columbia in equal parts, and when finally ratified and confirmed by the court shall severally be a lien upon the land assessed and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal annual installments with interest at the rate of 4 per cent per annum from and after 60 days after the confirmation of the verdict of the jury. Where not otherwise herein provided for, all of the provisions of said subchapter 1 of chapter 15 of said Code of Law for the District of Columbia shall be applicable to the levying and collecting of said special assessments."

And the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: Strike out "$2,000" where it occurs in said amendment and insert in lieu thereof "$1,800"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$86,935"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 28, 101, 103, 104, 105, 169, 178, 226, and 227.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
LUKE LEA,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendments Nos. 1, 2, 3, 4, 5, and 6, relating to the executive office: Strikes out the increase, proposed by the Senate, in the salary of an assistant secretary to the commissioners; increases the salary of a clerk from $600 to $720; increases the salary of one plumbing inspector from $780 to $900; provides for 12 assistant inspectors of buildings at $1,200 each, as proposed by the Senate, instead of 11, as proposed by the House; and reduces the sum for temporary building inspectors from $3,000 to $1,500, as proposed by the Senate.

On amendment No. 7: Strikes out the appropriation of $125,800, proposed by the Senate, for buildings for the fish market.

On amendment No. 8: Appropriates $50,000, as proposed by the Senate, for reconstructing wharves at the fish wharf and market.

On amendments Nos. 9, 10, and 11, relating to the engineer commissioner's office: Strikes out the computer at $1,200 and the proposed increase in the salary of a clerk from $1,500 to $1,600.

On amendment No. 12: Appropriates $4,500, as proposed by the Senate, for employees to enforce the act to regulate the hours of employment and safeguard the health of females in the District of Columbia.

On amendments Nos. 13, 14, 15, 16, and 17, relating to the Free Public Library: Provides an additional janitor at $480; increases the salary of the engineer from $1,080 to $1,200; and appropriates $2,500 for the purchase and installation of a boiler.

On amendments Nos. 18, 19, 20, 21, 22, and 23, relating to motor vehicles: Appropriates for one motor vehicle, as proposed by the House, instead of two, as proposed by the Senate, for use of the civilian commissioners; provides that all motor and horse-drawn vehicles shall have painted on them the words "District of Columbia," in 3-inch letters, as proposed by the Senate, instead of the words "City Service," in 6-inch letters, as proposed by the House; and strikes out the provision, inserted by the Senate, prohibiting the use of appropriations for passenger automobiles or carriages.

On amendment No. 24: Strikes out the provision, proposed by the Senate, for a telephone in the residence of the assistant superintendent instead of the chief inspector of the street-cleaning division.

On amendment No. 25: Inserts the provision, proposed by the Senate, for car tickets for employees of the District of Columbia.

On amendment No. 26: Strikes out the appropriation, proposed by the Senate, for repair of the morgue building.

On amendment No. 27: Inserts the appropriation, proposed by the Senate, for the purchase of new apparatus in the office of the inspector of asphalts and cements.

On amendment No. 29: Increases the paving width of P Street NW., between Rock Creek and Twenty-eighth Street, from 30 to 40 feet, as proposed by the Senate.

On amendment No. 30: Inserts a substitute for the provision, proposed by the Senate, for the construction of a viaduct and bridge to carry Benning Road over the tracks of the Baltimore & Ohio and the Philadelphia, Baltimore & Washington Railroad Cos.

On amendment No. 31: Appropriates $2,000 as proposed by the House, instead of $4,150 as proposed by the Senate, for payment in full to Thomas W. and Alice N. Keller for land taken and damages sustained in the condemnation of square 2838.

On amendments Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 56, relating to improvement of surburban roads: Changes the name of the "Avenue of the Presidents" to "Sixteenth Street" as proposed by the Senate; provides that Fort Place, between Seventeenth and Eighteenth Streets, shall become a part of Irving Street; appropriates for improvement of certain streets, as proposed by the Senate, as follows:

Minnesota Avenue, Benning Road to Forty-second Street, $5,600.

Highview Place, Nichols Avenue to Brothers Place, $500.

Fifth Street, Alabama Avenue to Savannah Street, and Savannah Street, Fourth Street to Randle Place, $1,800.

Waclark Place, Nichols Avenue to Raleigh Street, $800.

Hunt Place, Deane Avenue, and Grant Street, from Minnesota Avenue to Division Avenue, $14,400.

Streets in Burrville, Division Avenue to District line, $10,000.

Fourth Street, Nichols Avenue to Savannah Street, $1,100.

Sixth Street, Alabama Avenue to Savannah Street, $1,100.

Randle Place, Alabama Avenue to Savannah Street, $1,100.

Twenty-fifth Street, Hamlin Street to Irving Street, $1,500.

Twenty-fourth Street, Irving Street to Hamlin Street, $3,300.

Otis Street, Twelfth Street to Fourteenth Street, $4,200.

Harrison Street, Belt Road to Wisconsin Avenue, $5,400.

Forty-first Street, from Ingomar Street to Harrison Street, $800.

Kearney Street, Fourteenth Street to Eighteenth Street, $5,500.

Strikes out the appropriations, proposed by the Senate, for improvement of certain streets, as follows:

Connecticut Avenue, Tilden Street to Pierce Mill Road, $5,500.

Sixteenth Street, Montague Street to Military Road, $26,952.

Park Road, Fourteenth Street to Sherman Avenue, $10,400.

Eleventh Street, Columbia Road to Park Road, $6,500.

Lawrence Street, Sixteenth Street to Eighteenth Street, $3,600.

Audubon Street, Albemarle Street to Broad Branch Road, $15,000.

On amendment No. 57: Appropriates, as proposed by the Senate, for the expenses of opening, widening, or extending streets, avenues, or roads.

On amendment No. 58: Strike out the authority in the appropriation for "Repairs—streets, avenues, and alleys," to maintain a motor vehicle for use of the engineer commissioner and his assistants.

On amendment No. 59: Strikes out the appropriation of $30,000, proposed by the Senate, for repaving Seventh Street.

On amendment No. 60: Appropriates $27,000, instead of $30,000 as proposed by the Senate, for resurfacing the roadways of approach to the Highway Bridge.

On amendment No. 61: Strikes out the provision, inserted by the Senate, appropriating $60,000 for the alteration of the Pennsylvania Avenue Bridge across the Eastern Branch of the Potomac River.

On amendment No. 62: Appropriates $190,000, instead of $161,600 as proposed by the House and $200,000 as proposed by the Senate, for suburban sewers.

On amendments Nos. 63, 64, and 65, relating to street cleaning: Increases the allowance to inspectors for maintenance of horses and vehicles from $20 to $25 per month; strikes out the authority for the purchase of uniforms; and appropriates $270,000, instead of $269,900 as proposed by the House and $273,000 as proposed by the Senate.

On amendment No. 66: Inserts the provision, proposed by the Senate, appropriating $7,500 for an investigation and report into the collection and disposal of garbage modified, to prevent its use for traveling or subsistence expenses.

On amendment No. 67: Appropriates $4,830, as proposed by the Senate, for the maintenance of the bathing beach.

On amendment No. 68: Strikes out the provision, inserted by the Senate, relating to the disposal of fees received from the use of public scales.

On amendments Nos. 69, 70, 71, 72, 73, and 74, relating to playgrounds: Increases the appropriation for maintenance from $9,000 to $12,490, and inserts authority to provide wading pools, as proposed by the Senate; appropriates, as proposed by the Senate, $7,500 for construction work and equipment at the Rosedale and Howard playgrounds, $500 for supplies, repairs, and operating expenses of swimming pools, and $480 for two guards or swimming teachers at $60 per month each for four months; and restores the language proposed by the House, making appropriations for playgrounds payable wholly out of the revenues of the District of Columbia.

On amendments Nos. 75 and 76: Increases the salary of an expert repairman in the electrical department from $960 to $1,200, as proposed by the Senate.

On amendments Nos. 77, 78, and 79, relating to the Washington Aqueduct: Strikes out the appropriation of $3,500, proposed by the Senate, for repairs, grading, opening ditches, and maintenance of Conduit Road; appropriates $3,000, instead of $2,000 as proposed by the House and $5,000 as proposed by the Senate, for parking grounds around McMillan Park Reservoir; and inserts the language, proposed by the Senate, authorizing the use of employees of the Aqueduct in the erection of a house for the assistant to the overseer at Great Falls, Md.

On amendment No. 80: Appropriates $2,000 instead of $5,000, as proposed by the Senate, for removal of dead and down timber from Rock Creek Park.

On amendments Nos. 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93, relating to officers, teachers, and employees in the public schools: Increases the salary of a director of primary instruction from $1,800 to $2,200 and prescribes a rate of increase of $100 per year for five years for length of service and fixes the salary of directors of domestic science, domestic art, and kindergartens at $1,500 per annum, with a rate of increase of $100 per year for five years for length of service, as proposed by the Senate; appropriates $425,000 instead of $400,000, as proposed by the House, and $462,935, as proposed by the Senate, for longevity pay; strikes out the increase proposed in the salary of the superintendent of janitors from $1,200 to $1,500 and of the engineer at the J. Ormond Wilson Norm l School and Ross School from $900 to $1,000, and appropriates $4,500, as proposed by the Senate, for five school nurses.

On amendments Nos. 94, 95, 96, 97, 98, and 99, relating to miscellaneous expenses of public schools: Strikes out the increase of $35,000 proposed by the Senate in the appropriation for repairs and improvements to school buildings and grounds; increases the appropriation for furniture and equipment in school buildings from $4,000 to $4,950, as proposed by the Senate; inserts the authority proposed by the Senate for an allowance of $300 to the superintendent of schools for livery of horse or garage; and strikes out "authority for the purchase of technical books" from the appropriations for "school gardens" and "laboratory equipment."

On amendment No. 100: Inserts the provision proposed by the Senate making taxes levied and paid for the year next preceding the time of levying tutelage charges on nonresident pupils in the public schools or the parents of nonresident pupils accceptable as a credit or part credit on such tutelage.

On amendments Nos. 102, 106, and 107, relating to school buildings and grounds: Appropriates $150,000, as proposed by the Senate, for a site for the new Eastern High School; restores the paragraph proposed by the House relative to solicitation of subscriptions on public-school premises modified so that it will not apply to school playgrounds or school publications; and restores the paragraph, proposed by the House, relative to the use of the Franklin School Building for office purposes.

On amendment No. 108: Increases the appropriation for expenses of deaf and dumb persons in the Columbia Institution for the Deaf from $12,000 to $12,250, as proposed by the Senate.

On amendment No. 109: Restricts the use of the appropriation of $7,000 for instruction of blind children to the instruction of indigent blind children, as proposed by the House.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, and 118, relating to the Metropolitan police: Appropriates for 20 drivers at $840 each, instead of 20 drivers at $900 each, as proposed by the Senate, and 18 drivers at $720 each, as proposed by the House; appropriates for five police matrons, at $600 each, instead of three; appropriates $6,000, instead of $5,500 as proposed by the House and $7,000 as proposed by the Senate, for repairs and improvements to police stations; appropriates $5,000, as proposed by the Senate, for car tickets for strictly official use; strikes out the increase in the appropriation for reconstruction of cell corridors from $4,520 to $18,080, proposed by the Senate; and increases the salaries of two clerks at the House of Detention from $900 to $1,000 each.

On amendments Nos. 119, 120, 121, 122, 123, 124, and 125, relating to the fire department: Appropriates $650, as proposed by the Senate, for car tickets for official use; makes a verbal correction in the text of the bill; strikes out the appropriation of $33,000, inserted by the Senate, for new house, furniture, and furnishings for No. 1 engine company, K Street, between Sixteenth and Seventeenth Streets; inserts the appropriation of $55,000, proposed by the Senate, for house, site, furnishings, etc., for truck company No. 1; and strikes out the paragraph proposed by the House for the discontinuance of the fire station and engine house at Randle Highlands.

On amendments Nos. 126, 127, 128, 129, 130, 131, 132, 133, 134, and 135, relating to the health department: Appropriates, as proposed by the Senate, $2,000 for new apparatus, $1,000 for replacement of apparatus, and $300 for maintenance and books and periodicals for the bacteriological laboratory; strikes out the appropriation inserted by the Senate of $1,920 for new apparatus, $755 for replacement of apparatus, $500 for maintenance and books and periodicals for the chemical laboratory; and appropriates $1,325, as proposed by the House, instead of $2,200, as proposed by the Senate, for completion of the pound and stable.

On amendments Nos. 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147, relating to the juvenile court: Fixes the salary of the deputy clerk at $1,350 instead of $1,200, as proposed by the House, and $1,500, as proposed by the Senate; appropriates for the chief probation officer at $1,800 instead of $2,000, as proposed by the Senate, and $1,500, as proposed by the House; provides additional probation officers at $1,200 and $1,000, respectively, and increases the salary of the bailiff from $700 to $900, as proposed by the Senate; reduces the appropriation for compensation of jurors from $1,300 to $900 and increases the appropriation for rent from $240 to $2,400, as proposed by the Senate; makes the appropriation for furniture and equipments available for cost of moving and increases the amount from $500 to $1,500; and appropriates $2,000 instead of $1,200, as proposed by the House, and $2,500, as proposed by the Senate, for miscellaneous items.

On amendments Nos. 148 and 149, relating to the police court: Increases the salary of the fireman from $480 to $600, as proposed by the Senate.

On amendments Nos. 150, 151, and 152, relating to the municipal court: Strikes out the appropriation of $600, proposed by the Senate, for a messenger.

On amendment No. 153: Inserts in the appropriation for "support of convicts" the language proposed by the Senate, granting authority for shipment of the remains of deceased convicts to their homes in the United States.

On amendments Nos. 154, 155, and 156, relating to the Board of Charities: Provides for a stenographer at $1,400, instead of an assistant secretary and stenographer at $1,400 as proposed by the Senate and a stenographer at $1,200 as proposed by the House.

On amendments Nos. 157, 158, 159, and 160, relating to the Washington Asylum and Jail: Appropriates $35,000 as proposed by the House, instead of $38,000 as proposed by the Senate, for provisions, fuel, etc.; appropriates $1,000, instead of $2,000 as proposed by the Senate for hospital furnishings; and appropriates $1,500, as proposed by the Senate, for a laundry plant in the jail.

On amendments Nos. 161, 162, 163, 164, and 165, relating to the National Training School for Girls: Strikes out an additional teacher at $600 inserted by the Senate, and increases the salary of the engineer from $600 to $720 and the assistant engineer from $480 to $600, as proposed by the Senate.

On amendment No. 166: Appropriates $35,000, instead of $34,000 as proposed by the House and $36,000 as proposed by the Senate, for care of patients at Freedmen's Hospital.

On amendment No. 167: Appropriates $500, as proposed by the Senate, for a washer in the laundry at Columbia Hospital.

On amendment No. 168: Strikes out the increase in the appropriation for care of patients at the Children's Hospital from $14,000 to $15,000, proposed by the Senate.

On amendment No. 170: Strikes out the increase, proposed by the Senate, for care of patients at Georgetown University Hospital.

On amendment No. 171: Strikes out the increase, proposed by the Senate, for care of patients at George Washington University Hospital.

On amendments Nos. 172, 173, 174, 175, 176, and 177, relating to the Tuberculosis Hospital: Increases the pay of two assistant cooks from $180 to $240 each; increases the appropriation for provisions, fuel, etc., from $30,000 to $32,000, as proposed by the Senate; and appropriates $4,000, instead of $2,000 as proposed by the House and $5,000 as proposed by the Senate, for repairs and improvements to buildings and grounds.

On amendments Nos. 179, 180, 181, and 182, relating to the Board of Children's Guardians: Appropriates $11,680, instead of $9,880 as proposed by the House and $12,780 as proposed by the Senate, for salaries of employees; and appropriates $55,000, instead of $50,000 as proposed by the House and $60,000 as proposed by the Senate, for board and care of children.

On amendments Nos. 183, 184, 185, 186, 187, and 188, relating to the Industrial Home School for Colored Children: Strikes out the increase, inserted by the Senate, of $60 each in the pay of the farmer and the blacksmith and wheelwright; inserts the appropriation of $300, proposed by the Senate, for temporary labor; increases the appropriation for repairs and improvements to buildings and grounds from $1,500 to $2,500 as proposed by the Senate; and strikes out the appropriation of $5,000 for the erection of a residence for the superintendent.

On amendments Nos. 189, 190, 191, 192, 193, 194, 195, and 196, relating to the Industrial Home School: Appropriates for a supervisor of boys at $720 instead of at $900 as proposed by the Senate; strikes out the increases proposed by the Senate in the salary of one matron from $480 to $600 and of three matrons, a housekeeper, and a sewing teacher, from $360 to $420 each; and increases, as proposed by the Senate, the salary of a nurse from $300 to $360, a manual-training teacher from $600 to $660, and a cook and a laundress from $240 to $300 each.

On amendments Nos. 197, 198, 199, and 200, relating to the Municipal Lodging House: Makes a change in the title and appropriates for a foreman at $480, as proposed by the Senate.

On amendment No. 201: Strikes out the appropriation, inserted by the Senate, for care and maintenance of indigent persons by the Southern Relief Society.

On amendments Nos. 202, 203, and 204: Strikes out the appropriations, inserted by the Senate, of $10,000 and $5,000, respectively, for the Aid Association for the Blind and the Library for the Blind.

On amendments Nos. 205, 206, 207, 208, 209, 210, and 211, relating to the workhouse: Increases the salary of the assistant superintendent from $720 to $900; appropriates for the chief engineer and electrician at $1,100 instead of $900, as proposed by the House, and $1,200, as proposed by the Senate; increases the salary of a receiving and discharging officer from $900 to $1,000; and makes the appropriation for farm implements available for purchase of harness.

On amendment No. 212: Makes the appropriation for the reformatory available for personal services, as proposed by the Senate.

On amendment No. 213: Appropriates $24,000, as proposed by the Senate, for pay of troops of the militia of the District of Columbia.

On amendment No. 214: Inserts the provision, proposed by the Senate, for the reclamation and development of the Anacostia River and Flats modified so as to provide for the assessment of benefits.

On amendments Nos. 215, 216, 217, 218, 219, 220, 221, 222, 223, and 224, relating to the water department: Provides for four meter computers at $1,000 each, instead of three as proposed by the House, and five as proposed by the Senate; strikes out the increase in the salary of one clerk from $1,500 to $1,800; appropriates for an engineer at $2,400 as proposed by the Senate instead of an assistant engineer at $2,400 as proposed by the House; appropriates for an additional assistant engineer at $1,800, instead of $2,000 as proposed by the Senate; strikes out one draftsman at $1,600 and one steam engineer at $1,100, and inserts a master mechanic at $2,000 as proposed by the Senate; and makes the appropriation for fuel, machinery, material, etc., available for purchase of "motor trucks" as proposed by the House instead of "motor vehicles" as proposed by the Senate.

On amendment No. 225: Inserts the provision, proposed by the Senate, that gas shall not be purchased out of the appropriations in this act for use in any public building in Washington, D. C., at a rate in excess of 70 cents per thousand feet.

The committee of conference have been unable to agree upon the following amendments:

Amendment No. 28: Providing for assessment of cost of street, avenue, or road pavements against the abutting property.

Amendment No. 101: Providing for free tuition to school pupils whose parents are employed officially or otherwise in the District of Columbia.

Amendment No. 103: Appropriating $33,000 for a four-room addition to the John F. Cook School.

Amendment No. 104: Appropriating $66,000 for an eight-room addition to the Powell School.

Amendment No. 105: Appropriating $45,000 for a site for a new school building in the sixth division, north of G Street and east of Tenth Street.

Amendment No. 169: Providing $50,000 for the construction of a new building for the Central Dispensary and Emergency Hospital.

Amendment No. 178: Providing $300,000 for the erection of a hospital for municipal purposes, to be known as the Gallinger Hospital.

Amendment No. 226: Providing for the deposit of the surplus revenues of the District of Columbia in the Treasury of the United States to the credit of Miscellaneous Receipts.

Amendment No. 227: Providing for the repeal of all laws and parts of laws to the extent that they are inconsistent with this act.

ROBERT N. PAGE,
THOMAS U. SISSON,
CHARLES R. DAVIS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. AUSTIN. Mr. Speaker, I wish to ask the gentleman in charge of the bill a question. What became of the item placed in the bill in the Senate providing for the improvement of Seventh Street NW., $30,000?

Mr. PAGE of North Carolina. There was an amendment put in by the Senate authorizing the expenditure of $30,000 for taking up the present pavement on Seventh Street, beginning—I do not remember at what street——

Mr. AUSTIN. New York Avenue.

Mr. PAGE of North Carolina. Yes; New York Avenue, and extending for several blocks; and on that amendment the Senate receded.

Mr. AUSTIN. What was the objection on the part of the House conferees to the amendment?

Mr. PAGE of North Carolina. After a personal investigation of this pavement it was found that it was entirely good and served in every way the purpose for which it was placed there. The expenditure in taking up this pavement and replacing it at this time is not warranted.

Mr. AUSTIN. The present pavement is cobblestone, and there has been no improvement for half a century on the street.

Mr. PAGE of North Carolina. It is Belgian block—not asphalt pavement.

Mr. AUSTIN. Have not large property holders along Seventh Street asked that this improvement be made?

Mr. PAGE of North Carolina. Why, certainly; they appeared before the Senate committee, as did their citizens' association, and for that reason, I imagine, the amendment was placed in the bill in the Senate.

Mr. AUSTIN. That is an important street, and they really deserve a change in the pavement.

Mr. PAGE of North Carolina. I will say to the House that the pavement, while it is Belgian block, is perfectly good, and, with the expenditure of a few dollars in repairs, would last for a number of years. The House committee considered there were a number of other places in the District of Columbia that needed improvements and appropriations for improvements vastly more than this. This is a street on which there is a great deal of heavy traffic, and the present pavement is adapted particularly to the traffic passing over the street.

Mr. AUSTIN. Did the District engineer recommend the change?

Mr. PAGE of North Carolina. The District Commissioners estimated for this, but there was no special recommendation on the part of the engineer or the commissioners.

Mr. MADDEN. Mr. Speaker, I notice that amendment 31 provides for the payment of $2,000 to Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, instead of $4,150, as recommended by the Senate——

Mr. PAGE of North Carolina. By the Senate committee.

Mr. MADDEN. By the Senate. Just exactly what property was taken away from Mr. and Mrs. Keller?

Mr. PAGE of North Carolina. Well, I will say that the testimony before the Senate committee, which was presented to the conference committee, as I remember it, showed under this proceeding that there were about 1,500 square feet of land held in fee by these parties that was taken—I will not say taken, because I believe the fee is still in them—for the establishment of a building line.

Mr. MADDEN. Well, as a matter of fact, the property has been improved considerably by the fixing of the building line, has it not?

Mr. PAGE of North Carolina. That is a matter about which there is a very great difference of opinion.

Mr. MADDEN. Was not there an assessment made for benefits accruing to this property by reason of the fixing of the building line, and did not Mr. Keller pay part of the assessment?

Mr. PAGE of North Carolina. Yes, sir; the record shows that there was a jury appointed to assess certain damages against property, and, on the other hand, because of the moving back of the building line of the corner lot, which adjoined his, certain benefits. From the report of this jury the amount of the benefit exceeded the amount of damage, my recollection is, by $480; and the record shows, upon investigation—and I will say to the gentleman that I investigated it personally—that he has paid one of the quarterly payments on this $480.

Mr. MADDEN. And this $2,000 is appropriated in this bill now to enable him to pay the other three quarterly payments?

Mr. PAGE of North Carolina. It will very much more than enable him to do that.

Mr. MADDEN. That is what I would judge.

Mr. PAGE of North Carolina. The gentleman realizes that in a conference there are a good many things take place that may or may not be agreed to that are not personally agreeable to the conferees.

Mr. MADDEN. But the conferees on the part of the House seem to have been committed to this proposition.

Mr. PAGE of North Carolina. The conferees on the part of the House certainly were not committed to it in any way.

Mr. MADDEN. They were not?

Mr. PAGE of North Carolina. They were not.

Mr. MADDEN. Then, how did the conferees reach the conclusion that $2.000 was the exact sum that ought to be paid?

Mr. PAGE of North Carolina. Well, sir, the House conferees reached that sum in the same way that a good many figures are reached, not based upon any very accurate calculation, but as the best they could do under the circumstances.

Mr. MADDEN. Did the conferees have before them the information that this man had never appealed from the verdict of the jury in the condemnation case?

Mr. PAGE of North Carolina. Yes, sir; we had before us that information.

Mr. MADDEN. And what excuse could Mr. Keller give for not having appealed from the verdict of the jury and then come before the Congress of the United States asking payment for damages to his property when it was really benefited, according to the verdict?

Mr. PAGE of North Carolina. To be entirely frank, I do not know what Mr. Keller's representation was, because his representation was made to some other than the House conferees. I can not answer the gentleman's question, but the representation was very effectively made to the other legislative body.

Mr. MADDEN. I move to disagree to the agreement of the conferees with respect to amendment No. 31. This is a case, Mr. Speaker, where it seems——

The SPEAKER. The Chair will have to inquire of the gentleman if this is a complete agreement?

Mr. PAGE of North Carolina. This is a complete agreement on this item.

The SPEAKER. This item is included?

Mr. PAGE of North Carolina. It is included within those items agreed upon.

The SPEAKER. The motion of the gentleman from Illinois, then, is out of order.

Mr. MADDEN. Mr. Speaker, is it not within the power of the House——

The SPEAKER. It is not.

Mr. MADDEN. To amend the report?

The SPEAKER. Not where it is complete.

Mr. PAGE of North Carolina. I would say to the gentleman that his remedy is to vote down the adoption of the conference report.

The SPEAKER. The only thing in the world to do with the conference report is to agree to it or disagree to it as a whole.

Mr. MADDEN. Mr. Speaker, may I be permitted to address the House for two or three minutes?

The SPEAKER. The gentleman from Illinois asks leave to address the House for three minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I have the floor. How much time does the gentleman want?

Mr. MADDEN. Five minutes, I think.

Mr. PAGE of North Carolina. I yield five minutes to the gentleman.

Mr. MADDEN. It seems to me, Mr. Speaker and gentlemen of the House, that in a case like this, where all the court procedure that is usually had was complied with, and where condemnation proceedings were had to fix a building line, the result of which was that the property referred to in this amendment was benefited, and an assessment levied against the property as the result of the conclusion of the jury that such benefit did accrue to the property, and the man whose property was improved and affected materially by reason of the verdict of the jury did not appeal from the decision which levied upon him $480 benefit, it is a species of sandbag to report and comply with the demand made by this man now to pay him $2,000 for damage done to his property when, as a matter of fact, the records of the court show that the property was benefited. He had his remedy in court. When $480 was levied against this property for benefits, he could have appealed from the verdict. What did he do? He acquiesced in it; he paid the first assessment levied under that verdict, and it is fair to assume that he intends to pay the other three assessments levied when the time arrives for their payment.

Now, what process of reasoning could have induced anybody in the face of these facts to appropriate $2,000 to pay this man for so-called damages to his property about which he never complained when the case was in court, where he had his remedy and where he ought to have made his complaint, is more than I can understand.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MADDEN. Surely.

Mr. BARTLETT. The gentleman understands that this claimant is an old and long-trusted employee of the Senate and that the whole United States Senate is behind this item?

Mr. MADDEN. I really do not know who he is, where he comes from, what his influence is, or how it is exercised.

Mr. BARTLETT. And does not the gentleman know that the Senate has for years been trying to put this particular item on every appropriation bill, deficiency bill, and everything of that kind?

Mr. MADDEN. I think this is one of the greatest outrages ever attempted to be perpetrated on the public.

Mr. BARTLETT. You are criticizing the conferees, but the Senate on both sides seems to be behind it.

Mr. MADDEN. Then the House ought to vote down the conference report and have it distinctly understood that why it is voted down is that it does not under any circumstances propose to be sandbagged by this kind of an item, even though the whole Senate of the United States may be behind it.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. JOHNSON of South Carolina. Do I understand this appropriation is made to reverse the judgment of a court?

Mr. MADDEN. This is made to reverse the judgment of a court from which the beneficiary has never appealed.

Mr. JOHNSON of South Carolina. And has the Senate of the United States recalled a judicial decision upon the unsworn testimony of one of the litigants?

Mr. MADDEN. It looks that way. It has perhaps constituted itself into a higher court of appeal than we recognize under the laws of the land.

Mr. JOHNSON of South Carolina. But it has been decided upon unsworn testimony?

Mr. MADDEN. Yes, sir; without any testimony, I suppose.

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. MADDEN. I do.

Mr. CULLOP. The Senate seems to have already adopted the recall of decisions of the court without any law to that effect.

Mr. MADDEN. I will say that the Senate, on the recommendation of the House conferees, modified its own verdict, because, I understand, the verdict of the Senate was to the effect that originally $4,150 was the amount of damage that ought to be paid to this man, but by the persuasive art of the gentleman from North Carolina [Mr. PAGE] and the gentleman from Mississippi [Mr. SISSON], acting as conferees on this bill, they were able to induce the Senate to reduce the verdict from $4,150 to $2,000. And this $2,000 is nothing more nor less than a mere sandbag.

Mr. BARTLETT. It is a gratuity that is paid out of Uncle Sam's Treasury, that everybody goes after when he has a chance.

Mr. MADDEN. Let us not grant the gratuity. I hope the House will vote down the conference report and send the bill back with instructions to the conferees to disagree to the payment of this $2,000.

Mr. PAGE of North Carolina. Mr. Speaker, the statement just made by the gentleman from Illinois [Mr. MADDEN] in regard to this item, and the remarks injected by the gentleman from Georgia [Mr. BARTLETT] have brought before the House and the membership of the House the real facts as they exist in connection with this item of appropriation. This gentleman is an employee of the Senate of the United States, and has been for a number of years. This item, as I understand it, has been placed in various appropriation bills as an amendment of the Senate for several years, probably ever since these condemnation proceedings were had.

The gentleman from Illinois [Mr. MADDEN] asked about the decision of the court, and my friend from Indiana [Mr. CULLOP] suggests the recall of judicial decisions.

Mr. CULLOP. I would like the gentleman to quote me correctly upon that. What I said was that from what the gentleman from Illinois [Mr. MADDEN] said, the Senate, without a law, had adopted the recall of judicial decisions. They were getting progressive very rapidly, without legislating to that end. [Laughter.]

Mr. PAGE of North Carolina. I accept the gentleman's statement. The conferees on the part of the House, I want to say, are not going to try to defend this amendment. It was just one of those circumstances that arise, I imagine, in disagreements between the House and Senate in every conference, when there are matters that you have to accede to without your judgment being convinced; and I am free to confess, as one of the conferees, that this matter comes within that list. I do not believe, however, that it warrants the rejection of the conference report merely because it happens to be in it. To be frank with the gentleman, this man did not take advantage

of an appeal from this decision of the court, and I imagine it was because he desired to get his case into another court—into which he did get it—and there he found not only the court, but the members of the jury and the attorneys, all with him. It is a mere matter, to be frank about it, as to whether the House, as the gentleman from Illinois expresses it, shall refuse to be sandbagged or shall undertake to sandbag the other body.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MADDEN. I move, Mr. Speaker, that the conference report be disagreed to.

The SPEAKER. That is not necessary. It is the business of the Speaker to put the question when the motion is made. An agreement, of course, is had by an affirmative vote, and a disagreement by a negative vote. The question is on the adoption of the conference report.

The question was taken; and on a division (demanded by Mr. PAGE of North Carolina) there were—ayes 39, noes 47.

The conference report was disagreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move a further disagreement to all the Senate amendments and ask for a further conference.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves a further disagreement to the Senate amendments and asks for a conference.

Mr. MADDEN. Mr. Speaker, I move that the conferees be instructed——

Mr. PAGE of North Carolina. We will come back here later.

Mr. MONDELL. Mr. Speaker, I move to amend the motion of the gentleman from North Carolina [Mr. PAGE] that the House recede and concur in Senate amendments numbered 28, 103, 104, 105, 169, 178, and 226, and I ask for a separate vote on the various amendments.

The SPEAKER. The gentleman from Wyoming moves to recede and concur in Senate amendments 28, 103, 104, 105, 169, 178, and 226.

Mr. PAGE of North Carolina. Mr. Speaker, those are practically the amendments that are still in disagreement between the two Houses.

Mr. MANN. They are all in disagreement now.

Mr. PAGE of North Carolina. There were two others that the gentleman from Wyoming did not mention that are also in disagreement.

Mr. MONDELL. The amendments referred to in my motion are amendments that were in disagreement in the report submitted by the conference committee. There are other items which were also in disagreement which are not included in my motion.

Mr. MANN. Why not dispose of the amendments which are not enumerated by further insisting on a disagreement—those upon which no one desires a separate vote?

Mr. PAGE of North Carolina. Mr. Speaker, I ask that the question be put on amendment No. 101 and all the amendments other than those enumerated by the gentleman from Wyoming, on which he asks a separate vote.

The SPEAKER. The gentleman from North Carolina adds amendment No. 101 to the list. The gentleman from Wyoming asks that a separate vote be taken on the amendments he named.

Mr. GARNER. Mr. Speaker, the gentleman from North Carolina moved that the House insist upon a disagreement to all the other amendments in difference between the two Houses except those enumerated by the gentleman from Wyoming, so as to close up the bill, so far as all other disagreements were concerned, except the particular ones named.

The SPEAKER. That is correct. The question is on the motion of the gentleman from North Carolina to insist on a disagreement except as to amendment 101; to disagree on the Senate amendments and ask for a conference, with the exception of those amendments.

Mr. MANN. No; not ask for a conference, Mr. Speaker, but to further insist upon the disagreement between the House and the Senate on the amendments. The question of conference would come after the other motions are disposed of.

The SPEAKER. The gentleman from North Carolina made it all in one motion.

Mr. PAGE of North Carolina. I amend the motion, Mr. Speaker, because at the time I made it the gentleman from Wyoming had not made the motion on the various amendments. I now ask that the House further insist on the disagreement to these amendments in difference between the two Houses not enumerated by the gentleman from Wyoming.

The SPEAKER. And not including the one that the gentleman suggested himself?

Mr. PAGE of North Carolina. No; I withdraw the one I suggested.

The SPEAKER. The question is on the motion of the gentleman from North Carolina to further insist on the disagreement to the Senate amendments, except Senate amendments Nos. 28, 103, 104, 105, 169, 178, and 226.

The motion was agreed to.

The SPEAKER. The gentleman from Wyoming asks a separate vote on these several amendments. The Clerk will report amendment No. 28.

Mr. MONDELL. Amendment 28 is to strike out what was known as the Borland amendment, placed on the bill in the House. I move that the House recede and concur.

The Clerk began the reading of the amendment.

Mr. MONDELL. I ask unanimous consent that the reading of the amendment be dispensed with. It is what is known as the Borland amendment, relative to assessments for streets and sidewalks.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the reading of this amendment be dispensed with.

Mr. FOSTER. I think we ought to have it read.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read.

The Clerk began the reading of the matter proposed to be stricken out.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. This is an amendment to strike out all of page 22 after line 5, all of page 23, and all of page 24 down to and including line 8, of the bill. That is the Senate amendment. The Clerk is not reading the Senate amendment. It is not in order to read what is not included in the amendment.

The SPEAKER. What would the House know about it if it was not read? They might be striking out the Ten Commandments. [Laughter.]

Mr. MONDELL. Members can read it for themselves, Mr. Speaker.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Senate amendment 28.

Strike out the following:

"That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however*, That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments herein provided for shall be levied and paid for in the following manner, namely: Where the width of the roadway actually to be paved is 40 feet or less between the curbs, or between the gutters, where no curbs exist, after deducting the amount required to be paved by the street railway companies, the total cost of the work, including the expenses of assessments, shall be assessed against the abutting property owners, one-half to each side; where the width of the street thus to be paved, after deducting the amount required to be paved by the street railway companies, shall exceed 40 feet, the cost of construction as herein provided for shall be levied and paid for as follows: The cost of constructing 20 feet on each side of said street shall be assessed against the abutting property owner, and the cost of paving the remaining portion of said street, including the cost of intersections, shall be paid for by the government of the District of Columbia out of funds available for that purpose.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as now provided by law: *Provided*, That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the fund available for similar public work."

Mr. PAGE of North Carolina. Mr. Speaker, this is what is known as the Borland amendment, which was placed in the appropriation bill on the floor of the House when it was under consideration here. The conferees on the part of the House have insisted upon the recession of the Senate from their amendment in striking out that provision, but have been utterly unable even to open the matter up for discussion. The direct question was asked me as one of the House conferees, before we went to conference, if the House would be given an opportunity to express itself upon this amendment before there was a final agreement, and I committed the conferees on the part of

the House to the opportunity for further action. That time has come, and I will yield to my colleague on the conference committee, Mr. SISSON.

Mr. SISSON. Mr. Speaker, I understand the gentleman from North Carolina [Mr. PAGE] yields to me, but still controls the floor.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] yielded to the gentleman from Mississippi.

Mr. SISSON. This matter was so thoroughly discussed in the House before that I do not know that anything we might say upon this matter would be able to change the viewpoint of any Member of the House in reference to it.

Mr. MURDOCK. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MURDOCK. Is this the amendment which provides that the cost of pavement shall be assessed against abutting property?

Mr. SISSON. This is the Borland amendment, which provides for the assessment of one-half the cost to the property owner on one side, and the other half to the property owner on the other side. In other words, all of the cost is assessed to the property owners on both sides. As has been suggested also, the Federal Government would be called upon to pay its pro rata share wherever Government property abuts on a street.

Some casual investigation of the matter will show that in about 55 per cent of the cities of the United States the abutting property owners pay all of the street improvements. So far as I know, every modern or new city in the United States has this rule. There may be a few exceptions, but very few.

In about 70 per cent the general treasury of the municipality responds to about one-third of the cost of paving. In about 95 per cent of the cities of the United States the property owners contribute something toward street paving. In about 5 per cent of the cities it is paid for out of the general treasury, but those are the older cities of the United States and not the new ones.

I do not know that I betray any sort of confidence when I say that it was the purpose of the conferees, if they could not get the Senate conferees to agree to this item, to agree upon some basis of assessment, so that the property owner might pay at least a portion of the cost of paving the streets.

Your subcommittee that made up the bill have visited every street which it is proposed to improve. We visited every street where the Senate proposed an amendment to us before we agreed to it in conference, and we had an opportunity to learn more than we have ever known before about the city and its streets. I presume an examination of almost any city would be about like an examination of this city. You will find many streets where the only people benefited at all by the street pavement are the property owners themselves. There are many streets which are used only to go to the homes of the people living on the street, where the general public never use the street, except as the delivery wagons deliver produce to those homes for their convenience. It is admitted by every authority worthy of note in reference to municipal improvements that the immediate and direct benefit of laying a street or a sidewalk inures first to the benefit of the man who owns the property where the pavement is laid. The other benefit to the general public is an indirect benefit. It is the benefit that may be obtained by using the street. But in this country all the public roads, except a few of the older toll-gate roads, are free to the public. The modern policy has been to make them all free to the public without charge of any kind.

In other modern cities, when the people living on a certain street desire to have that street improved, they have the right to go before the authorities. In some cities it requires a majority of the property owners on the street. In some cities two-thirds are required to demand the kind of street pavement that they desire; but under the rule which prevails in the District of Columbia you will find that where there are only two or three homes on a street, where the cost of paving the street amounts to more than the homes on the street would cost, the property owners do not bear the expense, and the unimproved real estate gets the benefit of the improvement. When a man desiring to become a home owner goes to buy a lot upon that street, he pays the unearned increment taken out of the general treasury of the District and out of the Treasury of the United States.

The man who desires to become a home owner buys the lot and is compelled to pay the real-estate agent that additional sum. All the modern cities say, in view of the fact that that improvement enhances the value of the property in front of which the street is laid, have adopted the rule of requiring the property owners to pay half the cost of the street. In nearly all the large towns that is the rule. Your conferees were willing to confer with the Senate conferees. Your conferees were willing on the Borland amendment to receive suggestions, and, if they could do so, meet on common ground. I do not believe I betray any confidence when I say that it is admitted on the part of many Members of the Senate with whom you talk about it that something ought to be done. They do not believe that the present rule ought to prevail.

Now, gentlemen of the House, if you shall concur in the Senate amendment and strike out the Borland amendment, then it goes out of this bill and the conferees will have no opportunity of further insisting upon getting together with the Senate conferees on some proposition whereby we may work out that which is infinitely more equitable than the present system.

I believe also that the three conferees on the part of the House would be willing to agree with the Senate on a proposition that one-third of the cost be borne by the property owner on one side, one-third to be borne by the property owner on the other side and the other third by the General Treasury.

Now, so far as the streets that have already been improved are concerned, where the streets in the city have been perfected within later years, the argument is made that the other sections that have been neglected would be burdened by it. That can be worked out without any trouble. We can follow this with proper legislation as they have in a number of cities. I believe Baltimore is one of them, where they adopted the plan of requiring the property owner whose street had been improved to contribute to the new street, those streets where the city had improved them—they levied a street tax against the already improved streets for the purpose of requiring these people to pay for the benefits which they got in the past. In that way they equalized the burden so that those people who now have to pay under the new régime will be able to have the amount which they pay toward the general improvement in the city and toward street improvement so much reduced that their taxes in a few years will be equalized with those people who have streets already built.

If the present system is a bad one, it is no sufficient argument to say that those people who have got the benefits of the past ought not to have them, and so we will not change it but give people in the future the benefits which they ought not to have.

So, the conferees insist that the House stand with the conferees and further insist upon their disagreement with the Senate, and let us make an effort, and if we have the backing of the House, if you gentlemen believe in going forward in street improvements, if you believe we benefit the municipal government by giving them something modern and progressive in legislation such as we have in the Western States, you will stay with us and insist that we come to some terms in reference to this matter. If we do not, and the old system continues, you are just as far from making progress as you were when it commenced.

I am not going to discuss further the question of the rightfulness of the proposition, because it was discussed here for perhaps a whole day when the bill was up. It was discussed on several occasions and on both sides of the proposition. The discussion was one most interesting to those who stayed and listened to it. The speeches were very full; the speech of Judge PROUTY was filled with wisdom and facts, and I presume all are familiar with it. So the conferees ask the House to stand with them, so that we may go back and work out some system whereby the property owners will pay a portion of the advantage they get in street improvements.

Now, there is one thing I want to leave with you. Whatever tends to make the land of a nation unusually high, whatever tends to make building lots of cities artificially high, impedes the progress of home owning, and whatever impedes the progress of home owning impedes the progress of a city, impedes the progress of a county, impedes the progress of a State, and impedes the progress of a nation. In other words, what we need in America is a Nation of small landowners, a Nation of small home owners. As Henry W. Grady, of Georgia, said on one occasion when addressing the people of Boston in that famous speech of his shortly before he died, "If you will anchor a man to the soil, you make a patriot of him." So if you want to settle the labor question, if you want to settle the labor troubles in this country, the quickest way to do it is to let the laborer own the roof that shelters his wife and child. If you want to settle the problems that face this great Nation, it is necessary that the great leaders should give their time and attention to these municipalities, not so much on account of the importance to the municipality itself, but because the great problems in our cities are affecting the whole country. And if you will devote your time patiently to working out municipal problems in this District it will be reflected throughout the country and advance the cause of good government.

I know that there is no city in the United States that would adopt the system now in vogue in the District of Columbia. I know the argument is made that this is the Capital of the Nation. That is no reason why the property owner in the Capital of the Nation should have any special privileges over anybody else. They have at their door the best pay roll on earth. I do not believe that you will find any factory town where the business is as steady, where there is no upheaval affecting the pay roll. No bank failure affects the Government pay roll, no epidemic affects the Government pay roll, no crop failure affects the Government pay roll, and yet every town and city has to undergo all these chances and uncertainties, together with the inclemency of the weather and the failure of the crop season.

But in the District of Columbia, as long as the people back among your people are earning the money that can find its way into the Federal Treasury the salaries of the Government officials will constantly increase from year to year, and the number of employees will increase from year to year, and it puts behind the property of this District a substantial bulwark and support that you do not find in any other city of the same size in the United States, and there is no reason why the District government here should not be conducted somewhat upon modern and advanced lines. I would not do the District of Columbia one particle of injury, and with all of the criticisms that may be heaped upon those of us who want an honest and fair government here in the District I want to say that if this should become an issue in your district you would have a great deal of trouble, except upon sentimental lines, in defending the present system in vogue in the District of Columbia. The present system is unjust to the taxpayers of the United States, and for this reason I hope that the House will further insist upon its original proposition, and that the Senate will recede.

Mr. MONDELL and Mr. PAGE of North Carolina rose.

Mr. PAGE of North Carolina. Mr. Chairman, how much time does the gentleman desire?

Mr. MONDELL. Mr. Speaker, the gentleman from Mississippi occupied 18 minutes, and he said he had nothing to say.

Mr. PAGE of North Carolina. If the gentleman from Wyoming has nothing to say, how long does he wish to occupy?

Mr. MONDELL. I have something to say on the subject, and I think I ought to have as much time as the gentleman from Mississippi had, but I shall be perfectly content with 15 minutes.

The SPEAKER. The gentleman from North Carolina has only 10 minutes remaining.

Mr. PAGE of North Carolina. Mr. Speaker, I yield the gentleman 10 minutes.

Mr. MONDELL. Mr. Speaker, the gentleman from Mississippi [Mr. SISSON] began his 18-minute oration with a statement that he had nothing to say. I shall not question the gentleman's accuracy and veracity by insisting that he has said anything particularly pertinent to the subject. He has given us a beautiful oration on his hopes and expectations with respect to the future of the Union, and we all join with him in the hope and desire that some day, some time, we will all be good and happy. But in the meantime the question before the House is the question of assessments upon the people of the District of Columbia for paving and repair of streets. In this matter there are two general policies that may be properly followed, either of which, if inaugurated at the beginning of the building of a municipality and continued through to the end, is fairly just, reasonable, and equitable; but to depart from either one of the policies abruptly, as is proposed here, after a city is largely built and is rapidly expanding into the country, involves necessarily inequity and great hardship. For a century this city has been building on the plan of the pavement of streets and work of that character out of the General Treasury.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PAGE of North Carolina. The last statement of the gentleman is correct, but I want to ask the gentleman if he thinks that is equitable and right?

Mr. MONDELL. Mr. Chairman, if it is continued from the beginning to the end, it is reasonably equitable, just, and fair, as equitable, just, and fair as any system, because no system that can be devised is in all respects equitable, just, and fair; and the gentleman from Mississippi himself practically admitted that by his illustrations as to conditions in the outskirts of this city. What is the situation to-day? All of the main thoroughfares of the city have been paved, and they have been paved at the expense of all of the people of the District. The streets in the wholesale and retail and manufacturing portions of the city are all paved. Streets abutting valuable residential property on the Avenue of the Presidents, on New Hampshire Avenue, and elsewhere, where are situated the homes of the rich and the millionaires, have all been paved. The paving now needed is in the suburbs abutting the homes of people in moderate circumstances—people who in very many instances own their own building lots—and the burden will be lifted by this legislation from the shoulders of the merchants and the property owners along the rich and valuable business and residential streets, it will be lifted from the shoulders of the owners of the million-dollar homes on the principal residential streets, and will be placed upon the shoulders of the owners and prospective builders of humble homes in the suburbs of the city. That is the plan proposed. If from the beginning we had had this plan of assessment, then it would have been fair and equitable to continue it, but to abruptly change conditions and suddenly burden the owners of small homes, those who have property in outlying districts, purchased with the understanding that they would not personally be burdened with these assessments, is to lay upon them a burden that they should not be compelled to bear.

Mr. HUGHES of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HUGHES of West Virginia. Will the people to whom the gentleman refers have to bear this burden, or will it not, if this bill goes through in its present shape, benefit those who lay out these subdivisions—the real estate men principally?

Mr. MONDELL. This legislation, if it goes through, will benefit no one, in my opinion, except those who already have their streets paved; and who are they? The owners of valuable property in the heart of the city, the owners of valuable property on the residential avenues. On the other hand, who will be burdened by it? The people who have bought lots in outlying districts, the people who purchased homes in outlying districts; in the main they are people of small, limited means. The gentleman says that the real estate dealers in the suburbs will benefit. How? The real estate dealer now sells his property upon the basis of its value and on the basis of its cost, and one of the elements of cost is the cost of paving, and if there be no cost of paving assessed against the property then the real estate dealer can not add to his price what that improvement cost; but under this change in procedure the real estate dealer will place the burden on the shoulders of the man who buys the house. Is the gentleman from Mississippi [Mr. SISSON] or any other gentleman simple-minded enough to imagine that the owner of property in the suburbs desiring to sell lots and houses will bear the burden of the cost of street improvements? Will not the purchaser have to pay?

Mr. SELDOMRIDGE. Mr. Speaker, will not the purchaser of property know when he buys the property that he will have to pay for the street improvements, and does he not take that into consideration?

Mr. MONDELL. Mr. Speaker, the purchaser of property in the future, if this law went on the statute book, might not be seriously injured by it, because he would buy his property with that understanding.

But all those who have purchased property up to this time, and there are thousands of them—departmental clerks, people with small salaries, people of limited means—have purchased their property on the basis of the laws as they are now on the statute books. You are proposing by this legislation to lay upon the owners of all lots abutting unimproved streets on the outskirts of the city this additional burden, which should be borne to a very considerable extent by those owning property in the business part of the city, and particularly those owning these magnificent mansions on the residential avenues. If at the beginning it had been deemed wise to build this city on the basis of such assessments as are suggested and that has been done, it would have been unwise, inequitable, unfair, and unjust to have departed from that policy. It is just as unjust, just as unwise, just as inequitable, just as unfair to the owners of property now, after three-fourths of the city has been well paved, to relieve these property owners whose property has been improved from the share of the burden they should bear in the improvement of other streets. There is this additional reason why the plan proposed is not fair or just in a city like this in these days of automobiles. There are many streets much more largely used by the general public for business or pleasure purposes than by the abutting owners. It is not fair that the property owners along a street largely used and quickly worn out by general automobile traffic should bear all the burden of placing or keeping such a street in repair. The general public benefits by the use of such streets; the general public should pay for their paving and repair.

The SPEAKER. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I move the previous question on this amendment.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to recede from House disagreement to Senate amendment numbered 28 and concur in the same.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 15, noes 38.

So the motion to concur was rejected.

The SPEAKER. The Clerk will report amendment No. 103.

The Clerk read as follows:

For a four-room addition to the John F. Cook School, $33,000, or so much thereof as may be necessary.

Mr. PAGE of North Carolina. Mr. Speaker, amendment No. 103 as just read by the Clerk and amendments Nos. 104 and 105 all relate to appropriations either for the extensions of present school buildings or purchases of school sites. I would say to the House that these matters were all carefully and diligently investigated by the subcommittee of the Committee on Appropriations formulating this bill in the House; that we made the appropriations for the extension of the school system by the erection of school buildings and purchased all the additional ground that appealed to the committee as being in any way necessary at the present time. This amendment and the two following were estimated for, it is true, by the District Commissioners, but they were not insisted upon either by the District Commissioners or very insistingly by the board of education. They are matters that at some time may have to be attended to, but they are not now in any measure urgent. As one of the conferees, I ask that the House sustain us and disagree to the amendment now before the House.

Mr. MURDOCK. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MURDOCK. What are these amendments which the Senate added?

Mr. PAGE of North Carolina. The Senate has added, in this particular amendment before the House, the Cook School, a colored school, located in the northwest, $33,000, for an addition to the building. Upon investigating it we found, while that building was full, it was not particularly crowded, and that there were other school buildings for colored children within reach of some of these pupils in which the schoolrooms were not full, and the pupils might reach them and not be at all crowded.

Mr. MONDELL. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield.

Mr. MONDELL. Is the gentleman sure this is a colored school?

Mr. PAGE of North Carolina. The Cook School?

Mr. MONDELL. I think the gentleman is entirely mistaken.

Mr. PAGE of North Carolina. No; I was thinking of the next school—the Powell School.

Mr. MONDELL. The gentleman ought to be more accurate——

Mr. PAGE of North Carolina. The facts are the same that exist as to both of these schools—the colored school and the other.

Mr. MURDOCK. How much is wanted for the other?

Mr. PAGE of North Carolina. Sixty-six thousand dollars for the Powell School and $33,000 for the Cook School. One is a four-room addition and the other is an eight-room addition.

Mr. MONDELL. The gentleman is also mistaken about the next school—the Powell School. That is not a colored school. I have two children who attended it.

Mr. PAGE of North Carolina. I beg the gentleman's pardon again; I was mistaken; it is very easy to make a mistake about this great number of schools, but the facts are as I stated and are absolutely true, that the necessity does not exist provided that a proper distribution of the children is made in the localities where the schools now exist.

Mr. MONDELL. I would like about five minutes on this one item.

Mr. PAGE of North Carolina. I yield to the gentleman five minutes.

The SPEAKER. Before the gentleman from Wyoming begins the Chair would like to ask him a question. Now, the gentleman from North Carolina says the very same question is involved in amendments numbered 103, 104, and 105, and the Chair would like to ask the gentleman from Wyoming if he wants a separate vote on those three amendments?

Mr. MONDELL. I have no objection to having amendments numbered 103 and 104 voted on together.

The SPEAKER. All right.

Mr. PAGE of North Carolina. One is for a building and the other is for a site.

Mr. MONDELL. If the gentleman will give me 10 minutes on the two items.

Mr. PAGE of North Carolina. I think the gentleman can discuss them in five minutes; the same principle is involved.

Mr. MONDELL. I may not use all the time——

Mr. PAGE of North Carolina. The same principle is involved and the gentleman can use five minutes, and then if he has something more to say——

Mr. MONDELL. I think I know more about these schools than the gentleman does. I am going to speak of my knowledge.

Mr. PAGE of North Carolina. I think the gentleman has a habit of thinking he knows more about everything than anybody in the House——

Mr. FOWLER. Not altogether; there is Mr. MANN.

The SPEAKER. How much time does the gentleman yield?

Mr. PAGE of North Carolina. Five minutes.

Mr. MONDELL. Mr. Speaker, I shall have to insist on a separate vote on this item. Mr. Speaker, it is not very difficult for me to prove, as far as this particular matter is concerned, that I know more about it than the gentleman from North Carolina. He thought it was a colored school. It is a white school, just off Mount Pleasant Street, a school two of my children attended a year ago. There is a very great need for an additional school building up there on the hill at that point.

It is a part of the city that is growing more rapidly than any other part. I had great difficulty last winter in getting my children into the schools in that part of the city owing to the fact that there was not room. It was necessary to send part of them to the Cook School and part of them to the school that is provided for in the next item—the Powell School—in order to secure accommodations for them.

Mr. CRAMTON. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. CRAMTON. I may say, Mr. Speaker, that I found the same difficulty. I was not able to put my little girl in this Cook School for a period of two or three months owing to a lack of accommodations.

Mr. BRYAN. I want to say, from the number of children the gentleman from Wyoming has, part in this and part in another school, he ought to be a Progressive.

Mr. MONDELL. I am progressive in the true sense, as all good Republicans are. I am blessed with five. Four of them are attending school in the city of Washington.

This school is needed and it is needed badly. It is in a very crowded condition, and it is very difficult to take care of the growing school population up there on the hill.

Scholars in this particular locality are divided between the Cook School and the Powell and Thompson Schools. There is an abundance of need for the additions to these schools. The District Commissioners very wisely bought enough ground so that the additions could be built and still leave ample ground around the schoolhouses. And if the gentleman is really anxious to provide the District with needed school facilities, he will not hesitate to agree to this item.

The SPEAKER. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, in order that we may get the facts in the RECORD, I wish to say that on school buildings and grounds your committee has been most liberal. If the committee would look on pages 56 and 57—I am not going to enumerate them all—they will find that the subcommittee of the House and the House itself were more liberal this year in the amount of money contributed to the school buildings than they have been for several years. I want also to state for the benefit and information of the House, to those who may have forgotten, that two years ago a very accurate measurement was made by the Engineer Commissioner of the District of the school space in the District of Columbia for pupils, and it is vastly in excess of school space in any other city in the United States, and perhaps in the world. And where they speak of the schools being crowded in the District of Columbia, it is largely a question of apportionment and assignment of children, because there is more floor space, more cubic feet of air space, for every eligible child in the District of Columbia than in any other city in the United States.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. SISSON. I will.

Mr. KELLEY of Michigan. Just for this suggestion. Mr. Speaker, I live up there on the hill, and have two children. I tried to get them into the Powell School and the school across

the street—I have forgotten the name of that—but could not get them in there at all, and then went over to the Cook School, and after quite a bit of persuasion got the children in there. But my little boy has been sitting at the teacher's desk all the year because he could not get a seat elsewhere. It does seem to me that there is a lack of facilities on the hill.

Mr. SISSON. That is possibly true, because they allow much more floor space and air space per child in the District of Columbia than they do anywhere else in the world. Now, it is not a question of the availability of the floor space; it is failing to use what they have. Another thing, in some portions of the city there is ample space, and in order to apportion these children this thing was all thrashed out here in this bill once or twice before, and statements of the character made by my friend just sitting down had been made so repeatedly that when the present Postmaster General had charge of this bill he had the engineer commissioner of the District measure all the floor space in this city in all the schools, and the overwhelming facts were that there was more floor space per educable child in the District of Columbia than in any other city. And that was when they were making the demand for these additional schools. Notwithstanding the condition as it prevailed at that time, your committee has added school buildings, has added additional rooms to these other schools, and we have been most liberal with the schools here. In fact, I state that the liberality in reference to the schools in the District is more than the liberality shown by the people of any other city in the world. They have more teachers; they have more floor space; the schools are more accessible, as a rule, to the children than they are in other cities, and the salary of the teachers is higher here than in any other city in the world for the amount and character of classes which they teach. There can be no complaint from any source. And your committee gave to the schools of this District liberal appropriations, and we yielded to the Senate on many of the items which we thought were not necessary, but which they insisted upon, and these are the items we could not agree upon. And to be perfectly frank about it, this bill now carries more money with those items which we have already agreed to than any bill that ever passed both Houses of Congress, and there can be no criticism lodged against your subcommittee, there can be no criticism lodged against your conferees. If you add all of these amounts, you will find that they are vastly more than the District bill has ever carried before. Your conferees have done the very best they could, and we have been most careful in investigating these matters, and we have given in this bill more than, I think, was necessary. In many instances, upon the demand of the Senate conferees, we yielded when we ought not to have yielded, in an effort to get together.

The SPEAKER. The time of the gentleman from Mississippi has expired. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] to recede from the House disagreement on Senate amendment 103 and concur in the same.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MONDELL. Division, Mr. Speaker.

The House divided; and there were—ayes 24, noes 40.

So the motion was rejected.

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote on the next amendment.

The SPEAKER. The Clerk will report amendment No. 104.

The Clerk read as follows:

For an eight-room addition to the Powell School, $66,000, or so much thereof as may be necessary.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. I want to get the right to ask a question, if I may be allowed to do so.

Mr. PAGE of North Carolina. I have the floor, and the gentleman may ask his question.

Mr. DONOVAN. What are you going to do with these statements made by two Members here that they could not get their children into the schools? Are they untruthful about it?

Mr. PAGE of North Carolina. I do this with them: An investigation of the conditions herewith show that if these two gentlemen or any other gentlemen who live in that locality, and a great many other people who live in that locality, will remove their prejudices or their lack of desire for their children to go a few blocks farther to school, they will find plenty of room for them.

Mr. DONOVAN. They go to the schools in their neighborhood, and both gentlemen state here that they could not get their children into school. Now, you bring in here a report, or your associate from Mississippi [Mr. SISSON] brings in a measurement, showing the space in the schools, but yet these Members can not get their children into school.

Mr. PAGE of North Carolina. On the other hand, Mr. Speaker, I am not controverting the facts. I am not controverting answers to the gentleman's inquiries.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. In a moment. I am not controverting the facts, I say, as to this particular amendment. Gentlemen who are well acquainted with the city know that it is over on the hill known as Columbia Heights, or Washington Heights, where there is very dense population. The whole city there is built up. There are three schools, none of them very far from each other, and all of those schools are about full. We are willing to admit that. We do not deny that. But we do come with the statement that there are a number of buildings, not a very great distance removed, that have classrooms that are practically empty; and whether it is the business of these particular gentlemen to send their children to those schools or to suit all other people in sending the children to school, I contend that the board of education should adjust this matter by a reassignment and readjustment of the children.

The school buildings are not now so overoccupied, are not so far distant from these children, that there is any hardship for the children to enter them.

Mr. CRAMTON. Will the gentleman yield there?

Mr. PAGE of North Carolina. Yes.

Mr. CRAMTON. The gentleman suggests that perhaps by sending the children farther away accommodations could be secured. It happens that my little girl of 7 has to go about 7 blocks in order to go to this Cook School, crossing two street-car tracks. How much farther do you think it necessary and proper to send a child of that age in order that she may go to school?

Mr. PAGE of North Carolina. I think that if the gentleman will investigate he will find a school nearer to him into which he can get his child.

Mr. CRAMTON. I have investigated, as the gentleman from Wyoming [Mr. MONDELL] has; but it is apparent that the gentleman from North Carolina has not investigated the subject, because there is no school nearer than that for me to send my child to.

Mr. PAGE of North Carolina. Mr. Speaker, there is but one remedy, if we are to make these appropriations and spend these amounts of money for the purpose of accommodating the children of Members of Congress, because I have heard no particular complaint from elsewhere, and that is to pass a provision requiring that Members of Congress shall live in some other locality in the city where there are school facilities.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield again?

Mr. PAGE of North Carolina. Yes.

Mr. CRAMTON. I am not complaining on my own account, for the reason that my little girl is now in school, although she was delayed several months in getting in. But I am trying for the benefit of others to elicit information for the gentleman in charge of the bill so that he can act intelligently. The gentleman has manifested by his statements that he does not understand the situation surrounding the schools.

Mr. PAGE of North Carolina. That is all right for the gentleman to say—the gentleman who knows nothing about the general conditions in this city or the general school conditions here; it is all right for him to come in here and charge me with ignorance, when I have visited practically every school building in this city in an effort to discharge my duty as a member of this committee, and I do come here and say I do know what the conditions are generally in the District of Columbia, whereas the gentleman from Michigan does not.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield again?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. CRAMTON. I want to suggest that the amendment we have before us and which was under discussion—No. 103—has to do with the John F. Cook School and not with general conditions. The decision should be made with reference to that school, and not with reference to general conditions.

Mr. PAGE of North Carolina. If the gentleman will allow me, we must take into consideration the general school facilities of the city in making appropriations and not one particular school. Otherwise we would build three or four additional schoolhouses in that section, and possibly in a few brief years there would be some other schoolhouses in other sections of the city in which there would be no children, merely to bring the schoolhouses into the same block where the children reside.

Mr. CRAMTON. Is it not desirable to bring the schoolhouses into the localities where the children are?

Mr. PAGE of North Carolina. Would the gentleman abandon schoolhouses only a few blocks away, throwing that investment away, so that he might bring the schoolhouses within the reach of the children?

Mr. CRAMTON. There is no such schoolhouse involved in this case.

Mr. MONDELL. Mr. Speaker, I would like to have about 10 minutes. I know something about the Powell School, and I would like to say something about it.

Mr. PAGE of North Carolina. Mr. Speaker, I yield to the gentleman from Wyoming 10 minutes.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for 10 minutes.

Mr. MONDELL. The gentleman from Mississippi [Mr. SISSON] has laid great emphasis on the statement that a showing was made some time ago to prove that the city of Washington had better and larger school facilities, compared with the school population, and more air and floor space for students, and so forth, than any other city in the country. Well, I do not know as to the accuracy of those statements. I live in a little town of a thousand people, and I know that our school facilities there, as to the amount of space for scholars, are better than they are in this beautiful Capital of the Nation.

Now, I happen to know something about these particular schools. I want the attention of the gentleman from North Carolina [Mr. PAGE], who believes in schools and who is a friend of education. He is trying to keep down the appropriations. That is the trouble with him. In order to make this matter clear I must refer to my own experience. The nearest school to my home is 8 blocks away; in a radius of from 8 to 10 blocks from my home we have the choice of 3 schools—the Powell, the Thompson, across the street from the Powell, and the Cook. A year ago it was some weeks before we could find school accommodations for our four children, and then it became necessary to send the two smaller children 10 blocks to school; and it was necessary to take them there, because it was necessary to cross car lines in order to get there.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman inform us how far he went to school when he was a child?

Mr. MONDELL. I will.

Mr. PAGE of North Carolina. I would like to ask the gentleman how far he went to school when he went as a child?

Mr. MONDELL. Well, I went a good way, and I went through snowdrifts and all that sort of thing.

Mr. PAGE of North Carolina. I want to ask the gentleman whether he feels it is a hardship for a child to go 10 blocks, or even 12 blocks, to reach a school?

Mr. MONDELL. I think it is a good deal of a hardship for a child of 7 or 8 to go that distance in the winter and to cross several car tracks in going that distance in a city. Now, there may be all the school facilities in this city that are needed, provided you could bring the school facilities and the children together. The gentleman certainly does not expect that the people living in the northwest will send their children clear across the city to school; and yet that is what we are compelled to do. Pupils in my neighborhood, including my eldest daughter, go between 4 and 5 miles to the high school, because there is no high-school accommodation available nearer, and two street car transfers are necessary in going that distance.

Mr. PAGE of North Carolina. Will the gentleman yield there?

Mr. MONDELL. I will.

Mr. PAGE of North Carolina. The gentleman knows very well that steps have been taken to meet this condition that he speaks of.

Mr. MONDELL. I understand there have.

Mr. PAGE of North Carolina. And he is trying to prejudice this case by one that has been provided for.

Mr. MONDELL. It will be three years at the earliest before these new high-school facilities are provided, and if we do not provide for this condition at the Powell School, the congestion will grow worse year after year, and before the school is provided for there will be hundreds of children up there without school facilities.

Now, another thing. Adjacent to the Powell School, and across the street from it, is the Thompson School. Adjacent to the Thompson School is an old wooden building; and I will say to the gentleman that I left my youngest daughter at that old wooden fire trap several mornings this last winter with very considerable misgivings. I am not compelled to send my children to that kind of a schoolhouse in the little country town in which I live, and I ought not to be compelled to do it in the Capital of the Nation. It is an old frame shack—a fire trap—heated with stoves, adjacent to the back doors of half a dozen residences, and crowded to the doors with children in the lower grades, little children who would find it difficult to escape if a fire should break out. The gentleman from North Carolina pretends to tell us that we do not need additional school facilities in that part of the city, when we have children crowded out of school, children going 5 miles to the nearest high school available, children going to school in a fire trap that is a disgrace to the city. Yet the gentleman insists that we shall not make provision for these schools. [Applause on the Republican side.]

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote on this amendment.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to recede from the disagreement of the House to Senate amendment numbered 104, and agree to the same.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MONDELL. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 31, noes 47.

Mr. MONDELL. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Wyoming demands tellers. Those in favor of ordering tellers will rise and stand until they are counted. [After counting.] Thirty-two, not a sufficient number.

Mr. MANN. I ask for the other side.

Mr. UNDERWOOD. I make the point of order that there is no other side for tellers.

Mr. MANN. Oh, yes.

Mr. UNDERWOOD. One-fifth of a quorum is the required number.

Mr. MANN. Then I make the point of order that there is no quorum present.

The SPEAKER. One-fifth of a quorum orders tellers; and the gentleman from Illinois [Mr. MANN] raises the point of order that there is no quorum present.

Mr. MANN. Of course we can not get tellers with one-fifth of a quorum present in the House.

Mr. UNDERWOOD. Mr. Speaker, I merely desired to save time by making the point of order, but rather than have the point of no quorum made and the roll called I will ask unanimous consent that tellers be ordered.

Mr. DONOVAN. No; you get tellers by the count. You said that there were 32. A fifth of a quorum is 20.

The SPEAKER. This is in the House, not in Committee of the Whole.

Mr. UNDERWOOD. I ask unanimous consent that tellers be ordered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that tellers be ordered. Is there objection?

There was no objection, and the Speaker appointed Mr. PAGE of North Carolina and Mr. MONDELL.

The House again divided; and the tellers reported—ayes 36, noes 52.

Accordingly the motion of Mr. MONDELL was rejected.

The SPEAKER. The Clerk will report amendment No. 105.

The Clerk read as follows:

For a site for a new school building in the sixth division, north of G Street and east of Tenth Street, $45,000, or so much thereof as may be necessary.

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] to recede from the disagreement of the House to Senate amendment No. 105 and agree to the same.

The motion was rejected.

The SPEAKER. The Clerk will report amendment No. 169.

The Clerk read as follows:

Toward the construction of a new building for the Central Dispensary and Emergency Hospital, to be erected on the site purchased and owned by said hospital, $50,000.

The SPEAKER. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] that the House recede from its disagreement to the Senate amendment No. 169 and agree to the same.

The motion was rejected.

The SPEAKER. The Clerk will report amendment No. 178.

The Clerk read as follows:

For the preparation of plans and specifications, necessary grading of site, and for the erection of hospital buildings, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, with authority to contract for the completion of said buildings at a total cost not to exceed $300,000, which amount is hereby appropriated and made immediately available.

The SPEAKER. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] that the House recede from

its disagreement to Senate amendment No. 178 and agree to the same.

Mr. MONDELL. Does the gentleman from North Carolina [Mr. PAGE] desire to make any statement in regard to this?

Mr. PAGE of North Carolina. Mr. Speaker, I had not desired to make any statement; but if the gentleman wants to discuss it, I will make a statement.

Mr. MONDELL. I do not care for more than a minute or two myself.

Mr. PAGE of North Carolina. Mr. Speaker, for the information of Members who may not have been listening when this amendment was read, I will state that this is a proposition to construct a hospital in the northwest, near the location of the Tuberculosis Hospital, and the hospital which it is proposed to construct is to be for indigent patients in the District of Columbia now cared for in another locality. The conferees did not believe that this amendment should be agreed to, or that this construction should be proceeded with at this time. I ask the House to vote down the motion of the gentleman from Wyoming.

Mr. MONDELL. Will the gentleman yield me time?

Mr. PAGE of North Carolina. I yield to the gentleman two minutes.

Mr. MONDELL. Mr. Speaker, a few moments ago the gentleman from Mississippi [Mr. SISSON] asked the House to join with the committee in progressive legislation. Here is the opportunity. No city worthy of the name should be without a municipal hospital. Few cities in the world worthy of the name are without municipal hospitals. One of those cities, great and beautiful as it is, the Capital of this great Nation, has no municipal hospital. We are entirely dependent upon private hospitals. The time has certainly arrived when a municipal hospital should be undertaken and its building speedily begun. We have the ground for such a hospital. It will take four or five years to build it if we begin the work now. There are sufficient revenues available in the treasury of the District to pay the District's half of this work. It is proposed, in this connection, to perpetuate the memory of a Senator of the United States who has done a splendid work in general legislation and for the people of the District of Columbia, and I ask the gentleman from Mississippi [Mr. SISSON], who believes in progressive municipal legislation, according to his statement, to embrace the opportunity to so legislate.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, the provision in this bill which authorizes the appropriation of $300,000 for a municipal hospital is a question that has been agitating the minds of certain gentlemen in the city of Washington for a good many years. The city of Washington is now taking care of its indigent poor in various hospitals of the city, together with the Washington Asylum, which is the poorhouse. I think, so far as the Government is concerned in taking care of this class of patients, we are very well situated. The idea of going out here, as has been said in the hearings on this subject, 3 or 4 miles to establish a municipal hospital is not going to work any benefit to those who find it necessary to enter such an institution. Three hundred thousand dollars is but a beginning. We must understand, and the House must understand, that if $300,000 is authorized for building this hospital it does not mean that that is the extent of the expense that would be necessary for such an institution, because it means in the end what was recommended a few years ago by a commission who investigated the subject—$3,000,000. That was the sum recommended 10 years ago. I think there is no neglect of this class of people. If there was any neglect, I would be the last man in the world to stand before you and advocate the saving of a few thousand dollars in taking care of the unfortunate class of people who are not always paupers, but indigent at the time on account of the unfortunate condition of being sick.

So I believe the House ought not at this time to authorize the beginning of the building of this municipal hospital. I hope the House will vote down the motion of the gentleman from Wyoming and let us go along as we are doing now in taking care of this class of patients in these most excellent hospitals that the city of Washington now supports.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I served on the Committee on Appropriations some years, and while in that service I had an assignment to the subcommittee that has jurisdiction over this bill. During my service there we had the question of establishing a municipal hospital under consideration several times. The judgment of the committee was, and my judgment still is, that we have a much better system of taking care of the indigent patients in the District than we could have by the establishment of a municipal hospital. To-day we have the benefit of every hospital in the District of Columbia. So, as a matter of fact, we have a municipal hospital better equipped for the care of indigent sick than any municipal hospital in the world could afford. It is a much more economic plan than it would be to establish a hospital under the jurisdiction of the local authorities. The private hospitals are contributed to out of the funds of the District and of the Government every year, and every hospital in the District is required to take patients sent to them, not only by the Board of Charities but by every official charged with the conduct of affairs in the District of Columbia.

The conclusion reached by the committee when I was serving on it was that the thing which we needed most here was a tuberculosis hospital, and that committee recommended the establishment of a tuberculosis hospital on the ground where it is proposed to build this municipal hospital. The Tuberculosis Hospital is in existence to-day. It is caring for all that class of patients.

Mr. SISSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SISSON. It is also fair to state that all the other institutions declined to take tuberculosis patients.

Mr. MADDEN. They did, and that was the reason of establishing the tuberculosis hospital. To establish this hospital now for the care of indigent sick to be managed by the District government officials would be a species of extravagance unjustifiable, and would take away the efficiency which already exists for the care of these people and place them in an institution where the brand of poverty would be placed upon them; whereas now, although they may not be able to care for themselves and pay for their care, they are sent to institutions which house people who are able to pay for services, and where they are given the same character of treatment that the man who has millions of dollars receives in the same institution.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. COX. I ask solely for information on my part. Does the Government contribute to the maintenance of a hospital such as the Providence Hospital?

Mr. MADDEN. This bill appropriates something for almost every hospital in the District of Columbia.

Mr. COX. How much does it amount to?

Mr. MADDEN. I have not the amount in my mind.

Mr. PAGE of North Carolina. It appropriates $19,000 for the Garfield Hospital, $19,000 for the Providence Hospital, and $5,000 for the George Washington University and Georgetown.

Mr. MADDEN. There is a per diem allowance for each patient that goes to these hospitals.

Mr. COX. The amount which is contributed to these hospitals is designed to take care of the indigent people?

Mr. MADDEN. The amount contributed throughout the bill takes care of the indigent sick in the District, and it does not amount to as much as one-half of the salaries to be paid for the operation of a municipal hospital would amount to. So that if you build a municipal hospital you invest about $2,000,000, and then you employ a staff, to whom you pay an enormous salary. The interest on the investment and the salary roll will amount to five times more than we pay for the care of the indigent sick in the District under the present plan. Although I am not in favor of economizing against the interests of the sick who are poor, yet if we can get more effective service in their behalf by the payment of 10 cents, there is no reason why we should expend $10 for it.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. GARRETT of Texas. Does the gentleman believe from his experience on the committee and dealing with this subject that even if we should establish a strictly charitable hospital the patients in that hospital would get the same treatment that they would get under the present system, where the hospital authorities are required to treat all patients alike?

Mr. MADDEN. Mr. Chairman, I have just said that they would not get anything like the treatment they get now, because each one of these institutions at present is organized to treat all classes of people, and they are only treating the indigent sick of the District because they are compelled to do it, and they are compelled to do it on the same basis that they treat the millionaires. So not only from the standpoint of benefit to the poor who are sick, but from the standpoint of the investment, we are getting better service to-day than we would get if we established a municipal hospital in the District of Columbia. [Applause.]

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentlemen from Wyoming to recede from the disagreement of the House to Senate amendment 178 and concur in the same.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report Senate amendment 226.

The Clerk read as follows:

Strike out section 8, as follows:

"SEC. 8. That to the extent the revenues of the District of Columbia for the fiscal year 1915 shall exceed the proportionate part of the appropriations made in this or any other act and chargeable against said revenues, the same shall be covered into the Treasury of the United States to the credit of 'Miscellaneous receipts.'"

Mr. PAGE of North Carolina. Mr. Speaker, how much time does the gentleman from Wyoming desire to discuss this proposition?

Mr. MONDELL. How much does the gentleman expect to use?

Mr. PAGE of North Carolina. My expectation is to discuss it for about three minutes.

Mr. MONDELL. Mr. Speaker, if the gentleman does not use over three minutes, I will not ask for more than that time.

Mr. PAGE or North Carolina. Mr. Speaker, I do not care at this time to enter into any discussion as to what the meaning of the language of this amendment is. When the bill was before the House I tried to explain at some length what the result of the adoption of the language meant. It is unquestionable. We tried to have no concealment that it is a turning back into the Treasury of any unexpended sum that may remain after the payment of the amounts carried in this and other bills, and that means that the proportion contributed out of the National Treasury to the support of the District government is diminished by that sum, whatever it may be. In other words, to put it frankly, it is an invasion of what has come to be a sacred thing, worshipped by a great many people in the District of Columbia, the so-called half-and-half principle. We believe that there is not any reason why the National Government should contribute to the support of the District of Columbia in exactly this proportion. As one Member of the House, and as a member of this committee, I do believe that there is an obligation upon the National Treasury to contribute to the support and maintenance of the District of Columbia, and I shall not enter into any detail as to why these reasons exist. They are apparent, but there is no reason why it should be in the proportion of $1 from the taxpayers of the District of Columbia and $1 from the General Treasury, contributed to by all of the taxpayers in the United States. While the exact language of this amendment may not be the proper thing to write into the law, it establishes a principle that I believe this House should establish and places the conferees in a position in its conference with the Senate whereby we may evolve a plan that will meet not only with the approval of this House but with the approval of the taxpayers of the country.

I now yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, in three minutes I shall give three reasons why I do not care to discuss this question at length. First, it is very apparent that with the very small attendance, not even a quorum of the Committee of the Whole much less a quorum of the House, the Committee on Appropriations will be able to control a majority friendly to its view of the matter and vote down any amendment that might be offered. It is also very well known that in a full attendance of the House the other day on District day a bill involving this same question, this same principle, was defeated overwhelmingly, and therefore it would not be worth while to discuss the matter with the small attendance that we have now, controlled, I think, by the committee. I feel sure, at the same time, if we had a full attendance of the House the House would vote favorably on my proposition.

My second reason for not desiring to discuss the matter at length is that the gentleman from North Carolina has himself admitted that he has rather lost faith in his former view of the matter and that he doubts now whether the provision should stand at least in the form in which it passed the House.

My third reason is that of course this provision will, in any event, go off upon the insistence of the Senate. It is new legislation upon an appropriation bill and never should have been placed upon an appropriation bill, and under the practice of the two bodies new legislation on an appropriation bill, placed on by one body, must go off ultimately upon the insistence of the other, the other body understanding that on a square vote with a full membership of the House this provision would be voted out of the bill, it will of course insist upon its going off, so it is not necessary to have a record vote now.

Mr. PAGE of North Carolina. Mr. Chairman, I find that several gentlemen desire to be heard on this proposition. I yield five minutes to the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I do not think I shall occupy the five minutes, but I wish to express a few ideas which I have gathered from time to time during the 12 years of my service in this House respecting the half-and-half system. I will say, to begin with, that I for one came here a believer, and I still believe, that the National Capital should be made the most beautiful city in the world, regardless of expense, and I for one am willing whenever a proposition comes up to beautify this city, to vote an unlimited amount from the Treasury of the United States to do so; but I am absolutely convinced that there is no reason at all for basing the appropriations upon the arbitrary rule of one half from the Government and the other half from the District. Why? Some years the Congress might want to appropriate much more than one half. Some occasion might occur in which we wanted to beautify this city many millions of dollars above one half. Again, occasions might occur when the revenues of the city expended properly might be sufficient to care for the needs of this city, supplemented by an additional sum of one-third or one-quarter; so that the arbitrary, fixed rule of one-half is inconsistent, illogical, unwise, and, in my judgment, to a certain extent unjust and inequitable. I wish to say after consideration on my part I have come to the conclusion that, in the first place, a reasonable valuation assessment should be made upon the property of the city and a reasonable and just rate of taxation based thereon. I mean reasonable in this, not as large, perhaps, as some of the other cities of the United States have to pay, but a reasonable assessment upon the value of the property here, owing to the conditions existing here. Upon that, after the collection is made, then a just and proper distribution should be made of the money; or, in other words, an estimate should be made of what the city actually requires and needs owing to its being the Capital of the Nation. Expend the money that is raised by assessment as far as it goes, then continue on and make the improvements according to the estimates that the Congress determines is right and proper, and then the deficiency, whatever it may be, be it one-half, be it two-thirds, be it three times the amount, the Government ought to pay it, and I for one would be willing to vote for it.

Let the commissioners make their estimates for what they need. Send them to the proper committee of this House. Let those estimates be approved. Then, in so far as the District revenues will pay them, pay them out of that. In so far as the revenues will not pay them, then the Congress, I feel sure, will vote the required amount, regardless of what it is. If we desire to be extravagant or if times are good and we have plenty of money and we desire to beautify this city, let us beautify it out of the National Treasury, and not be restricted by the one-half system and be bound to pay that every year, regardless of what the needs of the Government are.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS. Just one minute more.

Mr. PAGE of North Carolina. I yield the gentleman one minute more.

Mr. DAVIS. Let a just and proper estimate be made. Let the committee adopt it, and I think the Congress would also sanction and approve it and act upon it, regardless of what revenue the city had raised. Let us put that into effect; let us make the improvements, and the deficiency, whatever it may be, the General Government should pay.

Mr. PAGE of North Carolina. Mr. Speaker, the gentleman from Iowa [Mr. PROUTY] desires a little time, and I yield him five minutes.

Mr. PROUTY. Mr. Speaker, as you perhaps all know, I have given a good deal of thought and consideration to the taxation situation in the District of Columbia. As I look at it, Congress faces a condition and not a theory. When the commissioners were appointed in 1874 to investigate this whole question they found that if they would levy upon the people of the District a tax of $1.50 on the $100, at actual value, that it would produce about enough revenue to pay one-half of the contemplated expenses of this administration, and such a law was enacted. As the city grew in wealth it was not very long until it was found that if this rule were applied it would produce more money than was really necessary, provided the Government paid a corresponding amount. The first thing they did, as this began to show, was to try to find ways to cut down the amount that would be raised from the District, and one of the first things they did was to take off the tax list all moneys and credits—what is known as "intangible property." That did not quite reduce it enough, and then they concluded they would take off all such things as diamonds, personal wearing apparel, articles of personal adornment; and that did not keep it down low enough, and then they provided that instead of real estate being assessed at 15 mills, or $1.50 on the $100 of its actual value, it should be assessed at 10 mills, or $1 on the $100. Now, every-

body who has studied the question at all knows if you apply even these rules that it produces more revenue than is legitimately needed here, provided the Government continues to put up its additional one-half; and the very minute you attempt to propose any kind of legislation here to put taxation upon these people such as we all bear at home they raise the cry, "Why, there is no necessity for it."

A few years ago when this House did in fact pass an inheritance tax, it was sent to the commissioners and the commissioners reported that it was a good bill; that it was just; that practically all the States of the Union had such a tax; but there was no necessity for levying it here, because the taxes they now collected were ample to meet the District's one-half. Now Congress is facing this situation of allowing great favoritism and exemption and partiality to these people or abolishing the half-and-half principle. This little amendment is a mild one, but it goes quite a way toward effecting a reform. In a few days I expect to try to get before this House an inheritance-tax bill which I have prepared and which has been reported favorably by the committee. When we were discussing that question in the House recently, attention was called to the fact that men all over the country who did not actually live here made this their place of technical residence in order to escape the inheritance tax and other taxes, and reference was made to a Mr. Post, who had just died a few days before that. The claim was made that although he lived at Battle Creek, Mich., and possessed a great many million dollars there, yet he had sought to make this his technical residence to avoid two classes of taxation, one taxation upon personal property, such as moneys and credits, and the other to avoid the inheritance tax. Some gentleman on the other side at once sprang to his feet and asserted that there was nothing in that claim; that he had investigated it and that there was no truth in it.

Since that time—and I happened to-day to get a copy of the will and the schedule—that man's will has been filed in this District for probate, in which he recites that he is a resident of the District. The inventory filed with the will on application for probate shows that he is worth $22,000,000. He has for many years lived in Battle Creek, Mich. He had only $9,700 worth of real estate in this District—a little bit of a property up here—in which he never lived. All the personal property he has in this District is $1,000 worth of household goods, which have been in storage in one place for 10 years, and I have the record of it. And yet, by doing that, he defeats Michigan out of more than a million dollars of inheritance tax, if he had died an actual resident where he really had lived. And I might say while I am making this same point that he had $18,000,000 of money and credits that would have been taxed all of these years under the laws of Michigan. But he claimed he was a resident here, and therefore fought taxation there. When he comes here he does not have to pay it, because under the law it is not required of him. We have neither inheritance tax nor tax on moneys and credits here.

Now, Congress has got to look this thing squarely in the face. Are we going to make Washington an asylum for the rich, where they can get out of taxation elsewhere by claiming a technical residence in the District of Columbia? I apprehend, if I propose my bill, there will be fellows all over this House who will say, "You do not need that kind of a tax. We do not need it; we have more revenues than we need." I admit that. But that is no ground, in my judgment, why we should exempt these men from taxation of these vast estates; and I have got a good many cases of the same kind in the city of Washington, where that thing has been carried on successfully and systematically for the purpose of escaping taxation in the jurisdiction where they actually lived. For one, I will put myself on record that I am going to fight just as long as I am in this Congress for the abolition of that practice, and help put through laws making that impossible. [Applause.]

Mr. PAGE of North Carolina. Does the gentleman from Illinois [Mr. MANN] desire time?

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, I do not know that I should say anything upon this proposition at all. The gentleman from Wyoming [Mr. MONDELL] was allotted three minutes for the purpose. Our distinguished friend from Minnesota [Mr. DAVIS], who is the ranking Republican on the subcommittee for appropriations for the District of Columbia, expressed himself in favor of the House yielding on the half-and-half proposition, and my friend from Iowa [Mr. PROUTY], the ranking Republican on the Committee on the District of Columbia, has expressed similar sentiments. I do not know whether these two latter gentlemen represent a majority of this side of the House, or a minority, upon this proposition. But I know that their views do not represent the unanimous sentiment on the subject.

I do not agree with my friend from Minnesota [Mr. DAVIS] that the city of Washington ought to be made the most beautiful city in the world, regardless of expense, as stated by him.

Mr. DAVIS. Why?

Mr. MANN. I think the city of Washington ought to be a beautiful city, and I know it is a beautiful city; but I would not make it the most beautiful city in the world regardless of expense, nor do I think it is essential to make it the most beautiful city of the world in any event. It is a beautiful city and ought to be maintained a beautiful city. I believe that the half-and-half system in the main has worked very well. I do not undertake to say whether it is the most perfect system which could be devised, but in my opinion it is much better than any which has yet been proposed to take its place.

Under the proposition in the bill every dollar which would be appropriated in the District of Columbia for anything more than the bare necessities would be considered as coming out of the General Treasury, because all of the revenues raised on the property of the District would be subject to be used, first, for the ordinary necessities of government, and as it is proposed that the General Treasury shall contribute the balance, whenever we erected a bridge, or paved a wide street, or put in a bathing pool, or provided for anything else other than the bare necessaries of government, any gentleman could properly say that it all comes out of the General Treasury. I do not believe that is a wise position to place Congress in. I think we fairly ought to know in advance what portion of the expenses is to be borne by the local people and what portion is to be borne by the General Government. Hence I am opposed to the proposition which is put in the House bill. While I do not apprehend that the House will now recede, I think that if the Senate insists upon its amendment, at some later period, when the House membership is larger, when the seats are all occupied, when the matter has been again fully canvassed, as it was on the District bill, which was defeated the other day on a roll call, the House will take the same position again on this amendment which it took on the substitute for the George bill. Of course, no one can predict what will take place. I believe that the present system in the main produces harmony and is fair. I hope the proposition of the gentleman from Wyoming may be agreed to; if not now, later on.

Mr. PAGE of North Carolina. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I do not rise to contest this amendment at this time. I do not know that I would do so at any time, as I realize the fact that the committees of the House must, to a large extent, work out these bills. But on the question of taxation, especially in this District, I believe, of course, that all taxation should be uniform and that it should be distributed in accordance with the wealth of the District and the wealth of the individuals that pay it. I am one of those who believe that all men ought to pay some taxes, because I believe that to support the Government makes a good citizen. But the man who has great wealth should pay in proportion to his wealth and the man who has poverty should pay in proportion to his poverty. But I do not agree with the idea that we should tax neither wealth nor poverty unless the exigencies of the Government require it.

That government is most fortunate that can run at a low rate of taxation. The citizenship of a government is more fortunate that lives under a government that taxes them lightly, because when a citizenship is burdened with low taxation they not only have a larger field for the expenditure of their individual income, but they have a greater opportunity for the development of institutions under that government for the benefit of the whole community and the protection of those who are in distress.

But I want to say, so far as this matter pending before the House is concerned, that although I believe the people of the District of Columbia ought to bear a fair share of the burdens of taxation, I am one of those who believe that the District of Columbia does not belong alone to the citizens of this District, but that it belongs as well to the people of the United States. This is the Capital of the greatest country in the world. We should be proud of it, and we should make the Nation proud of it, and we must make expenditures here to set an example to the other cities of the United States that would not, under ordinary circumstances, be borne by a city.

Mr. CARY. Will the gentleman permit a question?

Mr. UNDERWOOD. Not right now, please. There is no city in the world where the Government itself owns more property. We can not overlook the fact that the fire and police protection is granted to the property of the Government of the United States here by the government of the District of Columbia. I do not believe for a minute that this great Government of ours should put the entire burden of sustaining the government of

the District of Columbia on the people of this District. I believe that we as a Government derive benefits, and we ought to be willing to pay for them, just like any citizen pays for the benefits he derives.

Now, as to what is a fair distribution I am not prepared to say. I doubt very much whether there is a man in this House who is prepared to say and to sustain what he says by facts by which he can demonstrate his position. A number of years ago an agreement was made that the Government should pay half and the people of the District half. That may have been a very fair agreement then. We may have outgrown it; possibly we have. What I do say is that none of us is in a position to-day to say whether that agreement is abstract justice or not, and I should like very much to see the committees that have charge of this matter authorize a commission of disinterested persons to be appointed to go out and consider what is a fair and equitable division of the taxes between the people of the District of Columbia and the Government of the United States.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. In just a moment. And when that is ascertained and we know how much of the burden of the Government, according to the report of disinterested men who have the time to investigate, should be borne by the citizenship of this District and how much should be borne by the General Government for the benefits it receives from the government of the District, then Congress can intelligently face the question and legislate intelligently as to how much of the burden should be borne by the General Government and how much by the citizenship of this District.

I think it is a mistake to say that a vast number of wealthy people live in this District and must go untaxed. Why, the wealth of this District does not pay the taxes of the District. The wealth of no great city pays the taxes of the city. The great wealth of no government bears the great burden of taxes of the government. It is the masses of the people who must pay the taxes under any government, and the masses of the people here are the people who will bear the taxes in the end.

The SPEAKER. The time of the gentleman from Alabama has expired. The question is on agreeing to the motion of the gentleman from Wyoming [Mr. MONDELL] to recede from the House disagreement to Senate amendment 226 and concur in the same.

The question was taken, and the motion was disagreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I believe that is the last amendment.

The SPEAKER. That is the last one.

Mr. PAGE of North Carolina. I move, Mr. Speaker, that the House ask for a further conference on the matters in disagreement between the two Houses.

The SPEAKER. The gentleman from North Carolina moves that the House ask for a further conference on the disagreeing votes of the two Houses on the Senate amendments? Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees on the part of the House: Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS of Minnesota.

CHANGE OF CALENDAR REFERENCE.

The SPEAKER. House bill No. 4273, a bill referring the claims of the State of Rhode Island to the Court of Claims for adjudication, was referred to the Private Calendar. It ought to be referred to the Union Calendar, and it is now so referred.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend a few remarks in the RECORD upon the reclamation extension bill.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks on the reclamation extension bill. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Pennsylvania [Mr. DONOHOE] is compelled to leave the city to attend some commencement exercises in which some of his children will take part. He requested me to ask unanimous consent that the Frankford Arsenal item, which was pending when the Committee of the Whole rose yesterday, might go over until Tuesday. I told the gentleman that I would make that request myself.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] requests that the Frankford Arsenal item may go over until Tuesday next.

Mr. MANN. As I understand, if that request is granted, it will be in order at that time to return to the items in this bill for the purpose of offering additional items as amendments. The gentleman from Pennsylvania [Mr. MOORE] was attempting to offer an amendment.

Mr. FITZGERALD. That is not my understanding. I do not wish that there shall be any misunderstanding, because I do not wish to take any advantage of anybody.

The CHAIRMAN. If the committee will indulge the Chair a moment, the Chair will make a statement.

Just after adjournment yesterday afternoon several gentlemen from Pennsylvania who were interested in the Frankford Arsenal item, and especially interested in the point of order pending, expressed to the Chair the wish that that matter might go over until Tuesday. The Chair stated to them that he had no objection, and suggested that they see the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN]; and the Chair understood later that they had that agreement; and the gentleman from Pennsylvania [Mr. MOORE] who was one of those who were talking with the Chair, said that he desired to offer an amendment when the matter came up. The Chair understood that that was included in the conference had with the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I do not wish to take any advantage of gentlemen who made the request in good faith, and I am willing to ask that the Frankford Arsenal matter be passed until Tuesday, and that the pending question be then settled, and any other germane amendment offered at that time.

The CHAIRMAN. Is there objection to the request made by the gentleman from New York [Mr. FITZGERALD] that the Frankford Arsenal item be passed until Tuesday, when the point of order pending will be disposed of, and any germane amendment may be offered.

Mr. MANN. Of course, this would not require its disposition on Tuesday, if any other matter should come up.

Mr. FITZGERALD. I mean on the first day when the matter comes up.

Mr. MANN. The request is that it be passed over, to come up later.

The CHAIRMAN. That it be passed over without prejudice, to be reverted to later. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZHENRY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Rock Island Arsenal, Rock Island, Ill.

Mr. TAVENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will suggest to the gentleman that the Clerk be permitted to finish the reading of the paragraph relating to the Rock Island Arsenal.

Mr. TAVENNER. Mr. Chairman, I prefer to offer the amendment at this point, if I am permitted to do so under the rules.

Mr. MANN. The amendment is in order at this point.

The CHAIRMAN. It is in order at this point. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting as a new paragraph, after the word "Illinois," in line 21, page 52, the following:

"For the purchase of such additional machinery as may be necessary for the manufacture of ammunition in an existing building owned by the Government, $225,000."

Mr. FITZGERALD. I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. TAVENNER. Mr. Chairman, in offering this amendment it is not my purpose to take work away from other arsenals and bring it to the Rock Island Arsenal, but to manufacture ammunition at the Rock Island Arsenal that has heretofore been manufactured by private manufacturers.

The first question is, Is it a good policy for the Government to manufacture its ammunition instead of buying it from private manufacturers? On that question I have some figures here—not old figures, but figures pertaining to ammunition that is now being manufactured in Government arsenals as compared with ammunition that is now being manufactured by private manufacturers. As I say, these figures are not old, but they are of the present day—right up to the minute.

We are now manufacturing in the Government arsenals a 3-inch finished shrapnel case for $1.75, while we are paying private manufacturers $3.06 for the same case.

We are manufacturing 3.8-inch common shrapnel, without fuses or base charges, for $7.94 in Government arsenals and paying private manufacturers $17.50.

We are manufacturing 4.7-inch common sharpnel in the arsenals for $15.45 and are paying private manufacturers $25.26.

We are manufacturing 31-second combination fuses for $2.92 and paying private manufacturers $7.

These illustrations are not exceptional, as I will endeavor to show by the fact that on a contract given to Frankford Arsenal for ammunition valued at $1,900,064 we are saving $979,840; or, in other words, we are saving approximately $1,000,000 on a $2,000,000 contract, as compared with what it would cost if that contract was given to outside manufacturers.

If we can manufacture this ammunition in arsenals more cheaply than in private concerns, the next question is, How much of this ammunition do we intend to manufacture? If we were going to manufacture only $500,000 worth, then perhaps it would not pay to equip additional buildings; but the program of the War Department calls for the manufacture of $20,000,000 worth of field-artillery ammunition alone, to say nothing of any other kind of ammunition; and it is the intention of the department to obtain this $20,000,000 worth of ammunition as fast as Congress will appropriate the money.

In the Army appropriation bill for this year $3,000,000 is appropriated for field-artillery ammunition alone. As a matter of fact, in this year's fortifications and Army bills we are providing for about $6,000,000 worth of ammunition. On every dollar's worth of this ammunition that we manufacture in the Government arsenals as compared to its manufacture by private concerns we can save 35 per cent. On $6,000,000 worth of ammunition we can save $2,000,000; that is, comparing the cost in the arsenal with the cost when purchased from private manufacturers.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAVENNER. Yes.

Mr. MANN. Can the gentleman state where the ammunition manufactured by private concerns is manufactured?

Mr. TAVENNER. Yes. It is manufactured largely by the Bethlehem Steel Co., the Midvale Steel Co., and the Carnegie Steel Co. A few other concerns get a few of the crumbs, but those three firms alone have drawn down $140,000,000 worth of contracts from the Army and Navy in the last 17 years, and they have not only overcharged the Government, but they have cheated the Government in every way. For instance, we have affidavits from workingmen in the Bethlehem steel plant which say that jewelers were taken into these plants at night to gloss over defective gun forgings, so that they could fool the Government inspectors when they came around to inspect the work the next morning.

The extent to which the armor, ammunition, and powder trusts have been overcharging the Government is almost unbelievable. There has seldom been honest competitive bidding between the manufacturers. Secretary of the Navy Daniels discovered this condition as soon as he entered office, and as a result of his activity in getting new independent bidders to enter the field he has saved the Government more than $2,000,000 and has been in office little more than a year.

Here are two sample illustrations out of a multitude which could be cited showing what happens under real competitive bidding:

Realizing the Government was being overcharged for turbine rotary drums the Secretary invited an English firm to submit a bid for the drums to be installed in the new battleship, *No. 39*, now building in the New York Navy Yard. The Midvale Steel Co. and the Bethlehem Steel Co., two of the three concerns composing the armor ring, bid $160,272 and $169,568, respectively, while the English firm, acting for the Cyclops Steel & Iron Works, of Sheffield, England, offered to furnish the drums for $57,436, a saving to the Government over the lowest bid of the armor ring of $102,836.

Then, recently the Secretary awarded a contract for building 100 torpedo flasks, including heads. There was competition; new contractors entered the field previously monopolized by the ring, and the Secretary of the Navy was able to purchase 100 flasks for $58,246, which under former conditions would have cost $115,075.

The bids of the Bethlehem Steel Co. and the Midvale Steel Co. under honest competitive bidding showed a reduction of 44 per cent as compared with bids for similar forgings submitted by these companies only four months previous.

Personally, I believe that these officers who in the expenditure of the people's money have been paying $115,075 for supplies which could have been obtained for $58,246 should, somewhere or in some manner, be required to make a public accounting for their acts.

Mr. HARRISON. Will the gentleman yield?

Mr. TAVENNER. Certainly.

Mr. HARRISON. I would like to ask the gentleman, as a matter of information, in ordinary times what per cent of ammunition used by the Government is manufactured by the Government?

Mr. TAVENNER. I have tried to find out, and I asked the War Department, but was told that they would have to have a special appropriation in order to employ extra clerks to ascertain that fact. The War Department is not anxious for outsiders or even Members of Congress to know too much as to the prices paid for ammunition.

Mr. HARRISON. Has the gentleman any idea about it?

Mr. TAVENNER. I know that right now the private manufacturers have contracts for $1,000,000 worth of field-artillery ammunition alone. The private manufacturers now have ammunition contracts to be delivered before June 30, 1914, amounting to $1,112,324. My contention is that if this $1,000,000 contract had been given to the Government arsenal we would have saved $333,000. The War Department in fixing what it costs at the arsenal to manufacture the ammunition includes interest on all the money invested in the plant, the working capital, and salaries of officers. That is a point open to argument, and each Member can have his own opinion about it. Personally, I contend that the Government does not pay interest on the money involved in these transactions; if it does, who does it pay it to? I contend also that the salaries of these officers would be paid to them whether we manufacture the munitions of war in the arsenals or purchase it from the war trust.

Mr. HAY. Will the gentleman yield?

Mr. TAVENNER. I will.

Mr. HAY. How much was appropriated last year for field-artillery ammunition?

Mr. TAVENNER. Well, the gentleman from Virginia knows more about that than I do.

Mr. HAY. There was $900,000 in the fortification bill and $500,000 in the Army bill, making in all $1,400,000. Now, the gentleman says that $1,000,000 worth of ammunition is being manufactured by private individuals.

Mr. TAVENNER. No; not one million out of that one appropriation. They may have taken money from previous appropriations. Here is the report showing that private manufacturers have that amount in contracts. It does not necessarily mean that it is under the last appropriation bill; it may be scattered through half a dozen years. They have over $1,000,000 in contracts to be delivered June 14, according to Col. Montgomery.

Mr. HAY. My recollection is that these sums are only made available for two years.

Mr. TAVENNER. Then it could only cover two years.

Mr. HAY. The year before that the Army bill contained an appropriation of $100,000 and the fortification bill, I think, $900,000.

Mr. GARNER. Will the gentleman yield?

Mr. TAVENNER. Yes.

Mr. GARNER. Can the gentleman tell us why it is that the War Department is unwilling to give the information as to the per cent of powder which is manufactured by the Government?

Mr. HAY. In my judgment the War Department is perfectly willing to give the information to anybody that wants it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GARNER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. TAVENNER. I will be glad to insert, if I can find it, the letter I received from the War Department saying that they would have to have extra help to get this information in regard to the proportion of field-artillery ammunition manufactured in recent years in the arsenals, as compared to the quantity purchased from outside manufacturers.

Mr. HAY. Because it was necessary for them to get additional clerical help to give the gentleman the information, it does not necessarily follow that they did not want to give it.

Mr. TAVENNER. I know they are mighty reluctant about giving it.

Mr. HAY. I know that the War Department is perfectly willing to give the information. There can be no reason why they should not, and, as far as I am concerned, I know that the officers of the Army who have been in charge of this work are men that are above reproach in every way.

Mr. TAVENNER. I would like to ask the gentleman a question since he is so anxious to say that they are willing to give all the information—whether he knows whether the man that lets these contracts has any business relations with the parties who manufacture the ammunition?

Mr. HAY. Oh, I understand the allusion that the gentleman makes. The gentleman is alluding to a contract made with Gen. Crozier by the Bethlehem Steel Co. 15 years ago, before he was made Chief of Ordnance. When he was made Chief of Ordnance the same attack which the gentleman has made upon him in the RECORD and is now making by innuendo was made in the Senate. The whole matter was discussed in the Senate when his name came up for confirmation. He was cleared absolutely from having in any way done anything that would have cast any aspersion on his character.

Mr. TAVENNER. I would like to ask the gentleman if Gen. Crozier did not receive $10,000 from the Bethlehem Steel Co. for a patent from which they never realized a penny?

Mr. HAY. I do not know——

Mr. TAVENNER. The gentleman ought to know.

Mr. HAY. If the gentleman from Illinois will wait until I get through. I do not know whether Gen. Crozier received $10,000 or not; but if he did receive $10,000, he received it honestly. Whatever he did was honestly done. He has been Chief of Ordnance now over 12 years, and I say it without fear of contradiction from any man who is conversant with the facts, that he has discharged the duties of that office honestly, uprightly, and that he is a soldier without fear and without reproach, I care not what the gentleman from Illinois may say. [Applause.]

Mr. TAVENNER. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I think in justice to Gen. Crozier——

Mr. TAVENNER. I can not yield. I desire to do Gen. Crozier full justice. I did not say that Gen. Crozier obtained any money dishonestly. I said that he received it from one of the firms to which he awards each year a large slice of these big Army and Navy contracts at excessive prices.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. TAVENNER. I prefer not to yield.

Mr. O'SHAUNESSY. I simply want information. I was interested in the statement made by the gentleman as to the practices of the Bethlehem Steel Co. and some other steel people in cheating and defrauding the Government. Will the gentleman repeat that? I think he said that somebody covered up the defects.

Mr. TAVENNER. I have placed affidavits and other information on the subject in the RECORD, page 10501, this session, and the gentleman can read it. I have another mission just now. I had this up once or twice, and the gentleman can go to the document room and find all the information he wants.

Now, Mr. Chairman, as I said, at the Rock Island Arsenal we have two fine stone buildings erected for manufacturing purposes, at a cost of $400,000 or $500,000 each. These buildings were never used for manufacturing purposes, because if the Army officers had caused them to be equipped they could not have awarded these fat contracts for this ammunition to the ammunition ring. We also have at the Rock Island Arsenal absolutely free water power for all time, and if we equip these buildings for the manufacture of this ammunition at Rock Island it will not cost the Government a single additional penny for water power, because more power is being developed there than is being used, and there will be plenty of power to run this plant.

I presume there are two points that will be made by the chairman of the Committee on Appropriations. One is that we have sufficient equipment to manufacture this ammunition now. I did receive information from Gen. Crozier on this subject, and he says, in a letter written to me on September 8, 1913:

> The Ordnance Department now has facilities at its arsenals for the manufacture annually of field-artillery ammunition to the value of about $1,500,000.
>
> The supply of field-artillery ammunition is, however, very low, there being on hand, including what is under manufacture, only about 23 per cent of the quantity which is considered by the War Department necessary to maintain as a reserve. The estimated cost of the ammunition needed to complete a proper supply for the guns we have now on hand or under manufacture is about $13,000,000; and for the number of guns which we ought to have the remaining cost of needed ammunition would be about $20,000,000.
>
> If the sum appropriated should amount to not more than $3,000,000, it would be necessary for the department to procure ammunition exceeding in value by about $1,500,000 the capacity of the present plant.

In other words, as I understand this letter, it says that the capacity of the Government arsenals for the manufacture of field-artillery ammunition is $1,500,000.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TAVENNER. I prefer not to yield now. I prefer to stick to my subject.

Mr. MADDEN. This is directly on the subject.

Mr. TAVENNER. I prefer not to yield.

Mr. MADDEN. Then I will make the statement myself.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that he be granted five minutes more.

Mr. FITZGERALD. Mr. Chairman, reserving the right to object, can we not agree upon some time?

Mr. MADDEN. Mr. Chairman, I reserve the right to object.

Mr. FOWLER. Mr. Chairman, I ask that the gentleman may have 10 minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague may proceed for 10 minutes. Is there objection?

Mr. MADDEN. Mr. Chairman, I reserve the right to object, unless the gentleman is willing to answer questions.

Mr. FITZGERALD. Mr. Chairman, I want to ascertain whether we can not fix some time for debate.

Mr. MADDEN. I reserve the right to object, unless the gentleman cares to answer my question.

Mr. TAVENNER. Surely I will answer the gentleman's question.

Mr. FITZGERALD. Let us see if we can not fix on time for debate.

Mr. MANN. We want 7 minutes over here in favor of the amendment and 15 minutes against it.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment close in one hour, 25 minutes to be controlled by the gentleman from Illinois [Mr. TAVENNER] and 35 minutes by myself.

Mr. MANN. Out of that time can I be yielded sufficient to yield sufficient minutes?

Mr. FITZGERALD. Certainly.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate upon this amendment be limited to 1 hour, 25 minutes to be controlled by the gentleman from Illinois [Mr. TAVENNER] and 35 minutes to be controlled by himself. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. TAVENNER] is recognized for 25 minutes.

Mr. MADDEN. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. TAVENNER. Yes.

Mr. MADDEN. The gentleman's amendment provides for an appropriation of $225,000 to install machinery in a building which is said to be already in existence for the purpose of making field-artillery matériel, I understand?

Mr. TAVENNER. For the purpose of manufacturing ammunition.

Mr. MADDEN. This is the same thing, is it not?

Mr. TAVENNER. No; that is for gun carriages and parts of cannons, while this is simply for straight ammunition.

Mr. MADDEN. I was going to ask the gentleman the reason for asking $225,000, when we already have in existence an appropriation for $250,000 which is not being used?

Mr. TAVENNER. That is an entirely different proposition. One is for the manufacture of field-artillery equipment in the form of gun carriages and this other appertains wholly to ammunition. As I say, it appears in this letter from Gen. Crozier that the capacity of the arsenal is $1,500,000, and the Army appropriation bill for this year provides in one paragraph for $3,000,000 worth of ammunition, but in the fortification bill and the Army bill together it amounts to more than $5,000,000; and the amendment I have offered does not limit this plant to the manufacture of field-artillery ammunition, but to the manufacture of any kind of ammunition. The Army bill this year, for the first time in the history of the Government, requires complete arsenal manufacture. This amendment was put in there over the protest of Gen. Crozier. He did not want the bill to provide for complete Government manufacture, and he went to the committee and argued against it, and after the bill went to the Senate he followed it over there and asked that he be left free to buy some of this ammunition from private manufacturers. As regards Gen. Crozier, I do not want to be unfair to him. I do not say that he obtained this money dishonestly, but I do say this, that all of the time he has been Chief of Ordnance he has been awarding these three firms I mentioned contracts running into millions and millions of dollars, and paying these firms from 20 to 60 per cent more than that ammunition would cost to manufacture it in the Government arsenals; and what I complain about is that he should have had any transactions whatever with the company he is dealing with. I claim it is his duty to protect wholly the interests of the Government in dealing with these concerns, and he should have no partnerships with these concerns, whether it is on this particular transaction or on some other transaction.

Mr. FALCONER. Mr. Chairman, will the gentleman yield?

Mr. TAVENNER. Yes.

Mr. FALCONER. I would like to ask the gentleman on what information he bases the assertion that Gen. Crozier had to pay so much more for this ammunition than it could be manufactured for by the Government.

Mr. TAVENNER. I just gave that information a few moments ago. We are now paying private manufacturers $7 for a 31-second fuse, while we are manufacturing the same thing for $2.92. I can not give the gentleman the reason why, but am simply stating the facts.

Mr. FALCONER. The Government is manufacturing that much cheaper?

Mr. TAVENNER. Yes, sir; that much cheaper.

Mr. FALCONER. The gentleman stands on the statement that the Government can manufacture that much cheaper than our officials have been paying for the ammunition?

Mr. TAVENNER. Gen. Crozier himself practically admits he can save 30 per cent to the Government by having it manufactured in the arsenals as compared with prices by outside manufacturers.

Mr. FALCONER. Will the gentleman yield another moment?

Mr. TAVENNER. Yes.

Mr. FALCONER. I just want to observe this, that if the gentleman's statement be true, this Congress certainly has some work to do, and it is on us to do it. If the gentleman's statement is not true, we ought to know it.

Mr. TAVENNER. I wish Congress to get the exact truth; and I would like to see a congressional investigation. I will tell you, gentlemen, Gen. Crozier takes this attitude, that the manufacturers are very patriotic, and we ought to give them contracts in time of peace so that we may depend upon them for their patriotic cooperation in the emergency of war; but, gentlemen, when war with Spain was imminent, those three concerns got together and refused to manufacture a single piece of armor plate unless the Government should agree to pay $100 a ton more than the price which had been determined upon by Congress, after investigation, to be a fair price; but at the same time these patriots were selling to Russia for $249 a ton the identical character of armor plate for which they were charging this Government $616 a ton. [Applause.] The only other point, I presume, the Appropriations Committee would make is that Gen. Crozier has not recommended the equipping of these two fine stone buildings with the necessary machinery to enable the Government to manufacture ammunition now being purchased from the ammunition ring. I do not believe he ever will. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am not personally interested in the controversy between the gentleman from Illinois [Mr. TAVENNER] and Gen. Crozier. Gen. Crozier made a statement relative to some charges which had been made about him, and in justice to him I ask unanimous consent to print his statement in the RECORD. By his efficiency and his skill and intelligence he has so developed the manufacturing plants of the War Department that he is the only officer in the Government who has signally demonstrated that the Government can manufacture war munitions more cheaply than we can purchase them. He has always taken the position that from the standpoint of the Department of War it was wise to manufacture some munitions and purchase others, and there is no mystery about his attitude. One paragraph from his statement I shall read at this time:

With reference to the gun carriage that Mr. TAVENNER speaks of, I only want to call your attention to the specifications for the patent which was granted to Col. Buffington and myself for that invention. In the preamble to the specification there occurs this statement:

"And we hereby dedicate to the Government of the United States the free right to use, to make, and to have made in the United States for its own use gun mountings embodying this invention."

Col. Buffington and I were desirous that there should not, through our death, by the action of our heirs or in any other way, be a claim brought against the United States for the use of this gun carriage; but as it was impossible to keep the construction of this carriage secret, we saw no reason why, if anybody else should choose to use it, they should not pay for such use. Therefore we entered into that relation with the Bethlehem Steel Co. which was set forth and published in the CONGRESSIONAL RECORD of March 3, 1911, and which was terminated in the manner which is also set forth in the RECORD.

In justice to Gen. Crozier I ask unanimous consent to print in the RECORD his statement in reply to statements heretofore made which reflect upon his integrity as an officer of the Army of the United States and which, in my opinion, are wholly unjustified.

The CHAIRMAN (Mr. DUPRÉ). Is there objection to the request of the gentleman from New York that he extend his remarks in the RECORD by printing the statement referred to?

Mr. FOWLER. Mr. Chairman, reserving the right to object, I desire to ask the gentleman if this refers to the gun-carriage swivel?

Mr. FITZGERALD. This is what is known as the Crozier-Buffington gun carriage.

Mr. FOWLER. I desire to ask the gentleman if that gun carriage is not more or less a failure?

Mr. FITZGERALD. In its efficiency?

Mr. FOWLER. In its efficiency.

Mr. FITZGERALD. I think it is now used in an improved form.

Mr. FOWLER. It is used somewhat, but is it not unsteady, it is not to be relied upon?

Mr. FITZGERALD. Well, I can not answer the gentleman.

Mr. FOWLER. That is the charge against it, is it not?

Mr. FITZGERALD. No; the charge the gentleman from Illinois makes is that Gen. Crozier accepted $10,000 from the Bethlehem Steel Co. for the right to use his gun carriage, and that as a result of such relation with the Bethlehem Steel Co. his actions in connection with contracts on behalf of the Government with the company were not above suspicion.

Mr. FOWLER. Was that gun carriage patented by Gen. Crozier?

Mr. FITZGERALD. It was; I read from the patent, and I read from it that he dedicated the patent to the United States Government to use free for its own use.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The extract is as follows:

GOVERNMENT AND PRIVATE MANUFACTURE, POLICY CONCERNING—ROCK ISLAND ARSENAL, ENLARGEMENT OF FACILITIES AT.

The CHAIRMAN. The next item is "New York Arsenal, Governor's Island, N. Y., repair of wharf, $8,500."

Gen. CROZIER. Before we leave the Frankford Arsenal, Mr. Chairman, there is something I would like to speak of in connection with the artillery ammunition plant which we have been considering, and for an addition to which we have just discussed an estimate of $32,000.

I have been subjected to some pressure to submit estimates for a greater addition to the artillery ammunition plant, but not particularly at the Frankford Arsenal, and I have been very severely criticized, to the extent of making an assault on my character as an officer, for not having done so. I think therefore that this is an appropriate place to speak of this subject, and to call your attention to some of the testimony which I have given before another subcommittee of your committee. I am alluding particularly to a speech which was made in the House on February 27, 1914, by Mr. TAVENNER, of Illinois, when the Army bill was under discussion, and which was extended afterwards in the RECORD under leave to print.

Mr. TAVENNER called attention to the statement which had been made that there was an inadequate supply of ammunition on the Pacific coast, and said, among other things:

"I desire to submit to the American people what I believe to be the reason for this state of affairs. The reason, in my opinion, is that Gen.

Crozier and other Army and Navy officers have for years been permitting a ring of eastern manufacturers to outrageously overcharge the Government for its munitions of war."

This speech, I may say, did not appear in the RECORD on the date on which it was made, but on March 4, 1914, where it is found on page 4596.

Mr. TAVENNER, in speaking of his desire that the artillery ammunition plant should be increased, in his speech stated:

"Gen Crozier has from the start opposed—not openly, but from under cover—my efforts to have these two buildings equipped with machinery for manufacturing field-artillery ammunition."

Speaking of two buildings at the Rock Island Arsenal:

"If these buildings were equipped, Gen. Crozier could no longer go before the Appropriation Committees and testify that he does not have capacity in the Government arsenals to do such manufacturing, and must therefore award the fat contracts to the ammunition ring."

Now, you will see there a charge that I unfairly award contracts for manufacturing ammunition at outrageous prices; that I give as an excuse my lack of capacity at the arsenals; and that, in order that this excuse shall continue, I oppose the increase of the artillery manufacturing plants of the Ordnance Department.

With reference to those accusations, I would like to submit to the committee a letter which, in reply to one from him, I wrote to Mr. TAVENNER last September. I have the letter here. It is a rather long one, explaining my position in regard to the manufacture of ammunition by the Government and by private parties, and it relates particularly to a number of bills which had been introduced by Mr. TAVENNER for increasing the plant at the Rock Island Arsenal:

SEPTEMBER 18, 1913.

Hon. CLYDE H. TAVENNER,
House of Representatives, Washington, D. C.

DEAR MR. TAVENNER: 1. I have your letter of September 9, inclosing one to you from the greater Davenport committee, both relating to certain bills which you have introduced for improving the manufacturing plant at the Rock Island Arsenal. Among these bills are four which you and I have discussed somewhat, and which, among those which you have introduced, appear to me to be the ones for whose passage by Congress the best case can be made out. These bills are as follows:

Appropriating $200,000 for a field-artillery ammunition plant;

Appropriating $65,000 for repairing shop H (for use in connection with such plant);

Appropriating $200,000 for an additional storehouse (to receive the stores removed from shop H);

Appropriating $15,000 for a magazine (to contain powder and other explosives for the manufacture of ammunition).

2. The Ordnance Department now has facilities at its arsenals for the manufacture annually of field-artillery ammunition to the value of about $1,500,000. This sum represents about the total of the funds available for field-artillery ammunition for the current fiscal year, of which about $1,200,000 has been utilized in placing orders for manufacture at the arsenals, while $300,000 is being expended in procuring ammunition, or parts of it, from private manufacturers. It therefore appears that unless the appropriations for the procurement of this ammunition are increased the department will not need greater facilities for its manufacture than now exist, except as a reserve for emergencies.

3. The supply of field-artillery ammunition is, however, very low, there being on hand, including what is under manufacture, only about 23 per cent of the quantity which is considered by the War Department necessary to maintain as a reserve. The estimated cost of the ammunition needed to complete a proper supply for the guns we have now on hand or under manufacture is about $13,000,000; and for the number of guns which we ought to have the remaining cost of needed ammunition would be about $20,000,000. This department has submitted estimates amounting to three or four times the current appropriation for ammunition for the consideration of Congress in connection with the appropriation bills for the next fiscal year. If the sum appropriated should amount to not more than $3,000,000 it would be necessary for the department to procure ammunition exceeding in value by about $1,500,000 the capacity of the present plant. The relative advantage would need to be considered of procuring this additional ammunition from private parties, or of increasing the Government's facilities for manufacturing for itself.

4. I have never been in favor of the Government doing all of its manufacturing. I think it desirable for the officers conducting a Government manufacturing establishment to have the stimulus of rivalry with private plants, and I think it advantageous to have others than Government officers stimulated to an effort to improve the quality of the material. I also think it worth while to have an opportunity for comparison of costs, so that it may be known beyond a doubt whether or not Government manufacture is economically carried on. In addition, there is the great advantage of having in existence private plants capable of aiding in doing the increased amount of work which is necessary upon emergency. The relative quantity of material which the Government should make for itself, and should procure from private manufacturers, is, of course, not easy to establish arbitrarily, but an important reason for providing facilities for manufacturing at least a part of the additional ammunition which the Government is in great need of is the economy of its present manufacture as compared with the prices which it is paying private concerns. The average cost of the ammunition now purchased for field artillery is about 20 per cent higher than the cost of manufacturing similar material at the Frankford Arsenal, including in the latter cost a proper charge to cover interest, depreciation, pay of officers, and other charges which are not paid out of the appropriation for the manufacture of the ammunition. In procuring $1,500,000 worth of ammunition by manufacture instead of purchase there is thus a saving of about $300,000 at present relative prices.

5. Now, as to the manner of bringing this general subject to the attention of Congress: I have not submitted an estimate for increasing the department's capacity for manufacturing ammunition. At the present rate of appropriation there would not be occupation for such increased facilities, and I have not received any assurance that we will obtain the increased appropriations which we ought to have. In addition, the amount of the estimate which the Ordnance Department shall submit is limited by the War Department, and the sum of the estimates for Rock Island is already larger than that for any other arsenal. There are certain pressing and immediate necessities, such as fire protection, for instance, which must take precedence of measures of general merit, of which the advantage would be in the future. I think that larger appropriations than at present should be made for field artillery ammunition, and I think it would be advantageous to the Government to provide for manufacturing a portion of it in its own plant. I have not yet made an estimate of the output which could be had from the increased facilities which could be provided with the sums carried in your bills, and I am not entirely clear as to the most advantageous way of presenting the subject for consideration. In regard to this last point I should be very glad to consult with you further, if you could conveniently stop at my office at any time when you may be in the vicinity of the War Department.

Sincerely, yours,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

You will see that Mr. TAVENNER was in the possession of information to the effect that unless the appropriations were increased the Government had plants enough to manufacture all the ammunition that they would provide for.

Now, in addition to that letter, my testimony before the subcommittee in charge of the fortifications bill, which, at the time of Mr. TAVENNER's speech, had been printed and to which his particular attention had been directed, also contained a refutation of his assertion that I was using the lack of capacity as a reason for wishing to continue to give contracts to private manufacturers at outrageous prices. In addition, this testimony gives my reasons for having given such contracts to private manufacturers as I had given, and evidence in regard to this point is also found on page 152 of the hearing, on page 157, and on other pages.

The CHAIRMAN. The hearings before the subcommittee on fortifications in the preparation of the bill for 1915?

Gen. CROZIER. Yes, sir; the hearings held during the current session of Congress.

The question and answer which I will read are as follows:

"Mr. SHERLEY. Let me put my question in another form. Do you consider it desirable, in view of this very large saving, that the Government should manufacture all of its ammunition, irrespective of the amounts that may be appropriated from year to year?

"Gen. CROZIER. No, sir. My view in regard to that is the same as in regard to all other material. I think that there are advantages, as I have stated to you before, in having part of it manufactured by private manufacturers, and I think we will hammer these differences down by continuing to show what we can do ourselves; in fact, we have done that to some extent already; we have gotten people to come in and manufacture at lower prices than other people have heretofore manufactured for us, when we have shown them it could be done. We have done this, as in the item I just mentioned, that of the shrapnel case, by using a new method which the private manufacturers had not up to that time used. I think we will be able to show the private manufacturers that our ammunition can be turned out at a much less cost than the prices they have been charging us. So I do not think we will be continually subjected to these great differences in price."

On page 157 there is the additional statement to the effect that there is plant enough to meet the appropriations that have been made, provided they shall not be increased.

On page 4598 of the CONGRESSIONAL RECORD, to which I have referred, in that portion of Mr. TAVENNER'S speech which he did not deliver on the floor he makes the statement that he could not get information on this and related subjects from my office. He states that he wrote to the commanding officer of the Rock Island Arsenal asking for information and he did not get it, because I refused to let him have it. He says in his speech:

"The data has never come, but in its stead a letter from Gen. Crozier to the effect I would find the information I desired in the hearings of the Appropriations Committee. An examination of the hearings showed that it did not contain the special data I desired and did not contain the data I asked for."

With reference to Mr. TAVENNER'S inability to get this class of information, I submit to the committee some of his letters and the replies thereto.

On October 6 he wrote me this letter:

Gen. WILLIAM CROZIER,
Chief of Ordnance, Washington, D. C.

DEAR GENERAL: I will appreciate it if at your convenience you will have sent me the name of the bidder awarded the contracts for doing work of the character being done at the Rock Island Arsenal, to which contract you alluded in your conversation to-day.

I would like the contract price per unit and the total amount of the contract, compared with the prices paid contractors under preceding contracts.

This will show how much the department is saving per unit and the amount it is saving on the entire contract.

Very sincerely,

CLYDE H. TAVENNER.

Two days after, on October 8, that letter was replied to by myself as follows:

OCTOBER 8, 1913.

Hon. CLYDE H. TAVENNER,
House of Representatives, Washington, D. C.

MY DEAR MR. TAVENNER: Referring to your letter of the 6th instant, requesting a statement of the bidders recently awarded contracts for work of the character being done at Rock Island, I take pleasure in giving you the following information:

	Total cost, including 2 per cent for inspection.
Contracts were awarded the Bethlehem Steel Co., South Bethlehem, Pa., as follows:	
63 3.8-inch howitzer limbers, model of 1911, at $1,446 each, $91,098. Including 2 per cent for inspection, the cost of these limbers will be $1,474.92 each	$92,919.96
36 4.7-inch howitzer limbers, model of 1912, at $1,498 each, $53,928. Including 2 per cent for inspection, the cost of these limbers will be $1,527.96 each	55,006.56
To the American & British Manufacturing Co., Bridgeport, Conn.:	
47 3.8-inch howitzer caissons, model of 1911, at $2,114.40 each, $99,376.80. Including 2 per cent for inspection, the cost of these caissons will be $2,156.68 each	101,363.96
To the Albert & J. M. Anderson Manufacturing Co., Boston, Mass.:	
36 4.7-inch howitzer caissons, model of 1912, at $1,886 each, $67,896. Including 2 per cent for inspection, the cost of these caissons will be $1,923.72 each	69,253.92

No exactly similar vehicles to these have been previously manufactured in quantity. Estimates at Rock Island Arsenal on the 3.8-inch howitzer limbers were $1,402.20 each; or, including arsenal burden of 8.4 per cent, $1,519.98; on the 3.8-inch howitzer caissons, $2,230 each; including arsenal burden of 8.4 per cent, $2,417.32 each.

The last order for 4.7-inch howitzer limbers and caissons, of a similar type but not identical, cost at Rock Island Arsenal as follows: 4.7-inch howitzer limbers, $1,127.94 each; including arsenal burden of 8.4 per cent, $1,272.69; 4.7-inch howitzer caissons, $1,645.76 each; including arsenal burden of 8.4 per cent, $1,784.

It will be seen from the above comparison of costs that the prices at which the last contracts were awarded compare very closely with the costs at the Rock Island Arsenal.

The matériel of which the greatest quantity has previously been manufactured are the 3-inch limbers and caissons. The last order for these placed by contract cost as follows: 3-inch gun caisson, model of 1902, $1,960 each; including 2 per cent for inspection, $1,999.20. At the Rock Island Arsenal the last order cost $1,041.20; including arsenal burden of 8.4 per cent, $1,128.68.

The 3-inch gun limber, model of 1902, under contract cost $1,478.59; including 2 per cent for inspection, $1,508.18. At Rock Island Arsenal the last lot cost $635.81; including arsenal burden of 8.4 per cent, $689.22.

It will be noted that for the 3.8-inch howitzer limbers and caissons and 4.7-inch howitzer limbers and caissons, which are heavier and more expensive vehicles to manufacture than the 3-inch gun limbers and caissons, the prices are practically the same. This indicates that the manufacturers, as a result of the standard set at the Rock Island Arsenal, have been led to perfect their equipment and methods of manufacturing this matériel and are now bidding on a more satisfactory basis.

Very sincerely,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

On October 16 there was received the following letter from Mr. TAVENNER, dated October 15:

CHIEF OF ORDNANCE,
War Department, Washington, D. C.

DEAR SIR: I am desirous of obtaining certain data for use on the floor of the House and will be greatly obliged if, at your convenience, you will supply me with the following information:

1. The total amount of contracts awarded private manufacturers by the War Department during the last five years.

2. The total amount of contracts awarded each of the following firms during the last five years:

Bethlehem Steel Co., South Bethlehem, Pa.
American & British Manufacturing Co., Bridgeport, Conn.
Albert & J. M. Anderson Manufacturing Co., Boston, Mass.
Carnegie Steel Co.

3. Names of the companies which have been awarded the bulk of the contracts for manufacturing field-artillery ammunition and other ammunition.

4. In a letter from the Chief of Ordnance dated October 8, 1913, No. 37835/817, I am informed that the Bethlehem Steel Co. was recently awarded a contract for sixty-three 3.8-inch howitzer limbers, model 1911, at $1,466 each, and thirty-six 4.7-inch howitzer limbers, model 1912, at $1,498 each; that the American & British Manufacturing Co. was awarded contracts for forty-seven 3.8-inch howitzer caissons, model 1911, at $2,114.40 each, and that the Albert & J. M. Anderson Manufacturing Co. was awarded a contract for thirty-six 4.7-inch howitzer caissons, model 1912, at $1,886 each. I would like to know what prices the Government paid for these same articles under recent previous contracts with private manufacturers. I understand that the prices just cited are a considerable reduction from previous prices, and my object is to be able to say just what sum the Government saved as a result of the action of the private manufacturers in now reducing their prices. I would also like to know the date on which these contracts (the ones referred to in this paragraph) were let.

Very respectfully,

CLYDE H. TAVENNER.

That letter was received in my office during my absence in Europe, and it was not immediately acknowledged. It calls for a great deal of information, and the office, as it should have, set to work to collect the information to answer the letter, but that took a long time; and on December 2 Mr. TAVENNER wrote to the Secretary of War as follows:

Hon. LINDLEY M. GARRISON,
Secretary of War, Washington, D. C.

DEAR MR. SECRETARY: On October 16 I addressed a letter to the Chief of Ordnance, requesting data relative to the amount of the contracts awarded by the War Department to the Bethlehem Steel Co. in the last five years, and also other data which would indicate the extent to which the private manufacturers are overcharging the Government.

I have not received any facts or an acknowledgment of the receipt of the letter. The Secretary of the Navy gladly furnished the information.

I find from a table prepared by Col. George Montgomery, of Frankford Arsenal, that the Government manufactured a $1,900,064 order of artillery ammunition 51 per cent below the prices of the ammunition ring.

This manufacturing was done with power produced by coal. Had the order been manufactured at Rock Island, where the Government has free water power but is not taking complete advantage of it, a much better showing could no doubt be made on the side of Government manufacture.

There is going to be a fight in Congress to take the fat Government contracts away from the ammunition ring, and I hope you will stand with Secretary Daniels against the ammunition ring that in war time holds up the Government by refusing to manufacture articles of military necessity unless the Government pays an increased price. (See annual report of Secretary Daniels.)

I can not help but observe that the same Army officers who are fighting for the ammunition ring are also leading the fight to install the Taylor system of shop management in the Government arsenals, a system which a committee of a Democratic House of Representatives unanimously declared placed working men in the position of beasts of burden.

I will appreciate it very much if you will have my letter looked up, so that I may know whether I will have the data requested in time to use on the floor of the House when this matter comes up.

Very sincerely,

CLYDE H. TAVENNER.

There was an inclosure of a newspaper article by Mr. TAVENNER with that letter.

Two days later, on December 4, 1913, the Secretary of War replied to Mr. TAVENNER, as follows:

Hon. CLYDE H. TAVENNER,
House of Representatives.

MY DEAR SIR: Replying to your letter of December 2, 1913, relative to data requested from the Chief of Ordnance under date of October 16, I have the honor to inform you that the office of the Chief of Ordnance has been assiduously at work ever since the receipt of that letter tabulating the information desired by you.

The information requested, covering a period of five years, required an examination of considerably over 3,000 contracts, made at the various ordnance establishments throughout the United States in this period. This information has just been gotten together in the rough and is now being put in tabulated form in order that it may be more readily available for your use. It is expected that this work will be completed within two or three days at the outside, when it will be transmitted to you.

Inadvertently acknowledgment of your letter of October 16 and advice that the work would be at once taken in hand was omitted, which fact is regretted.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

In submitting the draft of that letter to the Secretary of War, I noticed the statement in Mr. TAVENNER'S letter about officers fighting for the ammunition ring in this memorandum which I gave to the Secretary of War. I do not know that it got beyond his office:

MEMORANDUM FOR THE SECRETARY OF WAR.

Subject: Reply to letter of December 2, 1913, of the Hon. CLYDE H. TAVENNER in regard to Government contracts.

Mr. TAVENNER writes drawing attention to the fact that he has not received a reply to a letter addressed to the Chief of Ordnance on October 16, asking for information concerning contracts of this department with private manufacturers. There is herewith a draft for your signature of a reply to Mr. TAVENNER'S last letter. There occurs in this letter the following paragraph:

"I can not help but observe that the same Army officers who are fighting for the ammunition ring are also leading the fight to install the Taylor system of shop management in the Government arsenals, a system which a committee of a Democratic House of Representatives unanimously declared placed workingmen in the position of beasts of burden."

This statement can refer only to officers of the Ordnance Department, and particularly to myself, who am installing the Taylor system of shop management in the Government arsenals. In the draft of reply to Mr. TAVENNER which I have prepared for you I have not referred to this paragraph, but if I were myself replying to Mr. TAVENNER I would say that his charge that officers of this department are fighting for the ammunition ring is so far from the truth that it seems difficult to believe that he is not aware of it; and that the further statement that a committee of the House of Representatives declared that the Taylor system of shop management at Government arsenals placed laboring men in the position of beasts of burden is also contrary to fact, as the committee referred to did not make that statement. The language of the committee was, however, such that a careless reading of it might have produced the impression obtained by Mr. TAVENNER.

Very respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

Two days after that, on December 6, I sent to Mr. TAVENNER a letter:

DECEMBER 6, 1913.

Hon. CLYDE H. TAVENNER,
House of Representatives.

SIR: Referring to your request for data relative to contracts awarded to private manufacturers by this department during the last five years, I have the honor to advise you as follows:

1. The total amount of contracts awarded private manufacturers by the Ordnance Department during the last five fiscal years ending June 30, 1913, was $30,684,592.24.

2. The total amount of contracts awarded each of the following firms enumerated by you during this period was as follows:

Bethlehem Steel Co., $3,201,470.09.
American & British Manufacturing Co., $835,474.14.
Albert & J. M. Anderson Manufacturing Co., $520,511.26.
Carnegie Steel Co., $305,873.71.

3. The names of the companies who have been awarded the bulk of the contracts for manufacturing ammunition during this period are:

Powder.—The E. I. Du Pont de Nemours Powder Co., The International Smokeless Powder & Chemical Co.

Steel shell.—American & British Manufacturing Co., Bethlehem Steel Co., Washington Steel & Ordnance Co., E. W. Bliss Co.

Shrapnel cases and shrapnel.—Bethlehem Steel Co., American & British Manufacturing Co., Rheinische Metallwaareb & Maschinenfabrik, E. W. Bliss Co., Tioga Steel & Iron Co.

Cast-iron shell.—The Tredegar Co., The C. H. Cowdrey Machine Works, The E. W. Bliss Co. (also some common steel shell).

Small-arms ammunition.—United States Cartridge Co., Peters Cartridge Co., Winchester Repeating Arms Co., Remington-Union Metallic Cartridge Co.

4. The prices paid for 3.8-inch and 4.7-inch howitzer caissons and limbers during the above period, which were awarded by contract, were as follows:

Kind of material.	Prices paid in the year—		
	1909, per set of 1 of each.	1912, each.	1913, each.
3.8-inch howitzer caissons			[1] $2,114.40
3.8-inch howitzer limbers			[2] 1,446.00
4.7-inch howitzer limbers	$4,010.18	$1,477.30	[3] 1,498.00
4.7-inch howitzer caissons		1,879.02	[4] 1,886.00

[1] Date of contract, Oct. 1, 1913.
[2] Date of contract, Oct. 4, 1913.
[3] Date of contract, Oct. 7, 1913.
[4] Date of contract, Oct. 14, 1913. Advertisement dated Sept. 8, 1913. Proposals submitted Sept. 29, 1913.

The delay in furnishing this information was due entirely to the fact that it was necessary to assemble a large amount of data for all the various ordnance establishments to get the information asked for reasonably accurate.

Very respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

In regard to his statement that he was unable to get information which he tried to get from the Rock Island Arsenal, I have here a letter from the commanding officer of the Rock Island Arsenal, dated December 23, 1913, the first paragraph of which is as follows:

"On November 1 the Hon. CLYDE H. TAVENNER, M. C., representing the Rock Island congressional district, forwarded to the undersigned copy of a speech relating to the Frankford Arsenal, delivered in the House of Representatives by the Hon. J. HAMPTON MOORE, of Pennsylvania, Friday, October 31, 1913, and asked me if I could furnish him similar facts relating to the Rock Island Arsenal, to be used by him in a speech on the floor of the House. I informed Mr. TAVENNER that I should be glad to furnish such information. On November 11 I wrote informally to the Ordnance Office, requesting certain data necessary for this memorandum, said data being particularly the prices paid for contract-made artillery vehicles. In reply to that letter the Chief of Ordnance informally stated that he desired such data to be given out through the Ordnance Office, and that if I would forward to that office the information which I thought would meet Mr. TAVENNER'S request it would be supplemented in that office by the corresponding information relating to contract manufacture."

That letter relates to the request that Mr. TAVENNER said he made of the Rock Island Arsenal. You will understand that it is desirable for information in regard to its operations to be given out from the headquarters of the Ordnance Department and not from the arsenals. This in order that certain discrepancies which sometimes result from not taking into account the same class of expenditures at the different arsenals may not appear, or may be reconciled if they do appear, and so that information can be furnished as consistently as the facts permit.

Now, you will observe that this letter was received after the letter of Mr. TAVENNER, in which he charged officers of the Army, which could mean no other than myself under the circumstances, of fighting for the ammunition ring. It would be, therefore, after a state of mind had been naturally induced which would not tend to an increase of the completeness of the information given to a man who would make such use of it as Mr. TAVENNER shows by that letter that he was inclined to make.

In consequence of the receipt of this letter written to the commanding officer of the Rock Island Arsenal, I wrote to Mr. Tavenner, under date of January 14, 1914, as follows:

Hon. CLYDE H. TAVENNER,
House of Representatives, Washington, D. C.

Subject: Comparative costs of Government and private manufacture.

SIR: 1. The commanding officer of the Rock Island Arsenal has written to this office requesting certain information in regard to the prices paid for field artillery vehicles procured by the department under contract, in order that he may make accurate reply to a letter from you making inquiry as to the relative cost of private manufacture and Government manufacture of such material as is produced at the Rock Island Arsenal. The commanding officer has been informed that this office would reply to your letter, which it prefers to do, since information of a similar character to that which you request is from time to time given out by this office, and it is desired that it should embody the greater acuracy which can only be had when it receives the revision of this office, in order that the information given may thus always be consistent.

2. The relative cost under Government and private manufacture of such material as constitutes the output of the Rock Island Arsenal is made up from time to time and stated in the hearings of the undersigned, usually before the Appropriations Committee of the House of Representatives. Such statements were made and are contained in the printed hearings in connection with the fortification act passed by the last Congress at its last session; and similar statements, with revised figures, have been made to the Appropriations Committee of the House of Representatives in hearings held before that committee, upon the fortification bill, since the date of your request for information to the commanding officer of the Rock Island Arsenal. These hearings are no doubt available to you. Should any of the statements contained in them need further explanation or amplification, the records of this department for affording it are at your service.

Respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

To that letter I have received no answer, and no further request in pursuance of the statement made in the last sentence.

I made up tables of information in regard to the prices paid by the department, similar to those which Mr. TAVENNER alludes to as having been presented by Mr. MOORE for printing in the CONGRESSIONAL RECORD relative to the manufacture at the Frankford Arsenal; I made up similar tables for the Rock Island Arsenal and submitted them to the committee, and they are found in the hearings of the current session of Congress on pages 149 and 150. I believe that if you will take the trouble to examine them you will see that those tables and the other information in the printed hearings and the information which is contained in the letters which I have presented to you as having been written in my office to Mr. TAVENNER refutes the charge that he could not get information from the Ordnance Department.

Now, Mr TAVENNER states as follows in his extension of his remarks:

"What Gen. Crozier's motive was in withholding this and other information I can not say, because I do not know."

But then he goes on to make a very direct innuendo as to what my motives were, and he does so by reprinting certain statements that were made in regard to me in the House of Representatives in 1911 concerning my relations with the Bethlehem Steel Co. with reference to a patent for the disappearing-gun carriage, which was invented by Col. Buffington and myself and which is in use as the principal mounting for guns for the seacoast defense. He leaves nothing to misunderstanding in the way of pointing to the inference that my motive was that resulting from improper relations with private manufacturers, and the Bethlehem Steel Co. in particular, which led me to desire to give these large contracts, as he calls them "fat" contracts, to these private manufacturers.

When some kind of a charge in regard to this subject was made in 1911 by Mr. RAINEY it was replied to by Mr. Smith of Iowa, on March 3, 1911, and the reply was printed in the RECORD. I do not care to take up your time by going over that. I am now perfectly willing to let such charges as those made by Mr. RAINEY and Mr. TAVENNER rest as replied to by Mr. Smith, and I am willing to let the character of the people making these statements on the two sides suffice as a sufficient indorsement of my action.

With reference to the gun carriage that Mr. TAVENNER speaks of, I only want to call your attention to the specifications for the patent which was granted to Col. Buffington and myself for that invention. In the preamble to the specification there occurs this statement:

"And we hereby dedicate to the Government of the United States the free right to use, to make, and to have made in the United States for its own use gun mountings embodying this invention."

Col. Buffington and I were desirous that there should not, through our death, by the action of our heirs, or in any other way, be a claim brought against the United States for the use of this gun carriage; but as it was impossible to keep the construction of this carriage secret, we saw no reason why, if anybody else should choose to use it, they should not pay for such use. Therefore we entered into that relation with the Bethlehem Steel Co. which was set forth and published in the CONGRESSIONAL RECORD of March 3, 1911, and which was terminated in the manner which is also set forth in the RECORD. Although Mr. TAVENNER places my motives before the House by innuendo, I will say that he states directly the facts which indicate what his motive is in attacking me, which is resentment because I would not stand in with him in his endeavor to procure for expenditure in his district the appropriations which my testimony before this committee, which was available to him, and my statements in letters written to him show were not necessary.

I will add, Mr. Chairman, although it is well known, that these contracts that Mr. TAVENNER speaks of are let after advertisement and competition to the lowest responsible bidder, the interests of the Government being taken into consideration; that the economies which have resulted in the great differences in price which in some cases appear have been due to the special efforts of the officers of the Ordnance Department under my direction; that the use of this difference in charges against us is the use of ammunition for controversy which we supply ourselves by our economical conduct of the establishments under our charge. I can invite your attention also to the fact, Mr. Chairman, that years ago, long before Mr. TAVENNER came to Congress, I submitted to the Congress an estimate for increase of the facilities at the Rock Island Arsenal for the manufacture of field artillery gun carriages, limbers, and caissons. As a consequence of that estimate, $250,000 was appropriated, and we are now nearly ready to put those increased facilities into operation, the object of the estimate and the appropriation being to about double the capacity of the Rock Island Arsenal for manufacturing this kind of material; and the advantage of thus doubling it being the fact, as shown by the tables to which I have drawn attention, that the cost of manufacture at the Rock Island Arsenal was considerably less than the price charged by private manufacturers for similar material.

I urged this appropriation because of the saving to the Government that would thereby be effected at the expense of the amount of work that was given to private manufacturers, although I did not then contemplate that we would do all of this class of work at the arsenal. I estimated then that the increased facilities would enable us to do two-thirds of the work of this class that our appropriation called for instead of the one-third we had been doing theretofore. I make this statement with particular reference to Mr. TAVENNER'S statement that I am "an enthusiastic advocate of the policy of giving as much work as possible to outside manufacturers at prices ranging from 20 to 60 per cent more than he can manufacture—and is manufacturing—the same articles for in the Government's arsenals."

This statement, coupled with the statements which I have frequently made in the hearings before your committee and to some of which I have alluded before, indicates clearly my position with reference to Government and private manufacture, which is to the effect that the Government should manufacture part of the material which it uses, and should patronize private manufacturers for a part.

Other manufactures, which had not theretofore been carried on by the Ordnance Department, which had relied for their product entirely upon private manufacturers, have been introduced under my direction, as follows: Smokeless powder, optical instruments for artillery, machine guns, pistols, armor-piercing projectiles. All of these are now in successful operation, dividing the work with private establishments.

Mr. FITZGERALD. Now, Mr. Chairman, the question before the committee is whether there shall be appropriated $225,000 to equip some building at the Rock Island Arsenal for the purpose of manufacturing field-artillery ammunition. The question whether the Government shall manufacture this ammunition or shall purchase it is not involved.

Mr. GARNER. Will the gentleman yield just there?

Mr. FITZGERALD. I prefer to make this statement and then I shall yield for questions. It is impossible to state intelligently what the facts are unless I make a consecutive statement. I repeat that the question of whether the Government shall make this ammunition or shall purchase it is not involved. In the Army bill, which has already become a law, $3,000,000 is appropriated for use during the next fiscal year for the manufacture of field-artillery ammunition. None can be purchased under the provision, and the fortifications bill as agreed upon by the managers upon the part of the two Houses, and the report has been adopted by the Senate, recommends an appropriation of $1,200,000 for the manufacture of this ammunition. After setting aside so much as is required for the purpose of meeting the obligations arising from contracts which are already in existence, not to exceed 10 per cent of the balance can be expended for purchase. The provisions of this bill will compel all field-artillery ammunition, for which we are appropriating next year in a sum aggregating $4,200,000, to be manufactured in the Government arsenals. The Committee on Appropriations and the Committee on Militar, Affairs have done everything within their power to compel the manufacture by the Government of all ammunition of this character for which provision is made.

The gentleman from Illinois [Mr. TAVENNER] was given a hearing by the Committee on Appropriations upon a bill introduced by him to appropriate $200,000 to equip one of certain buildings at the Rock Island Arsenal for the purpose of manufacturing this field-artillery ammunition. After he had made his statement the committee requested the War Department to send some one familiar with the operations of the Government arsenals before the committee. It then turned out that the building which the gentleman wished to equip had cost $400,000. It was being utilized as a storehouse. If it is equipped for the manufacture of field-artillery ammunition, it will be necessary to provide a building for the storing of these valuable supplies which now fill it. A building that would be suitable for such purposes would cost $200,000; so that, after spending $200,000 to equip a building for the manufacture of the ammunition, it would then be necessary to provide $200,000 for another building to take care of the supplies.

Mr. TAVENNER. Will the gentleman yield?

Mr. FITZGERALD. When I finish my statement I will.

In addition, it would require for assembling the ammunition a building to cost $40,000; to equip the building, $10,000; and $35,000 for certain magazines that must be placed at Rock Island to store this ammunition, should it be manufactured there. So that, in all, in order to equip the Rock Island Arsenal for the manufacture of field-artillery ammunition, it would require an expenditure of $500,000.

We have to-day arsenals that are now equipped and, under the authority given already, will be equipped to manufacture all of the field-artillery ammunition for which we have appropriated next year.

Mr. TAVENNER. Mr. Chairman, that statement is not right; that is all. He is mistaken about it.

The CHAIRMAN. Will the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Illinois [Mr. TAVENNER]?

Mr. FITZGERALD. I will not yield. But if I have to substantiate every statement I make here by referring to the official record, I will do it. Usually, Mr. Chairman, gentlemen who know my record in this House do not challenge statements of fact which I make.

Col. Babbitt, in speaking of the facilities of the department for this manufacture, under the date of May 28, 1914, said:

> We estimate that we can expend all the funds that have been appropriated in the Army bill, $3,000,000, and the $1,200,000 now carried in the fortification bill, if this bill becomes a law, with our existing plans by working three shifts.

So I repeat that we have to-day all the facilities required to manufacture in Government plants all the field-artillery ammunition which we are appropriating for next year.

That is not the important thing. At the end of four years, after next year, at the rate for which provision has been made for next year, we will have manufactured so much field-artillery ammunition that we will have obtained a complete reserve, both for the Organized Militia and for the Regular Army. And thereafter the appropriations annually for field-artillery ammunition will only amount to $500,000, so that instead of requiring facilities to manufacture $4,200,000 of field-artillery ammunition every year, we will only require facilities for $500,000.

In addition, in the appropriation carried in the fortification bill, the appropriation is made available not only for the manufacture of the material but for the acquisition of the necessary machinery to manufacture it. The item is:

> For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals.

The amount agreed on is $1,200,000. Then there is that other proviso to which I have called attention:

> Of each of the sums appropriated by this act, after deducting any amounts required to meet obligations authorized in previous acts to be entered into by contract, not more than 10 per cent may be used to purchase not exceeding 10 per cent in quantity or value of any article or material herein appropriated for that can be manufactured at the arsenals of the Ordnance Department, except when contract costs are less than arsenal-manufacturing costs.

The proof is that arsenal-manufacturing costs are less than they are by contract. The sole purpose of this amendment is not to compel Government manufacture of this ammunition, which the Committee on Appropriations favors, but it is to equip the Rock Island Arsenal for its manufacture.

What have we done for the Rock Island Arsenal? Last year it was pointed out that the Government could manufacture more cheaply field artillery matériel than it had been purchasing it by contract, and so this committee brought in an item apropropriating $250,000 to equip the Rock Island Arsenal to manufacture field-artillery ammunition. Some of the machines were ordered. Early in the year Gen. Crozier called my attention to the fact that unless he could have some assurance that this appropriation would be continued next year it would be necessary for him to place the order for all the machines authorized, and, as it was desirable to get several of them and test them out before ordering all of them, he asked whether he could rely on the reappropriation of the unexpended balance, if he acquired some of them in order to test them out. He was assured that he could rely upon the reappropriation being recommended by the committee. So this bill carries, as the first item under the Rock Island Arsenal, the unexpended balance of that $250,000, which amounts to about $200,000, for that purpose. In addition, the committee has recommended $127,000 more for improvements at the Rock Island Arsenal. What can reasonably be expected of the House? Facilities are provided for the manufacture of all the ammunition for which provision is made.

Col. Babbitt states that they will take out of this $1,200,000 in the fortification bill $100,000 to purchase the necessary machinery to provide for the Government manufacture. The pending amendment merely means that we shall compel the Ordnance Department, instead of using the Springfield and Watertown Arsenals, with very little work to do, and where this work should be done in addition to that done at the Frankford Arsenal, to prepare to manufacture this ammunition at the Rock Island Arsenal. It means an expenditure of $500,000, and at the end of five years the plant that we will have erected at that arsenal for that purpose will be no longer required. I hope the amendment will not be adopted.

How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has used 15 minutes.

Mr. GARNER. If the department wanted to do so, they could use $200,000 or $225,000 to provide machinery?

Mr. FITZGERALD. They could use $1,200,000.

Mr. GARNER. For the purpose which the amendment of the gentleman from Illinois mentions. So they really, then, have appropriated $1,200,000 which they can use for this identical purpose?

Mr. FITZGERALD. This amendment would compel $225,000 to be expended at the Rock Island Arsenal.

Mr. MADDEN. I understood the gentleman from New York to say we already had all the facilities we need to manufacture all the field artillery?

Mr. FITZGERALD. Field-artillery ammunition.

Mr. MADDEN. Needed under the appropriations made in the Army bill and the fortification bill?

Mr. FITZGERALD. Yes.

Mr. MADDEN. And that the bills provide that all of this class of work shall be done by the Government?

Mr. FITZGERALD. It provides that all of the $3,000,000 of this ammunition provided in the Army bill must be manufactured by the Government, and after the contract obligations now existing are cared for out of the fortification bill not more than 10 per cent of the balance can be spent for purchase of ammunition.

The purpose of that was not to insure purchase, but it is necessary to make some allowance to purchase some of the things that they can not manufacture or can not do so to advantage.

Mr. MADDEN. And the gentleman from New York thinks it would be an extravagance to expend or to appropriate $500,000 to do something which we already have the facilities for doing?

Mr. FITZGERALD. Mr. Chairman, if it were necessary to equip arsenals for this work, I would favor it. I am a pioneer in this House in the movement to utilize Government plants in the manufacture of munitions of war. I stood here and helped to provide a torpedo-manufacturing plant for the Government, when the only establishment in which torpedoes were manufactured was located in my own congressional district. I should like to see somebody else produce a record like that in the House. I have always advocated the utilization of Government plants and of the Government entering extensively into the manufacture of munitions of war; but I can not justify, and no one else can justify, the unnecessary development of any particular establishment when the facilities and the means and the law already on the statute books require the Government to manufacture certain articles and provide ample means and facilities to do so. I reserve the balance of my time.

Mr. TAVENNER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 20 minutes.

Mr. TAVENNER. I wish to use a couple of minutes, and then I will reserve the remainder of my time.

I want to say this is an "extravagance" that will save to the Government about $1,000,000 of the money appropriated in the Army bill. As I understand, the chairman of the Committee on Appropriations says the total appropriations for ammunition are $4,300,000, whereas I claim it is $5,565,000. It is

simply a matter of arithmetic. Anyone can figure up all the appropriations made here for ammunition. That is the reason why the gentleman from New York, the chairman of the Committee on Appropriations, and myself do not agree on this. That is, I claim that in the Army appropriation bill and in the fortification bill about $5,500,000 is appropriated for ammunition.

I just wanted to say one thing more in connection with Gen. Crozier. This patent that Gen. Crozier sold to the Bethlehem Steel Co. was perfected by him with the use of hundreds of thousands of dollars of the people's money. After this gun carriage was perfected with the American people's money, Gen. Crozier and his predecessor as Chief of Ordnance sold the patent to the Bethlehem Steel Co. for $10,000, and went into an agreement with that company by which they were to receive royalties on all of these gun carriages that should be sold to foreign nations until the amount of those royalties should reach $50,000. As soon as that contract was made, the Bethlehem Steel Co. sent their agents throughout Europe to sell those gun carriages to the different Governments. They were tested by the European Governments, and my information is that every one of the foreign Governments refused to buy these gun carriages.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. TAVENNER. Yes.

Mr. HENSLEY. How do you insist that we would make a saving by adopting your amendment when the law, as I understand from the statement of the chairman of this committee, declares that none of this money shall be used for the purchase of ammunition from private concerns?

Mr. TAVENNER. I am going to answer that question. According to the letter from Gen. Crozier, which I have just read, we have capacity to manufacture only $1,500,000 worth of that ammunition. As you say, he can not under this new law buy this ammunition. How is he going to get this other $1,500,000 worth unless we have some plant or some place to manufacture it?

Now, I want to go back to this point about Gen. Crozier. After this contract was made between the Chief of Ordnance, Gen. Buffington, and Gen. Crozier, the Bethlehem Steel Co. sent their agents to Europe and tried to get rich quick by selling this great patent, but the foreign countries would not buy it. They said it was not practical. But in the meantime the Chief of Ordnance, one of those who was in the contract with the Bethlehem company, procured for this country $8,000,000 worth of these gun carriages which the other nations said were not practical, according to the information that I have. The point I make is this: I submit that if these patents are developed by the expenditure of the American people's money, they should not be even offered to foreign countries. What would result if we should get into war with these foreign nations which might purchase the gun carriages? American sailors and soldiers would be repulsed with fighting machinery that had been patented by the expenditure of the American taxpayers' money. Those weapons would be used by foreigners to shoot down our own soldiers and sailors. I say, a man who is paid a salary to protect the citizens of this country should not use the money that we appropriate for experimentation and then personally take out a patent as the result of those experiments and offer it for sale to foreign countries to be used against our own men in the event of war.

Mr. HAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Virginia?

Mr. TAVENNER. Yes.

Mr. HAY. I am sure the gentleman does not want to make a misstatement.

Mr. TAVENNER. No; I do not want to make a misstatement.

Mr. HAY. The gentleman knows, doubtless, that for years Gen. Crozier has had no interest in this patent.

Mr. TAVENNER. I understand he has no interest in it now.

Mr. HAY. He has not had any interest in it since he has been Chief of Ordnance.

Mr. TAVENNER. After he had this contract for nine years and could not sell the patent to foreign countries, he no doubt figured: "What is the use of my being tied up in this contract?" He also said: "However, I do not wish to relinquish in any way the right of my business partner, Gen. Buffington, who is now drawing a salary as a retired officer of the Army." And while Gen. Crozier retired from the enterprise, he did not release the Bethlehem company from paying further compensation to his business partner, Gen. Buffington.

Mr. HAY. Gen. Crozier had no right to try to dispose of any interest that his partner might have had. Why does the gentleman impute to Gen. Crozier by innuendo these unworthy motives? Gen. Crozier has no interest in this patent.

Mr. TAVENNER. He had business relations with the Bethlehem company, which he is now favoring with the fat Government contracts, paying them from 20 to 60 per cent more than he should on these contracts. I say this is a case where Gen. Crozier is very anxious about making contracts with these companies and about paying them from 20 to 60 per cent more than he is justified in paying; and in the absence of any reason why he should waste the people's money, we may take into consideration the fact that he has been in partnership with those concerns. It is possible, in the absence of any other reason——

Mr. HAY. But the gentleman ought to be fair, and he knows that Gen. Crozier gives reasons why he thinks some of this ammunition ought to be purchased.

Mr. TAVENNER. He gives no reason, but he gives excuses.

Mr. HAY. The gentleman knows that I am not in entire accord with Gen. Crozier——

Mr. TAVENNER. Yes; I know that the gentleman is not in sympathy with him——

Mr. HAY. And the gentleman knows that not one dollar of this money can be expended outside of a Government plant. If the gentleman will take Gen. Crozier's evidence given before the Committee on Military Affairs and before the Committee on Appropriations, he will find that Gen. Crozier gives in extenso the reasons why he believes that some of this ammunition should be purchased from private plants; and I think it is but fair to Gen. Crozier that that should be stated.

Mr. TAVENNER. Gen. Crozier has given several excuses, and they do not amount to the snap of my fingers. The main thing he wants to do is to give these contracts to the Bethlehem Steel Co., and he has a lot of excuses in attempting to seek to justify his action in paying on an average of 35 per cent more than this ammunition is worth; but he has not one reason that justifies it, in my opinion.

As to whether these articles should be manufactured at the Rock Island Arsenal instead of some other arsenal, I prevailed upon the Secretary of War to ask Gen. Crozier for his opinion, and Gen. Crozier in a report made to the Secretary of War said:

If the department's estimates for increased appropriation for this class of ammunition—

Field-artillery ammunition—

are even partially met—

And they were—

an increase of its facilities will be desirable, and the Rock Island Arsenal will be a good place for the additional plant to be established.

To enlarge the Government arsenal at Rock Island, Ill., so that it may manufacture a large portion of the Army supplies for which the Government is now being grossly overcharged by the ammunition ring, would not require the expenditure of a penny for ground, buildings, or water power.

I do not believe the United States Government sufficiently appreciates what a prize it has in the Rock Island military tract, which is adjacent to the enterprising and thriving cities of Rock Island, Moline, Davenport, and East Moline, having a combined population in excess of 100,000, and in the very heart of one of the most promising manufacturing centers in the Middle West. The tract covers 896 acres of an island in the Mississippi, with a double row of great stone buildings and elegant drives, and every acre a natural park, with beautiful shade trees in profusion everywhere.

I firmly believe that this piece of Government property offers the best site that can be found for the proposed $7,000,000 armor-plate factory, and I have introduced a resolution (H. Res. 306) requiring the Secretary of the Navy to carefully consider the advantages of Rock Island before determining upon any other site for the armor factory. In the meantime every Member of Congress is invited to stop off at Rock Island and see for himself what a magnificent and advantageous site Uncle Sam already has for a great central military manufacturing plant without having to go to the expense of purchasing additional ground for this purpose.

At the Rock Island Arsenal to-day there are two great stone buildings, originally constructed for manufacturing purposes at a cost of approximately $400,000 each, being used only for storage purposes. These two buildings are magnificent structures, and at a cost of $225,000 each could be equipped with the necessary machinery to manufacture field-artillery ammunition.

As I rode through the arsenal grounds at Rock Island recently and saw these two fine buildings standing deserted and idle I could not help but think of the fact that contracts for war munitions which could be manufactured in these buildings are

at present going to the ammunition ring, and that the Army officers are paying this ring from 20 to 60 per cent more than they could manufacture the same orders for in these two buildings at Rock Island.

Gen. Crozier has from the start opposed—not openly, but from under cover—my efforts to have these two buildings equipped with machines for manufacturing field-artillery ammunition. If these buildings were equipped, Gen. Crozier could no longer go before the Appropriations Committees and testify that he does not have capacity in the Government arsenals to do such manufacturing, and must, therefore, award the fat contracts to the ammunition ring.

The Rock Island Arsenal is now the largest arsenal in the United States, and when the policy of complete Government manufacture of munitions in Government arsenals gets to working the Rock Island Arsenal is destined to become one of the largest arsenals in the world. The Government can manufacture cheaper at Rock Island than at any other point in the United States.

Mr. McKENZIE. Will my colleague yield?

Mr. TAVENNER. Yes.

Mr. McKENZIE. For information I want to ask whether or not the Government has the facilities in the other arsenals to manufacture the field-gun ammunition provided for in the appropriation bills?

Mr. TAVENNER. They only have facilities, according to this letter from Gen. Crozier, to manufacture one-half of it.

Mr. McKENZIE. Then we shall be compelled to buy 50 per cent of this ammunition from outside parties unless this appropriation is made.

Mr. TAVENNER. That is exactly the fact; either buy it or go without it.

Mr. MADDEN. That statement does not agree with the statement made by the chairman of the Committee on Appropriations, who said that we have all the facilities needed to manufacture field-artillery ammunition, by working three shifts a day in the present arsenals, where the facilities are afforded without the investment of an additional dollar.

Mr. FITZGERALD. There would be some money necessarily expended for machinery.

Mr. HAY. But that money is already appropriated.

Mr. TAVENNER. I should like some time yielded to gentlemen on the other side.

Mr. FITZGERALD. How much time have I used and how much time has the gentleman used?

The CHAIRMAN (Mr. DUPRÉ). The gentleman from New York has 18 minutes left, and the gentleman from Illinois [Mr. TAVENNER] has 10 minutes left.

Mr. FITZGERALD. I yield 5 minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] has so lucidly explained the merits of this question that nothing more should be necessary. But in response to the question that the gentleman from Illinois [Mr. McKENZIE] asked, I think this House ought to understand, as perhaps it does not, and the gentleman from Illinois [Mr. TAVENNER] who makes this motion certainly shows from his remarks that he does not understand, that the War Department assures us that they have ample facilities now to make all this ammunition without this addition at Rock Island. No addition is necessary anywhere.

But the other question comes up, if we did need an addition why should it be placed at Rock Island? The gentleman from Rock Island [Mr. TAVENNER] obviously would like more Government money spent in his district, and that explains this amendment and his attitude. There are a number of other arsenals in this country where this could just as well be done as at Rock Island. Any Member of this House who represents an industrial community could just as well get up a movement to have the plant placed in his district as the gentleman from Rock Island [Mr. TAVENNER] has, because this building in which he wants this machinery put is not an empty building. If diverted to this use another building must be built in substitution for it. It might just as well be put in any of your districts as in the district of the gentleman from Illinois.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. GILLETT. I will yield if I have time when I get through. But other gentlemen in the House apparently have not the assurance of the gentleman from Rock Island to come forward and propose something for their district that the department does not need or want. If such a building is to be equipped somewhere, the department ought to look over the country and decide and recommend to us where the building should be erected for the best interest of the Government, and not have one gentlemen select his own district because that is for his best interest. It seems to me the amendment is obviously a selfish one. And I must say, Mr. Chairman, that it excites my indignation to hear the gentleman from Illinois [Mr. TAVENNER] get up and, by innuendo and insinuation, reflect upon Gen. Crozier. This whole matter which he refers to was investigated in the Senate years ago. At that time I remember——

Mr. TAVENNER. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Not until I get through. Then I will if I have time. I remember that at that time I examined it. Gen. Crozier was completely exonerated, and I venture to say, having known him well, that there is not a man in this Congress, there is not a man in the executive departments who is more upright, more disinterested, more unselfish, more patriotic than Gen. Crozier. More than that, there are very few men who have the energy and executive ability that Gen. Crozier has. He has a genius for administration. One of the reasons why the Government manufactures more cheaply than private concerns is because for years it has had at the head of the Ordnance Department a man who any officer in the Army will tell you is not surpassed, not only in high character, but in executive ability. It is the only department in the Government, I believe, that keeps an accurate cost price. It has been one of the very best managed departments in the Government, and you will not have such an administrator always.

I have known the time when you did not have such a chief, and I believe a great many officers whom we are liable to have at the head of that department will not be able to make the ammunition or make other Government machinery or supplies with anything like the economy of Gen. Crozier. The gentleman from Illinois [Mr. TAVENNER], not trusting to the merits of his case, tries to throw out these insinuations and make you believe that Gen. Crozier will be influenced against Government manufacture by selfish interest. It is an unfair aspersion. I would like to see Gen. Crozier, with his remarkable power of statement and analysis, state his reasons in competition with the showing made by the gentleman from Illinois [Mr. TAVENNER].

Government manufacture of ammunition is not at stake, because that is already provided for. The question is, Shall this Congress, without the recommendation or investigation of any department, upon the motion of one man who would like to have an appropriation for his district, pick out one place where the Government will make an expenditure of $400,000, without any reason why it should go to that particular place except the selfish interest of the Congressman? Now, if I have the time, I will yield to the gentleman from Illinois [Mr. GRAHAM].

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TAVENNER. Mr. Chairman, I want to say that the gentleman from Virginia [Mr. HAY] has certainly shown by the bill that he reported from his committee, the Committee on Military Affairs, that he believes in Government manufacture of ammunition, and I think he deserves the greatest credit. Without boasting about it, or hardly mentioning the matter to anyone, he rendered the greatest service imaginable to the taxpayers of this country. His bill provides for the first time in the history of the Government that all ammunition must be manufactured by the Government, taking the profit out of preparation for war, establishing a great principle, and with one stroke of the pen saving to the Government of the United States millions of dollars. The best part of it is that we have now established this principle in the law itself, and I predict the Government will never go back to the old practice. I think the country is greatly indebted to the gentleman from Virginia. In the military affairs bill for this year alone he has saved to his constituents his salary for the next 100 years to come.

I now yield one minute to the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Chairman, I asked for this time simply to say that I am heartily in favor of the proposition contained in the amendment offered by the gentleman from Illinois [Mr. TAVENNER]. I am in favor not alone for the Government manufacture of ammunition but for armor plate as well. I introduced a resolution some time ago asking that something be done for the witnesses that came to the front and told how the Armor Trust had beaten this Government out of hundreds of millions of dollars. I sincerely hope that some day that resolution may pass, and we will find out how much money has been taken from the Government by the Armor Plate Trust.

Mr. TAVENNER. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. VOLLMER].

Mr. VOLLMER. Mr. Chairman, I am in favor of providing for the manufacture of field-artillery ammunition at Rock Island. Whether that is done by the amendment proposed by the gentleman from Illinois or whether it can be done better by

another amendment enforcing the expenditure of the unexpended portion of the $250,000 appropriated already in the bill, I do not know. But whichever way it can be done best I am in favor of it, for I want it done.

I am not in favor of continuing the discretionary expenditure of the vast amounts of the people's money by officials at Washington, whether they be civil or military, who have been shown, without making any charge whatever of improper conduct, of being altogether too close to interested parties who have made vast profits in past years out of these great military contracts.

I wonder if the Members of this House appreciate what this Government possesses in the way of an arsenal site at Rock Island—the only rock island in the Mississippi—the rest are mostly of mud. It is the bright particular jewel in the crown of the Father of Waters.

Cut out of the everlasting by some glacial or geologic process, it would seem, indeed, as though the finger of the Almighty were pointing at that spot as one specially designed for important and lasting purposes. In beauty of surroundings unequaled it stands forth boldly from the broad, shining bosom of the great river, which is there flanked with romantic hills, back of which stretch the billowy prairies of Iowa and Illinois, where to-day the greatest crop ever raised by man since this globe was tossed forth into space by an Almighty hand, is well on its way to maturity and destined to fill to overflowing the horn of plenty for the American people this fall.

Mr. MADDEN. What has all that got to do with the merits of this case?

Mr. VOLLMER. I am trying to show the advantages of the site under the control of the United States Government, and if the gentleman from Illinois will be patient with me, possibly I will show some slight connection before I get through.

Located in the heart of the great valley, the drainage system of 20,000 miles of navigable streams, which region, it is written in the book of fate, will be the home of countless millions of prosperous, educated, self-governing freemen, the center of great manufacturing as well as agricultural industries, and ultimately, by virtue of location and wealth, education, and numbers of its voters, the inner citadel of the future political power of this Republic. From every point of view this is the ideal location for a great military arsenal. Strategically 1,000 miles from the nearest frontier, it is safest from the attack of foreign foes, among which, in future, must be reckoned adventurous bird men making daring dashes within our lines to drop death and destruction-dealing explosives on our forts, arsenals, and depots. Geographically near the center of the continent, it is more easy of access by water and rail to any part of our common country when the exigencies of war or preparation for or prevention of war demand that military power and supplies be concentrated at any point. Economically unsurpassed as a place for manufacture of ammunition and supplies, by reason of the great water-power plant owned by the Government, and turned at a minimum of expense—about four-tenths of 1 cent per kilowatt hour—by the great, quiet giant concealed in the waves of the noble river at the foot of the Le Claire Rapids, which end at that point, where both rapidity and volume combine to generate vast quantities of hydraulic power, much of which is unused at this day.

If this power should give out, which is unthinkable, or be unavailable for any reason, we have boundless stores of coal on both sides of the river, within easy hauling distance, and north of us is the Mesaba Range, of Minnesota, with its inexhaustible supply of iron ore, and not far away is the copper of Michigan.

It has been demonstrated that at that arsenal we can manufacture ammunition at prices which are from 20 per cent to 60 per cent lower than the prices now paid by the Government to private concerns.

It has been the plan of the greatest minds connected with our War Department for years to concentrate at that place as far as possible all these activities. Its 1,000 acres—no danger of annoying the neighbors, as at Frankford—are regularly divided by miles of splendid military roads. There stand to-day, fronting on these great avenues, in serried ranks, massive stone buildings, erected for all time and representing an expenditure of $40,000,000. Two of these, costing $400,000 each, are standing there silent, except for storage use, to-day, though they were built with the intention of manufacturing therein the ammunition to be used by our Army and Navy, instead of turning it all over to the Pennsylvania monopolists, who have taken down $140,000,000 of Army and Navy contracts in the last 17 years and who have worked off armor plate on the Government that was honeycombed with blowholes at $616 per ton, when they were selling to foreign powers at $250 per ton. We have down there a plentiful supply of the right kind of labor, high-class mechanics and skilled artisans. Within a radius of 10 miles from the arsenal are 150,000 people, in the thriving, tricities of Davenport, Iowa, and Rock Island and Moline, Ill., and their manufacturing suburbs, where the wail of the calamity croaker is lost in the hum of prosperous industry. By the way, 90,000 automobile licenses were taken out in Iowa this year, 15,000 more than in all of last year, and still going at 500 per day, an eloquent commentary on the calamity howling about our poverty-stricken farmers who are buying buzz wagons in such quantities.

Gentlemen, the able chairman of the great committee reporting this bill on yesterday admitted most of these things, and that it was their hope and purpose to concentrate at Rock Island Arsenal as much as possible in time. But why not now? When will there be a better time? Develop this splendid plant to the limit of its magnificent possibilities and take away from Washington officialdom, military or civil, with or without sinister connections with the "interests," the discretionary power of distributing millions of the people's money among a favored few, like the Carnegie, the Bethlehem, and Midvale Steel Cos.

Concentrate at the right place, instead of frittering away money and effort in a "pork-barrel" policy, where in your hearts you know it is worse than wasted.

Let our Government make its ammunition where it can make it cheapest and best, and that is at Rock Island, the beautiful, historic island, under whose age-old oaks and elms the spirit of Black Hawk walks "in the glimpses of the moon" and on whose rocky cliffs and caverns the Indian legends of the past hang like poetic garlands; that favored spot where Illinois and Iowa, two great sister States, clasp hands over the Father of Waters in mutual pride and eternal amity.

Mr. RAUCH. Mr. Chairman, in the temporary absence of the chairman, and by his direction, I yield to the gentleman from Wyoming five minutes.

Mr. MONDELL. Mr. Chairman, I do not feel any considerable amount of responsibility with regard to the appropriations made by this Democratic House; and yet I feel that I should be recreant to my duty as a Member of this House if I did not protest against the unwarranted and unnecessary expenditure of the public money now proposed. I do not think the gentleman from Illinois [Mr. TAVENNER] has strengthened his case or will strengthen his case by the unwarranted attack he has made upon one of the most efficient and faithful servants under the Government. I think that if his case is so weak that it needs bolstering up by an attack on Gen. Crozier, it is so weak that it will fall of its own weight. But it is not what Gen. Crozier thinks about this, but what do we think about it under the existing state of facts.

This matter was carefully considered by the subcommittee, and on pages 32 to 37 of the supplemental hearings of the committee it is fully set out. It is proposed to use warehouse H at Rock Island for the purpose of manufacturing ammunition. It will cost us $200,000 or $250,000 to equip that building with machinery. That building cost $400,000, and we are spending $65,000 for the purpose of manufacturing ammunition. It will cost $200,000 or $250,000 to equip that building with machinery. That building cost about $400,000, and we are spending $65,000 for repairing it in this bill. It is now used as a warehouse. If used for an ammunition factory, we will have to build another warehouse. We can build one for $200,000. There will be required, in addition to that, an assembling building costing $50,000 and three magazines costing $35,000. The total expenditure at the very least calculation will be $535,000, and the probable total expenditure will be about $735,000 in order to equip this new plant.

Now, as to the necessity for it. The officers appearing before the subcommittee assured us that with the very greatly increased appropriations we have made for the coming fiscal year for ammunition in order to secure a reserve every pound of it, every dollar's worth of it, can be and will be manufactured in the Government factories already in existence and already running.

At the rate of the appropriations for the coming fiscal year it will take only four years for us to assemble the reserve which is considered necessary. If we do not increase our appropriations above the present large sum, which we should not do, at the end of four years our reserves will have been accumulated, and then this is what the situation will be as per my questions of Col. Babbitt:

Mr. MONDELL. To what capacity would it be necessary to run the present plants at the expiration of the time when the reserve supply is accumulated in order to keep up with your current needs in time of peace? Your current needs would be for target practice and whatever is necessary to supply deterioration, if there is any, I presume?

Col. BABBITT. Yes. At a rough estimate I should say about $500,000 would cover the funds that we would need per year.
Mr. MONDELL. After the accumulation of the surplus?
Col. BABBITT. Yes.
Mr. MONDELL. How much of the capacity of your present plant would be required to provide the $500,000 worth?
Col. BABBITT. Roughly, working on an eight-hour basis, about one-third, I think, of the time.
Mr. MONDELL. It would occupy one eight-hour shift about one-third of the time?
Col. BABBITT. Yes.
Mr. MONDELL. Then the full capacity of the present plants on a three-shift basis would be utilized one-ninth of the time after the surplus was accumulated?
Col. BABBITT. Not quite as much as that, because the three shifts do not make quite three times one shift. We usually count it about two and one-half times. We must allow something for the interval in changing shifts.
Mr. MONDELL. Then one-seventh or one-eighth of the time?
Col. BABBITT. Yes.

So, this is the situation: Without any addition to our plants, we can and we will manufacture all of the ammunition we are willing to appropriate for, and at the end of four years, without any addition to our present plants, we will have nine times as much plant capacity as we can utilize, and yet gentlemen want to spend well nigh on to a million dollars to build another plant that is not needed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TAVENNER. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. CONNOLLY].

Mr. CONNOLLY of Iowa. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Illinois [Mr. TAVENNER] as a good business proposition. I think that the arsenal at Rock Island offers more in the matter of economies than most any of the other Government arsenals. They have the acreage, they have the buildings, and they have the surplus of power; and as far as constructing any additional building in order to take the stores from these buildings which it is now contemplated to utilize for this purpose is concerned, I am advised that there are aisles and attics in the buildings there now sufficient to take care of all those stores, and that in addition to what this amendment contemplates all that would be required would be a matter of about $10,000 for a magazine. Rock Island Arsenal is ideally situated from a manufacturing standpoint. It is within a stone's throw of the coal fields of Illinois. They have the power there, they have the facilities for getting the labor that is necessary, and they have proper conditions surrounding the labor.

I believe the Government can do no better thing if they are going to expand the manufacturing part of arsenal work with the idea of producing our own ammunition, of which I am heartily in favor, than to expand the Rock Island Arsenal and to utilize what it now offers. With the buildings they have the surplus power. As a member of the Military Affairs Committee I was particularly interested in the incorporation of the new policy of the manufacture by the Government of its own equipment and munitions, and thus effecting a very substantial saving.

The hearings before our committee established the fact that it is good business policy to utilize the Government arsenals for the manufacture of these materials and cut off the very substantial profits heretofore paid to corporations that have exacted heavy toll from the Government. At Rock Island Arsenal, the strategic position in case of war, the splendid transportation facilities, the accessibility to fuel, the labor market, the ample area, and other favorable conditions commend it as the proper place for extensive operations by the Government.

Mr. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Chairman, I had not expected to say anything further about this proposed appropriation, but I want to call the attention of the committee to the fact that this is an appropriation for a military purpose. We have already appropriated or we are going to appropriate in this Congress $250,000,000 for military purposes. The Army bill carried over $101,000,000, the Navy bill carries $140,000,000, the fortification bill carries about $6,000,000, and two different deficiency bills carry about $8,000,000 more, and then I am informed the sundry civil appropriation bill carries about $12,000,000 more, making instead of $250,000,000, as I just stated, $275,000,000 to be appropriated for military purposes out of the $1,000,000 that we appropriate for all of the different activities of the Government. The proposition of the gentleman from Illinois [Mr. TAVENNER] is not for the purpose of expanding a plant which the Government wants expanded. The War Department does not ask for this. The War Department does not say that it is necessary to have this plant expanded in order that it may manufacture and have facilities to manufacture the necessary ammunition for the use of the Government, but the gentleman from Illinois, representing that district, wants to have expended there $225,000. That is the whole of it. I do not quarrel with the gentleman from Illinois because he wants to spend that money in his district.

Mr. HARDY. Mr. Chairman, will the gentleman yield?
Mr. HAY. Yes.
Mr. HARDY. Is it the gentleman's understanding that the Government, under the bill as it is, will manufacture all of the ammunition, or will the Government buy it if this amendment is not adopted?
Mr. HAY. It has been repeated here again and again that all of the ammunition provided for under the Army bill and under the fortification bill, except 10 per cent of that in the fortification bill, is to be manufactured in Government plants.
Mr. HARDY. And the same with the Navy bill?
Mr. HAY. I do not know anything about the Navy bill. This has nothing to do with the Navy. This arsenal does not manufacture ammunition for the Navy, but for the Army.
Mr. HARDY. I am asking for information.
Mr. HAY. I do not know, but I understand that that is not true of the Navy bill. The War Department does not hesitate to ask for these things whenever they think it is necessary. They would not hesitate a moment to ask for this appropriation if they thought the appropriation was necessary in order that they should have it to properly manufacture this ammunition. It was the insistence of the Government that made it necessary for us to make so large an appropriation for ammunition in this bill.
Mr. O'HAIR. Mr. Chairman, will the gentleman yield?
Mr. HAY. Yes.
Mr. O'HAIR. Did not the hearings before the Military Committee develop the fact that the Government did not have sufficient facilities to make all of the ammunition that we appropriated money to purchase?
Mr. HAY. No. The hearings developed this fact. Gen. Crozier stated that he could use $1,500,000 doing the work that is now being done, but the evidence before the Committee on Appropriations is that by working three shifts—and they are not working three shifts now, as I understand it—in all of these arsenals they will have all the facilities which they require to spend the money which has been appropriated or will be appropriated in these bills for the next fiscal year.
Mr. O'HAIR. Mr. Chairman, will the gentleman yield for another question?
Mr. HAY. Yes.
Mr. O'HAIR. And that is whether Gen. Crozier and other witnesses who appeared before the Committee on Military Affairs did not develop this fact, that the Government has not sufficient facilities to make all of its own ammunition? And did they not advocate, Gen. Crozier particularly, that we appropriate money to purchase some of this ammunition from private concerns, because he thought it advisable to encourage private concerns to manufacture our ammunition, so that in case of war or sudden strike they would be equipped to help the Government out? Was not that the fact?
Mr. HAY. That was the reason given by him for advocating the purchase of this ammunition; but he did not testify that the Government could not manufacture all the ammunition which was needed for the Army.
Mr. O'HAIR. I thought the hearings showed that we did not have the facilities.
Mr. HAY. And he also gave another reason why he thought the Government should purchase some of this ammunition, that it would enable the Government to keep abreast of the times and be able to compare our methods of manufacture with the methods of manufacture of private manufacturers.
Mr. KAHN. And the cost.
Mr. HAY. And the cost; but the Committee on Military Affairs of this House and Congress passed a law that all this ammunition should be made and manufactured in Government plants, and the Government itself, through its officers, testified that we have facilities enough to manufacture this without this additional $225,000; and if there is any argument needed to persuade any man within the sound of my voice, it does seem to me that the statement of the gentleman from New York, taken from the statement of Col. Babbitt, the ordnance officer, that at the end of four years we must diminish our manufacture of ammunition, ought to defeat this amendment if nothing else, because you would be equipping a plant which in four years you will have to dismantle, and you will be absolutely throwing the money away. Now, if that is true, I do not see how any man can justify himself in voting for this amendment. I fully sympathize with the gentleman from Illinois. I sympathize with him throughout his fight to have all these things manu-

factured in Government plants, and he deserves credit for it, and as a result of it the arsenal in his district is now equipped and is being further equipped to manufacture, as I understand it, gun carriages and the matériel for artillery at the arsenal, and that was done and is being done, and it does seem to me the gentleman ought to be satisfied. There is the Watervliet Arsenal, the Watertown Arsenal, the Frankford Arsenal, the Springfield Arsenal—all these arsenals are now in operation, and there is no more reason for selecting the Rock Island Arsenal for the expenditure of unnecessary money than there is to select any of these other arsenals, and I hope, under these circumstances, the House will not see fit to add to the already enormous military expenses of this Government by appropriating this sum of money.

The CHAIRMAN. The gentleman from New York has three minutes remaining and the gentleman from Illinois two.

Mr. FITZGERALD. Mr. Chairman, so that there may not be any misunderstanding of the extent of the facilities possessed by the Government, I desire to read a further extract from the testimony taken by the committee on the 28th of May. The committee desired to ascertain if the Government had the facilities to manufacture this ammunition, with a view to making recommendations to the House. Here is the testimony:

The CHAIRMAN. How much money can be utilized a year in the manufacture of field-artillery ammunition with the facilities you now have?

Col. BABBITT. We estimate that we can expend all the funds that have been appropriated in the Army bill, $3,000,000, and the $1,200,000 now carried in the fortifications bill, if that bill becomes a law, with our existing plants by working three shifts.

The CHAIRMAN. The Army bill carries an appropriation of $3,000,000 and the fortifications bill an appropriation of $1,200,000, and by working your plants on a three-shift basis you think you can utilize that sum of money?

Col. BABBITT. Yes; by increasing the machinery to some extent. We contemplate using $100,000 of the $1,200,000 appropriation in adding to the machinery necessary for the increased work.

The CHAIRMAN. You will then have sufficient capacity to manufacture all the field-artillery ammunition for which provision has been made next year?

Col. BABBITT. Yes, sir; that is, working on a three-shift basis.

There can not be any question, Mr. Chairman, but that we have these facilities and that additional facilities will not be of any particular benefit to the Government. I made a statement relative to the authority to use 10 per cent of the appropriations that might be available for manufacture for the purchase of ammunition. That provision was put in because of this language, which was contained in the fortifications bill, "After the contract obligations are disposed of 10 per cent of the balance may be used for purchase." In a communication addressed to Mr. SHERLEY, in charge of the fortifications bill, by Gen. Crozier, he stated:

Referring further to the subject of the proposed limitation in the fortifications act requiring arsenals to manufacture about everything within their capacity under appropriations made, I wish to call your attention to the fact that in the case of some component articles the amount which we would manufacture, although we have the plant for doing it, might be so small as to cause the Government manufacture to be more expensive than the purchase price.

There are certain stock articles manufactured and used other than by the Government. These things, not very great, can be purchased cheaper than manufactured by the Government. The Committee on Appropriations and the Committee on Military Affairs, Mr. Chairman, have worked in cooperation. They have worked in consultation—the gentleman from Virginia [Mr. HAY], the gentleman from Kentucky [Mr. SHERLEY], in charge of the fortifications bill, and myself—have continually conferred and have worked with our respective committees for the purpose of utilizing to the fullest extent the Government plants. In view of the showings that have been made from time to time, in view of the information which has been set forth by the gentleman from Illinois, to compel the expenditure of money appropriated for these munitions of war in Government establishments, and if there were not facilities or additional facilities required, I should do what I did last year, recommend to this House, and have it passed, as I did last year, $250,000 to equip the Rock Island Arsenal for the manufacture of field artillery matériel to prevent any dissemination of the force there employed, and authority to provide the required facilities. The item which I have just mentioned was recommended for the two purposes of having a Government plant itself and to prevent any slackening off of the employees. In view of necessity, according to the statement of responsible officials, of the expenditure of a half a million dollars at Rock Island to furnish the required facilities for manufacturing the field artillery ammunition, which at the end of five years could not be utilized at all, to adopt the pending amendment would be an unjustifiable expenditure of public funds which I could not justify. I hope the amendment will not prevail.

Mr. TAVENNER. Mr. Chairman, the reason I disagreed with the chairman's statement as to the amount of ammunition a few moments ago was that he was talking about field-artillery ammunition alone and I was talking about ammunition. The fortifications bill and the Army bill together carry $5,500,000 for ammunition, whereas the amount for field-artillery ammunition is only $4,200,000.

Mr. FITZGERALD. Will the gentleman yield?

Mr. TAVENNER. Yes, sir.

Mr. FITZGERALD. There are three kinds of ammunition—field-artillery ammunition, small-arms ammunition, and seacoast-artillery ammunition—and the effort of the gentleman from Illinois before the committee was to equip the Rock Island Arsenal for the manufacture of field-artillery ammunition. In the last moment of the debate to claim that he is talking about something else is a little too much for this committee to tolerate.

Mr. TAVENNER. The bill that I discussed before the Appropriations Committee and the amendment I have offered here are two entirely different propositions. Before the Appropriations Committee concerned only field-artillery ammunition, while this amendment embraces all kinds of ammunition. Now, some gentlemen have said here to-day that Gen. Crozier contends one thing and some that he contends another. In a letter signed by him, which, I submit, is the best evidence as to the capacity of the arsenals, he says:

The Ordnance Department now has facilities at its arsenals for the manufacture annually of field-artillery ammunition to the value of about $1,500,000. * * * If the sum appropriated should amount to not more than $3,000,000, it would be necessary for the department to procure ammunition exceeding in value by about $1,500,000 the capacity of the present plant.

Mr. FITZGERALD. What is the date of the communication?

Mr. TAVENNER. September 18.

Mr. FITZGERALD. Of last year. Since that time an investigation has been made by the Ordnance Department and determination made of what they can do, and, under date of May 28, Col. Babbitt testified as to what their facilities were, nearly a year, or eight months, after the statement the gentleman refers to.

Mr. TAVENNER. I assume that Gen. Crozier was giving us the facts in this letter, and if that is true, we have capacity to manufacture $1,500,000 worth of field-artillery ammunition, and we have an appropriation of $4,200,000 for field-artillery ammunition.

The passage of this amendment would be a step toward the taking of profit out of war and preparation for war, a policy that is sure to be adopted ultimately, and I hope this amendment may be adopted.

The CHAIRMAN. All time has expired. Does the gentleman from New York [Mr. FITZGERALD] withdraw the point of order?

Mr. FITZGERALD. I ask for a vote. I think the amendment is in order.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the chairman announced that the noes appeared to have it.

Mr. TAVENNER. Division, Mr. Chairman.

The committee divided.

The CHAIRMAN (after counting). On this vote the ayes are 41, the noes 40.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-four gentlemen are present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adamson	Browning	Covington	Ferris
Ainey	Bruckner	Crisp	Fess
Allen	Brumbaugh	Dale	Finley
Anderson	Burke, Pa.	Danforth	Floyd, Ark.
Ansberry	Calder	Davenport	Francis
Anthony	Callaway	Decker	Gallagher
Austin	Campbell	Dershem	Gardner
Avis	Canfor	Difenderfer	George
Bailey	Cantrill	Donohoe	Gerry
Barchfeld	Carew	Dooling	Gilmore
Barnhart	Carlin	Drukker	Glass
Bartholdt	Carr	Dunn	Goeke
Bathrick	Carter	Eagan	Goldfogle
Bell, Ga.	Casey	Eagle	Gordon
Borland	Chandler, N. Y.	Edmonds	Gorman
Brodbeck	Clancy	Elder	Goulden
Broussard	Condy	Esch	Graham, Pa.
Brown, N. Y.	Collier	Fairchild	Gregg
Brown, W. Va.	Cooper	Falconer	Griest
Browne, Wis.	Copley	Farr	Griffin

Hamill	Lafferty	O'Brien	Smith, Minn.
Hamilton, N. Y.	Langham	Oglesby	Smith, N. Y.
Hardwick	L'Engle	O'Leary	Smith, Tex.
Harris	Lesher	Paige, Mass.	Sparkman
Hart	Levy	Palmer	Stafford
Hayes	Lewis, Md.	Parker	Stanley
Heflin	Lewis, Pa.	Patten, N. Y.	Stevens, Minn.
Helgesen	Lieb	Patton, Pa.	Stevens, N. H.
Helm	Lindquist	Payne	Sutherland
Helvering	Linthicum	Peters, Me.	Talbott, Md.
Henry	Loft	Peters, Mass.	Talcott, N. Y.
Hinds	Logue	Plumley	Taylor, Ala.
Hobson	Lonergan	Porter	Taylor, N. Y.
Holland	McAndrews	Pou	Thacher
Houston	McClellan	Powers	Thomas
Howard	McCoy	Ragsdale	Towner
Howell	McDermott	Reed	Townsend
Hoxworth	McGuire, Okla.	Reilly, Conn.	Treadway
Hulings	Mahan	Riordan	Tuttle
Humphreys, Miss.	Maher	Roberts, Mass.	Vare
Igoe	Manahan	Rogers	Vaughan
Jacoway	Martin	Rothermel	Wallin
Johnson, S. C.	Merritt	Rouse	Walsh
Johnson, Utah	Metz	Rucker	Walters
Johnson, Wash.	Miller	Rupley	Webb
Jones	Montague	Sabath	Whaley
Keister	Moore	Scully	Whitacre
Kennedy, Conn.	Morgan, La.	Sells	White
Kennedy, R. I.	Morin	Sharp	Willis
Kiess, Pa.	Morrison	Sherley	Wilson, Fla.
Kinkead, N. J.	Mott	Shreve	Wilson, N. Y.
Kitchin	Murray, Mass.	Sinnott	Winslow
Knowland, J. R.	Neeley, Kans.	Slayden	Young, N. Dak.
Konop	Neely, W. Va.	Slemp	Young, Tex.
Korbly	Nolan, J. I.	Smith, Md.	
Kreider	Norton	Smith, J. M. C.	

Thereupon the committee rose; and Mr. McKELLAR, as Speaker pro tempore, having assumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and finding itself without a quorum, he had caused the roll to be called; whereupon 210 Members had answered to their names, and he presented therewith a list of the absentees.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Florida. Are we in the committee or in the House?

The SPEAKER pro tempore. We are in the House now. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, finding itself without a quorum, he had caused the roll to be called, whereupon 210 Members were ascertained to be present—a quorum—and he reports the names of the absentees, to be recorded in the Journal.

Mr. PADGETT. Mr. Speaker, by direction of the Committee on Naval Affairs, I desire to present the conference report on the naval appropriation bill.

The SPEAKER pro tempore. No other business is permissible. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

Thereupon the committee resumed its sitting.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. TAVENNER].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. TAVENNER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 58, noes 82.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] demands tellers.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. TAVENNER to act as tellers.

The committee again divided; and the tellers reported—ayes 50, noes 80.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906; also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906; also for furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries, $50,000.

Mr. BARTLETT. Mr. Chairman, I move to strike out, on page 57, line 7, the figures "$50,000" and make it "$52,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The Clerk read as follows:

Amend, page 57, line 7, by striking out the figures "$50,000" and inserting in lieu thereof the figures "$52,000."

Mr. BARTLETT. Mr. Chairman, there are carried in this paragraph and in the paragraphs further on, on page 59, for the Confederate mound, Oakwood Cemetery, Chicago, and on page 60, for Confederate burial plats in various cemeteries in the country, appropriations for the care of the graves of Confederate soldiers and the marking of the headstones and the preservation of the graves of the Confederate soldiers who died in prison.

The fact, Mr. Chairman, that there are provided in this bill, and have been provided in the sundry civil bill for several years, these appropriations from the National Treasury to preserve and mark the graves of the Confederate soldiers is evidence far surpassing all else that could be offered that this great country of ours is now, and has been for years, and in the providence of God will be in all the years to come, united forevermore. [Applause.]

There was enacted, Mr. Chairman, on the 4th day of June, this year, at the Arlington Cemetery, across the river, opposite the city of Washington, a scene which is not comparable to any other in the history of the world. There was unveiled on that day at the National Cemetery at Arlington the most magnificent monument to the heroism and valor of the Confederate soldiers that has been erected in the country—a more magnificent monument than any other that has been erected in this Capital City. And as I stood on that sacred spot and listened to the speeches that were delivered by the commander of the Grand Army of the Republic and the commander of the United Confederate Veterans, and saw the President of these reunited United States receive this monument at the hands of a Southern woman, the representative of the Daughters of the Confederacy, who had erected it to mark the resting place of the Confederate soldiers who had followed the cross of the Southern Confederacy and died in its defense, I realize that no other country in the history of the world could have presented such a spectacle, and I knew that this Republic would be perpetual. [Applause.]

Mr. Chairman, that great and noble President—for he was a great President—the noble, golden-hearted gentleman and gallant soldier, William McKinley [applause], is probably more responsible than anybody else for the existence of this privilege, honor, and right that has by act of the Congress been granted to have our Confederate dead buried in Arlington Cemetery and their graves preserved and suitably marked, and that this magnificent monument, erected by the contributions of the Daughters of the Confederacy, now stands upon that sacred soil to tell the world and posterity of the deeds of heroism and devotion to duty of the men whose memory it commemorates, for he said at Atlanta, Ga., on a visit there in 1900, "that the time had now arrived, in the providence of God, when it was the duty of the National Government to aid the southern people in taking care of the graves of the Confederate soldiers"; and it was then that the remains of the Confederate dead were gathered and intered in this national cemetery at Arlington.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. I ask unanimous consent, Mr. Chairman, for five minutes more. I may not use it all.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARTLETT. This monument is a grand one, a magnificent monument of bronze, executed and designed by the hand of an ex-Confederate soldier. Round about it lie buried 284 of those who followed the fiery cross of the Confederate battle flag and who died for the cause it represented and who were buried around and near this Capital from the effects of wounds or disease while in prison. The depot quartermaster of the Army in this city reported on January 13, 1914, that there was then a total number of 282 Confederate burials in Arlington; known, 271, and unknown, 11. Since that report was made there have been two burials, making a total of 284 to date. This is the inscription, Mr. Chairman, on this monument, which in plain and simple words tells the story of their heroism in war and their virtues in peace:

To our Dead Heroes
by
The United Daughters of the Confederacy.
"They have beat their swords into plowshares
and their spears into pruning hooks."
Victrix causa Diis placuit,
sed victa Catoni.
"Not for fame; not for place, or for rank;
not lured by ambition or goaded by
necessity; but in simple obedience
to duty as they understood it,
these men suffered all, sacrificed all, dared all—and died."

Mr. Chairman, I heard those eloquent orations, one delivered by a former Member of this House, Hon. Washington Gardner, of Michigan, now the commander in chief of the Grand Army of the Republic, and the other by Gen. Benedict Young, of Kentucky, now the commander of the United Confederate Veterans. Neither apologized for what either side had done, and both asserted that their comrades in arms, dead and living, had maintained the right as they believed it to be in that great struggle on every battle field, in a contest in which the valor and heroism of both amazed the world and challenged comparison in history with all the great wars and battles of the world, and the sentiments of both were cheered to the echo.

So it marks a day in the history of our country when, within sight of this Capitol, with the Stars and Stripes and the Confederate flag both flying above the heads of that great throng, everybody gladly united in honoring the memory of men who had, as was stated in the inscription upon the monument that marked their resting place to perpetuate their heroism, their patriotism, and bravery, "in simple obedience to duty as they understood it, suffered all, sacrificed all, dared all—and died." [Applause.]

The world may go on in its cycles for thousands of years. This Republic may live, as I hope and believe it will, until the cycles of the earth are ended, because I believe it will be perpetuated forever, under the providence of God, to maintain and establish liberty and free institutions; and nothing will tend to perpetuate it so much as the recollection that the memory of the Confederate soldier is honored and revered, as it was on the 4th of June at Arlington Cemetery, the former home of that great chieftain of the Confederate forces who led them to unparalleled victories and submitted to defeat only when all but honor was lost. [Applause.]

I withdraw the amendment.

The CHAIRMAN. If there be no objection, the amendment will be withdrawn.

Mr. BARTLETT. Mr. Chairman, I want to state that with the unexpended balance the amount appropriated in this paragraph for this purpose is all that is necessary. More would have been given if it was necessary, but the committee gave all that was asked.

The Clerk read as follows:

Burial of deceased indigent patients: For expenses of burying in the Little Rock (Ark.) National Cemetery, including transportation thereto, indigent ex-soldiers, ex-sailors, or ex-marines of the United States service, either regular or volunteer, who have been honorably discharged or retired and who die while patients at the Army and Navy General Hospital, Hot Springs, Ark., to be disbursed by the Secretary of War, at a cost not exceeding $35 for such burial expenses in each case, exclusive of cost of grave, $200.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. FITZGERALD. I make the point of order that the gentleman is not discussing the amendment. [Laughter.]

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. I thought the gentleman from New York [Mr FITZGERALD] would be seeking recognition by this time. We have already run five minutes overtime, and have gone as far as the gentleman said he wanted to go.

Mr. FITZGERALD. We have made very little progress on the bill to-day, and at this hour we are more likely to go more rapidly than at any other time in the day.

Mr. MANN. A moment ago the gentleman implored me to allow him to go on down to this item. I was going to make a point of order on one of the items but did not do it out of consideration for the House.

Mr. FITZGERALD. Let us go on a little while.

Mr. MANN. This is Saturday night. I have to take a bath to-night. [Laughter.]

Mr. FITZGERALD. That is no longer fashionable on Saturday. The gentleman can do that some other day.

Mr. MANN. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. It is evident that there is not.

Mr. FITZGERALD. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City; and

H. R. 14385. An act to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, approved August 24, 1912.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 14385. An act to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, approved August 24, 1912.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WINGO, for the remainder of this day, on account of illness.

HOUR OF MEETING ON TUESDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday it adjourn to meet at 11 o'clock on Tuesday.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns on Monday it adjourn to meet at 11 o'clock on Tuesday.

Mr. DONOVAN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Connecticut objects.

Mr. FITZGERALD. That is too bad. I thought the Democrats wanted to expedite business. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until Monday, June 15, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for new roof, plastering, repairs and painting, etc., rendered necessary through damage by fire to the post office and courthouse at Binghamton, N. Y. (H. Doc. No. 1035); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a proposed clause of legislation to authorize the accounting officers of the Treasury Department to settle and allow accounts for pay of the chiefs of divisions of chemistry, pharmacology, and zoology in the Hygienic Laboratory, etc. (H. Doc. No. 1037); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of War submitting an estimate of appropriation to carry out the provisions of public act No. 79, to erect a suitable monument on the battle grounds at Horse Shoe, on the Tallapoosa River, Ala. (H. Doc. No. 1036); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 11178) to establish a standard box for apples, and for other purposes, reported the same with amendment, accompanied by a report (No. 824), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 273) requesting the President of the United States to invite foreign governments to participate in the International Congress on Education, reported the same without amendment, accompanied by a report (No. 825), which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 271) authorizing the President to appoint delegates to attend the ninth international congress of the World's Purity Federation, to be held in the city of San Francisco, State of California, July 18 to 24, 1915, reported the same with amendment, accompanied by a report (No. 826), which

said joint resolution and report were referred to the House Calendar.

Mr. CARAWAY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 17097) to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No 827), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8892) granting a pension to Mary Butler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10105) granting a pension to Margaret McGreevy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13109) granting an increase of pension to Ellen Owens; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15969) granting a pension to Richard Burnett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WICKERSHAM: A bill (H. R. 17262) extending the civil government of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. TAYLOR of Colorado: A bill (H. R. 17263) to reserve certain lands, to incorporate the same, and make them a part of the Uncompahgre National Forest in Colorado; to the Committee on the Public Lands.

By Mr. KELLY of Pennsylvania: Resolution (H. Res. 543) directing the Speaker of the House to appoint a select committee of seven members to inquire into and report upon all matters of the strike in the Westinghouse industries in Allegheny County, Pa.; to the Committee on Rules.

By Mr. CARY: Resolution (H. Res. 544) requesting the Secretary of the Navy to inform the House what steps he has taken to have the Attorney General prosecute the combine of armor manufacturers; also requesting the Attorney General to inform the House what steps he has taken to prosecute said combine; to the Committee on Naval Affairs.

By Mr. PETERS of Massachusetts: Memorial from the Legislature of the State of Massachusetts, protesting against the granting of any contract to any foreign person or corporation for the supply of bunting for the flag of the United States; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 17264) granting a pension to Francis E. Dutoit; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 17265) granting a pension to Robert S. Wagner; to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 17266) to remove the charge of desertion against Edward A. Shave; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by the pastors of certain churches in Bloomington, Ill., Los Angeles, Cal., and Ebensburg, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution signed by L. L. Graham, of Fargo, N. Dak., president of the Fargo Chautauqua, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions from the Eclectic Medical Society of Missouri, signed by the president of the society, favoring the restriction of the sale of narcotics but opposing the Nelson amendment to the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. DALE: Petition of the members of the Brooklyn Hospital Club, protesting against the passage of House bill 6383, to regulate dispensing narcotic drugs; to the Committee on Ways and Means.

By Mr. DUNN: Petitions of sundry citizens of Monroe County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DYER: Petition of the Eclectic Medical Society of Missouri, protesting against the passage of House bill 6282, the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. FOSTER: Petitions of sundry citizens of Waltonville, Ill., 50 citizens of Roann, and Vandalia Chapter Epworth League, favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Memorial of William McKinley Camp, No. 26, United Spanish War Veterans, and Municipal Council of Gloucester, Mass., favoring passage of the Hamill retirement bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, memorial of the Massachusetts Medical Society, urging that Congress provide measures for proper mental examination of immigrants by physicians of the Public Health Service; to the Committee on Immigration and Naturalization.

By Mr. GOOD: Memorial of the Greater Davenport (Iowa) Committee, protesting against passage of bills regulating business; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Jewelers' Guild, of Philadelphia, Pa., favoring the passage of the Owen-Goeke bill to eliminate time guaranty on gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Second Church of the Covenanters, of Philadelphia, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of the Men's Club of the Presbyterian Church of Pipestone, Minn., protesting against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of 22 citizens of Springfield, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of various churches and organizations representing 405 citizens of Seattle, 1,000 citizens of Coupeville, 225 citizens of Kent, and 25 citizens of Oak Harbor, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Seattle, Wash., against national prohibition; to the Committee on Rules.

By Mr. KETTNER: Memorial of the board of supervisors of San Diego County, Cal., favoring passage of House bill 12868, relative to reservations to be used for tuberculosis hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of the National Association of Assistant Postmasters, protesting against the passage of House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the National Consumers' League, of New York City, favoring passage of the La Follette seaman's bill without modification; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Acme Manufacturing Co., of Boston, Mass., favoring the passage of the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. McDERMOTT: Memorial and resolution adopted by the executive committee, composed of Messrs. Landan, Cermak, Rosenstiel, Tettkoske, Neumann, and Fisher, of the United Societies for Local Self-Government and Liberty League, of Chicago, protesting against national prohibition; to the Committee on Rules.

By Mr. MILLER: Petition of sundry citizens of the State of Minnesota, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of International Falls, St. Francis, Mizpah, Gummell, Margie, Northome, Big Falls, Littlefork, Willow River, Brook Park, Sandstone, and Bruno, all in the State of Minnesota, favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of Gustave Frige and others, of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. RAKER: Telegram from A. E. Parks and 31 other citizens of Dunsmuir, Cal., favoring national prohibition; to the Committee on Rules.

Also, letter from J. I. Christie and 14 others of the Epworth League of Janesville, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of 25 citizens of Poncho Springs, 35 citizens of Pagosa Springs, 285 citizens of Victor, and 150 citizens of Colorado Springs, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of sundry citizens of the State of Florida, protesting against national prohibition; to the Committee on Rules.

By Mr. STEDMAN: Petition of the Sunday School Conference of the North Carolina Conference, favoring national prohibition; to the Committee on Rules.

By Mr. TEMPLE: Petition of W. P. Rodgers, of Monongahela, Pa., and others, favoring national prohibition; to the Committee on Rules.

Also, papers in support of House bill 17227, for the relief of Alexander Boyd; to the Committee on Invalid Pensions.

By Mr. TEN EYCK (by request): Resolution of the Church Federation of Albany, N. Y., signed by John T. D. Blackburn, secretary pro tempore, indorsing the national prohibition bill; to the Committee on Rules.

By Mr. THOMPSON of Oklahoma: Petition of the Convention of the Christian Churches of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. TRIBBLE: Memorial of Athens Trade Association, protesting against extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMS: Petitions of sundry citizens of Illinois and C. Porter Johnson, of St. Louis, Mo; also sundry citizens of Kewanee, Pinckneyville, Quincy, and Danville, all in the State of Illinois, and the American Association of Foreign Language Newspapers, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Illinois State Federation of Labor, favoring the passage of House bill 16130 relative to employment bureau in the Department of Labor; to the Committee on Labor.

Also, petitions of the president and secretary of the Women's Club, Pittsfield, Ill.; E. A. Grummon, of Quincy; officers and members of Vandalia Chapter Epworth League of the First Methodist Episcopal Church; and 18 citizens of Woodhull, all of the State of Illinois, favoring national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *June 15, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the limitations of our lives are in Thy hands, so that when we are weak then we are strong. Our very ignorance brings us into closer relationship and greater dependence upon Thee, and our weakness drives us back to the almighty arm of God for support. We thank Thee that Thou hast thus conditioned us in this life as to bring us by all the tokens of life, by all the motives Thou hast put into the human heart, back to God for protection and guidance and blessing. We look to Thee this day to open our hearts for Thy blessing upon us.

We remember before Thy throne one honored in the years past, one of the leaders in our national life, a former Vice President of the United States and President of this body, who has passed beyond. We pray Thy blessing upon those remaining who mourn his loss, and that the praise of the people may ever go up to Thee for giving to us leaders equipped with knowledge, high patriotism, and with devotion to the country.

We pray now Thy blessing upon all the leaders of this day. Protect them in life and health and strength. Give them wisdom from on high to do Thy will and bring to pass Thy mighty purposes in us as a Nation. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEGISLATION OF THE CONGRESS.

Mr. BRANDEGEE. Mr. President, I have here what I regard as being in the nature of a petition for the relief of the country, which I will read:

A naive ignorance of Washington traditions is manifested in the top pressure at which President Wilson has kept Congress working since April, 1913. Those who know Washington know that if from a political point of view a little legislation is a dangerous thing, a good deal of legislation is much more dangerous. The Congress which strains itself legislating on all the subjects mentioned in a party platform digs its own grave. The more it works, the more voters it alienates, and its record-breaking list of things accomplished is generally paralleled by a record-breaking casualty list at the next election.

The Evening Post's Washington correspondent points with pride to the 13 acts of general importance which this Congress has already passed, and mentions 15 more acts of nearly equal importance which it is expected to pass. Under the snap of the President's whip Congress has made a downward revision of the tariff, reformed the Federal banking and currency system, repealed the tolls-exemption clause of the Panama Canal law, and passed a militia reorganization act, and an act providing for the construction of a Government-owned railway in Alaska. It intends to pass—if Mr. Wilson's vigilance does not relax—three antitrust acts, containing among other things the Clayton-Gompers "gold-brick" concessions to labor, five conservation acts, an immigration act, an act regulating dealings in cotton futures, an act giving American citizenship to the Porto Ricans, and possibly an act extending autonomy in the Philippines and vaguely promising the Filipinos independence.

It is a record to make a Representative or Senator seeking reelection shudder. The only other Congress in recent times which can challenge the Sixty-third's mania for legislation was the Fifty-first, which came into power with the Harrison administration. It broke all records then known. It revised the tariff schedules, passed an administrative tariff act, a silver purchase and coinage act, the Sherman antitrust act, the dependent pension act, an international copyright act, a merchant marine postal subvention act, and came within an ace of passing the celebrated Lodge-Spooner force bill for the regulation of elections in the Southern States. In the House of Representatives the Reed rules were also applied in order to put an end to old-fashioned filibustering. It was a prodigious record of activity, considering that the Fifty-first Congress did not meet until December, while the Sixty-third Congress met in April.

But what was the political result of all that expenditure of legislative energy? There were 166 Republicans in the House in the Fifty-first Congress. When the Fifty-second Congress assembled there were only 88. Every other Republican had been defeated at the polls. It looks as if the present Congress is going to bring upon itself a similar fate. The country is tired of it and of all its works. The public resents the feverish hurry with which half-baked legislation is being rushed upon the statute books. The people want a rest. Even Congress wants to go home, but quails before the piercing eye of the fierce taskmaster in the White House. There will be a reckoning next November. Then, unless all signs fail, history will repeat itself in the slaughter of busybody lawmakers who didn't know enough to quit when it was time to quit.

That is an editorial in the New York Sunday Tribune of yesterday.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of sundry citizens of Chicago and Bloomington, in the State of Illinois; of Fargo, N. Dak.; of Bloomington, Ind.; of Decorah, Iowa; of St. Paul, Minn.; of Ebensburg, Pa.; of Los Angeles, Cal.; of St. Louis, Mo.; and of the Chautauqua Assembly of Greenwood, S. C., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions of the City Council of Cleveland, Ohio, remonstrating against the enactment of legislation authorizing the sale of the marine hospital property at Cleveland to the Lakeside Hospital or authorizing the transfer or sale of the property to anyone save to the city of Cleveland, which was referred to the Committee on Public Buildings and Grounds.

Mr. BRANDEGEE presented a petition of C. F. Comstock Lodge, No. 332, Brotherhood of Railroad Trainmen, of Danbury, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Waterbury, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of inoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. THOMPSON presented a petition of sundry citizens of Corbin, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. JONES. Mr. President, we have no more than a dozen Members present, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chilton	Johnson	Martine, N. J.
Borah	Clapp	Jones	Nelson
Brady	Clarke, Ark.	Kenyon	O'Gorman
Brandegee	Culberson	Kern	Owen
Bryan	Cummins	La Follette	Page
Burton	Dillingham	Lane	Perkins
Catron	Fletcher	McCumber	Pittman
Chamberlain	James	Martin, Va.	Reed

Robinson	Simmons	Thomas	Warren
Root	Smith, Ga.	Thompson	West
Saulsbury	Smith, Mich.	Thornton	White
Shafroth	Smoot	Tillman	
Sheppard	Sterling	Townsend	
Shively	Sutherland	Vardaman	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. This announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The presentation of petitions and memorials is still in order.

Mr. DILLINGHAM presented petitions of sundry citizens of Vermont, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of Seeley, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Lathrop, Cal., praying for the enactment of legislation to provide Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a memorial of Local Union No. 67, Cigar Makers' International Union, of Grand Haven, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Oregon, remonstrating against war between the United States and Mexico, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Oregon, remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

Mr. FLETCHER presented resolutions adopted by the Florida Bankers' Association, at Jacksonville, Fla., favoring an amendment to the currency law to provide that any State bank which has complied with the requirements of the national-bank act shall not be required to increase its capital to become a member of a regional reserve bank, which were referred to the Committee on Banking and Currency.

He also presented the petition of J. C. Luning, State treasurer, at Tallahassee, Fla., praying for the enactment of legislation prohibiting the use of the mails to certain classes of insurance companies, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON presented a petition of the Somerset County Sunday School Association, of Bingham, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Ludlow, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of the Maine State Association of Letter Carriers, praying for the enactment of legislation providing for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 5858) granting an increase of pension to George A. Joyner;

A bill (S. 5859) granting a pension to Mathew Whitfield; and

A bill (S. 5860) granting an increase of pension to C. F. Prange; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 5861) to amend the postal and civil-service laws, and for other purposes (with accompanying paper); to the Committee on Post Offices and Post Roads.

By Mr. DILLINGHAM:

A bill (S. 5862) granting a pension to Elizabeth J. C. Freeman (with accompanying papers); and

A bill (S. 5863) granting an increase of pension to Orville Choate; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5864) to define corrupt practices in connection with campaigns for the nomination and election of United States Senators and Congressmen, and to provide punishment therefor; and

A bill (S. 5865) to provide a direct, truthful, and inexpensive means of communication between the voters and candidates for nomination and election to certain Federal offices, and to provide publicity for amendments to the Federal Constitution submitted by Congress, and the reasons for and against their adoption; to the Committee on Privileges and Elections.

By Mr. TILLMAN:

A bill (S. 5866) for the relief of the heirs of George W. Croft; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 5867) granting an increase of pension to Frederick W. Schaeffer (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A joint resolution (S. J. Res. 161) authorizing the revision, reindexing, and reprinting of Treasury Document No. 2499; to the Committee on Printing.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PERKINS submitted an amendment proposing to appropriate $500,000 for the construction of a building to install the Government exhibit at the Panama-Pacific Exposition, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DONATION OF CANNON.

Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

PRINTING OF ADDRESS BY HON. W. J. BRYAN.

Mr. OWEN. I have a copy of an address by Hon. W. J. Bryan on the People's Law, delivered at Columbus, Ohio, March 12, 1912, upon the invitation of the constitutional convention at that place. I desire to have the address printed as a public document, and I ask that it may be referred to the Committee on Printing with the view to its publication.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF ARTICLE BY HON. GEORGE SUTHERLAND (S. DOC. NO. 505).

Mr. LA FOLLETTE. I ask to have printed an article which appeared in the March number of the Independent, 1909, on the necessity of greater care in making laws, by Hon. GEORGE SUTHERLAND, junior Senator from the State of Utah.

Any subject with which Senator SUTHERLAND deals would, as we all know, be worthy of thoughtful consideration. The subject treated in this article is a very important one, and his paper is a valuable contribution to the literature upon the reformation of our present loose system of lawmaking. The article is only four or five pages, and I desire to have it printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE TELEPOST.

Mr. OWEN. On November 17, 1913, because of my long acquaintance and great respect for Hon. H. Lee Sellers and R. H. Sellers, who were developing the telepost system of telegraphy, and the belief that it might prove of public use, I submitted Senate resolution 216, authorizing the appointment of a committee to investigate and report upon the telepost system as to word-carrying capacity, accuracy, economy, and efficiency. The resolution is now on the calendar, being Order of Business 440. As the mover of the resolution, I ask unanimous consent that it be taken from the calendar and postponed indefinitely for the reason that I may become interested in it, and am unwilling to be responsible in any degree for any action the Senate may or may not take in relation thereto.

The PRESIDENT pro tempore. Without objection, the resolution referred to by the Senator from Oklahoma will be taken from the calendar and postponed indefinitely.

NAVAL APPROPRIATIONS.

Mr. SWANSON. I desire to call up the conference report on the naval appropriation bill, which was submitted by the Senator from South Carolina [Mr. TILLMAN] on Saturday last.

The PRESIDENT pro tempore. The report will be read.

The Secretary read the report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 15, 16, 42, 43, 44, 50, 54, 66, 70, 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 39, 41, 46, 47, 48, 49, 51, 52, 55, 56, 58, 60, 61, 62, and 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "officers," insert the following: "not exceeding five"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee on conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000" and in lieu thereof insert "$180,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000), $200,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "men," insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives, and one naval officer to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, capable of standing all ballistic and other necessary tests required for use in vessels of the Navy, at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual output capacity of 20,000 tons, and also a plant having an output of 10,000 tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each, and the estimated annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee, payable upon vouchers signed by the chairman of said committee."

And the Senate agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, and 71 the committee of conference have been unable to agree.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

Mr. SMOOT. I will ask the Senator if this is a complete agreement?

Mr. SWANSON. It is not a complete agreement. We report on many items in agreement, and then report on others in disagreement.

Mr. JONES. I will ask the Senator from Virginia what has been done with the amendment relating to the increase of chaplains in the Navy?

Mr. SWANSON. The House receded from its disagreement to that amendment.

Mr. JONES. That amendment is agreed to?

Mr. SWANSON. It is agreed to.

Mr. JONES. I understand there can be no separate vote by the Senate on that amendment?

Mr. SWANSON. There can not be.

Mr. JONES. In order to reject that we would have to reject the entire report?

Mr. SWANSON. I do not suppose the Senate would reject its own amendment.

Mr. JONES. We could reject the conference report, of course?

Mr. SWANSON. We could reject the conference report. Then the whole matter would be opened up, as it was when the bill was passed.

Mr. JONES. That is the only way it can be reached? I desire to say, then, that I shall vote against the acceptance of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. WARREN. Mr. President, I should like to ask the Senator from Virginia how many items are in disagreement?

Mr. SWANSON. The conferees have been unable to agree on amendments numbered 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, and 71.

Mr. WARREN. The Senator has a copy of the report there?

Mr. SWANSON. Yes; it has been printed. I move that the Senate further insist upon its amendments, request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATIONS.

The PRESIDENT pro tempore. The morning business is closed.

Mr. MARTIN of Virginia. I ask unanimous consent that House bill 15279, the legislative, executive, and judicial appropriation bill, be taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is the amendment submitted by the Senator from Maryland [Mr. LEE]. It will be read.

The SECRETARY. The amendment proposed by Mr. LEE of Maryland is to strike out the paragraph beginning on page 105, line 11, which reads as follows:

During the fiscal year 1915 not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions herein above provided for shall be filled except by promotion or demotion from among those in the classified service in said bureau. And the salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure, but shall lapse and shall be covered into the Treasury.

Mr. BRYAN. The portion of the bill which the Senator from Maryland moves to strike out was carried in the appropriation act of last year. It is designed to provide that not more than 25 per cent of the vacancies in the Pension Bureau shall be filled, except by promotion or demotion. The Senator from Maryland read from the House hearings and from a statement made by the Commissioner of Pensions, but the Senator omitted to read two questions and answers, which undoubtedly determined the action of the House committee and of the House itself. The Commissioner of Pensions did ask the House committee to modify the amendment by adopting a suggestion which he made, and in arguing his suggestion he said:

It is going to be pretty hard to turn off 100 and upward of our people, and it has been suggested to me that there be added to the estimates 50 positions at $900 each, $900 being the lowest salary upon which it is supposed that one would be able to subsist in Washington. That is proposed in order that we may be able to take care of many who are old and who have rendered faithful service, instead of turning them absolutely out. Now, I offer that suggestion to the committee for your consideration. I really am in favor of it myself.

Now comes a question by Representatives BYRNS of Tennessee, which undoubtedly determined the action of the committee:

Mr. BYRNS. Do I understand that your suggestion is based upon the fact that you need 50 clerks, at $900, or is it more particularly based on the fact that you wish to give them pensions, so to speak?

Mr. SALTZGABER. In effect, it might be so considered, instead of turning them absolutely out without anything. These clerks would receive small salaries, and their duties would be largely perfunctory. The suggestion is not made because we need them.

The provision as the House inserted it therefore can not fairly be said to deprive any of these clerks of the positions they now hold, but the Commissioner of Pensions admits that he does not need them. It is a liberal provision, it seems to me, to allow those who now have positions to remain, although they are not needed; but this provision in the House bill is intended to require that when vacancies occur by death or resignation—in case any should resign—those places should not again be filled for the reason that the clerks are not needed.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. I do.

Mr. BRISTOW. I should like to inquire of the Senator from Florida if the House provision of which he speaks is not, as a matter of fact, in the interest of the old soldiers, instead of against them, as was alleged here on Saturday?

Mr. BRYAN. I think it can be said to be so, because the Commissioner of Pensions comes before a committee of Congress and says that there are some of these clerks whom he does not need; but this provision in the bill does not take their positions away from them; it simply provides that when they drop out of the rolls by death or resignation, not more than 25 per cent of such positions shall be filled.

Mr. BRISTOW. That is what I thought.

Mr BRYAN. That is exactly what it does.

Mr. BRISTOW. So that it leaves the old soldiers just as they are, but if there is a vacancy, if the place is not needed, the place will not be filled, and, of course, it ought not to be filled.

Mr. BRYAN. Of course not.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. BRYAN. I do.

Mr. SMOOT. I should like to call the attention of the Senator from Florida to a conversation which I had this morning with the Pension Bureau. I asked the same question which the Senator from Kansas has asked, and asked them to let me know what effect it would have upon the old soldiers, and this is the answer that I got. I was told the effect of the amendment would be that if, for instance, there was a clerk at $1,440 who resigned or died, if this language is left in the bill there could be no promotion to fill the vacancy in that particular place; that there would be no chance for a soldier below that or in another grade to be advanced to that particular position; but that it will be entirely abolished. In that way it would affect the promotion of an old soldier.

Mr. BRYAN. Mr. President, that can not be, I do not care what the Pension Bureau says, because the law says "excepting by promotion or demotion."

Mr. SMOOT. I am only stating what the effect of it will be as it was explained to me by the Pension Department.

Mr. BRYAN. Mr. President——

Mr. SMOOT. If the Senator will just wait a moment, I desire to say that the reason they stated that there would be no advancement of the old soldiers was that in the promotions they would not take the old soldiers, but would take younger people, and the old soldiers would remain where they are.

Mr. BRISTOW. What difference would that make if the House provision be stricken out? You can not fill those places and promote old soldiers unless it is thought they ought to be promoted.

Mr. SMOOT. I suppose that is true; but the rule has been in the past that they get their regular promotions. That is all there is in the provision, at least I am so told at the Pension Bureau, to which I telephoned this morning, with the exception that they say that on July 1 there will be some 60 clerks of the bureau dropped; that some of them are very efficient clerks, and under this language whenever a vacancy occurs they can take of those 60 clerks but 25 per cent; in other words, they can only take 1 out of 4 of the clerks that would be dropped on the 1st day of July to fill any vacancy that may occur.

Mr. BRISTOW. Mr. President, is not that because under the system which is now being used in adjusting pensions, instead of having an application for every increase to which the pensioner may be entitled, as was formerly the case, adjustments are automatically made on the records, thus requiring less clerical force? It seems to me this is a provision which protects the old soldiers from being discharged; but when there is a vacancy that vacancy is not to be filled at all. There is no incentive to discharge a man if you can not put anybody else in his place. It seems to me that the provision is in the interest of the soldiers instead of against them. I can not see it in any other way. If I thought the provision was against the interests of the soldiers, I should be in favor of striking it out.

Mr. SMOOT. The Senator knows that I would take the same view; and yet when the language of the provision was considered in the committee it was stated that it was a protection to the old soldiers; but, as I say, since the statement made by the Senator from Maryland [Mr. LEE] last Saturday night, I have inquired at the Pension Office particularly as to whether it was for or against the old soldiers, and I have stated to the Senator from Florida just what they told me this morning in that interview.

Mr. BRYAN. Mr. President, I can not help what the head of the bureau may have said; the law is too plain for disagreement. It protects those who are now employed, and when places become vacant it provides that not more than 25 per cent of the vacancies shall be filled, because even the Commissioner of Pensions admits that he does not need them.

In the letter which the Senator from Maryland put into the RECORD the only argument made by the commissioner to change his attitude is that the positions had better be retained and when vacancies occur be filled with new appointees, because legislation is likely to be enacted which may increase the pension roll and the Mexican situation may result in bringing forth more pension applications; but it has been argued here for two years that so many employees are not needed, because the act of 1912 operates automatically—that is, when the name of a pensioner once goes upon the rolls his status is fixed.

It seems to me, Mr. President, the committee is liberal enough, in the face of the fact that all the 1,259 employees are not needed in this one building, when it says, "Well, you have been there a long time and we will let you stay until you die, but we do not propose to fill the roll up again with useless em-

ployees." One hundred employees of the lowest class means $90,000 a year.

I can not understand how anybody can defend the position to keep 100 or more employees upon the rolls when everybody admits that they are not needed, or, rather, how the argument can be made that after the useless employees now there die we should fill up the useless positions with more employees at the expense of about $100,000 a year.

Mr. WARREN. Mr. President, I think the Senator from Florida [Mr. BRYAN] is right about it. As I read the provision promotions can be made just the same. Undoubtedly, if we take the evidence of the Pension Bureau earlier in the session, they have got more help than they need. I have more confidence in the statements made by the commissioner and those representing the bureau when they were examined before the House committee early in the consideration of this matter than I have in the afterthought, when there is a claim for more employees and they conclude that possibly they can use more. I hope that the paragraph may stand as it is in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Maryland [Mr. LEE].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

Mr. SMOOT. Mr. President, before the bill is reported to the Senate I desire to reserve the right in the Senate to offer an amendment to the committee amendment, on page 132, line 20.

The PRESIDING OFFICER. That amendment will be reserved.

Mr. THOMAS. Mr. President, on page 65, line 5, I move to strike out "$1,000,000," in figures, and insert "$1,500,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 65, line 5, it is proposed to strike out "$1,000,000" and insert "$1,500,000," so as to read:

Collecting the income tax: For expenses of assessing and collecting the income tax as provided in paragraph N, section 2, of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, including the employment in the District of Columbia of necessary clerical and other personal services, and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia and the several collection districts, $1,500,000.

Mr. THOMAS. Mr. President, that amendment is very considerable in amount, and if it carries it of course adds a half million dollars to this appropriation bill. I would not think of offering such an amendment if the service did not, in my judgment, absolutely and imperatively demand it. The income-tax law is a new piece of legislation. It was estimated that it would produce somewhere in the neighborhood of $70,000,000 per annum, an amount needed for the general expenses of the Government. For the purpose of enforcing the provisions of that law the Commissioner of Internal Revenue informs me that the amount which has been placed at his disposal is utterly inadequate.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I do.

Mr. WEST. Why was there such a variance between the amount desired by the department and the amount inserted in the House bill?

Mr. THOMAS. The House put the present amount in the bill and the Senate committee is inclined to accept it.

Mr. WEST. Without any sort of knowledge of what was required?

Mr. THOMAS. They had this information before them, but they deliberately cut down the amount—at least that is my information.

I merely wish to add, Mr. President, that I think this amendment is in the interest of sound economy. There are two sorts of economy—one which deals with the general subject without any systematic notion about it, and one which distinguishes between things that are absolutely necessary and things which are either useless or inexpedient at the particular time. For the purpose of getting the revenue which the income-tax law was designed and to secure the machinery which is to be used for that purpose, that which is being used now being insufficient, this amount of money is absolutely needed. That is all I care to say.

Mr. MARTIN of Virginia. Mr. President, I am satisfied that $1,500,000 is necessary for this purpose, and I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Shall the amendments made as in Committee of the Whole be concurred in en gross?

Mr. SMOOT. Before that is done I desire to offer an amendment. The bill is in the Senate, as I understand?

The PRESIDING OFFICER. The bill is in the Senate.

Mr. WARREN. I understood the question was on concurring in the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. That is the question now before the Senate.

Mr. SMOOT. I offer an amendment on page 132.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendments agreed to as in Committee of the Whole?

Mr. SMOOT. I thought those amendments had been concurred in.

Mr. KENYON. The Senator from Texas [Mr. SHEPPARD] intended to reserve the amendment on page 2, relating to the mileage of Senators. I want to reserve that amendment and to have a separate vote on it.

The PRESIDING OFFICER. The amendment referred to by the Senator from Iowa will be reserved.

Mr. KENYON. I also desire to reserve the amendment on page 80, with reference to the mileage of Members of the House of Representatives and Delegates in Congress.

The PRESIDING OFFICER. That amendment will be reserved.

Mr. SMOOT. Now I desire to offer an amendment, on page 132, line 20, by striking out of the committee amendment the words "without examination under the civil-service rules."

The PRESIDING OFFICER. The Chair will ask the Senator from Utah if he has any objection to having the amendments made as in Committee of the Whole concurred in, with the exception of those amendments which have been reserved?

Mr. SMOOT. If the amendment to which I desire to offer an amendment is reserved, I have no objection.

Mr. OVERMAN. I wish to offer an amendment for the Senator from Tennessee [Mr. SHIELDS]. I have no interest in the amendment myself. I submit the amendment which I send to the desk on behalf of that Senator, who had to go away, and asked me to submit it for him.

The PRESIDING OFFICER. That is a new amendment, which can be submitted after the amendments made as in Committee of the Whole are concurred in. The question is on concurring in the amendments made as in Committee of the Whole, except as to those reserved.

The amendments, except those reserved, were concurred in.

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] offers an amendment, which the Secretary will state.

The SECRETARY. On page 132, in the committee amendment already agreed to, on line 20, the Senator from Utah moves to strike out the words "without examination under the civil-service rules" and the comma.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VARDAMAN. Mr. President, a parliamentary inquiry. Is the bill still in Committee of the Whole?

The PRESIDING OFFICER. The bill is in the Senate now. The question is upon the amendment offered by the Senator from Utah, upon which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. WHITE. I should like to have the amendment stated.

The Secretary again stated the amendment.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

The PRESIDING OFFICER (when Mr. JAMES's name was called). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "nay."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and will vote. I vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. I have a pair with the senior Senator from Maryland [Mr. SMITH], which I transfer to the junior Senator from California [Mr. WORKS], and will vote. I vote "yea."

Mr. CHILTON. I transfer my pair formerly announced to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. FLETCHER. I inquire whether the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has voted.

Mr. FLETCHER. I vote "nay."

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "nay."

Mr. SMOOT. I desire to announce the following pairs:

The senior Senator from Wyoming [Mr. CLARK] with the senior Senator from Missouri [Mr. STONE].

The senior Senator from Delaware [Mr. DU PONT] with the senior Senator from Texas [Mr. CULBERSON].

The senior Senator from New Mexico [Mr. FALL] with the senior Senator from West Virginia [Mr. CHILTON].

The junior Senator from West Virginia [Mr. GOFF] with the senior Senator from Alabama [Mr. BANKHEAD].

The senior Senator from Rhode Island [Mr. LIPPITT] with the junior Senator from Montana [Mr. WALSH].

The junior Senator from Connecticut [Mr. MCLEAN] with the senior Senator from Montana [Mr. MYERS].

The junior Senator from Pennsylvania [Mr. OLIVER] with the senior Senator from Oregon [Mr. CHAMBERLAIN].

The senior Senator from Pennsylvania [Mr. PENROSE] with the senior Senator from Mississippi [Mr. WILLIAMS].

The junior Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 30, nays 27—as follows:

YEAS—30.

Ashurst	Clapp	Nelson	Sterling
Borah	Cummins	Norris	Sutherland
Brady	Dillingham	Owen	Thomas
Brandegee	Jones	Page	Townsend
Bristow	Kenyon	Perkins	Vardaman
Burleigh	La Follette	Root	Warren
Burton	Lane	Smoot	
Catron	McCumber	Stephenson	

NAYS—27.

Bryan	Kern	Robinson	Smith, Ga.
Chilton	Lewis	Saulsbury	Swanson
Clarke, Ark.	Martin, Va.	Shafroth	Thompson
Fletcher	Martine, N. J.	Sheppard	Thornton
Gore	O'Gorman	Shively	West
James	Overman	Simmons	White
Johnson	Pittman	Smith, Ariz.	

NOT VOTING—38.

Bankhead	Gronna	Newlands	Smith, Mich.
Chamberlain	Hitchcock	Oliver	Smith, S. C.
Clark, Wyo.	Hollis	Penrose	Stone
Colt	Hughes	Poindexter	Tillman
Crawford	Lea, Tenn.	Pomerene	Walsh
Culberson	Lee, Md.	Ransdell	Weeks
du Pont	Lippitt	Reed	Williams
Fall	Lodge	Sherman	Works
Gallinger	McLean	Shields	
Goff	Myers	Smith, Md.	

So Mr. SMOOT's amendment to the amendment of the committee was agreed to.

The PRESIDING OFFICER. The question now is on concurring in the amendment as amended.

The amendment as amended was concurred in.

Mr. VARDAMAN. Mr. President, I move to lay on the table the committee amendment on page 15, beginning at line 11.

The PRESIDING OFFICER. The amendment has already been concurred in.

Mr. VARDAMAN. Then I move to reconsider the vote by which it was concurred in.

Mr. MARTIN of Virginia. Mr. President, I am afraid Senators may not understand that this is the item authorizing the purchase of an automobile for the Vice President. We have been over it twice, and I hope it will not be reconsidered.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Mississippi [Mr. VARDAMAN] to reconsider the vote by which the amendment indicated by him was concurred in.

The motion was rejected.

The PRESIDING OFFICER. The amendment on page 2, which was passed over, will be next stated.

The SECRETARY. On page 2, the Senate, as in Committee of the Whole, agreed to strike out all of lines 4, 5, 6, 7, 8, 9, and 10 and to insert:

For mileage of Senators, $51,000.

Mr. KENYON. Mr. President, I call the attention of the Senator from Texas [Mr. SHEPPARD] to this matter. I reserved this amendment, as he was absent from the Chamber, and I understood that he had a point of order which he desired to make against it.

Mr. SHEPPARD. I wish to make the point of order against the first amendment, that it is unauthorized by law and contrary to law. I base my point of order on the following facts:

The law authorizing mileage was passed during the Thirty-ninth Congress, first session, and reads as follows:

And be it further enacted, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session; but nothing herein contained shall affect mileage accounts already accrued under existing laws: *Provided*, That hereafter mileage accounts of Senators shall be certified by the President of the Senate and those of Representatives and Delegates by the Speaker of the House of Representatives: *And provided further*, That the pay of the Speaker shall be $8,000 per annum.

That remained the law until February 26, 1907, when the compensation of Senators and Representatives was changed as follows:

Section 4 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, reads:

SEC. 4. That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of $12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioner from Porto Rico shall be at the rate of $7,500 per annum each.

SEC. 5. All laws or parts of laws inconsistent with this act are repealed.

Consequently the only compensation authorized by law to-day is the salary of $7,500.

Section 4 of the legislative appropriation bill of 1907, which I have read, makes no provision for mileage. It says that the compensation of Senators, Representatives in Congress, and so forth, shall be $7,500 per annum each, and repeals all laws and parts of laws in conflict therewith. It repeals the law enacted by the Thirty-ninth Congress, which authorizes mileage. It makes no provision for mileage or any additional compensation whatever. Consequently the provision here providing for mileage is contrary to law.

Mr. WARREN. Mr. President, the law is very plain:

The compensation of each Senator, Representative, and Delegate in Congress shall be $7,500 per annum, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session: *Provided*, That hereafter mileage accounts of Senators shall be certified by the President of the Senate and those of Representatives and Delegates by the Speaker of the House of Representatives.

Following that the later law says:

Mileage for two sessions only, to be paid in the following manner, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for one session, and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session.

And still later:

On the first day of the first session of each Congress, or as soon thereafter as he may be in attendance and apply, each Senator, Representative, and Delegate shall receive his mileage as now allowed by law, and on the first day of the second or any subsequent session he shall receive his mileage as now allowed.

That is the standing law of to-day.

The PRESIDING OFFICER. Was that law repealed by the act of Congress increasing the salaries to $7,500?

Mr. WARREN. It was not.

Mr. SHEPPARD. What is the date of the law to which the Senator refers?

Mr. WARREN. I am reading from the law as it is quoted here in the Rules and Manual of the Senate. Those statements, of course, can be looked up by the Senator. I have here a list of 16 different statutes, one after the other, all in nearly the same line, and I have read the law as it now stands.

Mr. SHEPPARD. The authority for mileage cited in the laws to which the Senator refers was given in the act passed by the Thirty-ninth Congress.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. SHEPPARD. Certainly.

Mr. NELSON. The trouble with the position of the Senator from Texas is this: While the statute he recited repeals all laws relating to compensation and salary of Senators, yet the Court of Claims decided in a case that was cited here the other day that mileage is not a part of the compensation of Senators. I think it was the Senator from Nebraska [Mr. NORRIS] who called attention to the decision of the court in that case, holding that the matter of mileage is not a part of a Senator's salary.

Mr. SHEPPARD. The court in that case held it was not the same form of compensation as salary, but it held nevertheless that it was a form of compensation. The act of 1907 in effect forbids any other compensation besides the salary. If there is to be any mileage paid, it must be authorized by a law yet to be enacted.

Mr. SUTHERLAND. Mr. President, this statute——

Mr. MARTIN of Virginia. Mr. President, this is not a debatable proposition. It has been ruled on once in Committee of the Whole. The same point of order was made. I ask that the rule be enforced.

The PRESIDING OFFICER. Was a like point of order made in Committee of the Whole?

Mr. MARTIN of Virginia. Exactly the same.

Mr. SHEPPARD. No, Mr. President; a point of order was not raised in Committee of the Whole.

Mr. MARTIN of Virginia. My recollection is that the point of order was made.

The PRESIDING OFFICER. The point of order ought to have been made in Committee of the Whole, and, owing to the failure to do so, it is not in order to make the point of order in the Senate.

Mr. SHEPPARD. I make the point of order that the Senate is considering this amendment de novo. This is the first chance the Senate, as such, has had to consider the amendment. Heretofore the Senate as in Committee of the Whole has considered the amendment. The Committee of the Whole has reported the amendment to the Senate, and the Senate, as such, is now considering it for the first time.

The PRESIDING OFFICER. The Senator is mistaken about that. It was held by Mr. Ferry, President pro tempore of the Senate, that when a point of order was not made in Committee of the Whole it is too late to make it when the bill gets into the Senate. The Chair thinks that whatever rights might have attached to the point of order it was waived by failing to make it in Committee of the Whole, and it is now too late to entertain it. Therefore the Chair overrules the point of order, and the question is on the reserved amendment.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is, Shall the Senate concur in the amendment? [Putting the question.] The ayes seem to have it.

Mr. SMITH of Georgia. I ask for a division.

Mr. OVERMAN. Let the amendment be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. The amendment agreed to as in Committee of the Whole is to strike out lines 4 to 10, inclusive, on page 2, and in lieu to insert:

For mileage of Senators, $51,000.

The question being put, there were, on a division—ayes 32, noes 9.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Owen	Stephenson
Borah	James	Page	Sterling
Brady	Johnson	Perkins	Sutherland
Brandegee	Jones	Pittman	Swanson
Bristow	Kenyon	Robinson	Thomas
Bryan	Kern	Root	Thompson
Burleigh	La Follette	Saulsbury	Thornton
Burton	Lane	Shafroth	Tillman
Catron	McCumber	Sheppard	Townsend
Chamberlain	Martin, Va.	Shively	Vardaman
Chilton	Martine, N. J.	Simmons	Warren
Clapp	Nelson	Smith, Ariz.	West
Crawford	Norris	Smith, Ga.	White
Cummins	O'Gorman	Smith, Md.	
Dillingham	Overman	Smoot	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. WEST. I did not understand the junior Senator from Texas in reference to the mileage clause. I wish to ask him if it is his view that the $2,500 that was added to the salary was to take the place of mileage?

Mr. SHEPPARD. It is impossible for me to say what the intention was in reference to mileage, but the law which provided for a salary of $7,500 did not go further and provide for any additional compensation.

Mr. WEST. Have Senators and Representatives been receiving mileage since the law was passed?

Mr. SHEPPARD. They have.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The SECRETARY. On page 18 strike out lines 5 to 12, inclusive, and insert:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. KENYON. Mr. President, we have had such good luck in getting a yea-and-nay vote on this mileage proposition that I think we will try it once more at least. It would seem that this amendment ought to be disagreed to, and for this very simple reason: Regardless of the vote as to the question of mileage for Senators, this is a proposition for mileage of Members of the House, and they have provided a method which they deemed fair for the payment of the actual traveling expenses for Members of Congress and the immediate and dependent members of their families. The House having adopted that, it certainly would not be right or fair to compel them to take any more. The Senate would be going far beyond courtesy, it seems to me, to the other body after they have decided that the traveling expenses are all that should be properly paid them to insist that the appropriation be doubled. I hope that we at least may have a yea-and-nay vote on this proposition, and in order to have a full attendance I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Owen	Stephenson
Borah	James	Page	Sterling
Brady	Johnson	Perkins	Sutherland
Brandegee	Jones	Pittman	Swanson
Bristow	Kenyon	Pomerene	Thomas
Bryan	Kern	Robinson	Thompson
Burleigh	La Follette	Root	Thornton
Burton	Lane	Saulsbury	Tillman
Catron	Lewis	Sheppard	Townsend
Chamberlain	McCumber	Shively	Vardaman
Chilton	Martin, Va.	Simmons	Warren
Clapp	Martine, N. J.	Smith, Ariz.	West
Crawford	Nelson	Smith, Ga.	White
Cummins	Norris	Smith, Md.	
Dillingham	Overman	Smoot	

Mr. THORNTON. I desire to announce the absence of the junior Senator from New York [Mr. O'GORMAN] on official business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. KENYON. I ask for the yeas and nays on concurring in the amendment.

Mr. BRYAN. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. The amendment has already been agreed to in the Senate.

The PRESIDING OFFICER. Not this amendment.

Mr. BRYAN. Of course it has. All amendments not reserved were concurred in.

The PRESIDING OFFICER. This was a reserved amendment.

Mr. BRYAN. Was this a reserved amendment?

The PRESIDING OFFICER. It was a reserved amendment. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. BANKHEAD. Let the amendment be read.

The SECRETARY. On page 18 strike out lines 5 to 12 and insert:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000.

Mr. SMITH of Georgia. Mr. President, I desire to say just one word before the vote. I do not like the House provision and I do not like the Senate provision. I would be perfectly willing to vote for the actual expense of a Member and his wife coming once each session. Beyond that I would not be willing to go.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I understand that he would vote as I am about to vote, and therefore I consider myself released from the pair. I vote "yea."

The PRESIDING OFFICER (when Mr. JAMES's name was called). I have a general pair with the Senator from Massachusetts [Mr. WEEKS]. I therefore withhold my vote.

Mr. JOHNSON (when his name was called). I announce my pair with the junior Senator from North Dakota [Mr. GRONNA] and the transfer of that pair to the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

Mr. LEWIS (when his name was called). I desire to announce a pair with my colleague [Mr. SHERMAN] on this question.

Mr. THORNTON (when Mr. O'GORMAN's name was called). I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] on official business, and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I will transfer that pair to the junior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by public business. He is paired with the Senator from Wyoming [Mr. CLARK].

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from Tennessee [Mr. SHIELDS]. I vote "yea."

Mr. CRAWFORD. I have a pair with the Senator from Tennessee [Mr. LEA], and withhold my vote.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK of Wyoming] is unavoidably absent. He is paired with the Senator from Missouri [Mr. STONE]. I will let this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE].

Mr. KENYON. I desire to announce the unavoidable absence of the junior Senator from Massachusetts [Mr. WEEKS].

The result was announced—yeas 42, nays 17, as follows:

YEAS—42.

Bankhead	Fletcher	Perkins	Smoot
Brady	Johnson	Pittman	Stephenson
Brandegee	Jones	Reed	Sterling
Bristow	Kern	Robinson	Sutherland
Bryan	McCumber	Root	Thomas
Burleigh	Martin, Va.	Saulsbury	Thornton
Catron	Martine, N. J.	Shafroth	Warren
Chamberlain	Nelson	Shively	West
Chilton	Overman	Simmons	White
Clarke, Ark.	Owen	Smith, Ariz.	
Dillingham	Page	Smith, Md.	

NAYS—17.

Borah	La Follette	Smith, Ga.	Townsend
Burton	Lane	Smith, Mich.	Vardaman
Clapp	Norris	Swanson	
Cummins	Pomerene	Thompson	
Kenyon	Sheppard	Tillman	

NOT VOTING—36.

Ashurst	Gore	Lippitt	Ransdell
Clark, Wyo.	Gronna	Lodge	Sherman
Colt	Hitchcock	McLean	Shields
Crawford	Hollis	Myers	Smith, S. C.
Culberson	Hughes	Newlands	Stone
du Pont	James	O'Gorman	Walsh
Fall	Lea, Tenn.	Oliver	Weeks
Gallinger	Lee, Md.	Penrose	Williams
Goff	Lewis	Poindexter	Works

So the amendment was concurred in.

Mr. KERN. I offer an amendment to the amendment on page 132, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 132, line 20——

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana that that amendment has been agreed to as in Committee of the Whole, and concurred in in the Senate.

Mr. KERN. But it has just been amended a few minutes ago by striking out certain words in line 20.

The PRESIDING OFFICER. That is correct.

Mr. KERN. I move to amend that section in the Senate——

The PRESIDING OFFICER. But the Senator from Indiana will understand that the amendment as amended was concurred in in the Senate.

Mr. SMOOT. I will say to the Senator from Indiana, also, that I reserved the right while the bill was before the Senate as in Committee of the Whole to offer an amendment to that amendment in the Senate. Afterwards that amendment to the amendment was agreed to in the Senate.

Mr. KERN. There is only one way to reach it, then, and that is by a motion to reconsider.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment.

Mr. POMERENE. Mr. President, I send an amendment to the desk, which I desire to have stated.

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana [Mr. KERN] that he can reach the question by moving to reconsider the vote by which the amendment was agreed to.

Mr. KERN. I did not vote on the prevailing side.

The PRESIDING OFFICER. The amendment proposed by the Senator from Ohio [Mr. POMERENE] will be stated.

The SECRETARY. On page 126, line 17, before the words "of class 4," it is proposed to strike out "ten" and to insert "eleven," so as to read:

Chief Division of Supplies, $2,100; clerks, 11 of class 4.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio.

Mr. POMERENE. My reason, Mr. President, for offering this amendment is that the department advises me that heretofore there has been one stenographer from the Bureau of Corporations detailed to the Secretary of Commerce to act as a confidential stenographer. They have eliminated one stenographer from the Bureau of Corporations, and that will necessitate the dropping of one from the Department of Commerce, which, as I am advised by the Secretary and the Assistant Secretary, is going to seriously embarrass the work of the department. For that reason I ask for this increase of one clerk.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Ohio.

Mr. SHAFROTH. Mr. President, I raise the point of order against the amendment that it has never been estimated for by the department, and therefore is not in order. If everyone who desires it is permitted to have an additional employee put on the roll, we could never get through with the bill and could never have any systematic arrangement of the bill.

Mr. POMERENE. Mr. President, I desire to state, in answer to the Senator from Colorado, as I have been informed, or perhaps have inferred from a statement which was made to me a little while ago, that while it is true that this clerk was not included as one of the employees of the Secretary himself, he was included in the estimates made for the Bureau of Corporations. The stenographer for some time has been in the employ of the Secretary himself, or at least has been performing duties under the direction of the Secretary. I hope that the Senator from Colorado will not insist upon his objection.

The PRESIDING OFFICER. The point of order will have to be sustained if the Senator from Colorado insists upon it.

Mr. SHAFROTH. I insist upon it, Mr. President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. OWEN. For the purpose of submitting an amendment, I move to reconsider the action of the Senate in regard to the item with relation to commercial attachés, Department of Commerce, on page 132, beginning in line 18.

The PRESIDING OFFICER. The Senator from Oklahoma moves to reconsider the vote by which the amendment on page 132 was agreed to in the Senate.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if he voted for the amendment when it was offered?

Mr. OWEN. I voted with the Senator from Utah.

Mr. SMOOT. Then, of course, the Senator from Oklahoma has a perfect right to make the motion.

Mr. REED. I raise the question of a quorum, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Pittman	Sutherland
Bankhead	James	Pomerene	Swanson
Borah	Johnson	Reed	Thomas
Brady	Jones	Root	Thompson
Brandegee	Kenyon	Saulsbury	Thornton
Bristow	Kern	Shafroth	Tillman
Bryan	La Follette	Sheppard	Townsend
Burleigh	Lee, Md.	Shively	Vardaman
Burton	Martin, Va.	Simmons	Warren
Catron	Martine, N. J.	Smith, Ariz.	West
Chamberlain	Nelson	Smith, Ga.	White
Chilton	Norris	Smith, Mich.	Williams
Crawford	Owen	Smoot	
Cummins	Page	Stephenson	
Dillingham	Perkins	Sterling	

Mr. THORNTON. I announce the absence of the junior Senator from New York [Mr. O'GORMAN] on departmental business.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from Oklahoma [Mr. OWEN] to reconsider the vote by which the amendment of the committee on page 132 as amended was concurred in in the Senate.

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and vote "nay."

Mr. JOHNSON (when his name was called). Again announcing my pair with the senior Senator from North Dakota [Mr. GRONNA] and transferring that pair to the junior Senator from New Hampshire [Mr. HOLLIS], I vote "yea."

Mr. THORNTON (when Mr. O'GORMAN's name was called). I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] and state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the Senator from Massachusetts [Mr. LODGE] to the junior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. BANKHEAD (after having voted in the affirmative). I announce the transfer of my pair as on the last vote and will permit my vote to stand.

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

The PRESIDING OFFICER (when the name of Mr. JAMES was called). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SUTHERLAND (after having voted in the negative). Since voting I observe that the Senator from Arkansas [Mr. CLARKE], with whom I have a pair, has not voted. I transfer my pair with that Senator to the Senator from Washington [Mr. POINDEXTER] and allow my vote to stand.

The result was announced—yeas 31, nays 30, as follows:

YEAS—31.

Bankhead	Kern	Saulsbury	Swanson
Bryan	Lee, Md.	Shafroth	Thompson
Chamberlain	Martin, Va.	Sheppard	Thornton
Chilton	Martine, N. J.	Shively	Tillman
Fletcher	Overman	Simmons	West
Gore	Pittman	Smith, Ariz.	White
James	Reed	Smith, Ga.	Williams
Johnson	Robinson	Smith, Md.	

NAYS—30.

Ashurst	Clapp	Nelson	Sterling
Borah	Crawford	Norris	Sutherland
Brady	Cummins	Page	Thomas
Brandegee	Dillingham	Perkins	Townsend
Bristow	Jones	Root	Vardaman
Burleigh	Kenyon	Smith, Mich.	Warren
Burton	La Follette	Smoot	
Catron	Lane	Stephenson	

NOT VOTING—34.

Clark, Wyo.	Hitchcock	Myers	Sherman
Clarke, Ark.	Hollis	Newlands	Shields
Colt	Hughes	O'Gorman	Smith, S. C.
Culberson	Lea, Tenn.	Oliver	Stone
du Pont	Lewis	Owen	Walsh
Fall	Lippitt	Penrose	Weeks
Gallinger	Lodge	Poindexter	Works
Goff	McCumber	Pomerene	
Gronna	McLean	Ransdell	

So the motion to reconsider was agreed to.

Mr. KERN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 132, line 20, after the word "Commerce," it is proposed to insert "after examination to be held under his direction to determine their competency," so that, if amended, it will read:

Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, etc.

Mr. ROOT. Mr. President, as the Senator from Wisconsin [Mr. LA FOLLETTE] suggests, this is confession. It is confession and avoidance. It is confession that these officers ought to be selected upon examination, and it is confession with an attempt to avoid any real, genuine, effective examination.

Mr. President, we all know what a sham and a delusion the old department examinations were. It was because they were a mere pretense that the machinery of the Civil Service Bureau was created, that examinations by an independent body of public officers were substituted for department examinations.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. Certainly.

Mr. OVERMAN. Is it not true that the consuls who are appointed now are appointed under rules and regulations prescribed by the Senator from New York when he was Secretary of State, rather than under civil-service rules?

Mr. ROOT. No, Mr. President; they are appointed under rules prescribed by the President, signed by the President, under the authority of the Revised Statutes of the United States.

Mr. OVERMAN. What President?

Mr. ROOT. President Roosevelt; the same authority under which the civil-service rules are prescribed affecting all the other departments of the Government.

Mr. OVERMAN. Who prescribed these rules?

Mr. ROOT. The President of the United States prescribed these rules, just as he prescribes all civil-service rules.

Mr. OVERMAN. The point I am getting at is this: These persons do not stand what is known as the civil-service examination?

Mr. ROOT. Mr. President, they do stand what is known, or ought to be known, as the civil-service examination. It is an examination conducted by a board the head of which is the chief examiner of the civil service.

Mr. OVERMAN. But the Civil Service Commission has nothing in the world to do with the matter.

Mr. ROOT. The Civil Service Commission appoints the head of the board, the chief examiner under the Civil Service Commission.

Mr. OVERMAN. Mr. President, the Senator knows, I think, that he prescribed these rules and regulations himself and had President Taft indorse them, and it was under them that these men were appointed. This really is not the regular, ordinary civil-service examination. Is not that true?

Mr. ROOT. It is true that it is not the ordinary civil-service examination. It was President Roosevelt and not President Taft.

Mr. OVERMAN. Yes.

Mr. ROOT. But, Mr. President, those regulations brought into operation an examining board which is under the direction and control of the chief examiner of the Civil Service Commission, because it was found that the old department examination was absolutely useless; that the very kind of examination to which it is now proposed to subject these men was useless.

Mr. OVERMAN. If the Secretary of State, together with the President, could frame rules and have these examinations held by order of the President under the chief examiner of the civil service, why should not the Secretary of Commerce do exactly like the Senator from New York did when he was Secretary of State—prescribe rules and have the President sign them and have the chief examiner hold examinations, just as they were held for the consulships? Is there any reason why that should not be done?

Mr. ROOT. It ought to be.

Mr. OVERMAN. Under this amendment it could be done.

Mr. ROOT. Does the Senator think it is going to be done?

Mr. WILLIAMS. Mr. President——

Mr. OVERMAN. I think if this amendment passes it will be done under such rules and regulations as may be prescribed by the Secretary of Commerce, just as the Senator from New York when Secretary of State prescribed the rules under which the consuls were examined.

Mr. ROOT. Mr. President, a great many things might be done; but I will undertake to say that the Senator from North Carolina will not tell us that it is the intention or the expectation that the Secretary of Commerce will put these appointees under a civil-service examination to be conducted outside of the department.

Mr. OVERMAN. I can not answer for the Secretary of Commerce any more than the Senator from New York can. If this amendment is agreed to, saying that he shall prescribe certain rules and regulations, I think probably he will prescribe rules precisely like the Senator from New York did when he was Secretary of State.

Mr. ROOT. I do not.

Mr. OVERMAN. I can not vouch for him, and the Senator can not. The Senator knows not what he will do.

Mr. ROOT. I do not know what he will do. I do know that this legislation is plainly designed to indicate the purpose of Congress that he shall not do that very thing.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. ROOT. Certainly.

Mr. WILLIAMS. I wish to ask the Senator, who was once a distinguished Secretary of State, whether it was not the custom of the State Department in examining consuls, after they were through with the written examination, to have what was called a personal examination to determine about aptitude, and whether on the aptitude examination they did not add minus and plus marks to the ratings the men had received upon the written examination?

Mr. ROOT. Doubtless.

Mr. WILLIAMS. And whether that was not a very convenient way of raising one's mark and lowering another's?

Mr. ROOT. Mr. President, I do not believe it was ever availed of as a way to raise or lower one's mark. I never have known any impeachment of the good faith of the boards which carried on those examinations.

Mr. WILLIAMS. I have seen in the hands of the Senator from Alabama, Mr. Johnston, who is now dead, and I will try to get it at some time, what purported to be an original, in which one man was marked—now, I am not accurate about the figures—say, 85 and another one marked 75 and another 65, and the 65 had a plus mark after it and the 85 had a minus mark after it, and the man with the rating of 65 was appointed consul, and the man with the rating of 85 was not.

Mr. ROOT. I do not know as to that.

Mr. WILLIAMS. In other words, frequently the aptitude examination changed the result of the written examination.

Mr. ROOT. Frequently it ought to change the result of the written examination.

Mr. WILLIAMS. I should like to ask the Senator one more question before he answers the other; and I ask it purely for information. By whom and how was the examination that I have called the aptitude examination conducted?

Mr. ROOT. By the same board.

Mr. WILLIAMS. Was it in writing, or was it orally?

Mr. ROOT. Orally, by the same board.

Mr. WILLIAMS. That is what I thought. It was largely just a conversation with the applicant, was it not?

Mr. ROOT. That I can not tell the Senator.

I assume that the Senator from Mississippi would not expect a civil-service board appointed by a Democratic President under a Democratic administration, and the majority of whom are Democrats, to discriminate unfairly against the candidates who would be favored by the Commissioner of Commerce. The whole effect of the proposed amendment is to take these candidates away from an impartial board and put them under an examination which is nothing at all but the selection of the Secretary of Commerce.

Mr. President, the advantage of civil-service rules is not so much in the selection of individuals as it is in the exclusion of individuals.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. ROOT. I will ask the Senator to excuse me for just a moment.

It is not so much that a civil-service examination is a perfect method of finding out who is the best man for a place as it is that the necessity of a civil-service examination bars out from consideration a great army of idle, lazy, worthless fellows who want to live on the Treasury of the Government, and who depend upon political and personal and social interest to be appointed to places where they will render no valuable service, but will draw their salaries. It is the barring out of that great crowd of parasites who seek to live upon the substance of the country under guise of holding office that is the great benefit of the civil-service system. If this legislation passes in such a form as to take away the barrier and protection of the civil-service examination from the appointment of these men, that great army will march forward and take possession of these offices.

Mr. President, we in the Senate will not be able to resist the pressure; Senators will not be able to resist the pressure coming from their own States, from their own political and personal friends, to try to get this man and that man and another man appointed to one of these places, which will enable him to travel about Europe at the public expense. The Secretary of Commerce will not be able to resist the pressure brought to bear upon him by Senators and Representatives to appoint men whose appointment will be useful to the Senators and Representatives who pass upon the appropriations for the Department of Commerce and who make this appropriation. It is taking a step back into the most injurious and reprehensible methods of government under which Senators and Representatives bargain votes. I do not mean to say that they make a vulgar trade, out and out, but I mean to say they use the influence that their power to vote gives them in order to get appointments, and the heads of executive departments make appointments because they want the votes. You are going back to the old logrolling and bargaining methods which we ought every day more and more to exclude from the operations of our Government.

Mr. KERN. Mr. President, it was desired by the Secretary, as I understand—at any rate it is desired by the proponents of this amendment—that the Secretary of Commerce shall be permitted to choose these commercial attachés with reference to their special fitness for this particular work, and that he should not be required to accept the services of a lot of miscellaneous gentlemen whose names are turned out of the sausage mill of the Civil Service Commission.

The same question came up in regard to the appointment of the members of the Federal Reserve Board and the employees of that board. We looked forward and saw that they would require the services of the best-skilled men in America for the particular work that was to be required of them, and when we were taunted from the other side with the proposition that we were opening up again the great field of the spoils system, we replied—and we have made our words good—that no senatorial influence would ever be exerted, none would be attempted, to control the appointment of members of the Federal Reserve Board or the appointments under that board.

It was very refreshing to some of us the other afternoon to listen to the indignant protests of Senators on the other side against this infringement upon the civil-service system. I imagine there is no one on this side who is not in favor of the merit system. I think we may be credited with a desire to have faithful and efficient appointees rendering service to the Government under this administration. We are not entirely destitute of the kind of patriotism that desires good service, but when we looked back at the net result of the civil-service law as administered by the Republican Party during 30 years, with the exception of two Democratic administrations, and noticed the fact that 90 per cent of all the officeholders of the country were not only Republicans, but Republican politicians, some of us doubted the sincerity of some of these earnest protestations against any infringement of the civil-service law.

Mr. President, under this civil-service law the spoils system ran mad during two or three administrations. In my own State, when Grover Cleveland went out of office the first time and when Theodore Roosevelt was a member of the Civil Service Commission, Democratic appointees under civil service were turned out of office by the score; they were turned out without trial, in utter disregard of every provision of the civil-service law, and I then heard no indignant expressions from the Senator from New York or the Senator from Massachusetts or any of the men now championing the cause of civil-service reform.

During the past five years it was known of all men that under the ordinary examinations held by the Civil Service Commission no Democrat could be appointed to office. Referring to the administration of the law in my State, I speak advisedly on that proposition. Under a partisan system, under a legalized spoils system, the civil-service officers would, on requisition

being made, certify three names for appointment, and if there were two Democrats and one Republican out of the three, no matter what the grade, the Republican was appointed. There was only one way that a Democrat could get office under that administration of the civil-service law, and it was when it happened that all three of the names were Democrats. It was the only way.

During the administration of President Taft he found 30,000 fourth-class postmasters in office, nine-tenths of whom were appointed as a reward for political service. The postmaster in every town in the country practically was a Republican, and had been appointed as a reward for local political work. The greatest outrage ever perpetrated on the merit system was when President Taft issued an Executive order which said to these men: "We appointed you to these offices as a reward for a political service rendered the Republican Party, and now, as a still further reward for that political service, we undertake to give you the places for life."

The rural mail carriers were not under the civil service at first. They were appointed on the recommendation of Republican Congressmen. Four-fifths, five-sixths, aye, nine-tenths, were Republicans, and in my State local Republicans, ward workers, and township workers. They carried on their work for the Government with the additional labor imposed on them of circulating Republican literature along their routes and insulting Democrats who lived along the roads they traveled. They were appointed as a reward for political service. Mr. Taft issued an order making them life appointments, not because of merit, but as a still further reward for political service. When that outrage was being perpetrated upon the merit system the Senator from New York and the great civil reformers of the country were mute. I would have thought they would have protested then if they were friendly to the merit system, but they were as silent as the grave.

We propose in the case in hand to permit the Secretary of Commerce to make these appointments after an examination to determine the fitness of the men. My friend from New York says that we want a genuine examination. Does the Senator from New York mean to intimate that there is less patriotism, that there is less of desire for honest Government service, on the part of Secretary Redfield than there is on the part of the gentlemen who constitute the civil-service board? Does the Senator from New York believe that he would be less painstaking in selecting men for this delicate service than the men who constitute the Civil Service Commission or the inspectors or examiners that they might designate?

Mr. STONE. Mr. President, under former administrations, notedly the Taft administration, diplomatic officials subordinate to ambassadors and ministers were appointed without taking the civil-service examination required for appointment to the departmental service. Secretaries to embassies and legations, as well as consuls, were given a special examination prescribed by the Secretary of State and promulgated by the President. This examination for these appointments was entirely outside of the jurisdiction of the Civil Service Commission. This examination was controlled entirely by the State Department, both as to the subjects upon which the applicants were examined and as to the examiners themselves. The Secretary of State reserved and exercised the right to revise and alter the ratings given to persons by his examining board in all cases with respect to consular and secretarial appointments. As the Senator from Mississippi stated in his remarks a few moments ago, the Secretary of State or one of his subordinates designated for that purpose took the ratings given in each individual case by the examiners and then summoned before him the applicants in person to be examined individually, as occasion required, to determine as to the personal fitness or aptitude of the candidates for the position sought. He took the ratings given the candidates by the examiners in the first instance, and then added to or subtracted from those ratings according to the estimate he placed upon the personal qualifications or aptitude of the applicant.

The examiners may have given a particular candidate a rating, for example, of 85, and given another applicant a rating of 75. On the personal examination for aptitude the applicant having 85 on the original rating might be reduced 10 points, while the applicant having 75 on the first examination might be advanced 10 points, thus reversing the position of the two. That was the course pursued in the State Department while the Senator from New York [Mr. ROOT] was at the head of that department. He approved of and followed that practice, if, in fact, he did not originate it. But now, when it is proposed to allow the Secretary of Commerce to do the same thing, or substantially the same thing, and in the same way, the Senator from New York rises here to make indignant protest, declaring that if the Secretary of Commerce, in appointing commercial attachés, is permitted to do what the Senator did as Secretary of State, we would be taking a step backward in the path of honest and efficient administration. With the Senator it seems to make a vast difference whether the Secretary is a Democrat or Republican. When he was exercising the power he now appears to dread it was all right, commendable, and in every way proper, but to allow a Democratic Secretary of a great department to follow in his footsteps and do what he did would amount to a covert assault on the civil-service law and be violative of the civil-service policy. Such an argument as that made by the Senator from New York, which has been repeated by others on that side, is deeply colored with hypocrisy, or at least is a vain assumption by Republicans of superior wisdom, virtue, and devotion to public duty and to the enforcement of the spirit of the law. I resent any assumption of that character. With all due respect to the Senator from New York, I assert that Secretary Redfield, of the Department of Commerce, is fully as capable, just as sincere, and just as devoted to public duty and the public welfare as the Senator from New York is now or was when he presided over the Department of State. Very cogent reasons have been given why the Secretary of Commerce should be permitted to select these attachés in the way provided for in the bill. The reason that justified the course pursued, as I have stated it, with respect to consuls, applies with equal force to the appointment of commercial attachés, who are an important part of the consular establishments. There is utterly no reason why the same rules should not govern in both cases. All this, however, has been gone over and thrashed out by the Senators who have just preceded me, and I will not go further into this particular subject.

But, apropos this subject, I wish at this juncture to refer to another matter of the same general nature.

A short time since a few people in Washington, led by a Mr. Gordon and Dr. Gleeson, began a furious attack on the Post Office Department, charging that department with dismissing and demoting old soldiers in violation of the law. Here I will say that Dr. Gleeson is the local commander of the Grand Army of the Republic of the District of Columbia, but he is also an intense and rather violent Republican partisan. These attacks were so pronounced, specific, and continuous, and were so widely exploited through the newspapers of Washington, every one of which is hostile to this administration, that a Republican Senator [Mr. JONES] introduced a resolution calling upon the Postmaster General to advise the Senate respecting the truth of the assertions that had been made in the press at the instigation of Dr. Gleeson and Mr. Gordon. The resolution called upon the Postmaster General to advise the Senate, among other things, as to the number of men dismissed or demoted in his department. The Postmaster General replied to the resolution and stated that during this administration only one man who had ever served in the Army of the United States in any war had been demoted, and that not a single one had been dismissed; and he said that the one demoted was a colored soldier who had had service in the War with Spain and who held a laborer's position in the department at a salary of $720 per annum. He was demoted to $600 per annum as a punishment for inebriety while on duty, but with the promise that if he would reform his habits in this behalf he would be restored to his former salary, and he was given two months of trial. At the end of two months the department restored him to $720 per year. Instead of there being a large number of dismissals and demotions of old soldiers, as Dr. Gleeson claimed, the Postmaster General stated, as I have said, that there had been only one demotion and no dismissals in the Post Office Department since he had been in charge of that department.

When this report of the Postmaster General was laid before the Senate there was considerable discussion about it. I took part in that discussion and stated what I have repeated today—that only one soldier had been demoted and none dismissed in the department—and called Dr. Gleeson and Mr. Gordon to sharp account for their effort to mislead the public at large, and especially to mislead the old soldiers of the country. Dr. Gleeson undertook to answer my speech through the Washington Times. I can have no controversy with the valiant doctor, but I am going now to show that he has been imposed upon or else has deliberately made misstatements of facts. It is all right for Dr. Gleeson in his official capacity as commander of the Grand Army of the Republic in this District to look after the welfare and seek to preserve the just and lawful rights of all soldiers residing in this city. Anything he might do in that behalf, if done in a fair, proper, and nonpartisan way, would merit and receive my hearty commendation. In his first attack on the Post Office Department he confines himself to a discussion of what he denominated "bad treatment of old

soldiers," but when he was cornered on his statement of facts, with respect to that assault, he veered away from the old soldier in this last effusion printed in the Washington Times and has indicted the department for mistreatment of employees who never served in the Army. In this effusion he makes a general assault all along the line.

In the Times he gives the names of 12 persons whom he declares have been ruthlessly dismissed or transferred or demoted. I will read what he said of these 12 people presently. I clipped his statement from the Times and sent it to the Postmaster General, requesting him to have the records of the department examined with respect to each case mentioned by Dr. Gleeson and to advise me as to the facts. Now, I am going to take up these cases separately, and in each case I will quote Dr. Gleeson's assertion and then quote what the Postmaster General says the records of the department show.

(1) The first case is that of Joseph Burroughs. Here is what Dr. Gleeson said of him:

Joseph Burroughs, New Jersey Volunteers, wounded. Died of a broken heart over his humiliation.

This is what the Postmaster General says in this letter I hold in my hand:

Joseph Burroughs: Alleged that he died of a broken heart over his humiliation. The records show that on October 1, 1910, Mr. Burroughs was reduced from $1,800 to $1,400 per annum; again reduced on March 16, 1911, from $1,400 to $1,200 per annum during the last administration; and on July 1, 1913, reduced from $1,200 to $1,000 per annum. After notice was given him of the reorganization of his division, arrangements were made to retain him in the department and he was cognizant of this fact. He died, after an illness of three days, over two months after he was informed that he would be retained in the department. He was not reduced in salary after July 1, 1913. It will be seen that the previous administration reduced Mr. Burroughs twice; at one time skipping a grade.

It will be observed that under the last administration Mr. Burroughs was twice reduced, once from $1,800 to $1,400 per annum and then from $1,400 to $1,200 per annum. Since this administration began he has been reduced from $1,200 to $1,000 per annum. It appears to have been all right in Dr. Gleeson's estimation for this soldier to be reduced by a Republican Postmaster General; at least he made no outcry about it; but if a Democratic Postmaster General, even conditionally, reduces his rank and salary it becomes a heinous offense.

(2) The next case mentioned by Dr. Gleeson is that of Annie M. Eckbert. Here is what the doctor says about this lady:

Annie M. Eckbert, of Pennsylvania, threw herself in front of a railway train over her humiliation.

Mr. WARREN. May I ask the Senator who is this Dr. Gleeson?

Mr. STONE. He resides in the city of Washington.

Mr. WARREN. Is he connected with some of the departments?

Mr. STONE. No. He is commander of the Grand Army of the Republic of the District of Columbia at this time. That is all I know of him, and I know that only by reason of what I have read in the newspapers.

It will be observed that Dr. Gleeson champions Miss Eckbert, who was never, so far as we are informed, in any wise connected with any war. He says that she committed suicide over her humiliation. He does not give any facts, but leaves the reader to make his own inferences.

Here is what the Postmaster General says in this letter:

Miss Annie M. Eckbert: Miss Eckbert was reduced from $1,400 to $1,200 per annum on March 16, 1911, during the last administration, on account of not being able to perform duties which would warrant a salary of $1,400. Endeavor had been made to place her on work which she was capable of performing. At the time she was accidentally killed while visiting her brother in Pennsylvania, on December 12, 1913, her transfer was pending to the Reading, Pa., post office, which she had selected, and which was to be without reduction in salary. Miss Eckbert had been in poor health for many years, as is instanced by the fact that since 1898, in addition to her annual leave, she had taken 493 days of sick leave, or an average of 33 days each year. In reporting Miss Eckbert's death to the department, her brother stated that she had been spending some time at his home recuperating, and that she had wandered from the house and was hit by a passing train.

If the doctor is not ashamed of this performance, he ought, at least for his own reputation, to be more careful with his assertions.

(3) The next case is stated by Dr. Gleeson as follows:

Beverly Randolph De Keim, of Pennsylvania: War correspondent from 1861 to 1865, inclusive, transferred to Reading, Pa., where he died.

Here is what the Postmaster General says:

Randolph De B. Keim: Mr. Keim was transferred from the War Department to the Post Office Department August 3, 1909, during the last administration, at which time he accepted a reduction in salary from $1,600 to $900 per annum. He was transferred on October 24, 1913, to the post office at Reading, Pa., his home city, at the same salary he was receiving in the department. Mr. Keim was 73 years old, and it is inconceivable that transferring a man to his home city would cause his death, especially as he had previously been reduced in salary from $1,600 to $900.

According to Dr. Gleeson it seemed to have been all right for a Republican Postmaster General to reduce this employee from $1,600 to $900, but it was odious for this Democratic Postmaster General to transfer him to his home city post office at the same salary he was receiving in the department. Shame on you, Dr. Gleeson.

(4) The next case is stated by Dr. Gleeson as follows:

Mr. Stalley, transferred to Cleveland, Ohio, on the day he was to celebrate his golden wedding anniversary.

That was an awful thing to do, and I could not help but shudder when I read this pathetic story, as reported by Dr. Gleeson.

Here is what the Postmaster General says:

Charles B. P. Stalley: Mr. Stalley was transferred to the Cleveland (Ohio) post office on May 1, 1914, at the same salary he was receiving in the department. The work on which he had been assigned had been eliminated and there is no other position which he could satisfactorily fill. He selected Cleveland, stating that his only child was married and living in that city.

(5) The next case is stated by Dr. Gleeson as follows:

Mrs. L. A. Overacker, Union soldier's widow. Transferred.

And here is what the Postmaster General says:

Mrs. L. A. Overacker: Mrs. Overacker was offered a position in any first-class post office at the same salary which she received in the department, but she preferred to stay in Washington, as her son is a $1,600 clerk in the Post Office Department. She therefore tendered her resignation on November 15, 1913, and was not transferred to any post office.

I repeat that the doctor should be more careful with his facts.

(6) The next case is stated by Dr. Gleeson as follows:

Mr. Wyckoff, transferred to post office in western city.

That certainly was a heartless crime, to transfer this man to a post office in a "western city." But the doctor is again mistaken as to his facts. Mr. Wyckoff has not been sent to a penal colony in the West. Here is what the Postmaster General says:

James S. Wyckoff: Mr. Wyckoff was not transferred to a post office in a western city, but secured a transfer to the Pension Office in this city, where he is now employed.

(7) The next case is stated by Dr. Gleeson in this way:

Dug Allison, veteran baseball player of the Red Stockings, of Cincinnati, did not leave the city and was dropped.

So it seems this medical philanthropist is not only looking after the veterans of the war, but also the veterans of the diamond, ex-champions of the noble game of baseball. But again the doctor is badly off on his facts. Here is what the Postmaster General says:

Douglas L. Allison: It is stated that Mr. Allison has been dropped. This is not a fact, as he is now employed in the same bureau and is receiving the salary to which he was promoted on December 1, 1905.

Shame on you, Doctor.

(8) The next case is stated by Dr. Gleeson, as follows:

Samuel R. Stratton, of Pennsylvania, formerly adjutant of the Eleventh Pennsylvania Cavalry, transferred to Washington City post office, then asked to resign. Now is out of the service.

Here is what the Postmaster General says:

Samuel R. Stratton: On account of Mr. Stratton's not being able to perform work which would warrant a salary of $1,400 per annum, he was reduced on March 11, 1911, during the last administration, to $1,200 per annum, and on October 8, 1913, transferred to the Washington, D. C., post office without change in salary. He is now serving in the post office, although his resignation is on file to take effect at a future date. It is contemplated upon his resignation becoming effective to abolish the position he now holds.

(9) The next case is stated by Dr. Gleeson, as follows:

Mrs. Shearer died three weeks after notice to hunt another place. Had seven brothers killed in the Union Army.

Here is what the Postmaster General says:

Miss Lizzie A. Sheads (Shearer): It is claimed that she died three weeks after notice to hunt another place. Miss Sheads was not reduced nor transferred, but, in accordance with a long-standing order of the department, she was dropped without prejudice on January 31, 1914, after a protracted illness. Miss Sheads was practically an invalid for years, and her services were of little or no value to the department. On account of her physical condition, about which other employees located near her became concerned, fearing that they might contract a similar disease, she was examined months prior to the reorganization by the Director of the Hygienic Laboratory, who reported that she was suffering from chronic bronchitis attended by emphysema.

(10) The next case is stated by Dr. Gleeson in this way:

Elizabeth Donehoo, of Pennsylvania, soldier's widow; could not comply with transfer orders; was dropped.

Here is what the Postmaster General says:

Mrs. Elizabeth B. Donehoo: It is stated that Mrs. Donehoo could not comply with the transfer order and was consequently dropped. She was not dropped from the rolls, but was transferred, without change in salary, on May 1, 1914, to the Pittsburgh, Pa., post office, in which city she had many friends. Mrs. Donehoo was reduced on

March 16, 1911, during the last administration, from $1,000 to $900 per annum.

You should be more careful, Doctor.

(11) The next case is stated by Dr. Gleeson in this way:

Mrs. Armor, of Pennsylvania; husband killed in the Union Army; transferred to Florida among strangers.

Here is what the Postmaster General says:

Mrs. M. M. Armor: Mrs. Armor was transferred to the Kissimmee, Fla., post office on December 8, 1913. She was informed that she could be transferred to any first-class post office she might select at $1,000, the same salary which she received in the department, but she preferred to go to Kissimmee on acount of the climate, and it is understood that her sister is now with her, and that she is very well pleased with the assignment. On account of the size of the Kissimmee post office, it was impossible to give her the same salary as she got in the department, and her salary was therefore fixed at $800.

(12) The next and last case mentioned by Dr. Gleeson is described by him in this way:

But perhaps the most flagrant case was that of James R. Young, gallant soldier, former Member of Congress from Philadelphia, whose position as Chief of the Dead Letter Office was taken from him and given to a Texas man.

It seems to grind the doctor to the quick that Mr. Young should be supplanted by a man from Texas; but here is what the Posmaster General says:

James R. Young: Commander Gleeson states that this, perhaps, is the most flagrant case. It also appears to be one of the most flagrant cases from the departmental standpoint. Mr. Young was a retired politician, an ex-Member of Congress from Pennsylvania. He admitted that he was not competent to perform the duties of superintendent, Division of Dead Letters, and was glad to get a transfer to his home town, Philadelphia, Pa. The records show that after considerable political influence by Members of Congress from Pennsylvania the President was prevailed upon to issue an Executive order authorizing the appointment of Mr. Young as Superintendent of the Division of Dead Letters without examination under the civil-service rules. He had had no previous experience in the Postal Service, and the appointment was merely for political reasons; and through this same influence the salary of the office, while he served as superintendent, was increased from $2,500 to $2,750 per annum. Mr. Young, in his sixty-seventh year, was transferred to his home city at a salary of $2,000 per annum, and is very well satisfied with the comfortable circumstances under which he has been located.

Thus, Mr. President, I put the plain facts in these cases in contrast with the wild, misleading statements given to the public through a widely circulated newspaper by Dr. Gleeson. It is hardly worth while for me to make further comment. I have no wish or intention of entering into any controversy with Dr. Gleeson or Mr. Gordon. I simply wish the truth to be known. If the Washington newspapers would print the answers made by the department to these vicious attacks circulated through their columns, those who malign the department would not be so keen about getting into the public press.

At this point I call attention to the fact that when this question was up some days ago I called attention to the fact that numerous old soldiers had been demoted or separated from the Post Office Department during the incumbency of Mr. Hitchcock as President Taft's Postmaster General. I showed that 15 old soldiers had been demoted in one year in that department, and said then, as I say now, that we heard no outcry against the action of this Republican Postmaster General from any source—not even from the Senator from New York [Mr. ROOT], who was one of the official family of President Taft, sitting with Mr. Hitchcock around the same counsel board. And on Saturday last the Senator from Mississippi put into the RECORD the names of 121 old Federal soldiers who had been demoted or dismissed in the first 15 months of Mr. McKinley's first administration in the Pension Office alone, and nothing was said about it at that time. Here is a fine exhibition and a most enlightening illustration of partisanship—the kind of partisanship that is being displayed in the Senate and in this city by Republican orators and partisans. If gentlemen can not find facts upon which to predicate their attacks upon this administration, then they invent facts, or so-called facts, and make these inventions the basis of their misrepresentations.

Things of this kind are indeed well calculated to make honest and self-respecting men who believe in decent methods of waging political warfare exceedingly tired. All this talk we have heard to-day and heard a few days ago from Senators on that side is the purest partisan rot; but, Mr. President, I hope that in spite of it those of us who constitute the Democratic majority of this body will go right on discharging our duty as we see it, with supreme indifference for and contempt of these utterances, no matter from what source they emanate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. KERN] to the amendment of the committee on page 132 as amended.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Overman	Stone
Brady	James	Page	Sutherland
Brandegee	Johnson	Perkins	Swanson
Bristow	Jones	Pittman	Thomas
Bryan	Kenyon	Shafroth	Thompson
Burleigh	Kern	Sheppard	Thornton
Burton	La Follette	Shively	Tillman
Catron	Lane	Simmons	Townsend
Chamberlain	Lee, Md.	Smith, Ariz.	Vardaman
Chilton	Lewis	Smith, Ga.	Warren
Clapp	McCumber	Smith, Md.	West
Clarke, Ark.	Martin, Va.	Smith, Mich.	White
Cummins	Martine, N. J.	Smoot	Williams
Dillingham	Nelson	Stephenson	
Fletcher	Norris	Sterling	

Mr. THORNTON. I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN,] on official business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. CUMMINS. I rise to make a parliamentary inquiry. What is the pending question?

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Indiana [Mr. KERN] to the amendment offered by the committee, on page 132 of the bill, as amended on motion of the Senator from Utah [Mr. SMOOT].

Mr. CUMMINS. In that connection I desire to state my recollection of what has taken place. The Senate adopted a motion to strike out the words in line 20, page 132, "without examination under the civil-service rules." On motion of the Senator from Oklahoma [Mr. OWEN] the Senate reconsidered the vote by which those words were stricken out. It seems to me, therefore, that the question now is upon the original motion to strike them out.

Mr. SMOOT. Mr. President, as I understand——

The PRESIDING OFFICER. There is no motion now, the Chair will state, to strike out those words; they have already been stricken out. The question reconsidered was the vote by which the amendment of the committee as amended was concurred in in the Senate.

Mr. BURTON. That is, the whole paragraph was reconsidered?

The PRESIDING OFFICER. The whole paragraph as amended.

Mr. BURTON. With the line stricken out?

The PRESIDING OFFICER. That is correct.

Mr. BURTON. And the Senator from Indiana has moved to insert the amendment which has been read. That is the situation, is it not?

The PRESIDING OFFICER. That is the status of the matter.

Mr. CUMMINS. So that the question is upon the motion made by the Senator from Indiana?

The PRESIDING OFFICER. That is the question.

Mr. CUMMINS. Mr. President, I have one word to say upon that motion. I do not look upon it as a political question; no one ought to consider it as a political question; and what I have to say is not said from that standpoint.

The distinguishing characteristic of the civil-service system, as we use the words, is that the employees are admitted to the service of the United States upon competitive examination, and that the person who in that competitive examination seems to be best qualified for the office or place receives it without any regard to political influence or personal influence in his behalf. The very moment we depart from the competitive idea we have overriden what we understand to be the merit system of appointment.

I agree that in many cases a judicious man can select an employee who will render quite as good service as though he had been selected after competitive examination; I think that here and there will be found instances in which better men, more completely qualified, may be selected through the individual examination or choice of the appointing power, but in the great majority of instances, I believe, our experience has shown that the employees of a great Government like ours will be more competent, more faithful, and more efficient if they are selected under the competitive system.

The amendment of the Senator from Indiana overthrows the competitive plan and leaves the subject with the Secretary of Commerce wholly unrestricted and unfettered. I do not think it adds anything to the bill. It must be assumed that in some fashion or other the Secretary of Commerce will ascertain the qualifications of the man he is about to appoint; and when you say that he must be subject to an examination by the Secretary

of Commerce you say nothing whatever. There is no added security for the public.

As for me, I favor the competitive system. I believe this instance, as well as many that have occurred before, are distinct inroads upon the civil-service system. I think they are intended to be inroads upon the civil-service system. There is no other explanation for this continuous effort to exempt employees of the Government from the operation of that system. I am very sorry to see it.

I have no reason to doubt that those who propose it feel that the Government will be equipped with competent employees. I do not allege that they believe otherwise; but I think they ought to stand up and admit that they are overthrowing the competitive system just as rapidly as they can overthrow it, and that they intend to substitute for it a system which will subject the appointing power to all the pernicious influences that formerly surrounded the appointing power, and from which it was hoped we had escaped.

The Secretary of Commerce, when he comes to make these appointments, must, of course, listen to the wishes of the friends of the applicant. He can not be insensible to the political influences with which an applicant may come into his presence. I assume that he will not appoint an incompetent person. That would be to impeach his honesty and to impeach his desire to make the public service what it ought to be. That is neither here nor there. I may admit all those things; but I simply wish to register my opinion that you are doing a very unwise thing when you are invading the competitive system of examination and the competitive admission of applicants to the Government service, and I believe in the end you will discover that mistake and will regret what you are now about to do.

Look at it. If these men who are about to be appointed were appointed under the competitive system, a system that would give them a certain tenure of office—that is, would insure them the places to which they are appointed until some reason is shown for their removal—then, upon another administration coming in, they would go on and perform their duties in the regular way. On the other hand, you are preparing a system in which, when a Republican President comes in in 1917—as many of us believe a Republican President will come in—you will be inviting him and the Secretary of Commerce he may select to discharge every one of these men, to turn them out in a body, and to bring in for the same work another body of men untrained and inexperienced in the labors they are called upon to perform.

Unless you are against the competitive system, I can not understand why you do not desire that these men, when so appointed, shall be secure in the places to which they go. Why is it that we are returning to the old plan, under which, as soon as a change occurred in the political views of the administration, all these employees would at once share the fate of the retiring President, and the new President would bring in another corps of assistants?

I am opposed to that. I am opposed to it, no matter whether a Republican administration is in power or a Democratic administration is in power; and I rose simply to point out what I regarded as the total failure of the amendment of the Senator from Indiana to fulfill the standard of a civil-service system.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield to the Senator.

Mr. KERN. When the last Republican administration came in and, as shown here by the Senator from Missouri [Mr. STONE] and the Senator from Mississippi [Mr. WILLIAMS] the other day, in violation of the civil-service rules, demoted and threw out of office Union soldiers by the score, was there any protest on the part of the Senator from Iowa, who at that time, I believe, was a Member of the lower House? Did he hear any protest from Republicans anywhere? When Mr. Taft in the last administration appointed 30,000 fourth-class postmasters, Republican politicians, for life as a further reward for political service, in violation of the underlying principle of the merit system, was there any protest over there?

Mr. CUMMINS. Mr. President——

Mr. KERN. Just one word further. Was there any Republican protest in 1906 when the Taft administration found every consulate in the countries abroad filled with Republican politicians, and no other kind from Indiana, at least, and commenced a civil-service program, then leaving every one of these politicians in office without regard to merit?

Why, in my State the deputy clerk of a court was appointed to a consulate in Europe because he was a political ward worker, and he was put under the civil service, and he is there to-day. Another second or third rate lawyer was given a similar position because he was a Republican ward worker, put under civil service, without regard to merit, and he is there yet. Was there any protest then? Oh, the hypocrisy of it all!

Mr. CUMMINS. No, Mr. President; it is not hypocrisy so far as I am concerned, anyhow, and I do not think the Senator from Indiana will care to charge that upon me personally.

Mr. KERN. Oh, no; there was nothing personal, any more than the Senator meant to question my motives in introducing the amendment.

Mr. CUMMINS. I did not question——

Mr. KERN. He did not hesitate to do that. He said my purpose was to strike down the civil-service law. I explicitly explained this morning, in the Senator's absence, why this amendment was offered here.

Mr. CUMMINS. Mr. President, I did not question the motives of the Senator from Indiana. I assumed that he intended to do exactly what he has done—to substitute in the Department of Commerce a department noncompetitive examination for a competitive civil-service examination. I have no doubt he has done that because he believes that in that way the Government will secure the best service. It is idle for anyone to insist that this method of selecting employees is in harmony with the civil-service system. It is not, for it is neither competitive nor does it furnish the employee with a secure tenure of office.

I do not know what President Taft did about turning out employees who were under the civil service. If he violated the law, his act was just as reprehensible as it would have been had he been a man of different political faith. There is a great distinction, however, between overturning the system and denouncing the imperfect administration of the system. If the Civil Service Commission and if the heads of departments under a former administration violated the law, they ought to be brought to justice; or if the law is inadequate, and on account of its inadequacy it is easily evaded, the law ought to be amended. There is no more justification for departing from the principle of the law than it would be to repeal the antitrust law because many people evade its provisions and many courts fail to administer its provisions with proper efficiency.

We shall have to take a stand, however, upon one thing. Are we in favor of admitting the employees in the departments at Washington, anyhow, through a competitive examination, or are we in favor of admitting them upon such examinations as the heads of the departments may require, without any competition or without any restriction save the judgment of the head of the department or the appointing power?

I am sorry to see the Government leaning away from the competitive plan. I do not believe in the present plan of selecting consuls of the United States to represent us abroad. Some people may think that is a fair exemplification of the civil-service principle. I do not. It was just as bad under a Republican administration as I suppose it is now under a Democratic administration. It is true that there exists there a board for the purpose of examining applicants, but there is no requirement, either in law or in any executive order, that the applicant who stands best under the examination shall have the place.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield to the Senator.

Mr. KERN. Does the Senator understand that that is the law governing the civil service?

Mr. CUMMINS. I understand the law governing the civil service admits only under competitive examination.

Mr. KERN. Yes; and then a certain number of names are certified to the head of the department.

Mr. CUMMINS. Just so; three men.

Mr. KERN. Three men.

Mr. CUMMINS. The three men or women who stand highest on the list are certified, and the department must take one of the three or reject them all.

Mr. KERN. And does not the Senator know that that provision was made and was so enforced as to prevent any Democrat, under the Taft administration, from getting office anywhere?

Mr. CUMMINS. No; I do not. I do not know that. It has been asserted many times, but my observation is just to the contrary. I never have seen any proof that the men at the heads of the departments violated their duties or neglected their duties or repudiated their obligations by rejecting the applicants who may have been Democrats. My judgment is that in 9 cases out of 10 the head of the department did not know whether the three men or women certified were Republicans or Democrats, and in more than half the cases the applicants had no identification or affiliation with any political party.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. I simply wanted to suggest in reference to the query propounded by the Senator from Indiana that if the law or the rule that provides for the certification of three names was made for the purpose of permitting men or women of any particular political faith to be appointed, if that is the object of it, then it seems to me that if the Senator from Indiana is a friend of the civil service he ought to direct his labors toward the amendment of the law and the correction of that or any other abuse that may exist.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield to the Senator from Indiana.

Mr. KERN. The Senator from Indiana is a friend of the merit system; the Senator from Indiana is opposed to the administration of the civil-service laws as they have been administered during the past 20 years; the Senator from Indiana intends at the next session of Congress to offer amendments to the civil-service law radically changing it and changing its administration so that men of the highest character and ability may be at the head of it.

Mr. NORRIS. I am glad to hear it. I shall be glad to cooperate with the Senator from Indiana.

Mr. KERN. Changing the personnel and changing the rules, so that there may be absolute fairness in their administration.

Mr. CUMMINS. Mr. President, I shall render the Senator from Indiana all the help in my power. It is not great, but he shall have it in unmeasured quantity——

Mr. NORRIS. "Ungrudgingly."

Mr. CUMMINS. Ungrudgingly, for any amendment of the civil-service law that will make the admission of employees impartial, without any respect to their political affiliations, without any regard to personal influences; but why does he seek to take these people from the operation of a law he intends to make perfect in the way he has suggested?

Mr. KERN. Mr. President, I say again that if the Senator had been in his seat this morning he would have heard the reasons stated with such clearness as I was able to state them.

Mr. CUMMINS. I know just how great the temptation is, I suppose, to either a Republican President or a Democratic President, or a Republican Secretary or a Democratic Secretary. It may be that a Republican President or Secretary has yielded to that temptation in some cases. I do not know of any, but it may be that he has. The Democratic administration, however, has come in upon the assertion of infidelity on the part of the Republican administrations—I suppose this infidelity among other transgressions or failures to do their full duty. Why does not the Senator from Indiana at least set up a standard that must be observed by any administration which succeeds the one of which he is so great an ornament and so distinguished a part? Why does he not help to amend the law so that whoever comes in hereafter must obey the law, and we will have a civil service selected in the approved way of civilized government?

We are here retracing the steps we have heretofore taken. We are doing something that is not done by any other government of any repute in all the world. There is no government that stands well in the opinion of mankind that does not adhere to the civil-service system as I have outlined it. We are taking every opportunity here to march back into the regions of political influence and personal influence. We are doing, as it seems to me, the best we can to give dignity and respectability to the spoils system—an effort which you will find to be unsuccessful; an effort that can do nothing else than bring down upon it the condemnation of all thinking, patriotic men.

Mr. WHITE. Mr. President, it occurs to me that the question presented by this amendment is not so much a political question as one of a business matter.

I have listened with a good deal of interest to the Senators on both sides of the Chamber in their discussion of the questions as to the disposition of the respective political parties to adhere to or depart from the civil-service rules, but it seems to me the question presented by this amendment is not really involved in those matters. These officers are to be appointed for a specific purpose, their duties being to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

What class of men or appointees will best discharge these duties? It seems to me that they might stand civil-service examinations in the way such examinations are usually conducted, but still be wholly unfit for this service.

These appointees are not mere clerks, are not engaged in mere detail work, but they are the representatives of the Government, having in charge, each one, as it were, a department to himself, in which judgment, discretion, energy, and information pertaining to the specific duties assigned to him are more essential than the mere knowledge that is necessary to enable him to stand a civil-service examination.

As I understand, these men are to look into the wants of foreign countries and ascertain where the products of this country can find a market. To do that they must know, first, what the products of this country are. They must know what we have that is wanted in foreign markets, and then be able to determine where a market in foreign countries can be found in which to dispose of these products.

It requires a general knowledge of business conditions, as well as a knowledge of the products with which we propose to invade foreign countries. Therefore each of these appointees must first determine what we have to dispose of. If he is to find a market for our products generally, he must have a general knowledge of our productions; or, if he is to be confined to pushing a particular product, he ought to have knowledge of that product, and he ought to have knowledge of the conditions under which it is made and the conditions under which it can be best disposed of.

Take, for instance, the invasion of foreign countries with iron and its products. What would a mere knowledge such as a clerk possesses be worth? He would first have to know what were the products of iron in this country and what they are suited for. He would have to know in addition to that when he went abroad what these products were useful for, in order that he might present them in an intelligent and attractive way in the markets of the country where they are offered. The same thing can be said of the products of our cotton factories, and, in fact, of any products that we have for export. Who could best determine whether a man was suitable for this work? Men who will pass upon his qualifications under civil-service rules, men who know nothing of the man except what they have learned from a civil-service examination, or a man who has had personal contact with them and learned something of their business capacity and personal bearing?

In order to accomplish the objects contemplated by this law a man must possess not only the ordinary knowledge pertaining to the business that he is engaged in but he must be a man of address. He must be able to approach other men; he must be able to interest other men; he must possess the capacity to engage the attention of other men and interest them in his enterprise.

Is it not fair to presume that the Secretary of Commerce, who will meet these men personally and meet the men behind them, the men who have had them in their employment, those who have taught them for years their trades, would be better able to determine who would interest foreigners in the purchase of our products than the men who could simply pass a civil-service examination.

As I said in the beginning, each one of these men practically has within himself a department. He must have a general knowledge as well as a particular knowledge of the subject which he proposes to present. It seems to me, Mr. President, that it would be very much better for us to select men with a knowledge of the business they are to engage in, men who are peculiarly fitted for the business to be transacted, than to select men who could merely stand a civil-service examination.

There are a great many lawyers in this Senate. How many of them could compare favorably in an examination for admission to the bar with some young man fresh from college; and yet who would hesitate for a moment about whether he would select a lawyer who is experienced in the practice and who would not be able to stand an examination as well as a young man fresh from college?

The same thing could be said of physicians, and the same thing can be said of men who are to push the commerce of this country. Men who have succeeded in commercial enterprises have not succeeded by selecting men who simply had knowledge of the English language, but they have selected men who had the energy, the disposition, and the address to push the business that was intrusted to their hands.

So it seems to me this is not so much a question as to whether we are in favor of enforcing the civil-service rules as it is a question as to whether we are in favor of accomplishing the objects of this legislation, namely, to find a market for our products abroad.

I take it for granted that either political party in power will, as far as it can consistently do so, advance the interest of its own political associates. I suppose that the offense of violating

civil-service rules might be laid at the feet of both parties. The distinguished Senator from New York [Mr. ROOT] says that this amendment is a plea of confession and avoidance, and that it confesses, but does not set up matter in avoidance. I take issue with him. I think that, while it does confess, it also completely avoids the matter confessed, because it puts in the place of a civil-service examination conducted under the civil-service rules, which the Senator advocates, the selection of men in a businesslike manner that will best accomplish the purposes for which this legislation is intended.

I think I can say with some propriety that, while the amendment might be characterized as a plea of confession and of avoidance, there is another doctrine well known to lawyers that might be suggested to him and to the Senators on the other side and that is the doctrine of estoppel, as they might by their past conduct now be estopped, in taking the position which they are now insisting upon.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. KERN] to the amendment.

Mr. STONE. Mr. President, I make the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Overman	Sutherland
Borah	James	Page	Swanson
Brady	Johnson	Perkins	Thomas
Brandegee	Jones	Pittman	Thompson
Bristow	Kern	Root	Thornton
Bryan	La Follette	Saulsbury	Tillman
Burleigh	Lane	Sheppard	Townsend
Burton	Lee, Md.	Shively	Warren
Catron	Lewis	Simmons	West
Chamberlain	McCumber	Smith, Ariz.	White
Chilton	Martin, Va.	Smith, Mich.	Williams
Clapp	Martine, N. J.	Stephenson	
Clarke, Ark.	Nelson	Sterling	
Dillingham	Norris	Stone	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Indiana [Mr. KERN] to the amendment on page 132.

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. CHILTON (when his name was called). Transferring my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nebraska [Mr. HITCHCOCK], I vote "yea."

Mr. JOHNSON (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. GRONNA] to the Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], and in his absence withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He is not present, and I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I have a pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. SHERMAN], and allow my vote to stand.

Mr. STONE. I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator, and in his absense I withhold my vote. If at liberty to vote, I would vote "yea."

At this time I also announce the pair of my colleague [Mr. WALSH] with the Senator from Rhode Island [Mr. LIPPITT]. Both Senators are absent, I believe.

The PRESIDING OFFICER (Mr. JAMES in the chair). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. CHAMBERLAIN. I was requested to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is unavoidably detained on official business.

The result was announced—yeas 33, nays 30, as follows:

YEAS—33.

Bankhead	Kern	Shafroth	Thompson
Bryan	Lee, Md.	Sheppard	Thornton
Chamberlain	Lewis	Shively	Tillman
Chilton	Martin, Va.	Simmons	West
Clarke, Ark.	Martine, N. J.	Smith, Ariz.	White
Fletcher	Overman	Smith, Ga.	Williams
Gore	Pittman	Smith, Md.	
James	Pomerene	Stone	
Johnson	Reed	Swanson	

NAYS—30.

Borah	Crawford	McCumber	Stephenson
Brady	Cummins	Nelson	Sterling
Brandegee	Dillingham	Norris	Sutherland
Bristow	Hughes	Page	Thomas
Burleigh	Jones	Perkins	Townsend
Burton	Kenyon	Root	Warren
Catron	La Follette	Smith, Mich.	
Clapp	Lane	Smoot	

NOT VOTING—32.

Ashurst	Gronna	Newlands	Saulsbury
Clark, Wyo.	Hitchcock	O'Gorman	Sherman
Colt	Hollis	Oliver	Shields
Culberson	Lea, Tenn.	Owen	Smith, S. C.
du Pont	Lippitt	Penrose	Vardaman
Fall	Lodge	Poindexter	Walsh
Gallinger	McLean	Ransdell	Weeks
Goff	Myers	Robinson	Works

So Mr. KERN'S amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. LA FOLLETTE. I offer the amendment which I send to the Secretary's desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, after line 18, insert:

Legislative reference: To enable the Librarian of Congress to employ competent persons to prepare such indexes, digests, and compilations of law as may be required for Congress and other official use pursuant to the act approved June 30, 1906. $25,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendments, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. I ask unanimous consent that the Senate proceed to the consideration of House bill 15762, the Diplomatic and Consular appropriation bill.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of the Diplomatic and Consular appropriation bill. Is there objection? The Chair hears none.

Mr. BRISTOW. Mr. President, there has been a notice standing on the calendar for weeks, given by the junior Senator from Iowa [Mr. KENYON], proposing to move to take up Senate bill 392. The Senator from Iowa is temporarily out of the Chamber, and I want to make that motion now. It would not necessarily delay the consideration of the appropriation bill.

Mr. OVERMAN. I do not understand that the Senator from Kansas has the floor for that purpose. There was no objection made. Let us take up the appropriation bill and go on with it.

Mr. BRISTOW. All I want is to have Senate bill 392 made the unfinished business. Then it can be laid aside and the appropriation bill can be taken up.

Mr. OVERMAN. If the appropriation bill is taken up, I think it will be concluded in an hour, and then the Senator can move to take up the bill he has indicated. The Diplomatic and Consular appropriation bill is a short bill, and it will not take over an hour; probably not that long.

After the appropriation bill has been disposed of the Senator from Kansas can make his motion, and it will then be the unfinished business, if he gets up the bill.

Mr. BRISTOW. I make the motion now, and then we can lay the bill aside.

Mr. OVERMAN. It would take a two-thirds majority to make it a special order.

Mr. BRISTOW. No; it does not take a two-thirds majority. We can take up any bill we desire by a majority vote.

Mr. OVERMAN. I do not propose to yield that the Senator may move to take up the bill now.

The PRESIDING OFFICER. The Chair desires to state, if the Senator from Kansas will permit, that the Senator from North Carolina asked unanimous consent to proceed to the consideration of the Consular and Diplomatic appropriation bill, and the request was submitted to the Senate and unanimous consent was given.

Mr. BRISTOW. I beg the Chair's pardon; I was on my feet before the announcement and sought recognition.

The PRESIDING OFFICER. If the Senator states that he was on his feet, the Chair, of course, will hold that it is open.

Mr. BRISTOW. It is not my purpose to delay the appropriation bill, but to have Senate bill 392, which relates to the retirement of volunteer officers of the Union Army, made the unfinished business. It has been reported from the Committee on Military Affairs, it is now on the calendar, and it has been before the Senate time and again.

Mr. OVERMAN. I rise to a question of order. The Senator can not make the motion while the appropriation bill is before the Senate.

Mr. BRISTOW. But the bill is not before the Senate. The question is what bill shall be laid before the Senate?

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent for the consideration of the appropriation bill and the Senator from Kansas states that he was on his feet to make objection.

Mr. BRISTOW. I object and move——

Mr. OVERMAN. I have the floor. I have not yielded the floor. I understand unanimous consent was given for the consideration of the appropriation bill.

The PRESIDING OFFICER. Unanimous consent the Chair thought was given.

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 15762—the Diplomatic and Consular appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

Mr. BRISTOW. Mr. President, a parliamentary inquiry. Does the Chair rule that when I rose and made the objection and then had the floor that I can not move to take up Senate bill 392?

The PRESIDING OFFICER. The Chair recognized the Senator from North Carolina, who asked for unanimous consent. The Senator from Kansas, in the meantime, takes the floor and makes an objection and proceeds to make a motion. The Chair holds that the Senator from North Carolina has the floor. He asks for unanimous consent. The Senator from Kansas objects and——

Mr. BRISTOW. Then I move to substitute for the motion of the Senator from North Carolina that the Senate take up Senate bill 392 for immediate consideration.

Mr. BRYAN. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRYAN. It has been ruled by the Vice President that such a motion as that made by the Senator from Kansas is out of order. In addition to that, under the rules of the Senate, a motion to proceed to the consideration of an appropriation bill has precedence over a motion to proceed to the consideration of any other bill.

Mr. BRISTOW. I submit that the Senator's motion has no precedence whatever. A majority vote of the Senate determines what business shall be laid before it. The Vice President has ruled that a motion to substitute one bill for another is in order.

Mr. BRYAN. I call the attention of the Chair to Rule IX. It reads as follows:

And in such case—

That is, when the calendar is before the Senate—

the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which if carried shall have the effect to leave such subject without prejudice in its place on the calendar.

Fourth. A motion to place such subject at the foot of the calendar.

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named.

The rule gives to an appropriation bill the preference, and when two motions are made, one being to proceed to the consideration of an appropriation bill and the other to consider an ordinary bill on the calendar such as the motion of the Senator from Kansas, the motion must be first put whether the Senate will consider the appropriation bill.

Mr. OVERMAN. I never heard it denied before that a motion to proceed to the consideration of an appropriation bill has precedence over every other motion to consider a bill.

The PRESIDING OFFICER. Under Rule IX, which provides that a motion to proceed to the consideration of an appropriation bill shall have precedence over other motions save as against a motion to adjourn or to proceed to the consideration of executive business or a question of privilege, the Chair holds that the motion of the Senator from North Carolina takes precedence of the motion made by the Senator from Kansas, and that the Senator from Kansas can not move as a substitute to take up some other bill which is not an appropriation bill.

Mr. BRISTOW. Let me inquire if this——

Mr. WARREN. If the Senator will allow me a moment, I want to say to the Senator from Kansas that the ruling is right, of course, and I believe it would be bad policy to take the bill up as against an appropriation bill. I favor the bill and shall be glad to support it at any other time, but we must get the appropriation bills into the hands of the conferees or we never shall get through. I hope the bill may be taken up at an early date, but not as against an appropriation bill.

Mr. BRISTOW. If the rule forbids the motion and it is out of order, of course I must yield.

The PRESIDING OFFICER. If the Senator from Kansas could cite the Chair to some rule which contravenes the ruling, the Chair should be glad to hear it.

Mr. McCUMBER. I want to call the attention of the Chair to the very rule which he is seeking to enforce and to call attention to the fact that the rule relates to the business before 2 o'clock in the afternoon. It is Rule IX, which provides that:

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up.

Then it proceeds to state what motions shall be in order, but the rule applies to motions made before 2 o'clock when the Senate meets at 12 o'clock, or when we meet at 11 o'clock those motions may be made at any time before 1 o'clock in the afternoon. I have had occasion heretofore to call the attention of the Chair to the fact that at least that rule—whether there is another one I will not now state—only applies to those motions which pertain to business before 2 o'clock.

Mr. BRISTOW. That has been my understanding. I did not have the rule before me at the time, but this is the first time I ever heard that a motion to take up an appropriation bill had precedence over other motions after 2 o'clock.

Mr. OVERMAN. I rise to a question of order. The Chair has already ruled, and there is nothing before the Senate but my motion.

Mr. BRYAN. Mr. President, I call the attention of the Senator from Kansas to the fact that immediately upon the passage of the Panama Canal bill the Senator from South Carolina [Mr. SMITH] moved to proceed to the consideration of the immigration bill before the Senator from Virginia [Mr. MARTIN] moved to proceed to the consideration of the legislative appropriation bill, and the Vice President held, only three days ago, that the motion of the Senator from Virginia took precedence, and he held it in accordance with Rule IX of the Senate.

Mr. BRISTOW. I remember the incident well, and it was a joke among many Senators——

Mr. BRYAN. The Senator from Kansas has just said he had never heard of it before.

Mr. BRISTOW (continuing). That the impetuous protest of the Senator from Virginia had taken the Vice President off his feet and that he had ruled contrary to the rule.

Mr. OVERMAN. I rise to a question of order, that the motion is not debatable.

The PRESIDING OFFICER. The Chair rules that the motion of the Senator from North Carolina is in order; and the question is, Will the Senate proceed to the consideration of the bill named by him?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, which had been reported by the Committee on Appropriations with amendments.

Mr. OVERMAN. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be first considered.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

PERSONAL EXPLANATION—GOLD HILL CONSOLIDATED CO.

Mr. OVERMAN. Mr. President, I now ask the indulgence of the Senate for a few moments, before we proceed with the consideration of the appropriation bill, on a question of personal privilege. I ask the Secretary to read an article that appears in the New York Sun of this morning, which I send to the desk.

The PRESIDING OFFICER. The Senator from North Carolina rises to a question of personal privilege. The Secretary will read as requested.

The Secretary read as follows:

NORTH CAROLINA GOLD MINE EXPLOITED ON UNITED STATES SENATE PAPER; SENATORS CHILTON AND OVERMAN AMONG THE STOCKHOLDERS—COMMITTEE LETTERHEADS USED IN PROMOTING $5,000,000 GOLD HILL PROPERTY—FEDERAL ASSAYIST IS USED AS INVESTIGATOR—J. SKELTON WILLIAMS CITED AS FRIEND OF PROMOTER WALTER G. NEWMAN—LATTER HAS THE ENTRÉE AT CAPITOL OFFICES—HE IS PRESIDENT OF COMPANY WHOSE STOCK SELLS AT 50 CENTS—ITS PAR IS $5.

WASHINGTON, *June 14, 1914.*

If you happen to have received a communication on the official letter paper of the Senate Committee on Census, WILLIAM E. CHILTON, of West Virginia, chairman, painting the rosy prospects of a North Carolina gold mine, it is due to a mistake.

Further, if you have been favored with an identical communication on the official letterhead of the Senate Committee on Rules, LEE S. OVERMAN, of North Carolina, chairman, it also is the result of a mistake.

You can take the words of Senator CHILTON and Senator OVERMAN for that. While acknowledging an interest in the mining venture, both disclaim personal responsibility for the extraordinary use of the official stationery of the Senate committee. They say that their clerks were to blame.

But the appearance of these letters among curb brokers in New York has had a somewhat spectacular character and in other quarters has brought to a definite foundation stories which have been circulated in Washington for some time that a section of the Senate and others in Democratic officialdom were in the throes of an incipient gold fever; that dreams were being dreamed of fabulous fortunes to be drawn from the bowels of a North Carolina mountain; that Senators were letting their friends in on the good things; that clerks and pages who were fortunate enough to get an inkling of this short cut to "Easy Street" were withdrawing their money from the banks to buy stock, and that all were basking in the sunshine radiated by one Walter George Newman, a promoter, who has had something of a record in mining ventures.

J. SKELTON WILLIAMS'S PART.

In this Democratic gold movement John Skelton Williams, Comptroller of the Currency, has played an humble part.

Mr. Newman says Comptroller Williams is a warm friend of his, having gone to school with him, and Newman has been a frequent visitor at the comptroller's office. That, however, is an unimportant detail. A more interesting fact is that Mr. Williams, when he was Assistant Secretary of the Treasury, had the chief expert of the United States assay office go to North Carolina at the Government's expense and investigate the Newman gold mine.

Some of the Democratic Senators availed themselves of the results of that visit, but it should be said that the report made by the experts, though not entirely unfavorable, was hardly as rosy as the representations that had been made.

Officials of the Treasury Department say it is very unusual, but not irregular, for the Government to send a man out at its expense to investigate a privately owned gold mine. Mr. Williams says he was moved to send the expert solely because the question of the reopening of the United States assay office at Charlotte, N. C., had come up and he desired to ascertain whether or not there had been any development in gold production there that would require such an important step. The report of the expert, in Mr. Williams's opinion, did not justify such a move by the Government.

SENATOR OVERMAN'S ACTIVITY.

Senator OVERMAN, as Treasury officials recall the incident, was the man at whose request the reopening of the assay office and the investigation of the mine were taken up. All these incidents would, of course, pass unnoticed were it not for the unfortunate double-headed mistake, which has resulted in the sending out of the letters on the official stationery.

The mining property that has aroused so much Democratic enthusiasm is that of the Gold Hill Consolidated Co., whose mine is at Gold Hill, Rowan County, N. C. This company is the successor of the old Gold Hill Copper Co. of lamented memory. The latter is described in the Copper Handbook, a recognized authority on such matters, as "a notorious promotion that caught many Wall Street operators," but that is merely a matter of history.

A new company has been organized with Walter George Newman as president, and with an authorized capital of $5,000,000, par $5 a share. The letter sent out on the Senate committee's stationery is signed by "J. C. Williams, economic and mining geologist." Mr. Williams is not listed in the American Institute of Mining Engineers, so far as could be ascertained here.

As Mr. Newman, the promoter and owner of a majority interest in the property, understands it, Williams was sent down to Gold Hill at the instance of Senator CHILTON. Thereafter the mining engineer wrote a letter to the Senator, which has been reproduced by mistake on the official stationery of the two Senate committees and fallen into the hands of stock brokers.

LETTER TO THE SENATOR.

The letter to Senator CHILTON reads:

GOLD HILL CONSOLIDATED CO.,
Gold Hill, N. C., May 29, 1914.

Hon. W. E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: After spending some 30 days on the Gold Hill property and feeling you may be interested in what I may know and believe about the property I write you this condensed information.

I have gone over the property of the Gold Hill Consolidated Co. very carefully, both on the surface and through the mine down to the 800-foot level. After examining seven veins from 2 feet 6 inches to 12 feet in width, sampling and assaying them, I must say I see greater possibilities in the Gold Hill property every day.

My first opinion is fully confirmed and the veins will go to much greater depth than the 800-foot level and carry high values in gold, silver, and copper. The copper veins alone will pay all expenses and show a handsome dividend, leaving the gold and silver clear.

After comparing the Gold Hill property with other mines and mining properties which I have examined both in the United States and Canada, on which valuations have been fixed, I would say I believe that $60,000,000 valuation on the Gold Hill property a conservative estimate.

Yours, very truly,

J. C. WILLIAMS,
Economic and Mining Geologist.

Just how this letter has been reproduced on the official paper of the Senate committees is shown by photographs of the documents themselves. Each is plainly marked "copy" and both Senator CHILTON and Senator OVERMAN believe that that fact alone is sufficient to indicate that the committees as such and the other individuals whose names appear on the letterheads had nothing to do with the mining project.

SOME SENATORS HOT.

Some of the Senators whose names appear on the papers take a different view and are inclined to be hot over it. For instance, in the upper left-hand corner of the Census Committee's letterhead is the name of ROBERT M. LA FOLLETTE, also that of Senator ALBERT B. CUMMINS, of Iowa, who has some decided views on the question of Government supervision of the issuance of the stocks and bonds.

Mr. CUMMINS has been favored beyond any other Senator through the mistakes made in the offices of Senators CHILTON and OVERMAN. His name appears on both letterheads, as he is a member of the Committee on Rules as well as the Committee on Census. He had never heard of the Gold Hill Consolidated Co. until he saw his name on one of the letterheads bearing the engineer's report.

Other Senators whose names appear on the official paper of the Census Committee are HENRY A. DU PONT, of Delaware; GEORGE P. MCLEAN, of Connecticut; CHARLES E. TOWNSEND, of Michigan (Republicans); and ATLEE POMERENE, of Ohio; MORRIS SHEPPARD, of Texas; BENJAMIN F. SHIVELY, of Indiana; JOHN R. THORNTON, of Louisiana; JAMES E. MARTINE, of New Jersey; and WILLIAM H. THOMPSON, of Kansas (Democrats); and Henry Fry, clerk of the committee.

The Senators whose names appear on the letterhead of the Committee on Rules, of which Mr. OVERMAN is chairman, are, besides Mr. OVERMAN and Senator CUMMINS, FRANCIS E. WARREN, of Wyoming; JACOB H. GALLINGER, of New Hampshire; KNUTE NELSON, of Minnesota (Republicans); and JOHN W. KERN, of Indiana, JAMES A. O'GORMAN, of New York; JOHN SHARP WILLIAMS, of Mississippi; and LUKE LEA, of Tennessee (Democrats); and Charles B. Martin, clerk.

MR. POMERENE SAID TO BE IN IT.

Of these Senators, besides Mr. OVERMAN and Mr. CHILTON, Senator POMERENE, of Ohio, is the only one who is said to have a stock interest in the mine. Senator OVERMAN acknowledges that he is a stockholder and Senator CHILTON says that some friends of his are very much interested in it. At Senator CHILTON'S office the receipt of the letter from the mining engineer Williams was explained on the ground that the Senator was a stockholder.

Senator SWANSON, of Virginia, is another Democrat who is said to have acquired an interest, and the ramifications of stock ownership extend to the House side of the Capitol and out into the highways and byways of Washington.

At Senator CHILTON'S office one of his clerks accepted full responsibility for issuing the mining engineer's letter on the Census Committee paper. He said that Newman had asked to have copies of the mining engineer's letter struck off and that no other paper being handy, he, the clerk, had taken the official stationery of the Senate committee. These copies produced in the Census Committee's office were printed on a multigraph machine. The clerk thought he had struck off perhaps a hundred of them and they had been turned over to Newman.

Senator OVERMAN complained that the very same mistake had been made by one of the employees in his office and that the mining engineer's letter had been struck off on the official paper of the Senate Committee on Rules without his knowledge.

Newman was under the impression that Senator OVERMAN'S office sent these letters to his friends. Newman resented any suggestions that any of these letters had been used in promoting the sale of Gold Hill stock. He declared that he did not have a share to sell and that he was in the market buying the stock. As Newman recalled it, the letters had been sent to men who were already interested in the stock, for their information.

LETTERS TO THE STOCKHOLDERS.

Mr. Newman has been a familiar figure for several months in the corridors of the Capitol. On March 6 last he published in the Washington newspapers a letter to the Gold Hill stockholders, which read:

"I wish to make a statement to you regarding the conduct of your company's mines at Gold Hill. Since August 13, 1913, to March 1, 1914, your mines have been completely rehabilitated and are to-day in a splendid working condition and a large producer of gold, copper, and silver.

"There are 14 large and distinct veins at the 800-foot level in your mines, averaging 2 to 18 feet in width and can be traced the whole length of the property.

"These veins carry large quantities of gold, copper, and silver, some very rich in sulphur. There is one vein in particular, known as the W. G. N. vein, which has been worked and developed more extensively than any of the rest on your property. This vein was first encountered 320 feet from the main working shaft, going west in a crosscut at the 800-foot level, and a rise made in same for 200 feet from the 800-foot level toward the surface, it all being in virgin ground. This vein averages over 3 feet in width and $250 per ton for gold alone, and has been opened up for 3,000 feet on the surface.

"We are now driving cuts from the main working shaft at the present and encounter this vein. It is my desire to pay handsome dividends on your stock before January 1, 1915.

"Yours, very respectfully,

"WALTER GEORGE NEWMAN, *President.*"

Dr. Dewey, of the Government assay office, was the expert who visited the mines at the suggestion of John Skelton Williams. He reported upon his return to Washington that he found conditions which, in his opinion, would warrant the expenditure of money for the pur-

pose of developing the property and ascertaining just what the mine would yield. That is as far as he would go.

He said the only fair test would be a working of the property over a period of six months with stamps from different parts of the mine and thus ascertaining the average yield.

Dr. Dewey made no assays on the ground, but he acknowledged that specimens of ore said to be from the mine had been submitted to him and that his assays ranged from $800 a ton down practically to nothing. In other words, there seemed to be evidence that the mine was spotty, like most North Carolina properties, and the only way of making a fair test would be operation over a period of months. Newman contends that he is now following that course.

MINE WITH A LONG HISTORY.

The Gold Hill, N. C., mine is one with a long history. Before the Civil War, it is said, several millions of dollars were taken from it. Like most North Carolina mining ventures, however, it has had a checkered career. The Copper Handbook describes it as the largest gold producer in 1845 in the United States. The Copper Handbook adds:

"The mine was operating in 1913, crosscutting on the 270-foot level to cut the Newman vein already opened on the 800-foot level. Shipments to the Perth Amboy smelter returned 1.5 per cent copper and about $3 gold per ton, with small silver values."

For a considerable period the mine was involved in litigation and at one time was flooded. Newman contends that after pumping it out and crosscutting it he made discoveries which warrant his present rosy representations. He asserts, also, that he has added materially to the plant recently.

Newman himself is president and the directors, as given in the 1913 reference books, were Edward H. Swan, William P. Woodbury, Woodruff Leeming, Charles F. Stacy, J. C. Kemp, and W. F. Lanigan.

Mr. OVERMAN. Mr. President, while, so far as I can see, there is no reflection whatever upon my integrity contained in that article, I desire to introduce a resolution asking the Senate to investigate the matter thoroughly, because otherwise some one may say that there is some reflection contained in the article which has just been read.

So far as the statement concerning letters copied on stationery from my office is concerned, I wish to say that there were just four copies taken by a lady stenographer temporarily employed in my office, who is very much distressed about it. She said that late one evening when I was absent Mr. Newman came to my office and asked her to make copies of the letter from this mining expert to Senator CHILTON, which she did, thinking there was no harm in doing so, as she has frequently done the same thing for other parties. People from my State frequently come there and have letters copied, and she copied the letter in this instance, as I have said, believing there was no harm in it. I knew nothing in the world about it.

I have never advised anybody to buy any stock in this gold mine; I have never in any way attempted to promote the sale of any stock. I know something about the mine because it is situated in my county. Just prior to the discovery of gold in California that county was the famous gold field of the United States, and, because of the immense quantities of gold there and in the surrounding counties, the United States Government located at the city of Charlotte a mint. Subsequently the mint was abolished and there was established what was known as an assay office, which continued there until 1910, when the assay office was also abolished.

Some time ago this man Newman went down there, unwatered this mine, began crosscutting, and claimed that he had found some of the old veins that had been lost. I may say, in passing, that a great geologist, as I will be prepared to show at the proper time, says this is a wonderful gold field. I refer to Prof. Emmons, who speaks of it as a wonderful gold property, and I want to say that the records of the mint in Charlotte show that $5,000,000 were taken out of this mine.

I did not ask for the establishment of the assay office at Charlotte, but some parties in my State did ask for the reestablishment of the assay office there. We have other mines down there. They have not been paying in great quantities, because those working the mines have not gone down deep enough. Mr. Williams was requested by some one in my State to ask for the reestablishment of the assay office at Charlotte. I have never attempted to secure its reestablishment. Although I am on the Appropriations Committee, I have had nothing in the world to do with it, and refused to have anything to do with it. The Director of the Mint sent an expert down there to investigate as to whether this mine would pay enough money to warrant the reestablishment of the assay office. The Government has the building there, it has the machinery and all the equipment; it only needs some one to run the assay office; but I did not think the mine had been sufficiently developed for me to ask the committee to reestablish the assay office. After I saw the very roseate report concerning the mine and after a talk with this man Williams, whom I do not know and with whom I had never talked before, in which he said the mine was worth about $60,000,000 and the stock was selling at 50 cents, I did buy about $2,000 worth of stock. That is all I have in it, and I have done nothing to promote the stock or to assist in its promotion in any way whatever. Down in my office the letter paper of the committee of which I am chairman was used without my knowledge and consent by a poor woman who was in the office temporarily.

Now I submit the resolution which I send to the desk and which I desire to have adopted in order that Senators may investigate the matter and see whether there has been any want of integrity on the part of anybody in connection with this mine. Of course, no one can or could question my integrity or has done so. But it is best to let the truth be known in regard to everybody else's connection with it. I believe there are great possibilities for the development of the mineral resources of my State, and I hope this resolution will have the effect to let the people know what a great State we have in mineral resources, as well as agricultural and manufacturing resources.

Mr. CHILTON. Mr. President, inasmuch as my name is used in connection with this matter, I want to ask the indulgence of the Senate for just a moment. All of this goes to show what will happen to a Democrat when he gets to fooling with the gold standard. If he would stick to the old 16 to 1, he would never have anyone question his motives. [Laughter.]

Mr. President, some time ago—I am not accurate in remembering dates and time—my attention was called by some one, probably by Mr. Newman, whom I met here, to a wonderful new discovery which had been made in North Carolina. Now, Mr. President, I want to say that I will yield second place to nobody in having money invested in gold mines. I have some in holes in Washington, in California, in Colorado, in Georgia, in South Carolina, in Virginia, in North Carolina, and probably in several other States. All my life I have fostered the idea that possibly I might get out of my habit of not having enough to pay my bills by making a strike in a gold mine. They have always looked attractive to me, and, inasmuch as I have so much money in holes of that kind, I want to go to that kind of a hole to get out the money which I have invested.

I felt interested in the statement made to me, and after consulting with some friends in West Virginia who knew something about these matters I sent Mr. Williams, or, rather, a friend of mine sent Mr. Williams, down there. He came here to Washington to see me, and I gave him a letter of introduction to some one—I believe, to Mr. Montgomery, whom the Senator from North Carolina [Mr. OVERMAN] knows very well, and told him that we wanted this man to examine the property. Mr. Williams made a report, which report I have shown to several people, and later, along in the latter part of May, he wrote me a letter.

One day Mr. Newman came to me—I think it was to me—he came to my office and said he wanted that letter. That is all I knew about it. Recently I heard that some one had a copy of that letter of Mr. J. C. Williams, the expert, written upon the paper of the Census Committee. The stenographer in my office told me that Mr. Williams came in with that letter and asked him to make some copies, and the most convenient paper he had being the paper of the Census Committee he made several copies for him upon that paper. He did it in the open; there was no secret about it; there was no concealment of anything. In other words, Mr. President, substantially the truth is told about the matter by the reporter so far as I am concerned. It is true it is told in a rather flippant way that some enemies might take to reflect upon me, but in the main, reading it in cold type, he has told it as it occurred.

If that were all, I would not dignify a thing of this kind any more than I would dignify any other letter that anybody might choose to copy and flare around in improper places, but I realize that there are other Senators on that committee with me and other Senators on the committee of which the Senator from North Carolina [Mr. OVERMAN] is chairman, and I want to ask the Senate to promptly make an investigation of this matter to ascertain the facts. If they are as stated in the article and if it seems that any of us is subject to censure, I am here to take my medicine, but above all I do want the Senate and the country to know the actual facts in the case.

I will say, as Senator OVERMAN has said, that I never authorized anyone to use my Senate paper for any such purpose, and I am sure that everyone having knowledge of it will so testify.

I do want to call attention to the fact that the paper is marked "copy" plainly, and therefore no one could have been deceived.

Mr. OVERMAN. I ask that the resolution be read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 394) submitted by Mr. OVERMAN, as follows:

Resolved, That a special committee of five Members of the Senate be appointed by the President of the Senate, and that said committee is hereby empowered and directed to make a thorough and complete in-

vestigation into the use of stationery of the United States Senate Committee on the Census and the United States Senate Committee on Rules in the promotion of the so-called Gold Hill Consolidated Co., and of the sending of an employee of the United States Treasury to make an investigation of and report upon the property of said company, and any other matters touching upon or relating to the use of property of the United States or employees of the United States Government in connection with the promotion or business of said Gold Hill Consolidated Co. Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress; to require, by subpœnas or otherwise, the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from any of the departments or bureaus of the Government; to employ stenographers to take and make a record of all evidence taken by the committee, and to keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound. The chairman of the committee, or any of the members thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee, or the chairman of any subcommittee thereof. All hearings by and before said committee, or any subcommittee thereof, shall be open to the public. The expenses of such investigation shall be paid for out of the fund for contingent expenses of the Senate.

Mr. OVERMAN. Mr. President, the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate under the rule.

The PRESIDING OFFICER. Under the statute, of course the resolution would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate, to be passed upon.

Mr. OVERMAN. That is what I have suggested.

The PRESIDING OFFICER. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. OVERMAN. I ask for the reading of the Diplomatic and Consular bill. I wish to say that this is the first bill ever reported out of the Committee on Appropriations that carried less than the House appropriated.

The Secretary proceeded to read the bill, and read to line 2, on page 2.

Mr. OVERMAN. I offer a committee amendment at this point to make funds available for the payment of our envoys and ministers to Argentina and Chile.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, at the end of line 2, it is proposed to insert:

Provided, That of the amount appropriated for salaries of ambassadors to Argentina and Chile so much as may be necessary shall be available for the payment of salaries of envoys extraordinary and ministers plenipotentiary to Argentina and Chile at the rate of $12,000 each per annum, and shall continue to be available during the fiscal year ending June 30, 1915, until such time as duly accredited ambassadors extraordinary and plenipotentiary shall have been received by the Governments of the Argentine Republic and of Chile, respectively.

Mr. SMOOT. I will ask the Senator to explain the amendment.

Mr. OVERMAN. As the bill reads, on the 1st day of July these salaries are made $17,500 each for the payment of ambassadors. The ambassadors are not yet appointed, and while the law provides for ambassadors there, they will have no way of paying the men who are serving. The men who are holding on as ministers will get only $12,000. We wanted to make available of the $17,500 appropriated for ambassadors such part as is necessary to pay the ministers, and the same as to the clerks.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, at the end of line 24, it is proposed to insert:

Provided, That of the amount appropriated for salaries of secretaries of embassy to Argentina and Chile, so much as may be necessary shall be available for payment of salaries of secretaries of legation to Argentina and Chile at the rate of $2,625 each per annum, and shall continue to be available during the fiscal year ending June 30, 1915, until such time as duly accredited secretaries of embassy shall have been received by the Governments of the Argentine Republic and of Chile, respectively.

The amendment was agreed to.

The reading of the bill was resumed.

The first amendment of the Committee on Appropriations was, under the subhead "Emergencies arising in the Diplomatic and Consular Service," on page 9, line 13, after the words "Revised Statutes," to strike out "$50,000" and insert "$75,000," so as to make the clause read:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $75,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1914, which is hereby reappropriated and made available for this purpose.

The amendment was agreed to.

The next amendment was, at the top of page 11, to strike out:

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $10,000.

And insert:

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $20,000: *Provided*, That $10,000 thereof is made immediately available to resume the work relating to the distribution of water, as authorized by and in pursuance to concurrent resolution of April 29, 1890, and the protocol of May 6, 1896, between the United States and Mexico.

The commissioner appointed by the Secretary of State under article 21 of the treaty of 1848, and reaffirmed under article 7 of the treaty of 1853, and article 5 of the treaty of 1884, and article 8 of the treaty of 1889, to carry on this work, is hereby authorized and directed to pay the salaries, compensation, wages, and allowances heretofore authorized or approved by the Secretary of State, and any and all persons employed by or under direction of the commissioner appointed by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, wages, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service; and the appropriation made by the Diplomatic and Consular appropriation act, approved February 28, 1913, "To enable the commission to continue its work under the treaties of 1884, 1889, and 1905" is hereby made available for the payments herein authorized and directed.

Mr. OVERMAN. On page 11, line 24, I move to strike out the word "and" after the word "hereby." It is incorrect.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The amendment to the amendment will be stated.

The SECRETARY. On page 11, line 24, after the word "hereby", it is proposed to strike out the word "and."

The amendment to the amendment was agreed to.

Mr. BURTON. Mr. President, this is a joint commission; is it not?

Mr. OVERMAN. Yes. There is a good deal of difficulty about arriving at what the treaty meant. A treaty was entered into in 1845, and subsequently there was a protocol, and there has been a conflict between the jurisdiction of what was known as the water commission and the boundary commission. The boundary commission has been acting all the time, until the auditor made a ruling that the indebtedness incurred by the water commissioner could not be paid under the former law. We have therefore divided it and appropriated $10,000 for the boundary commission and $10,000 for the water commission, so that they can pay the back indebtedness and also go on with the water matter as provided for in the protocol.

Mr. BURTON. Are our commissioners acting now in concert with commissioners from Mexico?

Mr. OVERMAN. Yes; I think so. I know that Gen. Mills is. I can not say as to the others. I know that the treaty provides for it. I do not know whether the Mexican commissioners are there or not; but the treaty provides for it; and I take it for granted they are there.

Mr. BURTON. What Government, what administration takes up the different claims down in Mexico?

Mr. OVERMAN. Commissioners were appointed under the treaty, named in the treaty itself. Whether those same men are at work or not, or whether they have died or resigned or other commissioners have been appointed in their places, I am unable to inform the Senator, but I understand they are going ahead with the work. They have surveyors down there. Evidently they worked last year, because there is $1,100 of indebtedness due for the people that they have in their employ, and there is no way to pay them under the ruling of the auditor.

Mr. BURTON. In view of the fact that we have recognized no Government in Mexico, what good would result if these commissioners did come to some conclusion?

Mr. OVERMAN. We may later on recognize some Government down there, and we are providing for that.

Mr. BURTON. So the Senator from North Carolina will concede that no conclusion could be reached at present from their labors? It would be necessary to wait?

Mr. OVERMAN. We are living in hope, watching and waiting to see what will happen.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Boundary line, Alaska and Canada and the United States and Canada," on page 12, line 24, after the word "necessary," to strike out "to reduce field notes"; and on page 13, line 7, after the word "necessary," to strike out "to reduce field notes," so as to make the clause read:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary, $100,000, together with the unexpended balance of previous appropriations for these objects.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to strike out:

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission and the expenses of a commission, including preparation of reports, $2,550.

Hereafter the United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission.

That hereafter the Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commission to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress.

The amendment was agreed to.

The next amendment was, on page 14, after line 12, to strike out:

INTERNATIONAL GEODETIC ASSOCIATION FOR THE MEASUREMENT OF THE EARTH.

To enable the Government of the United States to pay, through the American Embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the Measurement of the Earth, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Pan American Union," on page 14, line 24, after the words "requisitions of the," to strike out "chairman of the governing board of the Union" and insert "Secretary of State," and on page 15, line 1, after the word "Union," to strike out "and of carrying out the orders of said governing board," so as to make the clause read:

Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the Union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Union: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the monthly bulletin not to exceed 6,000 copies per month, for distribution by the Union during the fiscal year ending June 30, 1915.

The amendment was agreed to.

Mr. ROOT. Mr. President, on page 15, after line 16, I should like to insert the amendment which I send to the desk.

Mr. OVERMAN. I will accept that amendment.

The PRESIDING OFFICER. The committee having accepted it, the amendment is in order. Ordinarily it is the rule to consider only committee amendments first.

Mr. BURTON. What is the amendment?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 15, after line 16, it is proposed to insert:

To the International Commission on Annual Tables of Constants and Numerical Data, Chemical, Physical, and Technological, as established by the Seventh International Congress of Applied Chemistry in London and as continued by the eighth congress in New York, as a contribution by the United States toward the publication of annual tables of constants, chemical, physical, and technological, $500.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 15, after line 16, to strike out:

BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION.

For the contribution of the United States toward the maintenance of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium, $2,000.

Mr. BURTON. Mr. President, I desire to oppose that amendment. The Interparliamentary Union is an organization to which we have been contributing for a number of years. Indeed, the contribution contained in the Diplomatic and Consular appropriation bill for 1914 was $2,500.

The work of the union is very important. In its membership there are included representatives from almost every legislative body in the world, and they maintain a general bureau at Brussels with a secretary. The different countries contribute toward its expenses. Our contribution, I believe, is one of the largest, but nearly all other countries contribute as well. Last year it was $2,500. Now it is proposed to strike out the $2,000 that is included in the House provision. I hope that will not be done.

Mr. OVERMAN. Mr. President, I wish to state to the Senator that we have adopted this policy: Wherever there was a union or an association or a meeting of any kind abroad that was not provided for in some treaty or in some act of Congress, where it was simply an association of men without any recognition on the part of the Government, either through the Secretary of State or Congress or in some other way, we did not see why the United States should be contributing to an association entirely disconnected from the Government, without any request on the part of Congress and without any agreement in any treaty.

If we do it in one case, I suggest to the Senator that we ought to do it in dozens of cases that we have stricken out here where sometimes men go to Europe. I do not say that there is any provision here to send a delegate to Europe, as in some cases there is.

We have stricken out all of the provisions where there are meetings held abroad that are not authorized by any act of Congress or any resolution or any treaty or any request on the part of the Secretary of State or the President.

Mr. BURTON. Mr. President, it will be accepted as an act of gross discourtesy to these other countries—to Belgium, to the Netherlands, to France, and to Great Britain.

Mr. OVERMAN. How could it be discourteous when there is no governmental act connected with it?

Mr. BURTON. But we have given this amount year by year.

Mr. OVERMAN. We have given it to the association.

Mr. BURTON. We have a very considerable delegation from the Senate and the House.

Mr. OVERMAN. I have been invited to it, and I believe I am a member of it. It has no governmental authority in any country. We can not treat any government with discourtesy, because no government has ever provided for it anywhere that I have ever heard of; and I do not think the Senator can show me that the union has any authority under any governmental resolution or act or agreement.

Mr. BURTON. In 1904 we invited them to come to this country, and made an appropriation. In pursuance of a resolution by this union President Roosevelt issued the invitation for the Second Hague Conference. Without any disparagement of the other interparliamentary or international organizations specified in the bill, this is the most important, because it includes delegates from every country that has a parliamentary system of government. Even Japan and Russia have sent delegates.

Mr. OVERMAN. What does the Senator mean by "delegates"? Does he mean delegates selected by somebody outside—not Government delegates, not representatives of the Government?

Mr. BURTON. They are under the recognition of the Government. They are sent by the different branches of the union in the different States.

Mr. OVERMAN. Just like some temperance society would send a delegate abroad, or some Elks' society, or something of that kind.

Mr. BURTON. Oh, it is altogether different from that.

Mr. OVERMAN. Why, any society might send a delegate for the same reason, and the expenses might be paid as these are paid.

Mr. ROOT. Mr. President, may I make a suggestion to the Senator?

Mr. OVERMAN. Gladly.

Mr. ROOT. This practice has been running for many years under the system of concurrent legislation—a method of reaching harmonious action on the part of different Governments, which is often quite as effective as the making of formal treaties.

The Interparliamentary Union is a conference between the legislators of the different civilized countries.

No one from the United States takes part in it except by virtue of his election either to the Senate or to the House of

Representatives of the United States. At fixed times the represenatives of the legislative bodies of the civilized countries of the world meet to confer regarding those matters which tend toward doing away with barriers, unifying commercial methods, and reducing the obstacles to friendly and profitable intercourse. Their association and conference and better understanding is, I think, a very useful agency toward advancing the purposes we all have in mind as legislators.

We could all go if we saw fit. Every Member of the Senate and every Member of the House is competent to attend these meetings, but, of course, it is not convenient for very many to do so. Year by year for many years Members of the Senate and Members of the House have attended these meetings, under, as I say, a course of concurrent legislation by which the United States has recognized, in sympathy and harmony with the other civilized countries of the world, the advantages and benefits of this system of legislative conferences. I think it would be very unfortunate for the United States to withdraw its approval.

Mr. OVERMAN. I wish to say to the Senator that I frankly agree with him that this is a very important meeting, and I hope it will be carried on. I think it is doing great work. The question with us, however, is whether or not the United States Government can afford not only this but other similar things. If we do it for this association, I presume we will have to go on and do it for a dozen other associations that meet upon their own initiative, go over to Europe, and have a discussion over there.

If the Government had recognized this body in any way by a resolution or by a treaty or by a suggestion upon the part of the President—as was done, as the Senator from Ohio said, some years ago, when the President of the United States, then Mr. Roosevelt, took it up—of course, we ought to appropriate for it.

Mr. ROOT. But, Mr. President, one object of my remarks was to point out that our Government has recognized it. For many years regular appropriations have been made to carry on the work of this union. Somebody has to pay the expenses, you know. These gentlemen do not come together on their own account. They come together only as officers of this and of other Governments. Somebody must pay the expenses, and I think we should pay our share. We should do our part toward the payment of expenses, just as we do toward the International Postal Union and a variety of other joint international undertakings for the common benefit.

Mr. OVERMAN. While I do not say it in reference to this, these things are generally gotten up by some man who wants to go to Europe and have a good time under governmental authority. That does not apply to this case, however.

Mr. BURTON. Mr. President, I must correct that statement.

Mr. OVERMAN. I said it did not apply to this case.

Mr. BURTON. The Senator from North Carolina is entirely in error. This is not to pay anyone's expenses.

Mr. OVERMAN. I did not say so.

Mr. BURTON. There is a bureau in Brussels that maintains a considerable force of clerks. They do a very large amount of printing. The propositions made by committees are submitted to every member of the union. For instance, there is a proposition now for an international court to settle certain controversies arising from subjects about which there are treaties. There are a number of other questions; for instance, the status of navigable canals. There is a proposition pending in regard to rates of postage. A resolution was adopted at the last meeting in regard to the recognition given by governments to loans for purposes of war.

I believe no rental is charged for the halls in which they meet. They met in the historic chamber at The Hague the last time and they met at Geneva preceding that. The secretary receives a salary which is not very large, but he has a considerable number of subordinates. I do not see how the American members of this group could attend this gathering if this Government, after having appropriated for this purpose for years, should now strike out the item.

Mr. OVERMAN. How long has the Government been appropriating for it?

Mr. BURTON. I do not recall the number of years. In looking over the last Diplomatic and Consular appropriation bill I notice that it was in that bill.

Mr. OVERMAN. I think it has been carried in the bill for a few years.

Mr. BURTON. I think it has been carried for some five or six years at least.

Mr. OVERMAN. I want to say that I am not striking at this item especially. I think it is the best of all the appropriations for unions whose meetings are being held over there. I am a member of it myself, as the Senator knows; but we had to establish some rule or principle to guide us. There are efforts being made every year to get these associations to meet abroad, and then they want to establish a headquarters somewhere and have the Government appropriate to sustain those headquarters in Europe; some of them.

This is not the only one. We are not striking at this organization especially, but we had to establish some rule or some principle to go by. The committee thought they would establish the rule that wherever the Government, by the action of Congress or by some treaty, brings the meeting about, it is our duty to appropriate, but here it is just an organization of men outside of the Government, and I do not see why we should appropriate for it.

Mr. BURTON. They are not outside of the Government.

Mr. OVERMAN. Well, it is just like any other association.

Mr. BURTON. The prime minister of England belonged to it for many years and delivered the address of welcome at their meeting in 1906.

Passing on here, there is the International Institute of Agriculture. Is that the result of treaty?

Mr. OVERMAN. It is.

Mr. ROOT. Yes; that is the result of treaty.

Mr. BURTON. Is the same true of the International Railway Congress?

Mr. OVERMAN. Every one of them. We have examined thoroughly as to that.

Mr. BURTON. Is the same thing true in regard to the Committee on Postal Rates?

Mr. OVERMAN. Yes; every one that is in here that has not been stricken out is provided for either by treaty or by resolution of Congress.

Mr. BURTON. Nevertheless, Mr. President, whether these are provided for by treaty or not, we have given this recognition. We invited them to come to this country so long ago as 1904, and I am not sure but that this appropriation has been made every year since then. It has been made at any rate for a considerable time. I do not like to rely upon my recollection without having the papers at hand, but I think that for 10 years past we have contributed to the expense of this union. It is an object in relation to which foreign Governments might feel a peculiar degree of sensitiveness because the organization includes delegates from all their legislative bodies. We have taken rather a prominent part in the meetings of the union. Our contentions have been listened to with a great deal of respect. I know no place where American influence can be enlarged or recognized in a greater degree than in the meetings of this union.

Mr. McCUMBER. I wish to ask the Senator with what degree of consistency or pride any American delegate could attend a conference where the American Government refuses to contribute any portion whatever and where all the other Governments represented contribute.

Mr. BURTON. I think the question would arise whether we ought not to stay away if the Congress of the United States refuses to make this appropriation. I think we have not been quite as regardful of the courtesies due to foreign Governments in some of our legislative action as we ought to have been, and I know no slight that would be worse than to omit this appropriation.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. I do.

Mr. SMOOT. In regard to this amendment, I will state frankly that I voted for striking out the provision upon the understanding that it was to pay the expenses of the delegates to attend the convention.

Mr. BURTON. Not a dollar.

Mr. SMOOT. That evidently is not the case from what has already been stated. I will ask the Senator from North Carolina if that was the understanding of the committee, whether it would not be better to restore it?

Mr. OVERMAN. It was not the understanding of the committee. I explained it. I have no special objections to this matter, but we established a rule that we had to be guided by in this matter. Can the Senator assure me that other countries contribute?

Mr. BURTON. Yes; decidedly.

Mr. OVERMAN. What other countries?

Mr. BURTON. Great Britain.

Mr. OVERMAN. All countries?

Mr. BURTON. I could not say that all countries contribute; but there is a list published of the contributions. I think

ours is one of the larger ones, and has been for years. It may be the largest.

Mr. OVERMAN. Of course we have no way of getting information from the Department of State or anywhere else, except from the Senator. I believe I will agree to let it go in. The Senate may disagree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment was, under the subhead "International Institute of Agriculture," on page 15, line 26, after the date "1915," to strike out "$8,000" and insert "$4,800," so as to make the clause read:

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1915, $4,800

The amendment was agreed to.

The next amendment was, on page 16, line 3, after the date "1915," to strike out "$3,600" and insert "$2,500," so as to make the clause read:

For salary of one member of the permanent committee of the International Institute of Agriculture for the calendar year 1915, $2,500.

The amendment was agreed to.

Mr. SMITH of Michigan. Let me call the attention of the Senator from North Carolina to line 24 at the bottom of page 11. It seems to me there has been a word left out or an unnecessary word put in.

Mr. OVERMAN. We struck out the word "and" before "authorized" in line 24. We have fixed it.

The PRESIDING OFFICER. The word "and" was stricken out.

Mr. SMITH of Michigan. I beg pardon.

The next amendment was, on page 16, line 7, after the word "Rome," to strike out "$5,000" and insert "$2,500," so as to make the clause read:

For the payment of the quota of the United States for the cost of translating into and printing in the English language the publications of the International Institute of Agriculture at Rome, $2,500.

The amendment was agreed to.

The next amendment was, on page 16, after line 15, to strike out:

SALARIES AND EXPENSES, UNITED STATES COURT FOR CHINA.

Judge of the United States court for China, $8,000; district attorney of the United States for China, $4,000; marshal of the United States court for China, $3,000; clerk of the United States court for China, $3,000; stenographer of the United States court for China, $1,800; for court expenses, including reference law books, $9,000; total, $28,800.

And to insert:

UNITED STATES COURT FOR CHINA.

Judge, $8,000; district attorney, $4,000; marshal, $3,000; clerk, $3,000; stenographer, $1,800; court expenses, including reference law books $9,000; in all, $28,800.

The amendment was agreed to.

The next amendment was, at the top of page 18, to strike out:

PERMANENT INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA.

For the pro rata share of the United States in the administrative expenses of the Permanent International Council for the Exploration of the Sea, in the interest of the commercial fisheries, $5,956; for the necessary expenses of expert official representatives in attendance at the annual meeting of the council and clerical and other expenses connected with the investigations, $1,200; in all, $7,156.

The amendment was agreed to.

The next amendment was, under the subhead "International Seismological Association," on page 18, line 16, after the word "commission," to strike out "$1,300" and insert "$800," so as to make the clause read:

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of the United States delegate in attending the meetings of the commission, $800.

The amendment was agreed to.

The next amendment was, under the subhead "Arbitration of outstanding pecuniary claims between the United States and Great Britain," on page 18, after line 18, to strike out:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical, and other assistants, to be expended under the direction of the Secretary of State, $50,000.

And to insert:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows.

Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following, for salaries and expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographer for arbitrators, for three months, at $100 per month, $300; messenger, for three months, at $60 per month, $180; traveling expenses of arbitrators, $2,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $9,390.

For rent of office for joint secretaries, $360.

Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, to be appointed by the President, by and with the advice and consent of the Senate, $5,000 per annum; counsel, $2,520; two law clerks, at $1,800 per annum each; joint secretary, who shall also act as disbursing clerk, $2,500 per annum; two stenographers, at $1,200 per annum each; and messenger, $720 per annum; in all, $24,240.

Expenses, United States agency: Necessary expenses of counsel and assistants, $4,000, or so much thereof as may be necessary; printing memorials, replies, evidence, and briefs, $5,000; rent, $2,000; stationery and supplies, $700; miscellaneous expenses, $500; and international reference works and reports, $500; in all, $12,700.

Mr. SUTHERLAND. Mr. President, if I understand this amendment, I think it is a very unwise one. The language of the bill as it came from the House is general:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical, and other assistants, to be expended under the direction of the Secretary of State, $50,000.

In 1910 we entered into an agreement with Great Britain by which we agreed to arbitrate certain claims that were specified in a schedule annexed to that agreement and other claims that might be specified in subsequent schedules. The claims which were enumerated in the first schedule were a very large number, I think 100 or two or three hundred perhaps in number. Of course, they were mostly very small claims and were grouped together so there would be perhaps not more than 40 or 50 groups of different kinds of claims.

Under the treaty there were three arbitrators appointed; rather there were two arbitrators and an umpire, the United States selecting one abitrator, Great Britain another arbitrator, and they two selecting an umpire.

Shortly after this treaty came into operation we appointed our various agents for carrying it into effect on the part of the United States. We originally appointed an agent at a salary, I think, of $15,000. Subsequently he resigned and another agent was appointed at a salary of $7,500, the last agent appointed being Mr. Lansing, who is now counselor for the State Department. We appointed two counselors. When I say we, I do not mean Congress, but I mean the administration. We appointed two counselors. One of them at the time he was appointed was the solicitor for the State Department. His appointment took effect immediately after the 4th of March of last year. Another was a prominent young lawyer, a man of excellent ability, who is a resident of New York. Those two men took up the work on behalf of the United States, and they have carried it forward for more than a year.

These cases are of great importance and of great intricacy. It is impossible for any lawyer to become familiar with them in order to present properly the side of the United States unless he gives to the cases very great and careful attention. A number of these cases have been presented. Mr. Clark, who was the former solicitor of the Department of State and who is the chief counsel, has personally argued, I think, some 16 of the cases. He has devoted necessarily a great deal of time to the preparation of the cases. He has been eminently successful. I think every case that he argued and which has been decided has been decided in favor of our Government.

There are pending before this arbitration board at the present time, unargued and undetermined, some five or six cases, which are the most important of any of those that were submitted. Included in those cases is one which involves the claim of Great Britain against this Government in behalf of the Cayuga Indians of Canada. We have been paying for a great many years annuities to the Cayuga Indians. The British Government has presented a claim in behalf of the Canadian branch of that tribe or nation for back annuities, and it amounts to upward of a million dollars. The claim on the part of the United States, which was prepared with great care by the New York lawyer, Mr. McKinstry, covers some 1,500 or 2,000 pages. A vast volume of testimony has been taken, and that case has not been argued.

Now, it is the purpose of this amendment to turn out these two men, who are familiar—the Senator from North Carolina [Mr. OVERMAN] shakes his head, but——

Mr. ROOT. The effect of it is that.

Mr. SUTHERLAND. The effect of it is that, whether it is the purpose or not.

Mr. OVERMAN. It is not true that the effect would be to do that at all.

Mr. SUTHERLAND. Let us see.

Mr. OVERMAN. Let me call attention to one matter with which the Senator is probably not familiar. The Senator stated the facts correctly, but I just wanted to see what complaint he has to make against this amendment.

Mr. SUTHERLAND. I do not hear the Senator.

Mr. OVERMAN. I was waiting to see what the Senator's objection is to this amendment. He stated the facts about as they are. The Senator does not know, perhaps, that they have not had an agent there for some time who is getting $7,500. They had one counselor who was getting $7,500. The purpose of this amendment is to make the agent do the general counsel's work and the general counsel do the counsel's work. In other words, we want to make the agent do the work which the general counsel ought to do and the counsel do the work that the general counsel is doing now. We developed the fact that there is a man in New York, named McKinstry, who is not employed one-half his time—probably not one-third of his time. We thought $5,000 was enough for that purpose.

The Senator spoke of Mr. Clark. He is a very good man. I understood they were going to appoint him agent. I have no objection. He will get the same salary he is getting now.

The only trouble we have about the House provision is that it gives a lump sum. I am always opposed to lump-sum appropriations. I think salaries ought to be fixed and be definite and certain. When you give a lump sum a man may have a salary to-day at the rate of $7,500, in 6 months he may have another at the rate of $5,000, and in 12 months it may be at the rate of $10,000 a year. They ought to be made definite, and that is what we propose to do by this amendment. In other words, we have made the amendment fit the House appropriation as near as possible. We found that this secretary does not do anything in the world. He is getting $3,000 and stays here in Washington. He does nothing except when the joint commission meets. I think they meet in Canada. We have made his salary $2,500 and imposed upon him some duties to perform; that is, we have made him a disbursing agent. The secretary, who shall also act as disbursing agent, gets $2,500. That is the change we have made.

Mr. SUTHERLAND. I am not objecting to any of these items.

Mr. OVERMAN. What is the Senator objecting to?

Mr. SUTHERLAND. I am objecting to the amendment because the effect of it will be to legislate out of these positions the two lawyers who have had charge of these cases for some years and who ought to be permitted to continue with the work until it is completed.

Mr. OVERMAN. I can not understand the Senator's reason.

Mr. SUTHERLAND. The Senator would not listen to me, but proceeded to make a speech on his own account. I was going to tell the Senator why. The Senator asked me, and then proceeded to make a speech about it.

The provision is:

Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum.

I do not care anything about that except that I think it is a wholly unnecessary provision. Why, if we are to have him appointed at all, should he be appointed by and with the advice and consent of the Senate? I think it may as well be left as it has been heretofore, that the agent shall be appointed by the President without reference to the Senate. But I do not care very much about that. Then, the next provision is:

Counsel, to be appointed by the President, by and with the advice and consent of the Senate, $5,000 per annum; counsel, $2,500.

These two men are now doing the work. They have been appointed without reference to the Senate. Their salaries have been fixed at $7,500 and at $5,000. I think I am somewhat familiar with the work they have been doing, and the amount of the salary is very reasonable. It ought not to be cut down a single dollar.

Now, it is proposed that the President shall appoint somebody as counsel at $5,000 in place of Mr. Clark. I do not think Mr. Clark would accept the appointment at $5,000.

Mr. OVERMAN. Why could not the President appoint him agent? Then he would get the same salary and do the same work.

Mr. SUTHERLAND. I do not know, but I simply want to make sure that these men will be appointed and that the Government will be represented by them in these cases. It would be exceedingly unfortunate if these two lawyers, who have become familiar with these cases, who have partly prepared them and are preparing arguments to be made before this arbitration board, should now be turned out and new men be put in their places.

The Senator from North Carolina [Mr. OVERMAN] is a lawyer, and he understands that a lawyer who has grown up with a case from the beginning is far better able to present it to the court than some lawyer who may be called in at a later day, even though the new lawyer may be quite as able as the old one.

I think the Senator from North Carolina, from what he has said, agrees with me, and if we intend to continue these two men in this employment we ought to say so. I intend to offer an amendment——

Mr. OVERMAN. I do not say what we intend to do. I said Mr. Clark would be appointed to one of these places. My point is that a man who ought to be doing work as counsel is doing nothing, although $7,500 is appropriated for him. There is no such man filling the place.

Mr. SUTHERLAND. You mean the agent?

Mr. OVERMAN. An agent.

Mr. SUTHERLAND. Then cut him out.

Mr. OVERMAN. The treaty requires us to appoint an agent or we would have cut him out.

Mr. ROOT. May I make a suggestion?

Mr. SUTHERLAND. Certainly.

Mr. ROOT. The work of an agent in a case of this kind corresponds to the work of an attorney in our courts——

Mr. OVERMAN. Exactly.

Mr. ROOT. As distinguished from counsel. The great bulk of the agent's work is in preparation. He prepares the case where his Government is the complainant. He prepares the counter case where the Government is the defendant. He superintends the preparation of the arguments—that is, the contributions of counsel—the printed arguments, putting them in shape and seeing that they are printed. He has to see that the papers are properly served and distributed in accordance with the practice in such cases.

Mr. OVERMAN. Now, if the Senator will let me interrupt him, that is just what the Senator said Mr. Clark has been doing. He is general counsel, and, although the treaty says that we must have an agent to do that work, as the Senator says now, that is just what Mr. Clark, the general counsel, is doing. We did not see why we should have a general counsel at $7,500 a year doing all the work, and then have an agent at $7,500 a year who does no work.

Mr. ROOT. I suppose that the great bulk of the agency work is done by the general counsel?

Mr. SUTHERLAND. Yes; for these cases.

Mr. ROOT. For these cases; that is, those that have come on——

Mr. SUTHERLAND. Those that are included in the present schedule.

Mr. ROOT. But I believe that the counsel should also act as the agent, if that is permissible under the treaty, or that some person of minor consequence at a moderate salary should act as agent.

Mr. OVERMAN. That could not be done because the Canadian Government has provided for an agent and the United States has an agent. They get the same salary, as I understand, and we must make our law correspond to the law on the part of Great Britain.

Mr. ROOT. Well, some provision should be made under which the two functions could be united, or a smaller amount paid; but I think these provisions would oust Mr. Clark and the other gentlemen from their positions.

Mr. OVERMAN. Not necessarily so.

Mr. ROOT. Yes; because there would be no appropriation for their payment. The appropriation would be only for the payment of somebody who had been appointed by the President by and with the advice and consent of the Senate. They could not receive that payment.

Mr. OVERMAN. If they are such men as the Senator says they are, as I have no doubt they are from his statement, probably the President may appoint them. I know that Mr. Clark is a very able man, and that he is very highly recommended. I think he is doing work now which is exactly what the agent is expected to do.

Mr. ROOT. Very likely, naturally enough, because Mr. Lansing, who was agent, has been made counselor for the State Department. The injury that would come from ousting these gentlemen from their positions would be very serious. These are cases which have been in the office of the Solicitor of the State Department for many years. Cases are not put in before a claims tribunal like this until all attempts at reaching a conclusion by diplomatic correspondence have been exhausted and have failed. The man representing the United States, who is

familiar with the prior history of the cases, who knows what documents there are relating to them, who knows how to meet statements made on the other side, who knows how to send over to the State Department and call for papers, who knows how the issue has grown up, is Mr. Clark. He was Solicitor for the State Department, and before that he was the Assistant Solicitor of the State Department. He has more than the ordinary familiarity of the lawyer with the cases in which he is engaged.

Mr. OVERMAN. The Senator from New York has forgotten that this thing was started only last year. Mr. Clark can only have one year's experience with these cases.

Mr. ROOT. I brought the treaty under which this thing is going on very nearly to the point of being signed nearly seven years ago.

Mr. OVERMAN. But the court has been held only recently.

Mr. ROOT. But some of these cases have been hanging along for a hundred years.

Mr. OVERMAN. Mr. Clark does not know anything about the cases prior to the time the members of the court were appointed.

Mr. ROOT. He does not remember anything occurring a hundred years ago, I will admit.

Mr. OVERMAN. He can hardly remember anything prior to 1913 regarding them.

Mr. ROOT. Oh, yes; the cases have been continually the subject of diplomatic controversy.

Mr. OVERMAN. These cases were not properly brought before this tribunal, and could not have been so brought, because there was no tribunal before which to bring them until 1913.

Mr. ROOT. These cases are all cases which, I think, one Government or the other has been arguing with the other Government to secure payment, and the argument has been carried on through the office of the solicitor, which is occupied chiefly in dealing with claims by and against the United States.

Let me say one other word, if the Senator from Utah will be good enough to yield to me.

Mr. SUTHERLAND. Certainly.

Mr. ROOT. How can we provide that these appointments shall be made by and with the advice and consent of the Senate? These are not officers of the United States. If you employ a lawyer in a case, it does not make him an officer of the United States. There is no such office; the Senate can not perform its constitutional function of advising and consenting regarding these appointments.

This question has been up before. I had to re-form and change a treaty, I remember, a number of years ago because the Senate Committee on Foreign Relations would not give their assent to doing just this thing. I put into the treaty a provision that an agent should be appointed with the advice and consent of the Senate. I thought it would reduce opposition in the Senate Committee on Foreign Relations, but I found, on the other hand, that they were unwilling to permit putting into the treaty any provision which called for the discharge of the constitutional function of the Senate in advising and consenting to an appointment, unless it was of an officer of the United States. We can not create that authority by statute, and I think we should get ourselves into rather a serious difficulty by undertaking to put this provision into a statute. If you cut that out, it would seem to dispose of the difficulty.

Mr. SUTHERLAND. I see no reason, Mr. President, why we should not provide in this bill to continue these two counsels at the salaries they are now getting, and provide in the bill that the senior counsel or the chief counsel, who receives $7,500 a year, should also act as agent.

Mr. OVERMAN. Why should we do that when there is no use of this man at a salary of $7,500 a year? We are trying to save money. The Senator seems to think that we are striking at some man. It is evident that it is not necessary to have so many men to do this work. As I have stated, one man has been getting $7,500 a year and has done scarcely anything. He lives here in Washington. We give this agent not only a counselor at $5,000, but we give him an assistant at $3,500, and we give him a law clerk at $2,500 and two law clerks at $1,800. Besides the three law clerks, there is the agent who is doing the very thing that Mr. Clark ought to do but has not been doing. Therefore the agent is the fifth wheel to the coach. He is nothing but a name.

Mr. SUTHERLAND. Does the Senator from North Carolina know what the British Government pays its counsel?

Mr. OVERMAN. I do not know, but I know that they have one of the greatest lawyers in the world.

Mr. SUTHERLAND. Precisely; they have one of the greatest lawyers in the world.

Mr. OVERMAN. Yes; I know that. I do not know whether or not Mr. Clark is a great lawyer, but he is a very good man, I think.

Mr. SUTHERLAND. Sir Charles Hibbert Tupper is their counsel, and we ought to have opposed to him a man of ability and intellect.

Mr. OVERMAN. I agree with the Senator from Utah about that.

Mr. SUTHERLAND. And we could not ask such a man to represent us in these cases, which involve millions of dollars, which, as I have said, have already involved many intricate questions of international law——

Mr. OVERMAN. This court sits in Canada about six weeks and it sits here about six weeks, and the man who got $7,500 did not do anything else but attend that court. Mr. Clark has a law office in Utah. He has also a law office here and practices law. I am not objecting to that. Our counsel ought to be a first-class lawyer; but considering the cases which he had, according to the statement he made, it seems to me that $7,500 a year is a pretty good salary for him when he is transacting other law business and when these cases are not occupying half of his time.

Mr. SUTHERLAND. The Senator from North Carolina is at least partially in error. Mr. Clark has a law partner in Utah, and I presume his name with his partner's is on the door; but Mr. Clark has not, as I am informed, practiced a day in Utah. He has been in Washington all the time.

Mr. OVERMAN. That is true.

Mr. SUTHERLAND. And most of the time looking after these cases. Now, the Senator speaks about the arbitration board being in session here six weeks. Does the Senator think that counsel's labor is measured by the number of days the court sits?

Mr. OVERMAN. Not at all.

Mr. SUTHERLAND. The preparation of these cases is the essential thing and the important thing.

Mr. OVERMAN. He has as counsel a good lawyer and two law clerks to help him, and in his idle moments he prepares these cases; there are not very many of them, and $7,500 is what he was getting before.

Mr. SUTHERLAND. That is all that anybody is asking for him now.

Mr. OVERMAN. That is what is provided for in this bill, only it is proposed to call him an agent instead of counsel, as we have no general agent now.

Mr. SUTHERLAND. The Senator's amendment provides for an agent to be appointed by the President, by and with the advice and consent of the Senate.

Mr. OVERMAN. I want to say as to that, that one member of the committee was very insistent as to that; but I care nothing about it. I want the number reduced, because so many are not needed. One agent can do the work with the assistance of counsel at $5,000, another lawyer at $2,520, and two law clerks at $1,800. In the judgment of the committee, that is a sufficient force to do the work.

Mr. SUTHERLAND. Let me state this amendment to the Senator, and see whether or not he will agree to it. Strike out, beginning in line 19, the words:

> Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, to be appointed by the President, by and with the advice and consent of the Senate, $5,000 per annum; counsel, $2,520.

And insert in lieu thereof:

> Two counsel already assigned to the argument in the State succession cases, the Philippine War claims, and the Cayuga Indian case, one, who shall also discharge the duties of agent, at $7,500 per annum, and one at $5,000 per annum.

Mr. OVERMAN. If that is agreed to, the Secretary will have to employ all the men now engaged in the work.

Mr. SUTHERLAND. That makes it certain that those men will be continued.

Mr. OVERMAN. The Senator wants to provide that they shall be employed.

Mr. SUTHERLAND. I think they should be employed.

Mr. OVERMAN. I do not know whether or not they should be employed. I know Mr. Clark, and I can speak in a very complimentary manner of him; in fact, as highly as can the Senator from Utah, so far as he is concerned, but I am not going to see the hands of the Secretary of State tied and say that he shall employ the same men now employed.

Mr. SUTHERLAND. Then why not simply say this, "Two counsel, one of whom shall also discharge the duties of agent, at $7,500 per annum, and one at $5,000 per annum?"

Mr. OVERMAN. You can not do that, because the treaty says there shall be appointed an agent.

Mr. SUTHERLAND. Oh, no.

Mr. OVERMAN. Oh, yes.

Mr. SUTHERLAND. The treaty does not say that.

Mr. OVERMAN. The treaty says that there shall be an agent, and there is an agent.

Mr. SUTHERLAND. The treaty simply says:

The agents and counsel of the parties are authorized, as provided in article 70, chapter 3—

That refers to The Hague convention, I presume?

Mr. OVERMAN. That provides for an agent.

Mr. SUTHERLAND. It does not oblige either Government to appoint an agent, but it says:

The agents and counsel of the parties are authorized, as provided in article 70, chapter 3, to present, orally and in writing, to the tribunal all the arguments they may consider expedient in support or in defense of each claim.

Mr. OVERMAN. Great Britain has an agent, and we ought to have an agent.

Mr. SUTHERLAND. We have an agent.

Mr. OVERMAN. Great Britain has counsel, and we ought to have counsel.

Mr. SUTHERLAND. We will have an agent likewise. The appropriation ought to provide for two counsel. Whatever you do about the agent, counsel are essential—one at $7,500 per annum and the other at $5,000 per annum. Of course, I do not know what Sir Charles Tupper is paid, but I would venture to say that he is getting a salary far in excess of what we are paying to our counsel. Great Britain is in the habit of employing the very best counsel she can get, and they are in the habit of getting reasonably good fees. Would the Senator object to an amendment of that character?

Mr. OVERMAN. Yes; I would. The committee, after having gone into it thoroughly, fixed it in this way, without regard to turning anybody out, but to save some $20,000 to the Government. We found men connected with this work sitting around here in Washington getting big salaries and doing nothing. Now, the Senator would have us put those men back.

The committee found that Mr. Clark was doing able work and that he was doing the work that the agent could do at a salary of $7,500; so we provided for one agent, at $7,500, with the idea of imposing upon him the work of general counsel. Then we provided counsel, at $5,000, to aid the agent, as he has been aiding the general counsel, and then we provided for a lawyer, at $2,500 a year, to aid him, and $1,800 each to two law clerks to aid them, and then furnished them an ample force of stenographers, secretaries, and clerks.

Mr. SUTHERLAND. If this amendment provides for the appointment of an agent at $7,500, that agent is not required to do the work of counsel?

Mr. OVERMAN. That is the point; he ought to do it.

Mr. SUTHERLAND. There is nothing in this bill that will compel him to do it.

Mr. OVERMAN. He will have to do it. The reason he has not heretofore done it is because the general counsel has done it.

Mr. SUTHERLAND. But the agent is not supposed to do the work of counsel.

Mr. OVERMAN. According to the distinguished Senator from New York [Mr. ROOT] it is the duty of the agent to present these cases.

Mr. SUTHERLAND. He does not present the cases; he prepares the cases.

Mr. OVERMAN. He should do it.

Mr. SUTHERLAND. He prepares the cases.

Mr. OVERMAN. The man who prepares them ought to present them.

Mr. SUTHERLAND. Counsel argue the cases.

Mr. OVERMAN. Why can not the agent argue them?

Mr. SUTHERLAND. He could, probably, if he were a lawyer.

Mr. OVERMAN. He ought to be a lawyer.

Mr. SUTHERLAND. But the point I am making is that there is no requirement for him to do it; he may simply go ahead performing the functions of agent, and leave it for the counsel to do the work of counsel.

Mr. OVERMAN. There is no requirement here for the agent to do it, there is no requirement for the general counsel to do it, and there is no general authority here for the law clerk to do it.

Mr. ROOT. Mr. President, I have just suggested an amendment to the Senator from Utah, which I think meets the purpose expressed by the Senator from North Carolina, if the Senator will permit the suggestion.

Mr. OVERMAN. I shall be pleased to hear the amendment.

Mr. ROOT. In place of the words:

Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, to be appointed by the President, by and with the advice and consent of the Senate, $5,000 per annum.

Insert:

Agent, who shall act as counsel, $7,500; counsel, $5,000.

Mr. OVERMAN. That would be agreeable to me, Mr. President; but I want to say that there is a member of the committee who insisted upon this amendment. The committee adopted it, and I can not agree to the proposal to change it. He thought that these officers ought to be appointed by and with the advice and consent of the Senate. So we have put that provision in the bill. We took a vote on that.

Mr. SUTHERLAND. If the Senator has not any serious objection, we can probably easily overcome it by a vote.

Mr. OVERMAN. I think I will have to stand by the action of the committee.

Mr. SUTHERLAND. I move as an amendment, Mr. President, to strike out, in line 19, the words "to be appointed by the President, by and with the advice and consent of the Senate," and to insert "who shall also act as counsel," and to strike out, in line 21, the words "to be appointed by the President, by and with the advice and consent of the Senate," so that it will read:

Agent, who shall also act as counsel, $7,500 per annum; counsel, $5,000 per annum.

Mr. OVERMAN. Will the Senator read that again?

Mr. SMOOT. That is all right.

Mr. OVERMAN. I should like to have it read again.

The PRESIDING OFFICER (Mr. LEWIS in the chair). The Secretary will state the amendment.

The SECRETARY. On page 19, line 19, it is proposed to strike out the words "to be appointed by the President, by and with the advice and consent of the Senate," and insert "who shall also act as counsel"; and, in lines 21 and 22, to strike out "to be appointed by the President, by and with the advice and consent of the Senate," so as to read:

Agent, who shall also act as counsel, $7,500 per annum; counsel, $5,000 per annum.

Mr. OVERMAN. I presume the whole object of that is that the Senator wants the President to appoint the same men who are at present occupying these places. I do not know whom he will appoint. This provision was not framed to get rid of anybody or to put anybody in.

Mr. SUTHERLAND. I do not think we ought to be considering the question of appointments here. I think it ought to be accepted without any question that the men who have been engaged in this work, who have prepared these cases, and who are, therefore, in a much better position to argue them than any new men could possibly be, ought to be continued until the work is completed.

Mr. BURTON. I want to ask the Senator a question. Is there any doubt of the right of the President to remove these men and appoint others in their places if they shall prove inefficient?

Mr. SUTHERLAND. There is not the slightest doubt about it. He has a right to remove them.

Mr. OVERMAN. Mr. President, I can not accept the amendment. It is the action of the committee.

The PRESIDING OFFICER. The amendment is before the Senate for consideration. [Putting the question.] The Chair is in doubt.

There were, upon a division—ayes 10, noes 12.

Mr. ROOT, Mr. OWEN, and Mr. MARTIN of Virginia. No quorum has voted.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Overman	Smoot
Borah	James	Owen	Sutherland
Brady	Johnson	Page	Swanson
Bristow	Jones	Pomerene	Thomas
Bryan	Kenyon	Reed	Thornton
Burleigh	Kern	Robinson	Tillman
Burton	La Follette	Root	Warren
Catron	Lane	Shafroth	West
Chamberlain	Lewis	Sheppard	White
Clapp	McCumber	Shively	Williams
Clarke, Ark.	Martin, Va.	Smith, Ariz.	
Culberson	Nelson	Smith, Ga.	
Fletcher	O'Gorman	Smith, Mich.	

The PRESIDING OFFICER. Forty-nine Senators answering to their names, a quorum is present.

Mr. SUTHERLAND. Mr. President, I desire to make a slight change in the amendment I suggested. Instead of saying "agent, who shall also act as counsel," I desire to make it read "counsel, who shall also act as agent."

Mr. OVERMAN. Mr. President, I understand the Senator from Illinois [Mr. LEWIS] desires to submit some resolutions. If there is no objection, I ask to have the bill go over until to-morrow morning.

Mr. SUTHERLAND. The Senator asks to have the bill go over until to-morrow?

Mr. OVERMAN. The bill and the amendment.

EXECUTIVE SESSION.

Mr. SHIVELY. Pending that, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF FORMER VICE PRESIDENT STEVENSON.

Mr. LEWIS. Mr. President, I desire to make the announcement set forth in the first of the resolutions which I send to the desk, and I ask for the adoption of it and the accompanying resolution.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Illinois submits resolutions, which will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 395.

Resolved, That the Senate has heard with profound regret of the death of Hon. Adlai E. Stevenson, former Vice President of the United States and former presiding officer of the United States Senate.

Resolved, That as a mark of respect to the memory of the distinguished official, whose life has been filled with honorable and distinguished service to his Nation, the Senate do now adjourn.

The Senate thereupon, in accordance with the second resolution (at 5 o'clock and 5 minutes p. m.), adjourned until to-morrow, Tuesday, June 16, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 15, 1914.

MEMBERS OF THE FEDERAL RESERVE BOARD.

Charles S. Hamlin, of Massachusetts, for a term of two years.
Paul M. Warburg, of New York, for a term of four years.
Thomas D. Jones, of Illinois, for a term of six years.
W. P. G. Harding, of Alabama, for a term of eight years.
A. C. Miller, of California, for a term of ten years.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. George R. Allin, Fourth Field Artillery, to be captain from June 13, 1914, vice Capt. Harrie F. Reed, Second Field Artillery, who resigned June 12, 1914.

Second Lieut. Frederick W. Stewart, Fifth Field Artillery, to be first lieutenant from June 13, 1914, vice First Lieut. George R. Allin, Fourth Field Artillery, promoted.

SURVEYOR GENERAL OF COLORADO.

John B. McGauran, of Denver, Colo., to be surveyor general of Colorado, vice Timothy O'Connor, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 15, 1914.

CHIEF JUSTICE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

J. HARRY COVINGTON to be chief justice of the Supreme Court of the District of Columbia.

POSTMASTERS.

KANSAS.

William W. House, Peabody.
James W. Morphy, Russell.

KENTUCKY.

Hubbard I. Hansbrough, Hodgenville.
Emmett S. Robey, Franklin.

OKLAHOMA.

William T. Vest, Pondcreek.

WISCONSIN.

O. F. Illing, Juneau.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 15, 1914.*

The House met at 12 o'clock noon.

Rev. John Van Schaick, jr., of Washington, D. C., offered the following prayer:

Almighty God, our heavenly Father, we recognize that Thou art the giver of every good and perfect gift. We thank Thee for our country and for the flag that symbolizes liberty and equality. We thank Thee, our Father, that it flies to-day over a united people. We pray Thee that we may live up to the highest ideals of our fathers and to the best of the knowledge of to-day, and so do Thy holy will. Amen.

The Journal of the proceedings of Saturday, June 13, 1914, was read and approved.

THE FLAG.

Mr. REILLY of Connecticut. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. REILLY of Connecticut. Mr. Speaker, while Sunday, June 14, 1914, was flag day, the general observance of it takes place to-day. I take this occasion to put into the RECORD a brief but beautiful and touching tribute to the Stars and Stripes.

In response to some requests, I recently sent out copies of Wilbur D. Nesbit's poem, entitled "Your Flag and My Flag," which I recited during the debate on the Mexican question on April 20, after the President had read his message.

In acknowledgment of the receipt of those verses comes to me a letter from an old soldier and constituent of mine in New Haven, Conn., which I deem worthy of a permanent place among the patriotic gems dedicated to the flag. May the simple, fervid words touch a responsive chord in every true American heart. The letter is written by George A. Hubbard, and is as follows:

179 DWIGHT STREET, NEW HAVEN, CONN.,
June 10, 1914.

Hon. THOMAS L. REILLY,
Washington, D. C.

MY DEAR SIR: Thank you for the copy of "Your Flag and My Flag," which came on the afternoon mail. I have read the verses—yes, I have read them over again; in fact, I have read them several times, and I hope to keep on reading them for many times to come. The poem appears to possess qualities which do not tire one. I love the flag.

My great-grandsire gave his life to help create the flag. My paternal grandsire fought from Bunker Hill to Yorktown, and my maternal grandsire, after his father's death, took his place in the ranks and held it until the close of the war.

I stood by my regimental colors when first unfurled in 1862 and never left them, but after the battle of Fort Fisher, N. C., in 1865, my regiment closed its ranks and left me out. Most of the time since then "our flag" has hung on the bedpost above my head, where in the dusk of evening I have kissed the flag and in the bright sunlight of morning I have saluted the flag. I have caressed the flag, I have hugged the flag, I have counted its bars and counted its stars over and over again, for I love our flag.

Very truly, yours, GEORGE A. HUBBARD.

[Applause.]

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, on Saturday last I submitted a conference report upon the naval appropriation bill, accompanied by a statement of the conferees, for printing in the RECORD under the rules. By some inadvertence the statement was not printed in the RECORD, although it is printed as a separate document in connection with the conference report. I ask unanimous consent that the statement may be printed in the RECORD of to-day.

The SPEAKER. The Chair will state that the matter was sent to the Printing Office, and by some slip down there it was left out. The gentleman from Tennessee asks unanimous consent to have the statement printed in the RECORD, under the rule.

Mr. MANN. Mr. Speaker, I suggest that the conference report and the statement be printed together in the RECORD.

Mr. PADGETT. Very well. I will ask that the statement and the conference report be printed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the conference report and the statement be printed together in the RECORD. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day is unanimous-consent day, and the Clerk will report the first bill.

POST-OFFICE BUILDING AT NEWCASTLE, IND.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 11317) to increase the limit of cost of the United States post-office building at Newcastle, Ind.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Newcastle, Ind., be, and the same is hereby, increased $15,000 or so much thereof as may be necessary to meet the additional cost of construction of said building by the substitution of stone instead of brick with stone trimmings, as specified in the existing specification.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ASHBROOK, a motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENT UNDER RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4628) extending the period of payment under reclamation projects and for other purposes.

Mr. RAKER. Mr. Speaker, I call attention of the House to the fact that this bill was read on last unanimous-consent day, and I now ask unanimous consent that the reading of the bill be dispensed with.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person whose lands hereafter become subject to the terms and conditions of the act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who hereafter makes entry thereunder shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 2 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in 15 annual installments, the first 5 of which shall be 5 per cent of the construction charge and the remainder 7 per cent until the whole amount shall have been paid. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available, and the initial payment be made when the charge per acre is established.

ACT SHALL APPLY TO EXISTING PROJECTS.

SEC. 2. That any person whose land or entry has heretofore become subject to the terms and conditions of the reclamation law shall pay the construction charge, or the portion of the construction charge remaining unpaid, in 20 annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued under this act and subsequent installments on December 1 of each year thereafter. The first 4 of such installments shall each be 2 per cent, the next 2 installments shall each be 4 per cent, and the next 14 each 6 per cent of the total construction charge.

PENALTIES.

SEC. 3. That if any water-right applicant or entryman shall fail to pay any installment of his construction charges when due, there shall be added to the amount unpaid a penalty of 1 per cent thereof, and there shall be added a like penalty of 1 per cent of the amount unpaid on the first day of each month thereafter so long as such default shall continue. If any such applicant or entryman shall be one year in default in the payment of any installment of the construction charges and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such default: *Provided*, That if the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount in default and penalties; but if suit or action be brought, the right to declare a cancellation and forfeiture shall be suspended pending such suit or action.

INCREASE OF CHARGES.

SEC. 4. That no increase in the construction charges shall hereafter be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges: *Provided*, That the Secretary of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments of the increased construction charge, as so agreed upon, shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in section 3 of this act.

OPERATION AND MAINTENANCE.

SEC. 5. That in addition to the construction charge, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum maintenance and operation charge based upon the charge for delivery of not less than one acre-foot of water: *Provided*, That, whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

PENALTIES.

SEC. 6. That all operation and maintenance charges shall become due and payable on the date fixed for each project by the Secreary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per cent of such charge; but if such charge is unpaid on the first day of the third calendar month thereafter, a penalty of 1 per cent of the amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per cent of the amount unpaid shall be added on the first day of each calendar month if such charge and penalties shall remain unpaid, and no water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance, or any annual construction charge and penalties. If any water-right applicant or entryman shall be one year in default in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund. In the discretion of the Secretary of the Interior suit or action may be brought for the amounts in default and penalties in like manner as provided in section 3 of this act.

FISCAL AGENT.

SEC. 7. That the Secretary of the Interior is hereby authorized, in his discretion, to designate and appoint, under such rules and regulations as he may prescribe, the legally organized water users' association or irrigation district, under any reclamation project, as the fiscal agent of the United States to collect the annual payments on the construction charge of the project and the annual charges for operation and maintenance and all penalties: *Provided*, That no water-right applicant or entryman shall be entitled to credit for any payment thus made until the same shall have been paid over to an officer designated by the Secretary of the Interior to receive the same.

RECLAMATION REQUIREMENTS.

SEC. 8. That the Secretary of the Interior is hereby authorized to make rules and regulations governing the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-fourth the irrigable area under each water-right application or entry within three full irrigation seasons after the filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of one-half the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

LANDS NOT SUBJECT TO RECLAMATION ACT.

SEC. 9. That in all cases where application for water right for lands in private ownership or lands held under entries not subject to the reclamation law shall not be made within one year after the passage of this act, or within one year after notice issued in pursuance of section 4 of the reclamation act, in cases where such notice has not heretofore been issued, the construction charges for such land shall be increased 5 per cent each year until such application is made and an initial installment is paid.

WITHDRAWN LANDS SUBJECT TO ENTRY.

SEC. 10. That the act of Congress approved February 18, 1911, entitled "An act to amend section 5 of the act of Congress of June 25, 1910, entitled 'An act to authorize advances to the reclamation fund and for the issuance and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes,'" be, and the same hereby is, amended so as to read as follows:

"SEC. 5. That no entry shall be hereafter made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry, and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior: *Provided*, That where entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law."

WATER SERVICE.

SEC. 11. That whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 5

of this act, the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the provisions for cancellation and collection as herein provided for other operation and maintenance charges.

ADMISSION OF PRIVATE LANDOWNERS TO NEW PROJECTS.

SEC. 12. That before any contract is let or work begun for the construction of any reclamation project hereafter adopted the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and at not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior, his land shall not be included within the project if adopted for construction.

DISPOSITION OF EXCESS FARM UNITS.

SEC. 13. That all entries under reclamation projects containing more than one farm unit shall be reduced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery to the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit, in the manner provided by law, and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project: *Provided further*, That no person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

ACCEPTANCE OF THIS ACT.

SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this act, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior in the manner to be prescribed by said Secretary, of his acceptance of all of the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act.

SEC. 15. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

SEC. 16. That the district court of the United States for the district where the lands or some portion of the lands included within any reclamation project are situated shall have jurisdiction of all suits brought by the United States or the Secretary of the Interior for the enforcement of the provisions of this act, and jurisdiction of all suits now pending or which may be hereafter instituted by any legally organized water users' association or irrigation district in behalf of the water users and settlers thereon for the enforcement of the provisions of this act and of the provisions of the reclamation law as referred to and defined in section 1 of this act.

With the following committee amendments:

On page 2, in line 2, after the word "fund," strike out the word "two" and insert the word "five."

On page 2, in line 5, after the word "shall," insert the word "each."

On page 6, after the word "remainder," insert the words "shall each be."

One page 2, in line 13, after the word "available," insert the words "as announced by the Secretary of the Interior."

On page 3, in line 3, after the word "charge," insert the words "or the portion of the construction charge unpaid at the beginning of such installments."

On page 5, in line 8, strike out the word "maintenance" and insert "operation," and strike out "operation" and insert the word "maintenance."

On page 6, in line 15, strike out the word "default" and insert "arrears."

On page 7, in line 13, after the word "make," insert the word "general," and at the end of line 13 insert the words "use of water in."

On page 7, in line 16, strike out the words "one-fourth" and insert the words "one-half," and in line 20 strike out the words "one-half" and insert the words "three-fourths."

On page 10, in line 14, after the word "delivery," strike out the word "to" and insert the word "for."

On pages 11 and 12, strike out all of section 16.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDEN. Mr. Speaker, reserving the right to object, this bill is now before the Committee on Rules, and that committee is preparing a rule to give consideration to the bill as it should be given. It is a very important measure. It has a good many good things in it, but there are some matters that need modification. The bill should not be considered by unanimous consent, because no opportunity is given for the modification of the bill as it ought to be modified, and therefore I object.

Mr. HAYDEN. Mr. Speaker, will the gentleman withhold his objection for a moment until I can make a statement in respect to the bill?

Mr. MADDEN. Mr. Speaker, I will withhold my objection temporarily, but I reserve the right to object.

Mr. HAYDEN. Mr. Speaker, I desire to make a statement, which I believe should be made in justice to a number of Members of this House from the arid-land States. Recently a number of Members from States in which Federal reclamation projects are located received letters and telegrams from water users' associations and settlers on the projects urging them to greater activity in behalf of the reclamation extension bill. Many of these letters and telegrams were of such a character as to impugn the good faith, the industry, and watchfulness of the Members to whom they were sent, and all of them were evidently inspired by the same person. The insinuations which they contained were so grossly unfair and unjust that I have undertaken to ascertain, if possible, their source, in order that I might expose the despicable methods used to discredit among their constituents at least a score of men on both sides of this Chamber.

I have secured a copy of a letter which discloses the reason why Members have received these letters and telegrams. Unfortunately the bushwhacker who made this attack has succeeded in having his name concealed on the plea that the information given was confidential in its nature. The letter was addressed to the secretary of the Sunnyside Water Users' Association, in the State of Washington. It is not necessary for me to read the letter in full, but I shall quote from it in part:

WASHINGTON, D. C., *May 20, 1914.*

Mr. G. E. RODMAN,
Sunnyside Water Users' Association, Sunnyside, Wash.

DEAR MR. RODMAN: I wired you, night rate, to-day, in accordance with the inclosed confirmation. I am sending you also, by separate wrapper, a copy of the CONGRESSIONAL RECORD, the matters of interest being found on pages 9524–9527.

* * * * * * *

Somebody needs stirring up badly. Every Representative from the 17 reclamation States should have been there and should have been active in the support of this measure. If the Representatives whose constituents are interested will insist upon immediate hearing, I believe that the opposition will fall away. You can see, however, for yourself that the condition is one of apathy, even on the part of men within the 17 States interested. * * *

What you need is, as stated in my wire, somebody on the ground who can push this matter actively. A fund should be raised for the purpose of supporting a man to represent the interests of the water users at Washington until the bill shall become a law or until the matter is beyond hope. Unless there is a general shaking of dry bones, this measure has no chance of success. * * *

I wish you would have 500 telegrams properly distributed signed by actual water users as well as by organizations.

* * * * * * *

Then the man who goes on should be armed with letters from associations wanting him to find out why their Representatives are going to sleep on the job. He should be supported by wires direct to the Congressmen like this: "Were you in the House of Representatives on May 18 supporting reclamation relief measure? Don't see your picture in the CONGRESSIONAL RECORD. Wire, our expense." Wake somebody up. Or, "We are keeping a line on the Representatives who do not seem to care whether the reclamation relief bill passes. What can you do to insist upon its coming to a vote?"

* * * * * * *

If 30 projects can't muster sufficient energy and cohesiveness to raise, say, $1,000 for expenses, travel, postage, correspondence, dispatches, etc., they don't deserve a great deal of sympathy.

At the mention of this sum of money some Members have been unkind enough to wonder whether if in this secretive adviser might not be found another Col. Mulhall, who, for a suitable consideration, would consent to adopt this poor, orphaned measure and who would promise that under his lobbying care it would eventually reach the place where all good bills hope to go and become a law. It is said there are men who would stoop to deceive unsuspecting settlers in order to obtain the price of a meal ticket.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. BURKE of South Dakota. Do I understand this letter was sent out anonymously or was signed?

Mr. HAYDEN. The letter was signed, but on the plea it was confidential in its nature the signature was not printed.

Mr. BURKE of South Dakota. Does the gentleman from Arizona know the name of the writer?

Mr. HAYDEN. I am not aware of the name of the writer. He says:

Please excuse the possibly dictatorial style of this letter. I feel strongly that the bill is needed, and only want results. You asked for my advice. You have it, anyhow. You will of course, as before, treat the source of the information I am giving you as confidential. Hastily.

And then it is signed in blank.

Mr. MADDEN. I suppose the gentleman will conclude that the gentleman who wrote that was interested in a reclamation project?

Mr. HAYDEN. It is evident that he has not a very intimate knowledge of the situation here.

Mr. MONDELL. Or would the gentleman conclude he was interested in getting a job?

Mr. HAYDEN. Well, we might suspect as much.

Mr. MANN. Did the telegrams come?

Mr. HAYDEN. Yes. I shall read you one in a moment.

Mr. MANN. Ought not that to be investigated? Do these people have any right to send telegrams to Members of Congress?

Mr. HAYDEN. There is no doubt about water users having the right to send telegrams to Members of Congress, but they ought not to be deceived into sending them by any such false information.

Mr. MANN. I wonder that the gentleman does not have a resolution introduced for another investigation.

Mr. BURKE of South Dakota. I suppose those of us from the Western States who did not receive the telegrams were here so constantly that our pictures would appear in the CONGRESSIONAL RECORD.

Mr. MADDEN. Would the gentleman consider this an insidious lobby?

Mr. HAYDEN. I am not an authority on insidious lobbies.

Mr. TAYLOR of Colorado. I understand the gentleman is stating that somebody is writing here because we have not been able to pass this bill by unanimous consent, and therefore the western Members are not doing their duty here. That is about the inference to be placed upon it.

Mr. FERRIS. I do not think there is any doubt about the western Members doing their duty. I think I can certify to that, and I have not been very favorable to this bill myself, but the question is more far-reaching than that. This same proposition and scheme goes on in our State all the time, somebody trying to frame up an attorney's fee by stirring up a back fire at home. I think the gentleman from Arizona ought to try to find out who it was and haul him over the coals. This is just exactly what is going on all the time.

Mr. MADDEN. Does not the gentleman think it wise to postpone this until we can find out about this?

Mr. HAYDEN. The gentleman has decided that by his objection. By way of explanation, I would state that May 18 was the day upon which an effort was made to secure consideration of the reclamation-extension bill on the Calendar of Unanimous Consent. I was present in the House during the entire day, and to my personal knowledge practically all of the Members of Congress who represent districts containing reclamation projects were in attendance during the discussion on this bill. Every western member of the Committee on Irrigation of Arid Lands was present except our chairman, Hon. W. R. SMITH, of Texas, who was compelled to be absent.

Mr. TAYLOR of Colorado, the acting chairman, and Mr. RAKER, of California, both spoke briefly on the bill, and their remarks appear in the RECORD.

Mr. STOUT, of Montana, was present and later addressed the House in behalf of a bill granting leaves of absence to homestead settlers.

Personally I addressed the Chair on a bill to authorize the consolidation of Indian funds, and my name appears on the same page in the RECORD on which the reclamation-extension bill is printed. And while I am speaking of myself, permit me to say that the activities of this modest marplot who shoots from ambush have been of no annoyance to me. I have received but one telegram, which was an inquiry as to whether it was necessary for the Arizona water users to send a representative here, and to which I replied that to do so would be a useless expense.

Mr. KINKAID, of Nebraska; Mr. ROBERTS, of Nevada; Mr. SMITH, of Idaho; Mr. JOHNSON, of Utah; and Mr. SINNOTT, of Oregon, the minority members of the Committee on Irrigation of Arid Lands, were all present in the House and were doing everything that they could on the other side of the big aisle to secure consideration for the bill.

Mr. FERGUSSON, of New Mexico, sat near me while the bill was under discussion, and, as always, stood ready and willing to render any service within his power.

The mere fact that the names of these gentlemen and the names of other Members from the public-land States do not appear in the RECORD gave this "confidential" correspondent an apportunity to insinuate that they were absent from the House and neglecting their duties.

Mr. SINNOTT. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. SINNOTT. The gentleman will remember the regular order was called for, and that precluded further debate.

Mr. HAYDEN. Of course, when the gentleman from Illinois [Mr. MANN] called for the regular order no one could speak——

Mr. SINNOTT. A committee was formed on this side of the Chamber to interview various Members who it was thought might possibly object to the consideration of the bill. This committee consisted of Congressmen KINKAID of Nebraska, LA FOLLETTE, and myself, and in addition to that my colleague, Mr. HAWLEY, was similarly active when the bill was up for consideration.

Mr. MADDEN. Does the gentleman from Oregon say to the House he understands they formed a combination, so that no Member of the House would object to giving opportunity for the consideration of this bill? That is worse than an insidious lobby.

Mr. SINNOTT. It was merely a committee of the Committee on Irrigation of Arid Lands and Mr. LA FOLLETTE, of Washington.

Mr. HAYDEN. In my brief service in the House I find that its membership can be roughly divided into two classes, those who talk and those who work. There are a few geniuses among us of such transcendent ability that they can perform both of these functions successfully at all times. The great majority of us, however, find that service in this House consists principally of hard work, and therefore have but little time to indulge in speech making. Anyone in the slightest degree acquainted with the parliamentary procedure on unanimous-consent days knows that it would not only have been useless, but impossible, for all of the Members from the States containing reclamation projects to speak on the bill at that time. Each and every one of them could have torn a passion to tatters with perfervid oratory without in the least changing the result. When the gentleman from Illinois [Mr. MANN] called for the regular order on the reclamation-extension bill no further debate was possible. The man who sent out this letter stating that mere talk on the part of the western Members could have affected the result is either a knave or an ignoramus, and, whichever he is, his conduct is equally reprehensible.

On receipt of this letter Mr. Rodman, without any attempt to verify the statements contained in it, immediately rushed to a printing office and had copies made for distribution among the water users of the entire West. With it he sent out the following letter:

SUNNYSIDE, WASH., *May 26, 1914.*

To the water users' associations:

More information as to the opposition to the reclamation-extension bill impels us to urge the various associations to take prompt and vigorous action in favor of the bill, if they have not done so. Below are copies of the latest advices; as they are confidential, the name of the author is withheld. They come from a western man who has been in Washington, D. C., now for some weeks and is thoroughly in touch with the situation, and we have full confidence that he is representing the condition as it actually exists.

Thoroughly in touch with the situation, forsooth! And yet there is not a particle of truth in his letter that any water user could not have obtained by reading the CONGRESSIONAL RECORD when it reached him on his own farm, 2,000 miles away from Washington. All that this evil-minded individual did was to read the RECORD here in Washington and then write a letter about it, in which he warped and twisted the facts to suit his own base purposes. It is evident that he was not present in the gallery when this bill was under consideration, nor did he take the trouble to inquire of any member of the committee as to the actual situation.

But, to go on with Mr. Rodman's epistle to the water users:

This bill came up in the House on the 18th instant on unanimous consent. From a perusal of the CONGRESSIONAL RECORD for that day it appears that of all the Representatives from the 17 reclamation States only 4 supported the bill—Mr. RAKER, California; Mr. TAYLOR, Colorado; Mr. GARNER, Texas; and Mr. MONDELL, Wyoming. What were the others doing, and why did they not speak up in favor of the bill? The associations should make it their business to find out. The Sunnyside Water Users' Association has already sent a telegram to three of our Representatives asking them to state what they did in favor of the bill. A copy of the message appears below. * * *

The message is as follows:

SUNNYSIDE, WASH., *May 25, 1914.*

Two thousand water users on Sunnyside project want to know what you did on May 18 in support of reclamation-extension bill in House. Are depending on you to bring it to a vote. CONGRESSIONAL RECORD for that day does not show what you did. Telegraph our expense.

G. E. RODMAN.

It is amazing to me that Mr. Rodman would be willing to accept as gospel truth the vaporings of a man who is ashamed of his identity and to scatter broadcast a mess of misinformation that could result in nothing but unwarranted uneasiness among thousands of settlers whose future prosperity is bound up in the success of the reclamation-extension act. God knows the lot of the pioneer is hard enough without adding unnecessary worry. Mr. Rodman must have a very sad view of life if he is willing to believe on anybody's statement that a majority of the western Congressmen are utterly unmindful of the wel-

fare of those who sent them here. He should make a sincere effort to cultivate a more Christian spirit.

I deny that there has been the least apathy on the part of the Representatives from the 17 States affected by the reclamation-extension bill. Every one of them has exerted his best efforts to bring the bill to a vote. The Committee on Irrigation of Arid Lands directed that a subcommittee be appointed to call upon the Speaker, and I am glad to say that we found him most willing to assist us. The majority and minority leaders have both been interviewed. Mr. UNDERWOOD and Mr. MANN are agreed that this bill should be considered at this session of Congress. We have talked with the President, and he has publicly stated that it ought to pass. And, lastly, we have circulated petitions among the membership of this House requesting the Rules Committee to report a special rule making the consideration of this bill in order along with four other measures that vitally affect the prosperity of the entire West. On these petitions we have secured the signatures of a clear majority of the membership of this House, and last Wednesday the Committee on Rules ordered a favorable report on such a rule.

As soon as the pending sundry civil appropriation bill is out of the way and the water-power bill from the Committee on Interstate and Foreign Commerce, which has been made the unfinished business of the House, is passed, our special rule will be reported to the House.

We believe in this bill and we have faith that when an opportunity is given us to explain its merits a large majority of the membership of this House will be glad to vote for it. At no time has anyone from the West sought to avoid the issue, and through our combined efforts a vote on the bill is in sight. We will pass the reclamation-extension bill through the House before the 15th of next July, and the President will approve it before this Congress adjourns. If this is apathy the anonymous westerner who is so "thoroughly in touch with the situation" can make the most of it. I only regret that Mr. Rodman has not seen fit to make known his correspondent's name, since it would afford me vast pleasure to denounce him in the terms that his infamy merits.

The SPEAKER. Is there objection.

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

RELIEF OF LANDOWNERS ON MISSISSIPPI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. QUIN. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Mississippi [Mr. QUIN] asks unanimous consent that this bill be passed without prejudice.

Mr. QUIN. On the calendar, I mean.

Mr. MANN. Reserving the right to object, what is the object of that?

Mr. QUIN. It is to retain my place on the calendar.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that this bill be passed on the calendar without prejudice.

Mr. MANN. I reserve the right to object to find out why the gentleman wishes it passed without prejudice.

Mr. QUIN. They had this matter up in the Senate, the same proposition, and I would like it to remain on this calendar until it is determined. The Senate rivers and harbors bill has a partial amendment, and I do not know what will be the result of the consideration in the Senate proper.

Mr. MANN. I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

COMPENSATION OF FEDERAL EMPLOYEES.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 15222) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained in the course of his employment, and for the disability, death, or suspension from work of an employee resulting from an occupational disease contracted in the course of his employment; but no compensation shall be paid if the injury, death, or occupational disease is caused by the employee's intention to bring about the injury or death of himself or of another.

SEC. 2. That during the first three days of disability the employee shall not be entitled to compensation except as provided in section 10. No compensation shall at any time be paid for such period.

SEC. 3. That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to 66⅔ per cent of his monthly pay.

SEC. 4. That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to 66⅔ per cent of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him.

SEC. 5. That if a partially disabled employee refuses to work after suitable work is furnished to or secured for him by the United States he shall not be entitled to any compensation while such refusal continues, and the period of such refusal shall be deducted from the period during which compensation is payable to him.

SEC. 6. That if, as a result of any examination authorized by section 23, any employee is found to have contracted any occupational disease he may, in the discretion of the commission, although not disabled, be suspended from work, or, if practicable, given other work which he may be physically able to do until such time as, in the opinion of the commission, it is safe for him to return to his regular work. During such suspension or substitute employment the United States, if he has contracted the disease in the course of his employment, shall pay to him a monthly compensation as for total or partial disability, as the case may be.

SEC. 7. That the monthly compensation for total disability or for suspension from work shall not be more than $66.67 nor less than $33.33, unless the employee's monthly pay is less than $33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $66.67. In the case of persons who at the time of the injury or of the beginning of disability or suspension from work resulting from an occupational disease were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury or disease, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury or disease, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

SEC. 8. That as long as the employee is in receipt of compensation under this act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions.

SEC. 9. That if at the time the disability or suspension from work begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall, in the case of suspension from work, begin immediately after the annual or sick leave has ceased, and, in the case of disability, begin on the fourth day of disability after the annual or sick leave has ceased.

SEC. 10. That immediately after an injury sustained by an employee in the course of his employment, whether or not disability has arisen, and for a reasonable time thereafter, and immediately after the beginning of disability or of suspension from work due to an occupational disease contracted by an employee in the course of his employment, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

SEC. 11. That if death results from the injury or from the occupational disease within six years after the injury or the beginning of disability or suspension from work due to such disease the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or of disability or suspension from work resulting from such disease, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, 35 per cent. This compensation shall be paid until her death or marriage. In case of marriage, there shall be paid to her a lump sum equal to 36 months' compensation.

(B) To the widower, if there is no child, 35 per cent if wholly dependent for support upon the deceased employee at the time of her death, and such proportionate amount as the commission deems proper if partly dependent. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto 10 per cent for each child, not to exceed a total of 66⅔ per cent for such widow or widower and children. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of 18, or, if over 18, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, 25 per cent for one child and 10 per cent additional for each additional child, not to exceed a total of 66⅔ per cent, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of 18, or if over 18 and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, 25 per cent; if both are wholly dependent, 20 per cent to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of 66⅔ per cent.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, 20 per cent; if more than one are wholly dependent, 30 per cent, divided among them share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, 10 per cent divided among them share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of 66⅔ per cent.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or, if a brother, sister, or grandchild, dies, marries, or reaches the age of 18, or, if over 18 and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under 18 years of age or over that age and incapable of self-support. The term "parent" includes step-parents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section the monthly pay shall be considered not to be more than $100 nor less than $50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section 13.

SEC. 12. That if death results from the injury or from the occupational disease within six years after the injury or the beginning of disability or suspension from work due to such disease, the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed $100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his relatives, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or of disability or suspension from work resulting from such disease, or if there has been no disability preceding death, more than one year after the injury.

SEC. 13. That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account.

SEC. 14. That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.

SEC. 15. That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than $5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per cent true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the National Fraternal Congress table; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 60 months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

SEC. 16. That every employee injured in the course of his employment, or some one on his behalf, shall, within 48 hours after the injury give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

SEC. 17. That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.

SEC. 18. That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown the commission may allow compensation if the notice is filed within one year after the injury.

SEC. 19. That no compensation under this act shall be allowed to any person, except as provided in section 41, unless he or some one on his behalf shall, within the time specified in section 21, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate.

SEC. 20. That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury or disease and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.

SEC. 21. That all original claims for compensation for disability resulting from injury shall be made within 60 days after the injury. All original claims for compensation for disability or suspension from work resulting from occupational disease shall be made within 60 days after the beginning of the disability or suspension. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability resulting from injury or occupational disease to be made at any time within one year.

SEC. 22. That any person seeking to enter the service of the United States shall, if so requested by the commission, submit himself, at a reasonable time and place, to examination by a medical officer of the United States, or by a duly qualified physician designated or approved by the commission. If, in the opinion of the examining physician, such person exhibits symptoms of an occupational disease, or by reason of his condition is peculiarly likely to sustain an injury or to contract an occupational disease, the physician shall so certify to the appointing officer, and such person shall not be appointed to any position for which he is adjudged on the basis of such examination to be unfitted.

SEC. 23. That any employee employed in or about any work or process in which he is subject to the risk of contracting an occupational disease shall from time to time, if so ordered by the commission, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission for the purpose of determining whether or not he has contracted such disease.

SEC. 24. That after the injury or after disability or suspension from work on account of an occupational disease the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

SEC. 25. That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician, the commission shall appoint a third physician, duly qualified, who shall make an examination.

SEC. 26. That fees for examinations made on the part of the United States under sections 22, 23, 24, and 25 by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section 24, shall be paid out of the appropriation for the work of the commission.

SEC. 27. That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.

SEC. 28. That no claims for compensation under this act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors.

SEC. 29. That no claim for legal services in connection with any claim arising under this act shall be enforceable unless approved by the commission.

SEC. 30. That if an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States.

SEC. 31. That a commission is hereby created, to be known as the United States employees' compensation commission, and to be composed of three commissioners appointed by the President, with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. Each commissioner shall hold office until his successor is appointed and has qualified. Any vacancy occurring shall be filled in the same manner as an original appointment. Each commissioner shall receive a salary of $5,000 a year.

SEC. 32. That the commission, or any commissioner by authority of the commission, shall have power to issue subpœnas for and compel the attendance of witnesses, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses.

SEC. 33. That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed by the commission in the same manner as appointments to the competitive classified civil-service positions.

SEC. 34. That the commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission.

SEC. 35. That the commission is authorized to make necessary rules and regulations for the enforcement of this act, and shall decide all questions arising under this act.

SEC. 36. That the commission shall study the causes of accidents and occupational diseases among the employees covered by this act, and shall from time to time make such recommendations as it may deem proper to the various departments as to the best means of preventing such accidents and occupational diseases.

SEC. 37. That the commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation.

SEC. 38. That for the remainder of the fiscal year ending June 30, 1914, and for the fiscal year ending June 30, 1915, there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $50,000 for the work of the commission, including salaries of the commissioners and of such assistants, clerks, and other employees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under sections 22 to 25, inclusive, reasonable traveling and other expenses and loss of wages payable to employees under section 24, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding, to be done at the Government Printing Office, and other necessary expenses.

SEC. 39. That there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby permanently appropriated for the payment of the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section 10 and the transportation and burial expenses provided by sections 10 and 12. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.

SEC. 40. That compensation provided by this act may be awarded in such manner as the commission may by regulation determine upon the claim presented by the beneficiary and the report furnished by the immediate superior of the employee and upon such investigation as the commission may deem necessary to discover the facts. Compensation when awarded shall be paid from the employees' compensation fund.

SEC. 41. That if the original claim for compensation has been made within the time specified in section 21, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

SEC. 42. That if any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.

SEC. 43. That whoever makes, in any affidavit required under section 4 or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 44. That wherever used in this act—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civilian officers and employees of the United States and of the Panama Railroad, but includes no others.

The term "commission" shall be taken to refer to the United States employees' compensation commission provided for in section 31.

The term "department" includes the executive departments whose heads are members of the President's Cabinet, and all independent offices, bureaus, boards, or commissions.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury or, in case of disability or of suspension from work resulting from an occupational disease, at the time of the beginning of such disability or suspension, unless the employee at the time of the beginning of such disability or suspension is not in the service of the United States, in which case it shall be taken to refer to the monthly pay at the time of his leaving such service.

SEC. 45. That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That for injuries occurring prior to July 1, 1914, compensation shall be paid under the law in force at the time of the passage of this act.

SEC. 46. That sections 22, 26, 31 to 38, both inclusive, 44, and 46 of this act shall take effect immediately upon its passage. The remainder of the act shall take effect on July 1, 1914, but shall not apply to disability or death resulting from an injury sustained prior to July 1, 1914, or to disability, suspension from work, or death resulting prior to July 1, 1914, from an occupational disease.

The SPEAKER. Is there objection?

Mr. McGILLICUDDY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

Mr. FOSTER and Mr. MANN reserved the right to object.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FOSTER. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] reserves the right to object.

Mr. MANN. I would like to ask the gentleman from Maine [Mr. MCGILLICUDDY], if I may, a question in reference to this bill. First, what differences there are between this bill and the bill that was reported from the Judiciary Committee in the last Congress, I think it was—the Howland bill; second, what differences there are between this bill and the order of the President concerning compensation for injuries on the Canal Zone?

Mr. McGILLICUDDY. I am not familiar with the bill called the Howland bill. I know this, that the Judiciary Committee have very fully considered this bill. The committee is very well aware that the bill is a lengthy one and that it is important. But in the committee long hearings were held, all parties were heard, and when the committee finally considered the matter it was unanimous, Republicans and Democrats alike reporting this bill to the House. Its provisions have been very carefully considered. It is not experimental. It is not going into some untried field. Twenty-three States of this country have passed legislation similar to this, and this, as a matter of fact, is nothing but the extension of legislation already passed by the Congress. In 1908 you passed a Federal compensation law, and three times since that law has been amended so as to extend it, and it now covers approximately one-quarter of the Government employees. If this bill is not passed so as to cover all the Government employees, it will simply mean that from Congress to Congress an extension will be made from time to time until it is finally accomplished. This bill puts all of the Government employees on a fair and common basis. At present but about one-quarter of the employees are covered by a compensation law. Why should the other three-quarters of the employees be left without any remedy whatever? They are the only class of people in this country or any other advanced commercial country in the world that have no remedy in case of injury from accident or occupational disease contracted or occurring in the public service. An employee in your employment or mine, if injured because of our fault, recovers from us under the common law on grounds of negligence. In other cases he recovers under employers' liability acts and compensation laws that have been passed. All have their remedy in case of injury. But these Government employees to be covered by this bill have no remedy whatever to-day for occupational diseases or accidents incurred in the service. Will the great Government of the United States do less for its faithful employees than private individuals or corporations do for theirs?

Mr. DUPRÉ. Will my colleague yield to me?

Mr. McGILLICUDDY. Certainly.

Mr. DUPRÉ. I may throw some light on the question that was asked by the gentleman from Illinois [Mr. MANN] in regard to the difference between this bill and the Howland bill, since in the present Congress I introduced the bill that was known in the last Congress as the Howland bill. Without going into details, I may say that the bills are substantially similar, except the schedule of compensation in the McGillicuddy bill is somewhat higher than in the Howland bill, and in addition to accidents, that were the only causes for compensation provided in the Howland bill, there has been added in this measure injuries resulting from occupational diseases.

Mr. MANN. Mr. Speaker, I understood the gentleman from Maine [Mr. MCGILLICUDDY] to say he was not familiar with the Howland bill. That bill was introduced in the last Congress and was reported unanimously from the Committee on the Judiciary. Am I to understand that the Committee on the Judiciary this year, composed largely of the same membership, have reported unanimously another bill without knowing what was in the first bill?

Mr. McGILLICUDDY. Absolutely, that is not so.

Mr. DUPRÉ. I think my colleague's statement must have been made inadvertently.

Mr. McGILLICUDDY. I am not prepared at this time to state in detail what was in the Howland bill, it being some two or three years ago since it was considered, but this bill was considered in the Judiciary Committee, and considered carefully after lengthy hearings, and with the hearings in mind that we had on the Howland bill also. And this is the final and complete judgment of the entire committee covering the subject.

Mr. MANN. Is the gentleman prepared to tell the House how the rates of compensation, and so forth, in this bill compare with the rates of compensation fixed by the President in his recent order for the payment of compensation for injuries incurred upon the Canal Zone?

Mr. McGILLICUDDY. They are somewhat increased in this bill.

Mr. DUPRÉ. If I may be permitted, I wish to state to the gentleman from Illinois that in connection with the hearings held there was a document prepared under the supervision of the Department of Labor, which shows the comparison between the Howland-Dupré bill, if I may so call it, and the McGillicuddy bill, as reported, and the data can be produced and given to the gentleman from Illinois.

Mr. MANN. Where is that information to be obtained?

Mr. DUPRÉ. It is in the Judiciary Committee. The hearings of the committee will disclose the fact that such a comparison was made.

Mr. McGILLICUDDY. In further reply, Mr. Speaker, to the gentleman from Illinois——

Mr. MANN. It is not included in the report on this bill, I take it?

Mr. DUPRÉ. No.

Mr. McGILLICUDDY. It is included in the hearings, however. I will say further to the gentleman from Illinois that the Bureau of Labor Statistics is heartily in favor of this bill, and prepared that schedule comparing this bill with all the the other bills before it.

Mr. MANN. I assume that the Bureau of Labor Statistics was heartily in favor of the bill in the last Congress, and that they also helped to prepare the schedule which the President fixed for the Panama Canal Zone.

Mr. McGILLICUDDY. That may be true.

Mr. MANN. And I may say that I am in favor of the compensation bill.

Mr. McGILLICUDDY. If you are, why not support us in this bill?

Mr. MANN. I put through the Panama Canal compensation bill, and without help from the gentleman.

Mr. McCOY. Mr. Speaker, will the gentleman yield?

Mr. McGILLICUDDY. I do.

Mr. McCOY. In connection with the inquiries propounded by the gentleman from Illinois [Mr. MANN] in regard to this bill I would say that I was acting chairman of the subcommittee of the Committee on the Judiciary, to which committee the bill was referred. I took the so-called Howland bill, which is now the Dupré bill, and I took the bill known as the Kern-McGillicuddy bill, introduced simultaneously in the Senate and House, and went over to the Department of Labor and saw the head of the Bureau of Labor Statistics, and talked over these bills with the officials there thoroughly.

Now, as I understand the situation, the Kern-McGillicuddy bill, so called, was drafted by the Federation of Labor legislation committee. I do not remember just the name of the organization, but, at any rate, they had prepared that bill that passed under the two names, Kern-McGillicuddy. The Bureau of Labor Statistics did not approve that bill, nor did they approve altogether the Howland bill, which is now the Dupré bill, and they undertook to go over the entire matter and drafted another bill. This association for labor legislation found that that was done, and they sent their secretary down here, and the secretary went to the Bureau of Labor Statistics and there conferred with the head of that bureau, and they also took into their confidence a man whose business it is professionally, I believe, in connection with the federation, to see to the proper framing of a bill, so that a bill shall not be drawn in a slipshod manner, and so that when the bill is presented in a legislative body it may be well drawn and consistent, and not contradictory in any of its parts. Now, the result of that work in this particular bill is that it is the best drawn bill I have ever read.

I want to say to the Members of the House that, being engaged in other matters, I did not have time to-day to look into the hearings upon this bill, but I can say that we had full hearings before the Committee on the Judiciary on two different occasions. We also had a hearing before the subcommittee on another occasion, and the whole matter has been gone into with the utmost thoroughness. I believe that anybody who will examine the bill will find that it is a well-prepared bill. The Committee on the Judiciary does not take any credit for that because, as I say, it was drafted, as it was, by a man whose business it is to do that kind of work.

Mr. MANN. Who is that man whose business it is to draft bills for Congress?

Mr. McCOY. He is connected with the organization which is known as the Association for Labor Legislation. Dr. Andrews is the secretary of it, and I have no doubt that every Member of Congress from time to time has had some word from that organization.

Mr. SISSON. Mr. Speaker, will the gentleman yield for one minute?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Mississippi?

Mr. McCOY. Surely.

Mr. SISSON. Did the committee make any examination as to what this bill will probably cost the Government?

Mr. McCOY. Yes; I believe they did.

Mr. SISSON. I understand that the bill carries a $500,000 appropriation.

Mr. McGILLICUDDY. That is for the first year.

Mr. SISSON. That does not answer the question. What does the bill finally cost?

Mr. McGILLICUDDY. Not to exceed a million dollars a year.

Mr. SISSON. Do these occupational diseases referred to in this bill cover the diseases that might happen to a man while engaged in a certain occupation because the occupation brings about the disease?

Mr. McGILLICUDDY. It is the occupation that causes it.

Mr. SISSON. What department of the Government causes these conditions?

Mr. DUPRÉ. Membership in Congress, for example. [Laughter.]

Mr. SISSON. Yes; I suppose that disease would be covered about as easily under the occupational clause as anything else that would entitle us to a pension, if the language is retained in this bill that is now in it.

Mr. McCOY. I will say to the gentleman from Mississippi that, for instance, a man engaged in painting is subject to lead poisoning. That is an occupational disease.

Mr. SISSON. How many painters do you have in the employ of the Government? Those that paint the ships?

Mr. McCOY. That I can not say. I hope there are only a few of them that suffer from this disease. But there are some, and it is inherent in the occupation.

Mr. FOSTER. Let me say to the gentleman from New Jersey [Mr. McCOY] that there are a number of these diseases that are inseparable from certain employments. There are a number of occupational diseases which either partially disable or wholly disable in consequence of that particular kind of work.

Mr. McCOY. There are women over in the Bureau of Engraving and Printing who, on account of the work they do, which involves a great deal of use of the wrist, become incapacitated in the right hand or in the left, whichever they use. That, I believe, is treated as an occupational disease. It is something that is inherent in the work they are doing. Now, the committee can not undertake to give a full list of what might be termed occupational diseases, but——

Mr. QUIN. Will the gentleman yield?

Mr. McCOY. Yes.

Mr. QUIN. Is there anything in this bill which gives a Government employee a pension that would give a farmer a pension if he gets a sunstroke or dew poison in his ankle?

Mr. McCOY. I do not know what dew poison is. I presume down in Mississippi it may have something to do with mountain dew; but that would not be covered in this bill.

Mr. QUIN. It is caused by the brushing of the wet grass against the ankles. If there is a cut on the ankle, it may swell up.

Mr. McCOY. I understand that mountain dew is a natural product in some places.

Mr. QUIN. Will this bill give pensions to a special class of people—just the ones who work for the Government?

Mr. McCOY. It gives compensation to Government employees who are injured. The gentleman knows that Government employees who are injured in the course of their employment have no right of action against the Government.

Mr. QUIN. Ought they to have a right of action against the Government because they get sick?

Mr. McCOY. They ought to have a right of action where the injury is due to negligence. If they were working for a private corporation, they would have that right of action; but the gentleman knows that the Government can not be sued without its consent, and in a great many instances we have provided for compensation to injured employees. But there is a large class of Government employees who if they were in private employment might have a cause of action for any injury that they suffered in the course of their employment, who are absolutely excluded by reason of the fact that they work for the Government. Now, this does not create a privileged class. It simply gives to Government employees the right to recover for injuries which they would have the right to recover for if they were working for a private corporation, and who are now barred from the recovery

of compensation simply because the Government is their employer.

Mr. SISSON. Will the gentleman yield?

Mr. McCOY. Certainly.

Mr. SISSON. Supplementing the inquiry of my colleague from Mississippi [Mr. QUIN], I understand that the theory upon which this bill is based is that you endeavor to place the Government in the attitude of a corporation or any other employer of labor, because in case of injury to an employee he would have a right of action against the company that employed him.

Mr. McCOY. I was only illustrating the point to the gentleman from Mississippi [Mr. QUIN]. We do not attempt to give an employee any right of action against the Government.

Mr. SISSON. I understand that he has no right of action. I think I can make myself clear. A man injured in a powder mill or injured on a railroad by virtue of the negligence of his employer would have a right of action.

Mr. McCOY. Yes.

Mr. SISSON. Against his employer.

Mr. McCOY. That is right.

Mr. SISSON. A man employed in the Government service only has the right to come to Congress and present a claim against the Government.

Mr. McCOY. As to most Government employees that is so.

Mr. SISSON. This bill enables a man who is injured in the Government service to be put in a position where he gets certain compensation.

Mr. McCOY. That is right.

Mr. SISSON. Now, if he should become sick with what is called an occupational disease while in the service of the Government, that is also provided for in this bill.

Mr. McCOY. No; I do not think the gentleman states it just clearly. A man might contract a disease while he was in the employ of the Government, but that would not give him the right to compensation. It would be only in the case of those diseases which are called occupational.

Mr. SISSON. Of course, I understand that, and I use the term "occupational disease" after the explanation made by the gentleman from Maine [Mr. MCGILLICUDDY] in answer to a question a few minutes ago. I understand that the occupational disease must be caused by the Government service. That is what you mean by an occupational disease.

Mr. McCOY. I was just trying to explain that all diseases occurring while a man is in the employ of the Government are not called occupational diseases.

Mr. SISSON. Of course, I understand that, but a disease that is occasioned by the particular occupation a man is engaged in is an occupational disease.

Mr. McCOY. Well, yes.

Mr. SISSON. If the occupation causes the disease.

Mr. McCOY. No; that is just what I am trying to make clear.

Mr. McGILLICUDDY. Let me read it.

Mr. McCOY. The gentleman from Maine will read the provision.

Mr. FOSTER. Before the gentleman does that, I do not think there is any real difference between the gentleman from Mississippi [Mr. SISSON] and the gentleman from New Jersey [Mr. McCOY].

Mr. McCOY. I do not think there is.

Mr. FOSTER. The gentleman mentioned, for example, that a painter is subject to lead colic, which is an occupational disease.

Mr. SISSON. Yes.

Mr. DUPRÉ. And there are certain diseases which are peculiar to the phosphorus industry.

Mr. FOSTER. If a man is doing painting for the Government and he has lead colic, that is an occupational disease, and under this bill the Government would be liable if disabled as a result?

Mr. SISSON. Yes.

Mr. FOSTER. And there are other diseases which are peculiar to certain occupations.

Mr. SISSON. That is exactly what I had in mind. If a man is engaged in a certain kind of work for a certain length of time, and that occupation produces the disease, it is covered by this bill. Is that right?

Mr. McCOY. I think so.

Mr. SISSON. If that is true, I want to ask upon what basis you make the calculation as to what this bill will ultimately cost.

Mr. McGILLICUDDY. From what it has already cost where it is applied.

Mr. SISSON. Where else does it apply?

Mr. McGILLICUDDY. It is applied in England, Switzerland, Germany, and in many of the States of this country.

Mr. SISSON. If the pension laws of England, the pension laws of Germany, and the pension laws of France are to be your measure, and if we then measure the war pensions paid in those countries by the war pensions here, you will miss the mark a long, long way.

Mr. McGILLICUDDY. This is not a matter of a pension at all.

Mr. SISSON. We will not quibble about terms. It is as broad as it is long, whichever way you take it and by whatever name you call it.

Mr. McCOY. I should like to answer the gentleman in regard to the cost. No estimate was made of what this may cost the Government, and it was frankly stated that no estimate could be made.

Mr. SISSON. I think that is true.

Mr. McCOY. But, assuming that these people have a moral right to be taken care of when they are injured, what difference does it make whether it costs the Government a million dollars or five million dollars? If there is a class of people in the employment of the Government suffering under circumstances which would permit them in other cases under compensation laws of the various States to recover in case of private employment, what difference does it make how much it costs the Government to compensate them?

Mr. SISSON. It makes a great deal of difference to me, and it ought to make a great deal of difference with every man who has a regard for good government. It ought to make a difference for this reason, that there is a limit somewhere to taxation. When you shall have levied on the people a certain amount of taxation I am unwilling, after they shall have paid for proper government activities, that you should extend the special privileges to these men who already hold these positions under the Government which can not be obtained by men in private life.

The man working on the farm, the man working for himself in the little store, the little shopkeeper, and the little clerk have to take these risks themselves. I am unwilling that you should place on them the additional burden that makes Government taxation burdensome. There ought to be some consideration for the taxpayers and the people not connected with the Government service. I am one of those men that believe that the Government is intended for the benefit of the people, that it exists for the benefit of the people, and not that the people exist for the benefit of the Government and those working for the Government. Now, if this makes for good government, if it makes for economical government, to pay men for diseases which they may contract in the Government service, of course there is something in it. But I am unwilling, so far as I am concerned, to begin on this course.

You are going to find, if you enter upon this, that you will be in the same attitude that the English people were in when they first pensioned the Government employees, and that is what this is, no more and no less——

Mr. McCOY. I differ with the gentleman entirely; this is not a pension scheme.

Mr. SISSON. Well, we will not quarrel about that; it is as broad as it is long. When you have this you will be compelled to do as they were in England—compelled to extend the pensions all along the line—old-age pension, occupational pension, and everything of that sort that falls under that head, because the people will say, properly, "Those favored ones get it, why not us?"

Mr. McCOY. The gentleman from Mississippi mentions the farmers, and thinks it a pity that we should do anything that discriminates against the farmer or that would give the employees of the Government proper compensation for injuries. I have no doubt the gentleman did as I did, voted for the $500,000 appropriation to look out for hog cholera. I should like to know whether that was for the benefit of the farmer or not. The farmer, I am sure, could pay his own money to find out something about hog cholera, but, nevertheless, when cattle have some disease we appropriate a half a million dollars, and we appropriate for dipping cows some way or other—or is it sheep? I am not a farmer.

Mr. SISSON. I gather from what the gentleman says that he is not a farmer.

Mr. McCOY. And I am glad that I am not, if I have to make the kind of comparison that the gentleman from Mississippi makes. The farmer has nothing to complain of as to the liberality of the Government in such matters. We take care of his hogs, his sheep, his cows, his grain, and his cabbages, and

everything else that he has in the world, and still when we want to make an appropriation for the men employed and injured in the Government service, or those who contract diseases which come directly from such service, the farmer is held up as the man that is to pay all the taxes, and the appropriation is opposed.

There is no question of a pension in this matter; it is simply a question of plain, ordinary justice to see that persons injured in the Government employ should be properly compensated.

Mr. SISSON. I want to say in reply, Mr. Speaker, to my friend——

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. Under what rule of the House is this debate proceeding?

The SPEAKER. Under a reservation of the right to object.

Mr. SISSON. Mr. Speaker, I used the farmer as an illustration because he is the man that works with his own hands, works on his own farm, and does not have any relation existing between him and his laborer such as great corporations and their labor would have. When you shall make an appropriation for the purpose of enabling the farmers of this country to produce better cattle, better hogs, more corn, more wheat, we are serving the constituents of the gentleman from New Jersey. It is not because of his occupation, it is not because we want to do it to help him as an individual, it is not from a desire to help him because he is a farmer, but to increase the productive capacity of the fields which feed the cities and the people who are not engaged in that industry and for the general good of all the people. The city of the gentleman from New Jersey would be absolutely destroyed except for the productivity of the farms of the country. You contribute to it not because you want alone to benefit the farmer as such, but you contribute to it to increase the productivity of the soil, to increase the proper cultivation of the soil, to eliminate disease from the hogs and cattle, and advance the interest of our great agricultural interest. And that benefits the city more than it benefits the farmer, because you enable him to get cheaper and better food. In fact, if you did not eliminate in some way the hog cholera, you might eliminate the hogs, and thereby eliminate the meat from the great cities.

Mr. McCOY. Then we would live on corn.

Mr. SISSON. But if you did not get the field properly cultivated you would not have any corn. You can not live without the farmer.

He is the basis of the foundation of all wealth. Without him there could be no cities. If he did not produce more than he could consume at home, every man would have to be a farmer. Whatever Congress can do in the way of providing for demonstration work that will enable the farmer to get the best results and produce the greatest amount of agricultural products to the acre will not only increase the wealth of the farmer, but will increase the entire wealth of the Nation. Whatever discoveries the Government can make for the elimination of disease in our cattle and hogs will increase their number, reduce the price, and increase the quantity of meat to feed the city.

I am getting tired of hearing such criticism as this of what Congress is trying to do to develop the agricultural interests every time a pension bill or a bill increasing the salary of Government employees comes up. No man representing the best interests of a city constituency can take the position that the Government has spent too much to help the American farmer. If the American farmer ceased to work the fields, our factories would be smokeless, our cities would be deserted, our ships would rust and rot in the harbor, railway rails would go to ruin, and every man would be compelled to desert the cities and go to hunting for food.

On every occasion I have endeavored to convince Congress that it is their duty to devote more time and attention to building up the agricultural interests of the country. For over a century Congress has fostered, nursed and nourished, and given special privileges to our manufacturing interests, to the utter neglect of the farmer. This is a short-sighted policy. The first evidence of the decay of a nation is the decay of its agricultural interests. Wherever rural life is made attractive, wherever country homes are happy and prosperous, that country is strong and virile and has a glorious future. Wherever the farms are deserted and the fields not properly tilled, that nation is already destroyed. So I say to my friend from New Jersey that I have no apologies to make for having used the farmer to illustrate my reason for opposing this bill. You can place many burdens upon him, but you can do but little for him from the Treasury, except by giving him the benefit of the knowledge acquired by expert agriculturalists in the proper cultivation of his fields, in caring for his cattle and hogs, and in the proper methods of fixing his house, his barns, ditching and draining his lands, and all of these can be done by the Government with the expenditure of but little money, and they can be given to the farmer either through farm-demonstration schools or through the farmers' bulletins which can be sent him. But there is more than this that can be done for him in a Democratic administration, and that is to remove from his shoulders every burden of taxation that is not necessary for the proper conduct of the Government; instead of squandering so many millions for pensions for Government employees, for princely salaries for Army and Navy officers, and the expenditure of millions upon top of millions for useless battleships that soon rot, wreck, or become obsolete, to expend some of this money in the improvement of public roads, where the man who pays the taxes will get some benefit in return.

It is well enough to make light of the farmer on occasions of this kind, but I do not apologize and will never apologize for using him as an illustration in this case. I used him as an illustration not because I wanted to single him out as an object for the particular care of the Government, but because he would be one of a number of classes of people that would have to bear all of the burdens of this bill, and could never get any benefits from it. None but the favored few who hold good jobs in the Government would be benefited by this legislation. The burden would be borne by the millions of laborers and toilers who could get no benefit.

I used him as an illustration of that class of people like the clerk in the store, the little independent merchant, the blacksmith, or the millions of people that labor for themselves, who do not have an opportunity to have a Government job and who have to take all the inclemencies of the weather and all the burdens of occupational diseases. Still, the gentleman from New Jersey wants to saddle on them the special favors extended in this which he would to those who have their names attached to the pay roll of the Federal Government. Everybody is trying to get on the Government pay roll. I do not understand what royalty surrounds a Government job that they should be the object of such solicitude on the part of Congressmen. They are the most favored places in the world, and still you want to make them more burdensome to the masses of the people.

Mr. BRYAN. Does the gentleman realize that the farmers' associations and organizations in this country are all in favor of this legislation and are continually passing resolutions in regard to it?

Mr. SISSON. I do not know anything of the kind.

Mr. CLARK of Florida. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SISSON. Mr. Speaker, reserving the right to object for a moment——

Mr. CLARK of Florida. Mr. Speaker, I demand the regular order.

Mr. SISSON. Mr. Speaker, I desire to make this explanation, with the gentleman's permission. I do not believe this bill ought to be considered under present circumstances and on the Unanimous Consent Calendar. It is a very important bill, and for that reason I object.

Mr. DUPRÉ. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. SISSON. I will withhold it for a moment.

Mr. DUPRÉ. Mr. Speaker, in connection with the statement I made just now that the table showing the comparative compensation was obtainable, I will now hand a copy of the hearings to the gentleman from Illinois, and in that connection I want to say that I did not plagiarize the Howland bill. I wrote to Mr. Howland, with whom I was associated on the committee last year, and stated that I was very much interested in this sort of legislation and would like to introduce the bill in this Congress, and he bequeathed it to me with his best wishes.

The SPEAKER. The gentleman from Mississippi objects. The bill is stricken from the calendar.

PUBLIC-BUILDING SITE AT OWEGO, N. Y.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15320) authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to the site at Owego, N. Y.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to disregard that portion of section

33 of the public buildings act approved March 4, 1913, which requires that the Federal building site selected at Owego, N. Y., shall be bounded on at least two sides by streets.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MANAGERS FOR NATIONAL SOLDIERS' HOME.

The next business on the Calendar for Unanimous Consent was (H. J. Res. 241) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the joint resolution, as follows:

Resolved etc., That James Steele Catherwood, of Illinois; John C. Nelson, of Indiana; Frederick J. Close, of Kansas; and Thomas S. Bridgham, of Maine, be, and they are hereby, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed Oscar M. Gottshall, of Ohio; William Warner, of Missouri; Franklin Murphy, of New Jersey, whose terms of office expired April 21, 1912, and James Barry, whose resignation as a member of the said board has been accepted.

With the following committee amendments:

Lines 3 and 4, page 1, strike out the name "John C. Nelson, of Indiana," and insert "George H. Wood, of Ohio."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I object.

Mr. JOHNSON of Washington. I object.

Mr. O'HAIR. Mr. Speaker, I will ask the gentlemen if they will withhold their objection until I can make a statement.

Mr. MONDELL. Very well.

Mr. JOHNSON of Washington. Very well.

Mr. O'HAIR. Mr. Speaker, the importance of considering this resolution at this time and of adopting it or some other resolution is this: The soldiers' homes of the United States or the management of the soldiers' homes—and there are 10 of them—find themselves without the ability to muster a quorum of managers. Under the provision of the law heretofore passed there were 11 members of the board of managers. In June, 1913, by a provision put on the sundry civil appropriation bill, the number was cut to five. By operation of law when their term expired the places were not to be filled until there would be only five left. At the present time there are only six members of this board, and three of them are holding over, their time having expired in 1912, those three being named in this resolution. The fourth one named in this resolution resigned in March, 1913. With the three who are holding over at this time, whose terms expired in April, 1912, and with the three whose term of office does not expire until April, 1916, the board as constituted makes six members. The statute provides that seven members shall constitute a quorum to do business. Since the 21st of last April there have been only six members. The next meeting of that board to transact business occurs on the 23d day of this month. It will be manifestly impossible for seven members of that board to appear.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. O'HAIR. Certainly.

Mr. MONDELL. What would be the objection to placing an amendment on the sundry civil appropriation bill now being considered reducing the number required for a quorum?

Mr. O'HAIR. There are two reasons. One is that an amendment of that character would be subject to a point of order, and the other is that this resolution or some other resolution should be considered at this time because the term of office of the men whose places are being filled here expired over two years ago. They have not been reappointed and no one has been appointed in their place. I presume their acts might be legal, but in the ordinary and orderly way of doing business when their terms expire, of course, there should be some one appointed to serve during the succeeding term, and the gentleman's suggestion that such an amendment be added to the sundry civil appropriation bill would meet with a point of order. I think there should be four men named to fill these four vacancies. I do not know of any reason why they should not be named. Does the gentleman?

Mr. MONDELL. I think there would be no objection on the part of anyone to such an amendment as I have suggested, unless the objection was made by some one who desired to increase the number on the board above the number that Congress has determined it shall consist of in the future.

Mr. O'HAIR. How would the gentleman suggest, then, that these four vacancies that now exist, by virtue of one resignation and the term of office of three having expired, be filled if not by this resolution or one like it?

Mr. MONDELL. The vacancies, as they occur within the limit fixed by Congress, should be filled, of course, but they should be filled within the limit fixed by Congress, and we should supplement the legislation we already have relative to the size of the board by supplementary legislation reducing the size of the quorum.

Mr. O'HAIR. I expect to offer an amendment to this resolution, if it is considered, reducing the size of the quorum to four; and what I am getting at is this: Here are four vacancies that should be filled; how does the gentleman propose to fill them?

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. O'HAIR. Yes.

Mr. MANN. I thought I had this matter straight in my head, but I do not know that I have. Two years ago, by act of Congress in the form of an amendment on an appropriation bill, we reduced the number to five, as vacancies occurred?

Mr. O'HAIR. Vacancies thereafter occurring.

Mr. MANN. If this resolution were passed, would this be in contradiction with that act of Congress?

Mr. O'HAIR. No, sir. These four vacancies occurred and existed when that bill, or that portion of the sundry civil bill, passed.

Mr. HAY. If the gentleman will permit, I will say that the law passed in the sundry civil appropriation bill provided that the number be reduced to five in 1916.

Mr. MANN. I did not catch that.

Mr. HAY. I say the board should be reduced to five in 1916.

Mr. MANN. But it does not yet apply.

Mr. HAY. It only applies to the vacancies which occurred in 1914. Now, vacancies will occur this year, and they will go out, thereby reducing the number to seven.

Mr. MANN. This reduction, then, did not apply to the ones who were then in, whose terms had expired but were held over.

Mr. HAY. It did not apply to vacancies which occurred in 1912, but it does apply to vacancies which occur in 1914.

Mr. MANN. There is no contradiction between this resolution and the act reducing the number?

Mr. HAY. No.

Mr. MANN. I thought so, but I was not sure after hearing what the gentleman from Illinois had to say.

Mr. TAGGART. Mr. Speaker, may I say, in answering one objection stated, that even though no objection were made to an amendment offered to the sundry civil appropriation bill which would fix a quorum of the board of managers at four or some other workable number, there would be great embarrassment and difficulty confronting the board. As was stated by the gentleman from Illinois [Mr. O'HAIR], a board meeting occurs this month. The law of 1867, which was the original law creating the board, positively requires that a quorum shall consist of seven. Now, if the number of a quorum should be reduced in the sundry civil bill to four, or some other number, the chances are the sundry civil bill would not pass the Senate and be approved for some time, and in the meantime the board could not legally transact any business at all. A meeting of the board is scheduled, as I am informed, for the 23d of June, in the State of Maine, at some town—Togus, I think it is called—in that State. There are but six members to attend that meeting. The President of the United States, the Secretary of War, and the Chief Justice of the Supreme Court are ex officio members of the board, but it has been the invariable practice and custom that those officers do not attend. The board would not be in a position to make the necessary contracts and take the necessary steps for the support of the various branches of the soldiers' home for the next fiscal year. I wish to ask gentlemen on the other side not to obstruct the work—the necessary work of taking care of the 25,000 disabled volunteer soldiers in these homes. You say you are willing to have a quorum fixed in the sundry civil bill so the present board can work, but it will require perhaps a month to do that, and we can do it right now. These men will be elected some other day soon, if not to-day. This election takes place some other day under suspension of the rules, either during the last six days of the session or on some other suspension day after to-day. If they are not reached to-day on suspension of the rules, nothing can be accomplished except the embarrassment of the board and an interference with the administration of these branches of the home and an obstruction of the purposes of the Government in taking care of the disabled soldiers by making these objections. Undoubtedly some one will rise and object or will make a point of order against the changing of the existing law, which provides for a quorum of seven, which has been the law for the

last 48 years, if the amendment is suggested when the sundry civil bill is again considered.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAGGART. I will.

Mr. MANN. Without applying the quorum question seriously myself, as I do not, as I understand the present board—if the gentleman will pardon me for the question I am going to ask, because I believe once in a while it is necessary to get down to what is called brass tacks—the present board is Republican in its organization.

Mr. TAGGART. I am not able to say.

Mr. HAY. Yes; it is.

Mr. MANN. I think the gentleman is quite able to say——

Mr. TAGGART. I should have thought the gentleman from Illinois would have had more information on that subject than I.

Mr. MANN. I do not know, and I just assumed the gentleman to know; I am sure all the Democratic members of the committee here know since the caucus on this subject.

Mr. O'HAIR. Yes; I will answer that question.

Mr. HAY. Of course it has been a Republican board for many, many years, and I will state to the gentleman from Illinois I have never known an objection to be made for the selection of this board while I was on the minority, and invariably while I was on the minority the Committee on Military Affairs elected Republicans to the board.

Mr. MANN. There was objection made at the time in reference to politics, and I want to get at the facts.

Mr. TAGGART. Permit me to say, inasmuch as the question was put to me so pointedly, I do not regret that I am not able to answer it. I think that 50 years after these men have rendered their service to the Government it is a little bit too late to talk about the politics of the board of managers for the branches of the home for disabled volunteer soldiers——

Mr. MANN. I do not think it is too late. Is the gentleman able to say whether the gentlemen named in this resolution are Democrats?

Mr. TAGGART. I am able to say only in reference to one of them. One of them is a citizen of Kansas, who lost his right arm at Resaca.

Mr. MANN. I see the gentleman is not willing to get down to brass tacks; I was. I am willing to admit honestly and frankly, as long as we have a Democratic House, a Democratic Senate, and a Democratic President, as far as I am concerned, I think they are entitled to a Democratic control of all these boards when the terms expire in regular order. But that is the only excuse I would have for supporting the resolution.

Mr. O'HAIR. My colleague understands that the terms of the gentlemen whose places are being filled here expired two years and more ago?

Mr. MANN. I understand. I am not criticizing the gentleman for seeking to put in Democratic members of the board, nor am I objecting to the proposition.

Mr. HAY. I will state to the gentlemen that the other three members of the board as it will be constituted, if these four men are now selected, are Republicans, so that there will be four Democrats and three Republicans on the board.

Mr. TAGGART. Let me say that the one with whom I have an acquaintance will take the place of Maj. William Warner, one of the most distinguished gentlemen in the whole Middle West, and who served with credit and honor in the Senate of the United States, and who, I am informed, does not desire to continue his services any longer than such time as we are able to replace him with some one else.

Mr. MONDELL. Mr. Speaker, I do not want the impression to prevail that I am objecting on account of the political faith of these appointees. As a matter of fact, I did not know they were Democrats, although I rather assumed they were, and I think it is entirely proper that they should be. I have certainly no objection on that score. Neither do I want to leave the statement of the gentleman from Kansas [Mr. TAGGART] unchallenged, that the business of the soldiers' homes will be in any wise interfered with or jeopardized if these appointments are not made.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. MONDELL. I have not any doubt but that the board will go on and transact its business and that the interest of the homes will be properly cared for and looked after if these appointments are not made at this particular time.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. HAY. Will the gentleman yield?

The SPEAKER. The gentleman from Wyoming objects, and that is the end of it. The bill will be stricken from the calendar, and the Clerk will report the next one.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER as the conferees on the part of the Senate.

NEW YORK AND NEW JERSEY HARBOR-LINE COMMISSION.

The next business on the Calendar for Unanimous Consent was the Senate joint resolution No. 29, authorizing the President to appoint a member of the New Jersey and New York Joint Harbor-Line Commission.

The resolution was read, as follows:

Resolved, etc., That the President of the United States be, and is hereby, authorized to designate an officer of the Corps of Engineers, retired, United States Army, whose assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor, to act as a member of the said New Jersey and New York Joint Harbor-Line Commission: *Provided*, That no expense shall accrue to the United States by reason of such appointment, and the officer designated may receive such compensation for his services on said commission as may be provided by the States aforesaid.

Also the following committee amendments were read:

Page 1, lines 5, 6, and 7, strike out the words "whose assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor.

Strike out the word "said," in line 7, page 1.

The SPEAKER pro tempore (Mr. MCGILLICUDDY). Is there objection to the present consideration of the bill?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman from New York [Mr. TALCOTT] the purpose of the resolution.

Mr. TALCOTT of New York. The purpose of the resolution is to have an engineer officer on the retired list appointed to act with the commission appointed by the States of New Jersey and New York to examine into the condition of the harbors of the United States and elsewhere, in order to report upon improvements that are necessary in the waters of the two States. And this is to be without expense to the Government.

Mr. MADDEN. I have no objection, Mr. Speaker.

Mr. MANN. Reserving the right to object, the gentleman knows that both Houses passed a similar resolution in the last Congress, and that at the request of the Chief of Engineers it was vetoed by the President. I suppose the gentleman is familiar with all that?

Mr. TALCOTT of New York. No; I did not know that.

Mr. MANN. I am surprised that the gentleman would have charge of a resolution of this kind and it would not come to his knowledge that in the last Congress a similar one was vetoed at the request of the Engineer Corps of the Army.

Mr. TALCOTT of New York. But this is recommended by the Secretary of War.

Mr. MANN. I will say to the gentleman I am not going to object. I favored the resolution when it was in Congress before, but I do not want to have another veto proposition. I would like to know whether it would do any good. We have been having so many bites of this cherry that, if we do take this, let us take the whole cherry or none.

Mr. TALCOTT of New York. Does not the gentleman recognize the necessity of these improvements in New York Harbor?

Mr. MANN. I am familiar with that. I have been over that in the last Congress. This resolution which was introduced in the Senate provided for the designation of an active officer of the Engineer Corps. At the suggestion of the Secretary of War that was changed so as to make it a retired officer of the Engineer Corps. Of course, that destroys in itself the main purpose of the bill, which originally was to have this board over there work in harmony with the Engineer Corps of the Army and to have one of the Engineer Corps of the Army, active in service, working on the commission, so that he would represent the attitude of the Engineer Corps, which, of course, a retired officer will not do. But have they not authority now to hire a retired officer of the Army for this purpose?

Mr. TALCOTT of New York. I think not without the consent of Congress.

Mr. MANN. What is to prevent? Where is our friend from Virginia [Mr. HAY]?

Mr. HAY. I do not know what the proposition is.

Mr. MANN. This is a proposition to authorize the President to designate an officer of the Corps of Engineers, retired, to act

as a member of the New Jersey and New York Joint Harbor Line Commission. Would not such a retired officer have permission to accept such work now if they would hire him?

Mr. HAY. Undoubtedly.

Mr. MANN. And he could not be required to take it?

Mr. HAY. He could not be required to do it.

Mr. MANN. And if he wanted to take it, he could take it, anyhow?

Mr. HAY. If he wanted to do it and was detailed to do it by the President, but I do not think that would authorize him to receive compensation.

Mr. MANN. He is not to get compensation from the Government under this resolution. He is to be paid by the commission over there. That is the reason I say that the bill as originally introduced in the Senate provided for an active officer in this work, and when it was changed to a retired officer I really could not see what object there was in it at all.

Mr. HAY. The object of it is to authorize the officer to receive such compensation for his services as may be provided by the State commissioners. He would not have the right as an officer of the Army to receive compensation, even though he is a retired officer, unless Congress gave him the permission to do it.

Mr. MANN. He has the right to receive compensation. A retired officer of the Army is not forbidden to do work?

Mr. HAY. But if he is assigned to duty by the President he thereby gets the pay which he would receive if he were on the active list.

Mr. MANN. I understand, but without being assigned to duty by the President, they could employ any retired officer to go over and do this work?

Mr. HAY. Yes; they could.

Mr. MANN. Then I do not see really what they accomplish by this resolution.

Mr. HAY. As I understand it, a retired officer has the right to engage in any occupation which he may see fit to engage in, and if these States want to employ a man and offer him compensation, he has a right to go and discharge the duties of the place which he accepts.

Mr. MANN. That is what I understood to be the case.

While I shall not object to the resolution, I do not see what earthly good it does anybody.

Mr. TALCOTT of New York. It authorizes the President to designate a particular officer, and in accordance with the designation of the War Department he would probably recommend the officer best adapted for the service.

Mr. MANN. Oh, no. You know that the commission will pick out the officer. If they are going to pay him, they will pick out the officer. But a retired officer is no longer in touch with the purposes of the Corps of Engineers with respect to the improvement of New York Harbor. That was the original purpose of this resolution, and the President in the last Congress vetoed a similar resolution, because, as I recall it, the Corps of Engineers did not desire to be put in that attitude.

Mr. TALCOTT of New York. Does not the gentleman think that a member of the Corps of Engineers who has heretofore been connected with the harbor work in New York would render valuable service in connection with that work?

Mr. MANN. Any one of them can be employed if you will pay them and give them the work. But it does not amount to anything.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TALCOTT of New York, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LIENS OF JUDGMENT AND DECREES OF UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11624) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888."

The Clerk read the bill, as follows:

Be it enacted, etc., That an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens and judgments and decrees of the courts of the United States,' approved August 1, 1888," be, and the same is hereby, repealed.

SEC. 2. That this act shall take effect on and after January 1, 1915.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to hear from the gentleman from Louisiana [Mr. DUPRÉ] in explanation of the bill.

Mr. DUPRÉ. I shall be glad to give it. The object of this bill is to correct a very palpable error that Congress fell into in passing the act approved August 17, 1912. The statute of August 1, 1888, required that judgments rendered by the United States courts, in order to operate as liens or privileges, should be registered in conformity with the laws of the respective States. In section 3, however, of the act of 1888 an exception is made in the county or parish where the court is sitting that renders the judgment; for instance, taking a case in my State, when the court sits in the parish of Orleans and renders a judgment it is not necessary to record that judgment in order to have it operate as a lien; but in order that it should have that effect in the parish of Jefferson, which is just across the river, the judgment would have to be recorded. That is the way the statute read when it passed in 1888. On March 2, 1895, the section which made the exception that I have referred to was amended so as to add the following provision:

That nothing herein shall be construed to require the docketing of a judgment or decree of a United States court or the filing of a transcript thereof in any State office within the same county or the same parish in the State of Louisiana in which the judgment or decree is rendered, in order that such judgment or decree may be a lien on any property within such county.

And here is the addition contained in the act of 1895:

If the clerk of the United States court be required by law to have a permanent office and a judgment record open at all times for public inspection in such county or parish.

Now, in the last Congress the gentleman's colleague from Illinois, Mr. Sterling, introduced an act repealing section 3 of the act of 1888; but he overlooked the fact and Congress overlooked the fact that section 3 of the act of 1888 had been superseded by the act of 1895. In other words, we repealed an act which had already been amended by another act and failed to repeal the amending statute.

The object of Mr. Sterling's bill, and the object I am seeking to carry out in this bill, is to require all judgments of the United States courts to be recorded in order to operate as liens or privileges, if the several States require this course for State judgments.

The primary object of the gentleman from Illinois, Mr. Sterling, I think, was to meet the conditions that resulted from the operation of the Torrens act in that State. In passing a deed of sale in my State—and I think it is the same in other States—we not only have to get a certificate from the recorder of mortgages, where State judgments are recorded, to show that no judgments are standing against the party, but we must go to the United States court and pay for an additional certificate to show that there are no judgments outstanding in the clerk's office of that court, because a judgment of the United States court in the city of New Orleans, or in any place where the court is sitting that renders that judgment, has the effect of a lien or privilege against property in that city without the necessity of registry.

The idea is to simplify transactions of sale. The bill was well debated here in the last Congress. I have the RECORD at hand. The gentleman from Illinois, Mr. Cannon, and the gentleman from Indiana, Mr. Crumpacker, and Judge Moon, of Pennsylvania, and Mr. Sterling, of Illinois, and Mr. FLOYD of Arkansas, and other gentlemen participated in the debate, and the bill went through without any objection. I am simply seeking this remedial legislation to perpetuate what Congress intended to do, but which, through oversight, it failed to do.

Mr. MANN. I think the Sterling bill, which the gentleman refers to, was introduced by Mr. Sterling at my request. In the first place, it was amended some, and there was a good deal of confusion about it when it passed as to what it did; and I do not want to make any mistake again if I can help it. If I recollect aright, the purpose of the Sterling bill was really to protect those places where they had adopted the Torrens title system, and the purpose was to require any judgment of any United States court, before it became a lien upon real estate, to be recorded in the proper recorder's office if the State required the same thing as to State judgments.

Mr. DUPRÉ. The gentleman is absolutely correct in that respect.

Mr. MANN. Now, under the law which was sought to be repealed, and which this bill seeks to repeal, a judgment of the Federal court is not required to be recorded if it is in the same county or parish where the Federal courthouse is situated.

Mr. DUPRÉ. That is true.

Mr. MANN. And they keep a docket of the judgments. You want to repeal that so that a judgment will not be a lien in any State in a county or parish unless they get a transcript of the judgment and record it in the recorder's office?

Mr. DUPRÉ. That is the object of this legislation, and I will repeat that I am trying to do what Mr. Sterling intended to do; and I was in a sense responsible with him, since I was a member of the committee which reported that bill.

Mr. MANN. Oh, well, I understand the error that was made is a natural error, as long as we will not bring our statutes down to date in a codification.

Mr. DUPRÉ. I was not aware that there had been an amending statute in 1895, nor was Mr. Sterling aware of it, nor were the other gentlemen who discussed the matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the last vote was laid on the table.

ADDITIONAL LAND DISTRICT, ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2548) to create an additional land district in the State of Arizona.

The bill was read, as follows:

Be it enacted, etc., That an additional land district is hereby created for the State of Arizona to embrace the lands contained beginning at the southeast corner of the State of Arizona; thence north along the boundary line between the States of Arizona and New Mexico to the southeast corner of township 5 north, range 31 east of the Gila and Salt River meridian; thence west along the township line to the southwest corner of township 5 north, range 28 east; thence north along the range line to the northeast corner of township 8 north, range 27 east; thence west along the second standard parallel north to the southeast corner of township 9 north, range 25 east; thence north along the range line to the northeast corner of said township; thence west along the township line to the southeast corner of township 10 north, range 21 east; thence north along the range line to the northeast corner of said township; thence west along the township line to the southeast corner of township 11 north, range 18 east; thence north along the range line to the northeast corner of said township; thence west along the surveyed and unsurveyed township line to the southwest corner of township 12 north, range 16 east, when surveyed; thence north along the unsurveyed range line to the northwest corner of said township; thence west along the third standard parallel north to the northeast corner of township 12 north, range 10 east; thence south along the range line to the southeast corner of said township; thence west along the township line to the northwest corner of township 11½ north, range 11 east; thence south along the surveyed and unsurveyed range line, allowing for the proper offsets, to the southwest corner of township 2 north, range 11 east, when surveyed; thence east along the surveyed and unsurveyed township line to the northeast corner of township 1 north, range 15 east; thence south along the range line to the southeast corner of said township; thence east along the base line to the northeast corner of unsurveyed township 1 south, range 15 east; thence south along the surveyed and unsurveyed range line to the northwest corner of township 4 south, range 16 east; thence east along the township line to the northeast corner of township 4 north, range 17 east; thence south along the range line to the southeast corner of said township; thence east along the unsurveyed township line to the northeast corner of unsurveyed township 5 south, range 18 east; thence south along the surveyed and unsurveyed range line to the southeast corner of township 10 south, range 18 east; thence west along the second standard parallel south to the southeast corner of unsurveyed township 10 south, range 1 west; thence north along the Gila and Salt River principal meridian to the northeast corner of said township; thence west along the second standard parallel south to the northwest corner of township 10 south, range 10 west; thence south along the unsurveyed range line to its intersection with the south boundary of Arizona; thence southeasterly and easterly along said boundary to the southeast corner of the State of Arizona, the place of beginning; and the city of Tucson, in the county of Pima, is hereby designated as the site for said land office, and the district shall be known as the Tucson land district.

SEC. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Phoenix land office which relate to or form a necessary part of the records of the lands embraced in the district hereby created to be transferred to the Tucson land district.

SEC. 3. That the President is authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, as I recall, since I have been here we abolished the land office at Tucson in the interest of economy.

Mr. HAYDEN. There was a consolidation, not by act of Congress but by departmental order, abolishing the offices in Prescott and Tucson and removing the office to Phoenix.

Mr. MANN. It went into effect in 1905, I think.

Mr. HAYDEN. Yes.

Mr. MANN. In view of the Democratic platform, does the gentleman have the nerve to ask us to re-create this office?

Mr. HAYDEN. I will state that the receipts from the sale of public lands in Arizona are sufficient to justify the existence of two land offices in my State, and for the convenience of the public there should be two offices.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. HAYDEN. Yes.

Mr. STAFFORD. I notice in the letter of the distinguished Secretary of the Interior he says only about one in four of the entries and final proofs are made before the register and receiver. Will the gentleman inform the committee how the other three-fourths are transacted?

Mr. HAYDEN. Before United States court commissioners and clerks of the courts.

Mr. STAFFORD. In that way the interested parties are not inconvenienced because of the want of a land office.

Mr. HAYDEN. It is much more satisfactory to go to the land office and attend to the business personally with the register and receiver than with some commissioner, who may make errors.

Mr. STAFFORD. I assume that after the entryman makes his entry the commissioner then sends it to the land office, and that the final proof is transmitted in the same way.

Mr. HAYDEN. Yes; he transmits it to the land office.

Mr. STAFFORD. In that particular, I notice that this distinguished Secretary does not come out very strongly in favor of this bill. He says:

> I incline to the opinion that the establishment is warranted.

He does not use his customary strong King's English in favor of the passage of this bill.

Mr. HAYDEN. I am sure you will notice that as to most bills on which the Secretary of the Interior makes report he generally contents himself with saying that he has no objection to their passage.

Mr. STAFFORD. Oh, Secretary Lane usually comes out flat-footed in favor of things that he recommends.

Mr. MANN. If he is very much in favor of them, he lobbies with Members of the House through the mail.

Mr. KENT. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. KENT. In case of contest, or any objection or correction of the papers, they have to go to the land office, do they not?

Mr. HAYDEN. Yes.

Mr. KENT. How far is it to the land office at present in existence from the outside boundaries of the gentleman's State?

Mr. HAYDEN. About 250 miles.

Mr. KENT. So that in the event of any complication it is a hardship to have to go to the land office?

Mr. HAYDEN. Yes. The railroad rates are very high.

Mr. MANN. That condition existed in 1905, when the Interior Department consolidated these offices. Secretary Lane states that the two districts were consolidated on October 2, 1905, and the consolidated land office located at Phoenix because the public business did not warrant the maintenance of two land offices in Arizona.

Mr. HAYDEN. Yes. During the year 1906, the first year after the consolidation, the total land-office business amounted to only about $51,000, but in 1913 it had increased to over $199,000.

Mr. MANN. How much have the receipts been in 1914 to date?

Mr. HAYDEN. They are stated in the report up to February 28 of this year.

Mr. MANN. That is eight months.

Mr. HAYDEN. For eight months the receipts are $76,770.

Mr. MANN. That shows a great falling off.

Mr. HAYDEN. Yes; the receipts have declined.

Mr. MANN. Seventy-six thousand dollars for 8 months as against $199,000 for 12 months in the preceding year. That would not seem to indicate the necessity for a new office.

Mr. HAYDEN. In 1908, when the receipts were only $70,000, they were sufficient to pay the maximum salaries for two land offices.

Mr. MANN. Oh, I see! That is the reason. I understand! I do not criticize my friend from Arizona, who, like all the rest of the Democrats, forgets the Democratic platform, and the moment he sees fees sufficient to pay another man's salary, wants to give some one the new job. That is a sufficient reason for the gentleman, but not for the rest of us.

Mr. KINKAID of Nebraska. Will the gentleman yield for a question?

Mr. HAYDEN. With pleasure.

Mr. KINKAID of Nebraska. I want to ask the gentleman what became of a bill that was reported favorably, and it seems to me discussed on the floor here in the last Congress, for an additional land-office district in the State of Arizona?

Mr. HAYDEN. There was no such bill in the last Congress. The State of Nevada had but one land office, and a bill was passed allowing two land offices in that State, just as I hope we will pass this bill to-day.

Mr. KINKAID of Nebraska. I am very heartily in favor of this bill, because I have seen enough of the State of Arizona to realize that there is great necessity for an additional land district. You ought to have at least two, if not three, districts, in my judgment.

Mr. MONDELL. I think there is no doubt that the public interest would be greatly served by the establishment of an additional land office in Arizona. It is a very great hardship for settlers to go great distances to a land office, and it is not the best way to transact the public-land business, to conduct a large portion of it before United States commissioners and clerks of the courts.

Mr. HAYDEN. There is no question about that.

Mr. MONDELL. But that side of the House a year or so ago was very much in favor of doing away with the office of receiver of the land offices. Gentlemen over there were very much impressed with the idea that this was an altogether useless and unnecessary office, that in the interest of economy and in keeping the Democratic pledges these offices should be abolished, particularly so as long as they were largely occupied by Republicans. But I notice that the gentleman's bill provides for the office of receiver just the same as in the former days. Has that side of the House changed its opinion in regard to that matter since we have reached the time for the appointment of Democrats to these offices?

Mr. HAYDEN. I can say truthfully that the two gentlemen who at present occupy the offices of register and receiver in Arizona are conducting them to the entire satisfaction of the people of the State, and both are Democrats.

Mr. MONDELL. Of course; and I presume that two good Democrats will be appointed to the jobs provided for in this bill.

Mr. HAYDEN. There is no doubt about that.

Mr. MANN. Not to-day. [Laughter.] I want to ask the gentleman from Arizona a question. When the two land offices in Arizona were consolidated into one, one having been located at Prescott and the other at Tucson, I understand that the one land office was located at Phoenix because it was more centrally located.

Mr. HAYDEN. Yes.

Mr. MANN. If the gentleman locates this land office at Tucson, then he will want to move the Phoenix land office to some more central part of the State, will he not?

Mr. HAYDEN. If there is any legitimate demand for a change in location, I shall want it moved.

Mr. MANN. It is perfectly plain that in a State like Arizona, where you consolidate two offices into one and locate that one in the central part of the State, that when you recreate one of those districts again you ought to move the central location to a farther central location of the district that is left. Is the gentleman in favor of an amendment to this bill changing the location of the other land office at Phoenix back to Prescott?

Mr. HAYDEN. I do not think that such an amendment is necessary at this time.

Mr. BUTLER. Why not make one at large and locate it on a wagon?

Mr. MANN. If this office is located at Tucson, certainly moving the Phoenix office back to Prescott would be for the convenience of the people.

Mr. HAYDEN. There is a considerable area of public land at no great distance from Phoenix. The office there is not inappropriately located.

Mr. MANN. If you have two districts, Phoenix is not the proper place for either one of the districts, but if you have one district, Phoenix is admirably situated for that one.

Mr. HAYDEN. All this is beside the question involved in this bill.

Mr. MANN. Not entirely in my mind.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. HAYDEN. Will the gentleman from Illinois withhold his objection one moment? I would like to read a few lines from a Tucson newspaper for the benefit of the gentleman from Illinois.

Mr. MANN. I object, Mr. Speaker; I do not want to hear it. [Laughter.] If the gentleman wants to read it for anybody else's benefit, very well.

Mr. HAYDEN. Then let me read it for my own benefit.

Mr. MANN. I have no objection to the gentleman reading it for his own benefit.

Mr. HAYDEN (reading):

WILL CARL HAYDEN KEEP FAITH?

CARL HAYDEN has lived in Arizona all of his life, and those who know him will say that when he gives his word he will keep faith, and having pledged himself to support the Tucson land-office measure, he will put that bill through the House.

Only constant vigilance on the part of HAYDEN will get the land office for Tucson. On the next day for considering "unobjected bills" Tucson should get the land office if HAYDEN is watchful and on guard, otherwise it may go to the foot of the calendar and not be reached again this session.

If HAYDEN is really trying to serve Phoenix as stated, it would be an easy matter for him to arrange with some Member who could not possibly be hurt by his action to rise in his seat and object to the consideration of the measure which must be taken up by unanimous consent, but we do not think that CARL HAYDEN would do a trick like that. He has much more to gain by looking at this question from the broad standpoint of all of his constituents instead of taking the narrow and provincial view of the Salt River Valley.

The land attorneys at Phoenix, who do not want to see the land office removed, employed a man to go among the merchants and business organizations there to work up protests against the passage of the bill, and CARL HAYDEN has been flooded with this matter. He has many personal friends at Phoenix, and undoubtedly they have posted him that these protests are inspired by the land attorneys, whose interest is purely selfish.

We think HAYDEN will keep faith with southern Arizona.

Now, I would like to inquire of the gentleman from Illinois whether I have made any arrangement with him to object?

Mr. MANN. Oh, the gentleman from Arizona can make his own statement; I am not going to compromise him. [Laughter.]

Mr. HAYDEN. Under the permission granted me to extend my remarks, I ask that a part of my report on this bill from the Committee on the Public Lands be printed in the RECORD.

The report is as follows:

[House Report No. 594, Sixty-third Congress, second session.]

ADDITIONAL LAND DISTRICT IN ARIZONA.

Mr. HAYDEN, from the Committee on the Public Lands, submitted the following report to accompany S. 2548:

The Committee on the Public Lands, to whom was referred the bill (S. 2548) to create an additional land district in the State of Arizona, having had the same under consideration, respectfully recommend that the bill do pass. The committee requested the Secretary of the Interior to state the effect of the passage of this bill, and the following letters and tabulated statement show that the fees and commissions in the present Arizona land district have been more than sufficient to support two maximum land offices for the past six years. The fact that the fees and commissions are large enough to maintain two maximum offices clearly demonstrates that the public is entitled to the convenience of a second land office.

A memorial to Congress passed by the Arizona Legislature, which was referred to your committee, states that there is urgent necessity for the establishment of an additional land office in Arizona and recites the fact that many Western States with less public land than Arizona have from 6 to 10 land offices.

The report of the Secretary of the Interior on this bill is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have the honor to acknowledge receipt of your request of March 18, 1914, for a report on Senate bill 2548.

The purpose of the aforesaid bill is the establishment of an additional land district in Arizona.

There is attached hereto a tabulated statement indicating the number of entries made in Arizona each year since 1904, the total number of patents issued, the total amount of money received, and the total compensation earned and paid to registers and receivers, from which computation can be easily made of the amount of compensation that would have been paid to registers and receivers if the business had been equally divided between two land offices.

You ask what proportion of original entries and final proofs are made before officers other than the register and receiver. It is estimated that about one in four is made before the register and receiver. However, the creation of an additional land district would no doubt increase this ratio, as it has been found in States where land offices are numerous that applicants prefer to transact this business with the land officers direct.

You ask if the large grants to the State of Arizona by the enabling act will affect the business of the land office and what effect the so-called Santa Fe Railroad land selections under the act of April 21, 1904 (33 Stat., 189–211), will have upon the business in Arizona. There have been approximately 200 of the latter class of selections, but it should be borne in mind that these selections are not a matter of right but of discretion of the Secretary of the Interior. For the Santa Fe lieu selections the local officers are entitled to $1 each for 160 acres or fraction thereof selected. While section 29 of the act of June 20, 1910 (36 Stat., 557), provides that "the fees to be paid to the register and receiver for each final location or selection of 160 acres * * * shall be $1," and the compensations of the local land officers will be increased in proportion to the selections made, the local land office will, to the extent of such selections, be deprived of the fees which would be received in connection with other applications under the public-land laws. However, it is impossible to attempt to approximate just what the financial difference might be.

The estimated cost of transcribing the records in order to establish this new land office, from the data available to this department, is placed at $1,000.

It is very difficult to estimate the future land-office business in a given territory, in view of the fact that it depends in a great measure upon climatic conditions and the character of the available lands. A glance at the accompanying table will show you that, with the exception of the fiscal year 1912, there has been a steady increase in the business of the Phoenix land office up to June 30, 1913.

In view of the amount of public-land business transacted in Arizona during the last five fiscal years and the apparent convenience it would afford the public, I am inclined to the opinion that the establishment of the new office is warranted. For your further information I attach copy of the department's report of July 9, 1913, upon this bill to the chairman of the Senate Committee on Public Lands, omitting its statement of the boundaries of the proposed district.

As requested, the inclosures forwarded with your letter are herewith returned.

Cordially, yours, FRANKLIN K. LANE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

DISPOSITION OF SURFACE LANDS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15036.

The Clerk read the bill, as follows:

A bill (H. R. 15036) to provide for the disposition of the surface of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals.

Be it enacted, etc., That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserve deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserve deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

SEC. 3. That any person who has in good faith located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a rservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

The following committee amendments were read:

First. Amend page 2, line 19, by striking out the word "reserve" and inserting "reserved" in lieu thereof.

Second. Amend page 3, line 2, by striking out the word "reserve" and inserting "reserved" in lieu thereof.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask a question about the bill. It proposes to sell or dispose of the surface title of lands classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals?

Mr. FRENCH. Yes.

Mr. MANN. Where they classify land as phosphate land, the land may have some other minerals in it?

Mr. FRENCH. Yes.

Mr. MANN. Where they classify land as oil lands, do they say anything about gas?

Mr. FRENCH. The classifications for the most part are made with respect to one particular mineral.

Mr. MONDELL. Will the gentleman from Idaho yield to me?

Mr. MANN. If the gentleman from Idaho has the information, let us get it from him.

Mr. FRENCH. In my State the withdrawals are simply for phosphate and not for any other purpose.

Mr. MONDELL. The gentleman is aware that lands withdrawn for oil are always withdrawn for oil and gas?

Mr. FRENCH. That is true; but we have none of those in Idaho.

Mr. MANN. How about land withdrawn for asphaltic minerals?

Mr. FRENCH. That is withdrawn for asphaltic minerals.

Mr. MANN. Under such circumstances, where the land has been withdrawn for any such purpose and we give a surface title, why should not the Government reserve all of the minerals under the surface?

Mr. FRENCH. You then would provide that in the passage of this act the withdrawal would be made of all of those minerals wherever the withdrawal for any one exists?

Mr. MANN. So far as this act is concerned.

Mr. FRENCH. I see no objection to it.

Mr. MANN. That is not what this bill does. It says "on account of which the lands so patented were withdrawn or classified or reported as valuable."

Mr. FRENCH. I assume that these withdrawals had in view the particular minerals found there, and I assume that for the most part the withdrawals hold pretty true to the deposits that are within the lands.

Mr. MANN. I should assume, without any hesitation whatever, that if the land had been withdrawn in my State or Indiana or Oklahoma or Massachusetts or any other State that is settled they would not have withdrawn it for the mineral that was worth the most after they found out what was there.

Mr. FRENCH. If the gentleman cares to propose an amendment of that character when we consider the bill, I would not be opposed to it.

Mr. MONDELL. Mr. Speaker, will the gentleman from Illinois yield to me?

Mr. MANN. Certainly, if I have the floor.

Mr. MONDELL. Mr. Speaker, the gentleman's suggestion relates to a general mineral reservation. Of course that is not what this bill provides. Let me make this suggestion to the gentleman: The only double withdrawals that are likely are not of two of the classes of minerals named in this act, but of coal, oil, and gas. There are, or are likely to be, such withdrawals as that—withdrawals of the same land for coal, oil, and for gas. Coal and coal land is not treated of in this bill directly at all, but this bill provides that there shall be a reservation to the United States of the minerals on account of which the land was withdrawn. Therefore if the land is withdrawn for oil and gas, the two being always coupled, and also withdrawn for coal, the reservation would be of the oil and gas and of the coal.

But you could scarcely logically amend this bill, if you are going to amend it so as to include in the reservation simply the minerals named here. It would be scarcely logical unless you are going to go further and include coal in the reservation and go still further to a general mineral reservation. The moment you depart from the kind of reservation that we have heretofore provided for in the case of coal, and which we are now extending to these other minerals—the moment you depart from that theory of the reservation of those minerals only for which the land is withdrawn—you must logically go to the extreme of withholding all minerals.

Mr. MANN. Why not do that?

Mr. MONDELL. That is a pretty large question, and it has been argued here several times, and I think personally there is a great deal of objection to making a reservation of the minerals which the lands do not contain. Of course it is barely possible that some other minerals might some time be found than those for which the land is withdrawn, but it is not at all likely, and if in the far-distant future such minerals should be

found in the possession of farmers and others, I do not believe any public interest would be injured thereby.

Mr. MANN. Does the gentleman think that any good purpose would have been served if the Government had reserved the oil in Oklahoma, California, Illinois, and Kansas?

Mr. MONDELL. The oil in Oklahoma belongs to the Indians mostly.

Mr. MANN. Some of it. That was reserved there and the Indians are getting the benefit of it. Does the gentleman think that anyone knew or could have foretold that there was oil there in the first place?

Mr. MONDELL. I do not think any good purpose would have been served if we had reserved the coal in Illinois and it had not passed to the possession of the farmers. However, we are doing that in the West, where we have not passed our lands, and I think it is entirely proper to do so.

Mr. MANN. I think a very good public purpose would have been served if we had reserved it in Illinois.

Mr. MONDELL. Mr. Speaker, the monarchical theory is to reserve all minerals to the crown, upon the theory that the mere subject is not entitled to anything except the soil that he stirs. It is a relic of monarchical government, of peonage, if you please.

Mr. MANN. Feudalism! Why not bring it all in?

Mr. MONDELL. I thank the gentleman for the suggestion. It is all of that. Our fathers departed from that plan. I do not think we should dispose of lands in fee simple for agricultural purposes that do unquestionably or probably contain valuable minerals, and we are reserving in such lands the minerals which they are believed to contain, which the department hopes they contain, which they show some evidence of containing; and it seems to me that is going quite far enough, and that it would not be wise to go further. It is a rather radical departure from our past practice to make a general reservation of all of the minerals. It should not be done. But if you are going to depart from the principle in this bill, which is the principle in the coal bill which passed a couple of years ago, there is no logical middle ground. It is either a reservation of the mineral or minerals which the lands are believed to contain or it is a reservation of all minerals. There would not be any logic in reserving simply the minerals named in this bill from lands that might be withdrawn under one of these classes. That would leave out coal, and the only other mineral that oil and gas lands are at all likely to contain is coal. Phosphate lands in our country are generally in a geological horizon which does not contain coal within a working distance from the surface. I know of no place in my State where there is a region having a geological formation that carries phosphate, that within any working depth from the surface contains a geological formation that carries coal or a geological formation that carries oil, but lands do sometimes contain both oil and gas and coal; sometimes those minerals are found, not very frequently, but sometimes in the same land.

Mr. MANN. Mr. Speaker, if somebody had suggested when I was a boy that oil could be found in Illinois, he would have been hooted at as crazy, and the geologists, I presume, would have set him down as a fool. Here is a proposition to permit lands to be classified as phosphate, nitrate, or potash. They have some phosphate lands, but I do not recall that they have found any yet that are really nitrate lands, and I doubt whether they have found any that amount to very much that are potash lands.

Mr. MONDELL. We are looking for them.

Mr. MANN. That is correct. We are looking for them, and they will be of very great value to the country, but they have not classified any, and do not intend to, as nitrate lands. So far as that is concerned, the bill uses the term directly enough, but it does not amount to anything if enacted.

It does not protect anybody, as far as nitrates are concerned. Now, I can see no reason why, if you permit a man to take the surface of the ground and he is willing to take the surface for agricultural purposes, we should not reserve the nitrates, the potash, and the phosphate deposits there, of immense value to the agricultural community all over the country, and which will probably never be found in great quantities in many places. Even if they find the nitrates at all, it will be a small space of immense value, and even if we find anything of that sort and this bill passes, some man or company would hold up the United States for nitrates. Nobody will settle on these lands with the expectation of finding nitrates.

Mr. MONDELL. Will the gentleman yield for just a moment?

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. If you propose to reserve these supposed valuable deposits, who is going out to hunt for them?

Mr. MANN. People have not gone out to hunt for these things as a rule; that is just where the gentleman is mistaken.

Mr. SMITH of Idaho. What inducement will individuals have to go out and prospect if they are not to have some right to what they may locate?

Mr. MANN. They are usually out there hunting for something else in the locality, to begin with. Now, the gentleman from Wyoming thinks there is no middle course, while I think differently, but if there is no middle course, that is all right. I have not suggested anything but accepting the statement of my distinguished friend from Wyoming that there is no middle course, and not being willing to take the bill as it is, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the Calendar.

AMENDING SECTION 3646 OF THE REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15987) to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

The bill was read, as follows:

Be it enacted, etc., That section 3646 of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 3646. That whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check, under such regulations in regard to its issue and payment, and upon the execution of such bond, with sureties, to indemnify the United States, and proof of loss of original check, as the Secretary of the Treasury shall prescribe: *Provided*, That whenever any original check or warrant of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *And provided further*, That when such original check or warrant does not exceed in amount the sum of $50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contact, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think this bill is of sufficient importance to have an explanation of its purposes. While the bill has been reported from the Committee on Invalid Pensions the proposition pertains to the loss of checks of every character whether relating to pensions or any other debit of the Government.

Mr. CRAMTON. Mr. Speaker, in reply to the question of the gentleman from Wisconsin I desire to say that the bill as originally introduced by me was entirely for the relief of pensioners, owing to the fact that under the present law when a voucher is lost the Treasury Department regulations do not permit a duplicate to be made inside of six months in the case where the voucher was for more than $50, and that, of course, results in a good deal of inconvenience, serious inconvenience to many of these old soldiers whose vouchers may be lost.

Mr. BARTLETT. The gentleman makes it three years.

Mr. CRAMTON. No; it does not, and I will explain——

Mr. STAFFORD. It says it may be presented within three years—that is, a three-year limitation—and it prevents it being issued beyond that time.

Mr. CRAMTON. I will explain it in just a moment. Inasmuch as many of these old soldiers are dependent upon their pension checks for living expenses to have them held up for six months is a very serious inconvenience, and the original bill which I introduced was to provide for that particular class, and in that form the bill was introduced. The bill was referred to the Committee on Invalid Pensions, and that committee sent the bill to the Pension Bureau with a request for their opinion, and in answer, in a letter addressed to Gen. SHERWOOD, the chairman of that committee, the Commissioner of Pensions stated:

> It concerns the Bureau of Pensions only indirectly, but I may say that so far as this bureau is affected thereby I see no objection to the action proposed——

Mr. STAFFORD. I am fully acquainted with the report; I have read it. I direct the gentleman's attention to the proposition as to whether it is advisable——

Mr. CRAMTON. If the gentleman will be patient for a moment——

Mr. STAFFORD. I do not desire the gentleman to read the report, as I have read it, and I do not wish to detain the House to that extent.

Mr. CRAMTON. If the gentleman will give me the time, I think I will not detain the House very much. I will insert the two letters, one from the Department of the Interior and the other from the Treasury Department:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, January 23, 1914.

Hon. I. R. SHERWOOD,
Committee on Invalid Pensions, House of Representatives.

MY DEAR GENERAL: I return herewith copy of the bill (H. R. 11893) introduced by Mr. Cramton and referred to me by Mr. Parrish by direction of the Committee on Invalid Pensions.

The purpose of the legislation proposed is to amend section 3646, Revised States, as to the issuance of duplicate checks in lieu of those lost, so as to permit the issuance of a duplicate check at any time after the expiration of 30 days, in case of a check drawn in payment of pension.

The statute proposed relates to the business of the Treasury Department rather than to that of the Pension Bureau, and the authority granted therein is given to the Secretary of the Treasury. It concerns the Bureau of Pensions only indirectly, but I may say that, so far as this bureau is affected thereby, I see no objection to the action proposed. On the other hand, the ability to issue promptly a duplicate check in lieu of a lost check for pension would undoubtedly prove in some instances a matter of great convenience and real benefit to the pensioner.

Very truly, yours,
G. M. SALTZGABER,
Commissioner.

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TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 23, 1914.

Hon. LOUIS C. CRAMTON,
House of Representatives.

SIR: I have to acknowledge the receipt of your letter of the 25th ultimo, inclosing, for the consideration of the department, copy of bill H. R. 11893, Sixty-third Congress, second session, being a bill to amend section 3646, Revised Statutes of the United States, as amended by the act of March 23, 1906, etc., so as to authorize the issue of duplicates of checks drawn for any amount in payment of pensions after the expiration of 30 days and within 3 years from date of issue.

In reply I beg to advise you that the present law governing the issue of duplicate checks is section 3646, Revised Statutes of the United States, as reenacted by the act of February 23, 1909, and the department suggests in lieu of the bill submitted by you the substitution of the inclosed draft of a bill amending said section so as to provide for the issue of all classes of duplicate checks at any time within three years from date of issue under such regulations as the Secretary of the Treasury shall prescribe. If enacted into law, this will enable the Secretary of the Treasury to provide by appropriate regulation for the issue of duplicate checks of all classes at the expiration of such periods as may be deemed most desirable, and pension checks could under such a regulation be issued after the expiration of 30 days and within 3 years from date of issue, as suggested in the bill submitted by you.

The draft of the proposed bill has the approval of the department.

Respectfully,
W. G. MCADOO, *Secretary.*

Mr. CRAMTON. As the gentleman will see, it was then referred to the Treasury Department and the Treasury Department drew a new bill on a little broader lines in order to take care of the general situation, and in that bill it does not provide a limit, but it gives the Secretary of the Treasury authority to prescribe the regulations.

Mr. STAFFORD. Under existing law, as I understand, the Secretary of the Treasury has that authority at the present time after six months has expired when a check has been lost.

Mr. CRAMTON. Yes.

Mr. STAFFORD. Now, the gentleman is lifting that limitation entirely to authorize the Secretary of the Treasury to issue a duplicate check at any time after proof of loss.

Mr. CRAMTON. Yes. It authorizes the Secretary of the Treasury to prescribe regulations by which the department will issue duplicate checks, and inasmuch as it is a matter which concerns the department entirely it does not seem to me unreasonable to let the people who have the administration of the department determine under what conditions and at what time they will issue the duplicate checks.

Mr. STAFFORD. Of course if it is a small amount the existing statute applies, and there can be no objection to allowing them to issue duplicate checks after very brief periods, but if the check, involving hundreds of thousands of dollars, has been lost, it would be questionable whether we should give the department the right to issue a duplicate check in a short time, even though a bond may be given in order to indemnify the Government.

Mr. CRAMTON. In the first place, a bond is provided for. In the second place, it seems reasonable to believe that the department, having the actual experience with the matter and having the actual administration of the dapartment, would know as well what regulations were reasonable as we would down here.

Mr. STAFFORD. Mr. Speaker, with that explanation I will not press the objection any further.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time——

Mr. MANN. Mr. Speaker, I ask unanimous consent to amend the bill, page 2, line 12, by striking out the word "contact" and inserting the word "contract."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, strike out the word "contact" and insert the word "contract."

The SPEAKER. Without objection, the proceedings on the bill will be vacated back to the amendment stage.

There was no objection.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Speaker, I move to strike out the last word. I would like to inquire of the gentleman in charge of the bill, if he will give me his attention, why the proviso on page 2—the first proviso?

Mr. CRAMTON. As to the issuance by the Post Office Department?

Mr. FOSTER. Yes.

Mr. CRAMTON. That is a reenactment of the old legislation.

Mr. FOSTER. You have, then, just reenacted the legislation?

Mr. CRAMTON. There has been no change after that "provided."

Mr. FOSTER. Mr. Speaker, I withdraw the pro forma amendment.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arizona [Mr. HAYDEN] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] makes the same request. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I desire to submit with my earnest approval some resolutions unanimously adopted by the Tennessee Press Association and transmitted to me by the Hon. Rutledge Smith, a prominent Democrat, who was the efficient and worthy secretary to the Hon. James B. Frazier when a Member of the United States Senate. Also similar resolutions adopted by the Commercial Club of Knoxville, Tenn., its membership composed of the leading merchants of that progressive and enterprising city.

The Tennessee Press Association is an organization composed largely of Democratic editors. Recently I submitted resolutions to this House calling for an immediate adjournment of Congress by the Bankers' Association of Tennessee.

The matter referred to is as follows:

TENNESSEE PRESS ASSOCIATION,
Nashville, Tenn., June 6, 1914.

Hon. RICHARD W. AUSTIN,
Washington, D. C.

DEAR SIR: Your attention is respectfully directed to the inclosed resolution, which was unanimously adopted by the Tennessee Press Association at its annual meeting, held in the city of Memphis, Tenn., June 4, 1914.

Yours, truly,
RUTLEDGE SMITH,
Secretary.

Whereas Congress has been in continuous session more than a year, passing tariff and currency legislation, to which the business of the country has not yet adjusted itself; and

Whereas, in view of this fact, business men all over the country are of the opinion that a legislative rest would be both wise and expedient at this time, taking the position that to enact laws that would tend to unsettle business conditions, no matter how meritorious, would not be to the best interest of the country: Now, therefore, be it

Resolved, That the business interests of the country would best be conserved by an early adjournment of Congress, and the secretary of the Tennessee Press Association is hereby instructed to send a copy of this resolution to the President, Vice President, Speaker of the House, Tennessee Senators and Members in Congress.

—

THE COMMERCIAL CLUB,
Knoxville, Tenn., June 9, 1914.

At a meeting to-day of the Commercial Club, composed of the jobbers and manufacturers of Knoxville, the following resolutions were offered and unanimously adopted:

Whereas the present Congress has revised the tariff and enacted new banking laws, conditions which tend to affect business generally, and to which business has not had an opportunity to fully adjust itself; and

Whereas the country has suffered from the poor crops in 1913 and the outlook for 1914 is not at this time bright: Therefore be it

Resolved, That the Commercial Club of Knoxville, Tenn., is of the opinion that it would be unwise for Congress at this session to pass the bills which are now being considered by Congress for the regulation of business, as the people generally have not been given an opportunity to fully consider the nature of these bills, and their passage at this time

would only tend to further disrupt the unsettled conditions of business; be it further

Resolved, That a copy of these resolutions be sent to our Senators and Congressman.

G. E. BRADFORD, *President*.
H. D. FAUST, *Secretary*.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PUBLIC BUILDING, FAIRBANKS, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6279) to authorize the Secretary of the Treasury to erect a public building at Fairbanks, Alaska, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion of a suitable building, including fireproof vaults, heating, lighting, and ventilating apparatus, courtroom, jury rooms, and offices for the judge, marshal, prosecuting attorney, and other necessary officers, and in the lower parts shall include a jail, fully equipped with first-class iron cells and the general equipment of a jail complete; also room or rooms for post office, all sufficient for the use and accommodation of the United States court and officials, for the recorder, for the post office and other governmental offices, upon ground now owned by the United States in the town of Fairbanks, Alaska, where the courthouse and jail now stand; and the sum of $250,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended by the Secretary of the Treasury in the erection of said buildings: *Provided*, That not to exceed $15,000 thereof may be used by the Secretary of the Treasury in the purchase of that portion of the block wherein the said old courthouse and jail stand not now owned by the United States.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase that portion of the block whereon the United States courthouse and jail now stand, in the city of Fairbanks, Alaska, not now owned by the United States, at a sum not to exceed $15,000."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. DONOVAN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of this bill if there has been any request from the people of Fairbanks for an expenditure of this amount of money toward buying land?

Mr. BURNETT. Mr. Speaker, the Delegate from Alaska is not here at present, but as I reported the bill I will state that there was a very urgent request, as I recollect, by the governor of Alaska and the grand jury of the Federal court asking for not only the purchase of the site but the construction of a building, and showing that there was an old, dilapidated building there used as a courthouse and, I believe, as a post office almost ready to tumble down and in a congested condition. But the committee under its rule that none but emergency cases should be reported thought that was not such an emergency case as would justify the committee reporting for the building.

But it was further developed in the testimony before the committee that a site would have to be acquired before a building could be constructed, and that the land which embraced the site was in the bankruptcy courts, in the hands of receivers, and would very likely be sold in a short time, and the Government would miss the opportunity, possibly, of acquiring it at all. Hence the committee amended the bill so as to strike out all of the authorization in regard to a building, and merely in view of the fact that they believed that the opportunity to purchase the site would pass from the Government unless we authorized it, they authorized the $15,000. There was not only a request from the people but from the court officials and the grand jury that held its session there. The gentleman from Alaska [Mr. WICKERSHAM] is perhaps more familiar with the facts than I am. Those are the facts that developed before the committee, however, and upon which we based this report as being an emergency case.

Mr. DONOVAN. The bill provided for a quarter of a million—$250,000?

Mr. BURNETT. That is all stricken out.

Mr. DONOVAN. And you have cut it down to $15,000 as a sort of beginning?

Mr. BURNETT. No; merely to save the site.

Mr. DONOVAN. What is the population of Fairbanks?

Mr. BURNETT. Only a few thousands—a couple of thousand, possibly; but it has a Federal court there.

Mr. DONOVAN. This provides for a post office. What is the volume of the business of the post office?

Mr. BURNETT. Not a great deal. And the question of the amount of the business is not a question we considered or gave any consideration to at all. But it is a place where the Federal court is held, as I recollect it, and where the customs receipts are collected, and a great number of other governmental offices are there. The Delegate can state more fully with regard to that matter than I can.

Mr. DONOVAN. The report says here that the present building occupies half a block. What is half a block in Fairbanks?

Mr. WICKERSHAM. Half a block there is 60 feet wide and 120 feet long.

Mr. DONOVAN. And what is the population of the town?

Mr. WICKERSHAM. About 5,000.

Mr. DONOVAN. What is the volume of the business of the post office?

Mr. WICKERSHAM. The mail from that whole great interior country comes to Fairbanks and is there distributed for a thousand miles down the river.

Mr. DONOVAN. Is the gentleman able to state the amount of business? Does not he know anything about it?

Mr. WICKERSHAM. I do.

Mr. DONOVAN. What is the volume of business?

Mr. WICKERSHAM. In what respect?

Mr. DONOVAN. The amount of money the Government takes in—the receipts of the office.

Mr. WICKERSHAM. I do not know the amount of the receipts of the post office.

Mr. DONOVAN. And is the business on the wane or on the increase?

Mr. WICKERSHAM. It is very greatly on the increase.

Mr. DONOVAN. And the gentleman is the Delegate from Alaska. I will inform the gentleman he ought not to bring in a measure of this kind without being familiar with it. The business fell off $2,000 last year, according to the reports of the Post Office Department. The total business in 1913 amounted to $10,139, and in the year ending March 31, 1914, it amounted to $8,094. The total population of the place is 3,541; and the gentleman was a party to bringing in a bill here asking a quarter of a million of dollars for a population of that size.

Mr. WICKERSHAM. If the gentleman had an appreciation of what goes on in the West, he would know all about this.

Mr. DONOVAN. The Post Office Department says that the business fell off from $10,000 in 1913 to $8,000 in 1914. It is a dying business. Mr. Speaker, I think we have taken a great many chances up in that country with $35,000,000 for a railroad.

Mr. JOHNSON of Washington. Will the gentleman yield to a question?

Mr. DONOVAN. Yes, sir. The gentleman from Washington always enlightens us.

Mr. JOHNSON of Washington. Does it not occur to the gentlemen from Connecticut that under the administration in which he plays a part he will expect to see a greatly increased business at Fairbanks, which will be a terminal of that railroad, and does he not think that it is entitled to a public building, and that now is the time to get it, when the land is cheap?

Mr. DONOVAN. You do not want me to qualify as an expert, do you, and undertake to foretell the future? [Laughter.] I leave that to the gentleman from Illinois [Mr. MANN], who does undertake to do that and play the divining act. He not only knows all that is going on in the present, but knows what will happen in the future. [Laughter.]

Mr. MANN. Oh, I can foretell the gentleman's future. He is serving his last term in Congress. [Laughter on the Republican side.]

Mr. DONOVAN. The gentleman is out of order. The gentleman is out of order most of the time. [Laughter.]

The population of Fairbanks, according to the census, is 3,541; and, Mr. Speaker, in view of the fact that the business of the post office has fallen off, and in view of the fact that neither the committee nor the gentleman who is the Delegate from Alaska here know what they are talking about, I object. [Laughter.]

Mr. WICKERSHAM. Will the gentleman withhold his objection for a moment?

Mr. DONOVAN. No. What you want to do is to go and inform yourself as to the facts. [Laughter.]

The SPEAKER. The gentleman from Connecticut objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

PUBLIC-BUILDING SITE AT THOMASVILLE, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15110) to acquire, by purchase, condemnation, or otherwise, additional land for the post office in the city of Thomasville, Ga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to acquire, by purchase, condemnation, or otherwise, the portion of land between the post-office site and Madison Street, same width as post-office site and running back 56 feet, to enlarge the site for the post-office building at Thomasville, Ga., at a cost not to exceed $5,000.

The SPEAKER. Is there objection?

Mr. DONOVAN. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Connecticut reserves the right to object.

Mr. DONOVAN. From reading this bill I find there is no amount stated as the limit of the appropriation. Is that true, or have I read it wrong? There is no limit as to the amount appropriated.

Mr. PARK. The bill says "not to exceed $5,000."

Mr. DONOVAN. Let me ask the gentleman how much is expended there for the post office?

Mr. PARK. Nine thousand dollars has been expended for a site.

Mr. DONOVAN. How much for the building?

Mr. PARK. Nothing for the building.

Mr. DONOVAN. What is the population of the town?

Mr. PARK. About 5,000.

Mr. DONOVAN. Nine thousand and 5,000 are 14,000. Is the gentleman willing to offer every little place $14,000 for a post office?

Mr. PARK. No, sir; but this is the second largest winter resort in Georgia, and during the winter a great many people go there.

Mr. DONOVAN. Does not the gentleman think that $5,000 is a considerable price to pay for a plot of ground in a small town?

Mr. PARK. It is in the center of the city.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, is there any reason for this except the desire of the people of Thomasville to have the Government buy the land in order that they may have a park named after our late colleague, Mr. Roddenbery?

Mr. PARK. Yes, sir. There is another reason not given in the report. We expect to ask later, if we can get it, a United States court room, and the people wish the ground to be extended far enough to put the court room above the clerk and marshal's office and the post office.

Mr. MANN. Then the purchase of this land is not needed, so far as the present building is concerned? It is not needed for the erection of the building now authorized?

Mr. PARK. No, sir.

Mr. MANN. Does anybody contend that this would be an emergency matter, just to have the Government buy a piece of real estate?

Mr. PARK. It is this way: If the erection of a building is to be begun in the third quarter of this year, unless we can secure it now we can not get it at all. We wish to put the building in the center of that plat.

Mr. MANN. Oh, the man who wants to sell property always says that unless the purchaser buys it now the opportunity will be gone forever. I have been taken in myself in that way, and have learned better. I have owned some property that was said to be very cheap when I bought it years ago, and I can not get as much for it now as I paid then. [Laughter.]

Mr. PARK. Well, will the gentleman reserve his objection to the bill?

Mr. MANN. Yes; I will reserve it.

Mr. PARK. I wish to offer an amendment by unanimous consent.

Mr. MANN. The gentleman can have his amendment read for information.

The SPEAKER. Without objection, the amendment will be reported.

There was no objection.

The Clerk read as follows:

1. The enlarged site, except where buildings, further additions, and approaches are located, to be used as a park to be known as "Roddenbery Park," to be maintained by the city of Thomasville, Ga.

2. That the maintenance of the park in no way interferes with present or future plans of the Government regarding governmental use of the site.

Mr. PARK. Mr. Speaker, in a little city, largest but one in the district whence I come and second largest winter resort in Georgia, an appropriation of $70,000 has been made for a post-office site and building; a site has been purchased, and plans and specifications prepared.

The site is in the heart of the city on the corner of two prominent streets.

The authorization and appropriation were obtained through my predecessor, whose home was there and where his family still live.

Since his death the city authorities desire me to ask Congress for $5,000 to secure an addition to the site, which will give them, in all, a space 144 by 211 feet, and they wish the building placed in the center. It now faces two streets; it will then front three.

The Supervising Architect states that it is unnecessary to change plans, and no changes will be made except approaches, which will not add expense.

The people of Thomasville ask Congress to allow them to make a park of the space not occupied by the building, to be maintained at their expense and not interfere with the rights of the Government, only the privilege to adorn and care for it—the right to name it "Roddenbery Park" for my predecessor.

The park will be in the business center, facing east the Tosco Hotel, north the county courthouse, and west the Stewart House.

By my request, and by the grace of the President and the Senate, the widow of Congressman Roddenbery has been appointed postmaster in Thomasville, and she will preside in this building.

The park is to be sodded and planted in bulbs, shrubs, and trees.

Here will commingle the blue of the violet and the gray of the lily.

Here will intertwine the white rose of the North and the red rose of the South, whose fragrance and beauty shall tell of peace never again to be broken by warring sections.

Here the Confederate jessamine, bravely clinging, will reach to kiss with perfume breath the folds of the sheltering flag.

Here morning-glories in sweet accord will point their purple bugles to the skies to greet the roseate dawn.

Here may come the health seeker and breathe with healing the balsam-laden air.

Here may the myrtle flaunt its crimson plumes in shimmering, golden sunshine, and aromatic shrubs breathe their incense in atmosphere trembling to the droning of bees.

Here in the heart of this health resort, set like a jewel in the bosom of southwestern Georgia, I ask the Congress to perpetuate the memory of Seaborn Anderson Roddenbery; here, where he lived, had his triumphs and defeats, his sorrows and his joys, and died and is buried—the country of the grape, the melon, and the peach; the clime of the honeysuckle, the eglantine, and yellow jessamine, which draw their exquisite flavor and fragrance from the air in which they bloom and ripen; and when loving hands of his former fellow citizens shall adorn the spot, you will behold again "the hawthorne bush with seats beneath the shade for talking age and whispering lovers made."

Here will "the musk of magnolia hang thick in the air and the lily's phylacteries broaden in prayer."

Here the convalescent, the puny child, and sickly babe may rest in the calm of Indian summer, in the gentle zephyrs of blushing spring, and may breathe the ozone of subtropical winter.

In this lovely park the mocking bird, "the trim Shakespeare of the South," will year after year build his nest and rear his young and trill in sweet concord his roundelay.

And all will go to enshrine in the hearts of his countrymen the name and fame of a loyal son of Georgia and the South.

I earnestly ask the Members of this House to pass the bill. [Loud applause.]

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I had a very high opinion of the gentleman from Georgia, Mr. Roddenbery, during his lifetime, and I have the same feeling about him now; and I also have a very high opinion of his successor [applause], who has paid to the memory of Mr. Roddenbery a beautiful tribute. But I do not believe that Congress is called upon to erect a statue or provide a park for each Member of the House as he passes on. I doubt whether we could commence with one and stop there. There are some Members of the House that I would be willing to erect a statue for—but not yet. [Laughter.] I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. PARK. Will the gentleman withdraw his objection just a moment, while I ask unanimous consent to withdraw that amendment and offer one that the gentleman can not object to?

Mr. MANN. The gentleman's amendment is not before the House.

Mr. PARK. I wish to have it read.

Mr. MANN. I withhold my objection. I do not care how many amendments the gentleman offers.

The SPEAKER Without objection, the amendment will be reported.

There was no objection.

The Clerk read as follows:

1. Strike out all below line 2 and insert:

"That the city of Thomasville, Ga., acquire title to the land between the post-office site and Madison Street, same width as post-office site and extending 56 feet, and make good title to the Government of the United States to enlarge the post-office building site at Thomasville, Ga.

"2. That the enlarged site, except where buildings, further additions, and approaches are located to be used as a park, to be known as Roddenbery Park, to be maintained by the city of Thomasville."

Mr. MANN. Still reserving the right to object, what is there that will prevent the city of Thomasville doing this, if it wishes to?

Mr. PARK. We could not use the remaining portion of the lot unless the Government permitted us to do so. The city can deed it to the Government when they acquire it, and then they would like to use the entire lot that is not occupied by the building and approaches.

Mr. MANN. I do not understand this sufficiently to consent to its consideration now. The gentleman can ask to have the matter go over.

Mr. PARK. It involves no appropriation of money on the part of the Government. I will ask that it go over without prejudice.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12019) to amend an act entitled "An act to provide for an enlarged homestead."

The bill was read, as follows:

Be it enacted, etc., That sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, as amended by an act approved February 11, 1913, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any person who has made, or shall make, homestead entry of lands of the character herein described, and who has not submitted final proof thereon, or who, having submitted final proof, still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 thereof.

"SEC. 4. That at the time of making final proof, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made, or who hereafter makes, additional entry under the provisions of section 3 of this act to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvement made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such a combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proofs has heretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this act must be shown respecting such additional entry and must be performed upon the land included therein to the extent and for the period required in connection with original entries under this act, proof of which must be submitted within five years from and after the date of the additional entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 2291 of the Revised Statutes."

With the following committee amendment:

On page 3, line 23, strike out the word "heretofore" and insert the word "theretofore."

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object——

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Oregon with regard to the extent to which this bill amends the present law. My understanding is that the first change from the present law is found on page 2, beginning with the beginning of line 4, and extending down to the word "entered" in line 5.

Mr. SINNOTT. In section 3.

Mr. MONDELL. In section 3, page 2. Is that correct?

Mr. SINNOTT. Yes; the first amendment is to section 3.

Mr. MONDELL. That is the first change from the present law. The gentleman proposes to reenact the present law, and the first and only change in section 3 is the addition of the words in lines 4 and 5, as follows:

Or who, having submitted final proof, still owns and occupies the land thus entered.

That is the only change from the present law in that section, is it not?

Mr. SINNOTT. Yes.

Mr. MONDELL. Now, there is no other change in the law that I discover from reading it hurriedly until we reach the proviso beginning in line 22, on page 3.

Mr. SINNOTT. No; there is a change on the bottom of page 2, in lines 24 and 25, inserting the words:

To an entry upon which final proof has not been made.

Mr. MONDELL. Oh, yes; that was necessary in order to harmonize with the provision which follows.

Mr. SINNOTT. Yes. Then the next change is the proviso.

Mr. MONDELL. The proviso beginning with line 22, on page 3.

Mr. SINNOTT. Yes.

Mr. MONDELL. And extending down to and including line 8, on page 4.

Mr. SINNOTT. Ending with the word "entry." Then there is a transposition of the last proviso which is in the original bill, the proviso beginning in line 8, page 4.

Mr. MONDELL. As the law now stands a homestead entryman who has not made final proof on his land, and who still holds his land as an unperfected entry, may, providing the adjacent land to that so held has been designated as enterable under the enlarged homestead, take an additional tract in such an amount as will with his original tract not exceed 320 acres.

Mr. SINNOTT. That is correct.

Mr. MONDELL. This bill proposes to amend the present law by allowing a homesteader who has made final proof, but who is still living upon his land——

Mr. SINNOTT. And owns it.

Mr. MONDELL. And owns it, to exercise the same right, under the same conditions, as he could if his homestead was unperfected.

Mr. SINNOTT. That is correct.

Mr. MONDELL. In other words, it extends to the homesteader living on a perfected entry the right which a homesteader living on an unperfected entry now has. It is certainly wise to do that. We tried to do it when we passed the enlarged-homestead bill.

Mr. SINNOTT. That is the object of the bill.

Mr. MONDELL. And that is the only change.

Mr. SINNOTT. Yes.

The SPEAKER. Is there objection?

Mr. LENROOT. Reserving the right to object, I would call the gentleman's attention to the proviso in section 3:

Provided, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided in section 1 thereof.

Of course under the present law all of these designations would be enterable whenever the classification had been made, because there is no title in the entryman. But with this change which is now made in this bill you provide that land now in private ownership shall first be designated as subject to entry under this act, which can not be done.

Mr. SINNOTT. Oh, yes; they do it.

Mr. LENROOT. How?

Mr. MONDELL. Is the gentleman from Wisconsin aware of the fact that land in private ownership is now designated under the enlarged homestead law? The Land Office, in making designations under the enlarged homestead law, does not go to the trouble of determining the exact status of titles of all the lands designated, and lands that are in private ownership are frequently designated under the enlarged homestead law.

Mr LENROOT. How is it possible that private lands can be enterable?

Mr. MONDELL. The designation is not, strictly speaking, a declaration to the effect that they are enterable.

Mr. LENROOT. That is what I am getting at.

Mr. MONDELL. That is the term used in the act. The designation is this: The Secretary of the Interior expresses the opinion that the lands he describes do not contain merchantable timber, and that they are not susceptible of irrigation at a reasonable cost from any known source of water supply.

Mr. LENROOT. But how are private lands enterable? How are such lands affected one way or the other by the designation?

Mr. MONDELL. They are not affected by it, but in including lands in the designations private lands are frequently included in the general area designated. For instance, in the eastern part of my State there is a vast area from the northern line of the State to the southern line of the State, approximately 40 miles wide, and practically all of which was designated in the way I have suggested except some bordering along streams; that great designation covers lands private and public.

Mr. LENROOT. Not to affect any rights.

Mr. MONDELL. Oh, no.

Mr. LENROOT. Here private rights are affected.

Mr. MONDELL. We do not change the law except to say that if a man who has a homestead on which he has made proof that has been included in one of these designations and additional land adjacent also so included, he may take——

Mr. LENROOT. Is it proposed to have the land in private ownership subject to the enlarged homestead law?

Mr. SINNOTT. No; they are lands designated as to their character.

Mr. MONDELL. The designation is a designation as to the nontimber and nonirrigable character of the lands. The public lands are not necessarily enterable because they are so designated, because if they do in fact have merchantable timber they are not enterable and could not be patented. If they are in fact irrigable, they could not be patented.

Mr. LENROOT. All lands now designated by the Secretary under this act are enterable.

Mr. MONDELL. Not unless they are actually enterable in fact. The fact that the Secretary designates them as nontimbered, nonirrigable lands does not of itself make them enterable under that law. The Secretary's designation is simply that certain lands which he describes, frequently an entire township, are, in the opinion of the Secretary and to the best of his knowledge, not timbered and not susceptible of irrigation at a reasonable cost from any known water supply. That is a guide to the entryman. If, in fact, the entryman can and does swear and bring witnesses to prove that the lands are of that character, he can and does enter them. Of course, until the Secretary has made the designation, expressed his opinion in regard to them, the affirmation of the entryman has no effect. But what the designation amounts to is an expression of opinion from the best knowledge he has as to the character of the land as to timber and irrigation upon which the entryman has the right to make his application.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. I have not the floor. The gentleman from Wisconsin has the floor.

Mr. LENROOT. I have not the floor.

Mr. MANN. Then I will be glad to take the floor, in order to ask a question of some gentleman.

Mr. RAKER. I would like to ask the gentleman a question as regards the only amendment in section 3, which applies to the man "who, having submitted final proof, still owns and occupies the land thus entered." It permits the man who has actually gone on the land, filed upon it, made final proof, and received a patent notwithstanding the fact that the Secretary has not designated the adjoining land to obtain the benefit of the 320-acre homestead. Under this bill is it not a fact that upon the application of the homesteader owning his land and living upon it, if the adjoining land is of the character provided for under the homestead law, that this man can get the adjoining 160 acres which he ought to get?

Mr. MONDELL. Not unless the land he has made proof on has also been designated.

Mr. RAKER. The Secretary designated the land which has been filed upon.

Mr. MONDELL. In other words, what we refer to as a designation of land enterable is not in fact a designation of land enterable, but a statement as to the opinion of the Secretary relative to the character of the land. The law prohibits lands which contain merchantable timber or lands which are irrigable at a reasonable cost from any known source of water supply from being entered under the enlarged-homestead act. It further makes it the duty of the Secretary to designate lands which do not come within these prohibitions. In other words, he designates lands as being lands not susceptible of irrigation at a reasonable cost and as not containing merchantable timber, and much of the lands so described are in private ownership.

Mr. RAKER. And land of the character designated in the enlarged-homestead law he can designate subject to entry under that law.

Mr. MONDELL. To be accurate, he designates it as not containing merchantable timber and not being irrigable at a reasonable cost from any known water supply. It being such, it is enterable under the enlarged-homestead act.

Mr. RAKER. If the land has then been designated, or even before it has been designated, if a man makes his application and the department will then investigate, and if they find it of the character the law permits, he then may file on the whole 320 acres. Under the law as it exists to-day, when land has been designated before he files, it does not permit a man who has filed on this character of land, who has borne all of the hardships incident to such a life, to get the additional 160 acres, because he has made final proof and secured a patent for his first 160-acre homestead. It may take him some little time to get the matter in proper shape, and his application may be pending for the additional 160 acres. Because he has made final proof he is deprived of the right to obtain the additional 160 acres of land that is contiguous to his original entry.

Mr. MANN. The gentleman says deprived of his right; of his right to what?

Mr. RAKER. His right as an American citizen to go and take up the land and improve it.

Mr. MANN. He has no such right at all, either legally or morally.

Mr. RAKER. He has a right to take up the land, build his house, raise his family, and improve the land. This bill should be enacted into law, and should pass now.

Mr. DONOVAN. Mr. Speaker, a point of order. The leader of the minority ought not to be allowed to take the floor and interrupt the gentleman without getting his permission.

Mr. MANN. Mr. Speaker, the gentleman from Connecticut has not been recognized by the Chair. What right has he talking to the House?

The SPEAKER. The gentleman from California has the floor.

Mr. BRYAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. RAKER. Oh, just one moment.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER The gentleman from Illinois objects, and the bill is stricken from the calendar.

LEAVE OF ABSENCE FOR HOMESTEAD ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13717) to provide for leave of absence for homestead entrymen in one or two periods.

The Clerk read the bill, as follows:

Be it enacted, etc., That the entryman mentioned in section 2291, Revised Statutes of the United States, as amended by the act of June 6, 1912 (37 Stats., 123), upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishing residence; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation, the 14 months' actual residence, as now required by law, must be shown, and the person commuting be at the time a citizen of the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oregon what is the need of this bill?

Mr. SINNOTT. Mr. Speaker, the present homestead law leave of absence permits absence to be taken in one continuous period of five months. This present bill aims to permit that leave of absence to be taken in two separate continuous periods. It frequently happens that the homesteader desires a leave of absence during the harvest season and also during the winter months. In the harvest season, if he leaves his homestead, he may obtain employment in the harvest fields and then return to his homestead and do whatever is necessary to be done there. Then, by having a leave of absence during the winter period, he may work in the forests or in the lumber camps.

Mr. MANN. I remember very well when the bill was passed.

Mr. SINNOTT. It was really thought then that under the original bill he might obtain such an absence, but the department has construed that differently.

Mr. MANN. I do not know who so thought. It was not so stated here; quite the contrary. It was stated at that time that it was desirable to permit the homesteader, in the wintertime, when he could do nothing on his homestead, to go somewhere else and earn some money. The proposition now is to let him go in the wintertime and then, in the summer time, when he ought to be on his homestead, let him go and harvest somebody else's crop. What will he do on his land during the time that he is there? That is what I want to get at.

Mr. SINNOTT. He will be plowing his land, putting his crop in, and once in there may be very little necessity in probably a great many cases for his being there. His wife or his family may remain on the homestead, and he may be away working at whatever work he can find.

Mr. SELDOMRIDGE. Mr. Speaker, this bill would particularly affect the homesteaders on the arid region, and it is apparent that oftentimes these men have crop failures and they are unable to earn money and maintain themselves on their homesteads, and it is absolutely necessary in order to support their families that they may go into the cities and do whatever they can in order to hold their filings. We in the West are facing a loss of homesteaders by reason of the fact that these men, if they are obliged to remain on the land continuously, can not support themselves.

Mr. SINNOTT. There is frequently nothing for them to do upon the land.

Mr. SELDOMRIDGE. Absolutely nothing. If their crop is a failure, they have no live stock and they can secure no employment within the immediate vicinity of their holdings, and they are obliged to go sometimes a long distance into the mountains, or wherever they can find employment; and if they could do that it would result, in my judgment, in a large number of these homesteads, instead of being deserted, being retained and ultimately improved upon and settled.

Mr. MANN. Will it not just encourage them not to have live stock and not to really make permanent improvements?

Mr. SELDOMRIDGE. I think not.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. FERRIS. Mr. Speaker, I think the gentleman has well explained his bill, but I want to say, in addition, that it is a very meritorious one. I think it is in the interest of the settler who needs help. The original necessity for a leave of absence law was to aid the poor man by allowing him to get out for a while and work. This bill simply lets him go off just the same amount of time but in two different periods. I perhaps do not know as much about it as the gentlemen who live out there, but my State was once a homestead State, and I myself was once a homesteader.

Mr. MANN. Did the gentleman complete his homestead?

Mr. FERRIS. Yes; and I have the farm yet.

Mr. MANN. The gentleman probably did not stay on it five months in the year?

Mr. FERRIS. Oh, the gentleman is entirely mistaken about that. I stayed there all of the time.

Mr. BURKE of South Dakota. Mr. Speaker, does not the gentleman think if the homestead laws had been administered in the spirit in which the act was passed that there never would have been any occasion for such legislation as this?

Mr. FERRIS. That may be true.

Mr. BURKE of South Dakota. The legislation passed in the last Congress granting homesteaders a leave of absence was made necessary because the department became so technical in requiring an absolute continuous presence of the claimant in order to obtain title to his land that we had to pass a law that specified that he might be absent a few months within the year.

Mr. FERRIS. Yes.

Mr. BURKE of South Dakota. I know of an instance where a young woman attended the National Educational Association, at Los Angeles, Cal., and was away from her homestead for two weeks, and her proof was suspended and held up because it was considered an absence without leave.

Mr. MANN. She was probably a school-teacher and had never resided on the land except nominally.

Mr. FERRIS. Mr. Speaker, without trying to assume the rôle of an expert, or to tell more about a homestead than anybody else, I think what the gentleman said is entirely true. There was a time in the country when land was land, and nobody cared who got it or how title was obtained; but the condition of the public mind is altogether different to-day, so that, whereas once a man could earn a living and run back to the homestead and stay there for a few nights, to-day he is suspended and his proof is rejected, and he is fought all along the line. I very much hope there will be no objection.

Mr. MANN. Hopes are not always realized.

Mr. FERRIS. It is easy to realize that on unanimous-consent day.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman from Oklahoma will recall when the five-year leave of absence provision passed the House originally it did not provide for a continuous leave of absence, but simply gave the homesteader five months during the year during which he could be absent.

Mr. FERRIS. That is true.

Mr. MONDELL. That was found necessary owing to the technical construction which the department had placed on the law.

Mr. FERRIS. I think that is true.

Mr. MONDELL. And in conference of the two Houses the provision making the leave of absence continuous was inserted, and——

Mr. MANN. I think not.

Mr. MONDELL (continuing). And there was a good deal of doubt at that time as to whether that provision was wise, but there was a good deal of insistence on the part of the administration officers of the department that we should try it. Now, it has not worked so well.

Mr. RAKER. Will the gentleman from Illinois yield for a question? Mr. Speaker, in regard to the matter in hand, the gentleman from Illinois has reserved the right to object, and I trust he may find his way clear not to do so.

Mr. MANN. Mr. Speaker, I do not care what people trust or hope. If they have information, I will be very glad to have it; but the gentleman from California ought to learn by this time that hopes and trusts do not go in the House of Representatives.

Mr. RAKER. Mr. Speaker, this matter has been under consideration for a good many years. Deserving men have gone off to work and their homesteads have been contested. Homesteaders have gone to town in order to make some provisions for the assistance of their children, and their homesteads have been contested, and many, many hardships have been brought about on that account. Now, when the five months' leave of absence was given it was thought by the Senate it would be better to have it at one time. The House thought it would be better to have it in two or three periods, but the Senate put in one continuous leave of absence of five months. Now, there are many times and many reasons why men should go away for five months and come back and attend to his matters at home, and then go away and go to work somewhere else, and then come back and attend to his duties, seeing to his family, and at the same time properly and legitimately improving his homestead, and it is a good law.

Mr. MANN. Mr. Speaker, notwithstanding what the gentleman from California has said, and in spite of the reasons he has given, I shall not object. [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

STREET RAILWAY SYSTEM, SOUTH HILO, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8660) to amend sections 4 and 17 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912.

The bill was read, as follows:

Be it enacted, etc., That section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, is hereby amended so that the first paragraph of subsection (e) thereof shall read as follows:

"(e) The construction of the railway shall be commenced and at least the sum of $20,000 shall have been expended or contracted to be expended within two years after the passage of this act by the Congress of the United States, and at least 2 miles shall be completed, equipped, and ready for the transportation of passengers within two years after such commencement."

SEC. 2. That section 17 of said act is hereby amended so that the second paragraph thereof shall read as follows:

"The association shall not issue stock in excess of the amount paid to it therefor in cash and $100,000 additional, nor shall it issue bonds

at less than 90 per cent of their par value, and the entire proceeds of its stock and bonds shall be applied to capital expenditure."

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Tennessee one or two questions. This bill proposes to extend the time for the completion of this railroad two years.

Mr. HOUSTON. Yes, sir.

Mr. LENROOT. And also permit the promoters to water their stock to the extent of $75,000 instead of $50,000, as provided now?

Mr. HOUSTON. It increases the amount of stock above the amount paid in $25,000 in addition to the $50,000.

Mr. LENROOT. That is watering, of course. I notice in the report this language:

The hearings developed that, owing to the financial depression, the parties were unable to fully comply with this provision.

These promoters expected to raise this money in the United States, I take it?

Mr. HOUSTON. Well, I am not able to answer that question as to where this money is to come from.

Mr. LENROOT. Where does this financial depression exist?

Mr. HOUSTON. I suppose it exists in the Island of Hilo—the Hawaiian Islands. There is where the railroad is proposed to be constructed, and I presume there is where the depression exists.

Mr. LENROOT. That is where the gentleman thinks the financial depression exists?

Mr. HOUSTON. I am not stating there is any financial depression existing there.

Mr. LENROOT. But the committee states the fact, and I think it is only fair to inquire what was in the mind of the committee when they made that statement.

Mr. HOUSTON. Well, the gentleman means some one said it somewhere in the hearings?

Mr. LENROOT. I am reading from the report. I will ask the gentleman this other question; my first question was preliminary. Does the gentleman think this financial depression is to continue for two years more, so that we could not now extend the time for complying with the provisions of the act without issuing additional watered stock?

Mr. HOUSTON. Now, Mr. Speaker, I am not able to make any prophecies in regard to depression, business or financial, but I must say I am not under any apprehensions of any depression being greater, and I hope that within the next two years it will be better and continue to grow better.

Mr. MONDELL. Will the gentleman yield?

Mr. HOUSTON. But, so far as that is concerned, it is directed only to the business and financial ability of the parties who are undertaking this enterprise. I will yield to the gentleman from Wyoming in a moment. This is only a proposition to extend their time two years, and also to extend the amount of stock that may be issued in excess of the money paid in the sum of $25,000.

Mr. GARNER. Will the gentleman yield there?

Mr. HOUSTON. I yield to the gentleman from Wyoming; he asked me first.

Mr. MONDELL. Well, with these sugar planters, if this sugar plantation supply railway is in a bad way now, when the duty on sugar has only partly been reduced, how can we hope or expect it is going to be any better off when sugar goes on the free list?

Mr. HOUSTON. Now, Mr. Speaker, I do not propose to go into any discussion of free sugar or the tariff bill at all; it is not necessary.

Mr. GARNER. The gentleman does not want a political discussion?

Mr. HOUSTON. It is not fair to be injected into this discussion.

Mr. GARNER. The gentleman does not propose to go into a political discussion of the merits of this proposition?

Mr. HOUSTON. Not at all.

Mr. GARNER. I do want to make an inquiry of the gentleman. One thing seems to me rather anomalous, and that is to permit this company to issue one-third more stock than the money they pay in. What is the reason for that?

Mr. HOUSTON. Well, I am just taking this proposition as we find it. This bill was passed by the Territorial Legislature of Hawaii granting this franchise. After that it came to Congress with some amendments, and, with the approval of the Secretary of the Interior, it was passed through Congress two years ago. Now they claim that on account of the expense incident to putting this enterprise on foot it was necessary to issue this amount of stock. They furthermore have proof, as shown in the hearings, or make the claim, that they have expended the amount of $50,000, or something more, in the preliminary part of the enterprise. Now, I am not able to give the details of that.

Mr. GARNER. The very proposition of an act of Congress permitting a corporation to issue more stock than the amount of money they pay in does not appeal to me, I must say, as one Member. I do not understand the philosophy of permitting a corporation to water its stock by act of Congress.

Mr. BRYAN. What is the judgment of the gentleman from Tennessee as to how the Interstate Commerce Commission would do that under the bill recently passed, where they have to approve a bond issue by railroads? Does the gentleman believe the Interstate Commerce Commission, if it were left to it as to a matter in this country, would allow the railroads to issue watered stock in that way?

Mr. HOUSTON. I do not feel called upon to pass on that question, Mr. Speaker. This is a business venture. I want to say that the gentleman from Washington [Mr. JOHNSON] was on the subcommittee that especially had this matter in charge, and I believe he helped to prepare this report, and perhaps is more familiar with the facts surrounding it than I am.

Mr. ELDER. Will the gentleman from Washington yield to me?

Mr. JOHNSON of Washington. With pleasure.

Mr. ELDER. Do you not think this would be establishing a precedent by Congress to recognize the watering of stock as a legitimate thing?

Mr. JOHNSON of Washington. We found that a long bill had been passed and approved on August 1, 1912, reserving a great many rights to the territorial government of Hawaii, and it carried some little liberality in the hope that they might build a street car line in the little town of Hilo, of 7,000 or 8,000 people. It is proposed to build the line from the center of the town out to the Government breakwater. They got this bill passed, which allowed $50,000 to be used in excess of the stock to be sold. That money was largely used up in legal business and in promotion and in going to Germany, as that was where the capital was originally interested, and they found they were not getting anywhere with the thing, and this bill, H. R. 18041, passed two years ago, will expire on August 1 next.

Mr. ELDER. If the gentleman will permit me, I am not questioning the time it expires and have no objection to that. But it occurs to me that simply to allow the promoters, who took the original expense, and pay them $25,000 for their promotion, and the rest put on the market, is a recognition by Congress, it seems to me, of the watering of the stock.

Mr. JOHNSON of Washington. I have no heart in the matter at all.

Mr. ELDER. Certainly. I do not mean to intimate that. It is of no particular interest to me except in the way that I have stated.

Mr. JOHNSON of Washington. And the people of Hawaii came here with their maps, and they worked very hard on it. They have used up this original stock which they were allowed to issue. They still think and hope that they can build the railroad. In the meantime the Japanese have come in there and brought these Ford automobiles and have put in cross seats and carry people out to the breakwater for 10 cents. When we were considering it in the subcommittee and in the full committee, former Gov. Frear appeared on another matter, and he was asked to state his opinion about this, and in our hearings here we had the indorsement of this plan from him.

Mr. LENROOT. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. LENROOT. Do I understand from the gentleman that this company now has issued $50,000 worth of stock?

Mr. JOHNSON of Washington. As near as I can remember. We went into it at some length.

Mr. LENROOT. And that has not gone into the capital account at all?

Mr. JOHNSON of Washington. The lawyers who got the papers ready, and this and that agent, were paid in stock or promises of stock. I do not know how it was done.

Mr. LENROOT. Unless the gentleman will accept an amendment striking out section 2, I shall be obliged to object.

Mr. JOHNSON of Washington. I will be glad to accept the amendment.

Mr. GARNER. May I ask the gentleman from Tennessee [Mr. HOUSTON] a question? The gentleman from Tennessee will be on the conference committee. This is a House bill, and

if it passes the House under these conditions, will the gentleman see that the House is protected in its views upon section 2?

Mr. HOUSTON. I will state in regard to that matter that as a conferee appointed by this House, I would feel it my bounden duty to reflect the sentiment of this House. I can not go further than that.

Mr. ELDER. Would the gentleman consider his duty in line with the sentiment of this House if we strike out this amendment?

Mr. HOUSTON. If the House accepts that action, I will insist on it as a conferee.

Mr. JOHNSON of Washington. Mr. DAVENPORT of Oklahoma and myself were a committee to talk with these people, and we agreed with them that this might be put in. Unless it is by another resolution, it will undoubtedly end that part of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 3, strike out the word "two" and insert the word "four."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOUSTON. Mr. Speaker, I move to strike out section 2 of the bill.

The SPEAKER. The Chair understands that there is another committee amendment.

Mr. HOUSTON. But the committee amendment is to section 2, the next amendment, as I understand it. I propose to strike out the section.

The SPEAKER. The question is on the amendment of the gentleman from Tennessee [Mr. HOUSTON] to strike out section 2. Is there objection? [After a pause.] The Chair hears none. Does the gentleman from Wisconsin [Mr. LENROOT] desire to offer an amendment?

Mr. LENROOT. That was the same amendment.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended in conformity with the text.

On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

INCOME TAX ON RAILROADS IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9770) to levy and collect an income tax on railroads in Alaska, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That in addition to the normal income tax of 1 per cent there shall be levied and collected 4 per cent on the net annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided in the act of Congress, approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general Territorial purposes. So much of the provisions of the act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said district," or acts amendatory thereof as impose a license tax of $100 per mile per annum on railroads operated in Alaska is hereby repealed, and all penalties for nonpayment thereof are hereby remitted.

The SPEAKER. Is there objection?

Mr. WATSON rose.

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

The SPEAKER. For what purpose does the gentleman from Virginia [Mr. WATSON] rise?

Mr. WATSON. For the purpose of asking unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. We have not reached that point yet. The gentleman from Illinois [Mr. FOSTER] reserves the right to object.

Mr. FOSTER. I would like to ask the gentleman from Virginia, in charge of this bill, if this bill provides for a change in the way of taxation in Alaska from $100 per mile to 4 per cent of the net income of the railroads?

Mr. WATSON. Yes.

Mr. FOSTER. Now, can the gentleman give us any idea of what the tax would likely be on a railroad in Alaska that has been in operation for some time—what the tax would be on that basis instead of the $100 per mile?

Mr. WATSON. Mr. Speaker, I will say to the gentleman from Illinois [Mr. FOSTER] that under the present system of taxation revenue is received from only two railroads in Alaska. The $100 per mile flat license tax has resulted in shutting down three of the railroads in Alaska, and they are not now in operation.

Mr. FOSTER. Right there can the gentleman give us the length of those railroads—what their mileage is?

Mr. WATSON. The total railroad mileage in Alaska is 452 miles, of which the three railroads referred to comprise about 250 miles. There is a fourth railway which is 45 miles long which has had a kind of intermittent operation; so that, roughly speaking, 300 of the 452 miles, or in the neighborhood thereof, is not now in operation in consequence very largely of the present system of taxation; and under the law which now prevails so many penalties have accrued against these railways as to amount to confiscation if an attempt were made to collect the penalties.

For instance, on the railroad running out of Fairbanks, which is 45 miles long, and to which I have made reference as being operated in part, or, more correctly speaking, for a portion of the year only—a railroad which cost for construction about $800,000—the penalties that have accrued for operating, without paying the license tax, aggregate between four and five million dollars, six or seven times as much as it cost to construct the road in the first instance.

Now, I will say to the gentleman from Illinois that three of the railroads in existence pay no tax under the present system, and that the fourth one is operating with penalties accruing upon it and has not paid the mileage tax for the present tax year; that only two of the railroads have paid this tax; that neither of those roads has any considerable general traffic in the Territory of Alaska. One of them is the railroad that runs from Cordova to the Kennicott copper mines, generally known as the Guggenheim property, a distance of 196 miles. The general traffic of that road is not believed to be sufficient to enable them to pay the $100 a mile license tax, but the hauling of ores from its own mines has enabled it to pay the tax.

The Yukon road, which runs through the White Pass into Canadian territory, traversing Alaska for 20 miles, conducts a considerable volume of Canadian business and has also paid the license tax. These two railroads, under the bill proposed by the committee, would probably pay more tax to the Government than they now pay.

Mr. FOSTER. That is, on the net income of 4 per cent?

Mr. WATSON. Yes; on the net income at the rate of 4 per cent. So far as the committee could get any information, which I will say to the gentleman is only approximate, these two railroads which are now revenue producers to only a small extent would yield more revenue than they do under the present statute. As to the four other roads, they yield nothing at the present time. Under the proposed enactment they would perhaps yield nothing for several years to come.

Gentlemen must be familiar with the fact that these small railroads in a pioneer country have not the traffic to produce any profit to their owners or to pay any revenues to the Government. As an illustration, I will mention the fact that the road which runs out of Fairbanks 45 miles, and which has incurred such enormous penalties during the past year for not paying the license tax, according to the returns for the year 1913 had a net income of only $2,000. The present tax would be $4,500, as the gentleman can calculate. In all human probability, as I have said, the measure proposed by the committee will yield no revenue for some years to come from any of these railroads except the two which are now conducting operations. As a matter of fact, the act of 1899—the act organizing the Territory of Alaska, known as the organic or enabling act—exempts the railroads of Alaska from local taxation by the territorial legislature until some time in August, 1917. Two of these five years have already elapsed, so that within three years' time the territorial legislature will have the power to tax these railroads in accordance with a system of its own suited to local needs and conditions at that time. There is no probability that within this period of three years there will be any net income derived by the Government from the traffic of these railroads.

I will say to the gentleman also, that several times in the recent past there have been passed acts of Congress exempting different ones of these roads from taxation in recognition of the fact that they were making nothing out of which to pay taxes. These periods of exemption have generally been for five years, as I recall. They have all now expired. No railroad in Alaska, other than the two named, is willing to hook an engine to a car to send mail, or a piece of mining machinery, or a party of prospectors a single mile for fear of incurring the enormous penalty which the statute imposes upon it for not paying the license in advance. The result is that mining prospectors have no means of getting to the mines; it is impossible

to send any machinery to the mines. There is no transportation.

Mr. MADDEN. If this law were passed, would you say——

Mr. FOSTER rose.

The SPEAKER. Does the gentleman yield?

Mr. WATSON. I will now yield to the gentleman [Mr. FOSTER]. I will with pleasure yield to the other gentleman from Illinois [Mr. MADDEN] later.

Mr. FOSTER. I was going to ask this: Your idea after investigation is that these small railroads that are now built in Alaska can not and will not operate unless we give them some relief in this way, but that these other railroads which are possibly not producing a profit, except by the carrying of the ore belonging to the company that owns them, can afford to pay this tax. Is that the understanding of the committee?

Mr. WATSON. That is the understanding of he committ e, Mr. Speaker.

Mr. MADDEN. I was going to ask whether, if this act became a law, the railroads that are not now operating would begin to operate, so as to carry machinery and passengers into territory where they are not now able to go by rail?

Mr. WICKERSHAM. That is the very purpose of it.

Mr. WATSON. The committee believe that the railroad in the Seward Peninsula, another railroad called the Solomon River and something else—the name escapes me—the railroad from Fairbanks to the mines, which is now operated in partial disregard of the tax requirement, and possibly the railroad from Seward to a point 72 miles north, called the Alaska Northern Railway—that all of these railways would resume operations either continuously or from time to time, so as to afford some accommodation to the population residing along their routes should this bill become law.

Mr. MADDEN. What is the penalty now imposed on the railroads for operating when they fail to pay the tax?

Mr. WATSON. The license tax is payable in advance. If the railroad company operates a single day without having paid that tax, it incurs a penalty equal to the tax itself, which is $100 a mile. The second day it incurs a penalty double that, and the third day treble that, and so on ad infinitum.

Mr. MADDEN. What information has the committee on the question of the net earnings of the railroad which is said to be 196 miles long?

Mr. WATSON. The railroad running from Cordova to the Kennicut copper mine is of course subject to the jurisdiction of the Interstate Commerce Commission.

Mr. MADDEN. Have any reports been filed showing their net earnings?

Mr. WATSON. There have been partial reports filed, from which the committee have been able to approximate the net earnings.

Mr. MADDEN. What is the judgment of the committee as to the net earnings?

Mr. WATSON. The judgment of the committee is that the 5 per cent income tax, which is the normal income tax of 1 per cent with this 4 per cent added, as provided in the bill, would yield a little more revenue than the $100 per mile, which on this road, at present rate of tax, is $19,600 per year.

Mr. MADDEN. The so-called Guggenheim road would pay $19,600 a year under the present law?

Mr. WATSON. Under the present law, yes; and would pay a little more under the proposed income tax. The White Pass & Yukon Railroad now pays $4,500 a year——

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the present consideration of this bill?

Mr. ELDER. I object.

The SPEAKER. The gentleman from Louisiana [Mr. ELDER] objects.

Mr. HOUSTON. I hope the gentleman will reserve his objection.

Mr. ELDER. I am perfectly willing to reserve my objection, but the gentleman from Connecticut [Mr. DONOVAN] forces me to object. The regular order was called for.

Mr. HOUSTON. I want to state that the main purpose of this bill is not so much for the benefit of these railroads as it is to furnish some transportation to the different portions of Alaska where these small railroads happen to run. These railroads are now shut down. They are not operating. If they were operating continuously, of course their operations would be very beneficial. If they would run occasionally, they would afford a very great benefit to the people within that territory. It is a great hardship upon these people not to have the benefit of the roads that have been built there by this capital, and that are not able——

Mr. DONOVAN. Mr. Speaker, I will withdraw the request for the regular order, but I can not for the life of me understand how people would advocate large property escaping taxation.

Mr. HOUSTON. As I said, it is not for the benefit of the property owned by the railroads that this bill is introduced, but it is in order that the people in this Territory, laboring under the great disadvantages which surround them, shut off from transportation to and from the outside, shall be able to get in there to prospect, to get machinery in there, to develop mines, and things of that sort. It will be of very great benefit to the people of that country if they can have this road.

Mr. ELDER. There are other classes of property in Alaska, whether operated at a profit or not, and do they not have to pay a certain modicum of the taxes?

Mr. HOUSTON. Certainly.

Mr. ELDER. What reason is there, even if the railroads are not operated at a profit, why they should not pay their proportion of the taxes?

Mr. HOUSTON. For the reason that the people of Alaska may have the benefit of transportation that these roads would afford. It has been the practice in this country in opening up new country to exempt the railroads from taxation, in order that they can be established and furnish facilities for transportation and develop the country. When they have made good and got a footing, when they can be successfully operated, then they pay taxes.

Mr. ELDER. Why do not the railroads raise the rates?

Mr. WATKINS. Will the gentleman yield?

Mr. HOUSTON. Certainly.

Mr. WATKINS. Is it not a fact that this bill provides a taxation of 4 per cent?

Mr. HOUSTON. Yes; and if the property invested in the roads makes anything we will get taxes on it whatever it is. As the gentleman from Virginia [Mr. WATSON] has said, that income would be small. It would be small, but I think there would be some, and whatever there was would be taxed. This change of method of taxation is for the purpose of giving that country, which is laboring under so many disadvantages, but has such enormous resources within its borders, an opportunity to make a beginning.

Mr. ELDER. The question that the gentleman from Louisiana [Mr. WATKINS] asked was what I asked a few moments ago. The private property owned by private individuals has to pay its portion of the taxation.

Mr. HOUSTON. That is true, but their properties are not situated like this. Their business is not transportation for the whole people in reach of these railroads.

Mr. ELDER. But could not the roads raise their transportation rates to meet the charge, and let the people of the country pay the taxes instead of the General Government giving it to them?

Mr. HOUSTON. No; the roads can not raise the rates, because the transportation rates are so high now that they ought not to be increased. That is the difficulty surrounding the railroads in a new country. They are already high, and this bill is for the purpose of letting the settlers have the benefit of their operation, and we want to give them this aid in supplying their wants in this country.

Mr. ELDER. I can not quite agree with my friend from Tennessee.

Mr. WATKINS. Does the gentleman from Louisiana understand that there is provided by this bill a revenue to be derived of 4 per cent in taxation?

Mr. ELDER. Yes; 4 per cent taxation on the net profits, and it is stated here that there are no profits. If they would make it 1 per cent on the gross profits, I would not object, but they come in and say we provide for 4 per cent on the net profits, and then in the next sentence they say there will be no net profits, and, of course, no taxation whatever. We were told during the passage of the Alaska bill that the great mining interests of the country, the Guggenheims, had grabbed Alaska by the throat, and now they come in with a bill relieving the Guggenheims from taxation. The people of my country have undeveloped property, but they have to pay taxes on it.

Mr. HOUSTON. I want to say to the gentleman that this bill does not propose to relieve the Guggenheims's railroad from taxation. On the contrary, as stated by the gentleman from Virginia [Mr. WATSON], we believe that that road will pay as much taxes under this new system as it does at present, and even more.

Mr. LENROOT. Will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. LENROOT. Speaking of the Guggenheim road, if you pass this, providing for 4 per cent on the net income, as they carry their own copper, is it not morally certain that there will be no net income, because they will simply reduce the rates?

Mr. FOSTER. Would it not be fair to provide a tax on the gross income? I want to ask the gentleman from Virginia who has charge of the bill what he thinks of a change from a tax on the net income to a tax on the gross income? I do not think it ought to be much, and I do not think we ought to bear down on the little railroads, and I think we can well afford to do that.

Mr. WATSON. Mr. Speaker, it will be better for this bill to be amended so as to carry a small gross income tax rather than that the relief sought should fail at this time.

Mr. HOUSTON. I think so.

Mr. WATSON. I was going to suggest that a gross-income tax in the case of perhaps two or three of these railroads might be a hardship, but I have no idea that it would be any hardship to the Copper River or the White Pass & Yukon Railroad.

In regard to the question of the gentleman from Louisiana [Mr. ELDER], it is absolutely certain that under the present system the Government is going to derive but little revenue from the railroads in Alaska. The gentleman assumes that we are losing revenue. As a matter of fact, you are getting but little at present. I want to say to him, furthermore, that there is but little doubt about the fact that the plan proposed in the bill will tax the Guggenheim property more highly than it is taxed under the present law.

Mr. LENROOT. But the Guggenheims make their own rates on their own property.

Mr. WATSON. Mr. Speaker, there is no way in the world for this Government to undertake to compute or to collect taxes from that or any other railroad except by conferring authority upon the Interstate Commerce Commission, or some other public body, to inspect its books and look into its accounts.

Mr. LENROOT. Mr. Speaker, will the gentleman yield there?

Mr. WATSON. Yes.

Mr. LENROOT. Does the gentleman contend that the Interstate Commerce Commission has any power to order a raise in rates?

Mr. WATSON. Mr. Speaker, it is absolutely unnecessary for me or this House to undertake to deal with that question.

Mr. LENROOT. But it goes to the very meat of this question.

Mr. WATSON. The Interstate Commerce Commission has the power to inspect the books and also to inquire into the business operations of that railroad company. The Government everywhere is bound to trust somebody, and I am not here to assert that any system can be devised whereby everybody can be compelled to conduct an absolutely honest business.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. ELDER. Mr. Speaker, reserving the right to object for a moment, I would like to have an understanding with the gentlemen whether they will agree to 1 per cent tax on the gross income. Otherwise I say frankly that I shall object.

Mr. WATSON. Mr. Speaker, the chairman of the committee, the gentleman from Tennessee [Mr. HOUSTON], is willing that the amendment proposed by the gentleman from Louisiana shall be accepted, and I myself have no objection to it.

Mr. ELDER. Mr. Speaker, I would like to ask the chairman of the committee whether we can have the same kind of agreement in respect to the conference report on this that we had a moment ago, that the chairman of the committee will accept it?

Mr. HOUSTON. Mr. Speaker, I will state, as I stated before, that when I am on a conference committee I shall try to reflect the will of the House.

The SPEAKER. Is there objection?

Mr. FERRIS. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. MANN. Mr. Speaker, I will withhold that for a moment.

Mr. FERRIS. Mr. Speaker, I think two other amendments ought to be added to this bill before it is thought of being passed. One is the railways, as a condition precedent, ought to give a bond that they will operate these railroads and that they are not getting this exemption for the sole purpose of clearing up title so that they can sell to the Federal Government. The second amendment is that they ought to pay a decent, reasonable tax on the property for the entire time they have had it. The present tax rate probably has been excessive, but they ought to pay something, and this should not be taken as a precedent to let any railroad company come in and have all of their taxes remitted. No one ought to ask such a thing.

Mr. STAFFORD. Mr. Speaker, the gentleman knows that one, if not two, of these railroads has been specially exempted for a time, and that the time is about to expire.

Mr. DONOVAN. Mr. Speaker, I would like to ask a question of whoever has the floor.

The SPEAKER. No one has the floor.

Mr. DONOVAN. Mr. Speaker, reserving the right to object, here is the situation as it appears to me: This remarkable committee came in here a few weeks ago advocating and reporting a measure to expend $35,000,000 of this Government's money for railroads in Alaska, and now they come in and tell us the railroad can not afford to pay its taxes. I am going to object right here.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] objects.

THE LATE ADLAI E. STEVENSON.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the subject of the late Adlai E. Stevenson.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes on the life and character of the late Vice President, Adlai E. Stevenson. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, and gentleman of the House, 79 years ago Adlai E. Stevenson was born in the State of Kentucky. At an early age he came with his parents to Illinois, but returned soon after to Kentucky, and in 1856 he graduated at Centre College, in Danville, Ky. During his college career there developed the romance which lasted through his long life, and just after his graduation he married Miss Letitia Green, the daughter of the president of the college which conferred his degree upon him. She remained his faithful companion in all the vicissitudes of his long life until a few months ago, when she preceded him to the tomb.

In the early part of his career Adlai E. Stevenson was contemporaneous with Lincoln, Douglas, Logan, McClernand, Oglesby, and those other great sons of Illinois who long ago preceded him to the silent tomb. His active career in national politics commenced before most of the Members of this House were born. In 1864 he was a presidential elector on the Democratic ticket. In 1874 he was elected from the Bloomington (Ill.) district to the office of Representative in Congress. Two years later, in 1876, he was reelected. In 1884 he led the Illinois delegation to the Democratic national convention, the convention which named Grover Cleveland. From 1885 until 1889 he was First Assistant Postmaster General. From 1893 until 1897 he was Vice President of the United States. His active career continued almost until the day of his death. Five years ago he was the Democratic candidate in Illinois for governor of Illinois when long past the allotted age of three score and ten. He commenced to practice law in the late fifties in Metamora, Ill., and after that he practiced law in Bloomington, Ill., and his firm, the firm of Stevenson & Ewing, was for a long period of years one of the best-known law firms in the State of Illinois. He was successful in his business career, and long ago, years ago, when labor first commenced to organize and was demanding recognition, he recognized the right of laboring men to organize in the great coal industries, in which he was an important factor in that section of Illinois.

While he was active in political life, ready always to give his services to his country when his country demanded his services, he was a successful business man, honest and fair in all his relations with his fellow men. While he was a contemporary with those great Illinoisans I have mentioned, who long ago preceded him to the tomb, he was always young. Those of us who knew him best never thought of him as growing old. As his old friends died he renewed his activities and acquaintances among the young, and he retained his full physical and mental vigor up until the very last. Last Saturday the Illinois delegation—all of them signed the telegram—sent a telegram to him at the hospital in Chicago where for some months he had been ill, expressing our hope for his speedy recovery and expressing our sympathy for him on account of his serious illness. His son wired back that the message had been read to him and that he appreciated the fact that he was remembered here in the National House of Representatives, where he had served for four years; here in the Capital, where he served for eight years as Assistant Postmaster General and as Vice President of the United States. A few hours later his great heart ceased to beat. He died yesterday morning, Sunday, June 14, 1914.

Throughout his long and useful career no suspicion of dishonor or dishonesty ever attached to his name. On behalf of the Illinois delegation in Congress I desire to pay this last tribute of respect to his memory. His life work is over; full of years and of honor, with unfaltering step he approached the end. In the State which produced a Lincoln, a Douglas, a Logan, and an Altgeld, we consider him one of our greatest citi-

zens. His soul has gone back beyond the stars to God, who gave it. To-morrow his body will be buried by the friends he loved in the State he so signally served during all the years of his long career. Great mind, generous soul, kind friend, adieu. May the earth press lightly upon the heart of Adlai E. Stevenson, of Illinois. [Applause.]

INCOME TAX ON RAILROADS IN ALASKA.

The SPEAKER. The Clerk will report the next bill.

Mr. BRYAN. Mr. Speaker, I understand the gentleman from Connecticut [Mr. DONOVAN] is willing to waive his objection to this bill if there is no other objection and let it be considered with the amendment proposed here, and I would ask unanimous consent——

The SPEAKER. What bill is the gentleman talking about?

Mr. BRYAN. The railroad bill proposed by the gentleman from Tennessee [Mr. HOUSTON]. I ask unanimous consent that that bill may be restored to the status it was when Mr. DONOVAN objected.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent that House bill 9770 be restored to the status it occupied at the time the gentleman from Connecticut [Mr. DONOVAN] objected.

Mr. ELDER. Mr. Speaker, I think that we have had enough discussion on this bill, and the more I think of it the more I am against it, and I object.

The SPEAKER. The gentleman objects. The Clerk will report the next bill.

EXCHANGE OF FOREST LANDS WITH THE STATE OF OREGON.

The next business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national-forest land.

The bill was read, as follows:

Be it enacted, etc., That the State of Oregon is hereby authorized to select, with the approval of the Secretary of Agriculture, a compact body of not to exceed 40,000 acres of unappropriated nonmineral land within townships 10 and 11 south, ranges 5 and 6 east, Willamette meridian, in the Santiam National Forest, Oreg., to be maintained as a State forest to secure its highest permanent usefulness to the State of Oregon and particularly to the common schools to which its resources are devoted and to State forestry demonstration and education, and the Secretary of the Interior is hereby authorized to grant and convey said selection to the State of Oregon for the purposes hereinbefore mentioned.

SEC. 2. That in exchange for the selected lands the State shall reconvey and relinquish to the United States a good and sufficient title to an approximately equal area of unencumbered sections 16 and 36, or parts thereof, of substantial forest values satisfactory to the Secretary of Agriculture, within the national forests of Oregon, granted to said State, or indemnity rights within such national forests to which the State is entitled therefor: *Provided*, That the lands reconveyed and relinquished as base lands shall immediately become parts of the national forest in which they are situated.

SEC. 3. That the lands conveyed to the State shall be at all times subject to use by the United States for the construction, maintenance, and operation of roads, trails, telephone or telegraph lines needed in the administration of the contiguous national forest areas.

The SPEAKER pro tempore (Mr. SIMS). Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill whether he would be willing to have the bill provide that the land to be exchanged should be of substantially equal value?

Mr. SINNOTT. Well, Mr. Speaker, this matter of this bill and the proposed change were negotiated by Gov. West, of the State, and the departments, and I do not believe that the State authorities would be willing to accept this amendment. Gov. West contends that the State lands, and particularly the indemnity lands, are worth a great deal more than is set forth in this report, that for exchange purposes and for base purposes the State lands and the indemnity lands are worth from $17 to $20 an acre, and I took that matter up with him, and I do not believe they would consent to this amendment.

These lands are to be withheld from sale for a period of 50 years, and are to be devoted to school forestry purposes.

Mr. MANN. Well, possibly they will be devoted to school forestry purposes, but that is not what it says. What it says is particularly as to the common schools, to which its resources are devoted. Then they ask us to give them land worth twice as much as the land they want to give to us in exchange. I really do not see any reasonableness in that proposition.

Mr. SINNOTT. It will foster instruction in forestry. In the State of Oregon we have at least one-fifth of the timberland in the United States.

Mr. MANN. Do you not want to foster instruction in forestry?

Mr. SINNOTT. We do, and are willing to do it.

Mr. MANN. But you want to do it at our expense?

Mr. SINNOTT. No; a great part of that timberland is owned by the Federal Government.

Mr. STAFFORD. Will the gentleman yield?

Mr. SINNOTT. I will.

Mr. STAFFORD. As I understand the report, the State of Oregon has ample school lands which they could transfer for these 50,000 acres of equal value or substantially equal value if they saw fit to do so?

Mr. SINNOTT. No; I do not believe they have. It is stated in the report of B. T. Galloway, Acting Secretary of Agriculture, that the State of Oregon is proposing to surrender its best lands.

Mr. MANN. They have plenty of land they could transfer or they would take the smaller amount. I do not blame them at all. They want the best end of it. And the gentleman from Oregon [Mr. SINNOTT] naturally is endeavoring to protect the interests of his State. I do not know whether the rest of us are here wholly for that purpose or not.

Mr. HAWLEY. If the gentleman will yield, I will say to the gentleman from Illinois that the forest lands in the State of Oregon that are proposed to be exchanged are scattered all through the national forests, are in all a very large number, and make a very serious problem. Now, I think Gov. West's contention is that the lands of the State are estimated at too low a value. I have been over a good deal of the forest lands of the State of Oregon in which these sections are located, and agree with the governor that the lands of the State are very valuable.

Mr. MANN. But this bill does not estimate the value of these lands. That is a matter that can easily be revised. But the question is whether Congress in authorizing the exchange of 40,000 acres of land to Oregon shall require that 40,000 acres of substantially equal value shall be given by Oregon to the United States.

Mr. HAWLEY. As I understood from Forester Graves, who went to Oregon and talked this matter over with the authorities of the agricultural college and the State authorities, he was satisfied the lands proposed to be given to the Government in exchange for these lands on the Santiam, in a general way and taking into consideration all the conditions, would be in general a fair exchange, mutually satisfactory to both parties.

Mr. MANN. I think not. I do not think anybody pretends that at all.

Mr. STAFFORD. The report contradicts that absolutely.

Mr. MANN. The Forestry Service contention, if I understand, from personal opinion, was that we could afford to give 40,000 acres of land to Oregon if they would maintain a forestry school. I doubt if there is enough in this bill to maintain a forestry school, even.

Mr. HAWLEY. I have talked with Forester Graves, and I repeat what I thought he said to me about the matter.

Mr. McLAUGHLIN. The letter from the Secretary of Agriculture says that the value of the Government land is about twice as great.

Mr. HAWLEY. Of course, that is from another authority, but I believe from my talk and from what I understand of the State authorities' position that statement is not well founded in fact. From my information I am led to believe the exchange would be mutually profitable and fair under the circumstances.

Mr. MANN. That may be, but that is easily revised. The bill does not determine that. The value of the land can be determined upon further consideration, but what reason is there, liberal as the General Government is, for exchanging land on the supposition that we give two to one?

Mr. SINNOTT. The State of Oregon agrees to withhold this land from sale for a period of 50 years. The legislature has passed an act reserving that land for that length of time and devoting the land to a school of forestry.

Mr. MANN. Where is that agreement?

Mr. SINNOTT. The legislature has passed the act already.

Mr. MANN. But they could repeal it to-morrow. There is no such agreement in this bill, I will say to the gentleman.

Mr. SINNOTT. It is to be expected that they will keep faith with the General Government.

Mr. MANN. I do not see any faith they have to keep. We do not require them to do anything about it. On the other hand, we put in the bill a provision to the effect that it is to be devoted particularly to the common schools. That is not a school of forestry. That is a direct contradiction of the theory upon which the gentlemen have advocated the passage of this bill.

Mr. SINNOTT. On line 11 it is stated that it is devoted to a school of forestry, demonstration, and education. The proceeds, whatever they may be, are to go to the common-school fund.

Mr. MANN. Line 11 where?

Mr. SINNOTT. On page 1 of the bill. There it is stated, "State forestry, demonstration, and education."

Mr. MANN. Either the gentleman from Oregon has not the bill that is pending before the House or else I have not. I have Senate bill 79, as reported to the House.

Mr. SINNOTT. That is what I have.

Mr. RAKER. Mr. Speaker, will the gentleman from Oregon yield for a question—the handsome gentleman?

Mr. HAWLEY. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. SINNOTT. Has the gentleman from Illinois the bill that passed the Senate?

Mr. MANN. I have the print of the bill that passed the Senate and was reported to the House.

Mr. SINNOTT. I have the print that passed the Senate and was reported to the House.

Mr. MANN. Oh, this place is to be maintained as a State forest?

Mr. SINNOTT. Yes.

Mr. MANN. That does not make any difference. It is to devote its resources to the common schools.

Mr. RAKER. Mr. Speaker, will the gentleman from Oregon yield for a question?

Mr. SINNOTT. Certainly.

Mr. RAKER. Is this the bill that the present governor of Oregon and the land commission have gone into thoroughly, and which the governor is so anxious to have passed because of the benefit it will be to the Government and the State?

Mr. SINNOTT. That is the bill approved by the Acting Secretary of Agriculture and also by the Assistant Secretary of the Interior and by the Forestry Service.

Mr. RAKER. I have received several letters from Gov. West, of Oregon, in regard to the matter, and I suppose the other members of the Committee on Public Lands did. The committee reported the bill out, and evidently they thought that it was to the interest of the State of Oregon and to the interest of the United States, and would give an equivalent in exchange, and reserve the timber, and allow the matter to be properly administered.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. HARRISON. Will the gentleman accept the amendment offered by the gentleman from Illinois?

Mr. SINNOTT. What was the amendment?

Mr. HARRISON. Substantially the same value of land to be exchanged.

Mr. SINNOTT. No; I have not the authority to change the provisions of the Senate bill.

Mr. HARRISON. Then I ask for the regular order, Mr. Speaker.

Mr. ELDER. Mr. Speaker, the great lawgiver of the House——

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. ELDER. I will say, Mr. Speaker, that I shall object to this bill whenever it is presented to the House.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection?

The SPEAKER. The Clerk will report the next bill.

HEADQUARTERS, CUSTOMS DISTRICT OF FLORIDA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6433) to relocate the headquarters of the customs district of Florida.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the headquarters of the customs district of Florida shall be at Tampa, in said State.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and accordingly was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, I would like to ask why this customs district is removed from Jacksonville to Tampa?

Mr. SPARKMAN. I will say, in answer to that question, that the headquarters ought to be in Tampa.

Mr. MANN. That is in the gentleman's district. That is a sufficient reason. [Laughter.]

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. SPARKMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

OCHOCO NATIONAL FOREST, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 533) to consolidate certain forest lands in the Ochoco National Forest, Oreg.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of consolidating the forest lands belonging to the United States within the Ochoco National Forest, Oreg., the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Ochoco National Forest for privately owned lands of substantially equal value and area lying within the exterior limits of said national forest: *Provided*, That upon consummation of an exchange hereunder the lands acquired by the United States shall thereby become a part of said Ochoco National Forest.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar——

Mr. STAFFORD. Reserving the right to object——

Mr. MONDELL. The gentleman is too late.

The SPEAKER. It is too late to object.

Mr. STAFFORD. I have no pressing objection to the bill, Mr. Speaker, and if the Speaker rules that it is too late, I do not care to press it.

The SPEAKER. The Chair had asked if there was objection, and had stated that there was none, and had announced that the bill was on the Union Calendar.

Mr. FERRIS. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FERRIS, a motion to reconsider the last vote was laid on the table.

AMBASSADOR TO ARGENTINE REPUBLIC.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13667) authorizing the appointment of an ambassador to the Argentine Republic.

Mr. DONOVAN. Mr. Speaker, whoever is in charge, I want to suggest to him that it is about time to adjourn.

Mr. HARRISON. Oh, let us finish the next three bills.

Mr. GARRETT of Tennessee. Nobody is in charge.

Mr. DONOVAN. I do not wish to make the point of no quorum.

The SPEAKER. This being unanimous-consent day, nobody is in charge except the Speaker.

Mr. COOPER. Mr. Speaker, before the gentleman from Connecticut makes the motion to adjourn——

Mr. DONOVAN. I am not going to make any motion to adjourn. I thought some one was running the ceremony here.

The SPEAKER. The Clerk will report the next bill.

Mr. FLOOD of Virginia. Mr. Speaker, the next bill is the bill authorizing the appointment of an ambassador to the Argentine Republic. A Senate bill providing for the appointment of an ambassador to Argentina has already passed the House, and I ask unanimous consent that this bill lie on the table.

The SPEAKER. If there be no objection, this bill will lie on the table.

ONE HUNDREDTH ANNIVERSARY OF TREATY OF GHENT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13922) to approve of the celebration of the one hundredth anniversary of the signing of the treaty of Ghent between the United States of America and Great Britain and Ireland, and of the century of peace and amity between the United States and other nations.

The bill was read.

The SPEAKER. Is there objection?

Mr. DONOVAN. Mr. Speaker——

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. DONOVAN. Delighted.

The SPEAKER. Likewise the gentleman from Connecticut [Mr. DONOVAN]. The bill will be stricken from the calendar.

FOURTH INTERNATIONAL CONGRESS ON HOME EDUCATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11179) authorizing the Secretary of State to extend invitation to foreign countries to send delegates to the Fourth International Congress on Home Education.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized and empowered to extend an invitation to foreign countries to send delegates to attend the Fourth International Congress on Home Education, to be held in the city of Philadelphia, State of Pennsylvania, September 22 to 29, 1914, under the auspices of the International Commission on Home Education: *Provided*, That the attendance of such delegates to whom invitation may be extended by the Secretary of State shall be at no expense to the United States Government.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I notice that the gentleman in charge of the bill does not seem to move on it.

Mr. FLOOD of Virginia. I did not suppose there would be any objection to it.

Mr. MANN. Let us see if I am correct about this bill. It is to authorize the Secretary of State to extend an invitation to foreign countries to send delegates to the Fourth International Congress on Home Education. What is the Senate bill that has been reported in reference to education, to accept an invitation elsewhere?

Mr. FLOOD of Virginia. It has no reference to this matter.

Mr. MANN. What is it for?

Mr. FLOOD of Virginia. I do not know. This is a House bill.

Mr. MANN. The gentleman is not as well posted on what his committee does as I am. On Friday or Saturday the Committee on Foreign Affairs reported House joint resolution 273, requesting the President of the United States to invite foreign countries to participate in an international congress on education.

Mr. FLOOD of Virginia. That is the bill introduced by the gentleman from Ohio [Mr. SHARP]. It is a different bill from this.

Mr. MANN. Is it a different Congress?

Mr. FLOOD of Virginia. Yes. At any rate, is has not passed the Senate or House.

Mr. MANN. What I want to get at is who issues these invitations.

Mr. FLOOD of Virginia. The President.

Mr. MANN. This bill provides that the Secretary of State shall issue them.

Mr. FLOOD of Virginia. Well, the Secretary of State can issue them.

Mr. MANN. He can if we give him authority. But who is the proper person to issue them?

Mr. FLOOD of Virginia. I suppose the President is the proper person, but the Secretary of State, under the authority of this bill, can issue them.

Mr. MANN. I think we had better lay this aside and find out.

Mr. FLOOD of Virginia. I do not think there is any doubt about it. The bills usually provide that the President shall issue the invitations; but there is no reason in the world why the Secretary of State should not issue them.

Mr. MANN. I notice that the report in this case says:

The purposes of the congress are the correlation of all the forces interested in social progress and the betterment of the human race, which is so much to be desired.

Mr. FLOOD of Virginia. Nothing could be better.

Mr. MANN. If they correlate all the forces into the social progress of this educational congress, we had better abolish this congress. That made me suspicious of the whole thing, when I read it in the report, because I would not accuse the gentleman from Virginia of originating that language.

Mr. FLOOD of Virginia. No; I think I copied that from some statement made in reference to it.

Mr. MANN. Not from the Secretary of State, but from the man who lives from promoting the enterprise.

Mr. FLOOD of Virginia. Some gentleman interested in educational work—probably the gentleman from Pennsylvania [Mr. LOGUE].

Mr. MANN. Oh, I think that is an unfair criticism on the gentleman from Pennsylvania.

Mr. GARNER. Will the gentleman yield? There is another phase to this bill that has often been considered in this House, and that is the proposition of inviting the countries of the world to participate in a convention or congress or entertainment, the Government not being at any expense. It is almost impossible or inconceivable that the Government can entertain people from foreign countries—invite them here—without being at some expense.

Mr. FLOOD of Virginia. The Government will not entertain them, but the congress is going to entertain them. While that question has been raised a number of times, still a number of bills have been passed like this providing for the invitation and no appropriation for it.

Mr. GARNER. Is not there danger of embarrassing the Government and putting us in an awkward attitude?

Mr. MANN. Does not the gentleman know that formerly there was some expense in entertaining the delegates, but that grape juice is now very inexpensive?

Mr. GARNER. It does not look well to invite people as guests and not entertain them. It is like inviting one to your home and then saying, "We will not be to any expense to entertain you," and putting it off on somebody else. That is the only objection I see to invitations of this kind.

Mr. FLOOD of Virginia. The gentlemen interested in this work, the gentleman from Pennsylvania [Mr. LOGUE] and the gentleman from Maryland [Mr. LINTHICUM] are seeking to have the invitations extended and in getting the bill through. I hope it will not be objected to, because they are interested in it; the purposes of the bill seem to be good, and the purpose of the congress seems to be good.

Mr. HARRISON. I suggest that the better form would be to have the President of the United States issue the invitations, and I think the most of the resolutions have been drawn in that way. Would the gentleman be willing to accept such an amendment?

Mr. FLOOD of Virginia. Yes.

Mr. MANN. I suppose there would be no trouble about that, whatever the proper method is. I do not think it is desirable to have the President or the Secretary of State to invite foreign countries to send delegates here and then not even furnish them with salt or bread.

Mr. FLOOD of Virginia. That will depend on the organization.

Mr. MANN. If we issue the invitations we can not depend upon them, as we have found out several times heretofore.

Mr. FLOOD of Virginia. We found out several times that we could do it and I do not remember of any time when we found out that we could not do it.

Mr. MANN. I can tell the gentleman some instances. I know that I sweat blood for a month, not only in reference to an appropriation for an international congress but for the use of the Capitol Building.

Mr. FLOOD of Virginia. In that case it was contemplated the Government should entertain these delegates.

Mr. MANN. Not to any extent.

Mr. HARRISON. And there was no expression to provide that they should not be paid by the Federal Government, as is provided in this bill.

Mr. FLOOD of Virginia. None at all.

Mr. MANN. We have had several cases, especially the one at Buffalo, in which it was expressly provided in the bill that there should be no expense incurred by the Government of the United States, and we have made an appropriation to pay the expense. President Taft sent a message to Congress especially requesting us to make an appropriation, and saying he did not think the President ought ever to be authorized to extend an invitation to foreign delegates unless the United States was prepared to pay the expense of taking care of those delegates, which at the time I thought was very good sense.

Mr. FLOOD of Virginia. Still we have passed a number of them since that time with this provision in it. Congress did not seem to agree with President Taft about that.

Mr. MANN. We passed a few recently, but we do not know what the outcome is going to be. Most of those passed are to accept invitations.

Mr. FLOOD of Virginia. Yes; and also some extending invitations.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

STOCK-RAISING HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15799) to provide for stock-raising homesteads, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required for the support of a family: *Provided*, That the Secretary of the Interior shall not designate for entry under this act

lands of such character that, in his opinion, 640 acres will not support a family.

SEC. 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding 640 acres, and in compact form so far as may be subject to the provisions of this act, and secure title thereto by compliance with the terms of the homestead laws: *Provided*, That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than $1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

SEC. 4. That any homestead entryman of lands of the character herein described, who has not submitted final proof upon his existing entry, shall have the right to enter, subject to the provisions of this act, such amount of contiguous lands designated for entry under the provisions of this act as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof.

SEC. 5. That persons who have submitted final proof upon, or received patent for, lands of the character herein described under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this act, make additional entry for and obtain patent to contignous lands designated for entry under the provisions of this act, which, together with the area theretofore acquired under the homestead law, shall not exceed 640 acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry.

SEC. 6. That in the event there are not contiguous lands in area sufficient to complete an entry of 640 acres, as provided for in this act, the entryman or patentee shall have the right to enter within a radius of 10 miles from his first entry subject to the same requirements as specified for contiguous additional entries, lands in reasonably compact form which have been designated for entry under the provisions of this act, that shall, together with the first entry, not exceed 640 acres: *Provided*, That the entryman shall be required to enter all contiguous areas open to entry prior to the entry of any noncontiguous land.

SEC. 7. That any person who is the head of a family, or who has arrived at the age of 21 years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage hereof, lands of the character described in this act, the area of which is less than 640 acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired or lie within the 10-mile limit provided for in this act, may, upon submitting proof that he resides upon and has not sold or encumbered the land so entered or acquired, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to 640 acres of the land subject to entry under this act, but must show compliance with all the provisions of the homestead law and of this act respecting the new entry: *Provided*, That the lands so relinquished or reconveyed as herein provided shall thereafter be subject to disposition only on such terms and under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 8. That the commutation provisions of the homestead laws shall not apply to any entries made under this act.

SEC. 9. That any homestead entryman or patentee who shall be entitled to additional entry under this act shall have, for 30 days after the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in this act: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees applying to exercise preferential rights, such division to be in tracts of not less than 40 acres, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one 40-acre tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

SEC. 10. That any person who has heretofore acquired title to land under any of the homestead laws of the United States and who is the owner and occupant of the land so acquired may purchase from the United States not exceeding 320 acres of stock-raising lands, as designated by this act, or unappropriated and unreserved lands valuable only for grazing contiguous to his said homestead, upon paying to the United States the sum of $1.25 per acre for such lands, under such rules and regulations as may be prescribed by the Secretary of the Interior, which said land, together with the area theretofore acquired under the homestead laws, shall not exceed 640 acres.

SEC. 11. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the surface of the land.

SEC. 12. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will say to the gentleman that this is rather an important bill, somewhat long, having 12 sections in it. I understand the Committee on Rules has agreed to report in a rule for the consideration of certain bills which seek to deprive entrymen of rights. Why could not they not have included this bill in the list which seeks to give entrymen some rights?

Mr. FERGUSSON. Mr. Speaker, I will state that I went to the Committee on Rules, and was told that the bill affecting certain measures in regard to the conservation of resources in the West was already loaded down sufficiently, and they would not add this bill, though I think they should have done it.

Mr. MANN. As I understand, there is not anything in those conservation bills which give any rights to the settlers on the land in addition to what they otherwise would have. I think they are good bills, in the main, but I should think that the Committee on Rules might be willing to report a rule for the consideration of one bill which sought to give some rights to the homesteaders.

Mr. FERGUSSON. I agree with the gentleman; but inasmuch as they did not do it, and because of the very great importance of this bill, I hope that the gentleman will not object.

Mr. MANN. Of course the gentleman knows the House could not pass this bill to-day, even if it were taken up. If it were taken up for consideration, it would take at least a day to consider it. How can the gentleman expect to pass it on a Unanimous Consent Calendar?

Mr. FERGUSSON. It is a very important bill. It was considered for many weeks, or days at least amounting to weeks, in the Committee on Public Lands. Extensive hearings were had.

Mr. MANN. I think it is an important bill, and there are certain important amendments that ought to be made to it before it is workable, but it seems to me the gentleman ought to get the Committee on Rules, which is now seeking to say what the House shall do, to report in favor of the consideration of a bill which is on the side of the homesteaders seeking to give him some rights, instead of on the side of the Government, seeking to take away rights from the homesteader, both of which are proper.

Mr. FERGUSSON. I understand that, but if the gentleman will permit me, this bill is of urgent necessity to be passed at this time, first, from the standpoint of the Government itself——

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. FERGUSSON. Yes.

Mr. MONDELL. Why was not this bill included in the so-called administration conservation program, for which a rule is to be brought in?

Mr. FERGUSSON. It was simply because the rule now is loaded down sufficiently with bills. That is the answer that I obtained.

Mr. MONDELL. But does not the conservation program propose to do anything for the settler seeking a home?

Mr. FOSTER. Does not the gentleman think this bill is so good that it ought not to require a rule to be brought in to consider it?

Mr. MONDELL. Oh, well, it is a most excellent bill, and I hope to see it become a law. I am very much more anxious to have this bill become a law than some of these so-called conservation bills.

Mr. FERRIS. If that is true, then the gentleman ought not to object to the bill.

Mr. MONDELL. I am not objecting; certainly not.

Mr. MANN. Under the provisions of this bill it would not amount to a row of pins if passed. It has to be amended to make it valuable.

Mr. GARNER. Let me suggest to the gentleman from Illinois, being a Member not interested in public lands, that some unanimous consent might be had now to consider this bill at

some particular time where it can be given deliberate consideration and amendments offered and considered.

Mr. MANN. When such a request as that is made I will see then what I will do.

Mr. BURKE of South Dakota. If I am not misinformed, a petition was signed by a large portion of the membership of the House, asking for a rule on certain conservation bills. I do not understand that this bill was included in that request, and that may account for the Rules Committee not having provided for it, and furthermore I do not think it occurred to them that perhaps a rule ought to be necessary for a bill of this kind.

Mr. FERRIS. Mr. Speaker, let me submit a request to the gentleman from Illinois [Mr. MANN], and see if the gentleman will have any objection to it. It is undoubtedly too late to consider this bill to-night. Would the gentleman have any objection to giving consent for its consideration and let it be taken up two weeks from now and considered? This bill is important to the West and the development of the West. Let it be taken up now and then go over as unfinished business.

Mr. MANN. Let us see. There are six pages of titles on the Unanimous Consent Calendar to-day. We are still working on the second page. Does the gentleman desire on the Unanimous Consent Calendar to take up a bill that probably would take a couple of unanimous-consent days, which means a month? We ran into that on the Calendar Wednesday business, from which we will probably be extricated now. Does the gentleman want to fix a day so you can not get a bill up on Calendar Wednesday or the Unanimous Consent Calendar, and can not move to suspend the rules? You can not call up a bill now that is not privileged, nobody can on any day, without getting the Committee on Rules to approve it.

Mr. FERRIS. Mr. Speaker, while there is some truth in what the gentleman says——

Mr. MANN. It is all true, what I have said.

Mr. FERRIS. We do have a hard time in getting up many bills, but I want to call the gentleman's attention to the fact that practically all winter Calendar Wednesday has been taken up with two bills, the Alaska railroad and the codification bills.

Mr. MANN. And I tried to prevent it and the gentleman voted in favor of it.

Mr. FERRIS. I do not recollect whether I did or not.

Mr. MANN. The gentleman does not recall what he does——

Mr. FERRIS. Mr. Speaker, this bill is a bill that is needed very badly in the West, and it is important to gentlemen on both sides; there are no politics whatever in it. I would be very glad if the gentleman from Illinois will give his permission for it to go over until next unanimous-consent day, and the gentleman from New Mexico [Mr. FERGUSSON] and myself would like to see what the gentleman desires in the way of amendments, and we can get this thing in shape, and then we could get it through in an hour or two.

Mr. MANN. Does the gentleman want permission to take up this bill to-night and two weeks from to-day until——

Mr. FERRIS. I do not think it will take the time the gentleman thinks it will.

Mr. MANN. And then four weeks from to-day, until a month is used——

Mr. FERRIS. I do not think it will take that long.

Mr. MANN. If we adjourn before autumn we will be ready to adjourn by that time, and in the meantime no one can get any bill passed, no matter how small or how important it is to the public or to the Member. Now, I think it is a hoggish thing to make a request of this kind.

Mr. GARNER. If this is such an important bill, can not we come back here——

Mr. MANN. Can not the Committee on Rules, which is now saying what we shall consider, report a rule in for this bill?

Mr. GARNER. If the gentleman from Illinois will permit, if the Committee on Rules is going to bring in a rule here that will limit the debate to an hour on a side and pass the bill under a five-minute rule, he will very likely complain.

Mr. MANN. I surely would, if they tried to pass the bill without debate. But that is what you are trying to do with this.

Mr. GARNER. No; we want to consider it.

Mr. MANN. No; you do not want to consider it. You want to pass it, a bill under which if 639 acres will support a family, you can not get 640 acres, and under which if 641 acres are necessary to support a family, you can not get 640 acres. It is so crudely drawn it would not take a Pennsylvania lawyer, but a schoolboy could walk through it.

Mr. FOSTER. I think we had better have the regular order, Mr. Speaker.

Mr. MONDELL. Can he not include this in the list of bills that he asked to have a rule for?

Mr. FERRIS. I would like to make the remark that while gentlemen on this side are trying to get a bill up for the benefit of the homesteader the gentlemen on the other side are playing politics.

Mr. MANN. I want the gentleman to know that that is not true.

Mr. FERRIS. They have been playing politics on that side of the House, and we want to get away from it.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] demands the regular order. And the regular order is, Is there objection to the present consideration of this bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes; to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KITCHIN, on account of illness in his family.

To Mr. FITZHENRY, on account of funeral of ex-Vice President A. E. Stevenson.

To Mr. ADAMSON, for one week, on account of important business.

To Mr. VAUGHAN, indefinitely, on account of important business.

PANAMA CANAL TOLLS.

Mr. COOPER. Mr. Speaker, I wish to make a correction of the RECORD, or, at least, to make a statement concerning an item in it that concerns me. On Friday last I was called to New York City to meet a relative, who came with a little child on the evening of that day from Europe. Before going I requested to be paired against the Senate amendment to the tolls bill, that amendment being only a proviso annexed to the bill, the language of the bill itself otherwise remaining exactly as it originally passed the House, and referring exclusively to exemption of tolls on our coastwise vessels.

This morning on examining the RECORD of Friday I find myself paired not only against the Senate amendment, but also in favor of an amendment offered on that day in the House by the gentleman from West Virginia [Mr. Moss]. I knew nothing about the Moss amendment until I saw the RECORD this morning. By his amendment it was declared that the United States has the right to exempt from tolls for passage through the canal not only coastwise vessels but all vessels of the United States and its citizens.

Now, Mr. Speaker, the question as to our right to exempt "all" vessels of citizens of the United States was not in controversy, and I do not wish at this time to be recorded as either for or against that proposition. Under the law and regulations which govern the canal all vessels of citizens of the United States engaged in trade between the United States and foreign countries and passing through the canal will pay the same tolls as will English or German or other foreign vessels passing through it—that is, $1.20 per ton. The bill raised no question concerning our vessels engaged in foreign trade. The controversy related only to the exemption from tolls of our coastwise vessels. And I was and still am unalterably opposed to the British contention—that the United States has no right to exempt from tolls our own ships, doing our own exclusive coastwise business, through our own canal.

The question of our coastwise traffic is a purely domestic question. It is utterly, indefensibly wrong to permit any foreign nation, in even the slightest degree, to interfere with our domestic commerce. England would not tolerate such an interference in her domestic affairs. A distinguished Member of another body has called the attention of the country to the fact that the London Times, although a strong advocate of the repeal of tolls exemption for American coastwise vessels, said a few days ago:

> It must be conceded in behalf of the United States that if the United States should ever indicate a desire to deal with the domestic commerce of Great Britain, it would be resented.

Mr. Speaker, I was opposed to the Senate proviso because, under all the circumstances preceding the repeal, the bill and proviso amounted to a complete surrender of vastly important American rights. It is my judgment that, in accordance with

the treaties and with the plainest principles of justice and honor, the United States had the right to exempt from tolls American coastwise vessels passing through the canal. It was the maintenance of this right and not the question of economic policy which was of paramount importance.

CHANGE OF REFERENCE.

The SPEAKER. The Chair lays before the House the following, which the Clerk will read.

The Clerk read as follows:

The Speaker asks unanimous consent that the Committee on Territories be hereby discharged from further consideration of the bill H. R. 17262, a bill extending the civil government of Alaska, and for other purposes, and that the same be hereby referred to the Committee on the Public Lands.

The SPEAKER. Without objection, it will be so ordered.

Mr. CURRY. Reserving the right to object, is that a request from the chairman of the Committee on Territories?

The SPEAKER. It is a request from the Speaker of the House. It was referred incorrectly through a misunderstanding about whether the Public Lands Committee agreed to a certain arrangement or not. The truth is that the Committee on the Public Lands already had the bill. Without objection, the reference will be changed.

There was no objection.

The SPEAKER. The Clerk will call the next bill.

COST OF PUBLIC BUILDING, SMYRNA, DEL.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7298) to increase the limit of cost of the public building at Smyrna, Del.

The bill was read, as follows:

Be it enacted, etc., That the limit of cost heretofore fixed by Congress for the purchase of a site and the erection of a public building for a United States post office at Smyrna, Del., be, and the same is hereby, increased from $25,000 to $55,000.

Also the following committee amendment was read:

Line 6, strike out "$55,000" and insert in lieu thereof "$35,000."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of this bill some questions about it. How large is the city of Smyrna, Del.?

Mr. BROCKSON. The town of Smyrna proper has about 2,000 inhabitants, and there are three suburban villages, making about 2,500 population in all who get their mail from that office.

Mr. CULLOP. What is the proposition now of a change? Is it to increase or decrease the amount already authorized?

Mr. BROCKSON. To increase the amount.

Mr. CULLOP. From what to what?

Mr. BROCKSON. From $25,000 to $35,000.

Mr. CULLOP. What are the annual receipts of this office?

Mr. BROCKSON. That is for the site and the building and a fireproof vault, and all that sort of thing.

Mr. CULLOP. What are the annual receipts?

Mr. BROCKSON. Something over $6,000.

Mr. CULLOP. Over $6,000?

Mr. BROCKSON. Yes.

Mr. CULLOP. I understand that a rule of the department is not to recommend the construction of a building where the receipts are less than $10,000 annually. Now, have you free delivery in that town?

Mr. BROCKSON. Not in the town, but there are free delivery routes radiating from it.

Mr. CLARK of Florida. Mr. Speaker, if the gentleman from Delaware will permit me, I will state that this post-office building was provided for in a bill enacted some years ago. The site has been bought and paid for, and it has been found to be utterly impossible to construct the building at all. There is only $20,000 available with which to construct the building, and we are simply providing $10,000 more to add to the $20,000 now available for the construction of the building.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. In reading the report from the department I find that they recommend $55,000 as the amount that will be needed to construct a suitable building.

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. There is no intimation here whatsoever that the building can be erected for the increase of $10,000 recommended by the committee. What is intended by the proposed increase of this amount by $10,000 when you have only $20,000 available, when the department says that $55,000 in all will be needed?

Mr. CLARK of Florida. Oh, well, the statements made by the Supervising Architect's Office are not always based upon absolutely sound foundation. Thirty thousand dollars will construct a nonfireproof post-office building suitable for this little place.

Mr. STAFFORD. Has the gentleman from Delaware made any inquiry as to whether this additional $10,000 will enable them to construct a building suitable for the needs of this place?

Mr. BROCKSON. Yes; I have.

Mr. STAFFORD. Has the gentleman any official information as to that?

Mr. BROCKSON. They say that amount will be sufficient.

Mr. STAFFORD. There is nothing in the report to show that, and I was desirous of knowing whether $10,000 would be of any service.

Mr. BROCKSON. They paid $6,700 for the lot, and the citizens contributed $1,700, and only $5,000 was taken from the appropriation to pay for the lot.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, line 6, by striking out the figures "$55,000" and inserting "$35,000."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BROCKSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT—EXTENSION OF REMARKS.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

Mr. COOPER. Mr. Speaker, pending that motion, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SWITZER. Mr. Speaker, I would like to have permission, immediately after the reading of the Journal to-morrow, to address the House for 20 minutes on a matter pertaining to a couple of items in the sundry civil appropriation bill. I have never asked permission to address this House before, with the three years of service that I have had.

Mr. FOSTER. I do not think we ought to agree to that to-night. I may not object to it to-morrow, but I can not agree to it to-night.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects. The question is on agreeing to the motion to adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 16, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, submitting estimates of appropriations for the acquisition of sites for post-office buildings at Hobart, Okla.; Honey Grove, Tex.; Moultrie, Ga.; and West Plains, Mo., with the request that the same be incorporated in the sundry civil appropriation bill (H. Doc. No. 1038), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 9701) for the relief of F. W. Theodore Schroeter, reported the same without

amendment, accompanied by a report (No. 829), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4629) to reimburse Gaston R. Poitevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) Light Station, as recommended by the Lighthouse Board, reported the same without amendment, accompanied by a report (No. 830), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11157) for the relief of John A. Gauley, reported the same without amendment, accompanied by a report (No. 831), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4628) for the relief of N. Ferro, reported the same without amendment, accompanied by a report (No. 832), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 1213) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah, reported the same without amendment, accompanied by a report (No. 833), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 201) for the relief of John W. Cupp, reported the same without amendment, accompanied by a report (No. 834), which said bill and report were referred to the Private Calendar.

Mr. HILL, from the Committee on Claims, to which was referred the bill (H. R. 9622) providing for the relief of the heirs of Waldo M. Potter, deceased, reported the same without amendment, accompanied by a report (No. 835), which said bill and report were referred to the Private Calendar.

Mr. VOLLMER, from the Committee on Claims, to which was referred the bill (H. R. 6653) for the relief of Mary Van Deventer, reported the same without amendment, accompanied by a report (No. 836), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 16425) for the relief of the Schwarzchild & Sulzberger Co., reported the same without amendment, accompanied by a report (No. 837), which said bill and report were referred to the Private Calendar.

Mr. VAUGHAN, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 6895) for the relief of Amy M. Sorsby, reported the same with amendment, accompanied by a report (No. 838), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. THOMSON of Illinois: A bill (H. R. 17267) to authorize Frank A. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake, at or near their point of intersection; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY of Oklahoma (by request): A bill (H. R. 17268) for the relief of the heirs of the Eastern Cherokee Indians, who are the descendants of the deceased parties of the treaties of 1835, 1836, and 1846 between the Eastern Cherokee Indians and the United States of America; to the Committee on Indian Affairs.

By Mr. RAKER: A bill (H. R. 17269) to authorize cooperative homesteading on public lands, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 17270) granting an increase of pension to William F. Craig; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 17271) granting a pension to James M. Williams; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 17272) for the relief of St. Paul's Lutheran Church, of Wilmington, N. C.; to the Committee on War Claims.

By Mr. KEY of Ohio: A bill (H. R. 17273) providing for the presentation of a medal of honor to Col. Henry M. Neil; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 17274) granting an increase of pension to Mary A. Judson; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 17275) granting a pension to Katie A. Armstrong; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 17276) for the relief of Capt. John M. Ellicott, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17277) granting an increase of pension to George L. Aldrich; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 17278) granting an increase of pension to Luther Murphy; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 17279) granting an increase of pension to Frank R. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17280) granting an increase of pension to John W. Ramey; to the Committee on Pensions.

Also, a bill (H. R. 17281) for the relief of the Tolle Tobacco Co.; to the Committee on Claims.

Also, a bill (H. R. 17282) to correct the military record of J. A. London; to the Committee on Military Affairs.

Also, a bill (H. R. 17283) to muster in and muster out John A. London, late of the Volunteer Army, Civil War; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by the pastors of certain churches in Decorah, Iowa; Macomb, Ill.; St. Louis, Mo.; and Chicago, Ill., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions from the Reading (Pa.) Chamber of Commerce, protesting against sections 7 and 18 of the Clayton antitrust bill (H. R. 15657); to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Marion County, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. AINEY: Petitions of sundry citizens of Wayne County, Pa., and the Woman's Christian Temperance Union of Galilee, Pa., favoring national prohibition; to the Committee on Rules.

By Mr ASWELL: Petition of C. H. Teal, of Colfax, La., protesting against legislation affecting business at this session; to the Committee on the Judiciary.

By Mr. BORCHERS: Petition of 10 citizens of Rantoul, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BUCHANAN of Illinois: Petition of the Methodist Church of Irving Park, Chicago, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of Dr. E. H. Parkinson and other citizens of Chicago, favoring the passage of the prohibition resolution; to the Committee on Rules.

By Mr. CHURCH: Petitions of 500 citizens of the seventh congressional district of California, protesting against national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of sundry citizens of Racine, Janesville, and Menomonee Falls, all in the State of Wisconsin, against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petitions of 124 citizens of the third congressional district of California and 235 citizens of Vallejo, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition of 15 citizens and residents of the third California district, in favor of national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the American National Retail Jewelers' Association, favoring passage of Owen-Goeke bill (H. R. 2972) relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOVAN: Petitions of 90 citizens of Danbury, Conn., and 28 citizens of Newtown, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of the Windham Association of Congregational Churches and Ministers of Connecticut, favoring establishment of an international tribunal for the adjudication of international differences; to the Committee on Foreign Affairs.

By Mr. DYER: Petitions of James Curotto, the Southern Wheel Co., Robert Kuntz, J. Mirtendorf, and H. Peterson, all of

St. Louis, Mo., against national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petitions of Alfred Beach, Charles Fazakerly, Frank W. Sanford, Daniel J. McVeigh, William Walker, George W. Taylor, Fred Rodenburg, Joseph H. Howard, George H. Deats, Horald Meade, Michael English, John Cunen, J. H. Van Ingen, Alfred Cunning, Martin Mullaney, Thomas F. Prout, J. McFarlin, Henry McFarlin, Joseph Alen, George Weber, Michael Farrell, William Allen, Thomas Coughlin, E. Poce, Ed C. Rossi, George Ban, Charles Wesler, Harry Hall, Charles A. Gallagher, Robert D. Taylor, W. Johnson, Robert William Alson, George Seidler, J. J. Kearns, Michael McFarlin, John Kelly, Joseph Fischer, Michael Gergory, Peter Sweeny, Patrick Malone, Albert Hughes, James Couchin, James Hughes, Frank Dunn, William O'Grady, and Thomas Hickey, all of Brooklyn, N. Y., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50; to the Committee on Rules.

Also, petition of Frank Thompson and John Lane, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petition of sundry citizens of Grangeville, Idaho, against national prohibition; to the Committee on Rules.

By Mr. GILMORE: Memorial of the Massachusetts Medical Society, relative to provision by Congress for proper mental examination of immigrants; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Memorial of H. S. Newcomer, of Maytown, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Jewelers' Guild of Philadelphia, Pa., favoring passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of the Trades and Labor Assembly of Ogden, Utah, against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the American National Retail Jewelers' Association of Neenah, Wis., favoring passage of Owen-Goeke bill (H. R. 2972); to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of Mr. Ralph Peters and others of New York, N. Y., protesting against the passage of the Moon bill, relative to Railway Mail Service; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of Local No. 194, Brotherhood of Painters, Decorators, and Paperhangers, of Chicago, Ill., favoring passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens and legal voters of Pottawatomie County, Okla., favoring passage of bill for Government ownership of coal mines of Colorado, etc.; to the Committee on the Judiciary.

Also, petitions of various Christian churches of Oklahoma and the Methodist Episcopal Church conference at Lawton, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of Edward J. Jennings, of San Francisco, Cal., and 79 other citizens of California, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. O'LEARY: Petition of Michael Marx and other citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PADGETT: Papers to accompany a bill (H. R. 17274) granting an increase of pension to Mary A. Judson; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: Petitions of many voters and citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. POU: Papers to accompany Senate bill 201, for relief of John W. Cupp; to the Committee on Claims.

By Mr. SMITH of Texas: Telegrams from the Brotherhood of Railroad Trainmen of El Paso, Tex., against present consideration of the Moon bill; to the Committee on the Post Office and Post Roads.

Also, petition of Kraukauer, Zork & Mayes Successors (Inc.), of El Paso, Tex., against present consideration of antitrust legislation; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petitions of Frank A. Koonmen and 25 other citizens of the city of Watervliet, N. Y., protesting against the passage of the Hobson resolution for national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Steuben County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petition of the mayor and City Council of Council Bluffs, Iowa, in favor of House bill 5139, providing for the retirement of aged and superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. WEAVER: Petitions of A. C. Flynn and others, of Langston; Frank Burross and 78 others, of Stonewall; Mrs. A. F. Parritt and many others, of Marlie; N. Munger and others, of Pittsburg; Rev. George H. Sears and others, of Logan; W. W. French and others, of Lexington; and J. E. Liebman and others, of Addington, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *June 16, 1914.*

The Senate met at 11 o'clock a. m.

Rev. Edward King Hardin, of the city of Washington, offered the following prayer:

We thank Thee, our heavenly Father, that we can come to Thee to ask for that wisdom which we need in carrying on the work which is committed to us, for we are told in Thy Word if any man lack wisdom let him ask of God, who giveth to all men liberally, and upbraideth not. We ask Thee this morning that we may have that wisdom and that strength which we need in the performance of the duties which come to our hands. We commit ourselves and our all to Thee, asking for that guidance without which our work and our lives shall be a failure. In the name of the Lord Jesus Christ. Amen.

The PRESIDENT pro tempore. The Secretary will read the Journal of the preceding day.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson	Overman	Sterling
Brady	Jones	Owen	Sutherland
Bryan	Kenyon	Page	Swanson
Burton	Kern	Perkins	Thompson
Catron	La Follette	Reed	Thornton
Chamberlain	Lane	Root	Tillman
Chilton	McCumber	Sheppard	Townsend
Clarke, Ark.	Martin, Va.	Shively	West
Culberson	Martine, N. J.	Simmons	White
Cummins	Nelson	Smith, Ga.	Williams
Fletcher	Norris	Smith, Mich.	
Hitchcock	O'Gorman	Smoot	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] with whom I am paired is necessarily absent. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. A quorum of the Senate is not present. The Secretary will call the absentees.

The Secretary called the names of the absent Senators.

Mr. BURLEIGH, Mr. SHAFROTH, Mr. ROBINSON, and Mr. LEE of Maryland entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum is now present. The Secretary will read the Journal of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The trustees of the Old Goose Creek Church, near Markham, Va., *v.* United States (S. Doc. No. 507); and

W. W. Aycock, administrator of the estate of William C. Blalock, deceased, claimant, *v.* United States (S. Doc. No. 506).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 533) to consolidate certain forest lands in the Ochoco National Forest, Oreg.

The message also announced that the House had passed the joint resolution (S. J. Res. 29) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6433. An act to relocate the headquarters of the customs district of Florida;

H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 8660. An act to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912;

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.;

H. R. 11624. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888";

H. R. 12909. An act to correct the military record of James W. McGreevey;

H. R. 13717. An act to provide for leave of absence for homestead entrymen in one or two periods;

H. R. 15320. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Owego, N. Y.; and

H. R. 15987. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 55. An act for the relief of Daniel Hampton;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;

S. 2226. An act for the relief of Joel J. Parker;

S. 2576. An act for the relief of John Q. Adams; and

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan presented a memorial of Cigar Makers' Local Union No. 46, of Grand Rapids, Mich., and a memorial of the International Association of Machinists, of Saginaw, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Atkins, Mich., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the Metal Trades Council of Grand Rapids; of the Federation of Labor of Detroit; and of the Street Railway Employees' Association of Detroit, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of the Gratiot County Medical Society, of Riverdale; of the Branch County Medical Society, of Coldwater; and of sundry citizens of Alma, Union City, and Cassopolis, all in the State of Michigan, remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which were ordered to lie on the table.

Mr. NORRIS presented a petition of sundry citizens of Valentine, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of sundry citizens of Grindstone City, Mich.; and a memorial of Local Union No. 1233, Brotherhood of Carpenters and Joiners of America, of Detroit, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Buffalo, Kemmerer, Lost Spring, and Bosler, all in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of William Moore, Theodore Wiggins, George Smith, and 67 other citizens of Evansville and Indianapolis, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

G. L. TANEYHILL.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 1124) for the relief of G. L. Taneyhill, reported it without amendment and submitted a report (No. 598) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 5868) granting an increase of pension to Catherine Terwilliger; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5869) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. BRADY:

A bill (S. 5870) granting a pension to Carlton Meredith (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 5871) granting an increase of pension to Margaret Ford; and

A bill (S. 5872) granting a pension to William M. Faidley; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5874) for the relief of Fred C. and C. Helen Fisher; to the Committee on Public Lands.

NATIONAL INCORPORATION OF RAILWAYS.

Mr. NEWLANDS. I introduce a bill and ask that it be referred to the Committee on Interstate Commerce.

The bill (S. 5873) for the formation of national corporations for railroad and navigation lines engaged in interstate and foreign commerce was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. NEWLANDS. Mr. President, I wish to say with reference to this bill that the recent decision of the Supreme Court in the Shreveport case points decisively toward the necessity of organizing as national corporations the great railway systems of the country. The constant trend of the decisions, which is toward the absorption of all the powers over commerce by the United States Government by reason of the grant to it of jurisdiction over that part relating to interstate commerce, indicates the necessity of incorporating the great railway systems under national law.

In addition we are now about to enter upon the control of the stock and bond issues of carriers engaged in interstate commerce. That will involve, according to the contention of many, the exclusion of the control heretofore exercised by the States over the stocks and bonds of all carriers organized under their laws that have any relation to interstate commerce. The trend, therefore, is toward the absorption by the National Government of the entire jurisdiction over railways. It seems to be of the highest importance, therefore, that the National Government should have the power to create corporate instrumentalities through which these enormous functions will be exercised.

The bill which I offer is a bill which I introduced in the Senate in 1909, which in itself was an improvement upon a similar bill offered by me in the Senate several years previously. It seems to me that public opinion is ripe for immediate action upon this important subject, either in the way of a separate bill or in the way of an amendment to some of the legislation that is now pending relating to the regulation of interstate commerce.

I desire to call particular attention to section 18, relating to taxation; section 19, relating to State police and State rates; section 20, relating to acquisition of State railroads; section 21, relating to accident and insurance fund; and section 23, relating to jurisdiction of suits by and against railway companies. I ask that these sections may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The sections are as follows:

TAXATION.

SEC. 18. That railroads and navigation lines owned by corporations duly organized under this act are hereby declared to be instrumentalities for the regulation of interstate and foreign commerce. The franchises, stocks, bonds, fixed evidences of indebtedness, operations and traffic, and the corporation itself shall not be subject to taxation by any State or Territory, but the physical property of such corporation situate in the State or Territory, including its right of way, its real estate, stations, office buildings and equipment, shall be subject to assessment at such average percentage of their actual value as shall be customary with reference to other property in such State or Territory, and to the customary taxes on such assessment. In lieu of such tax any State or Territory may impose a tax not exceeding 4 per cent on such proportion of the gross receipts of such corporation as the number of miles of line in such State or Territory bear to the total miles of line operated by such corporation. In estimating the

miles of line each mile of second track shall be regarded as equal to one-half mile of track, and each mile of third or fourth track shall be estimated as equal to one-third of each mile of main track. For the purposes of each State the Interstate Commerce Commission shall certify to the taxing authorities of each State or Territory the gross receipts for the preceding year, the total mileage as aforesaid, and the proportion of such total mileage operated in such State or Territory.

STATE POLICE AND STATE RATES.

SEC. 19. That nothing herein contained shall be construed as interfering with the police laws of any State regarding railroads incorporated under this act and operating in such States, nor shall anything herein contained be construed as affecting the right and power of each State to regulate purely State commerce on railroads organized under this act. But the Interstate Commerce Commission shall hold conferences from time to time with the regulating power of any State with a view to such harmonious adjustment and regulation of State commerce and interstate commerce as will protect the public against abuses or extortion and the railroads against inadequate returns upon their investment, and as will promote the efficiency of such corporations as common carriers. With such end in view the said commission shall call and hold at least once each year a conference with the railroad commissioners of the several States, and with such other State officers having any duty of supervision, taxation, or regulation of railroads within their respective States. Such conference shall be held in the District of Columbia, and the presiding officer at such conference shall be the chairman of the Interstate Commerce Commission, or some other member of said commission designated by its chairman. The proceedings of such conference shall be printed or distributed by or under the direction of the Interstate Commerce Commission.

ACQUISITION OF STATE RAILROADS.

SEC. 20. That such corporation may, with the consent of any State, upon the approval of the Interstate Commerce Commission, acquire the railroad of any corporation now organized under the laws of such State, and may issue for the purchase thereof such amount of bonds and stock as may be authorized by said commission, but such authorization shall only be made after a full public hearing, at which the Attorney General shall appear, either personally or by one of his assistants, and no issue of bonds or stocks therefor shall exceed the value of such road as ascertained by said commission.

With the consent of the State under which any railroad corporation is or may be organized, merger between the corporation owning such road and a corporation organized under this act may be accomplished under this act; and bonds and stock may be issued by any corporation organized under this act for such purpose: *Provided*, That such proposed merger is approved by the Interstate Commerce Commission, and the amount of bonds issued, together with the rate of interest thereon, and of the stock issued in the accomplishment of such merger, are also approved by said commission.

ACCIDENT AND INSURANCE FUND.

SEC. 21. That it shall be a condition of the grant and continuance of any franchise to do business under this act that the corporation holding such franchise shall set aside annually a percentage of the gross receipts of said corporation, not exceeding 1 per cent, to be held as a fund in the Treasury of the United States for the payment of pensions to the employees of such corporation who shall have been disqualified for active service, either by injury in the service or by age. The conditions entitling employees to pensions, the amount and time of payment, the investment of the fund, the disbursing of the same, and the entire management thereof shall be under rules and regulations to be made, and from time to time amended, by the Interstate Commerce Commission.

JURISDICTION OF SUITS BY AND AGAINST RAILWAY COMPANIES.

SEC. 23. That any corporation organized under this act shall, for the purpose of all actions by or against it, real, personal, or mixed, and all suits in equity, be deemed a citizen of every State in which its lines are located, and in such cases circuit and district courts of the United States shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State. The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases by the United States, or by direction of an officer therein, or cases for winding up the affairs of any such corporation.

Any case involving the recovery of fines or penalties under this act may be brought in the circuit court of the United States for any judicial district wherein the corporation has its principal office or through which the line or any part thereof may run. In every such case, for the purposes thereof, the jurisdiction of the court shall be coextensive with the territory of the United States, and in writs of subpœna, removal of persons, execution, and all other process shall run throughout the United States. All existing laws pertaining to the taking and compelling of testimony in cases arising under the act to regulate commerce, or its amendments, shall apply in cases arising under this act.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $207,000 for improving Tillamook Bay and Bar, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $12,500 for inspection of prisons and prisoners and parole, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. JAMES submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

AFFAIRS IN NICARAGUA.

Mr. SMITH of Michigan. I submit a resolution, which I ask may be read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 396) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the present administration of Nicaragua, headed by Adolfo Diaz as president, has been maintained for upwards of two years by the active presence of American marines in the capital at Managua, under the guise of a legation guard, and in defiance of the wishes of the people of that Republic; and

Whereas the American banking houses of Brown Bros. and Seligman have undertaken to finance the affairs of the Nicaraguan Government during this time; and

Whereas certain fraudulent syndicate bonds issued by former President Zelaya, known as the Ethelburga syndicate, aggregating $6,250,000 in gold, has been questioned and their validity denied by the former government of President Estrada and the present Government of Nicaragua; and

Whereas, notwithstanding the fraudulent character of said bonds, they have been engrafted onto said Republic as a bona fide indebtedness against the wishes of the Nicaraguan people; and

Whereas said bonds were issued without valid consideration, and the names of the beneficiaries unknown, but said bonds were largely deposited with certain European bankers for safe-keeping until secured in large part through the activity of Ernest H. Wands, who had been designated by the Department of State of the United States as financial agent of the Republic of Nicaragua, in the interest of said Brown Bros. and Seligman; and

Whereas said bonds were purchased at an average of 25 per cent of their face value for speculative purposes, and were, through the assistance of the State Department of the United States, brought within the scope of an American guaranty, which entirely validated said bonds, greatly to the detriment of the people and Government of Nicaragua and to the advantage of the purchasers thereof; and

Whereas the sole beneficiaries of said fraud upon a friendly Republic were the Brown Bros. and Seligman, bankers, and Speyer & Co. and their allies, who became the friendly depositors thereof; and

Whereas this course upon the part of the American financial institutions, aided by the Department of State, has brought reproach upon the American Government; and

Whereas the last presidential election in Nicaragua was intentionally and directly influenced by the presence of the marines of the United States Navy at Managua, Granada, Masaya, Corinto, and other interior places, and the presence of the American naval vessels at the ports of Corinto and Bluefields in violation of the present treaty of commerce, peace, and amity between the Republic of Nicaragua and the Government of the United States of America, such action tending to prevent the invalidation of the fraudulent indebtedness herein specifically described; and

Whereas the National Railroad of Nicaragua, about 129 miles in length, has been sold much below its actual value to said Brown Bros. and Seligman, with the approval and acquiescence of the Department of State of the United States, in open and flagrant violation of the constitution of that Republic; and

Whereas by virtue of the protection granted by the Department of State of the United States to said bankers in maintaining their control of the customhouses of Nicaragua, said bankers are enabled to secure enormous profits through compelling the Republic of Nicaragua to redeem at par the said "Ethelburga syndicate" bonds, acquired as aforesaid: Therefore be it

Resolved by the Senate, That the Committee on Foreign Relations, or any subcommittee thereof, are hereby authorized and directed to inquire into the transactions above described. They are authorized to take testimony wherever necessary, subpœna witnesses, and the expenses incurred shall be paid out of the contingent fund of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On June 15, 1914:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

On June 16, 1914:

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

M'CLINTIC-MARSHALL CONSTRUCTION CO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor

of the Canal Zone and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co., which were:

On page 2, line 9, after "ten," to strike out all down to and including line 17 and insert "taking into consideration the claim of the contractors that the work was done under requirements as to character and finish not fairly within the meaning of the specifications."

On page 2, in lines 22 and 23, to strike out "and to adjudicate the same."

On page 3, line 2, to strike out "finding" and insert "findings."

On page 3, line 2, after "finding," to strike out all down to the period in line 4.

Mr. MARTIN of Virginia. I move that the Senate concur in the House amendments

The motion was agreed to.

FRANCIS GRAVES BONHAM.

The bill (H. R. 12826) to reinstate Francis Graves Bonham as a cadet at the United States Military Academy was read twice by its title.

Mr. CHAMBERLAIN. I ask unanimous consent for the immediate consideration of the bill. I will state as a reason for making the request that the Committee on Military Affairs of the Senate have reported favorably an exactly similar bill. The House report which accompanied the bill now presented to the Senate is exhaustive and goes into the whole subject.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to reappoint as a cadet at the United States Military Academy, without regard to age or the existence of vacancies, Francis Graves Bonham.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CHAMBERLAIN. I move that the bill (S. 4417) to reinstate Francis Graves Bonham as a cadet at the United States Military Academy, heretofore reported to the Senate, be indefinitely postponed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.; and

H. R. 15320. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Owego, N. Y.

H. R. 6433. An act to relocate the headquarters of the customs district of Florida was read twice by its title and referred to the Committee on Finance.

H. R. 8660. An act to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. R. 11624. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888," was read twice by its title and referred to the Committee on the Judiciary.

H. R. 12909. An act to correct the military record of James W. McGreevey was read twice by its title and referred to the Committee on Military Affairs.

H. R. 13717. An act to provide for leave of absence for homestead entrymen in one or two periods was read twice by its title and referred to the Committee on Public Lands.

H. R. 15987. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909, was read twice and referred to the Committee on Post Offices and Post Roads.

TRANSPORTATION FOR PARCEL-POST PACKAGES.

The PRESIDENT pro tempore. Concurrent and other resolutions are in order. If there be none, and if there are no resolutions coming over from a former day, morning business is closed.

Mr. SMITH of Georgia. There was a resolution coming over from a previous day, Mr. President.

The PRESIDENT pro tempore. If it appears that there is such a resolution upon the desk, it will be reported to the Senate.

Mr. SMITH of Georgia. The resolution to which I refer went over from last week.

The PRESIDENT pro tempore. The matter has been passed over informally for such a length of time that the Secretary has not considered it as being subject to be presented to the Senate without the special request of the Senator from Georgia. If the Senator desires the resolution to be laid before the Senate, that will be done.

Mr. SMITH of Georgia. I desire that the resolution be laid before the Senate for the purpose of disposing of it.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 363) submitted by Mr. SMITH of Georgia on May 14, 1914, as follows:

Whereas on August 24, 1912, a Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mails was authorized to investigate and report upon the rates, etc., paid to the railroad companies for the carriage of mail matter; and

Whereas the matter carried by the parcels post is of a character that can be handled in a different class of car and at cheaper rates than ordinary mail matter; and

Whereas it is of great importance that the Post Office Department should have an opportunity to readjust its contracts for mail transportation, with a view of providing economical and suitable accommodations for the transportation of parcel-post packages: Therefore be it

Resolved, That the Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mails be requested to report at as early a day as possible the result of their investigations and their findings.

Resolved further, That the Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mails be requested to advise the Senate of the time at which they will be able to make their report.

Mr. SMITH of Georgia. Mr. President, the joint committee referred to in the resolution have been engaged in their work for a number of months. My purpose in submitting the resolution was that the Senate might be informed when we could expect a report and that we might obtain the report as soon as possible. I think the result of that report will be legislation which, to a considerable extent, will modify our existing contracts for the transportation of mails, and I especially had in view a modification with reference to the parcel-post mail.

When the Post Office appropriation bill containing the parcel-post provision came over from the other House at the last Congress it provided for a flat rate of 12 cents a pound all over the United States, except on rural routes. The Senate Committee on Post Offices and Post Roads worked laboriously upon the subject. The result of their work was a modification of the rates, the adoption of the zone system, and very much lower rates for short distances. I had the privilege of serving on that committee, and I believe that its work was of great service to the public. I did not think at the time the rates were made as low as they should have been made, but since then the Postmaster General has lowered the rates and increased the weight limit. This work on his part I cordially approve.

At the time the Post Office appropriation bill was before the Senate I was confined to my room by sickness and did not have an opportunity to take any part in the discussion of that bill. In the committee I had expressed a disapproval of an increase at that time of the weight limit of a parcel beyond 50 pounds. Had I been in the Senate at the time the Post Office appropriation bill was considered, I should have explained the fact that I did not believe that we were at that time prepared satisfactorily to increase further the weight limit; that it was extremely important before we did so to obtain a report from the joint committee, and to legislate with a view of handling in a better way our parcel post and a part of our general postal matter. I believe that the modification of the system to a weight basis and the modification of the character of cars of transportation as to part of the mail will make it practicable for the railroads to handle a large part of the parcel post and the heavier mail much more economically, and as an incident to that fact and as an incident to the facts developed by the investigation, the Postmaster General would be in a position much more intelligently to proceed with his work of perfecting the Parcel Post System. In no sense was my attitude due to any change of desire to continue to perfect the parcel post along the lines that the Post Office Department has already proceeded to effect. I have been in cordial sympathy with the Postmaster General in his effort to perfect the parcel post, but I thought it unwise to increase the weight limit until our modes of railroad transportation were improved. I am desirous that this should be done as soon as possible, and therefore wish a report from the committee which has been at work on the subject.

Mr. President, since I introduced the resolution the committee has completed its work and formulated a bill. A bill covering the subject has been introduced in the House and the report of the joint committee is being perfected for the use of both bodies. I therefore do not deem it worth while to press

the resolution further. The object I had in view has been carried out without the adoption of the resolution.

The PRESIDENT pro tempore. What formal disposition does the Senator suggest? Does he withdraw the resolution or ask that it be laid on the table?

Mr. SMITH of Georgia. I suggest that it be laid on the table.

The PRESIDENT pro tempore. The Chair believes that under the rules of the Senate to indefinitely postpone a resolution is the method employed for finally disposing of it. It will come up again if it is laid on the table.

Mr. SMITH of Georgia. Then I ask that the resolution be indefinitely postponed.

The PRESIDENT pro tempore. In the absence of objection, the resolution will be indefinitely postponed.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. I ask unanimous consent that the Senate resume the consideration of the Diplomatic and Consular appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. FLETCHER. Mr. President, yesterday, when occupied with the session of the Judiciary Committee, the Senate acted on the provision for the International Institute of Agriculture, on pages 15 and 16. I shall, when the committee amendments are disposed of, ask to reconsider the action of the Senate, and ask to have restored the provision of the bill as it came from the House. The appropriations are parsimonious, in my judgment, and certainly low enough, and I think it was a great mistake to reduce the appropriation under this head. I shall ask to reconsider that action, and will undertake to indicate to some extent the work of this important agency and the necessity for taking care of it in some proper way.

The PRESIDENT pro tempore. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment of Mr. SUTHERLAND to the amendment reported by the committee, on page 19, lines 19 and 20, to strike out the words "agent, to be appointed by the President, by and with the advice and consent of the Senate," and to insert "counsel, who shall also act as agent," and in lines 21 and 22 to strike out the words "to be appointed by the President, by and with the advice and consent of the Senate," so that, if amended, the paragraph will read as follows:

> Salaries, United States agency: Counsel, who shall also act as agent, $7,500 per annum; counsel, $5,000 per annum—

And so forth.

Mr. SUTHERLAND. Mr. President, I hope the Senator from North Carolina in charge of the bill will not oppose the amendment to the amendment.

Mr. OVERMAN. I want to ask the Senator if he does not think it would be better to change it so as to read "agent, who shall also act as counsel," rather than to say "counsel, who shall also act as agent," because Great Britain has an officer called "the agent," and I think our Government ought to have an officer called "the agent."

Mr. SUTHERLAND. He will be the agent also.

Mr. OVERMAN. But he is not.

Mr. SUTHERLAND. I will say to the Senator that the only reason I have for putting it as I have—"counsel, who shall also act as agent"—is that, as I understand, there is no agent now acting. The duties of the agent are really discharged by the chief counsel, and if we provide in the bill that the counsel shall also act as agent there will be no necessity of making an appointment, as the counsel who is now holding that position will continue as counsel and also will act as agent.

While I am on my feet, Mr. President, I want to say a word with reference to the agent, for fear some misunderstanding might be entertained with reference to that office and that officer. Mr. Lansing was appointed the agent some time ago—I do not recall just how long ago—and nobody who is familiar with his work could for a moment criticize his discharge of the duties of that position. He is a very able man; I know him personally and know him well, and he did discharge the duties of that position with great faithfulness and with great ability; but a few months ago he was appointed counselor for the State Department—and I think it was a most excellent appointment—and, having the duties of that position to discharge, he could not devote the time to the position of agent which he had theretofore been able to do, so that out of necessity the duties of that office to a great extent devolved upon Mr. Clark. That is as I understaud the situation.

I called attention yesterday to the importance of this litigation. I find in the House hearings which were held a year ago some statements which emphasize what I have already said. At page 66 of those hearings—the House hearings on the bill a year ago—Mr. Lansing testified as follows:

> Mr. KENDALL. I suppose the State Department, in preparing these dockets, is not doing anything more than simply making a statement of the personnel of the parties and the character of the claims, and the defense urged.
>
> Mr. LANSING. In making up the docket they are making copies of all the correspondence in relation to them so that the cases may be reviewed from the beginning. Some of them are very old; some of them are 50 years old, so that it has been necessary to go through and make copies of all the documents. You will see that we have an unusual number of stenographers for this work. We have four typewriters—young women.
>
> Mr. HARRISON. What is the aggregate amount of those claims? Can you give us any idea?
>
> Mr. LANSING. So far there has been scheduled for hearing something like $4,000,000 for the United States claimants and something over $3,000,000 for the British claimants.

So there is involved in these cases approximately $7,000,000.

> Mr. KENDALL. Many of these claims ought to be of record; they are claims asserted by citizens of the United States against the Government of Great Britain?
>
> Mr. LANSING. Yes, sir; and by British subjects against the United States.
>
> Mr. KENDALL. And, for instance, the claims of American citizens have been presented to the State Department, through diplomatic channels, to the British Government?
>
> Mr. LANSING. Yes.
>
> Mr. KENDALL. And no adjustment seemed possible?
>
> Mr. LANSING. Yes.
>
> Mr. KENDALL. And they must be submitted to this convention?
>
> Mr. LANSING. Yes.
>
> Mr. KENDALL. When was the convention created?
>
> Mr. LANSING. In 1910.

Then, further, he says, at page 69:

> Mr. CLINE. There is a good deal of research work to be done, but do you not think you have quite a large force for the number of cases, and have been at it for a long time, to make up a docket of 300 cases?
>
> Mr. LANSING. There are more than 300 that have been made up, and we have examined in addition to that 250 cases for which we had to have a docket made up in order to determine whether they should be presented to arbitration, and we started to make up a second schedule. It is only the first schedule that has been negotiated, and there will be another schedule, and all that thing of negotiating another schedule will be done by this agency.
>
> Mr. HARRISON. Is there any existing law for this? Is there any law to-day or is it necessary for any law to be passed to sanction the treaty that has been entered into, or the agreement?
>
> The CHAIRMAN. There was a law passed sanctioning the treaty, and this agreement grew out of the treaty.
>
> Mr. HARRISON. I understand that.
>
> The CHAIRMAN. That makes a law for this, because under that treaty this agreement was negotiated.
>
> Mr. HARRISON. There is no question but what this would stand on a point of order, if a point of order was made?
>
> The CHAIRMAN. No; a point of order would not lie to this.
>
> Mr. LANSING. In regard to your question about the amount of work; for example, in one case, in the Rio Grande Dam case, there are something like 1,500 pages of typewriting.
>
> Mr. CLINE. That is an extreme illustration?
>
> Mr. LANSING. It is, but we have a dozen cases, I presume, where there are a thousand pages. We have one memorial from Great Britain that covers a thousand printed pages.

It will be seen, therefore, that there is involved in the preparation of the cases and their presentation an immense amount of work. I think it would be a misfortune to the Government of the United States if either of these men, and particularly Mr. Clark, who has had charge of the cases from the beginning, and who has thoroughly familiarized himself with all the details, were now removed and new men put in their places. Nobody can foresee what injury would be done to the Government by that sort of a proceeding.

The money that is involved is not the sole thing. Some of these cases which involve small amounts of money involve questions of vast importance to the United States. It is in the highest degree important that the position of the United States in those cases should be maintained, not because a judgment for the small amount of money involved would be any great hardship, but because a decision of the point against the United States would lead to other claims and would lead in the end to the payment of very large sums of money.

The only purpose I have in offering this amendment is to make it quite sure, as nearly as the Congress can make it sure, that these two lawyers shall be retained until this work is completed. The provision of the Senate amendment is:

> Agent, to be appointed by the President, by and with the advice and consent of the Senate; * * * counsel, to be appointed by the President, by and with the advice and consent of the Senate.

That involves affirmative action on the part of the President. The President must send the names to the Senate, and the Senate must act upon them. When we make a provision of that kind it is almost inevitable that the appointments will become political in their nature. Efforts will be made to secure the appointment of other men. These appointments never have been treated as political appointments.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. I do.

Mr. SMITH of Georgia. Were they not political appointments when these men were appointed?

Mr. SUTHERLAND. No; they were not.

Mr. SMITH of Georgia. Were not the men who were appointed pronounced Republicans?

Mr. SUTHERLAND. These men are Republicans, but Democrats also were appointed by Mr. Taft. Let me call the attention of the Senator from Georgia to the personnel of the American agency upon these British-American claims.

The first agent who was appointed was S. Mallet-Prevost. He was a Democrat from New York. He was appointed agent and senior counsel by Mr. Taft on June 7, 1912, at a salary of $15,000 per annum. The man who stood at the head of that agency was a very prominent Democrat. He resigned on account of ill health. His resignation became effective in December, 1912, and Mr. Taft appointed as his successor Mr. Robert Lansing, a Democrat of New York. He was appointed June 15, 1912, at a salary of $7,500; first at a salary of $500 a month, which was subsequently increased to $7,500 per annum. There was appointed as one of the joint secretaries of the arbitration tribunal, at a salary of $2,500, which was subsequently increased to $3,000, Mr. R. A. Young, a Democrat of Tennessee. There was appointed Mr. H. D. Pierce, a Democrat of Massachusetts, who was appointed counsel at a salary of $2,520 per annum. There was appointed as counsel Mr. J. Reuben Clark, jr., a Republican of Utah, appointed January 15, 1913, at a salary of $7,500 per annum, his appointment to become effective March 4, 1913; Arthur McKinstry, a Republican, who was appointed first as special assistant to the agent and then as counsel at a salary of $5,000 per annum; G. F. Wilson, a Republican of the District of Columbia, appointed at a salary of $2,520 per annum; and Mr. Snowden, a Republican of Pennsylvania, appointed chief clerk at a salary of $1,800 per annum.

So there were eight appointments to that agency and four of them were Democrats and four of them were Republicans, the chief places being given to Democrats. It never has been treated as a partisan matter.

Mr. SHIVELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SUTHERLAND. I yield to the Senator.

Mr. SHIVELY. The Senator will take notice that there are two kinds of Democrats for the purposes of appointment. There is a Democrat who votes the Democratic ticket and there is the professed Democrat who does not vote the Democratic ticket. It will require but very little investigation to determine the class in which these gentlemen fall.

Mr. SUTHERLAND. I should imagine that Mr. Lansing would be considered by the Senator's party a pretty good Democrat, because he has been selected for the position of counselor for the State Department by Mr. Bryan, and is holding that position now.

Mr. SHIVELY. Suppose he is. That may indicate a vast degree of liberality on the part of Mr. Bryan rather than nonpartisanship on the part of his predecessors. But I am not canvassing Mr. Lansing's Democracy.

Mr. SUTHERLAND. I have not observed any very great or very extreme degree of liberality on the part of the administration thus far in regard to these appointments. At any rate, these appointments never have been treated as partisan appointments, and they ought not to be treated as partisan appointments now.

Mr. SHIVELY. The Senator wants a legislative provision here that will secure the retention of particular men in positions in the department. His idea is that unless certain words are put in the bill there is a possibility of a change in some of these places. Is this not precisely what he has in mind?

Mr. SUTHERLAND. Mr. President, it will not prevent a change being made; but if a change is made it will necessitate the removal of the people who are there, and the appointment by the President of somebody else. The trouble with this bill is that it obliges the President to send in the names——

Mr. SHIVELY. Of somebody else?

Mr. SUTHERLAND. Not necessarily of somebody else; but it obliges him to send in the names, and my objection to it is that when we require that the names shall be sent in, and that the Senate shall advise and consent to them, that at once throws the matter into politics.

Mr. SHIVELY. That is, the Senator objects to having the burden thrown on the President of selecting suitable persons for this work?

Mr. SUTHERLAND. Mr. President, the burden is there now.

Mr. SHIVELY. But he would relieve the President of this burden by having a legislative provision here that will keep them there?

Mr. SUTHERLAND. No, Mr. President; I have not asked any such thing.

Mr. SHIVELY. Then the Senator is objecting to the creation of a place that the President would have to fill by appointment?

Mr. SUTHERLAND. I am objecting to legislation which obviously, upon its face, is intended to legislate these men out of their positions and put these positions into the hands of——

Mr. SHIVELY. Of Democrats?

Mr. SUTHERLAND. Of lawyers who have had nothing to do with the case and who will at once become partisan appointees.

Mr. SHIVELY. Why would not precisely the same argument apply to any other responsible position in these departments?

Mr. SUTHERLAND. Mr. President, apparently it is impossible to show the Senator the distinction between these various classes of employees, if I have failed to do it thus far.

Mr. SHIVELY. I am speaking now of heads of departments—of Secretaries, of Assistant Secretaries. The men who have been in office are men who are acquainted with the work. They have learned the business. They have all the cases before them in hand. Why make any change at all?

Mr. SUTHERLAND. Does the Senator see no distinction between changing an ordinary officer of the Government and discharging a lawyer who is half through trying a case and putting in another man to finish it up?

Mr. SHIVELY. The Senator, however, is going on the theory all the time that the President would not appreciate the qualifications of the men whom he now has in mind, nor the present status of the public business, and that he would not take notice of any advantage there may be in retaining such persons in their positions.

Mr. SUTHERLAND. Mr. President, the only thing I have attempted to strike out of this bill is the provision "to be appointed by the President, by and with the advice and consent of the Senate," and simply make an appropriation for counsel, just as we have done in all of the bills heretofore dealing with this subject, and just as the House attempted to do, the only difference being that the House did not particularize the various officers and the salaries to be paid them.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Yes.

Mr. SMITH of Georgia. I wish to ask the Senator if I understood him correctly as stating that there are a number of these cases, and they are continually coming up, so that it is not one large case which the same counsel had prepared? New counsel—capable counsel—could go into this litigation and take charge of it, just as new counsel take charge of the business of one of the departments or the district attorney's office; could they not?

Mr. SUTHERLAND. No; that is not the situation. Of course, when a new Attorney General is appointed he has old district attorneys. Cases are coming up and they are disposed of; but this is an altogether different situation. Under the treaty which we had with Great Britain, which was ratified in 1910, we provided for the arbitration of several hundred claims which were specified in the schedule. Those various claims are placed in various groups, according to the question which is involved, so that there would be something like 40 or 50 different kinds of cases which are heard together. All of these cases have been in process of preparation. I read from the hearings before the House committee, showing that it has taken a thousand pages or 1,500 pages of typewriting to present some of the cases; that is, the presentation in the nature of a pleading, of a petition, if I may call it such. The evidence has been gathered by these men and has been printed. The cases are all in process of being presented. Some of the work has been done in all of them. One of the most important of these cases, to which I called attention yesterday—the Cayuga Indian case—involves a million dollars. The claim is against the Government of the United States, and has proceeded so far that there is nothing remaining to do except to make the oral argument. The lawyers are now preparing that argument, which will be made, perhaps, in the course of a few weeks or a few months; I do not know just how soon.

Mr. SMITH of Georgia. Mr. President——

Mr. SUTHERLAND. If the Senator will be patient with me, obviously, in a case of that kind—the Senator is a lawyer and understands how that is—the lawyer who has prepared the pleadings, the lawyer who has gathered the evidence and who

has studied the case, is in a far better condition to argue it intelligently and to the advantage of the Government than some new man, even though he might be abler than the old lawyer. He is in far better condition to argue it than the new man who might be put in. That is all I am seeking to preserve here.

Mr. SMITH of Georgia. I wish to ask the Senator if it is not often the case that in the appellate court a new lawyer is employed who conducts the argument there, rather than the lawyer in the court below?

Mr. SUTHERLAND. Oh, yes; that is done.

Mr. SMITH of Georgia. And would it not certainly be just as easy in these cases to take the record and master it as in cases before the appellate court?

Mr. SUTHERLAND. Mr. President, I do not think so. I have tried in my life a good many lawsuits; so has the Senator from Georgia. I know that I can argue a case a good deal better if I have myself performed every one of the preliminary steps—if I have drawn the pleadings, if I have had in my office the witnesses upon my side of the case, if I have tried the case in court, and examined my own witnesses and cross-examined the other witnesses. The case becomes a part of you, as the Senator from Georgia perfectly understands.

Having done all that, I think I or the Senator from Georgia is in a far better position to argue the case before the Supreme Court than a new man who simply gathers a case from the cold reading of the record. It is so obvious that I can not conceive how anybody would dispute the proposition.

That is peculiarly so in this kind of a case, which does not involve the ordinary questions of law, but which involves questions of international law, questions of treaty rights, which the former Solicitor of the State Department has been connected with for many years. He is entirely familiar with the whole situation.

But, Mr. President, the amendment which I proposed does not attempt to continue these men. It simply leaves the situation where it is now. It leaves it where we put it last year; it leaves it where the bill the year before left it. It simply appropriates money for counsel, and without the provision that that counsel must be appointed by the President, by and with the advice and consent of the Senate.

There is another suggestion which I desire to make about that. The Senator from New York [Mr. ROOT] called attention to it yesterday. It is that there is grave doubt as to whether these counsel are officers of the Government of the United States. If they are not officers, of course, the Senate has no constitutional authority in the matter. The Senate is called upon to advise and consent to the employment of employees. Here is a lawyer employed in a particular set of cases. There is no fixed term; there is no tenure of office; it is simply to do this piece of work; and when that work is ended the employment is ended.

Mr. REED. There is no time when the salary stops?

Mr. SUTHERLAND. There is no time when the salary stops. He is to do the work at the rate of $7,500 per annum.

Mr. REED. As long as he can keep the cases in court, the salary goes on?

Mr. SUTHERLAND. Certainly. The amendment does not attempt to make any change in that respect. The Senator from Missouri seems to take some comfort from my response to his question; but I will say to the Senator that my amendment does not deal with that situation. If the Senator thinks that is unwise, he had better move an amendment, because it is the bill which makes the salary $7,500 per annum.

Mr. OVERMAN. There is quite a change made in the bill.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SUTHERLAND. I yield to the Senator.

Mr. OVERMAN. I say there is quite a change from the bill as it passed last year and as it came to us from the House.

Mr. SUTHERLAND. I did not say there was not any change in the bill. I said there was not any change in this particular portion of the bill.

Mr. OVERMAN. Mr. President, the appropriation, as it came from the House to the Senate, and as it came last year, was a lump-sum appropriation of $75,000; and these people fixed their own salaries. When I inquired into it and found out how many employees they had, the committee proceeded to fix the salaries in this bill. There is the change.

Mr. SUTHERLAND. That is what the Senator from Missouri is apparently complaining about. The Senator from Missouri by his question seemed to suggest that it was unwise to fix the salary of a lawyer at an annual rate who is paid to try some cases, and I simply said to the Senator from Missouri that that is what the bill does.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. Certainly.

Mr. REED. Let me ask a question. I made no complaint. The consideration that troubles my mind is this: After having listened to the Senator from Utah I am thoroughly convinced from his argument that if either of these lawyers were to die the United States would be in an absolutely helpless condition, because it is plain from his argument that there is nobody on earth who can take their places.

Mr. SUTHERLAND. The remark of the Senator from Missouri is very funny, but it——

Mr. REED. It is very serious.

Mr. SUTHERLAND. It lacks application. Of course, if a lawyer should die he would have to be replaced by somebody else, but this appropriation is made on the theory that the lawyer is going to live long enough to try these cases and enjoy the emoluments. All I am saying is that the lawyer having half finished these cases, it is perfectly absurd to throw him out and put somebody else in, so long as he is doing good work.

Mr. REED. Has the Senator any reason to assume that the President will do a perfectly absurd thing?

Mr. SUTHERLAND. No; but the language of this bill makes me very suspicious that that is the intention of the committee reporting it. Else why should they provide that counsel who are already employed and who are now engaged in this work must be appointed by the President, by and with the advice and consent of the Senate?

I have not sought to change it one particle. I simply want the appropriation made for counsel without saying anything about their appointment, leaving it as it has always been left, for the President or the Secretary of State. If dissatisfied with what these men are doing, he can make a change, but it does not oblige the President to act affirmatively in the matter, as this bill does.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New York?

Mr. SUTHERLAND. I do.

Mr. ROOT. I should like to say to the Senator from Missouri and to the Senator from Georgia that I think they were not here when I had a little discussion on this subject yesterday afternoon. The matter reached its present position, I think, on a suggestion that I made—I do not know whether in open Senate or personally—that it would be better to strike out the provision for the appointment to be made by the President, by and with the advice and consent of the Senate, for two reasons. One is that these are not officers. I am perfectly clear that they are not officers.

Mr. SMITH of Georgia. The Senator wishes to strike out the words "by and with the advice and consent of the Senate"?

Mr. ROOT. Yes.

Mr. SMITH of Georgia. And just let them be appointed by the President?

Mr. ROOT. It is not necessary to say that they shall be appointed by the President. That is the President's business anyway. The other reason is that it would have the effect for the moment of ousting the present men.

Mr. OVERMAN. Will the Senator yield to me?

Mr. ROOT. Certainly.

Mr. OVERMAN. I intimated yesterday that I was willing to strike out those words, but as the Senator from Utah has framed his amendment I will never agree to it.

Mr. ROOT. I was stating the steps by which we got to the place where we are now. If you say in making the appropriation for going on with these cases that the counsel shall be appointed by the President, by and with the advice and consent of the Senate, then there is no appropriation for the men who are at work now; it practically ousts them and requires a new appointment to be made. It did not seem as if we ought to interfere with them in a lawsuit. The President has entire control of it. If the President or the Secretary of State is not suited with the counsel he can change the counsel, and if we let it alone they will take care of it. I do not think you ought to interfere. That is the way we came to this point.

Let me say another thing. These cases are rather peculiar. The practice, the kind of questions, the kind of evidence, the kind of arguments are rather peculiar to themselves. They are as unlike ordinary practice as patent cases are unlike ordinary practice, and there are not a great many lawyers who are familiar with this kind of practice.

The gentlemen who have been concerned in these cases were selected evidently because they had familiarity with that kind of a case. Mr. Lansing, who I tell the Senator from Indiana

[Mr. SHIVELY] is a real, sure-enough Democrat, has always been a consistent Democrat in my own State——

Mr. SHIVELY. I am glad to have the Senator's certificate, though I have not raised the question as to Mr. Lansing.

Mr. ROOT. Mr. Lansing was selected because he had been concerned in a long series of arbitrations. He was in the Bering Sea arbitration 21 years ago. He was one of the associate counsel in the Alaska boundary case in London 11 years ago.

Mr. SHIVELY. Will the Senator allow me right there?

Mr. ROOT. Certainly.

Mr. SHIVELY. In the observation I made I had not the gentleman named in mind. I do know that within the last 16 years there has been a line of alleged Democrats appointed to public positions under Republican administrations, and while I am not going to give the particular names——

Mr. ROOT. You say the mistakes have been made by a Republican administration?

Mr. SHIVELY. Yes; but as a rule they did not make the mistake of appointing a Democrat who voted the Democratic ticket. They as a rule appointed Democrats who voted the Republican ticket. The Senator is entitled to consolation from that fact.

Mr. ROOT. I suppose they tried to appoint Democrats who did not themselves make mistakes.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Missouri?

Mr. ROOT. Certainly.

Mr. REED. The Senator from New York says that the Republicans have made many mistakes by appointing Democrats. He appears to be very anxious this morning to perpetuate one of those mistakes.

Mr. ROOT. No; Mr. Lansing has ceased to be agent and has become counselor for the State Department.

Mr. REED. I understand, but the Senator from Utah says that one or two of these men were Democrats, and I understand the Senator wants to keep them in that position.

Mr. ROOT. I do not care whether they are kept in or not. What I want to have Congress do is to refrain from interfering with the cases. I am interested in the cases. I carried on the controversy about many of these cases and the treaty was framed and ready for signature but for certain specific controversies during my time as Secretary of State. We have a great court before which our contentions, which have lasted many of them a lifetime, are being argued, with M. Fromageot, one of the chief men in the French foreign office, presiding, with Sir Charles Fitzpatrick, the Chief Justice of Canada, as a member of the court. I do not care whether the counsel are Democrats or Republicans. I want to see the United States win in those cases. I am sure that it would be unfortunate for the contention of the United States as a litigant before that tribunal in those cases for Congress to interfere. I am satisfied to have the President and the Secretary of State take care of it themselves, and I think that we ought simply to make whatever appropriation is reasonable and necessary to enable them to do it and not thrust in provisions which will constrain them.

Now, the only reason why I think we have to discuss anything more than merely striking out "to be appointed by the President, by and with the advice and consent of the Senate," was that the Senator from North Carolina [Mr. OVERMAN] wanted to have the language put in such form where the same person would perform the functions of counsel and of agent; that is, to save a salary, and the Senator from Utah [Mr. SUTHERLAND] undertook to put language in the form that would accomplish that. So far as I am concerned about it, and I think so far as the Senator from Utah is interested, everything would be accomplished by simply striking out that provision about the appointment, leaving the President and the Secretary of State to control the thing as they have always done.

Mr. OVERMAN. If the Senator had framed such an amendment it would have been accepted long ago, but he wants to retain Mr. Clark by making the counsel act as agent, when Mr. Clark says in his testimony here that the agent is absolutely indispensable and necessary.

Mr. SUTHERLAND. Mr. President, my amendment provided for an agent. I do not understand what the Senator from North Carolina means by saying that if I had offered——

Mr. OVERMAN. We provide for the appointment of agent and counsel.

Mr. SUTHERLAND. What is the difference between saying counsel who shall act as agent and saying agent who shall act as counsel? We have conferred on the same individual both functions and it is the difference between tweedledum and tweedledee.

Mr. SMITH of Georgia. Would it not amount to this: If the President intended to retain one of the officers and you retain counsel, the counsel to act as agent, it would leave the present counsel. If you provided that there should be an agent who should act as counsel, you would probably retain the present agent and he would be the counsel. Would it not do just to strike out the provision that they have to be confirmed by the Senate and let it go. I think the Senator from North Carolina will not object to that.

Mr. SUTHERLAND. The Senator from North Carolina objected yesterday.

Mr. OVERMAN. No; I said in answer to the Senator from New York that I would probably accept that, but when you want to appoint this counsel agent and make him an agent by legislation, I will never agree to it.

Mr. SUTHERLAND. It is not a matter of very great importance perhaps, but let me read to the Senator from yesterday's RECORD what he said.

Mr. OVERMAN. No matter what I said yesterday, if the Senator will change the amendment, I will accept it now.

Mr. SUTHERLAND. When I offered the amendment which reads—

> Agent, who shall also act as counsel, $7,500 per annum; counsel, $5,000 per annum—
>
> The Senator said:
>
> Mr. OVERMAN. Mr. President, I can not accept the amendment. It is the action of the committee.

The question was put to the Senate, and upon a division the ayes were 10 and the noes 12. No quorum voted, and pending that we adjourned.

Then I asked to reverse my amendment and make it counsel who shall also act as agent, for the reason which I have stated, and which I think is a good reason.

Mr. OVERMAN. Mr. President, we had better have some light thrown on this amendment. Some statements have been made, not intentionally, but they have been magnified a great deal. This court spent this last year $73,000. They had five stenographers, at $1,200 each. They have been spending a great deal of money. I have gone into it to see what they did with the money and what has been done. I asked them to furnish me with the list of the cases. They said there were 400 cases. Here is the list of the cases. There are only 36 in all. How many cases were argued by Mr. Clark at a time? They sat five days in Canada. They were six weeks in Canada and six weeks here. He argued only 12 cases. Here is a list of the cases, and Mr. Clark says many of them are grouped in one case.

We found that with this lump sum of money they were paying one man $7,500, another man $7,500, another man $5,000, and they had two lawyers, at $2,500; they had three or four law clerks, at $1,800; they furnished a building up here, and were paying rent, and spent altogether $73,000. So we thought the Senate ought to have an intelligent understanding of it, and we would put every man's salary in the bill.

Mr. Clark says in this testimony one man can do this work, and we cut out one $7,500 man, because Mr. Clark said one man could do the work. The man whom the Senator praises so highly, and I have nothing to say against him, says that an agent is indispensable. I do not care whether he is confirmed by the Senate or not, but I think the Senate ought to see that this money is not expended extravagantly and that there is not too much money appropriated for this purpose. Lump sums are dangerous and always wrong, because when you give a man a certain sum of money he is tempted to make new offices and offices at great salaries. That is the reason why we put the provision in the bill fixing each man's salary as to what it shall be. If the Senator will strike out those words, I will accept it.

Mr. SUTHERLAND. Mr. President, I could not accept the amendment in the way the Senator suggests it. His proposition is to strike out the words "to be appointed by the President," so the bill will then read:

> Agent, who shall act as counsel, $7,500 per annum; counsel, $5,000 per annum.

Mr. Clark is not agent, he is counsel, and the effect of that legislation would be to reduce his compensation from $7,500 to $5,000.

Mr. OVERMAN. If he is the man you say he is——

Mr. SUTHERLAND. Let me finish what I was saying, if the Senator will pardon me. I know the character of the work that has been done by Mr. Clark, and I know his ability, and I know that $7,500 is small enough compensation. The effect of it would be, in my judgment, that Mr. Clark could not afford to do the work for $5,000.

Mr. OVERMAN. If the Senator will allow me, is he afraid to trust the President to appoint this man as agent?

Mr. SUTHERLAND. That is not the point.

Mr. OVERMAN. The President should have the right to select whom he pleases.

Mr. SUTHERLAND. The bill finds this man holding the position of counsel. The moment you pass this bill his salary ends at $7,500 and begins at $5,000 per annum.

Mr. OVERMAN. Unless the President appoints him agent.

Mr. SUTHERLAND. There would be far more justice in saying "agent, at $5,000 per annum, and counsel at $7,500." I should not object to that at all.

Mr. ROOT. Mr. President, why would not that be right, the chief work of the agent having been done?

Mr. OVERMAN. Mr. Clark says that the agent is indispensable.

Mr. ROOT. I know he is indispensable; there has got to be an agent.

Mr. OVERMAN. Does the Senator think it would be right that the agent, the main man in the whole matter, should receive $5,000 and the counsel be paid $7,500?

Mr. ROOT. I think that the chief work of the agent has been done, and that his further work is mainly formal, although indispensable; and as the chief work of the counsel is now being done, it would be more appropriate to pay the agent $5,000 and the counsel $7,500.

Mr. OVERMAN. Mr. President, I am satisfied if the Senator from New York will look at the number of the cases which are filed and their amounts he will think, as it seems to me, that as to the pecuniary claims any good lawyer could take charge of and try them. But the agent who represents the Government in this great court ought to have more salary than the counsel, who only assists him.

Mr. SUTHERLAND. Mr. President, if any good lawyer can do this work, it is a peculiar thing that Great Britain selects one of the very best lawyers that she has to conduct the litigation upon her side. The truth is that any lawyer can not do it, but that it requires a man of peculiar training and of peculiar ability in this kind of law.

Mr. OVERMAN. The cases which Mr. Clark argued were usually small in amount. He argued one case involving $12,000, another involving $16,000, another $15,000, and then he says he partly argued one involving $5,000, another involving $85,000—only one of them involving over $50,000. They were all small claims which he argued up to 1912.

Mr. SUTHERLAND. He partly argued a case involving $1,310,389.70.

Mr. OVERMAN. Here is the statement he furnished me. He partly argued a case—I suppose that Mr. Lansing argued it and that Mr. Clark and Mr. McKinstry assisted him—which involved $1,000,000. I think they were all three engaged in that case; but as to most of the cases which remain the Senator can see that they are comparatively small and involve no great amount.

Mr. SUTHERLAND. There are several hundred of these cases, and one of them, while involving a comparatively small amount of money, may involve a question of very great moment.

Mr. OVERMAN. Why does the Senator from Utah say there are several hundred of these cases?

Mr. SUTHERLAND. Because the schedule says so.

Mr. OVERMAN. I asked Mr. Clark if he would furnish me a list of the cases pending, and he sent me a first schedule of the American and British claims.

Mr. SUTHERLAND. Those are claims which have been submitted.

Mr. OVERMAN. The second schedule of claims which are not submitted, claims against Great Britain, 5; British claims against the United States, 7. That is what Mr. Clark furnished. I personally know nothing about it.

Mr. SUTHERLAND. Will the Senator listen to me a moment?

Mr. OVERMAN. Yes, sir.

Mr. SUTHERLAND. The first list to which the Senator from North Carolina has referred contains American claims against Great Britain; another list contains British claims against the United States, which have already been submitted to the tribunal. The second list contains cases of both kinds which are to be submitted to the tribunal, meaning that all of the work has been done in those cases, except to argue them. Now, there remain a number of cases that have not yet been prepared. If the Senator will turn to the schedule of claims annexed to the treaty, which he will find on page 66 of the hearings, he will find the enumeration.

AMERICAN FISHING CLAIMS—GROUP I—AGAINST NEWFOUNDLAND.

Cunningham & Thompson (18 vessels)—

Then it goes on giving the names of the vessels—

Davis Bros. (10 vessels).

* * * * * * *

William H. Parsons (12 vessels).

* * * * * * *

Gorton-Pow Co. (37 vessels).

In the next column are given a number of shipping claims on the part of Great Britain. The Senator will find that I am not in error in saying that there are several hundred of these cases. Mr. Lansing, in the testimony I have read, said that 300 of them had been prepared.

Mr. OVERMAN. I am only taking the testimony before the committee submitted by Mr. Clark, and I will read to the Senator what Mr. Clark said:

Senator JONES. Could not you, as counsel, perform not only the duties of counsel but also the duties of agent?

Mr. CLARK. I have no doubt one man can, at the present time, perform the duties of both offices if he gives all his time to it.

We have not only given the agent, but we have given the counsel, additional counsel and two law clerks.

Mr. SUTHERLAND. Mr. President, that does not mean that he is to perform all of the legal duties appertaining to this work.

Mr. OVERMAN. That is the question the Senator from Washington [Mr. JONES] asked him.

Mr. SUTHERLAND. Oh no; it does not say anything of the sort.

Mr. OVERMAN. That is exactly what it does say.

Mr. SUTHERLAND. No; he says that one man in the condition in which things now are can perform the duties of agent and of chief counsel. He does not mean that he should not have any help.

Mr. OVERMAN. The question of the Senator from Washington was how much time was taken up, and in response to that question of Senator JONES, he said, "I have no doubt one man can, at the present time, perform the duties of both offices if he gives all his time to it."

Mr. SUTHERLAND. That is both of those offices, of course; and that is the purpose of my amendment, to say that he shall discharge the duties of both offices, and it is that amendment to which the Senator from North Carolina now objects. Let me read again to the Senator what Mr. Lansing stated about the number of cases:

Mr LANSING. There are more than 300 that have been made up, and we have examined in addition to that 250 cases for which we had to have a docket made up in order to determine whether they should be presented to arbitration, and we started to make up a second schedule. It is only the first schedule that has been negotiated, and there will be another schedule, and all that thing of negotiating another schedule will be done by this agency.

The truth is that, so far as this first schedule is concerned, the work of the agent has been substantially done; the preparatory work has been done; and the work which remains, so far as the first schedule is concerned, will devolve upon the counsel, and not upon the agent. Until that first schedule of claims is disposed of, one man can discharge the duties of agent and of chief counsel; and that, I repeat, is the very purpose of the amendment which I have offered.

I was diverted from a suggestion which I desired to make some little time ago with reference to these employees being officers of the United States. It does not seem to me that they are officers of the United States any more than a person who would be employed to superintend the construction of some particular building or of half a dozen buildings or of a series of buildings would be an officer of the United States. He would be an employee. He has no tenure of office; he exercises no part of the sovereignty which, after all, is the great test of whether or not a person discharging certain duties is an officer or an employee. He exercises no part of the sovereignty of the Government, but is simply employed to do a particular piece of work, to try a certain lawsuit. His employment is temporary in character. When those lawsuits have been determined, his duties are ended. It is not a position which continues. Therefore those two essential things are wanting, namely, the element of the exercise of a part of the sovereignty and the element of the tenure of office. For those reasons we ought to strike out this provision.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Utah.

Mr. BURTON. Mr. President, I submit that if this amendment involves a change in the personnel of the employees of the Government before this commission, it is unwise and unfair. I do not feel like criticizing the committee for the general form of the amendment. The aim was to itemize the expenses to be incurred, and with that I think every Member of the Senate will sympathize. But here is a litigation of a technical nature, requiring men of special qualifications. They have appeared before this commission; they are familiar with the procedure;

they have argued certain of the cases and have prepared others. It would be most inopportune to change the counsel and other employees of the Government at this time.

I fear from some things that have been said in the dialogue here that this amendment is to be utilized for appointing Democrats in place of the men who are now holding those positions. To begin with, there is one record of 1,500 or 2,000 pages in one case, prepared by the men who are now acting. Just fancy what would happen if they should be displaced and others should be substituted for them. There is in a way a general type of all these cases, and it is not desirable, as Abraham Lincoln said in receiving the delegation from the Baltimore convention, "to swap horses while crossing a stream." It would be very poor policy to displace these men.

As this amendment reads it contemplates the appointment by the President of men who are to be confirmed by the Senate. I regard that as an intimation that a change is contemplated which would be very bad policy and most injudicious. The Government would be very likely to suffer from a change in its counsel and other employees if this amendment should prevail.

Again, it is hardly fair. The eight employees under the administration of President Taft were equally balanced, four Democrats and four Republicans. The leading position was given to a Democrat. Of the five appointments which have been made under the present administration, embracing positions of rather minor importance, though with substantial salaries, all five have been Democrats. Of the total number of 13 employees, 9 have been Democrats and 4 have been Republicans. This is a situation in which politics ought not to count.

Mr. Clark was counselor of the State Department for a time, and has exceptional qualifications for this position. The other men have gone through what might be called a training, and no new men in their places can perform the work as well. There is an enormous amount of detail in some of these cases, and to change the personnel and bring in new men in their places would be well-nigh disastrous.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Utah to the amendment reported by the committee. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 19 in the committee amendment it is proposed to strike out in lines 19, 20, and 21 the words "Agent, to be appointed by the President, by and with the advice and consent of the Senate," and to insert in lieu thereof the words "Counsel, who shall also act as agent," and also, in lines 21 and 22, to strike out "to be appointed by the President, by and with the advice and consent of the Senate," so that if amended it will read:

Salaries United States agency: Counsel, who shall also act as agent, $7,500 per annum; counsel, $5,000 per annum; counsel, $2,520, etc.

Mr. SMITH of Georgia. Mr. President, I understand that if we vote down the amendment to the amendment it is the purpose of the committee to strike out the provision requiring confirmation by the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Utah [Mr. SUTHERLAND] to the amendment reported by the committee. [Putting the question.] By the sound the noes seem to have it.

Mr. SUTHERLAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the senior Senator from California [Mr. WORKS] and vote "yea."

Mr. ROOT (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], who is absent. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. In his absence I withhold my vote.

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not voted.

Mr. MYERS. I have a pair with that Senator, and in his absence withhold my vote.

I desire to announce the pair of my colleague [Mr. WALSH] with the Senator from Rhode Island [Mr. LIPPITT], both being absent.

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. JAMES. I have a general pair with the Senator from Massachusetts [Mr. WEEKS], and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. O'GORMAN. I transfer my pair with the senior Senator from New Hampshire [Mr. GALLINGER] to the junior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote if he were present, I must withhold my vote.

Mr. SMOOT. I desire to announce the following pairs:

The Senators from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS]; the Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; the Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON]; and the Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON].

The result was announced—yeas 18, nays 36, as follows:

YEAS—18.

Borah	Cummins	Page	Sterling
Burleigh	Dillingham	Perkins	Sutherland
Burton	McCumber	Root	Townsend
Catron	Nelson	Smoot	
Crawford	Norris	Stephenson	

NAYS—36.

Ashurst	Jones	Owen	Smith, Ga.
Bankhead	Lane	Pittman	Smith, Md.
Bryan	Lee, Md.	Pomerene	Stone
Chamberlain	Lewis	Reed	Swanson
Clarke, Ark.	Martin, Va.	Robinson	Thompson
Fletcher	Martine, N. J.	Shafroth	Thornton
Gore	Newlands	Sheppard	Tillman
Hitchcock	O'Gorman	Shively	West
Hughes	Overman	Smith, Ariz.	White

NOT VOTING—41.

Brady	Goff	McLean	Smith, S. C.
Brandegee	Gronna	Myers	Thomas
Bristow	Hollis	Oliver	Vardaman
Chilton	James	Penrose	Walsh
Clapp	Johnson	Poindexter	Warren
Clark, Wyo.	Kenyon	Ransdell	Weeks
Colt	Kern	Saulsbury	Williams
Culberson	La Follette	Sherman	Works
du Pont	Lea, Tenn.	Shields	
Fall	Lippitt	Simmons	
Gallinger	Lodge	Smith, Mich.	

So Mr. SUTHERLAND'S amendment to the amendment of the committee was rejected.

Mr. ROOT. Mr. President, I understand that the chairman of the committee is satisfied to accept the amendment I am about to propose. I will either propose it or leave it to him to propose.

Mr. OVERMAN. I should like to have the Senator propose it, and I will accept it.

Mr. ROOT. On page 19, in the committee amendment, I move to strike out as follows:

On lines 19, 20, and 21 the words "to be appointed by the President, by and with the advice and consent of the Senate," and on lines 21 and 22 the words "to be appointed by the President, by and with the advice and consent of the Senate."

Mr. OVERMAN. The committee will accept that amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 19, lines 19, 20, and 21, it is proposed to strike out the words "to be appointed by the President, by and with the advice and consent of the Senate," and on lines 21 and 22 the same words, "to be appointed by the President, by and with the advice and consent of the Senate."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. ROOT. I now move, on page 19, line 23, to strike out "$5,000" and to insert in lieu thereof "$7,500."

I hope that amendment will be accepted. It leaves it open for the President to change the counsel if he is not satisfied with the one that is there now. It leaves it open to him to require the counsel and agent to be the same person. If, however, there are to be separate agent and counsel, the counsel ought not to have less compensation than the agent.

It would be rather a mark of indignity for the leading counsel in these important cases not to receive a compensation at least equal to that of the agent. I do not think it ought to be done. The interests are too great to interfere for a matter of $2,500.

I hope the Senator will accept the amendment on behalf of the committee.

Mr. OVERMAN. Mr. President, I can not accept that amendment. I think we have made a very liberal and even extravagant allowance for these people. As the Senator stated on yesterday, the duty of the agent, to whom we give $7,500, is not only to prepare the pleadings and look over them with the assistance of his counsel, but he also argues the cases. We have given him an assistant counsel at $5,000. We have given him an assistant counsel at $2,500. We have given him two law clerks at $1,800. What more ought he to have in the cases now pending? For the next year there will be only a few cases. Mr. Clark said one man could give his time to it and do it all. That is his testimony.

Why should we give the assistant counsel—for that is what he really is—the same salary that is given the leading counsel? I can not see it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment as amended, which the Secretary will state.

Mr. SUTHERLAND. Mr. President, I wish to suggest to the Semtor from North Carolina that in providing the various amounts to be expended I think he is paring them a little bit closely. He provides—

For the payment by the United States of one-half of the following, for salaries and expenses: For three arbitrators for three months, at $1,200 each per month, $10,800.

Suppose the arbitrators want to sit four months. Suppose they want to sit five months. Suppose Great Britain, which pays one-half of the expenses, would like to have them sit four months or five months. Why should we not meet our part of the expense? Why limit them to sitting for three months?

Mr. OVERMAN. Because Mr. Clark estimated that that is all the time they could possibly sit, and sent down his estimate to that effect, and we gave him his full estimate.

Mr. SUTHERLAND. I wish the Senator would call my attention to that testimony.

Mr. OVERMAN. I refer to the estimate that was sent down by him. Here it is:

Salary of three arbitrators, $1,200 each per month, $10,800.

I asked him to send this estimate. I wanted to make it exactly as he wanted it.

Mr. SUTHERLAND. Mr. Clark has not testified to that at all.

Mr. OVERMAN. He sent this estimate to us. I asked him to send it from the office—to make an estimate of what was needed—and here is the paper he sent. They sat only six weeks last year, and I thought three months probably was as much as they would sit the next year.

Mr. SUTHERLAND. Mr. President, that estimate is based upon the request of the chairman of the subcommittee to estimate the expenses for the sitting of this arbitration board for three months. They sat about three months last year. I am told that it is very desirable that they should sit more than three months this year. These cases are to be argued. They sat six weeks in Washington last year, and they sat, as I understand, six weeks in Canada; and there is not any reason in the world why they should not put in four months' time or five months' time this year, if they desire to do so.

Mr. OVERMAN. Mr. President, the Senator knows that if they have to sit longer they can come here for a deficiency appropriation, as they did last time, and get it.

Mr. SUTHERLAND. Oh, yes; I know we can appropriate for a deficiency, but——

Mr. OVERMAN. The Senator stands up here on the floor now and says that they must have more than these amounts, when here comes from the Department of State an estimate with a red ribbon around it, headed "American and British claims arbitration, estimates for 1915," and they only estimate for these arbitrators for three months, at $1,200 each per month, and we give them everything they ask for.

Mr. SUTHERLAND. Is it not true that that estimate was furnished at the request of the Senator from North Carolina, based upon his suggestion that they would sit for three months?

Mr. OVERMAN. It was not based upon anything. We asked them to send the estimates, based on what they knew and not on what I knew. I know nothing about what time they would sit; and here is the paper they sent.

Mr. SUTHERLAND. The Senator has no provision whatever in the bill that would cover any extraordinary expenses to meet emergencies——

Mr. OVERMAN. I was just thinking about asking the Senate to cut down part of it.

Mr. SUTHERLAND. Will not the Senator let me finish what I was going to say before he undertakes to reply?

Mr. OVERMAN. Yes.

Mr. SUTHERLAND. The Senator has no provision here for emergencies. It has been necessary in the past to employ stenographers and typewriters to do special work, outside of those that are employed at regular salaries. There is no provision here for any emergency expenses.

Mr. OVERMAN. Mr. President, I did not intend to mention this, for it looks like a small matter, but these people have been too extravagant. They spent $71 last year for spring water, $167 for electric fans, and put in $134 worth of furniture. That is the reason why I say it is dangerous to give these lump sums. They ought to have made an estimate. I have tried to give them the amounts they asked for. I do not see why we should increase the amounts.

Mr. SHIVELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. OVERMAN. I do.

Mr. SHIVELY. Do I understand that Mr. Clark is in charge of this work?

Mr. OVERMAN. Mr. Clark is one of the leading men in it. He was sent down here. There is nobody serving as agent now. Mr. Lansing was taken from the place he held as agent and put in the State Department as counselor, and then Mr. Clark took entire charge of it, and he said he was doing the work; that while an agent was indispensable, one man could do all the work that had to be done.

Mr. SHIVELY. As I understood the Senator a moment ago, in answer to a request from the department which had this matter in charge, the department stated that three months' sitting would be enough?

Mr. OVERMAN. That is the estimate—"salary of three arbitrators, three months, $1,200 each, $10,800." That is the way it appears in the bill.

Mr. SHIVELY. And as a matter of fact, last year they sat only six weeks?

Mr. OVERMAN. Six weeks in each country.

Mr. SUTHERLAND. Oh, no; they sat three months last year.

Mr. OVERMAN. That is right.

Mr. SUTHERLAND. I am told that it is desired that they shall sit longer this year; that the cases are ready for argument.

Mr. OVERMAN. They get a thousand dollars a month, and if they sit longer they can come back here with a request for a deficiency appropriation. [Reading:]

Mr. CLARK. I did not intend to convey the impression that they sat in Canada six weeks. The first session lasted about six weeks, but part of that was here and part in Canada.

That is Mr. Clark's testimony, which shows that they did not sit anything like three months.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended, which the Secretary will state.

The SECRETARY. The entire amendment, beginning on page 18, is to strike out lines 19——

The PRESIDENT pro tempore. The Secretary will read the paragraph beginning on line 19, page 19.

The SECRETARY. The paragraph as amended on page 19, beginning in line 19, reads:

Salaries, United States agency: Agent, $7,500 per annum; counsel, $5,000 per annum; counsel, $2,520; 2 law clerks, at $1,800 per annum each; joint secretary, who shall also act as disbursing clerk, $2,500 per annum; 2 stenographers, at $1,200 per annum each; and messenger, $720 per annum; in all, $24,240.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 21, line 17, after the word "Switzerland," to strike out "$2,000" and insert "$1,000," so as to make the clause read:

International radiotelegraphic convention: For the share of the United States for the calendar year 1915, as a party to the international radiotelegraphic conventions heretofore signed, of the expenses of the radiotelegraphic service of the International Bureau of the Telegraphic Union at Berne, Switzerland, $1,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 18, to strike out:

International conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships: The appropriation of $5,000, or so much thereof as may be necessary, for the participation of the United States by official technical delegates in the international conference to be called by the British Government to meet in London during the year 1914 for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, made in the act approved February 28, 1913, making appropriation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, is hereby reappropriated.

The amendment was agreed to.

The next amendment was, on page 22, line 24, after the words "clerical assistants," to strike out "$75,000" and insert "$50,000," so as to make the clause read:

Fifth International Conference of American States: To meet the actual and necessary expenses of the delegates of the United States to the Fifth International Conference of American States, to be held at the city of Santiago, Chile, beginning in September, 1914, and of their clerical assistants, $50,000, to be expended in the discretion of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 23, line 5, after the date "1914," to strike out "$2,000, to be immediately available and to continue available during the fiscal year ending June 30, 1915," and insert "$750," so as to make the clause read:

International Congress on Customs Regulations: To defray the expenses of an expert of the Treasury Department to represent the United States in the International Congress on Customs Regulations, to convene at Paris in June, 1914, $750.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to strike out:

Nineteenth Conference, Interparliamentary Union: For the purpose of defraying the expenses incident to the Nineteenth Conference of the Interparliamentary Union, to be held in Washington in 1915, $50,000, to be expended under such rules and regulations as the Secretary of State may prescribe. The President is hereby requested to extend an invitation to the members of the Interparliamentary Union.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to strike out:

Acquisition of embassy premises, Mexico City: For the purchase of a site and the construction of a building thereon at the City of Mexico, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building, and the construction of an addition thereto, if necessary, for the use of the embassy to Mexico, both as the residence of the diplomatic officials and for the officers of the embassy, $150,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike out:

Acquisition of embassy premises, Tokyo, Japan: For the construction of a building on ground now held by the Government of the United States at Tokyo, Japan, for the use of the embassy to Japan, both as a residence of the diplomatic officers and for the offices of the embassy, and for furnishing the same, $150,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 20, to strike out:

Acquisition of legation premises at Berne, Switzerland: For the purchase of a site and the construction of a building thereon at the city of Berne, Switzerland, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building, and the construction of an addition thereto, if necessary, for the use of the legation to Switzerland, both as the residence of the diplomatic officials and for the offices of the legation, $140,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

Acquisition of consular premises at Shanghai, China: For the purchase in the city of Shanghai, China, of a site and buildings for the use of the consulate general, the United States Court for China, the jail, post office, and other offices of the United States in the port of Shanghai, and for the alteration and repair of said buildings and the construction and installation therein of fireproof vaults, $375,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 26, line 4, after the word "convention," to strike out "$20,000" and insert "$15,000," so as to make the clause read:

International Commission on Public and Private International Law: For the payment of compensation to, and the necessary expenses of, the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference August 23, 1906, approved by the Senate February 3, 1908, and ratified by the President February 8, 1908, for the purpose of preparing drafts of codes of public and private international law; and for the payment of the quota of the United States of the expenses incident to the preparation of such drafts, including the compensation of experts under article 4 of the convention, $15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Allowances for clerk hire at United States consulates," on page 28, line 4, after the words "Secretary of State," to strike out "$375,000" and insert "$375,200," so as to make the clause read:

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $375,200.

The amendment was agreed to.

The next amendment was, on page 30, after line 20, to insert:

REMISSION OF PORTION OF CHINESE INDEMNITY.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000, reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of the said court, such sums as the said court may have spent, or shall hereafter spend, for printing testimony in the trial of the said claims; and further, that there shall be allowed as costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution of May 25, 1908, such expenses of the claimants, exclusive of counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That within three months from the passage of this act applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution.

Mr. SUTHERLAND. I wish to ask the Senator from North Carolina what is included within the provision "such expenses of the claimants" on line 17? What are those expenses?

Mr. OVERMAN. They are court costs.

Mr. SUTHERLAND. Why not say "court costs"?

Mr. OVERMAN. The Senator knows the history of it without my going into it.

Mr. SUTHERLAND. I do know the history of it, and I therefore ask the Senator why not say "court costs"?

Mr. OVERMAN. They are such costs and fees as the Attorney General shall certify as correct.

Mr. SUTHERLAND. No; the provision is "that there shall be allowed as costs in the suits in which recoveries have been or may hereafter be had under the said joint resolution of May 25, 1908, such expenses of the claimants, exclusive of counsel fees."

Mr. OVERMAN. It is intended only for court costs, the costs before us. There are nothing but court costs and counsel fees. We struck out "counsel fees." The Senator will notice it says exclusive of counsel fees, and we allow actual costs. That was the intention of it. There is nothing else before us. I do not know what other costs there could be.

Mr. SUTHERLAND. I do not know what was intended by the committee. I only know what I find in the bill, namely, a provision for expenses. That certainly would not be confined to the costs of court.

Mr. OVERMAN. If the Senator will offer an amendment and put in "court costs" I will accept it.

Mr. SUTHERLAND. I am not very fortunate in my amendments.

Mr. OVERMAN. I do not see what other costs it could be.

Mr. ROOT. Mr. President, this subject has long and often been before the Foreign Relations Committee, and that committee has steadfastly refused to report favorably any provision taking money out of this fund for the benefit of the claimants. It is a trust fund, and we are bound to protect it just as much certainly as we protect the moneys in the general funds of the Treasury of the United States. Whatever is left of that fund after the payment of the claims will go to China, and there is nobody here to protect it unless we protect it.

We endeavored in the Committee on Foreign Relations to find out what the expenses were that were to be paid. We never did find out. The best information that we could get was that they amounted to considerably over a hundred thousand dollars.

I do not think we ought to legislate on this subject in this way. Whatever is to be taken out of this fund ought to be made known to Congress. We ought to know how much is going to be taken out for this purpose, for that purpose, for the other purpose.

Mr. OVERMAN. Mr. President, you will notice the language, "such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction." There is a large printing bill that has been paid by the Government that we thought ought to be reimbursed out of this fund.

Mr. ROOT. When ordinary printing bills are to be paid out of the funds in the Treasury we get the amount and appropriate the amount.

Mr. OVERMAN. Our idea was to save the Government harmless from the money expended. If the Senator will say that the Foreign Relations Committee has looked into this matter and declined to allow any of these claims, I am willing to strike it out.

Mr. ROOT. The Foreign Relations Committee has declined.

Mr. SUTHERLAND. A bill is now before a subcommittee.

Mr. ROOT. As the Senator from Utah suggests, there is now pending before that committee a bill intended to cover this very subject, or a large part of it, and it is pending before a subcommittee.

Mr. OVERMAN. That being so, if it is before the Committee on Foreign Relations, I move myself to strike out the matter.

Mr. ROOT. That covers the whole business.

Mr. OVERMAN. I suggest that we disagree to the amendment. I do this with the understanding that the matter is now pending before the Foreign Relations Committee.

Mr. ROOT. I so understand.

Mr. SUTHERLAND. It is pending before the Foreign Relations Committee and has been referred to a subcommittee of which I happen to be a member.

Mr. OVERMAN. I ask that the amendment be disagreed to.

The amendment was rejected.

The Secretary continued the reading of the bill.

The next amendment was, on page 32, to insert line 1 to line 10 in the following order:

FIFTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

For the purpose of defraying the expenses incident to the Fifteenth International Congress Against Alcoholism to be held in the United States in 1915, $40,000, to be expended under such rules and regulations as the Secretary of State may prescribe. The Secretary of State is hereby authorized and requested to extend an invitation to the Governments of the world with which we maintain diplomatic relations to participate in and appoint delegates to said congress.

Mr. SUTHERLAND. I should like the Senator from North Carolina to throw a little light on that appropriation.

Mr. MARTIN of Virginia. I understand the temperance people all over the United States are deeply interested in this amendment and have asked that this appropriation be made. These international conventions have been held from time to time in other countries and delegates from America have attended and have enjoyed the hospitality of other Governments on these international occasions. This is simply to pay the expenses of holding the next of the international conventions in the United States.

Mr. SUTHERLAND. I will say to the Senator that I am in hearty sympathy with conventions of that character; but have we ever appropriated money for this purpose before?

Mr. MARTIN of Virginia. We have appropriated to pay the expenses of delegates from our country to conventions held in other countries.

Mr. SUTHERLAND. How much did we appropriate last year?

Mr. MARTIN of Virginia. I do not think there was a convention last year.

Mr. SMOOT. We made an appropriation last year.

Mr. MARTIN of Virginia. We have appropriated a small sum, perhaps $5,000, but that was simply to pay the expenses of our delegates. This is to pay the expenses of holding the convention in this country. They will have to have halls and committee rooms, and there will be all the usual expenses which attend the holding of conventions.

Mr. SUTHERLAND. We have usually provided in authorizing these congresses and sending delegates to foreign congresses that no appropriation should be made by the United States.

Mr. MARTIN of Virginia. We have endeavored to lessen that expense, and we have turned down many of the requests, but we have not turned down the request as to these alcoholic conventions. It is not a question of prohibition exactly; it is a question of alcoholism. The scientific questions that are involved are very important, very useful, very educational. Somebody has to pay the expenses. It is for the public good that the congress should be held, and we want it held in this country. It is proper that we should take our turn in bearing the expenses of these international conventions.

Mr. SMOOT. Mr. President, I wish to say to my colleague that last year Senate bill 1620 was before the Senate appropriating $6,850 to pay the delegates to the convention held a year ago. At that time there was a discussion, and I moved to reduce the appropriation from $6,850 to $4,500, which was agreed to by the Senate. That bill also carried a provision as follows:

And the President is hereby authorized and requested to extend an invitation to the said congress to hold its fifteenth biennial meeting in the United States in 1915.

That was disagreed to and stricken from the bill.

In making my motion, in answer to some remarks made by the Senator from Texas [Mr. SHEPPARD], I made this statement:

Mr. SMOOT. I want to say to the Senator from Texas that if we give $6,850 at this time, two years hence we shall be called upon for another appropriation, and it will not then be $6,850, but it will be $10,000.

I want to apologize to the Senator. It is not $10,000; it is four times $10,000.

Now, Mr. President, I thought when I offered the amendment striking out the provision for the President to invite this congress to meet here in 1915 I was doing it with a full understanding of the committee that hereafter all conventions that were not provided for by treaty should not receive assistance by way of an appropriation from Congress. It was upon that ground that I moved the amendment at the time. The reduction in the amount was made with the full understanding that that was sufficient to pay the delegates to the convention. Of course, if the Senate desires now to extend that invitation after having refused to extend it, and also to appropriate this amount of money, and thinks it is proper to do it, I am not going to make a point of order, and I am not going to object to this amount, but I simply call the attention of the Senate to the fact that a year ago I was as sure that this request would be here again and that the amount would not be confined to four or five thousand dollars as I am to-day.

As a member of the Committee on Appropriations, I want to say that we have applications there for assistance to all kinds of conventions. I myself believe that this is the best of them all. I believe with all my heart in prohibition. I live it, and I not only live it, but I teach it. I believe the greatest thing that can possibly happen to mankind is to live it; but I want to say whenever a question arises as to a policy, and we agree upon it, I can not see any difference between one or the other.

I make this explanation for the reason I think it is due from what I said a year ago.

Mr. JONES. Mr. President, I think we ought to be very careful in the consideration of the various invitations that come to us, and in that respect I am in perfect harmony with the attitude of the Senator from Utah [Mr. SMOOT]. But we have, as a matter of fact, accepted the invitations of a number of the Governments of the world and sent delegates to the various conventions. I remember when the matter came up to which the Senator from Utah refers. That is a different matter from this, however. That was to pay the expenses of our delegates to a convention called by a foreign country, to which we had been invited to send delegates. If we did not want to participate in those conventions, we should have refused to appropriate any money to send official delegates from this country to that convention. We have in that way accepted several of these invitations, and now we are asked to hold this convention in this country. I understand the convention or congress does not meet in any country where an official invitation has not been extended, so that unless we extend the invitation as drawn in this provision the congress will not meet in this country but will meet in some foreign country.

It seems to me that it is nothing but the courteous thing for us to take care of the expenses of this convention and invite other countries to it, just as they have invited us, and in view of what we have done heretofore.

Mr. SUTHERLAND. Does the Senator think we ought to do that in all these international conventions?

Mr. JONES. I do not.

Mr. SUTHERLAND. There is a very large number of them, and they are all good.

Mr. JONES. As I said a moment ago, we ought to consider every one of the invitations that come to us and remember that hereafter our turn will come to extend an invitation to meet in this country. We ought to consider the importance of the various conventions and the expense it is likely to lead us to, and then determine whether we are going to accept invitations, knowing that there will probably come a time when we will be called on to meet the expenses of holding the international convention in this country.

Mr. WEST. Mr. President——

Mr. JONES. I will yield in just a moment. A couple of years ago, I remember, there was an amendment suggested to the Army appropriation bill to invite the riflemen of Argentina or the South American countries here and appropriating $25,000 for that purpose. I objected to it. It was said that we had accepted an invitation a year or two before from Argentina to send our rifle team down there and that they had appropriated a large sum of money to entertain our rifle team, and therefore because we had accepted their hospitality it was up to us to extend the invitation, and on that theory we appropriated $25,000 to entertain the rifle team and the shooting-match affair.

If we did that, we certainly ought not to hesitate a moment when a matter of this importance comes before us, and it is important in view of the fact that we have sent delegates to several of these international congresses heretofore.

Mr. SMOOT. I wish to say to the Senator we have been sending delegates to these international congresses for many years. This is the fifteenth, and the first one that was ever appropriated for was in 1911. All the delegates before 1911 who went there paid their own expenses. There is another thing I wish to say in this connection. This is an annual gathering. That is the difference between the one the Senator speaks of and this one, as I understand it.

Mr. JONES. I am reliably informed that this congress never meets in any country except on an official invitation from the Government.

Mr. SMOOT. That may be true; I do not know.

Mr. JONES. They have decided that they will meet in this country. That is conditioned, of course, upon an official invitation coming from our Government. It is the purpose of this provision to authorize an official invitation to be extended.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. Certainly.

Mr. KENYON. The Senator is a member of the Committee on Appropriations and probably knows how this sum of $40,000 was arrived at. How was it discovered that it would take $40,000 to pay these expenses? It does seem to me that this is a large sum of money for the entertainment of delegates to a convention of this kind. There might be certain conventions where there would be more money needed.

Mr. JONES. I will say to the Senator I do not know just how it was arrived at. It may be that the chairman of the subcommittee, the Senator from North Carolina [Mr. OVERMAN], can give more definite information.

Mr. OVERMAN. I wish to say that the parties interested said they had to hire halls and committee rooms and furnish all kinds of entertainment, and that this sum would be required. We had no facts presented to us.

Mr. SMOOT. It is to be held in San Francisco, Cal., is it not?

Mr. OVERMAN. I do not know.

Mr. SMOOT. I do not, either; but I was told by one interested in it that they intend to hold it at the time of the world's fair in San Francisco. That may have been settled upon, and it may not.

Mr. OVERMAN. I have no idea where it is to be held.

Mr. SMOOT. I wish to say to the Senator from Iowa, in relation to the amount, that I asked some Members of the House if they knew what the expense consisted of, and all the answer I got was just about the same as the Senator from North Carolina has given, that that was the estimate of the parties interested in holding the congress.

Mr. KENYON. Are the hotel bills of the delegates to this country paid?

Mr. SMOOT. I do not know.

Mr. SHEPPARD. The Secretary of State investigated the matter and estimated the expense of the congress. He estimated that it would require $50,000, and the amount was cut to $40,000 by the committee.

Mr. KENYON. Was this the estimate of the Secretary of State?

Mr. SHEPPARD. Yes, sir.

Mr. OVERMAN. Oh, yes.

Mr. JONES. It was sent down and they made a report. I am told that in these congresses in other countries they had 1,300 and 1,500 delegates, but they probably will not have so many, because they have farther to come. They expect, I am sure, an attendance of three or four hundred delegates.

Mr. SUTHERLAND. What are these expenses?

Mr. JONES. I suppose there will be meetings, and that they will have banquets of a character that will be suitable for a convention of this sort. I suppose they expect the Government to pay those expenses. I understand those expenses have been paid in the other countries by the Government, and they have appropriated a certain sum for the purpose.

Mr. SUTHERLAND. Is this $40,000 to be used for banquets?

Mr. JONES. I suppose a part of it is to be used for that purpose. That is simply a supposition on my part. The Senator knows as much about it as I do.

I do not suppose a congress of that character, or of any character, could come together where they would not have banquets. I have not known of any. There will be entertainment of various kinds. This is for the official entertainment of the foreign delegates.

Mr. THOMPSON. Mr. President, I wish to state for the information of the Senator from Utah and Senators who made the inquiry as to where this congress would meet that I am reliably informed that it is to be held in Washington.

Mr. SMOOT. I said that all the information I got was from one person who was interested in securing it in this country, and he suggested at that time, and it was some time ago, that it would be held at San Francisco during the World's Fair. As I said, I do not know whether that is so or not.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, if there are no more committee amendments to act upon, I should like to bring to the attention of the Senate the provision for the International Institute of Agriculture.

I move to reconsider the vote whereby the House provisions were changed. I make the motion with reference to the item on page 15, line 26, first, and then I propose to follow that with a motion to reconsider the vote whereby the figures in the House bill were changed in line 3 on page 16 from $3,600 to $2,500, and in line 7 on page 16 from $5,000 to $2,500.

In reference to this motion, Mr. President, I will be as brief as possible. I am quite sure the committee could not have thoroughly understood the nature of the convention known as the International Institute of Agriculture. They certainly could not have been informed regarding the purpose and scope of the institute and the character of its work. This National Institute of America——

Mr. OVERMAN. I will say to the Senator from Florida that of course he was not here and the committee knew nothing about it, but we found what was in the current law. If the Senator will agree to let the amendment stand on line 26 on the basis of the law of last year we are willing to accept the amendment on page 16 and make it all correspond. We will recede from the amendment in line 3 and also in line 7, but we insist on line 26, which was the current appropriation last year, and we see no reason to increase that amount.

Mr. FLETCHER. That is perhaps true; I have not examined as to the statute of last year; but the House provision is based on the recommendations of our own delegates to the International Institute of Agriculture at its last session.

I will take but a moment of time. I should like to put in the RECORD a letter from the King of Italy to the prime minister, dated January 24, 1905, which forms the basis for this organization. It was in consequence of this letter that the institute was founded by the international treaty of June 7, 1905.

The PRESIDING OFFICER. If there be no objection, the request of the Senator from Florida will be granted. The Chair hears none.

The letter referred to is as follows:

The origin of the institute is shown in the following letter of His Majesty the King of Italy to Prime Minister H. E. Giov. Giolitti:

"DEAR PRESIDENT: Mr. David Lubin, a citizen of the United States, has made a proposal to me, with all the ardor of sincere conviction, and it seems to me both wise and useful, and I therefore recommend it to the consideration of my Government.

"Farmers, who generally form the most numerous class in a country and have everywhere a great influence on the destinies of nations, can not, if they remain isolated, make sufficient provision for the improvement of the various crops and their distribution in proportion to the needs of consumers, nor protect their own interests on the market, which, as far as the more important produce of the soil is concerned, is becoming more and more one market for the whole world.

"Therefore considerable advantage might be derived from an international institute which, with no political object, would undertake to study the conditions of agriculture in the various countries of the world, periodically publishing reports on the amount and character of the crops so as to facilitate production, render commerce less expensive and more rapid, and establish more suitable prices.

"This institute, coming to an understanding with the various national offices already existing for the purpose, would also supply precise information on the conditions of agricultural labor in various localities, so as to serve as a safe and useful guide for emigrants, promote agreements for mutual defense against diseases of plants and animals where individual action is insufficient, and, finally, would exercise an action favorable to the development of rural cooperation, agricultural insurance, and credit.

"The benefits attained by means of such an institute, a bond of union between all farmers and consequently an important influence for peace, would certainly be manifold. Rome would be a suitable place for its inauguration, at which the representatives of the adhering States and the larger associations concerned might assemble and harmonize the authority of Governments with the free energies of the farmers.

"I am convinced that the nobility of the aim will suffice to overcome the difficulties of the enterprise.

"And in this faith I sign myself,

"Your affectionate cousin,

"VICTOR EMANNUEL.

"ROME, *January 24, 1905.*"

In consequence of this letter the International Institute of Agriculture was founded by act of the international treaty of June 7, 1905. The treaty was ratified by 40 Governments and 12 others have since adhered to it, so that at the present time almost the whole civilized world is included.

The seat of the institution is at Rome. According to the treaty it is a "Government institution in which each adhering power is represented by delegates of its choice." It is administered by a general assembly and by a permanent committee. The president is the Marchese Raffaele Cappelli, delegate of Italy; the vice president, Mr. Luis Dop, delegate of France; and the general secretary, Prof. Giovanni Lorenzoni. The staff now numbers 97.

The revenue of the institute is derived from contributions paid by each of the adhering nations according to the group in which the nation is inscribed as established by the treaty. In accordance with the provisions of the treaty the present revenue will be increased from 810,000 to 1,150,000 francs (including 300,000 francs a year contributed by His Majesty the King of Italy).

Mr. FLETCHER. I should also like to put into the RECORD—and it will save the time of the Senate and save some discussion of this matter—as outlining the work of the institute what appears in its monthly bulletin in 1912, setting forth very briefly the purpose of the organization and the scope of its work.

The PRESIDING OFFICER. If there is no objection, the request of the Senator from Florida will be granted. The Chair hears none.

The matter referred to is as follows:

The International Institute of Agriculture was established under the international treaty of June 7, 1905, which was ratified by 40 Governments. Eleven other Governments have since adhered to the institute.

It is a Government institution in which each country is represented by delegates. The institute is composed of a general assembly and a permanent committee.

The institute, confining its operations within an international sphere, shall:

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, vegetable, and animal products, the commerce in agricultural products, and the prices prevailing in the various markets;

(b) Communicate to parties interested, also as promptly as possible, the above information;

(c) Indicate the wages paid for farm work;

(d) Make known the new diseases of plants which may appear in any part of the world, showing the territories infected, the progress of the diseases, and, if possible, the remedies which are effective;

(e) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries for the organization of works connected with agricultural cooperation, insurance, and credit;

(f) Submit to the approval of the Governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses, by congresses of sciences applied to agricultural societies, academies, learned bodies, etc.

Mr. FLETCHER. I should like merely to call the attention of the Senate to the report made by the delegates to the last general assembly of the institute, signed by Alfred C. True, David Lubin, Charles W. Pugsley, Spencer Ewing, and Thomas J. Brook, and which is embodied in Senate document 196, and I should like to have inserted in the RECORD some extracts from the report, which I shall submit.

The PRESIDING OFFICER. If there be no objection, the request will be granted. The Chair hears none.

The extracts referred to are as follows:

The bureau of general statistics collects, collates, and publishes statistics of production and commerce in agricultural products, both animal and vegetable, throughout the world.

The bureau of agricultural intelligence and plant diseases collects and publishes information regarding the progress of scientific and experimental investigations and practical experience in agriculture throughout the world, and, as a branch of this work, gives special attention to the diseases of plants and to entomology.

The bureau of economic and social institutions collects and publishes statistics and general information regarding agricultural cooperation, insurance, and credit, together with other matters relating to the economic and social organization of rural communities.

Those publications of the institute which have a bearing on the formation of the price of the staples (such as crop reports and data on exports, imports, and stocks) are based exclusively on official information, supplied direct to the institute by the adhering Governments.

The other publications are produced from the following sources:

(a) Information officially communicated by the Governments.

(b) Original articles contributed by eminent authorities designated by the adhering Governments.

(c) Excerpts and abstracts of articles translated from the 2,225 official and unofficial periodical publications of the world received by the institute.

The institute prints and publishes two annuals and three monthly and one weekly bulletins, together with a considerable number of monographs on special subjects. The annuals are on agricultural statistics and legislation, respectively; the monthly bulletins are on (1) agricultural statistics, (2) agricultural intelligence and diseases of plants, and (3) economic and social institutions; and the weekly bulletin is bibliographical. The monthly bulletins are published in the French, German, English, Spanish, Italian, and Hungarian languages. French being the official language of the institute, the editions in that language are paid for from the funds of the institute. Provision for the edition in the other languages is made by the countries interested. The Congress of the United States has made an annual appropriation of $5,000 for translating and printing the English edition, the rest of the expense being borne by Great Britain and her colonies. This is considered a fair arrangement by the delegates from the United States, and they recommend that Congress should be asked to continue this appropriation.

* * * * * * *

One of the most important, and at the same time the most difficult, tasks which the institute has undertaken is the selection and summarizing of important articles appearing in current scientific and practical journals and the publication of these summaries in the monthly Bulletin of Agricultural Intelligence. Such work can only be done most effectively by persons thoroughly trained in the different lines of agricultural science and practice, and who have at the same time a high degree of editorial insight.

* * * * * * *

To meet these requirements the assembly voted to ask the adhering Governments to raise the unit of their contributions from 1,500 francs to 2,500 francs, as provided for in the treaty of 1905. Since the contribution of the United States is on the basis of 16 units, the amount which Congress should be asked to appropriate toward the current expenses of the institute should be increased from 24,000 francs ($4,800) to 40,000 francs ($8,000). The desirability of this provision for the growing needs of the institute was so apparent that the delegates of all the adhering countries voted for the increase in the budget and undertook to recommend their Governments to enlarge their contributions.

This was one of the many evidences that the countries which are supporting the institute are now firmly convinced that the work which it is doing is important and valuable. There being no longer any question on these fundamental points, the Governments are more and more interesting themselves in plans for strengthening the institute and developing its activities along the most useful lines.

Mr. FLETCHER. I desire to call attention to the recommendation of the commission, and I ask the chairman's attention, especially upon this particular point, to what our delegates to the International Institute of Agriculture, in their report dated September 26, 1913, say:

Since the contribution of the United States is on the basis of 16 units, the amount which Congress should be asked to appropriate toward the current expenses of the institute should be increased from 24,000 francs ($4,800) to 40,000 francs ($8,000). The desirability of this provision for the growing needs of the institute was so apparent that the delegates of all the adhering countries voted for the increase in the budget and undertook to recommend their Governments to enlarge their contributions.

That is the recommendation our delegates made after the general assembly which was held last year at the headquarters of the institute in Rome, Italy. I am quite sure when the importance of this work is considered, the appropriation asked is certainly modest enough as coming from our Government. The International Institute of Agriculture is now participated in under treaty by 54 nations, and is doing a work which is growing in significance and importance. Our Government ought to recognize it decently, and $8,000 is a very small appropriation to make. I have no question but the other larger countries make much more liberal appropriations than that toward this institute. I wish the chairman of the committee could see his way clear to accept the House provision as to that item.

Mr. OVERMAN. Has the vote by which the amendment was agreed to been reconsidered?

The PRESIDING OFFICER. It has not been.

Mr. OVERMAN. I have no objection to reconsidering the vote by which the amendment was agreed to, for the purpose of allowing the Senator from Florida to offer his amendment.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the Senate, on page 15, line 26, struck out the sum of "$8,000" and inserted in lieu thereof the sum of "$4,800."

The motion was agreed to.

Mr. OVERMAN. I am willing to compromise the matter with the Senator from Florida and to restore the sum of $3,600 which was stricken out on page 16, in line 3, and $2,500 inserted in lieu thereof, but I am not willing to restore the $8,000 which was stricken out on page 15, line 26, and $4,800 inserted in lieu thereof, because $4,800 is the amount which the United States has been contributing for years for that purpose. I am not willing to make this change simply because some delegate requests that the allowance be increased. Our quota is $4,800. Every civilized country in the world gives its proportionate part, so that the various contributions will make a very large sum for keeping up this bureau in Rome. It is now proposed to give $8,000 by the United States when we do not know that whether other countries will contribute a cent. If the Senator is willing to accept what I suggest, I will make a motion to recede from the amendments on page 16, in lines 3 and 7.

Mr. FLETCHER. The question, then, comes first on the committee amendment in line 26, on page 15.

The PRESIDING OFFICER. What is the motion of the Senator from North Carolina?

Mr. FLETCHER. The Senate committee proposes to amend the bill, on page 15, line 26, by striking out $8,000 and inserting $4,800. Following that amendment, on page 15, in line 3, the amount appropriated for this service was reduced from $3,600 to $2,500, and on the same page, in line 7, it was reduced from $5,000 to $2,500.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. I move to reconsider the vote by which the Senate agreed to the committee amendment, on page 16, line 3, changing the sum from $3,600 to $2,500.

The motion was agreed to.

Mr. FLETCHER. I move to disagree to the amendment as to the item on page 16, line 3.

The amendment was rejected.

Mr. FLETCHER. I move to reconsider the vote by which the Senate agreed to the amendment, on page 16, line 7, reducing the appropriation from $5,000 to $2,500.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. KENYON. I should like to ask the Senator from North Carolina a question for information. I have heard no explanation of the amendment, on page 25, providing for the "acquisition of consular premises at Shanghai, China." The appropriation made for that purpose is $375,000, and on the two preceding pages the appropriations for buildings at Mexico City, Tokyo, and Berne have been stricken out. Why was this large appropriation made for Shanghai and the other appropriations not agreed to?

Mr. OVERMAN. The representative of the Secretary of State, Mr. Carr, appeared before the committee and said it was more important to provide for the building in Shanghai than to provide for the embassy buildings in the other capitals mentioned. At Shanghai we have a peculiar jurisdiction, as the Senator knows. We have there a court, we have a jail, we have a post office, we have a marine hospital, and we have a board of health. Down on the wharf in Shanghai the countries of Russia, Japan, England, Germany, and France each have buildings. It is the most desirable property in the city. The United States has a lease on six houses, one of which is used for a courthouse, one for a jail and post office, one for a marine hospital, and so on. The lease expires in two years. We now have an option on the property at a certain price, and unless we take that option we lose that property and will be ousted. If we are compelled to go back to the city we shall not be able to find so good a site as the present one on which to establish our post office, courthouse, jail, and so forth.

We found that it was more important to buy this property now than to buy property in other countries and to erect buildings for embassies. In fact, in Japan we can not acquire title to any property; we have a ground rent there and lease the property; we can not acquire the fee-simple title to land in Japan. We have a building there now. We saw no purpose to be accomplished by providing $50,000 for an embassy building in Mexico City under present conditions. Therefore we struck all those provisions out and appropriated for the purchase of the property now occupied by the United States on the water front at Shanghai, and on which, as I have said, the United States has an option.

The PRESIDING OFFICER. If there be no further amendments the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SUTHERLAND. I desire to offer an amendment, on page 32 of the bill, in the clause appropriating $40,000 for the International Congress Against Alcoholism, particularly in view of the suggestion of the Senator from Washington [Mr. JONES] that a part of this appropriation was to be used for banquets. At the end of the paragraph I move to insert:

Provided, That an itemized account of all expenditures shall be reported to Congress.

Mr. OVERMAN. There is no objection to that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSION APPROPRIATIONS.

Mr. SHIVELY. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Pensions without amendment.

The Secretary read the bill, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1915, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $169,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1915, $150,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. ASHURST. Mr. President——

Mr. KENYON. I desire to suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Iowa?

Mr. ASHURST. I wish to ask that the formal reading of the bill be dispensed with and that the bill be read for amendments, the committee amendments to be first considered, and then I will yield.

Mr. KENYON. I know there are a number of Senators who desire to be present when this bill comes up, and therefore I desire to suggest the absence of a quorum.

Mr. ASHURST. I merely wish to ask that the formal reading of the bill be dispensed with, that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. The Senator from Arizona asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered. Is there objection?

Mr. JONES. I rise to a point of order. The Senator from Iowa suggested the absence of a quorum, and I think nothing is in order but to call the roll.

The PRESIDING OFFICER. Did the Senator from Iowa suggest the absence of a quorum?

Mr. KENYON. I did, but I did not want to interfere with the request of the Senator from Arizona.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Shively
Bankhead	Fletcher	Myers	Smith, Ariz.
Brady	Hitchcock	Nelson	Smith, Ga.
Bristow	Hughes	Norris	Smoot
Bryan	James	O'Gorman	Stephenson
Burleigh	Jones	Owen	Swanson
Burton	Kenyon	Page	Thornton
Catron	Kern	Perkins	Tillman
Chilton	La Follette	Pittman	Townsend
Clapp	Lane	Reed	Warren
Clarke, Ark.	McCumber	Shafroth	West
Crawford	Martin, Va.	Sheppard	White

Mr. LANE. I wish to announce that my colleague [Mr. CHAMBERLAIN] is absent on official business and is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. JAMES. I wish to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY] and to say that he is paired with the Senator from Rhode Island [Mr. COLT]. This announcement may stand for the day.

The PRESIDENT pro tempore. Forty-eight Senators having answered to their names, a quorum of the Senate is present.

Mr. ASHURST. I now ask that the formal reading of the bill be dispensed with; that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Unless there is objection, such will be the order. The Chair hears none. The Secretary will proceed with the reading.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, on page 2, after line 2, to strike out:

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $150,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose, and to remain available until expended.

And insert:

For the survey, resurvey, classification, allotment, and disposal of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey, allotment, or disposal of Indian lands, $200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes, and to remain available until expended: *Provided*, That hereafter no part of said sum shall be used for the survey, resurvey, classification, appraisement, or allotment of any land in severalty upon the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing on the public domain prior to June 30, 1913: *Provided further*, That the surveys shall be made in accordance with the provisions for the survey and resurveys of public lands, including traveling expenses and per diem allowances in lieu of subsistence to those employed thereon; and when necessary the Secretary of the Interior may employ in the city of Washington, D. C., such assistants as are required in the preparation of the final returns of the surveys of Indian lands made under the direction of the Commissioner of the General Land Office.

Mr. KENYON. Mr. President, I should like to ask the chairman of the committee, the Senator from Arizona, why is provision made in the amendment for the resurvey of these lands? They have been surveyed once, have they not, and the expense incurred has been taken out of the money belonging to the Indians? Now, what is the necessity for a resurvey, with the consequent additional amount for the Indians to pay?

Mr. ASHURST. Mr. President, that is the formal language which has always been used in the bill.

Mr. KENYON. Is the Senator correct that this is the language that has always been used? I understood it had not been used previously.

Mr. CLAPP. It was evidently used by the House, because the paragraph the Senate committee struck out on page 2 reads:

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887—

And so forth.

Mr. KENYON. What is the purpose?

Mr. SMOOT. Mr. President, I will state to the Senator——

The PRESIDENT pro tempore. There are so many Senators on the floor that the Chair will have to enforce the rule. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SMOOT. I will say to the Senator that there is a claim that some of the original surveys have been found to be incorrect, and it is desired to have a resurvey, so as to allow corrections to be made in the original surveys.

Mr. KENYON. Is it applicable only to the original surveys?

Mr. SMOOT. No; it is not.

Mr. KENYON. It covers the whole thing, so that an entirely new survey can be made?

Mr. SMOOT. They can resurvey the whole territory.

Mr. KENYON. It simply means that out of the money belonging to the Indians can be taken such sums as may be needed for an entirely new survey. I do not understand it myself. It may be all right, but it does not seem so.

Mr. LANE. Mr. President, I will say for the information of the Senator from Iowa that the grant of authority embodied in this provision is very much complained of by the Indians. They claim that a great deal of injustice has been done to them in the past by the right which is given to the department to go upon their lands and resurvey and reallot them. The Indians in some instances have claimed that after they had secured a good piece of tillable land, made improvements upon it, worked on it perhaps for two or three years, put up fences, built their homes and other buildings, they have found themselves, as a result of the operation of such provisions as this, resurveyed out of their land and placed among nice, good, thrifty sagebrush, where water can never be placed on it, and where you can raise nothing but horned toads. They say that this has happened to them a great many times in the past, and they object to it, and claim that none of these resurveys should be made without at least their having been notified of the fact and their consent secured to resurvey their allotments.

In other cases the complaint has been made, and it is no doubt true, that as a consequence of these resurveys the Indians' territory has been diminished and large bodies of good and valuable timberland has been lost to them by resurveys and got into the hands of their paleface brothers. They do not like that.

It is not a purely formal provision, as the distinguished chairman of the committee thinks it is, but a real, active, and live provision. I objected to it last year as a member of the committee and have no great confidence in it at this time; but we are assured by the present Commissioner of Indian Affairs that he will resurvey, if he does any resurveying, very righteously, and it is in the hope that he will do so that I think this provision has been allowed to stay in the bill by the committee. Would the Senator like to move to strike it out?

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. LANE. I yield for the Senator to answer that question.

Mr. KENYON. Mr. President, I would be governed a great deal by what the Senator from Oregon might say about that. If he believes that the term "resurvey" is a term which may in the application of the survey and with reference thereto result in wrong to the Indians, I would move to strike it out.

Mr. LANE. I will say, in reply to the Senator, that there are instances, no doubt, where it would be necessary to have a resurvey; but, in the main, I think such resurveys have been to the disadvantage of the Indians. They are bad for the Indian and he loses by them, I think, more than he gains. The Indians think they would not have lost in the past hundreds of thousands of acres, and probably more than that, if such a word had never been put in the bill. I do not know what ingenious gentleman discovered it, but it would be a good thing for the Indians if it were stricken out.

Mr. KENYON. Does the Senator know when it was discovered?

Mr. LANE. No. It has been contained right along in several bills. I discovered it last year, among many other things, when I came here, and I objected to it because of the complaints made to me by the Indians.

Mr. KENYON. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. KENYON. As the committee amendment is now presented would a motion to strike out a word in the amendment be in order?

The PRESIDENT pro tempore. Yes; the committee amendment may be amended at this stage.

Mr. KENYON. I move to amend the committee amendment by striking out, in line 15, page 2, the word "resurvey."

The PRESIDENT pro tempore. The Senator from Iowa proposes an amendment to the committee amendment by striking out the word "resurvey," where it appears in line 15, on page 2.

Mr. TOWNSEND. Mr. President, I largely agree with the statements made by the Senator from Oregon [Mr. LANE]. I, too, objected to this word in the last year's appropriation bill, because it did not seem to me at that time that we had a sufficient explanation, or that the explanation we had answered the complaints which were made.

I am satisfied, however, so far as I am concerned, that there are lands which need resurveying. I think if this word should go out it is probable that it might be provided for in some other method under the title "surveying," and yet I am not clear about that; and I am inclined to believe that there is a legitimate use for that word in the bill at this time.

There are lands which have not been properly surveyed. Mistakes have been made. The very fact suggested by the Senator from Oregon, that resurveys have been made which have changed the line which the Indians originally held as their line and as marking their property, I contend shows that some of those lines should be resurveyed, that they should be redetermined, because already there have been set on foot some provisions for determining frauds, which I think were clearly frauds against the Indians by the fact that they were improperly and illegally located.

It is contended, and I think with some force, that there should be power somewhere to resurvey lines or lands which have not been properly located. It is for that reason that I consented, as a member of the committee, that the word should be retained in the bill. Unless some provision is made to accommodate the necessary conditions that may arise, I fear we may perhaps be inflicting a wrong upon the Indians, and we may be imposing upon the department a condition which we have opposed, namely, that it is exceeding its authority.

Among the things I have contended against are certain things that have been done by the commissioner or by the department, which have not been clearly defined. We have sought,

in certain provisions of this bill, to have the department render an account for the things they do. I dislike to be a party to a provision which would deny them the right to do something which is absolutely necessary; whereas if they report on these provisions as the commissioner or acting commissioner claimed they should report, and the things that should be done, I imagine many of the evils which have existed in the past will disappear.

Mr. LANE. Mr. President, I wish to say, for the information of the Senator from Iowa, that this word is carried in the bill, and it is in the nature of a large grant of power which has nowhere any restrictions placed upon it. If the Commissioner of Indian Affairs had come before the committee, or had presented to the Senate a schedule or list of the resurveys which it was important or necessary to have attended to, it would be a different matter; but there has been no list in detail submitted, and, in addition to that, it does not confine the authority to those resurveys, even though he had presented a list of them. It allows him to go out and resurvey any portion of the Indian lands anywhere in the United States. It is a grant at large, and that is the objection to it.

If it said "resurvey in conformity with the schedule of such plans as have been submitted to the Indian Affairs Committee," or "to the Senate," there would be no objection to it, and there could not be any objection on the part of anyone; but it is a grant at large, and that is the objection I have to it.

Mr. ASHURST. Mr. President, I shall be very brief in reply to the Senator.

The PRESIDENT pro tempore. Has the Senator from Oregon yielded the floor?

Mr. LANE. Yes; I yield to the Senator from Arizona.

Mr. ASHURST. In reply to the observations made by the distinguished Senator from Iowa, I will say that an examination of the bill for the current year will show that the last appropriation bill carries the same language. The committee had some protracted discussion over this item. As was observed by the Senator from Michigan [Mr. TOWNSEND], if the word "resurvey" were stricken out, the department would be impotent and powerless to correct an erroneous survey. Doubtless, as has been pointed out, some erroneous and improper surveys have been made; but shall we, by striking out the word "resurvey," deprive the department of the opportunity and the power to correct an erroneous survey?

Mr. CLAPP. Mr. President, it is a matter of absolute indifference to me whether this word is stricken out or not; but, of course, the department could not place before the committee of either House a detailed statement of the lands which probably would require to be resurveyed. It is as the cases come up in the experience of the department. The only thing the department could do in such a case would be to make an estimate as to the probable amount within which they would be able, as occasion arose, to meet the occasion and make the resurveys. No department could anticipate every tract of land which years of experience might demonstrate the necessity or expediency of resurveying. I will say to the Senator from Oregon that the only way they could do would be to estimate as they did, although, as I said, it is a matter of absolute indifference to me whether it is put in the bill or left out.

Mr. LANE. Mr. President, they can ascertain during the period of one year all the titles which are questioned, all pieces of land which they think ought to be resurveyed, and submit that list to the Senate in time for the succeeding year's work.

Mr. CLAPP. Why, Mr. President, it is only as the population keeps crowding about that the occasion or the suggestion of an erroneous survey and the occasion for resurveying arises. It is different from some other things which can be estimated absolutely, for the idea is to give them this fund in order that as these occasions arise during the coming year they may have a fund from which they may make resurveys without any question as to whether or not the authority is included under the original term "survey."

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. Certainly; with pleasure.

Mr. KENYON. The thought that was in my mind was this: Here is a survey that has been made under the provisions of an act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians."

Mr. CLAPP. Yes.

Mr. KENYON. If that survey has been, as suggested here, erroneous in any particular, does not the Senator from Minnesota believe that the term "survey" is sufficient to cover a resurvey, to right any erroneous things there may be in the original survey, and that the term "resurvey" as used here means an entire resurvey under this act of Congress, to take the place of the original survey? It seems so to me.

Mr. CLAPP. There could be no line of demarcation as to the extent of the proposed resurvey. If the word "survey" is sufficient, then every wrong that can be committed under a resurvey can be committed under the word "survey." Out of extra caution, in order that there might be no question with the auditor and comptroller when they came to pass upon these accounts, the word "resurvey" was put in. I am inclined to think myself that probably the word "survey" would cover the subject, as I say. That is why I said at the outset that it is a matter of total indifference to me whether it is retained or not. I was simply explaining how it would be impossible to anticipate what will be needed. You might as well undertake to anticipate all the disputes between landowners as to their lines. It is only as settlement comes, it is only as the claim is made here and there that the line has been improperly run, that we have to resurvey among ourselves. These things can not be anticipated.

Mr. KENYON. I appreciate the force of that argument, of course.

Mr. LA FOLLETTE. Mr. President, I simply wish to call the attention of the Senator from Iowa to the fact that precisely the same term was used in the Indian appropriation act for 1911 and in the Indian appropriation act for 1912. It was found necessary, I apprehend, that there should be some resurveys after these original allotted lands were surveyed; so provision was made for the resurvey in the appropriation act of 1911 and again in the appropriation act of 1912, and it appears again in the appropriation act of 1913.

Mr. KENYON. Mr. President, does the Senator know whether or not the Indian, having secured his allotment under the act of Congress and the survey in pursuance thereof, can have it taken away from him by this resurvey?

Mr. LA FOLLETTE. Unless the survey included some lands that are afterwards found not to belong to the Indian, he can not be deprived of his allotment. This can not affect his title at all. It is simply a question of making the lines right if they are found to be wrong. I do not think any injustice has ever been done to an Indian under the provision for resurvey. I think the provision for resurvey is simply to correct errors that occurred in the original survey from time to time as the errors are discovered.

Mr. KENYON. I had understood from the Senator from Oregon that great injustice had been done in the resurveys.

Mr. LA FOLLETTE. Injustice has been done to the Indians; there is not any doubt about that. But I do not think any injustice was done to them by any resurvey.

Mr. LANE. Mr. President, that is exactly how the Indians claim it was done—by the act which gives to the department the power to go out and readjust, make new lines, and reapportion certain tracts of land which are under an irrigating system. There are Indians who claim that they have been resurveyed off of their homesteads and allotments as many as five times, and finally have landed on land which is nonirrigable and never can be irrigated. I refer to Indians who had allotments on irrigable lands, which they had improved to a certain extent. That is the identical complaint which they do make, and it is this identical provision which they claim does them injustice. They may be mistaken about it. This other language, the right to survey, may cover it, but it never happened to them, they tell me, until after this grant allowing this general right to resurvey and reapportion, which apparently carried that privilege with it. That is the identical item which they do claim is the cause of this injustice.

Mr. LA FOLLETTE. Mr. President, some one must be intrusted with the administration of the Indian appropriation bill. If it can be assumed that the Indian Office will so use the power conferred upon it by act of Congress as to defraud these Indians of their lands, then it is high time Congress knew that, and knew it in a definite way, and not in some vague, general charge made here on the floor. It is high time they had the precise information, the instances pointed out, and then Congress might provide for some other agency than the Indian Office to administer the law.

Up to the present time, however, we have had to rely upon the Indian Office to make the surveys of these Indian lands. If errors are committed in surveys of Indian lands, as errors always appear from time to time in the surveys of any lands, surely there ought to be some provision for some one to correct those errors. I do not know of any authority to which to commit that duty other than the Indian Office. At least we have no other officer designated under the law to take charge of that work.

Mr. LANE. Mr. President, in reply to the Senator from Wisconsin, I want to say that last year I brought to the attention of the committee such facts as I had at hand, and they discussed the matter fully there, and then I brought it again into the Senate.

I have here a copy of the remarks I made last year when this bill was under consideration. At that time I said:

The first item of appropriation in the bill confers the right to survey, resurvey, and classify, and so forth, the lands.

Now, that is the item here.

In this connection I present for your inspection at this time the blue print of a map which shows one of the said "resurveys" for which a similar appropriation was made. By an engineering feat which is not accounted for in the primitive system of logic current among Indians, they find themselves separated from much of their best and most valuable timber lands on one well-known reservation.

I submitted a specific instance, with a map and with the testimony of the engineer who had surveyed it. I presented that to the committee. I do not know what more I could do with the committee or Members of the Senate, unless I took them out personally on a personally conducted tour over the lands. There are other instances, of which I have not such full proof, but there are many that can be found. The complaint has been quite general; and I think the Senator will find, if it is ever investigated, that that is true. The proof of it is unquestioned.

Now, it is merely a question here as to whether we want to pass this item. I do not want to do anything to hamper the Indian Office, and, like the Senator, I see that it will be necessary in some cases for them to resurvey lands. That is proper, and I am willing to trust them; but in a general way this grant has been used not for the benefit of the Indians. I make that assertion on the strength of the statements which have been made to me, and I can produce instances which confirm the statement.

I have them, and they are of record. I have already submitted them not only to the committee but to the Senate. I di[d] not know the item was coming up to-day. They are in my office, and I could bring them here now, but I did not know this objection was going to be raised to this particular item.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. KENYON] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, dams, etc., on page 5, line 10, after the word "prescribe," to insert "and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June 30 of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project," so as to read:

Provided further, That the Secretary of the Interior is hereby authorized and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian so far as practicable from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June 30 of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee a question with reference to the text of the bill in lines 8 and 9, on page 5. It seems to provide that where an irrigation project is constructed, the cost of which is reimbursable out of the tribal funds, the charge may be assessed against the individual Indian for the benefit which he receives.

I take it that the benefit he receives is derived from the benefit to the lands that have been allotted to him. It seems to me that it would be wise to have a provision there making this cost a charge against the land as well as against the Indian; at least, that any amount that may be unpaid when the Indian disposes of the land should be a charge against it. I desire to ask the chairman whether the committee has considered that phase of the matter at all?

Mr. ASHURST. Mr. President, as I said a moment ago, the committee had protracted hearings. This item was the subject of some considerable discussion. While there might be force in the observation made by the Senator from Washington, nevertheless, after full discussion, the committee agreed that this would be a more suitable and appropriate way of legislating upon this matter.

Mr. JONES. I think probably at the proper time I shall offer an amendment embodying my idea. I wanted to call it to the attention of the chairman, so that he might give it such thought as he would have time to give it.

Mr. ASHURST. Does the Senator wish to reserve this item?

Mr. JONES. No; this is a part of the text of the bill. We are now considering the bill for committee amendments, as I understand. After we get through I can offer an amendment to that part of it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 6, line 5, after the words "Indian homes," to strike out "$260,000" and insert "$310,000: *Provided*, That not to exceed $100,000 of the amount herein appropriated may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma. No hospital shall be constructed at a cost to exceed $12,500. Said sum to be immediately available and to remain available until expended. Said hospitals to be constructed in the open market under the supervision of the Commissioner of Indian Affairs," so as to read:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, correction of sanitary defects in Indian homes, $310,000: *Provided*, That not to exceed $100,000 of the amount herein appropriated may be expended in the erection, equipment, and maintenace of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma. No hospitals shall be constructed at a cost to exceed $12,500. Said sum to be immediately available and to remain available until expended. Said hospitals to be constructed in the open market under the supervision of the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in the item of appropriation to relieve distress among Indians and to provide for their care, and for the prevention and treatment of tuberculosis, etc., on page 7, line 1, after the word "designate," to strike out "*Provided further*, That not to exceed $50,000 of the amount herein appropriated may be expended in the erection and equipment of hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed $15,000, including equipment"; and in line 9, after the word "herein," to strike out "*Provided further*, That the Secretary of the Interior may, in his discretion, employ physicians regularly licensed to practice to aid in carrying out the provisions of this paragraph without requiring such employed physicians to pass any civil-service examination."

The amendment was agreed to.

The next amendment was, on page 7, in line 18, after the word "isolate," to strike out "remove"; in line 20, after the word "such," to strike out "force" and insert "means"; and in line 21, after the word "isolation," to strike out "removal"; so as to make the proviso read:

Provided further, That whenever the Secretary of the Interior shall find any Indian afflicted with tuberculosis, trachoma, or other contagious or infectious diseases, he may, if in his judgment the health of the afflicted Indian or that of other persons require it, isolate or quarantine such afflicted Indian in a hospital or other place for treatment. The Secretary of the Interior may employ such means as may be necessary in the isolation or quarantine of such Indian, and it shall be the duty of such Indian so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision.

Mr. LANE. Mr. President, objection is made to that word "isolate."

Mr. ROBINSON. Mr. President, if the Senator from Oregon will pardon me, it was the word "remove" that was objected to and stricken out largely at his instance.

Mr. LANE. Yes.

Mr. ROBINSON. The word "isolate" was agreed upon.

Mr. LANE. Yes; and I was about to say that since then I have heard considerable objection to that, for the reason that

they think it gives too large a grant of power to imprison. They are satisfied with the word "quarantine."

Mr. ROBINSON. As I view the matter, I will say to the Senator from Oregon that the effect of the word "isolate" could not be broader than the power conferred under the word "quarantine," and, unless the chairman of the committee knows of some reason for retaining the word "isolate" in the bill, I myself should have no objection to striking it out, if the Senator desires.

Mr. LANE. I think if you will allow ordinary quarantine methods to be practiced, without putting a more rigid construction on it, it will give satisfaction and accomplish exactly what the committee desired.

Mr. ASHURST. As the Senator well remembers, of course, the use of the word "remove" was deemed by the committee a little harsh, and therefore it was stricken out. As was suggested by the Senator from Arkansas [Mr. ROBINSON], however, it was considered that in order to equip the department with sufficient means to enforce a quarantine, the word "isolate" would be better employed. It was rather agreed in the committee that the word "isolate" should remain there, in order further to strengthen and equip the department in carrying out the quarantine.

Mr. LANE. Mr. President, it was the object of the committee to provide proper quarantine methods. A word will do it. The word "isolate" might be stretched.

Mr. ROBINSON. I do not care about it.

The PRESIDENT pro tempore. What does the Senator from Oregon propose to do?

Mr. LANE. Strike it out.

The PRESIDENT pro tempore. That is not in order at this time, because it is not a committee amendment. The bill is not open at this time to amendments offered by individual Senators. The proposed amendment is out of order at the present time. The Secretary will continue the reading of the bill.

Mr. JONES. I wish to ask the chairman of the committee what is the force and effect of the words in line 22—

> And it shall be the duty of such Indians so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision.

Suppose an Indian refuses to obey the order, what punishment would be meted out to him? Is it intended to permit some unusual punishment to be inflicted upon him?

Mr. ASHURST. That provision fixes the rule of law or conduct of the Indian described in such cases as fall within the purview of the proposed statute.

Mr. JONES. Suppose an Indian refuses to obey a regulation; what would be done to him?

Mr. ASHURST. That would be for the Secretary of the Interior, within proper legal limitations, to prescribe.

Mr. JONES. Will this permit him to do something to the Indian that he would not be authorized to do if it were not here?

Mr. ASHURST. The Senator is a profound lawyer and will have to draw his own conclusions. In my judgment it would not.

Mr. JONES. So in the opinion of the chairman this language is really superfluous?

Mr. ROBINSON. If the Senator from Arizona will pardon me, the language has a certain moral value and effect which I think the Senator from Washington will perceive. While it does not carry any penalty it does fix an obligation upon the Indian, who is under the control of the Government, to obey the regulations made by the Secretary of the Interior.

Mr. JONES. It is more the moral effect that the Senator thinks would come from it that will really be the benefit of this provision?

Mr. ROBINSON. I think so.

The amendment was agreed to.

The next amendment was, on page 8, line 1, after the word "therewith," to strike out "$1,440,000" and insert "including the support and education of deaf and dumb and blind Indian children, $1,500,000"; in line 5, after the word "treaties," to strike out "shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules, and no part of it"; and, in line 12, before the words "the State," to insert "of," so as to make the clause read:

> For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including the support and education of deaf and dumb and blind Indian children, $1,500,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "buildings," to insert "and sites," and in line 24, after the words "lighting plants," to strike out "$400,000" and insert "$480,000," so as to read:

> For construction, lease, purchase, repairs, and improvements of schools and agency buildings, and sites, and for sewerage, water supply, and lighting plants, $480,000.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "employed," to insert "for furnishing necessary equipment and supplies for such farmers and stockmen," and in line 16, after the word "Indians," to strike out "$400,000" and insert "$500,000," so as to read:

> To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits; for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for furnishing necessary equipment and supplies for such farmers and stockmen, and to superintend and direct farming and stock raising among Indians, $500,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin.

The amendment was agreed to.

The next amendment was in the proviso on page 10, in line 19, after the word "exceed," to strike out "$25,000" and insert "$5,000," so as to read:

> *Provided further*, That not to exceed $5,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits.

Mr. SMITH of Arizona. I should like to ask the chairman or some member of the committee why this reduction is made from $25,000 to $5,000? As passed by the House it reads:

> That not to exceed $25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits.

Mr. ASHURST. In reply to my distinguished colleague, I will say that when the committee was considering this item the reduction was believed to be proper, but without attempting to speak for the committee, which I have no authority to do, it is my personal opinion that the sum provided by the House is the proper sum. That is only my personal view, however.

Mr. SMITH of Arizona. I understand that a certain amount of this money has been applied to experiments in Egyptian cotton, and that these Indians can raise it with some profit, and it gives a ray of hope to me at least, and I see some evidence that real aid is being extended them. I shall move, therefore, that the House item be restored.

The PRESIDENT pro tempore. How does the Senator get the impression that the appropriation would authorize any expenditure of money for experiments in cotton? It is confined to trees, grains, vegetables, and fruits.

Mr. SMITH of Arizona. That is true; but there are some little cotton experiments made with it and very justly. Of course, they did not confine themselves to any particular root, vegetable, or other growth, and while the appropriation bill may have carried that language it was believed that its purpose included a slight investigation as to the matter of cotton. After restoring the sum, I should like to add the words "and also for experiments in the raising of cotton within Indian reservations." I move to insert the word "cotton" in the bill at the proper point and also to restore the appropriation to $25,000.

Mr. TOWNSEND. Mr. President, I hope the amendment of the Senator from Arizona will not prevail. The bill provides, as will be discovered by reading it, for great help to the Indians along the lines of agriculture, having in view all the time the condition of the Indian himself. We have appropriated large sums for industrial agricultural education to the Indians. It was believed that $5 000 was all that could be properly expended for the benefit of the Indians. It was thought at least that no part of the Indian appropriation money should be used for the purpose of making demonstrations for the benefit of the white man. We have carried large sums which, perhaps, are more properly for the benefit of the white man than for the Indian in the Indian appropriation bills.

From the testimony that was before us and from the investigation that was given this subject it was believed that in view of all the large appropriations for the real benefit of the Indian, teaching the rudiments of farming, putting him on his farm

and giving him the tools and the implements with which to farm, we were going about as far as we could go now.

The Indian is a child who has been neglected in the past. The proposition now is to teach him some things in reference to the scientific culture of certain products. We have employed farmers and made provision that they shall be experts in the business. They can teach the Indian and will teach him the things that it is necessary and possible for him to learn now.

Therefore I hope that this appropriation of $25,000 for experimental purposes will not be restored, and that the provision of $5,000 shall remain in the bill for the express purposes mentioned in the item.

Mr. SMITH of Arizona. Mr. President, just a word in response to what the Senator from Michigan has said. He seems to bewail the fact that white men might possibly attain some advantage by some appropriation that has been made directly for the Indians. That is a misfortune, probably, from his standpoint, but from mine it does not affect the value of the appropriation that it could possibly aid the whole country in which it was carried on, no matter by whom it was carried on.

But it is a fact which has been demonstrated, that Egyptian cotton grows there with greater luxuriance and of a better quality, probably, than in any other country in the world. The ancestors of many of these Indians were raising cotton before any of the people of this country raised cotton. Many of them were experts in cotton fields. This appropriation, or any appropriation that will help them in that development, offers the greatest possible aid that could be given them. It is a pretense to say that it is not helping the Indians because it is to be applied to some other purpose than the growing of corn or the raising of beans, and therefore the House appropriation should not be restored. These Indians, by the use of a small amount of water—and they have a very limited amount—can do more for themselves where they are located with Egyptian cotton than with all you have in your bill or will have in the next 25 bills as to teaching the Indian by experiment how to raise different fruits, flowers, vegetables, and so forth.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Utah?

Mr. SMITH of Arizona. Certainly.

Mr. SMOOT. Will the Senator state where the long-staple cotton can be raised on Indian land?

Mr. SMITH of Arizona. Yes, sir; on the Pima Reservation, right there south of Mesa, between Mesa and the Gila River.

Mr. SMOOT. Are they raising it now?

Mr. SMITH of Arizona. Yes, sir; they are raising it now, the finest quality in the world.

Mr. TOWNSEND. Does not the Senator from Arizona understand that in the appropriation for the Pima Indians, and in the appropriations for all the Indian tribes, we give annually large appropriations to assist them in the processes of agriculture? That money can be used on that reservation for the express benefit of those particular Indians under the conditions in which they live, with the soil and climate and everything else taken into consideration.

Mr. SMITH of Arizona. Where does the appropriation for that purpose for the Pima Indians occur in this bill?

Mr. TOWNSEND. I have forgotten the term that is used in all cases, but the actual work already in existence of the Indian Department shows what that money is used for and what the purposes are. I think this whole item is out of place entirely in the bill. It was finally agreed that $5,000 might possibly be used to some advantage in this experimental work.

Mr. SMITH of Arizona. I shall not take any longer time, but, on account of the condition of my voice, I ask the Secretary to read a memorandum on agricultural work on the Indian agency farms.

The PRESIDENT pro tempore. The Secretary will read, in the absence of objection. The Chair hears none.

Mr. SMITH of Arizona. Before the Secretary proceeds, I will state that I understand that those facts were ascertained by the Representative from Arizona now serving in the House of Representatives with such ability and distinction.

The Secretary read as follows:

MEMORANDUM ON EXPERIMENTAL AGRICULTURAL WORK ON INDIAN AGENCY FARMS.

In the Indian appropriation bill (H. R. 12579, Calendar 453) as reported to the Senate on May 14, on page 10, line 20, the Senate committee recommends the reduction from $25,000 to $5,000 of the amount to be used to "conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grain, vegetables, and fruits."

Under this item a cooperative testing and demonstrative garden is conducted on the school and agency farm of the Gila River Indian Reservation, at Sacaton, Ariz., by the Bureau of Plant Industry of the Department of Agriculture, in cooperation with the Office of Indian Affairs.

As a result of experiments carried on in this experiment station the culture of Egyptian cotton has been established in the Salt River and Gila River Valleys as a flourishing and profitable industry among both the white settlers and the Pima Indians. The development of this industry in Arizona is directly to the advantage of the Indians, who not only obtain handsome profits from the crops grown on their own farms but find remunerative employment in picking the cotton of white farmers, labor to which they are peculiarly well adapted.

Egyptian cotton, because of its fine quality, requires better handling than ordinary short cotton. The Indians pick carefully, with a minimum of injury to the plants, and also very cleanly, so that the grower who employs them usually escapes the depreciation caused by the presence of leaves and other "trash," which is very prejudicial in the eyes of spinners.

It is conservatively estimated that last year the Pima farmers received a total of $20,000 for the cotton grown by them on their reservation farms, and that about $25,000 was paid in wages to the Papago cotton pickers in the Salt River Valley. This year, with over 15,000 acres of Egyptian cotton planted, several thousand Papago Indians can find employment picking this cotton, and the pay roll will probably mount up to $100,000 or more.

The great importance of this new crop to both the white settlers and the Indians makes it desirable to conduct on a more extensive scale experiments in the breeding of new and superior strains of Egyptian cotton and in measuring exactly the amount of water needed for this crop. Money is also required for the construction of fireproof storage warehouses, in order to accumulate enough seed of a new variety now being bred to permit of sending it out for planting on a commercial scale in a year or two.

The new cotton above referred to, which has been bred on the Sacaton Cooperative Testing Gardens, is superior to any grown in Egypt, and if it can be selected to be as uniform as the sort at present commercially grown in Arizona will give the United States the same sort of supremacy in Egyptian cotton that it now has in the white-staples because of the sea-island crop.

Since cotton can be produced with comparatively little irrigation, it is peculiarly valuable for southern Arizona. It requires only about half as much water during the season as alfalfa, and the profits from cotton are often greater. The fact that a highly profitable crop like Egyptian cotton can be grown with but slightly more than 2 acre-feet of water is of the utmost importance, not only on the Indian reservations, where all water now available must be pumped, but also in the Salt River Valley, where every economy in the duty of water increases the area that can be irrigated. If the San Carlos irrigation project is carried out, it will be necessary to develop crops like Egyptian cotton that permit the highest economy of water, as the Army Engineers' Report (63d Cong., 2d sess., H. Doc. No. 791, p. 46) counts on a water right of only 2 acre-feet for the area to be irrigated. In order to determine accurately the water requirements of Egyptian cotton and other crops now under trial at the Sacaton experimental gardens, it will be necessary to put in concrete ditches and laterals and to install a number of water meters

Work almost as important as that on the Egyptian cotton has been done in introducing and establishing the new Peruvian alfalfa, which gives two additional cuttings a year in the Southwest. Both Indians and white settlers are rapidly adopting this superior alfalfa.

Experiments that promise important results are also in progress in breeding a new and superior type of Bermuda onion seed, in growing pecan nuts under irrigation, and in breeding heavy-yielding varieties of Indian corn suitable for culture in the hot, dry climate of the Southwest.

It will not be possible with the appropriation carried in the Senate committee report to carry on properly the work of selecting and breeding this new cotton, storing up seed thus bred, and determining the water requirements of this and other new crops now being tested at Sacaton.

The $25,000 voted by the House will be none too much to provide for the work here and for similar experimental work on a smaller scale on Indian reservations in New Mexico and southern California.

Mr. SMITH of Arizona. In line 23, after the word "fruits," I move to strike out the semicolon and insert the word "cotton."

The PRESIDENT pro tempore. After the word "trees."

Mr. SMITH of Arizona. After the word "trees" would be better, probably.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from Arizona to the amendment.

The amendment to the amendment was agreed to.

Mr. SMITH of Arizona. In line 20, before the word "thousand," I move to strike out "five" and insert "twenty-five."

The PRESIDENT pro tempore. That is involved in the pending amendment of the committee. It is not necessary for the Senator from Arizona to move a separate amendment.

Mr. STERLING. I should like to ask the Senator from Arizona if the committee has made any estimate of the number of Indian school or agency farms? Here is an appropriation of $5,000 for the purpose of conducting "experiments on Indian schools or agency farms to test the possibilities of soil, climate," and so forth. I have been led to wonder after reading this appropriation as to the number of such farms. Can the committee give any information in regard to the number of farms in operation at the agencies and at the Indian schools?

Mr. SMITH of Arizona. I did not understand the Senator's question.

The PRESIDENT pro tempore. The Senator from South Dakota is addressing an inquiry to the chairman of the Committee on Indian Affairs.

Mr. ASHURST. Did the Senator from South Dakota address his inquiry to me?

Mr. STERLING. The inquiry, I should like to say to the Senator from Arizona, was, Has he made any estimate of the

number of farms at the Indian schools or agencies? The appropriation calls for $5,000 to be used in experimental work at such farms. What estimate or statement can the committee give in reference to the number of such farms?

Mr. ASHURST. Mr. President, the various Indian agencies throughout the United States have more and more, especially in recent years, adopted the policy of teaching the Indian farming, to the end that he may become, in a measure at least, self-supporting. I am not for the moment able to give the Senator from South Dakota the number of Indian farms. Is that the information the Senator sought?

Mr. STERLING. My inquiry relates to agency and Indian school farms. It is to those farms that the appropriation especially refers.

Mr. ASHURST. There are some 149 or 150 agencies, and I presume upon a large number of them some farming is done. In some climates under some conditions one class of farming and in other classes of soils another class of farming is done, but there is a distinct movement all along the line among all the agencies wherever possible and practicable to develop farming as far as can be done.

Mr. ROBINSON. Mr. President, the appropriation of $5,000 or of $25,000, for that matter, for experimental work on Indian farms would be inadequate to conduct that kind of work along any broad lines. The motive which prompted the committee in reducing this item from $25,000 to $5,000 was that scientific experiments in agriculture ought not to be conducted at the expense of the Indians of the United States. The Government, through the Department of Agriculture, as everyone here knows, is doing very liberal work in that regard, and the results of those experiments are available for the benefit of both the whites and the Indians.

The Committee on Indian Affairs of the Senate thought that it was hardly fair to divert a large amount of Indian funds to the purpose of making experiments in scientific agriculture or kindred subjects. We thought that the liberal expenditure of Indian funds is justifiable for the stimulation of the industrial spirit among the Indians. Before the consideration of the bill is concluded it will be disclosed that the committee has gone a long way toward promoting a very liberal appropriation. A reimbursable or revolving appropriation was carried in this bill for that purpose, but we did not believe that it was best or that it was fair to charge up to the Indians a large appropriation for the purpose of conducting experiments in scientific agriculture. The Indians have not advanced to that stage in industry yet where that could properly be done. The Government, in the Department of Agriculture, already has adequate machinery and the necessary funds for conducting this class of experiments throughout the United States, and the result of those experiments are available for the benefit of all the citizens of the country, including the Indians.

Mr. SMITH of Arizona. In response to the Senator I will say I do not understand that this item is reimbursable at all. It is under the Secretary of the Interior. I am convinced if the Senator recognized the supreme importance of this particular appropriation to the Indians he would not hesitate to agree that the Senate amendment should be disagreed to.

Mr. ROBINSON. I believe the Senator from Arizona is right, and that this is a gratuity item. No one can justify himself in going further than I in promoting a spirit of industry among the Indians of the United States. I conscientiously believe that if ever the Indian problem is solved this will prove to be one of the chief instrumentalities of the accomplishment.

Mr. SMITH of Arizona. I am in sympathy, as well as in hearty accord, with the Senator's expression of opinion. I believe that this one particular item is of the greatest importance. With the Indians in a desert country and with scarcity of water, by the insertion of the word "cotton" and restoring the House appropriation, I do not think the money could be more profitably expended than in that scheme to carry out as rapidly as possible the hope of all of us for a better day and a better civilization among those people.

I hope that the Senate committee amendment will be disagreed to.

Mr. ROBINSON. I am induced to believe from the suggestion made by the Senator from Michigan [Mr. TOWNSEND] that this was a reimbursable item in the appropriation bill. I had not recently examined the item. Since it is not a reimbursable item I am inclined to the opinion that the amendment suggested by the Senator from Arizona should be agreed to. The result of these experiments, since the cost is chargeable against the general Treasury fund, will be available for both whites and Indians. The arguments at first directed against the insertion of the amendment on the theory that it was a reimbursable appropriation applies in my judgment with equal force to the adoption of the amendment since the argument of the Senator was based on the false premise that it was a reimbursable appropriation.

Mr. STERLING. Mr. President, the reason for my inquiry as to the number of schools was that I supposed there were quite a large number of these farms at the Indian schools and agencies; that very many of them would be entitled to the benefit of the experimental work on the farms; that the need for such work at one school would be as great as it would be at another school, and in view of that I thought $5,000 would not go very far in conducting this kind of work.

Hence I am inclined to agree with the amendment proposed by the Senator from Arizona [Mr. SMITH] that the appropriation should be $25,000 rather than $5,000 as reported by the committee.

Mr. TOWNSEND. I recall very well the debate that was had on this question when the subject was before the committee. Unfortunately, we did not have a stenographer at that time, and the testimony was not taken down. I understood at that time that the sums taken from Indian funds were reimbursable. My understanding was, though I may be mistaken about that also, that if this money was all to be expended—and all the testimony was to that effect, at least—it was to be expended at one place, and that these experiments were to be conducted at one reservation; that was among the Pima Indians, as I understand. I do not think there was any evidence that it was proposed that any experiments should be conducted elsewhere. I may be mistaken about that, but that is my memory of the whole transaction.

Mr. SMITH of Arizona. I will say to the Senator that as to these particular Indians it would be a dead letter, because they have not any funds anywhere on the face of the earth.

Mr. TOWNSEND. Does the Senator from Arizona know whether these experiments are to be conducted anywhere else except in this one particular place in Arizona?

Mr. SMITH of Arizona. I have an idea that they will be conducted in many places, but I do not know of any Indians there that have any money in the Treasury of the United States. That is the reason they should appeal more strongly to our consideration.

Mr. STERLING. Mr. President, under the reading of this bill, it would apply to all farms at Indian schools or agencies.

Mr. SMITH of Arizona. It ought to do so.

Mr. STERLING. And I would not favor any proposition here to appropriate money for experimental work at any one particular agency or any one particular reservation. My understanding is that it would apply to all; that all who may reasonably need it, or where it may be reasonably beneficial, would share in this appropriation.

Mr. ASHURST. Will the Senator yield to me?

Mr. STERLING. Certainly.

Mr. ASHURST. The Senator from South Dakota is correct in his opinion that it would apply to all.

The PRESIDING OFFICER. The question is on the adoption of the amendment recommended by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, line 2, after the date "nineteen hundred and twelve," to insert the following proviso:

Provided further, That the unexpended balances of this appropriation for the fiscal year 1913 are hereby made available for expenditure by the Commissioner of Indian Affairs in providing quarters for farmers and for such other industrial purposes as he may deem necessary: *And provided further*, That no money appropriated herein shall be expended on and after January 1, 1915, for the employment of any farmer or expert farmer whose salary shall be in excess of $50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency certifying that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president of the State agricultural college or university of the State in which his services are to be rendered, or by the president of the State agricultural college or university of an adjoining State.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge the amount of the unexpended balance referred to in the amendment.

Mr. ASHURST. For last year?

Mr. SMOOT. Yes.

Mr. ASHURST. I will find it for the Senator from Utah in just a moment.

Mr. SMOOT. While the Senator from Arizona is looking up this information I will say that this method of legislation is not good, and, unless there is some particular reason for it, I think I shall have to make objection to it.

Mr. ASHURST. The unexpended balance referred to in the amendment for the last year was $28,509.01. It is impossible,

of course, to anticipate what the unexpended balance under this bill would be, but probably it would be about the same sum.

Mr. SMOOT. Did the committee think the unexpended balance ought to be used for this particular purpose?

Mr. ASHURST. The committee resolved it in that way; they reached that conclusion. There was discussion at some length over these revolving funds, and this was deemed to be good policy. I do not recall that there was serious objection made to it.

Mr. SMOOT. So far as I am concerned, I always favor making an appropriation direct for any particular object or undertaking which the department may desire to accomplish. This, however, looks to me as if the department, foreseeing that there would be an unexpended balance of $28,000 at the end of the fiscal year, is trying to find some way of expending that money. This amendment is for that purpose, or that is the way it looks to me. I wish to ask the Senator, if this class of work is necessary, why did not the bill itself, as it came from the other House, include this particular item?

Mr. ASHURST. Of course, the Senator from Utah is a man of large experience, especially in matters pertaining to the western Indians, and he knows that in the transaction of business relative to many Indian reservations exigencies arise that may not be anticipated, and which prudence and foresight could not have anticipated, and that, if authority of law is granted to the department to use these unexpended balances, much money and much property may be saved, and, certainly, a loss of time may be avoided rather than wait for the next appropriation.

Mr. SMOOT. I am not complaining that there is an unexpended balance. That is such a rare occurrence in the affairs of the Government that it almost takes one's breath to find that there is an unexpended balance of any appropriation which has been made.

Mr. ASHURST. As the Senator will, of course, observe, the purpose for which the money may be expended by the Commissioner of Indian Affairs is limited to "providing quarters for farmers and for such other industrial purposes as he may deem necessary."

This amendment is in accord with the spirit which actuates the large movement which has been inaugurated in the office of the Commissioner of Indian Affairs in every way possible to teach the Indians to farm and to become self-supporting.

Mr. SMOOT. I am in full accord with what the Senator says as to the object the department intends to reach; but what appeared strange to me was an appropriation made by a proviso to an appropriation bill, utilizing an unexpended balance for such a purpose. It seems to me that if this work is necessary and proper for the department to do—and I rather think it is—it ought to have been appropriated for direct and not by the appropriation of an unexpended balance to carry it on for one year. It ought not to be carried on for this year only, but it ought to be carried on right through all the years to come if the policy is a good one.

Mr. BRADY. Did the committee discuss this particular amendment?

Mr. ASHURST. The committee discussed it.

Mr. BRADY. Did they discuss it with the department?

Mr. ASHURST. The department approved this item. I wish to say, if the Senator from Idaho will pardon me at this point—and this is for other Senators also—that in the Senate hearings you will not find a transcript of the testimony relative to this matter, because the committee did not authorize the employment of a stenographer until we had proceeded some 8 or 10 pages in the consideration of the bill. This is not included in the testimony; no stenographer took the testimony upon this matter. There was, however, a discussion relative to it, and the department asked for this legislation.

Mr. CLAPP obtained the floor.

Mr. ROBINSON. Mr. President——

Mr. CLAPP. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, the principal feature of the amendment does not relate to the unexpended balance, but relates to fixing the qualifications for so-called farmers engaged in the Indian Service. The joint commission heretofore established by Congress to investigate Indian affairs and the Committee on Indian Affairs in the Senate have found through the course of the investigations which have been made that the services of this class of employees have not been altogether satisfactory, due to a number of causes. Among those causes we have found the lack of particular qualifications for this work. A great many of the so-called farmers are doing practically nothing toward teaching the Indians how to farm. In the first place, on many of the reservations they have no quarters away from the agency where they can stay among the Indians and give them the advantage of their services; they are employed on purely administrative matters.

As a result of those investigations, the Indian Bureau has inaugurated—and that, too, with great spirit—a movement to vitalize this work of the farmer. They have asked the committee to insert this amendment giving them some latitude in the expenditure of this unexpended balance for the purpose of providing quarters for those farmers, in order that they may be able to perform the function for which they were appointed and employed. In view of those circumstances, and in view of the extension of the work and the improvement of the character of the work that has been done by these men, the Committee on Indian Affairs inserted the amendment at the request of the Bureau of Indian Affairs.

Mr. CLAPP. Mr. President, I call the attention of the chairman of the committee to the fact that the Senator from Utah [Mr. SMOOT] does not object to the appropriation. As I recall, the unexpended balance was $28,000, was it not?

Mr. ASHURST. Twenty-eight thousand five hundred and nine dollars and one cent.

Mr. CLAPP. I am rather inclined to agree with the Senator from Utah [Mr. SMOOT] that it is better form to name the amount in making an appropriation; and I would suggest that on page 11, in line 4, after the word "thirteen," there be inserted the words "amounting to $28,509.01"; in the same line to strike out the word "are" and to insert "is"; and after the word "hereby" to insert the words "appropriated and"; so that if so amended it would read:

That the unexpended balances of this appropriation for the fiscal year 1913, amounting to $28,509.01, is hereby appropriated and made available for expenditure by the Commissioner of Indian Affairs.

And so forth.

Mr. ASHURST. Mr. President, so far as the chairman of the committee has any authority in such matters, I accept the amendment to the amendment.

The PRESIDENT pro tempore. The Chair recognizes the Senator's authority to do so. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 11, line 4, after the word "thirteen," it is proposed to insert "amounting to $28,509.01"; in the same line, to strike out "are" and insert "is"; and, after the word "hereby," to insert "appropriated and," so that, if amended, it will read:

For the fiscal year 1913, amounting to $28,509.01, is hereby appropriated and made available.

Mr. SHEPPARD. Then, the word "balances," in line 3, should be changed to "balance." If you change the word "are" to "is," the word should be "balance"; it should be in the singular.

The PRESIDENT pro tempore. Unless there is objection, that modification will be made. The Chair hears none. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, line 24, after "$300,000," to strike out "*Provided*, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of warehouses in the Indian Service," so as to make the clause read:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000.

The amendment was agreed to.

The next amendment was, on page 12, line 14, after the words "Board of Indian Commissioners," to strike out "$4,000, including not to exceed $300 for office rent" and to insert "$25,000," so as to make the clause read:

For expenses of the Board of Indian Commissioners, $25,000.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "agencies," to strike out "$150,000" and to insert "$200,000: *Provided*, That hereafter whenever an Indian shall be incarcerated in an agency jail a report or record of the offense or case shall be immediately submitted to the superintendent of the reservation or such official or officials as he may designate, and such report shall be made a part of the records of the agency office."

Mr. LANE. Mr. President, I should like to call the attention of the chairman of the committee to the advisability of amending that so as to read:

Provided, That hereafter whenever an Indian shall be incarcerated in an agency jail or any other place of confinement a report—

And so forth.

The PRESIDENT pro tempore. Does the Senator move an amendment to that effect?

Mr. LANE. I move that amendment to the amendment, and hope it will be accepted by the chairman.

The PRESIDENT pro tempore. Unless there is objection, the amendment to the amendment will be agreed to.

Mr. SMOOT. Mr. President, before it is agreed to, I want to ask one question. Suppose an Indian is incarcerated in the county jail in another State or somewhere outside the agency jail, in that event I wonder if there should not be some provision made whereby if his arrest were not discovered or known that no censure should attach to the superintendent of the agency.

Mr. LANE. What I was aiming to accomplish——

Mr. SMOOT. I see what the Senator is aiming at, and I think it is a good thing; but I wonder whether it would not be better to confine it a little more closely?

Mr. LANE. I prefer to have as much latitude go with this as possible. Where it is impossible; of course the agent is not expected to do impossible things.

Mr. SMOOT. Let the amendment be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In the committee amendment, on page 12, line 22, after the word "jail," it is proposed to insert "or any other place of confinement."

Mr. LANE. If it is within the power of the superintendent to make the report, he should be required to do so. Frequently the Indians get off the reservation. White men induce them to go off the reservation, get them drunk, and secure their titles from them. They use duress upon them off the reservation. There are cases of that kind reported, which I desire to cover.

The PRESIDENT pro tempore. Why would it not be well for the Senator to modify his amendment by saying "agency jail, or other place of confinement therein," so as to fix the boundary?

Mr. CLAPP. Mr. President, I think there should be no limitation. I think when an Indian has been arrested there should be a record made of it and kept on the reservation. I think the amendment of the Senator from Oregon is a good one without limitation.

Mr. LANE. I think that is what ought to be done.

Mr. SMOOT. I think so myself, Mr. President, providing it can be carried out; but I doubt very much whether it can be carried out in very many cases.

Mr. LANE. Perhaps it can not; but in many cases it can be carried out where it is not now carried out, and it will do good to that extent.

Mr. SMITH of Arizona. Mr. President, I should like to suggest to the Senator from Oregon that I agree with the purpose of his amendment; but it suggests itself to me that possibly in order to keep a record of Indians confined and arrested, say, 100 miles away, the agent may think that this provision is a mandatory order to him to go out and ascertain the facts and come back and make his record in the reservation, and thereby squander much more money than Congress contemplates in acting upon this amendment. While we agree that such a record should be kept, there ought to be some limitation on it, at least to prevent an agent quitting his business and going 500 miles away, or, so far as that is concerned, a thousand miles away, to ascertain the facts as to an Indian who may be arrested and come back and record them in the archives of the reservation.

Mr. BRADY. Mr. President, I do not understand that it is the duty of the superintendent to go out to ascertain the facts. My understanding is that the facts are to be reported to the superintendent, and for that reason I do not think the amendment offered by the Senator from Oregon is any too broad. I think it covers the ground. When an Indian commits an offense, so far as possible the superintendent of the agency ought to be informed of that fact; but I do not believe that this provision would require the superintendent to go out and get the information. It is the duty, as I understand, of the man who arrests the Indian to make the report to the superintendent.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Oregon to the amendment reported by the committee.

Mr. TOWNSEND. May we have the amendment again stated? I was not in the Chamber at the time it was offered.

The PRESIDENT pro tempore. The amendment to the amendment will again be stated.

The Secretary again stated the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oregon to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 13, line 11, after the word "available," to strike out "$116,450" and to insert "$125,000," so as to make the clause read:

For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government, in the discretion of the Secretary of the Interior; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 13, to insert:

For the employment of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum each and actual traveling expenses, and $3 per diem in lieu of subsistence when actually employed on duty in the field, $30,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 18, to insert:

That section 2 of an act approved March 2, 1907, entitled "An act providing for the allotment and distribution of Indian tribal funds," be amended to read as follows:

"SEC. 2. That the Secretary of the Interior is hereby authorized, under such rules, regulations, and conditions as he may prescribe, to pay any Indian who is blind, crippled, aged, needy and destitute, or helpless, his or her share or any portion thereof of the tribal or trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury to the credit of such tribe susceptible of division among its members, or to expend the same for his or her benefit: *Provided*, That all authority conferred upon the Secretary of the Interior by this amendment and by the act of which it is amendatory may be exercised in respect to any such Indian, competent or incompetent, independently of whether or not application shall be made for his or her share of such funds."

Mr. ASHURST. Mr. President, I rise to ask as to the correct parliamentary procedure. I have a memorandum from the department on my desk indicating that there should be an amendment proposed to the committee amendment which has just been stated. Is it appropriate to offer it at this time?

The PRESIDENT pro tempore. Oh, yes. Individual Senators can move to amend an amendment of the committee, and, of course, the chairman of the committee may do so.

Mr. ASHURST. Then, Mr. President, on page 13, line 25, after the word "Indian," I move to strike out the words "who is blind, crippled, aged, needy and destitute, or helpless."

In support of the amendment I desire to read from a letter from the Assistant Commissioner of Indian Affairs, addressed to me under date of June 2, as follows:

JUNE 2, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR ASHURST: I am of the opinion that H. R. 12579, the Indian appropriation bill, as reported to the Senate should be changed by striking out the words "who is blind, crippled, aged, needy and destitute, or helpless," in lines 25 and 26, on page 13, for the reason that this limitation might prevent us from paying out to Indians their shares of tribal funds who should receive the same but who could not do so under the language now contained in the bill. I should be glad if you would have the bill amended accordingly.

* * * * * * *

Very truly, yours, E. B. MERITT.
Assistant Commissioner.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Arizona to the amendment reported by the committee.

Mr. PAGE. Mr. President, in reading the amendment I am reminded that in the committee we had a long discussion as to the authority which was to be conferred upon the Secretary of the Interior with regard to the distribution of Indian funds. Many were of the opinion that there were several amendments in the bill which tended to make it easier than heretofore to bring the funds of the Indians together and then distribute them at the pleasure of some Indian agent. I should like to call the attention of the Chair to the language of section 2 which has just been read. It seems to me that it is general legislation and subject to a point of order.

The PRESIDENT pro tempore. The Senator from Vermont will state the point of order.

Mr. PAGE. It is general legislation, it seems to me, and I think I must raise the point of order against the amendment.

Mr. CLAPP. I hope the Senator will withhold his point for a moment.

The PRESIDENT pro tempore. The Chair will be glad to hear the Senator from Minnesota.

Mr. CLAPP. Mr. President, cases are arising all the time where Indians, although they have funds, may suffer for the want of medicine and medical care, of food, and of shelter, and it does seem to me that some such provision as this is advisable. If we have made it too broad, that is another matter; but there ought to be some authority vested in the commissioner, through the Secretary of course, so that in such cases he can use the funds standing to the credit of the Indians for the benefit of the Indians.

Mr. TOWNSEND. The Senator from Arizona, as I understand, has moved to strike out from lines 25 and 26 the words descriptive of the Indians in whose behalf such authority may be exercised. That leaves it so that funds can be paid to any Indian.

Mr. CLAPP. The amendment offered by the Senator from Arizona has been presented because on page 14 we added a proviso:

Provided, That all authority conferred upon the Secretary of the Interior by this amendment and by the act of which it is amendatory may be exercised in respect to any such Indian——

Mr. TOWNSEND. "Such Indian." What Indian?

Mr. CLAPP. Any Indian—

competent or incompetent, independently of whether or not application shall be made for his or her share of such funds.

If Senators will bear with me a moment, I desire to express one other thought and then I will conclude as to this particular phase of the matter. There are Indians who have amounts standing to their credit in tribal funds which it is easy to ascertain. The sums due the individual Indian from such tribal funds will under no contingency ever be less than at this time. We have provided in this bill several funds appropriated by the Government which can be used to buy horses or seed or to help build a house for the Indian, taking his note and providing for its payment under a system which, so far as we have gone, has proven very efficient. Where the Indian has money standing to his credit as a part of the tribal funds, it occurred to the commissioner, and I think to some of the rest of us, that instead of taking the Government money and loaning it to that Indian, without even a special limitation as to what his share would be, he might have money advanced to him under the protection of the Indian Office, and of course under the personal supervision of the agent. I think the Senator is correct that the amendment is subject to the point of order if it is pressed.

Mr. PAGE. Mr. President, the Senator well knows that in our discussions before the committee, if I may refer to them, there were many of us who believed that the slideway down to the Indians' money was very well oiled for the white man. I for one believed that we were removing some necessary safe guards. Now, you will observe the great care with which this amendment was written. At the beginning of the section it authorizes the Secretary of the Interior "to pay any Indian who is blind, crippled, aged, needy and destitute, or helpless his or her share," and so forth; but at the end of the section it is provided:

That all authority conferred upon the Secretary of the Interior by this amendment and by the act of which it is amendatory may be exercised in respect to any such Indian, competent or incompetent, independently of whether or not application shall be made for his or her share of such funds.

I want to add just a word before I insist upon my point of order. The Committee on Indian Affairs has been obliged to sit on a great many of these important matters with only 1, 2, or 3 present out of the 15 members constituting the committee. I have personally sat in that committee while hearings were being had for two hours when I was the only member of the committee in the room. A motion was made and carried in that committee that any member of the committee might instruct another member to vote for him. I insisted to the best of my ability that that was a bad way to legislate on an important appropriation bill. If Senators will take pains to read this bill carefully, they will find that we have legislated upon pretty much everything in the decalogue.

I insist on my point of order, Mr. President.

The PRESIDENT pro tempore. Does any member of the Committee on Indian Affairs desire to be heard on the point of order?

Mr. ASHURST. Mr. President, in reply to the observations made by the distinguished Senator from Vermont [Mr. PAGE], I wish first to say that the committee had the bill under consideration a little over two months—two months and some ten days.

The Senator states that there were occasions upon which he was present for two hours while hearings were going on and no one else was present. I very well remember that, and the committee is under great obligations to him for that service.

The committee spent some 12 or 14 days investigating what might be called the Kickapoo item in this bill. The hearings were very protracted, and one witness testified some three or four days. The committee did the Senator from Vermont the honor to ask him to sit and listen to the hearings and see that the stenographer recorded what the witness said.

I wish, however, to make another observation, to the effect that no legislation was incorporated in this bill except by a quorum. It is true that the committee, by a roll-call vote, ordered the chairman to count the vote of an absent member on a particular subject when that member in writing indicated that he wished his vote counted in a particular way. Whether that be good or bad is open for discussion, but that is the record.

The remark of the distinguished Senator might indicate that there was a lack of diligence or patience in the work of this committee. I am a very new Member of the Senate, but I must not permit that remark to go unchallenged, because never in my experience have I seen a body of men who were more assiduous, more anxious to do the just and proper thing, than the Committee on Indian Affairs. I know that each and every member of the committee, including the distinguished junior Senator from Vermont—who was nearly always, if not always, present—neglected the work of other important committees. They were obliged, if they will pardon me for saying so, to be absent when other important committees were calling for their presence; and they sat from day to day for a period of nearly two months, trying with the light before them to bring out the best bill that could be brought out and brought to the Senate.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Vermont?

Mr. ASHURST. In just a moment.

In regard to this item, I wish to say that the identical legislation which was incorporated in the bill passed the House of Representatives on May 5, 1914. Whether or not that would render it invulnerable to a point of order I leave for older and more experienced men to say. I might state for the information of the Senator from Vermont that if he will advert to page 870, part 4, of the hearings, he will see that Mr. Meritt, Assistant Commissioner of Indian Affairs, made the following statement, referring to this legislation:

This does not apply to the Five Tribes, the Osage Indians, or the Chippewa Indians, because special legislation applies to those Indians.

I thought that information might be of some value to the Senator.

Mr. PAGE. Mr. President, I should be recreant to a duty if I did not say that I have never sat on a committee with a man who was evidently trying more faithfully to do his full duty in regard to the bill before him than the chairman of this committee, the Senator from Arizona. I remember the bill to which he has just referred. An especial effort was made to have a hearing upon it, because it was said to be an important measure.

My recollection is that the most the chairman could bring together to consider that measure was three or four members. Perhaps I am wrong about that, but that is my recollection. I said at the time that I did not like the general trend of the measure, and I insisted as best I could that there should be more than three or four members there to pass upon so important a bill. The bill is not now before the Senate simply because we could not get a quorum in the committee to consider it.

In regard to this particular feature of this bill I wish to say that, while I may be wrong about it, if I err I think I am erring on the right side when I insist that general legislation should not go into this bill when it has been passed upon in the committee with only one, two, three, or even half a dozen members present. It may be true that when it was finally read a quorum was present.

The PRESIDENT pro tempore. The Chair will state that the point of order is not debatable. The Chair invited the expression of views of the members of the committee as to the merits of the point of order. He does not receive much enlightenment from observations as to what goes on behind committee doors.

Mr. PAGE. Just one word further, if the Chair will pardon me. There were, I think, some members of the committee that were never present but once or twice during the entire hearings on this bill.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Washington?

Mr. PAGE. I do.

Mr. JONES. The Senator has suggested the lack of attendance at the meetings of the committee to consider this bill. Does the Senator think, especially under such circumstances, that the bill should be passed with such a small attendance of the Senate as we seem to have for the consideration of this bill?

Mr. PAGE. The Senator from Washington usually attends to those things very well.

Mr. JONES. I do not like to interfere with the——

The PRESIDENT pro tempore. There is a point of order pending. The Chair will dispose of that, and then we can proceed as we may be advised.

The Chair is of opinion that the provision is general legislation. It is an amendment of a special act of Congress defining the rights of the Indians and the allotments to which they are entitled. It is not an item of appropriation at all. It is distinctly a legislative proposition.

The Chair sustains the point of order.

Mr. JONES. Mr. President, I do not know whether or not the Senator from Vermont would like to have a larger attendance of the Senate during the consideration of this bill.

The PRESIDENT pro tempore. Has the Senator from Washington any suggestion to make? If so, he will please address the Chair.

Mr. JONES. I wanted to get some information from the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Vermont is not interested in anything that has been disclosed to the Senate yet. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 14, after line 11, to strike out:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior, $100,000: *Provided*, That hereafter any officer or employee appointed or designated by the Secretary of the Interior as special examiner in heirship cases shall have authority to administer oaths in investigations committed to him: *Provided further*, That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians, in Oklahoma.

And to insert:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest, in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior, $100,000: *Provided*, That the Commissioner of Indian Affairs is hereby authorized to use not to exceed $20,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, out of the $100,000 appropriated herein: *Provided further*, That hereafter any officer or employee appointed or designated by the Secretary of the Interior or the Commissioner of Indian Affairs as special examiner in heirship cases shall be authorized to administer oaths in investigations committed to him: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior, there shall be paid by such heirs, or from the estate of such deceased Indian, or deducted from the proceeds from the sale of the land of the deceased allottee, or from any trust funds belonging to the estate of the decedent, the sum of $10, to cover the cost of determining the heirs to the estate of the said deceased allottees; which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior, on or before the first Monday in December, of all moneys collected and deposited, as herein provided: *And provided further*, That the Secretary of the Interior is hereby authorized to require the attendance of witnesses at hearings, upon proper showing by any of the parties, to determine the heirs of decedents, held in accordance with section 1 of the act of June 25, 1910 (36 Stats., p. 855), and the amendment of February 14, 1913 (37 Stats., p. 678), under such rules and regulations as he may prescribe.

Mr. PAGE. Mr. President, I am rather inclined to submit a point of order upon the part of the bill which the Secretary has just read.

The PRESIDENT pro tempore. The Chair will take that matter under advisement until the Senate convenes to-morrow. It is a much more complicated question than the other one. The Chair will make some investigations, and with the permission of the Senate the matter will be reserved. The Chair hears no objection.

Mr. ASHURST. Mr. President, before that amendment is passed over I must make the observation that it is one of the most important items in the bill.

The PRESIDENT pro tempore. That is the reason the Chair wants to consider it further.

Mr. ASHURST. If, however, the Chair wishes to defer the ruling until to-morrow I shall be glad to have that done.

The PRESIDENT pro tempore. If we are likely to get through with the bill or to approach the end of its consideration this afternoon, the Chair will take the responsibility of passing upon the point of order to-day.

Mr. ASHURST. The appropriation is estimated for in the Book of Estimates.

The PRESIDENT pro tempore. The Chair will dispose of it to-day if there is any likelihood of getting through with the bill this afternoon. Otherwise the Chair will ask the permission of the Senate to look into it to-night.

Mr. LANE. Mr. President, I wish to offer an amendment to this section.

The PRESIDENT pro tempore. The Senator from Oregon may present his amendment.

Mr. LANE. It is to change a couple of words in the amendment and substitute "directed to compel" for "authorized to require."

The PRESIDENT pro tempore. The Senator may offer his amendment now, if he wishes.

Mr. LANE. Very well. On page 16, beginning in line 1, where it says "the Secretary of the Interior is hereby authorized to require the attendance of witnesses," I wish to have it read:

The Secretary of the Interior is hereby directed to compel the attendance of witnesses.

I offer that amendment for the reason that there has been complaint that some valuable rights of the Indians have been lost through the lack of such a provision.

The PRESIDENT pro tempore. What is the difference between "require" and "compel"? Perhaps the chairman of the committee will accept that amendment.

Mr. ASHURST. So far as I am now advised, I will accept the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment to the amendment.

The SECRETARY. After the word "hereby," on page 16, line 2, in the committee amendment, the Senator from Oregon proposes to strike out the words "authorized to require" and to insert in lieu thereof "directed to compel."

The amendment to the amendment was agreed to.

Mr. KENYON. Mr. President, I understood the Senator from Oregon also to move to strike out the word "authorized" and to insert the word "directed." Is that accepted, too, by the chairman?

The PRESIDENT pro tempore. The words "compel the attendance of witnesses" have been subsituted for the words "require the attendance of witnesses" in line 2.

Mr. KENYON. The Senator from Oregon also proposed the substitution of the word "directed" for the word "authorized."

The PRESIDENT pro tempore. That has been done.

The SECRETARY. The words "authorized to require" have been stricken out and the words "directed to compel" have been inserted.

Mr. PAGE. Mr. President, have we had the reading of the bill from line 14, on page 15, to the end of the amendment?

The PRESIDENT pro tempore. All of that has been passed over under the point of order presented by the Senator from Vermont.

Mr. PAGE. My point of order was raised on the part which has been read, down to line 14, ending with the word "Oklahoma."

I wish now to raise a further point of order, because I feel quite sure I am right about that, as to the balance of page 15, commencing with the words "*And provided further*," in line 14, and going down to the end of line 10, on page 16.

The PRESIDENT pro tempore. That is all a single amendment. The Chair understood that the point of order was made to it.

Mr. KENYON. Mr. President, may I make an inquiry at this point, even though the Chair has reserved the ruling? I should like to ask the chairman of the committee as to the proviso in lines 12, 13, and 14, on page 15, which reads:

That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma.

Why is that proviso inserted?

Mr. ASHURST. Because it is covered under another and special appropriation for that purpose in a different part of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 16, line 13, after the word "crops," to strike out "$400,000" and insert "$100,000"; and in line 25, after the word "Indians" to strike out "*And provided also*, That not to exceed $50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians," so as to make the clause read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $100,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed,

animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of all moneys appropriated for the purpose of encouraging industry among Indians.

The amendment was agreed to.

The next amendment was, on page 17, after line 3, to insert:

That from and after the passage of this act the Commissioner of Indian Affairs shall receive a salary of $7,500 per annum; and the sum of $2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act during the fiscal year ending June 30, 1914.

Mr. PAGE. Mr. President, I believe the Commissioner of Indian Affairs should have an advance on the salary of $5,000, which he is now getting. I felt very certain at the time this matter was before our committee, however, that in increasing his salary to $7,500 we were making so important a change that it might interfere with the salaries in many different departments of the Government service and I urged $6,000 as the proper sum. I am going to move to amend by striking out "$7,500," in line 5, and inserting "$6,000" in place of it.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. The Senator from Vermont moves to amend the committee amendment by striking out the amount "$7,500" and inserting in lieu thereof "$6,000."

Mr. ASHURST. Mr. President, I certainly shall not weary the Senate by any lengthy discussion of the subject.

I can well appreciate the desire of Senators to avoid raising the salaries of officials generally; but I respectfully submit, with regard to the office of Commissioner of Indian Affairs, that it might be called *sui generis*. There is no other office that is entirely analogous to the position of Commissioner of Indian Affairs, for this reason: As is well known, the Commissioner of Indian Affairs is a trustee for over $1,000,000,000 worth of property. He has under his jurisdiction over 8,000 employees. In addition to that, he is not only dealing with questions of policy as affecting land and personal property, but he is dealing with over 300,000 persons, large numbers of whom are incompetent and require the special care and solicitude of one who has much experience in the business world.

Many worthy and able men might be qualified for Senator, or governor, or for various positions, but it requires a peculiar skill and large experience in dealing with human nature in its plastic and mobile form to become a successful Commissioner of Indian Affairs.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. I yield to the Senator.

Mr. NORRIS. As I understand the language of this paragraph, it not only provides that the salary shall be increased in the future, but it provides for the payment of a back salary at an increased rate. Is not that the proper construction? It provides for the payment of an increased salary for nearly a year past.

The PRESIDENT pro tempore. That is what the amendment says on its face.

Mr. NORRIS. Conceding what the Senator said to be true—and I am inclined to follow his judgment—I wanted to inquire whether he thought it was proper legislation to have the increase apply to the year that is past.

Mr. ASHURST. As a general proposition, Mr. President, I would not favor such legislation; but familiar as I am and must be and ought to be with the duties required of this official, I unhesitatingly say that a man who faithfully and efficiently performs the duties of the office of Commissioner of Indian Affairs is poorly paid at $10,000 a year. As I said before, he is not only dealing with a billion dollars' worth of property that is increasing in value from year to year, and dealing with 8,000 employees, but he is dealing with over 300,000 incompetent persons whom he is trying to develop into citizens.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Iowa?

Mr. ASHURST. I yield to the Senator.

Mr. KENYON. I call the Senator's attention to the fact that in the bill we have just passed, the legislative bill, the salary of the commissioner is fixed at $5,000, and an appropriation of that amount is made for his salary, and that is the present salary.

Mr. ASHURST. Yes.

Mr. KENYON. We would then have two appropriations—one of $7,500 for his salary and one of $5,000 for his salary.

Mr. ASHURST. The last legislation on the subject would be that which would govern, unless the two were in absolute conflict.

Mr. NORRIS. This does not appropriate $7,500. It appropriates only $2,500 for the present year. It is strictly and only a proposition of legislation.

Mr. KENYON. I presume it would be subject to a point of order as legislation.

Mr. ASHURST. The legislative bill appropriates $5,000. This simply increases the salary by the sum of $2,500. There is no conflict that I can see, and no double appropriation.

Mr. SMOOT. Mr. President, I wish to say to the Senator that this question was before the Committee on Appropriations. It was proposed before the Appropriations Committee when the legislative bill was before it. It was considered in the House, and they had hearings upon it. The Senator from Oklahoma [Mr. OWEN] appeared before the committee in behalf of it, and the proposed increase to $7,500 was voted on in the Appropriations Committee and was refused.

I think this is a very, very unwise way of increasing salaries. Salaries should be provided for in the legislative bill. The salary of the Commissioner of Indian Affairs is provided for in that bill, which passed this body only yesterday.

I sincerely trust the amendment of the committee will not prevail.

Mr. ASHURST. Mr. President, I wish to supplement my statement by reading part of a letter written by the Secretary of the Interior, Hon. Franklin K. Lane, under date of April 13, 1914, addressed to me. He says:

MY DEAR SENATOR: Referring to the bill 4164—

That was a substantive bill to increase the salary of the honorable Commissioner of Indian Affairs—

I am very heartily in favor of an increase in the salary of the Commissioner of Indian Affairs as proposed in that bill, and of the provision found in section 3 providing for the appointment of three men who shall do certain work—

And so forth. I need not read all the letter. Sufficient it is to say that the Committee on Indian Affairs has ordered reported to the Senate a substantive bill, independent of this provision, increasing the salary to $7,500 a year. The committee was almost unanimous in its expression of opinion that the salary should be increased; that the burden of work laid upon the official who performs the functions and duties of the office of Commissioner of Indian Affairs is a great burden and a great duty.

I could lay before the Senate, if I thought it proper and best, a vast amount of information giving the detailed work that is required in these 150 reservations. Here is a commissioner who must keep in constant touch with over 149 reservations, I believe, or agencies, situated in various parts of the country. It requires a man of great executive ability faithfully to perform those duties.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. I yield to the Senator.

Mr. SUTHERLAND. Have the duties of the Commissioner of Indian Affairs increased lately?

Mr. ASHURST. Oh, vastly in the last seven or eight years, and they are increasing from time to time. If the Senator will pardon me a moment——

Mr. SUTHERLAND. I had supposed they had really decreased, because we are giving up these reservations.

Mr. ASHURST. The very reverse is true. They have increased during the last decade to an enormous degree.

For instance, in the year 1902 77,000 letters were received by the Indian Office, which, to conduct its correspondence, had 132 employees; but in 1911, or nine years later, 209,000 letters were received, and there were 227 employees. In other words, the volume of correspondence has increased almost threefold, whereas the number of employees has not increased twofold.

Not only has the correspondence increased threefold, but the work itself has increased threefold. I should like to direct the attention of the Senator from Utah to this fact. He knows it, of course, but I will make the observation that the Indian Office is getting away from the ration system. It is attempting in every place and at every proper opportunity to teach the Indian how to earn his subsistence himself, how to farm, how to breed cattle, how to use improved machinery; and I am within proper bounds when I say that the work of this department has increased threefold in 10 years.

Mr. SUTHERLAND. Mr. President, may I ask the Senator another question?

Mr. ASHURST. Yes, sir.

Mr. SUTHERLAND. The circuit judges of the United States, who preside over the circuit courts of appeals, receive salaries of $7,000 per annum each. Does the Senator think the Commissioner of Indian Affairs should receive a greater salary than one of those judges?

Mr. ASHURST. I should be very happy indeed to vote for a bill increasing the salaries of the judges of circuit courts and the judges of the Supreme Court of the United States. I think it is one of the reproaches of our Government that the judges of the Supreme Court and of the circuit courts are paid such small salaries; but the fact that we do not, or seemingly are unable, to increase the salaries of the circuit judges is no reason why I or any other Senator should decline to increase the salary of an officer who, in our judgment, ought to have his salary increased.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Texas?

Mr. ASHURST. I do.

Mr. SHEPPARD. I simply wish to suggest that the work of the Commissioner of Indian Affairs has grown to such an extent that the commissioner not only devotes all his days but half his nights to the work. There is not a more devoted man in the public service.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the senior Senator from Utah?

Mr. ASHURST. I yield.

Mr. SMOOT. I know the Senator wants to act properly and rightly in this matter, and I am going to call attention at this time to one of the great reasons why the salary of the Commissioner of Indian Affairs was not increased.

I have before me the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1915. I will commence right with the Interior Department. What do we find? The Commissioner of the General Land Office, $5,000; the Commissioner of the Indian Office, $5,000; the Commissioner of the Pension Office, $5,000; the Commissioner of the Patent Office, $5,000.

I want to say that $5,000 is the salary of the head of each of these bureaus in the departments of our Government. I recognize the fact that the present Indian Commissioner is a splendid official. He is attending to his business as well as any man, perhaps, could possibly attend to it. I have no criticism of him in any way; but I want the Senate to understand that the Commissioner of the General Land Office, drawing $5,000, has, I believe, more letters—aye, twice as many letters—pass over his table every day as the Commissioner of Indian Affairs. There is an office the salary of which should be increased if the salary of the head of any bureau in this Government should be increased. The business has increased by leaps and bounds.

I want to say to the Senator that it would not be right for us to increase the salary of the Commissioner of Indian Affairs and leave the Commissioner of the General Land Office in that same identical department at what it is.

Mr. President, I feel that so keenly that I can not let it pass. I would rather have an appropriation made direct in the general deficiency appropriation bill or in the sundry civil appropriation bill for whatever the Senate felt like they wanted to pay the Commissioner of Indian Affairs for the exceedingly heavy work that he has had to perform this year. A thousand times better that, Mr. President, than here to add in an Indian appropriation bill an increase of salary, which of course means that hereafter the Commissioner of Indian Affairs in the Interior Department shall have $7,500 and the head of every other bureau in the department shall have only $5,000. It is not right; and it should not be done.

It is for that purpose, Mr. President, that I intend to make a point of order against the amendment. The Senator from Oklahoma [Mr. OWEN] desires before I make the point of order to submit some remarks and I shall withhold it.

The PRESIDENT pro tempore. Does the Senator from Arizona yield the floor?

Mr. ASHURST. I yield.

Mr. OWEN. Mr. President, I think the Commissioner of Indian Affairs ought to have this increase. The Government of the United States has obtained the services of a man who in private life can earn from $15,000 to $20,000 a year. He has earned that sum in private life as a practicing attorney. He was solicited to take this position. He was not an office seeker. He was requested by the administration to take this office in order that he might improve its management. Since he has taken it he has worked from 12 to 15 hours a day. He is always at his desk at night. It is a uniform practice on his part not only to work during the day but to work at night as well, and he has made great improvements in the methods of the department.

Moreover, the suggestion was made to him by those who solicited him to take this position that doubtless Congress would be willing to recognize the extraordinary service which he could bring to the department, and he had some reason to believe therefore that his sacrifice would be appreciated.

I know, of course, there are many men seeking office who would regard it as a great opportunity to get a position of this kind and who are willing to make the sacrifices, too; but I think under all the circumstances and in view of the enormous property which he must supervise and which he ought to bring into some productive form he ought to be encouraged to stay and do this work.

Mr. SHEPPARD. Mr. President, I wish to suggest that a short while ago the present commissioner was offered a position in another department of the Government at $7,500 a year, but his devotion to this particular work is such that he declined it.

Mr. OWEN. The property which is within the management of the Commissioner of Indian Affairs is not only of very great value, amounting to over a thousand million dollars, but a large part of it is unproductive. If this property were made productive by proper management; if the Indians who, in the State of Washington, for instance, have large areas of timberlands were taught there as they have been taught in Wisconsin to develop their own timber and learn to be self-supporting and to use the opportunities they have under wise direction, they would make themselves thoroughly self-supporting, and they would take the tax off the Government which now will be found in this appropriation bill in various ways. The Commissioner of Indian Affairs is endeavoring to accomplish that end.

I think that the amendment proposes a very small reward for him, and that he should be allowed a sufficient amount on which to live decently while he is performing this public labor.

I hope that at least the suggestion made by the Senator from Vermont [Mr. PAGE] will prevail, and that, even if we do not increase it, as is proposed, it may be increased to $6,000.

Mr. SMOOT. I want to say to the Senator that——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Certainly.

Mr. SMOOT. I think this is absolutely the wrong way. This same question was considered by the Committee on Appropriations of the House, and they had hearings on it. We had it before the Committee on Appropriations of this body, and it was voted upon there after all the reasons for an increase had been given.

Mr. OWEN. If the Senator will permit me, I should like to observe that in the Committee on Appropriations the members of the committee have no familiarity with the administration of Indian affairs. We have not the opportunity of seeing the infinite number of details with which the Commissioner of Indian Affairs has to deal. That committee simply passed upon the matter in that way after probably a hearing of 5 or 10 minutes or some such time. Really I do not think it is quite fair to the commissioner to use that as a precedent.

Mr. SMOOT. I will say this to the Senator, and I suppose the other members of the subcommittee of the Committee on Appropriations will bear me out. The Senator from Florida [Mr. BRYAN] was present when we had this matter under consideration. We went into it very thoroughly. All that could be said for it I believe was said.

Mr. President, I wish to say to the Senator from Oklahoma that I dislike to make the point of order against the proposed increase in the salary of Mr. Sells; I know what his work is; but this is not the proper way to legislate.

Mr. ROBINSON. Mr. President, before the Senator from Utah insists on his point of order, I should like to make a brief suggestion.

Mr. SMOOT. Very well; I withhold it.

The PRESIDENT pro tempore. Let the Chair state to his colleague that the Chair would like to have him address himself briefly to the point of order on this proposition to increase of salary. This view has occurred to the Chair heretofore. If the salary was fixed by the statute creating the office, independent of an appropriation bill, it can not be changed by an item in an appropriation bill. If the salary now drawn by the Commissioner of Indian Affairs depends for its existence on an item in an appropriation bill similar to this, the question would be somewhat enlarged. In that case the Senate might fix the salary as it might see proper to do.

Mr. SMOOT. Mr. President——

Mr. ROBINSON. If the Senator from Utah will yield to me, I will state in addition to the suggestion which the Chair has made that the Committee on Indian Affairs has directed that a bill increasing the salary to $7,500 shall be reported. It would therefore seem to me that the point of order would not lie.

I wish, however, to make a brief statement with regard to the reasons for the increase. Ordinarily I do not believe in increasing salaries. The Senator from Arizona, the chairman in charge of the bill, the Senator from Oklahoma, and other Senators have presented very fully and forcibly the extent of the duties that are discharged by this officer, the large amount of property which he has control of, the more than 300,000 Indians in the United States under his jurisdiction, and the approximately 8,000 employees who are engaged in the service of the Government under the Indian Bureau. In view of all these circumstances and the further fact that we now have in the service an eminent gentleman who, so far as he has been able within the limited time which he has served the Government, has sought to reorganize it and has extended the activities of the bureau and vitalized it, I believe this appropriation should be made and the increase should be accorded.

Mr. SMOOT. Mr. President, I want to call particular attention to the wording of the amendment.

The PRESIDENT pro tempore. Let the Chair ask the Senator from Utah if he knows whether under a former statutory enactment the present salary exists, or was it fixed by an item in an appropriation bill?

Mr. SMOOT. The salary is fixed by statute at $5,000, and we appropriate that sum every year.

The PRESIDENT pro tempore. By the statute creating the office?

Mr. SMOOT. By the statute creating the office.

The PRESIDENT pro tempore. Is that circumstance admitted by those who insist on the increase of salary? If so, it is easily disposed of, and the Chair sustains the point of order.

Mr. SMOOT. I was also going to call the attention of the Chair to the fact that this amendment also says that $2,500 is hereby appropriated——

The PRESIDENT pro tempore. There is nothing difficult about the addition of $2,500, because that is to pay for services already rendered and is a mere private claim and is not admissible to this bill at all. The point of order raised by the Senator from Utah is sustained as to the whole item.

Mr. ASHURST. Although the point of order has been sustained, I wish to incorporate in the RECORD at this time an article written by M. K. Sniffen, secretary of the Indian Rights Association, entitled "A man and his opportunity," being a résumé of the work and duties and responsibilities of the Indian Commissioner.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A MAN AND HIS OPPORTUNITY.

(By M. K. Sniffen, secretary Indian Rights Association.)

We have frequently been asked for an opinion regarding the administration of Hon. Cato Sells, the present Commissioner of Indian Affairs. Heretofore we have stated to all such inquiries that we believed the outlook for improved conditions under his management was more hopeful than it had been for many years. Before making any public statement on the subject, however, we preferred to wait until Commissioner Sells had demonstrated his worth. He has been actively in charge of the Indian Bureau for nine months, and his administration has therefore passed the experimental stage. During that time we have had abundant opportunity to closely observe the man and his methods, and we feel that it is now possible for us to give a mature, unbiased review of Mr. Sells's stewardship as an answer to the question: "What do you think of the present commissioner"? Unfortunately, there has been much occasion to criticize the Indian Bureau's management in the past, and it is a satisfaction to praise where that is possible—to give credit to whom credit is due. It affords us peculiar pleasure to submit for the information of our members and friends the following sketch of Commissioner Sells's masterful work, and also to record our thanks to President Wilson and Secretary Lane for putting the "right man in the right place."

* * * * * * * *

When the present administration came into power on March 4, 1913, there was a feeling of deep concern by the friends of the red man as to the kind of man who would be selected for the post of Commissioner of Indian Affairs. This feeling was further intensified by our investigation of the record of a number of those who were seeking "to land the job," for it developed that in this group the "undesirable class" was decidedly conspicuous and aggressive.

THE PROMISE.

On March 15, 1913, a large delegation of the executive committee of the Indian Rights Association was granted a most courteous hearing by President Wilson and Secretary Lane, of the Interior Department, when attention was called to the importance of selecting a commissioner who would command the respect of the entire country. Our committee was assured that the best man obtainable would be selected. President Wilson said he wanted for the place "a man of affairs, because he has millions to administer; a man of imagination, that he may have sympathy for the Indian; and, above all, a man with the fear of God in his heart."

Secretary Lane tersely expressed the same thought when he said he wanted a "big man" for the place, one to whom it "would not be a job, but an opportunity."

THE FULFILLMENT.

This interview took place in March, but it was not until June that the place was filled by the appointment of Hon. Cato Sells, of Cleburne, Tex. To indicate the care exercised by Secretary Lane in selecting the present commissioner, it is interesting to state that before Mr. Sells was appointed his record was thoroughly investigated from the time he was 20 years old; he was literally "weighed in the balance" and not found wanting.

Mr. Sells brought to his office a well-rounded equipment probably never possessed by any former commissioner—that of lawyer, business man, and agriculturist—fully qualifying him to handle the bureau's various ramifications which involve every phase of human life and necessarily draw upon such an equipment every day in the proper performance of the duties of the office.

First of all, he is "a man of affairs," having served as mayor of La Porte, Iowa, when he was but 22 years old; two terms as county attorney; and as United States attorney under President Cleveland. Although active and successful in his profession, he became deeply interested in stock raising and farming, and for years was a member of the board of trustees of the Iowa Agricultural College, Ames, Iowa. In 1907 he moved to Texas and was successful in the banking business. In that connection he took such an active interest in developing the resources of the State that he was a member of practically every important agricultural board in Texas.

As to the qualities of imagination and sympathy, they are evident from the broad and humane way in which Commissioner Sells has been grasping situations and developing plans for the benefit and advancement of the Indian in a material and moral way. He has shown that he has that other requirement specified by the President—"the fear of God in his heart"—by "hewing to the line," and adopting methods that will have a salutary and lasting effect.

As was well stated by some Washington correspondent in commenting on Mr. Sells's administration

"The job of Indian Commissioner with him is a business proposition. He answered an altruistic call when he took the position, for he had retired from active business and had planned to settle down in Texas, the State he has lived in ever since he left Iowa after a brilliant career as a United States attorney.

"Secretary Lane let it be known that he wanted a man of ability, not a job seeker; a man of red blood and purpose, not a weakling. He heard of Sells and his fight against pension grafters in the Middle West, and he found that Sells was indeed a regular fighting man, with ability, altruism, and that's how to-day Secretary Lane has a man on the job of Indian affairs 14 hours a day, and that's why a new era is dawning in Oklahoma and the other Indian States."

* * * * * * * *

Commissioner Sells entered upon the duties of his office with no preconceived notions. He announced no policies, but began a thorough inventory of his "plant," with its 6,000 employees, and a careful survey of the whole field.

One of the first things that impressed him was the great value to the Indians of their grazing tracts. The breaking up of the big ranges in Texas and other States has practically eliminated stock raising on an extensive scale. The best and largest tracts available for cattle and sheep are on the Indian reservation, from which the Indian has received but small returns. Heretofore those advantages have been leased at a small annual rental to white men, who have grown rich, while the owners either remained stationary or actually retrograded.

Commissioner Sells believed that these natural advantages should be used for the benefit of the Indian owners. Within 10 days after taking his office Commissioner Sells inaugurated a stock census. The result showed, as against magnificent opportunities, a very poor equipment—bulls and stallions of low grade and too old for use. The sheep situation was similar. Useless pony stallions by the thousand were grazing on the ranges and bringing no return to the Indians.

The first real work of Commissioner Sells in this connection was to reduce the old "he stuff," and to purchase a sufficient number of good stallions, bulls, and rams to secure the best result with the "she stuff," both in the case of tribal and individual ownership; in short, to build up the Indian stock wherever money was available, for such purposes. For the Crow Reservation alone $450,000 has been expended for 9,250 white-faced Hereford heifers, bulls, and steers.

As a result of this plan there is now going on a process of upbuilding and equalizing the Indian stock and eliminating that which is bringing no return. As rapidly as circumstances will permit, the various reservation ranges will be stocked to the maximum limit with Indian cattle. If this can be done, not only will thousands of red men soon be in the industrious and self-supporting class, but they will be an important factor in helping to avert a meat famine, threatened by the white man's diminishing herds.

Where grazing leases are now made to white men, they are always on a competitive basis and for short terms. A revocable clause is part of the lease, to avoid overstocking the ranges and also to provide for the natural increase of the Indian herds. This plan under proper management should not take many years to make the Indian the American cattle king.

* * * * * * * *

Much is being planned for the Indians' industrial development by Commissioner Sells along practical lines. The value and necessity for "reimbursable funds" have been recognized in the past, but the amount heretofore granted by Congress (never exceeding $100,000 per annum) has been wholly insufficient. Commissioner Sells, with his broad experience in scientific agriculture and stock raising, believes in doing things in a way that will secure definite results, and he asked Congress for a reimbursable fund of $900,000 to use in cases where the Indians have no tribal money that can be applied for their benefit.

There has undoubtedly been in the past an indefensible, one-sided, unbusinesslike conception of the Indians' needs in various quarters. Extensive and expensive irrigation systems have been built on reservations, the Indians given individual tracts of land, and then left absolutely without any means for developing them. An irrigation system for the Blackfeet Reservation, Mont., was authorized by Congress at a cost of $6,000,000 to be charged against these Indians. As their tribal property is only valued at $5,000,000, they will, under the scheme, be in debt to the Government for $1,000,000. The people mostly to be benefited by this are white men, who are to be allowed 15 years in which to pay for the improvement. By this plan their lands are brought

under an irrigation system at the Indians' expense. Meanwhile, the Indian is without any funds with which to develop his allotment and make beneficial use of the water in time to escape the forfeiture provision.

The Uintah and Ouray Reservation in Utah was also brought under a reclamation project. It is 80 miles from a railroad. The Indians were placed on raw land with no equipment for breaking and improving it, but under obligation to get the water on their individual holdings within a few years or forfeit their water rights. This is expecting something that no white man could do under similar circumstances. Yet some people wonder why the Indian does not progress more rapidly toward self-support.

These instances are cited to show some of the situations with which the commissioner is dealing in an effort to hold for the Indian what he has, and also to indicate why a large reimbursable fund is absolutely necessary if the best results are to be accomplished. By its judicious use Commissioner Sells could help such people to secure farming implements, horses, and cattle, so necessary for agriculture; to build up comfortable and sanitary homes; to utilize their own timber and other resources which heretofore has been impossible.

Commissioner Sells is determined to bring about a radical and speedy change in the present unsatisfactory agricultural, stock, and industrial conditions generally existing throughout the Indian country. Instructions have been sent to all reservations that "every Indian Service farmer shall give his time to actual farming and under no circumstances shall he continue, as so generally has been done, making the office work the first consideration and the promoting of the farm work of the Indians secondary. These things must be reversed." Superintendents are also directed to devote the major part of their time to field work, in order that they may come in direct contact with the Indians and know actual conditions and stimulate individual effort. Heretofore the majority of reservation superintendents have devoted three-fourths or more of their time to office duties, much of which can be performed by clerks. The commissioner contends that "reservation employees should know the Indians and know them well, understand their condition, and substantially aid them in their forward march toward self-support and equipment for citizenship."

Another important question calling for vigorous attention on the part of Commissioner Sells was the probate situation in Oklahoma. This is summarized in a statement made by the commissioner to the Denver Times, in part as follows:

"The Indian children of Oklahoma are the richest average children in the United States; however, it is a lamentable fact that they have less statutory protection there than in any other State. In each of the 40 counties in eastern Oklahoma there are now pending from 800 to 1,500 probate estates, about 85 per cent of which are Indian children's estates.

"I have recently discovered that its costs about 3 per cent to settle a white child's estate and that it costs more than 20 per cent to settle the estate of an Indian boy or girl. This is the result of guardians having been appointed without regard to their equipment and the acceptance of bondsmen many times wholly insolvent.

"Enormous fees have been charged by attorneys and unconscionable fees by guardians, together with indefensible expenditures of their funds, which has frequently resulted in the dissipation of their entire property.

"It is not an uncommon thing when an Indian child reaches his majority to find that his guardian has absconded and that his bondsmen are wholly financially irresponsible. It is my determined intention to reform this indefensible condition, and to this end I have recently appointed a number of probate attorneys who will give their whole time under my direction to this work. I am now submitting a number of cases to the grand juries in Oklahoma looking toward the indictment and criminal prosecution of those who have embezzled funds.

"Last week we secured a ruling from one of the courts of Oklahoma, holding a guardian and his bondsmen responsible where the Indian children's lands have been sold for a grossly inadequate consideration. It is my great desire to cooperate with the State authorities, and particularly with the county judges, in effecting these results, and I have every reason to believe that this cooperation will be perfectly arranged and carried out."

Mr. Sells visited Oklahoma for a personal conference on this subject with the tribal attorneys, probate attorneys, field clerks, and county judges. In the past there was always a feeling of antagonism between the Oklahoma people and the Washington authorities. It was so intense that cooperation was practically impossible. As a result of the commissioner's trip a spirit of cooperation was developed, and there is now a disposition on the part of Oklahomans to accept the attitude of the Government and a desire to help reform conditions. As a result of these conferences a set of uniform rules governing probate cases was adopted by the county judges that are more complete than any statute of the United States. The outlook is very promising for a "clean up" and an elevation of the Oklahoma standard and an improvement in conditions that will be an everlasting credit to the administration and gratifying to everyone interested in Indian affairs. A complete reorganization has been effected, a good system adopted, and hearty cooperation of the county judges with the Federal Government has been established. Incidentally it is interesting to note that since Commissioner Sells visited Oklahoma there have been several convictions and sentences to the penitentiary for those charged with robbing the Indian minor children.

Before his trip to Oklahoma Commissioner Sells asked Congress for $50,000 for probate attorneys. Upon his return to Washington he appeared before the Indian Committee of the House and asked for more money. The amount was increased to $85,000 for this purpose—an indication of the forceful and convincing manner in which the commissioner presents to the Congress the needs of his bureau and the confidence his statements inspire.

The firmness and determination of Commissioner Sells to do things on business principles is indicated in his handling the oil situation in Oklahoma, where many leases had been made covering Indian lands. Heretofore the lessees had been allowed to do practically as they pleased; departmental regulations were ignored, which resulted in an enormous waste of gas. One company which held a lease on a Creek Indian allotment, had been warned of its violation of these regulations, but that produced no effect. Commissioner Sells thereupon imposed a fine of $1,000 on this company, and indicated very forcibly that failure on the part of others to respect their agreements would invite a cancellation of their leases.

Commissioner Sells's reorganization of the Indian Bureau has been the work of a genius. When he took charge it was badly torn by faction and strife. The personal ambition of a few people had produced a demoralized and chaotic condition, which often resulted in the bureau's real purpose—the welfare of the Indian—being lost sight of. The effect of this was not confined to Washington, but had spread throughout the field service. It was truly a "house divided against itself." By the use of tact and judgment, Mr. Sells has developed in the bureau a spirit of loyalty, harmony, and hearty cooperation that has not existed for a long time, if ever before. The employees were literally inspired by the magnetic personality of their chief; his activity and enthusiasm were contagious, and the responsiveness in efficiency has been little short of marvelous. The commissioner has aimed to so adjust matters that there would be no round pegs in square holes, and to assign the clerks to work that was not only congenial but to which they were adapted. As a result, the work is now nearer up to date than at any time in the bureau's history. This has been brought about by increased efficiency, by system, and the loyalty of the subordinates who willingly worked nights as well as days in keeping with the pace set by Mr. Sells. It is unreasonable, however, to expect them to do this indefinitely, and additional clerical help should be provided by Congress.

One noticeable improvement is in handling what are known as individual Indian moneys. Formerly when a request for authority to draw on these funds came in from the field, weeks and months elapsed before it was acted upon. Now, in most cases, these requests are disposed of the same day they reach the bureau, and reach the reservations within a week or 10 days after the original mailing date.

Another important advance step is shown in the reorganization of the inspection force. Commissioner Sells secured for his chief inspector Mr. E. B. Linnen, formerly attached to the office of the Secretary of the Interior. Mr. Linnen's long and honorable record for honesty and efficiency in the Government service is of itself a guaranty that hereafter the bureau's inspection force will not be "weak in the head, weak eyed, and hard of hearing." The commissioner desires to substantially strengthen his inspection force by the appointment of a few specially equipped, high-grade, and dependable confidential men who can be relied upon to help in the work of "cleaning up" the service—men who will not be handicapped by previous personal friendship for the officials to be investigated. The Treasury and other departments have a secret-service corps, but nowhere is it more needed than in the Indian Service. It is believed that in the near future numerous changes will be made in the personnel of the service, which will greatly improve its efficiency.

In selecting Mr. E. B. Meritt as assistant commissioner Mr. Sells secured a man of honesty, efficiency, experience, and courage. Mr. Meritt's record in the Indian Bureau proves that he is thoroughly dependable; his fearless and practically single-handed fight to prevent a corporation from securing the San Carlos Dam site will long be remembered. The commissioner can leave his office, when occasion requires it, with no fear that his confidence will be abused, and with the assurance that his plans will be loyally and wisely adhered to by Mr. Meritt.

Commissioner Sells does not regard his post as a job, but an opportunity to help a race of over 300,000, whose property interests are valued at $900,000,000; and he has been seeking in every possible way to imbue his subordinates with the same thought—to emphasize the human side of the bureau's work. He believes in getting his workers together for conference as a means of promoting a clear understanding and unity of effort. He called into Washington every supervisor in the service and met with them twice a day for one week. They returned to their respective posts with new hope and ambition to accomplish things; to spread the spirit of cooperation throughout the entire field.

Commissioner Sells spent two days at Denver in conference with the liquor-suppression staff to organize a systematic procedure to secure the best results. The good effect of these personal relations with his subordinates are apparent in every direction.

Mr. Sells is a keen, intelligent listener, and has but little to say for publication. He believes in doing things rather than talking about them, and his actions tell their own story. When he does talk on a public occasion his remarks are forceful and direct, with a ring of sincerity about them. At the conference of Indian supervisors held recently in Washington Mr. Sells made an address, from which the following is taken:

"I believe that the greatest present menace to the American Indian is whisky. It does more to destroy his constitution and invite the ravages of disease than anything else. It does more to demoralize him as a man and frequently as a woman. It does more to make him an easy prey to the unscrupulous than everything else combined. If I say nothing more to you to-night that leaves an impression, let it be this one thought: Let us save the American Indian from the curse of whisky.

"We have a force of men engaged in the suppression of the liquor traffic. That is their special business. But it is my business, and it is your business, to do everything we can, without injecting ourselves offensively into the work of others or assuming a duty that is not properly ours, to create an atmosphere and suggest conditions that will be helpful in this respect, and, above all, to be a personal object lesson, inviting the Indian to banish liquor, rather than to be guilty of anything that may cause him to look upon one of us as a justification for doing that which leads him to the destruction caused by the use of whisky.

"There is nothing that could induce me, since I have taken the oath of office as Commissioner of Indian Affairs, to touch a single drop of any sort of intoxicating liquor, and this regardless of my attitude on the prohibition question.

"As a matter of good faith to our treaty relationships, to legislative enactments, to the Congress, which appropriates $100,000 a year for the suppression of the liquor traffic among the Indians, we should do everything reasonably within our power to justify this appropriation and insure the best results obtainable. This accomplished, we have laid a substantial foundation for all of our work in solving the Indian problem, and made a long step forward looking toward their equipment for the responsibilities of citizenship."

The nearest approach of Commissioner Sells to announcing any policy is given at the close of his first annual report, in which he says:

"I am emphasizing in every possible way the industrial education of the Indian pupils and the industrial development of the Indian population generally, and every effort is being made to improve the efficiency of the employees of the Indian Service, in order to accomplish more successfully the work in hand.

"I am also emphasizing the need of and doing everything possible to obtain for the Indians more sanitary homes, more adequate school facilities for the Indian children, to supply sick Indians with medical attention, and to take precautionary methods to prevent disease, to adjust more equitably the cost of irrigation projects constructed with reimbursable funds, to make larger use of the timber resources of the Indians for their industrial and social advancement, to take advantage of the extensive grazing land of the Indians and to build up tribal herds, as well as to promote among the individual Indians a large, more profitable cattle, sheep, and horse industry, and to utilize in every

practicable way the resources of the Indians, both tribal and individual, in promoting and completing their civilization and economic independence.

"It is my fixed purpose to bring about the speedy individualizing of the Indians, and to this end I shall devote my best efforts."

* * * * * * * *

That Secretary Lane found the man to whom the commissionership would be an opportunity and not a job is clear from Mr. Sells's refusal to accept an important and more lucrative post in another branch of the Government service. Commenting on this, the New Republic said:

"Cato Sells, Commissioner of Indian Affairs, has the most difficult, annoying, nerve-racking, heart-eating job in the United States. He did not apply for the job or any other job. He was 'drafted' into the service as a public duty. He gets a salary of $5,000 per year.

"Recently the Interstate Commerce Commission, in quest of a high-grade man to put at the head of the work of making a physical valuation of the railways of the United States, offered the post to Mr. Sells at a salary of $7,500, a comparatively easy and comfortable position.

"Did this offer of comparative ease and $2,500 addition to the salary attract Mr. Sells? Not a bit. Three hundred thousand Indians were looking to him to relieve them from the results of a hideous maladministration and from a network of accumulated abuses. He had entered upon the task; it had taken a grip upon his heart and life that no offer of ease or increased salary could shake.

"And the squeals and howls of rage and pain that are going up from grafters and thieves around Indian reservations indicate that there is 'something doing.'

"Long live Cato Sells, and may he have the physical strength to carry out his program—a program that wrecked the health of two commissioners who honestly undertook the task."

It is understood that when Mr. Sells declined the first tender of this position a second offer was made with materially increased salary. His sense of duty and an appreciation of his opportunity were stronger than the selfish thought of material gain.

As a result of Mr. Sells's brief tenure of office, the standard of efficiency and honesty has been raised throughout the Indian Service, both in Washington and in the field. The work he has set out to do, however, is by no means completed. The big things, those demanding urgent consideration, are being disposed of as quickly as possible. When they are well under way other matters will, we believe, receive proper attention. What has been thus far done is a good indication of what may be expected in a general cleaning up of every part of the Indian Service.

It should not be overlooked, however, that Commissioner Sells's firm determination to preserve the vast resources of the Indian in land, timber, coal, and oil must sooner or later develop great disappointment and bitter opposition from selfish interests; and it is highly important that the true friends of an honest and efficient administration shall strongly support him in his patriotic and fearless course.

Our observation indicates that there has been developed a general feeling of confidence in Mr. Sells's ability, integrity, and courage on the part of the public and the press; and Congress, for the first time within our knowledge of Indian affairs, seems to be in sympathy with the commissioner and willing to grant the necessary appropriations to carry on the work.

Commissioner Sells has established a new mark in Indian administration, and his influence for good can never be eradicated. He has elevated the service to a plane from which he would not recede if he could, and from which he could not recede if he would. He has set the pace, and whoever may follow him—in the far distant future, we hope—will of necessity be compelled to live up to those established ideals or suffer by comparison.

The PRESIDENT pro tempore. Does the Chair understand the Senator to approve the statement of the Senator from Utah that the salary now allowed was in point of fact fixed in the act creating the office?

Mr. ASHURST. I have not had access to the books.

Mr. ROBINSON. My recollection is that the act creating the office fixed the salary at $5,000.

Mr. SMOOT. I will turn to the act.

The PRESIDENT pro tempore. That is disposed of on the statement of the Senator from Arkansas.

Mr. CLAPP. Mr. President, while the Chair has disposed of this question, I feel constrained to say that I hope the Committee on Appropriations will at the proper time take up the matter. I do not believe in discussing salaries when we compare one office with another. It is a limitation upon discussion. But I do believe that the Commissioner of Indian Affairs should receive not less than $6,000 a year at least. The work has grown immensely in proportion as we eliminate the tribal relations and annuities and take up the personal equation of the individual Indian. That makes an immense amount of work, an immense amount of responsibility, and I do not believe the present salary is large enough. I hope the committee will at the proper time take up the subject.

The PRESIDENT pro tempore. The Secretary will proceed with the bill. The next amendment will be stated.

The next amendment was, on page 17, after line 9, to insert:

That $1,500, or as much thereof as may be necessary, is hereby appropriated, to be expended for the relief and for clearing the title to the lands owned or possessed by the Chettimanchi Band of Indians of Louisiana, and for the purchase of such lands as may be necessary to put them on a self-supporting basis: *Provided*, That the Secretary of the Interior may, in his discretion, require that the legal title to all property purchased, or the title to which is to be cleared, with the funds hereby appropriated shall be in the name of the United States, for the use and benefit of said Indians.

The amendment was agreed to.

The next amendment was, on page 17, after line 19, to insert:

That the Secretary of the Interior is hereby authorized to pay, out of any money in the Treasury of the United States belonging to the Creek Nation, to M. L. Mott, the sum of $472.22 for services rendered the Creek Nation from January 15 to February 18, 1914, inclusive, and $210.20 as reimbursement for actual expenses incurred in connection therewith.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to lease for mining, grazing, and agricultural purposes unallotted lands within Indian reservations established by act of Congress or Executive order in such quantities and upon such terms and conditions and under such regulations as he may prescribe, and may expend the proceeds received in the purchase of live stock for the benefit of the tribe occupying the reservation leased, or for such other industrial or beneficial purposes, not inconsistent with existing law or treaty provisions, as the Secretary of the Interior may direct: *Provided*, That no grazing lease shall be for a period to exceed 5 years and no agricultural or mining lease for a period to exceed 10 years: *Provided*, That this provision shall not apply to the Five Civilized Tribes or the Osage Nation of Indians: *Provided further*, That the Secretary of the Interior shall submit to Congress on the first Monday of each December a detailed report of his action hereunder.

Mr. SUTHERLAND. Mr. President, we have in the general law a provision, I think passed in the early nineties, providing for the leasing for mining and other purposes of lands which the Indians have bought and paid for. That statute received a pretty broad construction. It was held under it that it not only applied to lands such as those of some of the Five Civilized Tribes, which actually had been bought and paid for with money, but that it applied to treaty lands, and I think it was held to apply to lands which had been set aside by Congress as well.

But however that may be, the operations of the department under that statute led to a good deal of scandal. I remember that in my own State the Uintah Reservation then was unopened, and the Secretary of the Interior granted to certain individuals a sort of roving commission to go out there and discover mines and then lease them. One set of individuals was incorporated under the name of the Raven Mining Co. and another under the name of the Florence Mining Co. They located some lands and obtained leases to them and began to operate them. They were, by reason of their close connection with the Indians, able to prevent the opening of that reservation for a great many years. Time and time again we came to Congress in an effort to secure the opening of that reservation, and we found ourselves always blocked by the attitude of the Indians, who had been influenced by these mining operators; and it was not until 1892 or 1893, I think—I was in the House at the time—that we finally succeeded in opening the reservation. Then in order to open the reservation we had to concede some rights to these mining operators which I always felt we ought not to have conceded.

I think the effect of this amendment, if it extends the operations of that law, will be in the same direction. I think these reservations ought to be opened up to settlement just as rapidly as possible; that those of them which contain lands that are suitable for cultivation ought to be settled upon and cultivated, and the lands should be allotted to the Indians and the tribal system and the reservation system and the ration system broken up and ended forever. We are never going to make responsible individuals of the Indians until that is done.

This makes the Indian a sort of a landlord, with some white men engaged in mining and in raising cattle as his tenants. I think it is a bad system. I think the Indian is just as incapable of development under that kind of a system as is the white man. He ought to be put upon his own responsibility as an individual just as soon as possible and compelled as rapidly as possible to work out his own salvation, as the white man is compelled to do.

All this sort of legislation tends to perpetuate the reservation system, it tends to perpetuate the tribal system and the ration system. Every time my attention has been called to it I have opposed amendments of this kind. I think it is open to the point of order that it is general legislation, and I shall make that point.

Mr. ASHURST. Will the Senator withhold the point of order for a brief statement?

Mr. SUTHERLAND. Certainly.

The PRESIDENT pro tempore. The Chair will be very glad to hear what the Senator from Arizona, the chairman of the committee, has to say.

Mr. ASHURST. Mr. President, I presume that out of frankness, which is common and proper here, I am bound to confess that the point of order is well taken as far as I know.

The Senator from Utah [Mr. SUTHERLAND] states, however, that he believes the effect of the legislation would be to perpetuate in some way the ration system. The Senator points out an abuse that he wishes to eliminate, and very properly so, but in the opinion of the committee this legislation would tend to remove the abuses against which the learned Senator from Utah has inveighed.

For this reason, Mr. President, it must be obvious to Senators that from time to time it is becoming more difficult to open reservations for reasons that I need not go into at this time. The pressure upon western Senators by their constituents is great for the opening of Indian reservations. Western Senators are only human and are naturally and properly impressed, and so bills are introduced and passed to open Indian reservations. On many of the Indian reservations there are extensive and valuable deposits of the base metals, the rare metals, and the precious metals that during our lifetime, in all probability, will not be worked by the Indians themselves.

Senators have spoken eloquently of the propriety and advisability of teaching the Indian to become self-supporting. It was the intention of the committee and the belief of the department that if under certain safeguards and proper regulations certain mining properties in Indian reservations could be leased a royalty might be obtained and money thereby derived which would then be at the disposal of the Secretary of the Interior, which he could use at his discretion, as he saw fit, to purchase cattle for the Indians, to teach them how to breed them, how to use machinery, how to farm, how to become self-supporting; and that would, in a large measure, tend to reduce the gratuitous appropriations which we make here in Congress.

Speaking for myself, I regret that the point of order has been made. I know, however, that the Senator who has made it has in view the same purpose which the committee has—the improvement of the condition of the Indians; but I believe that the point of order, if sustained, will ultimately result in no good to the Indian, but to his injury.

Mr. SMITH of Arizona. Mr. President, I regret that the Senator from Utah [Mr. SUTHERLAND] made the point of order, and I should like him to recall it, if certain amendments can be inserted in this measure.

Take the Apache Indian Reservation in Arizona, for instance. The Apache has—I will not venture to say how much—land that is used for grazing purposes. The Indians get the benefit from that use, and the persons grazing the land get the benefit from it, especially so when the drought years come, and water is scarcer almost everywhere else than it is on the Indian reservation. It adds to the income of the Indians to the extent of whatever is paid.

I am, however, heartily opposed to the word "mining" being in the provision, and I would myself make the point of order against it rather than see it left in the bill. I contend—and I shall subsequently address the Senate at greater length on the matter when we have no appropriation bill before us—that in an Executive-order reservation the right of the miner to pursue his calling is just as open as on any other piece of public land. I do not want his right foreclosed by the suggestion of the right of the department to lease mining lands within an Executive-order reservation. In all Indian reservations where the title does not pass to the Indian by act of Congress the miner's right to the discovery of metal in lands belonging to the United States still remains. Those lands have never passed from under the acts originally dedicating them and holding them for the people. They differ somewhat from other lands, and in a measure are like the crown lands of other countries.

Therefore this provision in the bill giving the right to lease mining lands in an Indian reservation especially applies in those cases where the Indians have all the agricultural lands they need. It has been the habit in former administrations to extend these reservations without sense or reason into a mining country and then to put the mines desired to be developed within an Indian reservation, in order that they may place a tax, an impost, a duty, and a burden upon them. The same thing now is going on in the Parker Indian Reservation. They have extended it for miles and miles away from any possible farming land. They have got land enough to give four times the number of Indians the usual allotment of such lands. They have extended the reservation clear into the mountains over the mining claims that have been there since 1865—they have been there always, I presume—but since 1865, at least, they have been worked. Those miners have been turned away by a reservation newly created by an Executive order including their property. They can not proceed with their work; they can not sell their claims; they can do nothing with them. When you add to the rights of the Secretary of the Interior the right to lease mining lands in an Executive order reservation, you simply are dedicating land within the Indian reservation to everlasting silence, for nobody is going to work mines under any such provision or any such limitation as to time.

Mr. SHAFROTH. Mr. President, I heard only a part of the speech of the Senator from Arizona [Mr. ASHURST] with relation to the benefit which the Indians would receive from such a leasing clause as that in the bill; but I want to call his attention to the fact that we have tried the leasing system in the United States with lead mines, and that the records show there was four times as much expended by the Government in supervision, for agents, and for officers to administer that system as was collected by reason of royalties upon the lead extracted from the mines, and the royalties were placed, I think, at one-eighth of the amount of the product.

Not only has that been the experience of the United States in that instance, but there has been an experience in reference to a policy which is right now in operation, which seems to me ought to convince anyone of its futility. We have what is called a forest-reserve system. Under that system there has been established the leasing, practically, of those lands by the imposition of what is called a grazing tax. That has been going on for 20 years. In addition to that, in all those reserves there has been sales of timber, and the proceeds have been put into the fund; yet, notwithstanding that fact, every year there is a deficit in the fund; every year the Congress of the United States has to appropriate millions of dollars in order to sustain the forestry system. How long is that going to continue? Are not those the best illustrations that a royalty system is unwise and inadvisable with relation to either mines or to grazing?

I want to call attention to the forestry figures for the year 1913, for I happened to come across them the other day. The amount received for the fiscal year ending June 30, 1913, from the sale of timber was $1,341,337.63; from grazing, $1,007,739.51; and from special uses, $118,012.73; making a total of $2,467,090.07. The total amount expended for the service was $5,442,000; and this year, in the appropriation bill which passed only a short time ago, I noticed that there was carried $5,558,256 for the Forestry Service. The difficulty in ever making the system pay arises from the fact that to increase the royalty or tax exacts from the people of the Rocky Mountain States additional burdens, which the people of the States of the East never paid, and violates the provision of the enabling act of each State, which reads that "the State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever."

Should not that teach us that we can not make a system of leasing pay? We know that the leasing system in the case of the lead mines of Missouri, Illinois, Wisconsin, Iowa, and Arkansas was tested for 40 years, and Senator Thomas H. Benton, of Missouri, made speech after speech in this body showing that the leasing system was very obnoxious to the people of his State and that it did not pay, but it took him nearly 25 years of his political career to get that law repealed.

I want to call attention to the fact that the people of the West who live in or near forest reserves—and it will be so as to people who live under a leasing system—do not regard the inspectors, the agents, and the foresters who come around as their friends. There is a natural antagonism between an agent or a landlord and a tenant. There always has been antagonistic feeling between them, and in a case where the Government is the landlord you will find that the antagonism between the tenants and those who administer the estates will be even greater than it is between private individuals. Why? Because the Government is more exacting than a private landlord. The agent of the Government will not waive provisions of the lease; he will be afraid of criticism upon the part of either some enemy to the party in power or to the bureau which has the matter in charge, and, consequently, he will refuse to waive the provisions of the lease; whereas a private owner is not subject to criticism; he can do anything that he desires with his own land; he can waive a provision without any impropriety whatever being suggested. Therefore you will find that the exactions upon the part of the Government are a great deal more severe than the exactions upon the part of private individuals. Difficulties have existed in all countries between landlords and tenants. The one which has existed in Ireland, it seems to me, ought to teach people that the relation of landlord and tenant is not desirable, and it is even worse as between the Government and tenants.

Mr. President, we have continually had difficulties in the western country on account of the various policies of the administrations with respect to forest reserves. The sentiment in those States as voiced by declarations in party platforms has been almost unanimous against a leasing system. I want to read you a provision that was contained in the Colorado State Democratic platform in 1912 with respect to a leasing system. It says:

> We denounce the policy of the Republican administration which, having retarded our development, now proposes to withdraw all the remaining agricultural, grazing, and mineral public lands from all forms of entry, with the expressed determination of imposing upon the West a permanent bureaucratic rule and Federal leasing system of all the Government resources within our borders and thereby disastrously

retarding the development of our State and depriving our Commonwealth of its just and constitutional rights.

Not only that, but the Republican Party adopted a clause in its State platform which denounced the Government's policy with respect to forest reserves and the leasing system.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. SHAFROTH. Yes; I yield to the Senator.

Mr. BRISTOW. Do I understand that the Senator is using a quotation from the Democratic platform as an argument for the adoption or against the adoption of a measure?

Mr. SHAFROTH. I am quoting the platform as an expression of the sentiment of the people out there, and I have no doubt that that is the sentiment which prevails there.

Mr. BRISTOW. Well, was that plank put in inadvertently or purposely?

Mr. SHAFROTH. I think it was put in purposely, because it has been adopted by four or five successive conventions and it is expressed in clear language.

Mr. BRISTOW. Does the Senator think that that plank ought to be carried out ungrudgingly or grudgingly?

Mr. SHAFROTH. Well, it depends upon what is the character of the plank. The Senator must remember that the one to which he refers had some other clauses in it, which were to the effect—but there is no use going into a question which we have been discussing here so long. I am trying to show——

Mr. BRISTOW. Mr. President, I understand that that is one of the planks which the Senator thinks ought to be obeyed.

Mr. SHAFROTH. There are no contradictory provisions in this platform, none whatever; there is nothing here that indicates that there was any different sentiment in the Democratic Party or in the Republican Party, because that party adopted a similar plank, and I have no doubt that in other Western States there are contained in Republican Party platforms declarations against a leasing system.

Mr. BRISTOW. Mr. President, am I to understand, then, that that is one of the planks that is not contradicted by any of the others?

Mr. SHAFROTH. It is not contradicted in the slightest by any of the others.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. Yes, sir.

Mr. NORRIS. I wish to ask the Senator whether that was a State platform or a national platform?

Mr. SHAFROTH. A State platform.

Mr. NORRIS. Of Colorado?

Mr. SHAFROTH. Yes, sir. Now, Mr. President, I want to put into the RECORD, without reading, a joint resolution of the General Assembly of the State of Colorado, which was approved by the governor of that State on March 8, 1913, and which expresses the views of that legislature with respect to the legislation as to the public domain contemplated at that time, and which is still being pressed in the various committees of Congress. I will not read it, because it is somewhat lengthy, but I should like to have it go into the RECORD.

The PRESIDENT pro tempore. Unless there is objection, permission is granted. The Chair hears none.

The matter referred to is as follows:

HOUSE JOINT MEMORIAL NO. 5, PASSED BY THE NINETEENTH GENERAL ASSEMBLY OF THE STATE OF COLORADO.

PUBLIC DOMAIN.

To Hon. Woodrow Wilson, President United States of America, and the Congress of the United States:

Your memorialist, the General Assembly of the State of Colorado, respectfully represents that under the present Federal policy of control of the public domain the following conditions obtain:

1. The people of Colorado are in favor of conservation in the meaning of prevention of waste and monopoly, but are unalterably opposed to it in the definition of preserving our lands and resources in their present state for future generations.

We agree that these natural resources belong to all the people, but this ownership is not now different from what it always has been, namely, subject to the right of the citizen to acquire the same under liberal laws to the extent necessary to satisfactory settlement and the building of permanent homes.

2. It has been charged that the Western States have failed in the past to do their duty in the conservation of these resources, but those who make these charges utterly fail to consider that any unlawful acquisition or waste was committed under Federal laws and on public lands, and that the States, having no control, were powerless to prevent it. They also fail to recognize the fact that the amount of lands unlawfully acquired was a mere trifle compared with that lawfully acquired by bona fide settlers and others.

3. The older States have had, and still have, the benefits arising from private acquisition of all the public lands within their boundaries, receiving revenue therefrom through taxation and otherwise, and it is therefore a great injustice that they should now seek to impose upon the Western States obstructions and burdens with which they themselves did not have to contend.

4. We deny that it is right or advisable for the Federal Government to retain the title to and lease the public lands for any purpose, as the history of the country shows that in 1807 Congress authorized the War Department to lease the lead mines in the territory afterwards embraced in the States of Missouri, Indiana, Illinois, Wisconsin, and Iowa, reserving to the United States a royalty of one-sixth of the product.

This system was vigorously opposed by the residents of the region involved from the very beginning, and after a few years trial the Missouri Legislature and the governor of Illinois protested against it. Presidents Polk and Fillmore urged its abandonment. The Secretary of War condemned it, saying that the benefit to the Government bore "no just proportion to the injury done to the country, first by retarding the settlement of the country, and second by the demoralizing influence of the system."

Year after year congressional Committees on Public Lands reported against it. One of these reports concluded as follows:

"When the United States accepted the cession of the Northwestern Territory the acceptance was on the express condition and under a pledge to form it into distinct republican States, and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States. This pledge, your committee believes, would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the lands, so that they may be settled and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge."

5. For nearly 40 years this controversy was waged with increasing intensity until 1846, when an act was passed directing the sale of these lands.

This condemned and discarded policy is now sought to be resurrected, and in pursuance thereof, there have been withdrawn forest, coal, oil, phosphate, and power-site lands, aggregating in Colorado over 21,000,000 acres, equal to 33 per cent of the total area of the State; together with similar amounts in other Western States, so that, in all, the area thus withdrawn is greater than the combined area of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, both Virginias, Ohio, Kentucky, Indiana, and Illinois, and thus nearly 300,000,000 acres are now and have been for several years practically out of reach of individual enterprise or taxation for the support of State government. This obstructive policy is a departure from the policy of the past 50 years and in violation of the rights of these States, as provided in their enabling acts admitting them into the Union, their constitutions and the fundamental principles on which the Union of the States is predicated.

The idea that the leasing of the forests and other public lands for grazing purposes to stockmen, reserving to the settler and miner a right to enter them, will give the latter adequate protection is a fallacy, for the reason that it is obvious that such entries will necessarily interfere with the proper handling of stock. Where a stockman has 1,000 acres or more under such a lease, and a homesteader should undertake to enter 160 or 320 acres of the best of it, it is a certainty that the stockman would in every way not positively unlawful discourage the settler, unless we credit the stockman with less than ordinary sense of self-protection. And it is equally certain that he would succeed in preventing the entry, even if he had to buy the settler off.

The inevitable result of such leases will be to substantially end homesteading and mining on the public lands.

6. We assert that the States are vested with the right to control the waters within their respective borders—subject only to the right of the Federal Government to protect navigation on those streams that are navigable—to dispose of them to those who will use them for beneficial purposes, and that all returns therefrom, direct or indirect, justly belong to the States and not to the Federal Government.

7. Reclamation of arid lands, when undertaken by the United States Government, should in all cases recognize the rights of the States to control the waters within their borders, and should also recognize the equitable rights of its water users and other competitive projects and those of private enterprises.

These projects and enterprises should not be made by officers of the Reclamation Service an excuse for the refusal to approve of rights of way and occupancy of lands under private irrigation projects; such delays seriously obstruct private enterprises and the development and improvement of lands belonging to the States, and we ask that any such refusals be revoked.

We further ask that the Reclamation Service take immediate steps looking toward the early completion of all projects now under way within this State, in order that early settlement under these projects may take place.

8. The rapid descent and general character of mountain streams gives such endless opportunities for water plants that any monopoly of the same is physically impossible. Indeed, the idea is growing rapidly that the small power plant is the coming one. When water has served its purpose for one power plant it continues its descent. It is not consumed nor does it vanish. Its volume is as great after as before, and therefore but a little lower down in the mountains another power plant may be constructed, and so on, while the stream shall last.

These delays have seriously obstructed not only these private projects, but have also interfered with the irrigation and improvement of several hundred thousand acres of land belonging to the State of Colorado and granted under the laws of the United States for the purpose of improvement and sale by the State.

We ask that these unlawful refusals be promptly revoked and further delays forbidden.

9. We recognize that some good has been accomplished by the Forest Service, yet at the same time its cost has been many times greater than its benefits. It has materially hindered the settlement and development of the country, chiefly because of the hard and fast rules made at Washington by chiefs unfamiliar with actual conditions and administered by subordinates, many of whom are equally unfamiliar with such conditions.

As to the scientific forestry promised, it is only necessary to refer to the reports of the Forester to show that his management in many respects is most unscientific. His reports show that billions of feet of timber in the natural forests are overripe, decaying and decayed, and are an actual fire menace to the remainder, and ought to be cut. Yet the high prices he asks and the rules and regulations enforced are greatly restricting sales and cutting.

We urge that a committee, congressional or otherwise, be immediately appointed to visit Colorado and investigate the conditions referred to above and report on the same. It seems necessary to have the committee pursue its investigation on the ground, as few of those who suffer by the methods in force would be able to advance the expenses of a trip to Washington. Besides, an actual view of many of

these things will disclose features which it would be difficult to make clear by testimony.

10. An unjust discrimination is made between grazing and other agricultural lands. The major portion of this State is composed of what is termed grazing lands, and grass is the greatest agricultural crop known and the most indispensable. All lands at present chiefly valuable for grazing should be as freely open to entry as are "farm" lands, but in sufficient quantities to support families. More than three-fourths of our present cultivated area was originally located as pasture, and it was largely through this privilege that our present cultivated area was developed.

There is hardly an acre of grazing land on the plains that will not ultimately become agricultural lands with the development of storage of water and the economical use thereof.

11. Nearly all of our metalliferous lands have been included in the forest reserves, since which time not a single important mining camp has been opened. The unwarranted interference by the Forest Service is largely responsible for the falling off of millions of dollars in the annual metal output. The man who is willing to put his labor and money into the development of a mining claim is the person best fitted to classify the land, and should be permitted to acquire it.

We venture the assurance that if 40 years ago the forest reserves had been established, neither Leadville nor Cripple Creek nor a score of other mining camps would have been discovered or developed.

Although our lands are of great variety, they are open to entry for but few purposes and in unsuited quantities. For instance, a piece of land can not be taken merely for a home.

12. In Territorial days Congress gave us the water of our natural streams and confirmed that right in the acceptance of our State constitution. Certain Federal bureaus are trying to take away that right by denying rights of way over the public domain. The contention of Federal authority, as in the case of the Engle Dam, for the first storage of water at the lower end of the stream instead of near the source of supply, would prevent the repeated use of water for power and irrigation upstream, would uselessly deprive large areas of development, and would therefore be contrary to the principle of "the best use," as demonstrated by the experience of more than half a century.

The diversion and use of water when streams are high equalize the flow, furnish a better supply of water during the dry season, and by lessening floods save lives and property on the rivers below.

Special agents are permitted to protest against the validity of entries without any knowledge of facts relating thereto. They should be required to make their objections at the time of final proof, that the entryman might face his accusers.

13. The courts should be opened to land disputes, that citizens may be afforded an opportunity to enforce their rights instead of the system now in vogue of determination through star-chamber proceedings by administrative officers.

14. Under the express terms of the enabling act, Colorado was admitted to the Union on an equal footing in all respects whatsoever with the original States. To be on an equal footing we must have the power to tax the land and other property within the State, for without that power we can not maintain State and local governments and institutions. The present policy of the Federal Government is to place our lands and resources on a revenue basis, paying taxes in the form of royalties into the Federal Treasury, thereby seriously interfering with the means of supporting our needy growing institutions. The effect of the present policy is to permit local taxation only upon farm and city and town lands now privately owned. This might be less objectionable in Iowa or Illinois, where practically all of the land is tillable. More than half of the area of Colorado is not tillable under any known method, but is composed of mineral, grazing, and timbered areas, which take the place of farm lands, and which are just as expensive to govern, if not more so, than are the farm lands. The policy, therefore, which withdraws these from taxation is a serious handicap to the State.

While our resources are of great variety, they are not naturally ready for use. On the average there has been a dollar in expense for every dollar in precious metals taken from the mountains, and the value of our lands is measured by the labor required for their irrigation and development. Without the value the presence and industry of our people have added to them, there is not a dollar's worth of value in any of our natural resources. Every dollar, therefore, charged in the form of royalty on the products of these resources is a tax on human toil.

We can not hope to secure the best settlement of our lands nor development of our resources upon a tenantry basis. The man who is permitted to lease lands cheaply for grazing will try to keep them for pasture.

15. There is but one-third of our area on the tax rolls, with extraordinary educational requirements to equip our people to meet mining, industrial, irrigation, and other agricultural development. We must therefore increase the taxable area to include all the lands if every portion of the State shall bear its just share of this burden.

A large part of our territory is included in the Louisiana Purchase, in the treaty ratifying which it is decreed:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

If this provision were complied with the present bureaucratic government over large areas of our State would be impossible. Is there any reason why people who must live in and do business with the said reservations should be deprived of the same rights and privileges enjoyed by the citizens of the older States; and what reason is there to suppose that forests can not be grown and protected or monopolies prevented under the republican form of government?

The incentive of ownership is necessary to secure the best development of our mineral territory, and we can not expect the best citizenship unless people are permitted to own their own homes, no matter in what business they engage.

The private-owned land in the State is scattered promiscuously amongst the Federal-owned land, and there can be no hope of harmonious action or good feeling through the intermingled double jurisdiction over our territory.

The Government purposes, as a landlord, to go into almost every kind of business within the State on untaxed property in competition with private-owned and taxed property. The public business does not need to pay expenses, but the owner of the private property must pay taxes to make up the loss of his Federal competitor. The Federal Government engaging in business as a proprietor must necessarily occupy a contractual relation with the citizen under which the Government may enforce its contract against the citizen, whereas the citizen may not enforce his contract against the Government.

Under the present administration of the forest reserves the Government acknowledges the moral right of the State to tax the property by returning to the State 25 per cent of the proceeds from sales, rentals, and special privileges. It assumes the right, however, to dictate the disposition of this rebate by decreeing that it shall go to the support of roads and schools, two popular purposes, but ignoring the necessity of the State to protect in the courts the very lives of those living upon Federal-owned property and the necessity for the maintenance of educational, charitable, and penal institutions by the State.

16. The continued withdrawal of our lands and resources from entry and placing them upon a revenue basis to pay royalties into the Federal Treasury means their control by Congress, and that Texas, which never had any public lands, would in the House of Representatives have four times the legislative power over our territory that we ourselves could exert, and that New York, which has no public domain, would have ten times the legislative power over our territory that we ourselves possess, and that, too, without any adequate knowledge of local conditions and necessities.

The double jurisdiction over the territory of the State has led to strong opposition to Federal officials, against whose orders and rules there is no recourse in the courts, and employees of the Federal bureaus defending their position have been constantly doing missionary work in behalf of the general principle of Federal control of our lands and resources.

The Forest Service, for instance, through its numerous employees, has been able to enlist the eastern press in praise of its work and to create a sentiment against the West.

The Federal Constitution declares: "The United States shall guarantee to each State in the Union a republican form of government"—not a republican form of government over part of the State, but over it all. Certainly no one can contend that a republican form of government exists under the bureaucratic control already in force over a large part of our territory, and sought to be enforced over two-thirds of our area, with its arbitrary rules and regulations enforceable at the pleasure of the bureau with discretionary power, with its natural antagonism to State laws and State control, with a long list of special privileges to enlist support, and with all the evils, therefore, of a system of favoritism.

"Republicanism and bureaucracy are incompatible existences." (Century Encyclopedia.)

Our laws and customs are built upon experience, and our people are better acquainted with local conditions and necessities, and are more interested in building the State aright than are the people of the East. If there is fear of monopolization, Congress, in the act of cession, could provide effective means for reversion of title to the State whenever monopoly is attempted. The administration of our public lands and resources should be under the jurisdiction of Secretaries of the Interior and Agriculture, familiar from experience with the local situation, in order that it may be for the settlement of our lands, the development of our institutions, and the betterment of social conditions.

17. We therefore earnestly request, under existing or more appropriate laws, such an administration as will secure the settlement of our public lands and the development of our resources, placing them upon the tax rolls, with effective provisions against monopolization and waste. We ask for no advantage or privilege not enjoyed by the older States, but feel we have a right to insist that we be placed on an equal footing in all respects whatsoever with the original States to own and use our lands and resources to build our State and support its government and institutions.

O. C. SKINNER,
Speaker House of Representatives.
STEPHEN R. FITZGAROLD,
President of Senate.

Approved March 8, 1913, at 1.49 p. m.

ELIAS M. AMMONS,
Governor State of Colorado.

Mr. SHAFROTH. Mr. President, the legislatures and political parties of the Western States have been petitioning the Senate and House of Representatives and petitioning the President of the United States for years and years against the policy of leasing the public domain, and similar protests were made with relation to the leasing system which was adopted in 1807. That system provided for the leasing of the lead mines of the United States upon the theory that lead was a munition of war, and that the United States must in some way get hold of a large quantity of it, and it was thought that by a leasing system they could do so. The people of the States affected, through their legislatures and through their governors, protested time and again against the imposition of the leasing system upon them, and I want to read one protest, which is in the form of a memorial, addressed to the Senate and House of Representatives of the United States by the Legislature of the State of Missouri. It reads:

A MEMORIAL.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The General Assembly of the State of Missouri respectfully represent that they have long witnessed with solicitude the policy of the General Government in withholding from sale lands lying in this State represented as containing lead and iron ore; but experience has fully shown the incorrectness of this policy and its inefficiency in accomplishing the object contemplated to be effected, to wit, the advancement in value arising from the increase of population and the discovery of ore; for the enhancement thus arising is more than counterbalanced by the depredations made on the mineral and timber. We would further represent that large tracts of fertile lands have been returned as containing mineral upon which no mineral has ever yet been found—

And I will state that of the lands that have been set aside for coal lands in recent years only a short time ago 3,000,000 acres, I understand, were returned to the public domain because it was found that they had been set aside erroneously—

and we believe that the retention of those lands by the General Government will be against the interest of the Union and a material injury to the best interest of our State, in preventing large districts of our country from being settled by industrious cultivators of the soil. Your memorialists, relying upon the justice of their petition and upon your

wisdom and liberality, pray that your honorable body will pass a law to authorize the sale of such lands lying in this State as have heretofore been withheld from sale on account of their containing lead and iron ore, upon the same conditions that other lands of the Government are now sold.

Resolved, That it be made the duty of the secretary of state to forward to each of our Senators and Representatives in Congress a copy of this memorial.

JOHN THORNTON,
Speaker of the House of Representatives.
DANIEL DUNKLIN,
President of the Senate.

Approved December 11, 1828.

I want to say further that the governor of Illinois, taking the position that these lands in equity belonged to the people who made them valuable by settlement, absolutely advised the people of that State not to pay any royalty to the Federal Government.

It seems to me that in view of the fact that many years elapsed before the detrimental leasing system was repealed we ought to go into the matter only after the most careful deliberation. The reason the leasing system for mines will not pay is because men will not put money into expensive machinery so necessary to develop the mines unless they own the title to the mines. That we are going to have a leasing system under this provision that will prove a resource to the Indians is something that I think will not be justified in view of the experience we have had in the past. In other words, a leasing system is one that never has produced revenue to the Government, and never can produce revenue, because of the fact that the men will not develop the leased mines in the same manner that they will develop their own lands. That being the case, instead of it being a matter of profit to the Indians, and instead of it being a matter of great income to them, we shall find that it will be a loss to them if you take into consideration the expenditures necessary to be made.

Some people have said, "Why, Colorado has a coal-leasing law." It has a coal-leasing law, but what has been the experience in Colorado? Only 3 per cent of the coal lands of Colorado have been leased. Operators do not want to lease the land. They know it takes an enormous amount of money to develop a coal mine. They have to procure expensive hoisting apparatus and machinery to extract the coal. They have to build a railroad to the mine. People are not going to put in those large sums of money unless they own title to the land. For these reasons only 3 per cent of the coal lands of the State of Colorado have been leased, and only one-half of that amount has been actually developed or is being developed. That is the experience we have had there.

Take the grazing lands belonging to the State of Colorado. They have been leased at about 5 cents an acre per annum, and yet those lands sell very readily for $6, $7, and $8 an acre. Five cents an acre is less than 1 per cent upon the value of the lands, and that is not as much as the amount which the State, county, and schools would receive by imposing taxes upon the land. How can the State, county, and schools maintain good government if large areas are exempted from taxation? Our State can not perform the functions that are required of us by the National Constitution unless we have a right to tax those lands, and that can only be done by the Government continuing the policy contemplated by the Constitution of disposing of, instead of holding in perpetuity, the same.

Mr. President, this is a general leasing clause in an appropriation bill, and ought not to have been in here at all. If we are going to adopt the leasing system, it ought to be in a general bill reported to the Senate. I want to say, however, that it is not right that we should have one system as to the Indian lands and another system as to our public lands. In other words, we should pay to the Indians exactly the same amount that we pay to our own Treasury for the same character of lands, and on that account the system ought to be uniform. If the system does not pay, and the Indians are charged with a sum for administering it, then it is not right to the Indians. If it pays by not having any charges at all for administration, and the Indians get more money than the General Government gets out of similar classes of lands, then it seems to me they get too much. Consequently, the system should be under a general law, and the rights of the Indians ought to be identical with the rights of the citizens of the United States with relation to the disposal of the public lands.

Mr. SUTHERLAND. I submit the point of order.

The PRESIDENT pro tempore. The concession made by the chairman of the committee relieves the Chair of the embarrassment of running amuck on this bill. Points of order have been presented very frequently this afternoon, and in nearly every instance they seem to have been well taken.

The Chair will agree with his friend the Senator from Arizona and sustain the point of order.

The Secretary will continue the reading of the bill.

Mr. STERLING. Mr. President, before proceeding with the items relating to the several States I should like to call attention again to the amendment beginning on page 14, line 24. I know the committee has adopted that amendment, but I am reminded of the fact that a good while ago I received pretty vigorous protests against the system of determining heirship among the Indians provided by the act of June 25, 1910, and I should like to have some little time to consider the objections I have received.

The PRESIDENT pro tempore. The Chair will state to the Senator that a point of order has been presented in opposition to that amendment, and the Chair has withheld judgment on it until to-morrow. In the meantime the Senator can follow it up.

Mr. STERLING. Very well. I was not aware of that.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Arizona and New Mexico," in section 2, page 19, after line 11, to insert:

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Mr. PAGE. Mr. President, I should like to ask the chairman of the committee if there has not been a mistake made in the preparation of this bill in making, as we do, an appropriation, on page 7, line 25, as follows:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including the support and education of deaf and dumb and blind Indian children, $1,500,000.

And then saying, as we do here—

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Should not those different appropriations for the same purpose be assembled in one part of the bill?

Mr. ASHURST. They are not in connection with reservations, and this is a special item.

Mr. SMITH of Arizona. They are not conflicting.

Mr. ASHURST. They are not conflicting, and this is a special item estimated for by the department.

Mr. PAGE. I approve of the appropriation; I do not object to that at all; but it seems to me in reading the bill that you should say, in the paragraph commencing at the bottom of page 7, "including $50,000," adding to the amount of that appropriation the special appropriation for the Papago Indians.

Mr. ASHURST. With due respect to the observation made by the Senator, there may be some force in it, but I think after the investigation of our hearings he will find that the department wished it this way for its own convenience, and that taking it all together it will be more appropriate in this form.

Mr. SMITH of Arizona. In that connection I will ask, as I was not here when the consideration of the bill was begun, being detained at one of the departments on official business, what provision, if any, is made in the bill for the isolation of Indians suffering from tuberculosis and trachoma?

Mr. ASHURST. Mr. President, if my colleague will indulge me, I will ask the Senator from Arkansas [Mr. ROBINSON] to answer that question. I should like, however, to make one preliminary observation.

In the Indian appropriation bill that was passed last year some $25,000 was appropriated for the purpose of holding hearings and making an investigation as to the health and other features of the Indians. That committee, composed of the Senator from Arkansas [Mr. ROBINSON], the Senator from Oregon [Mr. LANE], the Senator from Michigan [Mr. TOWNSEND], and three Members of the House of Representatives, proceeded to a large number of reservations, and held hearings; and the result of their work can not be commended too highly. In fact, I am very certain that when the Senate learns of the vast value of their work to the Indians and to the general public, the Senate will feel under a special obligation to the committee.

I will ask the Senator from Arkansas to answer the question asked by my colleague.

Mr. SMITH of Arizona. Before the Senator proceeds I wish to call attention to the point I have in my mind. It is that great numbers of the Papago Indians, for whose benefit this $50,000 is appropriated, are suffering from the disease of the eye called trachoma. I have had quite a number of letters

from a most estimable lady, Mrs. Wright, in the town of Tucson, and quite a number of citizens of the city, touching the necessity of an appropriation for a hospital that will isolate and take care of the patients or the children so affected. It is getting into the city schools. By reason of the free access of the Indian children suffering from the disease it is making its appearance in the public schools, and very naturally creates great alarm among our people.

I was expecting to find somewhere in this bill a direct appropriation for a hospital, properly isolated, about the city of Tucson, which has some twenty-odd thousand inhabitants, and the Indian reservation lying 8 or 10 miles away. If such a hospital is not provided in the bill I hope the Senator can show me that there is some provision in the bill whereby it can be built, or this isolation properly made.

Mr. ROBINSON. Mr. President, on page 6, lines 6 to 25, and page 7, lines 1 to 19, are contained the provisions relating to the relief of distress and the treatment of disease among the Indians. Those provisions have already been approved by the committee. The item carries $310,000 for the general purpose of relieving distress and disease among the Indians. Of that $310,000, not to exceed $100,000 may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma, and no hospital to be constructed shall cost more than $12,500. The sum is made immediately available, and the hospitals are to be constructed in the open market.

The joint commission, which made some investigations into health conditions among the Indians, found that both tuberculosis and trachoma are alarmingly prevalent among the Indians throughout the United States. In some localities practically all of certain tribes are afflicted with trachoma. In the case of some of the tribes as high as 40 or 50 per cent are afflicted with tuberculosis. The conditions are alarming.

After very careful consideration of the matter, we concluded that the best way to inaugurate a movement for the eradication of these diseases among the Indians was to provide for inexpensive hospitals where the Indians might be received for treatment, and for this purpose $100,000 is made available. Of course, it will be inadequate to provide hospitals for all reservations where they are needed, but it is the beginning of a work which must be extended in the future.

The bill contains the following proviso:

That whenever the Secretary of the Interior shall find any Indian afflicted with tuberculosis, trachoma, or other contagious or infectious diseases, he may, if in his judgment the health of the afflicted Indian or that of other persons require it, isolate or quarantine such afflicted Indian in a hospital or other place for treatment. The Secretary of the Interior may employ such means as may be necessary in the isolation or quarantine of such Indian, and it shall be the duty of such Indian so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision.

I have here an itemized statement of the manner in which this $310,000 may be expended. The Bureau of Indian Affairs has gone into the subject somewhat carefully. The amount of $100,000, which is available for the construction of camp hospitals for the treatment of trachoma and tuberculosis, as I have already stated, will not begin to provide a sufficient fund to construct the necessary hospitals; but the bureau thought perhaps that was all that could be profitably expended during the next year; and it is contemplated by the committee that these appropriations shall be extended as the circumstances and necessities require.

Mr. SMITH of Arizona. Mr. President, I appreciate the labor of the committee, and especially the Senator from Arkansas himself, in this humane effort to relieve suffering; but situated as these poor Papago Indians are, near one of the largest cities in our State, I had hoped a direct appropriation might be made on account of the prevalence of the disease and the danger of its dissemination, and that a real hospital might be built.

Here is a large city and a short distance from it a very large Indian reservation. The Indians are constantly coming to town, and people are constantly driving, in their business, through the Indian reservation. I had hoped that the bill would be found to contain somewhere an item that would permit the construction of a permanent hospital, costing, say, twenty or twenty-five thousand dollars, that would stand for a good length of time. These mere open tents will do no good at all.

I will ask the Senator before he proceeds whether or not, under this appropriation, he thinks the Secretary of the Interior or the Commissioner of Indian Affairs, or whoever manages it, could build a more permanent hospital wherever he thought the exigency was greater?

Mr. ROBINSON. Mr. President, under the provision contained in the bill, the Secretary of the Interior or the Commissioner of Indian Affairs may construct these camp or pavilion hospitals at such places as in their discretion they should be constructed.

There is, however, a limitation in this bill that no hospital to be constructed shall cost more than $12,500. That provision was inserted in the bill after very careful consideration of the committee. We thought it best; and it was the view of the members of the committee who had had personal experience in the treatment of tuberculosis, including the distinguished Senator from Oregon [Mr. LANE], that it is best under all the circumstances to provide as many hospitals as practicable, and make them just as inexpensive for the present as circumstances will permit, so that the treatment may be brought as speedily as possible to the thousands of Indians of the United States who are suffering, and the many who are dying, from this dread plague.

HOUR OF DAILY MEETING.

On motion of Mr. KERN, it was

Ordered, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 17, 1914, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 16, 1914.

RECEIVER OF PUBLIC MONEYS.

Mrs. Grace B. Caukin, of Sonoma, Cal., to be receiver of public moneys at San Francisco, Cal., vice John J. Deane, term expired.

REGISTER OF THE LAND OFFICE.

John B. Sanford, of Ukiah, Cal., to be register of the land office at San Francisco, Cal., vice Truman G. Daniells, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 16, 1914.

COLLECTOR OF CUSTOMS.

Malcolm Argyle Franklin, to be collector of customs for the district of Hawaii.

UNITED STATES ATTORNEY.

Clarence Merritt to be United States attorney for the eastern district of Texas.

POSTMASTERS.

ALABAMA.

Z. E. Bellah, Oneonta.
R. E. Burnett, Greenville.
Thomas E. Hill, Troy.
H. G. Williams, Gordo.

ARKANSAS.

Sam R. Carpenter, Arkadelphia.
Lucy C. Dollarhide, Foreman.
Jefferson D. Hailey, Berryville.
John A. Marr, Prescott.
William P. Williams, Nashville.

CALIFORNIA.

James D. O'Connell, National City.
H. P. Moffitt, Oilfields.
Mattie F. Shepard, Auburn.

COLORADO.

Lydia J. McGee, Pagosa Springs.
Edward O. Russell, Manzanola.

CONNECTICUT.

Willis B. Judd, Bethel.
Edward L. Roberts, Canaan.

FLORIDA.

Lester Windsor, Winterhaven.

GEORGIA.

John W. Clark, Augusta.

INDIANA.

Burton Cassaday, West Terre Haute.
Charles F. Gerber, jr., Cannelton.
Bertram W. Pickhardt, Huntingburg.
R. F. Schneider, Montpelier.
Levi L. Simons, Warren.

IOWA.

Edmund Ahart, Dow City.
John L. Devine, Livermore.
Cora A. Hidlebaugh, Bagley.
Jacob B. Powers, Murray.

KANSAS.

W. T. S. Griffith, Westphalia.
Alice W. Lee, Glen Elder.
Anna B. Marshall, La Cygne.
W. R. Martin, Wathena.

MAINE.

Otha H. Jellison, Bar Harbor.
John E. Murphy, Hallowell.
Willie B. Parlin, Machias.
Dennis Sheehan, Houlton.

MONTANA.

Anna D'G. Hough, Bridger.
John T. Murphy, Boulder.

NEVADA.

Lee M. Boyce, East Ely.

NEW JERSEY.

Benjamin F. Apgar, Hampton.
Thomas F. Dolan, Sayreville.
T. Harry Obert, Pleasantville.

NORTH CAROLINA.

Robert H. Davis, Louisburg.
R. R. Ross, Ashboro.

NORTH DAKOTA.

Paul Keller, Hebron.
Thomas Regan, Larimore.
Zora Svendsgaard, Bowdon.

OHIO.

R. J. Baxter, Conneaut.
W. F. J. Dehn, Struthers.
Thomas W. Fahnestock, Versailles.

OKLAHOMA.

H. S. Blair, Drumright.
Monroe Moore, Lamont.
Omer Schnoebelen, Mooreland.
Thomas P. Stone, Custer.
Eugenia F. Turner, Krebs.
D. R. Wright, Taloga.

PENNSYLVANIA.

Stanley Dropeski, Nanticoke.

SOUTH DAKOTA.

William Galvin, Sturgis.
George E. McAllister, Frankfort.

TEXAS.

J. W. Hail, Crockett.

VERMONT.

Burton E. Bailey, Montpelier.
W. J. O'Neill, Waterbury.

WEST VIRGINIA.

L. W. Bartlett, Buckhannon.

WYOMING.

William E. Landau, Torrington.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 16, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we would praise, magnify, and hallow Thy holy name, in the purity of our thoughts, in deeds sublime, by the rectitude of our behavior, in the manifold duties and relationships of life, that we may be worthy recipients of Thy care and protection, and thus hasten the coming of Thy kingdom, that peace, joy, and righteousness may fill the earth, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair designates the gentleman from Indiana [Mr. CULLOP] to preside to-morrow as Speaker pro tempore.

FEDERAL AND STATE ELECTION LAWS.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD briefly on the conflict between the Federal and State election laws.

The SPEAKER. The gentleman from California [Mr. KENT] asks unanimous consent to extend his remarks in the RECORD on the conflict between Federal and State election laws. Is there objection?

There was no objection.

OHIO RIVER.

Mr. SWITZER. Mr. Speaker, a week ago last Tuesday the gentleman from Wisconsin [Mr. FREAR] was given 20 minutes in which to address the House. I desire permission to address the House for 20 minutes in reply to his unwarranted and vicious assault on certain items in the river and harbor bill appropriating money for the improvement of the Ohio River.

The SPEAKER. The gentleman from Ohio [Mr. SWITZER] asks unanimous consent to address the House for 20 minutes on certain features of the river and harbor bill. Is there objection?

Mr. SWITZER. I have never made such a request of the House before.

Mr. FITZGERALD. While the sundry civil appropriation bill is before the House I shall have to object.

The SPEAKER. The gentleman from New York objects.

GRAZING HOMESTEAD BILL.

Mr. FERGUSSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the 640-acre grazing homestead bill, as applied to the arid lands of the West.

The SPEAKER. The gentleman from New Mexico [Mr. FERGUSSON] asks unanimous consent to extend his remarks in the RECORD on the 640-acre homestead grazing bill. Is there objection?

There was no objection.

KENTUCKY.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from this morning's Washington Post with reference to Kentucky.

The SPEAKER. The gentleman from Kentucky [Mr. BARKLEY] asks unanimous consent to extend his remarks in the RECORD by printing an editorial from this morning's Washington Post about the chivalry and beauty of Kentucky. Is there objection?

There was no objection.

The editorial referred to is as follows:

THE HUMAN BREED IN KENTUCKY.

A eugenic law in Kentucky? Impossible! There must be some mistake in the announcement that Kentucky is worried over its human breed, and has enacted a law which requires candidates for matrimony to give full and satisfactory particulars as to their physical condition before a license will be granted.

Matters have come to a pretty pass if the State of handsome men and beautiful women must take measures to keep up the standard of perfection. What must be the conditions in other States, if the chivalry and beauty of the Blue Grass State are decadent?

No new-fangled law was necessary to make the manhood and womanhood of Kentucky great. Nature alone, working in the Eden known to mortals as Kentucky, developed a superb race. The men were mighty of thew, tall, impetuous in love and war, gifted alike for the forum or the field, carrying all before them. And the women—ah, the women of Kentucky! Poetry and tradition wove around them a halo of romance through which their beauty and charm shed a radiance that enraptured all mankind.

If Kentucky thinks she can improve upon the splendid type of humanity she has developed, she is vainly trying to gild refined gold and paint the lily. Let well enough alone, Kentucky! Repeal this foolish law, which stands as an admission that humankind in Kentucky is on the down grade. Stick to the old standards, and thus remain the envy of your sister States, which would be happy, indeed, to share the fame already achieved by Kentucky in rearing brave men and lovely women.

EULOGIES ON THE LATE REPRESENTATIVE KONIG.

Mr. COADY. Mr. Speaker, I ask unanimous consent that Sunday, June 28, be set apart for eulogies on the late Representative KONIG, of Maryland, and that there be a session of the House on that day for that purpose.

The SPEAKER. The gentleman from Maryland [Mr. COADY] asks unanimous consent that on Sunday, June 28, 1914, there be a session of the House for the purpose of paying eulogies on the life, character, and public services of the late Representative KONIG. Is their objection?

Mr. MANN. At the regular hour?

The SPEAKER. At 12 o'clock noon. Is there objection?

There was no objection.

CORRECTION OF RECORD.

Mr. ROGERS. Mr. Speaker, on May 28 last the House granted me an indefinite leave of absence on account of the

serious illness of my father. That illness has had a fatal termination, and I have just returned to the House.

On June 5 the Clayton antitrust bill came to a vote. On page 9911 of the CONGRESSIONAL RECORD I am recorded as paired against the bill. I had not then had an opportunity to study the bill or to follow the debate, and the pair was made without my knowledge and evidently under a misapprehension. I was paired with the gentleman from Pennsylvania [Mr. DONOHOE], and I should not like to embarrass him in any way; but, if it is possible, I should like to be relieved from that pair, because I am inclined to think, after such study as I have since been able to give to the measure, that I should have voted for it.

The SPEAKER. The statement of the gentleman will go into the RECORD, of course. The Chair is of the opinion, just guessing at it, that it is too late to correct the RECORD of that date.

Mr. ROGERS. I supposed that any time within 10 days or 2 weeks would not be too late to correct the permanent RECORD.

The SPEAKER. If there be no objection, the correction will be made both in the RECORD and Journal.

Mr. ROGERS. I desire to make a further correction in the RECORD. The vote on the Rayburn bill to regulate the issue of railway stocks and bonds immediately followed the vote on the Clayton antitrust bill just referred to. It appears upon the page of the RECORD which has already been cited. At the close of the vote on the Rayburn bill two pairs are listed under the caption: "The Clerk announced the following additional pairs." My name does not appear as one of those separately paired on the Rayburn bill, and I feared that in view of the use of the word "additional" there might be an implication that I was paired against the Rayburn bill as well as—though in error, as above stated—against the Clayton bill.

The SPEAKER. Oh, no. If a pair is general, it carries no implication whatever.

Mr. ROGERS. The previous pair was not general. It was specifically, though mistakenly, a pair against the Clayton bill, and under the language of the RECORD there is, I think, some ground for the inference that a pair against the Rayburn bill also was intended. As I should certainly have voted for the Rayburn bill, I desire to clear away any possible uncertainty upon the point.

Then, on June 8, there was a call of the House, and on that call, on page 10030 of the CONGRESSIONAL RECORD, I was not recorded as among those who then failed to answer to their names. I should like to be recorded as absent, because I was in fact absent, and indeed have only to-day returned to the House. [Applause.]

The SPEAKER. If there be no objection, the correction will be made.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. DIES, indefinitely, on account of illness.

To Mr. STRINGER, indefinitely, on account of important business.

To Mr. BELL of Georgia, for one week, on account of important business.

To Mr. WINGO, indefinitely, on account of illness.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I call up the conference report on the naval appropriation bill, and I ask unanimous consent that the statement of the conferees may be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee calls up the conference report on the bill H. R. 14034, the naval appropriation bill, and asks unanimous consent that the statement of the conferees may be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 828).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 15, 16, 42, 43, 44, 50, 54, 66, 70, 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 39, 41, 46, 47, 48, 49, 51, 52, 55, 56, 58, 60, 61, 62, 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "officers," insert the following: "not exceeding five"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee on conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000," and in lieu thereof insert "$180,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000), $200,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment, strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "men," insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives and one naval officer to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, capable of standing all ballistic and other necessary tests required for use in vessels of the Navy, at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual output capacity of 20,000 tons, and also a plant having an output of 10,000 tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each, and the estimated annual

cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee, payable upon vouchers signed by the chairman of said committee."

And the Senate agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, and 71 the committee of conference have been unable to agree.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

Amendments Nos. 1 and 2: Provide for an increase of $104,000 in the appropriation "Contingent, Navy," to provide a fund for entertaining the officers and crews of foreign fleets which may be sent to attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution approved February 15, 1911, and the House recedes.

Amendment No. 3: Provides that tolls shall not be assessed against or collected from any war vessel of any foreign nation which may pass through the Panama Canal en route to or returning from the Panama-Pacific International Exposition, provided such vessel has been sent by its Government to attend and participate in said exposition, and the House recedes.

Amendment No. 4: Provides that the Secretary of the Navy be authorized to define and establish suitable anchorage grounds in Hampton Roads and San Francisco Bay for the combined fleets of the United States and foreign Governments which may rendezvous in these waters during their attendance at the Panama-Pacific International Exposition, and the House recedes.

Amendment No. 5: Provides that officers who now perform engineering duty on shore only shall be eligible for any shore duty compatible with their rank and grade to which the Secretary of the Navy may assign them, and the House recedes, with an amendment by which officers of the construction corps and the officers above named are eligible for any shore duty to which the Secretary of the Navy may assign them.

Amendment No. 6: Increases the appropriation for recruiting from $130,000 to $150,000, and the Senate recedes.

Amendment No. 7: Permits the employment of more than one advertising agency in advertising for recruits, and the House recedes.

Amendments Nos. 8, 9, and 10: Extend to the Revenue-Cutter Service the right of any alien of 21 years of age and upward who may, under existing law, become a citizen of the United States and has served or may hereafter serve for four years in the Revenue-Cutter Service and receive therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, to be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the House recedes.

Amendment No. 11: Increases the appropriation for gunnery exercises from $100,000 to $115,000, and the House recedes.

Amendment No. 12: Provides for the producing of American charts and sailing directions to replace those of foreign production which now have to be purchased abroad, and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office. The House recedes with an amendment restricting the number of officers to be detailed to that office to not exceed five.

Amendment No. 13: Provides that the pensions of beneficiaries of the naval home shall be disposed of in the same manner as prescribed for inmates of the soldiers' home, except that in case of the death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall escheat to the naval pension fund, subject to certain provisions, and the House recedes.

Amendments Nos. 14, 15, and 16: Make certain appropriations in the Bureau of Ordnance "available until expended," and the Senate recedes.

Amendment No. 17: Makes the appropriations for "torpedoes and appliances" "available until expended." The House recedes with an amendment making that appropriation available until June 30, 1917.

Amendment No. 18: Includes the Naval Observatory in the appropriation "Maintenance, Bureau of Yards and Docks," without increasing the appropriation, and the House recedes.

Amendments Nos. 19 and 20: Strike out the House provisions for building slips and equipment at navy yard, Boston, Mass., to cost $148,000, and the provision whereby the unexpended balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year 1914 is covered back into the Treasury, and provides that the unobligated balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year ending June 30, 1914, not exceeding $148,000 is made available for building slips and equipment at Boston, and the House recedes.

Amendment No. 21: Increases the appropriation to complete Pier D from $12,000 to $25,000, and the House recedes.

Amendment No. 22: Increases the limit of cost of Pier C from $130,000 to $150,000, with no increase in the appropriation, and the House recedes.

Amendment No. 23: Provides an appropriation of $8,500 to extend the second floor mold loft in the navy yard, New York, and the House recedes.

Amendment No. 24: Is a change of total and an increase of $21,500.

Amendment No. 27: Provides for a fireproof general storehouse, Washington Navy Yard, D. C., cost not to exceed $225,000, with an appropriation of $100,000, and the House recedes.

Amendment No. 30: Increases the appropriation for dredging at navy yard, Charleston, S. C., from $10,000 to $20,000, and the House recedes.

Amendment No. 31: Makes the sum of $207,000 for improvement of hydraulics, Mare Island Straits, "to be immediately available," and provides an appropriation of $20,000 for dredging and diking Mare Island Straits, and the House recedes with an amendment striking out the words "to be immediately available."

Amendment No. 32: Is a change of total.

Amendment No. 35: Provides for an appropriation of $500,000 toward the extension of the powder factory at the Naval Proving Ground, Indianhead, Md., and the House recedes with an amendment whereby an appropriation of $200,000 is made and a limit of cost of the extension to the powder factory is fixed at $500,000.

Amendment No. 36: Provides for a fuel-oil storage, San Francisco, Cal., to cost $100,000, and for a fuel-oil storage at some point accessible to the oil fields of Texas and Oklahoma, to cost $150,000, and the House recedes with an amendment striking out the provision for oil storage at a point accessible to Texas and Oklahoma.

Amendment No. 37: Is a change of total and makes the whole appropriation "available until expended," and the House recedes with an amendment striking out the words "to be available until expended."

Amendment No. 38: Provides an appropriation of $150,000 for naval disciplinary barracks at Puget Sound, Wash., and Port Royal, S. C., and the House recedes with an amendment reducing the appropriation to $75,000.

Amendment No. 39: Places the Naval Observatory in the appropriation "Repairs and preservation at navy yards and stations," without increasing the appropriation, and the House recedes.

Amendment No. 41: Allows the expenditure of $40,000 from the naval hospital fund for the erection of such temporary structures and equipment of the naval hospitals at Mare Island and Puget Sound as may be necessary to relieve the crowded condition of those institutions and make special preparation for the sick of the Navy and visiting fleets at the time of the Panama-Pacific International Exposition, and the House recedes.

Amendment No. 42: Makes appropriation for "Transportation of remains" available until expended, and the Senate recedes.

Amendment No. 43: Provides for an increase of pay of the dental surgeon at the Naval Academy, Annapolis, Md., of $200 per year based upon 15 years' service at this institution as a civilian dentist, and the Senate recedes.

Amendment No. 44: Excludes the men of the Navy that are detailed for duty with the Naval Militia in being counted in the enlisted strength of the Navy, and the Senate recedes.

Amendment No. 45: Provides that the number of enlisted men of the Navy shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year, and the House recedes with an amendment making the provision apply to the enlisted men of the Marine Corps as well as the Navy.

Amendments Nos. 46, 47, and 48: Provide for an increase in the Corps of Chaplains in the Navy by allowing 1 chaplain to each 1,250 of the total personnel of the Navy and Marine Corps, which increases the number now allowed by law from 24 to 52 and also provides for a probationary period in the grade of acting chaplain of three years' sea service on board ship before a commission is granted. The amendment provides for no increase in the pay of chaplains, but only increases the number, and the House recedes.

Amendment No. 49: Permits the accounting officers of the Treasury to allow the members of the Nurse Corps the amounts which have been checked against them for commutation of subsistence under the decisions of the comptroller dated December 21, 1912, and April 29, 1913, and the House recedes.

Amendment No. 50: Provides that the amounts credited to the Naval Supply Account from stores, equipage, and supplies turned in from ships be "available until expended," and the Senate recedes.

Amendment No. 51: Provides that the Secretary of the Navy be authorized in his discretion to issue free of cost the national flag used for draping the coffin of any officer or enlisted man of the Navy or Marine Corps, whose death occurs while in the service of the United States, upon request, to the relatives of the deceased officer or enlisted man, or, upon request, to the school, patriotic order, or society to which the deceased officer or man belonged, and the House recedes.

Amendment No. 52: Is a change of verbiage without any change of effect, and the House recedes.

Amendment No. 54: Provides that unobligated and unexpended balances of the appropriation "Steam machinery" shall be "available until expended," and the Senate recedes.

Amendment No. 55: Provides that there may be appointed annually from the enlisted men of the Navy who are citizens of the United States and not more than 20 years of age, and who have served not less than one year, 15 enlisted men to the United States Naval Academy, to be selected in the order of merit by competitive examinations prescribed by the Secretary of the Navy, and such men so selected are required to pass the physical and mental examination now required by law for entrance to the Naval Academy, and the House recedes.

Amendment No. 56: Strikes out the provision which provides $200,000 for building slips and equipment in order to equip a navy yard for building a battleship, and the House recedes.

Amendment No. 58: Is a change of verbiage without any change of effect, and the House recedes.

Amendment No. 59: Provides that the Secretary of the Navy in estimating the actual cost of a ship built by the Government may deduct from the estimated cost of such ship as built under the appropriation therefor any sums which he deems not to be just to be charged thereto, and the House recedes with an amendment whereby the various appropriations for the support of the naval establishments may be charged with the overhead charges incident to upkeep and industrial work at navy yards and stations, and the sums so charged to be distributed in accordance with the work done at the various yards and stations so that the cost of work may be determined.

Amendment No. 60: Is a change of verbiage, owing to a previous amendment, without any change in effect, and the House recedes.

Amendment No. 61: Strikes out building slips and equipment under the appropriation "Construction and machinery," and the House recedes.

Amendment No. 62: Strikes out the word "steam," making the appropriation apply to all kinds of machinery as well as steam machinery, and the House recedes.

Amendment No. 66: Provides an appropriation of $8,600 for the correction of acoustics of the United States Naval Academy chapel and auditorium, and the Senate recedes.

Amendment No. 67: Provides for a committee to investigate the cost of the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, and gives said committee authority to send for persons and papers and to administer oaths, and appropriates the sum of $5,000 for the expense of said committee, and the House recedes with an amendment whereby the committee is to be composed of the chairmen of the Committee on Naval Affairs of the Senate and the House of Representatives, respectively, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant of both 20,000 and 10,000 tons capacity to enable the United States to manufacture its own armor plate and special-treatment steel. The committee is given authority to sit during the recess of Congress and to send for persons and papers and to administer oaths. The sum of $5,000 is appropriated to defray the expenses of the committee.

Amendment No. 69: Is a change of total, and the House recedes.

Amendment No. 70: In the paragraph in the House bill which limited all appropriations for the procuring of any vessels, armament, articles, or materials, which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply, to procuring them from Government plants, the Senate struck out the requirement that Government plants be "operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants," and the Senate recedes.

Amendment No. 72: Makes all appropriations contained in the bill immediately available, and the Senate recedes.

The committee of conference has been unable to agree on the following amendments:

Amendment No. 28: Navy yard, Norfolk, Va. New dry dock (cost not to exceed $3,000,000), $200,000.

Amendment No. 29: In all, navy yard, Norfolk, Va., $225,000.

Amendment No. 33: Naval station, Key West, Fla.: Toward construction of breakwater (limit of contract, $600,000), $100,000.

Amendment No. 34: The limit of cost of the dry dock at the naval station, Pearl Harbor, Hawaii, is hereby increased to $4,986,500.

Amendment No. 40: Change of total.

Amendment No. 53: *Provided further*, That the Secretary of the Navy is hereby authorized to enter into a contract for the use by the Government of dry docks at Hunters Point, San Francisco, Cal., one of which docks shall be capable of docking the largest vessel that can be passed through the locks of the Panama Canal, for a period not to exceed six years from completion of such dock, at a compensation of $50,000 per annum during said period of six years, the right of the Government to the use of said docks in time of war to be prior and paramount: *Provided*, That the construction of the large dock shall be undertaken immediately upon entering into this contract and shall be completed within 24 months thereafter: *And provided further*, That said contract shall provide for docking rates not in excess of commercial rates and for such other conditions as may be prescribed by the Secretary of the Navy prior to entering into such contract: *And provided further*, That in the event, during the said contract period of six years, the necessities of the fleet require the docking of vessels which will necessitate a charge greater than $50,000 per annum, the Secretary of the Navy is authorized to have said vessel docked at a rate of charge not greater than price stipulated in said contract.

Amendments Nos. 57, 63, 64, 65, and 68 are amendments making appropriations under "Increase of the Navy," "available until expended."

Amendment No. 71: The President may, in his discretion, direct the sale, in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for the purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1915: *Provided further*, That any vessel constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriation for the increase of the Navy.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

Mr. FOSTER. Mr. Speaker, I desire to reserve a point of order on the conference report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSTER. Mr. Speaker, I reserve a point of order on the conference report. On amendment 59, on page 60 of the bill, the conferees agreed to an amendment in lieu of the amendment proposed by the Senate. I desire to get the chairman of the committee to explain the meaning of this change which has been proposed by the conferees on this amendment of the Senate.

Mr. PADGETT. Mr. Speaker, in the present management——

The SPEAKER. Let the Chair get the matter straightened out as to time. The gentleman from Illinois is not making the point of order?

Mr. FOSTER. Mr. Speaker, I reserve the point of order.

The SPEAKER. Yes; but what good does it do to reserve the point of order unless the gentleman has one?

Mr. FOSTER. I may have one.

The SPEAKER. What is the point of order, the Chair desires to know?

Mr. FOSTER. Mr. Speaker, I was waiting until we had an explanation from the chairman of the committee. The language is quite different, and I may not make the point of order after I have heard the chairman of the committee.

The SPEAKER. The gentleman from Tennessee has an hour. The point of order is one thing, but interrogating the gentleman from Tennessee as to the meaning of certain language in the conference report is another. The gentleman from Illinois, however, will not be cut out of his right to make the point of order. The hour of the gentleman from Tennessee begins to run now.

Mr. PADGETT. Mr. Speaker, I was going to suggest that the time would not run out of my hour on the point of order?

The SPEAKER. No; the argument about the point of order will not be taken out of the gentleman's hour, but answering questions as to the meaning of the language is taken out of the hour.

Mr. PADGETT. Very well. Mr. Speaker, in the present management of the navy yards, in the construction of battleships in the navy yards, it is believed that too much of the overhead charges is charged to the construction of the ship. This is an effort to arrive as near as possible at the exact overhead charges that should be charged to a ship. Under certain rulings of the Department of Justice and the Comptroller of the Treasury various overhead charges can not be charged to specific appropriations that are made to the various bureaus, and the language that is in the bill in the Senate amendment does not accomplish the purpose for which it was intended, and gave the Secretary entirely too much power and discretion, in the opinion of the conferees on the part of the House, allowing him to charge just what he pleased and to refrain from charging what he pleased, and to fix no rule of action so far as charging or declining to charge is concerned.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FITZGERALD. What does this amendment propose to do?

Mr. PADGETT. Mr. Speaker, this amendment proposes that hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to the upkeep and to industrial work at the navy yards and stations. For instance, to illustrate, it takes so much to maintain the navy yards, whether there is a battleship building there or not. Light, heat, power, transportation, and various general charges that are known under the general head of overhead charges amount to so much, but suppose a battleship is directed to be constructed in one of the navy yards. Assuming that conditions were the same and that construction of the battleship added so much additional to these overhead charges, we feel that the amount that should be charged to the battleship would be the amount of increase incident to the construction of the ship, and not a percentage of the whole charge of overhead charges in the navy yard. As it is now, they charge against the construction of the ship a certain percentage, arbitrarily fixed, of light, and a certain percentage, arbitrarily fixed, of transportation, of heat, and of power, and of all these matters.

This amendment is to allow them to distribute these overhead charges to the several appropriations, so that the construction of the battleship would be chargeable only with the amount to be ascertained with which it should be charged. I think this is very beneficial legislation. It is done for the purpose of enabling the department to reach a more just and fair and equitable distribution of the overhead charges.

Mr. FOSTER. Mr. Speaker, let me ask the gentleman this: In his judgment does he believe the Navy Department will do this, and that the construction of battleships within the navy yards will not have to bear an extra burden of overhead charges?

Mr. PADGETT. Mr. Speaker, I will say to the gentleman very frankly that this is intended by the Secretary of the Navy to enable him to reduce the overhead charges on the construction of battleships, so that the charges will not be so great, and that a portion of these charges that are now charged to the construction of the battleship may be distributed to the several appropriations of the different bureaus.

Mr. FOSTER. And not charged to the construction of the battleship?

Mr. PADGETT. No.

Mr. FOSTER. So that if this amendment be adopted, the effect would be to charge only the actual amounts to the battleship?

Mr. PADGETT. And it is to enable the Secretary to do that that this is put in.

Mr. DUPRÉ. Mr. Speaker, as a matter of fact, is it not only a matter of bookkeeping?

Mr. PADGETT. It is more than a matter of bookkeeping. Of course, it is a matter of bookkeeping, but it is intended to place the charges where they properly belong, and under the method that is now pursued it charges to the construction of the battleship too much of the overhead charges and too little to the other appropriations in the work in the navy yard.

Mr. DUPRÉ. What is the ultimate effect on the Public Treasury?

Mr. PADGETT. Of course, the Treasury would pay the same, but the Treasury does not want it shown that it costs so much to construct a battleship in a navy yard, when, as a matter of fact, the charge shown is exorbitant.

Mr. FOSTER. Mr. Speaker, in view of the explanation of the gentleman from Tennessee, chairman of the committee, I shall not make the point of order I reserved.

Mr. MOORE. Will the gentleman yield?

Mr. PADGETT. Yes; I will yield for a question.

Mr. MOORE. I may want to ask two questions, if the gentleman pleases, on this point the gentleman from Illinois has raised. The purpose of this amendment is to enable the Secretary of the Navy to so adjust the figures for the construction of a battleship that he will not have to charge against construction of a particular ship certain overhead charges that are in the nature of permanent charges?

Mr. PADGETT. And should not be borne by that particular ship.

Mr. MOORE. Yes; and the effect would be to reduce the cost of a ship so far as the direct shipbuilding appropriation was concerned?

Mr. PADGETT. Yes.

Mr. MOORE. In contrast to the figures presented by the independent shipyards, perhaps the Government has suffered in that charges may have been made against the construction of a battleship, including heat, light, and so forth, and the salaries of certain permanent officers attached to the department, and certain other overhead charges that would raise the price of the ship itself?

Mr. PADGETT. That is the belief of the department and the Secretary, and the purpose of this amendment is to remedy that defect and allow a proper distribution of the overhead charges.

Mr. MOORE. If we were to establish a shipbuilding yard at the Pensacola Navy Yard, for instance, we would erect building ways, with other facilities for building ships. Entering into the nature of overhead charges, we would erect buildings and other facilities, and we would have to employ labor to maintain them. The gentleman desires by the amendment to relieve a particular ship of that kind of a charge?

Now, may not that account somewhat for the cost of maintaining an independent shipyard or an armor-plate establishment which receives periodical orders from the Government? You build a ship once in a while, and you are going to relieve the construction of that ship of the overhead charges which are still being paid by the Government. You propose in this bill also to establish a Government armor-plate factory. May it not be that if you do not want to make armor plate all the year or only a few months you will find yourself carrying a very large institution and being charged with labor and construction and overhead costs that are now being maintained by armor-plate establishments?

Mr. PADGETT. I assume that if the Government establishes an armor-plate factory, it will operate it practically the whole year, and such a condition as the gentleman states will not exist.

Mr. MOORE. If I may be allowed to ask this question now, it will save asking it when the armor-plate item comes up. If the Government should decide to establish an armor-plate plant

at a cost of ten, twelve, or fourteen million dollars, which it probably would cost, would it not then be in exactly the same position in regard to overhead expense that individual operators are to-day—the Government would have to maintain a complete plant every year and all the year, with all the expense attached to it, although it might have an opportunity to use it only once in a while when we build a battleship?

Mr. PADGETT. I presume that the Government would run it all the year, and if it did not, it would discharge the force.

Mr. MOORE. Would not the overhead charges continue just the same, though we only build a battleship once in a while?

Mr. PADGETT. That is a matter to be determined upon. I suppose if we manufacture armor plate we would manufacture it in good faith.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. JOHNSON of South Carolina. I want to ask the gentleman what reason there was on page 27, amendment 39, for adding an appropriation for repairs to the Naval Observatory in the item of navy yards and docks?

Mr. FITZGERALD. Also amendment 18 for the maintenance of the Bureau of Yards and Docks.

Mr. PADGETT. That is included in two places in the bill. It was suggested by the accounting officers that it would be proper to insert it here so that it would be explicit in the bill. It has been heretofore paid for under this appropriation.

Mr. FITZGERALD. The gentleman is mistaken; it is a specific appropriation included in the legislative bill. The gentleman has included an appropriation of over a million dollars.

Mr. PADGETT. This appropriation for buildings and grounds has been carried heretofore in the naval bill.

Mr. FITZGERALD. There was a specific appropriation to clean up the naval grounds and observatory of $5,000. The appropriation for repairs to the buildings is a specific appropriation carried in the legislative bill. The legislative bill has always made an appropriation for repairs in the Naval Observatory buildings, fixtures, fences, and other matters.

Mr. PADGETT. I will call the gentleman's attention to the language of the act of last year.

Mr. FITZGERALD. Oh, yes; you had $5,000 for cleaning up the grounds.

Mr. PADGETT. And for the upkeep of the grounds.

Mr. FITZGERALD. That is the first time; and now you appropriate in two places without any limitation on the amount that may be expended, one an appropriation of $1,600,000 and the other $1,100,000.

Mr. JOHNSON of South Carolina. Will the gentleman yield me five minutes?

Mr. PADGETT. Yes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to call attention to the fact that the legislative bill provides for the Naval Observatory. We have given in the legislative bill every dollar that was estimated for by the Navy Department for the upkeep and maintenance and repairs of the Naval Observatory. This naval appropriation bill, by the amendments adopted by the Senate and agreed to in conference, transfers the Naval Observatory to a lump-sum appropriation which is for yards and docks, and that appropriation is more than a million of dollars, and there is no limitation whatever in this amendment as to what amount can be used in Washington.

Now, this trouble has existed for a number of years, and in 1910, in order that there might not be any encroaching of one committee's jurisdiction upon the other committee, there was written into the legislative bill, with the consent of Mr. Foss, who was at that time the chairman of the Committee on Naval Affairs, this provision on page 98 of the legislative bill:

> No part of any appropriation made for the naval service shall be expended for any of the purposes herein provided for or on account of the Navy Department at Washington, D. C., except for personal services in certain bureaus as herein expressly authorized.

In addition to having provided in the legislative bill every dollar that the Navy Department asked for for the Naval Observatory we also provided on pages 92 and 93 for all the money that was asked for for the Hydrographic Office, yet they have given in the Senate, in amendment No. 12 of the naval bill, an appropriation of $90,000 which is made available in the Hydrographic Office here in Washington.

Mr. PADGETT. That is for ships which make hydrographic surveys and none of it is for the local office here. It is for hydrographic surveys, and so forth, and then the rest is for purchase of nautical books, charts, and sailing directions.

Mr. JOHNSON of South Carolina. All of which we provide for.

Mr. PADGETT. No; the gentlemen do not. This has been in every bill for years. We have not increased it a single penny.

Mr. FITZGERALD. It never carried this proviso which is on page 12. It increases the amount available for the expenditure for the preparation of charts for the Hydrographic Office for which provision is made in the legislative bill.

Mr. JOHNSON of South Carolina. I want to say to the House we have not cut the Navy Department one dollar in its estimates for the Hydrographic Office. We gave it every dollar they asked for. Now, the evil of this kind of appropriation is this: If you permit one department to go to the legislative committee and ask for a given sum of money and the legislative committee grants that sum of money and that department then goes to the Committee on Naval Affairs and asks that they may be allowed to use a lump-sum appropriation for the same purpose, you can never keep any track upon the expenditures of that department. All of the expense ought to be in one bill or the other.

The SPEAKER. The time of the gentleman has expired.

Mr. PADGETT. Mr. Speaker, replying to the gentleman's statement in reference to this I desire to say this $90,000 has been carried in the bill time out of mind. We have not added one cent to it. It is limited to the same purpose, except that we add this proviso:

> *Provided*, That as much of this appropriation as practicable shall be used in producing and preparing, by survey or otherwise, American charts and sailing directions to replace those of foreign production which now have to be purchased abroad.

In other words, we are dependent absolutely upon the British Admiralty for our charts and sailing directions, and this permits the use of money that has heretofore been appropriated and is carried in this bill to be used in making our own sailing directions and not be dependent upon buying them from the British Admiralty.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. FITZGERALD. Does not every maritime nation in the world purchase sailing charts and directions prepared by other countries of their own coasts? Do not we sell to Great Britain, the British Admiralty, the sailing charts and sailing directions of the United States?

Mr. PADGETT. Yes; we sell our coast-line charts.

Mr. FITZGERALD. And we purchase them from all these other nations.

Mr. PADGETT. Those are not our coastwise——

Mr. FITZGERALD. Otherwise we would be compelled to send a vessel to make a survey of many coasts in order to obtain the information required. We must perfect a system of naval maritime observations and reports in order to get information about changes that are made from time to time. In addition to that, the gentleman did not read all of that proviso. He did not read the part that provides:

> And for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office.

Mr. PADGETT. Not exceeding five.

Mr. FITZGERALD. There is a limitation now upon the number.

Mr. PADGETT. It is limited to two. We have increased it to five, for the simple reason we are seven years behind in our work in preparing sailing directions, and we have now authorized an increase of the present law from two to five.

Mr. FITZGERALD. When did we become seven years behind?

Mr. PADGETT. We had that information. It has been going along, and that is the report that comes to us.

Mr. FITZGERALD. I have been in the Hydrographic Office and examined it and heard from the officials in charge of it, and I have never heard the suggestion that they were seven years behind in the preparation of our charts and sailing directions, and whoever furnished that information drew very vividly upon his overheated imagination.

Mr. PADGETT. I should say not. Capt. Washington came to see me personally and also filed with us a letter, and he stated to me personally that we were seven years behind in the preparation of our sailing directions, and that is why we authorized an increase; nothing indefinite, but from two to five, a whole increase of three.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. MANN. If I may return to amendment numbered 59, which was discussed a moment ago, but we could not hear very well what was said on that side of the House. How is the phraseology of this amendment as compared with existing prac-

tice? What change will be made if this amendment were enacted into law over what it now does?

Mr. PADGETT. Under the present practice, on account of rulings of the Department of Justice and the Comptroller of the Treasury, there are certain overhead charges which can not be charged to specific appropriations that are made for support and maintenance of the different bureaus.

Mr. MANN. How are these charges paid? If they can not be paid, how are they paid, and what are they paid out of?

Mr. PADGETT. They are paid out of the increase of the Navy for new construction.

Mr. MANN. They are charged to something.

Mr. PADGETT. For instance, they take and estimate the cost of the light and charge a certain percentage of that, a certain percentage of the heat and the power and transportation and various things, and charge that to the ship out of the increase of the Navy. They do not charge it up to the different appropriations made for the bureaus, except in case of repairs to ships.

Mr. MANN. Well, they must charge it to something, because they can not pay it without having the appropriation. Now, here is an appropriation for the increase of the Navy, torpedo boats; increase of the Navy, equipment; increase of the Navy, armor and armament; for instance, carried in this bill. These overhead charges are paid out of those appropriations, are they not?

Mr. PADGETT. So I understand; yes, sir.

Mr. MANN. They must be charged to that, and charged to something now. How will that practice be changed?

Mr. PADGETT. It will be changed by the Secretary ascertaining, as nearly as he can, what is the exact cost on account of the building of that ship, and charge only what the ship occasioned in the increase of these overhead charges, instead of a percentage of the whole overhead charges of the yard.

Mr. MANN. Well, that is just as clear as mud to me. Is this a change that is recommended by the accounting officers?

Mr. PADGETT. Yes, sir.

Mr. MANN. The paymaster?

Mr. PADGETT. Yes, sir.

Mr. MANN. I wish the gentleman would yield me five minutes.

Mr. PADGETT. Yes, sir.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, there were 72 amendments proposed by the Senate to this bill. It seems to me that the House conferees were a little easy when they went into conference, because I notice that on 37 of these 72 amendments the House promptly receded in the conference. On 12 the Senate receded, and of the 12 where the Senate receded 6 of them were where the Senate had proposed to make the appropriation available indefinitely and the House had proposed to make it available for a certain fixed time. So that on practically all of the amendments which amounted to anything at all, which covered anything that could possibly be in dispute, the Senate had its own way, and the House receded except as to the 12 amendments which were brought back into the House, and a number of those are simply as to whether the appropriation shall be made available indefinitely. On some of the amendments outside of the 37 the House conferees receded with amendments. For instance, there is a provision for the appointment of a committee on the subject of the manufacture of armor plate. The Senate had proposed the appointment of a committee to consist of one member to be named by the Senate chairman of the Committee on Naval Affairs, one member to be named by the House chairman of the Committee on Naval Affairs, and one member to be named by the Navy Department. The gentlemen on the conference committee, consisting practically, or very largely, of the chairman of the Senate Committee on Naval Affairs and the chairman of the House Committee on Naval Affairs, changed this amendment so that they would not name members of this committee, but would themselves be the members of the committee. I suppose out of due modesty they did not wish to name themselves. Now, this committee is to report at the next session of Congress. Of course, we know that the Senator and the Member of the House, the chairmen of these committees, will be pretty well engaged this year, and will not have very much time to devote to this purpose, and practically the committee will be constituted of the one person in the Navy named by the Secretary of the Navy, which is granting a quite broad power to the Navy Department in reference to a matter of this importance.

There are other provisions, one of which has already been referred to, in reference to the Hydrographic Office. It is seriously proposed that we, instead of purchasing sailing charts and sailing directions, shall produce and prepare, by the survey or otherwise, all of our sailing charts and sailing directions. What an idiotic thing it would be if Great Britain would refuse to purchase our sailing charts and our sailing directions in reference to our own coast. How foolish it would seem if France and Germany should send surveyors or somebody over here to survey our coast and make sailing directions in reference to those matters. And yet it is proposed, solely for the purpose of providing shore duty for additional naval officers, to add to the number of naval officers who will engage in preparing these hydrographic charts.

The gentleman from South Carolina [Mr. JOHNSON] has called attention to amendment No. 18, for general maintenance of yards and docks, $1,600,000, and the Senate has added an amendment to that to insert "the Naval Observatory." Now, nobody can tell what it will cost to maintain the Naval Observatory under this provision. For years we have been trying to put some limitation upon the Naval Observatory, which ought to be taken out entirely from the control of the Navy Department and transferred to one of the other departments of the Government. The Naval Observatory has nothing to do with the Navy, and yet here is a proposition, in spite of all that has been done for years, to limit the cost there and to require Congress to make specific appropriations for it—to give to the Navy Department $1,600,000 to use as it pleases at the Naval Observatory. I think it is a scandalous way to appropriate. [Applause.]

Mr. PADGETT. Mr. Speaker, this part with reference to the Naval Observatory I wish to say is not increased one cent under the appropriation. It is the same appropriation that has been carried for years, and is to carry all the items that it has heretofore carried, and out of this appropriation all that has heretofore been paid will have to be paid for—the maintenance of the Bureau of Yards and Docks, for general maintenance of yards and docks, and then we just simply added to it the Naval Observatory and make the appropriation the same, and make that fund pay all of the others and this also.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. BYRNS of Tennessee. Does the gentleman mean to say that the appropriation has been carried in this manner in naval appropriation bills which have heretofore passed Congress?

Mr. PADGETT. I said the appropriation in this bill is just the same as it has been all the time, and we have just included in it the Naval Observatory, requiring out of this same fund to be paid what it has always paid and the Naval Observatory in addition.

Mr. BYRNS of Tennessee. And by adding that proviso the gentleman has given the authorities the right to use, if they desire, $1,600,000 for the Naval Observatory without any limitation at all.

Mr. PADGETT. We have not done anything of the kind.

Mr. BYRNS of Tennessee. Let me ask the gentleman this question: Is there any limitation on the use of any portion of this fund so far as the Naval Observatory is concerned?

Mr. PADGETT. There is nothing expressed here, and nothing, so far as that is concerned, has been carried heretofore. Heretofore there was nothing limiting the appropriation for maps, or models, or drawings, or purchase and repair of fire engines; nothing limiting it for fire apparatus or for machinery or for the purchase and maintenance of horses and driving teams. The Navy Department had this sum for all these purposes, and we have simply added to these purposes the Naval Observatory, the maintenance and care of the grounds.

Mr. BYRNS of Tennessee. Now, will the gentleman yield to this question?

Mr. PADGETT. Yes.

Mr. BYRNS of Tennessee. In view of the fact that the legislative bill, which passed this House, granted every dollar that the Naval Observatory asked for by way of repairs and preservation, why have the conferees seen fit to add a provision in this bill giving the Naval Observatory unlimited funds for the same purpose?

Mr. PADGETT. You did not provide for that. This says:

For general maintenance of yards and docks and Naval Observatory, namely: For books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of horses and driving teams; carts, timber wheels, and all vehicles, including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and for pay of employees on leave, $1,600,000.

In other words, the whole maintenance of these things in these establishments throughout the length and breadth of the Navy has been cared for, and must be cared for, out of this appropriation.

Mr. BYRNS of Tennessee. Let me read to the gentleman a provision in the legislative bill in regard to the Naval Observatory:

For fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor.

Now, if that does not cover the same things contained in this bill, I am unable to understand the difference between the language.

Mr. PADGETT. It is not, and that has been carried in your bill for years, and this bill has carried this identical language for years, and the only thing we have added to it is the Naval Observatory as an incumbrance on the appropriation.

Mr. BYRNS of Tennessee. And that is the only complaint we offer.

Mr. FITZGERALD. Can the gentleman state the amount of the unexpended balance left over last year from the maintenance appropriation for yards and docks?

Mr. PADGETT. I do not remember.

Mr. FITZGERALD. It was $110,000; so that if that language—"Naval Observatory"—had been included in that paragraph last year, after paying all the charges for maintenance of yards and docks, they could have expended $110,000 for the maintenance of the Naval Observatory.

Another thing: This is the appropriation out of which the Navy Department has been buying certain automobiles, is it not?

Mr. PADGETT. I have not heard of it.

Mr. FITZGERALD. If the gentleman had read the report of information furnished to Congress at the request of the Senate committee, he would have ascertained.

Mr. PADGETT. I have not seen the report.

Mr. FITZGERALD. It is a very voluminous one. For instance, at the navy yard here at Washington they have certain automobile delivery trucks which carry subsistence supplies purchased by naval officers from the commissary and deliver them to their houses in town. Now, if the Naval Observatory is included in this appropriation there is nothing to prevent the superintendent of that observatory from having purchased for him as a matter of convenience between the observatory and the city an automobile for his use, just as an automobile has been purchased for the personal use of the Secretary of War out of the appropriation for transportation of the Army, to be used in the city of Washington.

Mr. PADGETT. I think not, because it says here "including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards," and it limits the motor-propelled vehicles for freight purposes in the navy yards.

Mr. FITZGERALD. Now, the purpose of this is to give more money for the Naval Observatory than has been specifically provided in the legislative bill, is it not?

Mr. PADGETT. I think not.

Mr. FITZGERALD. Then why is it included here?

Mr. PADGETT. So that it can be accounted for under yards and docks and go under the supervision of that bureau.

Mr. FITZGERALD. It should not be under that bureau, because two years ago I addressed a communication to every prominent astronomer in the United States connected with every institution of learning, and every one of them agreed that the Naval Observatory, in order to be effective and have any standing at all in the scientific world, should be taken out of the Navy Department and put either in the Smithsonian Institution or in some other institution wholly devoted to scientific purposes. To put the Naval Observatory under the Bureau of Yards and Docks would be a farce of the worst character.

Mr. PADGETT. The maintenance of its property ought to be under yards and docks.

Mr. FITZGERALD. No; the maintenance of its property ought to be under the officials who maintain and control it. Some independent bureau official should have nothing to do with its maintenance.

Mr. TAVENNER and Mr. JOHNSON of Washington rose.

The SPEAKER. To whom does the gentleman yield?

Mr. PADGETT. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has 16 minutes.

Mr. PADGETT. I yield a minute to the gentleman from Washington [Mr. JOHNSON].

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] is recognized for one minute.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to ask the gentleman from Tennessee for a little more detailed information respecting amendments 46, 47, and 48, in relation to chaplains in the Navy. I have a number of circulars here, which seem to be based on statements made in the hearings. I would like to have some information concerning the increased number, also concerning the rank——

Mr. PADGETT. The number of chaplains in the Navy was fixed in 1842 and has not been increased since. The House committee reported out the provision that has been put in the conference report. It went out in the House on a point of order and was inserted in the Senate, and the conferees agreed to it.

I will say to the gentleman that every Protestant denomination in the United States has indorsed and approved and asked for the incorporation of this amendment. I will state also that the Catholic Church has indorsed and approved it. There has been no sectional or partisan or religious bias or feeling on the matter at all. All the churches are cooperating upon it. The representatives of 31 of the Protestant churches and the Catholic representative, and the Episcopalian representative who was not in the 31 that I mentioned, appeared before our committee and unanimously joined in the request and approved it.

I will state further that since that time the General Assembly of the Northern Presbyterian Church, the General Assembly of the Southern Presbyterian Church, and the General Conference of the Methodist Episcopal Church adopted resolutions indorsing and approving this legislation and asking for its enactment.

Mr. JOHNSON of Washington. One question more. These circulars seemed to indicate that the Secretary of the Navy, Mr. Daniels, in his report asked the Naval Committee of the House for 24 welfare secretaries, and said he would not advise any rank for chaplains and for the religious officers and workers, and so on.

Mr. PADGETT. The Secretary asked for an increase of chaplains and also asked for 24—I believe it was—welfare secretaries. The committee reported the provision with reference to the chaplains, but did not approve that for welfare secretaries.

As Bishop Lawrence, of Massachusetts, suggested before the committee, enlisted men of the ship can well be used. Deserving, worthy young men already in the service can be used to better advantage.

Mr. JOHNSON of Washington. This circular also says that Rear Admiral Victor Blue opposed giving such high rank and authority to the chaplains, and——

Mr. PADGETT. We do not change the rank. We leave it just as it has been since time immemorial.

Mr. HOWARD. Is there any provision in the naval regulations requiring an enlisted man who has a certain religious belief to attend the services on board ship? For illustration, is there any provision that requires a member of the Catholic Church to attend a Presbyterian meeting or a Presbyterian to attend a Catholic meeting or vice versa?

Mr. PADGETT. Since the gentleman talked with me personally I have made some inquiry, and I was informed that there are no compulsory regulations.

Mr. HOWARD. As I understand, every enlisted man in the Navy is allowed to worship God according to the dictates of his own conscience and heart.

Mr. PADGETT. I so understand it.

Mr. HOWARD. And there is no enforcement of attendance upon religious services?

Mr. PADGETT. I understand the men are allowed freedom of choice.

Mr. TRIBBLE. I will ask the gentleman if the chaplain does not make his own regulations relating to religious service, and does not the gentleman know that he does?

Mr. PADGETT. No; there are certain regulations made by the department.

Mr. TRIBBLE. Will the gentleman produce any departmental regulations or any regulations made by anybody except the chaplain?

Mr. PADGETT. The chaplain conducts his service on board ship as any other minister would, but the chaplains are under naval regulations as well as other officers.

Mr. TRIBBLE. The private and subordinate officers are under the control of superior officers, and they should be, but there should be no ranking and superior officer who could encroach upon the religious freedom of the enlisted men. Will the gentleman tell this House how many religious denominations have passed resolutions against this bill?

Mr. PADGETT. I have not heard of any.

Mr. TRIBBLE. You have not? I have.

Mr. PADGETT. No, sir.

Mr. TRIBBLE. Does the gentleman mean to tell this House that the committee has not given these chaplains additional authority and given them $5,000 a year salary?

Mr. PADGETT. No, sir.

Mr. TRIBBLE. Then you have changed it since it was before the Naval Committee?

Mr. PADGETT. We did not change it in the House. We left the rank and pay the same as they have been all the time. We simply increased the number.

Mr. TRIBBLE. If I understand you, then you have materially improved the bill since the House struck it out. Did not Admiral Blue say he thought chaplains should have no rank whatever?

Mr. PADGETT. He said he did not think the chaplains ought to have rank, but they have had rank ever since 1842.

Mr. TRIBBLE. I will ask the gentleman if Secretary Daniels did not make a statement to the same effect—that he did not think they ought to have rank?

Mr. PADGETT. Secretary Daniels said if it was an original proposition he did not think chaplains, doctors, and various others should have rank in the Navy; but they have had it for generations, and we are not attempting to interfere with that. We have left all that just the same, and have simply increased the number.

Mr. HOWARD. I do not think they ought to have naval rank, giving them official authority.

Mr. TRIBBLE. The bill before the House reads as follows:

The total number of chaplains and acting chaplains herein authorized, 10 per cent thereof shall have the rank of captain in the Navy, 20 per cent the rank of commander, 20 per cent the rank of lieutenant commander, and the remainder to have the rank of lieutenants and lieutenants, junior grade.

Mr. Chairman, a chaplain who has been located at Washington Navy Yard, where every man knows there is no necessity of placing a chaplain, stated before the Naval Committee as follows:

The chaplain asks for no favor; he simply asks only for a fair chance to do his work, and that which is essential to his position in the Navy, rank, pay, and allowances up to and including the grade of captain. The chaplain is now deprived of the pay of his rank in the grades of commander and captain.

Mr. Chairman, please note the importance this chaplain places on the word "rank." For the word "rank" insert the word "authority," as the words are synonymous in the Army and Navy. Now, Mr. Chairman, following that statement, which truly explains this bill, I read you the Constitution of the United States, which says:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I contend that what I have said about giving chaplains rank and authority is justified by the Constitution. When this question was being considered before the Naval Committee I made the following statement:

Mr. TRIBBLE. We do not have at other colleges where young men are brought together such religious services provided, and I do not see why the United States Government should undertake to provide the religion of the people. I have been raised in Sunday schools and churches and have been taught to go to church all my life, and I expect to keep it up. I am here to help provide fighting forces, but I think churches of the country ought to take care of the religious part of it. I am perfectly willing to provide chaplains aboard ships, who should have no rank and authority, but I shall resist any other movement on the floor of the House.

When the provision was considered in the House, it went out on my motion, but it was replaced in the bill in the Senate. I am pleased to see this House return the bill to conference without accepting the Senate amendment. Admiral Blue is one of the best officers of the Navy—reared in South Carolina. He appeared first before the Naval Committee and was questioned closely by the committee in regard to chaplains. I will read part of his statement:

Admiral BLUE. I have never believed in military rank for chaplains. I believe that the term "chaplain" ought to be a rank in itself, and not qualified by a military rank or title. A chaplain should bear the same relation toward the officers and crew of the ship that a priest or pastor of a church bears toward his congregation. The idea of military rank is, to my mind, inconsistent with such a relation. In the British Navy a chaplain has no military rank.

Mr. ROBERTS. Is not that commission more for the purpose of fixing his pay and status?

Mr. TALBOTT. You could do that without giving him rank.

Admiral BLUE. The status of a chaplain is well understood in all military services and there is no question as to the consideration and respect given him on account of his cloth and high calling. It needs no military rank to fix it. The pay could be based on length of service. A chaplain has no military authority.

Mr. STEPHENS. Would he be given any more respect aboard a battleship if his rank were higher?

Admiral BLUE. I do not think so. I think the question of military rank should be left out. I do not wish to speak in derogation of our chaplains generally, but I have seen in the past some of them who do what we call "stand on rank"; and rank, of course, especially high rank, is conducive of a spirit of superiority, which is incompatible with a proper relationship between a clergyman and his congregation. A chaplain should, of course, have dignity, but not such as to lessen the mutual sympathy that should exist between him and the crew.

Mr. ROBERTS. Does the rank of captain carry the pay of captain?

Admiral BLUE. It does; it is the same thing.

Mr. Chairman, I feel that I have done my full duty on this question. It was not my purpose to inject denominational questions, nor have I done so. No reasonable man can criticize anything I have said. Being a member of the Naval Committee, I felt called upon to present the facts before the House, and my remarks have been entirely based on the written record. I did not raise the question, nor did I make the record; but, Mr. Chairman, I have planted myself squarely on the Constitution and no man has assailed that position.

Mr. PADGETT. How much time have I remaining?

The SPEAKER. Seven minutes.

Mr. PADGETT. I yield five minutes——

Mr. MOORE. Will the gentleman reserve one minute for me?

Mr. PADGETT. I will reserve one minute for the gentleman from Pennsylvania, and five minutes——

Mr. HENSLEY. I should like to ask the gentleman a question or two. I want to inquire about the item concerning Pearl Harbor.

Mr. PADGETT. That is not in conference. That is before the House.

Mr. TRIBBLE. I want to ask the gentleman one question.

Mr. PADGETT. I yield to the gentleman from Georgia, a member of the committee.

Mr. TRIBBLE. The gentleman has just said that there were 32 religious denominations who appeared before the Naval Committee to ask for this change.

Mr. PADGETT. I said the representatives of 32 denominations.

Mr. TRIBBLE. There were three men who appeared before the Naval Committee. Is not that a fact?

Mr. PADGETT. No; there were half a dozen.

Mr. TRIBBLE. And one of those men purported to represent 31 religious denominations?

Mr. PADGETT. Yes; and he had his credentials.

Mr. TRIBBLE. Who gave these credentials to him, the naval chaplains?

Mr. PADGETT. No; the Confederated Council of the Churches of Christ in America is the organization of which he is the official secretary.

The SPEAKER. The gentleman is not going to have any five minutes to yield——

Mr. PADGETT. How much time have I now?

The SPEAKER. Six minutes.

Mr. PADGETT. I yield four minutes to the gentleman from Illinois [Mr. TAVENNER].

Mr. TAVENNER. Mr. Speaker, even if I am the only Member to do so, I intend to vote against the adoption of this conference report, because it provides for an investigation of the cost of an armor plant instead of providing for the plant itself. An armor plant will save to the people from $3,000,000 to $5,000,000 annually; an investigation only will leave the Government still at the mercy of the armor ring and save nothing. There have been nine investigations of the cost of armor, one of the inquiries having been made only last year. Whenever the sentiment of the country has been in favor of a Government armor plant, Congress has provided only for an investigation. All the armor manufacturers want to do is to escape a Government armor plant for the present and they will always be able to take care of it for the future.

The first investigation was in 1896. Secretary of the Navy Herbert and a board of naval officers investigated the cost of armor, and they reported that armor could be manufactured for $247 a ton. Ten years later there was another investigation by four different officers and boards, and they reported that the average cost of a ton of armor was $230. The average of nine official estimates as to the cost of manufacturing a ton of armor is $247. We have bought 192,000 tons of armor, and have paid an average of $441.42 a ton, or about $200 a ton more than nine official investigators have reported that it would cost to manufacture armor. If we can have this conference report rejected, we will get the first opportunity this House has ever had to vote on the proposition of a Government armor factory.

If we can vote the conference report down, I intend to offer this amendment:

Provided, That if the Secretary of the Navy is unable to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for at a price which, in his judgment, is reasonable and equitable, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings; and the sum of $4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

Now, that is the same provision that was in the naval appropriation bill for 1900, and it gave the Secretary of the Navy, if he could not obtain a square deal from the armor-plate manufacturers, the authority to manufacture armor. What was the result? Why, it saved the Government millions of dollars.

The price of armor plate had been $658 in 1893, and Senator TILLMAN, by fighting this price, finally got it down to $413. When this provision was put in the naval bill, the Secretary of the Navy was able to demand a square deal from the armor-plate people, and they ultimately reduced the price from $413.42 in 1900 to $345.92 in 1906, which is the lowest price we have ever had. When that provision was not continued in the naval bill, the moral effect of the provision wore off, and the companies gradually have been increasing the price ever since 1906, until now it has got up to $454.

Mr. Speaker, I believe that the Secretary of the Navy, Josephus Daniels, who is the first Secretary of the Navy, in my opinion, who has ever shown complete independence of the armor ring, should have what he asked for—an armor plant—instead of an additional unnecessary investigation. Here is what the Secretary of the Navy asks. He does not ask for an investigation, but, in his last annual report, he says:

> I desire to recommend the passage at the earliest moment of a sufficient appropriation to begin the construction of a Government armor plant to relieve a situation which, in my estimation, is intolerable and at total variance with the principle of economy in spending Government money.

Now, while the armor-plate manufacturers were selling armor plate for $249 a ton to Russia, they were selling it to the United States for $616 a ton. We do not owe the armor-plate manufacturers anything. We have thrown them $140,000,000 and more, and Mr. Carnegie has himself said that he has made millionaires out of 43 men.

So there must be huge profits in the armor-plate business; and, now that the Government has generously permitted a considerable colony of steel manufacturers to lay up sufficient millions to keep the wolf from their doors through the remainder of their days as a reward for their thrift and genius, Congress should, instead of creating a fresh colony of steel magnates at the expense of the people, seriously begin to think of saving some of these millions to the American taxpayers.

I hope that the Members will take advantage of the first opportunity that we have had to vote on an armor-plate amendment, which, however, does not provide for an armor-plate factory unless they do not give the Secretary a fair and equitable price. There will not be a factory built unless they refuse to give the Secretary of the Navy a fair price; and if they do not, there ought to be a factory built. I believe that this amendment, if adopted, would save the Government millions of dollars a year, whether we build the plant or not, by the mere fact that the Secretary of the Navy has the right to establish a plant if he can not obtain fair treatment. I agree with the Secretary of the Navy, who says that if we build a plant and put a padlock on its doors as soon as it is completed, and never operate it, it will save to the people its entire cost simply by enabling him to get a fair and reasonable price from the manufacturers of armor plate. Now, as I have said, there have been nine investigations; and I hope that the House will vote this conference report down and give us a chance to vote on this amendment. [Applause.]

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes.

Mr. PADGETT. I yield one minute to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Speaker, I am sorry I can not agree with the gentleman from Illinois [Mr. TAVENNER] as to the troubles which seem to afflict him. I can not quite agree that everybody has been robbing everybody else. I can not agree that all the business men of this country are the thieves that modern critics would seem to make them out to be. I do not believe the War Department is corrupt as has been intimated. I do not believe that the Chief of the Bureau of Ordnance has been such a crook as might be inferred from what has been said here in debate. I do not believe that amendment 59, which gives direction to the Secretary of the Navy to adjust his figures minus overhead charges on battleships so as to put private yards out of business, ought to be passed, as indicated; nor do I believe that amendment 67, which proposes to erect a Government armor-plate factory should be passed if the purpose of it is to put outside armor-plate manufacturers out of business. Independent shipyards and independent armor-plate factories have their uses. I believe a man who makes an investment in a business which employs labor and serves the Government as well, ought to have a show for his white alley, just as the man who is aggrieved ought to have the right to go into court for justice or protection. Men who have the capital, invest millions in shipyards and armor-plate factories and apparently they are encouraged to do so, but after they have done so the Government proposes to enter into competition with them, and by this legislation would give the Secretary of the Navy the power, in his discretion, to mark down charges for the construction of a battleship in a Government plant, to such an extent that all competition would be out of the question. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. I ask leave to extend my remarks briefly.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOORE. I do not contend that Federal provision for shipbuilding or the making of armor plate might not promote a healthy competition, but I believe if the Government in any competition with private manufacturers has the right to mark off certain overhead charges it will not only have the power to control competition but it may eventually destroy it. No shipbuilding plant can be started without money, nor can any armor-plate factory, and where the work is intermittent some allowance must be made for the carrying charges of the plant. I question whether it would be a good thing for the Government to build all of its own ships or all of its own armor plate. The Government should receive fair treatment from shipbuilders and armor-plate manufacturers, and if it is too weak to obtain fair treatment in this respect it is a grave question whether, so far as the people are concerned, it would do any better by setting up business on its own account and throwing out of employment the thousands of men who are now engaged in independent enterprises. It has been said with respect to one or two battleships recently built by the Government that they cost more than if they had been built in private yards. It is generally believed that Government construction of ships is more expensive than if built by independent yards. Those yards have to be fully equipped and must carry maintenance and overhead charges in order to fulfill Government contracts, even though the latter are not continuous. If the Government, entering into competition with such yards, is to be permitted to bid so that maintenance of plant, heat, light, power, and attendance, inspection, oversight, and regular salaried officers and men impressed into the service are to be checked off because they are paid for out of separate appropriations, it is plain that independent builders having to carry all these expenses would soon be eliminated, while the public would be deceived as to the kind of economy thus attempted.

Mr. PADGETT. Mr. Speaker, the statement was made some time ago that this amendment was intended to provide berths and shore stations for naval officers. I want to state that the increase is only three; the present law provides for two and this authorizes an increase to five because we are seven years behind in our work.

Now, Mr. Speaker, I move the previous question on the adoption of the conference report.

The SPEAKER. The gentleman from Tennessee moves the previous question.

The question was taken; and the previous question was ordered.

Mr. FOWLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. Must this report be voted upon as a whole or can it be segregated?

The SPEAKER. It is to be voted upon as a unit.

Mr. MANN. Mr. Speaker, what became of the point of order that was made by the gentleman from Illinois?

SEVERAL MEMBERS. He withdrew it.

The SPEAKER. The gentleman from Illinois never made any point of order. He reserved the right to make a point of order and then withdrew the reservation. The question is on the conference report.

The question was taken; and on a division there were 27 ayes and 81 noes.

So the conference report was not agreed to.

Mr. PADGETT. Mr. Speaker, I move that the House further insist on its disagreement to all the Senate amendments and ask for a conference.

Mr. BRYAN. Mr. Speaker, a parliamentary inquiry. There are certain amendments on which no agreement was reached Will the passing of this motion in any way affect the status of those amendments on which there has been no agreement or interfere in any way with the agreement the chairman of the committee made the other day that we would have a separate vote on these amendments on which no agreement has been made?

The SPEAKER. This motion has nothing to do with that.

Mr. MANN. Mr. Speaker, I ask for a separate vote on amendments Nos. 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, 71, and 12.

Mr. FOSTER. Does the gentleman include 72?

Mr. MANN. Twelve and 18.

Mr. BRYAN. That is all I wanted, Mr. Speaker.

Mr. FITZGERALD. Thirty-nine goes with 18.

Mr. MANN. Yes; and 39.

Mr. FOSTER. And 72?

Mr. MANN. Oh, the Senate receded on that.

Mr. TAVENNER. Mr. Speaker, I ask for a separate vote on amendment No. 67.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for a separate vote on amendments Nos. 28, 29, 33, 34, 39, 40, 53, 57, 63, 64, 65, 68, 71, 12, and 18 and the gentleman from Illinois [Mr. TAVENNER] asks for a separate vote on amendment No. 67.

Mr. TAVENNER. Mr. Speaker I desire to affer a preferential motion.

The SPEAKER. The time has not yet arrived for that. The question is on the motion of the gentleman from Tennessee to disagree to the Senate amendments, except those that have been named by the Chair, and ask for a further conference.

The question was taken, and the motion was agreed to.

Mr. MOORE. Mr. Speaker, I would inquire whether it is now in order to ask that there be a separate vote on amendment No. 59?

The SPEAKER. That amendment has been disagreed to in the motion just agreed to. The Clerk will report amendment No. 12, on which a separate vote is demanded by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Page 12, amendment No. 12, after the figures "$90,000," in line 1, insert the following:

"*Provided*, That as much of this appropriation as practicable shall be used in producing and preparing, by survey or otherwise, American charts and sailing directions to replace those of foreign production which now have to be purchased abroad; and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office."

Mr. PADGETT. Mr. Speaker, I move to recede from the disagreement of the House to Senate amendment No. 12 and agree to the same with an amendment, by adding, in line 7, after the word "officers," the words "not exceeding five."

The SPEAKER. The Clerk will report the amendment suggested by the gentleman from Tennessee.

The Clerk read as follows:

Page 12, line 7, after the word "officers," insert the words "not exceeding five."

The SPEAKER. No; the Chair will state the motion. The question is on the motion of the gentleman from Tennessee to recede from the disagreement of the House to Senate amendment No. 12 and to agree to the same with the amendment which has just been reported by the Clerk.

Mr. FITZGERALD. Mr. Speaker, I will ask the gentleman from Tennessee to yield me a few minutes on that.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I hope the motion of the gentleman from Tennessee will not prevail. A few years ago it was ascertained that the Hydrographic Office was a place where a number of naval officers were very comfortably assigned for shore duty. As a result of the investigation that was made a limitation was placed in the law prohibiting the detailing of more than two naval officers to the Hydrographic Office. There has been a continued attempt to increase the number of men assigned there. The Senate proposed that there should be no limit at all upon the number of naval officers assigned to the Hydrographic Office. It is now proposed that there shall be not exceeding five. The appropriations for the Hydrographic Office are carried in the legislative bill. Ninety thousand dollars has been carried in the naval appropriation bill to pay for the work of the Navy in connection with the soundings in places away from the United States so as to prevent a conflict between the Hydrographic Office and the Coast and Geodetic Survey. We have been purchasing, as all other nations purchase, our sailing directions and charts issued by similar offices of other nations. If the purpose of this amendment is, as it is expressed, to prepare, by survey or otherwise, these charts and sailing directions that we are now purchasing, it needs the establishment of a vast system of observation and report that will enable the information to be kept current as to the condition of various channels and coasts.

We maintain some such system as that in this country, and we have reports made by navigators of merchant vessels to the Hydrographic Office in order to keep our charts and sailing directions up to date. It would take a sum that can not be readily computed to organize such a force and to obtain such information from places beyond the jurisdiction of the United States. It seems to me that it would be the height of folly to propose that we should attempt to reproduce these foreign sailing charts and sailing directions in such a manner.

If it were merely the production by photolithographic process of charts that might be purchased, it would be one thing; but to do as the amendment provides, by survey or otherwise reproduce these charts, would be to start us upon a line of work that will very largely increase our expenditures and will make practically impossible, in my opinion, the obtaining of charts that are desired. The British Admiralty relies upon the sailing charts and sailing directions issued by this Government for the coasts of the United States. We rely upon the work of other nations. In time of war not only will they be withheld, but all the aids to navigation will be eliminated as far as possible, so as to prevent foreign navies entering in safety our harbors or invading our waters. I hope this motion will not prevail.

Mr. PADGETT. Mr. Speaker, I want to state under existing law the Hydrographic Office have on detail two naval officers. This provision allows an increase to five, an addition of three. I want to call attention of the House to a memorandum which I have, which is as follows:

MEMORANDUM TO ACCOMPANY PROPOSED AMENDMENT TO NAVAL APPROPRIATION BILL IN RE DETAIL OF OFFICERS TO THE HYDROGRAPHIC OFFICE.

HYDROGRAPHIC OFFICE,
Washington, D. C., April 28, 1914.

The legislative, executive, and judicial bill, enacted June, 1910, restricted the number of naval officers detailed or employed in the Hydrographic Office to two, the number detailed to duty at the time of passage of this act being eight. It is impossible, with this reduced number of naval officers, to properly carry on the work of that office.

The following work had to be stopped as a result of the reduction in number of officers: Old sailing directions requiring revision; compilation of new sailing directions (43 different volumes being purchased abroad); compilation of station catalogues of charts; and inspection of branch hydrographic offices.

The following work can not be properly supervised on account of lack of officers: Ocean surveying, chart drafting, chart correction, chart printing, and chart issue.

In general, much of the work fails to receive proper superintendence and supervision, and the administration work suffers from the hydrographer's attention being necessarily directed too much to details.

The naval bill appropriates under "Ocean and lake surveys," $90,000, enabling the Hydrographic Office to produce metallic chart plates of oceans and harbors of the world to replace such foreign charts as now have to be purchased abroad. To properly carry out this work, it is absolutely essential that the Hydrographic Office should have a proper complement, or at least a sufficiency of officers.

The work of the Hydrographic Office has been crippled as a result of the reduction of naval officers on duty to two in the following respects:

It has been necessary to put one officer in charge of two divisions of said office (such as the Division of Sailing Directions and the Division of Chart Supply). There had been heretofore assigned an officer to each main division of the office. A single officer in charge of more than one division is physically unable to give the personal attention and supervision required to any one of them to produce the best results from either.

The compilation of new volumes of sailing directions for the coasts of the West Indies, east and west coasts of Mexico, Central America, and South America has been greatly delayed, due to the lack of officers to edit them. And a further consequence of this lack of officers has made it necessary to purchase from the British Admiralty copies of 43 different publications of sailing directions covering various parts of the world not covered by American publications, and which are absolutely necessary for the safe navigation of the vessels of our Navy and merchant marine.

It is absolutely necessary that these British Admiralty publications be replaced by publications from this office covering the same parts of the world, since in war time it might be impossible to procure them at all, and would be absolutely impossible to procure them on short notice when outfitting our vessels. Congress has already appropriated for the reproduction in this office of all British Admiralty charts, and it is fully as necessary that the necessary officers should be assigned this office to reproduce and edit the British Admiralty sailing directions.

The system of inspection of branch hydrographic offices and the incidental instruction of officers of the naval militia in the use of charts and in navigation generally had to be given up, as there was no officer available for this duty.

There being but two officers in the Hydrographic Office, the hydrographer had to take up details of work, which seriously interfered with the time he should have devoted to the administration of the office. There being but two officers on duty, it was impracticable for either one of them to get the usual vacation in the summer, and if either had been taken sick there would have been no one to have taken up his work.

The work of the Hydrographic Office is essentially technical and naval in character, and for that office to maintain its well-earned reputation it is necessary that there should be an adequate number of officers assigned to duty therein. In spite of every effort to maintain the standard of its work, if errors have not crept in it is due largely to good luck rather than to a sufficiency of force.

The assignment of additional officers to duty in the Hydrographic Office will enable a greater output of work, an ability to meet the need of the Navy and mercantile marine, and will involve not a cent of additional expense to the Government.

The Senate adopted an amendment for an indefinite detail. The conference committee reported a limitation of five, restricting the increase to three, which is clearly demanded, and I hope that the motion will be agreed to.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report the next amendment.

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to the amendment.

The SPEAKER. The gentleman from Tennessee moves that the House further insist upon its disagreement to the amendment.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 79, noes 0.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 21, line 19, after the word "docks," insert the words "and Naval Observatory."

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that amendments Nos. 18 and 39 be considered together, as both affect the same thing.

The SPEAKER. What are the numbers?

Mr. FITZGERALD. Eighteen and thirty-nine.

The SPEAKER. The gentleman from New York asks unanimous consent that amendments Nos. 18 and 39 be voted on together. Is there objection? [After a pause.] The Chair hears none. The Clerk will report amendment No. 39.

The Clerk read as follows:

Page 27, at the beginning of line 16, insert the words "and Naval Observatory."

Mr. PADGETT. Mr. Speaker, in view of the indication of the wishes of the House, I move that the House further insist upon its disagreement to these two amendments.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. MANN. Is the gentleman satisfied with the disposition of the House?

Mr. PADGETT. I am.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 28, page 24, line 4, after the word "Virginia," strike out the word "repairs" and insert "new dry dock (cost not to exceed $3,000,000), $200,000; repairs."

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to amendment No. 28.

Mr. HOLLAND. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOLLAND. Mr. Speaker, I move that the House recede and concur in Senate amendment No. 28.

The SPEAKER. The gentleman from Virginia [Mr. HOLLAND] moves that the House recede from its disagreement to Senate amendment No. 28 and concur in the same.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HOLLAND. Division, Mr. Speaker.

Mr. MANN. Does the gentleman want to be heard?

Mr. HOLLAND. I made the motion to recede and concur, and I would like to discuss that motion.

The SPEAKER. The gentleman has an hour in which to discuss it if he wishes to do so.

Mr. PADGETT. I have the time.

Mr. HOLLAND. I would like to discuss the motion.

Mr. PADGETT. How much time does the gentleman want?

Mr. HOLLAND. It will not take very long.

Mr. PADGETT. Ten minutes?

Mr. HOLLAND. I will try to finish in 10 minutes.

Mr. PADGETT. I yield the gentleman 10 minutes.

Mr. HOLLAND. Mr. Speaker, I regret I should feel that the House Committee on Naval Affairs has been hardly fair with the Norfolk Navy Yard. I am not going to attribute it to any political or sectional consideration. I would regret to believe that it was due in any sense to the fact that Virginia has no representative on the committee while Massachusetts and New York each has one member and Pennsylvania certainly three, if not four. I do not know the reason for this apparent discrimination against the Norfolk Navy Yard. I do know, however, that the Committee on Naval Affairs has substantially followed every recommendation of the department as to Boston, as to New York, and as to Philadelphia, and has substantially ignored every recommendation of the department as to the Norfolk Navy Yard. One of the items included by the Secretary of the Navy in the estimates submitted by him for the current year was an initial appropriation of $200,000 for a dry dock at the Norfolk Navy Yard. That recommendation of the Navy Department the House Committee on Naval Affairs declined to follow. When the bill went to the Senate it was so amended as to include this item. I believe that the amendment is just and fair and should be concurred in.

By whom, Mr. Speaker, has this dry dock been recommended? In 1911 the Joint Army and Navy Board reported to Secretary Meyer that additional docking facilities ought to be made at the Norfolk yard. In his annual report for the year 1912 Secretary Meyer asked that provision be made for one additional dock on the Atlantic coast and one additional dock on the Pacific coast. He made no recommendation as to the place, but I am reliably informed that both he and Secretary Winthrop favored the location of this dock at Norfolk.

The General Board of the Navy has for the past four years repeatedly urged the construction of a new dry dock at Norfolk. The Board of Inspection for Shore Stations, composed of Admiral Edwards and other distinguished naval experts, only recently reported that additional docking facilities were needed at Norfolk. The Chief of the Bureau of Construction and Repair, the Chief of the Bureau of Yards and Docks, and, in fact, all the naval experts, without a single exception, so far as I can now recall, have recommended that a new dry dock should be located at the Norfolk Navy Yard. The Assistant Secretary of the Navy, Mr. Roosevelt, has expressed himself strongly in favor of it. The Secretary of the Navy, Mr. Daniels, has declared that the location of a new dry dock at Norfolk is a military necessity. These constitute the naval experts and authorities of the department. Not one of them, so far as I can recall, lives in my district or in my State. They can therefore have no local interest or local bias in this proposition. They are the men upon whom we rely for advice as to all matters affecting the Navy. They are the men upon whom we depend in time of war. They are the men that we hold responsible for the condition of the Navy, the condition of the navy yards, and the condition of our ships. They are the men upon whose recommendation and upon whose advice every single item of appropriation in this bill has been made.

Now, if we are willing to follow the recommendations of the experts and the authorities of the Navy Department as to all other yards, why should we not also be willing to follow them as to the Norfolk yard?

Mr. Speaker, why was Norfolk selected as the place at which this new dry dock should be built? In the first place, the Norfolk Navy Yard, with Hampton Roads, possesses all the requirements for a great navy yard and a great naval base. The Norfolk yard is superior to all other yards on the Atlantic coast. That, Mr. Speaker, is not my statement. It is the statement of a joint Army and Navy board, made in its report to Secretary Meyer.

Mr. WITHERSPOON. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman yield?

Mr. HOLLAND. Just for a question.

Mr. WITHERSPOON. That is all I want.

Mr. HOLLAND. I have only a few minutes.

Mr. WITHERSPOON. I just wanted to ask a question.

Mr. HOLLAND. Very well.

Mr. WITHERSPOON. You stated this was a fine place for a navy-yard dry dock. Do you think we ought to have one because it is a fine place for it——

Mr. HOLLAND. Not at all.

Mr. WITHERSPOON. Wait a minute, until I ask you the question. Or do you think we ought to build a dry dock there when it is necessary?

Mr. HOLLAND. I think, Mr. Speaker, that a dry dock ought to be built there when it is necessary, and I believe it is necessary now. I wish to say further that the Norfolk yard was recommended because more naval ships and vessels visit this yard for repairs and necessary dockings and Hampton Roads for coal, ammunition and supplies than visit all the other yards on the Atlantic coast combined. In 1912, 1,137 naval vessels visited Boston, Philadelphia, and New York, and 1,304 visited Norfolk and Hampton Roads. In 1913, 914 vessels visited Boston, New York, and Philadelphia, and 1,392 visited Norfolk and Hampton Roads. This yard was also recommended because Hampton Roads is the naval rendezvous for the fleet. The fleet's southern drill grounds are near the Capes. Vessels pass and repass it in going to and returning from all points south of Hatteras. Vessels in distress on the Atlantic coast invariably seek this yard because it is easiest to reach. During the years ending in August last there were docked at this yard 144 naval ships and vessels. There were docked at the other yards on the Atlantic coast, including New York, Boston, and Philadelphia, only 187. More than 40 per cent of all the ships and vessels of the Navy are docked at this yard.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HOLLAND. May I ask the gentleman from Tennessee to yield me a little more time?

Mr. PADGETT. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. HOLLAND. I regret, Mr. Speaker, I will not have time to discuss this question fully. Some objections have been made to the location of the dock at Norfolk that are not real objections, but mere pretexts for opposing the improvement. Suffice it to say, the General Board of the Navy knew what the exact conditions of this yard were when they recommended that a new dry dock should be built there. You must, therefore, reach one of two conclusions, either that these conditions will be satisfactory to meet all the requirements of the Navy when the dock is completed, or else that the members of the General Board are incompetent and ought to be removed from office. Certainly they would not recommend Norfolk as a fit and suitable place at which to locate the dock unless they honestly believed it.

Mr. LEE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HOLLAND. I have not time to yield. I have not time sufficient to go into the matter fully now. Is a new dry dock needed at Norfolk?

My friend from Mississippi [Mr. WITHERSPOON] asked me if I wished to build a dry dock at any point unless it was necessary. I wish to say to him that if he will follow the advice which a majority of this committee seem to have followed in making other appropriations in this bill he will reach the conclusion that a dry dock at Norfolk is necessary. Why, all the experts——

Mr. WITHERSPOON. Mr. Speaker——

Mr. HOLLAND. One minute. I can not yield.

Mr. WITHERSPOON. You should not misrepresent a man.

Mr. HOLLAND. I do not wish to do so, and will not intentionally.

Mr. WITHERSPOON. I do not want you to misrepresent me.

Mr. HOLLAND. All the experts of the Navy, without exception, have recommended the dry dock at Norfolk, and have declared that a new dry dock is needed there. The Board of Inspection for Shore Stations in its recent report declared that the most important improvement needed at the Norfolk yard, and the one which should be provided at the earliest possible time, is a new dry dock of the largest dimensions. The General Board of the Navy has declared that a new dry dock at this station is one of the Navy's needs.

The Assistant Secretary of the Navy, Mr. Roosevelt, has said:

> The necessity for this dock has been strongly represented to me by the General Board of the Navy and by all the experts and authorities of the Navy Department.

The Secretary of the Navy, Mr. Daniels, has declared:

> I would not have urged this action upon Congress were I not convinced that it was a real military necessity that ought to be made available as soon as possible.

Now, my friend from Mississippi [Mr. WITHERSPOON] says that no dry dock is needed there. Possibly he will say that it is not needed because one of the dry docks at Norfolk was occupied only 278 days last year. It is true that the docks are not occupied every day in the year, but that is no proof that the docking facilities at the yard are adequate. If my friend were a surgeon and had a hospital with only three rooms in it, he would add no more until every single one of those rooms were occupied every day in the year by patients, although he might be called upon repeatedly during the year to turn patients away for lack of room.

The disabled warship *Vermont* was recently docked at the Norfolk yard. The battleship *Delaware*, which convoyed the *Vermont* to Norfolk, was found to need examination. There was only one dock there in which the *Delaware* could be docked, and that was occupied by the *Vermont*. It was necessary to undock the *Vermont* before any repairs on it had been made and dock the *Delaware*. In the meantime the *Louisiana* and the *New Hampshire* had reached the station, and it was necessary to delay the docking of these warships until the repairs on the *Delaware* could be completed. Just the same situation is liable to occur at any time. Injuries to ships requiring prompt dockings are also liable to occur at any time. Such delays might be dangerous, although unavoidable.

It must also be remembered that the large dock now there may be damaged at any time and may have to be repaired, or that it may have to be used for a considerable time by some ship undergoing extensive repairs. What facilities would you then have at the yard for the actual needs of the fleet? Can you say that it is not wise to provide for such contingencies? The experts of the Navy say that such a dock is needed at this yard. They know more about the needs of the Navy than we do. They have studied these questions carefully and have reached this conclusion after the most painstaking investigation. They have given their best years to the service of the Navy, and are supposed to recommend what, in their judgment, is best for the Navy. Their experience makes them safe advisers. Shall we take their advice or follow the advice of the committee? I believe it is safest to follow the advice of the naval experts and authorities. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HOLLAND. Mr. Speaker, I ask permission to revise and extend my remarks.

The SPEAKER. The gentleman from Virginia [Mr. HOLLAND] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEE of Pennsylvania. Mr. Speaker, will the gentleman from Tennessee kindly yield to me half a minute?

Mr. PADGETT. I will yield to the gentleman half a minute for a question.

Mr. LEE of Pennsylvania. I would like the gentleman from Virginia [Mr. HOLLAND] to state to the House where they would locate the proposed dock at Norfolk?

Mr. HOLLAND. I am not a naval expert, Mr. Speaker. That will be left to the experts of the Navy.

The SPEAKER. The time of the gentleman from Pennsylvania has expired. The half minute is up.

Mr. PADGETT. I yield five minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

The SPEAKER. The gentleman from Mississippi [Mr. WITHERSPOON] is recognized for five minutes.

Mr. WITHERSPOON. Mr. Speaker, I am opposed to this dry dock, because there is absolutely no necessity for it, and everybody who has ever studied the American Navy and knows the conditions and the facts surrounding it would be forced to admit that we do not need it. The only effect and use of it is to squander $3,000,000 of the people's money.

Now I want to state a few facts to you about it. Last year the Committee on Naval Affairs visited every navy yard and every naval station from Panama to Frenchmans Bay. We saw every dry dock on the Atlantic coast. My recollection is that every one of them was vacant, every one of them was absolutely idle, so far as battleships were concerned. There was not one in use at the time by a battleship, and there are about 20 such docks, I believe. However, in one dry dock there were a couple of old target frames that had been injured and had been put in there for repair. In another one there were a couple of destroyers that were being repaired, and in still another one there was one small battleship that was being painted. All the balance of them were idle and useless.

When some of these fellows appeared before the Naval Committee, who were urging us to squander $3,000,000 at Norfolk and $3,000,000 at Philadelphia and everywhere else, I asked them how it happened that when the Committee on Naval Affairs visited these dry docks they were not being used. One of them said, "Well, you just happened to be there at a time when they were not using them." [Laughter.]

Mr. HOLLAND. Mr. Speaker, will my friend permit an interruption?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Virginia?

Mr. WITHERSPOON. Yes; I yield to the gentleman.

Mr. HOLLAND. Will you be kind enough to tell the House how many days the present dry docks at Norfolk are occupied during the year?

Mr. WITHERSPOON. No; but I can tell the House that they are vacant a large part of the time.

Mr. HOLLAND. Now, Mr. Speaker——

Mr. WITHERSPOON. Wait a minute; I can not yield further.

The SPEAKER. The gentleman declines to yield further.

Mr. WITHERSPOON. Now, the facts are given by the naval experts that it takes 25 hours to dock a battleship and take it out of the dry dock. We have 39 battleships. The Norfolk dock is large enough to dock any battleship we have, and every battleship in the Navy can be docked at Norfolk in 40 days. We have three other dry docks that are large enough to dock the largest battleship that we have besides Norfolk, and a great many other smaller docks. I believe they all amount to about 20.

I talked to a very intelligent naval officer about that. I asked him to explain to me why they had so many dry docks when they were idle and not used.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. WITHERSPOON. Yes.

Mr. MADDEN. I just wondered whether it would not be wise to have a lot of docks, even if we never used them, so that we could use them when we wanted to use them in case of need.

Mr. WITHERSPOON. That is not involved here. We have already got 20. Why do you want to squander $3,000,000 more for another one?

Mr. MADDEN. I am not saying what I would do.

Mr. WITHERSPOON. Well, you made a suggestion that meant that.

Now, I asked a naval officer who knows what he is talking about to tell me how many dry docks, in his judgment, it would take to do all the work of the American Navy; how many it would take to serve every ship we have got; and he said six would be the greatest abundance.

This dry-dock business is just like all the other sinister features of this Navy—it is to squander the public funds. We do not need any more dry docks. We have already got more than we can use; and if you will take the tables furnished in the report of the Secretary, you will see that our dry docks are idle at every navy yard that we have during a large part of the time.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] is recognized for five minutes.

Mr. MADDEN. Mr. Speaker, I do not know anything at all about the merits of this particular dry dock; but I think the gentleman from Mississippi [Mr. WITHERSPOON] ought to be corrected in some of the statements that he made.

To begin with, the gentleman stated that it took just 25 hours to dock a battleship and take it from the dock. That may be true; but the fair assumption is that a battleship does not go into dry dock merely to go in and be taken out; that she goes into a dry dock for a given purpose; and it is not safe to assume that she can be taken out in 25 hours.

Now, the fact that we were not repairing ships in the dry docks when the gentleman saw the docks is not evidence that we do not need the docks. It would be wise to have them, even if we never had to use them at all. It would be an evidence of the proper navigation of the ships if the ships were never called upon to be put into the docks. But if perchance a condition arose when a ship had to be docked, and we had no dock, we would be in a rather awkward predicament.

Now, I am not particularly concerned with the question as to how many docks we have and what use we have for them or whether there is any merit in the proposition before the House; but I do want to call attention to the fact that if we are to have a Navy, dry docks are essential; and the less we are required to use a dry dock the better it is for the American people. The fact that we are not using our dry docks at any particular season of the year is only another evidence of the fact that the ships are in a condition where they do not have to be repaired. And to say that because the dry docks were not being used at a particular time, that is a reason why we should have no dry docks, does not appeal to me, and would not appeal to the people of America.

Mr. WITHERSPOON. Will the gentleman yield?

Mr. MADDEN. Surely.

Mr. WITHERSPOON. Did you understand me to say that we did not need any dry docks?

Mr. PADGETT. I understood the gentleman to say that we had more dry docks than we need.

Mr. WITHERSPOON. Yes. Now, I want to ask you this question.

Mr. MADDEN. Surely.

Mr. WITHERSPOON. We have 380 ships in the American Navy and about 20 dry docks. Can you tell this House that there has ever been one single day in the history of the Navy when the present number of dry docks has not been sufficient to serve every ship? Do you know of any instance of that kind?

Mr. MADDEN. I am not arguing that question at all. I am not pretending to say that I know anything about the merits of the case before the House. I am simply endeavoring to show the fallacy of the statement made by the gentleman from Mississippi [Mr. WITHERSPOON], that because a dry dock was not in use when he visited it, therefore we do not need a dry dock.

Mr. LEE of Pennsylvania. May I ask the gentleman a question?

Mr. MADDEN. Certainly.

Mr. LEE of Pennsylvania. Do you advocate this amendment?

Mr. MADDEN. I just said to the House that I did not pretend to know anything about the merits of this particular amendment.

Mr. LEE of Pennsylvania. I should like to know how the gentleman stands on this question?

Mr. MADDEN. I will tell the gentleman when the time comes for me to vote.

Mr. LEE of Pennsylvania. Then I can not ask the gentleman the question I wanted to ask him.

Mr. MADDEN. But I will simply say it is to the great advantage of the American people to have the dry docks unused the greater portion of the time, and yet it is a great advantage to have the dry docks ready to use when we need them.

Mr. PADGETT. Mr. Speaker, I shall detain the House for but a few minutes. I occupy a little singular position with reference to this matter. The gentleman from Virginia [Mr. HOLLAND], in a good-humored way, seemed to criticize the Committee on Naval Affairs of the House for not reporting this provision. I desire to be entirely frank with him and with other Members. I can not agree to all the statements that have been made here, particularly the statement that we do not need dry docks in the Navy. We do need some, and they are very important to have. Personally I was in favor of the Norfolk dry dock. The committee were overwhelmingly in favor of the Philadelphia dry dock, and if the matter had been submitted to the House committee they would have voted in favor of the Philadelphia dry dock being placed in the bill. The matter was kept out——

Mr. HOLLAND. I would like to ask the gentleman whether any dry docks other than the dry dock at the Norfolk Navy Yard have been recommended, either by the naval experts or the Navy Department, to the gentleman's committee?

Mr. PADGETT. I do not remember any now. The Navy Department very earnestly insisted upon the Norfolk dock, but the committee were going to put in the Philadelphia dock. In order that there might be none at all in the bill, the committee decided not to report any provision for docks at all, and the House committee made no recommendation.

The Senate committee have put in a provision for the Norfolk dock. I did not feel, in good faith to the committee or to the majority of the committee who were opposed to the Norfolk dock, that I could agree to it in conference. Again, the House had not considered the matter, and I felt that it was a matter of such importance that it should not be agreed to in conference.

I want to say further that the committee having taken the action it did, I felt that we could pass the whole matter over at this session of Congress, and therefore I have made the motion to further insist upon our disagreement.

Mr. LEE of Pennsylvania. I want to ask the chairman of the committee, was it not on account of the naval bill carrying so much money at this time that the committee voted not to have a dry dock at either place?

Mr. PADGETT. Yes; I said we left it out. There were other things in the bill that we regarded as more important, and we left out the provision for both docks, and I have made the motion to further insist upon our disagreement. The gentleman from Virginia [Mr. HOLLAND] moves to recede and concur.

Mr. BRYAN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRYAN. In reference to the statement of the gentleman from Mississippi [Mr. WITHERSPOON] that six dry docks would be a great abundance for the Navy, and that a naval officer made that statement, does the gentleman think it necessary to explain that to the House?

Mr. PADGETT. I disagree with that conclusion. I think we do not have to use a dock every day of the year, but if we have a disabled ship we want a dock in that neighborhood to take care of it. It might be very necessary in an emergency.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. HOLLAND] to recede from the House disagreement to Senate amendment numbered 28 and concur in the same.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HOLLAND. Division, Mr. Speaker.

The House divided; and there were—ayes 32, noes 71.

Mr. HOLLAND. Mr. Speaker, I ask for tellers.

Tellers were refused, 16 Members, not a sufficient number, rising to second the demand.

The SPEAKER. The question recurs on the motion of the gentleman from Tennessee [Mr. PADGETT] to further insist on the disagreement of the House.

Mr. MANN. The vote just taken was equivalent to a disagreement.

The SPEAKER. Yes; that is true. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 29: Page 34, line 10, after the figures "$450,000," insert the words "in all, navy yard, Norfolk, Va., $225,000."

Mr. PADGETT. I move that the House further insist upon its disagreement to that amendment.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendment numbered 29.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 33: Page 26, after line 2, insert the following:
"Naval station, Key West, Fla.: Toward construction of breakwater (limit of contract, $600,000), $100,000."

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to amendment numbered 33.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendment numbered 33.

The question was taken, and the Speaker announced that the ayes appeared to have it.

The question was taken; and on a division (demanded by Mr. MANN) there were 57 ayes and 7 noes.

So the motion was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read amendment numbered 34, as follows:

After line 11, page 26, insert:
"The limit of cost of the dry dock at the naval station, Pearl Harbor, Hawaii, is hereby increased to $4,986,500."

Mr. PADGETT. Mr. Speaker, I move that the House recede and concur in this amendment.

The SPEAKER. The gentleman from Tennessee moves that the House recede from its disagreement to Senate amendment 34 and concur in the same.

The question was taken; and on a division (demanded by Mr. PADGETT) there were 43 ayes and 25 noes.

Mr. WITHERSPOON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 136, nays 111, answered "present" 5, not voting 181, as follows:

YEAS—136.

Alexander	Edmonds	Kennedy, Iowa	Roberts, Mass.
Austin	Esch	Kent	Roberts, Nev.
Avis	Estopinal	Kreider	Rogers
Baker	Fairchild	La Follette	Scott
Barchfeld	Falconer	Lee, Ga.	Seldomridge
Bathrick	Fergusson	Lee, Pa.	Sells
Bell, Cal.	Finley	Lenroot	Sinnott
Britten	Fitzgerald	Lever	Slemp
Brodbeck	Fordney	Lewis, Md.	Sloan
Bryan	French	Lindbergh	Small
Burgess	Gerry	Lobeck	Smith, Idaho
Burke, Wis.	Gittins	Logue	Smith, N. Y.
Butler	Godwin, N. C.	McClellan	Smith, Saml. W.
Campbell	Good	McCoy	Sparkman
Carlin	Green, Iowa	McDermott	Stafford
Carr	Greene, Mass.	McGillicuddy	Stedman
Cary	Guernsey	McGuire, Okla.	Steenerson
Casey	Hamilton, Mich.	McLaughlin	Stephens, Cal.
Chandler, N. Y.	Hammond	Mapes	Stephens, Nebr.
Clark, Fla.	Hart	Mitchell	Sutherland
Coady	Haugen	Moon	Switzer
Conry	Hawley	Moore	Talbott, Md.
Cooper	Helgesen	Morrison	Talcott, N. Y.
Cramton	Hinebaugh	Moss, W. Va.	Temple
Curry	Holland	Nelson	Thomson, Ill.
Danforth	Houston	Nolan, J. I.	Towner
Deitrick	Howell	Oglesby	Tuttle
Donohoe	Hulings	O'Hair	Vare
Doolittle	Humphrey, Wash.	Padgett	Volstead
Doremus	Johnson, Wash.	Palmer	Watkins
Driscoll	Jones	Platt	Watson
Drukker	Kahn	Pou	Whaley
Dupré	Kelley, Mich.	Raker	Williams
Eagle	Kennedy, Conn.	Reilly, Conn.	Woodruff

NAYS—111.

Abercrombie	Beakes	Byrnes, S. C.	Cox
Adair	Beall, Tex.	Byrns, Tenn.	Crosser
Aiken	Blackmon	Candler, Miss.	Cullop
Ashbrook	Borchers	Caraway	Dent
Aswell	Brockson	Claypool	Dickinson
Baltz	Buchanan, Ill.	Collier	Dillon
Barkley	Buchanan, Tex.	Connelly, Kans.	Dixon
Barton	Burnett	Connolly, Iowa	Donovan
Doughton	Gray	McKellar	Russell
Edwards	Hamlin	Madden	Sims
Elder	Hardy	Maguire, Nebr.	Sisson
Evans	Harris	Morgan, Okla.	Smith, Md.
Falson	Harrison	Moss, Ind.	Stephens, Miss.
Ferris	Heflin	Murray, Okla.	Stone
Fields	Hensley	Oldfield	Sumners
Flood, Va.	Hill	Page, N. C.	Taggart
Floyd, Ark.	Howard	Park	Tavenner
Foster	Hughes, Ga.	Peterson	Taylor, Ark.
Fowler	Hull	Post	Taylor, Colo.
Frear	Johnson, Ky.	Quin	Taylor, N. Y.
Gard	Johnson, S. C.	Ragsdale	Thompson, Okla.
Garner	Kelly, Pa.	Rainey	Tribble
Garrett, Tenn.	Key, Ohio	Rauch	Underhill
Garrett, Tex.	Kindel	Rayburn	Vollmer
Glass	Kirkpatrick	Reilly, Wis.	Walker
Goeke	Lazaro	Rouse	Weaver
Goodwin, Ark.	Lesher	Rubey	Witherspoon
Graham, Ill.	Lloyd	Rucker	

ANSWERED "PRESENT"—5.

Allen	Mann	Stevens, Minn.	Walters
Booher			

NOT VOTING—181.

Adamson	Fess	Korbly	Prouty
Ainey	FitzHenry	Lafferty	Reed
Anderson	Francis	Langham	Riordan
Ansberry	Gallagher	Langley	Rothermel
Anthony	Gallivan	L'Engle	Rupley
Bailey	Gardner	Levy	Sabath
Barnhart	George	Lewis, Pa	Saunders
Bartholdt	Gillett	Lieb	Scully
Bartlett	Gilmore	Lindquist	Shackleford
Bell, Ga.	Goldfogle	Linthicum	Sharp
Borland	Gordon	Loft	Sherley
Bowdle	Gorman	Lonergan	Sherwood
Broussard	Goulden	McAndrews	Shreve
Brown, N. Y.	Graham, Pa.	McKenzie	Slayden
Brown, W. Va.	Greene, Vt.	MacDonald	Smith, J. M. C.
Browne, Wis.	Gregg	Mahan	Smith, Minn.
Browning	Griest	Maher	Smith, Tex.
Bruckner	Griffin	Manahan	Stanley
Brumbaugh	Gudger	Martin	Stephens, Tex.
Bulkley	Hamill	Merritt	Stevens, N. H.
Burke, Pa.	Hamilton, N. Y.	Metz	Stout
Burke, S. Dak.	Hardwick	Miller	Stringer
Calder	Hay	Mondell	Taylor, Ala.
Callaway	Hayden	Montague	Ten Eyck
Cantor	Hayes	Morgan, La.	Thacher
Cantrill	Helm	Morin	Thomas
Carew	Helvering	Mott	Townsend
Carter	Henry	Murdock	Treadway
Church	Hinds	Murray, Mass.	Underwood
Clancy	Hobson	Neeley, Kans.	Vaughan
Cline	Hoxworth	Neely, W. Va.	Wallin
Copley	Hughes, W. Va.	Norton	Walsh
Covington	Humphreys, Miss.	O'Brien	Webb
Crisp	Igoe	O'Leary	Whitacre
Dale	Jacoway	O'Shaunessy	White
Davenport	Johnson, Utah	Paige, Mass.	Willis
Davis	Keating	Parker	Wilson, Fla.
Decker	Keister	Patten, N. Y.	Wilson, N. Y.
Dershem	Kennedy, R. I.	Patton, Pa.	Wingo
Dies	Kettner	Payne	Winslow
Difenderfer	Kiess, Pa.	Peters, Mass.	Woods
Dooling	Kinkaid, Nebr.	Peters, Me.	Young, N. Dak.
Dunn	Kinkead, N. J.	Phelan	Young, Tex.
Dyer	Kitchin	Plumley	
Eagan	Knowland, J. R.	Porter	
Farr	Konop	Powers	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. UNDERWOOD with Mr. MANN.

Mr. METZ with Mr WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. MCDERMOTT with Mr. WILLIS.

Mr. HINDS with Mr. HENRY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. ALLEN with Mr. FESS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BAILEY with Mr. LANGLEY.

Mr. BARNHART with Mr. AINEY.

Mr. WILSON of Florida with Mr. ANDERSON.

Mr. BARTLETT with Mr. ANTHONY.

Mr. CALLAWAY with Mr. BARTHOLDT.

Mr. SHERLEY with Mr. GILLETT.

Mr. CARTER with Mr. DAVIS.

Mr. MURRAY of Massachusetts with Mr. DYER.

Mr. PHELAN with Mr. FARR.

Mr. DECKER with Mr. GRIEST.

Mr. DIES with Mr. GRAHAM of Pennsylvania.

Mr. YOUNG of Texas with Mr. HAYES.

Mr. CLINE with Mr. DAVENPORT.

Mr. FRANCIS with Mr. JOHNSON of Utah.

Mr. GALLAGHER with Mr. KENNEDY of Rhode Island.
Mr. GALLIVAN with Mr. KIESS of Pennsylvania.
Mr. GORDON with Mr. KINKAID of Nebraska.
Mr. GORMAN with Mr. LAFFERTY.
Mr. GREGG with Mr. LANGHAM.
Mr. HARDWICK with Mr. LEWIS of Pennsylvania.
Mr. HAY with Mr. LINDQUIST.
Mr. HELM with Mr. MCKENZIE.
Mr. HELVERING with Mr. MACDONALD.
Mr. HOBSON with Mr. MANAHAN.
Mr. HUMPHREYS of Mississippi with Mr. MERRITT.
Mr. IGOE with Mr. MILLER.
Mr. KITCHIN with Mr. PAYNE.
Mr. LIEB with Mr. MOTT.
Mr. LONERGAN with Mr. MORIN.
Mr. MONTAGUE with Mr. MONDELL.
Mr. NEELEY of Kansas with Mr. MURDOCK.
Mr. PATTEN of New York with Mr. CALDER.
Mr. REED with Mr. COPLEY.
Mr. RIORDAN with Mr. MORTON.
Mr. SAUNDERS with Mr. PETERS of Maine.
Mr. SHACKLEFORD with Mr. PLUMLEY.
Mr. SHERWOOD with Mr. PORTER.
Mr. CANTRILL with Mr. PROUTY.
Mr. STEPHENS of Texas with Mr. SHREVE.
Mr. STRINGER with Mr. WINSLOW.
Mr. THACHER with Mr. RUPLEY.
Mr. THOMAS with Mr. SMITH of Minnesota.
Mr. VAUGHAN with Mr. YOUNG of North Dakota.
Mr. WEBB with Mr. PAIGE of Massachusetts.
Mr. WHITE with Mr. PARKER.
Mr. GOLDFOGLE with Mr. PATTON of Pennsylvania.
Mr. LEVY with Mr. POWERS.
Mr. SMITH of Texas with Mr. KEISTER.
Mr. CLINE with Mr. J. M. C. SMITH.
Mr. BOOHER with Mr. TREADWAY.
Mr. BROWN of New York with Mr. BROWNE of Wisconsin (from June 10 to June 22).
Mr. DERSHEM with Mr. WALTERS (from June 12 to June 19).

Mr. BOOHER. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. BOOHER. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. TREADWAY. I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. BOOHER was called, and he answered "Present."

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, whom I understand did not vote. I voted "yea." I desire to withdraw that vote and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."

Mr. WALTERS. Mr. Speaker, I voted "yea." I have a pair with the gentleman from Pennsylvania, Mr. DERSHEM. I desire to withdraw my vote and be recorded "present."

The name of Mr. WALTERS was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. PADGETT, a motion to reconsider the vote on the motion to recede and concur was laid on the table.

The SPEAKER. The Clerk will report amendment No. 40.

Mr. PADGETT. Mr. Speaker, that is the mere changing of a total.

The Clerk read as follows:

Page 27, line 20, change the total from "$2,897,000" to "$4,140,500."

Mr. PADGETT. Mr. Speaker, I move that the House do further insist on its disagreement to Senate amendment No. 40.

The motion was agreed to.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report amendment No. 53.

The Clerk read as follows:

Page 39, line 25, after the figures "$958,100," insert the following: ": *Provided further*, That the Secretary of the Navy is hereby authorized to enter into contract for the use by the Government of dry docks at Hunters Point, San Francisco, Cal., one of which docks shall be capable of docking the largest vessel that can be passed through the locks of the Panama Canal, for a period not to exceed six years from completion of such dock, at a compensation of $50,000 per annum during said period of six years, the right of the Government to the use of said docks in time of war to be prior and paramount: *Provided*, That the construction of the large dock shall be undertaken immediately upon entering into this contract and shall be completed within 24 months thereafter: *And provided further*, That said contract shall provide for docking rates not in excess of commercial rates, and for such other conditions as may be prescribed by the Secretary of the Navy prior to entering into such contract: *And provided further*, That in the event, during the said contract period of six years, the necessities of the fleet require the docking of vessels which will necessitate a charge greater than $50,000 per annum, the Secretary of the Navy is authorized to have said vessels docked at a rate of charge not greater than price stipulated in said contract.

Mr. PADGETT. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 53 and concur in the same.

Mr. BRYAN. Mr. Speaker, I will ask the gentleman from Tennessee to yield me five minutes, as I desire to be heard in opposition to the motion.

Mr. PADGETT. Mr. Speaker, I yield the gentleman from Washington five minutes.

Mr. BRYAN. Mr. Speaker, we have here a proposition to make a contract with a private plant for the docking of vessels on the Pacific coast. We have out there an arrangement, or adequate arrangements are being perfected, at Panama, and then we have at Puget Sound an arrangement for docking the larger vessels. We have the Mare Island Navy Yard and we are going to have the Pearl Harbor dock and yard. The purpose of this is to expend $50,000 a year as a minimum for six years and pay it over to the Charles M. Schwab plant, the Union Iron Works, for this private purpose, or at least to this private enterprise. I believe that is wrong. I believe it is bad policy. I believe it will be a bad precedent to establish. The Puget Sound yard is the rendezvous now for the largest ships. It is true we have no large ships out there at this time, no real battleships, but it is provided that when battleships do come, they are supposed to make the Puget Sound yard their home port. We are equipped for it, and under the special estimates and pleas of the Navy Department, a dock of the largest magnitude was provided at Puget Sound. If big battleships go out there, they have to go to that home port occasionally for fuel and supplies, so that there is no reason why they will be caught all of a sudden at San Francisco and have to be docked immediately. There is no reason why we should enter into a contract with a private plant when we have a dock of our own that is available. As was suggested by the gentleman from Alabama [Mr. UNDERWOOD] the other day, if you arrange for the docking of these ships there, then as soon as a ship is docked, you learn that it needs repairs. No one knows what a ship needs, what kind of repairs it is going to need, until it is taken out of the water and examined, and then comes the repairs at this private yard, and if you do that the Government yard is idle. There is no question about equipment, there is no question about the Government yards being prepared for this, but it is purely a question of arranging here with this private plant. It is said that the Mare Island yard is later going to qualify for these ships, so that a large dock can be built there.

If that ever does happen, that will be all right, and we will have a Government dock; but as far as this arrangement of $50,000 a year for six years, with a private dock, is concerned, I am opposed to it, and I do not believe that this House ought for one minute to stand for that kind of a proposition.

I do not believe that this House ought to expend the money that is given for naval expenditure in docking ships in private yards. As far as accommodations are concerned, I understand Boston has recently built a dry dock of this kind. The people have built it. The commercial interests of San Francisco are going to be compelled to have one of these mammoth dry docks. They must have it because the big ships, the leviathans of the ocean, that come into San Francisco carrying the commerce of the sea, must be docked, and they must have an adequate dock, but why the Government of the United States should furnish the money I can not understand, and after furnishing the money why we should require that our own docks, our own Government yards, shall be left idle is so absurd as to be entirely out of the question, as far as I can see.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. COX. How far is it from the place where this private concern is to the nearest Government dock?

Mr. BRYAN. I understand it is about 30 miles to the Mare Island yard. It is suggested that the hands, the men who work at the Mare Island yard, would do this work. That is absurd, because if you take men from the Mare Island yard down to San Francisco in a launch or a Government boat, you will spend the greater portion of the day going and coming.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. BRYAN. Mr. Speaker, I ask the gentleman to yield me three minutes more.

Mr. PADGETT. Mr. Speaker, I yield the gentleman three minutes more.

Mr. BRYAN. Then, when you get down there, you can not repair the ship, you can not do the work solely with the dock; but you have then, in addition to this expenditure, to arrange and use the electric current of the Union Iron Works.

You have to use the tools, you have to use the crane that goes around the dock, you have to use all the facilities that are part of the yard. A dry dock of itself can do nothing. You can not repair a ship, you can not even paint a ship without additional equipment. A dry dock is part and parcel of a navy yard and you have to use the whole thing, and the dock has to be adequately equipped for it. The dock at Puget Sound is as large as there is in the country.

On the Atlantic side you have two docks, one at Norfolk, and one at New York. Here you have practically all of the fleet on the Atlantic seaboard. We are not going to have, at any time soon under the unit-fleet arrangement that prevails, the whole fleet in the Pacific as you now have in the Atlantic. The fleet will dock at Panama and at Puget Sound and ships that can go to Mare Island will be docked there, and if Mare Island yard is found adequate and the channel is deep enough a new adequate dock will be constructed there. For the life of me I can not see why this Government should go to work and subsidize—and talk about ship subsidy—go to work and subsidize a dry dock for the commercial interests of San Francisco to the tune of $50,000 a year, and all at the expense of the legitimate business of the Puget Sound yard. Fifty thousand dollars is the minimum. As I understand the contract calls for 6 cents per ton per day, which is $1,800 a day for one of these 30,000-ton ships. And yet the amount of $50,000 is given. We can patronize that to the extent of $1,000,000 a year under this contract and deprive Puget Sound of doing its legitimate repair work, its legitimate dockage, and it makes a great magnificent dry dock that cost the Government over $3,000,000 a year at Puget Sound entirely worthless or, at least, takes away from it the business that should go to it. I hope that the Congress will refuse to thus subsidize a private company and vote in favor of its own dock. I appeal to the friends of the Puget Sound yard to stand by it, and in thus standing by the Puget Sound yard Members will be standing by the Government and saving the taxpayers money in a tremendous amount.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. J. I. NOLAN].

Mr. J. I. NOLAN. Mr. Speaker, I am in favor of the motion of the chairman of the Committee on Naval Affairs. The gentleman from Washington [Mr. BRYAN] made the statement that it is only 30 miles from San Francisco, where this proposed dock is to be established, to the nearest navy yard where we have a dock. I want to call the attention of the House to this fact. It is only 30 miles to Mare Island, but the dock at the Mare Island yard will not take in the dreadnaught. It is 3,500 miles to Panama from San Francisco. It is 900 miles from San Francisco to the Puget Sound Navy Yard. If we get one of the dreadnaughts in the Bay of San Francisco we have got to have a dock 1,000 feet long. If we have to send it to Bremerton, it is 900 miles. Now, this is not a selfish proposition. This contract with the Union Iron Works has been recommended by former Secretary of the Navy Meyer, and has been recommended strongly by Secretary Daniels, and the idea is this: It will take between $2,000,000 and $3,000,000 to construct a private dock. Fifty thousand dollars a year is about 2½ per cent interest on an investment of $2,000,000. It is not a profitable proposition to the Union Iron Works to put it up for the Government alone. Of course, they are going to get commercial dockage. They will need that when the Panama Canal opens, and so will the United States need a dock in the waters of San Francisco Bay, or in the near vicinity, when the Panama Canal is opened. You could not keep a war vessel beyond a given period and you would have to send it 3,500 miles to Panama or send it 900 miles to Bremerton to be docked and get the benefit of the dock established there. Now, the gentleman representing the Bremerton district can not be blamed for looking after his yard. It is a question as to keeping a fleet on the Pacific, and if they are going to have that fleet of dreadnaughts split in half and send half of it, 41 of them, we ought then to have one-half of them on the Pacific, and Bremerton will take care of her share and San Francisco Bay will take care of her share, and Panama will take care of her share, and the Hawaiian Islands will get their share of these dreadnaughts.

Now, in San Francisco Bay you must have a dock 1,000 feet long to take care of these dreadnaughts. They can dock at Mare Island everything with the exception of the dreadnaughts, and, as I understand, we enter into this contract until such time as we understand what the needs of the Navy are in the vicinity of San Francisco as far as the dockage of our vessels are concerned. I think this is a good proposition for the Government. If we are going to allow the question of contracting with a private concern to enter into it, why, we might as well say once for all that we will do all of our new work as well as repair work in a Government yard. I am in favor of that method of doing the Government work, and this provision only takes care of the dockage of our vessels until we can build our own dock in the Bay of San Francisco. It is only a matter of an expenditure until we can have before us all the information and determine the size and dimensions of the dock necessary in San Francisco Bay. I trust, Mr. Speaker, the recommendation of Secretary Meyer, the recommendation of Secretary Daniels, and the recommendation of the Committee on Naval Affairs will prevail and that the House will adopt this section of the conference report.

Mr. HELGESEN. Will the gentleman yield?

Mr. J. I. NOLAN. Yes.

Mr. HELGESEN. Will the gentleman tell us why it is when the Government pays a bonus of $50,000 a year it is upon the consideration that they shall receive prior rights only in time of war? Why should not they receive prior rights in time of peace so they could bring their dreadnaughts in there and have them repaired before commercial vessels?

Mr. J. I. NOLAN. I suppose the consideration in time of war is to make it specific, but I do not see any reason why they should not in time of peace. The contract, when signed, will specify conditions that will adequately protect our rights in time of peace as well as in time of war.

Mr. HELGESEN. Then why not strike out "in time of war" and give the Government preferential right at any time?

Mr. J. I. NOLAN. I did not yield to the gentleman from Washington.

Mr. BRYAN. I spoke, anyhow.

Mr. J. I. NOLAN. I am only arguing——

The SPEAKER. The time of the gentleman from California [Mr. J. I. NOLAN] has expired.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I am rather surprised at the attitude of my friend from the State of Washington [Mr. BRYAN] in this matter. When the effort was made to construct a navy yard and a dry dock at Bremerton the Representatives from Washington had the earnest support of the Members from the State of California, because we felt that there was need of a dry dock and a navy yard in that section of the Pacific coast. There is no question but that there is need of a dry dock on San Francisco Bay to take care of the superdreadnaughts that are being constructed. There is no such dry dock between Panama and Puget Sound. The gentleman from Washington [Mr. BRYAN] refers to the dry dock at Pearl Harbor. Pearl Harbor is 2,200 miles away from San Francisco Bay. These superdreadnaughts cost between $12,000,000 and $15,000,000 each. The time may come when such a dreadnaught would have to be brought into a dry dock without delay so as to save her for the Government. To be compelled to dock her 3,500 miles in one direction or 946 miles in another direction, or 2,200 miles in another direction, might result in a total loss for the Government of such a battleship before she could reach a dry dock.

Now, this proposition contained in the pending amendment is from a private concern. It is the same concern that constructed the battleship *Oregon*. It is the same concern that constructed the *Olympia*, the flagship of Admiral Dewey at the battle of Manila Bay. It is the same concern that constructed the *San Francisco*, which is now doing excellent work in the waters of Vera Cruz. It is the same concern that constructed the *Charleston*, the *Ohio*, the *Wisconsin*, and quite a large number of other splendid vessels in our Navy. The time will come, probably, when the Government will construct its own dry dock on the Bay of San Francisco. It ought to construct its own dry dock there, but there has been a question about the depth of water leading to the navy yard at Mare Island. I am satisfied that it will be easily demonstrated that you can always find enough water in the channel to Mare Island to enable the largest of our battleships to go there, but there has been some dispute about it that has delayed the construction of a Government dry dock on San Francisco Bay of sufficient size to accommodate the largest battleships of our fleet.

This contemplated dry dock is absolutely necessary in view of the early opening of the Panama Canal and the passage into the Pacific Ocean of the great battleship fleet of this country. The builders of this dock have made a very liberal offer to the Government. There is no question in my mind but that it is their purpose, and, in fact, Mr. MacGregor, the president of the company, told me comparatively recently that it is the purpose

of the company to give the Government every facility to dock its vessels and to give them the first call at all times.

I sincerely hope, Mr. Chairman, that the motion of the gentleman from Tennessee, the chairman of the committee, will prevail, and that this provision will be concurred in.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Speaker, I hope the motion of the chairman of the committee will prevail. The Mare Island Navy Yard can dock at the present time any of the ships of war with the exception of the two largest-sized dreadnaughts. Last year she docked 75 ships at a cost of about $28,000, but she can not dock a dreadnaught. The closest place to San Francisco that a dreadnaught can be docked, which is at Bremerton, is nearly a thousand miles away. There is no question but that a dreadnaught dry dock should be constructed in the Bay of San Francisco. The Secretary of the Navy has told me that the department is not at the present time prepared to locate and construct a dry dock at the Mare Island Navy Yard, but hopes to be able to do so in the near future. I believe the contract price proposed to be entered into with the Union Iron Works is a good thing for the Government and will not be extraordinarily profitable for the Union Iron Works, but will give them a chance to go ahead now and construct a large dry dock that will care for the dreadnaughts not only in our own Navy but the ships of the other navies that will be in San Francisco Bay next year and the year after. If I thought it was an attempt on the part of the department to encourage the construction of a dreadnaught dry dock by private parties to the exclusion hereafter of the construction of such a dry dock by the Government, I would not be in favor of it, but I feel absolutely certain that the best thing that we can do for the Navy at the present time is to enter into this contract with the Union Iron Works. Of course, in my opinion, the Government would be justified in constructing a dreadnaught dry dock at the Mare Island Navy Yard immediately, and ought to do so, but the Navy Department will not recommend the construction of such a dock at the yard until after the dredging work being done on the channel shall have been completed and tested, and therefore I am in favor of the motion of the chairman of the committee as a temporary expediency.

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman from Tennessee [Mr. PADGETT] if he thinks by entering into this contract in reference to the dry dock in California it will mean the repair of these ships in the private yard?

Mr. PADGETT. I have a letter from the Secretary of the Navy stating it will not. I intended to bring it here with me, but I find it has been mislaid. He wrote me since the bill was referred to conference the other day that such was not the purpose or the expectation.

Mr. FOSTER. Or would not likely be done?

Mr. PADGETT. Yes, sir.

Mr. FOSTER. Now, another thing. Does the gentleman believe that entering into this contract for six years with this company in California means that in the future the Government will not likely build a dry dock on the coast?

Mr. PADGETT. I understand that the Secretary of the Navy contemplates that if the work of the dredging and diking of the river there is successful, as it is now thought it will be, that some time in the future a proposition will be submitted to Congress to build a dock at the Mare Island yard.

Mr. FOSTER. Does the gentleman believe, or does it look to him, that it will finally come to this: That, having entered into an agreement here with a private company, it will mean that in the future it will be claimed that we have a good contract with this private company, and that we never will build a Government dock where it might be needed in California, and that the gentlemen from California, who are now so much in favor of this proposition, will inside of a few years be coming here and trying to let loose of it?

Mr. KAHN. Will the gentleman yield?

Mr. PADGETT. Mr. Speaker——

Mr. FOSTER. I do not know whether it will be the same gentleman or not, but some one else.

The SPEAKER. To whom does the gentleman from Illinois [Mr. FOSTER] yield?

Mr. KAHN. Will the gentleman allow me to answer the question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER. I have not the time, Mr. Speaker.

Mr. PADGETT. In answer to the gentleman's question, I do not think it would have that effect. I think that ultimately the Government will want to build a dock at Mare Island. I think that this is a splendid business proposition and an opportunity that rarely occurs to the Government. It is over 4,000 miles between the two docks we have on the Pacific Ocean—the one at Bremerton, 900 miles north of San Francisco, and the other one at Balboa, the Pacific end of the canal, which is 3,500 miles, as stated here on the floor, south of San Francisco; and then at Pearl Harbor we are building one, which is 2,100 miles out in mid-ocean. Here is a proposal that this company will build this dock, of the largest capacity, at their own cost, at a cost of not less than $2,000,000, if we will agree to patronize it for a period of not exceeding six years, at a cost of $50,000 a year, the docking to be at the commercial rates, and specified in the proposal for the contract submitted, which is a low rate, and lower than the Government to-day charges commercial institutions for docking their ships in the Government dry docks.

Mr. FOSTER. Will the gentleman permit a question?

Mr. PADGETT. Yes.

Mr. FOSTER. He has been in the House for a great many years, and has it not been the experience of the gentleman and of nearly every other Member of the House, when he calls to mind this, that whenever we enter into these private contracts it was almost impossible to ever get rid of one of them, and that in the case with this dry dock in California it may mean that we will probably be years and years trying to get rid of a private contract, where we might get a Government dry dock which would serve the purposes better than will be served by this private company?

Eventually we may enter into this sort of a contract where we shall be doing the repairs and the work on these ships in private yards out there instead of in a Government yard. If that would be true, I should very much oppose it.

Mr. PADGETT. I think not.

Mr. FOSTER. I would like to have the gentleman from Tennessee answer.

Mr. PADGETT. I think not. I want to state that it occurs to me that this is a very advantageous proposal. A dry dock of these dimensions would cost the Government not less than $2,000,000. The interest at 3 per cent alone on the investment would be $60,000 a year. The maintenance of the dock would add a number of thousand dollars. The operation of the dock, the letting in of the water, and the pumping out of the water would cost a great deal. The lighting of it would cost something. The power for operating the machinery of the dock incident to vessels going in and out would cost a considerable sum. So that we would be getting for $50,000 a year what would cost us, if it were our own dock, perhaps $100,000.

Mr. FOSTER. Let me ask the gentleman this question: He has had long experience on the Committee on Naval Affairs and the very argument that he has made now may be quoted in a few years from now as the reason why we ought to keep up our contract with this private company. I believe that is just the argument that might be made, and the distinguished chairman of the Committee on Naval Affairs, whether he is in Congress at that time or not, will have his words quoted here to show that it is cheaper to get this service performed in a private yard than to build a Government dry dock and repair our ships by our own people in our own yard. I hope this may be only a temporary arrangement and no contract will be fastened on the Government that we can not get rid of.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. KAHN. The gentleman from Illinois [Mr. FOSTER] seems to lose sight of the fact that this dock is not being built exclusively for Government work. It is being built for commercial work largely. At the end of six years I doubt if the company will want to continue this contract, because with the opening of the Panama Canal the shipping on the Pacific coast undoubtedly will have increased very materially, and while the Government will have the first call for the use of the dock under this contract for six years, there is no doubt in my mind but that the Government will have to have its own dock at Mare Island to take care of its largest battleships.

Mr. FOSTER. Does the gentleman call to mind cases where these private-contract companies usually give up Government contracts of that kind?

Mr. KAHN. This company is building only one dock. One dock will not be sufficient, in my judgment, in six years from now, after the Panama Canal shall have been opened, to take care of the business that will be given to the dry docks on the coast.

Mr. FOSTER. Does the gentleman think that if we enter into a contract with this company for the first six years of its existence, and then, after we have helped it to start in and get on in the world financially, and after we have protected this "infant industry" for six years, it will throw the Government overboard and say, "We haven't any more use for you"?

Mr. KAHN. Not at all. The gentleman knows that no such intention was expressed by me.

Mr. FOSTER. The gentleman said that probably in six years they would not want the contract.

Mr. KAHN. I said that in six years they would not want the contract, and the reason would be simply that in the meantime the Government would build its own dock. As a matter of fact, the Government at the present time is having the channel dredged between Mare Island Navy Yard and the deep waters of the Bay of San Francisco. There is a depth of some thirty-odd feet of water there now, and I think the largest of our dreadnaughts can get to Mare Island at the present time without very much difficulty. But there is always a possibility of the shoaling of the channel.

Now, the department or the Government is endeavoring to construct a series of jetties and breakwaters that will keep that channel constantly clear. I am satisfied that it is going to work out successfully, and I am satisfied that the department will recommend to Congress within the next two years the enactment of a provision to construct a 1,000-foot dry dock on Mare Island. It will take three or four years at any rate for the dock to be completed after it has been begun, so that by that time this contract will have expired. This is only a temporary arrangement. To my mind it is absolutely necessary, because there is such a great distance to the north between San Francisco Bay and Puget Sound—946 miles, and the distance, as I said before, in the southerly direction is 3,500 miles. There should be a dry dock on San Francisco Bay large enough to take care of the greatest of our dreadnaughts.

Mr. FOSTER. I am not saying that we ought not to have a dry dock at Mare Island Navy Yard, nor am I saying that this may not be a good contract, for I am inclined to think it is. But I suggest to the gentlemen from California, in their enthusiasm for this contract, that it may mean in a few years' time that we shall have a private contract, which, when the balance of the country wants to build a dry dock for the Government, will enable those interested to say, "Here is a private company with a dry dock on its hands," and a better contract can be secured with the private company.

Mr. KAHN. Mr. Speaker, I think the gentleman is borrowing trouble.

Mr. FOSTER. It is no trouble to me at all. I am just suggesting to my enthusiastic friend from California what he may be getting into.

Mr. KAHN. So far as our seeming eagerness for the contract is concerned it is simply for this reason: It is proposed to send our fleet through the Panama Canal soon after its opening. According to the newspapers here the President of the United States intends to lead the battleship fleet of the United States through the canal on board the *Oregon*. Nearly every maritime nation in the world will participate in the great naval parade that will pass through the canal at that time. After our battleship fleet enters the Pacific Ocean it will probably be the purpose of the Navy Department to keep the fleet in the Pacific for some years to come. I do not think there is any doubt on that score. Therefore it is essential that proper docking facilities should be afforded the vessels of that fleet while they are on the Pacific coast.

The SPEAKER. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Speaker, will the gentleman yield to me a little time?

Mr. PADGETT. Yes, sir.

The SPEAKER. How much time?

Mr. RAKER. I want five minutes after I have asked a few questions. [Laughter.]

Mr. CURRY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. CURRY. I rise to ask the gentleman if he will yield one moment?

Mr. RAKER. I can not yield to my friend just at this time. Did the Committee on Naval Affairs have before it plans and petitions for the building of a dry dock for vessels at the south end of Mare Island by citizens of Vallejo, who say that there is 43 feet of water there?

Mr. PADGETT. We had the matter before us in a general way, but we did not take up the question particularly, because we want the channel between that deep water in the bay protected; nor is the department prepared at this time to consider the advisability of constructing a dry dock at all.

Mr. RAKER. Yes. Now, the channel south of Mare Island is 6 or 8 feet deeper than the Golden Gate entrance, and has never been bothered by shoaling—that is, the entrance of the Golden Gate proper. What I want to ask is this: Whether or not the making of this contract is an entering wedge for the defeat of the project for a dry dock at Mare Island?

Mr. PADGETT. It is not the intention of the officials of the department or the intention of the committee to supplant the Mare Island dock, but to have available an extra or surplus dock there, and to meet the contingencies that may arise until the Government determines to build a dock at Mare Island.

Mr. RAKER. Another question. This provision here allows them 24 months in which to complete their dry dock?

Mr. PADGETT. Yes.

Mr. RAKER. How long has this company, the Union Iron Works, been trying to get this contract?

Mr. PADGETT. For 18 months or two years; I do not remember exactly.

Mr. RAKER. Have they made any effort at all, or proceeded in any way, shape, or form to construct the dry dock up to the present time?

Mr. PADGETT. No, sir; they are awaiting this matter; and I had a letter from the attorney of the company, stating that if the proposition was not agreed to the company would modify its plans and build a smaller dock.

Mr. RAKER. So it could not be used for the large dreadnaughts?

Mr. PADGETT. That was the information I had; that they would build a smaller dock.

Mr. BRYAN. Will the gentleman yield?

Mr. RAKER. Yes; to the gentleman from Washington.

Mr. BRYAN. A while ago the gentleman, in answer to a question of the gentleman from California [Mr. KAHN] as to repairs, suggested that the repairs would not be done in this dock.

Mr. PADGETT. The Secretary stated to me that it was the purpose to use the dock for the cleaning and usual overhauling of ships, which is done by the ship's crew. Whenever a ship goes into one of our own docks the crew does the cleaning and ordinary repairing. He stated that if the ship was so disabled as to require major repairs it would be sent to our own dock at Bremerton.

Mr. BRYAN. The gentleman knows that they do not discover exactly what a ship needs until they dock it.

Mr. PADGETT. They might not discover minor things, but they would discover any substantial thing.

Mr. BRYAN. Does the gentleman take the position that if after going into this dock they discovered that major repairs were necessary they would then pack up and leave that dock and go to Puget Sound to be repaired?

Mr. PADGETT. No, sir; because the officer in command of a ship would not go in there with that ignorance. He would know whether his ship needed major repairs, or whether only minor repairs were to be done, which could be done by the ship's crew.

Mr. BRYAN. It is suggested that it is 3,000 miles from Balboa Docks at the Panama Canal up to San Francisco.

Mr. PADGETT. It is stated by the gentleman from California [Mr. J. I. NOLAN] to be 3,500 miles.

Mr. BRYAN. And one of those dreadnaughts has to go that 3,500 miles before it gets to California. The gentleman knows that the Puget Sound yard is the rendezvous for the big ships, and must be until Mare Island is able to dock them. Now, they have got to go on to Puget Sound to get to their home port, their rendezvous. Does the gentleman think that being able to go 3,000 miles, a farther cruise of 900 or 1,000 miles is a matter to be considered in connection with this docking, in view of the fact that our territory extends clear to the end of the Aleutian Islands and Alaska?

Mr. PADGETT. Nine hundred miles might be a very important factor if a ship was in trouble.

Mr. BRYAN. We have not had a ship in that kind of trouble in the last 20 years.

Mr. PADGETT. That may be; but we might have trouble that would be very different from conditions in the last 20 years.

Mr. RAKER. Supposing the small ships that can now dock at Mare Island need docking; they will go to Mare Island and dock and be repaired there just as now, without docking at the place provided for in this bill.

Mr. PADGETT. Certainly.

Mr. RAKER. May I ask the gentleman this further question? Is it not the intention of the department and the intention of the committee that this shall be a temporary expedient, and the proposed dry dock at Mare Isalnd is now under consideration by the department and the committee for construction later.

Mr. PADGETT. The department has expressed its intention not to let this supplant permanently the dock at Mare Island. The committee have not formally expressed any opinion

one way or the other, because we have not taken any action in reference to future events.

Mr. RAKER. But that is the position that the department takes with the committee?

Mr. PADGETT. Yes.

Mr. RAKER. With that statement the temporary dock will not interfere with the building of a permanent and sufficiently large dock at Mare Island within a few years. The preparation and work will not be delayed at Mare Island as I understand it. This will be all right if thus carried out.

Mr. CURRY. If the gentleman will yield, I would like to answer two questions that have been propounded.

Mr. PADGETT. I yield to the gentleman three minutes.

Mr. CURRY. I only want two minutes. As to whether or not the entering into this contract would result in the failure of the Government in the future to construct a Government dry dock in San Francisco Bay, I was assured by the Secretary of the Navy that this contract was a temporary affair and would in no manner militate against the Government finally constructing a dry dock at the Mare Island Navy Yard, and that such dry dock would be constructed, or at least that he would recommend such dry-dock construction, provided the dredging on the channel proved adequate and permanent. We know that it will, and, so far as the Mare Island Navy Yard is concerned, we are not opposing this contract at all.

There was another question asked in reference to Mr. Howard Holmes's report on available sites for a dreadnaught dry dock at the Mare Island Navy Yard. I personally filed a copy of the report and the plans and estimates of Mr. Howard Holmes with the Committee on Naval Affairs, and also filed a copy with the Secretary of the Navy. One copy of that report is now in the hands of the Secretary of the Navy and one copy in the hands of the Naval Affairs Committee. According to that report there are four available sites and, as my colleague [Mr. RAKER] says, there is always 43 feet of water at low tide at the southern end of the island. There is now 36 feet of water at high tide right in front of the Mare Island Navy Yard, and there will soon be 40 feet.

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 18 minutes left.

Mr. FITZGERALD. Mr. Speaker, this proposed contract provides that we shall pay this company $50,000 a year.

Mr. PADGETT. Yes.

Mr. FITZGERALD. How is that sum arrived at?

Mr. PADGETT. It was the result of the negotiations of the department with the Union Iron Works, and submitted in the proposals by the department.

Mr. FITZGERALD. I know. But suppose we do not use the dock at all; are we to pay $50,000 a year?

Mr. PADGETT. Yes; we agree to do a minimum of $50,000 a year for a period not exceeding six years—I presume, as an inducement——

Mr. FITZGERALD. Under the prices fixed, how many ships will that dock each year?

Mr. PADGETT. Ordinarily, at the usual run of the year, I should say about 32 or 33.

Mr. FITZGERALD. We only have 36 or 37 in commission. You can not dock them all.

Mr. PADGETT. They are docked twice a year, usually.

Mr. BRYAN. How can you dock 20 ships out there when you have none?

Mr. PADGETT. If we do not have ships enough, we will pay $50,000 anyway. That is the minimum.

Mr. FITZGERALD. That is it. When the Senate passed this bill, before it was inserted as an amendment, it struck out the word "less" and made the bill read "not more than $50,000." Under this provision we may pay more than $50,000.

Mr. PADGETT. This fixes the contract at $50,000, neither more nor less. Here is a subsequent clause that if an emergency should arise and we should do more than $50,000 worth of work they should have the right to do it at the contract price per ton. But I will state to the gentleman that when the Senate changed the word "less" to "more" it was not according to the stipulations of the submitted contract between the department and the company, and the company notified the department that upon the Senate language they would not undertake to build the dock.

Mr. FITZGERALD. I was present in the Senate when it was done, and there was no objection to the amendment.

Mr. PADGETT. That is true.

Mr. FITZGERALD. The discussion showed that it was a pretty good thing for the company to have the Government pay two and a half per cent on the cost of this dock for six years, regardless of whether the use we got out of the dock was worth $50,000 or not. It seemed so much like a subsidy, that has been universally denounced by some of my colleagues, that I was surprised to find that anybody on this side of the House should advocate such a subsidy.

Mr. PADGETT. I do not regard it as a subsidy. I regard it as a business contract.

Mr. FITZGERALD. A business contract would be paying so much for the use by the ship and not guaranteeing a certain return on the investment.

Mr. PADGETT. We agreed to pay so much per ton for docking, and we agreed to do a minimum amount of business.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. Is it not a fact the only dock on the Pacific coast capable of docking a battleship, the one at Bremerton, has been in use more than 90 per cent of the time since it has been in commission during the last fiscal year?

Mr. PADGETT. I have not looked to see.

Mr. BRITTEN. It is a fact that the large dock at Bremerton has been in use more than 90 per cent of the time since its construction during the last fiscal year ending June 30, 1914.

Mr. BRYAN. The gentleman does not recognize the fact that there are two docks at Bremerton.

Mr. BRITTEN. I do; I am speaking of the large dock.

Mr. BRYAN. There has been no ship placed in the large dock that could not have been placed in the other dock. We have no battleships there, they only send out little tugs there.

Mr. BRITTEN. I will say to the gentleman that the big dock has been in use 90 per cent of the time since it was completed during the fiscal year ending June 30, 1914.

Mr. FITZGERALD. That statement may be accurate for they may have put two or three small boats into the large dock at one time. The gentleman from Washington states that there has not been a ship docked there in the large dock that could not have been put in the smaller one.

Mr. BRYAN. Nothing larger than one of these six battleships that went out there.

Mr. BRITTEN. The truth of the matter is that the dock has been in use practically all the time since it was constructed. Does it not stand to reason that with the opening of the Panama Canal we will need another dock on the coast?

Mr. PADGETT. I think the gentleman can reason that out as well as I can.

Mr. WITHERSPOON. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. WITHERSPOON. Is it not a fact that the first we ever heard of the dry-dock proposition on the Pacific coast it came to us in the shape of a written proposal from the corporation?

Mr. PADGETT. It came to us submitted by Secretary Meyer.

Mr. WITHERSPOON. It was a written proposition they made to Secretary Meyer, and he submitted it to us.

Mr. PADGETT. Yes.

Mr. WITHERSPOON. Before the Navy Department or any officer of the Navy imagined that there was any reason for a dry dock there this corporation had suggested it. Is not that a fact?

Mr. PADGETT. I am not advised about that.

Mr. WITHERSPOON. The gentleman knows it to be the fact that the first knowledge, as far as the Naval Committee was concerned, came from this corporation.

Mr. PADGETT. All I know is that it came from Secretary of the Navy Meyer. Whether Secretary Meyer suggested it to them, or they to him, or some party suggested it to both, I do not know. All I know is that it came to our committee submitted by Secretary Meyer.

Mr. WITHERSPOON. Does not the gentleman know that it did not come in any other shape except a proposition from this corporation? It did not show that Secretary Meyer had ever suggested it to them, but it came in the shape of a proposition from them and Secretary Meyer submitted it to us with a recommendation that we accept their proposal. In other words, they proposed it to him.

Mr. PADGETT. It came in the form of what they were willing to do. I do not know whether they initiated it or Secretary Meyer initiated it or some one on the outside initiated it.

Mr. WITHERSPOON. The man that initiates a thing is the one that makes the proposition.

Mr. PADGETT. I do not know how it was—Secretary Meyer might have talked with them and suggested that we needed a dock, and they might have said that they were willing to do it. That is all speculation on my part; I do not know who initiated it.

Mr. WITHERSPOON. I would like to know how it was that there was any existing need of a dry dock there and that that corporation was the first one to discover it?

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes.

Mr. BRYAN. Will the gentleman yield to me for one question?

Mr. PADGETT. I yield for a question.

Mr. BRYAN. This proposed act provides that the contract shall begin and run from the completion of the dock. Now, it will take two or three years to complete the dock; and I would like to know what becomes of the ships that go through the Panama Canal before the dry dock is finished?

Then, further, the gentleman from California [Mr. CURRY] says that in two or three years they will have that mud dug out, and the Mare Island yard will be ready for the dock. Inasmuch as this can not be finished for three years, and the Panama Exposition will be over and the mud will be gone, why not wait and build the dock at the Mare Island yard?

Mr. PADGETT. Mr. Speaker, I am not submitting the proposition from my viewpoint in connection with the Panama Canal. I think it is a good business proposition, and that it is well for the Government to have an extra dock there, even if it goes ahead contemporaneously and builds one at Mare Island. There is a coast there of 4,300 miles, with a dock at each end and no dock between; and I think it would be a good business proposition to induce these parties to build it, when they propose to build it and let us use it at less than half of what it would cost us in interest on the investment and maintenance of the dock.

Mr. HELGESEN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HELGESEN. As I understand, the Government agrees to pay $50,000 a year to this corporation whether it uses the dock or not?

Mr. PADGETT. Yes; but it proposes to use it. The contract stipulates that it shall pay a minimum of $50,000 a year.

Mr. HELGESEN. But it also states that it has prior and paramount rights only in time of war, and the gentleman from California [Mr. KAHN] says that there is going to be so much commercial business that they can not even take care of that. If the Government has no paramount rights in time of peace, they can shut the Government out and draw $50,000 a year just the same.

Mr. PADGETT. No; they could not refuse to let us use it and claim payment for it. As I remember it, the contract provides that the Government shall have the first right of using it with this reservation—that if there is a ship in the dock in the time of peace, the Government can not require the ship to be put out within a certain time, but in time of war it can require the ship to be put out immediately.

Mr. HELGESEN. If any such contract is entered into, it may be all right, but as this reads the Government has the prior right only in time of war.

Mr. PADGETT. Of course all of the details are not specified in this amendment.

I move the previous question on the motion, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recede from the House disagreement to Senate amendment No. 53 and concur in the same.

The question was taken; and on a division (demanded by Mr. BRYAN) there were—ayes 65, noes 28.

Mr. BRYAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 138, nays 94, answered "present" 6, not voting 195, as follows:

YEAS—138.

Austin	Carr	Estopinal	Green, Iowa
Avis	Cary	Evans	Greene, Mass.
Baker	Casey	Fairchild	Greene, Vt.
Barton	Chandler, N. Y.	Faison	Guernsey
Bathrick	Church	Fordney	Hamilton, Mich.
Beakes	Coady	Foster	Hammond
Bell, Cal.	Cooper	Francis	Hart
Borchers	Cramton	Frear	Hawley
Bowdle	Curry	French	Hayden
Britten	Danforth	Gard	Hinebaugh
Brodbeck	Davis	Garner	Houston
Buchanan, Ill.	Deitrick	Garrett, Tex.	Howell
Bulkley	Donohoe	Gerry	Hull
Burgess	Doremus	Gilmore	Humphrey, Wash.
Burke, Wis.	Dupré	Godwin, N. C.	Johnson, Utah
Butler	Eagle	Good	Johnson, Wash.
Campbell	Esch	Graham, Ill.	Jones
Kahn	Madden	Raker	Stone
Kelley, Mich.	Maguire, Nebr.	Roberts, Mass.	Sutherland
Kelly, Pa.	Mapes	Roberts, Nev.	Switzer
Kennedy, Iowa	Mitchell	Rogers	Talbott, Md.
Kent	Mondell	Russell	Talcott, N. Y.
Kreider	Moore	Scott	Taylor, N. Y.
La Follette	Morgan, Okla.	Seldomridge	Temple
Lee, Pa.	Morrison	Sells	Thomson, Ill.
Lenroot	Moss, Ind.	Sinnott	Towner
Lesher	Moss, W. Va.	Slemp	Tuttle
Lindbergh	Murray, Okla.	Sloan	Underhill
Lobeck	Nolan, J. I.	Small	Vare
Logue	O'Hair	Smith, Idaho	Walker
McClellan	Padgett	Smith, N. Y.	Whaley
McCoy	Palmer	Smith, Sami. W.	Williams
McGillicuddy	Platt	Stafford	Woodruff
McKellar	Pou	Steenerson	
McLaughlin	Ragsdale	Stephens, Cal.	

NAYS—94.

Abercrombie	Donovan	Heflin	Rubey
Aiken	Doolittle	Helgesen	Rucker
Alexander	Doughton	Hensley	Saunders
Aswell	Edwards	Hill	Sherwood
Baltz	Elder	Howard	Sims
Barkley	Falconer	Hughes, Ga.	Sisson
Bartlett	Fergusson	Jacoway	Stedman
Beall, Tex.	Ferris	Johnson, Ky.	Stephens, Miss.
Blackmon	Fields	Johnson, S. C.	Stephens, Nebr.
Bryan	Finley	Key, Ohio	Stephens, Tex.
Buchanan, Tex.	Fitzgerald	Kirkpatrick	Sumners
Burnett	Flood, Va.	Lazaro	Taggart
Byrns, Tenn.	Floyd, Ark.	Lloyd	Tavenner
Candler, Miss.	Fowler	Moon	Taylor, Ark.
Caraway	Garrett, Tenn.	Nelson	Taylor, Colo.
Carlin	Glass	Page, N. C.	Thompson, Okla.
Connelly, Kans.	Goeke	Park	Tribble
Cox	Goodwin, Ark.	Peterson	Vollmer
Crosser	Gray	Quin	Watkins
Cullop	Gudger	Rainey	Watson
Dent	Hamlin	Rauch	Weaver
Dickinson	Hardy	Rayburn	Witherspoon
Dillon	Harris	Reilly, Wis.	
Dixon	Harrison	Rouse	

ANSWERED "PRESENT"—6.

Allen	Burke, S. Dak.	Mann	Walters
Booher	Cline		

NOT VOTING—195.

Adair	Eagan	Lafferty	Porter
Adamson	Edmonds	Langham	Post
Ainey	Farr	Langley	Powers
Anderson	Fess	Lee, Ga.	Prouty
Ansberry	FitzHenry	L'Engle	Reed
Anthony	Gallagher	Lever	Reilly, Conn.
Ashbrook	Gallivan	Levy	Riordan
Bailey	Gardner	Lewis, Md.	Rothermel
Barchfeld	George	Lewis, Pa.	Rupley
Barnhart	Gillett	Lieb	Sabath
Bartholdt	Gittins	Lindquist	Scully
Bell, Ga.	Goldfogle	Linthicum	Shackleford
Borland	Gordon	Loft	Sharp
Brockson	Gorman	Lonergan	Shurley
Broussard	Goulden	McAndrews	Shreve
Brown, N. Y.	Graham, Pa.	McDermott	Slayden
Brown, W. Va.	Gregg	McGuire, Okla.	Smith, J. M. C.
Browne, Wis.	Griest	McKenzie	Smith, Md.
Browning	Griffin	MacDonald	Smith, Minn.
Bruckner	Hamill	Mahan	Smith, Tex.
Brumbaugh	Hamilton, N. Y.	Maher	Sparkman
Burke, Pa.	Hardwick	Manahan	Stanley
Byrnes, S. C.	Haugen	Martin	Stevens, Minn.
Calder	Hay	Merritt	Stevens, N. H.
Callaway	Hayes	Metz	Stout
Cantor	Helm	Miller	Stringer
Cantrill	Helvering	Montague	Taylor, Ala.
Carew	Henry	Morgan, La.	Ten Eyck
Carter	Hinds	Morin	Thacher
Clancy	Hobson	Mott	Thomas
Clark, Fla.	Holland	Murdock	Townsend
Claypool	Hoxworth	Murray, Mass.	Treadway
Collier	Hughes, W. Va.	Neeley, Kans.	Underwood
Connolly, Iowa	Hulings	Neely, W. Va.	Vaughan
Conry	Humphreys, Miss.	Norton	Volstead
Copley	Igoe	O'Brien	Wallin
Covington	Keating	Oglesby	Walsh
Crisp	Keister	Oldfield	Webb
Dale	Kennedy, Conn.	O'Leary	Whitacre
Davenport	Kennedy, R. I.	O'Shaunessy	White
Decker	Kettner	Paige, Mass.	Willis
Dershem	Kiess, Pa.	Parker	Wilson, Fla.
Dies	Kindel	Patten, N. Y.	Wilson, N. Y.
Difenderfer	Kinkaid, Nebr.	Patton, Pa.	Wingo
Dooling	Kinkead, N. J.	Payne	Winslow
Driscoll	Kitchin	Peters, Mass.	Woods
Drukker	Knowland, J. R.	Peters, Me.	Young, N. Dak.
Dunn	Konop	Phelan	Young, Tex.
Dyer	Korbly	Plumley	

So the motion to recede and concur was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LINTHICUM with Mr. EDMONDS.

Mr. ADAIR with Mr. PLUMLEY.

Mr. ASHBROOK with Mr. HAUGEN.

Mr. CONNOLLY of Iowa with Mr. ANTHONY.

Mr. KONOP with Mr. HULINGS.

Mr. GEORGE with Mr. MCGUIRE of Oklahoma.

Mr. LEE of Georgia with Mr. VOLSTEAD.

Mr. SPARKMAN with Mr. WOODS.

Mr. POST with Mr. BARCHFELD.
Mr. SMITH of Maryland with Mr. MORIN.
Mr. BYRNES of South Carolina with Mr. DRUKKER.
Mr. BOOHER. Mr. Chairman, I am paired with the gentleman from Massachusetts, Mr. TREADWAY. I desire to change my vote of "no" and answer "present."
The name of Mr. BOOHER was called, and he answered "Present."
Mr. WALTERS. Mr. Speaker, I voted "aye." I am paired with the gentleman from Pennsylvania, Mr. DERSHEM. I desire to withdraw my vote and answer "present."
The name of Mr. WALTERS was called, and he answered "Present."
Mr. CLINE. Mr. Speaker, I am paired with the gentleman from Michigan, Mr. J. M. C. SMITH. I desire to withdraw my vote of "no" and answer "present."
The name of Mr. CLINE was called, and he answered "Present."
Mr. ALLEN. Mr. Speaker, I am paired with Mr. FESS. I desire to withdraw my vote of "no" and answer "present."
The name of Mr. ALLEN was called, and he answered "Present."
Mr. BURKE of South Dakota. Mr. Speaker, I desire to know if the gentleman from Georgia, Mr. BELL, has voted.
The SPEAKER. He is not recorded.
Mr. BURKE of South Dakota. Then I desire to withdraw my vote of "aye" and answer "present."
The name of Mr. Burke of South Dakota was called, and he answered "Present."
Mr. MANN. Mr. Speaker, under my pair with the gentleman from Alabama, Mr. UNDERWOOD, I desire to withdraw my vote of "aye" and be recorded "present."
The name of Mr. MANN was called, and he answered "Present."
The result of the vote was announced as above recorded.
The SPEAKER. A quorum is present, the Doorkeeper will open the doors, and the Clerk will report amendment numbered 57.
Mr. PADGETT. Mr. Speaker, before that I would like to ask unanimous consent to correct a typographical error in line 20, on page 40. The word "vessel" should be "vessels." It should be in the plural.
The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.
The Clerk read as follows:

Page 40, line 20, strike out the word "vessel" and insert the word "vessels."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.
The question was taken, and the amendment was agreed to.
The SPEAKER. The Clerk will report amendment numbered 57.
The Clerk read as follows:

Amendment No. 57, page 58, of the printed bill. Strike out all of lines 16 to 25, on page 58, and all of lines 1 to 5, on page 59, and insert the following:
"Eight or more submarines, one to be of seagoing type, seven or more to be of coast and harbor defense type; to cost not in exceeding the aggregate $4,460,000, and the sum of $1,825,000 is hereby appropriated for said purpose, to be available until expended, and the appropriation made in the naval act approved March 4, 1913, 'Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000,' is hereby made available until expended for the construction of said submarine boats."

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment No. 57.
Mr. MANN. Mr. Speaker, I ask unanimous consent that amendments Nos. 57, 63, 64, and 65 may be disposed of together.
Mr. PADGETT. And 68?
Mr. MANN. No; not 68.
The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that amendments Nos. 57, 63, 64, and 65 be considered together. Is there objection? [After a pause.] The Chair hears none. The Clerk will report amendment No. 63.
The Clerk read as follows:

Amendment No. 63: Page 60 of the printed bill, line 24, after the word "authorized," insert the words "to be available until expended."
Amendment No. 64: Page 61, line 3, after the word "authorized," insert the words "to be available until expended."
Amendment No. 65: Page 61, line 7, after the word "authorized," insert the words "to be available until expended."

Mr. MANN. Mr. Speaker, will the gentleman yield?
The SPEAKER. The gentleman's motion applies to all of them?
Mr. PADGETT. Yes, sir.
Mr. MANN. As I understand amendment 57 there is not very much difference between the House provision, which is stricken out by the amendment of the Senate, and the provision which is inserted by the Senate except as to the question of making the appropriations available until expended.
Mr. PADGETT. That is all that is in disagreement.
Mr. MANN. May I ask the gentleman if these four amendments all contain the same provision, "available until expended?"
Mr. PADGETT. Yes, sir.
Mr. MANN. As I understand the proposition, and if the gentleman can give me the information it should be interesting to the House, what has been the practice about these appropriations for increase of the Navy as to making them available until expended?
Mr. PADGETT. It has been the uniform custom they should be available until expended.
Mr. MANN. Under the law would not they be available until expended in every case where a contract is made or an obligation incurred?
Mr. PADGETT. Where the department builds in a navy yard it is not, but it would be under a contract; and it has been the uniform custom and practice that this part of the bill should be available until expended, and it is a matter of economy of the estimates that it should be. And I will state to the gentleman that the reason the conferees left it in disagreement was because when the bill was sent to conference the statement was made by myself upon the floor that I should insist upon the language being restored with reference to "available until expended" in the other parts of the bill and failed to call attention to the distinction between the administrative part and this portion of the bill relating to increase of the Navy. I did not want to come into the House with a conference report concluding this without first stating to the House the difference between these two——
Mr. MANN. And the gentleman expects, when the bill goes back to conference, notwithstanding his motion, that the probabilities are the House conferees will agree to make these items——
Mr. PADGETT. Available until expended.
Mr. MANN. Available until expended. These increases of the Navy items. If those four items are agreed to, there is no occasion for the conferees agreeing to amendment No. 68, is there?
Mr. PADGETT. No; except that it has usually been carried in the bill; that is all.
Mr. MANN. Well, I do not quite see the purpose of making two items each available until expended and then, after having done that, adding another item and saying that both of them shall be available until expended.
Mr. PADGETT. There is no necessity for No. 68 if the others remain in.
Mr. STAFFORD. Will the gentleman yield?
Mr. ROBERTS of Massachusetts. Will the chairman of the committee yield?
Mr. PADGETT. Yes, sir.
Mr. ROBERTS of Massachusetts. As I understand the chairman of the committee, he anticipates that the House conferees will agree to the verbiage of the Senate making these four items available until expended?
Mr. PADGETT. Yes, sir; that has been the custom.
Mr. ROBERTS of Massachusetts. That having been the procedure, or, rather, the language of the appropriation bill for many years in the past?
Mr. PADGETT. Yes, sir.
Mr. ROBERTS of Massachusetts. If that is the thought in the mind of the chairman of the committee, I would offer the suggestion that instead of further insisting on disagreement he move to recede and concur in the Senate amendments.
Mr. PADGETT. There is no necessity for that now, because some of these amendments involve other questions.
Mr. STAFFORD. Will the gentleman yield?
Mr. PADGETT. Before agreeing to it, I wanted an opportunity to make this statement to the House, and I kept it in disagreement so that I could make the statement to the House. I yield to the gentleman from Wisconsin [Mr. STAFFORD].
Mr. STAFFORD. As I understand from the statement of the gentleman, he prefers the phraseology of the Senate amendment rather than the separate provisions as provided by the House?
Mr. PADGETT. With reference to submarines?
Mr. STAFFORD. Submarines.
Mr. PADGETT. Yes, sir.
Mr. STAFFORD. The House committee placed a limitation upon the amount to be expended for three different kinds of submarines, and yet you are abandoning that limitation and leaving it to the department to have leeway to expend any amount.

Mr. PADGETT. We fixed the limit of speed as to one, and by putting them in grouping it is supposed by the department they can get one extra submarine out of the little accumulations saved from each one of the separate classes.

Mr. STAFFORD. But Congress waives the limitation of expenditure by lumping the entire amount into a $5,000,000 item.

Mr. PADGETT. It has all been calculated and was submitted regularly in the estimates. It does not increase the amount, and they expect to secure an extra submarine by the savings, as I said, from these different classes.

Mr. STAFFORD. There would not be any extra savings to the Government. There would be only the utilization of the additional money that would lap over from the expenditure of these other separate items.

Mr. PADGETT. These that came over would go into the next appropriation bill.

Mr. STAFFORD. They would go back into the Treasury.

Mr. PADGETT. They would not go back into the Treasury.

Mr. STAFFORD. Take, for instance, as provided in the House bill, where you provide for a sea-going submarine torpedo boat not to exceed $1,100,000 and three coast-defense submarine boats, in an amount not exceeding the aggregate of $1,860,000, and four submarines not exceeding an aggregate of $1,500,000. There is a limitation of cost. Here you have no limitation whatsoever on cost.

Mr. PADGETT. Upon separate groups, and we brought those groups together and put the same limitation upon the sum total.

Mr. STAFFORD. I beg the gentleman's pardon, but there is no limitation on the expenditure in the provision as provided by the Senate.

Mr. ROBERTS of Massachusetts. There is limitation in line 8, on page 59.

Mr. STAFFORD. Line 8 reads:

And the sum of $1,825,000 is hereby appropriated for said purpose.

That is no limitation on the amount that may be expended for any submarine.

Mr. ROBERTS of Massachusetts. Not for any particular one. That is true.

Mr. STAFFORD. The department may expend any amount for any one?

Mr. MANN. They have to build eight for that sum of money.

Mr. STAFFORD. Oh, yes; they may have to build eight.

Mr. ROBERTS of Massachussetts. And they hope to get one more.

Mr. PADGETT. They hope to get nine.

Mr. STAFFORD. They may build seven, but for a small amount, and one at an extreme amount. There is no limitation in this paragraph. It is a departure from the policy of segregation.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. PADGETT] to further insist on the House disagreement to Senate amendments Nos. 57, 63, 64, and 65.

The motion was agreed to.

Mr. PADGETT. Mr. Speaker, I move to further insist on disagreement to amendment No. 68.

The SPEAKER. The Clerk will report amendment No. 68.

The Clerk read as follows:

Page 63 of the bill, line 12, after the word "authorized," to insert the words "to be available until expended."

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves that the House insist on its disagreement to Senate amendment No. 68.

The motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment numbered 67.

The Clerk read as follows:

Amendment No. 67: Page 62, line 6, insert the following:

"A committee is hereby authorized to be appointed, to consist of one member of the Committee on Naval Affairs of the Senate and one member of the Committee on Naval Affairs of the House of Representatives, to be selected by the chairmen of the respective committees, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee and to be immediately available."

Mr. PADGETT. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves to recede from the disagreement of the House to the Senate amendment numbered 67, and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out said amendment and in lieu thereof insert the following:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives and one naval officer to be selected by the Secretary of the Navy, to investigate and report, at the next regular session of Congress, upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual-output capacity of 20,000 tons, and also a plant having an output of 10,000 tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each, and the estimated annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee, payable upon vouchers signed by the chairman of said committee."

Mr. TAVENNER. Mr. Speaker, I wish to offer the following amendment as a substitute for the one offered by the gentleman from Tennessee [Mr. PADGETT].

The SPEAKER. The gentleman will send it up to the desk.

Mr. MANN. Well, Mr. Speaker, the amendment of the gentleman from Tennessee is not in a shape where it can be amended yet. The gentleman from Tennessee has offered a motion to recede and concur with an amendment.

The SPEAKER. Yes. Does the gentleman raise a point of order?

Mr. MANN. I will not yet. I want to see first.

The SPEAKER. If the gentleman is going to do it, he had better do it now.

Mr. PADGETT. Reserving a point of order, Mr. Speaker, I understood the gentleman from Illinois [Mr. TAVENNER] wanted to offer his amendment in order to have it voted upon as an amendment to my amendment, and not as a substitute, because his is very imperfect. I understood he wanted to offer it as an amendment to the amendment which I offered.

Mr. TAVENNER. My intention, Mr. Speaker, was to have the House recede from Senate amendment numbered 67 and then concur with the amendment which I have just sent to the desk.

The SPEAKER. Yes; but the gentleman from Tennessee made the motion.

Mr. TAVENNER. I now offer my amendment as a substitute for that of the gentleman from Tennessee.

Mr. PADGETT. I make a point of order against it as a substitute.

The SPEAKER. The Clerk will read it for the information of the Speaker and the House.

The Clerk read as follows:

Provided, That if the Secretary of the Navy is unable to procure, by contract, armor of the best quality for any or all vessels heretofore or herein provided for, at a price which, in his judgment, is reasonable and equitable, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings; and the sum of $4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

The SPEAKER. The Chair will hear the gentleman from Tennessee on his point of order.

Mr. PADGETT. I do not care to argue it, Mr. Speaker; but it occurs to me that I having made a motion to recede and concur with an amendment, the gentleman from Illinois could not offer a substitute.

Mr. MANN. In the first place, the amendment offered by my colleague from Illinois [Mr. TAVENNER] is not germane to the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Amendment No. 67: Page 62, line 6, insert the following:

"A committee is hereby authorized to be appointed, to consist of one member of the Committee on Naval Affairs of the Senate and one member of the Committee on Naval Affairs of the House of Representatives, to be selected by the chairmen of the respective committees, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary

tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and sucessful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee and to be immediately available."

The SPEAKER. Does the gentleman from Illinois [Mr. TAVENNER] desire to be heard?

Mr. TAVENNER. Mr. Speaker, I only desire a ruling on that. Then if it is ruled out on a point of order, I will offer it in another form.

Mr. MANN. Mr. Speaker, it seems to me perfectly plain that the amendment offered by my colleague is not germane to the Senate amendment, or to the amendment offered by the gentleman from Tennessee [Mr. PADGETT], which is practically the same as the Senate amendment.

The Senate amendment proposes a committee to make an investigation. That is all there is to that proposition. The amendment offered by my colleague directs the construction of an armor-plate factory, and makes an appropriation for that purpose.

The rulings have been quite consistent upon the subject. In the manual, at the bottom of page——

The SPEAKER. The Chair does not care to hear the gentleman. The amendment is out of order.

Mr. TAVENNER. Mr. Speaker, I wish to offer that as an amendment to the one of the gentleman from Tennessee [Mr. PADGETT] by adding it at the end of his amendment.

Mr. MANN. Well, I make the point of order that that is not in order. I supposed that was what he was doing before.

Mr. TAVENNER. The amendment itself is not germane. This same amendment was ruled out in the House, on the ground that it was not germane. Mine is as germane as the other one.

The SPEAKER. But the situation is different from what it was then; and, in addition to that, it does not help out the amendment of the gentleman from Illinois in any way.

Mr. TAVENNER. How is it that one amendment which does not get any result is germane, and another amendment which does get a result is not germane?

Mr. MANN. The gentleman ought to remember that we can not make a point of order in the House against a Senate amendment. That is something beyond our power. We can not strike out the Senate amendment by making a point of order in the House. An amendment that comes from the Senate must be in order, and is in order here, no matter whether it was in order in the Senate or not.

The SPEAKER. The Chair does not think the amendment of the gentleman from Illinois [Mr. TAVENNER] is germane. The proposition that the Senate and the conferees were driving at was to have an investigation to find out whether this thing ought to be done, and the proposition of the gentleman from Illinois [Mr. TAVENNER] is to cut all that out and direct the Secretary of the Navy to do this thing at a cost of $4,000,000. The Chair does not think it is germane.

Mr. TAVENNER. My amendment does not necessarily provide for the building of this armor plant, and it does not prevent the investigation. It is simply added on at the end of that.

The SPEAKER. Yes; but the proposition of the conferees and the Senate is to have an investigation.

Mr. TAVENNER. I do not interfere with that investigation.

The SPEAKER. No; but the gentleman proposes an entirely new thing:

Provided, That if the Secretary of the Navy is unable to procure, by contract, armor of the best quality for any or all vessels heretofore or herein provided for at a price which in his judgment is reasonable and equitable, he is hereby directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings, and the sum of $4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

Now, that proposition may be very desirable in itself. As a matter of fact, the Chair has thought for years that it ought to be done. But that has nothing in the world to do with this parliamentary question.

Mr. HARDY. Will the Speaker permit a suggestion along that line?

The SPEAKER. Yes.

Mr. HARDY. It seems to me that the amendment offered by the gentleman from Illinois [Mr. TAVENNER] may be germane to the amendment of the Senate in this way: That if the investigation provided for by the Senate amendment should show as a matter of fact that the prices demanded by contractors were unreasonable, then this amendment of the gentleman from Illinois [Mr. TAVENNER] would authorize, as a result of the amendment put on by the Senate and the investigation under it, that further steps be taken when that investigation authorized by the Senate amendment showed that the prices asked were unreasonable, if such should be the case.

The SPEAKER. But the trouble about that is that the Senate amendment provides for one thing. This amendment of the gentleman from Illinois [Mr. TAVENNER] provides for an entirely different thing. You might just as well have provided that the cost of all the machinery shall be thus and so.

Mr. HARDY. Mr. Speaker, perhaps the gentleman's amendment is not worded just as it should be, but the Senate amendment provides for a certain investigation, and this amendment is intended to provide that if the investigation shows that the prices for armor plate are unreasonable the Secretary shall have the right to establish an armor-plate factory.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARDY. Yes.

Mr. MANN. Assuming the investigation is made and report made to Congress recommending an armor-plate factory, does the gentleman think it would be in order on an appropriation bill to insert an item appropriating for it without having legislation to that effect?

Mr. HARDY. My idea is, as stated by the gentleman from Illinois [Mr. TAVENNER], that the Senate amendment was ruled out as improper in the House.

Mr. MANN. Oh, no; it never was in the House.

Mr. HARDY. It was so stated a moment ago.

Mr. MANN. I know, but that was a misapprehension.

Mr. HARDY. It was stated that it was ruled out as not germane. But now as it comes in as a Senate amendment it is not subject to a point of order. Now, if the amendment is germane to the amendment of the Senate it would not be subject to a point of order.

Mr. MANN. Of course not if it is germane, but it is not.

Mr. HARDY. It seems to me that if the investigation authorized by the Senate amendment shall show that the prices are unreasonable, then this would be germane.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

The SPEAKER. The gentleman from Texas misapprehends what the Senate amendment is.

Mr. HARDY. Is it not an investigation to inquire into the cost of armor plate?

The SPEAKER. No; it is an investigation to select a suitable site for an armor-plate factory, and so forth. It does not say a word about the reasonable cost of armor plate.

Mr. ROBERTS of Massachusetts. Mr. Speaker, if I may be permitted, the gentleman from Texas seems to think that the Senate amendment provides for an investigation as to the reasonable price per ton of armor plate.

The SPEAKER. That is what the Chair was trying to explain. That seems to be in the mind of the gentleman from Texas, but the Senate amendment has reference to a site for an armor plant, and so forth. It has nothing to do with investigating the reasonableness of the present cost of armor plate, and the amendment that has been submitted by the gentleman from Illinois [Mr. TAVENNER] has entirely to do with the building of a factory.

Mr. HARDY. I thought that the Senate amendment contemplated an investigation as to the cost of armor plate, but I see that it does not.

The SPEAKER. The point of order is sustained, and the question is on receding and concurring in the Senate amendment with an amendment which the gentleman from Tennessee offers.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment 71.

The Clerk read as follows:

The President may, in his discretion, direct the sale, in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1915: *Provided further*, That any vessel or vessels constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriations for the increase of the Navy.

Mr. PADGETT. Mr. Speaker, I move to recede and concur with an amendment.

The SPEAKER. The gentleman from Tennessee moves to recede and concur in the Senate amendment with an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the Senate amendment and in lieu thereof insert the following:

"The President may, in his discretion, direct the sale in such manner, at such price not less than the original cost price and upon such terms as he may deem proper, of the two battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall be deposited by the Secretary of the Navy in the Treasury. After said sale, in addition to the two battleships hereinbefore authorized the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest desirable radius of action, and to cost exclusive of armor and armament not to exceed $7,800,000. Out of the money when so deposited in the Treasury there is hereby appropriated toward the construction of said battleship on account of increase of the Navy: Construction and machinery, $2,000,000; armor and armament, $2,535,000, and equipment, $100,000: *Provided*, That no vessel shall be sold under this authorization unless such sale or the agreement therefor, shall have been made prior to July 1, 1915."

Mr. MANN. Mr. Speaker, I move to amend the amendment, if that is in order—and if it is not I will ask for a division of the question—by striking out all after the word "Treasury," in line 7 of the amendment, down to the word "*Provided*," in the fourth line from the bottom.

Mr. PADGETT. Mr. Speaker, may I ask the gentleman a question in connection with that so that we can simplify the matter here. If the House does not approve of the amendment for the sale in the form in which it is offered, the department does not desire to sell the ships.

Mr. MANN. That is not for the department to say. This is a matter of conferring discretion upon the President. The department is not Congress yet.

Mr. PADGETT. That is true.

Mr. MANN. The President is, but the department is not.

Mr. PADGETT. I was just stating what the views of the department were. The department does not desire to make the sale unless the other ship should take the place of the two that are sold.

Mr. MANN. That is a matter for discussion. I want the amendment reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I suggest that the Clerk report the language that I propose to strike out.

The SPEAKER. Very well. The Clerk will report the language proposed to be stricken out of the amendment of the gentleman from Tennessee by the amendment proposed by the gentleman from Illinois.

The Clerk read as follows:

Strike out from the amendment the following: "After said sale, in addition to the two battleships hereinbefore authorized, the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000. Out of the money, when so deposited in the Treasury, there is hereby appropriated toward the construction of said battleship on account of 'increase of the Navy': 'construction and machinery,' $2,000,000; 'armor and armament,' $2,535,000; and 'equipment,' $100,000."

The SPEAKER. The amendment of the gentleman from Illinois simply strikes out the battleship to be built and proceeds with the sale.

Mr. PADGETT. Mr. Speaker, I desire to reserve the point of order and ask the Speaker if a motion of that kind is in order?

The SPEAKER. Why is it not in order?

Mr. PADGETT. I do not know. I ask the Speaker.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. Why is it not in order? The gentleman has not made the point of order.

The SPEAKER. He has made the point of order that it is not in order.

Mr. MANN. What is the point of order?

The SPEAKER. That it is not germane, the Chair would suppose.

Mr. MANN. It is germane, because it seeks to strike out a part of his own amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, if the Chair will permit, the original motion is to recede and concur with an amendment, and this is an amendment to strike out a part of that amendment.

Mr. FITZGERALD. Here is a ruling, Mr. Speaker, to be found in section 777 of the manual:

Hence an amendment simply striking out words already in a bill may not be ruled out as not germane. (Vol. 5, sec. 5805, Hinds' Precedents.)

Mr. PADGETT. It is not a question of germaneness.

Mr. FITZGERALD. Then what is the point of order?

The SPEAKER. What is the point of order if it is not that?

Mr. PADGETT. The point of order is that it is not in order to move to strike out a part of a motion to concur with an amendment.

Mr. MANN. Of course, Mr. Speaker, it is in order one way or the other. I think it is in order now, but, if it is not, all I have to do is to demand a division of the question to recede and concur, and then as soon as the House recedes it will be in order without question. I think it is in order now, but I know it would be in order then.

The SPEAKER. The Chair can not understand why it is not in order to strike out part of a proposition before a vote is taken upon it. It has been ruled on that way time after time, and the point of order is overruled.

Mr. FITZGERALD. Mr. Speaker, what is the gentleman's amendment?

Mr. MANN. The amendment was to strike out all after the provision depositing the money in the Treasury down to the proviso at the end of the amendment.

Mr. FITZGERALD. I suggest that the gentleman add a provision that it be inserted in the Treasury as miscellaneous receipts.

Mr. MANN. I suppose that would be the case anyway.

Mr. FITZGERALD. I am not sure, and it will not hurt the amendment.

Mr. MANN. I am perfectly willing to strike out and insert in lieu thereof the words "as miscellaneous receipts."

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Strike out all after the word "Treasury," in line 7 of the amendment, down to and including the figures "$100,000," and insert the words "as miscellaneous receipts."

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MADDEN] rise?

Mr. MADDEN. Nobody has the floor to speak on this amendment, so I thought I would like to get a chance to tell what I thought about it.

The SPEAKER. The gentleman from Tennessee has control of the time.

Mr. MADDEN. Will the gentleman from Tennessee yield me five minutes?

Mr. PADGETT. Yes; I yield the gentleman five minutes.

Mr. MADDEN. Mr. Speaker, I do not see any reason why we should offer these battleships for sale. All the inquiries I have been able to make as to why they are being offered for sale lead me to this conclusion. In the first place, there was a great mistake in the character of the ships built when these two ships were built, it is said. Some say they are obsolete. Some one says they never were any good; that they did not fit in any place, not even in the water [laughter]; that they have no place in our system of navy; that they were the last ships built before the dreadnaught was introduced. That they are obsolete I can not understand, for they were only authorized in 1903. They were not constructed until two years later, and they are only 6 years of age. If they ever were any good, they ought to be good now. Why we want to sell a ship that we built only four years ago I can not understand. If the ships were not properly built, we ought to find out who is to blame for it. If they were not properly designed, we ought to find out who is to blame for that. We claim that our naval constructors are the best constructors in the world, that our naval designers are the best there are. It is evident somebody has made a great mistake. If these ships have either been properly designed or properly constructed, why do we sell the ships or offer them for sale? Who knows? Does the chairman of the Committee on Naval Affairs know, and is he willing to tell why? I ask the chairman of the Committee on Naval Affairs why these ships are being offered for sale. What is the matter with them? Why are not they good for us? Did we understand our business when we built them or were the designers at fault? Is the Navy being run as it ought to be, or is it only a species of extravagance about which the people of the United States ought to know something?

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. FITZGERALD. If it be a fact that these two battleships are of no value to us, would it not be good policy to sell them and get what they are worth—what they cost?

Mr. MADDEN. It may be good policy for us to find out whether they are of any value or not. If they are not, it is good policy for us to find out why and who is to blame.

Mr. FITZGERALD. Let us get the money.

Mr. MADDEN. We are constantly priding ourselves upon our great efficiency in the construction and maintenance and operation of a navy, and yet we are advertising ourselves to all the world as unequal to the occasion. We authorized the ships in 1903; we built those ships in 1908, and before half the year 1914 is out we say to the world that these ships are no longer qualified for a place in the American Navy; that they are obsolete; that they do not fit in the scheme; that they are not the ships we need; that we have spent our money in vain; that we have squandered the public money recklessly in attempting to build ships to suit the whim of some man in the Navy who pretends to be an expert. I ask the gentleman from Tennessee, the chairman of the committee, if he will not be kind enough to tell the House what is the matter with the ships, why we offer them for sale, how much they cost us, why we can not use them, how much we have spent on them for repairs, who designed them, under whose direction they were built, and why we made a great mistake in the building of ships that have no place in the American Navy? Let somebody answer.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. MANN. I wonder if we can not secure some agreement in reference to debate on this proposition. I doubt whether we can get through to-night, but if gentlemen want to sit——

Mr. PADGETT. Can not we finish to-night?

Mr. FITZGERALD. I hope so, I want to work on the sundry civil bill to-night for four or five hours and I expect to have a night session to-night.

Mr. MANN. There are several gentlemen who want to be heard. The gentleman from Mississippi [Mr. WITHERSPOON] would like to have a half hour, and I think he ought to have it, and there are some other gentlemen here who want to be heard on this proposition.

Mr. PADGETT. I would like for us to try to finish it to-night. We can not take it up Thursday or Friday, because those days are already set apart, and to-morrow is Calendar Wednesday. I would like to finish it to-night. I would be willing to ask unanimous consent that I be granted two hours time, and I will yield one hour of it to the gentleman from Mississippi [Mr. WITHERSPOON] for control on that side, and use one hour on my side, I to have control of the time.

Mr. FOSTER. I would say to the gentleman from Tennessee that my colleague from Illinois [Mr. TAVENNER] has an amendment which he desires to offer. Would he be permitted to offer that in that time and have it pending?

Mr. PADGETT. If it would be in order. There is already an amendment.

Mr. FOSTER. The substitute would not be in order until the amendment of the gentleman from Illinois would first be dispensed with.

Mr. PADGETT. The substitute would take out the amendment.

Mr. FOSTER. I will ask the gentleman from Tennessee if he would permit at this time that my colleague should have the right to offer an amendment as a substitute, which would be voted on after the amendment of the gentleman from Illinois [Mr. MANN]?

Mr. PADGETT. I am willing for him to offer his substitute now and let it be pending.

Mr. TAVENNER. Then, Mr. Speaker, I desire to offer the following substitute to the amendment of the gentleman from Tennessee [Mr. PADGETT].

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Provided, That if the Secretary of the Navy is unable to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, at a price which, in his judgment, is reasonable and equitable, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings; and $4,000,000 of the sum utilized from the sale of such battleships is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

Mr. MANN. I make the point of order that the amendment is not germane to any of the propositions pending.

Mr. TAVENNER. The only difference is whether he should use the money to buy battleships or an armor-plate factory. I want to make a correction in that amendment and use the word "realize" instead of "utilize."

Mr. MANN. Change it in any way you want and it would not be germane.

Mr. TAVENNER. The only difference would be between the words "battleship" and "armor plant." If it is germane to buy a battleship, it is germane to buy an armor plant.

Mr. MANN. No; it is not. The gentleman might as well say that on a proposition in the House to construct battleships it would be in order to offer an amendment to construct an armor plant. It is foolish to argue it.

The SPEAKER. The point of order is sustained.

Mr. MANN. Now, can we agree upon the time?

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that my time may be extended two hours, with the statement that I will yield one hour of that time to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. MANN. That you have two hours' time?

Mr. PADGETT. Two hours' time, and that I yield one hour of that to the gentleman from Mississippi [Mr. WITHERSPOON].

The SPEAKER. The gentleman from Tennessee asks unanimous consent that his time shall be extended for two hours, with the agreement that he yield one hour of the time to the gentleman from Mississippi [Mr. WITHERSPOON]. Is there objection?

Mr. DUPRÉ. Reserving the right to object, I desire to inquire how much of the hour he has used thus far?

Mr. PADGETT. I mean two hours from now.

The SPEAKER. That will not be included in the two hours. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, I wanted to ask whether it was intended to go on with this discussion now or not?

The SPEAKER. The Chair can not tell. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, unless I get information on that point I shall object. I would like to know whether it is the intention to continue in session now?

Mr. PADGETT. That is my expectation and hope.

Mr. HUMPHREY of Washington. If you are going to continue to run on this evening, I shall object.

Mr. RAKER. Before the gentleman objects, will he not yield to a question? Would it not be satisfactory to the gentleman from Washington if the time be extended two hours and a half?

Mr. HUMPHREY of Washington. I have no objection to the extension of the time, but I want to ascertain whether they are going to vote to-night or not?

Mr. BUTLER. Yes.

Mr. HUMPHREY of Washington. I see no reason why we should stay here.

The SPEAKER. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, I am going to object if we are going to insist on a vote to-night.

Mr. MANN. Do not do that.

Mr. HUMPHREY of Washington. I do not see any reason why we should stay here and devote our time, these long hours, to a session when we know we are going to stay here all summer. You gentlemen have received your orders and are going to obey them.

Mr. PADGETT. It is necessary to have this bill passed and become a law before July 1.

Mr. FITZGERALD. We are anxious to pass something soon the gentleman is interested in himself, and I hope he will not object.

Mr. HUMPHREY of Washington. What was the gentleman's remark?

Mr. FITZGERALD. I say we are anxious to pass something in which the gentleman himself is likely to be interested, and the more quickly we dispose of the naval appropriation bill the more quickly we will accommodate him.

Mr. HUMPHREY of Washington. I do not see that I am going to be especially accommodated.

Mr. PADGETT. It is not this bill; it is the other bill.

Mr. HUMPHREY of Washington. At the same time I can not see any reason why we should be in session these long hours. It will not be a long time now until we are around here adjourning three days at a time, waiting for the Senate to get through with the business it has on hand, and men situated as I am will have to stay here all summer. I object.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] objects.

Mr. HUMPHREY of Washington. If they can agree to vote at some other time, I shall not object to staying here.

Mr. PADGETT. Mr. Speaker, I wish to make a short statement at this time relative to this proposition. I will submit a request for unanimous consent and see if that can be agreed to. I ask unanimous consent that when we adjourn to-night, if we shall adjourn before the completion of this conference report—and this is the last amendment, I believe, undisposed of—we may complete the conference report to-morrow morning, commencing at 11 o'clock.

Mr. FITZGERALD. We expect to do work to-night after the gentleman has finished with his conference report. He will be finished before 8 o'clock.

The SPEAKER. The gentleman from Tennessee is recognized for one hour, unless there is an agreement made.

Mr. STAFFORD. The gentleman, I understood, has made another request, Mr. Speaker.

Mr. MANN. It is easy enough for the gentleman from Tennessee. The objection which has been made does not amount to anything. The gentleman's request does not amount to a great deal. If he occupies his hour and yields time, the minute he takes his seat the gentleman from Mississippi [Mr. WITHERSPOON] will be recognized for an hour. Two hours are provided for.

The SPEAKER. The gentleman from Tennessee is recognized for one hour.

Mr. PADGETT. Mr. Speaker, I shall not occupy a great deal of time just at this time in explaining this matter. There is no complication about it. The proposition is to sell the two ships and use the money to build a much better one.

The gentleman from Illinois [Mr. MADDEN] was making some criticism of the two ships, stating that they were poor ships, and so forth. That is not correct. They are very good ships of their class. The gentleman from Illinois stated that they were authorized in 1908 and completed two years later. That was erroneous. They were authorized in 1903 and completed in 1908. These two ships have each a displacement of 13,000 tons. They are undersized, but they are good ships of their class. It is true that they have a low freeboard aft, so that in high seas the waves wash over the rear part of the ship.

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. BUCHANAN of Illinois. At what price is it proposed to sell them?

Mr. PADGETT. At not less than the original cost.

Mr. BUCHANAN of Illinois. What was the original cost?

Mr. PADGETT. The *Idaho* cost $5,895,000 in round figures. The other vessel—the *Mississippi*—cost $5,832,000, or slightly more than that.

Mr. BUCHANAN of Illinois. Is it the proposition to sell them at cost price for cash?

Mr. PADGETT. It does not say "for cash." It says "upon such terms as the President may negotiate," but it provides that the price shall not be less than the original cost.

Mr. FITZGERALD. We might get an international lawsuit on some pretty poor promissory notes. [Laughter.]

Mr. PADGETT. I presume they will be sold for cash.

Each of these ships has four 12-inch guns. The proposal was to construct, in lieu of these two slips, one ship similar to the ones authorized in the bill, which would be of about 31,000 tons displacement, that would carry twelve 14-inch guns.

In the statement that was submitted in the argument on the battleship question, when we had the bill first under consideration in the House, I submitted a letter from Admiral Dewey in which he gave a statement of the relative military value and efficiency of the different types or classes of ships. The *Delaware* was taken as the standard of military value and efficiency of the dreadnaught class and was placed at 100. The *New York* was placed at the value of 157. The *Idaho* and the *Mississippi* are placed at a value of 35. I leave off the fractions. So that the ship authorized in lieu of these two ships, which shall have twelve 14-inch guns, instead of eight 12-inch guns upon the two, would have a great fighting efficiency than four of the ships, the others having 35; or four times 35 is less than 157.

Now, that is the whole proposition. We propose to substitute for these two ships that we have had for several years a new ship of double the fighting value of the two ships combined, and for the two ships that we thus dispose of we shall get the original cost price.

Mr. HENSLEY. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HENSLEY. About how long, in the gentleman's judgment, will it take to construct this better ship that he speaks of?

Mr. PADGETT. They run from 32 months to 36 months in construction.

Mr. HENSLEY. At any rate we will not need these two vessels within that length of time.

Mr. PADGETT. I do not know whether we would need them or not. Of course the sale of them would to that extent diminish the fighting efficiency of the existing Navy.

Mr. HENSLEY. You have already stated that they are efficient, and good fighting vessels.

Mr. PADGETT. Of their class, they are; yes.

Mr. HENSLEY. And you are striking down to that extent the efficiency of the Navy.

Mr. PADGETT. It would to that extent temporarily reduce the fighting force of the Navy.

Mr. HENSLEY. And for something near three years we would be out of the use of these two vessels.

Mr. PADGETT. Yes.

Mr. HENSLEY. Then you think we have an efficient Navy at this time, which will enable us to do that with safety?

Mr. PADGETT. Oh, I have stated the facts as to the efficiency of our Navy quite often, in the presence of the gentleman and of the House.

Mr. HENSLEY. That is true, is it not, without any quibbling?

Mr. PADGETT. We have a good Navy; yes.

Mr. TAYLOR of Colorado. I want to ask the gentleman if the material out of which these ships are built has not increased in value and if the prices have not gone up very much in the last few years?

Mr. PADGETT. I do not know what the relative value is, but we have had the use of them all this time.

Mr. TAYLOR of Colorado. What is the object of any foreign nation buying them if they do not think they are getting a good bargain?

Mr. PADGETT. I suppose their necessities impel them.

Mr. TAYLOR of Colorado. Have they any war on hand over there?

Mr. PADGETT. That is a matter that I am not prepared to discuss.

Mr. STAFFORD. Can the gentleman inform the House whether there have been any negotiations made for the purchase of these ships by any foreign Government?

Mr. PADGETT. I can not say. I have no information.

Mr. STAFFORD. Is there any information that any negotiations have been undertaken?

Mr. PADGETT. Nothing except what I have seen in the press.

Mr. STAFFORD. What is that?

Mr. PADGETT. I have seen in the press the statement that one of the foreign nations wanted to buy them.

Mr. STAFFORD. Was that Greece?

Mr. PADGETT. That is what I saw suggested in the press.

Mr. STAFFORD. And we also read in the press that Greece is on the threshold of a war with the Ottoman Empire.

Mr. PADGETT. Yes.

Mr. STAFFORD. Does the gentleman think it is good ethics for our Government to be a party to a transaction of this kind, with a belligerent, just about the time it is entering into a warfare with another nation?

Mr. PADGETT. As to whether there is any threatened war or not, I do not know.

Mr. JONES. It might prevent a war.

Mr. PADGETT. It might prevent a war if they were prepared.

Mr. STAFFORD. I think there is no question whatsoever that these ships are intended to be used in belligerent operations. In that event would not the Ottoman Empire have a good ground of complaint against this Government if we sold these vessels at this time?

Mr. PADGETT. None whatever, if hostilities have not been declared.

Mr. STAFFORD. Oh, the ethics are just as bad, even though hostilities have not been declared.

Mr. PADGETT. Oh, no. The international relations are entirely different.

Mr. FOSTER. If these are not good ships, does not the gentleman think we are more likely to get into trouble for working a confidence game on some foreign Government?

Mr. PADGETT. They are good ships of their class.

Mr. STAFFORD. I would rather uphold the dignity of our Government and its reputation for fair treatment than adopt a standard of double-dealing with foreign nations.

Mr. FOSTER. If the gentleman thinks they are good ships, does he not believe we ought to keep them?

Mr. PADGETT. I said they are good ships of their class, but with the proceeds of the sale we could practically build a ship that would be worth double the value of the two ships combined. The progress in shipbuilding has been so great that we could double the fighting value.

Mr. FOSTER. Can the gentleman from Tennessee give us some information as to this story that has been going around the newspapers that probably the airships will finally be so perfected that the great dreadnaughts will not be effective on the water and that they will have to get out of the way and keep under cover?

Mr. PADGETT. I do not know of any nation that is acting on that theory.

Mr. FOSTER. And that the fighting will be between airships, and not between dreadnaughts?

Mr. PADGETT. I do not know of any such theory that prevails anywhere.

Mr. HARDY. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HARDY. As I understand, these two ships cost about $5,800,000 each.

Mr. PADGETT. Yes; slightly more.

Mr. HARDY. But together they cost about eleven millions and a half.

Mr. PADGETT. Nearly twelve millions.

Mr. HARDY. What will the new ship cost?

Mr. PADGETT. Between $14,000,000 and $15,000,000.

Mr. HARDY. Then the ultimate outcome of the amendment would be to increase the naval building program some four or five million dollars.

Mr. PADGETT. Not at this time; it would involve an additional expenditure later on—about three years from now.

Mr. HARDY. That is to say, it would provide for the ultimate expenditure of $4,000,000 more than the bill now carries.

Mr. PADGETT. Between three and four million dollars.

Mr. HARDY. Would that include the equipment?

Mr. PADGETT. Everything complete.

Mr. HARDY. Does this price include the guns of these ships?

Mr. PADGETT. Yes; hull, machinery, armor, and armament. Now, Mr. Speaker, I reserve the remainder of my time.

EXPLORATION FOR AND DISPOSITION OF COAL, OIL, GAS, ETC.

Mr. TAYLOR of Colorado. Mr. Speaker, by permission of the gentleman from Tennessee, I want to ask unanimous consent to file minority views on the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas potassium, or sodium. (H. Rept. 668, pt. 2.)

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Minority views on H. R. 16136, to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The SPEAKER. The gentleman from Colorado asks leave to file minority views on the bill H. R. 16136. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; and

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

The Committee on Enrolled Bills report that this day they have presented to the President of the United States, for his approval, the following bill:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;

S. 2226. An act for the relief of Joel J. Parker;

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses;

S. 2576. An act for the relief of John Q. Adams; and

S. 55. An act for the relief of Daniel Hampton.

NAVAL APPROPRIATION BILL.

The SPEAKER. The gentleman from Mississippi is recognized for one hour.

Mr. WITHERSPOON. Mr. Speaker, I will ask the Speaker to call my attention after I have used 30 minutes.

Mr. Speaker, this is a novel proposition. As I understand it, it is a new invention for the purpose of squandering the public funds, and I am opposed to issuing any patent on it. [Laughter.] Now, we passed a bill through the House providing for the construction of two more battleships. The Senate has concurred with us. I explained to this House the best I could when the bill was under consideration that there were six corporations in the United States equipped to build battleships; that it takes three years to construct a battleship and that, therefore, it is necessary to authorize two every year in order to give each one of these corporations a job all the time.

We authorized all that was necessary to keep the Government pets going, and if the House had just let it alone you never would have heard of selling any battleships and constructing a third one. But we made a great mistake by amending the bill so as to provide that one of these two battleships should be constructed in a Government navy yard. When you did that, you did not leave enough to go around. [Laughter.] Consequently it became necessary to devise some kind of a scheme by which all of these corporations would have a job on a battleship all the time. This amendment before you answers the demand.

Now, the effect of this amendment if adopted, if you decide to sell the two of our battleships and with the proceeds build a dreadnaught, there are two effects which will follow from it. One is that the construction of this third dreadnaught is going to afford much profit to the corporation that builds it.

As I pointed out here before, the graft in the armor plate alone on a battleship is over a million dollars, to say nothing of the shells and the powder and all the other things. It is absolutely unnecessary for me to argue to you that one effect of our selling two battleships and building another dreadnaught is going to be to increase the profits of the trust. The other effect of it is going to be a decrease and a lessening of the efficiency and power of the Navy in every respect. These are the two effects of it.

In the first place, it is going to lessen the number of our battleships. When you start out on this policy of selling 2 of our 39 battleships and with the proceeds constructing a third one, when you get through with the 25 battleships under that kind of a policy, then you will have instead of 39 but 27 battleships left. And you will have 12 less than Germany has now. That is the effect of it if the policy is adopted and started on with reference to the number of ships, and whenever they can get the number of our battleships less than the number in the German Navy, then you will hear such a clamor as you never heard before for the construction of more ships, because we have not as many as Germany.

Take next the number of guns. The *Mississippi* and the *Idaho* each has four 12-inch guns, each of them has eight 8-inch guns and eight 7-inch guns, making 40 guns on the two ships. It is proposed to sell those two ships with 40 guns on them and to substitute therefor one ship with 12 guns.

The chairman in his remarks a few moments ago stated that you were going to have twelve 14-inch guns. That is an utter impossibility. You can not have any such thing as that. Of course you can take the proceeds of these two battleships when you sell them and add enough money to that to get any sort of a ship you want, but that is not a fair way to present it. A fair way to consider this question is whether or not, when you sell these two ships and get in their stead another ship that costs the same amount of money, you have lost or gained by the transaction. If you were to build a dreadnaught that would carry twelve 14-inch guns, you would have to build one with a tonnage of 31,400; you would have to build one that would cost $17,000,000, and of course you can add five or six million dollars to the proceeds of these two battleships if you can sell them at cost and build that kind of a ship, but the fair thing for us to consider is what we can get for the money that these ships will sell for, whether we will get something more valuable or less valuable than these two ships. In my judgment the very best you could do with these would be to build a dreadnaught like the *Arkansas*. As stated to you here, the tonnage of each of these ships is 13,000, or together their tonnage is 26,000. The *Arkansas* is the only ship we have that has a tonnage exactly equal to both of these—26,000—and that is the very best ship you could get with the proceeds of the sale of these two.

The *Arkansas* has twelve 12-inch guns, and if you could succeed in exchanging these two ships for one like the *Arkansas*, then you would have exchanged eight 12-inch guns on these two ships for twelve 12-inch guns on the *Arkansas*. In other words,

you would gain four 12-inch guns, but in doing that you will lose sixteen 8-inch guns and sixteen 7-inch guns, or 32 of those guns. The question is whether or not you could afford to give up thirty-two 8-inch and 7-inch guns for four 12-inch guns. That is the proposition. I say, when you do it you lessen the efficiency and power of the Navy in every respect. In the first place, you start out by lessening the number of guns. You exchange 40 for 12, and you lessen the number of guns by 28 on this one transaction, and if you were to continue that policy until you had disposed of all 25 of our battleships, getting in their stead 12 dreadnaughts, then you would have reduced the number of guns on our armored vessels from 926 to 578. We now have 89 more guns on our armored vessels than Germany has, but if you adopt this policy and carry it through, then we would have on our armored vessels 259 guns less than Germany has. You would thereby change from a condition of superiority in number of guns by 89 to a condition of inferiority to the extent of 259. That is the first effect of it. We now have 9 more armored vessels than Germany has. If you were to continue this policy until you dispose of all of our battleships, then we would have three less than Germany.

Mr. HUMPHREY of Washington. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore (Mr. WILLIAMS). Evidently there is no quorum present.

Mr. PADGETT. Mr. Speaker, I move a call of the House.

Mr. BRITTEN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 23, noes 27.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand tellers.

The SPEAKER pro tempore. All in favor of ordering tellers will rise and stand until counted. [After counting.] Ten gentlemen have arisen; not a sufficient number.

So the motion to adjourn was rejected.

Mr. WOODRUFF. I move a call of the House.

Mr. PADGETT. Mr. Speaker, I have already made a motion that there be a call of the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Tennessee for a call of the House.

The question was taken; and on a division there were—ayes 31, noes 31.

So the motion was rejected.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOSTER. Division, Mr. Speaker.

The House divided; and there were—ayes 31, noes 31.

So the motion was lost.

Mr. PADGETT. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Tennessee moves a call of the House.

The question was taken, and the Speaker pro tempore announced the noes seemed to have it.

Mr. PADGETT. Division, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Tennessee demands a division.

The House again divided; and there were—ayes 34, noes 37.

So the motion was rejected.

Mr. PADGETT. Mr. Speaker, I make the point of order there is no quorum present.

Mr. MANN. Mr. Speaker, that can not be done——

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

Mr. JONES. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. The gentleman from Tennessee makes the point of order there is no quorum present.

Mr. MANN. Mr. Speaker, it does not require a quorum to order a call of the House.

The SPEAKER. The Chairs knows it does not, but——

Mr. MANN. The point of no quorum was made some time ago, and the Chair declared that there was no quorum present, and that point has been sustained.

The SPEAKER. The present occupant of the Chair did not happen to be in the chair. [Cries of "Regular order!"]

Mr. MANN. There is nothing to do except either to adjourn or order a call of the House.

Mr. BRYAN. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from South Carolina moves to adjourn.

Mr. JONES. Mr. Speaker, I make the point of order that that is dilatory. We have voted on that motion twice already.

Mr. MANN. Mr. Speaker, it is plain it is not dilatory, because the House can only do one of two things when it finds itself without a quorum—order a call of the House or adjourn.

Mr. JONES. Mr. Speaker, this is the third time the motion has been made.

Mr. MANN. But the House has declined to order a call of the House, and the only other motion in order is to adjourn.

Mr. LEVER. Mr. Speaker, there has been an intervening motion.

The SPEAKER. The gentleman from Tennessee would have a perfect right to move a call of the House.

Mr. LEVER. He did move it.

The SPEAKER. The Chair knows he moved it, and it was voted down.

Mr. MANN. A motion to adjourn must be in order.

The SPEAKER. Yes; that is the only motion pending. You can not move two calls of the House twice immediately following each other, the Chair would think.

Mr. JOHNSON of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Carolina. When there develops a lack of a quorum and a motion to adjourn is voted down, is not there a special rule that the motion is again to be voted upon?

The SPEAKER. No; there is no such rule as that.

Mr. JOHNSON of Kentucky. There are only two motions in order, either to adjourn or a call of the House.

The SPEAKER. There are only two motions—one when the House finds itself without a quorum——

Mr. JOHNSON of South Carolina. It must be seconded by a majority on a rising vote.

The SPEAKER. To do what?

Mr. JOHNSON of South Carolina. When the motion has been voted down——

The SPEAKER. That is where you get a quorum.

Mr. STAFFORD. Regular order!

The SPEAKER. The question is on the motion to adjourn.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. LEVER. Division, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina demands a division.

The House divided; and there were—ayes 39, noes 35.

Mr. PADGETT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Thirty-two gentlemen have arisen in the affirmative, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 32, nays 110, answered "present" 5, not voting 285, as follows:

YEAS—32.

Bathrick	Fields	Kinkaid, Nebr.	Quin
Beall, Tex.	French	La Follette	Ragsdale
Bell, Cal.	Godwin, N. C.	Lever	Rogers
Buchanan, Tex.	Gudger	Lobeck	Seldomridge
Cooper	Hammond	Maguire, Nebr.	Sloan
Cramton	Hardy	Mapes	Stafford
Davis	Haugen	Morgan, Okla.	Sutherland
Edwards	Johnson, Ky.	Platt	Witherspoon

NAYS—110.

Abercrombie	Cullop	Jacoway	Rauch
Adair	Curry	Johnson, S. C.	Reilly, Conn.
Ashbrook	Dixon	Johnson, Wash.	Roberts, Mass.
Baker	Donohoe	Jones	Roberts, Nev.
Baltz	Donovan	Keating	Rouse
Barkley	Doolittle	Kennedy, Iowa	Rubey
Barton	Doughton	Kreider	Russell
Beakes	Estopinal	Lee, Ga.	Sinnott
Blackmon	Faison	Lee, Pa.	Smith, N. Y.
Borchers	Ferris	Lesher	Stephens, Cal.
Britten	Finley	Lindbergh	Stephens, Tex.
Brockson	Fitzgerald	Lloyd	Stone
Brodbeck	Flood, Va.	Logue	Taggart
Bryan	Foster	McClellan	Tavenner
Buchanan, Ill.	Gard	McCoy	Taylor, Ark.
Bulkley	Garrett, Tenn.	McGillicuddy	Taylor, N. Y.
Burgess	Gittins	Mitchell	Temple
Burke, Wis.	Glass	Moon	Thompson, Okla.
Byrns, Tenn.	Goodwin, Ark.	Moore	Tuttle
Candler, Miss.	Graham, Ill.	Murray, Okla.	Vare
Caraway	Gray	O'Hair	Vollmer
Cary	Greene, Vt.	Oldfield	Watkins
Coady	Hamilton, Mich.	Padgett	Watson
Collier	Harris	Page, N. C.	Weaver
Connelly, Kans.	Hayden	Park	Williams
Connolly, Iowa	Hensley	Pou	Woodruff
Cox	Holland	Rainey	
Crosser	Howard	Raker	

ANSWERED "PRESENT"—5.

Burke, S. Dak.	Cline	Mann	Walters
Butler			

NOT VOTING—285.

Adamson	Evans	Kiess, Pa.	Reed
Aiken	Fairchild	Kindel	Reilly, Wis.
Ainey	Falconer	Kinkead, N. J.	Riordan
Alexander	Farr	Kirkpatrick	Rothermel
Allen	Fergusson	Kitchin	Rucker
Anderson	Fess	Knowland, J. R.	Rupley
Ansberry	FitzHenry	Konop	Sabath
Anthony	Floyd, Ark.	Korbly	Saunders
Aswell	Fordney	Lafferty	Scott
Austin	Fowler	Langham	Scully
Avis	Francis	Langley	Sells
Bailey	Frear	Lazaro	Shackleford
Barchfeld	Gallagher	L'Engle	Sharp
Barnhart	Gallivan	Lenroot	Sherley
Bartholdt	Gardner	Levy	Sherwood
Bartlett	Garner	Lewis, Md.	Shreve
Bell, Ga.	Garrett, Tex.	Lewis, Pa.	Sims
Booher	George	Lieb	Sisson
Borland	Gerry	Lindquist	Slemp
Bowdle	Gillett	Linthicum	Small
Broussard	Gilmore	Loft	Smith, Idaho
Brown, N. Y.	Goeke	Lonergan	Smith, J. M. C.
Brown, W. Va.	Goldfogle	McAndrews	Smith, Md.
Browne, Wis.	Good	McDermott	Smith, Minn.
Browning	Gordon	McGuire, Okla.	Smith, Saml. W.
Bruckner	Gorman	McKellar	Smith, Tex.
Brumbaugh	Goulden	McKenzie	Sparkman
Burke, Pa.	Graham, Pa.	McLaughlin	Stanley
Burnett	Green, Iowa	MacDonald	Stedman
Byrnes, S. C.	Greene, Mass.	Madden	Steenerson
Calder	Gregg	Mahan	Stephens, Miss.
Callaway	Griest	Maher	Stephens, Nebr.
Campbell	Griffin	Manahan	Stevens, Minn.
Cantor	Guernsey	Martin	Stevens, N. H.
Cantrill	Hamill	Merritt	Stout
Carew	Hamilton, N. Y.	Metz	Stringer
Carlin	Hamlin	Miller	Sumners
Carr	Hardwick	Mondell	Switzer
Carter	Harrison	Montague	Talbott, Md.
Casey	Hart	Morgan, La.	Talcott, N. Y.
Chandler, N. Y.	Hawley	Morin	Taylor, Ala.
Church	Hay	Morrison	Taylor, Colo.
Clancy	Hayes	Moss, Ind.	Ten Eyck
Clark, Fla.	Heflin	Moss, W. Va.	Thacher
Claypool	Helgesen	Mott	Thomas
Conry	Helm	Murdock	Thomson, Ill.
Copley	Helvering	Murray, Mass.	Towner
Covington	Henry	Neeley, Kans.	Townsend
Crisp	Hill	Neely, W. Va.	Treadway
Dale	Hinds	Nelson	Tribble
Danforth	Hinebaugh	Nolan, J. I.	Underhill
Davenport	Hobson	Norton	Underwood
Decker	Houston	O'Brien	Vaughan
Deitrick	Howell	Oglesby	Volstead
Dent	Hoxworth	O'Leary	Walker
Dershem	Hughes, Ga.	O'Shaunessy	Wallin
Dickinson	Hughes, W. Va.	Paige, Mass.	Walsh
Dies	Hulings	Palmer	Webb
Difenderfer	Hull	Parker	Whaley
Dillon	Humphrey, Wash.	Patten, N. Y.	Whitacre
Dooling	Humphreys, Miss.	Patton, Pa.	White
Doremus	Igoe	Payne	Willis
Driscoll	Johnson, Utah	Peters, Mass.	Wilson, Fla.
Drukker	Kahn	Peters, Me.	Wilson, N. Y.
Dunn	Keister	Peterson	Wingo
Dupré	Kelley, Mich.	Phelan	Winslow
Dyer	Kelly, Pa.	Plumley	Woods
Eagan	Kennedy, Conn.	Porter	Young, N. Dak.
Eagle	Kennedy, R. I.	Post	Young, Tex.
Edmonds	Kent	Powers	
Elder	Kettner	Prouty	
Esch	Key, Ohio	Rayburn	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. AIKEN with Mr. AUSTIN.

Mr. ALEXANDER with Mr. AVIS.

Mr. BUCHANAN of Illinois with Mr. CAMPBELL.

Mr. HAMLIN with Mr. CHANDLER of New York.

Mr. BURNETT with Mr. DANFORTH.

Mr. CARLIN with Mr. DILLON.

Mr. CASEY with Mr. ESCH.

Mr. CLARK of Florida with Mr. FAIRCHILD.

Mr. CLAYPOOL with Mr. FALCONER.

Mr. CONRY with Mr. FORDNEY.

Mr. DEITRICK with Mr. FREAR.

Mr. DENT with Mr. GOOD.

Mr. DOREMUS with Mr. GREEN of Iowa.

Mr. DUPRÉ with Mr. GREENE of Massachusetts.

Mr. GARNER with Mr. GUERNSEY.

Mr. GARRETT of Texas with Mr. HAWLEY.

Mr. GOEKE with Mr. HELGESEN.

Mr. HARRISON with Mr. HINEBAUGH.

Mr. HEFLIN with Mr. HOWELL.

Mr. HOUSTON with Mr. HUMPHREY of Washington.

Mr. HUGHES of Georgia with Mr. JOHNSON of Utah.

Mr. HULL with Mr. KAHN.

Mr. MCKELLAR with Mr. KELLEY of Michigan.

Mr. MONTAGUE with Mr. MONDELL.

Mr. MORGAN of Louisiana with Mr. KELLY of Pennsylvania.

Mr. PALMER with Mr. MCLAUGHLIN.

Mr. PETERS of Massachusetts with Mr. MADDEN.

Mr. RAYBURN with Mr. Moss of West Virginia.

Mr. RUCKER with Mr. NELSON.

Mr. SIMS with Mr. J. I. NOLAN.

Mr. SISSON with Mr. SCOTT.

Mr. SMALL with Mr. SAMUEL W. SMITH.

Mr. STEDMAN with Mr. STEENERSON.

Mr. STEPHENS of Mississippi with Mr. SWITZER.

Mr. SUMNERS with Mr. THOMSON of Illinois.

Mr. TALBOTT of Maryland with Mr. TOWNER.

Mr. TAYLOR of Colorado with Mr. SELLS.

Mr. WALKER with Mr. SLEMP.

Mr. WHALEY with Mr. SMITH of Idaho.

Mr. MANN. Mr. Speaker, I voted "nay," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and be recorded as "present."

The SPEAKER. The Clerk will call the name of the gentleman.

The name of Mr. MANN was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. BARTLETT, and I would like to know whether he voted or not?

The SPEAKER. He is not recorded.

Mr. BUTLER. Then I will have to withdraw my vote. I voted "nay," and I would like to vote "present."

The name of Mr. BUTLER was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. PADGETT. Mr. Speaker, the roll discloses the lack of a quorum, and I move a call of the House.

The SPEAKER. The gentleman from Tennessee moves a call of the House, as the vote discloses that there is no quorum present.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. MANN. The doors were locked an hour ago.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Edmonds	Kinkaid, Nebr.	Phelan
Aiken	Falconer	Kinkead, N. J.	Platt
Ainey	Farr	Kirkpatrick	Plumley
Anderson	Fess	Kitchin	Porter
Ansberry	FitzHenry	Knowland, J. R.	Powers
Anthony	Floyd, Ark.	Konop	Prouty
Avis	Francis	Korbly	Rayburn
Bailey	Frear	Lafferty	Reed
Barchfeld	Gallagher	Langham	Riordan
Barnhart	Gallivan	Langley	Rothermel
Bartholdt	Gardner	L'Engle	Sabath
Beall, Tex.	Garner	Lever	Scully
Bell, Ga.	Garrett, Tex.	Levy	Seldomridge
Borland	George	Lewis, Pa.	Shackleford
Bowdle	Gillett	Lieb	Sharp
Broussard	Goldfogle	Lindquist	Sherley
Brown, N. Y.	Good	Linthicum	Shreve
Brown, W. Va.	Gordon	Loft	Sims
Browne, Wis.	Gorman	Lonergan	Slayden
Browning	Goulden	McAndrews	Slemp
Bruckner	Graham, Ill.	McClellan	Smith, J. M. C.
Brumbaugh	Graham, Pa.	McDermott	Smith, Saml. W.
Buchanan, Tex.	Greene, Mass.	McGuire, Okla.	Smith, Minn.
Burke, Pa.	Gregg	MacDonald	Smith, Tex.
Burnett	Griest	Mahan	Stanley
Calder	Griffin	Maher	Stephens, Miss.
Callaway	Hamill	Manahan	Stephens, Nebr.
Campbell	Hamilton, N. Y.	Martin	Stephens, Tex.
Cantor	Hardwick	Merritt	Stevens, N. H.
Cantrill	Hardy	Metz	Stringer
Carew	Hart	Miller	Sumners
Carlin	Hay	Montague	Taylor, Ala.
Carter	Hayes	Morgan, La.	Taylor, Colo.
Casey	Helgesen	Morin	Thacher
Church	Helvering	Morrison	Thomas
Clancy	Henry	Moss, W. Va.	Thomson, Ill.
Connelly, Kans.	Hill	Murdock	Townsend
Conry	Hinds	Murray, Mass	Treadway
Cooper	Hinebaugh	Neeley, Kans.	Underhill
Copley	Hobson	Neely, W. Va.	Underwood
Covington	Howard	Nelson	Vaughan
Crisp	Howell	Nolan, J. I.	Wallin
Dale	Hoxworth	Norton	Walsh
Danforth	Hughes, Ga.	O'Brien	Whaley
Davenport	Hughes, W. Va.	Oglesby	White
Decker	Humphrey, Wash.	O'Hair	Willis
Dershem	Humphreys, Miss.	O'Leary	Wilson, Fla.
Dies	Igoe	O'Shaunessy	Wilson, N. Y.
Difenderfer	Johnson, Utah	Paige, Mass.	Winslow
Dooling	Keister	Parker	Woods
Drukker	Kennedy, R. I.	Patten, N. Y.	Young, N. Dak.
Dunn	Kent	Payne	Young, Tex.
Dyer	Key, Ohio	Peters, Me.	
Eagan	Kiess, Pa.	Peters, Mass.	

During the calling of the roll.

Mr. BRYAN. Mr. Speaker, I move that the House do now adjourn. I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] moves that further proceedings be dispensed with under the call.

Mr. PADGETT. Mr. Speaker, in lieu of that I move that the Speaker issue his warrants for the arrest of absent Members and bring them to the House.

Mr. BRYAN. Mr. Speaker, I make the point of order that the gentleman from Tennessee [Mr. PADGETT] can not make a motion in lieu of a motion.

The SPEAKER. Upon which one of his motions does the gentleman from Washington stand? He made two at once, or two so close together that they sounded like one—to adjourn, and to dispense with further proceedings under the call.

Mr. BRYAN. I will stand on the motion to adjourn, Mr. Speaker. If that does not work I will stand on the other. [Laughter.]

Mr. McCOY rose.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. McCOY. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOY. The Speaker has just stated that the gentleman from Washington [Mr. BRYAN] made two motions.

The SPEAKER. He tried to make two.

Mr. McCOY. As a matter of fact, he did make two. Now, does not one of them nullify the other?

The SPEAKER. One was out of order and the Chair is inclined to think the other is in order.

Mr. BRYAN. I made a motion to adjourn.

Mr. FITZGERALD. That motion must be seconded.

The SPEAKER. The motion must be seconded by a majority of those present. That was the point that the gentleman from South Carolina [Mr. JOHNSON] had in his mind some time ago, but it did not apply to the situation that we then had, though it applies to the situation that we have now. Those in favor of seconding the motion to adjourn will rise and stand until they are counted. The rule provides that the motion must be seconded by a count of the Speaker. It is a very peculiar rule, and the Chair will read it. It provides:

> If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker, and if the House adjourns all proceedings under this section shall be vacated.

Those in favor of seconding the motion of the gentleman from Washington will rise——

Mr. BRYAN. It is a good chance to get home, is it not, Mr. Speaker?

The SPEAKER. That is not in order. Those in favor of seconding the motion of the gentleman will rise, and stand until they are counted.

Mr. KINDEL. Is that to adjourn this meeting, Mr. Speaker?

The SPEAKER. Of course, it is to adjourn.

Mr. PALMER. Sine die.

Mr. KINDEL. Then I am in favor of adjourning.

The SPEAKER. The Chair will count. [After counting.] Sixteen gentlemen have risen to second the motion to adjourn. The Chair will now count the gentlemen present, to see if that constitutes a majority.

Mr. PALMER. The other side, Mr. Speaker.

The SPEAKER. There is no other side. [After counting.] One hundred and six Members are present, and 16 are not a majority. The House declines to adjourn, and the motion of the gentleman from Tennessee [Mr. PADGETT] is in order, that the Speaker issue warrants for the arrest of absent Members. The question is on agreeing to the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

Mr. BRYAN. A parliamentary inquiry, Mr. Speaker. Will that cause any of my colleagues from the State of Washington to be arrested?

The SPEAKER. If they are absent and the Sergeant at Arms finds them, it will.

Mr. SLOAN. Mr. Speaker, a parliamentary inquiry. Will it be in order to grant immunity from arrest to the aged and decrepit Members of this body?

The SPEAKER. Not until they are brought in here.

Mr. SWITZER. Mr. Speaker, I should like to renew my request to address the House for 20 minutes, in answer to the speech made by the gentleman from Wisconsin [Mr. FREAR].

The SPEAKER. The gentleman can not do that until we get a quorum.

Mr. GARRETT of Tennessee. I suggest to the gentleman from Ohio that while it is true he can not, under the rules of the House, get unanimous consent to speak, there is absolutely nothing to prevent his speaking. But I do not know whether the gentleman's speech could go into the RECORD if it were made under the circumstances.

The SPEAKER. The Chair does not think it ought to go into the RECORD.

Mr. GARRETT of Tennessee. It is very doubtful whether it would or not.

The SPEAKER. Toward the end of the first session, after I was elected Speaker, there were several speeches made in just such a situation as this, but I directed the Official Reporter to leave them out of the RECORD. I do not believe speeches made when the House is without a quorum ought to be printed in the RECORD.

Mr. ASHBROOK. Mr. Speaker, a parliamentary inquiry. If no Member present objects to my colleague, Mr. SWITZER, making a speech at this time, will his speech be allowed to go into the RECORD?

The SPEAKER. The Chair thinks not. The rule provides that when the absence of a quorum is developed only two things can be done. One of them is to adjourn, and the other is to order a call of the House. Of course all the incidental motions that go with a call of the House are permissible, but nothing else is. Now, sometimes, toward the end of the session, when we have been waiting for conference reports and run out of anything to do, then, by a sort of common agreement, for the amusement of the Members or to keep them awake, speeches have been made, but that practice was run into the ground here once, and I ordered the Official Reporter not to print the speeches in the RECORD.

Mr. ASHBROOK. I should like to say, further, that my colleague [Mr. SWITZER] has a speech that he wishes to make, and probably will make at some time, and there will be no time wasted if he is allowed to speak at this time.

The SPEAKER. The Chair understands; but the business of the Chair is to enforce the rules of the House. That is what the Speaker is here for.

Mr. SLOAN. Mr. Speaker, I move that the warrant just issued by the Speaker for the arrest of absentees be recalled, and that proceedings under the call be dispensed with.

The SPEAKER. That is not in order. The only motion in order in the situation in which we now are is the motion to adjourn.

Mr. SLOAN. Is that in order?

The SPEAKER. Of course, it is in order, if it is seconded by a majority of the Members present.

Mr. SLOAN. Then, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Nebraska moves that the House do now adjourn. Those in favor of seconding that motion will rise and stand until they are counted. [After counting.] Twenty-two Members have risen to second the motion. The Chair will count the Members present to see if 22 are a majority of them. [After counting.] Seventy-two Members present. Twenty-two are not a majority of 72; and the motion to adjourn fails.

Mr. ELDER. Mr. Speaker, will a motion to adjourn be in order at this time?

The SPEAKER pro tempore (Mr. FINLEY). It is.

Mr. ELDER. Mr. Speaker, I move that the House do now adjourn.

Mr. BUTLER. Mr. Speaker, that motion has to be seconded.

The SPEAKER pro tempore. The gentleman from Louisiana moves that the House do now adjourn. All in favor of seconding the motion of the gentleman from Louisiana will rise and stand until counted. [After counting.] Forty Members have risen to second the motion. All gentlemen will now be seated and the Chair will count those present. [After counting.] Sixty-nine Members present, so the motion to adjourn is seconded.

The question is on the motion of the gentleman from Louisiana that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 33, noes 44.

So the motion to adjourn was rejected.

The SPEAKER resumed the chair.

Mr. ELDER. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Louisiana demands tellers. All in favor of ordering tellers will rise and stand until counted. [After counting.] Thirty-two Members have risen, not a sufficient number, and tellers are refused.

Mr. ELDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ELDER. Where a count has developed only 69 Members present, how many does it take to demand tellers?

The SPEAKER. It takes one-fifth of a quorum of the House to order tellers, and one-fifth of a quorum of the House is 44. Tellers are refused.

Mr. MADDEN. Mr. Speaker, would it be in order to move to dispense with further proceedings under the call?

The SPEAKER. It would not.

Mr. QUIN. Mr. Speaker, I move that the House do now adjourn.

Mr. BARKLEY. I make the point of order, Mr. Speaker, that that motion is dilatory.

The SPEAKER. The Chair thinks the motion is dilatory.

Mr. JOHNSON of Washington. Mr. Speaker, would it be in order for me to make a few remarks?

The SPEAKER pro tempore (Mr. WEAVER). It would not; the only motion in order is a motion to adjourn.

Mr. JOHNSON of Washington. I want to make some remarks as to the number of Members of the Sixty-third Congress who have been here continuously since April 7 of last year without returning to their homes.

The SPEAKER pro tempore. The Chair does not recognize the gentleman for that purpose.

Mr. HULINGS. Mr. Speaker, for satisfactory reasons that I can explain I would like to ask leave of absence for a few hours.

The SPEAKER. The Chair thinks that no business is in order at this time.

Mr. HULINGS. I make a motion that I be excused.

The SPEAKER. The Chair thinks the motion is not in order.

Mr. BRYAN. Mr. Speaker, the gentleman from Pennsylvania is ill, and I move that he be excused.

The SPEAKER. The gentleman from Pennsylvania has the absolute right to walk out of the door and go home. There is no provision in the rule for leave of absence.

Mr. MANN. Will the Speaker allow me to call his attention to a footnote on page 325 of the manual:

> During a call less than a quorum may revoke leaves of absence and excuse a Member from attendance, but they may not grant leaves of absence.

The SPEAKER. That is not this case.

Mr. MANN. This is to excuse a Member from attendance.

The SPEAKER. The Chair stated that the gentleman from Pennsylvania had the right to leave. The footnote reads:

> During the call less than a quorum may revoke leaves of absence and excuse Members from attendance, but may not grant leaves of absence.

Mr. MANN. I think probably that refers to the case where the Member has not come in.

The SPEAKER. The Chair thinks so, too. If the gentleman from Pennsylvania is sick, he has a perfect right to go home.

Mr. HAWLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAWLEY. The rule on page 325 of the manual says:

> And those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested wherever they may be found by officers to be appointed by the Sergeant at Arms for that purpose and their attendance secured and retained.

I desire to inquire if the attendance of those who have reported are being retained by the proper authority?

The SPEAKER. The Chair can not answer that question; that is for the Doorkeeper.

Mr. HAWLEY. The rule further says:

> And the House shall determine upon what condition they shall be discharged.

I desire to ask if the Members who have been arrested and brought in are in the custody of the House?

The SPEAKER. Technically they are. The rule further provides that if a man comes in voluntarily he is not under arrest. But every Member that the Sergeant at Arms brings in is technically under arrest. When the Chair first came here, years ago, he has seen them harnessed up and put through all sorts of performances, but all that has disappeared with the lapse of years.

Mr. HAWLEY. Is it not the duty of the Sergeant at Arms to make a report to the House?

Mr. MANN. If the Sergeant at Arms notifies a Member to come in and does not arrest him, but he drops in, he is not under arrest.

The SPEAKER. The truth about it is, answering the gentleman's inquiry further, the matter of arresting Members on such an occasion is in rather a hazy condition, as far as the decisions go, and always has been. The Chair has no sort of doubt that it is perfectly competent for the House to punish Members who have to be brought in by the Sergeant at Arms.

Mr. HAWLEY. Mr. Speaker, if I may make a further parliamentary inquiry, the real purpose of my making this inquiry is this: If there is no method of retaining Members here when brought in, they may come in and go out, and some one may make a point of order and we will be without a quorum again.

The SPEAKER. That is exactly the truth, and the Chair has seen as many as a dozen men come in here at one time on a call of the House, with their overcoats on and hats in their hands, and walk out without sitting down. They answered to their names and they go right out again. That is the practice, whatever the rule is.

Mr. MANN. I suppose the Speaker remembers on one occasion when they tried to prevent a Member from Texas going out, he kicked the door down?

The SPEAKER. The Chair was not here, but he remembers about that historical incident very well.

Mr. FOSTER. Mr. Speaker, once a quorum is secured the doors are opened and Members can go out.

Mr. MANN. The doors are locked.

Mr. FOSTER. But when a quorum is announced, then the doors are opened and a Member can make a point of order of no quorum within 15 minutes afterwards or at whatever time he wishes.

Mr. MANN. All of which reminds one that you can lead a horse to water, but you can not make him drink.

Mr. FOSTER. That is right.

Mr. BRYAN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] moves that the House do now adjourn.

Mr. MANN. Mr. Speaker, it takes a second.

The SPEAKER. That is what the Chair was going to say. Those in favor of seconding the motion will rise and stand until they can be counted. [After counting.] Twenty-one gentlemen have risen to second the motion to adjourn. The Chair will count to see how many are here. [After counting.] Twenty-one gentlemen voted to second the motion and there are 105 Members in the Hall, not a sufficient number.

Mr. BRYAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. How many do we lack now of having a quorum?

The SPEAKER. We lack about 20.

Mr. BRYAN. How can we lack about 20 when the Speaker has only counted——

The SPEAKER. They are all around in the lobby and the cloak rooms. The Chair announced that there were 105 Members in the Hall.

Mr. BRITTEN. Mr. Speaker, a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BRITTEN. I would like to inquire of the Speaker if the time for general debate has been definitely decided upon on this question?

The SPEAKER. Yes; that was decided upon along about 5 o'clock.

Mr. BRITTEN. It was my understanding at that time that no agreement had been reached. The gentleman from Washington [Mr. HUMPHREY] was about to object, and then the result was obtained in a different way; but no definite time for general debate was agreed upon, I think.

The SPEAKER. Oh, yes; it was. Two hours were agreed upon.

Mr. BRYAN. I do not think the gentleman from Illinois [Mr. BRITTEN] ought to make that reference to my colleague during his absence.

The SPEAKER. The Chair wants to get at the straight of the inquiry of the gentleman.

Mr. BRITTEN. I want to know if the time for general debate has been positively fixed.

The SPEAKER. The Chair will state how it was. They could not get an agreement. There are two or three ways of doing a thing in this life. So the gentleman from Tennessee [Mr. PADGETT] was recognized for one hour, and then he used about 10 minutes of his time, reserved the rest, and sat down. He was entitled to an hour, of course. Then the gentleman from Mississippi [Mr. WITHERSPOON] was recognized for an hour. He used 12 minutes of his time, and the gentleman from

Washington [Mr. HUMPHREY] made the point of order that there was no quorum present. Now, the gentleman from Mississippi has 48 minutes remaining, and the gentleman from Tennessee has 50.

Mr. BRITTEN. Suppose those two gentlemen use up that time and some other Member on the floor is recognized?

Mr. MANN. He will not be.

Mr. BRITTEN. Would he be entitled to an hour?

The SPEAKER. If the two gentlemen named use up their time and nobody moves the previous question, then any gentleman who got the floor would be entitled to an hour, ad infinitum.

Mr. BRITTEN. I do not yet understand how those two gentlemen were named for the hour apiece.

The SPEAKER. Why, the gentleman from Tennessee [Mr. PADGETT] rose and addressed the Chair, and he is entitled to prior recognition under the practices of the House; so the Chair recognized him for 1 hour. He used 10 minutes of his time and sat down, and reserved the other 50 minutes. The next gentleman up was a member of the committee on the other side of the question, Mr. WITHERSPOON, and under the practice the Chair recognized him for an hour. He used 12 minutes of his time, and would have used the rest in some way, either by continuing to speak himself or yielding to somebody else; but the gentleman from Washington [Mr. HUMPHREY] impinged with his point of order that no quorum was present, and of course that broke up the speech making, and we have been trying to get a quorum ever since. Now, when we do get a quorum, the gentleman from Mississippi [Mr. WITHERSPOON] has the right to the floor to finish his hour. When he gets through, if the gentleman from Tennessee [Mr. PADGETT] desires to use his 50 minutes he will have the right to do it; or, if he waives the right temporarily, the Chair will recognize some one else for an hour.

Mr. BRITTEN. Then that "some one else" is entitled to an hour's general debate?

The SPEAKER. Anybody who can get the eye of the Speaker and recognition from him. But the gentleman from Tennessee has the right to move the previous question any time within his hour; and, as a matter of practice, they usually reserve one minute out of their time.

Mr. BRITTEN. Then there still is no definite agreement for the general debate?

The SPEAKER. Not a particle. So far as the present situation is concerned, if they ever get a quorum, they can debate it until Christmas.

The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The SPEAKER. Two hundred and eighteen Members, a quorum, have answered to their names.

Mr. PADGETT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Tennessee moves to dispense with further proceedings under the call. The question is on agreeing to the motion of the gentleman from Tennessee.

The motion was agreed to.

The SPEAKER. The proceedings under the call are dispensed with. The Doorkeeper will open the doors.

Mr. MANN. Will the gentleman from Tennessee yield to me?

Mr. PADGETT. Yes.

Mr. MANN. Mr. Speaker, I desire to withdraw the amendment I offered to the amendment of the gentleman from Tennessee [Mr. PADGETT]. I understand he desires to withdraw his motion.

The SPEAKER. Without objection, the gentleman from Illinois withdraws his amendment.

There was no objection.

Mr. PADGETT. Mr. Speaker, I withdraw the motion made by myself.

The SPEAKER. The gentleman from Tennessee withdraws the motion that he made, that the House recede from its disagreement to the Senate amendment numbered 71 and concur in the same with an amendment.

Mr. PADGETT. I now move, Mr. Speaker, that the House further insist upon its disagreement to the amendment number 71 of the Senate.

The SPEAKER. The gentleman from Tennessee moves that the House further insist upon its disagreement to amendment numbered 71. The question is on agreeing to that motion.

The motion was agreed to.

Mr. WITHERSPOON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi [Mr. WITHERSPOON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Speaker, I move that the House ask for a further conference with the Senate upon the amendments.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Were there not some amendments of the Senate that were agreed to, with amendments?

Mr. PADGETT. Yes, sir.

Mr. MANN. I suppose, then, that the House should insist upon its amendments to the Senate amendments?

Mr. PADGETT. Yes.

The SPEAKER. The gentleman from Tennessee moves that the House further insist upon its disagreement to certain amendments of the Senate and ask for a conference.

Mr. PADGETT. There are certain amendments that the House has concurred in. It does not embrace those.

Mr. MANN. I understand that the gentleman's motion is that the House insist upon its amendments to the Senate amendments which were agreed to with amendments.

The SPEAKER. The gentleman from Tennessee moves that the House insist upon its amendments to the Senate amendments which were agreed to with amendments. The question is on agreeing to the motion of the gentleman from Tennessee.

The motion was agreed to.

Mr. PADGETT. Mr. Speaker, I move that the House ask for a further conference.

The SPEAKER. The gentleman from Tennessee moves that the House ask for a further conference. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request which the Clerk will report.

The Clerk read as follows:

WASHINGTON, D. C., *June 16, 1914.*

MY DEAR MR. SPEAKER: I respectfully request indefinite leave of absence on account of business.

Very sincerely, yours, FRANK L. GREENE.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

EXTENSION OF REMARKS.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin [Mr. CARY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CURRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. CURRY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to extend my remarks in the RECORD by inserting an address delivered by the Secretary of the Interior, Mr. Franklin K. Lane, on the American flag.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks by having printed in the RECORD an address on the American flag by Secretary Lane. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 17, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed in the case of the trustees of the Beaverdam Baptist Church, of Marlboro County, S. C., *v.* The United States (H. Doc. No. 1039); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SUMNERS, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11822) to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va., reported the same with amendment, accompanied by a report (No. 840), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Illinois, from the Committee on the Public Lands, to which was referred the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, reported the same without amendment, accompanied by a report (No. 842), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NEELY of West Virginia, from the Committee on the Public Lands, to which was referred the bill (S. 388) for the relief of Ella O. Richardson, reported the same without amendment, accompanied by a report (No. 841), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DUPRÉ: A bill (H. R. 17284) relative to the commissioner of immigration at the port of New Orleans, La.; to the Committee on Immigration and Naturalization.

By Mr. MOSS of Indiana: A bill (H. R. 17285) to donate certain condemned cannon to the city of Terre Haute, Ind.; to the Committee on Military Affairs.

By Mr. WICKERSHAM: A bill (H. R. 17286) to empower the legislature of Alaska to tax railroads and railway property; to the Committee on the Territories.

By Mr. McKELLAR: A bill (H. R. 17308) to relinquish, release, and quitclaim to the trustees of the Hatchie Coon Hunting and Fishing Club title to certain lands in Poinsett County, Ark.; to the Committee on the Public Lands.

By Mr. TAGGART: A resolution (H. Res. 545) to make privileged House joint resolution 241; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 17287) granting a pension to Alexander Bradley; to the Committee on Pensions.

By Mr. BOOHER: A bill (H. R. 17288) granting an increase of pension to Mary J. White; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 17289) granting a pension to Robert L. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17290) granting an increase of pension to Saturnino Baca; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17291) granting an increase of pension to Napoleon Tulip; to the Committee on Pensions.

Also, a bill (H. R. 17292) for the relief of Francisco Giron, heir of Nicolas Giron, deceased; to the Committee on Claims.

By Mr. GARRETT of Tennessee: A bill (H. R. 17293) granting an increase of pension to Hudson J. Martin; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 17294) granting a pension to Grover C. Jackson; to the Committee on Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17295) granting an increase of pension to Frederick F. Callender; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 17296) granting an increase of pension to Benjamin F. Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17297) granting an increase of pension to Laura A. Peters; to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 17298) for the relief of Karen S. Sorenson and James Lyle; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 17299) granting a pension to Julia Wright; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 17300) granting an increase of pension to John G. Corbett; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 17301) granting an increase of pension to John J. Betts; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 17302) granting an increase of pension to Cynthia A. Embry; to the Committee on Pensions.

Also, a bill (H. R. 17303) granting an increase of pension to Harvey J. Fisher; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17304) granting a pension to Mary L. Bach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17305) granting a pension to Harrison Brainard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17306) for the relief of Peter T. Coons; to the Committee on Military Affairs.

By Mr. WHITACRE: A bill (H. R. 17307) granting an increase of pension to Michael Deady; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Mount Pleasant Congregational Church and Christian Endeavor Society and the Strauss Memorial Christian Church, all of Washington, D. C., favoring national prohibition; to the Committee on Rules.

By Mr. ANTHONY: Petitions of 75 citizens of Holton, Kans., and 249 citizens of Oakland, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of sundry citizens of Huntingdon County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BALTZ: Petition of sundry citizens of East St. Louis, Ill., favoring passage of House bill 12740, the machinists' wage bill; to the Committee on Labor.

By Mr. BELL of California: Memorial of the Los Angeles Chamber of Commerce, favoring an appropriation of $150,000 for the Victor Valley reclamation project; to the Committee on Irrigation of Arid Lands.

Also, petitions of James H. Lash and 300 others, and Rev. Dr. McKee and 800 others, of Pasadena; Mrs. M. J. Townsend and 110 others, of Whittier; Dr. L. J. Otis and 45 others, of Norwalk; and Harry McWhinney and 25 others, of Artesia, all in the State of California, favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the National Foreign Trade Convention, relative to extending our foreign trade; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Proessler & Hasslacher Chemical Co., Jacob Ruppert, Eugene Leslie, the Hotel Association of New York City, and H. B. Baker Linen Co., all in the State of New York; the International Union of the United Brewery Workmen, of Cincinnati, Ohio; and the Davenport (Iowa) Malt & Grain Co., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Lord's Day Alliance of the United States, protesting against section 6 of House bill 12928, relative to Sunday work for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of the American Association of Foreign Language Newspapers, relative to bill affecting the brothers and sisters of those killed at Vera Cruz; to the Committee on Foreign Affairs.

By Mr. BURKE of South Dakota: Petition of the executive committee of the South Dakota Abstracters' Association, against certain sections of House bill 12585, to establish national farmland banks; to the Committee on Banking and Currency.

By Mr. CALDER: Petitions of sundry citizens of Kings County, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Congress Club of Kings County, N. Y., favoring exemption of American vessels from tolls through Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of various voters of the sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Charles P. Halsted, of New York City, favoring passage of the Smith-Hughes bill (H. R. 14859) for a national motion-picture commission; to the Committee on Education.

By Mr. CARY: Petition of the American National Retail Jewelers' Association, favoring the passage of the Owen-Goeke bill (H. R. 2972) relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. CHURCH: Petition of 500 citizens of the seventh congressional district of California, against national prohibition; to the Committee on Rules.

By Mr. DANFORTH: Petitions of the Woman's Christian Temperance Union of Wyoming County; W. R. Wakeman, of Dalton; C. E. Paul, of Attica; Dr. C. O. Sayres and 33 others, of Rochester, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of George Schneider and 62 others, of Rochester; O. F. Lieders and 8 others, of Conesus Lake; Peter F. Heid, of Lincoln Park; Philip J. McCarron and 8 others, of Scottsville; R. S. Brainard and 56 others, of Medina, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Petitions of sundry citizens of Parkston, Milltown, Mitchell, Ethan, Dimock, Delmont, Corsica, Olivet, Menno, Freeman, Hitchcock, Lesterville, Yankton, Platte, White Owl, Geddes, Sioux Falls, Mission Hill, Wheeler, Academy, Lucas, Utica, Tripp, Armour, Stickney, Marion, Viborg, Alpena, and Mount Vernon, all in the State of South Dakota, protesting against national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of sundry citizens of the State of Kansas, favoring establishment of a bureau of farm loans (H. R. 11755) in the Treasury Department of the United States; to the Committee on Banking and Currency.

Also, petitions of 330 citizens of Lyndon, Kans., and 65 citizens of Osage City, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petition of a prohibition union mass meeting of the Methodist, Baptist, Presbyterian, and Christian Churches of Elida, N. Mex., signed by J. Pope Smith, chairman, and A. J. Crow, secretary, favoring national prohibition; to the Committee on Rules.

Also, petition of Amado Landavazo, Juan D. Landovazo, Juan C. Chavez, and 17 other Spanish-American citizens of Magdalena, N. Mex., and vicinity, favoring the immediate enactment of national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of sundry citizens of Campello, Mass., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HART: Petitions of 134 citizens of the sixth congressional district of New Jersey, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Englewood and Hackensack, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of Dallas Commercial Club, of Dallas, Polk County, Oreg., protesting against passage of all bills to regulate business in their present form; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Pierce and Thurston Counties, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. McDERMOTT: Petition of International Coopers' Union, No. 15, of Chicago, Ill., favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. MERRITT: Petitions of sundry citizens of Franklin County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOORE: Memorial of the United American Protestant Association of Pennsylvania, protesting against the repeal of the fourteenth and fifteenth amendments to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of Piel Bros., of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

Also, petition of Washington Jackson and other citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PETERS of Maine: Petitions of 45 citizens of Morrill, 190 citizens of Fairfield, 12 citizens of Knox, 44 citizens of Monroe, and 15 citizens of Searsport, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the New Haven (Conn.) Trades Council, protesting against national prohibition; to the Committee on Rules.

Also, petition of 80 citizens of New Haven, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition of citizens of Gerlach and Bonnie Clare, in Nevada, protesting against national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of Mother Bickerdyke Circle, No. 22, Ladies of the Grand Army of the Republic, of Milton, Oreg., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of 11 citizens of Shelby, 3 citizens of Friend, 1 citizen of Deshler, the United Brethren Church of Seward, the Methodist Church of Seward, the Congregational Church of Seward, the Epworth League of the Methodist Church of Seward, and the Presbyterian Church of Colon, all in the State of Nebraska, for constitutional prohibition amendment; to the Committee on Rules.

By Mr. SPARKMAN: Petitions of 75 citizens of Oxford, Fla., and sundry citizens of Dunnellon, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of various members of the Broadway Presbyterian Church Woman's Missionary Society, at Rock Island, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth congressional district of the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. WEAVER: Petitions of sundry citizens of Cleveland County, Yale, Perkins, Bethany, Pottawatomie, Britton, Crescent, Stratford, Oklahoma City, and Noble, and various Christian churches, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. WHITACRE: Papers in support of a bill for the relief of Michael Deady; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 17, 1914.*

The Senate met at 12 o'clock m.

Rev. C. Everest Granger, D. D., of the city of Washington, offered the following prayer:

Glorious Lord God, infinite, eternal, unchangeable in Thy being, wisdom, power, holiness, justice, goodness, truth, in Thy name we are assembled, and in Thy name we desire to proceed with all our deliberations. Grant us, we pray Thee, Thy holy favor at this and at all times. Give us a reasonable, religious, and holy hope in Thee for counsel and for direction. Give us a sufficiency of Thy Divine grace that we may live holy lives, lives that shall constrain Thy love, lives that shall command Thy blessing, lives that shall count for good.

Bless all men and all nations. Save us, O God, from the poison of selfishness. May we not live alone for ourselves. Those blessings which we desire for ourselves may we also desire for all men, and with this lofty conception of duty may we, O God, enter into the spirit, the experience, and the exercise of the true evangel. May we realize that he who would find life must be willing to lose it. May we as individuals and as a Nation be willing to conduct ourselves in the spirit of the Nazarene. Above all, may we to ourselves be true. Then it must follow, as the night the day, we can not be false to any man. Sanctify us through Thy truth and eternally save us. And unto Thee will we give all praise eternally. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Wisconsin suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Nelson	Smith, Mich.
Bankhead	Dillingham	Norris	Smoot
Borah	Fletcher	O'Gorman	Stephenson
Brady	Gore	Overman	Sterling
Bristow	Hitchcock	Owen	Sutherland
Bryan	Hughes	Page	Swanson
Burleigh	James	Perkins	Thompson
Burton	Johnson	Pomerene	Thornton
Catron	Jones	Reed	Tillman
Chamberlain	Kenyon	Shafroth	Townsend
Chilton	La Follette	Sheppard	Vardaman
Clapp	Lee, Md.	Shively	White
Clarke, Ark.	McCumber	Smith, Ariz.	Williams
Culberson	Martine, N. J.	Smith, Ga.	

Mr. SMITH of Georgia. I wish to announce that the Senator from Indiana [Mr. KERN] is necessarily absent from the city and will necessarily be absent until next week.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is unavoidably detained from the Senate to-day. He is paired with the junior Senator from Maine [Mr. BURLEIGH]. This announcement will stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and also the senior Senator from Massachusetts [Mr. LODGE]. Both Senators have general pairs.

Mr. CHILTON. I wish to announce for the day that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. He is paired.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution, which, with the accompanying paper, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; recedes from its disagreement to the amendments of the Senate Nos. 34 and 53 to the bill and agrees to the same; recedes from its disagreement to the amendment of the Senate No. 67 and agrees to the same with an amendment, in which it requested the concurrence of the Senate; insists upon its amendment to the amendment of the Senate No. 67; further insists upon its disagreement to the residue of the amendments; requests a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minneapolis, Walnut Grove, Beaver Creek, and Brandon, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Duluth, St. Paul, and Minneapolis, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 615, International Association of Machinists, of Proctor, Minn., praying for the enactment of legislation to provide for the complete inspection of locomotives and their appurtenances, which was referred to the Committee on Interstate Commerce.

He also presented the petition of W. J. McLeod, of Slayton, Minn., praying that strictly mutual building and loan associations be exempted from regulations governing interstate corporations, which was ordered to lie on the table.

Mr. THORNTON presented petitions of sundry citizens of Phillips Bluff and Kinder, in the State of Louisiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Martinsville, La., praying for the enactment of legislation to grant pensions to all widows of soldiers and sailors of the Civil War, etc., which was referred to the Committee on Pensions.

Mr. HITCHCOCK presented a memorial of the Hotel Men's Association, of Omaha, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Department Encampment of the Grand Army of the Republic, Department of Nebraska, favoring the acquisition by purchase by the Government of the battle field of Bull Run, which was referred to the Committee on Military Affairs.

Mr. SHEPPARD. I send to the desk a resolution in the shape of a petition and ask that it be read.

There being no objection, the resolution was read and referred to the Committee on the Judiciary, as follows:

WACO, TEX., *June 10, 1914.*

To the United States Senate and House of Representatives:

Resolved, That we are in hearty favor of national constitutional prohibition, and will do all in our power to secure the adoption of an amendment to the Constitution forever prohibiting the sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States in accordance with the joint resolution introduced in the House of Representatives by Congressman RICHMOND PEARSON HOBSON and in the Senate by United States Senator MORRIS SHEPPARD.

Adopted by the World-Wide Baraca and Philathea Union Convention held in Waco, Tex., representing 1,000,000 people.

MARSHALL A. HUDSON, *President.*

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JONES. I am receiving a number of letters and telegrams asking for a postponement of the proposed antitrust legislation—not enough to indicate any conspiracy or concerted action, but representing the sentiment of the business people of the State of Washington. I have one telegram—I will not burden the RECORD with the others—from the Chamber of Commerce of Seattle, which I ask may be read.

The PRESIDENT pro tempore. Unless there is objection, such will be the order. The Chair hears none. The Secretary will read the memorial.

The Secretary read as follows:

[Telegram.]

SEATTLE, WASH., *June 16, 1914.*

Hon. W. L. JONES,
United States Senate, Washington, D. C.:

Among prudent business men the opinion is held very generally that there are provisions in the Clayton antitrust bill which, if enacted into law, would harass and seriously injure the business and industries of the country. We respectfully submit that a bill like this, designed to regulate the vast, varied, and complex business of 100,000,000 enterprising people should not be hastily drawn up or enacted. Therefore we earnestly urge you to support Senator SAULSBURY'S resolution postponing the Clayton antitrust bill until next winter. In the meantime the trade commission to be created could be gathering information that would be of great assistance to the Senate in forming a wise and well-considered measure in aid of the Sherman law. If the additional time were taken to consider the bill more deliberately, as in the case of the currency bill, it is believed that the purpose of Congress to prevent monopoly and unfair business practices, while leaving honest business and industry of every kind a fair field, with no favors to be be asked or granted, would result in a law that would clear away the barriers of doubt, uncertainty, and apprehension which are to-day the principal obstacles to an abounding prosperity in every line of activity.

SEATTLE CHAMBER OF COMMERCE,
J. E. CHILBERG, *President.*
C. B. YANDELL, *Secretary.*

The PRESIDENT pro tempore. The memorials presented by the Senator from Washington will be referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a memorial of the Rotary Club of Duluth, Minn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Oregon, remonstrating against the enactment of the so-called antitrust bill, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented a memorial of the Chamber of Commerce of Wilmington, Del., remonstrating against the enactment of further legislation during this session of Congress for the regulation and control of business, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Chamber of Commerce of Wilmington, Del., remonstrating against Government ownership of telephones, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 1293) to correct the military record of Harrison H. Hollowell, reported it with amendments and submitted a report (No. 600) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and

sailors of said war, reported it with amendments and submitted a report (No. 601) thereon.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 15987) to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance, which was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 5875) granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation in the State of Washington, and repealing an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation in the State of Washington," approved August 9, 1912; to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 5876) to remove the charge of desertion on the first enlistment of Samuel Spencer Carr; to the Committee on Military Affairs.

A bill (S. 5877) granting an increase of pension to Frank Knitter (with accompanying papers);

A bill (S. 5878) granting an increase of pension to Stephen D. Mitchell (with accompanying papers); and

A bill (S. 5879) granting an increase of pension to Paul Phillips (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5880) authorizing the Secretary of War, in his discretion, to deliver to the city of Terre Haute, in the county of Vigo, State of Indiana, three condemned bronze or brass field-pieces, with their carriages; to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 5881) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories, such as described in the act of Congress approved February 7, 1913, imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Finance.

By Mr. CHAMBERLAIN:

A bill (S. 5882) granting an increase of pension to William R. Stevens (with accompanying papers); and

A bill (S. 5883) granting a pension to Anna B. Ross (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A joint resolution (S. J. Res. 162) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

MILEAGE OF MEMBERS OF CONGRESS.

By Mr. SHEPPARD:

A bill (S. 5884) amending an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," by reducing mileage from 20 cents to 5 cents per mile.

The PRESIDENT pro tempore. The Chair supposes the bill should be referred to the Committee on Privileges and Elections. Unless there is objection, it will be so referred.

Mr. SMOOT. I did not understand to which committee the Chair referred the bill.

The PRESIDENT pro tempore. To the Committee on Privileges and Elections. The Chair thought that committee was more appropriate, but the bill can be referred to any committee the Senator may desire.

Mr. SMOOT. I think the bill ought to go to the Committee on the Judiciary or to the Committee on Appropriations.

The PRESIDENT pro tempore. The Chair sees no reason for referring the bill to the Judiciary Committee; but if the Senator moves that the bill be referred to that committee or to the Committee on Appropriations, the question will be put.

Mr. SMOOT. The subject matter is under the jurisdiction of the Committee on Appropriations.

The PRESIDENT pro tempore. The bill does not propose to appropriate any money, but simply to fix the rate of mileage.

Mr. SMOOT. I am aware of that.

Mr. McCUMBER. I move that the bill be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the bill be referred to the Committee on the Judiciary. [Putting the question.] The ayes seem to have it.

Mr. KENYON. On that question I call for the yeas and nays.

Mr. SMITH of Georgia. What is the question, Mr. President?

The PRESIDENT pro tempore. The question is on referring the bill introduced by the Senator from Texas [Mr. SHEPPARD] to the Committee on the Judiciary. The bill proposes to reduce the mileage of Members of Congress from 20 cents to 5 cents per mile. The Senator from North Dakota [Mr. McCUMBER] moves that the bill be referred to the Committee on the Judiciary. On that question the Senator from Iowa [Mr. KENYON] has called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], and in his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], and therefore withhold my vote.

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I have a pair with the senior Senator from Maryland [Mr. SMITH], who is absent. I understand that if he were present he would vote "yea." I so record myself. I vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. SMOOT. I desire to announce the pair of the Senator from Wyoming [Mr. WARREN] with the Senator from Florida [Mr. FLETCHER], of the Senator from Connecticut [Mr. BRANDEGEE] with the junior Senator from Tennessee [Mr. SHIELDS], of the Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN], of the Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY], of the Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON], of the Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. BANKHEAD], of the Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH], of the Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH], of the Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS], of the Senator from New York [Mr. ROOT] with the Senator from Colorado [Mr. THOMAS], and of the Senator from Massachusetts [Mr. WEEKS] with the junior Senator from Kentucky [Mr. JAMES].

Mr. SMITH of Georgia. While I have in one sense a general pair with the senior Senator from Massachusetts [Mr. LODGE], I have quite a full understanding with him as to the measures to which he wishes the pair to apply. On ordinary measures of this kind he expressed the desire that I should act as I saw fit, without regard to the pair, and he will exercise the same discretion on his part in my absence. I am sure it would be his pleasure for me to vote in this instance, and I vote "nay."

Mr. SHAFROTH. I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. CRAWFORD (after having voted in the affirmative). I inquire if the senior Senator from Tennessee [Mr. LEA] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CRAWFORD. Then I will withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 13, nays 36, as follows:

YEAS—13.

Borah	Dillingham	Nelson	White
Bristow	Johnson	Reed	
Burton	McCumber	Smoot	
Catron	Martine, N. J.	Sutherland	

NAYS—36.

Ashurst	Kenyon	Shafroth	Stone
Bryan	La Follette	Sheppard	Swanson
Chilton	Lane	Shively	Thompson
Clapp	Lee, Md.	Simmons	Thornton
Clarke, Ark.	Norris	Smith, Ariz.	Tillman
Cummins	Overman	Smith, Ga.	Townsend
Gore	Owen	Smith, Mich.	Vardaman
Hughes	Page	Stephenson	West
Jones	Perkins	Sterling	Williams

NOT VOTING—46.

Bankhead	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandegee	Gronna	Newlands	Shields
Burleigh	Hitchcock	O'Gorman	Smith, Md.
Chamberlain	Hollis	Oliver	Smith, S. C.
Clark, Wyo.	James	Penrose	Thomas
Colt	Kern	Pittman	Walsh
Crawford	Lea, Tenn.	Poindexter	Warren
Culberson	Lewis	Pomerene	Weeks
du Pont	Lippitt	Ransdell	Works
Fall	Lodge	Robinson	
Fletcher	McLean	Root	

So the Senate refused to refer the bill to the Committee on the Judiciary.

Mr. SMOOT. I move that the bill be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Senator from Utah moves that the bill be referred to the Committee on Appropriations. Is there objection?

Mr. KENYON. I object. I understood the Chair to say that the bill would be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. That is where the Chair thinks it would appropriately go.

Mr. KENYON. A parliamentary inquiry, Mr. President. If the motion of the Senator from Utah is defeated, will this bill not then go to the Committee on Privileges and Elections without motion?

The PRESIDENT pro tempore. The Chair presumes that would be the effect of defeating the pending motion. The question is on the motion of the Senator from Utah [Mr. SMOOT] to refer the bill to the Committee on Appropriations. [Putting the question.] By the sound the noes appear to have it.

Mr. SMOOT. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand seconded? [A pause.] The matter is so doubtful that the Chair will give the Senator the benefit of the doubt, and direct the Secretary to call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. Transferring my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Indiana [Mr. KERN], I vote "nay."

Mr. STONE (after having voted in the affirmative). I should have stated when I voted what I now desire to state, that I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. JOHNSON. Again announcing my pair with the junior Senator from North Dakota [Mr. GRONNA], I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. FLETCHER. I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. O'GORMAN. I again announce my general pair with the senior Senator from New Hampshire [Mr. GALLINGER], and withhold my vote.

Mr. DILLINGHAM. Because of my pair with the senior Senator from Maryland [Mr. SMITH] I withhold my vote.

Mr. CRAWFORD. I again announce my pair with the senior Senator from Tennessee [Mr. LEA], who has not voted, and withhold my vote.

Mr. O'GORMAN. I transfer my pair with the senior Senator from New Hampshire [Mr. GALLINGER] to the junior Senator from Arkansas [Mr. ROBINSON] and vote. I vote "yea."

The result was announced—yeas 25, nays 26, as follows:

YEAS—25.

Bankhead	Johnson	Shively	Thornton
Bristow	McCumber	Simmons	Tillman
Burton	Martine, N. J.	Smith, Ariz.	West
Catron	Nelson	Smoot	White
Clapp	O'Gorman	Stephenson	
Clarke, Ark.	Reed	Stone	
Hitchcock	Shafroth	Sutherland	

NAYS—26.

Bryan	Jones	Owen	Swanson
Chamberlain	Kenyon	Page	Thompson
Chilton	La Follette	Perkins	Townsend
Cummins	Lane	Sheppard	Vardaman
Fletcher	Lee, Md.	Smith, Ga.	Williams
Gore	Norris	Smith, Mich.	
Hughes	Overman	Sterling	

NOT VOTING—44.

Ashurst	Fall	McLean	Root
Borah	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandegee	Gronna	Newlands	Shields
Burleigh	Hollis	Oliver	Smith, Md.
Clark, Wyo.	James	Penrose	Smith, S. C.
Colt	Kern	Pittman	Thomas
Crawford	Lea, Tenn.	Poindexter	Walsh
Culberson	Lewis	Pomerene	Warren
Dillingham	Lippitt	Ransdell	Weeks
du Pont	Lodge	Robinson	Works

So the Senate refused to refer the bill to the Committee on Appropriations.

The PRESIDENT pro tempore. Unless there is objection, the Chair will refer the bill to the Committee on Privileges and Elections.

Mr. OVERMAN. I move that the bill be referred to the Committee on Privileges and Elections, where the Chair has already indicated that it should be referred.

The PRESIDENT pro tempore. No motion is necessary for that purpose. That reference has been made.

OMNIBUS CLAIMS BILL.

Mr. STONE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

PROPOSED RULE RELATIVE TO POINTS OF ORDER.

Mr. SHEPPARD. I submit a resolution, which I send to the desk and ask that it be read.

The resolution (S. Res. 397) was read, as follows:

Resolved, That it is the sense of the Senate that the failure to raise points of order in reference to any measure in the Committee of the Whole does not prevent their consideration when a measure has passed from the Committee of the Whole into the Senate.

Mr. SHEPPARD. Mr. President, I wish to say in reference to the resolution that I consider the question it raises one of the most important questions that can come before the Senate; and I should like the Senate to pass on it independently, at a time when it is not complicated with the consideration of any other question. I am unwilling to have the ruling of the Chair the other day stand—the ruling that failure to raise a point of order in the Committee of the Whole precludes its being raised in the Senate.

I therefore ask for the reference of the resolution at this time, and will discuss it later.

The PRESIDENT pro tempore. Under the rule, the resolution will lie over for one day. Is it the intention of the Senator to have it referred to the Committee on Rules?

Mr. SHEPPARD. That is my intention.

The PRESIDENT pro tempore. That may be done by unanimous consent. Is there objection? The Chair hears none.

The Chair will state, however, that it is not the universal custom among presiding officers to hold in such a way as to make necessary the adoption of this resolution. The present occupant of the chair has looked into the matter somewhat, and he thinks a distinct error was made by the Presiding Officer who recently made the ruling referred to by the Senator from Texas. The plain language of the first clause of Rule XV is that all bills and amendments must be considered as in the Committee of the Whole, and when thereafter these are reported to the Senate that the amendments shall again be considered. If the word "considered" is a limitation upon the power to make a point of order after the bill or amendment has been reported to the Senate, it is obviously a like limitation upon the power to make a point of order in the Committee of the Whole.

If the question shall arise during my brief occupancy of the chair, I shall not hesitate to hold that a point of order can be presented in the Senate, even though it may not have been urged in the Committee of the Whole. In the event such a point had been raised in Committee of the Whole and overruled or sus-

tained, I take it for granted that even if there should exist a difference of opinion as to the specific case between different presiding officers presiding in the Committee of the Whole and the Senate, respectively, that the one would not assume to overrule the other in the particular case. As a matter of comity among presiding officers the ruling would be permitted to stand so far as that identical instance is concerned, notwithstanding these casual occupants of the chair should differ in opinion as to the rule.

Mr. SHEPPARD. It seemed to me to be so clear that the matter stands just as the Chair has stated it that I believed it essential to have the Senate pass on it by resolution, after the ruling the other day by the Senator from Kentucky [Mr. JAMES].

The PRESIDENT pro tempore. We can get the matter up at some time by informally submitting it to the Senate when it is presented, and thus take the judgment of the Senate on the disputed question involved.

No objection having been interposed, the resolution will be referred to the Committee on Rules.

STANDING COMMITTEES OF THE SENATE.

Mr. JONES. I desire to give notice that on to-morrow I shall submit an amendment to Rule XXV in the nature of a substitute providing for a reorganization of the standing committees of the Senate, to take effect at the beginning of the Sixty-fourth Congress, so that said rule shall read as follows:

XXV.

1. Beginning with the Sixty-fourth Congress, the following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

COMMITTEES OF THE FIRST CLASS.

A Committee on Appropriations.
A Committee on Commerce.
A Committee on the District of Columbia.
A Committee on Finance.
A Committee on Foreign Relations.
A Committee on Interstate Commerce.
A Committee on the Judiciary.
A Committee on Banking and Currency.
A Committee on Public Lands.

The foregoing committees shall consist of not to exceed 11 members each, and shall be so constituted that each Member of the Senate shall be a member of one of said committees and no more.

COMMITTEES OF THE SECOND CLASS.

A Committee on Agriculture and Forestry.
A Committee on Rules.
A Committee on the Census.
A Committee on Civil Service and Retrenchment.
A Committee on Claims.
A Committee on Education and Labor.
A Committee on Insular Affairs.
A Committee on Immigration.
A Committee on Naval Affairs.
A Committee on Pensions.
A Committee on Post Offices and Post Roads.
A Committee on Printing, which shall have power to act jointly with the same committee of the House of Representatives.

A Committee on Engrossed and Enrolled Bills, which shall have power to act jointly with a similar committee or committees of the House of Representatives, and which, or some member of which, shall examine all bills or joint resolutions which shall have passed the Senate or both Houses, to see that the same are correctly engrossed or enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall present the same forthwith, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

A Committee on Public Buildings and Grounds, which shall have power to act jointly with a similar committee of the House of Representatives.

A Committee on Audit and Control of the Contingent Expenses of the Senate, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

The foregoing committees of the second class shall consist of not to exceed 13 members and no Senator shall be placed upon more than two of said committees at the same time.

2. The aforesaid committees shall continue and have the power to act until their successors are appointed.

PRICES OF OIL.

Mr. OWEN. I submit a short memorial from citizens of Tulsa, Okla., which I desire to have printed in the RECORD, together with certain data bearing upon the relative prices of Oklahoma oil and oil in other parts of the country.

There being no objection, the matter was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

TULSA, OKLA., *June 6, 1914.*

To WOODROW WILSON,
President of the United States; and
To the CONGRESS OF THE UNITED STATES:

The vital welfare of the independent oil producers and the independent refiners and consumers of the Nation imperatively demands that oil pipe line companies be made common carriers and that they be adequately divorced from oil-producing interests; and we beg your most urgent consideration of our appeal for earliest possible relief.

DAVID J. KELLEY.	C. J. WRIGHTSMAN.
O. K. EYSENBACH.	JOHN A. STEEL.
F. M. AIKEN.	LITCHFIELD & SULLIVAN.
JOHN RAY	H. F. SINCLAIR.
CHAS. T. WILSON.	H. N. GREIS.
J. A. EVANS.	E. R. KEMP.
L. L. HUTCHISON.	J. H. MARKHAM, Jr.
A. E. WATTS.	C. N. HASKELL.

(And many others.)

Crude oil prices.

	Per barrel, April, 1914.	Per barrel, June 4, 1914.
Pennsylvania	$2.50	$1.80
Ohio, North Lima	1.40	1.19
Illinois	1.45	1.15
Oklahoma:		
Cushing	1.05	.75
Healdton	.70	.50

Compared to Pennsylvania, at $2 per barrel, the Cushing oil is worth $1.85 per barrel and the Healdton oil is worth $1.50 per barrel, on the authority of Dr. Allen, chief chemist of the Bureau of Mines.

The Healdton oil is bringing but 33⅓ per cent of its market value acknowledged and fixed by the Standard Oil monopoly as fair in Pennsylvania.

The great wrong is obvious.

Will Congress give the remedy?

—

TULSA, OKLA., *June 10, 1914.*

Senator ROBERT L. OWEN,
Washington, D. C.:

Dr. Allen, chief chemist Bureau of Mines, just reported to corporation commission that on basis of $2 per barrel for Pennsylvania oil, Cushing worth $1.85; Healdton, $1.50. Carroll, of Commerce Bureau, in Washington, says 8 cents per barrel reasonable transportation cost from Tulsa to Gulf points.

C. J. WRIGHTSMAN.

—

OKLAHOMA OIL AN EQUAL OF EAST HIGH GRADE—COMPARATIVE RUNS OF PENNSYLVANIA AND CUSHING OILS SHOW THEM PRACTICALLY ON A PAR—FIGURES ARE INDISPUTABLE—NEWS CORRESPONDENT FURNISHES HERE MOST INTERESTING ITEM TO OKLAHOMA PRODUCERS SEEN IN MANY MONTHS.

TULSA, OKLA., *June 2, 1914.*

MID-CONTINENT OIL NEWS,
Okmulgee, Okla.

GENTLEMEN: One of the Pennsylvania refiners to whom the writer has been shipping Cushing crude oil has had a comparative run of 100 gallons Cushing crude and 100 gallons (approximately 2.4 barrels) of Pennsylvania crude oil. The runs were made by a laboratory which is recognized as the highest authority in the United States on tests of oils, including crude and all grades of refined and lubricating oils, waxes, residium, etc.

The test is made in an experimental still and is taken in 20 units of 5 per cent each. The test of the 20 units are as follows:

MAY 22, 1914.

DEAR SIR: We have had comparative runs made by the ——— of the Pennsylvania crude we are now running and of the Cushing crude gotten through you.

The tests of the 5 per cent units are as follows:

	Gravity.		Gravity.
Crude oil, Cushing	41.8	Pennsylvania	44.2
No. 1, 5 per cent unit Cushing	80.1	Pennsylvania	80.5
No. 2, 5 per cent unit Cushing	72.0	Pennsylvania	70.5
No. 3, 5 per cent unit Cushing	67.0	Pennsylvania	64.3
No. 4, 5 per cent unit Cushing	62.0	Pennsylvania	60.1
No. 5, 5 per cent unit Cushing	57.2	Pennsylvania	55.5
No. 6, 5 per cent unit Cushing	55.5	Pennsylvania	53.8
No. 7, 5 per cent unit Cushing	52.3	Pennsylvania	52.0
No. 8, 5 per cent unit Cushing	49.5	Pennsylvania	50.0
No. 9, 5 per cent unit Cushing	46.7	Pennsylvania	47.7
No. 10, 5 per cent unit Cushing	44.1	Pennsylvania	45.7
No. 11, 5 per cent unit Cushing	42.0	Pennsylvania	43.6
No. 12, 5 per cent unit Cushing	40.2	Pennsylvania	41.6
No. 13, 5 per cent unit Cushing	38.3	Pennsylvania	40.5
No. 14, 5 per cent unit Cushing	37.1	Pennsylvania	38.8
No. 15, 5 per cent unit Cushing	34.5	Pennsylvania	37.6
No. 16, 5 per cent unit Cushing	32.1	Pennsylvania	36.8
No. 17, 5 per cent unit Cushing	29.0	Pennsylvania	34.0
No. 18, 5 per cent unit Cushing	27.0	Pennsylvania	32.5
No. 19, 6¼ per cent unit Cushing	24.8	Pennsylvania (9⅜ per cent)	29.7

No. 20, 3⅛ per cent unit Cushing asphalt.

100 per cent unit Cushing, 93⅞ per cent Pennsylvania.

The first trace of color appears in Cushing unit No. 11 and Pennsylvania unit No. 12.

The color of the Cushing units darkens much more rapidly than the Pennsylvania units, Cushing crude No. 17 being about association No. 5, while Pennsylvania unit No. 17 is about association No. 2.

The first traces of paraffin at 70 temperature appear in the Cushing unit No. 17 and in the Pennsylvania unit No. 16.

The last three units from Cushing are exceedingly dark, while the darkest of any of the Pennsylvania units is about the color of commercial vaseline.

Three and one-half per cent asphalt in the Cushing crude was a hard, dry product.

The above report was given the writer with the understanding that neither the name of the refiner nor the laboratory making the test be used. The entire matter, however, is absolutely reliable, and originals are in my possession. Following the above comparative test this same refiner, under date of May 28, 1914, made a comparison of the market

value of the products and by-products contained in the two crudes and writes as follows:

Yours of May 25.

As near as I could figure the value of the products from Pennsylvania and Cushing crude, based on the comparative run made by the figures, would be as follows:

PENNSYLVANIA OIL.

Gasoline	66.2 gravity,	25 gallons, at 12 cents	$3.00
Turp. subt	51.9 gravity,	15 gallons, at 8½ cents	1.28
Kerosene	45.7 gravity,	15 gallons, at 5 cents	.75
300 oil	40.3 gravity,	15 gallons, at 5 cents	.75
Non vis. neut	35.5 gravity,	12 gallons, at 4½ cents	.54
Vis. neut	31 gravity,	8 gallons, at 12 cents	.96
S. R. cyl. stock	25 gravity,	8 gallons, at 12 cents	.96
Refined parf. wax		2 gallons, at 25 cents	.50
		100	8.74
5 per cent gallonage loss in manufacture			.44
Total value of products			8.30

CUSHING OIL.

Gasoline	65.7 gravity,	30 gallons, at 12 cents	$3.60
Turp. subt	48.2 gravity,	20 gallons, at 8½ cents	1.70
Kerosene	40.1 gravity,	15 gallons, at 3 cents	.45
Gas oil	34.6 gravity,	15 gallons, at 2 cents	.30
Vis. neut	28 gravity,	10 gallons, at 10 cents	1.00
S. R. cyl. stock	24 gravity,	6 gallons, at 8 cents	.48
Refined parf. wax		¼ gallon, at 25 cents	.13
Asphalt		3½ gallons, at 6 cents	.21
		100	7.87
5 per cent gallonage less in manufacture			.39
Total value of products			7.48

You will note from the above figures that the products from 100 gallons of Pennsylvania oil only exceed in value the products of a like number of gallons of Cushing crude oil by 82 cents, or, in other words, of Pennsylvania oil from a refining standpoint, is worth only approximately 10 per cent more than the Cushing oil, although at the present time with Cushing oil selling at 75 cents and Pennsylvania oil at $1.90 at the wells, price of Pennsylvania oil is over two and a half times that of Cushing oil.

Yours, very truly,

———.

The above comparative estimate of the value of the products contained in the crudes referred to is really in favor of Pennsylvania oil, the comparison being made by a Pennsylvania refiner, being thoroughly familiar with his own product and not so with the products of Oklahoma crude, which would naturally leave the comparison slightly in favor of the Pennsylvania products.

For instance, kerosene, you will observe, is figured at 40.1 gravity at 3 cents per gallon, against 45.7 gravity (Pennsylvania) at 5 cents per gallon. In this connection, I might add, the Consumers' Refining Co. at Cushing, oil running oils from the Wheeler & Layton sands, before the discovery of the Bartlesville sand in the Cushing field, have been making a 47-gravity, 150 degrees, water-white oil (kerosene of the highest grade) would raise the value of kerosene from Cushing crude from 1 to 1½ cents per gallon.

Furthermore, take the viscus neutrals from Cushing oil. From "viscus neutrals" is derived all the various engine and machine, gas-engine and automobile oils, etc. While the flash and fire test of Pennsylvania viscus neutrals are somewhat, though slightly, higher than those from the Oklahoma oils, the viscosity as well as the cold test of Oklahoma viscus neutrals, are noticeably better, and such oils are therefore of about the same value. Therefore, according to the above report, figuring market values from either Oklahoma or Pennsylvania shipping points, freight rates considered, the value of the products from both crudes are about on a par. In fact, when the above results of the comparative runs were sent me, a letter accompanying said test stated in part: "You will readily see that Pennsylvania crude is worth but very little, if any, more than Cushing."

Cushing crude, I firmly believe, represents about the average value of Oklahoma oils, while the crude from the Bartlesville sand is of slightly higher gravity (41.8) than most other oils produced in the older Oklahoma fields. There is found in various fields crude of from 39 to 42 gravity of much better color than Cushing, and while slightly lower in gasoline and kerosene contents, the base or heavier oils are of much greater value to the refiner.

The writer has observed these oils at the wells and from different sands in the entire field and within the boundaries of, say, Muskogee, Henryetta, Okmulgee, and Tulsa, and is of the firm opinion that oils produced within the said boundaries are of as great, and likely greater, refining value than is Cushing crude.

Should any interested party, refiner, or producer doubt the reliability of the above report, I would be pleased to furnish proof, but, as before stated, the names of said refiner and laboratory must be withheld from publication and with good and sufficient reasons.

Yours, very truly,

LEO KAUFMAN.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. BANKHEAD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4177) to provide for the construction of four revenue cutters, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to amendment numbered 3 made by the House to the bill and agree to House amendment numbered 3; and that the Senate recede from its disagreement to House amendments numbered 1 and 2 and agree to the same.

Strike out "four" and insert "two" in title of bill.

J. H. BANKHEAD,
KNUTE NELSON,
Managers on the part of the Senate.

W. C. ADAMSON,
T. J. SIMS,
F. C. STEVENS,
Managers on the part of the House.

The report was agreed to.

ATLANTIC COAST LINE RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., which was, on page 2, line 1, to strike out "a sufficient sum, not to exceed $400," and insert "the sum of $292.45."

Mr. SIMMONS. I move that the Senate concur in the House amendment.

The motion was agreed to.

NAVAL APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, receding from its disagreement to the amendments of the Senate numbered 34 and 53 to the bill and agreeing to the same; receding from its disagreement to the amendment of the Senate numbered 67 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate insisting upon its amendment to the amendment of the Senate numbered 67; further insisting upon its disagreement to the residue of the amendments and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SWANSON. I move that the Senate further insist upon its amendments, disagree to the amendment of the House to the amendment of the Senate numbered 67, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The SECRETARY. The pending question is on the amendment on page 19.

The PRESIDENT pro tempore. The Secretary will suspend at that point.

On yesterday, when this bill was under consideration, the Senator from Vermont [Mr. PAGE] said:

Mr. President, I am rather inclined to submit a point of order upon the part of the bill which the Secretary has just read.

The amendment involved being an item making an appropriation of $100,000 for the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior.

Mr. SMOOT. What page is that?

The PRESIDENT pro tempore. It is at the bottom of page 14, all of page 15, and part of page 16.

The Chair regards that, the item having been estimated for by the department as an absolutely necessary and legitimate expense, the qualifying language which follows is only such as is calculated to give intelligent direction to the manner in which the fund shall be expended, and under the precedents of the Senate it is not subject to a point of order. The point of order is, accordingly, overruled.

The question is on agreeing to the amendment.

Mr. STERLING. Mr. President, I ask that this amendment may be passed over for the present.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the amendment may be temporarily passed

over. Is there objection? The Chair hears none, and it is so ordered.

The SECRETARY. The pending question on the bill is, on page 19, where the committee proposes to insert, after line 11, the following paragraph:

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Mr. SMOOT. Mr. President, may I ask the Senator what other funds have been made available for this purpose, and if any, how much?

Mr. ASHURST. Mr. President, I shall be very glad to supply the Senator with the information. I read from page 331 of the House hearings the justification for this item, offered by the Commissioner of Indian Affairs, as follows:

The Papago school population is estimated to be 1,220. It is thought that, including all nonreservation members of the tribe, the number is considerably larger, and the Government has never provided any home schools for this tribe except one day school, with a capacity of 40. A mission school with a capacity of 150 has during recent years been maintained and operated by the Government. This makes a total Government home school capacity of 190 pupils. There are several mission schools on or near the reservation, and quite a number of children attend nonreservation schools. However, it is estimated that between 800 and 1,000 Papago children of school age are entirely without school facilities.

The Papagos live in villages; therefore it will be feasible and advisable to provide school facilities for them by building day schools. This will make it possible to provide school facilities for all of these children at very much less expense than where the conditions make boarding schools necessary. The maintenance expense will likewise be very small comparatively. There are probably 12 to 15 Papago villages where good day schools can be maintained.

There is no previous estimate.

Proceeding to read further from the justification:

These Indians are a very worthy class of people and ask no assistance from the Government except that school facilities be provided. This item of $50 000 should be included in the bill this year in order that the Papago children may not longer be permitted to grow up in ignorance.

Mr. SMOOT. What I asked the Senator was the amount of the appropriation. This is a direct appropriation of $50,000, and it says:

This amount to be in addition to any other funds available for that purpose.

What other funds are available for that purpose, and how much?

Mr. ASHURST. At this time I am not able to say that there are any funds available, except in the general language used at the beginning of the section, where, referring to Arizona and New Mexico, it says, "for support and civilization." The Senator will remember that those words have been defined to be apt words, and the Commissioner of Indian Affairs, in his judgment, distributes this sum for civilization and support in accordance with the needs, requirements, and necessities of each particular tribe.

Mr. SMOOT. I suppose the amount here referred to is some lump-sum appropriation, and I thought perhaps the Senator knew just exactly the amount that would go to these particular Indians.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SMOOT. Certainly.

Mr. PAGE. The Senator from Utah is correct. He will find at the bottom of page 7:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, $1,500,000.

I wish to say to the Senator from Utah that this particular paragraph relating to the Papago Tribe was quite fully discussed by the Committee on Indian Affairs, and I believe the committee were absolutely unanimous in the view that this clause is a proper one.

Mr. SMOOT. I am not objecting to the appropriation for the purpose of educating the children of the Papago Tribe, but I was trying to get at whether this is an undue amount to appropriate, taking into consideration that they have a part of a fund appropriated already, namely, a million and a half dollars. If there are 150 children of that tribe, it would cost about $325 per child. In addition to that, I wanted to learn, if possible, how much they get out of the lump sum, so as to see about how much it would cost per year to educate each child of the tribe.

Mr. ASHURST. While it might appear that it would be an excessive sum for this particular tribe of Indians, that is only an apparent disclosure. It is not really an excessive amount. The committee were of the opinion, as to the appropriation referred to at the top of page 8 of the bill—$1,500,000—none of that money would be used in cases where there was a specific appropriation made like the one now under discussion. It was also the opinion of the committee that this is not an excessive sum. A good deal of discussion was had in relation to the item, and it was resolved by the committee that it is not an excessive sum.

Mr. SMITH of Arizona. If my colleague will permit me——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. The Papago Indians live on the Papago Reservation in Arizona, but they are scattered. Quite a number of them live on the reservation, and then quite a number are nomadic, wandering divisions of the tribe that will go off and seek for water and make a home for a season on some mountain or some place in the desert where they can find enough water near by to raise a small crop.

I apprehend that with this appropriation, in addition to the lump sum, they can get hardly enough by a proper division among all the Indians for the support of the Papagos. I imagine that some effort is being made to take care of these Indian villages that are scattered around, where they can easily have schools for a season and thus have some of the advantages that are given to the tribe.

Mr. SMOOT. I will say that I have not any objections to the amount from what already has been said. I will not object to the item.

Mr. ASHURST. I appreciate the force——

The PRESIDENT pro tempore. In the further consideration of this bill the Chair will give notice that there will not be a strict observance of the rule which requires a Senator to ask permission before he interrupts. These colloquies are enlightening and they amount to an exchange of information, and it would take more time to obtain consent than to get the information when it seems to be asked in good faith and not for the purpose of delay. So if the Chair does not interpose on every occasion it will not be due to the fact that he does not understand that in proper cases it is the duty of the Chair to do so. Of course, it will be limited to one Senator speaking at a time; the reporters must take down what Senators say. With that explanation of his conduct, the Chair will recognize the Senator from Arizona.

Mr. ASHURST. I may not have been considerate in regard to my interruptions, and I wish to apologize to the Chair. I wish, however, before I take my seat to ask Senators to observe the language on page 8, lines 16, 17, and 18, of the bill, in which it is specifically stated that no part of the appropriation of $1,500,000 "shall be used for the support of Indian day and industrial schools where specific appropriation is made."

Mr. LA FOLLETTE. Mr. President, I think the Senator from Utah [Mr. SMOOT] misunderstood the statement of the Senator from Arizona [Mr. ASHURST] as to the number of children of school age in this tribe. If the statement was made by the Senator from Arizona as understood by the Senator from Utah and communicated to me by him, I want to correct it. The Papago school population is estimated at 1,220 and not 150.

Mr. ASHURST. Yes, sir; 1,220.

Mr. SMOOT. I may have misunderstood the Senator in what he said, but I understood him to say that 150 and 40 more would be 190. I say I would have no objection to the item even if there were 190 on the explanation that has been made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 20, line 4, after the word "expended," to strike out "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid," so as to make the clause read:

For the construction of a bridge across the Moencopi Wash on the Western Navajo Indian Reservation, Ariz., $6,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert:

The Secretary of the Interior is hereby authorized to set aside and reserve as a school farm for the Fort Yuma Indian School the west half of the northwest quarter and the west half of the southwest quarter of section 24, township 16 south, range 22 east, San Bernardino meridian.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $25,000, and in no event more than one-third of the sum that may be necessary for the construction of a bridge across the Colorado River at or near Topock, in the State of Arizona, to be expended under the direction of

the Secretary of the Interior: *Provided,* That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the State of California satisfactory guaranties of the payment, by the said States, of at least two-thirds of the cost of said bridge; and that the proper authorities of the said States assume full responsibility for, and will at all times maintain and repair said bridge and the approaches thereto: *And provided further,* That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. ASHURST. I move an amendment to the amendment. In line 10, where the words "State of California" occur, before the word "State," I move to insert the words "county of San Bernardino, in the," so as to read:

That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the county of San Bernardino, in the State of California, satisfactory guaranties of the payment—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 21, after line 19, to strike out:

That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Fort Mohave Indian Reservation, in Arizona, with respect to the necessity of constructing a bridge across the Colorado River, near said reservation, and to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of a suitable bridge across said river, and also to ascertain from a council of the members of said tribe whether the Indians of said reservation are willing that the proportion of the cost of said bridge which the Secretary of the Interior may determine to be properly chargeable to them shall be reimbursable from any funds which are now or may hereafter be placed to the credit of said tribe in the Treasury, and submit his report thereon to Congress on the first Monday in December, 1914; and the sum of $1,000, or so much thereof as may be necessary is hereby appropriated for the purpose herein authorized.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with a provision contained in section 1 of the Indian appropriation act for the fiscal year 1911, $50,000, and to remain available until expended: *Provided,* That the total cost of this project shall not exceed $150,000.

Mr. SMITH of Arizona. Mr. President, I wish to make a mere statement of the facts in this case. I think this particular item should go out, and I believe I can convince the Senate that a mistake was made by the committee.

If this item is permitted to remain in the bill, it will take away the water supply of the city of Tucson, a city of over 20,000 people. We get our water from an underflow. We have developed it by going deep and raising the water, and we are using that water for city purposes and also for irrigation. We started that long before the Papago Indians ever thought of getting any water for any purpose.

I have telegrams here that I will not detain the Senate to read from the mayor and from the chamber of commerce stating that the proposed scheme takes away the water from the city of Tucson. I have looked at the plans that they propose to use, and while they go higher up above the Indian reservation, where the mountains crowd the valley they cut across and take the whole underflow of the valley. It would leave a perfect desert around the city, where there are now 10,000 acres in cultivation, and it would take away the water supply of the town.

I have defeated this item two or three times before the committee. It got in this time, as I understand, on statements made that it did not interfere with the flow, but I assure the Senate that it does interfere with it, for I know the plan, and I know the ground as well as I know this Senate Chamber.

I move to strike out the item from the bill—that is, I ask the Senate to disagree to the amendment.

Mr. WILLIAMS. In connection with this amendment I desire to ask the Senator from Arizona a question. Has this work already been entered upon and has money already been expended under it?

Mr. ASHURST. No; the only money expended was the appropriation made to pay for the expense of ascertaining the feasibility and propriety of the project. The work has not been entered upon.

Mr. WILLIAMS. It seems to me when we irrigate these Indian lands the charge ought to be against the Indian fund, and not against the Treasury of the United States.

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. I am acquainted with this matter, and I have just explained it to the Senate. I ask the Senate to disagree to the amendment on the ground that the proposition would take all the water from the city of Tucson. It really amounts to taking the whole underground flow. I want the Senate to disagree to the amendment, and I would be very glad to have that done as early as possible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 23, line 10, after the word "Arizona," to strike out "$20,000" and insert "$35,600," so as to make the clause read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,600.

Mr. SMITH of Arizona. I do not like this amendment.

Mr. ASHURST. Let the item, beginning at line 6, on page 23, down to and including line 10, go over until I confer with my colleague.

The PRESIDENT pro tempore. The amendment will be passed over temporarily unless there is objection. The Chair hears none.

The next amendment was, on page 23, line 21, after the words "Navajo Reservation," to strike out "$15,000" and insert "$50,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, $50,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

Mr. LANE. I reserve the right to offer an amendment to this amendment, if it can be reserved at this time.

The PRESIDENT pro tempore. The Senator from Oregon will state his amendment, and we will determine what can be done when we find out what it is.

Mr. LANE. There is an item which ought to be stricken out, I guess, although I am not entirely informed concerning it. It has to do with lands other than agricultural, and, in a way, would affect a large amount of mineral lands. I should like to have it go over until I can take the matter up with the chairman of the committee and see if he will not agree to some change in it.

The PRESIDENT pro tempore. If the Senator will indicate just what provision of the bill he desires to have passed over for the present, the Chair will submit his request to the Senate.

Mr. LANE. That is the last item which was read on page 23, lines 20 to 24, inclusive.

The PRESIDENT pro tempore. The Senator from Oregon asks that the provision indicated by him may be passed over temporarily. Is there objection? The Chair hears none. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 24, to insert:

For the purchase of lands for the use and benefit of Indians under the jurisdiction of the superintendent of the Camp Verde Indian School, Ariz., $20,000, to be immediately available and to remain available until expended. *Provided,* That the lands purchased for said Indians shall be held in trust and be subject to the provisions of the general allotment act of February 8, 1887 (24 Stat. L., 388), as amended.

The amendment was agreed to.

The next amendment was, on page 24, after line 9, to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Colorado River and Yuma Reservations, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided,* That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The PRESIDENT pro tempore. Unless there is objection the amendment will be agreed to.

Mr. SMOOT. Mr. President, I hardly caught the full meaning of the amendment as read. I wish to ask the Senator having the bill in charge to explain the amendment.

Mr. ASHURST. Mr. President, I am aware that this is somewhat of a departure from previous methods employed in the

department. This has been characterized as a revolving fund. It was the subject of much discussion, thought, and investigation by the committee. The method has been considered at some length by the Indian Bureau, and it has been deemed to be a wise one. When Indian tribes have land, our experience discloses to us that the mere possession of land is not sufficient to develop them into persons who become self-supporting. This is to create a fund out of which appropriations may be made for the purpose of leveling their lands, plowing them, tilling them, raising crops, building houses, purchasing machinery, and purchasing cattle; that the fund appropriated shall become a lien on the land; and that when the fund is repaid, as provision is made in the act for the repayment, the land being in the meantime held as security, that that same fund which is repaid into the Treasury of the United States shall again be used for a similar purpose.

Mr. SMOOT. Mr. President, I have noticed, of course, that this money is to be paid to the Indians for certain enumerated purposes "under such regulations as the Secretary of the Interior may prescribe." I suppose those regulations relate to the security which the Government will take for the money advanced?

Mr. ASHURST. That would be one of the regulations. Now, relating to this particular item, I wish to read a short excerpt from the recommendation submitted to the committee by the Commissioner of Indian Affairs:

> We are asking in this item for a reimbursable appropriation of $50,000 for the Indians of the Colorado River and Yuma Reservations in Arizona and California. The Government has constructed irrigation projects for these Indians, and they have now at their disposal valuable irrigable lands, but they are without means to begin cultivating those lands. It requires money to level the land, and these Indians also need agricultural equipment. Every dollar of this money will be reimbursed to the Government, and it is simply a loan to these Indians based on good security, because they have valuable surplus lands, and the appropriation is simply to enable them to become self-supporting. In support of this item, I would like to submit the following justification:

Statistics, Colorado River Reservation.

Indian population	486
Acreage of reservation area	240,640
Acreage of agricultural land	100,160
Acreage of grazing land	85,000
Acreage allotted lands	4,860
Acreage under ditch	4,860
Acreage cultivated by Indians	638
Acreage irrigated	450
Live stock:	
Horses	210
Mares	225
Stallions, pony	31
Cows and heifers	143
Bulls	9
Steers	106

So the fund will be used for the purpose, not of dealing them out rations but to cope in a large way with this Indian problem—I might use those words in the nomenclature of Indian affairs, for the "Indian problem" is the great problem that is before us, as to how we shall develop the Indians into becoming self-supporting. This has been deemed. I will not say the best way, for the committee can not arrogate to itself all knowledge and wisdom, but it is a good way, the money being secured by the lands themselves.

Mr. SMOOT. The only fear I have respecting this provision is that unless many of the Indians are of a different character from white men, if the money is available to the Indian and he has to put up his land as security, I am afraid that in the end perhaps he will be liable to lose his land. I want to say to the Senator having the bill in charge that I believe the Indians ought to be assisted; I think that if conditions are such as stated by the Senator, it would be well for Congress to make the appropriations direct, and then see if they could not, by direct regulation and by putting one or two competent men there who are familiar with the methods of irrigating and cultivating land, help the Indians in their experiments. The Indian who does not particularly care for work would not make application for the money, but he might feel that if he could get the money he would get it and use it, perhaps, not all in the cultivation of his land, but partly for that purpose, and then he would perhaps find himself mortgaged, and it would be impossible for him at the end of the 5 years or 10 years, or whatever length of time it is, to pay. All I was thinking about was the protection of the Indians.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I do.

Mr. OWEN. I felt some doubt about whether this revolving fund would be repaid. In order to ascertain what reason we had for judging as to the future in regard to that I requested that a report be made upon such revolving funds as had heretofore been used, so as to see whether or not under their administration these funds were really in good faith paid back. I was much surprised and much gratified to find that the department had a most favorable experience with them; that the Indians had shown integrity in regard to these matters and industry, and had done very well indeed with regard to the repayment; so that from the history of the transactions in the department it appears that no reasonable doubt should be entertained that the money will actually be paid back in good faith and constitute a revolving fund that will serve other Indians in the same way, teaching them the lesson of self-support.

Mr. SMOOT. It is a splendid idea, Mr. President, if it can be successfully carried out.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SMOOT. Certainly.

Mr. CLAPP. I do not think the Senator appreciates the plan that is adopted. I notice he referred to repayment at the end of 10 years. This provision does not contemplate a loan for 10 years; it contemplates that for 10 years the money that is paid back may be loaned to other Indians. The plan has been simply to loan them money for one year. The money does not go to the Indian at all. The agent buys the horses and seed, or whatever is to be purchased, and takes the Indian's note for the amount, the Indian making the payment.

This plan works to the advantage of the Indian, and I am going to speak of it because we have adopted it to some extent in this bill. In the first place, it makes it possible for the department, where an Indian requires assistance of this kind, to lend him a helping hand; and, in the second place, it teaches the Indian what the white man had to learn many generations ago—the importance of keeping his obligations; that when he borrows a dollar he must repay that dollar.

Last year, on the passage of the Indian appropriation bill, as will be seen on page 2097 of the CONGRESSIONAL RECORD, I submitted a summary of the work of the department up to that time under this provision. In one case I think every dollar was repaid the first year, but in the other cases there had not been such a prompt payment.

If it is properly managed, this method is the solution of the individualizing and development of the Indian by lending him this helping hand under the direction of the agent. The money does not go to the Indian; he can not squander it. The only danger is that the agent might purchase things that possibly might not be necessary, but we have got to take some chance in everything. The agent is right there with the Indian in the fall, and when the harvest comes he sees to it that the Indian repays the money. The provision is designed to individualize the Indian, to help the Indian, and, above all, to teach the Indian the necessity of business methods.

I will say, frankly, we have provided considerable sums in this bill to be used along that line. We did it because of the excellent success that has attended the same experiment in preceding years. As I have said, a summary of what has been accomplished will be found on page 2097 of the CONGRESSIONAL RECORD, part 3, volume 50, Sixty-third Congress, first session.

Mr. LANE. Mr. President, I should like to say, for the further information of Senators, that there is another condition which has brought about this method of appropriating money, and that is this: All along in the history of the Indian in the past there has been appropriated by Congress, out of funds belonging to the Government and out of funds which were reimbursable from the Indian's property, hundreds of thousands of dollars for his support and civilization. We all know that the Indian has made a failure as a farmer. For some reason he has not advanced as the white man has in that line, and it has been a problem as to what to do for him. In investigating the matter the Indian Committee and the commission appointed to look into Indian affairs has found this condition to exist—and it exists at this time all over the United States—and that is that the Indian has been allotted in severalty lands to which in some cases water has been brought for irrigation purposes at his expense. In this way he has had turned over to him tracts amounting to from 40 to 160 acres, and in some cases the terms have been that if the Indian did not utilize the water and cultivate the land within a certain specified period of time, in one instance not to exceed two years, he forfeited his water right and any advantage he might receive from the land.

What else did we do for him? We did not give him a penny with which to buy a plow, or a harrow, or a grubbing hoe, or anything at all with which to work the land. We hired farmers to go out and teach him how to farm, but we furnished him nothing with which to farm. He was left with his bare hands. The white man could not make a success under such circumstances. When irrigable land is being broken to cultivation and water is put upon it, it has been found that the white man,

with every facility at his command, is not able to bring that ground under subjection in 5 years, and a bill now pending before Congress gives him an additional grant of time, making it 20 years; but the Indian was only allowed 2 years, and was not even given a mattock. Consequently he failed to make good.

This provision was put in the bill so that the Government might buy some seed, which it did not do before, and furnish the Indians with plows and implements with which to cultivate the land. This is a reformation long overdue. The Indian has lost his land and his property through what seems to have been a policy, probably not adopted with the intention of ruining him, but which has actually resulted in his degradation and in his financial ruin. This fund is designed to buy the Indian plows and harrows and seed and to hire men to go and teach him how to put the seed in or to let him have an opportunity to plant it himself.

Mr. SMOOT. Mr. President, referring to what the Senator from Minnesota [Mr. CLAPP] has said, that the repayments were not to be made in 10 years, but were to be made in 1 year, I believe if the Indian is capable of paying back the money in 10 annual installments he is doing well. I think that if he can possibly pay it in that length of time, he is doing even better than a great many white men have done in our reclamation projects, and I would not object if the time were extended to 10 years. Of course the amount returned would be small if each Indian availed himself of the 10 years in which to make payment, but the Indian must be a very industrious farmer and he must be a most prosperous one if he can, in less than 10 years, save out of his earnings upon the farm sufficient money to pay for the amount that is advanced to him by the Government for farm machinery, for seed, and for stock. If he can do that, Mr. President, he is doing mighty well.

Mr. CLAPP. Mr. President, if the Senator will pardon me——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. CLAPP. As showing the success of this method I will state that on the Tongue River Reservation there was not a single beneficiary of the fund who was delinquent under the terms of the agreement.

Mr. SMOOT. What was the agreement?

Mr. CLAPP. I think it was all to be paid the first year. These sums are not large. I think it is a mistake to advance too much.

Mr. SMOOT. Oh, so do I.

Mr. CLAPP. One Indian wants seed, another Indian perhaps needs a cow, another a plow. On the Belknap Reservation, where it was $15,000, if I remember correctly, that was all paid.

It must be said that when you consider that you are dealing with people who never have been taught the necessity of paying debts, it has worked out wonderfully well. Of course there will be cases of delinquency; there is no doubt of that; but I really believe it is the most vital legislation we have ever enacted for the Indian, and especially if the individual agent is the right kind of a man to stay right next to the Indian and help him.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SMOOT. Certainly.

Mr. SMITH of Arizona. I wish to ask the Senator from Minnesota the conditions surrounding those Indians. I apprehend they are very different from the conditions surrounding those on the Colorado River.

Mr. CLAPP. Why, of course they are different; and the consequence is that the department in dealing with those on the Colorado River will have to exercise more care, advance less money, and be more attentive to the Indians in seeing that it is paid back. The Indian problem must be largely a matter of personal equation between the agent and the individual Indian, and upon the agent must depend very largely the development of the Indian as we individualize him.

Mr. SMITH of Arizona. If the Senator will pardon me further, the condition of the Indians on the Colorado River Reservation is that they have not enough water, as I understand. It seems to me it would be well if this provision looked toward the development of water instead of providing such a large amount for the purchase of tools, equipment, and seed where, in my judgment, they have not the opportunity to raise good crops, even if the equipment is given to them, without more water being supplied to them.

They have an immense reservation there, capable of being made the best in the United States, in my judgment, and yet nothing seems to be done toward the development of water to an extent that will justify a $50,000 appropriation for the purchase of things to put in land where there is no water with which to cultivate it. Of course, I am in favor of doing anything on earth that can be done for them.

Mr. CLAPP. Of course, we have made, or at least suppose we have made, the necessary appropriations for water, if water can be developed there. That is an appropriation pure and simple. This is not an appropriation for the Indian. One of the prime objects of this particular feature is that while you are helping the Indian, at the same time you are teaching him the value of a dollar, and teaching him that every dollar he runs in debt for he must sooner or later pay back. It is a loan to him. Now, we do not make a loan to them for irrigation. We make an appropriation for that.

Of course, you have to depend somewhat on the Indian. It is not to be supposed that the department, as anxious as every one is first to do his duty, and secondly, to avoid the loss of prestige in bad management, is going to advance money to an Indian to buy seed if the Indian has no place where he could raise a crop with the seed. You must trust the administration of the fund to them.

Mr. SMITH of Arizona. If the Senator will bear with me further, I do not claim to know all about these Indians; but from what I have observed and what I have been told by those who live with them on the very reservation I have referred to, these Indians, even if you give them these things, are still members of a tribe, and there is where the personal equation of which the Senator speaks looms up more largely. Then we have to see that the appropriation is given only to the Indian who will raise a crop. If that is done, there will be something in it; but if you distribute it——

Mr. CLAPP. Mr. President, it is not designed to be a distribution. We place so much money in the hands——

Mr. SMITH of Arizona. It is a distribution, but the Senator does not comprehend me. You may find 1 in 50 of the tribe that would take charge of this appropriation and go right to work. The balance of them would not.

Mr. CLAPP. Then they would not get any of it.

Mr. SMITH of Arizona. That is the very point, whether they will or not. If the distribution is to be made with that sort of a limitation, only to those who in good faith will apply it to the land, that limitation on it would relieve the fear I entertain of making mistakes in giving it to them.

Mr. CLAPP. That is the limitation. In the first place, this is not $50,000 to be distributed per capita among these Indians; but here is a particular Indian, and in that respect it makes no difference whether the tribal relation has ceased or not. He shows a little evidence of thrift. He wants some seed, or he wants a cow, or a horse, or a plow. This money is an open fund out of which the department, through its agent there, can buy this cow, or buy this plow, or buy this seed for him. No Indian gets a dollar of it unless the agent at least believes the Indian is actuated by a sense of thrift. It is elastic to that extent. It does seem to me, in the light of the experience we have had heretofore, that we have every warrant for enlarging the sphere of this particular form of activity and relationship to the Indian.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. CLAPP. Certainly.

Mr. WHITE. I will ask the Senator from Minnesota what guaranty we have that the Indian will get what he wants? Does he determine what he will buy, or is that determined by the agent?

Mr. CLAPP. That, of course, must rest with the agent. Somewhere in all this work in our relation to the Indian we have the personal equation of the agent, who, of course, reflects in a measure the spirit of the department under which he serves. He would be false to his duty if he bought cattle or horses for an Indian who had no use for them or if he bought seed for an Indian who had no land. There is one point where he takes his chances on whether or not, in his estimate of that Indian's make-up, the Indian will in good faith earnestly go ahead and make the best use of the benefit that is bestowed upon him. There the agent necessarily, every time he takes a new man, projects himself into the zone of experiment; and, of course, there is that much experiment involved in it.

Mr. WHITE. Another question. Who determines the price that shall be paid for these articles?

Mr. CLAPP. The agent.

Mr. WHITE. From whom does the agent make the purchase?

Mr. SMITH of Arizona. Wherever he pleases.

Mr. CLAPP. Why, he makes it wherever it seems best to make it. We can not regulate that.

Here is an Indian, in the first place, who has a little land. He wants to buy a team of horses. The first question the agent would have to consider would be, Is it likely that the man will make good use of those horses? Then the next question would be where to get the horses and what price it would be wise and just and fair to the Indian to pay for the horses. That discretion is all vested in the agent necessarily. We can not prescribe it in the law, of course.

Mr. WHITE. Then the agent is necessarily the guardian of the Indian?

Mr. CLAPP. The agent to that extent becomes the guardian of the Indian, of course.

Mr. WHITE. Is any power of control over the agent exercised by anyone?

Mr. CLAPP. Of course he is subject to the control of the Indian Office, which in turn is subject to the control of the Secretary of the Interior; but you can not divest the matter of that feature. It would not do simply to distribute $50,000 equally among the Indians of this tribe. Some of them are not thrifty. Some of them would not work. Some of them would make very improper use of the money and would lose it.

Mr. WHITE. I am looking to the protection of the Indian rather than the protection of the Government.

Mr. CLAPP. Yes.

Mr. WHITE. My questions are along that line.

Mr. CLAPP. The protection the Indian has—and it is the only protection we can give here—is in the character, the integrity, the fidelity of the agent.

Mr. WHITE. What has experience shown along that line in dealing with these matters?

Mr. CLAPP. As I said a while ago, in two cases here, one of $15,000, I think every dollar was repaid the first year. In the other case, the Tongue River case, there was not a single delinquent the first year.

Mr. WHITE. That is rather telling us what the Indian does. I want to know——

Mr. CLAPP. That result was reached because the agent was right there, and when the Indian harvests the agent is there to remind him of his debt. These Indians primarily knew nothing of the obligation of a debt. The agent has to be there, and of course a great deal depends upon the agent.

Mr WHITE. Has experience shown that the Indian is improving at all, that he is becoming so advanced that ultimately he will not need the help of this guardian?

Mr. CLAPP. Why, certainly. One of these cases showed that the second year, I think, two-thirds of the fund was put out again among other Indians, it having served its purpose the first year with the Indians to whom it was distributed or for whom it was used.

One thing is certain, however, this is the practical way to deal with the Indian. Here is the Indian. He knows little of toil. He knows nothing of the obligations of debt. A dollar is nothing to him, and he has no dollar with which to buy his seed or his plow. The agent buys the seed and the plow for him out of this fund. The agent is there to see that he makes as good use as he can be induced to make of the plow or the seed. Then the agent is there in the fall to remind the Indian that this note is due to the Government, and should be paid back.

Mr. WHITE. One other question. If the note is not paid, as I understand, the land is subject to sale for its payment?

Mr. CLAPP. Oh, no; it has nothing at all to do with the land. There is no lien on the land.

Mr. WHITE. How is the Government secured in the payment of the money that it advances?

Mr. CLAPP. The Government is secured in this way: If the Indian succeeds and gets a crop, the agent, being there cooperating with the Indian in a suggestive way, induces the Indian to recognize this obligation and pay the note.

Of course this whole plan is subject to the contingencies of some loss. Some of these Indians will not make good. In that case there is a loss to the Government.

Mr. WHITE. Then whether or not the Government will be repaid depends entirely on whether the Indian makes the money?

Mr. CLAPP. Exactly. It is the best trial in the world.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. CLAPP. Yes, sir; with pleasure.

Mr. PAGE. I think the suggestions made by the Senator from Alabama are exceedingly wise. I want to say to him that in making up this appropriation bill it has been easy for one who has been thoughtful in the direction in which he seems to be thoughtful to see in the legislation a disposition to place the assets of the Indian where they will become the easy prey of the bad white men who surround the Indian.

One bill now before the Committee on Indian Affairs seeks, as it seems to me, although I may be wrong about it, to consolidate the different funds of the different Indians and place those funds in local banks where the Indians reside, or near where they reside, and then give to the local Indian agents the power to say how much and when, and under what conditions, that money may be drawn out by the Indian.

It is pretty easy to see that the Indian agent is surrounded by men who are seeking to get hold of the Indian's money; and if they can become sufficiently potential with the agent, there is great danger that he would authorize the Indian to draw his funds from the local bank where they were deposited, and spend or use them as he sees fit. That he would oftentimes be quickly separated from his money can hardly be doubted.

To that class of legislation I have been decidedly opposed. I think it is wrong, and I hope it may never be permitted. I think, however, as the Senator from Minnesota [Mr. CLAPP] has said, that the use of a part of the Indian's money or perhaps the use of the Government's money to aid the Indian in the purchase of the materials with which to carry on his farming is probably the best way of solving this problem for the present. I believe, too, as he has said, that there is no one now who can as well oversee this matter as the Indian agent. I would suggest to the Senator from Alabama, however, that the temptation of the Indian agent is not anywhere near so great where he is paying out this money for a horse or a cow or a wagon as it would be were he to authorize the Indian to take the money from the bank where it was deposited to his credit and spend it as he pleased.

I make these remarks because I see the bent of the Senator's mind; and I hope that in the future, as these matters come up from time to time, he would give some consideration to what seems to me to be the purpose of a certain element, to get the money of the Indian into the hands of the local bank, where the Indian agent may control it, only to be drawn out and squandered in a very brief period.

Mr. WILLIAMS and Mr. WHITE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield, and to whom?

Mr. PAGE. I yield first to the Senator from Mississippi.

Mr. WILLIAMS. I should like to ask the Senator whether this money comes out of the Indian fund or out of the United States Treasury.

Mr. CLAPP. No, no; I will explain why it does not in a moment.

Mr. PAGE. I now yield to the Senator from Alabama.

Mr. WILLIAMS. One further remark in that connection. I do not see very well how we could refuse the same accommodation to a white man, if it comes out of the United States Treasury.

Mr. CLAPP. I will explain that matter in a moment—or, at least, I will try to do so.

Mr. PAGE. If I have the floor, I yield now to the Senator from Alabama.

Mr. CLAPP. I want to continue my answer to the Senator from Mississippi when the Senator from Vermont is through.

Mr. WHITE. I was induced to ask these questions solely with a view of protecting the Indian. I felt very sure that the Government itself would be protected; or, if it lost some money in developing the Indian, it could well afford to lose it. But what I wanted to accomplish was protection to the Indian, and I was led to make these inquiries from what occurred in other sections, as I gather it from history.

The Indians in my country were allowed to enter valuable tracts of land, but the Indian never received the benefit of those lands. The white man usually selected the lands for him, and then immediately became the purchaser from the Indian. In that way, as I gather from history, as stated, rather than from experience, the Indian has not always been protected; and yet we have had Indian agents where these things occurred. I wanted to ascertain if the committee had really given this part of the subject thorough consideration.

Mr. CLAPP. Of course, the committee did. The committee recognizes that we have to depend on some one.

Mr. PAGE rose.

Mr. CLAPP. I yield to the Senator from Vermont.

Mr. PAGE. In regard to what the Senator from Mississippi has said, that he can not quite see why there are any good reasons for extending this aid to the Indian when you do not extend it to the white man, I think he forgets that quite too often the Indian has no one to speak for him here in our National Congress. We find even in this bill more or less legislation which takes rights from the Indian when, in my judgment, we

should safeguard those rights. We should submit proposed legislation to the Indian and allow him to say whether he wants this or that thing done. But we do not do it. It is wrong. I think we ought to regard ourselves—and I am sure the Senator from Mississippi does—as the guardian of the Indian. We owe him a duty, and we can not discharge that duty unless we stand here and legislate for him in such a way as to protect him in the best possible manner.

I wish to urge upon the Senator from Mississippi and the Senator from Alabama that they study this bill as we proceed with it and see if we have not in many cases legislated in such a way that the Indian is not fully protected. That constitutes mainly such objection as I have to the bill. The bill as a whole is good. It has been very carefully wrought out by the Committee on Indian Affairs. There were not as many members of the committee present during its consideration as I think ought to have been on so important a bill, but I think that those who were there tried to give their best thought to the bill.

Mr. CLAPP. Mr. President, I wish to address an answer to the Senator from Mississippi, but I call attention first to one suggestion of the Senator from Vermont. In this bill we have inserted a provision, certainly as to Minnesota, that no appropriation from an Indian fund in excess of $5,000 shall become effective until submitted to a council of the Indians. This, of course, is a matter of progress. It was not done formerly.

I will state the reason why we do not use the Indian's money under this proposed plan. We had a provision in the bill, which went out, I think, on a point of order, that where a tribe had a fund or an Indian had money to his credit—it would almost universally be a tribal fund—the department might estimate the amount that would probably come to each Indian, and within that estimate the department could advance to the Indian money to be used for these purposes.

This provision contemplates loaning money to an Indian who has no money; or if he has money, it is not his money that is loaned. We did not feel that we would be justified in taking money from an Indian fund and loaning it to an individual Indian, because it must be confessed that there is a possibility here of the loss of the loan, and we as a Government should take that risk upon ourselves. If we are going to loan this money to Indians, we should loan our money and not loan some other Indian's money to an Indian other than the one to whom it belongs.

Of course the last inquiry of the Senator is a most pertinent one, and yet there is a vast difference, it seems to me, between lending this helping hand to Indians and to white people. I am rather in sympathy with the general, broad view of the Senator from Mississippi against the idea of the Government being paternal. I am pretty nearly ready to subscribe to Mr. Tilden's great maxim, that that which the individual can do he should do, and that which the State can do it should do. But these Indians occupy a peculiar relation to us. Up to a short time ago but very few of them knew anything at all of civilization. We used to make treaties with them, where we would solemnly agree, in the old poetic language of the treaty, so long as grass grew and wind blew, that we never would invade that reservation for settlement by the white man; but, of course, the onrushing tide of the American people to the West resulted in the ignoring of those treaties. Time and again reservations were diminished; time and again the Indians were removed off to distant reservations, until there came a time when it seemed as though the wise thing to do was to divide the reservations and make an allotment to each Indian of 60 or 160 acres, or different quantities, according to the character of the land and the climate where the allotments were made.

As a result, that began to individualize the Indians. Now you have an Indian no longer in the possession of the old hunting ground, where he could hunt and trap and fish and take care of himself and family. You have thrown him suddenly into the environment of the individual or citizen without any training, without any assistance, and that we pleaded as a justification for holding out, through the Government, a helping hand to the Indian, when we would not, of course, recognize that principle generally in government.

Mr. WILLIAMS. Mr. President, I, of course, recognize the fact that we have assumed toward the Indian the relationship of guardian and ward, and that has been going on since the beginning of the history of the United States. In fact, it started before that in some of the older States. But I am a little afraid that this is a precedent which may some day return to plague us. One never knows how small a thing may be pointed back to at some time in the future.

This money comes out of the United States Treasury. It is the money collected by taxing the people of the United States. Whether the Indian be a ward or not, a guardian in managing a ward's affairs pays out of the ward's fund; he does not pay out of somebody else's funds. If at some time in a time of distress white men should come up to the Congress of the United States and say, "We do not ask you to give us money, but we ask you to give us a mule, we ask you to give us a horse, we ask you to give us a plow, we ask you to give us a harrow, we ask you to give us what is necessary to cultivate land"——

Mr. CLARKE of Arkansas. What about the "40 acres and a mule" that we use to hear down in Mississippi?

Mr. WILLIAMS. We reply to them, "We can not do that; we can not take the money of the people collected by taxation and give it to you for the purpose of enabling you to make a success with your farm. If we begin that once we will have to give saws and hammers and adzes and planes to the carpenter; we will have to give anvils and other things to the blacksmith; we will have to carry it all through our society." You go on and tell such a man how that is wrong, that it violates every principle. You tell him that there was a time lately after the war when that sort of cry about 40 acres and a mule, as has been suggested by the Senator from Arkansas, was in the air. You go back still further in the history of the world and tell him how the Roman people were absolutely pauperized and ceased to be the great people of Rome and became a mere howling populace by the free distribution of corn on the part of the government, and how it is the duty of the citizen to support the Government and not the duty of the Government to support the citizen. After you are all through with it, after you have made your argument in the best way that you can, impregnable as it is, based upon sound governmental as well as sound ethical principles and sound social principles, he turns around to you and says, "Yes, but I find that at a certain time you did do this identical thing for the Indian; you took the money out of the Treasury; and the Indian did not put any of it there even, and I have put some in." Now, what is the answer to be made to him?

Mr. OWEN. Mr. President——

Mr. WILLIAMS. There is absolutely none.

Mr. CLAPP. I think there is.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. Yes.

Mr. OWEN. Let me appeal to the Senator from Mississippi and call the Senator's attention to the fact that these poor, dependent Indian people are regarded as the wards of the United States.

Mr. WILLIAMS. I just said that.

Mr. OWEN. That puts them in a different class from the others.

Mr. WILLIAMS. That is what I explained also. When I am a man's guardian I take care of him out of the estate to which the ward has a right and a title.

Mr. OWEN. Suppose that the ward had no estate?

Mr. WILLIAMS. The American people have robbed the Indians from the beginning of time, and they have committed torts against them that constitute a page of shame.

Mr. OWEN. Does not that justify some retributive justice?

Mr. WILLIAMS. That would justify going to work and investigating and finding out and making an indemnity, not in the shape of a loan to the Indians, but an indemnity to the Indians themselves. For example, there are Indians in my own State who have been treated with a degree of injustice that cries to heaven. I have been crying to heaven for them upon this floor, and there is no justice thus far. But that does not come down to this point. Here is an individual Indian. It is not the Indians tribally; it is not our Government making restitution to the Indians generally, as I doubt not it might well do; but it is just saying to an individual Indian, "I will advance you this much."

Mr. LANE. I should like to make a suggestion to the Senator that he should take into consideration the fact that the Government has expended a large sum of money, which has been made a charge upon Indian lands in some cases, and then has given the Indian a limited period in which to make use of that land and not a cent or a tool to do it with.

Mr. WILLIAMS. I understand. I heard the Senator a moment ago. That is absolutely an iniquity; there is no doubt about that. But to say to a man, "Here is so much land that you may have; I will give you two years to make the first payment in," when you know at the very time that the man is utterly powerless to exploit the land or to use it in any way, is holding out apples to his eyes and giving him ashes upon his tongue.

But all that is beside this question. I am not arguing this from the Indian standpoint; I am arguing it from the Govern-

ment standpoint. It is a poisoned chalice that I am afraid will be returned to our own lips at some other time by somebody else. We are traveling along rapidly toward State socialism. Every indication of the time is in that direction. That is the universal trend.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. WILLIAMS. Yes.

Mr. CLAPP. Of course, I appreciate the drift of the Senator's argument; every student of the times realizes the trend; but here, it seems to me, there is a plain line of demarcation. The ordinary citizen is not the ward of the Government; the Government is the ward of the citizen; but under the relation we sustain to the Indian the condition is reversed, and the Indian is the ward under any theory of Government that we might attempt to evolve.

Mr. WILLIAMS. I appreciate that.

Mr. CLAPP. That being true, there being that plain line of demarcation it seems to me, whenever the time comes to meet this incoming wave, anyone can plant himself upon that line of demarcation.

Mr. WILLIAMS. In answer to that I will say I do not think the reply meets the objection. If I were a guardian of a lot of children I would not consider that it justified me in taking my own children's money to help them. I might take my own money as a mere matter of generosity. This money in the United States Treasury is not the money of the Indians; it is the money of the children of the Republic.

I want to do the very thing that the Senator wants to do, and I think maybe it can be done in some other way. I think, for example, if you were to make these Indians of the Colorado River and Yuma Reservations an appropriation of so many dollars to the tribe, to be used in this way, and put it upon the ground of a restitution from this Government to the Indians, not to a particular Indian, and then if you were to allow the individual Indians to draw this money out of what had then become a tribal fund, you avoid the precedent; you fix it so that a precedent can not be pleaded. You know very well we have owed those Indians more than that; we have taken more than that away from them.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. WILLIAMS. I yield to the Senator from Alabama.

Mr. WHITE. Is not that a mere means of accomplishing the same end?

Mr. WILLIAMS. Absolutely, and avoiding the precedent.

Mr. WHITE. Have we not already the precedent? These Indians are esteemed and held as the wards of the Nation. They have always been held that way, and, like a great many other wards, they have been robbed.

Mr. WILLIAMS Yes; they have been.

Mr. WHITE. Now, then, if they are the wards of the Nation, should they not be treated as we treat the wards of the State and the Nation, and do we not treat the wards of the State and the Nation in just this way when we appropriate from the public treasuries money to educate the children of the State and Nation?

Mr. WILLIAMS. Oh, no. In that case the man who pays the money receives the benefit. I shall not vote against the amendment. Mr. President, finally, but I merely wanted to warn Congress against precedents of this description.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. ASHURST. Mr. President, it was my intention to make a somewhat short reply to the arguments which have been made. I felt that I ought to say something. But so much was said, and so well said, by other Senators on the subject, especially by the Senator from Minnesota [Mr. CLAPP], that I see no occasion for me to make any further explanation. However, I do want to say that the Senator from Arkansas [Mr. ROBINSON], the Senator from Minnesota [Mr. CLAPP], and the Senator from Michigan [Mr. TOWNSEND], and other Senators gave especial attention for months to this question of revolving appropriations.

Briefly, in reply to the Senator from Alabama [Mr. WHITE], who asked if the committee considered this item, I wish to say that not only had that policy been considered by the committee diligently for months but the great policy as to how to deal with the question had been considered for years.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 25, after line 9, to insert:

That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos and Fort Apache Indian Reservations an appropriation for the construction of two bridges on the San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to insert:

For investigation recommended by the Board of Engineer Officers of the United States Army, as set forth in paragraph 217 of their report to the Secretary of War on February 14, 1914, House Document No. 791, Sixty-third Congress, second session, and report as to the supply of the legally available water, acreage available for irrigation and titles thereto, the maximum and minimum estimated cost of the San Carlos irrigation project, including dam and necessary canals, ditches, and laterals, with recommendations and reasons therefor and the probable cost of adjudicating the water rights along the Gila River necessary thereto, and to take the steps necessary to prevent the vesting of any water rights in addition to those, if any, now existing until further action by Congress, $50,000.

Mr. LANE. I ask the chairman of the committee if there is any time fixed for this report to be made and how long he thinks it will take? It seems that work has been going on upon this project now for two years, and in the meantime the settlers and the Indians have become discouraged and are being forced to the wall. Should there not be fixed a definite date for the report to be brought in by this board?

Mr. ASHURST. I entirely agree with the suggestion of the Senator from Oregon. I hope he will move an amendment to the amendment to that effect.

Mr. LANE. I will ask that the amendment may go over until I can consult with the Senator.

Mr. SMOOT. I, too, ask that the amendment may go over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the time being.

The next amendment was, under the head of "California," in section 3, page 26, line 9, after the word "employees," to strike out "$42,000" and insert "$50,000," so as to make the clause read:

For support and civilization of Indians in California, including pay of employees, $50,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 12, after the word "Indians," to strike out "$10,000" and insert "$20,000," so as to make the clause read:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $20,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 26, line 17, before the words "Indian pupils," to strike out "twenty-five" and insert "fifty"; in line 18, after the word "superintendent," to strike out "$104,000" and insert "$109,400"; in line 19, after the word "improvements," to strike out "$10,000" and insert "$20,000"; and in line 20, after the words "in all," to strike out "$114,000" and insert "$129,400," so as to make the clause read:

For support and education of 650 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, $109,400; for general repairs and improvements, $20,000; in all, $129,400.

The amendment was agreed to.

The next amendment was, on page 27, line 1, after the word "hundred," to insert "and twenty-five," and in line 2, after the word "superintendent," to strike out "$16,400; for repairs and improvements, $3,600; in all, $20,000" and insert "and for repairs and improvements, $25,000," so as to make the clause read:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, and for repairs and improvements, $25,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 9, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soboda Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Selso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

Mr. SMOOT. I wish to ask the Senator from Arizona if a bill for this same item has not passed the Senate, and whether it was a House bill or a Senate bill?

Mr. CLAPP. I can answer the question. It was a Senate bill, not a House bill.

Mr. SMOOT. Does the Senator know what became of it in the House?

Mr. CLAPP. It went the way of many another bill.

The amendment was agreed to.

The next amendment was, under the head of "Idaho," in section 5, page 28, after line 4, to insert:

For new buildings and their proper equipment at the sanatorium at Fort Lapwai, Idaho, including the purchase of improvements on land to be deeded to the Government by the school board of district No. 57, State of Idaho, $40,000.

The amendment was agreed to.

The next amendment was, on page 28, line 11, after the word "system," to strike out "$20,000" and insert "$40,000," so as to read:

For maintenance and operation of the Fort Hall irrigation system, $40,000, reimbursable to the United States out of any funds of the Indians occupying the Fort Hall Reservation now or hereafter available.

The amendment was agreed to.

The next amendment was, on page 28, line 13, after the word "available," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Hall Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. BORAH. Mr. President, I desire to raise a point of order upon the amendment, beginning with the word "Provided."

Mr. LANE. Before the Senator raises a point of order I should like to make a statement to him about the amendment. It would be very disastrous if this provision should go out of the bill. It would mean utter ruin to a lot of poor, helpless people who are wards and over whom the Government has absolute control and has exercised it, which Government, through Congress and this Senate, is a party to the transaction. The transaction is as wicked a one as was ever practiced on a helpless individual, wherein Congress has circumscribed the rights of these Indians, taken their money to put water upon the land, or, rather, made their land responsible for the expenditures, and then has given them two or three years in which to put that land under cultivation, and has failed, as guardian in charge of their funds should have done, to pay out one cent for the purchase of a plow, or a harrow, or a team, or a wagon, or a pound of seed. It has left them barehanded upon the land. It would take a white man from 5 to 20 years to make the improvements on that kind of land with all the money he could borrow and every agricultural implement he could get. I ask the Senator not to raise the point of order.

Mr. BORAH. There is nothing of that kind going to happen, Mr. President. Is the Senator referring to the amendment on page 28?

Mr. LANE. I am referring to the condition that it is intended to cover in Montana. I do not know whether it applies to the Fort Hall Reservation, but it applies to so many of them that I assume this is one of the number.

Mr. BORAH. This is the provision:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Fort Hall Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. President, the Government of the United States has no control over the water rights of the State of Idaho. Those water rights must be controlled by the State laws and are controlled by the State laws. If the Indians are entitled to this water upon these lands, they must comply with the State laws in order to get the water. This is an attempt to do, in the first place, what we ought not to do even if we had the power to do it; and, in the second place, it is attempting to do what we have not the power to do—that is, to control the manner of securing water rights and reserving water rights upon lands within the State. I do not know of the condition of affairs with reference to Fort Hall to which the Senator refers. I do not know of any Indian being wronged; but if so, this is not the way to protect him, for it will not protect him if his right is contested.

Mr. LANE. I think that it applies to Fort Hall as well as to other reservations. There is the difference between the case as it applies to the white man and to the Indian; they are not upon equal terms. The white citizen, the farmer, is a free agent, while the Indian is a ward. The white settler can procure means; he can borrow money or furnish his own capital, go to work upon his land and improve it within a certain fixed time, as set forth by the laws of the State of Idaho or of Montana or of any other State; but the Indian, I repeat, is a ward; he has no independent means, but only such money as is doled out to him by the Federal Government. The Indians have in some cases millions of dollars' worth of property and hundreds of thousands of dollars in the Treasury, but they are not allowed to draw one cent of it. The Government furnishes them no means whatever with which to improve his land and then holds them to a fixed time in which to make good their title to the water right, and they are inevitably bound to lose it. That is what this provision was intended to remedy.

Mr. BORAH. This provision would not protect the Indian.

Mr. LANE. But it is an attempt to do so.

Mr. BORAH. It is an attempt to mislead the Indian as to his rights and to persuade him to believe that he can rest upon his oars and still reserve his rights.

Mr. LANE. No.

Mr. BORAH. The Indian can not rest upon his oars nor Congress can not provide that he shall reserve this water, because the State of Idaho disposes of the water within its boundaries.

Mr. LANE. I wish, in answer to that, to say that it is not intended that the Indian should rest upon his oars; but this bill contains in addition to that a provision by which the Indian Bureau is allowed to advance the Indian money with which to put in his crop and to purchase the necessary tools and agricultural implements, which he repays from a revolving fund. In that way it is trying to help him in this condition where, under the law passed by Congress, he would be inevitably bound to lose his land unless we do something for his relief, and this is an attempt to do that.

Mr. BORAH. It is a perfectly futile attempt.

Mr. TOWNSEND. I wish to ask the Senator a question. I do not believe I quite understand his position in reference to this water. Here is an appropriation made out of the Indian's money for the purpose of maintaining and operating an irrigation system. This appropriation could not, or ought not, to be made out of the Indian's money, unless it were for the benefit of the Indian. Now, it is supposable that there are some benefits which are accruing to the Indian from the use of his money which was expended on this project. The object of this amendment, as I understand it, is to make it possible for those Indians to take advantage of the water which their money had conserved and stored and provided for distribution. Unless we do have some provision in the bill whereby some time can be granted, of course the Indian would have no right and would derive no benefit from the expenditure of his own money.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, regarding the act of March 3, 1907, as was pointed out, I believe, by the Senator from Oregon [Mr. LANE], however honest the intention of the legislators, however much they might have tried to protect the Indians, it has become obvious at least to the Bureau of Indian Affairs and to the Committee on Indian Affairs that a flagrant and a grave injustice has been perpetrated upon certain Indians in the Northwest—I do not recall that it was upon these Indians—by the passage of that act; in other words, the application of that law works about as follows: The money belonging to the Indians derived from the sale of their lands was set apart for the purpose of constructing irrigation and reclamation projects. The Indian lands were liable to pay for the same, but the lands of the white settlers were not so liable. If the Indian lapsed, if he made failure or default in the payment, he lost his rights to the land and to the water, but the white settlers stood no chance to lose; in other words, it is a case of where the Indian stood to lose and the white settler did not. This amendment, I realize, is probably going to provoke much discussion, but the committee was unanimously of the opinion that it is sound, wise, just, and salutary legislation.

I enter with considerable trepidation into any argument with the distinguished Senator from Idaho [Mr. BORAH], because he is one of the soundest lawyers not only in the Senate but in the Nation. It is, however, the opinion of the committee, if I have permission to speak for them, that upon Indian reservations the timber, the water wholly thereon, excluding navigable streams of course, unless there has been some specific reservation made in the treaty or in the Executive proclamation or in the legislation reserving the waters to the Government, belong to the Indians who occupy and own the reservation. The committee were unanimously of the opinion that this legislation was wise and salutary in this, that where an Indian reservation was opened and the sale of land to the general public was conducted, the moneys—and I ask the especial attention of the Senator from Idaho to this point—derived from the sale of Indian lands were applied to the construction of an irrigation project, which incidentally or, for its main purpose, permitted

settlers to locate thereon. It was nothing but common justice and well within legal right and power of the Government to provide by law that the waters upon what had previously been that reservation should belong to the Indian, and that by reason of a failure, default, or a neglect on his part, he should lose none of his rights, for the obvious reason that an Indian is incompetent to make a proper and legal appropriation of water——

Mr. SUTHERLAND. Mr. President——

Mr. ASHURST. Just one moment, until I finish this thought, which is that while the various States may do as they see fit with respect to the waters under their control—and all the waters are under their control except navigable streams and waters wholly within an Indian reservation—the waters wholly upon an Indian reservation are under the jurisdiction of the United States.

Mr. SUTHERLAND and Mr. MYERS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona yield, and to whom?

Mr. ASHURST. The Senator from Utah [Mr. SUTHERLAND] first rose, and I yield to him, and then, of course, I shall yield to the Senator from Montana [Mr. MYERS].

Mr. SUTHERLAND. This water, as I understand, is running water.

Mr. ASHURST. It is running water at times; yes.

Mr. SUTHERLAND. It is in a stream which runs off the reservation to some other part of the State, does it not?

Mr. ASHURST. As to this particular reservation, I confess I am unable to say, but there are instances where it does and some where it does not.

Mr. SUTHERLAND. On page 86 the same sort of an amendment is made as to the appropriation in my own State as to the Uintah Reservation. I am familiar with the situation there, and I know the water there is running water, and that it runs off the reservation somewhere else. Does not the Senator from Arizona recognize the fact——

Mr. BRADY. Mr. President——

Mr. SUTHERLAND. Just a moment—that such waters are absolutely under the control of the State, that appropriation of the water must be made under the laws of the State for a beneficial use, and that they must be put to a beneficial use? That is the law of the Western States.

Mr. ASHURST. In answer to that question, I will say, given an Indian reservation, the moment it is created an Indian reservation, if it is properly and legally done, it is withdrawn from the domain of public lands.

Mr. SUTHERLAND. It does not withdraw the running waters; that is an impossibility.

Mr. ASHURST. That is a difference of legal opinion.

Mr. SUTHERLAND. How can you withdraw a thing that by its very nature runs off the reservation?

Mr. ASHURST. Of course the waters that have left the reservation and have entered into or upon the public land in our Western States belong to and are under the exclusive control of the State.

Mr. SUTHERLAND. Let me ask the Senator this question, then: Suppose we pass this legislation, reserving the waters upon this reservation to the Indians, and that the white settlers outside of the reservation appropriate the water under the law of the State, does the Senator think that this legislation would give the Indians a right to that water as against the white settlers, the citizens of the State, who had appropriated the same water outside of the reservation?

Mr. ASHURST. The appropriation by the white settlers presupposes that the waters have not theretofore been by lawful authority appropriated for another purpose.

Mr. SUTHERLAND. But, I say, suppose that we pass this legislation, two years from now or five years from now—because under this provision the reservation of the water for the Indians is apparently for all time to come—the Indians still have not put the water to a beneficial use, and some citizen in Idaho outside of the reservation appropriates the water. The Senator is a lawyer and is familiar with the laws relating to the waters in the various arid-land States. What would the Senator say as to the kind of title the citizen would have who had appropriated water outside of the reservation under the laws of the State?

Mr. ASHURST. The citizen who made the appropriation would have the right to have the water which he thus appropriated, so long as he applied it to a useful and beneficial purpose, come down to him undiminished in quantity and unpolluted in quality.

Mr. SUTHERLAND. He would have a better right under the laws of the State of Idaho than the Indians would have under this law of the United States, would he not?

Mr. ASHURST. How is that?

Mr. SUTHERLAND. The citizen appropriating the water in Idaho under the laws of Idaho would have a better right to it than the Indian, whose rights were attempted to be reserved by this law of the United States, would he not?

Mr. ASHURST. He would have a better right to it if he went out upon the public domain and located, appropriated, and turned to a beneficial use water that was theretofore previously unappropriated. The point in this legislation is this: It was the intention of the committee—and I might say this legislation was drafted and prepared by the Indian Bureau—to preserve and protect, for the benefit of the particular Indians, all the waters which are upon or rise in that particular reservation and have not been previously appropriated.

Mr. SUTHERLAND. Well, Mr. President, if the Senator will permit me, I should like to call his attention to——

Mr. BORAH. Will the Senator allow me just a moment?

Mr. SUTHERLAND. Yes.

Mr. BORAH. It seems to me, Mr. President, that the Senator from Arizona in stating the proposition demonstrates the uselessness and the ineffectiveness of this provision, for this reason: Unless this water is subject to appropriation by the citizens of the State, unless some one could go in and establish a priority of use to this water, then this provision is not necessary. If it is on an Indian reservation and belongs to the land as an appurtenant to the land, and so forth, then this act is not needed. This provision contemplates that a citizen may go there and appropriate that water. If a citizen does go and appropriate the water under the State law, then this provision will be wholly ineffective to protect the Indians, if the water is subject to appropriation at all; in other words, the citizen may take it, and this provision can not prevent his doing so.

Mr. ASHURST. Will the Senator state that a citizen or other person may go upon an Indian reservation now and make a lawful appropriation of water?

Mr. BORAH. If the water has not been appropriated, he may establish his priority to the use of the water, and simply because it is running across an Indian reservation does not prevent his doing so.

Mr. ASHURST. I lay it down that a person may not go upon an Indian reservation and appropriate water without the consent of the Interior Department.

Mr. BORAH. Well, Mr. President——

Mr. ASHURST. Assuming that my premise is correct, that an individual may not appropriate water upon an Indian reservation, for the obvious reason that it has previously been appropriated for another purpose, it was the intention of the committee, however impotent our work may appear, to preserve that status, so that after the reservation was opened and the lands were sold and the general public acquired them, under no guise or disguise could anything thereafter happen whereby a lapse on the part of the Indian—who obviously can not take care of himself in many instances—could cause him to lose the water that he possessed while he was living upon the reservation in tribal relations with the other Indians.

Mr. LANE. Mr. President, I should like to say that it went further than that, for the reason that the law under which the reclamation scheme was established gave the Indians a certain and definitely limited time in which to make use of the water, that time in some cases not being over two years. The Senator knows as well as I do, for we both come from sections of the country where land is irrigated, that that is not sufficient time for an Indian, a white man, or anyone else, and it was to cure that defect in the previous law which circumscribed the time in which he could apply it that this provision has been adopted.

Mr. SMITH of Arizona. Mr. President——

Mr. BORAH. Just a moment, and then I will yield to the Senator from Arizona.

Mr. President, I am not, in one sense, very anxious about this provision, for the reason that I regard it as wholly ineffective in so far as it relates to the waters of the State of Idaho, but I think it a bad precedent to undertake legislation of this character. I think it is unwise to attempt to do that which we have no power to do, because it is more calculated to mislead the Indian than it is to benefit him. The waters which flow in the State of Idaho, which rise in and pass over land in the State of Idaho, are subject to distribution by the laws of that State, and the laws of that State alone. The United States itself, if it wants to acquire water for the purpose of a Government reclamation project, must go upon the stream and comply with the statutes of the State of Idaho. The Government itself can not get a foot of water in that State except by complying with the laws of that State. It has been decided too often to make it necessary to recall it here, even if I had the time to do so, that the waters belong to the State and are subject to the

laws of the State, to be disposed of only by the laws of the State.

The only interest in the world that the National Government has in water is in navigable streams, to keep the streams open for navigable and commercial purposes, and nothing else. For all other purposes it is exclusively within the jurisdiction of the State. If these Indians are to be protected, they can not be protected by an act of Congress in regard to this matter. We are doing a vain and delusive thing. They must get and hold their water rights under State laws, and I object to this effort to establish a precedent to the effect that Congress may dispose of or distribute the waters within the State.

Mr. ASHURST. Does the Senator from Idaho believe that the Legislature of the State of Idaho has plenary power over the water on Indian reservations?

Mr. BORAH. I have no doubt about it, Mr. President; and I can bring the authorities here to the Senator that the question of an Indian reservation cuts no figure in the proposition at all, unless it be an instance where there is a spring upon a piece of land, the water of which does not leave the land, but belongs to and is appurtenant to the land, as it were. But the flowing public streams are subject to State laws as to appropriation of the waters. Water flowing in a stream or water which belongs to a public stream of the State is subject to the control of the State, notwithstanding the fact that it may flow over or rise upon an Indian reservation.

Mr. ASHURST. Assuming that all the waters falling on an Indian reservation are conserved upon and stored upon an Indian reservation, does the Senator think that then Congress would have the power to deal with that water?

Mr. BORAH. Congress might be able to deal with that, because that would come under the rule which I have just stated, where waters are impounded and where they never leave the reservation or can not leave the reservation, where they are a part of the land and appurtenant to it, as it were, but this is a different proposition.

Mr. ASHURST. This legislation contemplates just the case I have last mentioned.

Mr. BORAH. Here is a reservoir which is fed by a public stream. You can not impound the waters of that public stream and hold them there. The white settlers of the State are entitled to have that water when no one else is using it. That is the law of the State of Idaho. It is provided in the State constitution, and again provided by the State statutes, that water can not be appropriated except it be applied to a beneficial use; and when it ceases to be applied to a beneficial use, it reverts again to the public and is subject again to appropriation. It is one of the wisest laws that was ever enacted, and it grew out of the necessity which the pioneer found when he entered the great arid regions of the West.

Mr. PAGE. Mr. President——

Mr. BORAH. Just a moment. I am not willing, without a word of protest at least, that it shall be assumed here that Congress can dispose of the waters of the State. It is a vital question to us in the West, and, while this is not a large matter—that is, not a matter of tremendous scope—yet how easy it would be in some instances for the Congress of the United States to tie up the streams of some of the Western States if they did get control over this water.

Mr. PAGE. Mr. President, I should like to ask the Senator from Idaho a question just to aid me in determining how I shall vote in regard to this whole paragraph. It is true, I think, as has been said by the chairman of the committee, that the Assistant Commissioner of Indian Affairs came before us and stated that we had been appropriating money for several years for these irrigation projects, and that the Indians were protected by a proviso that they should have a given time within which to make beneficial use of the water under the irrigation projects. The question arose as to whether we should continue these appropriations. You will observe that we increased the appropriation in this instance from $20,000 to $40,000. I want to ask the Senator from Idaho whether he thinks we ought to continue these appropriations if it is a fact that the Indian is to receive no benefit from them, simply because under a State statute, not having made beneficial use and not being able to make beneficial use of the water, his right lapses? Should we pass these appropriations unless we can protect the Indians?

This appropriation is qualified by the proviso to which the Senator has referred, and there are several similar appropriations for irrigation projects in this bill accompanied with a proviso that the Indian shall not lose his right after a certain time.

Mr. BORAH. Mr. President, the Senator from Vermont understands that the Indians already have appropriated a vast amount of water rights and are using them. This irrigation system must be kept up for those who have water rights and are availing themselves of them and who will avail themselves of their rights under the laws of the States. This appropriation is just as necessary, in my judgment, without the proviso as it is with it, because this is not a proposition where there are no rights yet acquired and where no water has been appropriated by the Indians, but it is an instance in which a vast amount of water has already been appropriated and where the Indians are irrigating their lands and farming. The irrigation system must be kept up for that purpose.

Mr. PAGE. But, as I understand, Mr. President, the Indian's money has been taken for these irrigation projects and if now by force of law he is soon to lose all the benefits because he has not made beneficial use, it seems to me a great hardship will be worked on him. As has been well said by the Senator from Oregon [Mr. LANE], the Indian has not been able to make that beneficial use; he has not been able to farm the different sections which he owns, although he might use this water if he had the means to buy implements and cattle and horses. That being the case, unless I see some further light in regard to this matter and unless I am satisfied that the Indian's rights there are not going to lapse I must refuse to vote for this appropriation entirely.

Mr. BORAH. Any rights the Indian has can not lapse. What you are trying to do is to preserve a right which he does not possess.

Mr. PAGE. It certainly can not do any harm to have this proviso, which has been suggested by the department, incorporated in the bill. Like provisos have been attached to probably half a dozen similar appropriations in this bill.

Mr. BRADY and Mr. SMITH of Arizona addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Idaho [Mr. BORAH] has the floor.

Mr. LANE. I should like to say for the information of the Senator——

Mr. BRADY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I yield.

Mr. BRADY. Mr. President, I am very familiar with the Fort Hall Indian Reservation. I built most of the canals on that reservation about 15 years ago, and have kept in close touch with the situation relative to the water on the reservation during all those 15 years. While I heartily agree with my colleague [Mr. BORAH] relative to the proviso, I am fully convinced that no law we could pass would in any way affect the use of the water rights, yet I will say something that I know the chairman of the committee and the other members of the committee will be glad to hear, and that is that there is no danger of the Indians losing their water rights on the Fort Hall Indian Reservation if they continue the same line of work that they have been doing.

Three hundred feet of this water is taken from the Snake River by canals leading to the reservation. That is sufficient to irrigate about 20,000 acres of land. Some of the Indians have been using that water for 12 or 14 years, and others for only 8 or 9 years; but they have used all of that 300 feet of water. It has been put to a beneficial use, and has been awarded to the Indians by the courts, so that there is no question about their right to that water.

Mr. PAGE. May I interrupt the Senator to say that the Assistant Commissioner of Indian Affairs distinctly stated before our committee that the Indians were losing their rights and that it was to protect the Indians' rights that this proviso was inserted? I believe I should say that I think the proviso is subject to a point of order, but when you speak of the rights of the Indians not lapsing——

Mr. BRADY. I have not finished, Mr. President.

Mr. PAGE. I beg the Senator's pardon.

Mr. BRADY. I was simply speaking of the water that has been proved up on from the Snake River. There was not sufficient water derived from the Snake River to irrigate the remainder of the 40,000 or 45,000 acres of land in the reservation which the Indians still retain and hold. The Government created what is known as the Blackfoot Reservoir, about 24 miles above the Indian reservation, at the head of the Blackfoot River, in a splendid watershed, and they there impounded sufficient water to irrigate the remainder of the 45,000 acres.

That land was purchased by the Government, and there is a provision in this bill for some small amount of damages still unpaid. When the Government pays the damages provided

for in this bill, then it will own that reservoir and all the water in it, and it will have the right to rent it out if it so wishes or to keep it in the reservoir if it is desired to do so. Although part of that water has been put to a benefical use, all of it has not been for the reason that a great number of canals have not been completed, and you will find that the Commissioner of Indian Affairs recommended this increase to $40.000 for the purpose of building these canals. The main canals are built, but they want to build laterals leading to the farms, so that the Indians can put this water to a beneficial use. Therefore I think this particular reservation is in better shape than almost any of the reservations in the western country.

Mr. TOWNSEND. May I ask the Senator what portion of the water provided by this appropriation is going to the Indians and what proportion to the whites?

Mr. BRADY. About 45.000 acres will go to the Indians and about 10.000 acres have been sold to the whites. What the whites have does not come in under this head at all. That has been provided for and has been put to a beneficial use.

Mr. TOWNSEND. Does the Senator mean to say that no part of this appropriation will be used for the benefit of the white settlers?

Mr. BRADY. My understanding is that it is all to be used on the Indian reservation. This is simply, as I understand, to carry out the recommendation of the commissioner to complete the canal and get it in shape so that it will deliver the water.

Mr. TOWNSEND. That was not my understanding.

Mr. PAGE. I hope the Senator from Idaho will be able to give me an explanation of this matter before it comes up later. At present we are considering the committee amendments, and therefore I suppose an amendment to strike out the first four lines, beginning with line 10 on page 28, would not be in order at this time. Unless I am satisfied, however, that fair and reasonable protection is offered to the Indians, I shall move at the proper time to strike out the entire appropriation, because I believe the assistant commissioner is correct when he says that the lands of these Indians, or their rights to the irrigation project, are lapsing from time to time because they are unable to make beneficial use of them.

Mr. BORAH. Mr. President, the Senator's remark reminds me of what is constantly happening here with reference to the western country. Senators come here from these States who live in close touch with the situation. They know all about it. They are supposed to know the interests of their States and their people, and yet they are constantly overridden in their judgment and in their views by some clerk in the department.

The Commissioner of Indian Affairs can not possibly know as much about this matter as the people who come here and represent this part of the country. There is no one upon the floor who will undertake to support the proposition that you can, by act of Congress, take away the right of a State to control its affairs with reference to its water.

Mr. LANE. Mr. President——

Mr. BRADY. I yield to the Senator from Oregon.

Mr. LANE. I should like, in order to throw a little light on this subject, to read what was brought out at the hearings before the Committee on Indian Affairs when this matter was under consideration.

The PRESIDENT pro tempore. Before the Senator reads, let the Chair inform himself as to what is actually pending and in what parliamentary form. What action does the senior Senator from Idaho desire the Senate to take in connection with this proviso?

Mr. BORAH. When I began to discuss it I said that I should raise the point of order to the effect that it was general legislation.

The PRESIDENT pro tempore. Does the Senator present that point at this time?

Mr. BORAH. Yes

The PRESIDENT pro tempore. The point of order will be sustained.

Mr. LANE. Mr. President, I asked the Senator not to do that until there was a thorough understanding of this matter, for the reason that this goes far and reaches into the heart of the bill. I should like to have Senators thoroughly understand the matter before the Senator from Idaho raises the point of order, for it is going to have a very disastrous effect, if not upon those Indians particularly, upon other Indians who are similarly situated.

The PRESIDENT pro tempore. The matter has been disposed of. The Chair can not consent to have it debated any further.

Mr. LANE. Then, Mr. President, I should like to address the Chair upon the bill.

The PRESIDENT pro tempore. When we reach an amendment which is subject to debate the Senator will be recognized. Debate is not in order on a point of order under our rules. The Secretary will continue the reading of the bill. We will reach another amendment in a moment, and then the Senator can address himself to it.

Mr. MYERS. If the Senator from Oregon is not recognized, I should like to be recognized.

The PRESIDENT pro tempore. The Chair feels under an obligation to recognize the Senator from Oregon as soon as we reach an amendment that is debatable.

Mr. MYERS. I rise to a question of personal privilege, then.

The PRESIDENT pro tempore. The Chair is disposed to be very liberal in regard to debate. The Senator from Oregon will be recognized. The Senator has the floor.

Mr. MYERS. If the Senator from Oregon wishes to discuss anything, I do not want to take him from the floor, but I thought he was not ready.

Mr. LANE. I was entirely ready. Of course, if it is out of order for me to say anything about the bill——

The PRESIDENT pro tempore. No; it is not. The Senator can say anything he wants to say, but there must be some proposition pending before the Senate.

Mr. MYERS. Then I wish to yield to the Senator from Oregon.

Mr. LANE. I wish to ask——

The PRESIDENT pro tempore. The Senator will please suspend until the Secretary can state the next amendment.

Mr. LANE. Very well.

The PRESIDENT pro tempore. Then the Senator can proceed in the usual way.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 29, after line 4, to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self support among the Indians residing and having tribal rights on the Fort Hall Reservation, Idaho, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924 are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. LANE obtained the floor.

Mr. MYERS. Mr. President, may I interrupt the Senator for a minute?

Mr. LANE. Yes.

Mr. MYERS. I will ask, before the Senate launches into a general discussion of the bill, if I may make a personal statement of about a dozen words?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Montana?

Mr. LANE. I yield; but I was not about to precipitate myself into a general discussion of the bill. However, I yield.

Mr. MYERS. Mr. President, in regard to the amendment which has just been ruled out by the Chair on a point of order made by the Senator from Idaho [Mr. BORAH], I wish to say that I have the honor of being a member of the Committee on Indian Affairs, and I wish at this time to enter my dissent to the announcement made by the chairman of the committee upon the floor of the Senate a short time ago as to the unanimity of opinion of the committee upon the legal phase of the amendment stated by the chairman.

I was not able to be present at the meeting of the committee when that amendment or any like amendment was adopted by the committee. If I had been present, I would have dissented at that time. I now take occasion to dissent from the legal doctrine announced by the chairman of the committee from the floor a short time ago as the unanimous opinion of the committee. I do not hold that opinion. I adhere to the opinion announced by the Senator from Idaho [Mr. BORAH].

Mr. LANE. Mr. President, I am not a lawyer, and so I would not know whether the provision drawn by the committee was a legal one or not. I am a physician, however, and if it were brought up to me to prescribe for it I could fix it very quickly so that it would not be so deleterious to the patient.

Here is an item under consideration which calls for the promotion of the support and civilization of the Indians. You will find in the bill many items of the kind which appropriate

a great deal of money for the support and civilization of the Indians throughout the country. I wish to say for your information that not one-tenth of the money, probably not one one-hundredth portion of it, is expended for any such purpose at all. It is expended for the payment of the salaries of employees. So far as concerns supporting or civilizing the Indian, he is advancing backward rapidly under that process, and he receives no benefit from it.

There was another item in this irrigation plan, where, at Fort Hall, Idaho, there had been $800,000 spent upon an irrigation or reclamation scheme, the most, if not all, of which, I think, was reimbursable out of the Indians' funds; and yet, under a law which Congress passed without thinking about it, without intending to do any harm, without having looked into it, I feel quite sure he was circumscribed in his time of improvement of the land so that he lost his rights in the water, and, through that, any value to the land. It is a pitiful condition, and this body ought to change it.

If this law is not properly drawn in a manner to protect the interests of the whites and do justice by them, all that the Indians are asking and all that the committee wishes is to do justice, and it was all they were attempting to do. Under this scheme in Idaho I notice that the whites are using fully as much land, if not more land, than the Indians. They are not losing any rights under the law; and yet the Indian, whose land is mortgaged for the improvement, who made the entire improvement and put it in there for the benefit of all, is tied up with certain conditions under which he must lose his land through the fact that the law circumscribes him as to time, and the department, which is his guardian, does not give him the implements with which to work the land. He is tied, bound, and helpless, and it is inevitable that he should lose the land.

I do not think the Senator from Idaho wishes to do that. I assure him that I do not wish to do any injustice to the homesteader in Idaho, and I will go as far as he dare go to protect his rights; but at the same time I expect him to walk alongside of me and help to protect the Indian's rights and not see him literally robbed of his property.

I would not so much mind going out, if it was necessary, and helping hold up a bank or a train or obtaining money for the whites in some high-toned way; but I draw the line on taking it from the helpless and the poor and the sick and the unfortunate. I do not stand for that. If a man is able to fight his own battles and comes up and fights them in a fair way, I do not mind fighting with him; but when it comes to robbing children, the helpless, and the pitiful folks who have not enough to eat, the Government ought to be in a bigger business than that, and the United States Senate, too; and I protest against it.

Mr. BORAH. Mr. President, I trust the Senator will calm himself. There have been no Indians robbed on the Fort Hall Reservation.

Mr. LANE. They are cinched to a finish.

Mr. BORAH. The Senator from Oregon will not be able to point the Senator from Idaho to a single instance in which an Indian on that reservation has been robbed or injured.

Mr. LANE. Then they are an exception.

Mr. BORAH. In that respect they are like the Senator from Oregon—they are an exception. I think I know precisely the situation, and I am not joining any scheme of robbery or injustice to the Indians. When the Senator from Oregon makes the broad assertion he makes it without any foundation whatever in fact.

Mr. LANE. Mr. President, I am not reflecting upon the Senator from Idaho. I was reflecting upon the action in the past in regard to handling these Indian funds. I wish to assure the Senator from Idaho that I was not reflecting on him or on any other Senator. I want to make that clear.

Mr. BORAH. When the Senator from Oregon or anyone else talks about robbery as to matters which I am urging, I want him to be specific.

Mr. LANE. I will be specific, Mr. President.

Mr. BORAH. Then, if the Senator has anything to be specific about, let him make it so now.

Mr. LANE. The commissioner says the money of the Indians in Idaho has been expended principally for the benefit of the whites.

Mr. BORAH. That is, in my judgment, a mistake.

Mr. LANE. That is the statement of the Commissioner of Indian Affairs.

Mr. BORAH. I can not believe the commissioner intended such inferences as the Senator draws. We are perfectly familiar with the facts there. The Indians have been fully, generously, and well protected. I have never heard a complaint, and some of them are quite intelligent.

Mr. SMOOT. Mr. President, this is no new subject, although it has never been undertaken to be reached by legislation before.

When Mr. Leupp was Commissioner of Indian Affairs, when the question arose as to the Indians' rights in regard to the water upon the Uintah Indian Reservation in my own State, I remember well that the commissioner then undertook to take the position that the Government, as the guardian of the Indians, was not compelled to file upon the water in the State; that the water arose in the Indian reservation, and as it arose in the Indian reservation it belonged to that reservation and belonged to the Indians after the reservation was made. That position was disputed, and the commissioner was told that the best thing for him to do was to look up the law and see whether there was any way for the Indians in any State to secure a right to water unless it was under the laws of the State. After that examination the commissioner decided that the only way an Indian could secure a water right in any State was by an appropriation and beneficial use. They appropriated the waters for the Indians on the Uintah Indian Reservation, and they have spent now some $750,000 in the way of building laterals and watercourses through all of the different sections of land held by Indians on that reservation.

Before that irrigation system was completed the time had elapsed for the beneficial use of water under the laws of the State of Utah. What did the Indian Commissioner do? He came to me, as one of the Senators from that State, and I believe to my colleague, also, and asked us to ask the governor of our State if he would not use his influence with the legislature of our State to secure an extension of the time for five years, in order that the Indians might make beneficial use of that water, as the irrigation system was not completed. Our legislature did not hesitate a minute. Among the very first acts of the legislature during that session was the passage of a law extending for five years the time for the Indians upon the Uintah Indian Reservation to make beneficial use of that water. That time, Mr. President, is not out yet.

I have not any doubt but that there never will be a legislature in the State of Utah that will not take care of the Indians and protect their rights as much as any man in Congress. No Indian in the State of Utah has suffered; no Indian has been robbed; no Indian will be, because the people will see that they are protected in their interests. They will go more than halfway, I will say to the Senator.

Mr. LANE. I should like to call the Senator's attention to this statement. I asked the assistant commissioner:

How much have you spent on this Fort Hall irrigation scheme?

He said:

We have spent $800,000. We spent about $770,000 up to June 30, 1913.

Senator LANE. When was it started?

Mr. MERITT. About five or six years ago.

Senator LANE. How long have the Indians to run now before they lose their water rights?

Mr. MERITT. We have a provision in this item to protect their water rights, if we can get it adopted by the committee.

Senator LANE. I notice by the statistics there that the whites have under cultivation about twice as much as the Indians. Is that land leased to them by the Indians?

Mr. MERITT. That is a project that we were discussing the other day where the whites got their land irrigated for something like $6 an acre under a law passed by Congress. The Senator from that State was somewhat successful in getting very favorable legislation for his constituents.

Mr. SMOOT. I wish to say to the Senator that Mr. Meritt does not know what he is talking about when he says that under this provision the Indians secure any rights whatever to any running stream in any State of the Union. The only way that can be secured is by appropriation and by a beneficial use. That has been held so often by the courts of the land and the Supreme Court that I did not think there was a Senator who would question it for a moment.

Now, Mr. President, what is this provision here for?

The PRESIDENT pro tempore. The provision is not now before the Senate.

Mr. SMOOT. We are discussing the amendment that is before the Senate.

The PRESIDENT pro tempore. No; that amendment has gone out on a point of order, and it will stay out until the ruling of the Chair is reversed by the action of the Senate.

Mr. SMOOT. Mr. President, we are not losing any time at all, because there are four or five other amendments with exactly the same object and in identically the same words. I suppose the Chair will rule, and rule properly, that every one of them shall go out. For that reason I shall not say anything more at this time.

Mr. JONES and Mr. BRADY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Idaho [Mr. BRADY] was taken from the floor rather abruptly, and if it pleases the Senator from Washington to yield to his friend from Idaho the Chair will recognize the junior Senator from Idaho.

Mr. JONES. Certainly.

Mr. BRADY. Mr. President, I wish to say a word relative to the treatment of the Indians on the Fort Hall Indian Reservation. I do not think anyone can complain of the treatment they have received, either at the hands of the Government or at the hands of the people of the State. The 45,000 acres of land they have would not be worth over a dollar and a quarter an acre without water, whereas to-day it is worth from $75 to $100 an acre with the water on it; so it is very easy to figure what profit the Indians will make by properly cultivating the land.

I do not wish to be understood as in any way antagonizing the rights of the Indians on this reservation. On the other hand, I want to help them in every way I can. While I realize, as any man conversant with the irrigation laws and usages must realize, that this amendment would not have any effect if we agreed to it, I do not propose to direct my attention to that amendment. I do want to say, however, that the committee is taking the right course to enable the Indians to apply this water to beneficial use. The very things that you have done in your committee, if they are carried out, will enable every Indian on the reservation to prove up with his water, having put it to beneficial use.

There are 20,000 acres of that water as to which there is no question at this time in my mind that it is attached to the land. The only question is in regard to the water in the reservoir. If you go on and complete your canal and place it in shape so that the Indians can use the water, and then adopt the section that you have here, allowing $50,000 to be paid to buy tools and teams and facilities with which to farm, you will find that they will go on and improve their farms.

There are many intelligent Indians on this reservation. There must be 25 or 30 young men and young women there who are graduates of Carlisle University. They have a school on that reservation with over 400 pupils, I believe, in attendance. They are becoming civilized and trying to improve themselves. The people in the community want to help them and help them improve themselves. I want to say that I am very heartily in favor of this appropriation to enable them to do so.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. JONES. Mr. President, the Senator from Oregon suggested a moment ago that the Indians have been treated very badly by Congress. I have an idea that this occurred by reason of legislation being considered without anybody being present, as this legislation is largely being considered. I feel satisfied that if more Members of the Senate were present they would know more about conditions in the West and they would know more about the rights of the States to the water in the different streams, and then, instead of taking their views from the department upon these legislative matters, they would be able to get along better and get better legislation.

We have only 15 or 20 Members present here now. I think the amendment ought to be considered by a quorum, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Page	Sterling
Borah	Jones	Perkins	Sutherland
Brady	Kenyon	Shafroth	Swanson
Bryan	Lane	Sheppard	Thompson
Catron	Myers	Shively	Thornton
Clapp	Nelson	Smith, Ariz.	Tillman
Clarke, Ark.	Norris	Smoot	Townsend
Crawford	Owen	Stephenson	White

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. MYERS. I announce that my colleague [Mr. WALSH] is necessarily absent. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

The PRESIDENT pro tempore. Thirty-two Senators have answered to their names. There is not a quorum of the Senate present. What is the pleasure of the Senators who are present?

Mr. JAMES. I desire to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY]. I will state that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. BRYAN. I move that the absentees be called.

The PRESIDENT pro tempore. There are just two motions which can be made. One is a motion to request the attendance of absent Senators and the other is a motion to adjourn.

Mr. JAMES. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Secretary will furnish the Sergeant at Arms with a list of absent Senators.

Mr. BURTON, Mr. WILLIAMS, Mr. BRISTOW, Mr. LEE of Maryland, Mr. GORE, and Mr. JOHNSON entered the Chamber and answered to their names.

Mr. TOWNSEND. I move that the Senate adjourn. We have been trying to get a quorum for some time.

The PRESIDENT pro tempore. The Senator from Michigan moves that the Senate do now adjourn. [Putting the question.] The noes seem to have it.

Mr. SUTHERLAND. I ask for a division.

The motion was agreed to, there being, on a division—ayes 14, noes 12.

Mr. OWEN. I call for a vote by yeas and nays.

The PRESIDENT pro tempore. The Senate is not in session. It stands adjourned until to-morrow at 12 o'clock.

The Senate thereupon (at 3 o'clock and 34 minutes p. m.) adjourned until to-morrow, Thursday, June 18, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 17, 1914.*

The House met at 12 o'clock noon, and was called to order by Mr. CULLOP as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Great God our Father, as time sweeps on in its ceaseless flow, draw us day by day, by grace divine, a little nearer to Thee; a little nearer to our better self; a little nearer to those we love; a little nearer to each other and the world of mankind; a little nearer to the toiling millions; a little nearer to the sorrowing, the unfortunate, the man down and out, that the Christ spirit may have its perfect work in our hearts, and faith, hope, and love be ever in the ascendancy; to the glory and honor of Thee, O God our Father. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. If there be no objection, the Journal as read will stand approved.

Mr. MANN. Reserving the right to object, I notice that all through the Journal it is stated that the gentleman from Tennessee [Mr. PADGETT] moved to disagree to the various amendments and ask for a further conference with the Senate. As a matter of fact, that was not done, and that would not be proper under our procedure. After the various amendments had been disagreed to, the gentleman from Tennessee [Mr. PADGETT] at the end made a motion to ask for a further conference, and the Journal so states.

Where an amendment is disagreed to, it is not customary to ask for a further conference on each amendment. I think the Journal ought to be corrected to show that the motion was not made until after all the amendments had been disagreed to, where the motion really was made.

The SPEAKER pro tempore. If there be no objection, the Journal will be corrected as suggested by the gentleman from Illinois.

JOHN K. LOWRY.

Mr. LOBECK. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 279) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Whereas by an error in printing the bill reported by the House Committee on Invalid Pensions upon H. R. 11269, approved May 2, 1914 (Private, No. 22), the designation of the military service of one John K. Lowry, late of Company F, Forty-sixth Regiment, Ohio Volunteer Infantry, was changed to read Company K of said regiment: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved May 2,

1914 (Private, No. 22, 63d Cong.), granting an increase of pension to one John K. Lowry, be corrected and amended so as to read as follows:
"The name of John K. Lowry, late of Company F, Forty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension of $40 per month in lieu of that he is now receiving."

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The message also announced that the President had approved and signed bills and joint resolution of the following titles:

On June 4, 1914:

S. 2860. An act providing a temporary method of conducting the nomination and election of United States Senators.

On June 15, 1914:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

On June 16, 1914:

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. MANN. Reserving the right to object, is not the gentleman willing to let that go over until to-morrow morning, and in the meantime have the bill printed with the Senate amendments numbered?

Mr. FLOOD of Virginia. There is no particular hurry about it. I do not want the bill to go to the Committee on Foreign Affairs. I want it to remain on the Speaker's table.

Mr. MANN. That is all right.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. FLOOD] withdraws his request.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHERWOOD, for two weeks, on account of important business.

CALENDAR WEDNESDAY.

The SPEAKER pro tempore. This being Calendar Wednesday, the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which is the unfinished business.

INVALID PENSIONS.

Mr. RUSSELL. Mr. Speaker, before that is done, I should like to present a conference report, to be printed under the rule.

The SPEAKER pro tempore. This is Calendar Wednesday, and that can only be done by unanimous consent.

Mr. RUSSELL. I ask unanimous consent that the conference report on the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war may be presented and printed in the RECORD under the rule.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REVISION OF THE LAWS—JUDICIARY TITLE.

The SPEAKER pro tempore. This being Calendar Wednesday, the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, with Mr. RUSSELL in the chair.

Mr. WATKINS. Mr. Chairman, section 13 of the bill was passed over temporarily in order that certain information might be obtained. On the following Wednesday the information was produced and the section was then finally passed. The RECORD, however, I have been informed, fails to show that action, and I want to be certain that the RECORD shows that section 13 was passed.

The CHAIRMAN. If there be no objection, the RECORD will so state.

Mr. WATKINS. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 79, line 14, strike out the section and insert in lieu the following new section:

"SEC. 137. Copies of the organization certificates of any national banking association or of any Federal reserve bank, duly certified by the Comptroller of the Currency and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the incorporation of the association or of the Federal reserve bank, as the case may be, and every matter which could be proved by the production of the original certificates."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was agreed to.

Mr. WATKINS. Mr. Chairman, section 273 was passed temporarily on account of an amendment which was offered by the gentleman from Maryland. I ask that before the amendment is submitted we return to section 270, because the amendment which was offered by the gentleman from Maryland to section 273 is not germane to section 273. I ask that we return to section 270 to give the gentleman from Maryland an opportunity to withdraw his amendment to 273 and offer it to section 270.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to return to section 270 for the purpose of permitting the gentleman from Maryland to offer an amendment that he heretofore offered to section 273. Is there objection? [After a pause.] The Chair hears none.

Mr. LEWIS of Maryland. Mr. Chairman, I desire to withdraw the amendment that I offered last Wednesday to section 273.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. LEWIS of Maryland. Now I will offer the amendment to section 270, to be known as section 270a.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After section 270, on page 142, insert as a new section, 270a:

"In all cases of proceedings wherein the court of last resort of any State has by final judgment or decree adjudged any provision or provisions of a State constitution or statute or any municipal ordnance to be in contravention of the Constitution of the United States, or any statute or treaty thereof, such judgment or decree may be reexamined and reversed or affirmed by the Supreme Court of the United States under such rules as said court may prescribe."

Mr. MANN. Will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. MANN. I suggest to the gentleman that it is rather awkward in enacting a law to number a section 270A. It would have the same effect if he added it to section 270.

Mr. LEWIS of Maryland. The suggestion was made that it would be clearer as section 270A.

Mr. MANN. We sometimes insert it in an old law, but the chances are that before we get through the sections will be renumbered consecutively, as required by the rules of Congress. As changing the number of sections might be awkward, I think it would be safer to make it a part of section 270.

Mr. LEWIS of Maryland. Strike out the new section and make it a new paragraph.

Mr. MANN. Add it to the end of section 270.

Mr. WATKINS. Mr. Chairman, section 270 and several sections refer to the procedure on appeal. Section 270A which is offered, as a matter of fact, is a separate and distinct proposition. It does not relate to procedure at all.

Mr. MANN. It does not belong in the bill; but if it is to be put in, it ought to be put in in the right way.

Mr. WATKINS. I shall object to its being put in as a part of section 270, because that relates to the manner of appeal and not to the right of appeal. I prefer it should go in as an independent section. Otherwise it would have the appearance that the committee had agreed to a right of appeal in a section where there was only provision made for the remedy by way of procedure.

Mr. MANN. Under the practice of parliamentary bodies like this it is the duty of the clerk when enrolling the bill to number the sections consecutively, disregarding any numbers that we put in, and if that was done it would disorganize the entire bill.

Mr. WATKINS. Then he would give this the number of 271.

Mr. MANN. True, but what I mean is this: The gentleman's bill in one section refers specifically to another section.

Mr. WATKINS. That is true, but it does not happen to be so this time.

Mr. MANN. I do not know whether it happens to be so in the balance of the sections.

Mr. WATKINS. The second amendment I have is to correct a defect of that kind.

Mr. MANN. That would disorganize the whole thing. If this is to be inserted, it should be inserted as a part of this section. It belongs in another law entirely.

Mr. LEWIS of Maryland. Inasmuch as the chairman of the committee objects and has another view I will let it stand as a new section.

Mr. MANN. It will be a great annoyance to the clerks whose duty it is to engross the bill with sections numbered consecutively. While we sometimes insert in a law by amendment section 270a, it is never done as an original proposition.

Mr. LEWIS of Maryland. Mr. Chairman, some explanation ought to be made to the House of the significance of this amendment. Lawyers will understand that appeals now from the State courts to the Federal courts where the Federal Constitution or statutes have been appealed to are restricted to those cases where the State court has decided against the contention that the act of the legislature is invalid under the Federal Constitution. It was put there to protect, of course, the supremacy of the Federal law, and ample privilege is given a State and litigants to secure their rights under the Federal law by appeal to the Federal court.

In modern times, however, especially since the war, it has happened—and with great frequency and in a very serious way—that the courts have held their own State statutes invalid as violative of the Federal Constitution. In such cases no appeal is allowable to the Supreme Court, the appeal being restricted to the decisions which are made the other way. It so happens that some of the most important legislation of the States, especially in respect to the relations of employers and employees, has been struck down by the State courts on the argument that such legislation was violative of the Federal Constitution, and in such instances no appeals could be taken to save the State law. I have in mind three classes of cases, all of them of the gravest importance. One of them relates to statutes frequently passed by States with reference to weekly pay or semimonthly pay days. In my own State statutes of that kind have been held violative of the Federal Constitution, and yet recently, in a case that could go to the United States Supreme Court from the State of New York, that court has held that such statutes were not violative of the Federal Constitution. There are other instances involving the so-called company or pluck-me stores, and those State statutes have been struck down by State courts on Federal grounds, and no access has been possible to the Supreme Court of the United States to get its view about that line of legislation.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LEWIS of Maryland. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEWIS of Maryland. Now, Mr. Chairman, that very kind of legislation—it is not too much to say, legislation intended to break up the pluck-me, or company-store, system—sometimes goes to the question of peace and order in the mining industry, and my own hope and my own confidence is that if the Supreme Court of the United States could be appealed to in respect to that line of legislation, it would take a different view from what the State courts took of the subject 35 years ago. Adjudication in the States is now, however, predicated on the precedents of a bygone age upon that subject.

There is another question that goes to human nature itself. It is the compensation laws which are being passed by the respective States. One State court, at least, has held such compensation laws to be violative of the principles of the Federal Constitution, and no appeal can be taken to the Supreme Court of the United States in such a case. I do not believe there are five men in the House to-day who believe that the Supreme Court, in our age, would hold such an act unconstitutional; and yet there is presented a situation where, if that precedent be followed in 40 or more States on that most important of all subjects, we might find ourselves unable to emulate the civilization of the rest of the world and effectuate the plainest dictates of justice and humanity. This amendment is designed to give appeals to the Supreme Court of the United States only in those instances where a State statute, a section of a State constitution, or a municipal ordinance predicated upon State sovereignty has been nullified by the State courts, in order that the highest court in the land may determine whether indeed and in truth such statute, constitutional amendment, or municipal ordinance does in fact contravene the Federal Constitution.

I may say, Mr. Chairman, that there is no opposition to this amendment in any direction. The American Bar Association has declared in favor of it. I am informed that ex-President Taft has recently visited the Capitol and appeared before the Judiciary Committee of this House in advocacy of it.

Mr. GREEN of Iowa. Mr. Chairman, I heartily concur in all that has been said by the gentleman from Maryland [Mr. LEWIS] as to the necessity and propriety of this amendment so far as its purposes are concerned. I had something to do with the drafting of it, in assisting the gentleman from Maryland as to the form——

Mr. LEWIS of Maryland. Mr. Chairman, if the gentleman will permit, I wish to make admission that the gentleman from Iowa himself drafted this provision.

Mr. MADDEN. Surprising that you [Mr. GREEN of Iowa] should agree to the amendment after you had drawn it!

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] is unnecessarily sarcastic. I was talking about the purposes of the amendment and not with reference to its form; but I wish to say something with reference to the language of the amendment. In drafting the amendment I endeavored as far as possible to follow the language which had heretofore been used in other provisions with reference to similar matters. The amendment as originally drawn used the words "in conflict with the Constitution of the United States." I took the words "in contravention of the Constitution of the United States" from a somewhat similar provision with reference to the courts of the District of Columbia, which seem to be the only courts from which appeal may lie with reference to decision upon State constitutions or State statutes, which have been held to be invalid as in contravention of the Constitution of the United States. The word "reexamine" as used in the provision that such judgment or decree may be "reexamined and reversed or affirmed by the Supreme Court" is found in the converse of this statute in the Judicial Code, the provisions of which the gentleman from Maryland has already stated. That provides that where it is decided that any statute is valid under the Constitution of the United States, an appeal may be taken from such a decision. The proposed amendment is simply the converse of that statute. A suggestion has been made with reference to an amendment to the amendment in order to make it conform to similar statutes—that after the words "United States," in the last line, the words be inserted, "upon writ of error," so that the amendment will then read:

Reversed or affirmed by the Supreme Court of the United States, upon writ of error.

This suggestion was made by my colleague, Judge TOWNER, and I am inclined to think that the suggestion is a good one. In drafting this amendment, I borrowed a portion of the language from page 153 of the bill in section 295, and I observe that the language there is:

Reexamined, reversed, or affirmed by the Supreme Court of the United States, upon writ of error, under such rules and regulations as the court may prescribe.

Mr. LEWIS of Maryland. Does the gentleman propose that addition?

Mr. GREEN of Iowa. I think it would be well to make that addition.

Mr. LEWIS of Maryland. I am willing to accept it. I think it is completive of the sense of the amendment.

Mr. GREEN of Iowa. Then when I close, I shall ask unanimous consent that it be inserted.

There is one explanation that is probably necessary with reference to the terms of this amendment. The House will observe that there is no provision as to what action shall be taken when the case is reversed or affirmed, but that is left to the Supreme Court to prescribe by rules and regulations. Nearly all of the cases which can be considered under this amendment will be criminal cases and, of course, if the Supreme Court should reverse the decision of the State court no action could be taken in the way of remanding the case to the lower court and ordering that decision or judgment to be set aside, because the judgment would be one which released the defendant and discharged him under the indictment or information, as the case might be. It is intended by this provision that the decision of the Supreme Court will, however, be a precedent for future decisions in the State court, which it is assumed will be governed by whatever the Supreme Court of the United States may decide in the matter. It was thought best for that reason, instead of making any provision as to what order or subsequent proceedings should be had after the case has been reversed or affirmed, to simply provide that the court itself, the Supreme Court of the United States, might make rules and regulations in reference thereto which would be applicable to any class of cases that came before it under the amendment, whether civil or criminal, and whether the result was an affirmation or a reversal of the lower court.

Now, Mr. Chairman, I will ask unanimous consent that there be inserted in the amendment, the gentleman proposing the amendment having consented thereto, after the words "United States" in the last line, the words "upon writ of error," so that the last clause will read: "reversed or affirmed by the Supreme Court of the United States upon writ of error under such rules as said court may prescribe."

Mr. MANN. Will the gentleman yield for a question?

Mr. GREEN of Iowa. Yes.

Mr. MANN. The existing law that permits review by the Supreme Court of the United States of decisions of the State courts relating to State constitutions or statutes, does that also include municipal ordinances?

Mr. GREEN of Iowa. It would apply to municipal ordinances.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to modify the amendment in the manner suggested. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Chairman, further, in answer to the question of the gentleman from Illinois, I would say that the provision in the Judicial Code of the existing law would apply to a similar case where a municipal ordinance was involved and the State court decided that it was not in contravention with the Constitution of the United States. This is section 237 of the Judicial Code, which I have in my hand.

Mr. MANN. What is the provision as to this language? Does the language include municipal ordinances?

Mr. GREEN of Iowa. It does not specify municipal ordinances by using those words, but it says:

SEC. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision is against their validity, or where is drawn in question the validity of a statute of or an authority exercised under any State on the ground of their being repugnant to the Constitution, treaties, or laws of the United States and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution or any treaty or statute of or commission held or authority exercised under the United States and the decision is against the title, right, privilege, or immunity especially set up or claimed by either party under such Constitution, treaty, statute, commission, or authority may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error, etc.

This would cover cases involving municipal ordinances.

Mr. MANN. Now, that having been the law for many years, and it being now suggested or proposed that the converse be taken as a case for appeal, why is not the same language used here instead of putting in entirely different language, which will require a lot of court construction?

Mr. GREEN of Iowa. The language which has been used in this amendment is not new, but is all found in some of the provisions of our Judicial Code and the bill which we have before the House. The reason that different language is used in this amendment is because the cases covered thereby can not be reviewed in the same manner or, I should say, with the same effect as the cases which are covered by section 237 of the Judicial Code. In the cases covered by that section proceedings will be had after the decision in the United States Supreme Court or in the same manner as in ordinary cases; but in the cases covered by this provision, as I said before, nine out of ten will be criminal cases, and the procedure can not be the same. This necessitated some changes. I will say also that section 237 seemed to me to be unnecessarily involved. I undertook to simplify.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. GREEN of Iowa. Mr. Chairman, I would ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. The question is this: In our State we have a court of criminal appeals and the supreme court, the supreme court having jurisdiction of civil cases and the court of criminal appeals of criminal cases. Will this apply to criminal cases from the court of criminal appeals?

Mr. GREEN of Iowa. It would in certain cases if it was the court of last resort.

Mr. STEPHENS of Texas. That is the court of last resort for criminal cases and the supreme court is the court of last resort for civil cases. We have an intermediate court known as the court of civil appeals that is composed of three judges, and on constitutional questions and questions where one judge dissents appeal can go to the supreme court. Now, could one of these cases coming from the court of civil appeals go to the Supreme Court of the United States under the gentleman's amendment?

Mr. GREEN of Iowa. The only case that could go to the Supreme Court of the United States would be where the party desiring to take the appeal has exhausted his remedy entirely in the State courts.

Mr. STEPHENS of Texas. In that event he could go?

Mr. GREEN of Iowa. Yes.

Mr. STEPHENS of Texas. And if they had a case where they had not appealed where they are entitled to it, on a constitutional question or where one of the judges dissented, they would be without a remedy, and justly so, I think.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

Mr. MOORE. Mr. Chairman——

Mr. LEWIS of Maryland. I yield to the gentleman from Pennsylvania [Mr. MOORE] for a question.

Mr. MOORE. The gentleman from Maryland said that in a great many instances injustice had arisen because we did not have such a provision as this in the code. Can the gentleman in plain English, not in legal language, give us an instance where such an injustice has been worked because of this lack of the right of appeal?

Mr. LEWIS of Maryland. Perhaps the gentleman was not present——

Mr. MOORE. I was present. I mean some individual case where the wrong is done.

Mr. LEWIS of Maryland. I can give two cases from my own State. Legislation there designed to break up the "pluck-me-store" system was declared invalid by our highest court, and also legislation in regard to a two-week pay law.

Mr. MOORE. Was there a desire in those cases, after the Maryland courts had determined them, to take them higher?

Mr. LEWIS of Maryland. There was. In one case I was counsel, and was only prevented from taking appeal because of the fact that it could not be taken.

Mr. MOORE. Does a lack of uniformity in State decisions arise from failure to have this provision?

Mr. LEWIS of Maryland. It would tend to arise. I think our Maryland courts were restrained on that subject by decisions rendered 20 or 30 years ago.

Mr. MOORE. Then a remedy might lie in the legislature.

Mr. LEWIS of Maryland. There is no remedy in the State legislature. The remedy is here in Congress, because unless appeal is given State sovereignty can be hopelessly stricken down by a State court.

Mr. MOORE. And from your point of view that is the end of it?

Mr. LEWIS of Maryland. That is the end of it.

Mr. WATKINS. Mr. Chairman, I wish to say, as far as the enactment of this provision of the law is concerned, it is my individual opinion, and not that of the Committee on Revision of the Laws, that it is important. The Committee on Revision of the Laws has not had an opportunity to pass formally upon it during the presentation and consideration of this bill, because of the fact that it appropriately belongs in the judicial code which was approved on March 3, 1911, which code gives the

right of appeal and not in this bill. The provision under which we are operating at this time does not relate to the right of appeal, but to the mode of procedure in the court. And it is under this proposition that the amendment is offered, and it is not germane to that part of the law or those provisions of the law which we are incorporating into law at this time, and for that reason it was not put in the bill. That is, not put in under the title of procedure or anywhere else in the bill which we are now offering for passage. In view of the fact, however, that it is a law which should be passed; in view of the fact that we are now dealing with the question of appeal—and it relates to the right of appeal—and in further view of the fact that this provision which should have been incorporated in section 237 of the Judicial Code approved March 3, 1911, did not contain this provision, I will not interpose any objection to the passage of it at this time, although it is not in harmony or in line with the remainder of the chapter under which we are now operating.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman who introduced the amendment a question about this. Is not this already the law?

Mr. LEWIS of Maryland. No.

Mr. CULLOP. I see that you state in this amendment—

Where the highest court of a State by its final judgment on appeal had adjudged any provision or provisions of a State constitution or statute, or any municipal ordinances, to be in contravention of the Constitution of the United States or any statute or treaty thereof.

Would not a judgment of that kind be raising a Federal question?

Mr. LEWIS of Maryland. No.

Mr. CULLOP. Why can you not take that, then, on to the Supreme Court of the United States?

Mr. LEWIS of Maryland. Because the statute giving the right of appeal in those cases, and passed in 1789, restricts appeals to those instances where the decision has been in favor of the Federal contention and denies appeals where the State courts have decided adversely to the State contention, it being assumed that the State courts can be relied upon to protect the statutes of their own States. In 1789 the State courts had a bias as for the State statutes, but that feeling certainly does not exist at this date.

Mr. SCOTT. Will the gentleman yield?

Mr. CULLOP. I yield to the gentleman from Iowa.

Mr. SCOTT. I want to ask the gentleman from Maryland a question, as to whether or not it is his opinion that the reason behind the present form of the statute is that it calls upon the Supreme Court of the United States to enforce the Federal law? In other words, to protect the right of the citizen under the Constitution of the United States, whereas to permit the adverse or other side to appeal it would be to call on the Supreme Court of the United States to enforce State law. Is not that the reason behind the distinction?

Mr. LEWIS of Maryland. It may be a debatable proposition, sir; but my view is as stated. If a State court comes to an erroneous conclusion about the Federal right of a man who has sued me, and has decided adversely to me, that State court has as much deprived me of my Federal rights when it errs as it would in cases otherwise determined. In other words, both parties have equal rights to a correct interpretation of the Federal contention.

Mr. SCOTT. But does not the Constitution of the United States guarantee enforcement of the State laws or rights under the State laws?

Mr. LEWIS of Maryland. No; it impliedly guarantees that the Federal Constitution shall not be applied to nullify State legislation except in proper cases; but this appeal allowed by this amendment implies that where the State court has nullified a State statute under the pretense of Federal conflict, if the Supreme Court thinks that the State has not trespassed upon the Federal authority the Supreme Court shall have power to say so, and to protect me in my Federal right, because I have a Federal right to the protection of State laws which the State really has the power to pass.

Mr. GREEN of Iowa. Will the gentleman from Indiana [Mr. CULLOP] allow me to make a statement in reply to my colleague?

Mr. CULLOP. Certainly.

Mr. GREEN of Iowa. I call my colleague's attention to the fact that this provision does not in any way make the Supreme Court of the United States responsible for the enforcement of the State law. In fact, it does not provide for any enforcement of the State law on the part of the Federal Supreme Court. It provides only for the determination of the principles of the Constitution in that court and affirmance or reversal of the State court; but it leaves to rules and regulations, which will be established by the Federal court, the question of what further action, if any, may be taken. And in many of these cases, as I said before, no action can be taken beyond a simple reversal or affirmance.

The SPEAKER. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, I would like now to say to the gentleman from Maryland that I agree with him on his amendment, but I would like to have it go further and incorporate the subject matter embraced in my amendment. Whereever there is a suit brought to test the validity of a State statute I think the original jurisdiction ought to be confined to the State courts, and the Federal courts not have jurisdiction until the highest court of the State has had an opportunity to pass upon its validity and construe the provision. The State courts should have the first say, as we sometimes call it.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. GREEN of Iowa. I do not just understand the gentleman. That is just what this provides. It is only where the decision is made by the court of last resort that this section applies.

Mr. CULLOP. Ah, the gentleman is badly mistaken. The gentleman will observe this, that there can be brought under this statute an original suit in the Federal court to test validity of a State statute without first bringing suit in the State court, and having the highest court of the State construe its statutory provisions, and this procedure we assert is wrong.

Mr. GREEN of Iowa. Where does the gentleman get that out of this provision?

Mr. CULLOP. This only provides that appeals may be taken from the State court where the highest court of the State has passed upon the question and one or the other of the parties feel aggrieved, whereas heretofore it was only in certain contingencies appeals from courts of last resort of the States could be taken to the Federal courts. It is to cure this evil the amendment of the gentleman from Maryland applies; but the amendment I have offered goes much further, and provides that in all suits where the validity of any State statute is involved the question must first be passed upon by the State court of last resort before the Federal courts can take jurisdiction of such question. In other words, State courts must first pass upon the validity of State statutes before the Federal courts can do so. It further authorizes an appeal by the aggrieved party from decision of the question by State courts of last resort to the Supreme Court of the United States. As the law now is, a suit involving the validity of a State statute may be brought in the first instance in the Federal courts and determined before the highest courts of the State have an opportunity to construe it or pass upon it. I hope I have now made its purpose plain to the gentleman from Iowa.

Now, there is nothing in the amendment of the gentleman from Maryland that confines such a suit in its original jurisdiction to the State courts. For aught that appears in his amendment, a suit can be brought in the Federal court in the first instance to test the validity of the statute of a State. Now, then, my amendment applies to that subject.

Mr. GREEN of Iowa. You are correct about that.

Mr. CULLOP. Now, what I am asking is the enactment of some legislation for jurisdiction in the first instance of a suit to test the validity of a State statute, to be brought in the first instance in the State courts, and the Federal court shall not have original jurisdiction for that purpose, and then an appeal may be made from the decision of the supreme court of the State on that question to the Supreme Court of the United States.

Now, that is for this reason: It is the well-settled rule of statutory construction that the construction which the highest court of a State puts upon the statute of such State shall be controlling if it can possibly be reconciled under well-settled rules of construction by the Federal court reviewing the same. Now, we have known of a number of abuses in this country in the Federal courts for the want of some statute of the kind I have suggested. I think it is almost universally accepted that there ought to be legislation of some kind upon this question to avoid the recurrence of this abuse, and I will ask the gentleman from Maryland [Mr. LEWIS] if he would be willing that I should offer an amendment to the pending amendment providing that in all suits to test the validity of a State statute original jurisdiction shall be in State courts and an appeal shall then lie from the highest court of the State to the Supreme Court of the United States. This would rectify the existing evil in this respect.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. CULLOP. Certainly.

Mr. GREEN of Iowa. Does not the gentleman see some constitutional difficulty in the way of limiting the jurisdiction to the State courts in the first instance?

Mr. CULLOP. None.

Mr. GREEN of Iowa. I might say also that such a statute as that which the gentleman proposes would be in direct conflict with the statute that we have on the books now.

Mr. CULLOP. The purpose is simply to get rid of that statute and put a new one in its place. There is no constitutional objection to this, to what I propose; none whatever. This Congress has the right to confer jurisdiction in any of these cases on the State courts by a statute, and lodge the jurisdiction in any court as it may see fit. There is nothing to prevent it. Congress has the power if it sees fit to use it. Take the employers' liability act for an illustration. It provides that the Federal courts only have concurrent jurisdiction with the State courts in suits under that act. Congress had the power to pass such a law. It has the power to prescribe the jurisdiction in this matter, as provided by the amendment I have offered. The law as it exists now is injurious to the people of the country who are compelled to resort to litigation to determine such important questions in that a nonresident is procured for jurisdictional purposes, so that there will be a diversity of citizenship, and the suit is brought in the Federal court to test the validity of a State statute, when it ought to be brought in the State court and an opportunity given to the supreme court of that State to first pass upon it, before the Federal court is resorted to. This method would be the better and fairer one.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. I ask one minute in which to offer an amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent for one minute more, in which to offer an amendment. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, I offer the following amendment, to amend the amendment offered by the gentleman from Maryland [Mr. LEWIS], after the word "prescribed," by inserting the words "*Provided*, That in any suit brought to test the validity of the statute of any State, original jurisdiction shall be in the State courts, and an appeal permitted from the supreme court of such State to the Supreme Court of the United States."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

Mr. CULLOP. I will write it out, Mr. Chairman, and send it to the desk.

Mr. LEWIS of Maryland. Mr. Chairman, I wish to say, as courteously as possible, that I think this amendment is entirely incongruous with the amendment that I proposed. If I understand the gentleman's proposition, I think I may suggest that it is not worked out at all in the proviso that is offered, and it would require a great deal of time and painstaking care to work it out in conformity with the law. I therefore make a point of order to the proviso.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] makes a point of order against the amendment offered by the gentleman from Indiana.

Mr. STAFFORD. Mr. Chairman, he can not make a point of order against it until it has been reported. It has not been reported yet.

The CHAIRMAN. It has been offered informally, and it will be put in writing in a moment.

Mr. TOWNER. Mr. Chairman, is the matter before the Chairman for consideration on the point of order?

The CHAIRMAN. Strictly speaking, the Chair thinks not. The amendment is now being prepared by the gentleman from Indiana [Mr. CULLOP]. The Clerk is not certain that he heard it correctly as stated by the gentleman from Indiana.

Mr. MANN. Mr. Chairman, I doubt very much the desirability of agreeing to this amendment, for two reasons. First, I think that any change in the law which confers additional jurisdiction upon the Supreme Court ought to be very carefully considered by the Judiciary Committee, so that we will be quite certain that the law means what it apparently says. My observation is that hastily drawn statutes—even those drawn by so distinguished gentlemen as the gentleman from Iowa [Mr. GREEN] and the gentleman from Maryland [Mr. LEWIS]—are often provocative of great discussion and many decisions. Second, the Supreme Court of the United States, I believe, is having a longer session this year than is customary. A few years ago we hoped that we might be able, by the creation of the courts of appeal, to permit the Supreme Court of the United States to keep practically up to date with its business. We have gone on since then and added to the jurisdiction of the Supreme Court; and not only that, but we have given preference to a certain class of cases until an ordinary citizen having a case before the Supreme Court now has to wait for quite a number of years before he can have his case disposed of, and the delay in justice is often a denial of justice.

Now, here is a proposition to permit the Supreme Court of the United States to pass upon every city, village, county, hamlet, and township ordinance, practically.

Mr. LEWIS of Maryland. They do it now.

Mr. MANN. Oh, no; they do not do it now.

Mr. LEWIS of Maryland. They do it for one side of the litigants' table.

Mr. MANN. Under the existing law the Supreme Court can pass upon the question where the State court has decided that the act of the legislature or the State constitution is not in conflict with the Constitution of the United States. But here is a proposition now to take the other side, so that, whichever way the court decides, you can bring the case to the Supreme Court of the United States. There are a great number of municipal ordinances being constantly passed in the various municipalities of the United States where some lawyer contests the validity of the ordinance on the ground that it conflicts with the Constitution of the United States, and especially with the fourteenth amendment.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. MANN. In just a second. Now, whichever way the court decides, under this provision, it will decide that question—ordinarily it must decide it if it comes—and bring the case to the Supreme Court of the United States.

Mr. TOWNER. Does the gentleman by any logical course of reasoning support the contention that the right of appeal ought to exist when the court has decided the case only one way and should not exist when the court has decided it the other way?

Mr. MANN. Well, my friend from Iowa would seem to endeavor to impugn the common sense of the Congress which first put the provision in the law and that of every Congress since then which permits it to remain in the law. It seems to me it is quite logical to permit the Supreme Court of the United States to review the case in one instance, where it may be presumed that the State supreme court is biased in behalf of the provisions of the State, and not in the case where the supreme court of the State decides against the provisions of the State. The cases are quite different, just as much so as when you permit a citizen of a different State to sue in the Federal court, but it is stronger in that case than this.

Mr. CULLOP. I ask to have my amendment reported.

Mr. LENROOT. I should like to be recognized in my own right later.

The CHAIRMAN. The amendment offered by the gentleman from Indiana [Mr. CULLOP] will now be reported.

The Clerk read as follows:

Amend the amendment by adding at the end the following:
"*Provided*, That in any suit to test the validity of any State statute original jurisdiction in all such suits in the courts of the State, and an appeal shall lie from the highest court of said State to the Supreme of the United States."

Mr. LEWIS of Maryland. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] makes a point of order against the amendment.

Mr. CULLOP. On that I want to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Indiana on the point of order.

Mr. CULLOP. Mr. Chairman, I should like to have the gentleman from Maryland state the point of order on which he relies.

Mr. LEWIS of Maryland. The point of order relied on is this: The section as proposed deals distinctly with rights of appeal from State courts of last resort to the Supreme Court of the United States, a distinct proposition of law and fact. The amendment proposed by the gentleman from Indiana [Mr. CULLOP] deals with a wholly different set of circumstances, namely, those conditions which are to determine the right of original jurisdiction in courts of nisi prius character. We are dealing with legal propositions as distinct as it is possible to fancy.

Mr. CULLOP. Mr. Chairman, the fact that the amendment offered to the amendment deals with the original jurisdiction of these cases only enlarges the scope of the gentleman's amendment, and it treats of appeals from the State courts to

the Supreme Court of the United States, the controlling subject embraced in his amendment.

The fact that an amendment to an amendment enlarges only the scope, but is of the same subject matter, does not make it obnoxious to the original amendment. All this amendment does is to control the original jurisdiction in a certain class of cases. It treats of the subject of appeals, just as the original amendment treats, and the fact that it enlarges the subject, which is the gist of the original amendment, which is the crux of the whole subject treated of, does not make it obnoxious to the original amendment, but it is in line with and treats of the identical subject matter treated of by the gentleman in the original amendment, and I contend that it is germane and that it is not subject to the point of order made by the gentleman from Maryland; and I think if the Chair will take the trouble to look up the rulings on the Clayton bill the Chair will find a precedent that sustains the position I am taking here upon this subject, except that the amendment in the case in which the precedent was made will be found to have been more foreign to the subject than the one now in question. That was almost identically the same point of order raised, and the Chairman of the Committee of the Whole, the gentleman from Tennessee [Mr. HULL], held that it was in order.

Mr. WATKINS. Mr. Chairman, on the point of order I will state that we are now under the title of procedure and regulating the appeals to the upper courts from the lower courts under that heading. The amendment of the gentleman from Indiana [Mr. CULLOP], referring, as it does, to the original jurisdiction of the court, should have come under the judicial code, and the features which he asks to have incorporated in this amendment should have come under section 237, regulating the original jurisdiction of courts. It is clearly not germane to this section.

Mr. CULLOP. Is not the whole subject matter embraced in the amendment of the gentleman from Maryland [Mr. LEWIS] a question of jurisdiction and nothing else? He has offered it to confer jurisdiction in a class of cases in which the court now has no jurisdiction. It is a jurisdictional question and nothing else, and his amendment treats only of jurisdictional matters and nothing else.

Mr. WATKINS. Mr. Chairman, if that is a question, I should like to have an opportunity to answer it.

Mr. CULLOP. Certainly.

Mr. WATKINS. Mr. Chairman, when this proposition was first raised, on last Wednesday, I intimated then that if it remained in the form in which it then stood I would raise a point of order against it, and I deferred it until this Wednesday for the purpose of placing it in such shape that it might, by a strained construction, be placed under the head of procedure. The way this amendment is now worded it can be construed under the head of procedure, and has been allowed to go under the head of procedure, under which we are operating, because the language of it is such as to allow that kind of strained construction of it; but the amendment of the gentleman from Indiana [Mr. CULLOP] clearly refers to the original jurisdiction of a court, which is dealt with under the Judicial Code, which has already been passed and is now operative under the laws of the country.

Mr. CULLOP. Will the gentleman from Louisiana permit a question there?

Mr. WATKINS. Certainly.

Mr. CULLOP. This is a new section, is it not?

Mr. WATKINS. Yes.

Mr. CULLOP. Has not the Chair held that a new section can be offered at any place in the bill?

Mr. WATKINS. It can be offered at any place in the bill if it is germane to the bill; but this is not germane to the bill. It is not in this bill. This particular section is under the head of procedure, and is not under the head of jurisdiction at all.

Mr. CULLOP. But this is a new section, and we can insert it at any place.

Mr. WATKINS. It is not germane to any part of this chapter.

Mr. CULLOP. Oh, that is immaterial, I will say to the gentleman from Louisiana.

Mr. TOWNER. Mr. Chairman, speaking to the point of order, I desire to call attention to the fact that evidently the main subject of the amendment offered by the gentleman from Indiana [Mr. CULLOP] is to determine the jurisdiction of courts regarding certain matters. That is not involved in the question before us. That is not involved in the original section that we are now considering. That is not the subject that is under consideration in any form. As the gentleman from Louisiana [Mr. WATKINS] says, the provision of the bill has reference to a question of procedure only.

Mr. CULLOP. Will the gentleman permit a question?

Mr. TOWNER. In just a moment. And because the gentleman has linked with his proposition regarding the original jurisdiction of certain courts a question regarding the procedure on appeal, it would not make it germane. He could not bring in extraneous and foreign matters in that form and make it germane.

Mr. CULLOP. Now will the gentleman yield?

Mr. TOWNER. Yes.

Mr. CULLOP. Is not the whole purport and object of the amendment offered by the gentleman from Maryland to give jurisdiction to the Supreme Court of the United States in cases in which it now has no jurisdiction? Is not that the whole object?

Mr. TOWNER. If that was true—and it is not exactly true—your amendment would still not be germane, because your proposition involves the jurisdiction of the State courts, something very remote from the procedure of the courts of the United States or of the Supreme Court of the United States. Let me say further, if the gentleman is acting in good faith—and I have no doubt he is acting in good faith regarding his proposition—it must be more carefully worked out than he has done by the amendment suggested here. It could not by any possibility be operative in the form in which it is now offered. If the gentleman desires in good faith legislation of that kind, I suggest that it had better be offered in some independent form, so that it may be considered as such. I think there is no provision in this bill to which it can be considered as germane. It certainly could not be germane to the section that we now have under consideration.

The CHAIRMAN. The Chair is of the impression that this amendment is not clear and that the gentleman from Indiana wrote it hastily. It says:

Provided, That in any suit to test the validity of any State statute original jurisdiction in all such suits in the courts of the State.

Mr. CULLOP. I omitted the words "shall be," but I called the Clerk's attention to that fact.

The CHAIRMAN. Then the concluding sentence of the amendment reads: "The highest court of said State to the Supreme of the United States."

Mr. CULLOP. An appeal may lie from the highest court of the State to the Supreme Court of the United States. The word "Court" should be inserted after the word "Supreme." I was obliged to write the amendment hurriedly.

The CHAIRMAN. The Chair is in some doubt as to whether the point of order should be sustained or not. It is true that this amendment offered by the gentleman from Maryland is with reference to the appeal from the State court to the Supreme Court of the United States, and we are considering a chapter bearing upon that subject, while the amendment offered by the gentleman from Indiana does in fact modify the law as to jurisdiction. At the same time the amendment provides for an appeal from the decision of the State supreme court to the Supreme Court of the United States. The Chair is rather of the opinion that he can not rule this out on a point of order, although it might be more properly placed in some other part of the Federal statute. The Chair is disposed to overrule the point of order and submit the matter to the committee.

Mr. LEWIS of Maryland. Mr. Chairman, I would like to be heard on the merits of the proviso.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. LEWIS of Maryland. Mr. Chairman, I have a good deal of sympathy with the suggestion in the amendment offered by the gentleman from Indiana. I am biased enough in favor of State jurisdiction to think the State courts should be the first to pass upon the constitutionality of their own statutes; but I wish to suggest to the lawyers in this House that if such a limit on Federal jurisdiction is desired, that this proviso is utterly inadequate to accomplish it. Instead of introducing a definition of jurisdiction on the line thought of, it would introduce confusion impossible to master, I am afraid.

Now, I make this suggestion to the lawyers of the House. It is very well for a man on the street to say and for the newspapers to say in regard to some lawsuit, "Oh, that lawsuit was brought to test the constitutionality of the statute." As lawyers we know that there has never been, as a technical fact, as a fact of the forum, a suit brought to test the constitutionality of a statute. The allegations are that the defendant has failed to discharge certain duties. The allegations on the part of the plaintiff are not that the act is unconstitutional, that its constitutionality is in controversy, with a prayer that the court determine whether the act is constitutional or not. The question of constitutionality is rarely raised by the plaintiff. It is rarely raised by the suit brought in any technical language for that

purpose. It is raised by the defendant, after he is dragged into court by way of defense. The language of the proviso is as inadequate to change that institution as it would be to accomplish a change of some rule of this House.

Mr. TOWNER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LOGUE. Mr. Chairman, I want to call attention to the fact that the amendment is absolutely meaningless and gets nowhere:

Provided, That in a suit to test the validity of any State statute original jurisdiction in all such suits shall be in the courts of the State and an appeal—

And so forth.

I know of no case where the court will entertain jurisdiction merely for the purpose of testing the validity or constitutionality of an act of the assembly. If we presented a petition or instituted a proceeding that was merely presented to the court in the line of determining whether or not an act was constitutional or not, we would be reminded by almost every State court and every Federal court not to bring mooted questions before them, but to bring before them some real and substantial question wherein that point was raised. Therefore we would never have the application of this amendment, and it would be merely adding words.

I again call attention to the amendment, "provided in any suit to test the validity of any State statute." Suits are not brought for that purpose. Suits are brought either for the enforcement of rights or for the prevention of wrongs, and incidentally the question of the constitutionality of an act comes in. So that even if we adopted such an amendment, it would be to a degree meaningless, because it would be strictly interpreted and strictly held, when we sought to apply it, that the original suit was not brought for the purpose of upholding or overthrowing the constitutionality of an act, and therefore nothing would be accomplished by it. As it is worded at the present time, you would never have your action brought for such purpose, and collaterally it might be contended that the question could not be raised because the act strictly restricted it.

Mr. SCOTT. Mr. Chairman, it strikes me that the amendment offered by the gentleman from Indiana presents a very anomalous case. I take it that all will agree readily that Congress has no power or authority to confer or control the jurisdiction of State courts any more than a State legislature has over the jurisdiction of the Federal court, so that this amendment, if it means anything, merely curtails the jurisdiction of the lower Federal courts in cases mentioned. Inasmuch as the Supreme Court of the United States is a court of appeals only and has no original jurisdiction, and inasmuch as Congress can not control or confer original jurisdiction upon any State court, with this amendment agreed to, where would your original jurisdiction be so far as Federal law is concerned? There would be none.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. GREEN of Iowa. I do not understand what my colleague means by inquiring where the original jurisdiction would be. For the commencement of these actions?

Mr. SCOTT. If such a statute could be passed which would relieve the present inferior Federal courts of original jurisdiction in this class of cases, and as we know Congress has no power to confer it upon the State courts, where would there be any valid Federal law providing where to begin your case?

Mr. GREEN of Iowa. Oh, I beg my colleague's pardon. I misunderstood him.

Mr. CULLOP. Mr. Chairman, surely the gentleman from Iowa does not insist upon the contention that he has raised. Surely he does not insist that Congress has not the power to invest State courts with jurisdiction of any case. If that is true, if the position of the gentleman is correct, Congress has made a wonderful spectacle of itself in a great many instances for a great many years. Time after time it has done just what we are attempting now, and it has always stood the test.

Mr. Chairman, Congress has the power, as long as it does not infringe upon any provision of the Constitution, to confer the jurisdiction of any lawsuit where it pleases. It is supreme in that matter, and it has the power to say that the Federal courts shall or shall not have jurisdiction of any case, and designate the particular court, and, if it sees fit, deny jurisdiction to others. No gentleman on this floor will controvert that proposition. If he does, he does it in the face of the overwhelming weight of authority upon that proposition. Why can not Congress pass an act saying that in all suits involving the validity of a State statute the question of its validity shall be first passed upon by the State courts before the Supreme Court of the United States or any Federal court shall have jurisdiction of the subject matter?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MANN. Does the gentleman think this amendment does that?

Mr. CULLOP. I do not only think it, but I am quite certain of it; but I am willing to have the language modified in that respect; if it does not, I want it certain, plain, and specific.

Mr. MANN. I am merely asking the gentleman's opinion.

Mr. CULLOP. I will say to the gentleman that I think the subject might be more clearly expressed in language than I have expressed it. I wrote it very hastily, because the time was running. I am going to suggest that it be modified, and that it state that in all suits wherein the validity of a State statute is involved the original jurisdiction shall be in the State courts, and an appeal will lie. That will meet the objection of the gentleman from Pennsylvania, who seems to be not only splitting a hair, but a whole armful of them.

Mr. MANN. Mr. Chairman, will the gentleman yield for a further question?

Mr. CULLOP. Yes.

Mr. MANN. The gentleman would not contend, I take it, that Congress had the authority to give to a State court the power to determine the validity of a State statute?

Mr. CULLOP. I do not think I understand the gentleman's question.

Mr. MANN. We have power over the jurisdiction of the Federal courts, but the gentleman would not contend that Congress has power to give to a State court jurisdiction over the validity of a State statute?

Mr. CULLOP. Oh, I will say to the gentleman that the State court already has that jurisdiction. It is a power they already have.

Mr. MANN. That is it.

Mr. CULLOP. But this is only a provision defining the way in which the testing of a State statute can come into the Federal courts—the mode of procedure.

Mr. MANN. I was seeking to ascertain what the gentleman's point was, whether what he was after was to remove the present jurisdiction of the Federal courts in reference to State statutes. The gentleman's amendment apparently endeavors to affirmatively confer jurisdiction upon the State courts to determine the validity of State statutes. Of course, we have not that power. We have the power to refuse jurisdiction to the Federal courts.

Mr. CULLOP. Mr. Chairman, I will say to the gentleman on that proposition that he has misapprehended the language of my amendment. It is only suspending the jurisdiction of the Federal courts on such questions until the State courts have passed on the question.

Mr. MANN. I have read it since the gentleman has.

Mr. CULLOP. It provides original jurisdiction shall only be in the State courts, in order to let the highest court of the State pass on the question first.

Mr. MANN. I beg the gentleman's pardon, but that is not the gentleman's amendment.

Mr. CULLOP. There is where we differ. The proposition is this: I do not think that in the gentleman's amendment city ordinances ought to be included, but I do think that this amendment to the amendment which I have offered ought to be adopted here. It is a well-known rule of statutory construction that the construction of the highest court of the State as to whether a State statute is valid or not is controlling on the Federal courts; and there has been a disposition, and I think one subject to criticism, though some other gentlemen may not, on the part of certain litigants, in order to avoid the decision of the State court in the construction of a State statute, to run in the first instance into the Federal courts to get a construction.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. That has been done in every instance to avoid the construction of the highest court of the State upon that statute, and notably the kind of cases is warrant for the statement I am making. In nearly every 2-cent fare law passed by any State legislature, before the ink could dry upon the paper upon which the statute was printed and it was declared to be in effect, there has been a hurry to the Federal courts to bring suit to set aside the statute or to qualify it by those whom it would affect financially. That has been an abuse which de-

mands this kind of remedy. The State courts are as safe as the Federal courts in the hearing of a lawsuit. In the Federal court the judge is responsible to nobody; appointed for life, he does not feel the responsibility that a judge holding office for a fixed term feels. I hope to see the day when there will not be a life tenure of office in this great Republic of ours. It is a remarkable fact that in a certain class of cases the decisions have been by the nisi prius court against the validity of the State statute by the Federal courts, and it is equally as remarkable that the cases have been almost uniformly reversed by the Supreme Court of the United States Doubtless the result would have been different in the nisi prius courts in this class of cases if the opinion of the highest court of the State on the question had been first taken.

Mr. BOOHER. Will the gentleman kindly yield?

Mr. CULLOP. I will.

Mr. BOOHER. Will the gentleman kindly tell the committee in what State the Federal court has taken jurisdiction of damages under the 2-cent law?

Mr. CULLOP. I did not speak of damage suits.

Mr. BOOHER. Well, to recover.

Mr. CULLOP. A suit was brought to set aside a statute of that kind in the gentleman's State, because, as they alleged, it was a confiscation of their property. The Federal court downed the statute and the Supreme Court of the United States reversed the decision.

Mr. BOOHER. I did not understand the gentleman; I thought he was referring to suits brought since the Federal courts upheld the validity of State laws.

Mr. CULLOP. Oh, in some instances they had to go to the Supreme Court of the United States to get their statutes upheld. Such was the case in your State. This amendment lets them only go from the supreme court of the State, the highest court of the State, to the Supreme Court of the United States, and have no trial in the first instance in the Federal courts of the district.

Mr. LOGUE. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. LOGUE. Just at that point, suppose a suit is instituted by A against B properly in the United States court, and in the course of the trial of the case the question of the validity of a State statute arose. Would that question be transferred to the Federal court until after the State supreme court had passed upon it and the parties ousted from court until such was done?

Mr. CULLOP. It would, and it ought to be, because if they brought that suit or filed an answer to it the attorneys well knew that question was involved.

Mr. LOGUE. Will the gentleman yield again?

Mr. CULLOP. If they did not, they were incompetent in the discharge of their duties, and every lawyer knows it. Certainly I yield to the gentleman.

Mr. LOGUE. Suppose that question was a contested one and did not develop until the trial was on and was upheld in the first instance, would the case then go to trial and have the party ousted at the end?

Mr. CULLOP. Oh, it does not apply to how the Federal court decided the question: it denies that right until it has been passed upon by the highest court of the State. Then the court would make an order finding that the jurisdiction belonged to the State court, if it was an original question, and the parties would go to the State court, as the law provided, because a judgment rendered in a court without jurisdiction under all the law is absolutely null and void, and there is no dispute, I take it, about the law upon that proposition. It is a nullity, and the courts and the elementary authorities so lay it down. Let every State statute receive its initial construction and its first construction by the highest court of the State wherein the statute was passed, and if either party is aggrieved, then they can appeal to the Supreme Court of the United States. That is the purpose of this amendment; that is the object it has in view; and can any man say to his constituents but what that statute is absolutely right, fair, and just to all parties? It will break up the abuses that have existed for many years in this class of cases and inaugurate a uniform procedure on this important subject.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LOGUE. Mr. Chairman, the vice of the amendment, to my mind, becomes more apparent. A, a resident of Pennsylvania, brings his action in a United States court by reason of diverse citizenship, and during the determination of the question of fact, the constitutionality of a law of a distant State being questioned, he finds himself confronted by being told there has never been any decision in the courts of the State that enacted the law as to its validity, and its validity is now raised for the first time, and to carry out the contention of the gentleman from Indiana the plaintiff would then have his action dismissed, and he would be told to stop and wait until perhaps the State of Washington had determined that question, or he would be obligated to travel from Pennsylvania out into the State of Washington to have the question determined as to the constitutionality of an act which collaterally came into question and have it brought to the supreme court of that State.

Mr. HULINGS. Will the gentleman yield?

Mr. LOGUE. I will.

Mr. HULINGS. In that regard, suppose the litigants are citizens of different States? How would the citizens of Pennsylvania go out to Washington and get the decision of the court there as to what the Washington statute is?

Mr. LOGUE. That is the condition the law would bring about.

Mr. HULINGS. And if he would have to go to the State court, how would the Pennsylvanian get process on the man in Washington?

Mr. LOGUE. The defendant might be a resident of the State of Washington, the plaintiff a resident of Pennsylvania, and required to go out to Washington to have determined a legal question, and therefore might be in the strange position that there would be no question that he could raise that he had no case before the court; that it does not decide abstract questions, and that it is only in a real case when they have a real proposition before them that——

Mr. BRYAN. Will the gentleman yield?

Mr. LOGUE. Yes.

Mr. BRYAN. Suppose the question involved matters of different State jurisdiction and you go to Washington and begin your suit under the Federal law, then suppose the defendant would ask for a transfer to the Federal court because it involves matters outside the jurisdiction of the State of Washington and he should plead that under the statute he had the right to transfer his case to the Federal court because it was outside the jurisdiction of the State, where would he ever go for an adjudication?

Mr. LOGUE. That is another condition that would arise.

Mr. CULLOP. Will the gentleman yield there?

Mr. LOGUE. For a question.

Mr. CULLOP. In answer to the gentleman from Washington I would say that there is no State statute that authorizes the transfer of cases from the State to the Federal court—that is, a Federal statute—and, answering him, that would be a case in which the jurisdiction would be in the State court.

Mr. BRYAN. The gentleman knows the proceeding for a transfer from the State to the Federal court.

Mr. CULLOP. That is a Federal statute, and they have a right to appeal at any time.

Mr. BRYAN. But you are not appealing.

Mr. LOGUE. Let us illustrate it in another way. Take the case where process was served properly by the aggrieved party in the State of Pennsylvania and the constitutionality of the act of the State of Washington was raised. It would stop the suit and end it and compel the citizen of the State of Pennsylvania to travel all the way out to the State of Washington, and perhaps there be met by diverse citizenship being asserted after he got to the State of Washington and then trotted back to the Federal court again, and with the Federal court being denied the right to pass on the question under this amendment.

Mr. CULLOP. Mr. Chairman, will the gentleman yield there?

Mr. LOGUE. Yes, sir.

Mr. CULLOP. In the very instance you mention, the man would have to go to the State of Washington to get jurisdiction in the Federal court.

Mr. LOGUE. Oh, no. Suppose under the statute of the State of Pennsylvania, and under the rules of practice, that I can get service in the State of Pennsylvania upon a foreign corporation doing business there, and that foreign corporation then presents its petition to transfer it to the United States court by reason of diverse citizenship, it goes there——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BRYAN. Mr. Chairman, suppose the State of Washington should get into some sort of jealousies with the State of Indiana, and we should pass a statute out there prohibiting the importation of household goods into the State of Washington from the State of Indiana without paying tariff tax to the State. Of course, it would be unconstitutional. But suppose I should buy some household goods of the gentleman from Indiana and he should ship them to me, and he should sue me for the money for these household goods, and in the course of the suit I should dig up the old statute of the State of Washington and should

show him that the law prohibited him from transporting those goods there and provided that the goods are to be confiscated, would the gentleman want to be denied the right to plead his rights under the Constitution? The Federal court might be the only place he could sue, but he would be prohibited from pleading unconstitutionality of that statute in the Federal court. The case would thereby be thrown out of court and no adjudication be permitted.

Mr. CULLOP. Will the gentleman permit me?

Mr. BRYAN. Yes.

Mr. CULLOP. The very case you are putting shows the reason why you have to go to the Federal court.

Mr. BRYAN. I recognize you have a right to go to the Federal court.

Mr. CULLOP. Wherever a Federal question is raised they have a right to go to the Federal court, but this only provides the manner in which they shall go there.

Mr. BRYAN. This statute of the State of Washington in that case would be violative of the Federal Constitution, and of all places where it ought to be taken up and considered it is in the Federal court.

Mr. CULLOP. Mr. Chairman, I desire to ask a modification of the amendment as follows.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to modify his amendment. Is there objection?

Mr. LEWIS of Maryland. Mr. Chairman, I feel constrained to object. There has been one modification, and I can see only danger from modifying it.

Mr. WATKINS. Mr. Chairman, I wish to be recognized on the gentleman's amendment. The verbiage of the amendment seems largely to have been lost sight of in the discussion we have had. The purpose the author of the amendment had in introducing the amendment was to take away from the United States courts original jurisdiction in certain cases and place that original jurisdiction in the State courts. It is a fact that in his efforts to have this amendment inserted in this particular place in the codification of the laws he has referred to the right of appeal in such cases, but that is not the real object. That is not the purpose of this amendment. If this amendment carries——

Mr. GREEN of Iowa. Will the gentleman yield right there for a suggestion?

Mr. CULLOP. Certainly.

Mr. GREEN of Iowa. Is it not a fact that in most cases covered by this provision an appeal could not be taken because they are criminal cases?

Mr. WATKINS. There are many cases. The only purpose of passing this law which is incorporated in this amendment is to take away from the United States courts the jurisdiction and place the right in the State courts to try such cases. Laws can not be repealed by implication, by innuendo, by inference; but if this is passed, it would have the effect of repealing numbers of United States statutes, because the verbiage of it carries with it that effect. It is in direct contravention of not only the law which has been referred to here in this argument, where the citizen of one State has the right to go into the United States court in another State and bring suit, but many other statutes of the United States grant that same right, and we would repeal statute after statute of the United States giving the parties the right to go into the United States court and assert their right where the question was involved as to the validity of any statute of any State. And on that account, being in the wrong place in the statute, it not coming in line with procedure, and being out of harmony with other provisions here being enacted, I can not resist the temptation of making these few remarks in opposition to the amendment, not because I am opposed to the idea which the gentleman seeks to have incorporated into the law, and for which he made a very vigorous effort in another part of this revision, and which was voted down. The House voted down the proposition when it was offered in another place, and the House is now being called upon to vote on the same proposition, in effect, substantially the same thing, which was voted down a few days ago.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LEWIS of Maryland. The gentleman from Louisiana was referring to the amendment of the gentleman from Indiana [Mr. CULLOP], of course?

Mr. WATKINS. Certainly.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asked unanimous consent to modify his amendment, which the Chair believes was objected to.

Mr. CULLOP. I will ask, Mr. Chairman, the gentleman from Maryland if he will not kindly withdraw his objection. This is an important matter. The chairman of the committee says he is in sympathy with such legislation, as I understand it. Now, it will not hurt the section to which it is made a proviso.

Mr. LEWIS of Maryland. Mr. Chairman, in answer to the gentleman from Indiana [Mr. CULLOP], I appeal to him to take his turn at the bat at another place and time, and not perhaps destroy this amendment, which is of grave importance to the laboring people of this country, which will give them the right to go to the Supreme Court with their litigation when stricken down by the courts of the State. I appeal to him to withhold his amendment until he has worked it out in a rational manner, in order that Members may treat the subject as it deserves to be and on its merits.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CULLOP. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 8, noes 21.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Maryland [Mr. LEWIS].

Mr. TOWNER. Mr. Chairman, I desire to be heard on the amendment offered by the gentleman from Maryland. The gentleman from Maryland made a very true statement when he told the committee that this was not by any means a new subject. The amendment, in substance, has been approved by both State associations and the National Bar Association many times. So true is that, Mr. Chairman, that they have recommended that action should be taken in direct accordance and almost the language of the amendment which has been offered by the gentleman from Maryland. After all, Mr. Chairman, the question presented is a very simple proposition. It is merely this, that the right of appeal should exist in this case, as it does in all others, on behalf of the aggrieved party, whoever he may be. That when the decision has been rendered against the plaintiff in a case he shall have the same right of review on appeal that the defendant has and vice versa. That is certainly a rule of equity and of justice. The rule that limits the right of appeal, or the provision of the statute that limits the right of appeal to only one party in the controversy, is certainly anomalous and indefensible. If it has existed for so long, it is a reproach to us, and not a reason why we should not change it.

There have been enumerated instances given and stated in which wrongs have been committed, or in which, rather, the remedy of the wrong that has been committed has been lost, because of this provision of the statute. Let us change it now, Mr. Chairman, as everybody who has given the subject proper consideration admits we ought to do. Let us change it in accordance with common sense, in accordance with the views of jurists, in accordance with the views of the bar of the United States, in accordance with the views of everyone who has given the subject any consideration and believes in justice in the administration of our courts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. LEWIS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. DILLON and Mr. HUMPHREY of Washington rose.

Mr. WATKINS. Mr. Chairman, I already had an amendment pending at the desk, which I had deferred until this last amendment had been disposed of.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 144, line 3, after the word "appeal," strike out "or such an abstract or statement thereof as is provided for in the next ensuing section."

Mr. WATKINS. This, Mr. Chairman, is simply for the purpose of correcting the language there, because there is no next ensuing section now in the bill dealing with abstract of testimony on appeal.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I believe the gentleman over there wanted to offer an amendment to that section.

Mr. DILLON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD concerning a section of this bill.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to be recognized when the Clerk reaches the close of the paragraph.

The CHAIRMAN. Does the gentleman from Louisiana desire to offer his amendment now?

Mr. WATKINS. Yes, sir. I thought the gentleman from Washington desired to address the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 179, line 22, after the word "court," strike out the words "of the Territory."

Mr. WATKINS. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. What is that?

Mr. WATKINS. The expression there, "Territory of Porto Rico," should be corrected. Everywhere "Porto Rico" is used without using the words "Territory of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, there is another committee amendment which I wish to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana [Mr. WATKINS].

The Clerk read as follows:

Page 179, line 23, after the word "Hawaii," strike out the word "or," and insert after the words "Porto Rico" the following, "or the Canal Zone."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I have another committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 180, line 18, after the word "Hawaii," strike out the words "or Porto Rico" and insert in lieu thereof the words "or the Canal Zone."

Mr. MANN. Do you strike out "Porto Rico"?

Mr. WATKINS. My attention was called off when the amendment was read. I ask that it be read again.

The CHAIRMAN. Without objection, the amendment will be read again.

The Clerk read as follows:

Page 180, line 18, after the word "Hawaii," strike out the words "or Porto Rico" and insert in lieu thereof the words "or the Canal Zone."

Mr. MANN. You do not want to strike out "Porto Rico"?

Mr. WATKINS. Yes; because under the law those appeals must be taken direct to the Supreme Court of the United States. There is no court of appeals designated to which those appeals from Porto Rico would go. The law relating to Porto Rico provides expressly that these cases shall go direct to the Supreme Court of the United States.

Mr. MANN. As to Porto Rico?

Mr. WATKINS. Yes.

Mr. MANN. Is that true of the United States district court of Porto Rico? I thought that was part of the New York district.

Mr. WATKINS. All appeals in Porto Rico go direct to the United States Supreme Court regardless of what court they originate in. That is the information I have from the law clerk for the Bureau of Insular Affairs, under the War Department.

Mr. MANN. If the gentleman is sure, all right.

Mr. WATKINS. That is my information.

Mr. MANN. I was under the impression that they took appeals from the United States district court of Porto Rico to the New York Court of Appeals.

Mr. WATKINS. The information I have received is from authoritative sources.

Mr. MANN. Very well.

Mr. MADDEN. Mr. Chairman, while we are considering the revision of the Civil Code, I think it would be appropriate to call the attention of the House and of the country to the methods adopted by the Democratic Party in its legislation. I ask unanimous consent that I may be permitted to talk out of order, so that I may express my views on the subject; or, if there is any objection to that, I will yield the floor and ask permission to extend my remarks in the RECORD. I would expect to do that, anyway.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. He asks for five minutes, and also to extend his remarks.

The CHAIRMAN. The gentleman from Illinois asks permission to address the House for five minutes and to extend his remarks in the RECORD, and to talk regardless of the amendment before the House. Is there objection?

Mr. BRYAN. I have no objection, Mr. Chairman; but I want to urge that after this I am going to pursue the policy of calling for the regular order as much as I can, so as to permit the conclusion of this bill. Of course, I have no objection to the gentleman speaking.

Mr. MADDEN. I am going out of town.

Mr. CLARK of Florida. Mr. Chairman, reserving the right to object, I wish the gentleman would couple with that the request that some gentleman on this side may have five minutes in which to speak out of order, if he wishes.

Mr. MADDEN. I have no objection to that at all; but would it be proper that I should ask it?

Mr. CLARK of Florida. Well, I make the request in conjunction with it.

The CHAIRMAN. The gentleman from Florida asks to modify the request so as to include the request that some Member on that side of the House may also have a like amount of time to speak out of order.

Mr. BRYAN. I shall not object, with the understanding that if a request is made for more time than that I shall object. I want to get this bill through.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, "a government of the people, for the people, and by the people." No simpler definition was ever given of our Government than that from the lips of the immortal Lincoln, and none has been more quoted by Americans of all party affiliations and all respectable political opinions. You gentlemen on that side of the House are as fond of quoting this sentiment of the great emancipator as are we on this side, and I think you believe in it in the abstract as sincerely as we do. We also all believe in government by majorities, and we follow that law in this House, except when revolution charges the atmosphere and there is an opportunity to form alliances to defeat the majority.

Four years ago we had such a revolution in this House, and there followed a new policy, fathered by that new majority, of electing committees by the House instead of permitting the Speaker to perform that service for the House as its chief servant. We are now operating under that new policy, and our honored Speaker has become the moderator over our deliberations instead of the great majority leader, for which he is so well qualified, as was demonstrated by his tact and courage and generalship when he led the minority and by an alliance with the insurgents on this side took command in the most successful revolution we have ever had in the House. That revolution was in the name of greater individual liberty and responsibility for the Representatives, and the overthrow of bossism and Cæsarism in the organization of the House. There were then sounded many eulogies on the new system of government of the House, and there are still some—not many, but some—Members of the majority who still defend it as a great reform, but we have had manifestations here, even on the majority side, of dissatisfaction and complaint that the individual freedom and responsibility for the Representative has not come into full realization; that caucus rule has suppressed that individualism even more than did the power of the Speaker and the Committee on Rules in the older days of "Cannonism."

I propose to discuss one phase of this new control. I am not opposed to caucus rule on political questions, and I have no criticism of the plan of the majority party in settling its political policies in caucus. I would do the same. But the caucus is supposed to represent the majority of the party, and the majority of Democrats ought to be able to declare the party policy to be followed in legislation. It may be that it does, for I have no means of knowing how you vote in caucus, except from the complaints I hear from those who have not been able to control, and I have heard complaints from so many Democrats of caucus rule and presidential dictation that I have wondered where the caucus votes came from that controlled.

This is a great country, with nearly 100,000,000 people, and they have 435 Representatives on this floor to transact their business. You of the majority have 290 of these Representatives, while we of the opposition—Republicans, Progressive Republicans, and Progressives—have only one-half that number. The Democrats on this floor come from every part of the Union more generally than ever before. Only the States of Vermont, Idaho, Nevada, North Dakota, South Dakota, Wyoming, Utah, Oregon, and Washington, are without Democratic Representatives here. So the legislation of this House, by the Democratic majority, ought to fairly represent the whole country. Does it?

The Census Office, in its last abstract of the population, divides the country into three grand divisions—the North, the South, and the West. The North includes New England, the North Atlantic, the East North Central, and the West North Central divisions extending from Maine and New Jersey to the Rocky Mountains, taking in 21 States. The South includes the South Atlantic, East South Central, and West South Central divisions, with 16 States. The West includes the Mountain and Pacific divisions, with 11 States. The 21 States here given as North had, in 1910, 55,757,115 population, with 32,669,705 given as urban and 23,087,410 as rural (the rural population being that outside of cities of 2,500). The 16 States given as South, including all the old Southern States and Oklahoma, had 20,389,330 population, divided as 6,623,838 urban and 22,765,492 as rural. The 11 Western States had 6,825,821 population, divided into 3,329,840 urban and 3,495,981 rural. This grouping and these figures are those of the Census Office—not mine.

From them it will be seen that the North had nearly 10,000,000 more urban than rural population, the South more than three times as much rural population as urban, and the West 166,000 more rural than urban. In the South the rural population still dominates in the proportion it did in the whole country 50 years ago. The North and the West have changed in the character of population. I do not complain of the condition in either section of the country. The dominance of the rural may be a good thing in the South, and it might be better if it also dominated in the North, but it does not. We must deal with conditions as they are, not as we would have them. We are here to represent the people, whether they live in town or country, whether they are in the shops or on the farms. This obligation ought to rest on Democrats and Republicans alike. But does it? You have 290 Members here, and from these three grand divisions of the country I have named, there are 154 Democrats from the North, 125 from the South, and 11 from the West. You have adopted the policy and the rule of electing the committees of this House, and how have you done it?

The Democrats from the South are not in the majority, but they control and dominate the legislative machinery of the House. They have the chairmanships of all the great committees with the exception of those on Appropriations and Invalid Pensions. The able gentleman from New York [Mr. FITZGERALD] is chairman of the Committee on Appropriations, and the old war veteran, Gen. SHERWOOD, is chairman of the Committee on Invalid Pensions. I might add that my friend and colleague, Dr. FOSTER, is chairman of the Committee on Mines and Mining. The Committee on Appropriations prepares the appropriation bills to meet the necessary expenses of the Government, without which it must stop, and it has done its work well, but no man in the House has more often warned us of the extravagance of the majority of the House, in spending the people's money, than the gentleman from New York.

The other great committees which report appropriations, which might be called desirable rather than necessary, have southern men for chairmen. They have the chairmanships of the Committees on Agriculture, Foreign Affairs, Rivers and Harbors, Military Affairs, Naval Affairs, Post Office and Post Roads, and Indian Affairs, which handle appropriation bills, and they have the chairmanships of the Committees on Ways and Means; Banking and Currency; Coinage, Weights, and Measures; District of Columbia; Census; Claims; Education; Immigration and Naturalization; Patents; Public Lands; Insular Affairs; Public Buildings and Grounds; Judiciary; Revision of the Laws; Territories; Interstate and Foreign Commerce; and Rules. Southern men are chairmen of 35 of the 58 committees of this House, and they are the most important committees in preparing the legislation and controlling the machinery of the House. How did they get them under this rule of electing committees and by the votes of the majority in the Democratic caucus?

The North has the Speaker, but he is not a czar, not even a member of the board of directors who control the business of the House. The South, with considerably less than a majority in the Democratic caucus, managed to pick most of the plums. They are able, experienced, and honorable gentlemen, but they do not represent the majority of the majority under this new order of selecting committees, and they represent less than one-third of the whole population. With the exception of the genial and able majority leader, they represent the rural population of the country. Mr. UNDERWOOD represents a great industrial city, but I had to get a gazetteer to locate the homes of the other great Democratic leaders from the South who sit at the head of the great committees of the House.

So you gentlemen of the South have come back into your father's house with more power than you ever had, not only to direct the House but to control the majority of the House with a minority membership of that majority. You also have control in the Senate, with southern men sitting at the head of all the great committees, except those on Military Affairs, Pensions, Public Lands, Indian Affairs, Interstate Commerce, and Territories. You also have a southern man for President, elected from New Jersey, it is true, but with all the ideals of the South and the lack of experience and interest, I sometimes feel, with the teeming urban population of the North. In his Cabinet are four southern men, in control of the Treasury Department, the Navy Department, the Department of Justice, and the Post Office Department. Then we may add Mr. Bryan as another member of the Cabinet who is distinctly rural in all his tastes and understandings.

Your party still looks to the old ideas of legislating for the people who live in the country, and yet you were perfectly willing to sacrifice the farmers of the North and West by striking down the tariff on all their products. You were willing to try to reduce the cost of living for our northern cities by taking it out of the northern farmers.

You have, however, shown great interest in the work and condition of the farmers of the South and Southwest. With the chairman of the Committee on Agriculture in the House from South Carolina and that in the Senate from Oklahoma, it is perhaps natural that there should be more attention given to the crying needs of the farmers of the southern section than to those of the North in the Agricultural appropriation bill, and that we should now be appropriating millions of dollars to destroy the boll weevil, the cigarette beetle, the prairie dog, and the snapping turtle—some one suggested in the Senate. We had a filibuster here because the bill for rural credit banking had not been put on the program. Here we have been for months talking about how we can help the farmers of the country, when the estimates of population by the Census Office indicate that 49 per cent of the American people live in cities of more than 2,500 and 40 per cent live in cities of more than 8,000.

My own city of Chicago has a larger population than that of any State in the South, except Texas. New York has more people than have a half dozen States in the South, and there are more people living in cities of more than 100,000 than can be found in all the States of this ruling section of the country. And yet the policy of the Democratic Party here has been to legislate for the rural population and against the people who live and work in cities and help to maintain this Government. You have gone on the theory that the man who has his home in the city is living off the farmers, that there is no legitimate trade except from the tail gate of a farmer's wagon, and that the man who seeks any other safety for his money than an old stocking is trying to corner the money of the people. You are anxious to improve the condition of the farmers, but you leave the men in the shops to take care of themselves and compete with all the world.

You are frightened by the word "subsidy" except when it gets into the Agricultural appropriation bill. You are fearful that the railroads may earn dividends, and you are willing to build railroads at Government expense in Alaska and wagon roads in every country district to facilitate the rural delivery of the mails, which is now costing many millions more than its revenues. Your sense of proportion is not fully developed to enable you to appreciate the full meaning of "a government of the people, for the people, and by the people." Your leaders live in the rural districts, and they see only the country and its products, forgetting that the manufactured product of this country is double in value that of the agricultural product. The chairman of the Senate Committee on Agriculture the other day asserted that the farmers of this country paid 70 per cent of the cost of the Federal Government, when any child knows that the people in the cities pay the great bulk of the customs tax—if it is paid by the consumers, as you say—and that they pay three-fourths of the internal revenue, the corporation tax, and the income tax. You are still living in the past, but the country has grown, and the city man now has a right to some consideration from Congress. He has been going along supporting his own municipal government and contributing the larger share of the cost of State and Federal Government, and he has not complained; but the time is here when he will send men to Congress who will have a broader view of a government of the people, and not simply legislation for the rural districts.

Only a year ago you gentlemen from the South were almost stampeded from the constitutional amendment for the election of Senators by the people when the Bristow amendment appeared to continue the control of Congress over the times and

places for election. You complained that it would be the end of State rights and permit the Federal Government to send the Army into the States to control your elections with the bayonet; and your impetuous leader from Alabama, Capt. HOBSON, then declared that "the integrity, the prosperity, and the perpetuity of the United States depend more upon safeguarding the principle of local self-government in the individual States than upon any other principle of government."

But now comes the gallant captain with another constitutional amendment by which he proposes to have the Federal Government go into every State and city and town and regulate their domestic affairs. Capt. HOBSON goes a little further than some of you, but he represents the new centralizing theory of the Democratic Party, especially to employ Federal power in meddling with the business and industry and domestic life of the people. You forget all your old State rights doctrine when you are in control here. You boast that your President has set business free, and we admit that he has set millions of men free from daily labor and the wages that went with that labor. He has built a gallows higher than Haman's and has hanged prosperity. He has assumed the leadership of the Democratic Party, in legislative halls as well as in the Executive office, and has here set aside your own chosen leaders to command the caucus, with invisible government. He has made the Congress of the United States his stenographic corps to write into law what he dictates, and in this he has his eye only on his own old ideas, formulated in the privacy of his study, without taking a comprehensive view of the United States. You and your President have lost sight of the idea of a "government of the people, for the people, and by the people."

There are at the present time 289 Democrats in the House and one vacancy in a Democratic district—Judge Clayton—which will return a Democrat.

On the basis of 290 Democrats, the Democratic majority over all is 145.

A quorum of the Democratic caucus is 146, and a majority of that caucus—74—has the power to make a caucus decree. Several times in this and the last Congress a bare quorum transacted business in the caucus, and it is said that on several occasions business was transacted without a quorum. Anyhow, 74 members, a majority of a quorum, have the power and have exercised it of decreeing what shall be the legislative program and in what form bills shall come before the House. The action of this majority of a quorum in a Democratic caucus absolutely binds the other 216 Democratic members, except the few who, for constitutional reasons or because of promises made to their constituents, as in the cases of the Louisiana Members respecting sugar and Mr. SISSON, of Mississippi, on the currency bill, refused to be bound. The southern Democrats have 35 chairmanships, including Maryland, one of the South Atlantic States.

You were in favor of free silver to put up the farmer's prices and in favor of free trade to put them down. You destroyed the sugar industry of Louisiana and Texas by putting sugar on the free list, because you said it was an artificial and not a legitimate industry and should not be fostered by the Government; yet you appropriate $100,000 in the Agricultural bill to encourage cattle raising and cereal production in the sugar-growing sections of the South.

The Clayton antitrust bill just passed by the House does more to disturb the business activities of the country than any other legislation which has been considered by this or any other Congress during my recollection.

It will be noted that the industrial and financial interests of the North, where the greatest development along these lines has taken place, had no part in the preparation of the legislation which so vitally affects these interests; that no representative of either the Democratic or Republican Parties from north of Mason and Dixon's line was permitted to assist in the preparation of the Clayton antitrust bill. The section of the country represented in Congress by men having experience in business and understanding the country's business needs was ignored in the preparation of this bill, and the subcommittee of the Judiciary Committee which framed the bill consisted of three southern Democrats—Clayton, of Eufaula, Ala.; CARLIN, of Alexandria, Va.; and FLOYD, of Yellville, Ark. Whoever heard of any business being done at either of these places, and is it any wonder that the business of the country is paralyzed with the legislation to regulate it coming from such a source? [Applause on the Republican side.]

Mr. CLARK of Florida. Mr. Chairman, permit me to say that the greatest man who ever made a track upon the earth, who brought more of happiness and of blessing to mankind than any other person who ever trod the earth, did not come from the busy marts of trade. He did not come from New York or Chicago, but He came from Nazareth. The great men in every period of the history of the world, who have wrought mightily for the interests of mankind, have come from the rural districts, the places where people get near to nature and to nature's God. These men have come from the Eufaulas and Alexandrias and Yellvilles of the earth, not from the Chicagos, where the Lorimers hold sway, where a nation has been made to blush with shame and the Senate of the United States has been compelled by the force of the facts to expel from its membership a Senator, coming not from Eufaula, not from Alexandria, not from Yellville, but from Chicago, where they do things, where business is transacted, where the people know how to transact business, and where they make a business of politics and a business of government, and where their patriotism is measured by the dollars and cents flowing into their pockets. Yes, this Democratic Congress has seen fit not to go to Chicago, not to go to the places where Lorimers are produced, but to go to the places where the great heart of the people finds sympathy among those who are reared there, where the people who come from these rural spots have an eye to the interests of the people of the country and not to the dollar changers, not to the money changers, whom Christ scourged from the temple, but out in the rural land where nature smiles, where the people are in constant touch with nature and with nature's God. The Democratic Party is proud of that record, Mr. Chairman. We are glad that we went to that region, and not to the soiled streets of Chicago to get these men. [Applause on the Democratic side.]

If the gentleman from Illinois [Mr. MADDEN] will only lift up his eyes from the mud and mire of Chicago and look across the country toward the vine-clad hills of old Virginia, he will see that the rural surroundings at Monticello contributed to the wealth of the Nation the matchless mentality of Thomas Jefferson. If he will only read the history of his country, he will learn that when the Republic was in extremis the eyes of the people were turned toward Abraham Lincoln, the rail splitter of rural Illinois, and not toward some Lorimer of State Street or Michigan Avenue in the great city of Chicago. When the armies of the Union needed a real general, they selected Ulysses S. Grant, the product of a tanyard; and when the soldiers of the Southern Confederacy desired a chieftain of approved ability and great military genius, they selected Robert E. Lee, born, reared, and educated amid pastoral scenes familiar to every country boy in America.

Ah, Mr. Chairman, I would advise my friend from Illinois [Mr. MADDEN] to read the history of his own country and learn that the great majority of the men who have builded and defended this Republic came from the rural districts. Yes; the Democratic Party is proud of the Eufaulas, the Alexandrias, and the Yellvilles which mark its pathway as it has journeyed in its mission to bless mankind. The Democratic Party has never become tainted with the slime of "big business" as it is conducted in the Chicagos of the land by the financial Lorimers who dominate the Republican Party. The Democratic Party is essentially rural; living, breathing, and having its existence near to nature and to nature's God, and drinking deep from the spring of pure and undefiled freedom.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. MANN. What became of the amendment?

The CHAIRMAN. The amendment offered by the gentleman from Maryland [Mr. LEWIS] was agreed to.

Mr. MANN. There was an amendment pending.

Mr. WATKINS. There is an amendment pending. The last amendment offered has not been voted on.

Mr. MANN. On page 180, line 18.

The CHAIRMAN. The amendment striking out Porto Rico?

Mr. WATKINS. Yes.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 364. It shall be lawful for the Secretary of State, under his hand and seal of office, to order the person so committed to be delivered to such person as shall be authorized, in the name and on behalf of such foreign Government, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person so authorized to hold such person in custody, and to take him to the territory of such foreign Government, pursuant to such treaty. If the person so accused shall escape out of any custody to which he shall be committed, or to which he shall be delivered, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he shall so escape, may be retaken on an escape.

Mr. WATKINS. Mr. Chairman, there is a typographical error in line 15, page 187. The letter "c" is omitted from the word "crime." I ask unanimous consent to correct the error.

The CHAIRMAN. If there be no objection, the correction indicated by the gentleman from Louisiana will be made in print.

There was no objection.

The Clerk read as follows:

SEC. 376. In all cases where the laws of the United States provide that fugitives from justice shall be delivered up, the chief justice of the Supreme Court of the District of Columbia, or, in case of the illness, absence, or other disability of the chief justice, or when any such application shall be certified to him by the chief justice, any associate justice of said court, shall cause to be apprehended and delivered up such fugitive from justice who shall be found within the District, in the same manner and under the same regulations as the executive authorities of the several States are required to do by the provisions of sections 371 and 372 of this chapter; and all the executive and judicial officers are required to obey the lawful precepts or other process issued for that purpose, and to aid and assist in such delivery.

Mr. BRYAN. Mr. Chairman, I ask to revert to section 373.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to section 373. Is there objection?

Mr. WATKINS. If it is anything of sufficient importance to justify it, I shall not object; but unless I know the reason for it, and I think it of sufficient importance to justify returning to the section, I shall have to object to it.

Mr. BRYAN. Then I ask the gentleman to yield to me five minutes.

Mr. WATKINS. I will reserve the right to object, and let the gentleman proceed for five minutes.

Mr. MONDELL. Is this the same gentleman who was demanding the regular order a few minutes ago?

Mr. MANN. I understand the gentleman from Washington has decided not to make any point of order against himself.

Mr. BRYAN. I should like to proceed for five minutes, if the gentleman will permit.

Mr. MANN. I am not going to object.

Mr. STAFFORD. We have only four pages to read before reaching the end of the bill, and the gentleman stated a few minutes ago that he was very desirous to reach the end of the bill. I do not think he ought to change his mind.

Mr. BRYAN. I am surprised that the gentleman from Wisconsin should object to the matter I am going to refer to.

Mr. STAFFORD. If it is something important, I shall not object.

Mr. BRYAN. I am about to proceed now to give the Democratic Party an opportunity to obey its platform, a section of it written in the most direct and plain terms that could possibly be conceived by any gentleman, no matter how great a platform writer he might be.

Section 373 of this bill provides for the arrest of parties who desert from ships. The platform of the Democratic Party is as absolutely against laws permitting the arrest of individuals for desertion as any platform that has ever been written. That plank of the Democratic platform of 1912 reads as follows:

MERCHANT MARINE.

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury. We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea, and we favor the repeal of all laws and the abrogation of such of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service.

The platform says that such arrests are in violation of the Constitution and ought not to be permitted, and pledges the Democratic Party to enact laws against arresting men merely because they do not want to serve the master of a particular ship any longer.

Mr. PLATT. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. PLATT. The gentleman from Washington knows that during the recent discussion of the Democratic platform it was said that it was adopted late at night, when the convention was demoralized.

Mr. BRYAN. This was not adopted late at night, when the convention was demoralized, because it was a proposition considered thoroughly and repeatedly in this House, and the Democratic Party has gone on record against providing means for arresting men who do not want any longer to serve on a particular ship and exercise their constitutional right of quitting that employment.

The seamen's bill that was introduced by a Member of this House, Mr. Wilson, now Secretary of Labor, was passed here, and later on that same bill was used by Senator LA FOLLETTE as a basis of the present pending seamen's bill, which passed the Senate about eight months ago, known as Senate bill 136. I understand that the Committee on Merchant Marine and Fisheries, of which I am a member, is going to report that bill in here for consideration some time, possibly before we adjourn. According to statements that have been made, it will be reported before adjournment, unless we adjourn in a big hurry.

I think this section ought to be stricken out, and if the gentleman wants to aid the Democratic Party in keeping its platform pledges, they will strike out this law which provides that a man who does not want to work for another man may be arrested and compelled to do that service. They come across the ocean under contracts and conditions that involve peonage and every kind of a contract that can be conceived of to destroy their self-respect and take away their constitutional rights, and Democrats, recognizing the views of the people of the country, have adopted a platform, and I hope that this committee will now consent to strike this section out, thereby redeeming solemn pledges made in good faith and relied upon by the public.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. SELDOMRIDGE. Is not the gentleman talking into the air, because this statute is based on treaties with foreign Governments?

Mr. BRYAN. The platform does not respect foreign treaties. It says that these treaties must be eliminated. We are not to have treaties with foreign countries that will permit citizens to be arrested because they do not want to work for Jones or on a particular ship, and that compels them to work on that particular ship. Such treaties the platform promises to abrogate. It says they are unconstitutional, therefore, of course, void. I say to you that this is an important proposition and one on which the whole country has been stirred up. When you reenact this section, you have a positive, binding reenactment of this old law relative to the desertion of seamen that is, as I have already said, a plain, palpable, unmistakable violation of your platform; and not only that, but a violation of the principles of human right and human liberty. Your own platform says this. The public conscience of the people and of the rank and file of the Democratic Party of this country compelled the Baltimore convention to put this into its platform.

You are about to reenact a legislative outrage that the people have denounced and you have solemnly promised to abrogate.

Mr. WATKINS. Mr. Chairman, I recognize and appreciate the solicitude of the gentleman from Washington, a member of another political party, for the welfare of the Democratic Party. We have endeavored as far as possible to eliminate all politics from this bill and to eliminate politics from the discussion of the bill. Having passed over that section, and in view of the fact that the bill which the gentleman speaks of will be presented at this session of Congress, which will grant the relief, I object to returning to the section.

The Clerk, proceeding with the reading of the bill, read section 380.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do so for the purpose of saying a word with reference to this bill generally. I do not remember how many Calendar Wednesdays have been devoted to the consideration of this bill. I was not in favor myself of taking up the bill at the time that consideration was commenced, because of the length of time that it would take, but hoped that the bill might be disposed of in some other way. However, our friend, the gentleman from Louisiana, had his way about it at the time, and has kept the bill before the House on Calendar Wednesday. I think I voice the sentiment of the House and the Members of the House in congratulating the gentleman from Louisiana for the method in which he has handled the bill, and thank him for the able and courteous treatment that he has accorded to all the Members of the House, and the very intelligent consideration he has given to the bill in the House, as well as before it was brought into the House. [Applause.]

Mr. WATKINS. Mr. Chairman, I take this opportunity of thanking the gentleman from Illinois for his kind expressions. I wish to state that the various amendments offered by the membership on the other side of the House, which have been accepted and incorporated in the bill, have been greatly to the benefit of the measure. I particularly take this occasion to thank the gentleman from Illinois for various suggestions he has made, which have been extremely valuable. Naturally there were provisions overlooked in the preparation of a bill of this magnitude and the gentleman from Illinois, with his usual diligence and research, has been able to add valuable suggestions and render material assistance in the consideration of the bill. I am glad of the opportunity to express myself. I would have done the same thing if the gentleman had not taken occasion to say what he has. It was my intention to thank the gentleman from Illinois and the membership on that side of the House for the faithful efforts they have made to improve the bill as originally reported to the House. I believe

as this measure now stands it is the most important and beneficial codification which has been made. I do not think there is a solitary amendment placed in the bill but that can be readily enacted into law. I do not think it will be necessary when the bill gets into the House to ask for a separate vote on a single amendment.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. This section is the repealing section, and one of the statutes that this section involves is the statute in reference to the arrest of seamen. I am going to speak for a minute on this feature here. I did not quite finish before. Here is the plank in the Democratic platform which I referred to and wanted to read a while ago. Now, while you are repealing the statute, I hope that the Democratic membership will conclude to keep it repealed. Here is the sacred text of Democracy. Will not you Democrats heed it?

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion in violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

"Such laws are un-American." How can the Democratic Party escape conviction on the charge of itself being un-American if it enacts this law for arresting seamen for deserting, which it has so plainly declared is an un-American law?

Mr. Chairman, I say that is not politics; that is the Constitution of the United States that the platform referred to, and it pledges the party to repeal those statutes. What good is it if you repeal it as you are doing in this pending section and reenact it in stronger terms? Of course, we all agree with what the gentleman from Illinois [Mr. MANN] said a moment ago. We have learned during our intimate relationship with the chairman of the committee, Judge WATKINS, to love him, because he is worthy of our love and confidence and respect for his ability and the way that he has done things during the consideration of this bill. That is all right. We join with the gentleman from Illinois in all that; but can not I ask the gentleman from Louisiana to reconsider his objection, to revert to that section and obey this plank in the platform of the Democratic Party, and not let the records show that he, the chairman of one of the great Democratic committees of this House, opposes the repeal of the law the party pledges itself to repeal? You did pledge yourself to repeal this law, and the seamen of this country and the friends of the seamen of this country and just men everywhere are demanding that the Democratic Party do it; but it is more than probable that this is going to be the only statute passed this year which will involve this subject, and yet you are enacting the "un-American," "unconstitutional" law all over again.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MANN. As I understand, the Democratic platform promised a repeal of the act providing for the arrest of seamen.

Mr. BRYAN. That is what I read from their platform.

Mr. MANN. Is not that being complied with by this repeal provision? Is there anything in the platform respecting the enactment of a new law?

Mr. BRYAN. Oh, yes; that is another case of molasses to catch flies.

Mr. MANN. Is not that the way the rest of the platform is construed?

Mr. STEPHENS of Texas. Mr. Chairman, does the gentleman believe that we can repeal a treaty here to-day?

Mr. BRYAN. Oh, no. I merely ask that you repeal a law and enact a new one.

Mr. STEPHENS of Texas. Is not this law founded on treaties upon this language:

SEC. 373. On application of a consul or vice consul of any foreign Government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such Government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, United States commissioner, justice, or other magistrate having competent power, to issue warrants to cause such person to be arrested for examination.

Is not this act based on treaties with foreign Governments, and would the gentleman violate those treaties, and can we now abrogate treaties of that kind?

Mr. BRYAN. Mr. Chairman, the platform especially took up that question of the treaty, and a lot of campaign orators out there on the Pacific coast, speaking for the Democratic nominees against their opponents, urged that the Democratic Party was not going to be bound by any such treaties as that, and they read the platform for proof. The platform says such laws are un-American and unconstitutional; therefore they are void. Of course we have the right to abrogate and ignore such treaties.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Clerk read as follows:

SEC. 381. This act shall take effect and be in force on and after January 1, 1915.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word. I want to extend my thanks and the thanks of the Democratic side of this House to the leader of the Progressive Party of the Republican side of the House for the great interest that he takes in the welfare of the Democratic Party.

Mr. BRYAN. I beg the gentleman's pardon, but the leader is not present.

Mr. BOOHER. Without the gentleman's sympathy, and without the gentleman's aid, I am inclined to think the Democratic Party would go to ruin, and I am sure it would go to ruin if it followed his advice very much. The gentleman in his first statement of this plank in the platform led the House to believe that the platform applied to the deserters from the Army and the Navy of the United States, and that the Democratic Party in its platform had pledged itself to repeal all laws for the arrest of deserters. When he now reads it he finds that it does not apply to deserters at all, but that it applies only to seamen who are arrested and taken off vessels because they have violated a contract, and the party declared itself in favor of the repeal of such laws, and this law we have just passed repeals that.

Mr. BRYAN. I hope the gentleman will yield to me long enough to deny that I made that statement. I made no such statement with reference to deserters of the Army and the Navy.

Mr. BOOHER. The gentleman said deserters, and he did not qualify it at all, and that word is broad enough to cover them all.

I want to say to the gentleman from Washington that he will have all that he can attend to if he attends to the wants and needs of the Progressive Party in this country. He need not come over to advise us. I would rather take the advice from the leaders on this side of the House. I think they are better qualified to give disinterested advice to Democrats.

Mr. BRYAN. But I read from the gentleman's own platform.

Mr. BOOHER. I shall not attempt to advise the gentleman or any members of the Progressive Party. They have their leaders, and should follow their advice. I shall not take or accept the construction put upon any plank of the Democratic platform by the gentleman from Washington, because I do not think he is broad enough in his exposition of these matters to give the planks of anybody's platform except the Progressive platform the true meaning that should be attached to them, and he could not give the true meaning of that platform, because it covers everything in the earth above and the sea below, and it means nothing after you have read or considered it. The gentleman ought to construe his own party platform and ought to look after the interests of his own party and let Democrats look after the interests of the Democratic Party.

The legislation that the gentleman favors has already passed this Democratic House, and we hope to see it become a law before the end of the Sixty-third Congress.

Mr. STEENERSON. Mr. Chairman, it seems to me the gentleman from Washington [Mr. BRYAN] is correct in saying this bill violates the Democratic platform. The Democratic platform was framed with a view to indorsing the seamen's bill which was passed in the Sixty-first Congress and which is now, I believe, on the calendar, which seeks to abolish involuntary servitude at sea and abolishes the arrest of seamen on foreign vessels and their return to those vessels for compulsory service. That undoubtedly is intended to be repealed by the seamen's bill, and the treaties which require such legislation are expressly abrogated in that seamen's bill. And when we here reenact that legislation it is in the direct teeth of the Democratic platform, and I think the gentleman from Missouri, who made this motion to strike out the last word, is mistaken when he says it does not violate it. The plank of the Democratic platform for 1912 in reference to this subject reads as follows:

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

That had reference to sections 15 and 16 of the seamen's bill then pending, and which failed because not approved by President Taft, which read as follows:

SEC. 15. That section 5280 of the Revised Statutes of the United States be, and is hereby, repealed, and that section 4081 be amended by adding at the end thereof the following proviso: "*Provided*, That this

section and the foregoing sections 4079 and 4080 shall in no case be held or construed to require or authorize the arrest, imprisonment, or delivering up of any deserter or deserting seaman to the vessel from which he has deserted, unless the application in writing required thereby shall allege, and on examination it be made to appear, that such deserter or deserting seaman has been guilty on board of such vessel of some act or omission which is a criminal offense under the laws of the foreign nation to which such vessel belongs, other than having withdrawn, or being about to withdraw, himself from the control and discipline of the master and officers of the vessel." That all treaties in conflict with this act be, and are hereby, abrogated, and the President of the United States is required at once to so notify every nation having any such treaty.

SEC. 16. That this act shall take effect, as to all vessels of the United States, 90 days after its passage, and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice and at the expiration of such time as may be required by the terms of such treaty, stipulation, or convention.

The section we are about to reenact is as follows:

SEC. 373. On application of a consul or vice consul of any foreign Government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such Government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, United States commissioner, justice, or other magistrate having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested, not being a citizen of the United States, shall be delivered up to the consul or vice consul, to be sent back to the dominions of any such Government; or, on the request and at the expense of the consul or vice consul, shall be detained until the consul or vice consul finds an opportunity to send him back to the dominion of any such Government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense his surrender may be delayed until the tribunal before which the case shall be depending or may be cognizable, shall have pronounced its sentence and such sentence shall have been carried into effect.

Now, this is clearly the proper time to carry out the platform pledge referred to, and if you fail to do so it will be up to you to explain.

Mr. WATKINS. Mr. Chairman, I understand all the pro forma amendments have been disposed of.

The CHAIRMAN. They have been withdrawn.

Mr. WATKINS. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. CULLOP having resumed the chair as Speaker pro tempore, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WATKINS. Mr. Speaker, I move the previous question on the passage of the bill and all amendments thereto.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WATKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

Mr. CLARK of Florida. Will the gentleman withhold that for just a moment?

Mr. MANN. I will.

Mr. CLARK of Florida. I just want to ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD on this bill which has just been passed.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BRYAN. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BOOHER. Mr. Speaker, I make the same request.

Mr. STEPHENS of Texas. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SWITZER] may address the House for 25 minutes.

Mr. WATSON. Mr. Speaker, let me make an inquiry first. I understand that the motion to reconsider and lay on the table was agreed to?

The SPEAKER pro tempore. Yes; it has been disposed of. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Ohio [Mr. SWITZER] may be permitted to address the House for 25 minutes. Is there objection?

Mr. RUCKER. Will the gentleman permit a question? There is another bill to be taken up; so I suggest to the gentleman from Illinois that the gentleman from Ohio can get all the time he wants, if that will be satisfactory.

Mr. MANN. That is a House Calendar bill and not a Union Calendar bill. I did not know the gentleman was in the Chamber, or I would not have suggested that there was no quorum present, which I withheld. I suggest to the gentleman this is a House Calendar bill, and the gentleman would not get time.

Mr. RUCKER. He can get time the same way he can get it now. I will say to the gentleman I am anxious to get on with this bill, but I am not objecting to it and I have not objected to it.

The SPEAKER pro tempore. Is there objection?

Mr. RUCKER. The only point I want to make is this: The gentleman from Illinois will recognize that I want the floor this evening on another bill of importance.

Mr. MANN. The gentleman's committee is on the call next, I think. I have no objection to the gentleman proceeding with his bill.

Mr. RUCKER. I have no objection, then.

Mr. MANN. In fact, I started to make a point of no quorum in order to get the gentleman here, not knowing he was here.

Mr. RUCKER. I want to keep the gentleman in a good humor, and I will yield to almost any suggestion he makes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and the gentleman from Ohio [Mr. SWITZER] is recognized for 25 minutes.

Mr. SWITZER. Mr. Speaker, on June 8 the gentleman from Wisconsin [Mr. FREAR] reiterated his oft-repeated charge that the rivers and harbors bill passed by the House at this session, as well as river and harbor bills passed by previous Congresses, were purely "pork-barrel" affairs, and that the Ohio and Mississippi Rivers were about to obtain more than a fair share of the proposed appropriations.

His tirade impugned the motives of the members of the Ohio Valley Improvement Association and the numerous voluntarily organized societies, composed of thousands and thousands of representative citizens throughout the length and breadth of our land, having for their purposes waterway improvement, and indicted the good faith of that large body of representative citizens from the Mississippi Valley who appeared before the Rivers and Harbors Committee of the House at this session, headed by ex-Senator Percy, of Mississippi, and the Hon. Luke Wright, of Memphis, Tenn., and the Hon. T. C. Catchings, of Mississippi, formerly a Member of this House for 16 years and a former chairman of the House Committee on Rivers and Harbors. In other words, he held out to the country that the people of the Ohio and Mississippi Valleys were the monumental grafters of the century—a most remarkable charge to be made by a Representative of this body who recently voted to take $35,000,000 of the people's money up to Alaska and blow it in on a wild-cat expedition in that land of ice and snow.

The gentleman seemed to be swift to vote $35,000,000 to assist the Alaskan coal miner in securing cheap transportation facilities for his product to the Pacific coast, but he is unalterably opposed to voting a dollar to assist Alaska's only formidable competitor, the great bituminous coal region tapped by the Ohio River and its numerous tributaries, to enable it to obtain cheap facilities for transporting its product to the Pacific coast.

He gives as a reason for refusing an appropriation for the further improvement of the Ohio River the fact that the yearly tonnage transported on this stream has decreased something like 4,000,000 in the last nine years. It seems to me that this

ought to be a good reason why we should speedily complete canalizing the Ohio.

The gentleman forgets that at the time he voted $35,000,000 to improve the railway systems of Alaska he did so with the record of the hearings on that bill disclosing that the annual tonnage on nearly all of Alaska's railways had so decreased from the time of their installation that the revenues therefrom failed longer to pay their operating expenses, and in many instances was insufficient to pay the taxes thereon.

I believe that it is shown that one railway had escaped the hands of a receiver, but it was further shown that this railway was supported by the combined wealth of the Guggenheim family. If a decreasing railway traffic in Alaska is a sufficient reason for voting $35,000,000 as an initial relief for the railways of that Territory, why is not a decreasing river traffic a sufficient reason to vote a few millions for the improvement of the Ohio?

Mr. BRYAN. Will the gentleman yield?

Mr. SWITZER. I will.

Mr. BRYAN. I will ask if the gentleman can not defend the Ohio Valley without attempting to bring in Alaska and attempting to insult Alaska and her resources?

Mr. SWITZER. I yielded for a question. I did not understand that the gentleman wanted to interject remarks into my speech.

Mr. BRYAN. That is a question I asked—if you can not defend the Ohio River without insulting Alaska and her resources?

Mr. SWITZER. Ohio has been insulted by a Representative who voted for and supported the Alaskan bill.

Now, Mr. Speaker, I will confine myself to my subject, and thereby probably get through sooner:

The volume of the future railway traffic of Alaska is purely a speculative proposition. Its total white population is about 36,000, scattered in mere handfuls over an area of 600,000 square miles. There must be an immense immigration to that region before any substantial increased railway traffic there can be hoped for.

Compare the Alaska situation with the Ohio Valley, if you please. Three million people reside upon and near the banks of the Ohio. A large part of eight great States, containing more than one-fourth of the population of the Nation, are drained by this stream and its tributaries. Upward of 200,000 coal diggers mine the bituminous coal of this region. Thousands and thousands are engaged in the immense lumber industries carried on within the confines of this district. The thousands and thousands of coke ovens and hundreds of manufacturing plants of every description and character give employment to hundreds of thousands of men. At the head of this stream lies the great Pittsburgh and Wheeling manufacturing district, which alone initiate a tonnage for transportation running up into the hundreds of millions of tons. There is no need of a further immigration to this region for the purpose of operating the immense industries to which I have just referred, especially during this era of business and industrial depression. The tonnage of this region is already created, an actual reality, and not an Alaskan dream, not a psychological apparition. It is well known as the greatest industrial region in the world. In order to increase the annual tonnage carried on the Ohio River it is only necessary to divert a few million tons from the railways to the water.

But when the increased prosperity arrives that we anticipate upon the opening of the Panama Canal there will be a still larger demand for an efficient water route from Pittsburgh to New Orleans to meet the increased demands for additional distribution facilities.

The Ohio River, and in its crippled condition, in the past, as borne out by statistics, has been a great factor in compelling the railways paralleling it to reduce their freight rates and keep the same at a reasonable figure. The benefits already accruing to the people of this region and the Nation can not be calculated.

I desire to state at this point that in using the Alaskan proposition as an illustration in this talk I do not want to be understood as impugning the motives of any Congressman who voted for the Alaskan bill or that I am censuring the people of Alaska for seeking financial assistance from the Government. On the other hand, I desire to congratulate the people of Alaska for exercising their good judgment in sending to Congress their present able and capable Delegate [Mr. WICKERSHAM], who has, single handed and alone and without assistance from any source other than a few words of encouragement uttered by the President from the throne, succeeded in landing for his constituency the largest donation his people will probably receive in scores of years to come.

But I feel that it ill becomes any Representative who has voted for the proposed stupendous internal improvement in Alaska to now object to further appropriations to complete a great internal waterway improvement, nearly half completed, in the very heart of the Nation. [Applause.]

Since the clearing up of the country and possible changes in climatic conditions, which in the past 25 years have rendered the navigable flow of the Ohio so uncertain as to destroy the trade once built up by the numerous steamers that at one time plied on the waters of this stream, and which has greatly jeopardized the lives of the employees of coal companies and their property while in transit on its waters, it is impossible for those engaged in river navigation to build up and hold a trade sufficient to defray the expenses of navigation and numerous losses.

Years ago the people of the Ohio Valley, believing that the canalization of this stream securing a depth of 9 feet the year around would enable steamboat lines to make regular trips from Pittsburgh to Wheeling, Cincinnati, Louisville, and Cairo and maintain a definite schedule of time for arrivals, and that thereby a large passenger and freight trade could be built up and maintained by such lines and a water route 1,000 miles long, paralleling numerous railway routes, could be thus maintained for the certain transportation, especially of the heavy commodities—coal and iron—at the lowest cost anywhere in the world, petitioned Congress to embark in the present project for improving the Ohio.

Congress appointed a special board of Army engineers to investigate the proposition, and this board, after a preliminary survey of the stream and making a thorough investigation of the whole matter, and after their work had been inspected and supervised by the Board of Engineers of Rivers and Harbors, and extensive hearings held at all the important points along the Ohio River, reported in favor of the present project. The report contains the following comment:

> In making this recommendation the board realizes that it is suggesting a plan for river improvement on a scale not heretofore attempted in this country, but it believes that there will probably be in the near future a popular demand for the improvement of several streams on such scale. On account of the large commercial development of its shores and its connection with the lower Mississippi, now maintained in a navigable condition, the Ohio River is, in the opinion of the board, the one river of all others most likely to justify such work.

The scheme recommended and adopted by Congress purposes the construction of 64 locks and dams from Pittsburgh to Cairo at an estimated cost of $64,000,000. I believe that 7 of these locks and dams have been completed, 26 are now in the process of construction, and that there are 22 or 23 as yet untouched. The original scheme was to complete the project within 12 years, and, if carried out, the construction of the remainder of the proposed dams must be commenced within the next three or four years, as it will require some three or four years to erect the large dams in the lower part of the stream. One-third of the $64,000,000 has been appropriated and expended, and now, at a time when nearly one-half of the work has been completed, up rises the gentleman from Wisconsin, who says that we ought to stop and leave that vast amount of stone and concrete work which we have placed in the Ohio River as a monument to the stupidity and ignorance of the millions of people who inhabit the Ohio Valley, as well as to the Congresses which appropriated the money for such construction.

It will be impossible to at this time predict what increased tonnage will accrue by reason of the canalization of the stream. The work so far done, standing by itself, would be of little value—like a long chain, its strength is not much greater than its weakest link—all the locks and dams will have to be constructed and available for operation before we can begin to compute its possibilities.

Mr. FREAR. Will the gentleman pardon me for a correction?

Mr. SWITZER. Mr. Speaker, I decline to yield.

The SPEAKER. The gentleman from Ohio declines to yield.

Mr. FREAR. I wish to make a correction in my own figures. They should be 41 instead of 29, according to the reports of the engineers for 1912.

Mr. SWITZER. The gentleman from Wisconsin boasts of the annual 41,000,000 tonnage of the Duluth Harbor, but he should bear in mind that the tonnage of his harbor would dwindle into insignificance were it not for the Soo Canal, which was constructed by the Government at millions of dollars of expense. The tonnage of the Soo Canal last year is estimated at 72,000,000 tons; the first few years after its opening it was only from four to ten million tons per year. By annual appropriations of millions of dollars on the part of the Government the gentleman from Wisconsin is able to have coal transported from the ports on Lake Erie to Duluth and Superior for 30

to 35 cents a ton, and by reason of these immense expenditures on the part of the Government the people of his State and of Michigan and Minnesota are enabled to market throughout Ohio, Pennsylvania, and West Virginia their millions and millions of tons of iron ore, some of which goes to make up his 41,000,000 tonnage for the Duluth Harbor. The gentleman from Wisconsin, of course, makes no complaint of the immense benefits his State receives and enjoys by reason of the expenditure of millions of dollars on the Great Lakes and their connecting links.

He and his constituents want the coal of the Ohio River Valley just as cheap as they can get it, and they must have an exceedingly cheap freight rate for the long haulage necessary to market their iron ore. But when it comes to providing cheap transportation facilities for the great Pittsburgh and Wheeling manufacturing district, which initiates annually hundreds of millions of tons of freight and which has been hampered during the past years of great Republican prosperity by a serious railway traffic congestion, he does not see his way clear to vote a few million dollars to provide a permanent water route from Pittsburgh down the Ohio and Mississippi Rivers to enable a great consuming region of Wisconsin's products to find a market for its products on the Pacific coast and in the Orient.

If this selfish spirit prevailed to any considerable extent among Members of Congress, improvement of our inland waterways would come to a standstill and the progress of our country be seriously retarded. But, happily for the Nation, the overwhelming majority of this body desire to make it possible to transport coal and iron and the innumerable products of iron 2,000 miles down the Ohio and Mississippi at an expense not exceeding 50 cents a ton.

The gentleman from Wisconsin seems to be charmed by the tone of certain articles recently appearing in newspapers and magazines approving his attack on the river and harbor bill. After three years of service as a Member of Congress, I have come to regard many of such performances as being of a self-serving character. The Congressman finding his name in print in a newspaper or magazine of large circulation feels himself highly complimented, and scarcely ever fails in turn to compliment the magazine or newspaper, and in this way they establish a sort of "mutual admiration society." The gentleman states that the Saturday Evening Post demands an investigation. In reply to this, I desire to say that the Ohio River project has been thoroughly investigated by a special Board of Army Engineers and by a Board of Engineers of Rivers and Harbors, and that extensive hearings were held by the Rivers and Harbors Committee of several Congresses before it was adopted.

The gentleman states that enough money has already been expended on the Mississippi River to build a railroad on both sides of the stream from Minneapolis to the river's mouth. I beg to state that if there had not been exercised some control over the waters of the Mississippi River in the past that it would have been impossible to have constructed hundreds and hundreds of miles of the railways now traversing the Mississippi Delta. And, in fact, there would have been no use to have built hundreds and hundreds of miles of the railways we find there to-day, as the region which now supports them would still be a dismal swamp. One of the strongest advocates for governmental control of the waters of the Mississippi who came before the Rivers and Harbors Committee at this session of Congress was the president of the Iron Mountain Railroad—Mr. Bush, of St. Louis, Mo.

How many miles of the 3,700 miles of railway in the delta would be there to-day if the Government had failed to make the expenditures referred to by the gentleman from Wisconsin, and the people of the Mississippi delta had not contributed $67,000,000 of their own money in this effort to properly control the waters of the river? If these expenditures had not been made, it is doubtful whether there would have been exceeding 1,500,000 acres of land in cultivation, of the 3,500,000 acres being cultivated there to-day.

If the present project for controlling the waters of the Mississippi is carried out, it is estimated that 12,500,000 acres of land of the 16,000,000 of waste land of the delta to-day will be capable of cultivation and its fertility and productiveness will be unsurpassed any place in the world.

The gentleman from Wisconsin fails to see the yearly increase of hundreds of millions of dollars to the assets of the Nation, and which will finally run into the billions, accruing from the expenditures on the Mississippi River.

If he is sorely troubled as to the future tonnage transportation on the lower Mississippi, we of the Ohio Valley assure him that upon the proper canalization of the Ohio River there will be a continuous procession of coal fleets from that industrial region coursing their way down the Mississippi River, and that numerous water craft will be found continually going to and fro from the mouth of the Ohio to the mouth of the Mississippi. [Applause.]

Mr. FREAR. Mr. Speaker, I ask unanimous consent to speak for a few minutes, in reply to the gentleman from Ohio, who has just spoken.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to speak. Is there objection?

Mr. BOOHER. Mr. Speaker, reserving the right to object, the gentleman has already made two long speeches upon this subject, and he refused to yield to an interruption on either one of those times. He was asked by three or four members of the Committee on Rivers and Harbors if he would yield to an interruption, and he refused to do so.

Mr. FREAR. Pardon me; on what day did this occur?

Mr. BOOHER. I do not recall now on what days you made your speeches. I think that two-thirds of the members of the Committee on Rivers and Harbors asked you to yield to interruptions, and you refused to do so, even to answer a question that might be asked. However, so many of my friends think that I ought not to object, I will not do so now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. It is immaterial to me, Mr. Speaker, whether the gentleman from Missouri raises an objection or not. I think I shall be able to get into the RECORD without his aid.

I am here to-day against the doctor's orders. I understood an answer was to be offered to comments I have made on the Ohio River canalization scheme. I expect the gentleman from Ohio [Mr. SWITZER] could not say anything else than what he has just presented, and it will read well to his constituents if they do not know the other side of the case. When he goes before his constituents with the statement which he has made here, if he should ask them how many people in Ohio are receiving one cent's worth of benefit from this Ohio River canal, he will find he can count them on his fingers. I wish he would bring that record back here to the House.

Mr. Speaker, I have discussed the Ohio River at two different times, based upon the engineers' reports, not upon theory or upon generalizations which characterize statements just made by the gentleman from Ohio. Those engineers' reports can not be successfully denied. I can only speak of the Ohio River briefly now, but the engineers' report says that in the case of the Ohio River 34 per cent of the tonnage has been lost between 1905 and 1912, or in seven years, and this data I have quoted and given you the page on which it is contained in the record. The reports have shown further that the total traffic on the Ohio was 13,000,000 tons in 1905, 11,000,000 tons in 1906, 8,000,000 tons and a little over in 1912, and of that 8,000,000 only about 10 per cent went through the canal at Louisville.

Mr. SPARKMAN. I would like to make the suggestion that the statistics for 1912 only covered nine months.

Mr. FREAR. Assuming that to be true—and I accept the statement of the gentleman—that is true practically every time, because there are three months of the year——

Mr. SWITZER. Will the gentleman yield? Does not the gentleman know the river has not yet been canalized?

Mr. FREAR. Mr. Speaker, I know that a number of locks have been constructed, and I have read the engineers' reports very thoroughly. I have satisfied myself as fully as has the gentleman. I am prepared to show that only about 1 per cent of high-grade freight to-day, as I have stated in my remarks, goes through the canal system of the Ohio River, and that freight costs the Government $45 per ton. We are confronted with this fact here, that $5,000,000 has been appropriated in the 1914 river and harbor bill for the canalization of the Ohio River. In this sundry civil bill before us to-day $4,176,000 is added, and that does not include the $350,900 which goes into open-river channel improvements. I have no fears if anyone will make an investigation of this subject but that he will come to one conclusion, except where he has some venture of his own which he is anxious to put through with this bill. I say this in all kindness to every Member of this House.

I have avoided personalities and I will continue to do so, because I realize the pressure brought to bear on individual Members. I have no criticism to make against any Member, and I care not who criticizes me. I believe I am doing my duty, no matter what inference the gentleman from Ohio may draw as to my motives. My motives are sincere, and I think my course will be approved before I have been long in this House. With the appropriation now asked for this canalization scheme, with

the cost of maintenance and the cost of depreciation, the Government could build a railroad on both sides of the Ohio River and carry all the freight along its banks. That would be a good investment, but I believe $64,000,000 is being wasted on a worthless canal. I believe the railroad in Alaska, to which the gentleman refers, will be a success because of the freight it will carry, while the project for the canalization of the Ohio River will never be successful, according to engineers' reports which I have submitted.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SWITZER rose.

The SPEAKER pro tempore. Does the gentleman, before the request for unanimous consent is put, yield to the gentleman from Ohio [Mr. SWITZER]?

Mr. FREAR. Certainly.

Mr. SWITZER. All I want to do is to ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SWITZER] and the gentleman from Wisconsin [Mr. FREAR] each asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, before yielding the floor, I again offer to answer any questions, as I did here the other day on two or three occasions, when every floor leader of the House of Representatives sat through my remarks. I shall be very glad to answer the gentleman from Missouri [Mr. BOOHER] and to discuss his $20,000,000 Missouri River project if the House will give me the opportunity.

Mr. BOOHER. It is the only time the gentleman has offered to reply to a question.

Mr. FREAR. Will the gentleman permit me to call his attention to the fact that the RECORD disproves that entirely?

Mr. Speaker, I have been asked to premise my remarks with a restatement of appropriations made in recent years for rivers and harbors. Such statement was presented with my remarks appearing in the RECORD for March 24, on page 5410, and as it is brief I reinsert. Rivers and harbors are cared for in the regular pork-barrel bill and also in the sundry civil bill, which latter bill, now before us, carries $6,990,000 for 1914.

The following appropriations were made prior to 1914:

RAPID GROWTH OF EXPENDITURES.

Notwithstanding the great decrease in navigation on inland waters, apart from traffic on the Great Lakes, river and harbor appropriations have increased in inverse proportion, as appears from the following statement:

River and harbor appropriations, 1875–1913.

1875	$5,218,000.00
1876	6,643,517.50
1877	5,015,000.00
1878	None made.
1879	8,201,700.00
1880	7,846,600.00
1881	8,951,500.00
1882	11,441,300.00
1883	18,738,875.00
1884	None made.
1885	13,949,200.00
1886	None made.
1887	14,473,900.00
1888	None made.
1889	22,397,616.90
1890	None made.
1891	25,136,295.00
1892	2,951,200.00
1893	21,968,218.00
1894	14,166,153.00
1895	20,043,180.00
1896	11,462,115.00
1897	16,244,147.00
1898	20,832,412.91
1899	14,627,449.56
1900	25,110,038.94
1901	16,285,605.75
1902	7,046,623.00
1903	32,540,199.50
1904	20,233,150.00
1905	10,872,200.00
1906	28,726,007.41
1907	17,254,050.04
1908	43,500,813.00
1909	18,092,945.00
1910	29,190,264.00
1911	49,380,541.50
1912	40,559,620.50
1913	51,115,889.00

In arriving at the actual amount spent and obligations incurred by Congress in 1914, according to the river and harbor bill as it passed the House, the future obligations incurred by the House for which initial appropriations are made, the amounts added, as announced by Senator SIMMONS, of North Carolina, in the bill reported out of the Senate committee, and the amounts contained in the sundry civil bill, now before the House, we find the total to be as follows for 1914:

House, cash appropriations, river and harbor bill	$43,289,004
House, future obligations, river and harbor bill	32,897,871
House, sundry civil bill	6,990,000
Senate increases to the river and harbor bill	10,352,600
Total	93,529,475

This amount is subject to further increases before both bills are returned to the House.

The 1913 Report of the Chief of Engineers, page 30, states total river and harbor appropriations to that time for all purposes aggregated $789,288,614.45. It is difficult to ascertain the exact proportion of this amount that has been poured into the rivers of the country, but one river, the Mississippi, pleads guilty to having received $144,000,000, as nearly as can be determined. Neither should it be overlooked at the outset that the rivers of the country, according to Government statistics which I have heretofore quoted, have lost 80 per cent of their traffic within the past 25 years. This statement does not apply to Great Lakes traffic, nor is accurate data available as to the Ohio River. From the engineers' reports, to which I have referred heretofore, the Ohio lost 34 per cent of its traffic from 1905 to 1912. I present this side of the ledger in order to show what it has cost the Govenment during a half century of wasteful giving to lose 80 per cent of its river traffic. The engineers' tables from which these deductions are made were set forth in my remarks contained in the RECORD for April 10 last.

Before addressing myself to the influences behind the 1914 bill I desire to add that Report No. 300, part 1, Sixty-third Congress, second session, prepared by the House committee on the 1914 bill, further states that when that bill passed the House the Government was obligated to appropriate in the future $305,500,000 for adopted projects for which initial appropriations had been made (p. 5). Other future obligations are mentioned in that report, but the most significant statement made in connection with the bill came from Chairman SPARKMAN in his address on March 17, when he said:

PROJECTS COSTING BILLIONS OF DOLLARS.

But what of the cost? That is another pertinent question. Of course it is difficult, Mr. Chairman, for us to determine now or for anyone to say just what the future cost will be, and yet I believe that unless we are to embark upon some wild scheme of waterway improvement not connected—or, if connected at all, very remotely—with legitimate river and harbor work—I say unless we are to embark upon some such wild scheme I believe it is possible to approximate within reasonable bounds the cost of river and harbor improvement in this country within the next 25 years. Of course, if we enter upon other works having no direct or necessary relation to navigation, there is no telling where we will land. Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and the carrying out of which, it is said by competent engineers, would cost billions of dollars. But assuming we are to pursue a safe and sane policy such as we have been pursuing for the past several decades, then I believe it is easy, or at least it is not very difficult, to approximate within reasonable bounds as to what the Government will be called upon to expend in the near future, by which I mean in the next quarter of a century.

We have on the books to-day, including those taken on in this bill, about $300,000,000 of projects, $150,000,000, in round figures, or half of it, being for four rivers—the Mississippi, the Ohio, the Missouri, and the East River in New York, the last named, however, only requiring about $13,000,000 to complete. The work on these four streams, if the plans laid down by the engineers are followed, is to extend over a period ranging from 8 to 25 years; perhaps a little beyond that. The other $150,000,000 will likely be required during the next 8 years; that is, if the plans of the engineers are carried out. Of course there will be other projects; but we must remember that there are yet other projects still on hand and yet to be considered. There were before our committee about $50,000,000 of projects submitted within the past two years besides the $38,000,000 we have adopted in this bill. I do not know that all of those will meet with favorable consideration in the future; the chances are they will not; but if they should all be adopted, the amount, including those adopted or recommended in this bill, will reach $350,000,000.

Mr. Speaker, request was made and granted to the gentleman from Ohio [Mr. SWITZER] for unanimous consent to answer statements I have made to the House on one of the large projects relating to the Ohio River. It is a matter of regret that time can not be accorded every Member to discuss these projects, and I welcome a full understanding of every project which has been criticized. If any misstatement of fact has occurred, it is unintentional and I am ready to accept any correction offered from official data. In the several discussions held I have endeavored to support every statement of fact with undisputable data taken from the engineers' reports.

In ascertaining the amount of river traffic such data is unreliable because of reasons given by the engineers of many duplications of the same identical freight. I have pointed out this weakness in several instances, but ordinarily, for purposes of computation, have accepted the engineers' reports, irrespective of tonnage, distance, character of freight, and probable

duplications. The conclusions drawn from such data have appeared to me more than just to the bill's apologists, and in no case have I been governed by any conscious prejudice because of locality or other extraneous influence.

If many Members agreed with all my conclusions, we would have no river and harbor bill drawn along the lines of the 1914 bill; but I believe, from statements made to me by many Members, that the controlling desire is to preserve local projects demanded by constituents, even at the cost of supporting others that are unworthy.

It is a locality bill in every sense, and the appeal for its support is not based on the general good to be derived from the bill, but from personal interest possessed by the individual Member in the individual project.

Whatever may be said in excuse of the bill, either here or elsewhere, every well-informed Member understands this to be a fact.

Corrections in any misstatement will be welcomed at all times, because I have no interest to serve excepting that represented by every other Member of the House.

CONSTITUTIONALITY IN DOUBT.

The subject has many angles that are of decided interest, ranging from the questionable constitutionality of diverting public funds for local and oftentimes private use to the justification for its use on different projects. When water transportation companies are owned by or closely related to railway systems, the right of the Government to aid such companies where the transportation is so monopolized can not be justified. Where water-transportation companies exclusivly control and monopolize the waterway or service, Goverument aid to the monopoly is equally objectionable. Where the harbor facilities are monopolized by private interests, whether corporate or otherwise, the Government is serving no apparent public use in improving that harbor. Where the municipality owns the harbor rights, but leases all available wharves for the benefit of the city exchequer, the monopoly is no less exclusive. Contributions from localities in rare cases ought to be changed to contributions with rare exceptions.

To pull down and not present any constructive substitute would be unwise and of no avail. The defeat of the 1914 bill at this session is only to meet the same bill at the next session. Greedy constituents, hungry dredging companies, interested transportation companies, and numerous other powerful influences will always be at work as long as the present system prevails. Until that system is changed no lasting improvement will result. Under present conditions no amendment can be passed striking out objectionable items, no matter how vicious or inexcusable. The barrel must stand as built or it is liable to fall to pieces.

To propose any specific bill or law changing the system would be both presumptuous and futile on my part. Any definite plan should be carefully worked out before its passage could be safely urged. Whether the Interstate Commerce Commission or some other independent strong board should have the control of the river and harbor work is a matter for consideration. No scheme can be devised that is weaker than the merry-go-round now existing between the Congressman's survey, the engineer's report, the Congressman's project, the engineer's approval, and the Congressman's appropriation carried out by the engineering department.

A cursory examination of reports shows politics, political pull, and political plunder surrounding the bill, with the Engineer Department made the instrument which unlocks all the combinations. That department should be relegated back to engineering work. At the present time it is supposed to serve as a buffer to the pork-barrel grab; but every intelligent Member knows that when the engineers refuse to favor a scheme, however worthless, political pull generally overturns all scientific difficulties standing in the way. Engineers and engineering departments are dependent upon the favor and influence of those whose case they judge. Think of a judge trying to preserve an impartial state of mind when the litigant before him can make or unmake his future.

The engineers should do engineering work, and the board having jurisdiction of the rivers and harbors work should be removed as far as possible from political pressure.

No law can be passed bringing about this desired result until a thorough public investigation is had, opening wide the present corrupting system. When the searchlight is let in on the barrel and the influences behind the barrel are known, some change will be made in conditions; but to defeat the 1914 bill, or any other bill, and be content with results, is to lop off one tentacle of the octopus.

Neither will it avail anything to defeat the bill temporarily, and thereupon seek to pass a bill changing the system. To defeat the bill is necessary; but the only chance to permanently smash it is by an investigation such as I have demanded. It will come some day, because corrupt things have no place in a representative body, and soon the end must come. The domination of railway influences in this body was supreme a dozen years ago. The controlling influence of monopoly has not long been thrown off, but it has been thrown off, and for all time. The pork barrel is a relic of railway domination and of monopoly control, with this added dangerous element, it offers a pretext that appeals to the community that gets the "improvement."

VICIOUS 1914 PROJECTS.

Mr. Speaker, special interests have a directing hand in framing river and harbor bills, if we are to judge from the Government reports. Fertilizer factories, oil interests, and real-estate projects are all vitally interested in the 1914 bill. The engineers' reports (House Document No. 43, Sixty-third Congress) show that after spending $65,647 for Matawan Creek, N. J., this year we are putting into that same creek a $72,000 appropriation to benefit several factories. In support of this statement I quote from the RECORD of March 21 last:

Mr. FREAR. That is the kind of a harbor we are to appropriate $72,000 for, after spending $65,000 in order to serve, as the report apparently indicates, several manufacturers or people who have fertilizing establishments. I ask if that is correct?

Mr. SCULLY. That is correct.

Mr. FREAR. If that is so, then I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

"Page 10, strike out all of lines 3, 4, 5, and 6."

Amendment rejected.

Mr. SCULLY is a member of the Rivers and Harbors Committee from New Jersey.

Shoal Harbor and Compton Creek, N. J., caught the spirit of 1914, and, after an expenditure of $48,491.27, this project gets in the 1914 bill $56,800. No public docks are located on the project, according to the engineers' report, but House Document No. 40, Sixty-third Congress, shows a private dock in existence which belongs to J. H. Smith & Co., manufacturers of fertilizer and fish oil, although its facilities are not open to the public. A new fertilizing plant has been built; and this $56,800 is to be spent, according to the engineers' report, for these fertilizing factories.

New Jersey has several luscious slices of "pork" in the 1914 "barrel," and is also demanding $20,000,000 from the Government for a canal from its mosquito district to the stream once crossed in a rowboat by the Father of our Country.

Returning to fertilizer factories in New Jersey and elsewhere, these industries disclose a spirit of activity that rivals the dredgers' organization, or Mr. Fox's best efforts, because all are of the same "state of mind," resulting from the psychology of the 1914 "pork barrel." When an item for $38,375 was reached for Northeast Cape Fear River, N. C., I referred to the 1913 engineers' report, and informed the House that we had already expended $32,050 on this North Carolina creek in order to secure a depth of 1 inch of water at the head of navigation and 5 inches 15 miles down the river. Then to show the absolute folly of this one of North Carolina's 25 projects, questionable and otherwise, in the 1914 bill, I gave to the House on March 23 the following additional particulars taken from the RECORD:

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MURDOCK. Does the gentleman mean to say that the only people who will be benefited by this expenditure of $38,375 are private fertilizer companies?

Mr. FREAR. Three fertilizer companies, says the report of the engineer. Of course it is a mighty good thing to have someone here to get those things through Congress, if you want to vote them, but it does seem to me there ought to be a limit to the character of appropriations that are made by this Congress or any other Congress, and I call on the gentlemen on the other side, who have made professions of economy in their platform, to explain the necessity for this appropriation, and to show a better record than is being made on this appropriation bill.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Certainly.

Mr. CALLAWAY. Does the gentleman not think that possibly the fertilizer companies with whom we were dealing last Saturday dealt with the fertilizer companies of North Carolina and South Carolina, and that they will deal with the fertilizer companies all the way around the coast?

Mr. FREAR. Well, in some way or other fertilization has had a wonderful effect on the growth of the appropriations here. I move to strike out the paragraph.

Amendment overruled.

Mr. Speaker, I am endeavoring to point out the pressure exerted by private interests in filching Government money from the Treasury and can only offer a limited number of items, although the 1914 bill has many such. A few are skillfully con-

cealed by the engineers' reports of public interests to be served but others, like the fertilizer factories, are not afraid of the limelight.

In the $123,700 Curtis Bay proposition for dredging to a 35-foot depth, covered by House Document No. 37, we are confronted with commercial items of 25,000 tons of fertilizer, at $20 per ton; 35,000 tons of fertilizer, at $25 per ton; 70,000 tons of fertilizer, at $17.50 a ton, and are solemnly told that this freight and other low-grade freight, including Standard Oil products, can not be carried out to sea satisfactorily by the 30-foot channel now existing in the bay. Curtis Bay has at present a great mystery occupying the columns of the daily papers because of a recent sensational death, but another mystery that might be easily unearthed through investigation is presented from the significant fact that the said bay is adjacent to Baltimore. The center of the dredging companies' activities is also at Baltimore, and although $255,000 has already been spent by the Government on Curtis Bay an additional $123,700 would be of some service not only to the fertilizing trade, but incidentally to local dredging concerns.

REAL-ESTATE PROJECTS INCLUDED.

The 1914 bill bristles with items that are inserted in the "barrel" for private or local interests, some of which I pointed out to the House in my discussions of March 24, found in the RECORD on pages 5410 to 5431. I am only able to discuss briefly one other class of private interests that are thinly cloaked in several items which have come to my attention.

A letter to the engineers is quoted in House Document No. 137, which shows up the $47,000 Kissimmee Creek fraud. This creek, it will be remembered, is shown by the engineers' reports to be dry for periods varying from five to eight months in a single year. The letter comes from an ex-Congressman:

KISSIMMEE, FLA., *March 27, 1909.*

DEAR SIR: The tract of land I mentioned to you is Fort Gardner lands, 25,339 acres, and is owned, by recent purchase, by E. W. Bowen & Co., Delphi, Ind. These lands lie between Lakes Cypress, Hatcheneha, and Kissimmee, and on the east side of the Kissimmee River, and about 35 miles south of this place—the nearest shipping point.

At the present time they have our county surveyor engaged in running lines and staking it off into 40-acre lots for sale to settlers from the North and West. At the same time they are having levels established for a system of irrigation and drainage. The great bulk of these lands is admirably adapted to truck farming and will no doubt be rapidly taken up by actual settlers as soon as transportation facilities become adequate and permanent. The work now being done and to be done is with the reasonable expectation that the waterways will be improved so as to give an all-the-year-round channel of 3 feet or more.

As you no doubt have learned by personal inspection, there are hundreds of thousands of acres of similar lands, comprising the Kissimmee Valley, lying ready for the plow when the time comes that its products can be sent to market with reasonable transportation facilities.

Very respectfully, yours,

G. F. KRIBBS,
Formerly Representative, Twenty-eighth Pennsylvania District, in the Fifty-second and Fifty-third Congresses.

Another project that is strictly for local interests and smacks strongly of a real-estate venture is the item of $733,000 for the Oklawaha River, Fla.

In the RECORD for March 21 appears this colloquy with the distinguished chairman of the Rivers and Harbors Committee:

Mr. SPARKMAN. Mr. Chairman, what did the gentleman say the gentleman from Florida had?

Mr. FREAR. I said the gentleman from Florida had an instance of an appropriation of which he spoke yesterday, an appropriation of over $700,000, I believe, to bring products a distance of 100 miles—oranges, for instance, and things like that—down a small stream to the St. Johns River.

Mr. SPARKMAN. The gentleman refers to the Oklawaha River.

Mr. FREAR. I did not know before yesterday that it was in the gentleman's district.

Mr. SPARKMAN. The gentleman has about stated the facts.

Mr. FREAR. I desire to be correct. I am trying to state only facts.

A PARTICULARLY VICIOUS ITEM.

The foregoing colloquy relates to the demands of orange growers for a $733,000 appropriation for a crooked creek that does not boast of a regular boat service. It surely is not for the benefit of the general public, but is a project for a few parties living near the stream, because on March 23 appears the further discussion:

Mr. MURDOCK. Is there railroad transportation there to-day?

Mr. SPARKMAN. Oh, yes; there are two railroads traversing the section.

To further indicate real-estate and private interests to be served I quote further from the RECORD of March 23:

The only influence that ever put this project over after it was turned down by the engineers is that of a political character, disclosed by letters quoted in House Document 514.

From Florida's real-estate projects to Port Aransas, on the Texas coast, which absorbs $2,525,000, in the project including $800,000 in the 1914 bill, private real-estate interests crop out at every bend of the river and every page of the bill. Returning to New Jersey, it will be discovered that the State of a New Freedom and fertilizer factories is energetically to the front. It is hard to ascertain precisely where "improvements" are being made by the Government engineers, and, although I believe no part of the Newark Meadows project is included in the 1914 appropriation for the Passaic appearing in the sundry civil bill, it is well to know that the New Jersey Terminal Dock Co. owns 33,090 acres in that vicinity. It is also instructive to read the following letter relating to a New Jersey project found in House Document No. 1076, Sixty-second Congress:

LETTER OF RICHARD C. JENKINSON, OF R. C. JENKINSON & CO.

NEWARK, N. J., *December 2, 1910.*

Col. WILLIAM T. ROSSELL,
Corps of Engineers, New York.

MY DEAR COLONEL: You will remember me as a friend of Gen. J. W. Barlow, to whom I am glad to refer you as to my sanity.

I was delighted to hear you put to Mr. James M. Reilly, the secretary of the board of trade, the question about the meadow canal, and as this is a scheme to sell land—almost useless land—to the city of Newark at high prices I have opposed it to the limit of my power.

I wrote a paper on it, and also wrote a series of questions up to the promoters, which they have never been able to answer to the satisfaction of the taxpayers of Newark.

In spite of the fear that I may be thought presuming I am sending to you a copy of these, asking that at your leisure you do me the honor of reading them.

Yours, truly, RICHARD C. JENKINSON.

The significant part of this proposed project lies in the fact that the engineers' report shows it was vigorously urged by three Representatives in Congress.

It may have been a worthy project, but we can not fail to recall the code of waterways legislation found in the utterances of the gentleman who declares, on page 13 of the February, 1914, number of Waterways and Commerce:

New Jersey has too long been neglected in the distribution of the "pork barrel." It is time that the House of Representatives should learn of the inadequate care bestowed upon the rivers and harbors of New Jersey for the last 15 years.

To this should be added a postscript that the fertilizer factories and real-estate projects are not being wholly neglected.

A brief comparison between increasing lake and decreasing river traffic is significant:

Water traffic, 1912.

	Tons.
Ohio River (Eng. Rept., 1913, p. 981)	8,618,369
Upper Mississippi (Eng. Rept., 1913, p. 900)	1,830,264
Lower Mississippi (the lower Mississippi has decreased since 1906, but data is not available; Comm. Corp., 1906, p. 307)	1,719,893
Missouri (Eng. Rept., 1913, p. 941)	249,599
Total (for 3 greatest rivers)	12,418,125
Loss, 21 per cent in 6 years.	
Duluth-Superior (average haul, 831 miles; Eng. Rept., 1913, p. 1062)	41,474,776
Milwaukee (Eng. Rept., 1913, p. 1103)	7,779,625
Chicago (Eng. Rept., 1913, p. 1117)	3,664,745
Total three ports' tonnage	52,919,146

Engineer's note to page 1117 states:

The harbor works, while having added about 5,000,000 tons to the river commerce, are now needed mainly to prevent a further loss of the remaining tonnage.

From the foregoing it appears that three lake harbors, two bordering on my own State, have over four times the combined commerce of the three greatest rivers in the country. The Duluth-Superior Harbor has over three times the river commerce. The Milwaukee Harbor equals the Mississippi and Missouri combined.

Appropriations are as follows for 1914:

Ohio River Canal (river and harbor and sundry civil bills)	$9,176,000
Ohio open river (river and harbor bill)	350,000
Mississippi River (river and harbor bill)	9,500,000
Missouri River (river and harbor bill)	2,000,000
Three river appropriations, year 1914	21,026,000

Duluth-Superior and Milwaukee Harbors receive nothing for 1914. Chicago receives $98,170, through river and harbor and sundry civil bills. The three river projects contemplate: Mississippi, $275,000,000; Missouri, $20,000,000; Ohio, $64,000,000; total, $359,000,000.

	Tons.
Ohio, 1905	13,163,656
Ohio, 1912	8,618,396
Total	4,545,260

Decrease, 34 per cent in six years.

Canal, 1906, 1,343,904 tons; amount, $11,427,784.

All but 132,189 tons low-class freight.

Of Missouri River tonnage from Kansas City to mouth (p. 2449), 1913:

	Tons.	
Sand and gravel	185,110	= $158,000
Upper gravel tier	171,240	= 64,489
	13,870	222,489

Mr. Speaker, permit me to give a further brief illustration of the bill's character before I address myself to influences now potent throughout the country which are behind the bill and behind all other bills of like character. An examination of the 1914 measure, for illustration, will show that probably four-fifths of all the congressional districts in the country and four-fifths of all the States have projects which are provided for by the bill. Some of these are shown by the engineers' reports to be good, but many of them are shown by the same reports to be questionable, while others are vicious and ought to sink the barrel.

NORTH CAROLINA'S 26 PROJECTS.

Take North Carolina for illustration. It enjoys the top notch of appropriations. Twenty-five different projects for that State were embodied in the river and harbor bills which passed the House, carrying in aggregate about $1,500,000. One of these projects contemplates an eventual expenditure by the Government of $5,400,000 on a canal that lost over half its traffic between 1909 and 1912, according to the latest Government data. Notwithstanding the proverbial duplications and other inaccuracies found in the data furnished by the engineers, over half of that canal traffic consisted of logs, piling, and lumber that has been floated along the streams during the past century. For every ton of traffic, exclusive of logs and lumber, shipped on that canal in 1912, 1,000 tons were shipped from the Superior-Duluth Harbor, on the border of my home State. This canal gets $800,000 in the 1914 bill, and will eventually get $5,400,000 for a project which would never have been possible to project unaided by political influence.

Added to these 25 projects that go to North Carolina, we are now informed that $1,826,600 has just been added to the House bill and is going into a harbor of refuge at Cape Lookout. When no navigation can be found the compass of the barrel includes worthless canals that are taken over by the Government, and now a harbor of refuge, at an aggregate cost with the canal amounting to over $7,000,000, is found in the 1914 bill. Again North Carolina maintains its proud supremacy in the 1914 bill among the sisterhood of States by totaling 26 different projects.

If time permitted, I would address myself briefly to these two projects just mentioned; but I believe a statement of the facts will be sufficient to put every Member on inquiry. It is passing strange that now, when the coastwise trade is being carried on by large vessels largely owned by great railway systems, we are called upon to waste $1,826,600 on the bleak, deserted North Carolina coast, shunned alike by seamen and by people generally. I have explained my own knowledge of actual conditions along that coast from having lived there while in Government employ and, further, by reason of information received from men familiar with the facts.

Returning to the remaining 24 North Carolina projects, we meet with the old familiar North East River, that, after swallowing up $38,375, has secured a depth of 1 inch in the channel at the head of navigation. It may be remembered that the engineers' report further shows that this project is to help out two or three fertilizer factories farther down the river. A brief discussion was given this river during the debate, when I presented House Document 1356, Sixty-second Congress, and the Army engineers' report for 1913.

Then, there is the familiar Scuppernong, down in North Carolina, that gets $33,800 for snagging, and Deep Creek, which the engineer estimated carries an annual commerce reaching possibly 2,000 tons, according to House Document 1362, Sixty-second Congress. Then, too, there is Lumber Creek, another of the 26 petty projects which the Board of Engineers refused to recommend, but was finally fixed up by Gen. Bixby, who overruled the findings of the board, for suggestive reasons.

Bennett Creek, which, according to the reports of engineers, varied 2 feet with the wind, will be remembered because Newbegun Creek, another of the 26 North Carolina projects, varies 4 feet when the wind blows up that creek. All these projects were referred to in the discussion and conditions presented in my remarks of March 24, found on pages 5413–5415 of the CONGRESSIONAL RECORD.

OTHER INTERESTING PROJECTS.

If time permitted, I would be pleased to present the facts shown by the engineers' reports concerning Fishing Creek and Contentnia Creek and Smiths Creek and Swift Creek and Shallotte Creek, and other creeks found among the 26 North Carolina projects contained in the 1914—but time prevents.

Need I suggest, Mr. Speaker, that it may be hard for anyone especially interested in 26 projects contained in the 1914 pork barrel, or even in a lesser number of projects, to completely disassociate himself from 26 hungry mouths of creeks and canals, all pleading for Government money. I do not criticize anyone for being so unconsciously influenced, but I do believe that 26 different projects—or, in fact, any large number of projects—belonging to any one State when found in the 1914 barrel would cast a glitter of golden sunshine upon the rest of the $93,000,000 contained in that same barrel, irrespective of its objectionable size and odor.

If time permits, I will be glad to refer to several of the items contained in the bill which have been added since it left the House; but I now desire to call your attention to another phase of the question which is, in my judgment, of far greater consequence to the country at large and of vastly more importance in its far-reaching influence.

Mr. Speaker, I am not now discussing the demerits of the lower Mississippi River "humbug and steal" which was considered in my remarks on June 3, but an effort has been made to show the character of organizations and to give reasons why Congress should inquire as to influences behind the bill. It would seem to me that I have furnished enough information to at least arouse Congress, here or at the other end of the Capitol, to demand an inquiry; but be that as it may, I am persuaded that the best way to secure results is to keep adding to the fund of information, which might be quickly enlarged if we should subpœna witnesses as proposed in my resolution.

In order to offer further inducements toward securing such an investigation, I desire to present to the House a report, with accompanying letter, which comes to me from an authoritative source and which illuminates to a remarkable degree some of the influences, secret in character, that are to be found pushing the pork barrel:

REPORT OF THE BOARD OF DIRECTORS OF THE ATLANTIC AND GULF COAST DREDGE OWNERS' ASSOCIATION, MARCH 13, 1901.

To the Atlantic and Gulf Coast Dredge Owners' Association.

GENTLEMEN: In accordance with the constitution, rules, and by-laws of this association, your board of directors, through your president, present for your consideration herewith their report for the year ending February 13, 1901, adding thereto such recommendations and suggestions as your board have considered during the past year.

The year just closing the eighteenth year of the association and the years since its organization have been marked by constant and faithful effort to promote, through the means of general work and enterprise, everything that will make for the good of every operator enrolled in its membership. Measures have been constantly brought to our attention and every effort made to uplift our business and protect it in all proper and legitimate channels.

These efforts have been more or less successful, but always along the line of an earnest endeavor to conserve the real interests of our business.

During the past year your board have especially taken up for consideration the question of its department for fixing prices on work and the allotment of work through the commissioners of that department, and have carefully studied the problems which present themselves in connection with that line of work.

The department in question was not originally contemplated by the founders of this association, nor was it intended as any part of the work for which the association was formed.

The organization had its origin in the recognized desire of many operators in the dredging business for effective cooperation in many important fields of work, where the general interests of their business had long been neglected. It was felt by the progressive men who had invested large amounts of capital in this business that an organization of operators could be effected by the Atlantic coast, whose duty and object would be the closer affiliation of operators, and the combination of the talent and energy in the business for the promotion by all lawful means for the advancement of their business, and to present a united front, supported by united resources, to meet and overcome any and all obstacles then existing or thereafter appearing.

IN UNION THERE IS STRENGTH.

It was the old and tried principle, to wit, "In union there is strength" and "A house divided against itself falls," and the keynote of all successful organizations must be that very same principle. Following this rule, the effort of this association should have been confined entirely to meeting and overcoming obstacles which come from without—fighting the common enemy, so to speak. This would mean the promotion of all measures for urging public bodies to undertake public improvements in submarine work, compelling the enactment of reasonable laws governing our work, and the repeal of obnoxious and vexatious laws; experiments in all branches of machinery and devices used in our business, and a general department for furnishing to each member information desired by him regarding any particular work, or concerning which other members may have knowledge, giving in every way to each member the fullest possible data regarding dredging operations on the coast and the history of each piece of work.

So many measures of general interest and value are included in the work that could be successfully performed by an association to the advantage of its members, and so much can be done in the way of promoting good fellowship amongst them by means of this organization, and also by entertaining prominent and influential men at its banquets and through special committees that enumeration here of all these different and important measures is unnecessary.

Any thoughtful man who is engaged in our business can readily see how important it is that an efficient organization of operators should be maintained to promote measures of general interest and value.

QUARRELING OVER SPOILS.

Some years after the organization was effected an element entered into its work which has almost crowded out all features of general work and has practically turned the association, which was originally formed for general benefits only, into a special organization for the distribution of work and apportionment of contracts. Starting, as it did, in the desire to combine against outsiders, it has ended in combining against itself; and instead of its members standing together to promote the business of dredging in all its general and important details, as above mentioned, we behold a spectacle of members quarreling one with

another over the division of work, and each one complaining that the association is a failure because it does not give to each one all the work that he feels is his due, each member forgetting that the association simply undertook this duty because it was forced upon it, and because other agencies to do that work had failed, and because the operators on the Atlantic coast refused to enter into proper arrangements for dividing work amongst them and preferred to load this work upon the association, a work for which the latter was unfitted, for which it was never intended or formed, and the only excuse for foisting this measure upon it was apparently the dredging operators failed to appreciate that this kind of work was done in other lines of business by special pools organized for no other purpose and specially organized for that purpose alone.

It is time that all thoughtful men in this association pause and consider whether the association is to blame for failing to perform a task entirely beyond its powers or resources, and also whether it would be well for the association to reject this burden and relegate it to proper agencies and take up the duties for which it was organized.

We think it is time that this be done and this bone of contention removed from the midst of our association and the members once more united and working along the lines of common interest. Little of the real value of this association has been demonstrated or developed of recent years and much disagreement and bitterness has come between the members in that time, and all because the association has neglected its real duties and buried itself with false ones. The former would bind its members more firmly together, whereas the latter simply disintegrates our ranks.

It is certainly time that this "Jonah" be thrown overboard and left to the tender mercies of some sufficient "whale" or "pool" and the association be permitted to again bend to its task and resume its long interrupted voyage.

In presenting these views to the members, your board feel that they are simply pointing out the pitfall into which this association has become entangled, and which has retarded its growth and usefulness for some years and has brought upon it an immense amount of work foreign to its proper duties. Much of the dissatisfaction has been due to this very cause, and members have been alienated whose assistance was of the greatest value to us. We have seen the camel crowd into our tent and force out everything else, and it is time that this fruitless and thankless task, which was put upon the association, be now put off, and the department created for the allotment and apportionment of dredging work and contracts be abandoned and all rules pertaining thereto be repealed.

The association should, on the other hand, favor the creation of pools in each district formed upon the lines of other successful business arrangements of like character.

The association as a whole will then confine itself to legitimate business of acquiring work and promoting the resources of members for doing work, leaving to the separate pools the business of dividing up that work at good prices.

TO THROW ALL RESOURCES ON PROJECTS.

We count in this association the membership and influence of every man engaged in the business; each one has something of value to us in the way of ideas, talent, energy, or influence, and it is the work of the association and its proper object and function to use these various factors for the benefit of the whole membership, and to throw upon any desired point the full resources of the association. In this way and by turning its steps in the right direction and with the full confidence and cooperation which it would then have from all its members, there no longer being any grounds for contention or rivalry amongst one another, when once this department of allotment was abandoned, the association will once more resume its proper place and perform many duties of the highest use and importance to its members.

The cost of its work would be distributed, and no member would have any cause for regretting that he was enrolled in its ranks.

If these views meet with your approval, your board would earnestly urge that, at least for a time, the district commission and all rules pertaining thereto be abrogated and discontinued; that the board of directors be instructed to arrange and appoint a series of committees, chosen of their own ranks, as well as from the entire membership, giving to each committee certain specified duties, which will include all matters which it is to the interest of the association to have promoted and studied. These committees should report from time to time to the board of directors, and the latter, being a representative body from all parts of the coast, would be most efficient in taking up and promoting all suggestions and measures requiring action.

No expense should be incurred by the committees, except as specially authorized by the directors from time to time and in cases where the necessity for such expenditures is apparent.

The board should organize a bureau of information, which would furnish to each member at regular intervals a synopsis of what is going on in the way of dredging operations on the coast, improvements in machinery or methods of doing work, with descriptions of such improvements, locations, etc., and the general work being done by and through committees and in the board of directors; this and such other additional information as may suggest itself.

This bureau should be in charge of a competent man, whose business is to procure and intelligently transmit matters of interest.

The question of insurance has never been adequately considered, and some measure should be taken up and carefully considered, so that a general scheme of insurance could be devised to secure some reduction of the large premium now paid by members to the insurance companies. Very little, if any, work of this kind has been done in our business, and it is believed that a system of employment of representative agents for our insurance would be found profitable and a great saving.

DREDGERS NEGLECTED THE PORK BARREL.

The lack of association methods and the failure to use the means in our hands for the general good was forcibly illustrated recently in the river and harbor bill, where absolutely no effort was made by the association to procure any amendment to the bill or any provision inserted therein for its benefit.

It also appears in the case recently of certain collisions which occurred in the Savannah River, where the law at present provides that a dredge occupying a channel in navigable waters is doing so at its peril, and no damages resulting to the said dredge can be recovered. These and a great many instances could be cited to show the neglect that general interest of dredging men is receiving at this time and emphasizes the necessity for proper action by the association, to wit, such as this one was intended to be and should be.

Your board of directors desire to assure this association and its members that they have devoted their best efforts, during the year just ended, to a consideration of all matters affecting the interests and business of those for whom they have acted. They have appreciated that the duties which they assumed in accepting the offices of directors, required them to give the necessary time to consideration of the matters intrusted to them, and they looked over the entire field of cooperative work, and have determined that the association could be made of great value to the members if conducted on the lines heretofore specified

They are also of the opinion that the work which the association has been attempting to do, namely, the allotment of work among members, has been entirely contrary to the spirit of this organization, and has proven a stumbling block in all its efforts to promote the general interests of its members. We feel that by means of thorough reforms in our methods, such as has been outlined, that the organization will rapidly add to its membership, and soon include all the operators on the Atlantic and Gulf coasts; that there will no longer be any reason why anyone engaged in the business should not join with us in our efforts to promote the business and encourage the giving of work by those having it in their power to do so, as well as the many other features which have been touched upon in this our report.

The board have held meetings on the second Wednesday of every month except the months of July and August, during which latter months the constitution provides a recess shall be taken, and the meetings have been well attended.

BOARD IS TO WORK FOR PORK BARRELS.

Your board feels regret that the river and harbor bill has failed of passage, and considers it all the more important that the association should be organized for the purpose of adding its influence to urging work by municipal organizations and bodies, and doing all in their power to create offerings of work in the various ports of entry and harbors. It is only by persistent effort that the loss entailed upon us by the failure of the harbor bill can in any way be compensated for. Your board further wishes to emphasize their regret that the annual banquet of the association has been allowed to go by default for two or three years. These entertainments do not entail any serious expense upon the association, but they do create the greatest possible prestige for our business in the estimation of those whose favor it is to our advantage to gain. Influential public men and men of business affairs having to do with transportation companies and steamship lines are entertained by us on these occasions with the greatest possible benefit to our business. Municipal officers, heads of departments, Members of Congress and of legislatures, and their favor and interest is legitimately gained and has been found to be of the greatest value when circumstances required it. The expense of our entertainment is wisely expended, and brings an adequate return for every dollar so spent.

We might also add that the occasion also affords an opportunity for members to meet on holiday terms, and encourages in every way good fellowship and kindly feelings among them. It is therefore to be hoped that in another year this banquet will be again a feature of the association.

The work of the association has been so largely confined to the burdensome details of allotment and district commission work during the past year that very little of general interest has developed.

We have done the best we could with the allotment problem, and have done even better than an association of this kind could have been expected to do; but we hope that the whole matter will be relegated to other agencies, and the efforts of this association left untrammeled for the coming year to perform the duties for which it is properly fitted.

All of which is respectfully submitted.

Dated New York, March 13, 1901.

BOARD OF DIRECTORS,
By FRANK A. FURST, *President.*

SECRETARY'S OFFICE,
New York City, April 25, 1901.

DEAR SIR: The Atlantic and Gulf Coast Dredge Owners' Association cordially tender to you an invitation to join them in their work of promoting the interests of dredging men upon the Atlantic coast.

It has been the object of this association during the 18 years of existence to provide a means of acquaintance and intercourse amongst men engaged in the same kind of business, to promote good fellowship amongst them, and encourage all movements that will provide work and stimulate large undertakings in the improvement of waterways.

The association has been of great assistance to its members in these respects, and is the only organization existing among dredging operators having these objects in view. By assembling together operators from all points on the coast the combined talent, energy, resources, and influence of the various members, coupled with the long experience of the association, is placed at the disposal of the members for the ultimate benefit of each, and for the promotion of measures for their interest.

The association further aims at promoting social intercourse between operators and customers and influential men by its annual banquets, and with great success in the past. It does not hinder or control any operator in his business or in the prices he may obtain for his work, but leaves all individual matters of that character to the members themselves, without interference, seeking to advance the interests of each member through general features which build up and improve the general business in which all are engaged, and where these matters can be fully discussed and acted upon when necessary.

Your consideration is therefore cordially requested and your application for membership will be met with the fullest explanation of our work. The expense of membership is reasonable.

Hoping to hear from you, I am,
Very truly, yours,

JOHN F. CLARK,
Clerk of the Board.

By order of the board.

Mr. Speaker, if the report I have presented is authentic, and such an organization as this exists, having for its purpose the advancement of "pork barrels" through Congress for the mutual interest and benefit of its members, it is time that an investigation of such secret influences was had.

As bearing upon this proposition I offer for consideration a short clipping which purports to have been taken from the Atlantic Deep Waterways Bulletin of 1913:

THE PRESIDENT GETS A GOOD JOB.

Frank A. Furst, president of the Maryland Dredging Co., was one of the principal figures at the annual meeting of the Dredge Owners' Pro-

tective Association, of which he is president, held in New York last month.

Mr. Furst's company is digging the canal across Cape Cod, which is a link in the chain of waterways along the Atlantic coast. In addition the Maryland Dredging Co. is draining the Everglades of Florida. Mr. Furst spoke of both of these projects before the association, and told some very interesting stories in connection with the difficulties encountered in the Everglades project.

Will it be reasonably questioned that a committee might get at some interesting facts regarding influences behind "pork barrels" if possessed of authority to subpœna witnesses for that purpose? It must be admitted that sufficient information has been offered on which to base proceedings, and there is more that may be had when the committee reports out my resolution for investigation and provides the machinery for its conduct.

Consider the interest possessed by the dredgers in this bill. Take the Norfolk-to-Beaufort canal project, which calls for $5,400,000. Practically all of this money is to be spent for dredging, as nearly as can be ascertained from the engineers' report. It is a rich plum worth having, although no substantial navigation warranting anything like such expenditure is promised by a dismal canal running through the North Carolina swamps. Few people live there, and few people will live there for many years to come; but $5,400,000 spent on a dredging proposition close to Baltimore, where some of the contracts will certainly be secured, is a proposition which may account for the activities of gentlemen who work together for mutual advantage. Another project closer home is no doubt receiving much attention from the Baltimore dredging concern.

The Chesapeake & Delaware Canal proposition is included in the 1914 bill. In my humble judgment this is one of the most vicious measures in the bill, but its passage has been a foregone conclusion ever since the interests in Philadelphia and Baltimore began pulling for it. The House appropriated $1,300,000 with which to buy the canal, and at that time I protested, ineffectually of course, against the appropriation, claiming it did not contain the real amount involved in the purchase. At the time the bill was before the House it was admitted on the floor that the stock was worthless, the bonds worth only 50 cents on a dollar, and that the canal was a bad proposition from every point of view, so far as the public interest is concerned.

However, the Senate committee held its sessions, calling before it interested stockholders and interested shippers, with the Baltimore dredgers and contractors hovering in the background. Based on the report of that committee we are now informed by the press that the canal is to be purchased by the Government for $2,500,000, and thereafter a dredging proposition will be undertaken, which, according to the Angus report, will eventually amount to $20,000,000. That report sets forth 7,000 feet of bottomless quicksand which will be encountered by the dredgers, but the Federal Treasury ought to be able to last as long as the quicksand, providing the taxpayers of the country are willing to put up for this project.

In order that the New York dredgers may not be forgotten by this neighborhood affair at Baltimore and Philadelphia, a further program includes a canal to be built across New Jersey by the Government, which by coincidence will also cost $20,000,000. The builders of the 1914 "barrel" did not have the audacity to push the New Jersey project and the Baltimore project at the same time, but they are both on the program, which fact will be encouraging and interesting, although understood long ago by the dredging concerns of these two great cities.

I am not attributing to dredgers and contractors different motives from those which govern men generally. They desire fat contracts. The agreement shows an effort to obtain an equitable division. It further shows how united influence should be exerted back of the rivers and harbors proposition. The dredgers are not anxious to have the Government put through more than they can handle, and with the existing projects added to the $1,800,000 Cape Lookout project included in the 26 projects owned by North Carolina, they ought to be kept reasonably busy.

Mr. Speaker, during several days in March last, when the rivers and harbors bill for 1914 was before the House, I sought to amend the bill by striking out a few of its most pernicious items, aggregating many millions of dollars. The RECORD for March 24, pages 5410 to 5431, contains some data on which such amendments were offered. Therein I endeavored to set forth a few of the objectionable items and to expose to the House the viciousness of the whole system of rivers and harbors appropriations.

RAILROAD CONTRIBUTIONS.

Thereafter, on June 2, on pages 9689 to 9697 of the RECORD, appear my remarks before the House wherein I pointed out secret efforts to influence Congress on river and harbor bills, from subscriptions of money to the use of threats against business men. At that time I presented the following subscriptions, running for five years, taken from what purported to be a photographic copy of a typewritten statement made by John A. Fox, secretary and manager of the Mississippi Levee Association:

It has been estimated that a minimum fund of $30,000 per annum is necessary for this organization to do its work in a complete and thorough manner, and already a considerable portion of this sum has been pledged annually for five years (of $150,000 in all). The subscriptions are as follows:

Southern Railway Co	$1,000
Mobile & Ohio R. R	1,000
Frisco R. R	1,000
Missouri Pacific R. R	1,000
Chi., R. I. & Pac. R. R	1,000
St. Louis & So. West. R	1,000
Illinois Central	1,000
Y. & M. V	1,000
Chi. Mill. & Lumber Co	1,000
Caldwell & Smith, Memphis	1,000
International Harvester Co	1,000

Assurance has been given of other substantial amounts.

As I have before stated, on June 3 I called the attention of the House to contributions made by eight railways for the purpose of aiding in the passage of a river pork barrel. It will be remembered that contributions approximating $150,000 for the five-year period were given in the RECORD, and it was further shown that $40,000 of this amount was guaranteed by eight railroads for the purpose of influencing Congress to pass the bill. At that time I asked why an investigation was not had of this remarkable situation, and I further demanded in my resolution that all interests engaged in lobbying through such bills should be compelled to come out in the open.

On June 3 I also quoted from a prominent waterways journal in reference to the efforts of business men in the South to compel the business men of Pennsylvania and other Eastern States to line up for the Mississippi bill. The covert threat contained in such correspondence was disclosed by a leading waterways journal, which I also gave to the House in a further effort to secure the investigation into the secret influences behind the bill. Is it not a matter of some importance to the country that Congress is subject to such influences, secret and unknown, excepting as disclosed through accidental agencies, and yet we refuse to ascertain the methods pursued by such influences?

Is it not surprising that an appropriation of $9,500,000 is made to the Mississippi River in the 1914 bill, when the navigation has diminished 80 per cent during the last quarter of a century? Is it not surprising that, according to newspaper reports, another $1,000,000 is now to be added to the 1914 Mississippi River item, making $10,500,000 for that project contained in the 1914 pork barrel, or approximately $3 per ton for every ton of commerce carried on the river in 1912, including a large proportion of gravel and sand, which weighs heavily in traffic reports?

In my remarks of June 3 I made reference to a report of the New York Board of Trade and Transportation, which had refused to join hands with the association now boosting the Mississippi River bill, because of the fact that the association was a log-rolling concern founded on "mutual bribery." I have been asked to give in full this report, which was made by the New York board after a careful investigation into the methods of the National Rivers and Harbors Congress. Believing that a report coming from one of the highest trade bodies of the world is of especial importance at this time, particularly as it relates to a proposal to filch $50,000,000 annually from the Federal Treasury, I herewith present the report containing its refusal to indorse what it denominates to be a mutual bribery organization:

THE NATIONAL RIVERS AND HARBORS CONGRESS.

NEW YORK, *March 27, 1907.*

To the New York Board of Trade and Transportation:

The undersigned special committee, appointed to consider the policy that this board should adopt toward the national rivers and harbors congress, reports as follows:

The National Rivers and Harbors Congress is an alliance of individuals, firms and corporations, waterway associations, and other organizations. It has a president, an executive committee, and a secretary-treasurer. The members of the association pay annual dues. Its object, as stated in its circulars, is "to arouse public interest to such an extent that a united demand, coming from all sections of the country for regular and adequate rivers and harbors appropriations, will induce Congress to provide an annual river and harbor bill of $50,000,000."

The New York Board of Trade and Transportation is invited and urged to become a member of the National Rivers and Harbors Congress.

The chairman of your committee personally conferred with a representative of the organization and has been fully informed of its purposes and methods. Its whole work, as stated in the objects quoted, is to be directed toward making an effective demand upon Congress for appropriations. Its policy is that no specific projects of public improvement shall be individually indorsed by the organization. A general indorsement is given to all projects heretofore approved by the United States engineers, and the completion of which would require from

$320,000,000 to $350,000,000; but no effort is made to ascertain or verify the necessity of such projects and plans.

The organization, while advocating and demanding enormous and unprecedented appropriations from the Public Treasury, thus cleverly attempts to avoid all the responsibilities for its proper and honest expenditure. Another advantage to them of this policy is that they avoid all dissensions among themselves over the questions of merit as to the projects proposed. They welcome to the support of their cause everybody who wants an appropriation from the Treasury, and none is repulsed. The wonder is their numbers are not larger.

This fact should somewhat allay the fears of the taxpayers of the country as to the result, and as actually less than 5 per cent of the commercial organizations of the country have espoused the cause, or less than one-sixth as many organizations as demanded the passage of railroad-rate legislation, not including as many more agricultural societies, the movement has thus far failed to develop enough strength to make it dangerous.

It is manifest that such a plan should appeal strongly to many localities whose natural conditions are forbidding and unattractive to commerce and whose commerce is consequently small. It is quite within reasonable expectation that the people of such localities would be encouraged to hope or believe that by uniting to swell the demand for larger appropriations enough might be drawn from the Treasury to satisfy the demands of more necessitous projects and leave them a little by way of reward for their help and to encourage them to continue their "interest and cooperation." Every congressional district thus enlisted would deliver one additional vote in Congress for the blanket proposition.

Nearly every Congressman is charged with procuring an appropriation for some project in his district. The approval of his constituency and often his reelection depends upon his success in getting an appropriation. He can not question the merits of the project for which such demands are made upon him. He may know that the project has no just claim upon the room of the Committee on Rivers and Harbors until he has worried a promise from the chairman. Thus the chairman of the committee has his troubles. It is a most Herculean task to sift out the bad and decide upon the merits of the numerous propositions which are brought to his attention. It requires most patient, painstaking study on his part to inform himself and to make sure that he is not imposed upon, and he must have extraordinary discretion, tact, and courage to put off importunate Congressmen and reject projects which investigation has convinced him are unworthy. Necessary projects must be passed for the good of the country and votes must be had to pass them. Frequently the price of a needed vote or several votes is the recognition of a project which would not otherwise have any consideration, and to get the important projects through the sacrifice is made, and so the bill is loaded. When the bill comes into the House with such items on it there is no one to object, because few if any of the Members know about the individual items. Even when occasionally a particularly objectionable item has been singled out for criticism in the newspapers, there is none to protest against it on the floor, because each Member must have his particular appropriation and it is understood that if the bill is to pass it must stand pat or fail as a whole. When one part of its structure is withdrawn, the harmony of the situation is gone and disintegration sets in.

The policy of the National Rivers and Harbors Congress would make the task no easier for the chairman of the Rivers and Harbors Committee. There would be more money to go around, but if the Rivers and Harbors Congress should succeed in their plan "to arouse public interest—they should have said 'cupidity'—to such an extent that a united demand, coming from all sections of the country," would develop new schemes of improvement before unheard of, the demands upon him for unworthy projects would be increased far out of proportion to the worthy ones, and so the difficulties would be aggravated.

ORGANIZED FOR MUTUAL BRIBERY.

It would foster beyond all previous experience the most pernicious of all methods of procuring legislation, known as "logrolling," a species of mutual bribery among those actively interested already too much in evidence for the health of public morals and the interests of the taxpaying public.

The present system may not be ideal, but the responsibility and power imposed in the important office of chairman of the House Committee on Rivers and Harbors develops in the incumbent a conservatism and care for the public weal which establishes conditions and works out the problems in a way which it would be difficult to improve upon. The country has been in recent years especially fortunate in this respect. Mistakes may have been made. Some projects may have been for a time neglected which should have been more rapidly progressed, and some may have received more recognition than their importance would seem to warrant, but a proper appreciation of the difficulties of the office would foster a spirit of charity and compel commendation instead of criticism.

In conclusion, we desire to make our position clear. As an organization we have done much for the improvement of the water transportation. We may stand upon our record as to that and will not swerve from our faith in the future; but we are opposed to the plans of the National Rivers and Harbors Congress, and urge the business interests of the country to consider carefully the evils of the system which would result from its success.

It is the duty and should be the care of the exponent organizations throughout the country to guard at all times the public interests of the city, State, and Nation with unswerving integrity of purpose, and to encourage by every means at their command the highest possible standard of action in all the affairs of our public life. They can not, without doing an injury to the body politic, shift from their own shoulders to others any responsibility which they themselves should assume. They can not, without giving conscientious and painstaking study and consideration, indorse important projects and measures or general and vaguely defined policies, and to leave to others the working of them out to a conclusion without danger of harm. The conditions inherent in our public life are such that the gravest dangers attend and menace the interests of the people at each step from the initiation and promotion to the consummation of all public measures and works under every branch of our Government. These conditions make easier the evasion of individual responsibility and discourage the expression of opposition to measures which appeal to the individual conscience as wrong. They foster cupidity and encourage duplicity and fraud, and where the objects in view depend for success upon access to the Public Treasury the moral resistance is relaxed.

We therefore view with apprehension this systematic propaganda by influential men and organizations, which our experience and judgment tells us, unless checked by the more conservative elements of the people, will ultimately lead to the wildest extravagance and waste of the public moneys which has ever marked our history.

REFUSES TO JOIN A LOGROLLING ORGANIZATION.

Your committee therefore recommends that the New York Board of Transportation and Trade decline the request to become a member of the National Rivers and Harbors Congress.

While expressing our disapproval of the methods of the National Rivers and Harbors Congress we have great pleasure in commending the action of President Roosevelt in appointing on the 14th of the present month the Inland Waterways Commission, whose duty will be to report a comprehensive plan for the improvement and control of the river systems of the United States. The President in his letter of appointment to the members of the commission, who have been manifestly selected for their eminent qualifications and fitness for the duty imposed, outlines at length his views, which are patriotic, broad, and comprehensive. The appointment of the Inland Waterways Commission is, to our minds, a first important step in the right direction, which gives promise of the development of a national plan, taking knowledge of all river improvements which should properly be nationalized, and eliminating the elements of danger to which we have hereinbefore referred.

Upon such a plan, which will indicate in advance what the improvements are contemplated, what they will accomplish for the welfare of the country, and what they will cost, all the organizations of the country should unite.

Respectfully submitted.

S. V. V. HUNTINGTON, *Chairman*,
W. S. ARMSTRONG,
CHAS. H. PATRICK,
EUGENE H. CONKLIN,
THOS. F. MAIN,
Special Committee.

The foregoing report was unanimously adopted by the New York Board of Trade and Transportation March 27, 1907.

A true copy.

Attest:

FRANK S. GARDNER, *Secretary.*

Based on such data and other information there presented, I urged the passage of my resolution of investigation, which was presented to the House about six weeks ago, but which has had no hearings and will be smothered in the committee. Such resolutions were as follows:

House concurrent resolution 38.

Whereas many millions of dollars of public moneys are annually wasted on our rivers and an absence of businesslike methods is being pursued by the Government in carrying on river and harbor improvements, the following facts are submitted as a preamble in support of this resolution:

That on March 17, 1914, the chairman of the Rivers and Harbors Committee stated to the House as follows: "Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and carrying out of which, it is said by competent engineers, would cost billions of dollars";

That river and harbor appropriations have increased approximately 500 per cent, whereas navigation on rivers has decreased 80 per cent, as shown by the following Government data: Appropriations for rivers and harbors: 1875 to 1894 (20 years), $187,099,000; 1894 to 1904 (10 years), $184,425,000; 1911 to 1914 (4 years), $184,345,000. The following river traffic is reported from the city of St. Louis: Missouri River, 1890, 31,385 tons; 1906, 6,050 tons; loss, 80 per cent. Lower Mississippi, 1890, 765,880 tons; 1906, 141,575 tons; loss, 81 per cent;

That commerce on practically all inland waterways, excepting the Great Lakes, has greatly decreased and often been driven from the rivers by railway competition;

That the Interstate Commerce Commission and railway commissions of the several States have general powers to reduce railway freight rates wherever conditions warrant and to prevent increase wherever reduction has once been made;

That the river and harbor bill for 1914 as passed by the House appropriates or authorizes an expenditure of $43,289,004, in addition to $32,895,871 in new projects begun and to be maintained by continuing appropriations from future Congresses, in all calling for a proposed expenditure of $76,184,875. To this vast amount, judging from past experience, will be added from $4,000,000 to $5,000,000 before the bill is returned from the Senate;

That the adopted projects which we are obligated to complete, including those embraced in the 1914 bill, involve a future expenditure of $305,500,000;

That in addition thereto the Army engineers have recommended 93 new projects which will require a further expenditure of $92,500,000 whenever Congress can be prevailed upon to make such appropriations;

That 120 additional surveys are authorized by the 1914 bill as it passed the House, which will require an indefinite amount for such projects, possibly reaching $100,000,000, judging from the average last noted;

That to these extravagant expenditures will eventually be added billions of dollars, according to the opinion of the chairman of the Rivers and Harbors Committee of the House, whenever men of national repute now advocating and supporting other projects can secure their adoption;

That the 1914 bill as it passed the House appropriated $9,500,000 for the Mississippi River, 84 per cent of which is to be expended on the lower river, notwithstanding its commerce decreased over 80 per cent during the past 20 years;

That the Mississippi River Commission on April 14, 1914, at St. Louis, recommended to Congress a further appropriation of $12,000,000 for the Mississippi River for next year;

That the 1914 bill as it passed the House appropriates $2,000,000 for the lower Missouri River, between Kansas City and the Mississippi, which appropriation is part of a $20,000,000 project for that portion of the river, notwithstanding traffic is negligible and actual commerce is alleged to have cost the Government approximately $100 per ton for 1912;

That the 1914 bill as it passed the House appropriates $5,000,000 for canalizing near the Ohio River, a $64,000,000 project, comprehending 63 locks, but no part of the open-river service. Canal freight for 1912 is alleged to have cost the Government over $35 per ton, after allowing full railway-freight rates for coal traffic;

That after spending many millions of dollars on the Coosa, Trinity, Brazos, and Red Rivers, these projects are now alleged to be of no practicable benefit to navigation;

That the intracoastal waterways project, present and postponed, as reported by Government engineers, involves a past, present, and proposed expenditure, with many connecting links not included, of $96,931,006;

That this system includes the construction of new canals of doubtful value, the purchase, through the 1914 bill, of a bankrupt canal proposition the stock of which is shown to be worthless; of projects that propose to especially benefit certain communities to the injury of others, and projects which it is alleged will drive legitimate private waterway ventures into bankruptcy;

That the 1914 bill as passed by the House contains appropriations for projects where the expenditure, according to engineers' reports, is exclusively for local private business interests and not for use by the general public;

That the 1914 bill as passed by the House contains appropriations for creeks which, according to the accompanying engineers' reports, are dry for eight months in the year;

That the 1914 bill as passed by the House contains appropriations for creeks involving in a single instance an appropriation of $750,000, wherein it is alleged the engineers' report was reversed after real estate speculators had brought political pressure to bear in such case;

That the 1914 bill does not carry appropriations for the full amount required to complete projects as asked for by engineers in many cases, thereby preventing the Government from entering into proper or profitable contracts until full appropriations are made;

That the 1914 bill is open to all the objections urged by President Taft against the 1910 bill for the last-mentioned reasons, and contains wasteful appropriations amounting to many millions of dollars: Therefore for the foregoing reasons it is—

Resolved by the House of Representatives (the Senate concurring), That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and as soon as practicable report to Congress the following information:

First. The character and amount of proposed expenditures by the Government now being advocated and supported "by men of national repute," as stated on the floor of the House, the adoption and carrying out of which will cost billions of dollars.

Second. The character and value to the general public of projects to which the Government is now committed, aggregating $305,000,000.

Third. The character and value to the general public of 93 new projects recommended by Army engineers, but not yet adopted by Congress, which will require a further expenditure of $92,500,000.

Fourth. The character and value to the general public of 120 new surveys authorized by the 1914 bill as it passed the House, which will require an indefinite amount reaching to over $100,000,000, based on average last noted, providing such projects are recommended by the Army engineers.

Fifth. To report all river or harbor projects begun and afterwards abandoned by the Government within the past 40 years, together with all expenditures so wasted and reasons for such abandonment.

Sixth. To report as to the truth or falsity of the statement made upon the floor of the Senate that "the whole scheme of river improvement is a humbug and a steal," and to report further as to the truth or falsity of statements made during debate in the House that the river and harbor bill for 1914 as it passed the House is a fraud upon the people, a pork-barrel raid upon the Federal Treasury, approximating in its scope an expenditure of over $76,000,000, and more vicious in character than any of its predecessors.

Seventh. To investigate and report all active influences urging the adoption of the Mississippi River reclamation, the Ohio River canalization, the Delaware & Chesapeake Canal, and other projects contained in the 1914 bill as it passed the House, together with the names of all organizations, companies, individuals, or hired lobbyists now actively engaged in urging such projects.

Eighth. To report fully as to the Mississippi River reclamation project, its probable cost, local benefits to be conferred and value of any lands to be reclaimed; the ownership of such lands; the contributions equitably required from adjoining States, municipalities, or individual interests, if any; the injuries to Memphis, Vicksburg, and other communities alleged on the floor of the House to have been caused by ill-advised engineering projects; and, further, to report as to the permanence of the reclamation project and probable value compared with Government expenditures required.

Ninth. To investigate and report as to the desirability of having the Government take over the Chesapeake & Delaware Canal at double its actual value fixed by the House committee; to report whether the canal company stock is worthless and its bonds valued at only 50 cents on the dollar, as stated on the floor of the House; to report whether this canal project can be completed for $10,514,290, as estimated by Army engineers; to report whether such amount includes the Government contribution of $450,000, made about 90 years ago, and accumulated interest and dividends wrongfully withheld during that period; and to report further whether or not the project is to be taken over for the especial benefit of canal bondholders and shipping interests of Baltimore and Philadelphia. In making such investigation the commission is directed to not limit its hearings to stock and bond holders of the canal company, or to local political influences or interested shipping interests of Baltimore or Philadelphia.

Tenth. To report further what river and harbor projects now under consideration are for the benefit of strictly private business interests without corresponding benefits to the general public, and the influences that secured such projects for such interests.

Eleventh. To report what proportionate benefits should occasion contributions, and to what extent, from local communities, particularly where improvements are of strictly local value and of no material aid to navigation.

Twelfth. To report the financial policy or absence of policy pursued by the Government as to rivers and harbors during the past 40 years; benefits that have accrued to the public through improved river navigation and increased river traffic, if any, resulting from such improvements, together with all further available information on the subject that may be had, together with such recommendations based thereon as may be found proper to make in the premises, having particular reference to the following information:

Thirteenth. To report the practicability of taking away from the Chief of Army Engineers the exclusive right and power of determining the commercial necessity of river and harbor projects and leaving with the Army Engineers' Bureau the single question of technical engineering work.

Fourteenth. To report the practicability of turning over to the Interstate Commerce Commission or to the Department of Commerce all river and harbor improvements, with full power to exercise all the duties now imposed upon the Army Engineering Bureau, excepting such duties as strictly pertain to civil engineering.

Again, on June 8, I secured the floor for a half hour, and presented additional data, particularly on the Ohio canalization project, which receives $5,000,000 in the river and harbor bill as it passed the House and $4,176,000 in the sundry civil bill now before the House, or a total of $9,176,000 for Ohio canalization in 1914, apart from $350,900 for open-channel work. After discussing at some length the merits or demerits of the 1914 pork barrel, I quoted from the Baltimore platform these nuggets of political wisdom and promise:

WHAT DID THESE PROMISES MEAN?

We call the attention of the patriotic citizens of our country to the record of economy and constructive legislation of the Democratic House of Representatives.

* * * * * * *

We denounce the profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses.

* * * * * * *

We demand a return to that simplicity and economy which benefits a democratic government.

Mr. Speaker, when reading the honeyed words in the light of river and harbor performances, it was my privilege to have as auditors throughout that discussion the distinguished gentleman from Alabama [Mr. UNDERWOOD] and the equally distinguished chairman of the Appropriations Committee [Mr. FITZGERALD], and the House waited in vain for any refutation of the criticisms lodged against the bill.

Mr. Speaker, I realize the only way to defeat this bill is by giving publicity to its objectionable character. It does not require further analysis of vicious items to condemn the whole 1914 pork-barrel proposition, but in order to present a more complete history of the bill and its environment, for the benefit of those interested in the subject, I desire to address myself to a few additional influences apart from those mentioned in my remarks of June 3, influences which are to-day secretly urging along the passage of the bill.

I pause here for a few moments to invite attention to the powerful connections possessed by the supporters of the Humphreys-Ransdell $60,000,000 Mississippi River appropriation bill, which is being managed, according to his own modest admission, by Mr. John Fox, its secretary.

While it is hard to understand by what influences the supporters of the $60,000,000 Mississippi bill and the apologists for the 1914 pork barrel get space in the leading magazines of the country, I am in a position to prove the high stand taken by editorial writers as a class on these great publications. Recently one of the authors of the Ransdell-Humphreys bill wrote an apology for the 1914 rivers and harbors bill, which was inserted in the CONGRESSIONAL RECORD by his collaborator on the bill. In the next issue the Saturday Evening Post urged editorially that the investigation which I have asked the House to prosecute be had.

The editorial is short, and I venture to again quote the request which has been made to Congress by this magazine, which numbers over 2,000,000 weekly readers:

[From the Saturday Evening Post, Philadelphia, Pa., June 6, 1914.]

THE PEOPLE WANT TO KNOW.

Congress appropriates thirty-five or forty million dollars a year for improvement of rivers and harbors. The bills are passed on the time-honored pork-barrel plan. That the expenditures involve huge waste of public funds, and that a considerable part of them is nothing better than graft in an especially obnoxious form, is commonly believed.

If it were generally accepted that such misuse of money derived from the general public obtained in any other field—say, in the railroad field—Congress would immediately order an investigation. Congressman FREAR proposes in a concurrent resolution that the House shall order a thorough investigation by the Interstate Commerce Commission of river and harbor expenditures. An investigation by a body independent of Congress would be better, but the Interstate Commerce Commission is acceptable.

We feel warranted in assuring Congress that the public would like to know approximately how much of the hundred and fifty millions or upward that has been spent on river and harbor improvements in the last five years has resulted in any tangible public benefit, approximately how much has been wasted, and about how much represents a form of political graft.

We say this without prejudice. A great part of the expenditure may have been quite justified by tangible public benefits resulting from it. The waste may be inconsiderable. But people generally believe that an important portion of the hundred and fifty millions or upward is just a tapping of the public till for the political benefit of individual Congressmen.

Surely that circumstance requires an authoritative investigation. Congress commands extensive resources for investigating. Let it employ them in this case at home.

The industrious manager of the Mississippi River Levee Association, Mr. John A. Fox, was not content with his Saturday Evening Post venture, which brought a righteous demand from

the editorial rooms to offset his apology for the 1914 barrel. He decided on May 1 last to make another struggle with publicity. In order to earn the $150,000 contributed by railways and other great corporate agencies I have already quoted, Mr. Fox gives to the world the following information in a news item which he is reported to have sent broadcast throughout the country. I quote from the journal Modern Farming of May 1, as follows:

[From Modern Farming, New Orleans, La., May 1, 1914.]

RIVER PROTECTION.

The Mississippi River Levee Association has been doing effective work in its efforts to get the great Mississippi River problem understood by the people of the Nation, so that it can be treated as a definite and specific problem.

Mr. John A. Fox, the secretary-manager of the association, was recently in New York in conference with a number of the leading magazine publishers, and succeeded in awakening a great deal of interest among them in regard to this great national undertaking. Mr. Arthur Page, the editor of World's Work, was especially interested, and through his great magazine he is going to assist the people of the Delta in getting their project before the United States. He has delegated Mr. George Marvin, a forceful and efficient special writer, to make a trip throughout the entire Delta in order to visit all of the cities and gather such information as will be necessary to present the matter clearly and logically in a series of five or six articles. Mr. Marvin was in Washington with Mr. Fox the latter part of last month, and left on April 27 for an extended trip throughout the Delta. He expects to start at Cape Girardeau and come down the river gradually, so as to visit every city and community and obtain all the facts regarding the levees, the bank revetments, channel improvement, development of the back country dependent upon the levees, and in fact everything that will enable him to place the case squarely before the people.

Mr. Fox has given him letters of introduction to parties all along the thousand miles, and asks that the people of every city along the line do everything in their power to help Mr. Marvin in securing his data and information. These articles, appearing in such a magazine as World's Work, will be of the greatest benefit to the Delta country, and Mr. Marvin has had a great deal of experience as a war correspondent in the Far East, and knows how to handle this great subject from a human-interest point of view.

He comes to the valley with an open mind, entirely unprejudiced regarding one system or another, and it will not be his mission to say how the matter shall be solved. He will simply gather all the facts in the case and present them clearly and forcefully, leaving the matter of the solution to the technical boards of engineers. His articles will prove conclusively to the American people that this great Mississippi River problem is a national one and that the cause is too great for the work to be undertaken by the people directly affected alone. He will be able to show that the protection of 20,000,000 acres of land in the heart of the country will be the means of adding an enormous output to its cotton crop, and he will also be able to show that the amount lost each year in damages by the floods is far more than sufficient to complete the entire levee system and revet the banks, so as to prevent these disasters.

No better publicity opportunity has come to the people of the Delta than will be given through World's Work, and it behooves everyone from Cape Girardeau to the Gulf to cooperate in the fullest manner with Mr. Marvin when he makes his trip and to assist him in getting all of the data that he needs.

We have learned that the Saturday Evening Post speaks its opinions fearlessly to its 2,000,000 readers. Other great magazines have with equal courage denounced the 1914 "pork barrel," and I hasten to disprove any unwarranted inference contained in Mr. John A. Fox's published statement by inserting at this point an editorial from the June, 1914, number of the World's Work:

"PORK BARRELS" AND PUBLIC CONFIDENCE.

Representative JAMES A. FREAR, of the tenth district of Wisconsin, recently sent the following letter to the World's Work:

"I am sending to you, under separate cover, a copy of the CONGRESSIONAL RECORD containing my criticisms of the $43,000,000 river and harbor appropriation bill for 1914, which, in fact, is a $76,000,000 proposition.

"It is vicious in character, in my judgment is nine-tenths bad, and ought to be defeated. It has passed the House, may pass the Senate within the next two or three weeks, and I am writing you in hope that through publicity of its contents the President will veto it. I have no personal interest in the matter, but the bill ought to be defeated. Publicity based upon the facts presented will bring this result about. You speak to many thousands. As a matter of public responsibility, will you do your share?

"Very truly, yours,

"JAMES A. FREAR.

"P. S.—Your article on the 'pork barrel' three or four years ago attracted my attention to the subject."

This bill and all its immediate predecessors are "pork-barrel" bills, which means that the appropriations are urged by Members of Congress because they feel that the expenditure of money in their districts will be popular, and, despite the fact that in many instances, perhaps most instances, there is no possibility that the traffic on the rivers will justify the expense of "improving" them. The bills are passed because they give "pork" to enough districts to get a majority for the bill.

There are plenty of legitimate river and harbor expenditures, but they are not distributed in as many congressional districts as are the illegitimate ones, and with the present system of river and harbor legislation the illegitimate projects get much of the money which ought to be spent for useful improvements or not spent at all.

It is a good sign that there is an opposition to "pork-barrel" methods growing up in Congress, for if Congress could stop passing such measures (either with or without the hope of having the President veto them) it would not only save the Public Treasury a tremendous amount of money, but it would do a far more important service by removing one of the most corrupting influences in our national politics, and it would give the public an opportunity to place in Congress the confidence which of late years has been given to the Executive.

Mr. Speaker, I confidently hope and believe the $93,000,000 notorious pork barrel of 1914, the worst in the history of the country, is doomed to defeat; and if so, these two magazines from which I have quoted, the Saturday Evening Post and the World's Work, will be entitled to their full share of praise in bringing about the result. They reflect sentiments expressed in many publications which have come to my hands, and they speak the judgment of an outraged public.

MR. FOX, THE SECRETARY AND MANAGER.

Mr. Fox has indirectly performed a great public service to the American people. He has collected $150,000, and possibly much more; my resolution of investigation would disclose the facts. His contributions are from eight railroads, the International Harvester Co., and other influential corporations. He is able to boost the 1914 pork barrel by several columns of publicity on "What is not in the barrel." He proposes to secure the aid of an "unprejudiced writer," who is to boost the Mississippi River $60,000,000 project in five or six articles. He is the manager of the association which I showed in my remarks of June 3, based on the testimony of a prominent waterways publication, is engaged in sandbagging northern business men to support his vicious measure.

Mr. John A. Fox is a power, as I am prepared to show if an investigation can be had, and he is seeking by every possible means to force Congress to approve his $60,000,000 proposition; but, thank God, Mr. Fox does not control the editorial utterances of great public journals which denounce corrupt efforts to raid the Federal Treasury.

Mr. Speaker, what a spectacle is presented to the country when eight railroads, now pounding away at the doors of the Interstate Commerce Commission for higher freight rates, are disclosed to be secret contributors to a five-year secret corruption fund, raised to filch $60,000,000 out of the Government.

Another startling fact stands out in this connection. Whether Mr. Fox has any great power over legislative action will only be disclosed by a thorough investigation, but through some unexplained influence we are informed that $1,000,000 is to be added to the $9,500,000 which the 1914 pork barrel carried through the House for the Mississippi River, and $9,000,000 of this amount goes into the Mississippi south of St. Louis. The total Mississippi River traffic, according to Government engineers' reports, does not reach one-half that of the city of Milwaukee, in my own State. The entire commerce on the 3,000 miles of river from St. Paul to the Gulf does not amount to one-tenth of the 41,000,000 tons handled at the Superior-Duluth Harbor, at the north border of my State. After an expenditure of $144,000,000 the Mississippi River traffic has dwindled down to less than 20 per cent of what it was 25 years ago. That is the record according to Government reports.

"RECLAMATION" NOW THE CRY.

Mr. Speaker, under the new cry of "reclamation" the $60,000,000 Mississippi River scheme, ridiculed alike by rivermen and waterway experts the country over, is now seeking the limelight in five or six articles not yet prepared by an "unprejudiced" writer assigned to the job through the solicitation of Mr. Fox.

At their April meeting the Mississippi River Commission, composed of several $3,000 men, demanded that $12,000,000 be placed in its hands by Congress next year for distribution. The commission is running riot with the Treasury, it is ruining the water front of Vicksburg and Memphis and many other localities, as I showed in my remarks of June 3 and as I propose to show by the commission's own admission. With this remarkable record to its credit we are now asked by the 1914 bill as amended to raise their salaries.

THE MISSISSIPPI COMMISSION.

Two increases are to be added to the $9,500,000 Mississippi River item. One is an increase in the salaries of the commissioners who disburse the money and determine its use; the other is to raise the 1914 item to $10,500,000. I do not set my judgment against that of the commission, but I propose to show by its own admission that the commission is not only irresponsible in the making of such expenditures, but it is incompetent by its own confession to aid navigation or protect the people for whom it is said this money is to be used if we can divert the funds constitutionally. I have discussed the Mississippi River before and shown that with all its logs, sand, and gravel, which compose a large percentage of its remaining traffic, also including frequent duplications which by some hocus-pocus is countenanced by Government engineers, as I have shown, the reports only indicate about 3,500,000 tons of freight on the entire 4,000 miles of the river, or less than one-half that of the single port of Milwaukee, or less than one-tenth of the traffic at the Superior-Duluth Harbor, on

the borders of my own State. For this comparatively negligible traffic in logs, sand, gravel, and other cheap freight we are to spend $10,500,000 in 1914. I have also shown to the House before by Government reports that the river traffic has decreased 80 per cent within the past 25 years and that nothing is to be shown for the $144,000,000 sunk in the Mississippi by the Government beyond wasted Government work and money to save 20 per cent of a once thriving commerce.

The following indictment of waste and incompetency is now lodged against the commission and Congress by House bill 13581, which was on the calendar this week. It presents the most surprising confession of idiotic mismanagement of Government funds intrusted to the commission's care that can be offered. The bill seeks to give landowners along the Mississippi whose lands have been overflowed through criminal incompetence of the commission the right to bring action against the Government for recovery of damages. The spectacle of a commission asking the Government to pay damages caused by its engineering blunders is an admission of stupidity either on the part of the commission or of Congress, or both, that call for the services of an alienist. It is hard to determine which is most at fault—an incompetent commission or a legislative body that does not know the difference and seeks to cover up its own ignorance of conditions by raising the salaries of this reckless, wasteful congressional agent.

An extract from the committee's report, submitted by a Mississippi member of the committee, relates the story at some length; but the facts should be placed in the RECORD to call attention to the incompetence and lack of judgment of a commission about to spend $10,500,000 in its own sweet way and time and to get a salary raise for the wonderful record it has made and is making. I commend to the careful reading of every Member of Congress a thoughtful consideration of this report. Bearing in mind that the total appropriations for the Mississippi now reach $144,000,000, that we are pouring ten millions into the river annually, and that the estimates show hundreds of millions will continue to go into this same thirsty river, also keeping in mind that the river traffic has not responded to this mighty subsidy, but has practically disappeared, as I have repeatedly shown from the reports, and with these matters forcibly presented to us by present conditions, does it not seem deplorable that Congress will continue to give several $3,000-a-year men the absolute control and wasteful disbursement of countless millions? What are we thinking about as to our own responsibility to our constituents and to the country? How can we excuse or explain this monstrous waste of Government funds?

The story is not half told, as will be discovered from the committee report. That report proves conclusively that the whole project is a farce and a fraud. It explains clearly why waterway experts are holding up the commission to derision and condemning Congress for inaction. It explains why hard-headed rivermen who know the Mississippi from St. Paul to the Gulf are denouncing the foolhardy proceeding that is being foisted on the people by this commission.

NAVIGATION HAS DISAPPEARED.

Navigation is lost beyond recovery while these experts have been experimenting in levee building. Now we discover that through their unscientific and unbusinesslike work they have ruined the water fronts of cities, flooded the homes of helpless people, wasted not only the Government money but millions of dollars worth of property of people living adjacent to the river, and for all this the members of the commission demand that Congress pay the damages caused by their own blundering, and, further, as a mark of especial appreciation, that we raise their salaries. Even the glitter of 26 projects for a single State, even the promise of unlimited "pork" for some particular State ought to no longer blind our eyes to our own responsibility. Read the full report, because, although it relates to an expenditure of millions of dollars on one hand to accomplish millions of dollars in ruin and desolation on the other, I can only quote a brief extract to show our own shortcomings and our public responsibility for these wicked, wasteful conditions:

[House Report No. 390, Sixty-third Congress, second session.]

RELIEF OF CERTAIN LANDOWNERS ON THE EAST BANK OF THE MISSISSIPPI RIVER.

Mr. STEPHENS of Mississippi, from the Committee on Claims, submitted the following report to accompany H. R. 13581:

The Committee on Claims, to whom was referred the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana, having considered the same, report thereon with a recommendation that it do pass.

The bill under consideration carries no appropriation, but as recommended by the river commission and officers of the War Department, refers the claims of the landowners in these counties to a court for adjudication.

The relief sought by this bill is the legislation prayed for by joint resolution No. 14, which passed the Legislature of the State of Mississippi and was approved by Gov. Noel on February 15, 1910 (see Laws of Mississippi, 1910, p. 109, ch. 363), and by another joint resolution which passed the legislature of that State by a unanimous vote last June. Both of these resolutions memorialled Congress, and especially the Representatives in Congress from Mississippi, to enact legislation similar to that set out in the bill under consideration.

In the first session of the Sixty-first Congress a similar bill (H. R. 6467) was referred to this committee, and by the committee referred to the War Department, and by that department to the Mississippi River Commission for report. That commission, on April 1, 1910, in returning said bill to the War Department, reported as follows:

*"There is no doubt that the lands and other property referred to in the bill have been more or less damaged by the construction of the levees along the lower Mississippi River which have been built in recent years under the direction of the Mississippi River Commission. * * * At the same time the United States has been benefited by the general improvement of the river for navigation"*—

(The foregoing statement is pitifully weak and the latter part absolutely disproved by the loss of 80 per cent of the Mississippi River traffic, as shown by Government reports.)

And after further stating the facts as to the damage to the east-bank lands in these counties, on the question of the relief provided in said bill for the landowners, said:

"It would be desirable to have some court or special commission do this, if possible, as a matter of justice to everybody; and if such court is to act at all, it seems just and equitable that it should consider the cases of all landowners affected, without reference to any time limitation."

Said House Document 1010 is a report made by the Mississippi River Commission in accordance with a provision of the river and harbor act approved July 25, 1912, which appropriated $30,000 for the purpose of investigating the claims of these landowners and to survey said lands.

* * * * * * *

Prior to the construction of the levee system along the Mississippi River, which commenced a few years after the Mississippi River Commission was created in 1879, the high waters of the river spread out in a thin sheet over a territory from Cairo to Vicksburg, 25 to 70 miles wide, the narrowest place being at Helena, Ark., where it was approximately 25 miles wide—that is, from the foothills in Arkansas on the west to the foothills in Mississippi on the east—but at Arkansas City the high waters spread over a territory 70 miles wide.

At Vicksburg the high waters spread in a thin sheet over the territory between the foothills south of Vicksburg, on the east, to the Ouachita River, on the west; that is, over a territory 70 miles in width. From Vicksburg south the territory over which the high waters flowed narrowed, and at Natchez had a width of approximately 30 miles; that is, from the foothills in Mississippi, on the east, to Harrisonburg on the Boeuf River, on the west. From Natchez to Baton Rouge the high waters flowed over a territory approximately 40 miles wide; that is, the foothills in Mississippi continued as the eastern boundary, and the high waters spread out in a thin sheet over all the land extending from said foothills west into Louisiana as far as Catahoula at the north and to Bayou Cocodrie and Bayou Teche, just east of Opelousas, and was approximately 40 miles wide. From Baton Rouge south to the Gulf of Mexico the high waters flowed over a territory approximately 40 miles wide, the bulk of said territory being south and west of the main channel of the river. From the above it will be seen that prior to the construction of the levee system by the Government the high waters of the river spread out in a thin sheet over territory from 25 to 70 miles wide, or over a territory having an average width of about 40 miles.

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In addition to these obstructions to the free flow of the high waters of the river south of Vicksburg, the high waters are brought from Cairo, south, diverted from their natural course, and confined between two lines of levees, as before stated, to the mouth of the Yazoo River, over a territory only about one-twelfth as wide as that over which the high waters flowed before levee construction, and at Brunswick, just north of the mouth of the Yazoo River, these diverted and confined waters are turned loose in volume much greater and with a current more forceful and destructive than before levee construction on the land in these counties lying between the foothills east of the river and the line of levees west of the river, with the result that said lands on the east bank of the river between the foothills and the main channel of the river, from Vicksburg to Baton Rouge, have been destroyed and the landowners driven from their homes, their houses, cabins, and other improvements washed from their foundations and destroyed, and their land in some instances covered with sand and gravel to a depth of from 6 inches to 10 feet, and in other instances the waves and currents of the high waters have washed gullies in their lands to a depth of from 3 to 15 feet, thereby destroying said lands for all agricultural purposes.

* * * * * * *

The river commission for the fourth time, in its annual report for 1910, at pages 2937–2939, calls the attention of Congress to the destruction of the east-bank lands in these counties as a result of the construction of the levee system, and in very strong language states the facts and makes recommendations for the relief of the owners thereof. Practically all the river commission has said in its annual reports hereinbefore mentioned relative to the destruction of the east-bank lands in these counties, as a result of the construction of the levee system, is restated in House Document No. 1010, Sixty-second Congress, third session, a report made by that commission, after investigating the claims of the east-bank landowners, the destruction of said lands as a result of the construction of the levee system, and a survey of said lands as required by a provision of the river and harbor act approved July 25, 1912, appropriating $30,000 for such investigation and survey of said lands.

The river commission's report for 1910 states that the east-bank lands in these counties are "permanently inundated" as a result of the construction of the levee system to improve the river for navigation, and this last report, set out in House Document No. 1010, on page 12, paragraph 84, states:

"The land embraced in these basins is in places covered with willow, a material that would be valuable for use in the work of river improvement, and in such cases it is desirable that the ownership should be in the United States. In fact, the earlier reports of the commission recommend that such lands be acquired for that purpose."

The annual reports of the Mississippi River Commission informed the Congress of the commission's plan of river improvement by the inauguration and construction of the levee system, and practically all of the acts of Congress making appropriations for the improvement of the Mississippi River from Cairo to the Head of Passes approved the river commission's plan of improvement, and provided that the appropriations for the improvement of the river for navigation from Cairo to the Head of Passes should be in accordance with the plans of the river commission which had been reported to Congress.

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Another view of this matter and the change effected by the construction of the levee system can be obtained by referring to the fact that before the construction of the levee system the high waters of the river periodically flowed over 29,790 square miles and had a free flow from Cairo without continuous obstruction on either side of the river to the Gulf of Mexico. Since the construction of the levee system 26,569 square miles are protected by the levees composing said levee system. In other words, before the construction of the levee system the high waters flowed over 29,790 square miles of territory, and since the construction of said levee system the high waters are obstructed and compelled to flow over a territory of only 3,221 square miles, showing that the high waters are now compelled to flow over a territory approximately one-tenth as large as that over which it flowed before being obstructed and diverted by levee construction. Instead of flowing as formerly over this large territory in a thin sheet, the high waters are now compelled to flow over a smaller territory in a much thicker sheet, or to a greater depth, and the space being only one-tenth as large, the lands lying adjacent to the river, where no levees have been constructed, are flooded much more frequently than before levee construction, for the reason that it requires less water to flow them, and the construction of levees on both sides of the river, north of their lands, and on the west side of the river in front of their lands, brings more water down the main channel than flowed there formerly.

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As stated by the Mississippi River Commission in its report for 1910, "the situation (of these east-bank citizens) is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice," and "the lives of the landowners are passing away and hope deferred is making their hearts sick."

* * * * * * *

The United States Court of Claims was created and given certain general jurisdiction for the relief of citizens and "to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," and ever since it was created Congress has from time to time frequently given it additional jurisdiction in special cases to further relieve Congress or an executive department, and at the same time give relief to citizens who had grievances against the Government, and who under the first amendment to the Constitution are guaranteed the right to petition the Congress for the redress of their grievances.

Precedents for giving the Court of Claims additional jurisdiction in special cases are numerous, and some of them will be found in the Statutes at Large as follows: Eighteenth Statutes at Large, pages 506, 507; Twenty-fifth Statutes at Large, page 1010.

And this widespread calamity, brought about by the Mississippi River Commission experiments in aid of navigation, is a fit conclusion to the wasted millions expended in harnessing a river that is 70 miles wide and 70 feet deep at Vicksburg during flood periods. When will Congress and the country wake up to an understanding of a situation to be made worse when the $150,000 secret railway fund used for the passage of the $60,000,000 Ransdell-Humphreys bill performs its secret mission through Congress?

In this connection I quote the opinion of the St. Louis Republic on the necessity for local contributions in order to invite confidence in the Mississippi River project:

[From the St. Louis (Mo.) Republic, June 11, 1914.]

TO ANSWER THE CRITICS.

When Representative FREAR, of Wisconsin, attacked the appropriation for the improvement of the Mississippi, Missouri, and Ohio Rivers he stated truthfully that the sums spent on these rivers are enormously disproportionate to their use as navigable streams. If it were not for the flood protection which levee building affords, the claims of the Mississippi River country for river improvement would be woefully weak, and all the country could continue to ask why millions should be spent on improving rivers when nobody uses them, with no fear of a satisfactory reply. They know the river was used in other days; they know that other rivers less adapted to navigation than the Ohio or the Mississippi carry vast tonnages in competition with railroads, and in that situation they doubt if improvements would cause them to be used.

The best possible answer which the people along the Mississippi can give to that line of argument is to go about their own share of improvement so as to make what they already have usable. That share consists in the building of modern terminals with money-saving devices for handling freight so that all the economy of cheap river transportation shall not be eaten up in freight handling.

When that is done a visible demonstration can be made of the error of Representative FREAR when he declared that all the money spent on the rivers and all that is to be spent will never win back the traffic that the railroads took away from them. A demonstration can also be made to the country at large that money spent on the Mississippi and its tributaries will mean cheaper transportation, the relief of railroad congestion, and more prosperity.

RAILROADS CONTROL NAVIGATION.

Mr. Speaker, I have thus far endeavored to show that the railways were behind some of these projects, and are particularly in evidence with the Mississippi River $60,000,000 project. Just why they are interested in the $150,000 secret fund an investigation would disclose, but I believe this contribution is one of the smallest that has been disclosed. The mouse that was seen in the House recently occupied many columns of space in the daily newspapers, but gray rats never get a line when they slink into darkness down around the foundations of the Capitol Building. So, too, items amounting to a few hundred dollars occupy the time of the House and space in the press, when a salacious turn can be given to the news story, whereas a $93,000,000 "pork barrel" raid on the Treasury fails to get a line of criticism from many highly respectable journals of the day. With their combined help the "pork barrel" would be blown out of existence, because it will never stand the searchlight of publicity.

The gray rat of the railroad connection with the river and harbor "pork barrel" rests with self-interest, and interests of the country are more concerned with good, fat appropriations than the railroads of the country.

Mr. Speaker, the railroads own many of the steamship and barge lines of the country. They are so closely allied with some of the remaining steamship companies through traffic agreements and other contracts that the railroads have become a controlling factor in the subject of waterway transportation. I quote from the statistics which appear in the report of the Commissioner of Corporations on Transportation by Water in the United States (pt. 4, Dec. 23, 1912):

The extensive water traffic between New York City and the New England ports is almost completely controlled by a single railroad—the New York, New Haven & Hartford (New Haven system)—or by the Eastern Steamship Corporation, in which the New Haven system is at present a considerable stockholder, though claiming to have no voice in the management. The only line from New York to Portland, Me., is owned by the Eastern Steamship Corporation, and this is true of the only direct water line from New York to Boston. In the Long Island Sound traffic all the regular lines are controlled by the New Haven system, except five companies, with only a few small boats, and two of these are controlled by other railroads—one of the Central Vermont Transportation Co., a subsidiary of the Central Vermont Railway, and the other the Montauk Steamboat Co. (Ltd.), controlled by the Pennsylvania Railroad. The New Haven system, moreover, owns a majority of the stock of the Merchants & Miners' Transportation Co., itself a shipping merger, operating, among other services, lines between Boston and Philadelphia and between Boston and Newport News, Norfolk, and Baltimore. No other steamship line operates between Boston and the ports named.

Most of the steamship interests of the New Haven system are held by an intermediary holding company, the New England Navigation Co.

Between New York and Norfolk there is only one steamship line, the Old Dominion Steamboat Co., and a controlling interest in this is owned by five railroads—the Atlantic Coast Line, the Southern Railway, the Seaboard Air Line, the Chesapeake & Ohio, and the Norfolk & Western.

Between New York and Savannah there is only one steamship line, the Ocean Steamship Co. of Savannah. This is owned by the Central of Georgia Railway, control of which is held by the Illinois Central. About one-fifth of the latter's stock, in turn, is owned by the Union Pacific Railroad.

Between New York and New Orleans there is now only one steamship line, that of the Southern Pacific Co., which long ago bought up two formerly competing lines. A working control of the Southern Pacific Co. has for years been held by the Union Pacific Railroad, but this has recently been declared illegal by the Supreme Court of the United States.

Between New York and Galveston there are two water lines. One of these is a railroad-owned line (Southern Pacific), while the other, the Mallory Line, is owned by a shipping consolidation, the Atlantic, Gulf & West Indies Steamship Lines. This consolidation also owns the Texas City Steamship Co., operating between New York and Texas City, which on through traffic is virtually a part of the port of Galveston. The acquisition of this line was preceded by a severe rate war.

The principal local lines on Chesapeake Bay and its numerous tributaries are owned by the Pennsylvania Railroad Co., through railroad subsidiaries, while the three through lines between Baltimore and Norfolk are also under railroad control.

Again, nearly all the important anthracite coal fleets engaged in the North Atlantic coastwise trade are owned by the few great anthracite railroads.

On the Great Lakes all the important through passenger and package-freight lines are owned by railroads. In the local package-freight traffic there are a large number of independent water carriers. In the transportation of bulk freight, other than grain, such as ore, coal, and lumber, the railroad boat lines have practically no part. Several of the principal Lake fleets handling these products, however, are under the control of important industrial concerns, the largest being that of the Pittsburgh Steamship Co., controlled by the United States Steel Corporation.

On the Mississippi River system steamboat lines have largely succumbed to railroad competition or to natural difficulties. Most of the few remaining packet lines are independent of railroads, but are usually feeble competitors. The principal item of traffic to-day on the Ohio and Mississippi Rivers is bituminous coal, and the great bulk of through traffic in this commodity is handled by a single industrial consolidation, the Monongahela River Consolidated Coal & Coke Co., a controlling interest in which is, in turn, owned by the Pittsburgh Coal Co.

On the Pacific coast independent steamship lines are a much more important factor in domestic coastwise traffic. Several important water lines, however, including the Pacific Mail Steamship Co., chiefly engaged in foreign trade, and the San Francisco & Portland Steamship Co., are controlled by the Union Pacific-Southern Pacific Railroad system. The Southern Pacific Co. also controls a fleet of oil vessels belonging to the Associated Oil Co., in which it owns a majority stock interest. There are also other water lines under railroad control.

Considering only water lines directly operated or in which railroads own a majority of the stock, and excluding harbor craft, this report shows that 20 railroads control steam vessels engaged exclusively in domestic trade of approximately 610,000 gross tonnage and line barges with about 200,000 gross tons, or a grand total of 810,000 gross tons. The tonnage of the New Haven system is the largest, aggregating a little over 200,000 gross tons, of which 156,500 tons is in steam vessels

and 43,600 tons in barges and miscellaneous craft. Next in importance is the Union Pacific-Southern Pacific, with a grand total, excluding tonnage engaged in foreign trade, of over 150,000 gross tons. The Pennsylvania Railroad Co.'s water lines have 68,500 gross tons in steamers and 8,500 tons in barges; the New York Central over 50,000 gross tons; the Central of Georgia Railway over 40,000 gross tons.

The total capitalization of water lines controlled by these railroads—this not covering holding companies and several very important unincorporated services—aggregates $53,339,375 in stock and $31,263,887 in bonded debt. Of the stock $40,223,800 and of the bonds $19,211,137 are owned by 18 railroads or their subsidiaries. In most instances railroads own practically all the stock of the separately incorporated water lines which they control. Important exceptions are the Pacific Mail, in which the Southern Pacific owns only a trifle over one-half the $20,000,000 stock, and the Merchants & Miners' Transportation Co., in which the New York, New Haven & Hartford Railroad owns only a bare majority interest. Instances where railroads own stock in a water line, but less than a majority interest, are comparatively few.

Of the regular line traffic on the Atlantic and Gulf coasts not controlled by railroads, the great bulk, as stated, is controlled by two important consolidations—the Atlantic, Gulf & West Indies Steamship Lines and the Eastern Steamship Corporation. With few exceptions, the constituent companies of these consolidations had been subsidiaries of an earlier merger—the Consolidated Steamship Lines—which collapsed shortly after its formation in 1907.

The larger of these consolidations—the Atlantic, Gulf & West Indies Steamship Lines, a holding company—controls, chiefly through subsidiaries, 72 vessels (exclusive of harbor craft) with 226,736 gross tons. Nearly one-third of this tonnage, however—that of the New York & Cuba Mail Steamship Co. (Ward Line)—is engaged in foreign trade with the West Indies and Mexico. The domestic lines owned by this consolidation are the Clyde Steamship Co., with 54,700 gross tons; Mallory Steamship Co., 46,500 gross tons; New York & Porto Rico Steamship Co. (of Maine), 337,100 gross tons; Texas City Steamship Co., 13,300 gross tons; and the Southern Steamship Co., 6,200 gross tons. In addition there are a few subsidiary terminal or lighterage companies. The issued capital stock of the Atlantic, Gulf & West Indies Steamship Lines is $29,993,400; its bonded indebtedness is $12,623,000, and that of its subsidiary companies $17,432,000.

Except for railroad-owned lines and services to Porto Rico, there is hardly a competing line of importance operating between the domestic ports served by the Atlantic, Gulf & West Indies Steamship Lines.

PURPOSE OF CONTROL OF WATER LINES.

In acquiring their extensive control over domestic water carriers, railroads have had in general three purposes: First, to eliminate the competition of water carriers; second, to obtain an entrance into territory not open to their rail lines; and, third, to secure valuable feeders, mainly local lines.

In the case of the New Haven system all these purposes are apparent. For some time past the New Haven system has pursued a determined policy of suppressing any effective competition on Long Island Sound; several, at least, of its recent acquisitions must be regarded as due to this policy. On the other hand, some of its earlier acquisitions came about largely as an incident to the merger of different railroad properties into the present system. Control of the Merchants & Miners' Transportation Co. is claimed by New Haven interests to have been sought in order to secure direct access to southern territory. However, elimination of competition was also an important factor.

Can any sensible man fail to recognize the interest possessed by the railways of the country, as well as by a few independent steamship lines, in securing liberal appropriations from the Government for various projects? These companies exercise an exclusive right to carry passengers on water as they do on land, and I desire to present another side light to show that the Government has an equal legal right, as a matter of practical results, to build a railway and present it to a private company for operation as it has for dredging out the average waterway or harbor.

In other words, all the talk against subsidizing shipping interests appears to be the merest "buncombe" when we realize that we have been subsidizing the railway and shipping interests from the day the first land grant was given and the first shovelful taken from the rivers and harbors of the country at Government expense, over a half century ago, down to the 1914 pork barrel of $93,000,000, which is the most notorious of all and represents a combined push by all the interested factors.

ANOTHER MONOPOLY.

One of the most interesting documents published by the Commissioner of Corporations is that relating to water terminals and found in part 3 of Transportation by Water in the United States, issued in 1910.

Not only do the railroads own the shipping, but they also own the terminals. Where they do not own the terminals, the piers are usually owned exclusively by private companies that exclude all other craft from the landing. In other words, when New York gets a liberal appropriation from the Government it is not the public that gets the benefit. Of course there are many piers and landings owned or controlled by the city of New York, but these are not public by any means. Father Knickerbocker is a thrifty old man who turns an honest penny whenever opportunity affords. If you would find just how far he is making money out of the water traffic, all that is necessary to do is to get a copy of the annual report of the city of New York on the department of docks and ferries.

On page 12 of the report for 1912 the commissioner of docks writes as follows:

RENTAL POLICY.

In my annual report for 1911 I made special note of the necessity for publicity in making of leases, and the granting of permits, and for a definite rental policy on the part of the city.

In the granting of leases and permits I believe it should become the fixed policy of this department that all applications, and their consideration and discussion, should be given full publicity; this publicity to be safeguarded by the privilege of public hearing in the department's board room for any applicant or protestant who is dissatisfied or who requests such hearing to bring out all facts relating to the privilege under consideration. The stenographic minutes of these hearings should be on the public files of the department and accessible to all those interested. Much discretionary powers in these matters must always be vested for business efficiency in the commissioner of docks, and such procedure will not only safeguard against an abuse of this power, but also in turn safeguard the commissioner and the administration from unjust criticism. During the past year the determination of the general policy governing the matter of rentals for leases and privileges has been the subject of further conferences between the deputy comptroller and myself. We were appointed a committee by the commissioners of the sinking fund to consider the matter. The fundamental principle to be decided is whether such a general policy should be based on the assumption that all leases should be sold at public auction to the highest bidder, such leases as may be arranged for by direct negotiation to be considered an exception to this rule, or whether the commissioner of docks should first assemble all the facts relative to the lease under consideration and then recommend to the commissioners of the sinking fund either the terms and conditions of the proposed lease and the appraised rental, or that the lease should be sold at public auction to the highest bidder; such recommendation of course, subject to the final determination of the sinking fund commission. The committee anticipates an issuance of its report with recommendations on these general principles and other considerations appertaining thereto early in 1913.

In order that the number of pennies received from dock rentals and other privileges may be appreciated I briefly quote from page 53 of the same New York City report:

Statement of the revenues and disbursements of the department of docks and ferries for the year ending Dec. 31, 1912.

REVENUE.

1. Amount of accrued rents uncollected Dec. 31, 1912, as per report for the year ending on that date	$16,929.20	
Less claims sent to corporation counsel for collection	12.50	
		$16,916.70
2. Rents accrued during the year 1912 from leased city wharf property and for land under water covered by wharf improvements erected by permission of the department	4,240,510.08	
3. Wharfage collected within the year from unleased city wharf property	261,082.61	
		4,501,592.69
4. Leases of ferry franchises and city wharf property used for ferry purposes		244,404.20
5. Receipts from operation of municipal ferry (Staten Island) traffic	759,365.70	
6. Receipts from operation of municipal ferry (Staten Island) privileges	92,431.16	
		851,796.86
7. Receipts from operation of municipal ferry (39th St., South Brooklyn) traffic	185,101.72	
8. Receipts from operation of municipal ferry (39th St., South Brooklyn) privileges	5,294.23	
		190,395.95
9. Miscellaneous receipts		18,598.24
10. Claims for unpaid rents placed in hands of corporation counsel prior to Dec. 31, 1911, collected during the year 1912		3.75
Total		5,823,708.39

PIERS ARE PROFITABLE.

Of the above amount, only $4,501,592.69 is credited strictly to leasing of wharves and wharfage, but on page 68 of the report it is learned that within about 40 years the city has gathered in $80,058,877.98, during all of which time the Government has been putting into the harbor countless millions of dollars. Government aid should be extended to secure navigation; but what relation does the navigation of New York Harbor bear to the general public when a thousand lessees are given the exclusive use of the public wharves and piers?

The Pennsylvania Railroad pays about $25,000 a year for land under water and many thousands of dollars more for other privileges and has the exclusive control of its own piers. The New Haven, New Jersey Central, Erie, West Shore, and other railways have exclusive rights to wharves. In fact, so far as I have been able to ascertain, the navigation business becomes a close corporation dependent upon the leases in force. Tramp steamers are trespassers and strange vessels interlopers unless they can arrange with some lessee for landing rights. Objectionable competition can not be carried on in the public interest.

In order to get the full significance of the city docks, which are leased, and railroad docks, which are exclusive, I quote briefly from page 72 of the report of the Commissioner of Corporations:

From West Seventieth Street down North River to the Battery and up East River to East Forty-second Street there are approximately 180 piers, not including ferry slips, of which number the city owns about 150 and partly owns from 5 to 10 others.

RAILROAD OWNERSHIP.

The New York Central & Hudson River Railroad Co. owns and occupies the entire North River frontage between West Sixtieth and West Seventy-second Streets, except street ends. Between the Battery and

Murray Street on North River there are 21 piers, and all but 6 of these are owned by private interests, mainly railroads. While private interests own the piers in this latter section, the city over a considerable portion of the distance owns the bulkhead. The Long Island Railroad Co. (Pennsylvania system) owns extensive water-front properties on Newtown Creek and on East River in that vicinity. The Pennsylvania Railroad Co. owns considerable property at Sixty-fifth Street, Brooklyn, where freight terminals are under construction. The Pennsylvania Railroad Co. also owns a freight station adjoining the Brooklyn eastern district terminal The New York, New Haven & Hartford Railroad has extensive yards on the Harlem River and at Port Morris on the East River, and nearly all the railroads entering New York have freight terminals in this neighborhood. The Baltimore & Ohio Railroad has its terminals on the north shore of Staten Island. The Delaware, Lackawanna & Western Railroad Co., through its control of the Harlem Transfer Co., has valuable terminals on the Harlem River. The railroad has also acquired the properties of the Brooklyn Dock & Terminal Co. and the Brooklyn Warehouse & Dry Dock Co., which comprises dry docks, slips, bridges, warehouses, etc.

DOCK AND TERMINAL COMPANIES.

Most of the Brooklyn water front south of the Brooklyn Bridge is owned by three dock concerns, namely, the New York Dock Co., the estate of William Beard (Erin Basin), and the Bush Terminal Co. The American Dock & Trust Co. owns property on Staten Island.

More significant than the foregoing is the following extract from the same report, found on page 6:

Although New York City thus owns a very large portion of the important frontage and of the wharves as well, it has greatly reduced its own practical control thereof by a system of long-term leases for such wharves. Unlike many other ports, New York has in general followed the policy of making its water front a substantial source of net revenue. The city revenue from leased wharves in 1908 was $3,440,949. Of approximately 200 leases in force in December, 1908, 158 of them were for 10 years or more. Of these 158, 62 were for from 10 and under 20 years, 47 were for 20 and under 30 years, and 49 were for 30 years or more, some of the most desirable property being leased for 50 years. As a result of this lease system, there are very few "open piers"; that is, piers not exclusively controlled by particular interests, and available for general traffic, tramp vessels, or transients. At present (1910) there is only one pier and one-half of another "open" on the North River between the Battery (the lower end of Manhattan Island) and Thirtieth Street. There are but six on the East River between the Battery and Corlears Hook (Grand Street). There are only two "open piers" in Brooklyn, with part of five others and six "open" bulkhead landings. At the present time there are but two piers reserved for canal boats. There is only one "open pier" on Staten Island. In this important matter of open piers New York is in marked contrast to San Francisco, described later.

The long leases of city piers are held mainly by steamship companies and railroads.

This policy of long leases for revenue as opposed to the policy of "open piers" for the development of water traffic is a broad question to be determined by each particular locality. The present commissioner of docks and ferries seems to have determined upon a change, or at least a modification of this policy. In July, 1910, the lease expired on Pier 1, near the Battery, and instead of again leasing this property it was thrown open to general wharfage for local sound and river steamers. If this action can be taken as the beginning of a policy to consider primarily the needs of water traffic rather than the securing of revenue, it is a significant and important step.

NEW YORK'S GIGANTIC MONOPOLY.

From the foregoing it will be observed that the greatest port in the world is controlled by a gigantic monopoly. The railroads and private interests own many miles that are for their exclusive use, and the city owns many miles more, but the municipal piers are leased to railways, private companies, or individuals, and so become as much a part of the monopoly as are the private piers. If my conclusion is wrong, I shall be glad to be corrected; but if these statements are correct, it becomes a matter of interest to the taxpayers of the country, from Maine to California, to know just where the public comes in by this operation. Why are Government moneys launched into the bays of New York and all other great harbors to accommodate monster liners, when New York City gets the rentals or the added conveniences are for the benefit of transportation companies that exclusively own their terminals and render no account to the General Government? In other words, why does not the Government pay for building the Pennsylvania Railway tunnel or contribute toward terminals for the New Haven Railroad, as long as it dredges out a harbor for the convenience of vessels operated by the New Haven Railway and possessing exclusive terminals along the southern New England shore that prevent competition?

Mr. Speaker, I believe if the present method of Government aid is to be extended to ports along the coast, New York is entitled to a liberal share of aid; but I do believe that if its landings have been monopolized by private interests and the city has capitalized and monopolized its own holdings by leases to private interests, then New York and every other city similarly situated should be made to contribute liberally to benefits created for that monopoly.

It is hard to understand just why Minnesota or Iowa should contribute to New York Harbor if the benefit is for strictly local corporations; and with equal truth it must be urged that New York ought not to contribute to a Mississippi River pork barrel that benefits nobody and is a notorious waste of money under the system now employed.

In the sundry civil bill before us an appropriation is made for $500,000 for harbor work at Providence. Just where the Government's interest comes in is not apparent.

Referring to page 66 of the commissioner's report, volume 3, 1910, we are informed that—

Practically all the wharves at Providence belong to private parties, including railroad and trading corporations. The city owns a small wharf just below the Point Street Bridge which it leases for a lumber wharf; and it also has a small wharf which is used by the various city departments. There are no open piers in Providence.

It is interesting to note from the 1913 engineers' report that the Government has spent on old projects $1,859,480, and new projects are adopted that will add $827,800 more. Hitched on to one of these projects, like a codicil to a will, is a provision that no improvements are to be made above "Fields Point" until the city provides adequate public terminals.

CONTROL OF WATER TERMINALS.

From what has been already noted under specific ports it is apparent that a large amount of water terminal frontage is everywhere controlled by railroads. While much of this control is undoubtedly necessary and commercially advantageous, nevertheless it is to be remembered that at present the rail and water systems are often in vigorous competition. The control by one system of the terminals upon which a rival system is dependent is therefore of serious importance. Furthermore, railroad frontage in central parts of a congested harbor fequently means that though traffic is crowding upon local traffic, and that the two prime harbor functions, "commercial" and "industrial," are unnecessarily in conflict, because of unsatisfactory harbor organization. For these reasons there is summarized below the general situation as regards such railroad control:

Railroads control a large amount of water terminals directly or through subsidiary concerns. The Boston & Maine Railroad controls much water frontage at Portland, Me., and at Boston. The control of the New York, New Haven & Hartford over water traffic on Long Island Sound is partly based on its control of a large amount of terminal frontage. Its control of water terminals is especially prominent at Portland (Me.), Boston, Fall River, Providence, New London, the Connecticut River, New Haven, Bridgeport (Conn.), New York, Philadelphia, and Norfolk (Va.). The Pennsylvania Railroad owns or controls much water terminal property at New York, Jersey City, Baltimore, Chesapeake Bay points, Buffalo, Erie (Pa.), and at and near Cleveland; the New York Central system at New York City, Jersey City, the Hudson River, Chicago, Cleveland, and Buffalo; the Southern Pacific system at New Orleans, Galveston, Oakland, Portland (Oreg.), Astoria (Oreg.), Hoboken, and New York; the Northern Pacific at Seattle and Tacoma; the Atlantic Coast Line at Tampa, Norfolk, and various Virginia ports; the Southern Railway at Norfolk, Mobile, Charleston, and Jacksonville; the Baltimore & Ohio at Philadelphia, Baltimore, and Washington; the Seaboard Air Line at Portsmouth (Va.); the Louisville & Nashville at Mobile and Pensacola, as well as at various points on the Ohio River; and the *Illinois* Central at Savannah, New Orleans, and Chicago. Also the so-called coal roads have important holdings in the harbors of New York, Jersey City, Philadelphia, Norfolk, and along the coast of New Jersey and Pennsylvania, as well as on the Hudson River.

Along the Mississippi River system the railroad ownership is important, not so much in active use of water terminals as in a general ownership of river frontage, which results in a passive obstruction to its proper use for water traffic. This is especially noticeable at Pittsburgh, Cincinnati, Louisville, Cairo, St. Louis, Memphis, and Vicksburg. In a number of the smaller river ports all river traffic must cross rail lines in order to reach the town. By far the greater part of the navigable portions of the Mississippi and Ohio Rivers is paralleled on one and often on both banks by various railroad systems. Their tracks and trestles often present serious obstacles to the proper use of the banks for water traffic.

The report, volume 3, is filled with startling facts concerning the absence of public piers or wharves at hundreds of places that have been liberally supplied with Government money. Of New London, Conn., it says:

Of the 4 or 5 miles of frontage on the Thames River at New London the city owns practically nothing.

Hartford owns a park along the water, but the balance of the water frontage is owned by the New Haven Railroad and other companies. The same is true of Long Island Sound. Page 70:

At Portland, Me., the water front is all private, about one-half of it owned by railroads. At Bangor the frontage is nine-tenths private and much of it railroad holdings.

Most of the important New Haven frontage is railroad owned, and this is even more true of Bridgeport, Conn. On the Hudson River, the Albany frontage is chiefly private, much of it railroad. At Troy, N. Y., the city owns only narrow street ends. The Hudson River frontage in general at the chief cities is mainly private, being largely held by steamship lines, railroads, and industrials. The frontage of Burlington, on Lake Champlain, is nearly all railroad. At Trenton, N. J., the city owns none of the frontage on tidewater. Philadelphia owns less than 8 per cent of the developed Delaware River frontage, and its holdings are mainly narrow and practically unavailable street ends. The city has 10 general piers on the Delaware, but only 1,400 feet, or about the length of two or three large vessels, is all the wharfage not leased or privately owned out of nearly

7 miles of the developed Delaware River frontage. An interesting statement is that—

All but one of the trans-Atlantic steamship lines use the railway terminals.

Continuing, the commissioner says, page 10:

The Philadelphia situation has long been one of almost complete absence of public control of the water terminals and of dominance of water terminals by railroads, affecting unfavorably general water traffic as distinguished from exclusive water lines affiliated with railroads.

The commissioner avers that the city is trying to get away from the general private and railroad control of its water terminals.

An appropriation of $1,000,000 for the Delaware River and an additional $1,000,000 for additional contracts, or $2,000,000, is in the 1914 bill. The amount expended on the lower Delaware River prior to the adoption of the existing project reached $10,176,002, and the existing project, which provides for deepening the channel to 35 feet, and other improvements, amount to $10,920,000 more, or $21,096,000 for the Delaware River below the city. (Pp. 306 and 307, engineers' report, 1913.)

The foregoing does not cover any part of the $8,000,000 Delaware & Chesapeake Canal project, for which $2,250,000 is carried by the 1914 river and harbor bill.

POWERFUL INFLUENCES AT WORK.

Mr. Speaker, I have briefly noted some of the interests affected and influences operating in the passage of the 1914 bill. No man can discount their power, for they are all powerful, and while it may seem a hopeless task to present any argument that will affect the passage of the 1914 river and harbor bill or of any future bill, I do not feel that the effort is completely wasted.

In reviewing a few of the business interests that are concerned in the bill's passage we can not overlook the many waterways associations throughout the country nor the influential membership possessed by these associations, both elsewhere and upon the floors of Congress. As suggested by different press articles, if any railway interests were represented upon this floor as in former years, a speedy investigation would be had of measures seeking to benefit such special interests. The waterways associations are composed of high-minded, able men, as a class, who are interested in different projects because of their belief in some benefit to accrue.

It would be useless to set my judgment against that of such able men, and yet when a waterways association raises $150,000 secretly through contributions largely from railways to push along some particular project, when it seeks to sandbag business men into forcing northern Congressmen into line, as shown by other waterways journals quoted in my remarks of June 2, pages 9689–9697 of the RECORD, surely we have a right to inquire whether or not the aims and methods of such associations are selfish or for the public good. When a national waterways congress proposes to squander $50,000,000 annually without regard to merit, as claimed by the New York Board of Trade, when it becomes a "logrolling" or "mutual-bribery" association in the judgment of this great commercial body, surely we may pause to inquire its purposes. When another great association resolves and demands that Congress appropriate money for certain projects reaching into millions of dollars and we learn that the officials and members include members of the Rivers and Harbors Committee of the House and influential Representatives upon the floor, it may seem hopeless to express disagreement as to the methods and policies employed, and I say this with the highest respect for such Members individually and collectively. Yet, Mr. Speaker, I do not believe that all this power behind the $93,000,000 pork barrel of 1914 will be able to push the barrel into law, provided the weapon of publicity can be turned onto these projects, which aggregate more than ever before in the history of the country. What a spectacle is presented when we seek to buy a bankrupt canal, whose stock is valueless, its bonds worth 50 cents on the dollar, all in order to contribute to the benefit of transportation companies that own practically all the terminal facilities in two large cities and for the self-interest of dredging contractors that have their headquarters within a short distance of the project and of the National Capital.

I am not discussing the merits of the proposition which is destined, according to early estimates, to reach $20,000,000 for a 35-foot canal, or almost as much as has been placed in the Delaware. Who can doubt that with the present powerful influences back of the project the next step will be to extend its size and depth for the convenience of the transportation companies that have terminals on the railway wharves of Philadelphia and Baltimore, according to the commissioner's report?

Mr. Speaker, I have heretofore, in the RECORD of March 24, taken up many of the projects contained in the 1914 bill and have given what I believed to be a correct analysis of projects as shown by the engineers' reports. In the RECORD of June 2 I have tried to give the best judgment of different authorities as to the Mississippi River project which now gets $10,500,000 in the bill before the Senate. Therein I showed that after an expenditure of $144,000,000 in that river we had lost 80 per cent of our former river traffic.

The Missouri $20,000,000 project for 13,000 tons of annual freight, aside from sand and gravel, has also been discussed, and in the RECORD for June 8 I gave additional arguments against the passage of the bill, including the $64,000,000 Ohio River canalization scheme. I have here tried to briefly outline some of the additional influences behind the bill and to show generally that private interests ranging from fertilizer factories to real-estate projects and dredging concerns are back of all such bills.

Mr. Speaker, from the facts that I have endeavored to place before the House, and through the House to the country, it must be clear to every unprejudiced mind—

First. That the railways own or control, through their business affiliations, the greater part of the waterways transportation of the country and exercise a virtual monopoly.

Second. The foreign steamship lines not controlled by the railways have contractual and shipping relations closely identifying their interests with those of the railways.

Third. The individual competitive waterway lines are few, and invite close inspection as to their affiliation and control.

Fourth. Practically all the waterway terminals in many of the large cities of the country are owned or controlled by the railways or waterway lines that are independent and part of the monopoly.

Fifth. The municipal wharves and piers of the country are small in number, usually leased to private interests or individuals, and are negligible in proportion to other terminals.

Sixth. The railroads are contributing to the support of certain waterway projects and directly toward the activities of certain associations.

Seventh. Representatives are hoodwinked into believing they are getting some especial favors from the Government Treasury by small local grafts, usually instigated by the dredging companies or local interests, and embodied into the bill to secure aid in pushing the "barrel."

Eighth. River and harbor improvements are primarily for the benefit of the railway monopoly or of a great shipping monopoly, and are not for the benefit of the public at large.

Seventh. Not one taxpayer in a thousand is benefited one penny by Government contributions, either by reduced freight rates, a lowered cost of living, or even indirectly by any added comforts or conveniences.

Ninth. The active agents of the monopolies are the dredging associations, the waterway associations, and the localities and their Representatives who imagine that in some indefinite way the "pork" is being distributed to such localities.

Tenth. Congress is the "jumping jack" that opens the Treasury doors to these selfish monopolies whenever the division of spoils occurs between the constituent parts of the railway and shipping monopoly.

Eleventh. The waterways associations, dredging associations, and other interests, open or secret, are strands to the string that pulls the "jumping jack" and secures a continuous golden stream from the United States Treasury.

Twelfth. That the whole scheme of river and harbor improvements by the Government is a fraud and a graft, grown infinitely more vicious than in the old days when it was denounced on the floor of the Senate as a humbug and a steal. It is a national disgrace, stultifying Members who are compelled to bow to the "pork barrel's" mandate, and it tends to undermine legislative honesty in dealing with other questions of national importance.

Mr. Speaker, I realize that these are serious statements. I do not claim to subscribe to nor observe any higher code of morals than other Members, but I am confident I can prove every statement made, and in that confidence I introduced resolutions of investigation which have been smothered in the committee.

A sane, intelligent system of waterways improvements should be thoroughly investigated and agreed upon by an impartial board, unaffected by political or business influences. No community, large or small, should be recognized unless a local contribution is required. This largely removes the present incentive of trying to get something for nothing. No community, large or small, should be given Government aid until a sufficient number of open piers exist to accommodate all independent lines of

shipping that may care to use public terminals, nor should one dollar be expended by the Government except where actual navigation exists. Flimsy veiled efforts to secure moneys from the Government under the guise of reducing freight rates would no longer be possible, and shippers and localities would present their claims before the proper forum—the railway commissions—as I pointed out in my remarks of March 26.

In the administration of a comprehensive law a strong commission possessing the confidence of the people should be established. Its recommendations should be attached with accompanying conditions to every appropriation of money from the Government Treasury. Army engineers should be relegated to the position they ought properly to occupy, that of technical experts on engineering, not on commercial problems. To-day they are supreme, but subject to all the political influences that bristle throughout the engineers' reports. They ought to be in fact subordinates, not superiors, in the determination of Government contributions.

Mr. Speaker, I have not attempted to cover the field presented by this great question, which, in my judgment, is not alone one of national economy but a problem that encompasses the whole field of legislative honesty, of infinitely more importance than the matter of dollars and cents.

The greatest and most vicious "pork-barrel" disgrace ever fastened on any political administration is now pending in the Senate. We are all responsible for its existence, and it is not for any political party to cast the first stone.

The whole system of graft should be uprooted and an honest, clean legislative program adopted. It is not a hopeless task. I am only seeking to point the way and realize that I am an unimportant factor in whatever eventually may be accomplished. I have not sought to lay out a definite program. I have not tried to array one class of States against another or one set of interests against another. The problem is too big for such petty methods and calls for broad-minded men who in the past have thrown off the yoke of railway servitude which once dominated legislative halls and which to-day is the secret moving cause in the formation and passage of the 1914 infamous $93,000,000 "pork barrel."

Mr. Speaker, I have been asked to make a statement as to the proposed increase in the river and harbor bill recommended by the Senate committee. The amount stated aggregates $10,352,600, in addition to the items approved by the House for rivers and harbors for 1914, the House appropriations being $43,289,004 cash, $32,897,871 for new projects begun, and also $6,990,000 contained in the sundry civil bill, amounting to $83,176,875, and to this amount the Senate committee proposes to add $10,352,600, as stated, making a grand total of $93,529,475.

Mr. Speaker, I shall not discuss the action taken by a committee from a coordinate body, because I understand it is a time-honored parliamentary custom to refrain from so doing; neither will I presume upon the indulgence of the House to the extent invited by the field for discussion. However, no prohibition in principle nor ethics exists against an analysis of a few items mentioned in the press reports, and I believe the importance of laying before the House in advance the particulars concerning several proposals that must eventually go to conference counterbalances any pretended delicacy over parliamentary ethics. For that reason I shall briefly point out a few facts that to me seem worthy of consideration and which ought to be refused concurrence if placed in the bill. I do not attempt to discuss other items that to me appear questionable, but give a few facts evidenced by the engineers' reports concerning several vicious items, in my judgment, that should be stricken from the bill.

IMPROVING HARBOR, BRIDGEPORT, CONN., $178,800.

On what theory of public use such an appropriation can be justified passes comprehension when the following statement as to harbor conditions at Bridgeport are considered. Between oil companies and the New Haven, the city appears to be between Satan and the deep sea, with no chance to get to the sea without paying tolls. I quote from page 70 of the report of the Commissioner of Corporations, 1910, part 3:

A few years ago—about 1905—the Pure Oil Co., which ships by water wherever possible, contemplated the acquisition of a wharf or wharf site at Bridgeport, Conn., but gave up the project because of the control of practically the entire water front by the New York, New Haven & Hartford Railroad and its subsidiary boat lines. A site was afterwards bought at East Providence.

A small independent steamboat company complains of a "very uncertain privilege at Bridgeport." An officer of this company explains the situation as follows:

"The New York, New Haven & Hartford Railroad owns the whole river front on the city side of the river, and we lease a landing from them and pay more for it than we can afford to, and we never know where we are going to make a landing—sometimes at the upper end of the city, sometimes at the lower part of the city, and another time halfway between, and our passengers never know where to look for us; it is also very annoying to shippers of freight and handicaps our business."

CHESAPEAKE & DELAWARE CANAL, $2,250,000.

I devoted some little space to the first item of $1,300,000 for this project when up for consideration in the House on March 24, as appears from pages 5419 to 5421 of the RECORD. The increase of $950,000 is more objectionable than in the original form, although this is but a bagatelle of the burden to be eventually saddled upon the Government by the purchase of this bankrupt canal. Practically every bankrupt waterway is now seeking to unload onto the Government, and this concern seems sure to succeed. Notwithstanding the eventual cost of the canal has been estimated at $20,000,000 and its annual maintenance will be a heavy burden, we are confronted with a project to help out Philadelphia railroads and shipping companies in the second city of the country that has 1,400 feet of open piers out of a 7-mile frontage. Baltimore is slightly better, because the dredging companies center there, but the proposal is to give to these two cities gratis a $20,621,323 proposition when it gets its full depth. (Angus report, p. 8.) Baltimore, with 558,485 population, and Philadelphia, with 1,549,008 population, ask for this canal, without adequate public wharves and without contribution. The canal stock is worthless, its bonds worth 50 to 60 cents on the dollar before a prospect of a real sale hove in sight. Stockholders and interested steamboat men and willing engineers all urge its purchase.

The railway and shipping interests of Philadelphia that have strangled the city's water front want this purchase made, but 9,999 citizens out of every 10,000 in Baltimore and Philadelphia's combined 2,000,000 population have no use for the canal and are unconcerned over its purchase, for which they will indirectly have to pay their share with every other taxpayer; and its ultimate cost equals $1 on the average for the head of every family in the country.

The Angus commission said of this project (p. 8) that for a distance of approximately 7,000 feet the borings indicated quicksand that will require "special and costly treatment by revetment or otherwise to insure stable conditions."

When it is realized that powerful political interests are enlisted in the effort to force the canal's purchase on the Government and that the railway interests and dredging interests of Baltimore and Philadelphia have shown no violent prejudice to the proposition, it appears a hopeless task to protest; but if Philadelphia and Baltimore interests want to buy and dredge this canal, then those interests should persuade those great cities to buy it and not unload the bankrupt proposition upon the Government.

HARBOR OF REFUGE, CAPE LOOKOUT, $1,826,600.

For two or three centuries the little craft that formerly swept the Atlantic coast were unprotected and sailed the North Carolina coast without fear. Since the railways have taken control of the coastwise trade and a few great steamships remain, a relic of the wonderful shipping trade of another century, it is now found necessary to spend nearly $2,000,000 at a point far removed from any large port. Ships avoid Hatteras and Lookout, and always will; but dredging companies and railways that must be built out to this "project," and other interests, not all nonpolitical, are pushing this form of ship subsidy onto a reluctant people. It is one of the 26 pieces of pork apportioned to North Carolina in the 1914 barrel.

PENSACOLA AND MOBILE WATERWAY, $800,000—MOBILE BAY TO MISSISSIPPI RIVER, $468,000.

Neither of these projects are found under the titles given in the engineers' reports for 1913. Just why they should be left out of the bill that originates in the House is also singular. Mobile Bay receives $125,000 under the regular bill and Mobile bar gets $20,000, but the influences behind waterway projects are past finding out. It is just such items as the above that failed to get recognition in the House bill, bad as it is, that invite an investigation into the character of projects and the influences behind them.

BLACK WARRIOR, WARRIOR, AND TOMBIGBEE, $750,000.

Just how this three-quarters of a million is to be spent does not appear, but the "pork barrel" is inviting, and it is not much of a raise from $500,000, as the item passed the House, to $750,000, as it is expected to be returned.

The Black Warrior and the Warrior Rivers are one and the same, excepting that the color line is drawn after the river reaches Tuscaloosa. The engineers' report for 1913, on page 2148, gives the appropriations for the present project at $9,151,295.54, which indicates that the Warriors' fiercest and most successful battles since 1884 have been waged against the guardians of the Government Treasury.

From the engineers' report, excluding logs and staves, which could be floated, and stone, apparently used for Government construction, the lockages showed the following freight traffic for the fiscal year ending June 30, 1913:

	Tons.
Lock 4	10,353
Lock 5	6,624
Lock 6	6,923
Lock 7	6,750
Lock 8	6,278
Lock 9	5,170
Lock 10	6,142
Lock 11	5,995
Lock 12	5,968
Lock 13	2,002
Lock 14	1,837
Lock 15	1,353

The foregoing averages about 5,450 tons to the lock, or 18 tons per day for 300 days. Lock 1 averaged higher, but three-fourths of the lockages were for logs and lumber that could have been floated. And for floating 18 tons per day through the locks the Government paid $122,009.05. (P. 2158, report 1913.) To this should be added interest at 3 per cent on $9,151,295, amounting to $274,537.

Other services at Lock 1 should be included, and possibly other traffic occurred on the river, but when the sum of $750,000 additional for 1914 is added to the $9,151,295 already expended it would seem that $396,546 annual charges for carrying 5,450 tons of freight ought to be sufficient even for a colored warrior.

To offset any other advantages received from these improvements it might be well to estimate 4 per cent loss in depreciation, a modest estimate, that would add to the eventual governmental expense over $350,000 annually. As an evidence of the methods of preparing engineers' reports it is interesting to note that in computing the amount of commerce handled on the Black Warrior the amounts carried through each lock are added together to ascertain the total. In other words, the same boat would be counted separately whenever it showed up at the several locks. In conclusion, it might be urged that $9,151,295 is a good deal of money.

RED RIVER, $2,548,377.

I will pass over the Brazos $250,000 item, that has been a sink hole for many years, and $100,000 for the Red River, which has swallowed up $2,548,377, involves an annual cost of maintenance of $100,000, and, as stated by me in a discussion of this project on March 24, appearing on page 5423 of the RECORD, cost the Government $93 per ton of freight in 1908. I am unable to give the subsidy for 1913, but in its ascertainment interest on the investment should be added to the $100,000 annual maintenance expense to ascertain what a monumental piece of extravagance is contained in this project which is now added to the bill according to press reports. A letter just received speaks the truth of this statement:

KIOMATIA PLANTERS' CO.,
Kiomatia, Red River County, Tex., June 13, 1914.

Hon. Mr. FREAR, M. C.,
Washington, D. C.

DEAR SIR: In the June 6 edition of the Saturday Evening Post the first article in the editorials is one with reference to yourself and your proposed investigation of the waste of the public money on rivers and harbors.

Allow me to congratulate you on the step you have taken, and wish you great success in your much-needed probe.

As a Red River planter, one who has spent 20 years on Red River, allow me to say (and it is the consensus of opinion of all my neighbors) that the improvement (?) of Red River this high up by snag boats is not only a farce, but actually detrimental to navigation—were such a thing possible—and to the land on the banks of the river. It is even a joke among the crews of the snag boats themselves. I will not go into figures and dates as to the number of boats navigating Red River, amount of money spent on it, etc., as you have all these at hand. But as for the good it does, I can speak. There has not been a boat (except a snag boat) on the river here in six years, and the last one was a booster boat that went to Shreveport to prove that Red River was navigable this high up, and it went down on the biggest rise we have had since 1843. The crews of these snag boats quit at 4 p. m., giving them four hours before dark in which to lay around and hunt up negro women and shoot craps.

I wish you to know that this plantation has actually suffered from the work of the Government snag boats.

These snag boats are all right in their places, but this Simple Simon business of SHEPPARD'S is the limit.

I understand the work on the Trinity is even more foolish and wasteful of money.

If this matter is of interest to you, I will gladly get you up some more facts. At any rate, I would be pleased to have you keep me posted as to the headway you are making in this line.

I am, very respectfully, yours,

GEORGE T. WRIGHT.

OUACHITA RIVER, $664,000.

Like the Black Warrior, that dropped the color line when it reached a certain fork of the river, the Sneezing River adopts the name of Black River at Trinity. (Engineers' Rept., 1913, p. 842.) To those who are used to dealing in millions when discussing crooked creeks, it will not prove alarming to note that this "project" is to cost $4,876,654.35. Even the exact cent has been determined that is to be thrown into this river of color, indicating the Ethiopian is not in the woodpile but in the creek.

On page 2322 of the 1913 engineers' report, after deducting logs and lumber that would float without help, we have a net traffic of 18,222 tons a year, which is probably as inaccurate as other estimates that have been pointed out. To ascertain the cost of this subsidy per ton it is only necessary to add interest on the total cost, at approximately $150,000, to the annual maintenance charge, hereafter to be determined. The interest alone will amount to a $14 per ton subsidy, in round numbers, and the present existing charge for maintenance of $31,500 helps to boost the cost of this freight, over 2,000 tons of which is cement. In a note the summary of expenditures, on page 2323—significant figures—says:

Lock and Dam No. 8: This lock and dam is located at Franklin Shoals, Ark. It was completed, and has been ready for operation since October 1, 1912. During the portion of the fiscal year from that date to June 30, 1913, the lock and dam was properly cared for, but was not required for use, as there was no navigation in the river below during low stages.

Again, on the same page, it states:

No commerce passed through these locks and dams during the fiscal year June 30, 1913.

What can be said to fitly express an opinion of this stream, which gets $664,000 in 1914, through the generosity of gentlemen not located at this end of the Capitol? I trust I am keeping within parliamentary bounds when I say that there is no need of developing gold mines in North Carolina or in Arkansas as long as North Carolina preserves its 26 projects in the 1914 bill, and Arkansas gets a few more projects like the Red, the Sneezing, the Saline, the Arkansas, the White, the Black, the Cache, the St. Francis, and other leads that connect directly with bags of gold located in the Federal Treasury.

Mr. Speaker, I am unable to discuss the numerous increases proposed in the 1914 House pork-barrel bill by another legislative branch of the Government. To anyone interested in studying the viciousness inherent in the entire measure I recommend an investigation of the Tennessee River item, which was bad enough when it left the House at $550,000, but which now reaches the sum of $930,000.

I shall not discuss further the class of increases placed on a bill that was filled with objectionable items before it left the House. To find that such a transparent fraud has apologists in men of high standing, connected with advancing the economic policies of this administration, seems to explain some of the strange processes of reasoning which have been given to the country in justification of these policies.

Mr. Speaker, some of these suggestions were offered in my remarks of March 24. Since that date I have been brought into contact with ex-Army engineers and other important factors, all interested in solving the waterways problem, which has now descended into a disreputable pork-barrel grab. Recently there came to my hands a careful analysis of the weakness of the present system. It further contains the illuminating opinions of several Presidents who have vetoed such bills in the past. Believing it may add to the general fund of information on this important subject, and that its recommendations are worthy of careful consideration, I append as a part of my remarks a report from the special committee on rivers and harbors to the New York Board of Trade:

SHOULD A NATIONAL DEPARTMENT OF PUBLIC WORKS BE CREATED?

NEW YORK, *January 8, 1908.*

To the New York Board of Trade and Transportation:

It is claimed by those who advocate practically unlimited appropriations by Congress for rivers and harbors improvement that there is no other proposition before the people of the United States upon which so much unanimity of sentiment exists as that the rivers and harbors of the country which it would be practical to improve within a limit of cost not prohibitive and with a relative benefit to national commerce should be improved.

The organized movement in behalf of unprecedented and practically unlimited appropriations has seemingly gained much favor throughout the land; so much so, in fact, that it must soon command everywhere the attention and best efforts of those who have concern for the true welfare of the country, including the Senators and Representatives in Congress, to guard against the very serious abuses to which the widely conceded merits of the general proposition will make the National Treasury more easily the prey.

The messages and vetoes of nearly all the Presidents of the United States since the time of Jefferson give unimpeachable evidence that practically every general river and harbor bill has contained appropriations for many projects which were essentially and indisputably designed to benefit local and individual interests.

President Madison vetoed such a bill upon the constitutional ground that Congress has no power to divert the money from the National Treasury for improvements within the States which were not essentially national. For similar reason President Monroe withheld his approval from like measures, and Presidents Jackson, Tyler, Polk, and Pierce made many emphatic vetoes. In more recent years President Grant vetoed a bill appropriating the public money for private inter-

ests, and Presidents Arthur and Cleveland vetoed rivers and harbors bills.

But, notwithstanding these vetoes, projects for the benefit of local and individual interests have been carried through with other measures and have been undertaken at the public expense. Some such are now under contract and in the course of construction, and, whether approved by the United States engineers or not, are so classed, and millions of the public money have been expended on them.

Furthermore, it is a fact which can not be successfully denied, that such projects, essentially and indisputably for the benefit of local and individual interests, are in many instances the inciting motive to the activity of individuals and localities throughout the country, whose influence and cooperation have been combined to create the unanimity of sentiment heretofore referred to and to swell the demand which is intended to bear down upon Congress as a whole and upon individual Senators and Representatives with irresistible power.

Moreover, it is a melancholy fact that no river and harbor bill can be passed by Congress under the existing system and conditions which does not contain so great a number of private and local projects and require sums so large that if known by the people they could not be safely allowed or defended by any one political party alone in control of legislation.

PRESIDENT ARTHUR'S VETO.

Some of these unfortunate features of river and harbor legislation were pointed out by President Arthur in his veto of August 1, 1882, as follows:

"My principal objection to the bill is that it contains appropriations for the purposes not for common defense or general welfare, which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

"I feel more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tends to an increase in number and amount. As the people of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus, as the bill becomes more objectionable it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking power."

Nothing could more forcibly demonstrate the correctness of President Arthur's statement than the fact that Congress promptly passed the bill over his veto.

PRESIDENT CLEVELAND'S VETO.

President Cleveland in vetoing a similar bill on May 29, 1896, with equal courage and patriotic purpose pointed out like objections, as follows:

"Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

"On the face of the bill it appears that not a few of the alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishments have been entered upon. * * *

"To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors and that the extent to which they are realized may furnish an estimate of the value of governmental care.

"I believe no greater danger confronts us as a Nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality, and not the allowance of unfair favoritism."

PRESIDENT JACKSON'S VETO.

In vetoing a bill providing for internal improvements President Jackson said, in part, May 27, 1830:

"I am not able to view it in any other light than as a measure of purely local character, or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national."

Then, after pointing out and discussing the national achievements and the national destiny for the elevation of mankind, President Jackson said:

"A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement and whose good effects must of necessity be very limited. In the best view of these appropriations the abuses to which they lead far exceed the good they are capable of promoting.

* * * * * * *

"This subject has been one of much—and I may add painful—reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government and which on some accounts may even excite despondency in the breast of an American citizen."

PRESIDENT JACKSON'S VERIFIED PROPHECY.

Then denying the power of Congress to appropriate public money for the local or private benefit, and in urging consideration of a constitutional amendment on the subject, President Jackson said:

"This is the more necessary in order that they may be equitable among the several States, promote harmony between different sections of the Union and their representatives, preserve other parts of the Constitution from being undermined by the exercise of doubtful powers or the too great extension of those which are not so, and protect the whole subject against the deleterious influence of combinations to carry by concert measures which, considered by themselves, might meet but little countenance."

Such declarations, which are only illustrative of many more which might be quoted of some of our illustrious Presidents, and the evidence which the context of rivers and harbors bills give, and the records and reports of the chief engineers of the War Department furnish would leave no doubt in the mind of any American citizen conversant with them whose judgment is not warped and whose conscience is not stilled by personal interest that we are confronted by a most serious problem. Upon the threshold of the adoption of a policy under which more than a billion dollars to be expended within the coming few years for improvements of the national waterways, it must command everywhere the attention and best efforts of all those who have concern for the true welfare of the country, including the Senators and Representatives in Congress, if we shall prevent a most dangerous multiplication of serious abuses to which the widely conceded merits of the general proposition will make the National Treasury more easily the prey.

Nothing in the foregoing remarks or in what follows should be construed as in criticism of any officer, department, or bureau of the Government, past or present. The faults which have been pointed out in the past by the Presidents of the United States, and by others, and which still menace the public welfare, in connection with river and harbor bills are due to a system which has grown with the country, and which is responsible for the fact referred to by President Arthur: "Thus as the bill becomes more objectionable it secures more support."

HOW THE PORK BARREL GROWS.

The evolution of river and harbor legislation has been rapid in recent years. In 1870, $2,000,000 were appropriated in the river and harbor bill, the largest up to that time. In 1882 the bill that was passed over President Arthur's veto was for nearly $19,000,000. In 1896 nearly $30,000,000 were appropriated, but in that year the amount appropriated and authorized, including the direct appropriations and the contracts for future expenditures, was about $80,000,000. In 1907 the appropriations and amounts authorized for future expenditures were $87,013,432.

The space allowed to a report of this kind forbids us to analyze recent bills separately, and it is not necessary to show that their faults were the same and as great as those in the days of Jackson, Arthur, Cleveland, and other Presidents. It is enough to know that in the bill of 1907 one item of over a million dollars, palpably for a local project, although thoroughly exposed and denounced in the public press while the bill was pending, had not a voice against it in the House of Representatives. How many other items of like character the bill of 1907 contained we are not informed. But it is not far from the truth to assume that this was not the only one to be condemned, and that such items were probably so numerous that to have cut them all out would have lost so many votes for the bill as to cause its defeat. This is the logical and practical result of the prevailing system, and, if the assumption be not correct, it is difficult to understand why, when the item referred to was announced on the floor of the House and objections demanded, silence prevailed and the item passed.

WHERE THE RESPONSIBILITY RESTS.

If the system is responsible for such unwarranted drafts upon the Public Treasury for private or local objects, the system must be wrong. If rivers and harbors bills can not be passed without such abuses, the system should be changed, and that quickly, for the conditions could hardly be more demoralizing. In the interest of the general proposition some change should be made and responsibility located. The responsibility can not be laid to the Committee on Rivers and Harbors, for that committee but reflects the demands of the individual Members, and the committee must make the best of a very difficult situation. Neither can the responsibility be laid to the Secretary of War, who for many years has been nominally in charge of the expenditures under river and harbor bills. Nor can the responsibility be laid to the Chief of Engineers nor the Board of Engineers, whose approval is supposed to be necessary for all projects undertaken, because items disapproved by them are sometimes approved by Congress, owing to the system.

PROPER FUNCTIONS OF ARMY ENGINEERS.

This raises the further question whether or not the officers of the Corps of Engineers of the Army are qualified, by training, by experience, by education, by the traditions and circumstances of their service, and their personal and official environment, to pass upon the merits of projects proposed, except as to their technical engineering aspects. Without any disparagement of the Corps of Engineers, it may be said—and has been said—that they are an exclusive set of educated gentlemen selected from among the graduates of the West Point Military Academy and assigned to the various districts in charge of the corps under the Chief of Engineers. Transfers from district to district may be made at any time; and in many instances a project from its inception to its completion will be under the charge of many different engineers for brief periods. Every new project is nominally examined and reported upon by the engineer in charge of the district where it is located. Such examinations are intended to reveal not only the practical engineering and construction possibilities of the project, but its bearing and merits in relation to the commercial interests of the country. New projects of national importance are almost without exception initiated by the commercial interests in, or having an interest in, the commerce of the district; sometimes by commercial interests along the entire coast of the country or along a river that passes through several States. In preparing his reports the engineer seldom takes the testimony of such interests, although in most cases they are far better qualified than any other persons to give information as to the necessity or otherwise of the project.

The question also arises whether, in anticipation of the contemplated great expansion of public construction projects, the present Corps of Engineers of the United States Army is sufficient in number to give the needed professional supervision that would be required?

The total number of officers of all grades in the Corps of Engineers is 169; and it may be stated that the corps consists exclusively of officers. Of this number 49 are serving with the Battalions of Engineers which constitute a part of the line of the Army; and there are now 19 grades in the lower grade of second lieutenants. Some of the older officers, by reason of having reached the age limit, will probably soon be retired. Others have leave of absence or are employed upon local, State, or municipal work, while Maj. Goethals is engaged upon the Panama Canal. So that at the present time something less than 100 members of the corps are in this service. The vacancies are to be filled only by appointment from among the graduates of West Point, and these are necessarily young men without experience. When it is considered that the city of New York alone in its various municipal departments employs between 2,500 and 3,000 graduated engineers, it would seem that the Corps of Engineers of the United States Army would be quite overwhelmed, even as supervising officers, by the work incident to the rivers and harbors improvements contemplated in the near future.

A CHIEF OF ENGINEERS AT $5,500 PER YEAR DETERMINES THE ITEMS IN THE $93,000,000 PORK BARREL.

There is another very important feature of this service. Engineering talent of the highest order is coming more and more into demand with every year as the construction of private, corporation, municipal, and State works become more numerous, comprehensive, and imperative. The rewards of engineering talent in civilian life far exceed the pay of even the Chief of Engineers of the Corps of Engineers, or $5,500 per year; colonel, $3,500; lieutenant colonel, $3,000; major, $2,500. To these amounts 10 per cent is added after 5 years' service; 20 per cent after 10 years; 30 per cent after 15 years; and 40 per cent after 20 years' service. Commutation of quarters and other allowances, for maintenance, servants, etc., materially increase the pay above indicated in the several grades. Hence, as the demand for engineering talent increases in civilian fields of activity the most capable and experienced members of the Corps of Engineers will be tempted into private life, to the serious disadvantage of the Government and the demoralization of the United States engineering service.

It may be answered that, as we are informed, during the past 25 years there have been only 10 resignations from the Engineer Corps. But as evidence that resignations will be much more frequent in the future we direct attention to the fact that three of such resignations were handed in since January 1, 1906, viz, Maj. Cassius E. Gillette, May 26, 1906; Maj. Eugene W. Van C. Lucas, January 1, 1906, and Capt. Robert P. Johnson, September 17, 1906.

It may be further said in response that civilian engineers may be employed and are employed on the national river and harbor work, and that is true. During the year 1907 there were 174 such so employed, but, if we are correctly informed, these were mainly in subordinate and clerical occupations and at proportionate rates of compensation.

WEAKNESS OF PRESENT SYSTEM.

We can but briefly refer to some of these.

The Secretary of War is nominally charged with the expenditure of the moneys appropriated for the rivers and harbors improvement. It can be readily conceived how much or how little time and thought, for instance, the present most illustrious, capable, resourceful, and energetic Secretary of War has been able to give in the past year to the measures provided in the bill of 1907, and to the other measures under his "direction," as provided by law.

In his annual reports for the years 1904, 1905, and 1906 he has devoted an average of 29 lines each year to the subject of river and harbor improvements, excepting the tabulated statements of appropriations, expenditures, and balances. This is not referred to as in any sense a reflection upon the Secretary of War, but as showing how practically impossible it is for him to give this important branch of the Government's activities the attention it should have. The consequence is that practically the entire subject is in actual charge of the Chief of Engineers and the Corps of Engineers. We have already sufficiently referred to this corps.

The War Department is essentially a military establishment in charge of this construction work, which in no way relates to the primary functions of the department. We are informed that the military authorities of neither France, Germany, nor England have anything to do with rivers and harbors improvements, limiting their work in such countries to that purely of a military character, such as fortifications. The chambers of commerce, which are official and semi-official organizations, in most instances handle the major part of the work. The minister of public works primarily has jurisdiction over the improvements and passes upon the merits of every enterprise. Instead of the legislative body of the country appropriating specific amounts for the projects, the municipality or chamber of commerce is authorized to make a loan, which is guaranteed by the Government, and a portion of this, depending upon the character of the improvement and its strict national importance, is subscribed by the Government.

It is unnecessary here to indicate or even to suggest the outline of the organization of such proposed new department of public works. That is a matter of detail which can have careful attention hereafter, and there are doubtless other matters which could be entrusted to such department with propriety and advantage to the public service by relieving departments now overburdened.

We believe that such new department, suitably constituted and equipped, would be the instrument which by properly investigating projects and defining their national or local character would eliminate the evil of the logrolling scrambles for appropriations, and insure for those projects which would be approved their proper construction under competent engineers selected from civilian members of the engineering profession, while relieving the Government from the embarrassment which it will almost certainly experience, such as have been referred to herein.

Respectfully submitted.

S. V. V. HUNTINGTON, *Chairman;*
CHARLES H. PATRICK,
EUGENE H. CONKLIN,
W. S. ARMSTRONG,
THOMAS F. MAIN,
Special Committee on National Rivers and Harbors Improvement, New York Board of Trade and Transportation.

The foregoing report was submitted at the monthly meeting of the New York Board of Trade and Transportation, held this day, January 8, 1908, a printed complete copy being in the hands of every member.

Col. Charles H. Patrick offered the following resolution:

"Resolved, That the report submitted by the committee of this board on rivers and harbors improvement be received, and the committee be requested to take such steps as it may deem proper to secure the creation of a national department of public works, with the power to print said report and such supplementary statements on the subject as it may approve, and to send same to such persons and organizations as it may direct."

The resolution was seconded by Hon. Charles A. Schieren, Mr. William H. Gibson, Mr. Calvin Tomkins, Mr. G. Waldo Smith, Mr. John H. Washburn, Mr. Thomas F. Main, Mr. W. S. Armstrong, and Mr. F. H. Stillman, each of whom spoke in favor of the proposition to create a national department of public works.

The resolution was unanimously adopted.

A true copy.

WILLIAM MCCARROLL, *President.*

Attest:

FRANK S. GARDNER, *Secretary.*

Mr. Speaker, under the rules of the House only limited debate is afforded many important bills. If the rules permitted, I should be pleased to discuss this river and harbor question as exhaustively as physical endurance would permit, not for the purpose of self-aggrandizement, but, so far as my humble efforts might avail, to focus public attention upon the measure. I would be pleased to take up hundreds of worthless projects and to show how the Government's money, the people's money, is being squandered. From the little rivulets in New Jersey and North Carolina and Florida to the numerous big wasteful projects of Texas, many of which reach into seven figures and total many millions of dollars; from the $21,000,000 that goes into the Mississippi and the Ohio canalization projects down through the 1914 bill to the many harbor projects for the exclusive use of railway and steamship interests, where no open piers are provided—all of these should be renovated in Congress.

One of the greatest services performed by any Member of either House in many years was that rendered by Senator Carter when he talked to death the rivers and harbors bill over a decade ago. He served his country well by saving many millions that were about to be wasted. True, the bills have continued to grow larger with each succeeding year, until now the stupendous 1914 bill staggers all belief that the people will longer submit to such gross imposition.

Carter's greatest service to the country lay in his successful effort in calling attention to the "humbug and steal," as the bill was characterized in that debate. He focused the eyes of the country upon the humbug, but he did not seek to do more than defeat the bill. Had he then demanded an investigation into the whole debased legislative system he might have saved to this generation scores of wasted millions, now stored away in the 1914 pork barrel; he might have saved us the humiliation which comes with conscious weakness of a bad cause to be defended. These things Carter failed to do. He made a heroic stand, he won a fight single-handed, but he did not win a final victory. It was only temporary success. It was spectacular because it was won single-handed, but it was not a well-organized battle, in which all the forces were used effectively toward a common end. Without detracting from the tremendous fight waged by Carter on the floor, he failed to marshal to the cause other Senators of equal ability and high purpose whose aid would have given lasting vitality to the fight, and it needs lasting vitality to win a lasting victory. Never in the recent history of this country has Congress been so free from the domination of special interests. Strong men have been found who act upon convictions of right and wrong, unaffected by personal considerations. I am now referring more particularly to the great legislative body in which Carter won his fight. Never before was there better opportunity to win a lasting victory than now. Concerted effort will focus public attention on the evil pork barrel, which stands out conspicuously a shining mark of legislative disgrace.

No man can perform a greater public service than by aiding in such a fight. Without depreciating the importance of the Panama tolls fight, it was largely a mock battle, so far as the subsidy question was involved. If the railroads or the steamship lines were involved, nothing was proven on either side. In the pork barrel we have the goods on both. I have furnished proof of railway contributions toward the passage of the Ransdell-Humphreys bill, and have shown the direct monetary interest of many railway companies in the water transportation companies and water terminals. The exclusive franchises and monopolies through ownership or lease have been proven by Government authority, which has been quoted. The greatest Government subsidy ever known in all history is being extended to the railways and other monopolies that control our harbor terminals and both water and rail transportation companies. No resulting benefits are afforded the people. Not one cent of freight reduction is granted when hundreds of thousands and millions are poured into harbors for the exclusive benefit of trans-Atlantic vessels flying a foreign flag or for their affiliated railway connections. Thirty, thirty-five and forty foot depths are being dredged out all along the coast for huge liners. The Government pays the subsidy, it foots the bills, and every year the bills amount to many times the total tolls of all classes which will be paid at the Panama Canal.

Mr. Speaker, the reports of the Commissioner of Corporations on waterways in four volumes would furnish a strong-lunged, fearless man ammunition to sink the 1914 bill.

The report of the Army engineers for 1913, filled with cold, hard facts that puncture rosy-colored balloons which sail through every page of the bill under the misnomer of "improvements," is an invaluable adjunct to the truth concerning the 1914 pork barrel.

House documents and Senate documents covering the different projects are to be had for the asking, and, as I have demonstrated beyond a doubt, they give facts that can not be met, defended, or excused. Mr. Speaker, during the investigations pursued as to the contents of the pork barrel, there has come to

my hands much valuable data on the waterways of the country, their possibilities which are now latent, and authoritative utterances that are of great value.

I hope some day to see the waterways of this country improved and teem with traffic as they do in Germany and other foreign countries. This result, in my opinion, can not be brought about until the railways and waterway lines work together for the common good. The interests of all transportation lines in the country are selfish and measured by the stockholders' dividends. Under such conditions it will be impossible to achieve any material results, no matter how many millions are sunk into the waterways of the country. Foreign countries have succeeded, but in those countries, generally speaking, public ownership or thoroughgoing public control of the whole transportation system has existed.

Differing methods of transportation on our inland waters will follow the profitable use of such waters. We are today seeking to stimulate navigation by blowing a stream of golden oxygen into the lungs of a dying traffic. A gold dope needle has punctured the waterway veins of the country year after year until the country has become converted to the drug-fiend habit. That habit undermines honest waterway legislation and is wasteful. I believe contributions should be afforded worthy projects promoted by communities for actual navigation purposes. Such contributions and the entire systematizing of the waterways of the country should be undertaken by a public body composed of capable, independent officials.

Mr. Speaker, I have concluded with these few observations because it is a mistake to tear down even a bad system without offering something better in its place.

The first step is to defeat the 1914 bill and the next is to demand an investigation into the present system and influences behind the pork barrel, to some of which I have alluded. It is a big fight and possibly a long one, but I can not believe it is a hopeless one. The press of the country is being aroused to the situation. It reflects the common understanding of the character of the pork barrel. We can not longer ignore demands that an investigation be had. It ought to be thorough, and if so, we shall have no more demoralizing waterway pork barrels, but improvements will be conducted sanely, coordinated by a comprehensive scheme wherever conditions warrant, and one-fifth of the present wasted millions will then bring substantial and permanent results.

Mr. Speaker, I have offered a resolution of investigation, which has been smothered by the committee, but which, I believe, has teeth in it provided it is ever adopted, and nothing is impossible if it is right in its purposes and is strongly pressed.

The SPEAKER pro tempore. The Clerk will call the roll of committees.

The Clerk proceeded with the call of committees.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. RUCKER (when the Committee on the Election of President, Vice President, and Representatives in Congress was called). Mr. Speaker, by direction of the Committee on the Election of President, Vice President, and Representatives in Congress, I call up the bill H. R. 8428.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUCKER] calls up the bill H. R. 8428, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes.

Mr. BARTLETT. Mr. Chairman, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. The point of order is that this bill should be upon the Union Calendar. Or, at least, the point of order is that it should be considered in the Committee of the Whole House on the state of the Union, because it sets in motion a train of matters which eventually lead to a charge upon the Treasury.

Mr. RUCKER. Mr. Speaker, in answer to that I think the gentleman is clearly mistaken. I am not conscious of a single proposition or principle in the bill that will lead to any expenditure whatever on the part of the Government.

Mr. BARTLETT. Mr. Speaker, will the Chair hear me for a moment?

The SPEAKER pro tempore. The Chair will hear the gentleman from Georgia on the point of order.

Mr. BARTLETT. Mr. Speaker, it is true that the bill amends, or proposes to amend, the law already in existence, which provides for regulating the expenditure of money and reporting the money both in the primary and in the election of Members of Congress and Members of the Senate. If that is all that it did, it would not be subject to the criticism that I make upon it, namely, that it can not be considered in the House, but must be considered in the Committee of the Whole House on the state of the Union, because it will eventually lead to a charge upon the Treasury. If the Chair will indulge me, I shall undertake to show from the bill itself that it does that. In order that I may be correct in my statements——

The SPEAKER pro tempore. If the gentleman from Georgia will permit, the Chair would like the gentleman to point out what provision in the bill he contends will ultimately entail a charge upon the Public Treasury.

Mr. BARTLETT. I surely would not ask the Chair to sustain me if I were unable to do so. I lay down the proposition, Mr. Speaker, that we all are aware that any bill may be considered in the Committee of the Whole House on the state of the Union upon the motion of the House to do so; that all bills which either raise revenue or ultimately in any way lead to a charge upon the Treasury must be, under the rules, considered in the Committee of the Whole House on the state of the Union, no matter how small that charge may be. It must be done. That proposition is sustained by section 844 of the Manual, contained on pages 372 and 373, and especially on page 374, as the Chair will notice if he will turn to it.

The SPEAKER pro tempore. On what page?

Mr. BARTLETT. Page 374.

Now, I want to lay down the principle before I call the attention of the Chair to the sections of the bill which I think bring themselves within the provisions of the rule. Hinds' Precedents, volume 4, section 4827, gives many instances and, in the particular case I refer to, a concrete example of what must be considered in the Committee of the Whole House on the state of the Union. I think the Chair will find upon reading those that they contain the very principle that I assert.

Now, I call the Chair's attention to certain provisions of this bill. There are section 12——

The SPEAKER pro tempore. Will the gentleman permit a question there, for the information of the Chair?

Mr. BARTLETT. Yes; of course.

The SPEAKER pro tempore. Does the mere passage of a law in aid of a criminal statute, which would cost the people something to enforce it, make such a bill a bill that would come under the rule, so that it would have to be considered by the Committee of the Whole House on the state of the Union?

Mr. BARTLETT. Not at all; and that is not the case with respect to this bill. I would not make the point of order if that were the only proposition in the bill. I am not in the position that the Chair thinks I am in. I am not occupying the position that the Chair thinks I am occupying, and I will undertake to demonstrate it.

Section 12 of this bill provides, amongst other things—

SEC. 12. That the Clerk of the House and the Secretary of the Senate shall, on or before the 15th day of January next after any general or special election for Representative in Congress or Senator of the United States, report to the House and Senate, respectively, the name of each candidate for nomination or election to such office who has filed statements as required by this act, giving his place of residence and the congressional district or State, as the case may be, in which he was such candidate and the total amount of campaign expenses paid or promised by him or by any one for him, as shown by such statements; also, the name of each candidate for such nomination or election, as shown by the files of his office or otherwise ascertained, whether nominated or elected or not, who has failed, neglected, or refused to file any or all of the statements required by this act, giving his place of residence and the congressional district or State, as the case may be, in which he was such candidate, as shown by said files or otherwise ascertained. The report required by this section shall be printed as a public document.

That is one proposition that I propose to call to the attention of the House. Now, the Clerk of the House is burdened with the expense and trouble of either doing it himself or paying somebody for doing it, and if he does it himself somebody has got to pay him for it out of his salary. He has got to have clerks to do it. Not only that, but the report required to be made by this section shall be printed as a public document. Will not the printing of this report as a public document ultimately entail some sort of an expense, however small it may be, upon the Public Treasury? It is not now required to be printed under any law, and if we pass this bill and require the Clerk to keep this record and report it to the House, and not only that, but require it to be printed as a public document, some appropriation of money must be made to print it. Public documents are not printed at the Government Printing Office without expense to the Government.

The expense may be defrayed out of the general printing fund, but an estimate is made before the Committee on Appropriations at each session as to the amount of money required to print public documents, and if the amount allowed for con-

gressional printing is not sufficient application is made to Congress, through the Secretary of the Treasury, to appropriate more money for that purpose. And when you enact a new law which requires the Clerk of the House to make this report and requires the Public Printer to print something that is not now printed you have got to provide money in order to print it.

If the Chair will read carefully the section of the manual that I have referred to, he will see that Speaker Cannon held, in the case of a proposition offered by Mr. Brick, of Indiana, to provide that certain men should be placed upon certain retired lists or rolls that they were not then upon, that if the bill put in motion a certain train of circumstances which ultimately would lead to an appropriation of money which would be a charge upon the Treasury, no matter how small, then it was the duty of the House to consider that bill in Committee of the Whole.

The Chair will find that is section 4827, at the top of the page, on the right-hand side, if he has the section now in hand. So that we have here a bill which does not simply do what the Chair asked me if it did; it does not simply amend the criminal law in making it a crime for a candidate for Congress or for the Senate and House to fail to do certain things or comply with certain requirements, but we have here a law which requires the Clerk to keep a record. He must have the means to keep a record. He must have a record. He must have books in which to keep the record. He must have clerks; and, finally, when the report is made to this House, it become the imperative duty of the House to have it printed as a public document. The Chair can not say that that will not entail some sort of expense, that that does not inaugurate a system, that that does not put in motion a certain train of circumstances which will ultimately lead to a charge upon the Treasury, no matter how small or infinitesimal. I do not know that I am correct in the statement I am now going to make, but, as I understand it, the Clerk of the House and the Secretary of the Senate are directed under certain circumstances to forward to the opposing candidate a copy of these returns. Am I correct about that?

Mr. RUCKER. You are not.

Mr. BARTLETT. Then I will not make any remarks on that. Anyhow, in another part of the bill—section 6; I will not read all of it—it provides what the treasurer of every political committee shall do, and it says that it shall be his duty to—

File in the office of the Clerk of the House of Representatives, at Washington, D. C., with said Clerk, an itemized detailed statement; and on each sixth day thereafter, until such election, said treasurer shall file with said Clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this act, except that the supplemental statements herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete, and shall be signed and sworn to by said treasurer.

It shall also be the duty of said treasurer to file a similar statement with said Clerk within 30 days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this act. The statements so filed with the Clerk of the House shall be preserved by him for 15 months and shall be a part of the public records of his office and shall be open to public inspection.

Now, Mr. Chairman, we all know that the present law has entailed expense upon the Government. We know that there are prepared by the Clerk certain printed forms and statements, one furnished to each candidate, not only to a Member of Congress but to each candidate for nomination and in the election: certain printed forms and statements—first, those before election and then those after election; first, those before the primary and then those after the primary. But even if there was any doubt about that, I will call the attention of the Chair to section 844 of the Manual, discussing paragraph 3 of Rule XXIII:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made—

And so forth—

shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of the bill has commenced

Consulting those precedents, which it is not necessary to read, I call the attention of the Chair to this:

But where a bill sets in motion a train of circumstances destined ultimately to involve certain expenditures, it must be considered in Committee of the Whole.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. BARTLETT. Surely.

Mr. MANN. The gentleman will admit, of course, that there are many bills which may be placed on the House Calendar and passed?

Mr. BARTLETT. Yes.

Mr. MANN. If passed, these bills must be printed, under the law—first, as separate laws; second, as a part of the session laws; third, as a part of the laws of the Congress; and fourth, eventually as a part of the supplement to the Revised Statutes. This is done at the expense of the Government.

Mr. BARTLETT. Yes.

Mr. MANN. Now, does the fact that when the House passes a House Calendar bill it must be printed at the expense of the Government render it a Union Calendar bill?

Mr. BARTLETT. No. The gentleman knows what my answer is to that; and the reason for that is because the estimates are submitted and appropriations are made in a bill which must be and is considered in Committee of the Whole, the appropriation bill making the appropriations for that sort of expenditure.

Mr. MANN. Is not that true about the printing of the report in this case?

Mr. BARTLETT. Not at all.

Mr. MANN. Oh, yes.

Mr. BARTLETT. Because those House calendar bills do not contain any provision which upon its face shows that it will require an expenditure. A bill which does not upon its face show that it will require an expenditure need not be considered in the Committee of the Whole. Of course I know it is like carrying coals to Newcastle for me to tell the gentleman anything that is in the Manual, because he knows more about it than I do; but the gentleman knows I state the rule correctly——

Mr. MANN. The gentleman undoubtedly does.

Mr. BARTLETT. That if a bill upon its face does not show that it is to carry an expenditure of money or provide for an expenditure of money it is not subject to this point of order, although it may, after it has passed, require some expenditure of money. But this bill upon its face carries a requirement that it shall be printed as a public document, which necessarily will require an expenditure of money.

Mr. MANN. When I rose to interrupt the gentleman he was discussing that part in relation to the filing of reports with the Clerk.

Mr. BARTLETT. Yes.

Mr. MANN. Now, how does that on its face require an expenditure?

Mr. BARTLETT. I think probably on its face that does not sustain me on that particular point. I never undertake to argue anything that I do not believe. I always undertake to be frank with the House and everybody else in any position I take. I do not desire to take any position which I do not believe to be tenable.

Now, if the Chair will indulge me just a moment, I will read from section 4827 of Hinds' Precedents, volume 4:

A bill which sets in motion a train of circumstances destined ultimately to involve certain expenditure must be considered in Committee of the Whole.

On December 12, 1904, during the call of committees for the consideration of business on the House Calendar, Mr. Abraham L. Brick, of Illinois, from the Committee on Naval Affairs, called up the bill (H. R. 3586) to provide for the retirement of petty officers and enlisted men of the Navy, which provided:

"Be it enacted, etc., That in computing the necessary 30 years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, or Marine Corps shall be credited."

Mr. SERENO E. PAYNE, of New York, made a point of order that the bill properly belonged on the Union and not the House Calendar.

The Speaker held:

"The Chair must sustain the point of order. It seems to the Chair that, upon the face of it, it makes a change of existing law, that this bill provides for an additional charge upon the Treasury not now made by law. The Chair must take notice that if these men go upon the retired list others will fill their places, and by the terms of the bill they are to go upon the retired list by virtue of their service in the Army or the Marine Corps, as well as their service in the Navy, the law now being that they must serve 30 years' time in the Navy, as the Chair understands, before they can go on the retired list. It seems to the Chair that, upon the face of it, it makes a charge upon the Treasury and should receive consideration in the Committee of the Whole House on the state of the Union. The bill will be referred to the Union Calendar."

Mr. MANN. Will the gentleman from Georgia yield to me to make a request?

Mr. BARTLETT. I will.

Mr. MANN. Mr. Chairman, I ask unanimous consent that this bill be transferred from the House Calendar to the Union Calendar, and that we proceed to consider it now.

Mr. BARTLETT. I have no objection to that. That is my point, and I have no other purpose to gain.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill H. R. 8428 be transferred from the House Calendar, where it is now pending, to the Union Calendar, and that it be considered at once. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Let us see if we can agree on general debate.

Mr. RUCKER. Very well. What does the gentleman say on that point?

Mr. MANN. We would like one hour on this side.

Mr. RUCKER. To be frank with the gentleman, no Member has spoken to me about time on this side, but I think an hour on a side will be sufficient. Mr. Chairman, I ask unanimous consent that general debate on this bill may be limited to two hours, one hour to be controlled by the gentleman from Michigan [Mr. MAPES] and the other hour by myself.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that general debate on this bill be limited to not exceeding two hours, one hour to be controlled by himself and one hour by the gentleman from Michigan [Mr. MAPES], and at the end of two hours the general debate shall end. Is there objection?

Mr. TRIBBLE. Reserving the right to object, I want to ask the gentleman if there is any new legislation in the bill not already in force?

Mr. RUCKER. Yes.

Mr. TRIBBLE. In what sections?

Mr. RUCKER. Some in all the sections. The report sets it out very thoroughly. There is no new principle involved.

Mr. TRIBBLE. I did not see any new principle involved in it, and I did not see any reason why the House should stop and debate a bill two hours that has no new legislation in it.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I have ascertained that there are probably two or three gentlemen on this side who may want some time, and who are opposed to the bill.

Mr. MANN. How much time does the gentleman want?

Mr. BARTLETT. The gentleman from Florida wants 10 minutes, the gentleman from Louisiana 10 minutes, and I will be satisfied with 10 minutes myself.

Mr. RUCKER. I will give the gentleman 20 minutes if the gentleman from Illinois will give him 10 minutes out of our time.

Mr. MANN. That will be satisfactory.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that general debate shall not exceed two hours, one hour to be controlled by himself and one hour by the gentleman from Michigan [Mr. MAPES], and at the end of that time the bill shall be considered under the five-minute rule. Is there objection?

Mr. TOWNER. Reserving the right to object, I would like to suggest that general debate will run beyond 6 o'clock. Is it the idea that the gentleman will take up the bill under the five-minute rule at the end of that time?

Mr. RUCKER. Oh, no; not to-day.

Mr. TAYLOR of Colorado. Reserving the right to object, the next committee under the call is the Committee on Irrigation of Arid Lands, and we have one or two bills. I would like to ask if there is any possibility of our reaching them this evening?

Mr. RUCKER. I do not think so.

Mr. GARNER. May I ask, being interested in the calendar as we go along, how long this bill is liable to occupy the time of the committee?

Mr. RUCKER. This is the only bill we have, and after the general debate is over the bill will be considered under the five-minute rule next Wednesday. I think we should finish it in two or three hours under the five-minute rule.

Mr. GARNER. And we may finish it this afternoon.

Mr. RUCKER. It might not be impossible.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The House will resolve itself into Committee of the Whole House on the state of the Union, and the gentleman from Tennessee [Mr. HOUSTON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOUSTON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8428, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Chairman, I would like to be notified at the end of 30 minutes. Mr. Chairman, I feel that I ought to make a brief statement of this bill and what it contains to the House, and in the beginning I want to invite each gentleman present, if he will do so, to read the committee's report which accompanies the bill. I really believe the report filed with this bill gives a clearer statement of what the bill contains and the amendments that are proposed than any statement I can make.

In the beginning I want to ask to be permitted to proceed for a few minutes without interruption until I can state briefly the salient features of the bill. After that I will gladly yield to interruptions and will try to answer any question which any gentleman may see fit to propound to me.

I will deal with the bill by sections. The only change made in section 1 is in line 16, where the word "Senators" is inserted. That, as it has already appeared to your minds, is for the purpose of adjusting this bill to the present mode of electing Senators. At the time the present law was enacted Senators were elected in the old way by legislatures.

Section 2 inserts the word "payment" and the words "or promised," which do not change the effect or the intent of the present law except to make it clearer and broader.

Section 3 is a new section.

Its purpose is to limit the amount of money a "political committee" may use or expend for campaign purposes in any State to a sum not "in excess of or greater than the aggregate amount contributed to such committee by actual residents of such State," with a proviso that this section "shall not be construed to limit the amount which such political committee may expend" for campaign speakers and their expenses, printing and distributing literature, and the cost of newspaper advertisements, and so forth.

No attempt is here made, nor in any part of this bill, to limit the expenditure of money used in an effort to reach the judgment of electors. Appeal to the minds and judgment of men by political parties and candidates for political office is commendable and is encouraged by every section and provision of this bill. But the objectionable and vicious practice, sometimes indulged in, of collecting large campaign funds in the great money centers and carting them into other States to demoralize, corrupt, and debauch the electorate and thereby destroy the safety and purity of the ballot box is a crime against public morals which can not be too harshly denounced or too soon prohibited. If the enactment and enforcement of this section will cure this evil, it will have fully accomplished its purpose and will meet the hearty approval of every voter whose vote can not be purchased with money.

I should say section 3 of this bill is the direct result of the action of the Senate in passing Senate bill 192, introduced by Senator CLAPP of Minnesota. The phraseology of the bill, Senate bill 192, is not exactly the same as section 3 of this bill, but without reading it I venture the assertion, which I think is true, that it covers the same evil sought to be removed, the effort being to prevent great political committees, like the national committee or the congressional campaign committee, from accumulating vast sums of money and taking that money into close or doubtful States or districts and there using it on the eve of election. In order to prevent that practice, which has become an abuse, the Senate of the United States passed the bill to which I refer limiting the power of committees, and we incorporated the principle of the Senate bill in this bill by providing that these great committees shall not use in any one State a larger sum of money than has actually been contributed to such committees by bona fide citizens of that particular State. Further on in the bill an amendment is proposed which will require the secretary or treasurer of these great committees, in keeping accounts of moneys contributed for campaign purposes, to keep the amounts by States, so that at a glance the officer in charge and having the distribution of these funds can determine how much money has been contributed by Missouri or by Georgia or by Illinois or by Michigan, and the amount contributed to the committee by the citizens of those States limits the amount which the committee may expend in the particular State, except that the committees are unlimited in the amount of expenditure necessary to defray the expense of those who actually participate in campaigns, campaign speakers and trains to carry them, and so forth, or for newspapers carrying advertisements.

It occurred to me, and to the committee having this matter in charge, that it would be better to crystallize the principle enunciated in the bill as introduced in the Senate by Senator CLAPP into a section of this bill, so as to have in a concrete form all of these laws governing the expenditure of money in political campaigns and requiring publicity of the same.

Section 4 is existing law without any change whatever.

Section 5 is substantially existing law. There are one or two verbal changes made, but none that would effect any change of moment.

Section 6 of this bill, which is section 5 of current law, is amended in line 21 so as to make it clear that political committees must file statements under oath showing the receipts and expenditures of such committees in connection with special elections held to fill vacancies and in case of general elections in any one State for the election of candidates for Senators or Representatives if such committee shall participate in such election. Making that statement a little more in detail, I call the attention of the committee to this fact: In the course of time vacancies occur which require special elections in certain districts or States. I say "States" because Senators are now elected in the States. Under the law as it stands to-day it is doubtful if its provisions reach the great campaign committees, the political committees, and require any accounting of their connection with or participation in special elections, elections held in any one district or State, for the purpose of filling vacancies in the office of a Representative or Senator of the United States. To make it perfectly clear, and I think to accomplish a great good, the committee added an amendment to existing law which provides that when these great committees actually participate in special elections, or in elections held in only one State, they must account for the money received and contributed and used in connection with that election. If they have no participation in the election they are not required to file any statement under this law.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. CAMPBELL. Does the bill limit the amount that may be expended for the election of a United States Senator or a Representative in Congress, as was done under the law passed two years ago?

Mr. RUCKER. Mr. Chairman, I will say to the gentleman the provision he refers to is not the section I am now discussing; but, answering the inquiry, as I am glad to do, will say the law is left unchanged in that regard.

Mr. CAMPBELL. In the case of a poor man making a canvass for the office of United States Senator——

Mr. RUCKER. I will ask the gentleman from Kansas, if he will, to kindly defer his questions until I reach the appropriate section.

Mr. CAMPBELL. Very well, I will very gladly await the gentleman's convenience.

Mr. RUCKER. Mr. Chairman, section 7 of this act is section 6 of the present law, with some changes suggested. The only change of moment that is made is the one that is made necessary in order to make this section articulate with section 3, which I have just now discussed, that being the section which limits the amount the committee can send to any State to the amount contributed by citizens of that State.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield for a question?

Mr. RUCKER. Yes.

Mr. HAMLIN. Mr. Chairman, is there anything in the bill that would prevent a citizen from one State contributing to the campaign fund in another State through a local citizen? To get at what I am trying to illustrate, take an election in Missouri, for instance. Is there anything to prevent a citizen of New York, using that as an illustration, contributing thousands of dollars to a campaign fund in Missouri, provided that citizen does it through some local citizen in Missouri?

Mr. RUCKER. Mr. Chairman, I will say frankly to the gentleman that all law may be evaded.

Mr. HAMLIN. I know that.

Mr. RUCKER. And I take it if a citizen living in another State should send to the gentleman, my colleague—but I prefer to say should send to me—a sum of money to contribute to a political committee, and I should contribute it in my own name to that committee, the committee not knowing the fact that wrong is being perpetrated, the sum thus contributed would be entered as a contribution from a citizen of Missouri and would be considered in determining the amount such committee might lawfully expend in Missouri.

Mr. HAMLIN. That being true, it raises this query in my mind: Is section 3 very valuable on that account? I am heartily in favor of the principle of it, but is it not very easy to evade?

Mr. RUCKER. I do not think it is very easy to evade. If the gentleman will pardon me for digressing for a moment, I believe the idea of trying to purchase the electorate of this country is becoming so unpopular that men in one State can scarcely find a man in another State to act as a medium through which they can expend their filthy lucre for the purpose of debauching the citizenship of the State. And I believe that publicity of itself is in a measure a guaranty of the protection that the American people must have and will have and which will ultimately purify the ballot box in our country. [Applause.] Section 8 of this is section 7 of current law practically unchanged. Now we come to section 9, which is section 8 of the existing law. In addition to transposing a few words without changing the meaning and omitting the word "indorsed," this section substantially amends the corresponding section of the law now in force by requiring candidates for Senator and Representative, in addition to filing their statements of campaign expenses with the Secretary of the Senate and the Clerk of the House, as the case may be, to deliver a duplicate of such statement to each of his opponents for such nomination or election, if such opponent and his address are known.

The purpose of this change is apparent; its wisdom will not be questioned. Publicity is the end sought. By this amendment to existing law it is sought to give publicity in the community most concerned and at a time when it will do the most good. Each candidate will be given a duplicate of the sworn statement of his adversary containing all the details of receipts and expenditures required by law, and will thus be in condition to scrutinize and condemn the acts of his opponent before the election if it appears that either Federal or State law has been violated. The existing law, as every gentleman present knows, requires each candidate for Senator and for Representative, at certain periods, before and after the nominating primary or convention and before and after the general election, to file certain detailed statements containing information specifically required by the law with the Clerk of the House or the Secretary of the Senate, as the case may be.

Mr. DICKINSON. Will the gentleman yield for a question?

Mr. RUCKER. I will.

Mr. DICKINSON. May I inquire, without having read the section very closely, has the gentleman made any specific provision for the manner in which this copy shall be delivered to the opponent?

Mr. RUCKER. If the gentleman will pardon me, I will ask of him what I did of the gentleman from Kansas—that he withhold his question for a moment, and then I will answer. A little later I will be glad to submit to an interruption.

Mr. DICKINSON. All right.

Mr. RUCKER. Under existing law these statements are filed here in Washington. Now, it is true in near-by States that gives reasonably good publicity, but in States as remote from the National Capital as the State of Kansas, in the far West, or the State of Missouri, in the very heart of this great country of ours, but also remote from the National Capital, the publicity we get is of questionable value. In other words, the law requires that not more than 15 nor less than 10 days before election these statements must be filed, and obviously, and for good reasons, we provide that the deposit of these statements at the proper time in a post office, duly addressed and registered, shall be considered a filing.

Now, the statement may be mailed, which is the equivalent to filing, 10 days before the election; but coming from California, or from Maine, or from Florida, or any other remote part of the United States, it requires 2 or 3 days in which to reach here, and then news of any valuable character requires several days to reach back again. Hence, before tidings can get from a distant part of the country to Washington and then be communicated back, the 10 days have expired, the election has been held, and, hence, the publicity is of no avail, and only because it comes too late. This amendment which the committee proposes seeks to remedy that condition by providing and requiring that when the candidate prepares his statement for the purpose of sending to the Secretary of the Senate or the Clerk of the House he shall prepare a duplicate of that statement, which he must serve on his opponent, or opponents, if there are more than one, if they and their addresses are known. Lest I forget, let me say here now that it seems strange to suggest that one may not know his opponent, because most of us do know our opponents, and know their addresses; but that language is inserted deliberately, because of the fact that in some congressional districts in the United States, especially in the great cities, it frequently happens that candidates do not know who their opponents are, as gentlemen on the floor have told me, and hence to require them to serve a duplicate of their statements on their opponents, not knowing who they are, would, of course, be requiring an impossibility at their hands and subject them to criminal penalties when they have no chance of obeying the law. So we use this language to meet the condition suggested. It certainly can do no harm, as those of us who know our opponent and know his address must comply

with the law, while he who fails to comply with the law by serving a duplicate of his statement on his opponent would be guilty, unless his opponent is unknown to him.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. SELDOMRIDGE. Did the committee take into consideration this matter of filing with the secretary of state in the State in which the congressional district is located, where they might be seen, as well as in Washington?

Mr. RUCKER. I will say to the gentleman the committee did discuss that matter, and it has been discussed quite fully—more, I will say, at a prior date when this bill was under consideration. The question of filing the statement with the county clerk or the recorder of deeds of the county in which the candidate may reside, or with the secretary of state of the State in which he resides, was then discussed, but I very much doubt if we have power to compel those State or county officers to comply with a statute of this kind.

Mr. SELDOMRIDGE. Will the gentleman yield again?

Mr. RUCKER. Yes.

Mr. SELDOMRIDGE. Could we not require it to be filed in the Federal court, with the clerk of the United States court?

Mr. RUCKER. Yes; but when you come to the Federal courts, you have so many of them—sometimes two or three in one district—and it would likely prove confusing and certainly would be very inconvenient. I am strongly of opinion that the plan proposed in the bill will prove more satisfactory.

Mr. HAMLIN. I want to ask the gentleman a question for information, because I know he thoroughly understands the bill. The language says:

> And deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known.

What will be regarded as a delivery? Can it be done in person or can it be done by mail?

Mr. RUCKER. That is the same question asked me by the gentleman from Missouri [Mr. DICKINSON] a while ago.

Mr. HAMLIN. I did not catch it.

Mr. RUCKER. Further on in the bill the gentleman will observe that the same section that requires the filing of the statement with the Clerk of the House provides that the deposit in the post office shall be deemed a filing. The same provision is in the bill with regard to the duplicate. It may be sent by mail.

Mr. HAMLIN. In other words, the same provision that applies to filing with the Clerk applies to the candidates?

Mr. RUCKER. It can be delivered in person, but a deposit of it in the post office, registered and addressed to his opponent, is deemed a delivery of the duplicate.

Mr. STAFFORD. Is it not the desire of the gentleman to have Members withhold from questioning him about provisions under the various sections until he closes?

Mr. RUCKER. I did so request, but I will yield to the gentleman if he wishes to ask a question.

Mr. STAFFORD. I do not wish to do so now.

Mr. RUCKER. Section 10 of this act is one paragraph of section 8 of the existing law. Section 8 of the existing law deals with two absolutely different propositions, different phases of the question, and the committee simply divided that into two sections. It does not change existing law. Sections 11 and 12 of this act are new sections. And I expect in order to discuss them I had better read them. Before reading, however, I want to answer the gentleman from Kansas [Mr. CAMPBELL] now.

Mr. CAMPBELL. Let me state my question. The question I ask is whether or not the amount of money that may be expended by a candidate for United States Senator, for example, is still limited, as under the old law?

Mr. RUCKER. Identically.

Mr. CAMPBELL. Now, I have just been wondering if in a campaign in a special election for United States Senator—if the State is as large as Missouri—the poor man would have any chance at all with one who had been a candidate for United States Senator through the newspapers and had been spending his money liberally for years with a view of some time or other becoming a candidate for United States Senator. The poor man has absolutely no chance now in a whip-cracker campaign or a short campaign for United States Senator, and it just occurred to me that he was barred in two ways—first, by the amount of money that might be spent and, second, by not being permitted to spend enough money to make the campaign——

Mr. RUCKER. Do you think $10,000 is too much or too little?

Mr. CAMPBELL. My contention is that men are spending to-day without making report to anybody. They are spending more money—far more—than $10,000 to be elected to the United States Senate—spending their own money, and doing it liberally—two or three years in advance, as they must do to become acquainted now in a State-wide campaign for United States Senator.

Mr. POST. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield to the gentleman from Ohio?

Mr. RUCKER. I will.

Mr. POST. I want to suggest to the gentleman from Kansas [Mr. CAMPBELL] that our past history discloses that in any event a poor man has very poor show to get to the United States Senate.

Mr. COX. Will the gentleman yield for a question?

Mr. RUCKER. I have never answered those other questions yet, but I will try to keep them all in mind.

Mr. COX. I would like to have the gentleman's construction on part of section 11, at the top of page 14. I will read it, and see if I can make myself plain:

> And if any person thus named as a candidate for nomination or election to any office referred to in said section 9 shall fail, neglect, or refuse to file any statement therein required, it shall be the duty of the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, within 30 days after such statement or statements should have been filed, to certify that fact to the district attorney of the United States for the Federal judicial district in which said candidate resides.

Now, just what does that language mean, in the gentleman's opinion? Is that language broad enough so that it would require the Clerk of the House or the Secretary of the Senate to certify the names of all the candidates for Congress and candidates for the United States Senate to the district court, or is it confined, under this section, directly to the nominees, to the candidates at the election, either for the House of Representatives or for the Senate? What is the gentleman's construction of it, if he catches my question?

Mr. RUCKER. The gentleman will pardon me for one minute, because I have had two other questions asked me.

Mr. COX. All right.

Mr. RUCKER. In answer to the gentleman from Kansas, first, because he first inquired, I do not know whether anybody intends to make a whip-cracker fight in his section or not.

Mr. CAMPBELL. It would be impossible for me to make a long campaign or short campaign for United States Senator under the present laws.

Mr. RUCKER. I would say that these amounts were placed in the bill not by the House but by the Senate. There is a historical feature to it that I would be betraying confidence to talk about. I want to say to you now that I solicit the earnest support of every man here who believes in publicity and beg of him to stand with me and see if we can again enact this limitation of amount that may be expended into law. There are two views of the matter. On the floor of the House at this minute are gentlemen who think the amount $5,000 which may be expended by a candidate for the House is entirely too much. I myself am one of those. I insisted on a much lower limit.

But let me say to you that there are other gentlemen just as good as the gentleman from Kansas [Mr. CAMPBELL] and myself—and we are among the best [laughter]—who believe that the amount $5,000 is too small. I can say, without violating confidence, that in the Senate of the United States Senators say it is unfair and unreasonable to permit a candidate for Senator in a great State like New York or Pennsylvania to spend only $10,000 and permit a candidate in a small State like Kansas to spend the same amount. This matter will be thrashed out in another forum.

I want to say to you in all seriousness that I hope that either the wisdom of the House and the wisdom of the Senate combined or determined public sentiment will so crystallize as to enable us to hold these figures down to the limit at present fixed.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes; I yield to the gentleman.

Mr. CAMPBELL. Do you limit the time within which money may be expended in a canvass for United States Senator or Representative?

Mr. RUCKER. From the time he becomes a candidate.

Mr. CAMPBELL. I know men who will be candidates for United States Senator four years from now.

Mr. RUCKER. Do they admit it?

Mr. CAMPBELL. Their friends know that they are spending from twenty to thirty thousand dollars this year in getting acquainted in the State.

Mr. RUCKER. That is very hard to deal with. If the gentleman, with his great ingenuity, could conceive of some language that would reach those conditions and bring about a

condition of purity in the ballot box in Kansas, I would be glad to join him in an effort to enact it into law.

Mr. CAMPBELL. The fact is that the present law simply bars a poor fellow, like the gentleman from Missouri or myself, and gives a rich man, who has plenty of money and leisure, freedom to pave his way to a United States Senatorship through governorships and other offices, and to spend his own money freely without giving any account of it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. I do.

Mr. MANN. I would like to ask the gentleman if there is anything in the law to prevent a gentleman from Kansas who is a candidate four years from now from including all his expenses from now until the time he is nominated and elected?

Mr. RUCKER. I am satisfied the gentleman from Kansas is quite free to spend any money he likes along that line.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. RUCKER. Yes.

Mr. BOOHER. This bill permits candidates for Congress to expend $5,000. Now, does the gentleman think that is fair, when in his district, under our State law, he is limited to about $700? I am limited in my district to $672. I can not spend any more money. That is the truth about it.

Mr. RUCKER. I think I catch the point of the gentleman's question.

Mr. BOOHER. I wanted to know why should this figure be fixed as high as $5,000. How do you arrive at that? Upon what basis do you figure it?

Mr. RUCKER. I have just said that it was written in the law by the Senate. I myself think that $2,500 is ample. But I will say to the gentleman that we can not always tell about these things. In some localities and some parts of the country much more money can be lawfully expended, without debauching anybody, than is needed to be expended elsewhere.

Now, with respect to my own district, I have been nominated and elected many times when I did not spend, all told, more than $200. If I said "many times," I mean more than once. I do not want to discuss how many times, because I understand that is a live issue in my district now. [Laughter.] Under the law of my State, if I spend more than $630 in my district for nomination and election I would be declared to be unworthy to enter that door, because I would come here as a violator of the law. And I will say to the gentleman from Kansas [Mr. CAMPBELL] that I have not violated the law and do not intend to.

Mr. BOOHER. Why would it not be a good thing to fix the amount in here that a man can spend and base it upon our Missouri law?

Mr. RUCKER. I would like to put something in this bill that would make my good friend from Georgia [Mr. BARTLETT] like this bill better than he now does. We leave something for the States to do. We allow the States to fix a lower limit, and if the States do not do so, we in the State of Missouri will be content with the sum that is fixed in neighboring States.

Mr. WICKERSHAM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Alaska?

Mr. RUCKER. Yes.

Mr. WICKERSHAM. I wish to inquire if the provisions of this bill will apply to an election in the Territory of Alaska for Delegate to Congress?

Mr. RUCKER. Well, a Delegate is not specifically named, I believe.

Mr. WICKERSHAM. I believe it ought to reach our election.

Mr. RUCKER. It ought to. I believe it ought to be but I do not believe it is specifically named. I thank the gentleman for calling my attention to the matter.

Mr. DICKINSON. Mr. Chairman, will my colleague yield?

Mr. RUCKER. Yes.

Mr. DICKINSON. I note that a duplicate is required to be delivered to an opponent. I suppose that is for the purpose of publicity, for the purpose of giving the opponent an opportunity to examine it and criticize it and to expose it if it is not a true copy.

Now, have you considered the thought of requiring a duplicate copy to be filed with the secretary of the State instead of being delivered to the individual? Would not that give more publicity? The opponent, then, knowing what the law is, can readily secure a copy, or anybody else could secure it; and has not Congress the same right to make that requirement as to make the requirement that it is to be delivered to the Clerk?

Mr. RUCKER. I will say to the gentleman that I think the provisions of the pending bill are much better and in the end will give more publicity.

Now, I have already consumed more time than I ought to. How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has used 26 minutes.

Mr. TOWNER. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. RUCKER. I will.

Mr. TOWNER. Regarding section 1, I notice that section 1 still retains the language that was used in the old provision of the law which limits the application of the terms of this act to committees which shall operate in two or more States. Did the committee consider that as being best to be retained? In other words, did the committee come to the conclusion that it was best to limit the application of it only to the great national committees?

Mr. RUCKER. The committee thought so; yes. But I will say I do not believe that we could have substantial publicity or effective publicity in any other way. I do not believe we could obtain what the gentleman would like to obtain through the medium of State or congressional or county committees.

Mr. TOWNER. A congressional committee in any congressional district may expend any amount of money and not make any accounting of it——

Mr. RUCKER. That is true, under this law.

Mr. TOWNER. So far as the provisions of this law are concerned.

Mr. RUCKER. But under the State law——

Mr. TOWNER. Ah, but if the State law does not provide for it, if the State law is silent upon the question, then there is no provision requiring publicity.

Mr. RUCKER. Let me say to my friend the gentleman from Iowa that we are attempting to do here what the States can not do; and in seeking to make friends for this bill and to remove every possible objectionable feature, we have left it for the States of Georgia and Iowa to do some things which this law does not attempt to do; but if the States will take up this question and do as much in the direction of securing publicity, and in that way the purity of elections, as the National Government has done, I believe the time will come at no distant day when we shall hear less of the demoralizing influences of money used in political campaigns than we have heard in the past.

Mr. TOWNER. Let me suggest to the gentleman that we are now endeavoring as a Congress to secure the purity of the election of Congressmen, and that really the States, as States, have nothing whatever to do with that; and yet we have left open the most prolific source of corruption that I know of in the election of Members of Congress. I think the national committees never—I will not say never, but almost never, and certainly very rarely, if ever—have gone into a district and corrupted it, although money has been sent into the district from all over the United States and there used by local committees and local interests.

Mr. RUCKER. I think the gentleman's conclusion is very likely correct; but if the gentleman will bear with me for a moment, I will say that if the national committee will comply with this law, and if then the State will do its duty, we can put an end to all that. But you can not do it until we do have State cooperation, in my judgment. I would be glad to do it. I would say to the gentleman from Iowa, or any other gentleman here, that no man can go further than I am willing to go to give absolute, free, full publicity, and, as far as it is possible for men to do it, to so guard and control elections as to rid them of every impurity.

Mr. COX. Will the gentleman give the committee the benefit of his construction of section 11, as I propounded the question a moment ago?

Mr. RUCKER. As I understood the question the gentleman asked some time ago, he wanted to know about the language at the top of page 14:

> And if any person thus named as a candidate for nomination or election to any office referred to in said section 9 shall fail, neglect, or refuse to file any statement therein required, it shall be the duty of the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, within 30 days after such statement or statements should have been filed, to certify that fact to the district attorney of the United States for the Federal judicial district in which said candidate resides.

Mr. COX. Yes.

Mr. RUCKER. I think beyond question it is the intention of that language to include everybody who was a candidate for nomination or election.

Mr. COX. That is the very query in my mind. Is the language expressed in this section broad enough?

Mr. RUCKER. It seems so. Let me read it to the gentleman:

And if any person thus named as a candidate——

Mr. COX. Named as a candidate?

Mr. RUCKER. Yes.

Mr. COX. As a candidate for nomination or election?

Mr. RUCKER. This language has reference to what precedes it, and it follows language which expressly provides that the gentleman from Indiana [Mr. Cox] and myself, and every other gentleman who becomes a candidate, shall, when filing our statements, give the name of our opponents. And then it says the person "thus named," and so forth.

Mr. COX. In section 9?

Mr. RUCKER. No; in this very section.

Mr. COX. Section 11 refers back to section 9?

Mr. RUCKER. Well, I think the gentleman is right. I do not think there is any question as to the proper construction of these words.

Mr. COX. I wish the gentleman would give that some study, because, in my judgment, I think it is a very important provision.

Mr. RUCKER. I quite agree to that, but I think the language clear.

Mr. COX. I think the language ought to be clear and explicit, and broad enough to include every man who is mentioned in section 9 as being a candidate.

Mr. RUCKER. I do not see how it is possible to frame language stronger than this.

Mr. COX. I wish it could be made a little plainer.

Mr. RUCKER. It requires every candidate for Congress to give the name, address, and Federal district in which his opponent or opponents, either for nomination or election, resides. And then it says if any person thus named as a candidate fails to comply with the law, and so forth.

Mr. COX. Suppose, as an illustration, that in my district there are half a dozen candidates for Congress struggling for the nomination. That is to say, they are all candidates up to the time the primary election is held, but from that time on there is only one candidate?

Mr. RUCKER. The others have all been candidates prior to that time.

Mr. COX. Is it the gentleman's idea that this language is strong enough to go back prior to the primaries?

Mr. RUCKER. My judgment is that it is absolutely strong enough to do so because it says so.

Mr. GARNER. Mr. Chairman, if the gentleman from Missouri will permit—a little out of order—is it the gentleman's intention to have a vote on this bill to-day?

Mr. RUCKER. It is not. Mr. Chairman, there are several other features of the bill that I have not been able to discuss, because I have yielded more time to inquiries than I anticipated; but I believe the gentleman from Wisconsin desired to ask me a question.

Mr. STAFFORD. Yes; I desired to have you clear up a little ambiguity as to some of the language. In section 9 of the bill you exempt the Representatives and Senators from reporting and permit, without any limit, money paid for travel, subsistence, stationery and postage, writing or printing and distributing letters, circulars, and posters, and for telegraph and telephone service. From my experience with campaigning the great bulk of expense is of that character, and yet you lift the requirement from Members to make any return of that character of expenditures. A candidate might expend $100,000 efficiently in these modes to reach voters, and he would have every advantage over another not so rich.

Mr. RUCKER. I am familiar with the language and will give the gentleman my opinion. The criticism of the gentleman is a just one, but in the opinion of the committee we did not think we ought to legislate along a line which would prevent any man from honestly reaching the judgment or the intelligence of the people. If he wants to do it through printed letters and circulars and is able to pay for them, he has that advantage over a man who can not pay for them. It is a condition that we did not create and which we can not equalize.

Mr. STAFFORD. Then what is the use of placing any limit on campaign expenditures at all? It is a premium given to the rich man who has the facilities and the means to pay for circulars and postage and use these methods susceptible to gain an election. The rich man would have every advantage over the rest of us.

Mr. RUCKER. The advantage of placing a limit of expenditures on anybody is to see to it that money is not used to debauch the citizenship of the country, but we do not fix a limit for the purpose of preventing a man from coming in contact with his neighbors. I believe that any method or means which enables a man to present his views on public questions—his attitude on the great questions of the day to the public—to the voters—is commendable and ought to be encouraged rather than discouraged, and the committee and the Congress in the existing law has placed a well-defined line of demarcation between those acts which tend to enlighten the judgment of men and those things which tend to debauch men.

Mr. STAFFORD. Then why does the gentleman except advertisement in newspapers?

Mr. RUCKER. Because the rich man under the pretense of making a present to a man for printing $5 worth of matter might give him $5,000 and thus in reality buy a plant and get the support of a newspaper, and to prevent such conduct as that we require him to swear how much he paid for newspaper notices.

Mr. STAFFORD. There is nothing in this bill to prevent a man buying out a newspaper and having the newspaper boost him, and I know of plenty of instances where that has been done.

Mr. RUCKER. The gentleman's argument is unanswerable. I confess the statute against larceny has no deterrent effect at all on the thief except as fear of punishment may restrain him. This statute has no effect on a man who will so stultify and degrade himself as to do an abominable thing and then swear that he did not do it.

Mr. MANN. I would like to ask the gentleman two questions, if I may. I do not know how much time it will take.

Mr. RUCKER. I would be glad to answer any question that the gentleman asks me, if I can, but I am afraid I have already used too much time.

Mr. MANN. What good does it do to pass a bill of this sort, where there is no penalty, so far as the membership in the House is concerned, where it is perfectly evident that a man who has been a prominent candidate for Congress is indicted and can not be convicted, no matter whether he is guilty or not?

Mr. RUCKER. Assuming the premises of the gentleman to be true, I think it would be a piece of useless nonsense, but I can not concede that the gentleman's premises are good.

Mr. MANN. The gentleman is willing to admit it has no effect here in the House?

Mr. RUCKER. No. I will not admit as far as that.

Mr. MANN. The gentleman is willing to admit that the House itself has set a precedent?

Mr. RUCKER. I will go this far, that at a time when this law was in its transitory period, when even the Members of the House themselves who helped make the law were hardly conscious of its existence, this House was exceedingly generous in voting to excuse gentlemen who grossly violated it, but I will say now that I believe that a different rule will prevail, and if gentlemen fail to comply with this law in the future and the officers of this House do their duty, the Federal district attorney, whose duty it is to prosecute, will have official notice of the fact. I believe that the penalty that stares them in the face at home with the public sentiment which I believe is crystallizing and developing in the House to hereafter enforce these publicity laws, will make gentlemen respond to them and obey them.

Mr. MANN. I do not believe you can convict a man of crime which has no criminality, as far as its moral aspect is concerned, because he has not complied with specific provisions of a statutory law like this, who is a partisan, following a partisan campaign, where his partisan constituents will be on the jury.

Mr. RUCKER. I do not believe that partisanship enters into it much, because I stood here one day feebly trying to sustain the supremacy of this law, and I noticed that all of the gentlemen on that side voted with the gentlemen on this side to ignore the law.

Mr. COX. I want to say to the gentleman that there was one on this side who did not.

Mr. RUCKER. I do not mean all.

Mr. MANN. I do not know what incident the gentleman refers to. I never voted to ignore the law.

Mr. RUCKER. I did not say the gentleman did.

Mr. MANN. And this side never did.

Mr. RUCKER. But the vote in effect ignored the law.

Mr. MANN. The House seated a Member of Congress who had not complied with the law and thereby gave notice that it would not require a compliance with the law. That was a case where a man had not been a previous Member and was not familiar with the law.

Mr. RUCKER. I believe the time is coming when this House, as a matter of respect for itself and as a matter of obligation

to the people, will see to it that men who want to sit on this floor comply with the laws we make.

Mr. BRYAN. Mr. Chairman, in the case where that gentleman was seated it ought to be remembered that he was not seated until after the man who claimed the seat in opposition to him had abandoned it and admitted that the majority of the people had voted for the Member who was seated by this House.

Mr. RUCKER. Mr. Chairman, I desire to yield 10 minutes, now, to the gentleman from Georgia [Mr. BARTLETT].

Mr. MAPES. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, a few days ago my good friend, the distinguished gentleman from Indiana, Judge CULLOP, filed some newspaper clippings to show the prosperity that was now abroad in the land, the psychological panic not having yet reached him. I regret that the gentleman is not present in the Chamber at this moment, but among other clippings that he filed was one from the Terre Haute Tribune which referred to the North Baltimore Glass Co. and the great prosperity that that company was now enjoying under a Democratic tariff. At the same time he filed a clipping from one of the papers on the Pacific coast. I knew that the gentleman did not know anything about the conditions on the Pacific coast, but I presumed that he did know something about the conditions in his own State.

However, I wrote to the president of the North Baltimore Bottle Glass Co. and called his attention to the item that the distinguished gentleman from Indiana inserted in the RECORD. I hold in my hand a reply from the president of that company, and I want to read it to the House. I think they will find it an interesting statement.

The letter is as follows:

TERRE HAUTE, IND., *June 12, 1914.*

Hon. W. E. HUMPHREY,
Washington, D. C.

DEAR SIR: Your letter of the 10th instant is at hand, and if the statement from the Terre Haute Tribune relating to the present activity in our plant was placed in the RECORD by Hon. W. A. CULLOP for the purpose of showing "general prosperity," it is certainly very misleading. We are extremely busy in our plant owing only to the time of year, or season, at hand. We manufacture principally soda-water, soft-drink, and beer bottles, and at the approach of summer there is invariably a great demand for bottles of this kind so as to prepare in the trade for the summer months, all glass factories suspending operations in July and August.

The tariff on our particular line of goods has not been changed.

My distinguished friend from Indiana, of course, inadvertently overlooked that. I am glad he has come into the Hall.

If there had been any reduction on this line, all industries of our kind would have been compelled to suspend operations owing to the fact that we work union labor and are in close competition with the cheap labor of Germany and other foreign countries.

I hope the gentleman heard that sentence.

Until the recent approach of warm weather our business has been extremely dull, suffering in sympathy with all other lines of trade, but at present we are only enjoying a season of activity due entirely to the time of year at hand. A number of plants in our line, however, have suspended operations, even at the present time, and we regret to say that the prospects for fall business do not look at all encouraging.

Answering the last paragraph of your letter as to how our business compares at present with what it was in June, 1913 and 1912, we can only reiterate that we are always in full blast in the months of May and June, and that for many years past, due to the approach of the summer season, we are always fully sold up on our production at this time, but our entire season's business for this year will show a considerable falling off from that of the former two years.

Trusting I have covered your inquiries, I am,

Yours, very truly,

THE NORTH BALTIMORE BOTTLE GLASS CO.,
A. L. PFAU, *President.*

Now, on the same subject the distinguished gentleman from Illinois [Mr. MANN] has handed me another letter since I came into the Hall from the National Window Glass Workers of Cleveland, Ohio, signed by the president of that organization. I will not take the time to read all of the letter, but I will read a paragraph or two, and I will ask to insert it in the RECORD.

The letter is as follows:

NATIONAL WINDOW GLASS WORKERS,
Cleveland, Ohio, June 12, 1914.

Hon. JAMES R. MANN,
House Office Building, Washington, D. C.

DEAR SIR: I note by the issue of the CONGRESSIONAL RECORD, under date of the 6th instant, that permission was given to the Hon. WILLIAM A. CULLOP, of Indiana, to insert a statement referring to glass which was printed by the Terre Haute Tribune. In referring to the article, Mr. CULLOP states that some of the largest window-glass factories in the United States are located in the city of Terre Haute and that they are in a most prosperous condition. I fail to understand how Mr. CULLOP could have made such a serious blunder. The fact of the matter is that the glass factories operating at Terre Haute produce green and amber bottles, this branch of the glass industry being as foreign to the window-glass industry as is the manufacture of steel and iron.

To the above I wish to add that the window-glass industry of this country is not at the present time in a highly prosperous condition. There is but very little demand. The manufacturers for the most part are carrying their production of the past four months. Jobbers are not buying in normal quantities expecting that the Belgian manufacturers will reduce their selling prices to such a point that foreign glass can be bought for less than the domestic product. The Belgians have already reduced their discounts to Pacific coast buyers, the American manufacturer being compelled to make radical reductions in his selling prices in order to meet the foreign competition. I fear for the welfare of our members if the American manufacturers are forced to make a general announcement to the trade of such prices as are at present prevailing on the Pacific coast.

During the past winter I have had an opportunity to study the method of production prevailing in Belgium and to compare the items of cost that enter into the manufacturing of a box of glass in that country as against the items of cost that enter into the production of glass in this country, and I do not hesitate to state that with the single exception of fuel the Belgian manufacturers have an overwhelming advantage because of the following reasons:

First. A continuous system of production is followed out, the skilled workmen being employed on Sundays, no holidays of any nature being observed.

Second. The skilled and unskilled labor cost is much cheaper than in this country. The skilled workman receives 37 per cent less in wages for producing 57 per cent more glass. Unskilled labor employed around factories is paid from about 50 per cent to 80 per cent less than unskilled labor in this country.

Third. The raw material charges are much less than in this country.

Salt cake costs $6.50 per ton, as against $13 in this country.

Lumber, $15 and $20, as against $24 in this country.

Sand, 75 cents per ton; cost per ton in this country ranges from $1 to $1.85.

The principal advantage, however, possessed by the Belgian manufacturers lies in the fact that their skilled labor is satisfied with much less than we expect and that they work longer hours per day and on Sundays and days we consider as holidays.

We had knowledge of the above conditions before the present tariff rate became effective, and at the hearings of the Ways and Means Committee endeavored to convince the members of that committee that radical reductions of the tariff rates would be injurious to the window-glass industry. The data that we submitted, however, was, I presume, considered inaccurate, and a reduction of 45 per cent in the tariff rates followed, under which arrangement importations for the past six months, commencing with October, 1913, and ending with the month of March, 1914, have increased 36 per cent, and the valuation of the product 39 per cent in excess of the amount and valuation of importations for the corresponding months during the previous year.

I expect to be in Washington within the next few days, and, if you are not too busy, will appreciate meeting you.

Yours, respectfully,

J. M. NEENAN, *President.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. May I have two minutes more?

Mr. MAPES. I yield two minutes additional to the gentleman.

Mr. HUMPHREY of Washington. That is what the president of this labor organization thinks of the situation of glass manufacturing, and I want to compliment my distinguished friend from Indiana for the contribution that he has added to the prosperity of the country, to the Democratic psychological prosperity of the country, and I trust he will insert some more clippings in the RECORD of that character. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the letter in full.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none. The time of the gentleman has expired.

Mr. RUCKER. Mr. Chairman, I promised to yield 20 minutes to the gentleman from Georgia, but I find I used 57 minutes——

The CHAIRMAN. The gentleman used 53 minutes.

Mr. RUCKER. But the gentleman from Michigan has very kindly agreed to yield 15 minutes.

Mr. MAPES. I yield the gentleman 15 minutes.

Mr. RUCKER. And I yield the gentleman from Georgia 30 minutes.

Mr. BARTLETT. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, it is always amusing to hear the great calamity howler from the State of Washington [Mr. HUMPHREY]. If anybody has done overtime in the way of human exertion to cry panic in this country or to alarm labor and deprecate business conditions in this country, it has certainly been the gentleman from the State of Washington. He is daily on the job, and works at it early and late. He surely does overtime. I read the article from the Terre Haute Tribune referred to by the gentleman from Washington, and I have been advised since I put it in the RECORD by one of the best-informed men in that thriving Indiana city that it states the fact about the conditions of the glass-factory business in that city. Since that time I have conversed with a gentleman well informed from that city, and he has informed me that it is not only the condition of the glass manufacturing of Terre Haute but of every other manufacturing business in the city of Terre Haute.

Now, for the information of the gentleman from Washington I will call his attention to some of the improvements now in

process of construction and manufacturing conditions in that splendid city on the banks of the Wabash, as follows:

TERRE HAUTE, IND.

Fifty miles of paved streets in 1914 (only 26 now).

New buildings.

Miller Parrott Baking Co	$200,000
Deming Hotel	500,000
International Harvester Co	100,000
Barhydt Theater Co	75,000
John T. Beasley, theater	50,000
Sam M. Young, airdome	20,000
Rose Polytechnic Institute	500,000
City school	60,000

FACTORIES RUNNING FULL.

Standard Wheel Co.
Turner Glass Co.
Terre Haute Vitrified Brick Co. (day and night).
American Clay Co.
National Drain Tile Co.
Gartland Foundry Co.
Vigo Clay Co.
Terre Haute Malleable & Manufacturing Co.
American Playground & Swing Device Co.
Greenburg Iron Co.
Prox Manufacturing Co.
Chicago Tie Preserving Co.
Home Packing & Ice Co.
Terre Haute Paper Co.
Valentine & Co.
Louden Packing Co.

This is a splendid showing and the best refutation that can be made of the great calamity howl pulled off almost daily by the gentleman from Washington. This showing speaks well for the administration of Woodrow Wilson and the Democratic Congress.

Now, for the edification of the gentleman from Washington, the great national calamity howler, I call his attention to the following editorial from the Indianapolis Star of June 13, a Republican paper with very strong Bull Moose tendencies, stating the business conditions in the city of Indianapolis, which are not altogether in harmony with those of the distinguished gentleman from Washington. It is as follows:

NO HARD TIMES HERE.

Whatever may be the status, psychological or otherwise, in some parts of the country, there is nothing wrong with business in Indianapolis. That this is the busiest, best city in the country is apparent to anyone having knowledge of local conditions.

The degree of prosperity that is being shared by the business men of the city is unprecedented and real. It is not in their minds nor proclaimed in the hope of creating an impression elsewhere. It is of the substantial kind that produces optimism and is reflected in the tax returns.

A representative of one of the large grocery concerns of the city admitted before the board of review that the business of his corporation is the best in its history. The officer of a hardware company confirmed that showing as applying to his line of business. The furniture dealers were given an increase in their appraisements for taxation purposes, as they, too, were willing to concede that they are enjoying prosperity. There are few, if any, other places on the map in which there is so much of the spirit of content and hope as in Indianapolis at present.

The builders of the city are busy. Real estate is advancing in price and the demand is good. The trolley lines that radiate from Indianapolis are bringing in each day 18,000 shoppers to help to swell the tide of local traffic. They come from prosperous communities that are looking forward to a record harvest.

The good fortune of Indianapolis and Indiana regarding the crop outlook is not unique. Unless something unforeseen and unlikely happens within the next few weeks, this country will receive many billions of new wealth from its soil. It is idle to fear even psychological depression anywhere in the United States with all that money in sight.

In addition to that I will also insert an article from the Gary Evening Times of Monday, June 15, showing the splendid condition of the banks and business in that thriving city in Indiana, which is as follows:

BANKS ARE IN SPLENDID SHAPE—EAST CHICAGO, CALUMET, AND INDIANA HARBOR INSTITUTIONS PROSPERING.

"The banks of East Chicago, Calumet, and Indiana Harbor are just in the best shape they ever were in their history," said a banker to a Times representative this morning, "and the utmost confidence may be had in them."

Not any of the banks had a penny in the Chicago banks which have suspended.

The banks of East Chicago, the First National and the East Chicago Bank; the First Calumet, of Calumet; the Citizens' Trust; Indiana Harbor National; and the First State Trust & Savings, all of Indiana Harbor, are enjoying their usual prosperity, as their statements show, and their affairs are wisely and judiciously administered.

Mr. HUMPHREY of Washington. What about the steel industry in that city?

Mr. CULLOP. The steel industry of that city is not in the condition that the great calamity howler from the State of Washington tries to have the country believe. If the gentleman will take the pains to read the report from the manufacturing industries of this country the last week he will see that there is a decided improvement in the condition, and they are immensely better than they were in the fall of 1907 under a high tariff and under a Republican administration. [Applause on the Democratic side.]

Does the gentleman from Washington know of the conditions of the steel industry? If he did, he would not make that inquiry. Does he not know that steel in the Birmingham district is now, under a Democratic tariff, selling for $10.50 per ton, when under a Republican high tariff it has sold as low as $7.50 per ton? The Democratic Party will not suffer any time or place when its policies are placed in comparison with stand-pat Republican policies. I say now for the benefit of the gentleman from Washington that Democratic policies are all right the country over, except when they come in contact with a monopolist or some one who espouses the cause of special privilege, and the gentleman from Washington now seems to have a corner on that particular business. Now, the truth is, the gentleman apologized to his people for the Payne-Aldrich tariff bill when in 1910 they had raised the tariff on shingles and the price had gone down, that they had reduced the tariff on coal and coal had gone up. He then was trying to appease the wrath of the people of his State, aroused over the passage of that odious measure; and now he has resorted to howling calamity over the passage of the Underwood bill to withdraw their recollection from the great injury done his people in the passage of the Payne bill by his party and with his help. The truth is, the industries of his State and his people have not yet recovered from the great injury done them in the enactment of that legislation. The conditions now will improve in his State and prosperity will attend the business of his people.

In January, 1908, when we had a high tariff, the highest but one tariff bill the country had ever known, over 413,000 idle freight cars were standing on the various sidetracks of the different railroads of the country, with their wheels rusting to the rails, as a result of Republican policies. No such condition as that exists to-day. Every product produced upon the farm is as high, if not higher, than ever known, and is commanding a ready sale in the markets of the country, with abundance of money to buy it at top-notch prices, and the railroads are not furnishing the transportation to carry people's products from the farm and the factory to the markets. This is a splendid showing for the Democratic Party. Woodrow Wilson's administration is a success, and is so conceded by all, save the owners of special privilege and those who speak for them. No Democrat need fear a comparison of this administration with any Republican administration the country has ever had.

The condition of this country is all right. The gentleman never knew hard times or panic upon rising prices or high prices, such as rule the markets of to-day. Panics occur under falling prices. The commodities of the mill, of the farm, and of the factory, are commanding the very best prices possible at this time. Wheat, corn, beef, and pork are high. It is only about a year ago, Mr. Chairman, when the gentleman from Washington [Mr. HUMPHREY] was shedding crocodile tears for the sheep and wool industries of this country. He prophesied then that the woolen industries would go out of existence. Free wool would ruin them. And yet to-day wool, free of duty, is higher in this country than it has been at any time in 25 years, except only upon two occasions. It is higher in the State of Washington to-day, it is higher in the State of Oregon to-day, it is higher in the State of Wyoming, where the biggest shepherd of the world lives, and it is higher in every State in this Union than it was when we had the Payne tariff duties in force in this country. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman——

Mr. MANN. Do you want to go ahead now?

Mr. BARTLETT. I do not particularly care to.

Mr. MANN. Some of us, it seems, were here pretty late last night.

Mr. BARTLETT. The gentleman from Missouri [Mr. RUCKER] has charge of this bill.

Mr. MANN. We were here pretty late last night.

Mr. RUCKER. Let the gentleman from Georgia get through with his speech.

Mr. MANN. He does not wish to go ahead now.

Mr. BARTLETT. Mr. Chairman, I am ready to go ahead.

Mr. MANN. All right; go ahead.

The CHAIRMAN (Mr. HENSLEY). The gentleman from Georgia [Mr. BARTLETT] is recognized for 25 minutes.

Mr. BARTLETT. Mr. Chairman, I realize the fact that there are very few Members present, and doubtless what I have to say, even if the House were full, would not fall upon listening or appreciative ears.

I am as much in favor of pure elections as anybody. My State long since has provided by law for the regulation of primary elections, and enacted a much more efficacious, stringent, and efficient law than this or any proposed in Congress. I

realize that under the decisions Congress may have the power to regulate the expenditures of money by candidates for Congress in the elections held for Congressmen and now for United States Senators, though I do not assent to it that that is the law. I do not believe it is a wise policy for Congress, however, to exercise any such authority, even if it possesses it; and when the bill was considered in 1910 which is now upon the statute book I undertook to voice my objection to that kind of a law and my objections to it. I am opposed to this bill because I do not believe Congress has any power to interfere in any way with the nomination of candidates for Members of the House or candidates for the United States Senate or to prescribe any rules governing them.

Mr. MANN. Will the gentleman yield to a question, not to answer it now, but later on, possibly?

Mr. BARTLETT. Of course I will.

Mr. MANN. One of the Members of the House told me the other day that he was informed by his lawyer, and an able lawyer, that the national law, in that lawyer's opinion, in reference to campaign contributions, fixing the amount, overrode any State law on that subject.

Mr. BARTLETT. Yes.

Mr. MANN. In other words, the national law, having been passed, was exclusive as to the amount. If the gentleman has time, I wish he would give his opinion as to that.

Mr. BARTLETT. I can answer the gentleman as to my own views upon that subject at once. I do not think Congress has the power to regulate by law the amount that a candidate for Congress shall expend either in the primary or in the election, but if it does have the power and exercises it, then that power is exclusive, so far as the States are concerned. And I believe if Congress has the power it would be as in the case of the election law passed in 1874, where it held in re Seibold and in re Yarborough, two cases, one in the One hundred and tenth United States and the other in the One hundredth United States, as I now recall, and in the case of Riens, a case from Virginia, where they construed the election law of 1874, which provided for the presence of the United States marshals and inspectors at election for Congressmen being held at the same time that the election for State officers were concerned, that as to election of Congressmen the laws of the United States on that subject were supreme and controlled. Those are cases in which the Supreme Court of the United States has decided that although the election of Congressmen was held at the same time the State election was held for governor and other State officers and county officers, yet the law of the United States as to the election of Congressmen was supreme, and the election for Congressmen had to be held in accordance with the laws of the United States, so far as that is concerned.

As a lawyer, I do not doubt at all that if the Congress has the power to regulate the primary elections for Congressmen and for Senators, if the point is ever raised, the law of Congress will be held to be supreme and superior to that of the States in the matter, provided, of course, the law is upheld as constitutional.

Mr. MAPES. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. MAPES. In that connection, would the provision in the Federal law which provides that no candidate can expend any amount in excess of the amount allowed under the law of the State where the candidate resides make the State law supplementary to this Federal statute, in the gentleman's opinion?

Mr. BARTLETT. I think if Congress has the power at all to regulate it, which I deny, by reason of the fact that it is an election of a United States Senator and Member of the United States Congress, wherever they come in conflict, the law of Congress would be supreme.

Mr. MAPES. But the gentleman understands——

Mr. BARTLETT. And this very act, in section 16, provides that it "shall not be construed to annul or vitiate the laws of any State not directly in conflict therewith." This very bill is based upon the proposition that the laws of the States shall be complied with if they are not in conflict with this law. Your very bill says so.

Mr. MAPES. I was assuming for the moment in my question that the construction of those who say that this law could supersede the State law was correct, and on that assumption I was asking if the gentleman thinks that this provision, on page 12, which says that no candidate can expend any amount in excess of that allowed by the State law, would be enforced under that construction.

Mr. BARTLETT. Does this bill say that?

Mr. MAPES. Yes; on page 12 it says that.

Mr. TAYLOR of Arkansas. What line?

Mr. MAPES. Beginning with line 7, it says:

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides.

Mr. BARTLETT. Yes; but you follow that with the proviso that he may expend $5,000.

Mr. MAPES. No; he may spend $5,000 if there is not a smaller limit fixed under the State law.

Mr. BARTLETT. Yes; but you do not say so. You say he shall comply with the laws of the State, but afterwards you provide that he may spend $5,000.

Mr. MAPES. No; we do not. We say he can spend $5,000 if the State law allows him to do that.

Mr. BARTLETT. I do not think this qualification contains that.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. MOORE. Does not the clause referred to by the gentleman from Michigan [Mr. MAPES] mean that if the State of Georgia, for example, provides that a candidate for Congress shall not spend more than $1,000, then he can not expend $5,000 which is provided here as the Federal limit?

Mr. BARTLETT. I do not think it can be construed in that way.

Mr. MOORE. That is what it seems to say. I wish the gentleman would read it a little more carefully. It says, commencing with line 7 of page 12:

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides.

Mr. BARTLETT. You say that, but then you go on and say—

Provided, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $5,000 in any campaign for his nomination and election.

Mr. MOORE. Would not that bring him in conflict with the State law?

Mr. BARTLETT. Yes.

Mr. MOORE. If the State law says he could spend $500 or $1,000, and he really did expend $5,000, would he not be brought in conflict with the State law, where the national law provides $5,000 as the limit?

Mr. BARTLETT. If he were indicted for expending more than the State law permitted he could plead this proviso in his own behalf.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. RUCKER. Suppose the State of Missouri should provide that a candidate for Congress could spend $10,000. This says he could spend only $5,000. This would govern, would it not?

Mr. BARTLETT. Yes.

Mr. RUCKER. This law says that in no State can any candidate spend more than he could lawfully expend under the laws of that State, and in any event not more than $5,000?

Mr. BARTLETT. Yes.

Mr. MANN. Have we the authority to fix the amount over the State statute?

Mr. BARTLETT. Well, Mr. Chairman, in answer to that, I may say that this dialogue simply shows what a wide field of uncertainty this bill opens up. I do not myself think, when it comes to a primary election, that we have any right to interfere with it at all.

Mr. MOORE. Will the gentleman permit one more question?

Mr. BARTLETT. Yes.

Mr. MOORE. The law of a State, say, provides that the candidate shall not spend more than $500, and the Federal law provides that he shall not spend more than $5,000. Suppose he spends $2,500, and a contest ensues on the ground that he has spent more than the State law permits. What would the effect of that contest be when he arrives here?

Mr. BARTLETT. If he were a Republican, and there was a Republican majority here, he would probably be seated; and, on the other hand, if he were a Democrat and there was a Democratic majority here, he would probably be seated.

Mr. MOORE. And would there be a legal reason assigned here in the case?

Mr. BARTLETT. Oh, contested-election cases are not decided here on legal reasons. They depend on whose man it is and to which side he belongs.

Mr. MOORE. The gentleman agrees that there should be some rule about it, and that it is unfortunate that a candidate

should come here and be forced to face a situation like that when he ought to have his way clearly outlined before him?

Mr. BARTLETT. Mr. Chairman, I want to state my objections to this bill, if I am permitted to do so briefly.

The State of Georgia has a most efficient law upon the subject of the publication of campaign expenses. It provides—

Likewise all candidates for Congress or for the State senate shall, within said 20 days after the holding of said election or primary election at which they shall be candidates, file with the clerk of the superior court of each of the several counties composing said congressional senatorial district, respectively, an itemized statement, under oath, of all campaign expenses incurred by them, showing the amount of money expended in such campaign, the purposes for which it was used, and the source from which it was derived, and shall, in addition, at the same time, publish in some one or more newspapers having a general circulation in such district or districts said sworn statement.

That applies to the primary election and also to the general election.

I had prepared to undertake to show that this bill, in so far as it attempts to regulate the primary elections of Senators and Members of the House, has no foundation to stand upon, by reason of the fact that Congress has no authority to interfere in the local elections, so far as primaries are concerned.

Mr. RUCKER. Will the gentleman yield?

Mr. BARTLETT. Of course I will yield.

Mr. RUCKER. Does the gentleman find any single provision here with reference to controlling a primary election or any other kind of an election.

Mr. BARTLETT. I do not mean that the bill proposes to control. I meant "to regulate" the amount of expenditure and provide for publicity. But while I mean that, if it is true that Congress has the right to regulate the amount of expenses in a primary election, it has the right to control that election; and the only reason why you have a right to regulate the expenses of a primary election is based on the ground that Congress has some power over a primary election to regulate or control it. That must be the only reason; because if you say you do not control it, what authority have you under the Constitution to interfere in any way with the primary election?

If you have not a right to control it, what right have you to regulate the amount of expenditure in a primary election? If you do not get your power from the Constitution to regulate it, what right have you to interfere with it in any manner at all? Would you say you could prescribe the expenditures in an election of governor? No; because you have no control over the election of governor. You assume to regulate the expenditures in the primary and in the election of Congressmen because Congress has the power under the Constitution to regulate the elections of Congressmen and Senators, and a primary is but an election. That is the source of your authority, and it is the only basis upon which it is founded.

Mr. RUCKER. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. RUCKER. The gentleman conceding the power of Congress, and it being for a very laudable purpose, why does the gentleman object to it?

Mr. BARTLETT. I have not conceded the power of Congress in the matter of primaries. I never have done that.

Mr. RUCKER. I thought you did concede it.

Mr. BARTLETT. I do not. If I did, I would find no ground upon which to base my objection, except the matter of policy.

Mr. RUCKER. I understood the gentleman's objection was simply on the ground of wisdom, as to whether it was advisable.

Mr. BARTLETT. Oh, no; the gentleman misunderstood me.

Mr. RUCKER. Then, the gentleman says Congress has no such power?

Mr. BARTLETT. I do say that Congress has no such power, and on one occasion I undertook to voice that view and give my reasons.

Mr. RUCKER. That being true, of course any law we pass would be unconstitutional and void.

Mr. BARTLETT. I think so.

Mr. RUCKER. And the gentleman, no doubt, will undertake to test it in the courts.

Mr. BARTLETT. I do not know that I will.

Mr. RUCKER. The gentleman being so bitterly opposed to it, and it being such a hardship on the people of the State, it seems to me it would be logical to test it.

Mr. BARTLETT. I do not know whether I shall ever have occasion to test it in court. The case may never arise. I complied with the law, which I believed to be unconstitutional, by filing with the Clerk an itemized statement of my expenses; because, however objectionable the law might be to me, or however much I might believe it to be unconstitutional, I do not desire to have a case made against me in order to test it. A man might believe a law to be unconstitutional and yet not violate it. I say a law that undertakes to interfere with our primaries is absolutely unconstitutional and void. I do not believe Congress has the power to do it. I believe the States exercise the power of regulating primaries and passing laws with reference to the expenditures in that regard solely in the exercise of the police power of the States and no other, and such have been the decisions of the courts where the question has been tested.

Mr. RUCKER. I do not want to annoy the gentleman, but if he will allow me to ask a question I shall be glad to do it.

Mr. BARTLETT. I always allow the gentleman to ask me questions.

Mr. RUCKER. Does the gentleman concede that Congress has the power to require statements of the kind we require at the general elections when Members of Congress are elected?

Mr. BARTLETT. I do not.

Mr. RUCKER. The gentleman thinks Congress has nothing at all to do with the elections?

Mr. BARTLETT. I think it has not.

Mr. RUCKER. Of course, if the gentleman feels that way about it——

Mr. BARTLETT. Now, I know that opinion is not sustained by the three cases I have cited. I do not believe that Congress has the right to interfere with an election of a Congressman either to regulate the election or the qualifications of electors, but that belongs to the States.

Mr. RUCKER. This bill does not undertake to regulate the election.

Mr. BRYAN. Does the gentleman believe that the State has the power to charge filing fees for the running of a man for a national office?

Mr. BARTLETT. I do not know what that is; the gentleman means in the primaries?

Mr. BRYAN. Yes; running for Congress.

Mr. BARTLETT. I do not know what the filing fees are. I say that the primary election for Congressman or Senafor is not an election over which Congress has any power to regulate or control in any manner, either by prescribing the amount of money to be expended or saying what shall be done or shall not be done. Now, I have some decisions on this subject.

In Ledgerwood *v.* Pitts (122 Tenn.), a case involving the constitutionality of a primary law and which has heretofore been referred to in this debate, it is said:

The first inquiry, therefore, presented for our examination is whether or not these provisions of the Constitution have any application at all to primary elections. Admittedly no such thing could have been in contemplation by the framers of the Constitution when they came to formulate the election and suffrage clauses of that instrument, for at that time no such thing as a primary election had ever been suggested. The object of this modern invention of political parties is primarily for the purpose of permitting and requiring the entire electorate of that party to participate in the nomination of candidates for political office. The plan is simply a substitution for the caucus or convention. It is true, as stated, it is a part of the political machinery that starts the candidate on his way, and the political party is thereby enabled to crystallize and concentrate its vote on that particular candidate who is chosen as the representative, and expositor possibly, of their political views, but the limitations and safeguards of the Constitution apply exclusively to the final election when the officer is chosen in the mode required by the Constitution.

The court in this opinion, in regard to the weight of authority on this question, says:

The right of the legislature to require that nominations shall be by primary and to prescribe additional qualifications for the voters participating in the same has been recognized by the weight of authority in the States of the Union. (Runge *v.* Anderson (100 Wis., 533); State ex rel. McCarthy *v.* Moore (97 Minn., 308); State *v.* Drexel (74 Nebr., 770); Hopper *v.* Stack (69 N. J. Law, 335); Healey et al. *v.* Wipf (S. Dak., 117 N. W., 521); Griffin *v.* Gesner (78 Kans., 669); Walling *v.* Lansdon (15 Idaho, 282); State *v.* Nichols (50 Wash., 508).)

In the case of State *v.* Felton (77 Ohio Stat., 577) the primary-election law of that State was attacked because the qualifications of electors therein were different from those entitled to vote in constitutional elections. The court said:

If this contention is sound, then every elector has the constitutional right to vote at the primary election of every party. If the election is one at which merely the candidates of a party are to be selected, it can not be an objection that electors who do not belong to that party are not permitted to take part. That was one of the evils that the legislation was intended to prevent, and, as to the test prescribed for determining an elector's partisanship, it is impossible to conceive of a political party without the possession by its members of some qualifications, and the test prescribed by the statute is the usual one and is not unreasonable.

But a primary election held merely to name the candidates of a political party is not an election within the meaning of this section of the constitution. That section refers to an election of officers, and not the nomination of candidates.

And so I might fill the RECORD with decision after decision showing that it is the right of the State to regulate primaries

as to the amount of money that shall be expended, and that it is within the police powers of the State and nothing else.

So far as this bill proposes to require, as the present law does, that you shall file the amount of your expenditures and the sums paid out in the election, I am content myself to vote against the bill, as I did in the original instance.

It will not do to say a thing is demanded in order to prevent corrupt practices in former elections. Every State in the Union, I believe, with rare exceptions, has made ample provision to protect the primary and election in the matter of expenditure of money. I know how great has been the evil of the expenditure of large amounts of money in the election of Representatives and Senators. Satisfied as I am that this bill and the law now on the statute books and this one which is to extend it as a complement to it has no authority under the fundamental law under which we live, I am opposed to it and shall vote against it.

When the time comes I shall undertake, in my feeble way, to take from this bill every reference to primary elections in a State. A man may be a candidate in a primary election or in the convention and never be a candidate before the people for Congress. It is not an election, says this authority.

Mr. RUCKER. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. RUCKER. Is it not true that a great many gentlemen are candidates in the primary and are virtually elected, getting ten times as many votes as they do in the election?

Mr. BARTLETT. That is true; but that does not justify Congress in exercising a power that does not exist. Because in certain parts of the country a primary is virtually an election, because there is no opposing candidate, does not give Congress the right to exercise any such authority. That grows out of the fact that there is no organized Republican or Democratic Party in that particular district.

Mr. RUCKER. I understand the gentleman's attitude is that Congress has no control over the nomination or election——

Mr. BARTLETT. That is my position and has been all the time. I do not agree with the proposition that the election law of 1874 was the exercise of a constitutional law by Congress. I agree with the dissenting judges in the One hundred and tenth and One hundredth United States in the case from Virginia. Congress had no right to interfere with the election of Congressmen.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RUCKER. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, it happens that I am not personally concerned with the question of primary elections, except as primary elections are in most cases a part of the machinery whereby Members reach this body. I, as an independent, shall run under nomination by petition, as provided in the law of my State, and as would be provided as a possibility under any enlightened system.

My election as an independent Member of this House has left me free to act exactly in accordance with my best thought and my conscience in all matters before us. I have been free to do all in my power to aid this administration in the great policies with which I am in harmony, and equally free to dissent if such dissent seemed clearly the line of my duty. Without political ambition, desirous of being useful, proud of my district, and enjoying the fellowship of the Members of this House, I am frankly anxious to secure a reelection.

Mr. Chairman, at this time, and apropos of this bill, I shall take the opportunity to state the California situation as found in the Federal and State election laws.

Mr. Chairman, there seems an unnecessary conflict between the Federal law and the laws of the States concerning the election of Members of Congress. Under the Federal law candidates are permitted unlimited expenditure for circulars and postage and for the general purpose of furnishing information to the people. This is along the line of the best public policy, for without publicity, without knowledge on the part of the voter of the platform, aims, intentions, and record of the candidate, no intelligent judgment can be obtained. The election law of the State of California, unfortunately, is in opposition to this enlightened theory. A candidate for Congress is permitted under a recently revised California law to expend a total of only $750 for all purposes, whether contributed by himself or contributed by others. To conduct a campaign from Washington under such conditions, in the face of malicious and hostile newspapers, is practically impossible without using the privilege of communicating with the constituent as a matter of official business.

I have always decried the use of the franking privilege at election times, whether for campaign purposes or for purposes of information. Those who have contributed to my previous campaigns have lawfully paid for printing and postage, and have even placed stamps on my congressional speeches when sent out at election time. But under existing conditions, due to new State legislation, I find a necessity for the use of this congressional privilege. My district contains nearly 40,000 square miles, and a total vote of upward of 100,000. While I am in Washington attending to official business it is being flooded with malicious falsehoods emanating from certain editors and from other malefactors whose hostility I am proud to have incurred. An opponent and his backers are equally busy in circulating misinformation, and unless I am given opportunity for full publicity, I shall find myself handicapped and not helped by the fact of my absence from the district in pursuance of my sworn duty to the district and the Nation. It is for this reason that I have complied with the post-office regulations in regard to a statement of my official acts in the House of Representatives. It is for this reason that I make this statement concerning the State law and my use of the postal frank, in order to show my constituents why I am forced to do something that I have not done heretofore—that is, to take advantage of the franking privilege at this time.

If not inconsonant with the law of California, I shall see to it that the Government shall be reimbursed for the cost of sending out my official communication.

I shall leave to others the interminable argument as to the rights of the States. One thing is sure, and that is that Congress is the sole and final judge of its membership, and it is obvious to me that that judgment should be so hedged about as to protect a Member from contest who, as a successful candidate, has complied with Federal law.

Congress should definitely assert its constitutional rights and should declare what may and what may not be done, so that uniformity of conditions may prevail in every State in the Union.

Mr. RUCKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CULLOP, as Speaker pro tempore, having taken the Chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8428) respecting publicity of campaign contributions and had come to no resolution thereon.

CRIMINAL PROCEDURE IN ENGLAND.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to have printed and placed in the document room to the credit of Members 20,000 copies of Senate Document No. 495, being the report of the committee on reform in legal procedure of the American Institute of Criminal Law and Criminology, appointed to investigate and make a study of criminal procedure in England. To print 20,000 copies of this document will cost $213. There are none in the document room now. There were 400 copies there, but they were quickly exhausted. I trust no one will object.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, these could not be placed in the document room to the credit of Members. I make this suggestion to the gentleman from Mississippi. We have finally come to the point where the Senate now refers printing requests, in the main, to the Committee on Printing, whereas the Senate used to order anything printed. It seems to me that, since the Senate has reformed in respect to this matter, the House ought not to run loose, and that all of these requests ought to be put in the form of resolutions and referred to the Committee on Printing. I hope the gentleman will do that, and make the request for 40,000 instead of 20,000.

Mr. HARRISON. Does the gentleman object?

Mr. MANN. Certainly, I do.

The SPEAKER pro tempore. The gentleman from Illinois objects.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5574. An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States; to the Committee on the Judiciary.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, disagree to the Senate amendments thereto, and ask for a conference.

Mr. MANN. Mr. Speaker, I will ask the gentleman to postpone his request until the morning. I have not yet had an opportunity to examine the bill.

Mr. JOHNSON of South Carolina. Very well, Mr. Speaker, I withdraw the request.

ADJOURNMENT.

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Thursday, June 18, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of War submitting a supplemental estimate of appropriation required by the War Department for the service of the first six months of the fiscal year beginning July 1, 1914, for transporting and caring for interned Mexican soldiers and military refugees (H. Doc. No. 1040); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of War reporting the claim of the Independent Fish & Oyster Co., of Port O'Connor, Tex., which has been considered, adjusted, and settled, on account of damage for which vessels of the War Department were responsible (H. Doc. No. 1041); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Agriculture in connection with the estimate of appropriation for the payment of the sum of $600 to the heirs of Anton Bucar (H. Doc. No. 1042); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3176) to increase the limit of cost of the public building at Bangor, Me., reported the same without amendment, accompanied by a report (No. 844), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SISSON: A bill (H. R. 17309) to amend section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. HUGHES of Georgia: A bill (H. R. 17310) to provide for the publication of textbooks for the use of State school systems; to the Committee on Education.

By Mr. PADGETT: A bill (H. R. 17311) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, and Marine Corps; to the Committee on Naval Affairs.

By Mr. ROBERTS of Nevada: A bill (H. R. 17326) providing for the establishment of a bureau of psychology at Washington, D. C.; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17312) granting an increase of pension to Ella Day; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Texas: A bill (H. R. 17313) for the relief of the legal representatives of O. M. Roberts; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 17314) for the relief of the heirs of Samuel H. Haddon, deceased; to the Committee on War Claims.

By Mr. GALLAGHER: A bill (H. R. 17315) granting an increase of pension to Francis A. Baldwin; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 17316) granting a pension to Belle Covell; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 17317) for the relief of James Shook; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17318) granting an increase of pension to Nathaniel V. Sylvester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) for the relief of Andrew Castle, alias Andrew Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 17320) for the relief of James Halloran; to the Committee on Military Affairs.

By Mr KIESS of Pennsylvania: A bill (H. R. 17321) granting an increase of pension to Edwin R. Allen; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 17322) granting an increase of pension to Robert Taylor; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 17323) for the relief of the heirs of Sherman P. Todd; to the Committee on War Claims.

By Mr. PETERS of Massachusetts: A bill (H. R. 17324) granting a pension to Edward F. Connors; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 17325) authorizing the Secretary of the Interior to grant patent to E. M. Palmer for certain lands in the State of Colorado; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the pastor of the Maryland Avenue Church and of the president of the Eckington Woman's Christian Temperance Union, of Washington, D. C., favoring national prohibition; to the Committee on Rules.

Also (by request), resolution signed by the pastor of the United Presbyterian Church of Burlington, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of G. S. Wilt, E. C. Lingenfelter, S. H. Womer, L. A. Shaw, Eamuel Wilt, J. F. Echard, H. E. Shaw, A. P. Shaw, W. O. Wilt, Charles E. Leighty, Charles F. Martz, H. G. Hite, Aaron Ritchey, A. E. Cove, C. E. Helsel, G. C. Glaylett, Frank Stornbaugh, J. A. Stonelarch, W. O. Over, S. C. Burger, and Clarence Diehl, all of Duncansville, Pa.; F. S. Wilt, of Newry, Pa.; David Horlett, R. B. Long, Joseph Mobley, John N. Ritchey, B. F. Long, J. M. Over, Jerry Ritchey, W. F. Mosel, and Jonas Ritchey, all of Blue Knob, Pa.; John C. Ritchey, Arvel Ritchey, Leeander Ritchey, W. G. Stornbaugh, and Joseph Stornbaugh, all of Puritan, Pa.; M. L. Wilt, J. M. Curtis, A. S. Snowberger, W. H. Mattern, E. W. States, George H. Sell, H. W. Burket, George H. Thompson, C. E. Curtis, O. H. Harpster, T. A. Trout, and H. R. McCreary, all of East Freedom, Pa.; and J. H. Smith, of McKees Gap, Pa., for national prohibition; to the Committee on Rules.

By Mr. GARNER: Petition of the executive committee of the Cattle Raisers' Association of Texas, favoring Cummins bill to prohibit railroads from limiting their liability by prescribing the value of live stock shipped; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of 100 citizens of Fort Fairfield, 75 citizens of Orrington, 150 citizens of Milo, and 72 citizens of Greenville, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of D. Heiner, favoring House bill 17067, for relief of settlers along the Union Pacific Railroad; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Memorial of the Tacoma (Wash.) Association of Credit Men, favoring passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: Petitions of the Baptist, Christian, and Friends Churches and the Woman's Christian Temperance Union, of Holtville, Cal., and various voters of El Center and Seeley, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. KINKAID of Nebraska: Petition of sundry citizens of Brown County, Nebr., favoring House bill 12923, the Federal loan act; to the Committee on Banking and Currency.

Also, petition of sundry citizens of North Platte, Nebr., favoring the Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petitions of sundry citizens of Chadron, Napoleon, Sidney, Mitchell, St. Paul, Gering, North Loup, Celia, and Dawson County, and General Baptist Church, of Elsmere, all in the State of Nebraska, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Custer County, Nebr., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. LEWIS of Maryland: Petition of the Young People's Society of Christian Endeavor of the Central Methodist Protestant Church, of Libertytown, Md., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Barden Electric & Machinery Co., of Houston, Tex., favoring passage of House bill 14288, relating to electrical contracts for Government work; to the Committee on Public Buildings and Grounds.

By Mr. McDERMOTT: Petition of Local No. 6, Metal Polishers, Buffers, and Platers' Union, of Chicago, Ill., favoring passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. McGILLICUDDY: Resolutions of the Somerset County Sunday School Association; the Quarterly Conference of Monument Square Methodist Episcopal Church, of Camden; the Woman's Christian Temperance Union of Houlton; the South Paris Baptist Church, of South Paris; the Woman's Christian Temperance Union of Camden, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of the official board of the First Methodist Episcopal Church of Saranac Lake, N. Y., favoring House bill 14895, to establish Federal censorship of motion pictures; to the Committee on Education.

Also, petition of the Epworth League of the Methodist Episcopal Church of Keeseville, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MILLER: Petitions of sundry citizens of St. Louis, Itasca, and Carlton Counties, all in the State of Minnesota, protesting against national prohibition; to the Committee on Rules.

By Mr. O'LEARY: Petition of the New York State Retail Jewelers' Association, favoring the passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Queens County, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of sundry citizens of New York, against national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petition of sundry voters of Italy and Marion, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Letter from the United States Customs Inspectors' Association, of San Francisco, Cal., favoring House bill 15764, fixing salaries of inspectors of customs; to the Committee on Ways and Means.

Also, letter from the Chamber of Commerce of San Francisco, Cal., protesting against House bill 15657, the Clayton antitrust bill; to the Committee on the Judiciary.

Also, letter from the American National Retail Jewelers' Association, favoring House bill 2972, to eliminate time guaranties in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, resolutions from the San Francisco Metal Trades Council, of San Francisco, Cal., protesting against the present system of allowing a large number of apprentices in the War and Navy Departments; to the Committee on Labor.

Also, letter from the Albers Bros. Milling Co., of San Francisco, Cal., favoring the Rainey amendment to the mixed-flour bill; to the Committee on Interstate and Foreign Commerce.

Also, letters from Euphema Roff, of Cecilville, Cal., and Rufus Poole, of Pacific, Cal., favoring the placing of fourth-class postmasters on a salary basis; to the Committee on the Post Office and Post Roads.

By Mr. ROBERTS of Nevada: Petition of Mrs. I. F. Wiseman and Mrs. A. H. Wiseman, in behalf of 13 members of the Woman's Christian Temperance Union of Clover Valley, Wells, Nev., favoring the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. SAUNDERS: Petition of 150 citizens of Ridgeway, Va., and 225 citizens of Darwell, Va., favoring national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petitions of sundry citizens of Salida, 225 citizens of Las Animas, and 200 citizens of Eads, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petition of the Metal Trades Council of San Francisco, Cal., protesting against increase of apprentices at Mare Island Navy Yard, Cal., and other navy yards; to the Committee on Naval Affairs.

Also, petition of the Los Angeles (Cal.) Chamber of Commerce, approving appropriation for distribution of the water and power from the Mohave River; to the Committee on Rivers and Harbors.

By Mr. UNDERHILL: Petition of sundry citizens, favoring the passage of Senate bill 4941 and House bill 14895, for the appointment of a national motion-picture commission; to the Committee on Education.

Also, petitions of sundry citizens of Hornell, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Odessa, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petition of C. L. Wieneke and 287 other citizens of Iowa, in favor of House bill 5308, to compel mail-order houses to contribute their portion of funds in the development of the local community; to the Committee on Ways and Means.

By Mr. WHITACRE: Petition of the Canton (Ohio) District Conference of the Methodist Episcopal Church and sundry citizens of Ellsworth and Rosemont, Ohio, favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *June 18, 1914.*

The Senate met at 12 o'clock m.

Rev. C. Everest Granger, D. D., of the city of Washington, offered the following prayer:

Great Jehovah, God of nations, God of our fathers, realizing that no man should enter upon any great or important undertaking without first invoking the aid of Deity, we ask Thy presence with and Thy blessing upon Thy servants as they are met in this important capacity this day. Bless, we pray Thee, every agency for the uplift of the race and for the solution of the intricate and perplexing problems of the social fabric. Grant, we pray, Thy favor upon all who nobly strive not only in the personal conflicts of life but in those things which are community-wide, nation-wide, world-wide in interest and importance, in clearness of vision, sympathy of heart, faith to be Utopian, courage to dare, and strength to do. Through Jesus Christ our Lord.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM KENTUCKY.

Mr. JAMES. Mr. President, I present the credentials of Hon. JOHNSON N. CAMDEN, appointed a Senator from Kentucky to fill in part the unexpired term of the late Senator WILLIAM O. BRADLEY. I ask that they may be read.

The PRESIDENT pro tempore. The credentials will be read by the Secretary.

The Secretary read as follows:

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT.

To the Senate of the United States:

Whereas the death of Hon. WILLIAM O. BRADLEY causes a vacancy to exist in the office of United States Senator from the State of Kentucky for the term ending with March 3, 1915,

I, James B. McCreary, governor of the Commonwealth of Kentucky, by authority of the Constitution of the United States and the act of the General Assembly of the Commonwealth of Kentucky approved March 17, 1914, hereby designate and appoint Hon. JOHNSON N. CAMDEN, of the county of Woodford, this State, to the office of Senator in the Congress of the United States, vice Hon. WILLIAM O. BRADLEY, deceased, to hold said office and exercise the functions and privileges appertaining thereto until the November election, 1914, as prescribed in the said act of the General Assembly of the Commonwealth of Kentucky, approved the 17th day of March, 1914, hereinabove referred to.

In testimony whereof I have caused this certificate to issue and the seal of the Commonwealth of Kentucky to be hereunto affixed. Done at Frankfort, the capital, this 16th day of June, A. D. 1914, the one hundred and twenty-third year of the Commonwealth, and of the independence of the United States the one hundred and thirty-eighth.

[SEAL.] JAMES B. McCREARY.

By the governor:

C. F. CRECELIUS,
Secretary of State.

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT.

To the Hon. THOMAS R. MARSHALL,
President of the Senate of the United States:

This is to certify that by virtue of the authority vested in me as governor of the Commonwealth of Kentucky by the act of the general assembly of said Commonwealth approved the 17th day of March, 1914,

enacted pursuant to the seventeenth amendment to the Constitution of the United States and effective June 16, 1914,

I do hereby appoint JOHNSON N. CAMDEN, of the city of Versailles, county of Woodford, and State of Kentucky, who is duly qualified thereunto, a Senator of the United States from the State of Kentucky, to fill the vacancy occasioned by the death of WILLIAM O. BRADLEY on the 23d day of May, 1914, to hold said office and exercise the functions and privileges appertaining thereto until the November election, 1914, as prescribed in the said act of the General Assembly of the Commonwealth of Kentucky, approved the 17th day of March, 1914, hereinabove referred to.

In testimony whereof I have caused this certificate to issue and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort the 16th day of June, A. D 1914, and the one hundred and twenty-third year of the Commonwealth.

[SEAL.] JAMES B. MCCREARY.

By the governor:

C. F. CRECELIUS,
Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. JAMES. Mr. CAMDEN is present and ready to take the oath of office.

The PRESIDENT pro tempore. The Senator from Kentucky will escort his colleague to the desk, and the oath prescribed by law will be administered to him.

Mr. CAMDEN was escorted to the Vice President's desk by Mr. JAMES, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Speed S. Fry and Thomas J. Fry, sole heirs of Speed S. Fry, deceased, *v.* United States (S. Doc. No. 516);

Robert B. Henchan *v.* United States (S. Doc. No. 515);

Benjamin F. Monroe *v.* United States (S. Doc. No. 508);

Charles Robinson *v.* United States (S. Doc. No. 509);

Lewis Macord *v.* United States (S. Doc. No. 510);

George W. Mooney, son of Thomas Mooney, deceased, *v.* United States (S. Doc. No. 511);

Josephine E. Brown, widow (remarried) of Frederick H. Tyler, deceased, *v.* United States (S. Doc. No. 512);

Henry L. Howison *v.* United States (S. Doc. No. 513);

Anna M. Hare, daughter and sole heir of Francis G. Albright, *v.* United States (S. Doc. No. 514); and

Mary R. Law, widow of Homer L. Law, *v.* United States (S. Doc. No. 517).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15578. An act to codify, revise, and amend the laws relating to the judiciary; and

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.;

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.;

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.;

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; and

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented a memorial of Local Union No. 248, Cigar Makers' International Union of America, of Jacksonville, Fla., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Boston, New Bedford, Lawrence, Worcester, Dedham, Lowell, Pittsfield, Holyoke, and Springfield, all in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the municipal council of Gloucester; of the City Council of Woburn; of the Common Council of Malden; and of William McKinley Camp, No. 26, United Spanish War Veterans, of Gloucester, all in the State of Massachusetts, praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of Local Grange No. 186, Patrons of Husbandry, of Fitchburg; of Nies Club of the Stanton Avenue Methodist Episcopal Church, of Dorchester; of the Woman's Christian Temperance Union of Neponset; and of sundry citizens of Fitchburg, Newburyport, West Brookfield, Lynn, Framingham, Boston, Marblehead, Dorchester, Auburndale, Mattapan, and Roslindale, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chambre de Commerce Franco-Americaine, of New Bedford, Mass., remonstrating against a reduction in the rate of letter postage and favoring the betterment of the postal system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Board of Trade of Springfield, Mass., remonstrating against proposed injurious discrimination against business contained in pending legislation before Congress, and urging the postponement of this legislation until the next session of Congress, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Massachusetts State Medical Society, praying for the enactment of legislation to provide for the mental examination of immigrants by physicians in the Public Health Service well trained in the diagnosis of insanity and mental defects, which was referred to the Committee on Immigration.

He also (for Mr. LODGE) presented a petition of Local Grange, Patrons of Husbandry, of Fitchburg, Mass., and a petition of sundry citizens of Sheffield, Mass., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. LODGE) presented petitions of the City Council of Malden, of the Business Men's Association of Wakefield, and of the Municipal Council of Gloucester, all in the State of Massachusetts, praying for the enactment of legislation to grant pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. SHIVELY presented the petition of D. Mitchell, G. M. Weber, Arthur Ford, and 226 other citizens of the State of Indiana, praying for national recognition of the services of Dr. Frederick Cook in his polar efforts, which was referred to the Committee on the Library.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Pittsford, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of the congregation of the Second Congregational Church of Newcastle, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KENYON presented memorials of sundry citizens of Sioux City and Dubuque, in the State of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cedar Rapids, Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importa-

tion of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Common Council of the city of Council Bluffs, Iowa, favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. PERKINS presented a petition of the congregation of the North Pasadena Methodist Church, of Pasadena, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation of $15,000 be made for the Victor Valley reclamation project, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Metal Trades Council of San Francisco, Cal., remonstrating against the proposed increase in the number of apprentices at the Mare Island Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. JOHNSON presented a petition of the Maine State Association of the National Association of Letter Carriers, praying for the enactment of legislation providing for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. On behalf of the Committee on Commerce I report back favorably with amendments the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of public works on rivers and harbors, and for other purposes, and I submit a report (No. 599) thereon.

Mr. BURTON. Mr. President, I desire to file a minority report on the bill. I should like to ask the Senator from North Carolina when the majority report will be printed and available for examination?

Mr. SIMMONS. The advance copy has already been printed, and I think probably it will be received from the printer to-day.

Mr. BURTON. I should like to have a couple of days after the print is available in which to file a minority report.

Mr. SIMMONS. I will state to the Senator from Ohio that it is not my purpose to call up the bill for consideration before Monday. The Senator will have ample time in which to file the views of the minority.

The PRESIDENT pro tempore. Permission will be granted to the Senator from Ohio in accordance with his request, unless there is objection. The Chair hears none. The bill will go to the calendar.

JOHN R. NORRIS.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (H. R. 1580) for the relief of John R. Norris, reported it without amendment and submitted a report (No. 602) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 5885) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

A bill (S. 5886) granting an increase of pension to James A. Lyons; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5887) to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama; to the Committee on Public Lands.

By Mr. BORAH:

A bill (S. 5888) for the relief of Albert E. Magoffin; to the Committee on Claims.

A bill (S. 5889) granting an increase of pension to Benjamin Williams (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5890) to provide, because of strategical requirements and in order largely to augment the Federal revenue, for the earliest achievable completion, at the least practicable cost, of the improvement of the channel in the Upper Bay and of the Harlem Kills and of the Harlem River, all in the port of New York; to the Committee on Commerce.

By Mr. SHIVELY:

A bill (S. 5891) granting an increase of pension to Clara B. Randall (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5892) to provide for the acquisition of a site and the erection of a public building thereon at Elk City, Okla.;

A bill (S. 5893) to provide for the acquisition of a site and the erection of a public building thereon at Vinita, Okla.; and

A bill (S. 5894) to provide for the acquisition of a site and the erection of a public building thereon at Clinton, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. DILLINGHAM:

A bill (S. 5895) granting an increase of pension to Ezra W. Conant (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5896) for the relief of Joseph C. Casley; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 5897) granting a pension to Rosilla Dwelley; and

A bill (S. 5898) granting an increase of pension to Susan J. Flye (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $60,000 for aids to navigation in Alaskan waters, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $18,600 for three lithographic presses, $525,000 for six new vessels, including equipment, and $225,000 for surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States Coast and Geodetic Survey, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $110,000 for protecting the seal fisheries of Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $107,500 for the protection and improvement of Mount Rainier National Park, Wash., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $12,500 for survey for a road from the national forest line near Fairfax up the Carbon River Valley and Carbon Glacier, thence to Spray Park and Moraine Park, in Mount Rainier National Park, Wash., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the cost of the lighthouse tender provided for by the act of March 4, 1913, from $250,000 to $325,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STANDING COMMITTEES OF THE SENATE.

Mr. JONES. Mr. President, I desire to offer the following resolution, pursuant to the notice I gave on yesterday, and I ask that it be referred to the Committee on Rules.

The PRESIDENT pro tempore. The notice having been read, it will be considered as having been read at this time, and Senate resolution 398 will be referred to the Committee on Rules, in accordance with the request of the Senator from Washington, unless there is objection. The Chair hears none.

EMPLOYEES OF SENATORS AND SENATE COMMITTEES.

Mr. JONES. In this connection I desire to introduce a joint resolution relating to the same subject matter, which I ask may be referred to the Committee on Rules.

The joint resolution (S. J. Res. 163) providing for employees to Senators and Senate committees, fixing their compensation, commencing with the beginning of the Sixty-fourth Congress, was read twice by its title and referred to the Committee on Rules.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on June 16, 1914, approved and signed the following act:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

INDIAN APPROPRIATIONS.

The PRESIDENT pro tempore. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. ASHURST. I ask that the Senate proceed to the consideration of House bill 12579, the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The PRESIDENT pro tempore. The pending question is on the amendment reported by the Committee on Indian Affairs to insert certain matter on page 29 of the bill. It will be read.

The SECRETARY. On page 29, after line 4, the committee reports to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Hall Reservation, Idaho, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. LANE. Mr. President, in justice to the Senator from Idaho [Mr. BORAH] and to myself, I wish to call attention to a certain portion of the hearings which were taken before the subcommittee of the House Committee on Indian Affairs which relates to the subject which was under discussion yesterday, namely, the Fort Hall Reservation.

The Senator seemed to think at that time that there might have been something personal in my remarks. There was nothing of the sort intended by me. It was the general condition which prevails to which I referred. About this particular instance I was not so well informed as I was upon some others, but I find on reading the report of the hearings that when this project was brought up, Mr. CARTER, a Member of the House, brought out a statement from Mr. Reed, who is the superintendent of irrigation for all these reclamation projects in relation to it. For the information of the Senate, I should like to say to those who are interested in the matter that when a reclamation scheme is applied to land of Indians all of his lands become responsible for the payment of the cost of the same. The expense for the irrigation of bottom lands which are cultivable is placed on all the lands of the entire reserve and becomes a lien upon it, a claim upon it for which it is held for the repayment of the expenditure necessary to bring water upon that portion of the land which can be irrigated.

In the matter of the Fort Hall project it seems there was something like $800,000 expended, a portion of which, as near as I can ascertain, perhaps all of which, was reimbursable to the Government from the sale of the Indian lands. Mr. CARTER, who took an interest, asked some questions of Mr. Reed, who is the superintendent of irrigation. Mr. CARTER said:

I notice that in your justification you state that there are 35,000 acres which may be irrigated, and that there are now irrigated by Indians 3,300 acres, by whites 5,900 acres, and leased 185 acres. I want to ask you how you manage to calculate the cost of the water furnished to the whites? What kind of a division do you make, in other words?

Mr. REED. You mean as to the first charge, the charge for construction?

Mr. CARTER. I mean as to all charges. I want to understand how you have an irrigation project which the bureau seems to be putting into operation and which goes to Indians and white people. I want some information about how you adjust those matters.

This is interesting, Senators, to all of you, whether you appreciate it at this time or not.

Mr. REED. The maintenance and operating charges are adjusted according to the acreage; the construction charges in this particular case were fixed by Congress for the white men.

Mr. CARTER. You do not charge the Indians for maintenance and construction unless they have tribal funds?

Mr. REED. We have charged against the Indians a portion of the charges, but we do not collect from them at the present time; it comes out of the appropriation made by Congress.

Mr. CARTER. But the white men you do charge?

Mr. REED. Yes, sir.

Mr. CARTER. And they pay their money for their part of the construction of the project?

Mr. REED. Well, they do and they do not. The act of Congress of March 1, 1907—

That was the act which we attempted to cure with the provision which was ruled out yesterday. Mr. Reed said—

I think, fixed the amount that the white men should pay on the ceded strip, which is a little less than one-third of what it actually cost.

Mr. CARTER. The white men only pay one-third of the actual cost?

Mr. REED. Yes, sir.

Mr. CARTER. Then by this project we are giving to the white men two-thirds of the value of the irrigation project?

Mr. REED. Yes, sir.

Mr. CARTER. So we are practicing paternalism for them pretty nearly as directly as we are for the Indians?

Mr. REED. You are in that particular case.

That is the general condition which prevails, and it was an injustice which I have protested against ever since my attention has been drawn to Indian affairs. As a member of the committee I have protested against it in committee. I have stated that no honest man could wittingly afford to be a party to it. He did himself an injustice if he was connected with affairs intrusted to him if they were carried on in such a manner. The Indians have no vote, nor no voice in the matter; they are gone; perhaps nothing that we can do will save them; but there is a miserable lack of self-respect in robbing a person who is down. It is repellant.

The Indians of this country are down; they are down upon their backs and the white man is astride them and is at work taking from them everything they have. I do not know that we can save anything for them, but I do not want to be a party to further taking from them what little they have left.

It was no reflection upon the Senator from Idaho or his State but in relation to the general system that I made my protest yesterday. It does not obtain perhaps so badly in Idaho as it does in other States, yet the land of the Indians, after being reclaimed at their expense, is to be sold at $6 an acre, and, in addition to the cost of construction, which amounts to something like $18 an acre, and that land is worth several times that amount. In many places the Indians are compelled to let go of their land under the law of 1907 if they do not make use of it within a period less than they can possibly make use of it, for $7 an acre, land the like of which irrigated and in the possession of white men sells at from $40 to $80 and $100 an acre. That was the condition that I referred to. There was not anything personal in my contention.

Mr. BRADY. Mr. President, I fully agree with the Senator from Oregon [Mr. LANE] that the Indians have not in all cases received the fair treatment they should have received at the hands of the Government, but I want to say for the Senator's information and for the information of the Senate that the Indians on the Fort Hall Reservation have received absolutely fair treatment, with the exception of the usual extravagant manner of construction followed by the Government. I do not mean to say that this extravagance is intentional. It is caused by the fact that there is so much to do and the field covered is so large that it is impossible under existing conditions to render efficient service.

The Senator from Oregon speaks about the water being sold to the white settlers adjoining the Fort Hall Indian Reservation at $6 an acre. That is quite true; but let me offer a word of explanation to the Senate as to how that happened. In the early days it did not cost so much to get water out of the river as it now does. At that time we did not have to build expensive dams; we did not have to build reservoirs; but we would simply throw a wing dam out in the river where there was a riffle or where the water was shallow, turn the water into a canal, and run it down on the land. The first canal on the Fort Hall Reservation was built to carry 30,000 inches of water, which is sufficient to irrigate about 35,000 acres of land. There was 15,000 inches of that water, which is sufficient to irrigate about 18,000 acres of land, turned into the canal and used, or supposed to be used, by the Indians. It was used by the Indians for several years. Then this bill was introduced into Congress and became a law and the white settlers were sold a portion of that water at $6 an acre.

The Government paid $90,000 for that canal, carrying 15,000 inches of water, which was less than $5 an acre, which they sold to the settlers at $6 an acre, and the white settlers paid a reasonable proportion of the cost of that canal at that time. The records of the department will show that 15,000 inches of water for the use of the Fort Hall Reservation were in the canal when the same was purchased for $90,000. Then the Government concluded that they wanted to bring under water the whole 35,000 acres of the Indian reservation which is susceptible of irrigation. That is the time when the construction of the reservoir on the Blackfoot River was undertaken, and they spent something like $800,000 in building the reservoir which would provide the water for the Indian lands; but even with all extravagance in construction it has been and will be wonderfully beneficial for the Indians if you go on and carry

out the plan of the committee, deal justly and fairly with them, and permit them to put their lands under cultivation.

Just a word as to the cost of the construction of that canal. I have been building irrigation canals for 20 years. I know something about the cost of such work and have no hesitation in saying that the canal and reservoir system cost much more than it should have cost. That being the case, who is it that is robbing the Indians—the citizens of Idaho or the Interior Department? They are not being robbed; it is simply mismanagement. There is no question but the people of Idaho had nothing to do with the contract between the Government and the Indians or the men who constructed the canal, and are in no way responsible for mistakes that have been made. I do not accuse the present administration of having any part in that, for they were not in power at the time; but I do say, with the Senator from Oregon, that everything that is done for the Indians is done at about one and a half or twice the cost of what it should be done for. You can not and should not blame the people of the West for the shortcomings of Government officials. You should find some way to make the department construct canals for something near the limit for which they can be constructed by private individuals.

Relative to the value of this land, the Senator from Oregon says that there are 35,000 acres to be brought under cultivation for the Indians. The last part of the system cost about $800,000; 35,000 acres of that land, with water on it, can be sold in a reasonable time for $1,750,000, and the purchaser will make 25 per cent profit. Therefore the Indians, if their rights are protected and the water is put to beneficial use, have made very good money, even with this extravagant manner of handling the work. I offer these suggestions so that you may know that if the Indians have been robbed on the Fort Hall or on any other Indian reservation it has not been done by the people of the West.

A word now as to maintenance. For the maintenance of these canals on 5,900 acres in the irrigation for the white settlers of the 10,000 acres that have been set apart and settled on as homesteads the people on the canals pay to the Government their proportion of the maintenance. They pay there some years as high as a dollar an acre, and other years they pay 50 cents an acre. The amount paid is the actual cost of maintenance and operation, and is as estimated by the department; they do not even have a voice in saying how much it shall be; but the department figures up how much it is going to cost to deliver the water and sets the price, and the people pay it before the water is turned into the canals. Therefore I think there is no reasonable connection between the price that it costs the Indians and the amount that the white settler has to pay for maintenance, for it is an entirely separate transaction. The white people pay all the Government asks or requires them to pay, and have nothing whatever to do with the canal on the reservation.

All these things very plainly carry out a thought, that what we need in the Department of Indian Affairs, and not only in the Department of Indian Affairs but in every other department of the Government, is proper economical management along business lines. I am not criticizing the department; they are probably doing the best they can under the circumstances; but we should all do our part toward having our governmental affairs conducted along business lines.

There is no reason in the world why the Government of the United States should not build an irrigation canal within from 20 to 25 per cent at least of what it would cost a private individual; there is no reason why the settlers under the reclamation projects should be compelled to pay 50 to 100 per cent more than the cost of their work really should be; there is no reason why the white settler should be compelled to pay for an automobile for some superintendent of irrigation to ride over the country and tell the farmer when he can have water and when he can not, while the farmer's children are going barefooted to school.

The Senator from Oregon talks about injustice to the Indians of the West. I want to say to the Senate that the Indians of the West are treated much better than are many of the whites under some of the Government irrigation projects. I know people on reclamation irrigation projects in Idaho who have been waiting for water from 8 to 10 years. I know people who are living on projects in Idaho who, when the water is not in the canal, have to carry the water for domestic use in buckets or haul it in barrels for from 6 to 8 miles, and yet the Government will put water on one piece of land and let it soak down on another piece of land; but when a man has paid his $50 an acre for it and the land becomes water-logged so that he can not use it, the Government's agents advise him that it can not take the water off; that it was only paid for putting it on; and that the farmer will have to go to Congress for relief. While they are doing this the farmer is enduring all kinds of hardships, and yet Senators will plead for the Indian and will not raise their voice for the relief of the hard-working farmer on the irrigated farms of the West, who are enduring unnecessary hardships in blazing the way as pioneers.

Now, I want to ask you men from the East whether or not the Indians of the West deserve any better protection than is due the white people of the West? This condition of affairs exists just exactly the same relative to the Reclamation Service as it does relative to the Indian Service. What you want to do, and what you should do, is to somehow or in some way so plan that these works can be constructed at reasonable cost and without unreasonable delay.

Mr. ROBINSON. Will the Senator from Idaho yield to me for a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BRADY. I yield to the Senator from Arkansas.

Mr. ROBINSON. What item is the Senator from Idaho now discussing? Is the Senator from Idaho discussing the item proposing to appropriate $50,000 for the purchase of implements, and so forth, on the Fort Hall Reservation?

Mr. BRADY. I was replying to the criticism of the Senator from Oregon [Mr. LANE] relative to a position taken by the two Senators from Idaho yesterday concerning the striking out of a part of the amendment.

Mr. ROBINSON. Mr. President, I was not present when that item was considered. It has been disposed of, as I understand.

Mr. BRADY. Yes, sir.

Mr. ROBINSON. The pending item is the appropriation of $50,000 for the purchase of seed, implements, live stock, and so forth, to enable the Fort Hall Indians to cultivate their lands. I should like to proceed with the consideration of the items of the bill that have not yet been disposed of. However, I want to say to the Senator from Idaho, in all fairness, that an investigation of the expenditures of Indian money for irrigation purposes disclosed the fact that those expenditures have not always resulted largely in benefit to the Indians. The testimony which has been taken before a joint commission of Congress appointed for the purpose of investigating those matters in connection with Indian affairs disclosed the fact that, from one reason or another, enormous amounts of Indian funds have been appropriated for the construction of irrigation works when the direct result and benefit of those works have accrued to white persons rather than to Indians.

It is not material, perhaps, whether it is due entirely to the inattention or inefficiency on the part of the Bureau of Indian Affairs or to other causes. The material consideration is that hereafter when Indian moneys are expended for irrigation purposes Indians and Indian lands shall be the principal beneficiaries.

Whether waters which are available for irrigation purposes can be acquired solely under the State laws or whether when the streams run through Indian lands or Indian reservations the Federal Government has some right of control is a question of law about which a conflict has been and is waging, and will continue to be waged for many years yet to come; but the testimony which has been taken and the statements of employees of the Bureau of Indian Affairs disclose the fact that under the system that has heretofore prevailed a large part of the appropriations which have been made from Indian funds have accrued to the benefit of white persons, and the provision which was stricken out upon a point of order yesterday was intended to prevent that from occurring hereafter.

Mr. BORAH. Mr. President——

Mr. ROBINSON. I yield to the Senator from Idaho.

The PRESIDENT pro tempore. The junior Senator from Idaho [Mr. BRADY] has the floor. He yielded to the Senator from Arkansas for a question, which has been somewhat amplified.

Mr. ROBINSON. Mr. President, will the Senator from Idaho kindly yield to me for just one further statement?

Mr. BRADY. I yield to the Senator.

Mr. ROBINSON. The point of order has been made against this provision; it has gone out of the bill, and perhaps I should not have been diverted from a discussion of the item under consideration to something that has already become history. I want to proceed now, if the Senator will permit me, to discuss——

Mr. BRADY. I will, if the Senator will quit discussing the item that has been eliminated from the bill.

Mr. ROBINSON. I want to proceed now to discuss the item under consideration on page 29 of the bill.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the junior Senator from Idaho yield to his colleague?

Mr. BRADY. I yield to my colleague.

Mr. BORAH. Mr. President, I did not understand that my colleague was objecting to or discussing the pending amendment; he was simply referring to some remarks which were made by the Senator from Oregon [Mr. LANE] as to the treatment which the Indians had received on the Fort Hall Indian Reservation. We are not either of us desirous of objecting to or detaining the Senate upon the pending amendment. I understand it is satisfactory to both Senators from Idaho.

Mr. BRADY. Not only that, but I am very much in favor of it.

Mr. ROBINSON. Then I will merely suggest that we proceed with the consideration of the bill. In view of the statement of the Senator from Idaho I have no further remarks to make.

The PRESIDENT pro tempore. The Chair will state that under the rules of the Senate the widest latitude is allowed for debate and a Senator may proceed as he may desire.

Mr. BRADY. Mr. President, I want to say a word relative to the pending amendment. I fully agree with the Senator from Arkansas [Mr. ROBINSON] that a great amount of the Indians' money has been diverted exactly as he says it has been, and I for one am in hearty sympathy with everything he has said relative to that matter. More than that, I believe that the only way that you can have the Indian lands improved and their rights saved to the Indians is to adopt the amendment offered by the committee enabling them to go on and to improve their property. You must buy teams and implements for them; you will have to send men to show them how to plow and plant and cultivate their crops. There is a large per cent of the Indians, in spite of the reflections that have been cast upon them, who will plow and plant and harvest if a man is sent to show them how to do it and how to follow the crop until it is harvested and marketed and see that the Indian receives a fair price for what he raises. When the Indian is once shown how to perform a task, ever after you will find him doing the same thing of his own accord. By proper management and by carrying out the plan suggested by the committee, teaching the Indians the proper manner of farming and of marketing and economy in the handling of their affairs, you will do more good, or fully as much good, for the Indians as you will by appropriating money for the benefit of the white farmers of the United States, and it is our duty to those engaged in agricultural pursuits whenever we can consistently do so. I hope the amendment making an appropriation of $50,000 to assist the Indians of the Fort Hall Reservation in their agricultural pursuits will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee on page 29. Unless there is objection, it will be adopted. The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 30, after line 4, to insert:

> That the Court of Claims be, and it is hereby, authorized and empowered to investigate the claims for damages to the lands held under possessory claims of Nells Anderson, William Winchell, and others in whose behalf a petition or petitions may be filed in said court for damages alleged to have been caused by the construction of a reservoir for storing water for the purpose of irrigating lands on the Fort Hall Reservation, in Idaho, and those ceded by the Indians of said reservation, and to make findings of fact as to each or any of said claims and the amount of damages, if any, due said claimants.

Mr. BORAH. Mr. President, I want to offer an amendment to that amendment by moving to strike out all after the word "reservation," in line 13, page 30, and to insert in lieu thereof the following:

> And to render judgment in favor of any or each of said claimants for the amount of damages so ascertained.

The PRESIDENT pro tempore. The amendment to the amendment will be stated to the Senate.

The SECRETARY. In the amendment reported by the committee, on page 30, beginning in line 13, it is proposed to strike out the words "and to make findings of fact as to each or any of said claims, and the amount of damages, if any, due said claimants," and to insert "and to render judgment in favor of any or each of said claimants for the amount of damages so ascertained."

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. BORAH. I yield.

Mr. PAGE. Mr. President, I never had a very good opinion of this amendment as it read before the amendment suggested by the Senator from Idaho. If I understand it, the purpose of his amendment is to refer these claims to the Court of Claims and give that court the power to render judgment thereon. When I first examined the amendment I thought it applied simply to claims of Nells Anderson and William Winchell, but upon reading it further I find that it applies to "others in whose behalf a petition or petitions may be filed." When we add to the amendment as reported by the committee the amendment of the Senator from Idaho, it seems to me that we make it clearly open to a point of order under section 4 of Rule XVI, and I am constrained to make the point of order that it is obnoxious to that rule, which reads:

> No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill—

And so forth.

Mr. BORAH. Mr. President, just a word before the point of order is ruled upon. If the Senator wants to insist upon the point of order, I will say a word about that in a few moments; but will the Chair bear with me for a moment? I yielded to the Senator, as I supposed, for a question. I did not suppose I was yielding for the purpose of a point of order.

I wish to say, in behalf of the amendment which I have offered, that these claims are based upon the proposition that in taking this reservoir site and condemning this property certain land and certain possessions of these settlers were taken by the Government, and therefore they have certain claims against the Government. In the act of 1909, I think, provision was made by which the amount of these claims should be ascertained. The department sent some one out there at a time when it was almost impossible to ascertain the amount of the damages during that time of the year. The settlement offered by the department was not satisfactory to the settlers, and therefore they have asked that this matter be referred to the Court of Claims. The amendment which was offered in the first instance by my colleague provided for the reference of the matter to the Court of Claims with the power on the part of the Court of Claims to render judgment, but the committee changed it to a power simply to make findings of fact.

I wish to say to the Senator from Vermont that these people have actually lost their holdings. They have actually lost their property. The damages are due. They have accrued. I think the point of order of the Senator might just as well be made as to have the amendment go in as it is here. There are claims over here in the department where the facts have been found for 20 years, and the parties never have been paid. It simply amounts to denying them in an easy sort of way; it is chloroforming them for a time with the delusion that they are going to get their money, but they do not get it one time in twenty.

These people are poor people. They have not the means to come here and see that an appropriation is made and attend to it from year to year. I think the Senator ought to withdraw his point of order and permit the Court of Claims to investigate this matter and to render judgment. If there is nothing due to them, nothing will be paid. If there is anything due, certainly these people who have lost their possessions, their homes, ought to be paid for what the Government has actually taken from them.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. BORAH. I yield.

Mr. WHITE. In what way did they lose their homes?

Mr. BORAH. Their lands and their possessions and improvements were overflowed by the reservoir which the Government built.

Mr. WHITE. How much do the claims amount to?

Mr. BORAH. The Senator from Vermont [Mr. PAGE] referred to the fact that there are only two mentioned here. I have here, I think, the names of all the claimants, and in my opinion the outside figure—and I take this statement from those who are quite familiar with the situation—would not amount, for all of them combined, to over $45,000. Their holdings were small, but of course they were all they had. They would amount to a thousand dollars or fifteen hundred dollars apiece.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. The Senator from Idaho has already yielded to the Senator from Alabama.

Mr. CLAPP. Was it not about $28,000 in gross? The thought was running in my mind that it was about $28,000.

Mr. BRADY. Mr. President, I do not think the total will exceed about $30,000.

Mr. BORAH. I may have it too high. I would rather have it too high than too low; but I have the names of all the parties here—

Mrs. James Heatley and children, Abe Anderson, David Anderson, Nells Anderson, Chris. Wittinrich, W. H. Chester, William Williams, Fred Larsen, James W. Chester, Grant E. Barney, Joseph Nelson, John Swank, Mrs. Mattie M. Clement, Peter Anderson, Fred A. Rogers, George E. Tolmie, George W. Strong, Ira H. Hogan, Mrs. Donald Tolmie, Francis M. Merrell, jr., Charles C. Dewitt, John Boyd, Mrs. Abe C. Anderson, Lewis S. Pond, and L. S. Marriott—

Less than 30 in all.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. Before the Senator from Idaho goes to that subject, if I understand this matter—and I am asking for information—it was practically a taking of private property without compensation, and in morals, if not in strict law, a violation of the provision of the Constitution which prevents that. What the Senator is seeking is to have an agency of the Federal Government itself, a court of the Federal Government, which surely the Federal Government can trust or ought to be able to trust, to decide between it and these claimants——

Mr. BORAH. That is precisely the situation.

Mr. WILLIAMS. To find the damage, if any exists, whether it is a total taking or a partial taking, and to give a decree in accordance with the facts. The Federal Government will be represented at that trial by the Department of Justice under the law of the United States.

That being the case, I hope, with the Senator from Idaho, that the point of order will not be made, and that the Senate may be enabled to consider the matter upon its merits.

Mr. BORAH. Of course I have not anything more to say if the Senator insists upon the point of order; but I am satisfied that if the Senator knew the situation and really understood the loss which is bound to accrue to these people, he would not deprive them of their rights in this way.

Mr. LEWIS. Mr. President——

The PRESIDENT pro tempore. The point of order is not debatable. Wholly regardless of the merits of the claim or the justice of the demand, the provision has no place in this bill.

Mr. PAGE. Mr. President, before the Chair passes upon the point of order I should like to know more about the facts of the matter. Perhaps I may withdraw the point of order. Would it be proper for us——

The PRESIDENT pro tempore. The Senator can not have it pending and withdraw it both. Which does the Senator do?

Mr. PAGE. I withhold the point of order.

The PRESIDENT pro tempore. Then the amendment will be adopted, unless there is objection.

Mr. ROBINSON. I object. I desire to discuss the amendment.

The PRESIDENT pro tempore. The Chair will state the amendment and then the Senator can discuss it. The question is on the adoption of the amendment offered by the Senator from Idaho to the amendment of the committee.

Mr. ROBINSON. Mr. President, a subcommittee of the Committee on Indian Affairs of the Senate was appointed to consider this item, consisting of the Senator from Minnesota [Mr. CLAPP], myself, and another Member whom I do not now recall; I believe the Senator from Nevada [Mr. PITTMAN]. We reached the conclusion after very careful consideration of the subject that the matter ought to be passed to the Court of Claims for a finding of fact, and then that Congress should pass upon the matter and determine whether or not, upon the finding of fact, an appropriation should be made to meet the demands of these parties.

In reply to what the Senator from Mississippi [Mr. WILLIAMS] has said, I will say that the Court of Claims, in passing upon cases referred to it, in the great majority of cases merely makes findings of fact. There are now in the archives of this Government thousands of cases of findings of fact that are favorable to the claimants wherein no appropriations have been made, Congress reserving its right to pass upon the findings of fact as made by the court and determine whether or not an appropriation should be made to pay the claims.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. ROBINSON. I decline to yield just now.

This is peculiarly a case where the Senate ought to know what it is doing before it authorizes a judgment. Here is a case of local persons, in the immediate vicinity of an improvement that has been made by the Government for the benefit of the Indians, who claim that they ought to have damages against the Government for the construction of the improvement. It is upon the disputed question of fact that the department, already having authority to pay these claims if it believes they ought to be paid, has refused to pay them. Therefore the subcommittee of the Committee on Indian Affairs, in the exercise of the caution which I believe ought to be exercised peculiarly in cases of this kind, has sought to refer the matter to the Court of Claims for a finding of fact.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. ROBINSON. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I simply want to say that of course I am acquainted with the facts stated by the Senator from Arkansas. There are hundreds if not thousands of cases which have been referred by Congress to the Court of Claims for a finding where the Court of Claims has made a favorable finding of fact, and then those claims have come back here to be bandied about from session to session and probably never be paid. The very worst debt payer that I know of is these United States of America.

If the Senator from Arkansas will pardon me just one moment for a digression, I remember once, when I was a Member of the House, having referred to me as a member of a subcommittee a claim growing out of the old Spanish grants in Florida and the damages done the settlers there back in 1819. In going over those papers I found that Daniel Webster had passed upon them, and had made a report to the effect that the United States owed the money and ought to pay it. I found that Marcy, afterwards Secretary of State, had once passed upon it and had made the same report. I filed with the papers a report of mine, to go to the subcommittee, saying that as far as I was concerned I had been thoroughly through the papers and thought the United States owed the debt; that it was an honest debt. Three or four years afterwards I got a communication asking me if I knew whatever became of those papers. That had gone on for generations.

If the United States Government can not afford to trust its own court, where it is represented by counsel and has an opportunity to cross-examine witnesses, it ought to be able to do it. The very thing mentioned by the Senator from Arkansas is the thing that was resting in my mind when I said what I did a moment ago, and it accentuates it. I should like to see all cases sent to the Court of Claims sent there for a decree. If this Government is going to be honest, it ought to grant to the citizens of the United States the right to sue it, and it ought to stand up for the right and abide by the decree of its own courts.

Mr. ROBINSON. Mr. President, the logic of the position assumed by the Senator from Mississippi is that the peculiar protection which inheres in sovereignty, guaranteeing to this Nation the right of exemption from suit by its citizens except by its own consent, should be abolished. I wish to say to the Senator from Mississippi that I do not believe he has seriously considered the position he has taken.

Mr. WILLIAMS. I did not say that.

Mr. ROBINSON. I maintain, Mr. President, that the position which the Senator from Mississippi has taken, carried to its logical conclusion, means that any citizen of the United States having a claim against the Government ought to have the right to sue it, and to take judgment against the Government if he can recover judgment in the courts of the country. The argument that he makes can lead to no other conclusion than that.

I do not believe that is a sound argument. I believe if you throw open the floodgates to litigation against the United States, the inevitable result will be that millions upon multiplied millions of dollars will be taken from the Treasury upon claims that never ought to be presented, much less to be paid.

I say to you, Mr. President, in view of the fact that there are disputed questions of fact, in view of the fact that the Department of the Interior already has the power and the right to pay these claims if it believes they ought to be paid, and in view of the fact that it has refused to pay them because it believes they ought not to be paid, we are going far enough when we extend to these claimants the same right that we have extended to claimants from the State of the Senator from Mississippi—the right to go into the Court of Claims and establish the facts at issue—and still leave to Congress the power of making the appropriation without being precluded by a judgment of the court.

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Arizona?

Mr. ROBINSON. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. I hesitate to disagree with my friend from Arkansas.

Mr. ROBINSON. The Senator need not hesitate if he thinks he is right and I am wrong.

Mr. SMITH of Arizona. I think, from my experience of quite a number of years in these matters, that the greatest farce in the United States Government is the hope it holds out by a reference of claims to the Court of Claims for a finding. If the citizens of whom the Senator from Idaho speaks have had their homes overflowed and their property taken away by the construction of a reservoir by the Government, the Government has all the facts that it can give to the court, or that the court can ever give to the Senate; and if the matter is worthy of reference to the court it is worthy of judgment.

Taking a specific case, a little while ago the Government of the United States concluded to broaden the line between the United States and Mexico in the town of Nogales, and it issued a simple order, taking down men's stores and residences for 60 feet. That was 15 or 20 years ago. The matter was referred to the Court of Claims, and they made a finding on it, ridiculously small, taking in nothing in the world except the mere improvements on the land.

Mr. ROBINSON. Mr. President, will the Senator from Arizona yield to me?

Mr. SMITH of Arizona. I shall conclude in a sentence, if the Senator will bear with me.

Mr. ROBINSON. Very well; go ahead.

Mr. SMITH of Arizona. That was found by the Court of Claims. You may now and then get it passed through this body, and now and then through the other body, and for years and years the same thing goes on. We know what ultimately becomes of the case. It is continued in the name of their executors or administrators or personal representatives.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Mssissippi?

Mr. ROBINSON. I yield to the Senator from Mississippi for a moment, for an explanation.

Mr. WILLIAMS. I know the Senator from Arkansas does not want my position to be misunderstood. I either expressed myself awkwardly, and perhaps too emphatically—I do not remember now just what words I used—or else he misunderstood me. The position I take is that whenever the Government of the United States does grant to anybody the right to sue it, that right ought to extend to a decree.

Mr. ROBINSON. Now will the Senator from Mississippi yield to me?

Mr. WILLIAMS. Let me finish this sentence.

Mr. ROBINSON. All right.

Mr. WILLIAMS. I am not taking the general position that we ought to put upon the statute books a statute giving everybody the right, at any time, to sue the United States Government, but simply that when the right is extended it should be a complete right; it should be a right to sue to a decree, and not merely to send to a commission, to submit back to itself, one of the parties in interest, the question whether or not it will pay its debts.

Mr. ROBINSON. Mr. President, the United States Congress has the right to use any of its agencies, any of the creatures of the Government, for the purpose of ascertaining facts which may reflect upon its own action; and the United States Congress has used the Court of Claims for that purpose from the time of its creation. In view of the fact that the department of the Government intrusted with the payment of these claims and authorized to pay them if found just, has found that they are not properly payable, I can not understand why the Senator from Mississippi insists upon making an exception of this peculiar class of claims, and still leaving the many other claims that come before Congress to be passed upon as questions of fact by the Court of Claims.

This is a matter that I believe ought to be determined as a question of fact by the Court of Claims, so that Congress can act intelligently. You will be flooded with applications for the reference to the Court of Claims of claims of this character if the court is authorized to pass judgment in cases of this sort. This will become a precedent of a very dangerous and damaging character. Congress has the power of appropriation. From the beginning of this Government it has been made the guardian of the purse strings, and it is a poor answer in this case for the Senator from Arizona [Mr. SMITH] and the Senator from Mississippi [Mr. WILLIAMS] to denounce Congress by saying it has not done its duty in promptly paying claims that ought to have been paid. It is proper that the representatives of the people should retain control of the purse strings.

I might just as well say now that even if the Senator from Connecticut withdraws his point of order and if this amendment prevails the point of order will be made and the whole provision will go out of the bill.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Arkansas a question. Was this irrigation project built by the Reclamation Service or from Indian funds?

Mr. ROBINSON. It was built for the benefit of the Indians, I think, under the supervision of the Bureau of Indian Affairs. I will ask the Senator from Idaho.

Mr. BORAH. Yes.

Mr. HITCHCOCK. In that case did the bureau have any power to pay damages?

Mr. ROBINSON. Under an act of Congress already passed.

Mr. HITCHCOCK. Where work is done by the Reclamation Service?

Mr. ROBINSON. No; there was an act of Congress passed authorizing the Bureau of Indian Affairs to settle all these claims, and the bureau settled all that ought to be settled and refused to pay Wenchell and the other parties named in the list held by the Senator from Idaho. Then they presented an amendment to the Committee on Indian Affairs and asked us to give the Court of Claims jurisdiction to try out the matter and pass judgment against the Government. We decided after careful consideration of the matter that it would be better to let the Court of Claims find what the facts are and then ourselves retain control and jurisdiction of it.

Mr. WEST. Were these claimants turned down after a thorough investigation by the department?

Mr. ROBINSON. I do not know how thorough the investigation was.

Mr. BORAH. I hope the Senator will not use the word "thorough."

Mr. ROBINSON. I do not want to preclude any rights these parties may have by expressing an opinion as to the justice or injustice of the action of the Department of the Interior or the Bureau of Indian Affairs in passing upon their claims. The fact is that the department had the power to pay the claims if it found they were just. It did not pay the claims, but refused to pay them on the theory that they were not properly payable under the act which had been passed.

Mr. BORAH. I understand the Senator from Vermont made a point of order on the amendment. If so, of course it would be hardly worth while to detain the Senate longer; but I do want to ask the Senator from Arkansas a question. Here are some 30 people who have these claims. They will not exceed, my colleague thinks, $30,000. I will say they will not exceed, at the outside, $45,000. The Senator knows from his observation and from the statement which he made a while ago that to put in a provision here for a finding of fact is practically to deny these people justice. They will be lucky, indeed, if they ever get anything at all, unless the court is authorized to render judgment.

Mr. ROBINSON. I do not admit anything of the kind. The same committee that reports this provision will, when the findings of fact have been made, have jurisdiction to report an appropriation to pay them.

Mr. BORAH. It will have jurisdiction, Mr. President, but the archives over there are full of claims which have been reported favorably wherein citizens have just claims against the Government, and there has never been an appropriation made for them.

Mr. ROBINSON. Why make an exception of this peculiar claim and take it out of the class of the many claims which have come before Congress? Why not treat them all alike and pay them when found to be just? That is the very point I am making.

Mr. BORAH. Of course this thing of referring claims to the Court of Claims for a finding of fact has become almost a scandal. It is like the entrance to Dante's Inferno—the person who goes into that process leaves hope behind. There are only a very few instances where they are paid, and those are instances where people have such large claims that they can constantly be upon attendance of Congress and look after them and have the claims allowed after finding of facts has been made. Small claims such as are here represented are generally put into the archives and pass into oblivion.

Now, I know the Senator does not want to do these people an injustice. If the Court of Claims finds in their favor, then you have this position before Congress: You have the judgment of the court that men have a just claim for having given up their homes and their possessions for the benefit of the Government. Why not give judgment and let them have it to go elsewhere

and purchase possibly a place of habitation in lieu of the one which they lost?

Mr. ROBINSON. Replying to what the Senator from Idaho has said, an argument such as he makes applies to every claim that has ever been presented to Congress and every claim that ever will be presented to Congress. I admit there is much force in the contention that when the sovereign divests itself of its peculiar characteristics and goes into business it ought to deal upon the same plane that citizens deal upon; but I suggest to the Senator from Idaho and to the Senator from Mississippi that this case is one which peculiarly calls for a safeguarding of the rights of the public by Congress, because of the very fact that one creature of Congress has already passed on these claims and found them unjust.

We all know that the Court of Claims in making findings of fact passes upon many questions, and one subject which the Senator from Idaho might think would preclude the whole subject might to my mind be of comparatively small importance. So, for that reason, I think Congress ought to set the precedent in this bill of giving the Court of Claims power to pass judgment against the United States for damages or alleged damages that may have accrued to white citizens by reason of its operations through the Bureau of Indian Affairs. If you do not do that—mark my words—instead of appropriating ten or twelve million dollars for the alleged benefit of the Indians of the United States you will in the next two years have claims presented here annually to the amount of many million dollars.

Mr. BORAH. Mr. President, if there are just claims due——

Mr. ROBINSON. The principal point is the difficulty in ascertaining what is a just claim.

Mr. BORAH. Mr. President——

Mr. ROBINSON. Congress, in making appropriations, is charged with the duty of passing upon that very question.

Mr. BORAH. Suppose, Mr. President——

Mr. ROBINSON. I submit to the Senator from Idaho, in reply to what he said about the forlornness of hope of these people, if they are merely given a finding of fact with the same diligence with which he is presenting their case now, he will be presenting their case when the finding of fact has been made, and he will be asking for an appropriation; but if the finding of fact is unfavorable, perhaps he will be deterred from doing that.

Mr. BORAH. There is a limitation to human life and also to public office. I do not know that these people will be living or that I will be here.

Mr. ROBINSON. If the Senator from Idaho is proud of that observation, I must reply that it does not, to my mind, reflect credit upon my own intelligence that he should find it necessary to communicate that sort of a statement to the Senate in this debate.

Mr. BORAH. I regret to have fallen in the estimation of the Senator from Arkansas. If the Senator from Arkansas has not concluded, I will wait until he does conclude.

Mr. ROBINSON. Very well; I think perhaps that would be the best course for the Senator from Idaho to pursue, in view of the fact that he has sought to remind me of the truth that there is a limit to human life and human endurance.

Mr. LEWIS. Mr. President, if I may be permitted to interrupt the Senator from Arkansas, the distinguished Senator from Idaho is no doubt referring possibly to the Democratic situation which will subsequently arise touching his own State and not to the Senator from Arkansas.

Mr. BORAH. No, Mr. President; if the Senator from Arkansas will permit me, what I meant was this: I had a letter from one of these settlers the other day who is 80 years of age. That was floating in my mind when I said that there was a limit to human life. The other proposition was that the Senator from Idaho has only four years to serve, and he could not get any bill through in four years after the Court of Claims made a finding of fact in that time, judging by past precedents. I was speaking sincerely and not in jest.

Mr. ROBINSON. Mr. President, the interest of the Government of the United States and of the Treasury of the United States requires that we exercise some caution in this particular. If the matter were limited to the claims of the constituents of the Senator from Idaho, it would be another question, but we are setting a precedent here which has not been made heretofore. We are establishing the right of claimants in a general appropriation act to recover for alleged damages accruing to them by reason of the Government constructing irrigation works for the benefit of Indians. We all know, those of us who are lawyers, that it is not every claim which is presented that is just. We all know that the rights of the Government are not always carefully protected in litigation of this character. I do not mean to reflect upon anybody or to criticize any courts, but I am simply stating what is known to be a fact and what has led to investing the Court of Claims with jurisdiction principally to determine questions of fact. Congress can be trusted to make this appropriation if it is a just one. I suggest to the Senator from Idaho that this is the first time that I, as a member of the committee, have ascertained that the provision in the bill was not acceptable to either of the Senators from Idaho.

The PRESIDENT pro tempore. Let the Chair ask his colleague a question. Is it not a fact that these alleged claims could be referred to the Court of Claims now under the Tucker Act if they had any foundation?

Mr. ROBINSON. I think so.

The PRESIDENT pro tempore. Then the adoption of this provision would simply be a reenactment of existing law?

Mr. ROBINSON. I think that would be the effect of it. I think it is perfectly proper for the committee to refer a matter to the Court of Claims for a finding of fact. I am bound to admit that the whole item is subject to the point of order, and with my view of the matter if a point of order is made I shall surrender the floor.

The PRESIDENT pro tempore. Does the Senator make a point of order before he takes his seat?

Mr. ROBINSON. I make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BORAH. May I ask a question. Does the point of order go to the amendment which I offered or to the entire item?

The PRESIDENT pro tempore. It includes the entire item under the section of Rule XVI, and that is wholly regardless of the merit of the claim.

> No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Of course this is not to carry out a provision of existing law, and, if it were admissible otherwise, that is a specific condition in the rule. The next amendment of the committee will be stated.

The next amendment was, on page 30, after line 15, to insert:

> For pay of employees at the Nez Perce Agency, $5,500.

The amendment was agreed to.

The next amendment was, on page 30, after line 16, to insert:

> To reimburse M. D. Colgrove, superintendent of the Coeur d'Alene Agency, for expenses incurred in connection with the retention of an Indian charged with murder, $6.

The amendment was agreed to.

The next amendment was, on page 30, after line 19, to insert:

IOWA.

> For expenses of the Sac and Fox Agency, Iowa, including pay of employees not otherwise provided for, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," in section 6, on page 30, after line 23, to strike out:

> SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., including pay of superintendent, $127,750; for general repairs and improvements, $11,000; in all, $138,750.

The amendment was agreed to.

The next amendment was, on page 31, after line 3, to insert:

> SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvement, $13,500; for gymnasium building and equipment, $30,000; in all, $171,250.

Mr. BORAH. I should like to have a little explanation by the Senator in charge of the bill as to section 6. What is this estimate of $127,750? This situation is becoming interesting.

Mr. ASHURST. The item to which the distinguished Senator from Idaho adverts reads:

> For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvement, $13,500; for gymnasium building and equipment, $30,000; in all, $171,250.

This provision in the bill is in accordance with an estimate made by the department. The Senate Committee on Indian Affairs has not increased the amount estimated by the department, and the justification for the same is as follows—that is to say, it is required for the following purposes, which will serve as an analysis of the expenditure:

Salary and wages	$49,399
Traveling expenses	86
Telegraph and telephone services	234

There are some fractional cents in each instance, but I omit them—

Heat, light, and power (service)	$3,015
Miscellaneous material	3,024
Stationery	102
Fuel	16,090

Mechanics' supplies	$62
Cleaning and toilet supplies	1,714
Wearing apparel	8,546
Forage	1,926
Provisions	21,235
Equipment	14,851
Construction and repairs	11,598
Medicinal supplies	654
Water	1,301
Ice	607
Seed	239
Miscellaneous expenses	75

Statistical statement for year ending June 30, 1913.

Value of school plant	$299,573
Number of buildings	66
Number of employees	67
Total salaries	$51,695
Average attendance of pupils	635
Enrollment of pupils	797
Capacity of school	750
Cost of education, maintenance, per capita	$194
Area of school lands—acres	987
Value of the products of the school for the year	$19,773

The Senator will observe that $30,000——

Mr. BORAH. Yes; for a gymnasium.

Mr. ASHURST. The Senator adverts to the $30,000 for a gymnasium, which I had not quite reached. If the Senator will pardon me, I will read from page 126 the following from one of the hearings had before the Committee on Indian Affairs. The Senator from Kansas [Mr. THOMPSON] presented an amendment providing for $40,000 for a gymnasium. Mr. Meritt, the assistant commissioner, said:

In our estimates we ask for $30,000 for a gymnasium building and equipment at the Haskell Institute. The House omitted this item from the bill passed by the House. We also asked for general repairs and improvements, $13,500, and the House allowed us $11,000. We feel that we can construct a suitable gymnasium building and equip it properly to meet sufficiently the needs of that school for $30,000, but we do need that additional $2,500 for general repairs and improvements of the other buildings. We have a large number of buildings at this school.

The Senator will remember that I read there are 66 buildings. It is one of the largest nonreservation schools in the Indian Service. The school is doing——

Mr. BORAH. May I ask the Senator a question? I notice an estimate there as to the cost of a gymnasium; but are there any facts there presented or was there anything presented to the committee showing why we should spend $30,000 for a gymnasium?

Mr. ASHURST. If the Senator will pardon me——

The PRESIDENT pro tempore. May the Chair also address an inquiry to the Senator from Arizona? The Senator read the recommendation of Mr. Meritt, the Assistant Commissioner of Indian Affairs. Was his suggestion transmitted to the Secretary of the Interior and by him concreted in a definite estimate of this amount as a necessary expenditure?

Mr. ASHURST. Replying to the question propounded to me by the Chair, I will state that I intended to say that this item is included in the Book of Estimates, which contains all the necessary items of appropriation estimated by the Secretary of the Treasury.

The PRESIDENT pro tempore. Was it indorsed by the head of the Interior Department?

Mr. ASHURST. Oh, certainly. The Interior Department included this item in the estimates.

The PRESIDENT pro tempore. That might very easily be confounded with the suggestion of the assistant commissioner. What the Chair desires definitely to understand is whether the Secretary of the Interior, in his estimate of the necessary expenses of conducting the bureau, included that item of $30,000?

Mr. ASHURST. I answer the question, yes; and in reply to the distinguished Senator from Idaho [Mr. BORAH], I will proceed to read all of the testimony from the hearings that were had before the Committee on Indian Affairs in relation to this ubject. Of course I can give to the Senator and the Senate only such information as I possess; and all I possess is what I gleaned at the hearings and from the reports. So, if the Senator will permit me, I will continue to read from the hearings. Mr. Meritt said:

It is one of the largest nonreservation schools in the Indian Service. The school is doing good work, but they are in serious need of a gymnasium. We have Mr. Peairs here, who lives at Lawrence, and he was superintendent of that school for a number of years, and he can tell you of the urgent need for this gymnasium. We feel, however, it should not be over our estimate of $30,000.

Senator LANE. Where will the money come from?

Mr. MERITT. It will be a gratuity appropriation by the Government.

The CHAIRMAN. Is there any objection to the item of $30,000 for the gymnasium at Haskell, and raising the other item to $2,500?

Mr. BORAH. Mr. President, do I understand that the Senate Committee on Indian Affairs has approved of this item of $30,000 as a gratuity from the Government for the building of a gymnasium?

Mr. ASHURST. The Senate committee has done so.

Mr. BORAH. That is astonishing in view of the economy which is being practiced.

Mr. ASHURST. I notice the absence of several Senators who appeared before the committee to urge these appropriations. The Senator from Kansas [Mr. THOMPSON] in the discussion of this item states as follows:

Senator THOMPSON. We have nothing there but a basement; and only about 40 can get in there at a time out of 700.

There was some further discussion of the subject by other Senators, which I will not weary the Senate by reading at this time.

Mr. BORAH. Mr. President, I inquire whether the Senator from Arizona has concluded?

Mr. ASHURST. I have concluded, unless the Senator from Idaho wishes to have me read further from what was stated before the committee.

Mr. BORAH. No; the statement made with reference to the necessity of this gymnasium is very full and very conclusive; the necessity of it seems unquestioned; and I am not permitted to criticize the economical tendencies of the committee by reason of allowing it.

Mr. ASHURST. Of course, the committee is profoundly gratified to have the approval of this item by the distinguished Senator from Idaho.

Mr. BORAH. I desire to say there was some mental reservation.

The PRESIDENT pro tempore. Unless there is objection, the amendment is agreed to. The Chair hears none.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Michigan," on page 31, after line 16, to strike out section 7, as follows:

SEC. 7. For support and education of 325 Indian pupils at the Indian school, Mount Pleasant, Mich., including pay of superintendent, $56,275; for general repairs and improvements, $5,000; in all, $61,275.

And to insert:

SEC. 7. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $60,450; for general repairs and improvements, $6,000; for gymnasium and manual training buildings and equipment, $25,000; in all, $91,450.

Mr. KENYON. Mr. President, might I inquire of the chairman of the committee as to the gymnasium covered by this appropriation? The House of Representatives does not seem to have been partial to gymnasiums, but the Senate committee seems to have put them in in all of these instances.

Mr. TOWNSEND. Mr. President——

Mr. ASHURST. I yield to the Senator from Michigan, Mr. President.

Mr. TOWNSEND. Mr. President, this is an item that was estimated for last year by the Interior Department. We have a very prosperous school, considering all the conditions, at Mount Pleasant, Mich. There are in that school about 400 students. There are of Indian children in the State of Michigan who are entitled to school benefits about 1,400. This building is needed. They have absolutely nothing that can be used for this purpose. The department has recommended that it should be erected.

As is known, we have long winters in Michigan. A gymnasium, a physical exercising room, has come to be a very essential part of school work, and in this particular instance we need this building, because it was discovered by the committee that visited the Indian reservations of the country last year that where the schools are provided with such accommodations, where they have these things which are so near and so dear to the Indian heart, they are more attractive and the schools are better attended. I repeat that this is an essential part of the educational work practically of all schools, but especially of the Indian schools.

This school is being maintained in Mount Pleasant, where there are white schools, and these Indians are doing very favorable work in comparison with the white children, who have all the advantages which this bill seeks to provide in part for the Indian children.

It is true that the House left out this provision, but it left out many other provisions which were inserted in this bill by the Senate committee, and which the Commissioner of Indian Affairs or his representative argued were absolutely essential to the proper conduct of these educational institutions.

We have but the one school in Michigan for fourteen hundred Indian children. There ought to be more than 400 in that school, but they can not all be accommodated in the buildings which now exist. We are making provision for some exten-

sion of this building for this gymnasium, which is a manual training school; properly it is more of a manual training school than what we understand the ordinary gymnasium to be; although it is a place for physical exercises, it is also a manual training building. In that building these Indians, it is believed, will get great advantages.

When the bill was pending last year before the committee I did not urge this amendment so strongly, because I did not know for myself what the conditions at Mount Pleasant were. I have since made myself personally acquainted with the conditions there, and I say, without hesitation, that this building is essential to the highest usefulness which can be obtained from that school.

Mr. BORAH. Mr. President, the explanation of the Senator from Michigan is satisfactory, but I notice that since we eliminated the item on page 30 and refused to pay the honest debts of the United States to its citizens because of the fact that we were anxious to protect the funds of the Indians and practice economy, we have already appropriated in the next two pages $65,000 for gymnasium buildings and equipment. I suppose they are provided in contemplation of a possible war with Mexico, with the idea of getting ready.

Mr. KENYON. Mr. President, I should like to inquire of the Senator from Michigan if he knows how many gymnasiums are provided for in this bill? Are they only provided in a few places or are they generally provided where Indian schools are located?

Mr. TOWNSEND. I am not prepared to answer that question, but I think there is no building of this kind provided for in the bill that is not needed and that is not actually a necessity for the school work in connection with the training of the Indians. I think all the practical educators connected with the work, not simply the men who have charge of the institution at Mount Pleasant, but those at the Haskell Institute and at other places; in fact, every man who has investigated Indian school work has recognized that manual-training work is one of the absolute necessities of Indian education. I repeat that I can not tell how many such buildings there are provided in this bill, but I do not think there are very many, because very many of these institutions throughout the United States have already been equipped with gymnasiums and manual training buildings, as they are called.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Michigan yield to the Senator from Arizona?

Mr. TOWNSEND. I yield to the Senator.

Mr. ASHURST. I feel, in justice to the committee, as well as in justice to the Senate itself, which is entitled to and should have this information——

Mr. KENYON. Mr. President, does not the Senator feel, in making an explanation to the Senate, that there should be more than 12 Senators present? I suggest the absence of a quorum before the Senator proceeds.

The PRESIDING OFFICER. The suggestion of the absence of a quorum having been made, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Owen	Smith, Mich.
Borah	Hughes	Page	Smoot
Brady	James	Perkins	Sterling
Bristow	Johnson	Pittman	Stone
Bryan	Jones	Ransdell	Sutherland
Burleigh	Kenyon	Reed	Swanson
Camden	Lane	Robinson	Thompson
Catron	Lee, Md.	Saulsbury	Thornton
Chamberlain	Lewis	Shafroth	Tillman
Clapp	Martine, N. J.	Sheppard	Townsend
Crawford	Myers	Sherman	Vardaman
Cummins	Nelson	Shively	White
Dillingham	Norris	Smith, Ariz.	Williams
Fletcher	O'Gorman	Smith, Ga.	
Gore	Overman	Smith, Md.	

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Massachusetts [Mr. LODGE], of the junior Senator from Massachusetts [Mr. WEEKS], and of the senior Senator from New Hampshire [Mr. GALLINGER].

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment reported by the committee on page 31.

The amendment was agreed to

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section 7, on page 32, after line 2, to insert:

For pay of expenses of the Mackinac Agency, including pay of employees not otherwise provided for, $2,400; for purchase of site and construction of agency building, $1,200; in all, $3,600.

The amendment was agreed to.

The next amendment was, on page 32, after line 6, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay to Joseph Bradley, attorney in fact for the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians, Michigan, the balance of $30.65 in the Treasury and due these Indians under the provisions of article 2 of the treaty of August 2, 1855 (11 Stat. L., p. 633): *Provided, however,* That he shall before receiving the said sum execute as attorney in fact on behalf of these Indians a receipt in full therefor.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," in section 8, at the top of page 33, to insert:

For the payment of high-school teachers at White Earth, Minn., for instruction open to the children of the Chippewa Indians in the State of Minnesota, $6,000, or so much thereof as may be necessary, to be used under rules to be prescribed by the Commissioner of Indian Affairs: *Provided,* That not to exceed $1,000 of this sum may be used to continue the education of boys appointed under the provisions of the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913.

The amendment was agreed to.

The next amendment was, on page 33, line 16, after the words "the sum of," to strike out "$215,000" and insert "$173,500"; in line 25, after the word "exceed," to strike out "$50,000" and insert "$20,000"; on page 34, line 2, after the words "Mille Lacs Indians," to insert "to whom allotments have not heretofore been made"; and in line 9, after the word "amended," to insert: "*Provided further,* That $8,500 of this amount, or so much thereof as may be necessary, may be expended in the removal of Chippewa Indian bodies from the burial grounds in the vicinity of Wisconsin Point, Wis., and their reinterment in an established cemetery in the city of Superior; said amount to cover markers for each grave or one monument, as may be found most suitable; and for the removal and suitable burial and marking of the graves of Indian bodies at Mille Lacs, Gull Lake, and Sandy Lake, Minn.," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $173,500, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act: *Provided,* That not to exceed $20,000 of this amount may be used in the purchase of lands for homeless non-removal Mille Lacs Indians, to whom allotments have not heretofore been made, to be immediately available and to remain available until expended, said lands to be held in trust and may be allotted to said Indians, in the discretion of the Secretary of the Interior, subject to the provisions of the act of February 8, 1887 (24 Stat. L., p. 388, as amended): *Provided further,* That $8,500 of this amount, or so much thereof as may be necessary, may be expended in the removal of Chippewa Indian bodies from the burial grounds in the vicinity of Wisconsin Point, Wis., and their reinterment in an established cemetery in the city of Superior; said amount to cover markers for each grave or one monument, as may be found most suitable; and for the removal and suitable burial and marking of the graves of Indian bodies at Mille Lacs, Gull Lake, and Sandy Lake, Minn.

The amendment was agreed to.

Then the next amendment was, at the top of page 35, to insert:

That the building at Bena, Minn., is hereby granted to the village of Bena to be used as a schoolhouse, together with so much land as the Secretary of the Interior may determine, not exceeding 3 acres, and the Secretary of the Interior is hereby authorized to convey said property by a deed: *Provided,* That the children of the Chippewa Indians of Minnesota shall have access at all times to the school maintained therein.

The amendment was agreed to.

The next amendment was, on page 35, line 20, after the word "Minnesota," to insert "*Provided,* That any persons who are bona fide residing upon said land shall not be required to remove therefrom except upon terms approved by the Commissioner of Indian Affairs," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Northern Minnesota Conference of the Methodist Episcopal Church a patent in fee to lot 1, section 19, township 65 north, range 21 west of the fourth principal meridian, State of Minnesota: *Provided,* That any persons who are bona fide residing upon said land shall not be required to remove therefrom except upon terms approved by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, on page 35, after line 23, to insert:

That the sum of $1,500, or so much thereof as may be necessary, is hereby appropriated from the tribal funds of the Chippewa Indians of the State of Minnesota now in the Treasury, to pay the expenses incurred by the delegations of Chippewa Indians who visited Washington, D. C., on business for said Chippewas and who were elected by the councils of March 25, 1911, and December 30, 1912, and also for the expenses of the duly elected delegates who attended the general council of the Chippewas of Minnesota, held at Cass Lake, Minn., on May 6, 7, 8, and 9, 1913. Said sum of $1,500 shall become immediately available upon the passage of this act.

The amendment was agreed to.

The next amendment was, on page 36, after line 12, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing

right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted lands of the Fond du Lac Indian Reservation, Minn., in Carlton County judicial ditch No. 1. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against said allotted and tribal lands: *Provided*, That said assessment shall not exceed $1.50 per acre; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $13,080, to be immediately available, the said sum to be reimbursable, in the discretion of the Secretary of the Interior, from any funds belonging to the individual allottees or their heirs or any funds belonging to the tribe subject to be prorated, which are now or may hereafter be under his charge. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor. That in the event a patent in fee shall be issued for any Indian land within this district before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on the land, and the facts of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against such land as herein provided, shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into full force and effect.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

That the sum of $1,500, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of Minnesota is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., the second Tuesday in July, 1914.

The amendment was agreed to.

The next amendment was, on page 38, line 8, after the words "the sum of," to strike out "$50,000" and insert "$75,000," and in line 15, after the word "maintaining," to strike out "two hospitals, one to be located either on the Red Lake or Leech Lake Reservation and one to be located on the Fond du Lac Reservation," and insert "three hospitals, to be located on the Chippewa Reservation in Minnesota," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $75,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of constructing, equipping, and maintaining three hospitals, to be located on the Chippewa Reservation in Minnesota, the sites to be selected by the Secretary of the Interior, for the use and benefit of the Chippewa Indians in Minnesota.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

That the Commissioner of Indian Affairs is hereby authorized to use for or advance to individual Chippewa Indians in the State of Minnesota entitled to participate in the permanent fund of the Chippewa Indians of Minnesota out of such fund such sum or sums as he may deem necessary or advisable from time to time, except that such sums so advanced to any one of said Indians shall not in the aggregate exceed one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund: *Provided*, That any money received hereunder by any member of said tribe, or used for his or her benefit, shall be deducted from the share of said member in the permanent fund of the said Chippewa Indians in Minnesota to which he or she would be entitled.

The amendment was agreed to.

The next amendment was, on page 40, after line 7, to insert:

That the Secretary of the Interior is hereby authorized to sell the merchantable timber on the Red Lake Reservation, in the State of Minnesota, subject to the following limitations: The term "merchantable timber" within the meaning of this act shall include white, Norway, and jack pine, spruce, tamarack, cedar, elm, oak, birch, poplar, and basswood, but shall not include maple and ash. On that part of said reservation comprising the peninsula between upper and lower Red Lake lying west of the present east line of said reservation and north of Battle River only the dead and down and not exceeding 25 per cent of the standing timber shall be sold, and each tree to be cut shall first be marked by a forest officer. On the balance of the reservation all the merchantable timber may be sold, except that on tracts where white and Norway pine and spruce may be growing not less than 10 per cent thereof shall be left for reforestation. All lumbering hereunder shall be according to approved forestry methods and such rules and regulations not inconsistent herewith as the Secretary of the Interior may prescribe. Not more than 30,000,000 feet board measure in the aggregate shall be sold in any one year.

All saw timber shall be scaled on the bank by the Scribner decimal C-rule, and full scale shall be allowed for all timber that will saw out No. 3 lumber or better.

The following are the minimum stumpage prices at which any of the timber on said reservation may be sold: White pine, $10 per thousand feet; Norway pine, $8 per thousand feet; spruce, $5 per thousand feet; cordwood, 50 cents per cord; pulp wood, $1 per cord; poles 20 to 25 feet in length, 10 cents each; poles 25 to 30 feet in length, 15 cents each; poles 30 to 50 feet in length, 2 cents per running foot; fence posts 3 inches at top, 1 cent each; fence posts 4 inches at top, 2 cents each; and fence posts above 4 inches at the top, 3 cents each; ties of all kinds, 5 cents each for No. 2 and 8 cents each for No. 1; piling, 3 cents per running foot. All ties, posts, and piling sold shall be counted and graded, and pulp wood and bolt wood shall be measured up to the standard cord.

The proceeds from such sales shall be deposited in the Treasury of the United States to the credit of the Indians owning the timber, and thereafter, in the discretion of the Secretary of the Interior, used for the benefit of the Indians of the said Red Lake Reservation, in such manner as he may direct.

Mr. PAGE. Mr. President, as I understand, the parties who are asking for the legislation contained in the amendment beginning on page 40, line 8, and going down to and including line 4 on page 42, are willing that it shall go out on a point of order, and I make that point.

Mr. ASHURST. Do I understand that the Senator from Vermont makes a point of order against that amendment?

Mr. PAGE. Yes, sir.

Mr. CLAPP. There is, of course, no question but that it is subject to a point of order.

Mr. ASHURST. Every Senator is bound to confess that the point of order is well taken. There is no opposition to it.

Mr. NELSON. I have no objection to the point of order being sustained.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). The point of order is sustained.

Mr. ASHURST. In order that I may not be under a misapprehension, the point of order, of course, does not run against, and is not intended to apply to, lines 5, 6, 7, 8, 9, and 10, on page 42?

Mr. CLAPP. No.

Mr. PAGE. No point of order was raised as to those lines.

The PRESIDING OFFICER. Will the Senator from Vermont state the ground of his point of order, so that the RECORD may show it?

Mr. PAGE. It is new legislation. I would not have raised the point of order but for the fact that the two Senators from Minnesota are willing that the amendment shall go out upon a point of order, and so I have raised it. There is no question of its being obnoxious to a point of order.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 42, after line 4, to insert:

No appropriation of the tribal funds of Indians in Minnesota in excess of $5,000 shall be available until such expenditure has been duly approved by the tribe of Indians whose funds are to be expended, by a majority vote, cast in a regular election, and the authenticated result thereof certified to the Secretary of the Interior.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, at the suggestion of the chairman of the committee, and for the convenience of the Senator from Oklahoma [Mr. GORE], I ask unanimous consent that the items relating to Oklahoma be next considered. The Senator from Oklahoma is compelled to leave the city in a short time, and is anxious that these items shall be considered before he has to go.

The PRESIDING OFFICER. Unless there is objection, the request of the Senator from Arkansas will be granted. The Chair hears none, and the Secretary will read as requested.

Mr. CLAPP. Before we proceed with that part of the bill, Mr. President, do I understand that the amendment beginning with line 5 and ending with line 10, inclusive, on page 42, was adopted?

The PRESIDING OFFICER. It has been agreed to.

The reading of the bill was resumed, beginning with line 8 on page 57.

The next amendment of the Committee on Indian Affairs was, under the head of "Oklahoma," in section 16, page 58, line 22, after "$7,000," to strike out "in all, $93,250" and insert "for new buildings, $18,000; in all, $111,250," so as to make the clause read:

For support and education of 500 Indian pupils at the Indian School at Chilocco, Okla., including pay of superintendent, $86,250; for general repairs and improvements, $7,000; for new buildings, $18,000; in all, $111,250.

The amendment was agreed to.

The next amendment was, on page 58, after line 23, to insert:

For the purpose of acquiring sites for school buildings on restricted Indian lands under the jurisdiction of the Quapaw Agency, Okla., the Secretary of the Interior is hereby authorized, in his discretion, to remove the restrictions as to alienation from not to exceed 5 acres of any Indian allotment, original or inherited, held under the jurisdiction of said Quapaw Agency, and to permit the sale thereof under such terms and conditions as he may deem advisable, whenever necessary to enable the trustees of a school district to acquire a site for a school building: *Provided*, That where the allotment is held under a trust patent he may cause a patent in fee for the purchased tract to be issued to the trustees of the school board: *Provided further*, That when said land is no longer needed for school purposes it shall revert to the allottee to whom it belonged, or his heirs, and the restrictions as to alienation shall again apply, which condition shall be incorporated in the patent in fee when issued for such lands as are held under trust patents.

Mr. PAGE. Mr. President, I should like to ask the Senator from Oklahoma if he thinks the provisions of this section can be carried out without the consent of the Indian allottee?

Mr. OWEN. No; I think the consent of the Indian will have to be obtained always.

Mr. PAGE. There is no proviso to that effect in the amendment.

Mr. OWEN. It removes the restriction as to alienation. Unless the Indian gives his consent, however, of course it could not be alienated. In line 2, page 59, it says "to remove the restrictions." That only permits the Indian to alienate; it does not alienate the lands without his consent. His consent, of course, is required.

On page 59, line 2, the Senator will see the words "to remove the restrictions." That only means that the restriction of the present law, which makes it impossible for the transfer to be made, would be removed in the Secretary's discretion; but, of course, the Indian would have to give his deed for the land in order to dispose of it.

Mr. PAGE. As I looked over the amendment it seemed to me that the matter was left to the agency to decide about that, and that it made no provision for the consent of the Indian allottee.

Mr. OWEN. It only removes the restriction; that is all. The Senator will see the words to which I refer on page 59, line 2.

Mr. ROBINSON. Mr. President, supplementing what the Senator from Oklahoma has said, the amendment merely enables the Indian to convey these lands that are desired for school sites where the owner is under restriction. It does not, of course, compel him to do so.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 60, after line 2, to insert:

For pay of employees at the Sac and Fox Agency, Okla., not otherwise provided for, $2,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 4, to insert:

For pay of employees at the Seneca Agency not otherwise provided for, $1,500.

Mr. PAGE. Mr. President, I can not understand why the pay of employees at some agencies is especially provided for here. On page 13, line 8, we make a general provision in which we say:

For transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000.

Then we insert here a specific appropriation of $1,500 over and above that. I should like to know why we destroy the symmetry of the bill by doing that.

Mr. ASHURST. Mr. President, the Senator will recall that yesterday the same question arose; and I then adverted to page 14 of the bill, I think, which contains a provision that wherever a specific appropriation is made the general appropriation for civilization and support of the Indians shall not obtain. I think the Senator will remember that provision, which will be found on page 14 of the bill.

Mr. PAGE. But the point I want to ascertain is why it is necessary to introduce at this point in the bill a measure to provide for paying the employees of a certain agency; when on page 13 we appropriate a lump sum of $125,000 for this very purpose.

Mr. ASHURST. The Senator was present during the hearings held by the committee, and I think took part in that discussion. I shall be very glad, if he will pardon me a moment, to refresh his memory on this point.

Mr. PAGE. I do not care to take the time of the Senate to discuss the matter.

Mr. ASHURST. The Senator is entitled to the information.

Mr. PAGE. It seems to me, however, that when we have a lump sum it is not a happy feature of the bill to introduce a special feature of this kind.

Mr. ASHURST. The Senator adverts to the provision on page 60 which reads as follows:

For pay of employees at the Sac and Fox Agency, Okla., not otherwise provided for, $2,060.

Mr. PAGE. No; I referred to lines 5 and 6.

Mr. ASHURST. Yes; and lines 5 and 6:

For pay of employees at the Seneca Agency not otherwise provided for, $1,500.

The amount estimated in each instance is as set out in the bill. Hence we begin the discussion by disclosing that the Interior Department has requested this in its Book of Estimates. The same amount was appropriated in the last bill, and there is an unexpended balance of $2.

The Indian population is 657. The present appropriation is made to cover the salaries of three employees, but it has been found necessary to employ temporary help from time to time to keep the work up to date. The increase will be used to provide such additional help as is required and for increases in the remuneration of faithful and efficient employees.

Such salaries as the appropriations heretofore allowed admit of are not sufficient to enable us—

The Interior Department—

to retain efficient employees.

This reservation—

Speaking of the Sac and Fox—

This reservation was created by treaty, and of the area within the former reservation 87,683 acres were allotted to 548 Indians. The residue was opened to settlement by proclamation of September 18, 1891, except about 800 acres, which were reserved for school and agency purposes. There are no remaining tribal lands on this reservation.

Mr. PAGE. I do not seem to make myself understood by the chairman. The point is that we make a special provision for employees at one agency, whereas on page 13, from line 3 to line 13, we make a general provision that covers all the agencies, as I understand it. Why should we make a special provision of $1,500 for this particular agency?

Mr. ASHURST. I will advert to the House hearings on the items for the pay of Seneca Indians in Oklahoma:

This is $1,000 more than the amount allowed for the fiscal year 1914. The appropriation is being used to pay salaries of two clerks, while an additional employee is being paid a salary of $840 per annum from the appropriation for general expenses of the bureau, this position being essential to the proper handling of the affairs of the Indians.

I ask the especial attention of the Senator from Vermont to this point:

The additional amount requested is for the purpose of relieving the general appropriation and for making small, well-deserved promotions in the salaries of other employees.

Indian population: Seneca, 407; Eastern Shawnee, 129; Ottawa, 274; Peoria-Miami, 355; Wyandot, 449; total, 1,614.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Mr. PAGE. Mr. President, I dislike to take the time of the Senate in discussing the introduction of this particular item here. I think it is wrong. I think it ought to go in the general clause, but I will make no objection to it.

The amendment was agreed to.

The next amendment was, on page 60, after line 13, to strike out:

That the fourteenth paragraph of section 18 of the Indian appropriation act approved August 24, 1912 (37 Stat. L., pp. 533 and 534), be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause to be delivered to the persons entitled thereto, under such rules and regulations as he may prescribe, checks payable to the order of individual Indians who are members of the Band of Mexican Kickapoo Indians residing in the Republic of Mexico, covering individual Indian moneys now on deposit to the credit of such Indians, or in any manner under the control of the superintendent of the Shawnee Indian School and other officers of the Interior Department or which may hereafter be deposited with or come under the control of the Department of the Interior or its representatives, except such moneys as may belong to members of said band who are under 18 years of age and the feeble-minded Indian known as Paw-kaw-kah, in which cases such moneys shall be paid to the proper custodians of the members of said band who are under 18 years of age, and the said Paw-kaw-kah."

And to insert:

That part of the act of Congress approved June 21, 1906 (34 Stat. L., p. 363), reading as follows: "All restrictions as to sale and encumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians who have heretofore been or are now known as Indians of said tribes, affiliating with said Kickapoo Indians now or hereafter nonresident in the United States, who have been alloted land in Oklahoma or Indian Territory are hereby removed: *Provided*, That any such Indian allottee who is a nonresident of the United States may lease his allotment without restriction for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee," be, and the same is hereby, repealed, and the trust period on the lands allotted to said Indians now held in trust is hereby extended for 10 years from the date of the expiration of the present trust period on said lands, and the further sale of any of the lands allotted to or inherited by the Mexican Kickapoo Indians shall not be permitted without specific authority of Congress.

Mr. KENYON. Mr. President, I desire to make a parliamentary inquiry of the Chair. Would a point of order to the amendment be in order if it did not go to the entire amendment. I wanted to make a point of order on the amendment down to and including the word "repealed," in line 4, on page 62, as the balance is, I believe, a good provision.

The PRESIDENT pro tempore. The Senator from Iowa will be good enough to state the proposition again, so that the Chair may understand it.

Mr. KENYON. I will state the point of order I make. I make the point of order on the amendment commencing at line 12, page 61, down to and including the word "repealed." in line 4, page 62. I make the point of order that it is new legislation attached to an appropriation bill. I call the attention of the Chair to the fact that the entire amendment proceeds to line 10, on page 62. The question I suggest is whether the point of order may be made to a part of the amendment, or must it be made to all the amendment?

The PRESIDENT pro tempore. It is separable. It is distinct, so that it can be separated for a vote upon request. The Chair would hold that that could be made.

Mr. ASHURST. I regret that the distinguished Senator from Iowa should make a point of order against the committee amendment on page 61, down to line 11 on page 62.

Mr. KENYON. No; it is to and including the word "repealed" on line 4.

Mr. ASHURST. I will merely take time enough to say that this item alone was the subject of nearly two weeks' discussion by the committee. Tomes of testimony were taken. If the distinguished Senator from Iowa understood how carefully the committee tried to guard the rights of the Indians and how essential this legislation is to protect the Indians, the Senator would be the last one to think of making a point of order upon it.

Mr. ROBINSON. Will the Senator from Iowa yield to me for a brief statement?

Mr. KENYON. I will.

The PRESIDENT pro tempore. The point of order is not subject to debate except at the request of the Chair, but the Chair will be glad to hear his colleague.

Mr. ROBINSON. I do not wish to speak on the point of order. I wish to address the Senate for just a moment on the merits.

Mr. KENYON. I made the suggestion for another Senator who desires to raise the question. If the amendment can be passed until a later stage in the consideration of the bill, we can then return to it.

Mr. ROBINSON. I have no objection.

The PRESIDENT pro tempore. A request of that kind will be submitted to the Senate. The Senator from Iowa asks that this amendment may be passed over for the present. Unless there is objection, such will be the order. The Chair hears none. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 62, after line 18, to insert:

That the Commissioner of Indian Affairs be, and he is hereby, authorized to contract for water rights for the irrigation of 600 acres of land, more or less, in the Fort Sill Indian School Reservation in the State of Oklahoma, within the proposed Lawton reclamation project, for the irrigation of not to exceed 2,500 acres of Indian and private lands, upon the same terms and conditions as those prescribed for the acquisition of water rights for other lands to be irrigated by said project: *Provided*, That operation and maintenance charges shall not be assessed against said Indian land prior to completion of the lateral system so as to provide for actual delivery of water thereto, and the project shall include lateral construction for the Indian lands down to each legal subdivision thereof equal in area to the size of the farm unit for lands in private ownership within said project.

Mr. SMOOT. I think there ought to be some explanation of this amendment, particularly the part of the amendment beginning in line 23, following the word "Oklahoma," wherein it says:

Within the proposed Lawton reclamation project, for the irrigation of not to exceed 2,500 acres of Indian and private lands.

Mr. ASHURST. I will refer to the letter of the department as soon as I have it at hand, if the Senator will pardon me.

Mr. SMOOT. The Senator will notice that the Commissioner of Indian Affairs is "authorized to contract for water rights for the irrigation of 600 acres of land, more or less." That is found at the beginning, in lines 20 and 21, on page 62.

Mr. ASHURST. The words "more or less" are well defined in law. That would be within a reasonable limitation of 600 acres; but there is no objection to striking out the words "more or less."

Mr. SMOOT. The Senator interrupted me or I would have gone on and told him what the point is. After the word "Oklahoma," in line 22, we find the words:

Within the proposed Lawton reclamation project for the irrigation of not to exceed 2,500 acres of Indian and private lands.

I should like——

Mr. OWEN. That might go out without any objection, I should think.

Mr. SMOOT. If the Senator from Arizona has the letter he spoke of, I should like to have it read, because I can not see the connection between the two.

Mr. OWEN. Those words might as well go out.

Mr. ASHURST. While there would be no objection to their going out, I will say that they are very proper here. The letter will be obtained at the earliest possible moment, and when that letter is read the Senator will perceive, I think, that it is a very proper amendment.

Mr. SMOOT. I do not see why we should authorize the Commissioner of Indian Affairs to contract for water rights for the irrigation of 600 acres of land in this reclamation project and then provide for the irrigation of not to exceed 2,500 acres of Indian and private lands. What right have we to say how many acres the project shall water or what the area shall be? I suppose that has already been determined. But I shall wait until the Senator has the letter.

Mr. ASHURST. Let the amendment be passed over until I get the letter.

Mr. SMOOT. I ask that it may go over.

The PRESIDENT pro tempore. Unless there is objection, the item will be passed over.

The next amendment was, on page 63, after line 9, to insert:

For the purchase of certain articles of furniture originally bought from personal funds by Mr. Gabe Parker while superintendent of the Armstrong Academy, Oklahoma, and since used by that school, $286, to be paid for from Choctaw funds.

The amendment was agreed to.

The next amendment was, on page 63, after line 14, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Women's Board of Domestic Missions, Reformed Church in America, the sum of $10,000 for mission and school buildings built by them on the Fort Sill Military Reserve, Okla., for the use of the Apache Indians and rendered useless on account of the removal of said Indians to the Mescalero Indian Reservation in New Mexico.

Mr. SMOOT. There may be some good reason for an amendment of this kind to an appropriation bill, but I do not understand it. If there is any claim against the Government, it seems to me it ought to be made in the shape of a claim and go before the Claims Committee and be passed upon; and if there is any justice in the claim, we ought to pay it; but to bring in on an appropriation bill here a provision of this kind, it seems to me, is out of place. I say that with due deference to the judgment of the committee. I should like to ask the Senator from Arizona if there is any reason why this personal claim should be inserted in the appropriation bill. The Senator knows we have a rule against items of this kind.

Mr. ASHURST. I will advert to page 548, volume 2, of the hearings before the Committee on Indian Affairs:

RELIEF OF THE WOMAN'S BOARD OF DOMESTIC MISSIONS, REFORMED CHURCH OF AMERICA.

* * * * * * *

Statement of Mr. Meritt, assistant commissioner:

Mr. MERITT. We have another item that might well go in this bill. It was introduced in the House by Representative FERRIS and has received the favorable recommendation of the department. It is a bill for the relief of the Woman's Board of Domestic Missions, Reformed Church, in America. The item is as follows:

Then the item was read.

The department submitted the following report in regard to this matter. This is a department letter, which is dated March 18, 1914——

Senator CLAPP. I do not think it is necessary to read that to the committee. I move that the item be allowed.

It seemed to the committee, without further reading, that it was a just and proper claim. As to the propriety of putting it on this bill Senators may have a difference of opinion. It seemed to the committee just and proper and no objection was offered. It was discussed at some length.

I will read further from the statement of the assistant commissioner:

Mr. MERITT. I might say that this church organization has been doing missionary work among the Fort Sill Indians for a number of years. They have constructed certain buildings there, and because of the fact that the Indians have been removed from the reservation those buildings are no longer of any use to this mission. This Fort Sill property has been turned over to the War Department. This church wishes to reinvest the money derived from these mission buildings for mission-work purposes at Mescalero Reservation, N. Mex.

Mr. CLAPP. If the Senator from Utah will pardon me——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Gladly, Mr. President.

Mr. CLAPP. There is a good deal of force in what the Senator says, but the committee regarded it somewhat in the light of claims where reservations are abandoned and eliminated as reservations and different denominations have put buildings upon the ground. We usually provide in the Indian appropriation bill for granting a small amount of land—40 or 80 acres, it may be—to the particular denomination that put the building there.

Mr. SMOOT. I understand that.

Mr. CLAPP. Of course, strictly speaking, probably all such matters ought to go to the Committee on Claims, but this was so nearly analogous to that class of cases that the committee having all the information before it and the commissioner appearing before the committee, we thought that perhaps there would be no serious objection to dealing with it in the bill instead of sending it to the Committee on Claims.

Mr. SMOOT. Mr. President, I believe the Senator will admit that this is rather a dangerous precedent to set. If we are going to pay for every church building on every reservation that may be abandoned hereafter, well and good; we could pay for this; but it does seem to me that if we pass this item and compel the Government to pay $10,000 for this school building it will be looked upon in the future as a precedent and will always be pointed to as a thing that the Government should do.

Mr. CLAPP. I was not directing my remarks so much to the wisdom of paying for the property; I was, rather, justifying the action of the committee in dealing with it instead of sending it to the Committee on Claims, it being, although the reverse of the operation, somewhat in the nature of recognizing a certain claim where they put buildings on reservations and granted them a small quantity of land with it. That goes rather to the merits of the case. Of course, it is for the Senate to decide the question.

Mr. SMOOT. If this item was not for a church, I would not hesitate a minute to make a point of order against it. It is not proper and it is not right to put a claim against the Government on an appropriation bill.

Mr. OWEN. Will the Senator pardon me for just a moment?

Mr. SMOOT. Certainly.

Mr. OWEN. Of course the Senator raises no question about the merits of it, but only as to its place on this bill?

Mr. SMOOT. I really do not know whether there is merit in it or not.

Mr. OWEN. It has been reported on favorably by the department and has that justification. The facts are that after this missionary board established these buildings upon an Indian reservation the Government, without consulting them, moved the Indians away. It was done after these people had put the buildings there for missionary purposes among the Indians. These women desire to transfer the buildings to the Mescalero Agency, where the Indians have been sent by the department. The Government has simply removed the people who were being served by this missionary society, and since it deals with an Indian reservation the Commissioner of Indian Affairs took it up with the Committee on Indian Affairs for that reason. That is all there is about it.

Mr. CRAWFORD. Mr. President——

Mr. SMOOT. I yield to the Senator from South Dakota.

Mr. CRAWFORD. There are a number of cases—I remember we had them several times in the Committee on Claims—where private citizens went on military reservations and put up a building for a store, a photograph gallery, or something of that kind, and did it largely at their own risk, and afterwards the Government abandoned the fort. Unless the Government in some way appropriated that property and used the material or derived some benefit from it by appropriation, I know we declined to grant the claimant anything for his property.

Mr. OWEN. I hope the Senator——

Mr. CRAWFORD. If the Senator will just let me finish the thought, it seems to me a little remarkable. Even with a church they are sometimes enthusiastic and a little visionary, and they will establish schools and different things where they have not used very good judgment about it, and sometimes commit serious errors in expending more money than they ought to spend for buildings, making them too expensive and too large. If when some accidental change occurs the Government is to take over the property and pay for it, where it has had no responsibility and made no use of it, and does not have any use for it, I think it is going too far, whether it is church property or some other property. It does not look to me as being at all a proper use to make of the Government funds.

The PRESIDENT pro tempore. Does the Senator make a point of order?

Mr. CRAWFORD. The Senator from Utah has the floor. I should be inclined to do so unless he makes the point.

Mr. SMOOT. I wish to say to the Senator that I look forward to the time when these Indian reservations will all be abandoned; and if we undertake now to pay $10,000 for a church that was established upon this particular reservation——

Mr. OWEN. It is a school.

Mr. SMOOT. Well, the principle is the same. If we undertake to pay $10,000 for a school that has been established on this Indian reservation because of the fact that it has been abandoned, it will follow, as day follows night——

Mr. OWEN. I do not think the Senator can say it was abandoned when the Government moved the Indians from the place where those people had erected a school. They did not abandon it; the Government took the Indians away.

Mr. SMOOT. That is true, Mr. President; but did the Government ask them to come there and establish the school?

Mr. OWEN. The Government has always invited missionaries to undertake to teach civilization and Christianity to the Indians.

Mr. SMOOT. And very properly, too.

Mr. OWEN. I do not think they ought to be put on a level with those who are there conducting stores for profit. They are conducting it without any profit, doing it purely for an altruistic purpose. It is their purpose and desire to help the Indians, and they receive no recompense for it. Because it dealt with an Indian reservation it was stated by the Commissioner of Indian Affairs to the committee that it should be placed in this bill, which I think is orderly enough.

Mr. SMOOT. I want also to state, as has been so well stated by the Senator from South Dakota, that in the Claims Committee there have been dozens of claims made for buildings that have been established upon military reservations, and the committee has refused at all times to report one of those bills. They have had not only stores but different buildings on military reservations, some for religious purposes, and the Claims Committee of the Senate and also of the House has universally decided not to pay such claims.

Mr. ASHURST. Will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SMOOT. I do.

Mr. ASHURST. I think the Senate should also be in possession of this information. It will be observed from the reading of the amendment, on line 18, page 63, that it is not only a church but school buildings. The War Department now has charge and possession of these buildings, and this item, as the hearings disclosed, has not only been approved by the Interior Department, but by the War Department as well. That was, of course, persuasive on the committee.

Mr. SMOOT. I have noticed wherever there has been a reservation abandoned in any part of the country it will not be more than one or two years before there has been a bill introduced in Congress giving the buildings upon the reservation for some State purpose, and no objection has ever been made. The Government of the United States has willingly given them for State purposes. The Government, I take it for granted, will never receive any benefit from these buildings. I do not think the Government will ever get a cent out of them, as far as that is concerned.

Mr. President, I know the item should not be here, but, as I stated, I am not going now to make a point of order against it.

The PRESIDENT pro tempore. The Senator from Utah declines to make a point of order. The question is on the adoption of the amendment.

Mr. SUTHERLAND. I should like to ask a question about it. Where will the title to these buildings rest after we make this appropriation? Is it intended that the title shall vest in the Government of the United States?

Mr. ASHURST. In the Government of the United States.

Mr. SUTHERLAND. Does the Government of the United States own the land upon which these buildings were constructed?

Mr. ASHURST. The buildings are upon a military reservation belonging to the United States of America.

Mr. SUTHERLAND. The church or the mission had no title whatever to the land?

Mr. OWEN. No.

Mr. ASHURST. That is my understanding.

Mr. SUTHERLAND. Should there not be some provision in the amendment providing that the title of the buildings should pass?

Mr. ASHURST. That would be a very salutary provision, as far as I can see.

Mr. SUTHERLAND. They were put there under the license of the Government, I take it. This is simply an appropriation, and there is no transfer of title apparently. I simply suggest that to the Senator.

Mr. ASHURST. That is a good suggestion, and will be given attention.

The PRESIDENT pro tempore. Unless there is objection to the amendment, it will be agreed to. The Chair hears none, and it is agreed to.

Mr. KENYON. I should like to ask the Senator if this amount of $10,000 comes out of the Indian fund or out of the Treasury of the United States.

Mr. ASHURST. It is a gratuity appropriation. It comes out of the Treasury of the United States.

I ask the attention of the Senator from Utah [Mr. SMOOT]. I wish to recur to the Fort Sill matter, which begins on line 19, page 62. Referring to that item, I have now a few data submitted by the Indian Bureau, which I will ask the Secretary to read.

The PRESIDENT pro tempore. Unless there is objection, the Secretary will read.

The Secretary read as follows:

LAWTON PROJECT,
Fort Sill, May 29, 1914.

The proposed legislation is intended to authorize the inclusion of the lands of the Indian school reserve in the Lawton project.

On April 13, 1914, the chief engineer addressed a report to the commissioner, in which he considers the project from the points of engineering feasibility, water supply, needs of irrigation, requirements of Indian lands, legal condition, and human element.

The city of Lawton constructed a dam on Medicine Bluff Creek for the purpose of supplying water for domestic, manufacturing, and other city purposes. This dam lies about 12 miles from the city and has a present capacity of about 14,000 acre-feet. This provides considerably more water than is required by the city and enough to irrigate from 2,500 to 3,000 acres. About 600 acres of Indian land are so located as to be irrigable from the proposed system, and the legislation proposed authorizes the commissioner to contract for water rights for this amount; operation and maintenance charges are not to be assessed against Indian lands prior to completion of the lateral system.

The proposition is believed to be a favorable one, and was favorably reported to the Secretary under date of April 29, 1914, and to Senator ASHURST on the same date.

In view of the fact that no payments are to be required of landowners for construction of the reservoir, in which storage capacity for this project has been donated by the city of Lawton, and that the payments for the diversion and distribution system will not be due until after completion thereof and promulgation of the customary public notices, no present appropriation is contemplated. The reports indicate the feasibility of the project, provided the Indian lands may be included and bear their proportionate share of the cost. It is not desired that any of the Indian lands be disposed of, but that they be reserved for the use and benefit of the Indian school and whatever other enterprises may be on the reservation.

Mr. SMOOT. I thank the Senator for the information, and based upon that——

The PRESIDENT pro tempore. Does the Senator request that that item be taken up at this time?

Mr. SMOOT. The chairman of the committee requested it.

Mr. ASHURST. I made that request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator will proceed.

Mr. SMOOT. Upon the information contained in the letter, I move to amend the amendment by striking out the following words in lines 23, 24, and 25, on page 62:

For the irrigation of not to exceed 2,500 acres of Indian and private lands.

So that it would read:

That the Commissioner of Indian Affairs be, and he is hereby, authorized to contract for water rights for the irrigation of 600 acres of land, more or less, in the Fort Sill Indian School reservation in the State of Oklahoma, within the proposed Lawton reclamation project, upon the same terms and conditions as those prescribed for the acquisition of water rights for other lands to be irrigated by said project.

Mr. OWEN. That is all right.

Mr. ASHURST. So far as I have authority to do it, the committee approves of the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 63, after line 22, to insert:

That the Secretary of the Interior is hereby authorized to expend the sum of $16,500 from Chickasaw tribal funds for the purchase of the property known as Hargrove College or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation.

Mr. CRAWFORD. I ask the chairman of the committee if there is any report on that proposition? I should like to hear what has been said in regard to it.

Mr. ASHURST. I refer to page 550, volume 2, of the hearings before the Senate committee, under the head of "Hargrove or Ardmore College, Oklahoma," where this occurs:

Mr. MERITT. The commissioner asked me to request that this item be incorporated in the bill:

"The Secretary of the Interior is hereby authorized to expend the sum of $16,500 from the Cherokee tribal funds for the purchase of the property known as Hargrove College or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation."

I have the following justification for this item:

"Accompanying this is a proposed item authorizing the Secretary of the Interior to expend the sum of $16,500 of Chickasaw tribal funds for the purchase of the Hargrove College property at Ardmore, Okla. It is intended to continue at this place the tribal school heretofore known as Bloomfield Seminary. Bloomfield Seminary has been at Hendrix, situated upon a tract of land reserved for school purposes by act of July 1, 1902 (32 Stat. L., 641). Recently the main building at Bloomfield was destroyed by fire. Insurance thereon will probably be collected to the amount of approximately $15,000.

"The matter of the purchase of the Hargrove property, to be used in lieu of the old property, has been carefully investigated and is a very desirable proposition, both financially and for other reasons. The buildings are substantial and can be put in first-class condition by the expenditure of a small amount for plumbing and incidental repairs. If this purchase can be consummated, the Bloomfield property will be sold and the proceeds deposited to the credit of the tribes. It will cost the service at least $16,500 to replace the main building at Bloomfield if it be compelled to continue the school there."

The assistant commissioner continues:

The Bloomfield buildings were recently destroyed by fire, as stated in the justification, and the commissioner would like to have this item incorporated in the bill.

The PRESIDENT pro tempore. Unless there is objection, the amendment will be agreed to. The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 3, to insert:

That the Secretary of the Treasury is hereby authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. Robert Leo Bowman, widow of Robert Leo Bowman, late deputy special officer for the suppression of the liquor traffic among Indians, who was killed while in the performance of his duty.

Mr. CRAWFORD. Mr. President, I do not care to be constantly interfering with these items, but there is a matter which, it seems to me, ought to go in the list with that class of employees' claims which are provided for by statute under which the Committee on Claims is acting very frequently, upon which it makes reports to the Senate, and upon which appropriations are based, under the statute which provides for compensation for personal injuries and deaths in cases of employees, regulated by the salary received. I should like to know why a claim for a death loss is put in this bill without being referred to the regular Committee on Claims, which entirely ignores the provisions of that statute and comes in here without any action such as usually is taken in these cases? It is not fair for a claim to come before the Committee on Claims and a widow to receive on account of the death of her husband one year's salary which her husband was earning, which may have been only $1,200 a year, under that statute, and then put a claim in here for $5,000 for the death of a special deputy. I do not know how long he was special deputy; I do not know what salary or compensation he got or who employed him or what the particular nature of his service was, and yet in this appropriation bill is a lump sum of $5,000 to his widow. I should like to have some information in regard to the claim and as to the reason for putting claims of this kind into a general Indian appropriation bill.

Mr. ASHURST. Mr. President, I can well appreciate the desire of the Senator from South Dakota to keep the Indian appropriation bill and all other appropriation bills free from claims. That is proper; but I will say that this belongs to a distinct class of claims, it occupies a peculiar relation.

Here is a claim which grows out of these facts: The man was murdered while in the actual discharge of his duty in enforcing the laws prohibiting the sale of intoxicating liquors to the Indians. He was shot and seriously and mortally injured. He lingered some time, and then died. In view of the fact that he was in the actual discharge of his duties with respect to the laws prohibiting traffic in intoxicating liquor among the Indians, the committee was of the opinion that it was a just and proper claim, and that the Committee on Indian Affairs, while it attempted in every possible way to prevent the placing of claims on the bill, felt that this occupied a peculiar position, as I said before, and was entitled to be put on the bill.

Mr. CRAWFORD and Mr. WHITE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arizona is entitled to the floor.

Mr. ASHURST. I yield to the Senator from South Dakota.

Mr. CRAWFORD. I think in every case where the Committee on Claims has recognized a personal-injury claim, a claim for damages growing out of the death of an employee, the accident or the damage must have occurred while the person was engaged in the line of duty at the time it occurred. This is no exception in that respect; such claims are all of that character. In those cases we follow a certain rule, which might give the widow of a deceased employee only one-fifth of what is proposed to be paid here to the widow of this man. It is not fair. If we are going to depart from that rule in one case, we ought to abandon it entirely, and let each case go it alone. How much compensation was this man getting?

Mr. ASHURST. He was getting $100 per month.

Mr. CRAWFORD. Very well. Then his salary amounted to $1,200 a year. If his death had occurred down here in the gun factory or had happened to an operative on the Isthmus of Panama or in one of the Government buildings, the widow would get $1,200. Here is this man who was engaged in enforcing the laws in the liquor traffic among the Indians, and it is proposed to give his widow a lump sum of $5,000. It is not fair to put an item like that into this bill granting $5,000 in this case, and to follow the statute in other cases.

Mr. CLAPP. Mr. President, will the Senator from South Dakota pardon an interruption?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. The fact that led the committee to give this consideration to this matter was that where a man is injured through the carelessness of others in the breaking of machinery, in explosions and such accidents, there may possibly be an element of negligence on his part, and always the negligence of some one which results in the accident which leads to the killing. In this case it was not negligence, but it was the overt, positive, premeditated act of those against whom he was trying to enforce the law. So there could be no possible question of his negligence.

Mr. CRAWFORD. If the Senator will permit me there, then there was absolutely no element of negligence so far as the Government is chargeable with it.

Mr. CLAPP. Not at all. It is upon the same principle that we make contributions to men who lose their lives in the service of the country; of course, upon a broader field, perhaps a more patriotic field; but there is that difference between a case where a man is killed by those who are resisting the enforcement of the law and where a man is killed by accident that is attributable, perhaps, in some cases in a greater or less degree to the negligence of some one.

Mr. CRAWFORD. Well, Mr. President——

Mr. CLAPP. Just one moment more, if I am not trespassing on the Senator's good nature——

Mr. CRAWFORD. Not at all.

Mr. CLAPP. This grew out of the performance of his duty by this man in the Indian Service, in a matter that was peculiarly within the purview of the Indian Office, with which, of course, primarily the Committee on Indian Affairs deals. The committee felt that they might put that item upon the bill, although, of course, ordinary claims, unless they be claims against the Indian funds, should go to the Committee on Claims. If the Senator feels that this is too much, I hope, instead of making a point of order against the amendment, he will seek to have the amendment modified to meet his views, for the Senator knows that it is just about useless to talk of this woman getting anything at all unless she gets it on this bill.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. CRAWFORD. Just a moment, if the Senator will pardon me——

Mr. WHITE. I simply want to ask the Senator from Minnesota a question.

Mr. CRAWFORD. I yield to the Senator from Alabama.

Mr. WHITE. Does this claim differ from the case of any other marshal or deputy marshal who was killed in the enforcement of the law?

Mr. CLAPP. Not at all, except, perhaps, in the circumstances of the killing. The service was the same. He was there enforcing the law.

Mr. WHITE. Then, would not this be showing favoritism to the widow of this officer who lost his life in the discharge of his duty as against the compensation which we allow to the widows of other officers who have lost their lives in the discharge of their duties?

Mr. CLAPP. Since I have been in the Senate, I think in every instance where a man has been killed in the discharge of his duty in enforcing the laws in the Indian country, we have made provision for his widow and children on Indian appropriation bills, and we have usually fixed the sum at $5,000.

The Committee on Claims, of which the Senator from South Dakota [Mr. CRAWFORD] was formerly chairman, established a rule or perhaps secured the enactment of a statute——

Mr. CRAWFORD. It is a statute.

Mr. CLAPP. That widows shall only receive the equivalent of one year's wages or salary, whichever you may call it, of their husbands. This would not be an unusual thing, so far as making some reparation is concerned. The only question is, first, whether the item should be in the Indian appropriation bill, and, secondly, as to the amount that should be appropriated.

Mr. CRAWFORD. Mr. President, my feeling about this is simply one of being somewhere near fair in the treatment of all claimants. The Government has never undertaken to put itself in the position of the ordinary employer of labor, liable for negligence, as a railroad company is liable for negligence, in the case of its employees. It would open a pretty wide door if the Government should undertake to assume a liability like that, and the Government has never done so. The States have never done so; counties heve never done so; and there is not a rule of law anywhere that fixes a liability upon sovereignty for damages of that character.

The attitude of the Government has been fixed by statute, and since that statute was passed claims are settled under it without coming to Congress at all. Claims for damages occurring before that act was passed have come to Congress, been referred to the Committee on Claims, been investigated, reported upon, and appropriations made allowing relief, exactly the same as if they had occurred subsequent to the enactment of that statute. Hundreds of cases from the Isthmus of Panama, involving engineers, brakemen, and trainmen employed in connection with the construction of the Panama Canal, where accidents occurred before the enactment of the statute, have been paid by appropriations upon the same basis as they would have been adjusted had they occurred after the enactment of that statute. Such cases have come from every direction.

In this case, if this man was getting $1,200 a year, under that statute his widow would get $1,200; and over and over again——

Mr. CLAPP. May I ask the Senator a question there?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. I am not familiar with that statute, but, as I understand, under that statute the claimants do not have to ask Congress or any court for relief.

Mr. CRAWFORD. The heads of the departments can adjust the claims.

Mr. CLAPP. Yes; and consequently a general, broad limitation was put in the statute; but that does not apply to Congress in dealing with individual cases. I can understand that if Congress is going to issue a license ad libitum, under certain rules of course, for the settlement of claims for injury or death, leaving nothing for Congress to do, but simply turning the case over to the departments, it might very well establish a lower level of compensation for damages than it would in individual cases.

Mr. President, I never heard of this man. We are taking a good deal of time in what may seem a small matter; yet it is a vital matter to the widow, of course, and I simply desire to ask the Senator, in case he can not agree to let the amendment go as it has been reported, instead of making a point of order against it to seek to amend the amendment by providing an amount that he thinks is fair and proper.

Mr. CRAWFORD. I will say to the Senator that I appreciate as keenly as anyone can—because of the opportunity I have had to witness hardships in similar cases—the cruelty of long delay. Where dependent members of a family have a claim of this character, if they are to get relief at all, they ought to be afforded prompt relief; and I have no feeling or desire to do anything here that will delay giving this woman some relief, but I do insist that if we are going to make exceptions, as we are proposing to do in this case by paying one widow for the loss of her husband $5,000, we ought to repeal the statute and get away from the practice of paying other poor women with dependent children, where the head of the family was receiving $100 a month or $600 a year of $1,500 a year, a sum equal simply to one year's compensation. We have treated that statute as binding, and we have been following it; and now here comes a woman, whose husband lost his life through absolutely no negligence on the part of the Government, who was in the same position as a deputy marshal who might, in undertaking to make an arrest, be shot down. If we are going to take cases of this kind and appropriate $5,000 in a lump sum to the widow we are being outrageously unfair to other claimants, and on that account I protest against the allowance of this sum in this way in this bill. I do not like to cut it out absolutely.

Mr. OWEN. I should like to suggest to the Senator that the particular kind of service in which this man was engaged is extrahazardous. A good many men have been killed in the service while engaged in suppressing the liquor traffic on Indian reservations.

Mr. CRAWFORD. I will say to the Senator that, while that is true, every deputy marshal and every marshal and every engineer who is riding in his cab is also taking his life in his hands. This man was not any better than they are, and we pay their widows, in case they are killed, one year's compensation, but propose to give this widow $5,000.

Mr. OWEN. I was only making that suggestion to the Senator to indicate the reasonableness of giving some inducement to men to render that service which is an extrahazardous service.

Mr. CRAWFORD. I am going to do this—and I am not going to do it with this particular case in view, but I am going to do it in order to emphasize the fact that we are outrageously unfair in these cases. I am going to make a point of order against the amendment unless the amount is cut down to $2,000.

Mr. OWEN. Then I will move that it be cut down to $2,000.

Mr. CLAPP. I suggest that the Senator from South Dakota, instead of putting it in the alternative, move, first, to amend by striking out $5,000 and inserting $2,000, and if it is not amended the point of order can be made.

Mr. CRAWFORD. In one way I do not like to do that.

Mr. OWEN. Then I will make the motion.

Mr. CLAPP. I move to amend the amendment by striking out "$5,000" and inserting "$2,000."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the amendment reported by the committee on page 64, line 6, after the words "sum of," it is proposed to strike out "$5,000" and to insert "$2,000."

Mr. JONES. Mr. President, I am not going to oppose this amendment; I merely want to emphasize what the Senator from South Dakota [Mr. CRAWFORD] has said with reference to the enforcement of the rule laid down by the law and which the Committee on Claims has been following. The Senator from Minnesota [Mr. CLAPP] says that Congress has granted carte blanche to settle such claims, and that is true; but when claimants come to the committee the committee holds them to that law and does not grant them any other relief. For instance, I have the cases of two men who were killed at the navy yard at Bremerton, Wash. According to the report of the department, the accident by which they lost their lives was the result of the negligence of the Government. The widows of those men each got a year's pay. They then came to the committee, but the committee said, "We will not allow them anything at all."

Mr. CLAPP. Will the Senator pardon an inquiry?

Mr. JONES. Certainly.

Mr. CLAPP. I had supposed that the statute simply applied where a case was adjusted by a department. In such case, as a general shield of protection, we fixed the amount at a year's salary; but if you give the widow of a man who was killed under circumstances where she would be entitled to recover greater damages if the action were against private parties only $1,200, or a year's salary, you establish a lower rate of recovery than any State of this Union.

Mr. JONES. I think that is right; that is what the committee does, and that is what Congress is doing all the time. The claims of these parties were rejected. I think the rule established, taking it as a hard and fast rule, is unfair and unjust. We ought to treat these cases in Congress, as nearly as we can, alike. I do not think that $2,000 is anything too much in this case; and yet I think that where a man loses his life by the negligence of the Government his widow is more entitled to a larger compensation from the Government than is the widow in this case, because this man assumed the risk of his employment, and that, no doubt, was taken into consideration when his salary was fixed. There was no negligence on the part of the Government, and he knew he was likely to engender hatred and ill will and to suffer in consequence. Here are two cases that I have just mentioned where, according to the report of the Navy Department, the men lost their lives through the negligence of the Government itself and through no negligence on their part. One of them, I think, was getting $2.50 a day; and yet all the committee says is, "This widow having gotten the amount allowed her by the statute, we can allow her nothing more." As the Senator from South Dakota says, I do think Congress ought to use more discrimination in these matters and try to treat these people as nearly alike as possible.

Mr. SUTHERLAND. Mr. President, claims of this character, which are constantly passing, emphasize the necessity of having a general compensation law. The Government of the United States ought to pay its employees who are injured and pay the dependents of those who are killed in its service precisely the same as various State governments compel private employers to pay. The difficulty with passing items of this kind is that they beget legislation by emotion instead of in accordance with any sort of a fixed rule. I remember a short time ago we had a claim up here of some poor girl who had sustained an injury, and the committee brought in a bill appropriating some $3,500 or $4,000, as I recall, but the emotions of Senators were stirred up by the appeals made on the floor and the amount was increased to six or seven thousand dollars.

Then an emotional appeal was made in the other House in that case, and the amount was increased still more—I have forgotten the final amount which was appropriated. I think that we ought not to make appropriations of this character at all. I think we ought to pass a general law, under which whenever an injury is sustained or whenever an employee is killed a certain definite sum shall be paid, so that we shall not be paying $1,200 in one case, $5,000 in another case, and $10,000 in another case. Under the law to which the Senator calls attention, as I understand, this widow would receive $1,200. That is wholly inadequate. She ought to receive, and every widow in a case of this kind ought to receive, compensation far in excess of that; but so long as we have a statute of that kind under which the great majority of dependents are compelled to accept compensation, we ought not to make a special appropriation in one particular case.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. CLAPP] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 9, to insert:

That the Secretary of the Interior is hereby authorized and directed to sell to the State of Oklahoma for military purposes the following tract of land situate in Pittsburg County, Okla., to wit: The east half of the east half of the east half of the west half of section 9, the east half of section 9, the west half of the west half of section 10, the west half of the east half of the west half of section 10, the west half of the east half of the east half of the west half of section 10, township 5 north, range 14 east of the Indian base and meridian, being 640 acres, more or less, according to the Government survey thereof: *Provided, however*, That the said land shall be sold for cash at the appraised price fixed thereupon by the appraisers appointed by the President under authority of the act of Congress approved February 19, 1912, entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes:" *And provided further*, That the coal or asphalt on or under said lands is hereby reserved, and the Secretary of the Interior is instructed to expressly reserve the same in preparing conveyance thereof: *And provided further*, That this authorization shall lapse and expire by operation of law unless the said appraised price of said land shall be tendered to the Secretary of the Interior in behalf of the State of Oklahoma within six months from the date of the approval of this act by the President.

Mr. PAGE. Mr. President, I should like to ask either of the Senators from Oklahoma if this amendment should not somewhere show that we are legislating about Indian lands. There is nothing in the amendment to show that, although it is to be presumed, this being an Indian appropriation bill, that it does. Should it not so state, however?

Mr. OWEN. It states that on page 65, line 1, where reference is made to the act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations. It is Indian land, of course, under that.

Mr. PAGE. This amendment simply says that the land "shall be sold for cash at the appraised price fixed thereupon by the appraisers appointed by the President" under the authority of the act.

Mr. OWEN. That is the act dealing with the segregated coal and asphalt Indian lands.

Mr. PAGE. But should it not be a litle more specific and say where the money received for these lands shall go? Is there under the law a place where it would go without any specification in the amendment?

Mr. OWEN. It would go without saying; yes. This being the Indians' land, it would go to the Indians' credit.

Mr. PAGE. I have no doubt that a point of order would lie against this amendment, but I do not wish to make it.

Mr. OWEN. Any amendment the Senator may suggest upon that line will be acceptable. I do not think it is really necessary, however.

Mr. PAGE. I wish to say that so far as the State of Oklahoma is concerned this bill contains a great deal of general legislation. There is some of it that, I think, I should very seriously oppose under any conditions, and I do not know but I shall have to interpose points of order later.

Mr. OWEN. I agree with the Senator that that is true; but it is also true that the Indian appropriation bill has been used as a vehicle for legislating for that part of the country because we have such a large number there, and it is so difficult to pass independent bills. The Senator, of course, is familiar with that practice.

Mr. PAGE. To what tribe does this land belong?

Mr. OWEN. The Choctaws and Chickasaws.

Mr. PAGE. The Senator says the appropriation bill has been oftentimes used as a vehicle for legislation of this kind?

Mr. OWEN. Yes.

Mr. PAGE. The Senator will remember that we had a long hearing as to the distribution of certain money which belonged to the Indians. I believe the amount was $800. It is in the bill somewhere.

Mr. OWEN. Yes.

Mr. PAGE. If I remember correctly—and if I am incorrect, I hope the Senator will correct me—the claim was made that if hereafter we were obliged to add to the enrollment the names of as many Indians as it was insisted should be enrolled, there would not be $800 each to be distributed.

Mr. OWEN. I will say to the Senator that that related to another tribe entirely—the Creek Tribe.

Mr. PAGE. All of this legislation, it seems to me, is important. So far as I am concerned, I have, at least, tried to do my duty about it, but I have not been quite satisfied that it ought to pass. It may be right and it may be wrong, but I have not seen evidence convincing me as to the wisdom of all of this legislation. Is there not so much of it, and is it not so important, that the provisions of this bill for the State of Oklahoma ought to be put in one general bill and considered outside of the Indian appropriation bill?

Mr. OWEN. Of course the Senator knows that that is impossible. This item simply permits the State of Oklahoma to acquire, for military purposes, a piece of this land at the appraised value. There is nothing extraordinary about it. There is nothing involved about it.

Mr. PAGE. I said that as to this item, although I was quite clear that it was open to a point of order, I would not make it; but in running through the bill it seems to me I have found so much general legislation——

Mr. OWEN. Oh, well, it is true, as the Senator says, that we are obliged to rely upon the Indian appropriation bill for such items as are not objected to. If they are objected to, they go out.

Mr. PAGE. I make no point of order as to this item.

Mr. OWEN. Anyone can strike them out, I take it.

Mr. ASHURST. Referring to this amendment, in line 12, page 64, after the word "the," I move to insert the words "surface of the," so as to read:

For military purposes, the surface of the following tract of land.

The amendment to the amendment was agreed to.

Mr. WHITE. Mr. President, I should like to suggest an amendment there. I move to insert, after the words "coal and asphalt," the words "and other minerals."

Mr. ASHURST. There is no objection to that.

Mr. OWEN. It is only coal and asphalt lands that are reserved.

Mr. CLAPP. Those words are used in describing the title of the act on page 65, line 2.

Mr. OWEN. It applies only to the coal and asphalt lands of the Choctaws and Chickasaws.

The PRESIDENT pro tempore. What disposition does the Senator desire to make of his amendment? Does he abandon it?

Mr. WHITE. Yes; since I have acquired from members of the committee information that I did not possess before.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended on motion of the Senator from Arizona.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 65, after line 11, to insert:

That the Secretary of the Treasury is hereby authorized to pay out of any moneys in the Treasury not otherwise appropriated the sum of $65.50 to William Volz, in settlement of his account for horse hire furnished the agency physician at Oraibi, June 23 to October 21, 1905.

The amendment was agreed to.

The next amendment was under the subhead "Five Civilized Tribes," in section 17, on page 65, line 21, after the word "employees," to strike out "$150,000" and insert "$200,000," and, in the same line, after the word "That," to insert "effective July 1, 1914," so as to make the clause read:

SEC. 17. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $200,000: *Provided*, That, effective July 1, 1914, the offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished, and in lieu thereof there shall be appointed by the President, by and with the advice and consent of the Senate, a superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of $5,000 per annum, and said superintendent shall exercise the authority and perform the duties now exercised by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior.

Mr. TOWNSEND. Mr. President, if my understanding is correct, the adoption of this amendment does not carry with it the section, and amendments to the bill other than the committee amendments will be in order later.

The PRESIDENT pro tempore. The Senator can move to amend at this time the amendment of the committee.

Mr. TOWNSEND. I do not care to amend the amendment.

The PRESIDENT pro tempore. Amendments offered by individual Senators will be entertained after the committee amendments have been disposed of.

The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 66, after line 15, to insert:

That the principal chief of the Cherokee Nation, with the approval of the Secretary of the Interior, is hereby authorized to convey to the Dwight Mission School, on Sallisaw Creek, Okla., 26 acres of land heretofore set aside in accordance with the provisions of section 24 of the Cherokee agreement approved July 1, 1902 (32 Stats. L., pp. 716, 720), for the use of such school for missionary and educational purposes, and now being occupied and used by the said Dwight Mission School, and the Secretary of the Interior is authorized to accept in payment therefor $10 per acre.

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

That full legal and equitable jurisdiction, without regard to lapse of time, is hereby conferred upon the Court of Claims to hear, determine, and adjudicate, as justice and equity shall require, all claims against the Cherokee Nation by the estate of John W. West, deceased, or by the heirs or any heir of said estate, and particularly the claim of the said estate and the heirs thereof against the said Cherokee Nation for the deprivation of the said John W. West, deceased, his estate and his heirs, of the beneficial use of certain property, wherein it is alleged that the said John W. West was interested; and any judgment rendered under this act against said nation shall be paid to the administrator of the estate of John W. West, deceased, out of any funds standing to the credit of said nation, and the amount necessary to pay any such judgment is hereby appropriated out of any money of the Cherokee Nation under control of, or held in trust by, the United States. Suit shall be begun, within 30 days after the approval of this act, by petition filed by the administrator of the estate, and service thereof shall be made on the principal chief of the Cherokee Nation, who shall appear by attorney, within 20 days after service of said suit is made upon him, and defend said suit on behalf of the nation; the record heretofore made in the case, together with any material evidence on file with the Department of the Interior pertaining to said claim, shall be considered by the court, and the Secretary of the Interior is directed to transmit to said court all such records in his department.

Mr. GORE. I make a point of order against the amendment. It is general legislation. It undertakes to confer jurisdiction upon the Court of Claims in a case where it does not have jurisdiction.

Mr. STERLING. Mr. President, I trust the Senator from Oklahoma will withhold his point of order on this amendment for a time, until I can call the attention of Senators to some matters connected with it.

Mr. GORE. Mr. President, I have no objection to passing the amendment for the present. I can not agree to withhold the point of order, however. I ask that it may be passed for the present.

The PRESIDENT pro tempore. The Senator from Oklahoma states that he will not withhold the point of order, but that he will suspend his remarks at this time in order that the Senator from South Dakota may make a statement concerning it. The Senator may proceed.

Mr. GORE. Mr. President, I meant to pass the consideration of the amendment for the present.

The PRESIDENT pro tempore. Does the Senator from Oklahoma present unconditionally a point of order against the amendment?

Mr. GORE. If there is no other recourse, I do.

The PRESIDENT pro tempore. The Chair will hear the Senator from South Dakota. The point of order is not debatable, but the Chair has discretion to hear him.

Mr. STERLING. I wish to say that the basis of this proposed legislation is an award made in 1883, whereby the heirs of John W. West, deceased, were to be paid the sum of $5,000, with such interest thereon as should be deemed just and equitable. That award was made in pursuance of a treaty between the United States Government and the Cherokee Nation, whereby certain damages claimed by the heirs of John W. West were to be determined. The arbitrators were a representative selected by the Cherokee Nation and a representative of the United States, selected by the Secretary of the Interior.

The award was approved by the Secretary of the Interior; it was afterwards contested; but on a full hearing before Secretary of the Interior Teller the award was affirmed. A rehearing on the award for the payment of $5,000 with interest was afterwards had before Secretary Lamar, and the previous decision was reaffirmed. This was in 1886. So the award determined in 1883 has been reaffirmed by two successive decisions of Secretaries of the Interior; and according to this award the Government of the United States has been owing, since the time of the award, anyhow, to the heirs of John W. West the sum of $5,000 with interest.

This legislation has been before Congress for many years. It was before every Congress between the Forty-eighth and the Fifty-fourth Congress, inclusive of those two Congresses. It has been reported on favorably by House committees four different times. A bill making a direct appropriation for the payment of the award has passed the Senate five times. It seems to me it has been determined here often enough that the United States owes this just debt, and surely the least Congress can do is, as provided by the proposed legislation, to let the Court of Claims determine the justice and the equity of the matter.

I wish to call attention to the report of the House committee on this bill, made in January, 1913, and to a few statements contained in that report. The House committee says:

This judgment or award, final and conclusive under the treaty and binding upon all parties, has never been paid. The doctrine of res adjudicata clearly applies to this award, whether considered from a judicial, executive, or legislative point of view. That doctrine amounts simply to this, that a cause of action once finally determined between the parties on the merits by a competent tribunal can not afterwards be litigated by a new proceeding either before the same or any other tribunal (100 Mass., 409); it is a general principle that a decision by a court of competent jurisdiction of matters put in issue by the pleadings is binding and conclusive upon all other courts of concurrent power and between the parties and their privies (168 U. S., 48); and it is a principle of public policy as well as a matter of private right (34 N. J. Eq., 535).

The rate of interest fixed in the bill, namely, 5 per cent per annum, is the same rate allowed the Cherokee Nation on its claims against the United States Government, arising in part out of the same treaty, by the Supreme Court of the United States in Cherokee Nation *v.* United States (202 U. S., 101), wherein the court allowed interest from the date the Government took the property of the Cherokee Nation.

The United States was a party to the treaty. It guaranteed fulfillment *of the treaty* provisions. The commission was appointed pursuant to the terms of the treaty. The award was regularly made. By the terms of the treaty it was a finality. The Government of the United States can not now shirk its responsibility, particularly as two Secretaries of the Interior—the officer of this Government whose duty it is to supervise such matters, and men whose legal ability and fairness all men must concede—examined into the award with care and approved it in all respects. The Government of the United States is in honor bound to see that this award is paid.

I wish to say that I myself, before presenting a bill for an appropriation to pay this award, something more than a year ago, investigated the evidence thoroughly, and from the investigation made I think the findings of the Secretaries of the Interior fully justified.

The report further says:

There has been no negligence on the part of the claimants in prosecuting their claim. They are not in fault. The delay in the payment of the award has been due to the failure of the House of Representatives to concur in legislation directing its payment, which has frequently come before it for action. On account of the long delay, for which Congress alone is responsible, your committee urges action at this session in order that the beneficiaries—Cherokee Indians—who have already waited for justice at our hands for many years, may no longer be subjected to the injustice which they have so long endured.

Mr. President, this matter ought not to be required to go to the Court of Claims. It ought to be settled, after this long delay and after this long course of injustice on the part of the United States, as against these heirs. It ought to be settled by a direct appropriation of so much money to pay the claim. The committee, however, has seen fit to provide for its reference to the Court of Claims, and it seems to me that is the very least we can do.

I hope the point of order will not be insisted upon.

Mr. GORE. Mr. President, I entirely agree with the Senator that this claim has been presented to Congress time and time again. The Chair has heard me discuss this proposition, I think, every session since I came to the Senate, and undoubtedly to his heart's discontent.

The original treaty under which this claim is sought to be presented provided that claims on the part of Western Cherokees could be presented. John W. West was an Eastern Cherokee. His brother, Buford West, was a Western Cherokee. John W. West never had any right even to start to present a claim of this character. He was disqualified under the express terms of the treaty. It granted permission to Western Cherokees to present claims. John W. West was an Eastern Cherokee. He never had any right in court or in Congress. This is one of those persistent claims that drags itself into the Senate whenever the Indian appropriation bill comes up for consideration.

The pending amendment undertakes to confer jurisdiction upon the Court of Claims to determine the rights in the premises. I have made a thorough investigation of the matter, and I do not think John W. West has any rights. I do not think he has any right to be heard, because the treaty was unequivocal in its terms.

Mr. STERLING. Permit me to say that these questions were raised before the commission appointed to arbitrate and make an award, and were again urged before the Secretaries of the Interior. It seems to me that ought to be decisive.

Mr. GORE. Mr. President, I ought to have said that John W. West's descendants qualified and drew their portion of the money as Eastern Cherokees.

The PRESIDENT pro tempore. The Senator from South Dakota makes a much stronger case in his argument than is made by the amendment. The amendment treats this as an unliquidated demand, and proposes to confer jurisdiction upon the Court of Claims to adjudicate the fact of liability and the extent of it. The amendment also waives the statute of limitations in this instance, and is obviously subject to the point of order that it is general legislation and a provision for the payment of an unliquidated private claim, as well, in violation of clause 4 of Rule XVI. If the claimant had proceeded upon his original award made under the authority of the existing statute in presenting his claim against this particular tribe of Indians, whose funds are held and controlled by the United States, the matter might present a different aspect and raise a different question.

Subdivision 4 of Rule XVI says:

No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

In the form in which it appears in the bill the amendment is subject to a point of order.

Mr. STERLING. I simply wish to suggest, before the President pro tempore rules, that the bill contemplates an appropriation for the payment of any judgment that may be rendered by the Court of Claims.

The PRESIDENT pro tempore. That is the very point. The claimant abandons the adjudicated claim and turns it over to the court to decide upon the equities of the matter, whether or not the first adjudication was right. He asserts his claim at large, as the lawyers say, reopens the whole thing, and makes a mere claim out of what otherwise would be an adjudication.

In the form in which it appears in the bill the item is subject to a point of order, and the point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, line 10, after the word "improvements," to strike out "$7,000" and insert "$15,000," and in line 11, after "$15,000," to strike out "in all, $42,000," and insert 'in all, $50,000: *Provided*, That any unexpended funds heretofore appropriated for this school for the fiscal year 1914 may be used during said year for the purchase of additional land, not to exceed 80 acres, repairs, and improvements," so as to make the clause read:

For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, $35,000; for repairs and improvements, $15,000; in all, $50,000: *Provided*, That any unexpended funds heretofore appropriated for this school for the fiscal year 1914 may be used during said year for the purchase of additional land, not to exceed 80 acres, repairs, and improvements.

Mr. SMOOT. Mr. President, I should like to ask the Senator what additional land is necessary? Where is the 80 additional acres of land located that they speak of purchasing?

Mr. OWEN. It is right near the school. They have only 40 acres, I believe, and they want to get 80 acres more, so as to have gardens adjacent to the school. It is outside of the 40 acres reserved.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. On line 16, page 68, after the figures "$275,000," obviously there is an error in the bill. The words "is hereby appropriated" should be inserted, so that it will read:

The sum of $275,000 is hereby appropriated—

And so forth. I move that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On line 16, after the numerals "$275,000," it is proposed to insert "is hereby appropriated."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, line 19, after the word "Chickasaw," to insert "Quapaw," so as to make the clause read:

The sum of $275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Quapaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1915: *Provided*, That this appropriation shall not

be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. GORE. I move—and I assume the Senator from Arizona will accept the amendment—that the word "Quapaw," in line 19, page 68, be stricken out, and that after the word "Nations," in line 20, the words "and the Quapaw Agency" be inserted.

The words "Quapaw Nation" do not describe the community in question. The official designation is "Quapaw Agency."

The PRESIDENT pro tempore. The question, first, is on the amendment proposed by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will now state the amendment proposed by the Senator from Oklahoma.

The SECRETARY. After the words "Seminole Nations," in line 20, page 68, it is proposed to insert "and the Quapaw Agency."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 69, to insert:

That section 9 of the act of May 27, 1908 (35 Stat. L., p. 312), be, and the same is hereby, amended as follows: By adding, after the word "allottee" in line 6 of said section, the following: "*Provided*, That no sale of inherited lands by heirs who are full-blood Indians shall be approved by the judge of the county court without giving at least three weeks' notice in some newspaper of general circulation published and printed in the county in which said land is situated that an application for such sale is pending, a copy of which notice shall be sent by registered mail at least three weeks before such sale is made to the United States Indian superintendent at Muskogee: *Provided further*, That upon the day fixed for such sale the judge of the county court may, in his discretion, accept the highest bid offered for such land and approve a conveyance by the heirs to such purchaser, or refuse to accept any bid offered: *Provided further*, That upon the approval of any sale of inherited land by full-blood heirs the judge of the county court shall require the purchase price to be paid into court or to the United States Indian superintendent, and such officers shall jointly supervise and control the proceeds derived from such sale of such land and shall pay the same to the heirs in such amounts, at such times, and under such rules and regulations as they may prescribe: *Provided further*, That the judge of the county court and the United States Indian superintendent shall have power and authority to expend such funds in the improvement of the lands of such heirs, in the purchase of stock or farming implements, or for such other use or purpose as they deem most beneficial to such heirs."

Mr. OWEN. Mr. President, I find that there is serious objection on the part of the people of Oklahoma to that item. I moved it myself in the first place in the committee, and, with the consent of the chairman, I make a point of order against it.

The PRESIDENT pro tempore. What matter does the Senator intend to include in his point of order?

Mr. OWEN. The matter beginning on line 1, page 69, and going down to and including line 5 on page 70.

The PRESIDENT pro tempore. Does the chairman of the committee desire to be heard on the point of order?

Mr. ASHURST. I do not, Mr. President.

The PRESIDENT pro tempore. On what ground does the Senator make the point of order?

Mr. OWEN. On the ground that it is general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. SMOOT. I should like to ask the Senator having the bill in charge if that provision has met the approval of the Commissioner of Indian Affairs.

Mr. OWEN. It has.

Mr. ASHURST. It has, Mr. President.

Mr. OWEN. I move to strike out the word "also," in line 25, and to insert "hereby."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, page 70, line 25, before the word "appropriated," strike out "also" and insert "hereby."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 71, line 11, after the word "property," to insert "including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements thereon: *Provided*, That $10,000 of the amount above appropriated shall be immediately available," so as to read:

That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $40,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements thereon: *Provided*, That $10,000 of the amount above appropriated shall be immediately available: *Provided further*, That not to exceed $10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings.

Mr. PAGE. Commencing on page 72, line 12, that is legislation which I do not think ought to be enacted at this time.

The PRESIDENT pro tempore. We have not reached that yet. We have not passed upon the particular amendment before the Senate.

Mr. PAGE. I wish to give notice now that after that amendment has been read I shall raise a point of order, and I should like to have the Chair give especial attention to the reading so as to decide on the point of order when the Secretary has concluded the reading of the amendment, commencing at line 11, on page 72, and concluding at line 26, on page 75.

The PRESIDENT pro tempore. The question is on agreeing to the amendment inserting line 12 to line 19 on page 71.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, on page 72, after line 10, to insert:

That the Commissioner of Indian Affairs is hereby authorized and directed to consider and determine the claims to enrollment as citizens of the Creek (Muskogee) Nation of Indians of the 64 persons whose names are contained in the list prepared by W. C. Pollock, assistant attorney for the Interior Department, bearing date of January 15, 1912, and which names appear in Senate Document No. 1139, Sixty-second Congress, third session, at pages 45 to 52, inclusive; and the said Commissioner of Indian Affairs is directed to enroll all such persons as he may adjudge to be citizens of the Creek Nation, and when so enrolled there shall be paid to each and every such person, out of any funds in the Treasury of the United States to the credit of the Creek Nation, the sum of $800 in lieu of an allotment of land, said payment to be subject to such restrictions, rules, and regulations as he may prescribe, and hereafter such enrolled citizens shall share alike with all other citizens of the said nation in the distribution of tribal funds, and shall be entitled to all other benefits accruing to the members of said tribe.

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901 (31 Stats., p. 861), and the supplemental agreement of June 30, 1902 (32 Stats., p. 500), and other laws and treaties providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of $1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of $1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of such allotments up to the treaty standard value of allotments of $1,040; also to hear, determine, and render final judgment, with right of appeal as herein provided, in the matter of the claim of the Muskogee (Creek) Nation against the United States based on alleged errors in the survey of the boundary of said nation, and any other Creek lands in townships 11 and 12 north, range 6 east, that may have been erroneously taken and disposed of by the United States without compensation therefor; and the actions herein authorized may be brought in the name of the Muskogee (Creek) Nation and against the United States. Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified by the principal chief of said nation or the national attorney for said nation, and said suit or suits shall be prosecuted by the national attorney for the Creek Nation and by attorney or attorneys, if any, employed by said nation or tribe, or its duly authorized representatives or individual members of said tribe, to prosecute said claims: *Provided*, That no attorney shall be authorized to represent said nation, or individual members of said nation, by reason of any contract or agreement made with the tribe or members thereof unless such contract of employment shall have been, subsequent to the passage of this act, approved by the Commissioner of Indian Affairs and the Secretary of the Interior: *And provided further*, That in the event of the employment of additional attorneys, as herein set out, the said attorney or attorneys shall not be paid out of any funds now to the credit of the Creek Nation, but his or their fee shall be fixed by the Commissioner of Indian Affairs and the Secretary of the Interior after final judgment, but in no event to exceed $15,000 in each case and in event of a recovery, and shall then be taxed and paid as other costs of the actions in which such attorney or attorneys may be authorized to appear.

The money accruing under any judgment or judgments rendered under this act shall be distributed by the Secretary of the Interior to the persons entitled to participate therein under such rules and regulations as he may prescribe, payment to minors and restricted Indians to be subject to the conditions affecting the payments of funds derived from the sale of restricted lands. To effect a speedy settlement of the affairs of the Creek Nation said suits shall be advanced for hearing by the Court of Claims and by the Supreme Court if the same shall be appealed.

Mr. PAGE. At this point I raise a point of order on the part of the amendment from line 11, on page 72, to line 5, on page 73, ending with the words "accruing to the members of said tribe." I think it is general legislation.

The PRESIDENT pro tempore. The whole amendment is an entire proposition, is it not?

Mr. PAGE. I think the lines following, from line 6 to line 10, on page 73, may be wise legislation, and I do not care to make a point against those six lines. I think they are independent.

Mr. TOWNSEND. Mr. President, I was in hopes that the Senator from Vermont would not raise that point. It will make it necessary for me to oppose wherever possible any distribution of the fund or any portion of the fund of this tribe of Indians. Here are some Indians who were found by the agents of the department to be entitled to enrollment. Their names were not acted upon before the times fixed by the statute for the closing of the rolls. They were on their way to the department; they were entitled to recognition; and they are as legally or as morally entitled to go on the rolls as the names that were on them. It was agreed when this and similar matters were before the committee that those names which had been certified as being entitled to enrollment and reported by Mr. Pollock——

Mr. CRAWFORD. Will the Senator permit me? The Senator is talking about the enrollment of Indians as members of the Five Civilized Tribes of Indians on page 72.

Mr. TOWNSEND. It is a part of the Five Civilized Tribes. It is one tribe, the Creek Nation. The Senator from Vermont has made a point of order which applies directly to the Creeks.

Mr. CRAWFORD. Are they those who were on their way?

Mr. TOWNSEND. Many of those were on their way to the department and were entitled to the enrollment.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Vermont?

Mr. TOWNSEND. Certainly.

Mr. PAGE. I am in entire accord with what the Senator from Michigan has just stated. I believe that the enrollment should be completed by the addition of further names, and if that enrollment is completed it is very doubtful whether the sum of $800 will be left for distribution to each one. That being the case and because of the very reasons the Senator has stated, I think we should not legislate at this time to appropriate the $800.

Mr. TOWNSEND. Mr. President, it was shown before the committee that there are funds sufficient, but if there are not sufficient funds for that purpose it is all the more reason why there should be no further distribution of the funds of this or any other tribe so long as there is an incomplete enrollment. The time will come, in my judgment, when some of the gentlemen—not in the Senate, but attorneys outside—who are now interested in closing the rolls and keeping these men off will be quite as active in pressing bills before the Senate asking that the Indians who have been kept off the rolls shall be given what they are legally, or at least equitably, entitled to.

I do not care to open these rolls; I have tried to avoid that as best I could, but I have felt since I have been a member of the Committee on Indian Affairs that these Indians should be cared for.

As I said, it was agreed before the committee, as I understood it, that if these designated Indians whose title had been passed upon and recommended by the agents of the department as entitled to enrollment could go on this list and share in the distribution of the tribal funds as they were given out from time to time, at least the apparent defect in the enrollment would be cured, because, I repeat, these names have been passed upon by the department, and simply through the fact that the day fixed by statute passed while some of these names were already in the department but before they could be acted upon, these men ought not to be defrauded of their rights to this division of the tribal funds.

I say I am sorry the Senator from Vermont felt it was necessary to make the point of order against this item, because I am very confident that if it was known that these names were not going on the list there would have been no distribution of tribal funds. It seems to me it is quite time that we had this matter settled properly and equitably.

The PRESIDENT pro tempore. The Chair, as at present advised, is inclined to believe that the matter from line 6 to line 10 is separable from the preceding matter. It reads:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated—

Referring, of course, to that which has gone before—

the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

Mr. OWEN. Mr. President, I have in my hand the document referred to, containing a letter of April 24, 1914, from the office of the Secretary of the Interior, to this effect:

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1914.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR: In response to your request of April 22, I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma. The data as to each of these names have heretofore been submitted to the Committee on Indian Affairs of the Senate, and may be found in Senate Document No. 1139, Sixty-third Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of new-born Choctaw freedmen.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

In the Choctaw and Chickasaw country there is quite a large number of claims, four or five thousand—I do not know the number—varying according to the estimates that are made. In the Choctaw and Chickasaw country that contention has been raised, but as far as these people are concerned, since the department has found them entitled, and since the attorneys representing the United States are willing to have them enrolled, I should not think anyone would agree to have these people kept off when they have the right to be enrolled. I hope the Senator from Vermont will not press his point of order.

Mr. PAGE. Mr. President, I am not objecting to any enrollment that the department thinks ought to be made. The point I make is this: We provide here for the payment of $800 to each such person. I will read the provision at line 25, on page 72:

The sum of $800 in lieu of an allotment of land, said payment to be subject to such restrictions, rules, and regulations as he—

The Commissioner of Indian Affairs—

may prescribe.

I have been informed by those who have made a study of this matter—and perhaps I may say that in the last Congress a very valuable member of the Committee on Indian Affairs, who is now away, discussed this matter somewhat at length—and the information I have is that there is, in addition to the names referred to in Document No. 478, just referred to by the Senator from Oklahoma, another large number who claim to be entitled to allotments.

I confess my mind is not very clear in regard to the different Indian nations in Oklahoma; but if we are to make an appropriation of a certain sum, it seems to me we ought to safeguard the Treasury so that later on, if there are so many added allottees, it will not make the sum in the Treasury belonging to the tribe insufficient and the Federal Treasury be obliged to take funds not belonging to the Indians. I say I think we ought to safeguard the Treasury against that possibility.

At present I am not sufficiently conversant with the facts to say that we do that under this bill. Indeed, I rather think we do not do it. That was my purpose in raising the point of order.

I do not want, in any event, to take issue with the Senator from Michigan [Mr. TOWNSEND] about this matter, because he and I have thought very nearly alike in all the hearings and consideration of the bill in the committee. If he says that, in his judgment, I ought to withdraw the point of order, I am rather inclined to do it, although I wish I might have some further light before I consent to withdraw it.

The PRESIDENT pro tempore. It will be necessary for the Chair to know whether the Senator withdraws the point of order before he knows what action to take.

Mr. TOWNSEND. I will say to the Senator from Vermont there can be no possible question, if the information which has been presented to the committee is correct as to the condition of the treasury of this tribe, that the tribe will have something over $2,000,000 when this payment has been made. That at least has been the testimony. I had no thought that this question could possibly have been raised. It was not stated before the committee.

Mr. PAGE. I withdraw the point of order.

Mr. STERLING. Mr. President, there seems to me some uncertainty among Senators in regard to the wisdom of this proposed legislation. The Senator from Michigan, I understand, is not quite satisfied as to the provision, and although the Senator from Vermont has withdrawn the point of order, I renew it. I make the point of order that it is general legislation.

Mr. OWEN. I hope the Senator from South Dakota will withhold the point of order until we can further consider it. I ask that we pass over the amendment for the present.

The PRESIDENT pro tempore. That request is addressed entirely to the Senator from South Dakota. It is subject to what he says.

Mr. OWEN. Will the Senator from South Dakota consent to pass it over for the present?

Mr. STERLING I will consent to that course.

The PRESIDENT pro tempore. The item will be passed over at the request of the Senator from Oklahoma and with the consent of the Senator from South Dakota. Does that include

all the matter which appears in the bill from line 11, on page 72, down to and including line 26, on page 75?

Mr. TOWNSEND. Yes, sir.

The PRESIDENT pro tempore. The whole amendment will be passed over.

Mr. NELSON. I understood the objection was limited by the Senator from Vermont, and, in the first instance, it extended down to line 5, on page 73, and that the rest is undisposed of.

Mr. PAGE. I gave notice that I would raise the point of order as to the balance of the amendment from line 11, on page 73, to line 26, on page 75, and I give notice that I will do that when we return to the amendment, unless I have some light that I do not have now.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. I want to know how much has been passed over, because I have an amendment which I wish to offer.

The PRESIDENT pro tempore. To this matter?

Mr. WILLIAMS. Yes; and I want to see whether that part is included in the point of order.

The PRESIDENT pro tempore. To what extent does the Senator intend that his point of order shall apply? All the matter which appears from page 72, line 11, down to and including line 26, on page 75, seems to be associated and covers the same general topic. Is the point of order directed against the whole provision?

Mr. STERLING. Yes, sir.

Mr. WILLIAMS. That being the case, I desire to offer an amendment and let it be pending and go over with the entire subject matter.

The PRESIDENT pro tempore. The Chair has not passed on the point of order, but the amendment to the amendment can be entertained.

Mr. WILLIAMS. I want to offer it now and have it read and pending at the proper place, and I will let it go over with the entire subject matter to which it refers.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. At the end of line 10, page 73, the Senator from Mississippi [Mr. WILLIAMS] proposes to insert the following proviso:

Provided, That the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled; and he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled, and all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the "Treaty of Dancing Rabbit Creek."

The PRESIDENT pro tempore. The amendment to the amendment will lie on the table until we reach the amendment of the committee in the further consideration of the bill. The next amendment will be stated.

The next amendment was, on page 77, after line 4, to insert:

That the Commissioner of Indian Affairs is hereby authorized to permit the principal chief of the Creek Nation to call a special session of the national council of said nation, and for said purpose there is hereby appropriated, out of any funds in the Treasury of the United States to the credit of the Creek Nation, the sum of $10,000, or so much thereof as may be necessary, to pay the mileage and per diem of members and other incidental expenses of such council meeting upon the approval of the Commissioner of Indian Affairs: *Provided*, That the Commissioner of Indian Affairs shall fix the time for calling said session of the council, the length of time said council may remain in session, and the amount that shall be allowed members attending.

The amendment was agreed to.

The next amendment was, on page 77, after line 17, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees, not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

Mr. KENYON. I think this amendment is subject to the same point of order that was made by the Senator from South Dakota [Mr. STERLING], but I should like to have some explanation of it.

The PRESIDENT pro tempore. Is there any Senator who is inclined to enlighten the Senator from Iowa?

Mr. OWEN. Mr. President, the Five Civilized Tribes made agreements with the United States which took the form finally of statutes of the United States. They passed as statutes with the Choctaws, Chickasaws, Creeks, and Cherokees. Under that statute provision it was agreed that as these funds arose from the sale of their lands they should be distributed. There is only about $50 left to be distributed to the Cherokees. In the case of the Choctaws and Chickasaws they have property undistributed that will probably amount to between $35,000,000 and $40,000,000—a very large sum. There are, I suppose, about 30,000 of the Choctaws and Chickasaws, and at $100 apiece it would take about $3,000,000. If there were allowed the claims of those now demanding the reopening of the rolls, even to the extent of three or four or five thousand people, it would make no substantial difference, because there will be an abundant Choctaw and Chickasaw fund to meet any of such claims.

Mr. KENYON. Are there not a large number who are seeking to have the rolls reopened?

Mr. OWEN. Yes.

Mr. KENYON. Then, if there was not enough money for their share, that would become a claim against the Government?

Mr. OWEN. There is enough for any claim that they might have. That is what I was explaining to the Senator. The Senator from Michigan [Mr. TOWNSEND] knows the amount, and he knows the number of Choctaws and Chickasaws, being very familiar with the matter.

Mr. KENYON. It occurred to me that in all these provisions there is that danger if the rolls should be opened.

Mr. OWEN. The rolls never will be opened; never in the world.

Mr. KENYON. There are a good many people who think they will be.

Mr. OWEN. I know they have that apprehension, but they will never be opened.

Mr. KENYON. There are a good many Indians trying to have them opened.

Mr. OWEN. There are a good many people claiming that they should be opened, and who are trying to do it through their attorneys.

The statutes requiring the distribution of this fund to these people are very plain. This amendment is merely carrying out an existing law, and in pursuance of existing law these funds pass into the Treasury of the United States as trust funds and can not be disposed of except by consent of Congress. So Congress must direct the distributions that are made.

It therefore would not be subject to a point of order, as the other items are obviously subject to a point of order. Being in pursuance of a statute law and carrying out an existing agreement with the Indians, under the statute law it is not, I take it, subject to a point of order.

Mr. WILLIAMS. To what statute does the Senator refer?

Mr. OWEN. I refer to the statute of 1902.

Mr. KENYON. I will make the point of order that the provision commencing with line 18, page 77, and extending to line 11, page 78, is new legislation, and that it is not germane to the subject of this bill.

Mr. TOWNSEND. Mr. President, I should like to ask to have this item passed over temporarily. I am perfectly willing that it shall be disposed of this afternoon if the Oklahoma items are disposed of, but it will make some difference with me as to what is done with certain other items, because I think they are all related. I therefore ask that this item be passed now without a decision of the question raised.

Mr. OWEN. I shall be glad to have it passed over.

Mr. WILLIAMS. Before that is done, I have an amendment which I want to offer as a proviso.

The PRESIDENT pro tempore. This practice of reserving matters for future consideration is becoming a real evil. It ought not to be extended to the present situation. The Chair does not see any reason for withholding to a future day a decision on the point of order raised by the Senator from Iowa.

Mr. WILLIAMS. I expect that point of order will have to be argued to some extent.

The PRESIDENT pro tempore. That depends on whether there is an appeal from the decision of the Chair. This appeal may be argued, but there is no great danger of consuming much time in arguing the point of order itself.

Mr. WILLIAMS. I mean, if the Chair wants some enlightenment a whole lot of Senators are prepared to try to give it to him under the exercise of a wise discretion of the Chair which permits discussion. But before entertaining the request of the Senator from Michigan, what I rose for is to offer an amendment which is connected with the matter which he wants to have passed over. I ask that it be read and go over with the subject matter.

The PRESIDENT pro tempore. The Chair is not disposed to invite debate on the point of order to remove doubts as to what

action he should take. He now overrules the point of order. It seems that the proposition contained in the amendment affects trust funds held by the Government as trustee, and they never can be used in any way without authority derived from Congress. The amendment is not objectionable on the ground that it is general legislation, because it is a kind of legislation necessary to make the trust effective by affording the trustee that permission that the sovereign alone can give. It is not general legislation in any sense. It is the kind of legislation that is necessary to give the consent of the sovereign trustee which controls the ultimate disposition of the trust fund. It is not objectionable under the fourth clause of Rule XVI, because it is an amendment that is to carry out the provisions of an existing law. The Chair will hold that the point of order is not well taken.

Mr. WILLIAMS. Then I offer the amendment which I have sent to the desk.

Mr. KENYON. Just for the sake of the RECORD——

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. KENYON. I do not expect to convince the Chair at all, but I should like to call the attention of the Chair to the fact that a similar provision was inserted in the Indian appropriation bill, as it has been each year, on February 25, 1913, as will be found in the CONGRESSIONAL RECORD, on page 4006.

Senator LODGE interposed a question of order against a similar provision on the appropriation bill of that year—that it was new legislation and not germane to the bill under the rules of the Senate. The question was submitted to the Senate, and by a vote of 57 to 34 it was decided that it was not in order on the bill. On June 18——

The PRESIDENT pro tempore. The question as to whether or not the amendment is germane to the bill is not for the decision of the Chair, but for that of the Senate. If the Senator insists upon the point that the amendment is not germane, that question must be submitted to the Senate.

Mr. KENYON. One further suggestion. On June 18, 1913, the Vice President—I assume it was the Vice President—held that a similar provision inserted in the Indian appropriation bill was not germane to the bill under the rules of the Senate. That is found in the CONGRESSIONAL RECORD of June 18, 1913, page 3386.

I ask that the question as to whether or not the amendment is germane be submitted to the Senate, if the Chair holds that it is proper.

The PRESIDENT pro tempore. It is proper. The Senator from Iowa having raised the question as to whether or not the amendment in question is germane to the bill, it becomes the duty of the Chair to submit the matter to the Senate.

Mr. NELSON. Let the paragraph be read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will read the paragraph.

The SECRETARY. It is the paragraph commencing on page 77, line 18, and running down to line 10, on page 78.

Mr. GORE. Mr. President, my recollection is that on the last Indian appropriation bill that question was submitted to the Senate, and the Senate decided it was in order; that it was germane.

Mr. WILLIAMS. No; it was decided that it was not.

Mr. GORE. I think the Senator from Mississippi is mistaken.

Mr. WILLIAMS. I remember when this exact point was up.

Mr. OWEN. I have the matter here, if I may call the attention of the Chair to it. It was decided by the Vice President that the amendment was not germane, and there was no appeal taken to the Senate.

The PRESIDENT pro tempore. Under the rules of the Senate, the question as to whether or not any proposition is germane is exclusively for the decision of the Senate.

Mr. OWEN. A Senator has the right to appeal to the Senate on the question of whether or not an amendment is germane under the rules. I believe the Chair has so held.

The PRESIDENT pro tempore. The rule under which the Senate must proceed reads:

> 3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

If the present occupant of the chair could decide the question, he would do so in accord with what he thought was right. Having no jurisdiction to deal with it at all, the question is submitted to the only tribunal that can pass on it. The question is, Is the amendment germane to the bill? [Putting the question.] The noes appear to have it.

Mr. BORAH and Mr. OWEN called for a division.

The PRESIDENT pro tempore. A division is called for.

Mr. OWEN. I call for a quorum.

The PRESIDENT pro tempore. The Senator from Oklahoma suggests the absence of a quorum. The Chair doubts whether in the midst of taking a vote that can be done.

Mr. SMOOT. I think the call can not be made when the Senate is dividing.

The PRESIDENT pro tempore. That procedure need not be strictly adhered to unless we are bound to do it under some existing rule, and the Chair knows of no rule which requires it to be done. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Owen	Sterling
Borah	James	Page	Sutherland
Bryan	Jones	Perkins	Swanson
Camden	Kenyon	Ransdell	Thornton
Catron	Lane	Reed	Tillman
Chamberlain	McCumber	Robinson	Townsend
Chilton	Martine, N. J.	Shafroth	Vardaman
Clapp	Myers	Shively	Warren
Clarke, Ark.	Nelson	Smith, Ga.	White
Crawford	Norris	Smith, Md.	Williams
Fletcher	O'Gorman	Smith, Mich.	
Gore	Overman	Smoot	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL], with whom I am paired, is necessarily absent. I will let this announcement stand for the day.

The PRESIDENT pro tempore. The call of the roll discloses the absence of a quorum. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators.

Mr. POMERENE, Mr. LEE of Maryland, Mr. SHERMAN, Mr. SHEPPARD, Mr. SMITH of Arizona, Mr. STONE, Mr. BRISTOW, and Mr. BRADY entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present. Several Senators have come into the Chamber since the pending question was raised. The Chair will therefore restate it. Incidental to that, however, the Chair will ask the Secretary to read the item in dispute, which appears on page 77, beginning at line 18.

The SECRETARY. On page 77, after line 17, the committee propose to insert the following:

> That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. KENYON] raises the question as to the relevancy of this amendment to the pending bill. Under the rules of the Senate all questions of relevancy of proposed amendments to a pending bill are to be submitted to the Senate and decided without debate. That question is now submitted to the Senate. [Putting the question.] The Chair is in doubt.

Mr. VARDAMAN. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], but I understand if he were present he would vote as I intend to vote. Therefore I will take the liberty of voting. I vote "yea."

Mr. JAMES. I transfer my general pair with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. SMITH of Arizona (when Mr. STONE's name was called). The Senator from Missouri [Mr. STONE] is paired with the Senator from Wyoming [Mr. CLARK].

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

The roll call was concluded

Mr. CRAWFORD (after having voted in the negative). I inadvertently voted without stating my pair. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS], and allow my vote to stand.

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from New Jersey [Mr. HUGHES], and vote "yea."

Mr. SMOOT. I desire to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN], the Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS], the Senator from Ohio [Mr. BURTON] with the Senator from Indiana [Mr. KERN], the Senator from New York [Mr. ROOT] with the Senator from Colorado [Mr. THOMAS], the Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. BANKHEAD], and the Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 40, nays 15, as follows:

YEAS—40.

Ashurst	Gore	Norris	Sheppard
Bryan	Hitchcock	Overman	Shively
Camden	James	Owen	Smith, Ariz.
Catron	Johnson	Page	Smith, Ga.
Chamberlain	Jones	Perkins	Smith, Md.
Chilton	Lane	Pittman	Swanson
Clapp	Lee, Md.	Pomerene	Thornton
Clarke, Ark.	McCumber	Ransdell	Tillman
Dillingham	Martine, N. J.	Robinson	Warren
Fletcher	Myers	Shafroth	White

NAYS—15.

Borah	Kenyon	Smith, Mich.	Townsend
Brady	Nelson	Smoot	Vardaman
Bristow	Reed	Sterling	Williams
Crawford	Sherman	Sutherland	

NOT VOTING—41.

Bankhead	Goff	Martin, Va.	Stephenson
Brandegee	Gronna	Newlands	Stone
Burleigh	Hollis	O'Gorman	Thomas
Burton	Hughes	Oliver	Thompson
Clark, Wyo.	Kern	Penrose	Walsh
Colt	La Follette	Poindexter	Weeks
Culberson	Lea, Tenn.	Root	West
Cummins	Lewis	Saulsbury	Works
du Pont	Lippitt	Shields	
Fall	Lodge	Simmons	
Gallinger	McLean	Smith, S. C.	

So the Senate decided the amendment to be germane to the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. WILLIAMS. I ask that the amendment to the amendment, which I have already sent to the desk, be stated.

The PRESIDENT pro tempore. The Senator from Mississippi proposes an amendment to the committee amendment, which the Secretary will state.

The SECRETARY. On page 78, line 10, after the word "Indians," it is proposed to amend the amendment by inserting the following proviso:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw and Chickasaw Nations in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Mr. WILLIAMS. I ask that the words "and Chickasaw Nations" be stricken out and the word "Nation" inserted. I did not know they were in the amendment.

The PRESIDENT pro tempore. The Senator asks that his amendment to the amendment may be modified by striking therefrom the words "and Chickasaw Nations" and inserting "Nation." In the absence of objection, the amendment will be modified accordingly.

Mr. WILLIAMS. I wish to ask the Senator from Arizona in charge of the bill if he thinks we will probably finish the bill this afternoon before we go into executive session, because if he does not think so I should like to have this matter go over until to-morrow. I have a little neuralgia in one of my eyes, and I hope to feel better to-morrow; but if the Senator thinks we can finish the bill this evening I will go ahead.

Mr. ASHURST. In reply to the Senator from Mississippi, I will say that there is no possibility or hope of finishing the bill this afternoon.

Mr. WILLIAMS. Then I ask that the amendment go over until to-morrow.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I yield.

Mr. GORE. I wish to state to the Senator from Mississippi that I desire to interpose a point of order against the amendment which he has just offered, and possibly that might obviate any necessity of debate.

Mr. WILLIAMS. The point of order can go over with the amendment. Let the point of order be considered as entered, and let the entire matter go over until to-morrow.

Mr. GORE. I am perfectly willing that that course be pursued, if it will accommodate the Senator.

The PRESIDENT pro tempore. Without objection, the consideration of the amendment will be postponed until to-morrow. The Chair hears none, and it is so ordered.

Mr. REED. If it is not objectionable to the Senator in charge of the bill, I should like to move an executive session at this time in order that we may have time enough to transact pending executive business.

Mr. ASHURST. Very well.

EXECUTIVE SESSION.

Mr. REED. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 15 minutes spent in executive session the doors were reopened.

LEGISLATIVE APPROPRIATIONS.

The PRESIDING OFFICER (Mr. POMERENE in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 15578. An act to codify, revise, and amend the laws relating to the judiciary, was read twice by its title and referred to the Committee on the Revision of the Laws.

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914, was read twice by its title and referred to the Committee on Pensions.

CONFIRMATION OF ROBERT H. TERRELL.

Mr. GORE. I ask that the injunction of secrecy be removed from my vote cast on the confirmation of Robert H. Terrell to be a judge in the municipal court.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oklahoma will be granted.

Mr. WILLIAMS. I ask that the injunction of secrecy be removed from my vote cast on the confirmation of Judge Terrell.

Mr. JONES. I ask unanimous consent that the injunction of secrecy be removed from the vote of the Senate taken April 24, 1914, on the confirmation of Robert H. Terrell to be a judge of the Municipal Court of the District of Columbia, and that the vote be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The result of the vote is as follows:

YEAS—39.

Brady	Cummins	Lewis	Shively
Brandegee	Gallinger	Lodge	Smith, Mich.
Bristow	Goff	McCumber	Smoot
Burleigh	Hollis	Martine, N. J.	Sterling
Burton	Hughes	Nelson	Thomas
Catron	Johnson	Norris	Thompson
Chilton	Kenyon	Page	Walsh
Clapp	Kern	Pomerene	Warren
Clark, Wyo.	La Follette	Root	Weeks
Crawford	Lane	Shafroth	

NAYS—24.

Bankhead	Lee, Md.	Reed	Smith, Ga.
Bryan	Newlands	Robinson	Smith, S. C.
Fletcher	Overman	Sheppard	Thornton
Gore	Owen	Shields	Vardaman
James	Pittman	Simmons	West
Lea, Tenn.	Ransdell	Smith, Ariz.	Williams

Mr. SHIVELY. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 19, 1914, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 18, 1914.

SURVEYOR GENERAL.

Henry Gerharz, of Billings, Mont., to be surveyor general of Montana, vice Jerome G. Locke, resigned.

RECEIVER OF PUBLIC MONEYS.

Francis H. Selhorst, of Glenwood Springs, Colo., to be receiver of public moneys at Glenwood Springs, Colo., vice William E. Wallace, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 16, 1914.

Charles Ford, of Illinois.
Albert Rotild Goodman, of Oregon.
Leonard Knight Graves, of New York.
George Carleton Kilpatrick, of Florida.
Adolphus Alfred McDaniel, of Texas.
Mark Pearson Pentecost, of Georgia.
Marion Ernest Quina, of Florida.
Dalton Harris Trepagnier, of Louisiana.

APPOINTMENT AND PROMOTION IN THE NAVY.

Cecil S. O'Brien, a citizen of Indiana, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 9th day of June, 1914.

Gunner John J. Clausey to be a chief gunner in the Navy from the 3d day of February, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 18, 1914.

POSTMASTERS.

MICHIGAN.

N. D. Campbell, Gwinn.
George W. Manion, Alpena.

MISSISSIPPI.

Felicie L. Delmas, Pascagoula.

NEBRASKA.

Henry C. Burritt, Shelby.
R. W. Davis, Wolbach.
John C. Dullaghan, Rushville.
Lyman H. Eastman, Campbell.
Edward P. Griess, Sutton.
Ward C. Higley, Wauneta.
Arthur G. Schoeneck, Scribner.
Charles H. Short, Ainsworth.
Frances Wisner, Bayard.

NEW JERSEY.

Clarence D. Garis, Phillipsburg.
John J. O'Hanlon, South Orange.

VIRGINIA.

A. S. Hamilton, Warrenton.

WEST VIRGINIA.

Grover F. Hedges, Spencer.
W. E. Wood, Elk Horn.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 18, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, infinite spirit, our heavenly Father, for all the great and good men and women who, with unselfish devotion, guided by the light of heaven, have lived and wrought for the betterment of mankind and have stamped their characters upon the pillars of their respective ages.

Rich are we by inheritance, but we shall prove recreant to our trust if we do not increase and multiply our possessions in all that makes for righteousness, truth, and justice. Thus may we hear and obey the better angels of our nature and leave behind us something noble, something great, something that will live to bless mankind. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4377) to provide for the construction of four revenue cutters.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, had disagreed to amendment of the House to the amendment of the Senate No. 67, had agreed to a further conference asked for by the House, and had appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House to bill of the following title:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; and

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.;

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.; and

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; and

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15279, the legislative, executive, and judicial appropriation bill, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, to disagree to all the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are certain amendments to this bill which I think ought not to be agreed to without giving the House an opportunity to vote upon them if the Senate should insist upon them. They are: Amendment No. 1, which relates to mileage; amendment No. 20, which relates to purchase of automobiles; amendment 30, which

relates to mileage; also amendment 43, which relates to an assistant to the Secretary of State——

Mr. JOHNSON of South Carolina. Assistant to the Secretary of the Treasury, is it not?

Mr. MANN. To the Secretary of State; and amendment No. 48, which relates to an assistant to the Secretary of the Treasury. Amendment No. 78, which relates to increase of pay of the Commissioner of Internal Revenue; amendments 212, 220, and 234, relating to different matters, which I think ought not to be agreed to unless the House has an opportunity to vote upon them; and then there are certain amendments, Nos. 107 to 124, inclusive, as to assay offices, in which I am not specially interested, but I think certain gentlemen would like to have opportunity at some time to move to agree to those amendments.

Mr. JOHNSON of South Carolina. That is the Children's Bureau?

Mr. MANN. No; that is the assay offices.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to say in response to the gentleman from Illinois that the House conferees would not feel justified in yielding to the Senate amendments with respect to mileage or to automobiles or to the new places created in the two departments, and the assay offices; but upon the amendments made by the Senate to the bill with respect to the Children's Bureau, I think that the judgment of the House was so clearly demonstrated in the passage of the bill through the House that it would be better to accept the Senate amendment, because it puts it in better shape than the House left it.

Mr. MANN. I entirely agree with the gentleman about that.

Mr. JOHNSON of South Carolina. And I will take this occasion to say that the Committee on Appropriations was governed by the law in bringing in the bill in the first instance and had no feeling about the matter and was not disposed to be niggardly toward the Children's Bureau; it was simply a construction of the law.

Mr. MANN. Well, among these amendments which I named by number, without describing what they were, was the one concerning commercial attachés to be appointed by the Secretary of Commerce, amendment No. 212, and the amendment increasing the rate of compensation for the annual rental for the building for the Department of Commerce. I think I would want to have a vote in the House on that if the Senate amendments were to be agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to say for the House conferees that it would not be our purpose to do otherwise than to carry out the wishes of the House on material amendments, but I do not want to bring back into the House every little difference between the two Houses, but where the matter is material, I think that we would like to have the judgment of the House.

Mr. MANN. Well, of course, we could get a vote on these amendments before going to conference.

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. But I have no desire to obstruct the conferees.

Mr. JOHNSON of South Carolina. I will say that the item for commercial attachés was in the bill when it was first reported to the House, but it went out on a point of order. I think if there is any objection to the amendment at all, it is to that part of it which takes it out of the civil service and not to the provision making the appropriation.

Mr. MANN. Undoubtedly, I think that would be the point.

Mr. HARRISON. The gentleman does not understand the sentiment of the House is against this item of commercial attachés?

Mr. JOHNSON of South Carolina. I think the House is in favor of the appropriation, but there are Members who are opposed to taking the employees out of the civil service.

Mr. GARNER. We who are opposed to taking these people through the civil service were at first perfectly willing to have a vote on that proposition.

Mr. JOHNSON of South Carolina. I think I would like to have the judgment of the House on the amendment.

Mr. MANN. I think we ought to have the judgment of the House on amendment numbered 234, section 5, which is one of the amendments I named.

Mr. JOHNSON of South Carolina. That is in regard to the maintenance and upkeep of automobiles.

Mr. MANN. Well, automobiles or horse-drawn vehicles or anything else, except walking.

Mr. FOSTER. What number is that?

Mr. MANN. Two hundred and thirty-four; it is next to the last page.

Mr. GARNER. Is the gentleman from Illinois alarmed as to the ability of the present officials to get around over the District and take care of affairs without having automobiles or conveyances of any kind?

Mr. MANN. Well, this does not relate to District officials; it relates to everybody in the Government service and involves the question of the form of appropriation hereafter.

Mr. FOSTER. I think we ought to have a vote on that amendment.

Mr. JOHNSON of South Carolina. Those are all the matters the gentleman from Illinois [Mr. MANN] referred to, I believe, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. BARTLETT. There is an amendment, No. 176, which puts back into the bill an office that went out on a point of order, and a very useless office, too. It is that of Assistant Commissioner of Indian Affairs, who shall act as chief clerk.

Mr. JOHNSON of South Carolina. Do you want a separate vote on that?

Mr. BARTLETT. Yes.

Mr. COX. Mr. Speaker, the gentleman from Illinois mentioned one amendment, to which the gentleman from South Carolina [Mr. JOHNSON] did not respond, and that is as to the increase of the salary of the Commissioner of Internal Revenue. I take it, however, you would give the House an opportunity to vote on it?

Mr. JOHNSON of South Carolina. I did not notice that the gentleman from Illinois [Mr. MANN] referred to that particular amendment.

Mr. MANN. I did.

Mr. JOHNSON of South Carolina. I want to say, and I did say, in reply to the gentleman from Illinois [Mr. MANN] that I do not want to bring all the amendments back here. I want the conferees to make some progress, but wherever a matter is material I want the Members of the House to vote on them.

Mr. MANN. There are 235 amendments, and we have not enumerated many. We leave without question nearly everything to settle in the conference, if the conferees are able to do so.

Mr. JOHNSON of South Carolina. Anything that I find out the Members generally want to vote on I will bring back.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. JOHNSON]? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD.

CONTESTED ELECTION CASE—MICHAEL J. GILL AGAINST L. C. DYER.

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Elections No. 3 and agreeable to the announcement made by the Speaker some time ago, I call up the privileged report on the contested election case of Michael J. Gill against L. C. Dyer.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Calendar No. 117, Michael J. Gill *v.* L. C. Dyer.

Mr. GOLDFOGLE. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-one gentlemen are present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adamson	Cantrill	Fess	Hardwick
Aiken	Carew	Fields	Hayes
Alney	Carlin	Finley	Henry
Anderson	Clark, Fla.	Fitzgerald	Hinds
Ansberry	Conry	Fordney	Hobson
Anthony	Copley	Frear	Hoxworth
Austin	Covington	Gallagher	Hughes, W. Va.
Avis	Crisp	Gallivan	Humphrey, Wash.
Bailey	Dale	Gardner	Humphreys, Miss.
Barnhart	Danforth	George	Jones
Bell, Ga.	Davenport	Gerry	Keister
Borland	Davis	Gillett	Kennedy, R. I.
Brodbeck	Decker	Glass	Kindel
Brown, N. Y.	Dickinson	Gordon	Kinkead, N. J.
Browne, Wis.	Dies	Gorman	Kitchin
Browning	Difenderfer	Goulden	Knowland, J. R.
Bruckner	Dooling	Greene, Vt.	Konop
Bulkley	Driscoll	Gregg	Korbly
Burke, Pa.	Dunn	Griest	Lafferty
Calder	Edwards	Hamill	La Follette
Callaway	Fairchild	Hamilton, N. Y.	Langham

Langley	Montague	Reilly, Conn.	Thacher
L'Engle	Morgan, La.	Riordan	Thomas
Lesher	Morin	Rothermel	Towner
Lewis, Md.	Moss, W. Va.	Sabath	Treadway
Lewis, Pa.	Murdock	Scully	Tuttle
Lieb	Murray, Mass.	Shackleford	Vare
Lindquist	Neeley, Kans.	Sharp	Vaughan
Loft	Neely, W. Va.	Sherley	Walker
Logue	Norton	Sherwood	Wallin
Lonergan	O'Brien	Slayden	Walsh
McAndrews	O'Shaunessy	Slemp	Webb
McDermott	Paige, Mass.	Smith, Md.	Whitacre
McGuire, Okla.	Parker	Smith, J. M. C.	White
MacDonald	Patten, N. Y.	Smith, Minn.	Willis
Madden	Peters, Me.	Smith, Tex.	Wilson, Fla.
Mahan	Peters, Mass.	Stanley	Wilson, N. Y.
Maher	Phelan	Stevens, Minn.	Winslow
Manahan	Porter	Stevens, N. H.	Woods
Martin	Post	Stout	Young, N. Dak.
Merritt	Powers	Stringer	Young, Tex.
Metz	Rainey	Taylor, Ala.	
Miller	Reed	Ten Eyck	

The SPEAKER. On this vote 263 Members—a quorum—have responded to their names.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. The Clerk will read the report.

Mr. MANN. Well, Mr. Speaker, the resolution has not been read.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Page 8 of the report, the committee recommends the adoption of the following resolution:

House resolution 548.

"*Resolved*, That L. C. Dyer was not elected a Representative in the Sixty-third Congress from the twelfth district of the State of Missouri, and is not entitled to a seat therein.

"*Resolved*, That Michael J. Gill was duly elected a Representative in the Sixty-third Congress of the United States as a Representative from the twelfth district of the State of Missouri, and is entitled to a seat therein."

Mr. McKENZIE. Mr. Speaker, I ask that the resolution submitted by the minority of the committee be read as a substitute.

The SPEAKER. The Clerk will read the substitute resolution.

The Clerk read as follows:

Page 17 of the report, the minority of the committee recommends the adoption of the following resolution:

"*Resolved*, That the Committee on Elections No. 3, or a subcommittee thereof, be instructed to take additional testimony in the contested-election case of Michael J. Gill *v.* Hon. L. C. Dyer, touching the election of November 5, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17, of the fifth ward of the city of St. Louis, with particular reference as to whether or not the Democratic ballots in those precincts which had Michael J. Gill's name scratched were the correct votes of the voters in question, or whether some person or persons had fraudulently scratched the name of the said Gill without the knowledge and consent of the said voters; and that the said committee, after it has taken and considered this additional evidence in connection with testimony heretofore taken, makes its report to the House, with its recommendations, within 30 days after the adoption of this resolution."

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] is recognized.

Mr. GOLDFOGLE. Mr. Speaker, this contest arises——

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. GOLDFOGLE. Certainly.

Mr. McKENZIE. I would like to ascertain whether or not we can agree upon time for debate of the resolutions.

Mr. GOLDFOGLE. What does the gentleman from Illinois suggest?

Mr. McKENZIE. Well, we would like to have five hours on this side.

Mr. GOLDFOGLE. Of course we on this side should not wish to have less. That would carry us to when?

Mr. McKENZIE. We could go on to-morrow. There are a number of gentlemen who desire to be heard on this matter. It is a very important case. There are quite a number of Members who want to be heard on it, and I think they ought to have an opportunity.

Mr. GOLDFOGLE. Well, I should imagine if the gentleman would take three hours he would probably have enough.

Mr. MANN. No; that is not enough.

Mr. McKENZIE. That would carry it over until to-morrow, and we might just as well take up the day.

Mr. GOLDFOGLE. Well, suppose we say four hours to a side.

Mr. McKENZIE. Mr. Speaker, I can not consent to that. If we have five hours to a side, we will reach a vote to-morrow, and these two days have been set aside to consider this matter.

Mr. MANN. Suppose you make it five hours' debate to a side, and ask unanimous consent to meet to-morrow at 11 o'clock in the morning.

Mr. GOLDFOGLE. I shall not oppose meeting to-morrow at 11 o'clock, if that is agreeable to the membership of the House.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. We ought to be able to vote on this resolution to-day. If you fix a reasonable time for debate, we could have a vote by 5 o'clock this afternoon.

Mr. MANN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. GOLDFOGLE. I will yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Suppose the gentleman from New York make a request to that effect, that the debate be limited to 10 hours, 5 hours to be controlled by himself and 5 hours to be controlled by the gentleman from Illinois [Mr. McKENZIE], and that the House meet at 11 o'clock to-morrow morning.

Mr. GOLDFOGLE. I am inclined to think if it were 4 hours to a side we would get along better, and I make that request.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas?

Mr. GOLDFOGLE. Yes.

Mr. GARNER. If the gentleman agrees to even 4 hours to a side, that would make it 8 hours. As soon as the agreement is entered into gentlemen will leave the Hall. A great many Members will not stay here for the debate, and if anyone, from time to time, wants to make a point of no quorum, it would add 3 or 4 hours to the time consumed; so that about 14 hours would be consumed in securing 10 hours' debate, and that would run us over until day after to-morrow. I am opposed to that. I want it understood, if there is an agreement upon a certain time, that we should come to a vote not later than a certain hour to-morrow afternoon.

Mr. DICKINSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise? Does the gentleman from New York yield?

Mr. GOLDFOGLE. Yes; for a question.

Mr. DICKINSON. Why can you not conclude this contest and debate to-day, instead of putting it over for two days? There is no good reason, in my judgment, why this contest should not be concluded to-day. It ought to be ended. It does not need four hours to a side.

Mr. GOLDFOGLE. I will answer the gentleman from Missouri. The testimony in this case comprises two large volumes of closely printed matter. The briefs submitted to the committee, which were carefully considered, are voluminous. I can readily understand that considerable time must necessarily be occupied in the debate, if we intend to consider the evidence and the points of law in connection therewith. While, of course, I have my opinion, and every member of the Committee on Elections has his opinion, yet, in view of the fact that this large mass of testimony could not possibly have been read by the general membership of the House, I think it is but fair, if we are to consider the case in the judicial way in which contests ought to be considered, that reasonable debate on this side and on the other ought to be accorded.

Mr. MANN. Mr. Speaker, will the gentleman from New York permit me to suggest that in my experience in the House I do not recall any case where there was less than five hours' debate on a side, and in a number of cases, in addition, the question of consideration was raised, which took an additional length of time. We did not raise the question of consideration on this matter, because we thought we should thereby get more time for debate.

Mr. GOLDFOGLE. I want to say, Mr. Speaker, that my recollection agrees with that of the gentleman from Illinois.

The SPEAKER. The Chair would like to inquire if the gentleman from New York has any requests to make?

Mr. GOLDFOGLE. I have. I ask unanimous consent that the debate be limited to four hours on a side, the time on one side to be controlled by myself and on the other by the gentleman from Illinois [Mr. McKENZIE].

Mr. MANN. I ask the gentleman if he will not make it five hours on a side?

Mr. DICKINSON. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. With pleasure.

Mr. DICKINSON. Is this contest so unusual that it requires a longer time than other contests, to the extent that it should last for two days instead of one?

Mr. GOLDFOGLE. The gentleman from Missouri, if he was listening, undoubtedly understood that the recollection of the gentleman from Illinois [Mr. MANN] and the recollection of myself were in perfect accord. I recall the contests of years ago. I remember contests arising from congressional districts in St. Louis and, I think, from this particular district in St. Louis, and each of them took two days.

Mr. DICKINSON. And the gentleman thinks this ought to take two days?

Mr. MANN. I think there has never been a case where they had less than five hours on a side.

Mr. PALMER. McLean against Bowman took a good deal less than that.

Mr. BRYAN. And the MacDonald case.

Mr. GOLDFOGLE. I desire to modify my request. I ask that the debate be limited to nine hours, one half the time to be controlled by myself, the other half to be controlled by the gentleman from Illinois [Mr. MCKENZIE], and that when this House adjourns this afternoon it adjourn to meet to-morrow morning at 11 o'clock.

Mr. MANN. All right.

The SPEAKER. The gentleman from New York asks unanimous consent that the debate on this question be limited to nine hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. MCKENZIE], and that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr. GARNER. Mr. Speaker, can we not have a gentleman's agreement that there will be no question raised as to a quorum during the debate.

Mr. MANN. Mr. Speaker, we did not make the point of no quorum this morning. No one can tell what may arise. We have no desire to be obstreperous about the matter. We are perfectly willing to have the debate go ahead.

Mr. FOSTER. I want to ask the gentleman from New York a question.

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. I will yield.

Mr. FOSTER. Will the gentleman couple with that a request that the final vote come upon these resolutions before we adjourn to-morrow, so that this case may not go over until Saturday?

Mr. MANN. I do not think that would be proper. The House might want to adjourn for some reason. Some Member might die, or something.

Mr. FOSTER. Nobody would object under those circumstances.

Mr. MANN. You can not tell.

The SPEAKER. What does the gentleman from New York say to the request of the gentleman from Illinois [Mr. FOSTER]?

Mr. GOLDFOGLE. I want to say to the gentleman from Illinois that I am quite anxious that this case close to-morrow, and I am inclined to think from what I have heard that the other side are agreeable to that; but I do not know what may transpire, and do not like to bind myself.

Mr. FOSTER. If anything unusual should occur before that time comes to-morrow, there would be no trouble in arranging it.

Mr. MANN. But the House is quite able to sit here. It does not have to adjourn.

Mr. FOSTER. The gentleman from Illinois remembers that it is sometimes difficult to get a quorum and keep it here at night.

Mr. MCKENZIE. Mr. Speaker, I hope my colleague will not insist on his suggestion. I can assure him that those of us on this side who have charge of this matter will not make points of no quorum and we will not obstruct the progress of this discussion in any way, and we will do our very best to bring this vote to-morrow afternoon.

Mr. FOSTER. With that understanding I shall not insist.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. GOLDFOGLE], that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning, this debate not to exceed nine hours, one half the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. MCKENZIE].

There was no objection.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] is recognized for four and one-half hours.

Mr. GOLDFOGLE. Mr. Speaker, the contest in this case arises in the twelfth congressional district of the State of Missouri. That district is located in the city of St. Louis. It is composed of the fifth, sixth, seventh, sixteenth, and seventeenth wards and part of the fifteenth and twenty-third wards of that city.

There are no questions arising with regard to votes cast in the congressional district except only those in the fifth ward, and so we shall not be called upon to deal with any matter that relates to the congressional district outside of that ward.

At the election held in 1912 the returns from the entire congressional district gave to the contestee, Mr. Dyer, 11,981 votes and to the contestant, Michael J. Gill, 11,249 votes.

There are 17 election precincts in the fifth ward, and the conceded plurality for Gill in the territory outside of that ward was 666.

In those 17 precincts of the fifth ward the original returns gave to Mr. Dyer 2,213 and to Mr. Gill 815.

Some time after the returns were filed an application was made for a recount, and under the laws of Missouri a recount was had. That recount showed figures which indicated practically that the returns from at least seven precincts in the fifth ward were fraudulently made up. The recount gave Dyer a total of 2,009 and Gill a total of 994.

In the report of the committee, which I trust the Members have read, will be found a table showing the number of votes credited to the respective parties by the original returns and the number of votes credited to the respective parties by the recount in the several precincts. I propose now to confine my attention to the seven precincts that the committee, by a majority vote, found were tainted with fraud.

The second precinct gave to Dyer by the original return 199 and to Gill 5. On the recount it was ascertained that Dyer had only 106, while Gill had 73.

In the third precinct Dyer was credited with 67 and Gill with 49, while the recount showed that Dyer had 72 and Gill 82.

In the fourth precinct the original returns credited Dyer with 122 and Gill with 49, while the recount showed that Dyer had 110 and Gill 68.

Mr. BROCKSON. Will the gentleman yield?

Mr. GOLDFOGLE. Unless the gentleman has some very important question with reference to the precinct returns, I should prefer to continue stating the discrepancies between the original returns and the recount in these seven precincts.

Mr. BROCKSON. I consider it important; I do not know how the gentleman may consider it. I want to know if it appears in the hearings how these discrepancies occurred? For instance, the gentleman says one return showed 132, and on the recount it showed a little over 100.

Mr. GOLDFOGLE. I shall endeavor to discuss that phase at the proper time. In the fifth precinct the original returns gave Dyer 186 and Gill 23, while on the recount Dyer had 148 and Gill 57.

In the ninth precinct the returns gave Dyer 183 and Gill 3, while the recount gave to Dyer 139 and Gill 14.

In the fourteenth precinct the original returns show Dyer to have 148 votes and Gill 68, while the recount discloses that Dyer had only 128 and Gill 71.

So far as the seventeenth precinct is concerned, there was slight discrepancy, and I prefer to treat the seventeenth precinct by itself a little later on. Now, the great discrepancy in the figures, this great difference between the votes credited to the parties on the returns and on the recount, justified in connection with the other evidence, under the authorities applying to election cases, the rejection of the returns from these seven precincts. We find that all the Democratic and Republican judges of elections in the second precinct voted for Dyer. In the fourth precinct all the judges and clerks voted for Dyer. In the fifth precinct five judges and clerks voted for Dyer, and so in the ninth precinct. In the fourteenth district all the judges and clerks voted for Dyer, and in the seventeenth five of the judges and clerks voted for Dyer.

So that the committee find that in the precincts in which the committee found fraud to exist there was a combination between the Republican and the Democratic judges to make up the returns, as I have already stated to the House.

That is not all. The testimony shows that voters in these precincts, and the report mentions these voters by name, cast straight Democratic ballots, and when on the recount their ballots were examined, lo and behold, the name of Gill appears scratched and the name of Dyer inserted!

Now, that occurred in most of these precincts to which I have had reference. Picture, gentlemen, the Democratic and Republican judges combining and voting for the Republican candidate, making returns which on a recount were clearly shown to be false, and then, in connection with that, take the testimony that the committee found worthy of credence, showing

that ballots cast for all the Democratic candidates were found on examination to have been tampered with and altered.

Then the committee found other circumstances to establish fraud. We find, for instance, in the seventeenth precinct that the challengers and watchers, who were lawfully in the polling place, were, without rhyme or reason, excluded from that polling place and not readmitted until the commissioners of election, who had been sent for, ordered their readmittance. That, of course, is a most suspicious circumstance taken in connection with all the other testimony in the case.

In that seventeenth precinct, Albert C. Ross, a voter, cast a straight Democratic ticket. His testimony is positive and unqualified that he voted for Gill, yet when you come to examine his ballot you find that Gill's name is scratched from it.

Charles Phillips voted a scratched ticket, but while he did that, he is positive he voted for Gill. He had scratched other Democratic candidates on the Democratic ticket, but he is positive that he voted for Gill. When you come to examine his ballot you discover that Gill's name has been scratched. So in the case of a voter named Stahl, who voted a straight Democratic ticket, and the testimony shows that Gill's name was scratched on it.

Another significant fact in connection with the conditions existing in the seventeenth precinct is that one of the Democratic judges of election wrote Dyer's name on 37 of the scratched ballots, and although 4 of that number were illiterates there is not a scintilla of proof in the case to show that the other 33 voters needed assistance either as illiterates or as physically disabled.

The law of Missouri permits a voter, if illiterate or physically disabled, to have the assistance of the judges of election, and to have one of the judges in the presence of the others write in the ballot the name of the candidate the voter desires to vote for. There is evidence in the case to show that men who were not illiterates came there, yet their ballots are scratched and names written on the ballot for these men.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. GOLDFOGLE. Yes.

Mr. BARTLETT. What does the Missouri law provide as to such ballots; that is, where they are written by the judge at the request of the voter, although the man may not be in the excepted class? As I understand, there were 37 scratched ballots.

Mr. GOLDFOGLE. In the seventeenth precinct.

Mr. BARTLETT. And Dyer's name was written on 37 ballots and only 4 of them were illiterate.

Mr. GOLDFOGLE. The evidence shows 4 were illiterate, and the evidence as to illiteracy or physical disability is lacking as to the other 33.

Mr. BARTLETT. And so you throw out the 37 votes?

Mr. GOLDFOGLE. The committee threw out the entire precinct, but what the gentleman from Georgia refers to is only one piece of the evidence on which the finding of fraud is predicated.

Mr. BARTLETT. Does not the gentleman think there should be some evidence as to the other 33 ballots? You have 4 illiterates, but you have no evidence as to the other 33.

Mr. GOLDFOGLE. There is no evidence on that point.

Mr. RUPLEY. Will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. RUPLEY. In answer to the gentleman from Georgia [Mr. BARTLETT] the gentleman from New York failed to state that the officers failed to subscribe to the affidavits.

Mr. GOLDFOGLE. Yes; the evidence is complete on that subject, not only in these seven precincts that the committee threw out but in other precincts, too, the condition to which the gentleman from Pennsylvania alludes existed, namely, men went into the polling places and the judges wrote the names of candidates upon the ballot, and they scratched the names from the ballot regardless of the statute which provides that the voter, in order to have assistance, shall make oath that he is illiterate or physically disabled. I think that answers the question. I now yield to the gentleman from Michigan.

Mr. KELLEY of Michigan. Mr. Speaker, do I understand that, under the laws of the State of Missouri, it is possible to ascertain how a particular elector voted by examining the ballots afterwards?

Mr. GOLDFOGLE. Yes. I am glad the gentleman from Michigan asked that question. The ballot, as given to the voter when he goes into the polling place, has the names of the candidates for the respective offices printed on it. There is a line underneath the printed name. The ballots are numbered, and the numbers are preserved on the stubs——

Mr. BOOHER. Oh, no.

Mr. GOLDFOGLE. I meant to say the number is recorded on the poll books. When a recount takes place, you can, by comparing the number of the ballot with the number recorded in the book ascertain who cast that ballot. In other words, there is not that secrecy preserved that would be preserved, in my State, the State of New York, where there is an absolute secrecy of the ballot, as I think there ought to be; but in Missouri it will be observed that when you come to open the ballots you can identify the voters with their ballots and ascertain by evidence whether the ballot was scratched by the voter or whether it was written on by some one else.

Mr. BOOHER. Mr. Speaker, will the gentleman yield for a moment?

Mr. GOLDFOGLE. Yes.

Mr. BOOHER. The gentleman said there was not absolute secrecy of the ballot in Missouri.

Mr. GOLDFOGLE. There is not.

Mr. BOOHER. It is absolutely a secret ballot. After the judges of the election have examined and counted the votes the ballots are put into the ballot boxes and the ballot boxes are locked and sealed and deposited in the city of St. Louis with the election commissioners. The ballots are then kept for one year, and if no contest has been brought they are destroyed, and the ballot box can not be opened under any circumstances, except under an order of the court or where a committee of Congress opens them in a contested-election case.

Mr. GOLDFOGLE. The gentleman is right so far as he has gone, and I am also right. We are both right. In other words, when the ballots are opened, either by direction of the commissioners or the court, or whoever has authority to direct a recount, or if they are opened by direction of this House, the secrecy of the ballot is destroyed, for you can identify that ballot with the voter, tell who voted it, and ascertain on investigation whether it was properly or improperly scratched.

Mr. BOOHER. There is no question about that.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. PALMER. The gentleman has referred to ballots on which the name of Mr. Gill was scratched. I will ask him how, under the law of Missouri, a voter may scratch his ballot. How is it done?

Mr. GOLDFOGLE. The voter may draw a line through the name of the candidate, and then, if he chooses to vote for some one else, write underneath the printed name so scratched the name of the one for whom he desires to vote.

Mr. PALMER. Can he do it by marking a cross opposite the printed name of the other candidate?

Mr. GOLDFOGLE. That is not the way it is done.

Mr. PALMER. It was done by writing in the name?

Mr. GOLDFOGLE. It was done by writing in the name.

Mr. PALMER. In these precincts in which there were a large number of scratched ballots, Mr. Gill's name having been scratched, was there any evidence to show any similarity of handwriting in the name of Mr. Dyer being written on the ballot?

Mr. GOLDFOGLE. There was.

Mr. PALMER. Was it shown that there was similarity?

Mr. GOLDFOGLE. Yes; that was attempted to be accounted for, however.

Mr. PALMER. Were the voters themselves examined as to whether they had written the name of Mr. Dyer?

Mr. GOLDFOGLE. Some of them were, but not all.

Mr. PALMER. And there is evidence on that subject?

Mr. GOLDFOGLE. There is some evidence on that subject.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. RAKER. Mr. Speaker, I have read the report of the committee and the views of the minority, in addition to listening to what has been said by the gentleman in regard to the secrecy of the ballot in Missouri, as far as it goes, and as it is in his State. Take the Missouri ballot, with the stub and the man's name on the stub and his name on the ballot——

Mr. GOLDFOGLE. His name is not on a stub. It is in a book, and the number is recorded in the poll book.

Mr. RAKER. Very well. There is a record to show the ballot the man cast.

Mr. GOLDFOGLE. Yes.

Mr. RAKER. When that ballot is taken out upon a contest in the courts of Missouri or here in Congress, is the man who cast the ballot competent to testify or permitted to testify in regard to how he voted that ballot? That is not so in our State, and I do not think it ought to be so. I want to know how it is in Missouri.

Mr. GOLDFOGLE. We are not fully advised what the courts of Missouri have decided with reference to the right to call for the statement of the voter as to how he voted, but there is

authority to justify the reception of evidence of the voter who is willing to testify for whom he voted.

Mr. RAKER. Was the question raised before the committee, or is there any question about it, that when the voter is brought before the committee or the court, and this ballot is handed to him as his ballot, he may testify that that is his ballot, and may also testify as to the method and mode and condition in which it was in when he cast it?

Mr. GOLDFOGLE. In the hearings before the committee there no question was raised as to that. Had such question been raised I think the committee would have considered it and passed on it, but no question was raised before our committee with reference to that.

Mr. RAKER. I understood 12 of these men were brought before the committee and testified—or at least I so take it from the report—as to the condition of the ballot when they deposited it in the box. I want to know whether your committee considered that testimony of those voters after they had marked their ballot and put it in the box and then came before the notary when the evidence was taken?

Mr. GOLDFOGLE. Does the gentleman mean whether our committee considered the admissibility of that testimony?

Mr. RAKER. Yes; and whether the committee considered it in rendering its report?

Mr. GOLDFOGLE. No question was raised by counsel as to that, and of course we were not called upon to pass upon it.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. ALEXANDER. There is no question of the right of the party whose ballot is in question to testify in that particular under the laws of the State of Missouri?

Mr. GOLDFOGLE. As to whether he can be compelled to testify, that is quite another question.

Mr. RAKER. That is what I am asking.

Mr. ALEXANDER. Where he is brought as a witness and asked to testify as to whether or not his ballot, at the time it is accepted in the contest, is in the same condition it was when he cast it, he is qualified to testify as to the facts.

Mr. RAKER. In other words, is he, under the law of Missouri, compelled to testify if he is brought before the court?

Mr. ALEXANDER. I do not recall that question has ever been raised.

Mr. WATSON. Might I be permitted to state this——

Mr. GOLDFOGLE. I yield to my colleague on the committee [Mr. WATSON].

Mr. WATSON. I would say to the gentleman from California that the Missouri courts have passed incidently upon that question, but without having the exact point before it. If I may so express it, they have expounded it obiter dicta, and have settled the question in that way.

Mr. RAKER. Which way?

Mr. WATSON. In the case of The State *v.* Taylor (220 Mo., 618), decided in 1909, a case in which election officers were attempted to be prosecuted for their fraudulent acts in an election, the Supreme Court of Missouri held that while the ballot boxes were permitted to be opened and ballots inspected only in case of a contested election; and if it was desired to open the boxes and inspect the ballots in aid of a prosecution for frauds committed by election officers, in making false and fraudulent returns, it could be done only by amending the constitution. In Two hundred and thirty-eighth Missouri, page 561, in the case of Gant against Brown, decided in 1911, the court held, overruling a long line of decisions which guaranteed the secrecy of the ballot, that—

> Not only are the ballots and poll books competent, but a witness may testify as to how he voted, as tending to show fraud or no fraud.

The court declined to say that a witness was compellable to testify, but simply said that he was competent to testify.

Mr. DICKINSON. May I ask the gentleman from New York——

Mr. GOLDFOGLE. Now, Mr. Speaker, I have the floor.

Mr. DICKINSON. Will not the gentleman permit me——

Mr. GOLDFOGLE. If the gentleman from Missouri will kindly allow me to complete my statement of facts. I do not want to take up too much time, lest I deprive others of the opportunity they desire to speak.

Mr. DICKINSON. But in the interest of——

Mr. GOLDFOGLE. If the gentleman will pardon me until I finish. I do not like to take up too much time myself. I want to yield time to other gentlemen, and if I am so frequently interrupted with reference to what the decisions of Missouri are, that do not play much part in this case, I am afraid that the gentlemen to whom I would like to yield will not get as much time as I would like to yield them.

Mr. BARTLETT. Will the gentleman permit a question as bearing on the facts in the case?

Mr. GOLDFOGLE. I yield to the gentleman from Georgia.

Mr. BARTLETT. I understood the gentleman to say in the seventeenth precinct five of the judges and clerks voted for Dyer——

Mr. GOLDFOGLE. So in every precinct.

Mr. BARTLETT. Five of them were shown to have voted for Dyer—three Republicans and two Democrats—and one Democrat not voting at all; is that right?

Mr. GOLDFOGLE. That is not clear in my mind. The fact is that five voted; the gentleman is right so far.

Mr. BARTLETT. Who appointed these judges of election and how were they divided up? Who were the Democrats suggested to the judges—who suggested them? Did not the candidate of the Democratic Party have the right to suggest——

Mr. GOLDFOGLE. The gentleman means the candidate for Congress?

Mr. BARTLETT. Yes.

Mr. GOLDFOGLE. No; the candidate does not suggest, so far as we know. The respective political parties through their representatives suggest names and the election authorities appoint so that the respective political parties have equal representation.

Mr. BARTLETT. Not the candidate on the Democratic ticket, but those judges were suggested by the organization of the party to which he belonged.

Mr. GOLDFOGLE. Undoubtedly.

Mr. HOWARD. Will the gentleman yield for a question as to fact?

Mr. GOLDFOGLE. Yes.

Mr. HOWARD. In the summing up of these districts, in this particular fifth ward, in the fourth precinct, the official returns showed 181 votes for both Dyer and Gill?

Mr. GOLDFOGLE. In the fourth ward, the gentleman says?

Mr. HOWARD. In the fourth precinct—132 for Dyer and 49 for Gill. The recount showed 110 for Dyer and 68 for Gill?

Mr. GOLDFOGLE. Yes.

Mr. HOWARD. There were two other candidates, and a recount of the official returns showed no difference in the ballots cast for those two candidates.

Mr. GOLDFOGLE. The gentleman has reference to the labor and socialistic candidates?

Mr. HOWARD. Yes. Now, the difference between the official returns and the recount showed a difference between 172 and 181 ballots, or 9 ballots. Were there ballots thrown out or not counted to account for this discrepancy of nine between the recount and the official returns?

Mr. GOLDFOGLE. The thing that we found on that point is the wide discrepancy, namely, that this abnormal discrepancy exists which you can not account for except on the theory, when you consider the entire testimony in the case and the peculiar conditions existing in those six precincts, that there a combination was formed for the purpose of making up these inaccurate and fraudulent returns.

Mr. RAKER. Will the gentleman yield for one question for information I desire to get?

Mr. GOLDFOGLE. I yield.

Mr. RAKER. I understand from the statement made and from the record that the election officers are appointed by a competent qualified authority under the laws of the State of Missouri. That is right, is it not?

Mr. GOLDFOGLE. They are appointed by due authority.

Mr. RAKER. Now, they appointed so many Democrats and so many Republicans.

Mr. GOLDFOGLE. Yes; three Democrats and three Republicans.

Mr. RAKER. Now, does the gentleman in his report here contend or hold it as a legal proposition that because all of the Republicans and all of the Democrats voted for the Republican nominee that that is evidence of fraud or collusion?

Mr. GOLDFOGLE. Decidedly not.

Mr. RAKER. All right, then.

Mr. GOLDFOGLE. Decidedly not; but the fact was stated by me for the committee in order that later on I may make clear just how that combination or why the combination was probably formed. The gentleman will pardon me for not yielding further until——

Mr. LINTHICUM. May I ask a question?

Mr. GOLDFOGLE. I can not resist the gentleman from Maryland.

Mr. LINTHICUM. I notice you say that Vortriede wrote Dyer's name on 37 ballots of the seventeenth precinct, and that 4 of those were found to be illiterate, but that the other 33 you did not find were illiterate or physically disabled? Is that correct

Mr. GOLDFOGLE. Yes; in an absence of testimony on that point.

Mr. LINTHICUM. The question I had in mind was this: If you found 4 of them to be illiterate and went into it that deep, why did you not go into it deep enough to find whether the other 33 were illiterate or physically disabled?

Mr. GOLDFOGLE. I said when we opened the case that the testimony was exceedingly voluminous, and I apprehend that the taking of that mass of testimony comprising two thousand and odd pages, must have consumed all the time that the statute provides for the taking of testimony in the preliminary stages of a contest.

Mr. LINTHICUM. But in your report you presume 33 to be illegally cast, because you threw them out. Why would not you conclude they were legally cast? Why would not that be the presumption?

Mr. GOLDFOGLE. If there is any presumption that follows, it would rather be the presumption of illegality, for the reason that the statute of Missouri providing that in order for the voter to be assisted he shall make oath to the fact that he is illiterate or is so physically disabled as to require assistance was uniformly disregarded and violated. The committee found from the testimony that in these seven precincts, as in some other precincts of the fifth ward, there was a general disregard of the statute.

Now, the gentlemen have asked as to how this combination between the judges and the clerks of election on both the political sides came about. The conclusion at which the committee arrived, that there was this, which by some has been called "unholy alliance," and by the majority of the committee called a fraudulent combination, is strengthened when the motive is considered that was behind the making of the false returns.

In 1910 Mr. Dyer and one Thomas Kinney were candidates for Representative in Congress. Mr. Gill was a voter in the congressional district, and he voted at the election in 1910. Now, Thomas Kinney was an influential Democratic leader in the fifth ward, and when Mr. Dyer was declared elected Kinney entered a contest, and pending that a recount of the ballots was had. Kinney evidently concluded that he would not again be a candidate for Congress, and Mr. Gill was nominated at the primaries. There were two candidates for the Democratic nomination—one Judge Arnold and Mr. Gill—and Gill appealed, as the evidence shows, to his friends and others, among them Thomas Kinney——

Mr. ELDER. Just a question there. Was it Thomas Kinney or his brother?

Mr. GOLDFOGLE. It was Thomas Kinney.

Mr. ELDER. As I understand, the Kinney who was a candidate at the previous election died.

Mr. GOLDFOGLE. Thomas Kinney was a candidate at the election in 1910.

Mr. ELDER. Did he not die?

Mr. GOLDFOGLE. If the gentleman will allow me to continue the statement——

Mr. ELDER. I do not want to interrupt you.

Mr. GOLDFOGLE. If I am constantly interrupted I can not get at the facts.

Mr. ELDER. I do not want to interrupt you, but I absolutely understood a different condition of facts.

Mr. GOLDFOGLE. So Gill was nominated. Thomas Kinney died. Michael Kinney succeeded him, and Thomas Egan, the brother-in-law of Michael Kinney, became the Democratic committeeman of the ward. Rumor had it that Gill had scratched Kinney in the 1910 election and voted for Dyer. Some question arose as to that. Michael Kinney at first doubted the truth of the rumor, but became convinced of the fact afterwards. A recount of the ballot had been had. The ballot of Mr. Gill was identified in the way that I have already indicated that ballots could be identified, and it was found that Thomas Kinney's name was scratched and the name of Mr. Dyer had been inserted.

Now, then, Gill was requested to appear at a committee meeting in the fifth ward and explain that circumstance, and the committee not feeling that his explanation was satisfactory, Michael Kinney and his brother-in-law, Egan—Michael Kinney was then occupying a seat in the State senate, and Egan then a committeeman—went about actively to secure the defeat of Gill.

Mr. McCOY. Will the gentleman yield, Mr. Speaker?

Mr. GOLDFOGLE. In a moment, if the gentleman will pardon me.

Mr. McCOY. I just want to ask a question in that connection. At that meeting at which Gill appeared and explained that ballot, was he not asked to retire and let some one else be nominated on the ticket?

Mr. GOLDFOGLE. There is evidence on that point.

Mr. McCOY. Is not the evidence to that effect?

Mr. GOLDFOGLE. I do not recall that the evidence is precisely to that effect, but there is evidence to indicate that that fact is so.

Mr. McCOY. Was it not stated at the summing up by Mr. Dyer before your committee that that was the fact, and that his statement was not in any way controverted by the attorney for Mr. Gill?

Mr. GOLDFOGLE. The gentleman from New Jersey is right.

Now, there is no denial that Kinney and Egan passed the word along to do everything that lay in man's power to secure the defeat of Gill. Naturally, of course, Michael, the surviving brother of "Tom," felt vengeful against Gill.

Mr. McCOY. Mr. Speaker——

Mr. GOLDFOGLE. And the inspectors of election doubtless concluded that they were going to please Kinney and Egan.

Mr. McCOY. Now, Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. They were going to please them, even if they had to falsify the reports.

The SPEAKER pro tempore. Will the gentleman from New York yield to the gentleman from New Jersey?

Mr. McCOY. I dislike to interrupt the gentleman, but——

Mr. GOLDFOGLE. I yield to the gentleman.

Mr. McCOY. On the statement of fact I would just like to ask a question. Did not Mr. Dyer state in summing up before the committee, and did not his statement go unchallenged to the effect that Michael Kinney stated he disliked to take any part in the matter, because it affected his brother, and that he did not take any part in it, and that it was Egan only that passed the word along that Gill should be defeated?

Mr. GOLDFOGLE. Well, reading through the testimony and carefully considering it, the committee concluded that both of these men combined—and they do not deny it—to bring about Gill's defeat. I repeat that it was in consequence of this factional strife and the activity that was manifested by both Egan and Kinney that the inspectors—and I regret that I have to so severely criticize the Democratic inspectors, but it is nevertheless the fact—the Democratic inspectors concluded one way to bring about the defeat of Gill was to make up the returns in the way already stated, and the Republican inspectors, of course, concluded it was a good thing to accept the fruits of that fraud. So evidently both combined and made up these fraudulent returns.

Mr. BURKE of Wisconsin. Mr. Speaker——

Mr. McKENZIE. Will my colleague yield?

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. GOLDFOGLE. I yield first to my colleague on the committee [Mr. McKENZIE].

Mr. McKENZIE. I desire to ask my colleague if there is anything in the record of this case that would warrant the last statement that he has made, that the Republican and Democratic inspectors had anything to do with the making up of these returns?

Mr. GOLDFOGLE. Well, I would not like to say they did an affirmative act. It may be that they simply closed their eyes when their eyes should have been opened, and with closed eyes and open hands accepted what the Democrats tendered.

Mr. McKENZIE. Mr. Speaker, will my colleague yield to one other question while he is on that point?

Mr. GOLDFOGLE. Yes.

Mr. McKENZIE. Is there any evidence in the record anywhere by any witness tending to show that there was a combination between the Republican judges and the Democratic judges?

Mr. GOLDFOGLE. Not in express direct testimony. Of course the gentleman from Illinois, being an excellent lawyer, with a long experience at the bar, will bear me out in the proposition that it does not necessarily require positive direct testimony to establish a fact. Circumstances linked unto circumstances strong enough to warrant a reasonable and a prudent man to conclude that a thing existed will establish the fact. I think my colleague from Illinois will grant that that proposition is correct.

Mr. BURKE of Wisconsin. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GOLDFOGLE. I yield.

Mr. BURKE of Wisconsin. I would like to ask the gentleman this question: Has the contestant, Mr. Gill, in any place in the testimony, under oath denied that he voted against the Democratic nominee, Thomas Kinney, in 1910? Has he denied that under oath?

Mr. GOLDFOGLE. I will speak of the facts called for by the gentleman's inquiry. When Gill was before the committee—at any rate, at some time while the question was being raised as to whether Gill scratched Kinney and voted for Dyer—Gill said when his ballot was examined that there must be some mistake.

Mr. BURKE of Wisconsin. But that was not under oath?

Mr. GOLDFOGLE. No; there was no express denial.

Mr. CARLIN and Mr. HOWARD rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. GOLDFOGLE. I will yield to the one who was formerly on my committee, the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. What is the political history of this district? Is it a Republican district or a Democratic district?

Mr. GOLDFOGLE. The history of that district, I think, will be found in a number of cases that have come before this House. That district has always given a lot of trouble to the House—Republican and Democratic.

Mr. CARLIN. But that does not answer my question. I was trying to ascertain whether or not the district is Republican or Democratic; whether the record discloses that fact.

Mr. GOLDFOGLE. The district, I think it fair to say, is normally Democratic.

Mr. HOWARD. Now, Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Georgia?

Mr. GOLDFOGLE. Yes.

Mr. HOWARD. I want to ask the gentleman from New York if there is any testimony before the committee as to who called these ballots? Was it the Democratic manager or the Republican manager?

Mr. GOLDFOGLE. The Democratic ballots were passed over to the Democratic judges.

Mr. HOWARD. And the Republican ballots were passed over to the Republican managers?

Mr. GOLDFOGLE. I presume that is the way it was done.

Mr. HOWARD. There was no such thing as one man calling the ballot and laying it aside and the talesman recording it?

Mr. GOLDFOGLE. I can not answer as to that.

Mr. RAKER. Mr. Speaker, will the gentleman yield for one question?

Mr. GOLDFOGLE. Yes.

Mr. RAKER. Senator Kinney, the candidate for Congress, died. His brother and Egan were interested in defeating Gill and electing Dyer. Is that right?

Mr. GOLDFOGLE. That is right.

Mr. RAKER. Now, is there any evidence before the committee showing that these men—Egan and Kinney—had any influence in those precincts over the voters there?

Mr. GOLDFOGLE. Oh, undoubtedly. They had considerable influence. Tom Kinney—that is conceded by both contestant and contestee—was a great power in the fifth ward. He had been in close touch with the people of the district, a district made up of a very much mixed population, and Michael Kinney presumably had more or less of that kind of influence after his brother's death.

Mr. RAKER. One more question, and then I shall be through. Is there any evidence before the committee that Kinney, the brother of the deceased candidate, and Egan brought this to the notice of the voters of that district?

Mr. GOLDFOGLE. They say that they did. That is the evidence. They say that they went from house to house and informed different people that the conditions I referred to existed.

Mr. RAKER. And asked them to vote against Gill?

Mr. GOLDFOGLE. Yes; and asked them to vote against Gill. There is also evidence that they informed the judges of election. The judges of election knew of this, and there must be something to account for this remarkable discrepancy that you notice—not in one precinct, not in two, but in six precincts, at least, of the fifth ward. For instance, we note a remarkable discrepancy in the second precinct. We may say that is a mistake, or that only those judges in the second precinct had concluded to make an inaccurate return. But when you find six precincts all exhibiting the same kind of discrepancies, and when you find that those returns had been made up without regard to truth, then what conclusion will you reach in regard to the proposition that an unlawful combination existed? These many judges in these six precincts must have had one mind, and that one mind in all human probability was controlled by some master mind.

Mr. LEE of Pennsylvania. Will the gentleman kindly state if he has any evidence as to who had the election officers appointed in that particular ward?

Mr. GOLDFOGLE. I have already said that the representatives of the organization had them appointed.

Mr. LEE of Pennsylvania. Who were the representatives of the organization?

Mr. GOLDFOGLE. Well, in the fifth ward, I presume, it was Egan, because he was the committeeman. If it was not Egan, it was Kinney. I am not certain which. But the organization, controlled by Kinney and Egan, had the Democratic judges and clerks no doubt appointed.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. GOLDFOGLE. Yes.

Mr. ALLEN. Is there anything in the record to show that there were any other candidates on the Democratic ticket considerably scratched?

Mr. GOLDFOGLE. There were other candidates upon the ticket here, and in some instances they were scratched. I have already stated, if the gentleman took note, that some witnesses testified that although they scratched others on the Democratic ticket they did not scratch Gill, and then the ballots of those men disclose the scratching of Gill, and in some instances the writing in of the name of Dyer.

Mr. ALLEN. As to a great many of these ballots upon which Gill's name was scratched, was not the name of the Democratic candidate for sheriff also scratched?

Mr. GOLDFOGLE. Oh, there were names of candidates for judges and sheriffs and others scratched.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. I yield to the gentleman from Illinois.

Mr. McKENZIE. I know my colleague wants to be absolutely fair.

Mr. GOLDFOGLE. Absolutely fair; and I will say to the gentleman from Illinois that I believe this case, as all election cases, ought to be decided in a calm, deliberate, judicial way and not in any partisan spirit, and to that end I willingly yield for the gentleman to make a statement.

Mr. McKENZIE. I agree with the gentleman from New York fully; but in regard to the gentleman's statement about the judges of election having been influenced by the committeemen, Mr. Egan and Mr. Michael Kinney, is there any testimony in the record that would warrant the statement that Mr. Egan or Mr. Kinney had instructed these judges, or talked with them about what they should do with the ballots in making up the returns?

Mr. GOLDFOGLE. The conclusion is deducible from all the proven facts.

Mr. McKENZIE. Does the record show it?

Mr. GOLDFOGLE. The conclusion is deducible from the facts and circumstances that either they had been instructed, or else they were doing a thing which they conceived would be very pleasing to the powers that were, namely, the Kinney organization, to bring about Gill's defeat. My colleague on the committee, Judge WATSON, points out to me testimony at page 1166 of the record. It is said in the reply brief of the contestant:

> Egan, in his testimony, said that he did not have to instruct the judges and clerks of election in the fifth ward; that—
>
> And now I quote from words in the record—
>
> they understood anyhow what to do—to vote against him and help any of the parties that did not know how.
>
> That is the testimony.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. GREEN of Iowa. I want to ask the gentleman a question.

Mr. GOLDFOGLE. At page 1189, Egan, in his testimony, says:

> Q. How many of the judges and clerks did you invite to that meeting?
>
> A. Never invited any of the judges and clerks. We never bothered with the judges and clerks at all. They knew what to do themselves.

Mr. GREEN of Iowa. Now will the gentleman yield?

Mr. GOLDFOGLE. I yield with pleasure to the gentleman from Iowa.

Mr. GREEN of Iowa. I think the gentleman inadvertently made a statement that is incorrect, although I may be mistaken in regard to it.

Mr. GOLDFOGLE. If I am in error I will be only too well pleased to withdraw my statement.

Mr. GREEN of Iowa. I understood the gentleman to state that the election judges were appointed by the committeemen. Under the laws of Missouri are they not appointed by the election commissioners?

Mr. BOOHER. Oh, no; I will tell the gentleman how it is. We do not have election commissioners in any place except Kansas City and St. Louis. The chairmen of the various committees hand in the names. The Republican committee select a certain number of names and give them to the election commission. The Democratic committee do the same, and from the two major parties the judges of election may be selected by the election commission.

Mr. GREEN of Iowa. Then the commissioners, in fact, appoint them?

Mr. BOOHER. Yes; they select them on the recommendation of the committeemen of the political parties.

Mr. GREEN of Iowa. They are not obliged to do anything of the sort?

Mr. BOOHER. Yes.

Mr. DYER. The election commissioners of the city of St. Louis, the bipartisan board, have the selection of the judges and clerks of election for the city of St. Louis. The Democratic commissioners select the Democratic judges and clerks of election and the Republicans select theirs, and no one can compel them to select anybody else. They receive recommendations from the committees, but they do not always follow those recommendations by any means.

Mr. BOOHER. After an examination of the statute governing elections in the city of St. Louis, I find the gentleman from Missouri [Mr. DYER] has stated correctly the manner in which the appointment of election officers is made.

Does not the State law of Missouri say that these committees in the city of St. Louis shall select the names and send them to the election commissioners?

Mr. DYER. Absolutely not, I will say to my colleague.

Mr. BOOHER. And from that list the judges are appointed? They may for good cause reject any of those names, but there must be a hearing, and they must be rejected for good cause.

Mr. DYER. The gentleman is mistaken about that.

Mr. BOOHER. I will get the law.

Mr. LOBECK. Will the gentleman yield?

Mr. GOLDFOGLE. Not now. I want to say something at this point without being interrupted.

When the committee concluded the returns were false and fraudulent—and that conclusion was arrived at only after reading the testimony and giving very careful consideration to the briefs—when the committee concluded that the law required the elimination of the returns from the seven precincts, somehow it was given out that the committee had taken, as they really did take, a tentative vote on the question of the elimination of the returns. When I said that the committee had concluded, I meant they had tentatively only reached a conclusion. Then an application was immediately made by the contestee for leave to take testimony to show the true state of the vote in the precincts that the committee by tentative vote indicated should be excluded. The application was heard and considered, and the committee by a majority vote denied the application of the contestee.

I am here only as the organ of the committee. As its chairman I represent it to bring the views of the majority to the House; but following the statement in the report I want to say that there was a difference of opinion as to whether the application should have been granted or not. The committee's report states the facts with reference to that division of opinion. I was one who dissented from the action of the majority of the committee. I took the view that inasmuch as the burden of proof shifted to the contestee when the returns were eliminated, it was but proper to give the contestee the privilege and opportunity within limited time to present evidence with respect to the votes cast for him and for the contestant. But the majority of the committee differed with me and my two colleagues, Messrs. MCKENZIE and SHREVE, and so I am here as the organ of the committee to present their views.

Mr. WATSON. Mr. Speaker, may I interrupt the gentleman a moment?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Virginia?

Mr. GOLDFOGLE. With pleasure.

Mr. WATSON. May I ask the chairman of the committee whether he would be willing to sign a report stating that the incumbent was not entitled to his seat on this floor, and that the contestant was entitled to his seat, simply because a majority of the committee asked him to do it?

Mr. GOLDFOGLE. Certainly not; but the chairman of the committee would abide the judgment of the House respecting the action of the committee in denying the motion of the contestee. If that decision is affirmed by the House, then there will be only one thing to pass on, and that is on the vote in the congressional district eliminating the rejected precincts. In other words, if the House affirms the action of the committee, notwithstanding my dissent, to which I have referred, then it would appear Gill is entitled to the seat and not Mr. Dyer.

Mr. COOPER. Will the gentleman yield?

Mr. GOLDFOGLE. Certainly.

Mr. COOPER. If the gentleman were the contestee in this case, would he think, on the facts and the law as he understands the law applicable to the facts, that the House would do justice if it should declare that the gentleman from New York was not entitled to his seat?

Mr. GOLDFOGLE. I am stating the facts in as fair a way as I think it possible to state them. The gentleman from Wisconsin, who served with me on the Committee on Elections, is thoroughly competent to judge for himself what the law is and what the facts are in the case.

Mr. COOPER. I am competent to judge from what I know of the gentleman's character and the way he answers my question that he thinks Mr. Dyer ought to keep his seat.

Mr. GOLDFOGLE. The gentleman from Wisconsin ought not to credit me with statements I have not made. I want to pay the gentleman the compliment of saying that his skill as a lawyer and his ability exhibited here and in the Committee on Elections heretofore convince me he does not need instruction from anyone as to what the law requires. I do mean to say distinctly, and I wish to repeat it, that in my mind there is not a question about the fraudulent character of the returns, and there is not a question in my mind that under the law as it obtained in election cases these returns had to be eliminated. The question that was passed on in the committee on the motion of Mr. Dyer and on my motion, as stated in the committee report, is for this House fairly to determine.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. GOLDFOGLE. With pleasure.

Mr. KELLEY of Michigan. I take it from what the gentleman from New York has said that in his judgment the House should adopt the resolution presented by the minority.

Mr. GOLDFOGLE. The gentleman from Michigan is in error; I said no such thing.

Mr. BRYAN. Which resolution does the gentleman believe ought to be adopted?

Mr. GOLDFOGLE. If the gentleman will allow me to go on, I think he will have no difficulty in determining.

Mr. MCKENZIE. Mr. Speaker, I do not think it is fair to interrogate a member of the committee in this way.

Mr. MCCOY. Will the gentleman from New York yield?

Mr. GOLDFOGLE. I will yield to the gentleman from New Jersey.

Mr. MCCOY. Does the gentleman propose to argue the legal proposition of throwing out all the votes of the precincts, or has he in his argument said all that he wants to say upon that point?

Mr. GOLDFOGLE. I may want to say something in regard to it later. In my mind, after examining the authorities, I concluded that the facts in connection with these returns justified the majority of the committee in eliminating the precincts.

Mr. MCCOY. Eliminating all the votes in the seven precincts. On that point I would like to ask the gentleman a question. Is there any precedent covering a case in which it appears that the contestant in the previous congressional election voted against his party ticket?

Mr. GOLDFOGLE. I do not know of any.

Mr. MCCOY. In other words, does not the fact in this particular case that it was discovered that the contestant had at a previous election voted against his party ticket make this case entirely different from any case that has come before the House or been reported at any time?

Mr. GOLDFOGLE. I do not recall any case that showed that peculiar phase.

Mr. MCCOY. Is not that the difference between this case and others, so that on the question of throwing out all the votes of the precincts it ought to be taken into consideration that these votes that were counted for Mr. Dyer were probably honestly cast and honestly counted because there was a good reason why Democrats from that district should vote for a Republican?

Mr. GOLDFOGLE. They could not have been honestly counted. The gentleman from New Jersey, I think, will realize the fact that if on opening the ballots and finding they were tampered with, and fraudulently altered, and finds such a wonderful discrepancy as is disclosed by the table printed in the report, would not the gentleman say these returns are so in-

accurate and unreliable that under the authorities they should be rejected?

Mr. McCOY. I am asking if this case is not differentiated from the others by the one fact that exists in this case, and, so far as I know, did not exist in any of the other cases—that the contestant had voted against his party ticket the year before, and therefore it made a different situation, at any rate so far as making it perfectly proper to grant the request of Mr. Dyer that he be permitted to show by actual examination of the other ballots what the fact was?

Mr. GOLDFOGLE. The gentleman must judge for himself, if he differs with the majority of the committee.

Mr. McCOY. I was asking whether there is any real precedent for this case based on the facts?

Mr. GOLDFOGLE. I have already answered that that particular phase does not appear in any other reported case I have found, but the gentleman from New Jersey will realize that each case must stand on its own bottom, and we do not always have two cases exactly alike.

Mr. THOMSON of Illinois. Will the gentleman yield?

Mr. GOLDFOGLE. I will yield to the gentleman.

Mr. THOMSON of Illinois. I would like to ask a question on the facts. As I understand it, there is not what we call a secret ballot under the Missouri law.

Mr. GOLDFOGLE. That has been fully stated here.

Mr. THOMSON of Illinois. If it was permitted to take further testimony as to these precincts in controversy it would be possible to subpœna every voter there and compare his testimony as he might give it with his ballot, and in that respect is this case not vitally different from any of the cases that were referred to by the chairman of the committee a few minutes ago as precedents?

Mr. GOLDFOGLE. The gentleman asks the same question as did the gentleman from New Jersey, and of course I should make the same reply.

Mr. THOMSON of Illinois. Just one moment.

Mr. GOLDFOGLE. Mr. Speaker, if the gentleman will pardon me, I desire to conclude very soon, because if I do not I shall do injustice to others who desire to speak.

Mr. THOMSON of Illinois. But I ask a question of facts, whether any of those precedents have that feature present?

Mr. GOLDFOGLE. I have already said that there were none that we could find. There may be some in the books, but we have not found any.

Mr. COOPER. Mr. Speaker, I take it from the reply which the gentleman from New York made to the gentleman from New Jersey [Mr. McCOY] that it is admitted in this case that the contestant, Mr. Gill, a year ago or more, voted against the Democratic nominee?

Mr. GOLDFOGLE. The facts have already been stated in regard to the statement made by Egan and by Kinney and their followers.

Mr. COOPER. And that was generally known by the Democratic electors in that district?

Mr. GOLDFOGLE. It was stated to them.

Mr. COOPER. Would the gentleman, then, think it surprising under all the circumstances that a considerable number of Democrats would not vote for a Democrat that bolted his own party ticket the year before?

Mr. GOLDFOGLE. Looking over the history of the contests that have come from that portion of St. Louis, nothing would surprise me.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. MITCHELL. Mr. Speaker, I would like to call the attention of the gentleman to page 3 of his report. It there says:

> In the second precinct all the judges and clerks of election voted for Dyer. They returned 199 votes for Dyer and 5 votes for Gill, while the ballots on the recount disclosed that Dyer only had 106 votes and Gill had 73 votes.

I think that is a very important statement.

Mr. GOLDFOGLE. But it is a fact.

Mr. MITCHELL. I would like to have the gentleman elaborate more upon that.

Mr. GOLDFOGLE. What more can I elaborate than that we found this abnormal discrepancy that could not possibly have foundation in sincerity or truth.

Mr. MITCHELL. I agree with the gentleman, but was it a Democratic precinct?

Mr. GOLDFOGLE. I do not know. I think it was.

Mr. McCOY. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Certainly.

Mr. McCOY. Then, was not the fraud, whatever it was, corrected by the recount?

Mr. GOLDFOGLE. No. I am very glad the gentleman from New Jersey asked that question, because that question really was one the committee was called upon carefully to consider. If that had been all, if there had been only these discrepancies, the committee would probably not have reached the conclusion it did, and perhaps the committee, from whose decision I dissented, might not have reached the conclusion to deny the application of the contestee to give further evidence; but do you not see there were other facts in connection with the votes in those seven precincts? There is the case of tampering with the ballots; there is the case of manipulation of the ballots; there is the case of the seventeenth precinct, where, though there is not much discrepancy between the return and the recount, there is the exclusion of the judges and the clerks from the polling places, without the slightest reason; and there is the evidence of men who say that they cast straight ballots, and these ballots are found to be scratched. In this combination of facts and circumstances you find evidence of fraud, and you can not get away from the fact that these returns are, within the language of the authorities, so utterly unreliable that they must be excluded.

Mr. McCOY. Is it not a fact that testimony was taken in regard to 54 ballots, as to whether the voter had really voted the particular ballot, and that in only 18 of them out of 54 did the voter stand up and testify that his ballot had been manipulated or tampered with, or that he had not voted it?

Mr. GOLDFOGLE. Just the exact number I do not recall. The committee's report, which the gentleman from New Jersey has, I believe, carefully read, states the names of the witnesses who proved that their ballots had been tampered with and altered. I desire to add before I conclude that it is not claimed or charged that Mr. Dyer in any way, personally, participated in the fraud. No charge of personal misconduct attaches to him. But though he had no knowledge of the fraud, yet if fraud was committed and the returns tainted with it, the duty of the committee was plain, and in pursuance of that duty it rejected the returns and submits the matter to the House for the dispassionate judgment of its Members.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. McKENZIE. I want to ask the gentleman from New York in regard to his statement that the challengers and watchers were excluded from the polls, and so forth.

Mr. GOLDFOGLE. That is so, is it not?

Mr. McKENZIE. Is it not a fact that the evidence in the record discloses that in only one precinct did that occur, and that the commissioners of election were immediately notified and that they came to the polling place and instructed the judges they must permit those men to remain in there, and the men were permitted to come in and remain there until the polls were closed?

Mr. GOLDFOGLE. I said nearly half an hour ago that these challengers and watchers were only readmitted when the commissioners of election came and ordered their readmission.

Mr. McKENZIE. But that occurred in only one precinct?

Mr. GOLDFOGLE. I think that is so.

Mr. FALCONER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Just for a question.

Mr. FALCONER. At whose solicitation were these 56 witnesses referred to by the gentleman from New Jersey [Mr. McCOY] brought before the committee? In other words, were they supposed to be Dyer witnesses or Gill witnesses?

Mr. GOLDFOGLE. Well, Gill introduced witnesses to show fraud.

Mr. FALCONER. As I understand, out of 54 only 18 swore to fraud.

Mr. GOLDFOGLE. Oh, I think there are more; those that we state in our report had their ballots manipulated. I do not know that, but the gentleman can figure it out from the report. I think I have taken longer than I intended.

Mr. HULINGS. Will the gentleman yield for a question?

Mr. GOLDFOGLE. For a question.

Mr. HULINGS. Is there no way to purge this ballot except by throwing out the whole affair? Are not the circumstances such and the law such in the State of Missouri that it would be possible by an examination there to discover who did cast legal ballots and who did not?

Mr. GOLDFOGLE. I think I have answered that question. I have told the gentleman that, in the judgment of a majority of the committee, the application of the contestee was refused. I have told the gentleman so far as the chairman of the committee is concerned he dissented and that two others dissented, but that the committee thought, for reasons that appear in the report, as well as for other reasons some members of the committee may wish to state, that the application made by Mr. Dyer

should be denied, and hence the application being denied the only thing left for the committee to determine was what the vote would be with the seven precincts eliminated, and it would stand as follows in the fifth ward:

For Dyer	1,185
For Gill	586
Dyer over Gill in the fifth ward	599
Gill's plurality in district outside of fifth ward	666
Deducting Dyer's plurality in the fifth ward with the 7 precincts eliminated leaves Gill in the congressional district a plurality of	67

In consequence of which the committee reported the resolutions now before the House. I now yield——

Mr. HULINGS. Will the gentleman permit——

Mr. GOLDFOGLE. Not now.

Mr. CRAMTON. Will the gentleman yield?

Mr. GOLDFOGLE. I prefer to yield to my colleague on the committee, and I now yield——

Mr. CRAMTON. It is very brief.

Mr. GOLDFOGLE (continuing). Twenty minutes to the gentleman from Virginia [Mr. WATSON].

Mr. WATSON. Mr. Speaker, if the Chair will indulge me for a moment, I desire to state I did not expect the gentleman to yield to me until some one had spoken on the other side.

Mr. GOLDFOGLE. Mr. Speaker, I withdraw the yielding. I think the gentleman from Virginia is right, because I think the other side ought to have the opportunity to be now heard.

Mr. CRAMTON. Will the gentleman yield for a brief question? The gentleman has just said——

Mr. GOLDFOGLE. Mr. Speaker, I shall take the floor again perhaps for a very few moments at the close, and then the gentleman can ask his question.

Mr. CRAMTON. It is just a question of fact.

Mr. GOLDFOGLE. Mr. Speaker, I reserve the balance of my time.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, it is my purpose to discuss this matter calmly and to try to convince you of the justice of the request of the contestee to be permitted to take the testimony in question.

The matter of determining the right of a Member to hold his seat in the House of Representatives is one of such vital importance to the Member whose privilege is questioned that we ought, in passing upon the case, to give it our most earnest and careful consideration, far removing from us all partisan predjudice and bias, having but one purpose in view—that being the doing of justice.

For myself I am sure, in the consideration of this case before our committee and at this time, I have no partisan feeling and bear no ill will toward the contestant. We have been unable to bring in a unanimous report in this case, due to the fact that we reason from different premises, and therefore are unable to agree upon the law as applied to the facts in the case, upon which there is but little dispute.

It must be conceded at the outset that this is a unique case and perhaps has no parallel in all the contested cases presented to this body in that the contestee, Mr. Dyer, is not charged with any wrongdoing, and that if the conduct of the voters and election officials complained of by the contestant were reprehensible such acts complained of were not in any way chargeable to Mr. Dyer or his political friends in the Republican Party, but that the wrongs and frauds, if wrongs and frauds there were, in the conduct of this election are chargeable wholly to the men in Mr. Gill's own party, and which fact is frankly and freely admitted by the leading men in the Democratic Party, against whom contestant makes the charge of defeating him.

Mr. Speaker and gentlemen of the House, the contention of the majority of the committee in this case is that in a territory nominally Democratic, but which gave an overwhelming majority for the Republican candidate, Mr. Dyer, coupled with the conduct of some of the election officials, as shown by the testimony, at once raises the presumption of conspiracy and fraud.

We of the minority of the committee, in the light of the facts as shown by the testimony, are forced to the conclusion that any return from the disputed territory which did not carry with it a repudiation of the contestant would have been contrary to reason and the usual conduct of human affairs and would have at once raised the presumption that the will of the voters had been frustrated and that fraud must have been practiced. Thus we widely differ. To our mind many of the instances cited simply show the real intention of the voters and the customary conduct of election officials and which do not per se indicate fraud and criminal conspiracy. The majority of the committee have construed such conduct as being evidence of criminal and fraudulent intent on the part of the voters and election officials.

We of the minority emphatically hold that the contestant has failed to make out such a case as would justify the House in unseating the contestee. We concede he has shown that certain election officials were guilty of conduct not warranted by law; but that such conduct was of a character that would change the result of the election as expressed by the returns is not borne out by the evidence. We of the minority have maintained that it was incumbent upon the contestant to prove his contention that he was elected and that it is not the province of the committee or the House to supply by assumption that which the contestant could have proven beyond any question if his contentions are sound.

Mr. Speaker, in order that the contentions of the minority of the committee may be fully understood, I purpose to discuss at some length the law and the facts pertinent to this case, and, first, I wish to call attention to some of the provisions of the law in the State of Missouri relative to the holding of elections. Under the law of Missouri a general registration of the voters is required before an election. In the city of St. Louis the election officials are appointed by the election commissioners, a bipartisan board, an equal number in each precinct being selected from the two leading political parties, and these judges and clerks must be residents of the precincts in which they serve. The law further provides that the judges of election may assist illiterate voters, but in such cases the law provides that an oath shall be administered to the voter as to his illiteracy or inability to mark his ballot. It further provides that in counting the ballots each judge shall count them. Each party ballot is printed on a separate sheet of paper, as is also each proposition submitted to be voted on amending the constitution. The voter is handed a bundle containing one of each of the different party ballots and also one of each of the propositions submitted at that election, from which to make his selection. The ballot is numbered and the corresponding number placed opposite the voter's name on the poll book, thereby identifying each voter's ballot. I make this statement of the law in order that you may keep the provisions in mind as we proceed with the argument.

Mr. WINGO. Will the gentleman yield at that point?

Mr. McKENZIE. I do.

Mr. WINGO. As I understand, the ballot has to correspond with the number in the poll book in the voter's name?

Mr. McKENZIE. Yes.

Mr. WINGO. Is that number written on the ballot?

Mr. McKENZIE. Yes, sir.

Mr. WINGO. So that on a subsequent recount those who are making the recount can take the number on the ballot and refer to the poll book and see how any particular man voted?

Mr. McKENZIE. Yes, sir.

Mr. WINGO. That is the fact.

Mr. McKENZIE. Yes, sir.

Mr. TRIBBLE. If the gentleman will permit, did I understand the gentleman to say one of the election managers is required to count each ballot?

Mr. McKENZIE. That is the law; each judge shall count the ballot.

I now desire to call your attention to the geographical location of this particular congressional district. This district lies wholly within the city of St. Louis, and is composed of the fifth, sixth, seventh, sixteenth, seventeenth, and parts of the fifteenth and twenty-third wards. The controversy in this case is confined to the fifth ward, and, as we set out in the minority report, it is one of the "river wards." It is a compact territory, lying in the most congested part of the city, containing within its limits, on the one hand, practically all the large office and public buildings, hotels, stores, and many factories and warehouses, in which very few voters live, and, on the other hand, practically all the cheap hotels, rooming or lodging houses—such as are found in every large city—and many tenement houses, boarding houses, and unpretentious homes, including the so-called "levee district," with its colored population. This ward is divided into 17 precincts; and of the votes returned by the election officials in this ward at the election of 1912 Mr. Dyer received 2,213 and Mr. Gill 815, and on a recount had of the ballots Mr. Dyer received 2,009 votes and Mr. Gill 994. The vote on all the other candidates at this election in the ward was approximately two to one in favor of the Democratic candidates.

Why did Gill meet with such disastrous defeat in this ward? There must have been a reason for this. What was that reason, and how was the result accomplished? Was it a natural result or was the result brought about by conspiracy and fraud?

Every effect has its cause; this case is no exception. Let us investigate.

In this ward, with its majestic office buildings and princely hotels, where the transient visitor abides, overshadowing the squalid and dingy tenement houses where dwell the lowly; with its warehouses, saloons, and sporting resorts; with a population made up of all races and nationalities, a great number of whom were illiterate; in this ward, with its striking contrasts of wealth and poverty, with its unbroken tumult of commerce and the never-ending struggle of the poor, Thomas E. Kinney was born. His origin was from among the poor and lowly. From boyhood he was acquainted with the struggles of the unfortunate of a great city. An active, intelligent boy, but without the advantages of wealth and education, he early became interested in politics, and by untiring effort he was instrumental in building up in his home ward a strong Democratic political organization, of which he became the leader. As the years came and went his power and influence grew. He was elected a number of times to the St. Louis House of Delegates, and later twice elected to the State senate, in which body he was instrumental in having enacted a number of laws tending to ameliorate the condition of the laboring classes whom he represented. In 1910 he was the Democratic nominee for Congress against the contestee, but was defeated. He contested the election and soon thereafter died. His brother, Michael Kinney, who had been committeeman for 14 years, succeeded him as ward leader, and Thomas Eagan was elected committeeman for the ward. At the 1912 primary Michael Kinney was nominated for the State senate, and the contestant, Mr. Gill, received the nomination to Congress, being very materially aided in this contest by the Democratic organization in this ward on the ground that he had been a friend of Thomas E. Kinney in his contest for Congress with Mr. Dyer in 1910.

In the contest of Kinney against Dyer there was a recount of the ballots, and, as I have stated, the law of the State of Missouri is such that each voter's ballot can be identified, and the ballot cast by the contestant, Michael J. Gill, at that election was no exception, and as another evidence that he who practices duplicity or deception will sooner or later pay the penalty of his perfidy, Mr. Gill was confronted with the charge that he, while pretending to be the friend of Tom Kinney, had in fact been a traitor to him and had voted against him and for Mr. Dyer, as evidenced by his ballot. When this fact became known in the fifth ward a short time before election, and the friends of Thomas Kinney realized that their champion and idol had been knifed by Mr. Gill, they at once determined that steps should be taken to establish the truth or falsity of the charge.

Let us see how these fifth-ward Democrats proceeded in this matter. Did they emulate the example of Mr. Gill, who had smiled upon the candidacy of Tom Kinney while in the presence of he or his friends, only to stab him in the seclusion of the voting booth, where he felt assured his infidelity would never be discovered? Did they decide simply upon rumor to attempt stealthily and fraudulently to overthrow Gill? Did they resort to ways that are dark and means that are corrupt to accomplish their purpose? Far from it; and be it said to the eternal credit of those plain fifth-ward Democrats, they proceeded in an orderly and honorable way.

When the charge became known that Gill had knifed Kinney and voted for Dyer—and, bear in mind, this charge was not made by Mr. Dyer or his Republican friends, but by a Democrat who claimed to know the facts—a meeting of the congressional committee was called, at which meeting Mr. Gill was confronted with the charge. He did not squarely deny the charge, but said that there must be some mistake in the record, a copy of which was presented to him. In view of the disclosure he was asked by some to resign from the ticket. This he declined to do.

The friends of Kinney in the fifth ward, who included practically all of the organization, were by this time thoroughly aroused, firmly believing that Gill was guilty of treachery; and it is a matter of no consequence whether he was or was not guilty; they thought him guilty and determined to fight and defeat him at the polls.

Mr. BOOHER. Will the gentleman yield for a question?

Mr. McKENZIE. I will.

Mr. BOOHER. Suppose that statement is correct; did that justify, and does the gentleman assume to justify, the action of the election board in returning for Mr. Dyer in one precinct 199 votes and for Mr. Gill 5 votes, when on the recount Mr. Dyer received 106 votes and Mr. Gill 73?

Mr. McKENZIE. No, sir; it did not justify that, and the gentleman from Missouri can not lead me into any conflict on that.

Mr. BOOHER. No; I would not attempt to.

Mr. McKENZIE. Because, if that were done, certainly those men should be punished.

Mr. BOOHER. The gentleman does not think they made that mistake innocently, does he?

Mr. McKENZIE. It might be.

Mr. BOOHER. Will the gentleman permit one more question——

Mr. McKENZIE. Remember, they lived in St. Louis. [Laughter.]

Mr. BOOHER. And it is a Republican city. Now will the gentleman permit me to just read him one statement?

Mr. McKENZIE. I can not do that.

Mr. BOOHER. In answer to the——

Mr. McKENZIE. Read it in your own time.

Mr. BOOHER. I have not got any.

Mr. McKENZIE. I can not allow the gentleman to read.

Mr. TRIBBLE. I would like to ask the gentleman a question for my own information. Is it a fact these managers to which the gentleman from Missouri refers have been indicted by the courts?

Mr. BOOHER. They are indicted, sir.

Mr. TRIBBLE. I ask if they have been tried?

Mr. McKENZIE. I want to say in reply to that, that one of the outfit, as I understand it, to which he refers, was indicted, I presume, as a part of the propaganda to unseat Mr. Dyer, and that he had his trial a few days ago. He was prosecuted by a Democratic prosecuting attorney before a Democratic judge, and I assume before a Democratic jury, and was acquitted.

Mr. BOOHER. Now, will not the gentleman say there that he was acquitted because the court said they could not in a trial open the ballot boxes and exhibit the ballots?

Mr. RUCKER. Will the gentleman yield just a moment?

Mr. McKENZIE. I would like to yield to the gentleman, but I can not take the time.

Mr. RUCKER. I want to say to the gentleman that I believe he is mistaken as to the politics of the court and of the sheriff who summoned the jury. But in that connection will not the gentleman tell us where those three or four judges and clerks of election are that went into hiding immediately after the election, and who have not yet been arrested?

Mr. McKENZIE. I want to say to the gentleman from Missouri I think that that is an unfair interrogatory, because there is not a scintilla of evidence in the record showing that any of these judges or voters are in hiding.

Mr. RUCKER. I supposed the gentleman had gone outside the record to make the statement he made a while ago. I do not know that that was in the record, but I say it is a fact.

Mr. McKENZIE. I saw that his colleague went outside of the record, and I had to go outside of the record.

Mr. BOOHER. It was the gentleman from Georgia [Mr. TRIBBLE] who made the inquiry.

Mr. TRIBBLE. Since the gentleman refers to me, I would like to say to the gentleman from Missouri that I think everything material should be brought out in this case. There is an allegation here by the gentleman from Missouri, who brought this issue before the House, and I simply ask for information, if these men had fraudulently made returns, and, if that was so, I wanted to know whether or not they had been indicted. I did not know. The gentleman on the floor responded by saying they had been indicted and had been acquitted. It seems to me it is material. I am anxious to do right by both parties, and I want the facts.

Mr. McKENZIE. Now, let us observe the mode of procedure to bring about the defeat of Gill. A meeting was held of the workers and the word given out—not on the quiet but openly—to go out and defeat Gill; and in support of this fact I quote from the testimony of the ward committeeman (p. 1194, record):

> The man that would scratch Tom Kinney would have a hell of a lot of nerve to try to run on the Democratic ticket. I don't know how he (Gill) got as many votes as he did.

And again (p. 1192, record):

> Q. You testified that you had a hundred or more people at your meeting when you gave out the word to defeat Mr. Gill?
> A. We did; we had more than that; we had one that went about 500, after we gave the same order out at one of our regular meetings.

The committeeman further testified that he instructed the precinct committeemen and workers to direct the voters to scratch Gill on election day. Thus in this open manner was the fight made in the fifth ward—not in the dark, not by corrupt means, not in underhand conspiracy, but by a determined and aboveboard conflict by men who had been life-long Democrats, they being convinced of the righteousness of an effort to defeat one whom they believed had wronged their best friend.

Mr. DICKINSON. Mr. Speaker, may I make an inquiry?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. DICKINSON. I want to say, Mr. Speaker, I do not want to consume very much time. It will take me——

Mr. McKENZIE. I can not yield to the gentleman at this time.

Mr. DICKINSON. Just one question.

Mr. McKENZIE. Very well, sir.

Mr. DICKINSON. You refer to the instructions to the voters to scratch the man who had voted against "Tom" Kinney. "Tom" Kinney and I were in the Missouri Senate together, and he is *all right*. So far as the result is concerned, practically, they deliberately scratched him when they cast the vote. But is not there abundance of evidence that the ballots were scratched and changed after the votes were cast?

Mr. McKENZIE. No, sir; you have not read the record.

Mr. DICKINSON. I have read it, and that is the fact.

Mr. McKENZIE. To further illustrate the sentiment of the voters, I quote further from the testimony of Committeeman Eagan (p. 1192, record):

Q. Did you vote at that election, Mr. Eagan?—A. Sure; I voted at that election.

Q. I believe you stated that you voted against Mr. Gill and Mr. Dickmann?—A. I did.

Q. And you are the principal officer of the Democratic Party within your ward?—A. I am; I am the committeeman of the ward.

Q. And one of the several members of the congressional committee of the twelfth congressional district?—A. Yes, sir. I didn't figure myself voting against a Democrat when I voted against them two.

Q. You consider a man, then, who scratches a Democratic candidate for Congressman is not a Democrat?—A. He isn't a Democrat.

The record is full of evidence tending to show the resentment of the organization in the ward against Gill and the efforts made by the members of the organization to defeat him at the polls. In this connection I wish to say that it is difficult for one not familiar with political organiations in a large city to understand the power of the organization in a matter of this character, but to one at all familiar with political organization and organization methods it is a simple matter. An organization such as the one in question extends down from the ward leader to the precinct captains or committeemen, and through them to those known as the workers, whose business it is to keep in touch with the voters. So it can be readily understood in this case that after the meetings were held and the organization men told by the leaders to pass the word along the line to vote against Gill for the reason alleged, the great mass of the Democratic voters, or at least those considered as organization Democrats, received the "tip" and, like good organization Democrats, were ready when election day came to carry out the program, and the result demonstrated the truth of the testimony of one witness who testified that practically all in the ward were organization men.

Thus far, at least, even Mr. Gill could not charge these men with doing anything not warranted by law. They were simply exercising their rights as American citizens.

Now, let us see what was done on election day in this ward. In accordance with the law, the polls were manned in each precinct by two Democratic and two Republican judges, one Republican clerk, and one Democratic clerk, besides challengers and watchers. The evidence discloses no disturbance of any consequence at any of the polling places on that day.

After a somewhat elaborate argument of this case before the committee, the majority of the committee decided to disregard the returns from the following precincts in said ward, to wit, the second, third, fourth, fifth, ninth, fourteenth, and seventeenth, which action would give Mr. Gill a plurality of 67 votes.

This action was taken by the majority of the committee on the ground that the election officers in these precincts had been guilty of illegal conduct and that their actions were sufficient to warrant the committee in presuming that the result attained could only have been brought about by conspiracy and fraud, and that the returns, on account of such presumption, were unworthy of credit, and therefore it was impossible to determine the number of legal votes cast, and, on the theory that when the result has been shown to be so tainted with fraud that the truth can not be deducible therefrom, then it should never be permitted to form a part of the canvass, and which is in accordance with the claims of the contestant's counsel that he was defeated by fraud, notwithstanding no specific charge as to the election officials or those particular precincts is set forth in contestant's complaint. In this conclusion the minority refused to concur, maintaining what we believe to be the true legal theory in cases where fraud is charged and that the returns made by the election officials are unreliable, that it is incumbent upon the party questioning the result to call in the body of the voters in at least a part of the precincts in question to establish his claim of fraud, if fraud existed, unless specific acts are particularly pleaded. The minority at the time such action was taken by the majority contended that inasmuch as their decision to disregard the returns from these seven precincts thereby relieved the contestant of a plain requirement under the law in establishing his case under the complaint and throwing the burden upon the contestee, that he, the contestee, therefore should have an opportunity to take the testimony of the body of the voters in these precincts; and it may be well to say at this point that the contestee appeared before the committee and volunteered to have this testimony taken at his own expense; and in this contention the members of the minority were joined by the chairman of the committee, Judge GOLDFOGLE, who offered a resolution directing the committee to take this further testimony, which would have settled this case beyond any dispute.

Mr. DICKINSON. May I ask a question?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. McKENZIE. Just for a short question.

Mr. DICKINSON. I notice this suggestion that you take from their testimony. Let me ask whether it appeared in the testimony before the committee that on behalf of Mr. Gill postal cards were sent to 800 supposed voters and were returned "Not found"? Now, do you purpose to take the testimony of those 800 who were supposed to have voted for Mr. Dyer, or were supposed to have voted at that election; and if you could not find them then, can you find them in order to take their testimony if you postpone this case?

Mr. McKENZIE. Yes, sir; I think that we would have no trouble about that. Mr. Gill would not be looking for them, but we would be looking for them, and the officers would be looking for them. I think they would be ready to come in and tell the truth.

That you may understand that the contention of the minority in this respect was not an unreasonable one, I simply wish to say, in passing, at this time that the votes of only a little more than 400 voters were involved, and the names of these voters are all known, a fact made possible by the peculiar law in force in the State of Missouri for the identification of the vote of each individual voter.

Returning to the question of fraud and conspiracy on the part of the election officials in these seven precincts, alleged by counsel for contestant, let us examine the particular acts and conduct of these officials which is held by the majority to amount to fraud and conspiracy. What are the charges? They are: That illiterate voters were assisted by the judges without being first sworn as to their inability to mark their ballots; that voters were assisted who were not illiterates; that only Democratic judges assisted Democrats and Republican judges assisted Republicans; that the Democratic ballots were counted only by Democratic judges and the Republican ballots by Republican judges; that some ballots were marked in the booth by the judges instead of in the presence of the other officials; that a large number of ballots in certain precincts were scratched by the same hand; that the count of the ballots in some of the precincts was so far from correct that it could not have been a mistake, but was done wrongfully and willfully.

Let us analyze these various charges in the light of the testimony and the facts and see how serious they are, keeping in mind that these election officials were not educated and skilled in the character of the work they were required to perform, but were men selected from the respective wards in which they lived, and in many cases were laboring men.

First, as to the charge that illiterate voters were aided in marking their ballots without first having been sworn as to their illiteracy. This charge is true; but it is evident from the testimony in this case that such has been the custom in this ward, many of the election officials seeming to be under the impression that the affidavit required by law was only administered for the purpose of registration. But whether or not that is true, it has been held by the Supreme Court of the State of Missouri that this statute is directory and does not void the election. (See case of Hope *v.* Flentge, 140 Mo., 1, c. 403.)

Next, as to the charges that voters were assisted in marking their ballots who were not illiterates and that invariably Democratic judges rendered such assistance to Democratic voters and Republican judges to Republican voters. These charges are also true; but, in our judgment, the services rendered by the judges was in good faith and only in such cases where requests for assistance were made by the voters. We feel, however, that further explanation of this conduct on the part of the judges and the voters should be made in order to meet the

charge that such conduct was fraudulent and tended to defeat the contestant.

By common consent of the judges it was understood that when a Republican voter desired assistance he should be assisted by a judge of his own party, and in case of a Democratic voter he should have assistance from a Democratic judge, the failure to administer the oath in all such cases being founded on the same reason mentioned in our reference to illiterate voters.

It is true that in these precincts many voters who had signed their names to the registration lists prior to the election were assisted in voting, and this, contestant alleges, was a violation of the law and was done for the purpose of fraudulently defeating him. Now, let us apply the rule of everyday common sense to the situation in these precincts and see whether or not any real wrong was perpetrated, keeping in mind that in these precincts the body of the voters were common laboring people of different nationalities, many of them colored.

Every man in this House knows from practical experience that many men can with difficulty sign their names when it is required, but it takes a long stretch of the imagination to come to the conclusion that every man who can sign his name could vote a scratched ballot. To vote the straight ticket of any party in the State of Missouri is a very simple performance. All that is required is to be able to select the party ticket from the bundle of ballots handed the voter by the judges, and this he could perhaps do by being able to designate the words in large letters at the top of the ballot, "Democratic ticket," then fold up the ballot and return it to the judges. But in the case of the voter wishing to vote a scratched ballot, as the majority of the Democratic voters in these precincts evidently desired to do at the time in question, it was a very different proposition. He would be compelled to distinguish the name of the candidate on the ballot whom he wished to scratch, scratch the name, and write in the name below of the candidate for whom he desired to vote.

For instance, there is a Democratic ballot [exhibiting]. He would have to look down along the ballot until he found the man's name, and scratch that out, and on the line write the name of the man for whom he wished to vote.

Mr. TRIBBLE. Now, the name of the Republican candidate for Congress did not appear on the Democratic ticket, then?

Mr. McKENZIE. No, sir. You have the blanket ballot in your State.

Mr. TRIBBLE. You have to scratch the man's name out there and write the other man's name in with pen or pencil for whom you want to vote?

Mr. McKENZIE. Yes, sir. I might say that in the State of Missouri they do not have the blanket ballot. Each party ticket is printed on a separate sheet of paper.

When we consider these facts and then the further fact that these voters had been asked to scratch Gill and vote for Dyer, there is nothing strange that so many of them, wishing to vote for the Republican, unhesitatingly asked assistance from the judges to be certain of making no mistakes, and it is no reflection upon these laboring men, for it is a well-known fact that many people fairly well educated in a general way hesitate to attempt to scratch a ballot at an election, and very frequently when they do attempt it make such mistakes as to invalidate their ballots.

The foregoing statements explain in themselves the reason why such a large number of ballots in certain of these precincts show Gill's name scratched and Dyer's written in by the same hands, the result being simply due to the fact that under the custom of Democratic judges aiding Democratic voters and the further custom that election officials usually divide up the work, one judge looking after a certain part of the work exclusively, and so forth.

Mr. TRIBBLE. Will the gentleman yield on that question? Will the gentleman tell me about how many names appeared on each one of those tickets?

Mr. McKENZIE. No; I can not.

Mr. TRIBBLE. Was it a long ticket or a short ticket?

Mr. McKENZIE. The one that I have here is a sample.

Mr. TRIBBLE. Is that the ticket there?

Mr. McKENZIE. Yes, sir; that is a sample.

The charge that the ballots in these several precincts were not counted by all of the judges, but that the Democratic ballots were counted only by Democratic judges, which action was not in strict compliance with the law, worked to the disadvantage of the contestant is without much force in my judgment. I have no doubt in my mind that this provision of the election law of the State of Missouri was violated in every precinct, if the fact were known, and that such violation worked no hardship upon anyone, for it is not reasonable to presume that each one of the four judges in a precinct should examine and count every ballot cast. Certainly we have a right to presume something upon the integrity and fidelity of the election officials.

It is true that the recount in some of these precincts showed grave errors in the count made by some of the judges, but whether or not those were honest errors or the result of a deliberate intent to defraud cuts but little figure in this case, for the contestant has been given the benefit of all votes to which he was entitled by the recount; and it certainly would be an injustice to Mr. Dyer and an imposition upon the honest voters of these precincts to disregard the entire return on account of the carelessness or even criminal negligence of two or three judges of the election.

It must be borne in mind that the marking of the ballots by the judges and the counting of the ballots by them was done in the open and in the presence of all the judges and clerks, besides the watchers and challengers of the respective parties. These facts are substantiated by practically all of the witnesses, and certainly no complaint was made at any of the voting precincts except by one man by the name of Vaughn, who made the statement that at the precinct where he voted one of the Democratic judges was wrongfully directing voters and marking their ballots. At this point I want to call your attention specifically to the fact that when a ballot is scratched by one of the election officials in aiding a voter, the scratching must be done not in the voting booth, but on the table in the presence of all the officials.

So much for the charges of fraud and conspiracy in these precincts, argued by counsel, but not pleaded by contestant. Now let us briefly consider the result.

Mr. MOORE. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. McKENZIE. I do.

Mr. MOORE. Does the voter have an opportunity to see a sample ballot before he asks for the ballot he votes?

Mr. McKENZIE. Well, I presume he would not see it in a polling place, but I presume they have them on the outside.

Mr. MOORE. The ordinary voter coming in the way the gentleman indicates, seeking assistance in marking his ballot, would have handed to him for the first time by the judge the ballot he desired?

Mr. McKENZIE. He would have six ballots handed him in this instance.

Mr. MOORE. All containing a long line of names, and in the event he desired to make a change such as he might have desired in this instance, he would not have seen anything previously from which he could quickly designate the name he wanted to strike off, and therefore would have to ask assistance?

Mr. McKENZIE. I imagine it would be very confusing.

Mr. MOORE. Would not that count very much for the desire of a man who wanted to change his vote, to seek assistance?

Mr. McKENZIE. There is no doubt in my mind about it.

Mr. RUCKER. Under the law of Missouri, before the election the official ballot is published in every county and city in the State for some days, so that everybody can familiarize themselves with it.

Mr. MOORE. In a ward like this fifth ward, I assume, very many of the voters would not follow that matter very closely.

Mr. RUCKER. I rather think, from the returns from that ward, that the voters did not have very much opportunity to look into it.

Mr. MOORE. That is permissible, I assume.

Mr. BRYAN. Mr. Speaker, I would like to ask the gentleman from Illinois a question.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. McKENZIE. Yes.

Mr. BRYAN. The gentleman said, as I understood him, that the scratches on the ballot had to be made in the open, before the judges at the table, and the ballots can not be altered in secret.

Mr. McKENZIE. The voter himself can do that.

Mr. BRYAN. It is only in the case of illiterate voters that the ballot can be altered by the judges?

Mr. McKENZIE. Yes. All told there were cast 1,537 ballots in these seven precincts, and an analysis of these ballots show that of the election officers in the second precinct all voted for Dyer; in the third, four voted for Dyer; in the fourth, all; in the fifth, five; in the ninth, five; in the fourteenth, all; in the seventeenth, five. Surely no one will contend that the three Republican officials in each of these precincts were guilty of any wrongdoing in voting for the Republican candidates, including Mr. Dyer; and is there anything strange in the fact, in the light of the testimony, that many of the Democratic judges

voted against Mr. Gill and for Mr. Dyer? They freely and frankly admitted on the witness stand that they did so, testifying as frankly in regard to this as they did to all their other acts connected with this election, claiming no exemptions under the rules of evidence, fully convinced that in scratching Mr. Gill they were simply exercising their privilege as American citizens.

I shall now quote from the minority report in giving an analysis of the body of the vote cast in these precincts:

The official recount of these seven precincts by the board of election commissioners of the city of St. Louis shows that Dyer received 825; Gill, 406; Progressive, Socialist, and scattering, 231; and no vote, 75. There is no complaint as to these 231 for the Progressive, Socialist, etc., so we can take those off the total vote of these seven precincts—1,537—which leaves 1,306. Of this 1,306 the contestant received 406, which, of course, he claims belongs to him, so let us take this 406 off of the 1,306 as votes not questioned by the majority report nor by the contestant himself. This makes 637 of these 1,537 correct according to the contestant himself. We have left 900 of these 1,537 votes to further analyze.

Now, the contestant complained only of Democratic ballots cast in these seven precincts. There were 388 straight Republican ballots cast in these seven precincts, and on which Dyer was voted for as per official recount and set out in detail in the record. Add these 388 votes to the 637 already shown to be undisputed and we have a total of 1,025 that are admitted by the contestant to be correct. This leaves a balance of 512 votes to explain in these seven precincts—the difference between 1,025 undisputed by contestant and 1,537, the total vote in these precincts. These 512 constitute the entire number of Democratic ballots in these precincts that had Gill's name scratched. Of these 512, 437 had Gill's name scratched and Dyer's name written underneath. The balance of these 512 ballots, 75, had Gill's name scratched but no name was written underneath. So we get down to the crux of the situation. It is as to the reliability of these 512 Democratic ballots, 437 of which are credited to Dyer and the other 75 to no one put down in the "no vote" column by the election commissioners in the official recount. What evidence have we in the record as to these 512 votes? The contestant subpœnaed a total of 56 out of these 512 to testify, and the testimony of all these 56 witnesses is set out in detail in the record. It shows that of the 56 witnesses put on the witness stand by the contestant himself more than 50 per cent confirmed their ballots. It must also be noted in this connection that the contestant knew what the ballots showed as to each of these 512, as well as to each of the 1,537, when he started out to canvass the precincts to find witnesses who would help his case. He knew this because he obtained all this information from the recount of the ballots and from the copy of the poll book. * * * He also knew from the same source what Democrats—those using Democratic ballots—had scratched him; he knew their names and addresses and could go and ask them about it. Then it should be remembered, and the record so shows, that the contestant circularized the whole ward with letters asking for information from all voters who appeared from the ballot recount to have voted against him. It is manifest, therefore, that his subpœnaing so few voters could have been for only one reason, that only these few gave him any hopes of their being dissatisfied with the returns. For the majority to think of throwing out 1,537 votes under the circumstances upon testimony questioning about 1 per cent of them seems to require a grosser fraud to be perpetrated here than any supposable at the polls.

In their report the majority named 11 voters as questioning their ballots, and it may be considered whether among 1,537 it might not be easily possible anywhere to get a dozen or more to deny some months afterwards that they had scratched their tickets.

I submit to the membership of this House whether or not under the long-established precedents in cases of this character that the contestant by presenting the testimony of the small number of witnesses mentioned is entitled to the relief sought. Is it possible that anyone can seriously contend that he has established his case by proving conclusively that he was defeated at the election in question by the so-called fraud and conspiracy of the voters and election officials in these seven precincts? We maintain that the record does not sustain his contention and that in fact the testimony furnished by the witnesses is weak to say the least.

Let us briefly notice the testimony of a few of the contestant's "star" witnesses:

Andrew Eichholz, precinct 2, who the majority say was "interfered with," testified (p. 398) "I told him (the judge) I wanted assistance." Then the witness was asked by the election judge as to his desire about voting the prohibition ticket and about the "school business"—a matter also on the ballot—and says, "He told me about that, and I signed for that; and he told me, he said 'Here, here is a man below here don't amount to anything. If you want to scratch him?' I said 'yes.' I said 'scratch him,' and he scratched him for me" (p. 400).

This may have been pernicious activity, and it may not.

Judge Bishop, precinct 2, whose ballot the majority say "was missing," testified that he voted a straight Democratic ticket, "I can't say now that I saw the number indorsed on the ballot or saw anybody write on the back of the ballot at the time" (p. 312). He saw the ballot go into the box. He was voter No. 56; no ticket No. 56 was found; but all the other numbers were found, and one straight Democratic ballot was found, unnumbered, and had been counted for Gill. This was undoubtedly Bishop's ballot.

Certainly there was no harm there, and to say that ballot 56 was "missing," without explanation, is hardly a fair presentation to the Congress as the triers of the facts.

Charles A. Hanson, precinct 3, of whom the majority say the judge folded his ballot "and put it in the box," testified (p. 784), "he handed me the ballot back and I went and dropped it into the ballot box." It is not clear whether this witness asked for assistance or not (p. 777). "Then I went to work on the end of that table, and I went and seen one of the clerks, who told me if I don't know how to fix a ballot or make a ballot one of the judges would show me how, and I went back there with the ballots and he went and took one of the ballots and marked some names out and put some other names in, I believe."

The fact that the judge told him not to let the other judges or clerks see it was perfectly proper. It certainly shows that there was no joint action or conspiracy among these officials in this precinct. And the voter took the ticket and cast the ballot himself. He is a street peddler of shoe strings and his testimony is that of a defective.

Andrew B. Walker, precinct 5, of whom the majority say he "cast a straight Democratic ticket" and testified that he was sure that he voted for Gill, yet an examination of his ballot discloses the fact that Gill's name was scratched, with no other written in, says (pp. 558, 559), "I might have scratched some of the names, but I didn't write any in—I might have erased, but I never written in anything."

"Q. You haven't paid much attention to it from that day to this, have you?—A. No; I have not. Hardly thought about it."

I wish to say before passing to another phase of the case that the testimony of Judge Bishop, and, by the way, I consider him perhaps the most distinguished witness who testified in this case, in regard to his ballot discloses no fraud, inasmuch as there was a Democratic ballot unnumbered found in the box corresponding to his, which undoubtedly was an error on the part of the election judge in not numbering it. But I wish to cite a few sentences of his testimony to confirm our contention in this case, which testimony will be found on page 318 of the record:

Q. You have been very active in the canvass, urging people to vote the straight ticket?—A. Straight ticket from top to bottom, sideways, upside down, and every way, both in the fifth and fourth wards, and particularly in the fifth.

Q. May I inquire, Judge, why particularly in the fifth?—A. That was my ward, my bailiwick, and I understood there was some dissatisfaction there with two of the candidates.

Q. What two, Judge?—A. Gill and Dieckmann.

Q. It is a fact you know there was a good deal of dissatisfaction there, don't you, Judge?—A. I heard a good deal expressed, much to my disgust.

From the testimony of this judge it is evident to all that the people of the fifth ward, especially the Democrats, were determined to vote against Mr. Gill, and knowing the class of voters in that ward it can be readily understood that a dignified judge would not be the man who could keep them in line to vote the Democratic ticket under the circumstances. And it might be said, in addition, that if these election officials were conspiring together to fraudulently defeat the will of the people, a man learned in the law, such as this judge, would be the last man on earth with whose ballot such alleged conspirators would recklessly tamper.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield there?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. McKENZIE. I regret I can not yield. I must hurry on.

Mr. TRIBBLE. I wanted to ask you about that marked ticket.

Mr. McKENZIE. Now, before passing to another feature of this case, I wish to cite a few more figures to show the injustice of disregarding the entire vote in these 7 precincts. By throwing out these precincts, we find that Mr. Dyer's plurality of 350 in the district is obliterated and a plurality of 67 in favor of Mr. Gill is shown. In these 7 precincts Mr. Gill received 406 straight Democratic votes and Mr. Dyer 388 Republican votes. Standing on these votes alone, Mr. Gill would have a majority of 18 over Dyer in these 7 precincts. Disregarding all scratched ballots and scattering votes in these precincts, and considering only the straight Democratic and Republican ballots as a part of the vote of the district and adding the 18 votes to the 67 which Mr. Gill would have over Dyer, a plurality of 85 appears. Now let us reason a little further. In these 7 precincts, as we have shown before, there were 437 votes on which Mr. Gill's name was scratched and Mr. Dyer's name written in. Is it reasonable to presume that there were not at least 85 of these 437 ballots that were honestly scratched? We contend that these ballots should all be counted, but admitting that some of the voters, few in number, however, have stated that they did not scratch their ballots, the motive for so testifying we will not discuss further than to say this, that Mr. Gill, having full knowledge of every man whose ballot was scratched, and having gone over the district with a "fine-toothed comb" in search of witnesses who would bolster up his case, called in 56 to testify, out of these 7 precincts, and, as we have stated before, of these preferred witnesses, when put under oath, a majority of them confirmed their ballots. Less than 50 per cent of these selected witnesses, therefore, impeached their ballots, so it can be readily assumed, had all these voters been placed upon the stand to give testimony, Mr. Gill's 85 plurality would have been overturned and Mr. Dyer's election conclusively confirmed. The farcical character of contestant's claims in this case, and the ridiculous thing the Members of this House are asked to do in throwing out these 7 precincts, can not be better illustrated than simply stating the fact that in the second precinct, which was considered one of the worst, from contestant's standpoint, 4 votes

were summoned out of a total Republican and Democratic vote of 179, and of these 4 voters 3 confirmed their ballots and 1 impeached his. Would any reasonable man contend that on this showing the entire vote in this precinct should be disregarded? Surely not. To do so would make a farce out of the election.

The evidence in the other six precincts is of a very similar character, and to disregard the precincts mentioned on the testimony furnished by contestant is, in our judgment, wholly unwarranted, the result of which would be to overthrow the will of the voters, disfranchise honest men, and perpetuate an outrage which would be a disgrace to our Government. Under such a course of procedure the certificate of election would be no protection to a Member in this body from the attack of anyone who might desire to contest his seat on the ground of fraud, claiming that he could establish the same on the testimony of a few witnesses. Thanks to the wisdom of the men who have occupied seats in this body in the past, no such course has been permitted.

This contest has been tried by the contestant on the theory that all that is necessary for a contestant to show, in order to have the entire vote of the territory in question disregarded, is to show that a few errors in the count have been made and to procure a few witnesses who would impeach their ballots, no matter what the plea in the complaint. We maintain that this ground is untenable, and especially in a case where the contestee or those representing him are in no way charged or implicated in the designated irregularities. We maintain that where fraud is not specifically charged in an election it is incumbent upon the one contesting to prove that he was defeated on account of fraud or conspiracy, and that the showing of a prima facie case is not sufficient, and whole precincts should not be disregarded on account of such charge; and that in no case shall the entire vote be disregarded if it is possible to ascertain the truth and separate the good votes from the bad, which could easily have been done in this case.

The majority of the committee, in support of its report, cites the case of Noyes *v.* Rockwell, Fifty-second Congresss (Rowell's Dig., 716), from which they quote the following language:

> Fraud can rarely, if ever, be proved by direct evidence; and the rule is that whenever a sufficient number of independent circumstances which point to its existence are clearly established a prima facie case of its existence is made, and if this is not met by explanation or contradiction it becomes conclusive.

There is no doubt that this is the correct rule of law, but it is not applicable to this case, for the acts mentioned have certainly been explained in detail in the record by numerous witnesses, and that the very acts charged as fraudulent were, as a matter of fact, performed in good faith in the open light of day, and therefore plainly not fraudulent.

Mr. BOOHER. Mr. Speaker, will the gentleman permit me to ask him a question right there?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. McKENZIE. If it is only a short question, I will yield.

Mr. BOOHER. Has the gentleman examined the statute of the State of Missouri governing the counting of ballots in the city of St. Louis, prescribing the manner in which the counting is to be done?

Mr. McKENZIE. I can not answer as to that.

Mr. BOOHER. Now, suppose the judges in these precincts wholly disobeyed the command of the statute and did not count the ballots in that way. Would that be any evidence of fraud?

Mr. McKENZIE. How is that?

Mr. BOOHER. I say, suppose the judges of election disregarded the manner of counting the ballots as prescribed by law. Would it be any evidence of fraud?

Mr. McKENZIE. If they disregarded it?

Mr. BOOHER. Yes.

Mr. McKENZIE. I will say that, standing alone, that would not be an evidence of fraud.

Mr. BOOHER. I do not want to take the gentleman's time, but——

Mr. McKENZIE. The gentleman can argue that in his own time. I can not yield for an argument.

They also cite the case of Washburn *v.* Voorhees (2 Bartlett Cont. Cases, p. 508):

> When the result in any precinct has been shown to be so tainted with fraud that the truth can not be deducible therefrom, then it should never be permitted to form a part of the canvass. The precedents, as well as the evident requirements of truth, not only sanction but call for the rejection of the entire poll when stamped with the characteristics here shown.

And in that case the Elections Committee further declared:

> Indeed, the proposition is too plain to admit of dispute. To hold as true that which is so false and fraudulent that the truth can not be deduced therefrom, is to hold to an absurdity. The rule here laid down is none other than the postulate that that which is false can not be true. In adopting this rule the committee do not lose sight of the danger which may attend its application. Wholesome and salutary, not less than necessary, in its proper use, it is extremely liable to abuse. Heated partisanship and blind prejudice, as well as indifferent investigation, may under its cover work great injustice. It is not to be adopted if it can be avoided. No investigation should be spared that would reach the truth without a resort to it. But it is not to be forgotten or omitted if the case calls for its application. If the fraud be clearly shown to exist to such an extent as to satisfy the mind that the return does not show the truth, and no evidence is furnished by either party to a contest, and no investigation of the committee enable them to deduce the truth therefrom, then no alternative is left but to reject such a return. To use it under such a state of facts, is to use as true that which is shown to be false.

We maintain that this case, like the one cited above, is not in point in this contention. Can any man contend that the truth is not deducible in all of these precincts, and that under the complaint the burden of proof was not on contestant? All that is necessary to demonstrate conclusively the truth of this poll would be to put the body of the voters on the witness stand, and in this particular case there was no difficulty in the way of this procedure on account of the fact that each voter's name and address, together with the number of his ballot, could be found on the poll book, and after the recount had the contestant knew exactly whose ballots on which the name of Gill had been scratched off and Dyer written on.

In support of this contention I desire to quote the following from contestee's brief:

> A questioned precinct should not be rejected if its illegal votes can be purged. The rule is well settled that the whole vote of a precinct should not be thrown out on account of illegal votes having been cast if it be practicable to ascertain the number of illegal votes and the person for whom cast, in order to reject them and leave the legal votes to be counted. Legal votes are not to be thrown out in order to get rid of illegal votes unless necessity requires it as the only means of preventing the consummation of a fraud upon the ballot box. (Barnes *v.* Adams, 41st Cong., 2 Bart., 770.) The exclusion of an entire poll is the very last resort, and it must never be done where there is any rational means by which the illegal votes can be eliminated. (LeMoyne *v.* Farwell, 44th Cong., Smith, 411, 422). An entire poll should never be rejected unless it is impossible to ascertain the result. The proper course is not to reject the return and allow each party to prove the legal votes but to require the parties to prove the illegal votes and reject those. (Covode *v.* Foster (minority report), 41st Cong., 2 Bart., 613.) The entire vote of a precinct should not be rejected simply because certain votes are shown to be corrupt by reason of bribery. (Lentz *v.* Tompkins, 57th Cong., 2 Hinds' Prec., 705.)

The contestant and his counsel have not contended in this case that they have shown that a sufficient number of votes were tainted to change the result, but have asserted that inasmuch as they have shown what they allege to be fraud that on that ground all the votes should be rejected. This, we contend, is not the law in this case, and on this point we quote the following from contestee's brief, which is directly in point, in view of the fact that contestee is not implicated in any of the alleged fraud:

> If fraud is shown, but contestee is not connected with it, it must affect enough votes to change the result to warrant unseating him. Thus where there was fraud and bribery on behalf of contestee, but there was no proof to connect him with it or showing that it affected enough votes to change the result, the committee reported for contestee. (Evans *v.* Turner, 56th Cong., Rept. 198.) Where a number of voters, considerably larger than the number returned for contestant, testified that they voted for him and there were circumstances suspicious of fraud, the minority held that the returns should not be rejected if the circumstances could be explained in any way consistent with the innocence of the election officers, saying, "Fraud when charged must be proved and never can legally be presumed from mere suspicious circumstances, however strong they may be deemed. A mere discrepancy between the number of votes returned and the tally lists, or the number that may afterwards be proved to have been cast, has never been considered as evidence of fraud at all tending to affect the validity of the election, and if it should be held to have that effect, no election could be sustained." (Washburn *v.* Voorhees, 39th Cong., 2 Bart., 70.)

On the question of fraud I wish to further quote from contestee's brief as follows:

> Fraud is not to be presumed. In the absence of anything to rebut it the presumption must be in favor of the correctness of the record kept by the officers of the election and of their return. "Fraud is not presumed" is a maxim not only of law but of justice. The means of knowledge, the facilities for accuracy, the impossibility of inattention, and the responsibilities connected with the failure to discharge their duty all unite to secure a credence to the acts of the officers which can not be justly accorded to the acts of others. (Little *v.* Robbins, 31st Cong., 1 Bart., 140.) The presumption that the sworn officers of the law have done their duty must obtain until the contrary clearly appears. (Boynton *v.* Loring, 46th Cong., 1 Ells., 350.) If a person votes at an election, his vote is presumed under the law to be legal until the contrary be proven in a legal way for the reasons: First, that the acts of an officer or officers of an election within the scope of their authority are presumed to be correct and honest until the contrary is made to appear, and therefore that they, as such officers, would not receive an illegal vote. Second, that the presumption is always against the commission of a fraudulent or illegal act, and, therefore, that a man would not cast an illegal vote. (Finley *v.* Bisbee, 45th Cong., 1 Ells., 93.) Unfair conduct on the part of election officers and suspicious circumstances do not justify overturning a majority not destroyed by testimony. (Spears *v.* Burnett, 57th Cong., 2 Hinds' Prec., 693; Frost *v.* Metcalfe, 45th Cong., 1 Ells., 290; McDuffie *v.* Davidson, 50th Cong., Mobley, 581.)

On the question of irregularities and the violation of directory statutes I quote the following from the same brief:

Where an officer of election testified that he had marked certain ballots for illiterates wrong, and these ballots were thrown out for irregularity, the committee counted them, saying: "It is well settled that an elector can not lose his right to vote by the misake of one of the election officers. If the voter himself made the mistake, the ballot should not be counted, but where he depends upon an officer whose duty it is to assist him in the preparation of his ballot, and the officer, through ignorance or design, fails to mark the ballot properly, it should be counted." (Brown *v.* Swanson, 55th Cong., Rept. 1070, p. 8.) "Evidence which might have been sufficient to put the voter to his explanation, if challenged at the polls, is not deemed sufficient to prove a vote illegal after it has been admitted. Something more is then required to prove it illegal than to throw doubt upon it." (Gooding *v.* Wilson, 42d Cong., Smith, 82.) "Our election laws must necessarily be administered by men who are not familiar with the construction of statutes, and all that we have a right to expect are good faith in their acts and a substantial compliance with the requirements of the law." (Ingersoll *v.* Naylor, 26th Cong., 1 Bart., 35.) "Elections should not be set aside for want of mere form for innocent or unintentional irregularities." (Reid *v.* Julian, 41st Cong., 2 Bart., 830.) The violation of directory provisions of the law, if no fraud be shown to have resulted therefrom, can not vitiate an election. "The voter is not to be deprived of his right and the citizens are not to lose the result of an election fairly held because of some unimportant omission of form, from the neglect, carelessness, or ignorance of some election officer, or the failure to carry out some unimportant direction of the law." (Richardson *v.* Rainey, 45th Cong., 1 Ells., 230.) "Regulations may be merely directory, and if the officer of election or the voter does not follow them, it does not necessarily vitiate the vote when deposited and received." (Lowe *v.* Wheeler, 47th Cong., 2 Ells., 97.) "Votes fairly and honestly given ought not to be lost or set aside for any mistake of any of the returning officers." (Colden *v.* Sharpe, 17th Cong., C. and H., 371.) Where the judges in 12 precincts adjourned for dinner—contrary to the election law—the committee unanimously held that this alone would not vitiate the election, it not appearing in this case that any person was deprived of his vote by reason of the adjournment; they did not "feel warranted in depriving so large a number of electors of their votes on account of this unintentional and, in this case, harmless error of their officers." (Delano *v.* Morgan, 40th Cong., 2 Bart., 172.) And where the law required the votes to be counted one at a time from the box, and they were instead spread upon a table and assorted and counted by fives, it was held that this was a mere irregularity, and should not void the election in the absence of any evidence of fraud or corruption. (Hurd *v.* Romeis, 49th Cong., Mobley, 424.)

We assume that no one will question the rule of law that the burden of proof is upon the contestant to make out his case, especially under a complaint such as contestant makes in this case, and I do not think that I can state it more forcibly than it is set forth in the contestee's brief, as follows:

The burden of proof is upon contestant. The distinction between the controversy at the polls and that before the committee is manifest. At the polls the voter is a party. When the polls are closed and the election is made the right of the party elected is complete. He is entitled to the returns, and when he is admitted to his seat there is no known principle by which he can be rejected except upon affirmative proof of a defect in his title. Whoever seeks to oust him must accomplish it by proving a case. The difficulties in his path can form no possible reason why the committee should meet him half way. The rule of reason requires that he should fully make out his case, even though it involve the proof of a negative. (New Jersey case, 26th Cong., 1 Bart., 26.) The returned Member is presumed to have been duly elected. This presumption should be maintained unless repelled by conclusive evidence. (Bisbee *v.* Finley (minority rept.), 47th Cong., 2 Ells., 203.) The burden of proof is always upon the contestant or the party attacking the official returns. The presumption is that the officers charged by law with the duty of ascertaining and declaring the result have discharged that duty faithfully. (Bromberg *v.* Haralson, 44th Cong., Smith, 357.)

After a careful consideration of the questions involved in this case, I felt fully convinced that the contestant had failed to make a case, and, in my judgment, his petition should have been dismissed. But the majority of the committee differed from me and my Republican colleague, and, I might add, from the chairman of the committee, Judge GOLDFOGLE, and decided to throw out the 7 precincts we have been discussing, which would give Mr. Gill a plurality of 67 votes, and upon that showing determined to recommend the unseating of Mr. Dyer and the seating of Mr. Gill. We protested against the disregarding of the vote in these precincts and insisted that it was incumbent upon contestant, under his complaint, to purge the vote, as the burden was upon him. However, when this was refused and the burden shifted to the contestee, we felt that he should be entitled to the opportunity of taking the additional testimony necessary to determine the question of the validity of the votes in these precincts. In this contention, as I have said before, we were joined by the chairman of the committee, who offered the resolution directing that further testimony be taken in this matter. In this we were overruled by the majority in the face of well-established precedents, such as in the Alabama election case of Threet against Clarke, Fifty-first Congress, and found in Hinds' Precedents, volume 2, pages 466–469, and also Rowell 1, chapter 181. I quote from this decision:

If the results at all these polls were, as alleged by contestant, tainted by fraud and corruption to such an extent that the polls should be excluded, he has failed, in the opinion of your committee, to exercise that diligence which the law asks of every suitor before granting him the relief prayed for. Bearing in mind that the character and tendency of the proof is very similar in all these precincts, the contestant might reasonably have been expected to have, at least in one or a few of them, called in the body of the voters of the precinct and established his claim of fraud, if fraud existed, beyond question. He does not even pretend to have made an effort to do so in this contest.

In that Alabama case, from the report of which the above is taken, the charges made were substantially the same as here. Substantially the same number of witnesses were called from the different precincts complained of as in this case, and the Committee on Elections in that case reported to the House, which report was sustained by the House, to the effect that proof of fraud was not sustained by the testimony of two to five witnesses in each precinct, but that the body of voters should have been subpœnaed. In this case the contestant, Gill, knew the names and addresses of all the voters complained of, and there is no excuse for his not having taken their testimony. The burden of proof was on him to disprove the certified results of the election and the official recount.

Other decisions, bearing out the rule in the Alabama case referred to, are Walker *v.* Rhea, a Virginia case, Fifty-sixth Congress, report No. 2566. This was also in many respects similar to the present case, yet the committee in that case made a report, sustained by the House, adverse to the contestant. Their report was, in part, as follows:

The printed testimony in the case comprised about 3,000 pages and brought in vast detail before the committee the evidence relating to the charges of the contestant and the countercharges of contestee.

The case was most elaborately and ably argued for about two weeks before the committee, and was then considered for many weeks with the greatest care.

The conclusion arrived at as a consequence of the committee's investigation is that, while the evidence shows that there were frauds and irregularities practiced, chiefly in the interest of the contestee, they fall very far short of being sufficient to justify a change in the result of the election.

Again, we have a Virginia case in the next, the Fifty-seventh Congress, a contest between the same parties. In that case we have one particular similarity to this case, in that the Democratic candidate for Congress ran considerably ahead of the presidential candidate (Bryan). The committee's report in that case said in part:

The fact that on the face of the returns contestee received 1,751 more votes than contestant, and McKinley 1,509 more than Bryan, is not, in the judgment of your committee, sufficient reason to justify that such result was accomplished by fraud. After a careful examination of the record your committee does not find such affirmative and positive evidence of fraud or mistakes on the part of the election officers as will overcome contestee's certified majority or justify it setting aside the election.

It must be borne in mind also that this case (Gill *v.* Dyer) is different from that of all other cases cited by us and by the majority report, in that no charge is made that Mr. Dyer or his party was in any way connected with any alleged wrongdoing or fraud.

A decision on all fours with the present case was that of Hopkins against Kendall, Fifty-fourth Congress, referred to above. In that case the difference between the majority and minority of the committee arose as to whether the vote of the whole county should be rejected or whether the contestant should simply be credited with the number of votes actually shown to have been lost to him by the fraud. The majority of the committee found that 79 votes were lost to the contestant, and as this number was not sufficient to overcome the returned plurality of the sitting Member (his plurality being 253 votes), the majority concluded that the sitting Member was entitled to his seat. The minority contended for the rejection of the entire vote of the county. In this case Mr. Dyer's plurality, after crediting the contestant with every vote that he was shown to be possibly entitled to in the official recount of the ballots, was 350. As shown above, Mr. Gill took the testimony of 56 witnesses in these seven precincts, and less than 50 per cent impeached their ballots. In that case (Hopkins *v.* Kendall) the majority concluded that the sitting Member was entitled to his seat, but the minority contended for the rejection of the entire vote of the county. The controversy therefore was the same in that case as in this; fraud was charged in both cases to have been committed by election officials. In order to obtain the best possible testimony as to what was the exact and correct vote in that case, that chairman of the Elections Committee, Mr. William H. Moody, of Massachusetts (afterwards Justice of the Supreme Court of the United States), reported to the House a resolution authorizing the committee to take further testimony upon the matters in dispute. Mr. Moody presented this resolution to the House on June 6, 1896. The resolution was adopted, further testimony was taken, and on February 17, 1897, the House adopted the minority report for the majority report.

This shows that the taking of further testimony in that case, similar in all respects to this one, had the result of changing the decision of the Committee on Elections, because the committee

itself recommended to the House that the minority report be substituted for the majority report. It is true that that case was decided near the end of the Congress, but justice was apparently done, because the committee changed its report after taking further testimony. We could cite numerous cases similar and where similar action was taken by the House. The question that the House wants to decide is whether or not the contestant or the contestee was rightfully elected. Whether the contestee retains his seat for a longer period because of this further search for testimony is immaterial as compared with having complete justice done. The burden of proof was upon the contestant to prove his case. We claim that the record fails to disclose that he has proven his case.

The majority of the committee based its denial to permit the contestee to take such additional testimony on the report of the Elections Committee in the case of Giddings against Clark, which was decided in the Forty-second Congress (Smith, 91). I quote the following extract from the report of the committee in that case and cited in the majority report in this case:

> It must be borne in mind that the party now asking an extension is the sitting Member. He is now, and has been during a large part of the term, exercising the functions and receiving the emoluments of the office in question. In a litigation of this character the thing in controversy grows daily less, and does not, as in most ordinary lawsuits, remain intact to be recovered by the successful party in the end. In this particular case the extension asked for would be very nearly equivalent to a final decision of the case in favor of the sitting Member upon the merits.
>
> We are now near the close of the second session of the Congress. If the parties are to be sent back to Texas to take further testimony, of course no further action can be taken until the opening of the third and last session, which is of but 90 days' duration, and would be necessarily far spent before a final decision could be reached. It does not follow from these considerations that a sitting Member can in no case be allowed an extension after the time allowed by law for taking testimony expires; but your committee think it does follow that no such extension should ever be granted to a sitting Member unless it clearly appears that by the exercise of great diligence he has been unable to procure his testimony, and that he is able, if an extension be granted, to obtain such material evidence as will establish his right to the seat, or that by reason of the fault or misconduct of the contestant he has been unable to prepare his case. (McCrary on Elections, 4th ed., p. 332.)

We of the minority feel that the case just cited does not establish a precedent that ought to be followed in this case. Surely the contestee was justified in relying on the rules of law and the precedents long established, that it is incumbent on the contestant in cases such as this to establish his case by showing that a sufficient number of votes were taken from him as a result of the alleged irregularities to defeat him. This contestant makes no claim to have shown, but relies on the disregard ng of the votes in their entirety in the precincts which he alleges were tainted with fraud. The contestee met every charge raised by the contestant and felt that that was all that could be required of him, and that the rule that where the party has been guilty of negligence in taking testimony does not apply to him in this case, for until the committee decided to disregard the votes in the seven precincts heretofore mentioned it was not incumbent upon him to subpœna the body of the voters in these precincts, that burden rightfully resting upon the contestant. Therefore we feel that, since the committee has seen fit to reverse the order of making proof, as a mattery of simple justice Mr. Dyer should be granted this privilege. But it is said by those contending for the contestant that it would require time, and the sitting Member is enjoying all the privileges and emoluments of the office while this additional testimony is being taken. True. But is that any argument when the truth in this matter is involved? The contestee only asks for 30 days in which to take this additional testimony, and can we, who are asked to pass upon this very important question, refuse this request and pass upon the case blindly, which we are compelled to do, for no man knows whether any of the 437 votes involved in this dispute are dishonest votes, and the only evidence of their validity is locked up in the breasts of the voters themselves. We know who they are. Shall we ask them to disclose the truth, or shall we blindly guess, as suggested by the contestant? It is true the goddess of justice is said to be blind; but does that justify us in shutting our eyes to the truth in this case when the facts may be brought out so that we can see them clearly? Let me appeal to you, my colleagues, not to be a party to such a proceeding. Let us get the facts by the taking of this additional testimony, which will demonstrate beyond any question who was elected in this district, and we can all stand together for the right. I would not be so insistent upon this were it not for the utter failure of the contestant to furnish the evidence which was so easily obtainable. Take, for an example, the second precinct. There were, as I remember the evidence, 34 ballots marked by the same hand. Why did he not subpœna those 34 men and clear up to the satisfaction of all as to whether or not those 34 ballots were fraudulently marked? That would have been easy to do. What is the excuse for subpœnaing only 4 men, 3 of whom confirmed their ballots?

Take one other charge made by counsel for contestant, for instance, to illustrate the weakness of his claims, that of conspiracy between the committeeman, Egan, and the judges of election. How absurd this charge appears when we remember that these judges were appointed by the election commissioners, a bipartisan board, and when we remember the further fact that the organization in this ward threw practically their full strength to Mr. Gill at the primaries, at which time his treachery to Tom Kinney was unknown to them. And how feeble the charge of conspiracy among the judges in the several precincts when we remember that many of the 51 Democratic judges and clerks voted for Mr. Gill, and even in these 7 precincts, in 4 out of the 7, part of the judges voted for Mr. Gill. Surely these men were not in a conspiracy. And as the record conclusively shows that whatever was done by the judges in these several precincts was done in the open, before all the other judges and clerks, watchers, and challengers, and such voters as might have happened to be in the voting place at the time.

In conclusion let me ask, What remains of all the charges upon which we are asked to unseat Mr. Dyer and seat Mr. Gill? Forsooth, the judges fail to administer an oral affidavit to the illiterate voters and to a number of unfortunate and poorly educated voters who asked and received assistance from the judges in scratching their ballots, and that there were some irregularities in the return made by the judges. In the recount the contestant was given the benefit of all the errors made in the count by the judges, which disposes of that. So practically all that remains upon which to hang his case is that the judges technically violated the law by aiding voters in scratching their ballots, notwithstanding the evidence that such scratching was done in a frank and open manner in accordance with the custom long practiced in this ward, and I doubt not in the other wards of the city of St. Louis.

The truth about it is that the contestant and his counsel have magnified molehills until they appear to them to be mountains, and I regret to say that some of the members of the committee have been led to believe that they are really mountains and that harmless omissions of conduct on the part of the officials and the exercise of their lawful privileges by the voters in this ward have been magnified into crimes and conspiracies.

Is it a crime, or are men guilty of conspiracy, who deliberately undertake, as these men did in the open, to defeat a candidate on their ticket whom they believe to have been guilty of treachery and duplicity to a friend? We think not, for if such were the rule of law I fear most of us would be conspirators at heart. And surely it comes in poor taste from one who has been guilty of such conduct to charge his fellow men with shortcomings, as the contestant has done in this case. To my mind the result in the fifth ward in question was the most natural thing in the world, and had these fifth ward Democrats not resented the treachery which they believed Gill perpetrated on their best friend, Tom Kinney, once the little newsboy of the ward, but afterwards the leader and champion of all the people of that ward, they would have been unworthy of the name of friends.

The slogan of the campaign in this ward was, "If Dyer was good enough for Gill to vote for two years ago, he is good enough for us to vote for now." Are these men censurable for this fight against the man whom they had believed had wronged their best friend? He that hath no friends let him answer. To my mind the man who strikes my friend strikes me. We are human. These fifth ward Democrats were very much human.

Mr. Speaker and gentlemen of the House, if Mr. Dyer or his Republican friends had been implicated in this fifth ward fight against Gill, or if money had been used in corruptly bribing voters or election officials, or any of the many crooked practices often resorted to in political contests where the will of the people is sought to be overturned had been followed, I would feel differently about this case. I have no time nor use for the man who will willfully corrupt the electorate in our country, and there is no punishment under our law too severe for him. But these things do not apply in this case. It is admitted by contestant and his counsel that Mr. Dyer was in no way responsible for what happened in the fifth ward, and there is not a particle of evidence in the record to show that any money was used or any other illegal means to bring about the result. It was done by the organization in the Democratic Party in that ward appealing personally to the voters to vote against Gill, which they had a perfect legal and moral right to do.

Mr. Speaker, I am done. It is not incumbent upon me to dwell upon the personality of either of the parties to this contest.

The contestee, Mr. Dyer, has served in this House for a number of years. His record, so far as I have been able to learn, has been an honorable one. In this case, however, we should disregard all personalities, being governed solely by the facts and the law, endeavoring to do but one thing—justice.

The SPEAKER pro tempore. Does the gentleman yield back the balance of his time?

Mr. McKENZIE. I control it.

Mr. GOLDFOGLE. Mr. Speaker, I now yield 30 minutes to the gentleman from Virginia [Mr. WATSON].

The SPEAKER pro tempore. The gentleman from Virginia [Mr. WATSON] is recognized for 30 minutes.

Mr. WATSON. Mr. Speaker, there are now in this House 290 Democratic Members—two-thirds of this body. If there were the inclination, there is no necessity for this election case being considered from a party standpoint. It is a somewhat ungracious undertaking to have to deal with a question vitally concerning the personal interests of a Member of this body who occupies so respectable a station in its estimation as the gentleman from Missouri, Mr. Dyer.

I regret the circumstance that the report of your committee has, unfortunately, divided along political lines. The report of the committee is united in by the six Democratic members and the one Progressive member, and the minority report is signed by the two Republican members. I take occasion to say that in my own personal association in this House there are hardly any two Members of the body with whom my personal relations are more pleasant than with the two gentlemen who have signed this minority report, and they have my sincere respect and admiration.

This case is in many respects unique; not, I would say to the gentleman from New Jersey [Mr. McCOY], in the respect in which he regarded it, but it is unique in this, that your committee reports that the sitting Member is not entitled to his seat, and according to precedents you would have expected the minority to report that the sitting Member was entitled to his seat. There is no such finding on their part. You do not find in the report of the minority one single suggestion that it has dissented from the conclusions of the committee. You do not find in that report any recommendation that this House ought to accept the returns from those seven precincts in issue; but you find that instead of deciding the question that has been submitted to them the minority members come here and ask that you shall go back to St. Louis and take further testimony in order to ascertain what is the proper result in this case. So that the issue now presented to this House is whether or not you have sufficient testimony upon which to make up a judgment or whether you shall postpone a decision at this time and submit to another inquest in the city of St. Louis.

Now, gentlemen, in the time allotted to me for the discussion of this case, the record of which covers over 2,000 pages of closely printed matter, it can not be expected that I undertake to expound the details of this testimony. I find myself in a situation where I can only address myself to the high points in the case, so to speak, the salient features of the record. Your committee has said that in the fifth ward of St. Louis it has found fraud of a bold and glaring character. And what are the insignia, what the badges of fraud by which they have been led to this conclusion?

In the first place, gentlemen of the House, this is a Democratic ward, notwithstanding the fact that the chairman of the committee declined to give it that character. Every other name on the Democratic ticket in this election, with the exception of the Congressman and the sheriff, received substantially 2,000 votes, while every Republican candidate in that ward except for those two offices received substantially 1,000 votes. That was true of the presidential electors, true of the candidate for governor, for the court of appeals, for warehouse commissioner, and so on throughout the list; but when you come to the name of the Congressman you find that the sitting Member, Mr. Dyer, is credited with having received two thousand two hundred and odd votes, when nobody else in his party except the candidate for sheriff received more than a thousand; and you find that out of 1,991 Democratic ballots in that ward Mr. Gill, the candidate for Congress, had his name scratched off of 997 of them, and Mr. Dyer, the sitting Member, had his name inserted upon 888 of them.

That does not mean anything by itself. You might say it was a most remarkable change of public sentiment. You might say that this Republican candidate was the most popular Republican that ever ran in a Democratic district, and that the Democratic candidate was the most unpopular man who ever ran before the people, but it would not necessarily mean fraud.

I present to you now the second badge by which we are to be guided in this case. There were 102 election officers in that ward—51 Democrats and 51 Republicans. Every one of them, but 14, voted for the sitting Member, the Republican candidate. That does not mean anything by itself. They might have changed their minds on account of the popularity of this Republican in a Democratic ward and the unpopularity of the Democratic candidate. It has been stated to you that they were appointed by a nonpartisan board of election commissioners, and that is a fact; but the record in this case discloses that they were appointed on the nomination of the Democratic committeeman from that ward, and who was that committeeman? Thomas Egan, the brother-in-law of Thomas E. Kinney, a former candidate for Congress against the sitting Member.

Now, gentlemen, here are all your scratched ballots. Here are all your election officers owing their places to the recommendation of one man, and that man unfriendly to the contestant in this case. But that does not mean anything by itself, gentlemen may say.

Now, what are the other circumstances in connection with that election for us to take into account? I stand before you to assert from this record that there was not a single direction of the statute law of Missouri which was complied with by these election officers in the conduct of this election in many precincts of that ward.

The law of Missouri said that an illiterate voter who asked for assistance should be sworn as to his inability to fix his ticket. Not a single man throughout the limits of this ward who asked for assistance was sworn as to his inability.

Mr. McKENZIE. Mr. Speaker, will my colleague yield on this point, that the election officers were appointed on the recommendation of the committeemen in the wards? If my colleague can cite me to any part of the record showing any evidence on that point, I will certainly be under obligations to him, because I have been unable to find anything in the record. It was a mere statement of counsel, as I remember it.

Mr. WATSON. Mr. Speaker, I can not stop to put my finger on the name of the witness who testified in that regard, but I pledge myself to the gentleman that before this discussion is finished I will find and show to him the name of the witness who stated that the committeeman in that ward nominated the election officers.

I was saying, gentlemen, that not a single illiterate voter was sworn as to his illiteracy or his inability to fix his ballot. The statute law of Missouri requires that when a man asks for assistance in fixing his ballot he shall be assisted by the election officers acting in a body, in the presence of one another and in his presence. The testimony in this record discloses the fact that judges of election took the voters into the booths, where they had no right to be, and out of the presence of the rest of the election officers assisted them in the preparation of their ballots.

The law of Missouri requires that every single election officer shall assist in counting the ballots, that it shall be the work of each and all. In many of the precincts of this ward the Democratic ballots were turned over to the Democratic election officers and the Republican ballots were turned over to the Republican election officers, and in several instances only one man did the counting, and there was no attempt to make the count by all the election officers.

The law of Missouri provides for a secret ballot, but notwithstanding that the voters in some places were permitted to bring into the polls cards from the outside for the purpose of informing the election officers on the inside how they should be voted.

Now, gentlemen, any one of these things by itself might be considered inconsequential. I mention these circumstances for the purpose of pressing upon your attention the fact that if there was a statutory requirement of the State of Missouri which these people complied with, I have been unable to find it in this record.

Mr. TRIBBLE. Will the gentleman yield?

Mr. WATSON. Yes.

Mr. TRIBBLE. You say that in seven precincts of this ward the Republican candidate ran ahead of his ticket?

Mr. WATSON. In every precinct.

Mr. TRIBBLE. I was just going to ask about that. In the seven precincts that were thrown out, what was his majority over his associates? It was seven or eight hundred, was it not, out of 2,000?

Mr. WATSON. Gentlemen, in round numbers the Republican candidate for Congress received two-thirds of the votes of that ward, and his associates on the ticket received one-third.

Mr. TRIBBLE. How did he run in the other precincts you did not throw out? Did he run ahead of his ticket or run behind it?

Mr. WATSON. I would say to the gentleman in passing that I consider that practically every precinct in this ward excepting two is almost in the same predicament.

Mr. TRIBBLE. But you did not throw them all out?

Mr. WATSON. We did not.

Mr. DICKINSON. Mr. Speaker, may I ask a question here?

Mr. WATSON. Yes.

Mr. DICKINSON. In the other wards how did Mr. Gill, the contestant, run? Did he run up to or ahead of his ticket?

Mr. WATSON. Outside of the fifth ward Mr. Gill ran along with his ticket; got just about as many votes as anybody else did.

Mr. DICKINSON. But in this ward——

Mr. WATSON. In this ward he ran behind, getting one-third as against two-thirds.

Mr. DICKINSON. That is where the complaint is made and that is where fraud is charged?

Mr. WATSON. Yes.

Mr. JOHNSON of South Carolina. Did I understand the gentleman a moment ago to say that he thinks the election was unfairly conducted in all the precincts of that ward?

Mr. WATSON. I will answer that in a moment.

Mr. JOHNSON of South Carolina. How many of them were thrown out?

Mr. WATSON. The committee eliminated seven.

Mr. JOHNSON of South Carolina. How many were there in all?

Mr. DICKINSON. Seventeen in all. There were two of them in which no question was raised.

Mr. GOODWIN of Arkansas. The gentleman has spoken of certain insignia—certain badges that might be taken account of—which he says, standing alone, are not conclusive. The gentleman has been diverted from his argument by interruptions. He has overlooked one fact which I think, possibly, he did not intend to overlook. I have not had time to read the testimony in this case, but I have understood that one man probably made most of the many erasures that were made, scratching out the name of the contestant and writing in the name of the contestee.

Mr. WATSON. That is true, sir. I am coming to that. Now, gentlemen, when we come to the ballots, this is what we find. There are five precincts in this ward—2, 4, 5, 14, and 9—which by themselves would change the result of this election. In these five precincts there were 918 ballots cast, and when the returns were opened and recounted it was found that 336 of these 918 ballots had been counted wrong. Mr. Dyer had been given 207 votes more than he was entitled to and Mr. Gill had been given 129 fewer votes than he was entitled to. In other words, more than one-third, or 36.6 per cent, was returned by the election officers for Dyer that he was not entitled to.

When the ballots were examined—and I invite your attention to the sample copies exhibited before the House—it was found that in most instances one man at the precinct did the scratching. Not only one man, because my colleague from Illinois has stated that perhaps they properly selected one man to do it, but he had the same pen every time, and not only that, but he held it in the same position, and he himself probably occupied the same position every time.

But that testimony is not enough to quiet the conscience of the minority members of this committee and to justify them in eliminating these returns. They are not satisfied with circumstantial evidence; they want positive proof that the ballot was tampered with after it went into the box. Fortunately for this case we have positive proof. I can not stop now to enumerate all the witnesses who have been called to testify on this point, but I want to say that Judge Bishop, a distinguished member of the bar and at the present time assistant district attorney, testified that he voted at his precinct the straight Democratic ticket. When they came to examine the ballots at that precinct, although his number was recorded on the poll book and his name on the registration book, and his ballot marked 56, when they came to look into the box, lo and behold, it was gone. Now, my friend from Illinois [Mr. McKENZIE] would account for that on the ground that somebody found on the floor a straight Democratic ticket that might have been his.

Mr. McKENZIE. It was in the box.

Mr. WATSON. Well, in the box. I want to call your attention to the fact that it is necessary at every turn to have some accident to account for the remarkable situation that exists.

Mr. TOWNER. Will the gentleman yield?

Mr. WATSON. I will.

Mr. TOWNER. I have not heard it stated what position the majority took in regard to the question of fraud. Did it take the position that the mere circumstance of fraud was sufficient justification for throwing out the entire vote of the precinct, or did they take the position that it must be such as to invalidate or change the result?

Mr. WATSON. I will answer the gentleman when I come to that point.

Mr. COOPER. Will the gentleman yield?

Mr. WATSON. Yes.

Mr. COOPER. In relation to the incident of Judge Bishop, to which the gentleman has just referred, I see in the minority report this statement, and I would like to have the gentleman's answer to it. It says:

> Judge Bishop, precinct 2, whose ballot the majority say "was missing," testified that he voted a straight Democratic ticket, "I can't say now that I saw the number indorsed on the ballot or saw anybody write on the back of the ballot at the time" (p. 312). He saw the ballot go into the box. He was voter No. 56; no ticket No. 56 was found; but all the other numbers were found, and one straight Democratic ballot was found unnumbered, and had been counted for Gill. This was undoubtedly Bishop's ballot.

There is no positive testimony that his vote was numbered, and then follows the statement I have read from the report.

That seems to meet the case exactly.

Mr. WATSON. That may account for that ballot. I can not recall at this moment all the testimony on that particular point.

Now, when we come to Father McGuire, a Catholic priest, a gentleman of intelligence, he voted at another precinct, and his ballot was marked. He testified that he did not scratch Gill's name off; but when we examine the ballot box and the ballot comes out, Gill's name was eliminated entirely and Dyer's name written in place of it. When we come to John Flannery, a contractor and builder, the same thing happened. To Walter Pfeiffer, a retired business man, the same thing happened. When we come to A. D. Stahl, a stock dealer, the same thing happened. The same thing is true about Theodore Tompkins and A. B. Walker and many others whose names it is unnecessary to mention—we find the same state of facts. These people whose names I have mentioned were people of intelligence, people of character, literate, who could fix their own tickets, and yet though the election officers were relieved of the duty of fixing their ballots when they came out of the box they were found to have been tampered with and the name of Gill scratched and the name of Dyer written thereon.

Now, gentlemen, these are some of the circumstances connected with this case. Can any reasonable man suppose that these things could have happened by accident? Can anybody place any confidence in the integrity of these returns, with these indicia of fraud stamped on their face?

I heard some gentlemen state in this debate that only 18 witnesses had testified that their ballots had been changed after they went into the ballot box. Well, if 18 true and intelligent men can not prove a fact, I will ask gentlemen of this House how many witnesses they would require to establish a fact? The truth of the gospel and the history of Jesus Christ rest on the testimony of four Apostles. But here are 18 men—lawyers, doctors, priests, men of character and substance in the community—who come and tell you that they have been wronged, and yet Members stand up and say that they want more testimony. Now, the gentleman from Iowa [Mr. TOWNER] asked what is the committee going to do.

The minority members of this committee do not ask you gentlemen to accept these returns. They do not say that any man in this House should hold title to his seat on such a state of facts as these. They come and ask you to take further testimony. And when was that application made? It was made after long months had elapsed, after all of the testimony had closed, the contestee not requesting one more day further time. Your committee had sat in judgment, had come to a conclusion, and had tentatively pronounced that judgment, and then the application was made. After the judgment is made up and the verdict rendered the cry is raised that more time must be taken, that other testimony should be brought in. I want to say to this House that while I do not pretend to have examined all of the contested cases which have been adjudicated at its bar, yet I do not believe there is a case on record where, after the pleadings were made up, after the argument was delivered and the case decided, it was ever reopened for the taking of further testimony and practically for a new trial.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. RUCKER. Mr. Speaker, would the gentleman like to have some more time?

Mr. WATSON. Yes.

Mr. GOLDFOGLE. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. RUCKER. Will that be time enough?

Mr. WATSON. I would like to have a little bit more.

Mr. RUCKER. Mr. Speaker, I will surrender a part of the time that the gentleman from New York was to yield to me.

Mr. GOLDFOGLE. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia.

Mr. WATSON. Mr. Speaker, I thank the gentleman from Missouri. The minority report recites the fact that this was done in two other cases, the case of Hopkins against Kendall, in the tenth Kentucky district, and of Jackson against Smith, in the first Maryland district. I have examined both of those cases, and I find that they present no parallel to this case. This House, at the instance of the Committee on Elections and at its unanimous request, and before any judgment was rendered in the Hopkins and Kendall case, permitted the committee to take further testimony in order to decide that case. In the case of Jackson against Smith the Committee on Privileges and Elections reported to the body that the testimony was insufficient to enable it to enter a judgment, and asked that it be permitted further time in which to take testimony; and I want to say to this House that that further time never eventuated, and that that case was never decided.

The gentleman from Iowa [Mr. TOWNER] asked what the attitude of the committee is toward the evidence in this case. The committee can not believe these returns. The committee can not separate the good from the bad. The election officers could not separate them, and they made a mistake as to one-third of them. The attitude of the committee is that with these violations of the statute law of Missouri, with these falsifications staring them in the face, no man is wise enough to put his hand on those ballot boxes and tell which ballot represents the will of the voter and *which* misrepresents it. The case answers to the requirement of the gentleman from Illinois [Mr. MCKENZIE], because it does affect the result. It elects one man in this case and sends another one from your midst. This fraud is bold; it is patent; it is not denied by the minority members of the committee; it is seen of all men; and we come here to tell you that you can not accept it as a basis on which to found a title of a Member to a seat in this body. Hence, we say, reject these returns; and while I need not stop to refer to the adjudicated cases in which that precedent has been established and that doctrine expounded, I undertake to say, as a lawyer, that in no textbook, in no court decision, aye, in no decision of this body, can there be found precedent for accepting returns where the fraud is so glaring as to affect the whole, so that you can not separate the good from the bad. So the attitude of the committee is that they ought to be rejected, because you can not rely on them, because they do not state the truth, and because they stand for nothing.

What is the alternative suggested by the other side? They want the precedent established that although you have set up fraud by a thousand badges and proven it beyond reasonable doubt, yet because you disfranchise the good voter as well as the bad, you ought to go back to St. Louis and hold an inquest some 18 months after the event to find out how these people voted in that election. Gentlemen, we think that is useless; we think it is impracticable; and I might go further and say we think it is impossible. In the first place, I very much doubt whether under the statute law of Missouri, which is the law under which we act in respect to this matter, a committee of this body could compel a single voter in Missouri to testify how he voted unless he chose to testify. The case to which I referred this morning—decided in 1911—held that the voter would be permitted to testify how he voted; but it has not been held in Missouri that the voter could be compelled to testify how he voted. In the first place, then, if you went there to try to take the testimony of these many citizens, you would be confronted, doubtless, with the situation that they were not willing to testify, and there you would be at the end of your rope; but suppose they were willing to testify, what knowledge would you gain? These people live in what is known as the levee district in St. Louis, along the river front. It is a district of tenement houses inhabited by people of nomadic habits and without means for the most part. In large measure they are illiterate. The testimony shows that within a few weeks after the election many of them did not remember for whom they voted. What assurance could this House feel that after the lapse of 18 months and the passing of other elections, they could remember in the first place for whom they voted; and, in the next place, there in St. Louis subjected to all of the local influences that could be brought to bear, who knows what they would be willing to tell; how they voted in an election for the unlawful conduct of which perhaps their friends and neighbors were being prosecuted?

In addition to that, if 800 of them were not to be located by the contestant in this case when he served his notice of contest, what possible assurance is there that we could locate them now after nearly two years have gone by? I undertake to say that never in the history of this body has such a proposition been made to it. I undertake to say that if we attempted to go there the result would be futile and that instead of the inquiry resulting in additional satisfaction upon these points you would find it had been only a partial one and that the result would at best be left in doubt.

One other point in this matter and I am through. The minority members of this committee would have this House believe that because the contestant had voted against Thomas E. Kinney for Congress in 1910, therefore a thousand people of the character and circumstances I have described—people without fixed habitation and friendships—had felt so much resentment in consequence of that fact that they had turned around to a man, deserted their party, scratched the Democratic nominee, and voted for the Republican ticket. In the days of chivalry one blast of Roderick's horn was said to have brought a thousand from the Highlands——

The SPEAKER pro tempore. The time of the gentleman from Virginia has again expired.

Mr. GOLDFOGLE. Mr. Speaker, I will ask the gentleman from Illinois to use some of his time.

Mr. MCKENZIE. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DYER]. [Applause.]

Mr. DYER. Mr. Speaker and gentlemen of the House, I take the floor with evident embarrassment because of the personal interest I have in this case; but, gentlemen, I value and prize more highly my good name, such as I have, than I do any seat in even this the greatest legislative body in the world, and I feel it is my duty to assist you, as little or as much as I can, in the discharge of the duty which you all must realize is one of the most important duties that comes to Representatives in this great body. When this election occurred in November, 1912, and it was complained of by the contestant, the gentleman who was my opponent upon the Democratic ticket, that he had been defrauded of votes in the fifth ward, and when complaints were published by him in the newspapers, and even when it was said that he would ask indictments of election officials, I stated then in the public press—and that statement has held good ever since—that if he or anybody could show that I had been elected by fraudulent votes that I would refuse to accept the certificate of election; and not only that, but I would pay out of my own private earnings $100 for every conviction they could obtain of election officials. [Applause on the Republican side.] That statement was made and published in the public press. I have been ready and willing to carry out that promise to this day. Some men were indicted, and those indictments were brought here to Washington by the contestant and have been paraded here among the membership of this House. Those were brought before the Committee on Elections, although every man who knows law and justice and right knows that that had no part in this case, because they were not a part of the record, but they were put in the brief of the contestant as a part of his argument referring to the indictments returned against officials involved in these fifth-ward election precincts. I have a copy of the indictment here. I did not bring it into the case; it was brought into the case by the contestant by bringing these indictments here. I protested to his counsel that it was unfair to try to influence Members of the House by something that does not appear in the record in any place at all.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. DYER. I can not yield to the gentleman; I have not the time.

The SPEAKER pro tempore (Mr. CANTOR). The gentleman declines to yield.

Mr. GOLDFOGLE. I want to ask the gentleman whether, in justice to the chairman of the committee, at least, it is not a fact we excluded those indictments, and the chairman indicated that they were not admissible in evidence?

Mr. DYER. I know that the gentleman from Pennsylvania [Mr. RUPLEY] at the hearing of the committee in December, 1913, rose in his place as a member of that committee and offered in evidence these indictments and asked that they be considered as evidence of fraud in this election. I know it was done, and I do not know that they were ever excluded or were not considered, because I have never received any official information otherwise, and the hearings do not disclose that it was excluded from consideration. But, gentlemen, in fairness to all mankind, in justice to everybody, I have secured here copies of these indictments certified by the proper officials. After a long time these cases were finally brought to trial, but an effort, in my judgment, has been made to delay these indictments until this election case could be disposed of, so as to prejudice your mind against a just and proper verdict, which you should render in this case; but, thank God, from whom jus-

tice does come, one of these cases was finally forced to trial week before last. These men were indicted jointly, and when the case came up for trial the men indicted asked for a severance, and the circuit attorney of the city of St. Louis selected to try the case of Daniel Morrisey as a case which was the strongest case he had.

The circuit attorney of the city of St. Louis, Mo., is a distinguished, honorable, public official, a Democrat in politics, a man who has been judge and presided over the circuit court of that city. He has some eight assistants in his office, and he took charge of that case personally, so that no one might say that a vigorous prosecution was not had. He prosecuted it personally, and a jury was brought in, and this case submitted to them. The ballot boxes were opened, and every ballot cast in the second precinct of the fifth ward was brought and laid before those jurors and the results showed to them, and they were examined in detail. This second precinct of the fifth ward is where they say fraud was committed with such glaringness. That is the worst one of which complaint is made, and, gentlemen, here is the indictment charging that these judges made a false account and a false return. They were tried upon it in the criminal courts of St. Louis, and here is the verdict of the jury to whom this case was submitted after four days of trial upon that charge, and the verdict was not guilty on the charge of fraudulent counting and returning in that case. [Applause on the Republican side.] Is not that some evidence? Here are men who saw every ballot, who examined every ballot personally; every one was laid before them, and nobody kept anything from the jury. They saw whether the ballots were accurate or false. And I might add that the judge or the court who sat in that case was Judge Jones, a lawyer and a distinguished Democratic official of the city of St. Louis. The counsel who defended Daniel Morrisey were Democratic members of the bar of St. Louis, and he was acquitted. His defense was that if any fraudulent alterations of the ballots were made they were not made in the polling places but by the contestant and the attorneys and counsel for the contestant when they made a recount in the election commissioners' office. I now read you from the St. Louis Republic of Wednesday, June 10, 1914. It is as follows:

MORRISEY SET FREE IN VOTE FRAUD CASE.

Daniel Morrisey, judge of election in the second precinct of the fifth ward at the fall elections of 1912, on trial in Judge Jones's court on a charge of making false count and return of ballots, was found not guilty by the jury at 9.30 o'clock last night.

The trial had been in progress three days. Morrisey contended that any discrepancy between the count as made by the judges and the recount made at the election commissioners' office in the Gill-Dyer contest was due to the ballots having been tampered with by outsiders prior to or during the recount.

There is a man, gentlemen, acquitted from the charge of fraud, and yet you would, on the testimony of a little over a dozen witnesses, deprive 1,537 voters in this ward of the right of franchise. Now, what appeared in this recount of the ballots by the election commissioners of the city of St. Louis? When the contestant filed his notice of contest he had a notary public serve subpœnas upon the commissioners of election, a bipartisan board, of the city of St. Louis, and which board selected every judge and every clerk who served in this election that is complained of, and selected them upon their responsibility, on their authority under the law; and they did not in any instance have to accept any recommendations from anybody. Those men, simply for the purpose of discharging a responsible duty, selected these men themselves, after the closest scrutiny and inquiry possible. They had to select these men in the precinct where they lived. They had to get as good men as they could, but they could not get any better than lived in the precinct. You, gentlemen, should take the trouble to look over the recount which is set up by the contestant. I want to say to you that in our desire to be fair in every way we have credited the contestant with every vote that his own testimony in the recount showed that he had gained, and after doing that we still have left a plurality of 350. After crediting him with every vote that the recount showed that he might possibly be entitled to, we have left, gentlemen, that number—350.

And, now, what has been shown to take away these 350 votes? Some dozen or so witnesses, voters, came in after the contestant had canvassed the fifth ward by letter and in person, and from the copy of the poll books he had the name and address of every man in the fifth ward who had voted at that election. He knew where they lived; he knew whether they voted the Democratic ticket or not and whether they had scratched him or not. As I have said, he canvassed that ward for witnesses to prove that he had been illegally defeated, and after doing it, of these entire 1,537 voters of these precincts he subpœnaed 56, by whom he attempts to prove his case. And it has already been shown to you, gentlemen, that a majority of these 56 that he subpœnaed himself, after this canvass, testified that they had voted against him, and they said why they had done so.

I want to read to you, gentlemen, if I have the time, what some of these voters testified to. Here is witness after witness called by him, who said they voted against him and testified why they voted against him. Even before the election, according to the testimony in the record, the present postmaster of the city of St. Louis, Mr. Colin Selph, appointed by President Wilson, stated that he told Mr. Gill, "you are guilty, and you will be beaten." This is found at page 1303 of the record.

Now, gentlemen, these 56 witnesses are from the different precincts. These 56 witnesses that he found in all of these precincts testified as follows: In the second precinct he subpœnaed 4 witnesses, and 3 of them swore that they scratched him and said why. One impeached his ballot. You can find, gentlemen, some men after every election, if they are scratching, who, when they are brought to the bar and put under test and are charged with voting against their own party ticket, will swear that they did not, however truthful they may be otherwise. And they found this small number. In the second precinct they want to throw out all of those votes because 1 man out of 204 men swore he did not scratch Gill, although his ballot indicated he had.

Mr. RUCKER. Mr. Speaker——

The SPEAKER pro tempore. Will the gentleman yield?

Mr. DYER. Certainly. I will yield to my colleague.

Mr. RUCKER. I thought possibly the gentleman made a statement which he did not intend. Did I understand you to say that Mr. Selph, the present postmaster of St. Louis, testified in this case? I understand, as a matter of fact, there is a mistake about that, and that Mr. Selph did not testify at all.

Mr. DYER. It is in the record, I will say to my colleague, and the page of the record is given in the report.

Now, gentlemen, they want to throw out those 204 votes in the second precinct because one man impeached his ballot. In addition to that, what? In the recount made by the contestant it showed that he gained votes and I lost votes. Was he not credited with every one of them? Did not we credit him with them? And has not the verdict of 12 men been unanimously rendered that there was no fraud with the ballots before them, which none of you gentlemen have seen? You have only seen some ballots paraded around here which were photographic copies. And I want to say to you that that kind of testimony is not worth anything. In the first place, nobody was subpœnaed by the contestant—that is, put upon the stand—to swear as to any similarity of handwriting, or forgery, or anything of that kind. He did subpœna a man, an expert in handwriting, but he did not put that man upon the stand when he came to examine these ballots. So that testimony, gentlemen, is not worth anything, except for the purpose of being used, as these indictments were used, to try to prejudice Members of this great House against an honest discharge of their sworn duty.

Gentlemen, here is the testimony of some of Gill's own witnesses:

Charles Kohl, precinct 2 (p. 394), "I know I scratched this guy that is making a big roar about nothing. If I didn't I hope I may drop dead." Yet the majority would throw out his vote.

Frank Blagg, precinct 3, testified (p. 772) that he also scratched Gill and wrote in Dyer. Why reject this vote?

Fred Farnsworth, precinct 4, testified (p. 197) that he asked a judge to prepare his ballot because the booths were occupied and he had no pencil, directing the judge to scratch Gill and write in Dyer. Yet the majority propose to throw out this ballot with the rest of the precinct.

W. B. Jameson, precinct 4, testified (p. 2151) that as it was dark in the booth and he had no pencil, he asked a judge to scratch his ballot, marking out Gill and inserting Dyer. Yet the majority, in throwing out the precinct, would reject this proven ballot.

Edward Johnson, precinct 9, testified (p. 498) that the election judge of whom he asked assistance "didn't say nothing at all about scratching"—this in a precinct which the majority throw out. He voted for Dyer (p. 499); yet the majority would take away this vote by throwing out the precinct.

Emmett Brown, precinct 9, testified (p. 2126) that he scratched the Progressive candidate and voted for Dyer. The majority would rob Mr. Dyer of this vote by throwing out the precinct.

William Kinney, precinct 14 (p. 310), testified to scratching Gill and writing in Dyer. The majority would deprive contestee of this vote by throwing out this precinct.

George Wilcox, precinct 14 (pp. 305, 306), testified as follows:

"Q. Now, what questions were asked you when you came in?—A. He only said 'Good morning' to me; that is all.

"Q. What questions were asked you by the judges and clerks, if any?—A. Well, I asked the judge how to write out the ballot.

"Q. Did they ask you where you lived?—A. Yes, sir.

"Q. And your name?—A. Yes, sir.

"Q. And then they did what?—A. I didn't know how to write out the ballot; I asked for a Democratic judge. He asked me what names I wanted to scratch out.

"Q. Did he ask you anything else?—A. No, sir.

"Q. Did he ask you who you wanted to write in?—A. No, sir."

And (p. 306) "I told him to cut out Gill and put L. C. Dyer in the ticket."

But the majority propose to throw out this vote, with the precinct.

Bruce W. Casterline, precinct 17, testified (p. 409) that he voted for Dyer, yet the majority, by throwing out this precinct, seek to deprive Mr. Dyer of this proven vote.

William Myers, also in precinct 17, testified (p. 407): I told him (the judge)—he had a pencil, I didn't have any—I told him, "scratch Gill and write Dyer below it." Yet the majority throw out this established vote in rejecting this precinct.

Henry Williams, also in precinct 17, colored, testified (p. 418) that he was "a little under the influence of liquor that day * * * There was two men on the Republican ticket—that is, Dyer and Howard Sidener—I voted for them, and he put my slip in the box * * * he fixed it up all right, just as I told him to." The majority would take this established vote from Mr. Dyer by throwing out the whole precinct.

Then, Bartley Burke and Thomas Burke, in the same precinct 17, testify that they voted against Gill and for Dyer (pp. 421, 426); they did not know how to scratch, and asked the judge to do so for them. By throwing out the precinct, the majority would also deprive Mr. Dyer of these proven Democratic votes.

These are simply typical of the array of voters who came in to testify frankly that they had scratched Mr. Gill and voted for Dyer in these disputed precincts. It therefore seems that there is no room for conjecture; that the vote as returned should be corrected, in so far as the evidence shows any possible errors, but that in the face of this mass of testimony corroborating the returns, it would be unconscionable to throw out seven precincts, from which some 2 per cent of the voters have been examined as to their ballots, and about 1 per cent have impeached the official returns. To do so is certainly a new rule in congressional election contests.

The utter needlessness of fraud makes it hard to believe that there was any concerted movement at the instance of the party leaders. Gill ran behind his ticket in every ward, there being seven wards in the district, and he himself concedes the election to have been regular in all except this one ward; he ran behind his ticket in the ward in which he resides. The general Democratic uprising against him in the fifth ward was noised throughout the city two weeks before election. The vote for the Democratic candidate for governor compares with contestant's vote, as follows:

	Ward—						
	5	6	7	15	16	17	23
Major	2,047	1,517	1,939	1,768	2,008	1,841	1,818
Gill	991	1,454	1,849	1,682	1,919	1,783	1,747

That he should fall far behind in the fifth ward particularly was to have been expected long before the election from the revelation of his having scratched two years before the then congressional candidate who resided there, of whom the ward committeeman testified, at page 1194, "the man that would scratch Tom Kinney would have a hell of a lot of nerve to try to run on a Democratic ticket * * *. I don't know how he (Gill) got as many votes as he did; he must have stolen them." And (p. 1193) "I knew we had enough to beat him, and that is all I was concerned with." And (p. 1192):

"Q. You testified that you had a hundred or more people at your meeting when you gave out the words to defeat Mr. Gill?—A. We did; we had more than that; we had one that went about 500; after we gave the same order out at one of our regular meetings."

Other witnesses also testify that they had plenty of votes to defeat Gill long before the election. State Senator Michael Kinney, whose brother Gill scratched two years before, testified at page 1250:

"Just as soon as that report (of Gill scratching Kinney in 1910) went out, why it was around; they were up in arms; everybody that met me and asked me, I told them about it. * * * The story was circulated if Dyer was good enough for Gill to vote for two years ago, he was good enough for them to vote for this year. * * * I voted for Dyer—the first Republican I ever did vote for, and I hope it will be the last."

The majority report, by throwing out Michael Kinney's precinct (the seventeenth), would deprive the contestee of that man's vote and of others of like sort who confirm their ballots. We do not believe that the precedents justify throwing out a vote proven to be correct, whatever view may be taken of others left to inference and conjecture.

Other witnesses to the preelection uprising against Gill are Judge Bishop (above mentioned), now Democratic assistant circuit attorney, who said (p. 318): "It was noised all through the ward; had been for some little time before the election." And Thomas Burke, a voter (p. 422), said: "I just told him (the judge) to scratch Mr. Gill's name * * * I had my mind made up"—because Gill had "double-crossed" the Democratic ticket two years before. And (p. 423) Burke testified further:

"Q. Did that seem to be the unanimous feeling up there?—A. Yes."

This was in precinct 17, which the majority would throw out, on testimony about only 4 contradicted ballots out of 200 cast.

Then William Hoppe, another voter and not an election official, though active in the ward, testified (p. 1301):

"Q. So that there was a general or widespread feeling among the Democrats, as far as your knowledge extended?—A. The whole ward and outside the ward, any place you go to."

Gentlemen, that is the kind of testimony upon which you and I would rely. Yet my distinguished friend the gentleman from Virginia [Mr. WATSON] says that the testimony of a few men establishes fraud. Gentlemen, the testimony of these voters in this election affect only their own vote.

We in this record showed by the evidence of judges and clerks and by voters that the election was carried on decently and in order, and in only one case in all of these precincts was there the least semblance of trouble, and that was in the seventeenth precinct, where some challengers were ordered out by the judges of election, and the judges testified why they ordered them out. It was because the challengers got into an argument and quarreled among themselves and disturbed the election. The judges of election are responsible for the honest and orderly conduct of an election in a polling place, and they have the right to order out the challengers or anybody else if they are creating a disturbance. But the testimony shows that there were policemen in that polling place, as in every other polling place in this ward on that election day, and that they stayed there all the time, so that if anything was done that was wrong those men would have seen it.

Now, gentlemen, that is the testimony as covering these voting witnesses. Why should we not take the testimony of those Democrats whose ballots showed that Gill was scratched? There are not so many of them, gentlemen; there are only 426 now, after eliminating those who have already testified. We know their names and their addresses, and we know where they can be located; and we know, gentlemen, that every single one of them will go upon the witness stand and, in my judgment, affirm his ballot.

Why do I know it? Because I say that the contestant, as shown in this record, made a personal canvass of the whole ward and saw every one of these men, and found out whether or not he scratched him, or whether some crooked judge did it; and having done this, he could not afford to put them all on the witness stand, and he put on only the few that he did put on, I have reason to believe, and so does any reasonable man, because these men were the only ones he could possibly count on.

The contestant, Gill, was not elected, and, gentlemen, by all that is honest and true, my certificate of election, after taking off every questionable vote, is as clear as that of any other gentleman in this House, and if it were not so I would not be here to-day.

The minority can submit only one resolution as a substitute for those of the majority. I contend now, as I contended before the Committee on Elections, that this additional testimony should be taken to clear up the doubt in the minds of that committee. When did I ask the Committee on Elections to let me take testimony of these 425 men in dispute? Was it yesterday or a month ago? No. I asked it in a written communication addressed to the chairman of the committee on the 13th day of March, 1914. I asked for 30 days. I asked to take this testimony under the same rules of taking testimony in election-contest cases and at my own expense, and I made in my statement in that written request that if I did not secure the testimony satisfactorily to the majority of the committee, showing that they were wrong in their tentative vote, I would decline to accept any pay for the time consumed in taking that testimony.

That fact is not in dispute, and the chairman himself will tell you it is true. Gentlemen, have I done anything to show that I have not been willing to meet the issue? Have I not done my full duty in trying to find out if anything is wrong? I do not want any fraudulent vote, and there is not a man living to-day who can say that I ever asked, sought, or tried by any means on earth to obtain a fraudulent vote, either for myself or for anyone else.

Let us take the testimony of these 400 men, and we will convince even the members of the committee who are reasonable men—and almost all of them are—beyond any possible doubt that they are in error. My friend Mr. WATSON, who represents in part one of the greatest States in this Union, a State that I love, because my good and noble father was born there, has told you that there are no precedents for taking testimony in a case like this after it has been closed. I cite here a case which is cited in the minority report, a case similar to this, for taking testimony; and if you will examine it, you will find it is almost exactly parallel to this. It is the case of Hopkins against Kendall, in the Fifty-fourth Congress.

In that case the difference between the majority and minority of the committee arose as to whether the vote of the whole county should be rejected or whether the contestant should simply be credited with the number of votes actually shown to have been lost to him by the fraud. The majority of the committee found that 79 votes were lost to the contestant, and as this number was not sufficient to overcome the returned plurality of the sitting Member (his plurality being 253 votes), the majority concluded that the sitting Member was entitled to his seat. The minority contended for the rejection of the entire vote of the county. In this case my plurality, after crediting the contestant with every vote that he was shown to be possibly entitled to in the official recount of the ballots, was 350. As shown above, Mr. Gill took the testimony of 54 witnesses in these seven precincts, and only 18 of them impeached their ballots; hence the most under the showing made by the contestant that he would be entitled to would be 18, which, taken off of my plurality of 350, would still leave my plurality 332. In

that case—Hopkins against Kendall—the majority concluded that the sitting Member was entitled to his seat, but the minority contended for the rejection of the entire vote of the county. The controversy therefore was the same in that case as in this; fraud was charged in both cases to have been committed by election officials. In order to obtain the best possible testimony as to what was the exact and correct vote in that case, that chairman of the Elections Committee, Mr. William H. Moody, of Massachusetts—afterwards justice of the Supreme Court of the United States—reported to the House a resolution authorizing the committee to take further testimony upon the matters in dispute. Mr. Moody presented this resolution to the House on June 6, 1896. The resolution was adopted, further testimony was taken, and on February 17, 1897, the House adopted the minority report for the majority report.

This shows that the taking of further testimony in that case, similar in all respects to this one, had the result of changing the decision of the Committee on Elections, because the committee itself recommended to the House that the minority report be substituted for the majority report. It is true that that case was decided near the end of the Congress, but justice was apparently done, because the committee changed its report after taking further testimony. I could cite numerous cases similar and where similar action was taken by the House. The question that the House wants to decide is whether or not the contestant or myself was rightfully elected. Whether I retain my seat for a longer period because of this further search for testimony is immaterial as compared with having complete justice done. The burden of proof was upon the contestant to prove his case. I claim that the record fails to disclose that he has proven his case. The majority, at its meeting in March last, when tentative votes were taken upon eliminating entire precincts, indicated that in their belief the contestant had shifted the burden of proof from the contestant to myself. If that was a fact, then I should at least have an opportunity to sustain that burden and furnish additional testimony. My letter to the chairman of the committee on March 13 last stated in detail how, when, and in what way I could secure the testimony that was vital, as indicated by the tentative votes of the committee. To deprive me of that opportunity is doing me a great injustice, as indicated by the decisions in previous cases similar to this one.

Gentlemen, there are other numerous cases cited in Hinds' Precedents and in the books that guide us in these matters. When the gentleman says, therefore, that there is no precedent for it, he is certainly mistaken as to the prior rulings of the House along the line indicated. It will not take very long to do this. Would not you and would not I and would not the Committee on Elections feel better after knowing whether or not these men did scratch Gill, or whether the judges of election did it without their knowledge? They have never been asked this question. Only 56 out of 1,537 have been asked the question. More of them have said that they scratched Mr. Gill than have testified the other way, and those witnesses were put upon the stand by Mr. Gill himself. Gentlemen, what is the further law covering these matters? I find other cases which have been before the House that are practically similar to this. I find a case from the State of Virginia, the case of Walker *v.* Rhea (Rept. No. 2566, Fifty-sixth Congress). There was a case where the Democratic candidate ran 1,751 votes ahead of the Democratic candidate for President, who is the present Secretary of State, Mr. Bryan. The Democratic candidate in that district ran 1,751 votes ahead of the Democratic candidate for President. In the contest from that district this was cited as one evidence of fraud, but the committee brushed it aside and said it was no evidence of fraud that a candidate ran ahead of his ticket. In this fifth ward I was not the only candidate who ran ahead of the ticket there.

I want to say to my friend Mr. WATSON and others who have referred to it that the record itself shows that the Republican candidate for sheriff in that same election ran up practically with me, only 50 or 60 votes different. He got 2,131, and the Democratic candidate for sheriff in that ward got 945 votes. Democrats voted against the Democratic candidate for sheriff for the same reason that they voted against the Democratic candidate for Congress. Both had been against their candidate for Congress in the previous election.

Now, gentlemen, you may say what you please about there being such a number of Democrats who scratched the Democratic candidate, but this ward is different from most of the places from which you come. It is a ward down in the heart of the city, in the business district, where 23 or 24 great banks and trust companies are located. There are great office buildings and great factories in that ward. The voters live in small houses along the river front, and in the cheap dwellings, lodging houses, tenements, and so forth. Thomas E. Kinney was their leader, and you can only describe him by saying that he had the same kind of a following in that portion of the city of St. Louis that Tim Sullivan had with a portion of the Democratic Party in the city of New York. This man Kinney rose from a newspaper boy. He came from the slums. He became a leader in his ward; he became a representative of the ward for eight years in the city assembly, and then for eight years a member of the Missouri State Senate, and it was through his efforts that some splendid laws were enacted for the poor people of St. Louis. He stood well among these people. They loved him, and they were willing to show their love for him even in death by working and voting against a man whom they had found out had been false to him, false to Kinney when he was hardly cold in death.

Gill came down to the fifth ward and asked Michael Kinney, now State senator, for this ward's support for the nomination for Congress. They claim that Gill represented to them that he had been a great friend of Tom Kinney, supported him in his race for Congress, loved and admired him, and that he wanted to be the same kind of a legislator for the poor people that Kinney had been. They went out and supported him. What does the record show? Running in a ward where he was never known before, Gill got 924 votes as against 251 for Arnold, an able lawyer of St. Louis. After this splendid showing of Kinney's friends for Gill at the primaries, there is further evidence in the record that only three or four weeks after this, when it was found out that Gill never was Kinney's friend and never supported him, they did not vote for him but against him.

Now, the record shows that he made no effort to disprove the charge and never would take oath that he did not vote as charged. Was there any crime committed by these Democrats in their going out and voting against a man that the record shows was false to his representations to them? What would you have done, gentlemen; what would anyone have done under those circumstances? You might have done it a little more intelligently; but, gentlemen, you must take into consideration the conditions in this ward, the class of men that live there, and the fact that these judges of election are called to the polling places at 6 o'clock in the morning and have to sit there until 7 o'clock at night, until the polls close; then count up and make returns. Now, with this ballot and all of these constitutional amendments—eight or nine of them—these men were there all night, and some of them until noon the next day, before they returned their books to the commissioner's office. Not alone in that ward, but all over the city. Now, gentlemen, you can take elections in your own district, and I warrant that you will find mistakes here and there. You will find where some men have been credited with more than they should have, but not done fraudulently. In this case, if you look over the recount made by the contestant himself, you will find that I gained votes in a number of these precincts myself. If men wanted to help me, certainly they would have given me what I was entitled to in the first instance.

Now I come to my request to the Election Committee on March 13, 1914. They met on March 12, and one of the members of the committee talked without permission of the committee to a member of the press. He told this representative of the press about their tentative vote in which they were going to throw Dyer out. The press man talked it around, and I heard about it. The next morning I wrote a letter, a copy of which I have, to Mr. GOLDFOGLE, setting forth in detail how I could prove the falsity of the charge as to fraud in the seven precincts in question. I stated how I could get the testimony of these voter witnesses, and I say to you, as I said to him, that I would bring the testimony here and present it to the Election Committee and cause them to change their views, and if I could not I would not ask you for one minute to hear the case anew. I will resign if I can not convince the committee of this House that they are in error in recommending that these votes be all thrown out.

Gentlemen, I have a responsibility in this, as you have. I have been given a certificate of election, and when I received the notice of a contest I selected for my counsel two of the best and ablest lawyers in the city of St. Louis—one of them, Franklin Miller, a Democrat all his life and the other, Albert Chandler, a Progressive—and I told these men that I wanted nothing but what was right. I said "You go up and watch the recount, and if you think I was not elected let me know at once and I will not go any further." I told them the same thing when the contestant started to take voter witnesses testimony, and that has been my attitude all through the contest.

My own counsel was selected without regard to politics, and there is no politics in this case. I do not want to be here for the money involved while this testimony is being taken, but I

want a clean-cut verdict—one that I can take back to the people of St. Louis who sent me here, and which will plainly show that there was no unfair partisanship in it. I do not want you to decide this case by throwing out good votes. By throwing out these 1,537 votes you would throw out 350 Progressive votes, against which there is no complaint whatever, and the Progressives suffered changes in the recount, as did the Socialists. They did not have the same number of votes on the recount that they had originally. There are the Progressive votes, against which there is no complaint, in these 1,537 votes that the committee proposes to throw out. You also would throw out some hundreds of straight Republican ballots against which no complaint is made, and you would throw out the votes the contestant got himself. So the result is that to throw out 1,537 you would throw out 1,100 concerning which there is no question on earth as to their being correct. Will you not permit the testimony to be taken of these men whose votes are in question and allow them to say under oath, subject to cross-examination and without any possible injury to the House, whether or not they did scratch Mr. Gill themselves or whether some one else did it?

I do not care what the alleged business of a man is. You can call the crookedest fellow that ever walked the streets of a city and put him on the witness stand and ask him what his business is, and he may be a thief or the crook of the town, but unknown, perhaps, to the counsel he can give his business as that of a manufacturer or a builder or as a priest or anything. But that does not prove a case. Go down there and look at these ballots; let your committee look at them. A jury of good citizens in the city of St. Louis looked at them, and they looked at the returns, and after the most vigorous prosecution known in the city of St. Louis by one of the ablest circuit attorneys we ever had there, Judge Harvey, a Democrat, tried before an able and distinguished jurist of that city, Judge Jones, a Democrat, they found that this judge was not guilty of committing fraud by making false returns and false count.

Mr. RUPLEY. Mr. Speaker, will the gentleman yield?

Mr. DYER. No; I do not yield. There are other evidences to show how the voters of the fifth ward voted. There is evidence there to show not only the vote that Mr. Gill received in the primaries, with the assistance of the Democratic organization, but there are other evidences in the record to show other support. Here is the return in the fifth ward in the senatorial primary, in which a distinguished Senator of Missouri received 901 votes to 154 for another distinguished Democrat from Missouri, now a solicitor in the Department of Commerce, showing that the voters in that ward have an organization, that they follow their leaders, just as you gentlemen know the organizations in your States.

I do not think it is worth while to take time to discuss the question of these judges assisting voters in marking their ballots, because the Supreme Court of Missouri decided this matter in the One hundred and fortieth Report, back on June 29, 1897. The matter was then before the Supreme Court of the State of Missouri, and they decided that whether the voter was sworn before his ballot was fixed or not by the judges, it does not make any difference as to that man's vote being counted.

The supreme court says there, and points out in the plainest possible language, that voters may come in and the judges may see at once that they need assistance, even though they may have been able to write their names on the registration books, because there is scarcely anybody in the land now who can not write his name; but when it comes to fixing up a ballot, to reading over the names and scratching out names and putting in others, that is a different proposition, and they may need assistance, and the court says that that statute of Missouri which says that they must first be sworn is not mandatory at all, and it does not make any difference so far as those men's votes are concerned.

These judges and clerks were put upon the stand. We put them upon the witness stand and they were cross-examined by counsel for the contestant, and not one of them refused to answer any question that he was asked. They knew about the charge in the public press. The contestant wanted them indicted and prosecuted for what he claimed was a violation of the law, but yet when he put them upon the stand every single one of them answered every question he was asked. They did not take advantage of the constitutional prerogative, which perhaps they could have taken advantage of, and refuse to testify because it might tend to incriminate them, but they answered every question that was asked them. Every man who was called in the fifth ward to testify answered every question that he was asked, and to say now that you can not take the testimony of those men because they might refuse to testify is an awfully thin argument.

They will testify, and they will testify to the truth. I have not any inclination, gentlemen, to take further time from the members of the committee and the House who want to discuss this matter. I have taken the floor, as I told you, for the purpose of assisting you in the discharge of your duty in this case, and have talked to you in all frankness; there has not been any fraud shown to deprive me of a certificate of election. Where is the fraud, gentlemen; where is the conspiracy? I challenge any member of the committee to point to the testimony in the record and show that there was any agreement existing between the judges of one precinct or between the judges of any two or more precincts or between anybody else and the judges of election to count this man out. You have the testimony of Mr. Egan, a member of the congressional committee and of the city committee in that ward in which he stated the judges knew their duty. Well, did Mr. Egan mean by saying they knew their duty that it was to commit fraud, or did he mean that they knew their duty to carry on the election properly? He testified that he had two or three hundred Democrats at one time present at a meeting, and on one occasion about 500 in a meeting in which he explained to them what Gill had done to Tom Kinney. He testified that he was surprised that Gill got as many votes as he did under the circumstances.

Now, if gentlemen want to ask me any questions I will be glad to answer them, if I can.

Mr. JOHNSON of South Carolina. What precincts were thrown out in ward 5?

Mr. DYER. None of them have yet, and I trust to God they will not throw them out under such testimony.

Mr. JOHNSON of South Carolina. But I mean in the report, what do they recommend?

Mr. DYER. They recommend throwing out the second, third, fourth, fifth, ninth, fourteenth, and seventeenth.

Mr. JOHNSON of South Carolina. Now, is there anything in the pleadings which indicated that the purpose was to throw out these precincts entirely and the gentleman would be called upon to prove by their evidence how people voted?

Mr. DYER. Well, I will answer the gentleman from South Carolina by stating I was served with a notice of contest, charging fraud in the fifth ward—the regular notice that is served upon a case of this kind.

Mr. McKENZIE. If the gentleman will pardon me, that is a general allegation and not specifically applied to any one of these seven precincts.

Mr. DYER. He did, I think, challenge the fifth ward; but when he got down to take the testimony he could not find a single person in two precincts to testify to anything wrong at all.

In some of the others you only find one; in some two; and in some three. And I did not believe, nor does any sensible man believe, that the whole vote could be thrown out on such testimony.

Mr. JOHNSON of South Carolina. Under the laws of Missouri, where are those ballots now?

Mr. DYER. They are in the custody of the election commissioners of the city of St. Louis, a bipartisan board, composed of two Democrats, one Progressive, and one Republican, appointed by the Democratic governor of the State of Missouri; and I suppose the ballots are under lock and seal.

Mr. JOHNSON of South Carolina. How long are they preserved under the law?

Mr. DYER. As long as there is any possible use for them. They destroy them sometimes after five years or so, when there is no contest or legal proceedings pending.

Mr. HOWARD. How many of these witnesses that really cast ballots in the fifth ward were summoned by the contestant?

Mr. DYER. In the whole ward or in the seven precincts?

Mr. HOWARD. In the seven precincts.

Mr. DYER. In the 7 precincts he subpœnaed 56 witnesses.

Mr. HOWARD. How many of those witnesses that were subpœnaed at his instigation swore that they scratched him?

Mr. DYER. The majority of the committee in this report mentions 11. We have stated that there were 18. Some of them attempted to impeach the vote, and there is some doubt whether they did or not under their testimony, because under the cross-examination it was shown that some of these men could not possibly be telling the truth, because their testimony showed that they were referring to the primary or something else and not to this election at all. The majority of the committee only state 11.

Mr. HOWARD. I can not get it from the hearings, but I understand that all but 18 swore they voted as the ballot showed they voted.

Mr. DYER. They swore positively that they voted as the ballot showed, but there may have been three or four more that did not contradict their ballots.

Mr. HOWARD. Now, how many ballots were left that were like these 56 that they examined the voters on that were in dispute or you wanted to investigate yourself at your own expense?

Mr. DYER. Now, there were 512 ballots in these precincts on which the name of Gill was scratched. I was voted for on a portion of them. He took the testimony of 56. We took the testimony of judges and clerks and Mr. Kinney and Mr. Egan and maybe a dozen others. There are not much over 400.

Mr. McKENZIE. Will the gentleman yield for a moment?

Mr. DYER. Certainly.

Mr. McKENZIE. I think I can give correct answers to the gentleman. There were 512 scratched ballots. Seventy-five of those ballots had Mr. Gill's name scratched off and no name written underneath. That left 437, and out of that 437 I discount these 56, which would leave 381.

Mr. HOWARD. In other words, they would not vote for Mr. Dyer or Mr. Gill, but scratched out the name?

Mr. DYER. They did not vote for anybody.

Mr. RUPLEY. Now, the notice of the contest on the part of the contestant was served upon all of the electors of the fifth ward in this congressional district, where a letter was mailed by the contestant to all the electors of this ward?

Mr. DYER. Yes; I think that is true. I think he wrote a letter to them.

Mr. RUPLEY. Do you know how many letters were returned from the post office marked by the authorities as "Unable to deliver"?

Mr. DYER. No; neither does the gentleman know it, according to the record. There is nothing in the record about it.

Mr. RUPLEY. I have gathered it from the record or from the testimony before us that more than 500 were returned.

Mr. DYER. The gentleman does not find any such statement in the record. If he does, I hope he will call the attention of the House to it when he reaches it in his argument.

Mr. RUPLEY. I will.

Mr. DYER. Whether they were returned or not, he had the names and addresses of every man, and he could go and subpœna them personally, and if he could not locate them the process server would have shown that they could not be found. He could have put that testimony in the record.

Mr. RUPLEY. There were more than 100 witnesses called on the part of the contestant—nearly 150 witnesses.

Mr. DYER. No. The total witnesses in the whole ward, consisting of 17 precincts, with 3,000 voters, or so, that he subpœnaed were 95. That is, in the whole ward.

Mr. RUPLEY. I have a list prepared here showing over 140.

Mr. DYER. Well, I do not know anything about the gentleman's list.

Mr. RUPLEY. All the names of the witnesses called are found here in the notes of the testimony, and I find here one hundred and forty-odd witnesses.

Mr. DYER. I am talking about voters in the ward.

Mr. RUPLEY. I am talking about electors who cast their ballots at the November election in 1912, and I find one hundred and forty-odd electors.

Mr. DYER. I make the statement, and the gentleman can not show it to be different, that the total number of witnesses he subpœnaed in all the ward of 3,000 voters was 95, and the total in the 7 precincts in question was 56, and I challenge anyone to find differently.

Mr. RUPLEY. How many witnesses?

The SPEAKER. Does the gentleman from Missouri [Mr. DYER] yield to the gentleman from Pennsylvania [Mr. RUPLEY]?

Mr. DYER. No; I do not.

Now, I have notices here showing the kinds of letters he sent out all over the ward, in order to find out whether men voted for him or not.

It is shown here that one sent word back, "Yes; I scratched you," and applying an epithet to him or something, showing the feeling in the ward against him. There is another, showing a different matter, showing that letters were sent out, and showing that every effort was made by him to find men to impeach the ballots, and showing that he could not do it.

Mr. CARLIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Virginia?

Mr. DYER. Yes.

Mr. CARLIN. Is a copy of the letter sent out by Gill in the record?

Mr. DYER. Yes; two or three of them; the letters he sent out showing what information he was asking. They are all in the printed record.

Now, gentlemen, here is a proposition that you throw out 1,537 votes, upon what? Not on the ground that the contestant did not receive a full vote, because he got everything there that he could possibly get. The courts have adjudicated the question that there was no false count and no false return, because a judge is acquitted absolutely on the charge of a false count and false return. There can not be any fraud about the recount. He has got the benefit of every ballot that was possibly his. And, putting that aside, and under the law, gentlemen, here is a case absolutely in point showing what the attitude of the contestant must be in taking the testimony of the body of voters.

Mr. RUCKER. Mr. Speaker, will the gentleman yield there for a question?

The SPEAKER. Does the gentleman from Missouri yield to his colleague, Judge RUCKER?

Mr. DYER. I do.

Mr. RUCKER. I would like to ask the gentleman this: Did I understand you correctly to say a moment ago that on the trial of Mr. Morrisey, recently, in St. Louis the ballots used in this election of 1912 were exhibited to the jury?

Mr. DYER. Yes; absolutely; every one of them, and brought there from the election commissioners' office and submitted to the jury, examined, and handled by them upon the table in front of them, under the direction and examination of the attorneys.

Mr. RUCKER. The ballots were thoroughly examined by the counsel?

Mr. DYER. Yes; the newspapers so stated. I will read another extract from the St. Louis Republic that shows that that did happen. It is stated in this article, part of which has been cut by the stenographers from the St. Louis Republic of Wednesday, June 10, that this was the first trial that was had in the matter in which the ballots had been brought in.

Mr. RUCKER. The gentleman's statement is based only on a newspaper article? That is the only information he has?

Mr. DYER. Besides the statement in the St. Louis Republic, I have also seen the statement in the account of the trial in other papers.

Mr. RUCKER. Was it not expressly ruled that the number on the ballot, indicating who cast the vote, should not be seen by the jury?

Mr. DYER. I do not know as to that.

Mr. RUCKER. Is it not true that no jury or anybody else could tell whether A or B cast the ballot?

Mr. DYER. The ballots were brought there from the election commissioners' office and examined, showing the marks on the ballots that the contestant is complaining about, where his name was scratched off. They were all shown to the jury.

Mr. RUCKER. Together with the number on the ballot, identifying the voter?

Mr. DYER. No; I do not say that.

Mr. RUCKER. You could not tell who cast the ballot. If you have the article there now and desire to read it, I would be glad if you would.

Mr. DYER. It is in the papers here somewhere.

Mr. RUCKER. Very well; if you can not find it, no matter.

Mr. DYER. Here is the article I was referring to:

[From the St. Louis Post-Dispatch, June 10, 1914.]

DANIEL MORRISEY IS ACQUITTED OF ELECTION FRAUD—ORIGINAL BALLOTS PRODUCED FIRST TIME IN STATE PROSECUTION OF SUCH A CASE.

The first successful attempt in Missouri to produce original ballots in court as evidence in an election fraud prosecution resulted Tuesday night in the acquittal of Daniel Morrisey by a jury after less than three hours' deliberation.

Morrisey, who was a Democratic judge of election in precinct 2 of the fifth ward in November, 1912, was acquitted of "feloniously and willfully making a fraudulent election return" when he signed a report giving Republican Congressman L. C. Dyer 199 votes and M. J. Gill, Democratic candidate, 5 votes. The ballots were produced in court and counted in the presence of the jurors, and it was found that 106 ballots for Dyer were in the box and 70 for Gill, besides a few imperfect ballots rejected because of defects. Circuit Attorney Harvey personally prosecuted the case.

It was stated in this article that the ballots were all brought there, and I know as a matter of fact, from other testimony, that that was so. There is no question about it. The ballots were all brought there, and that is one of the reasons why they stated that they were delaying the case, because the counsel for Morrisey had tried to get an order from the supreme court withholding from the jury the ballots on account of their being secret. The supreme court, as it decided in the decision referred to by Judge WATSON in 1911, held that there is no such thing in Missouri now as secrecy with respect to the ballot when it comes to showing fraud in an election. The ballots were all there.

Now, if anyone wants to ask me a question, I shall be glad to answer.

Mr. COOPER. I want to ask the gentleman one question.

The SPEAKER. Does the gentleman yield?

Mr. DYER. Yes.

Mr. COOPER. I have not had time to examine all the voluminous record of testimony in this case, but I see in the minority report this statement, and will ask the gentleman to verify it from his knowledge of the testimony:

> Here the majority report would throw out 7 precincts, and it would result in giving the contestant a plurality of 67 votes; yet from some of these precincts only 4 voters were subpœnaed as witnesses to impeach the vote of 200 and more votes. In only one precinct were there as many as a dozen voters subpœnaed, and in that precinct more than half of those subpœnaed confirmed the record of their vote.

That is a very strong statement, to throw out the vote of two hundred and odd voters on the testimony of four. Is that correct?

Mr. DYER. That is the testimony which this report of the committee would have to be sustained upon.

We are offering to bring in this testimony and have you vote upon it after you have got all this testimony. And with due respect and due regard for the Committee on Elections, first let the committee examine this testimony, and if in their judgment they have made a mistake about these precincts let them have a chance to reverse it. And, gentlemen, if they do not, I say to you now, as I said before, I will not accept any pay for the time during the taking of the testimony, and you will not have to try this case again, because I will offer my resignation. [Applause.]

Mr. HENSLEY. Mr. Speaker——

The SPEAKER. Does the gentleman yield to his colleague?

Mr. DYER. I do.

Mr. HENSLEY. I want to ask a question, and I want some information on the point. As I understood you a while ago, in answer to the question asked by the gentleman from South Carolina [Mr. JOHNSON], you were somewhat surprised that the contestant insisted upon this certain ward being eliminated and thrown out. Is that correct?

Mr. DYER. He only complained about the fifth ward, but as a matter of fact he ran behind his ticket in every ward, and I ran ahead of mine in every ward.

Mr. HENSLEY. What I am getting at is this: Is it not true that from the very beginning of this contest you were apprised of the fact that they were insisting that this ward should not be counted?

Mr. DYER. But it was counted. The complaint was that there was fraud in this ward.

Mr. HENSLEY. And that you should not count any of that ward.

Mr. DYER. That is what he wanted; but as I stated to the gentleman from South Carolina [Mr. JOHNSON], while he made that blanket charge in the beginning, when he started to take testimony, in his written brief and argument submitted to the committee he admitted that it was not true as regards the whole ward; that in at least two districts he could find no complaint whatever, and made that admission; so he could not throw out that whole ward.

Mr. HENSLEY. When did the counsel representing the contestant appear before the committee here and make his argument?

Mr. DYER. He made one argument in December.

Mr. HENSLEY. In his December speech did he not then insist that this ward should not be counted at all?

Mr. DYER. No; he did not. I have the gentleman's argument in toto here, in which the counsel admitted that he did not want the whole ward thrown out, because in his own brief signed by him he admitted that precincts 6 and 12 were absolutely correct. Although Gill was scratched in those precincts, too, he said they were correct, and he had no complaint whatever to make of those two precincts. Therefore he could not possibly have asked to throw out the whole ward, because his own brief made a different statement.

Mr. GOLDFOGLE. Will the gentleman allow me to correct him?

Mr. McKENZIE. Will the gentleman yield?

The SPEAKER. To whom does the gentleman yield?

Mr. DYER. I yield to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Will the gentleman from Missouri allow me to correct his statement that counsel appeared before the committee in December? It was in January.

Mr. DYER. I beg the gentleman's pardon. I accept his statement. Now I yield to the gentleman from Illinois.

Mr. McKENZIE. I simply wanted to ask the gentleman if it is not true that in precincts 6 and 12 a number of the judges of election scratched Mr. Gill, and that in one precinct only two of the judges, and in another four, voted for Mr. Gill.

Mr. DYER. I think that is true. I have that somewhere.

Mr. LOBECK. Will the gentleman yield?

Mr. DYER. Yes.

Mr. LOBECK. I understand from the gentleman that the time the contestant's counsel appeared here was in December and the record shows that it was December 15.

Mr. GOLDFOGLE. I have just looked at the record and find it to be as stated by the gentleman from Missouri [Mr. DYER].

Mr. DYER. I simply want to call attention to the line of decisions where it says that when an effort is made to throw out a whole vote it is the duty of the contestant, upon whom is the burden of proof, not only to show fraud but also to show what the correct vote was in at least one of the counties or one of the precincts by calling in the body of voters.

I want to call attention to an Alabama case here, which, with many others, is along that line. It is the case of Threet against Clarke, in the Fifty-first Congress, Hinds' Precedents, volume 2, pages 466–469. Here is what the decision in that case says, upon substantially the same conditions as those in this case. Here is the decision of the Committee on Elections, which was sustained by the House. I read from the decision of the committee:

> If the results at all these polls were, as alleged by contestant, tainted by fraud and corruption to such an extent that the polls should be excluded, he has failed, in the opinion of your committee, to exercise that diligence which the law asks of every suitor before granting him the relief prayed for. Bearing in mind that the character and tendency of the proof is very similar in all these precincts, the contestant might reasonably have been expected to have at least, in one or a few of them, called in the body of the voters of the precinct and established his claim of fraud, if fraud existed, beyond question. He does not even pretend to have made an effort to do so in this contest.

That is a case in the Fifty-first Congress, and in that case, as in this, the same questions were involved, and the number of witnesses to prove the charges of fraud and to show that the vote was dishonest was substantially the same number as in this case. Here are precincts in which only 2, 3, and 4, and not over 10, witnesses were subpœnaed, and in precincts where there were over 200 voters each. That is the law to-day, and it never has been overruled.

Mr. CARLIN. Will the gentleman yield?

Mr. DYER. Certainly.

Mr. CARLIN. Who was the Republican candidate against Kinney at the time Gill is charged with voting for the Republican candidate?

Mr. DYER. I was.

Mr. CARLIN. Does the gentleman know whether Gill voted for Mr. Dyer at that time?

Mr. DYER. I do not care to give testimony. Kinney was my opponent there and I was elected, according to the returns, by 2,844 votes. Kinney contested my election. There was a wave in St. Louis of contesting everybody. They contested judges of the supreme court, public school commissioner, and everybody, wherefore or what for I do not know. But I do know that in the contest Kinney brought against me the testimony was taken as it was in this, thousands of pages of it, and it was argued before the Committee on Elections No. 2, and the committee submitted a report to the House unanimously saying that I had been elected, which report the House unanimously adopted.

Mr. CARLIN. Is there any denial in this record of the charge that Gill had voted for you against the Democratic nominee?

Mr. DYER. There is no denial. The only time that he ever made any denial was when he was called before the Democratic congressional committee and charged with it, when Mr. Kinney and some other members suggested to him that he ought to withdraw, for he could not be elected. He made the statement, so the witnesses say, that it must be a mistake. At no time and in no place has he ever made an affidavit or gone on the stand and denied it. The ballot is in the record as cast by him in that election November 10, 1910, and it shows that Gill voted ballot 360, and that it was a Democratic ballot, and that he scratched the name of Kinney and voted for Dyer, a Republican. That is in the record in this case, and though he—Gill—has often been charged with it, he has never under oath denied it, nor will he.

Mr. BARKLEY. Will the gentleman yield?

Mr. DYER. Yes.

Mr. BARKLEY. Is that in the record of this contest now between Gill and yourself?

Mr. DYER. Yes.

Mr. BARKLEY. Was the ballot presented to the Committee on Elections?

Mr. DYER. Yes; it was a part of the record printed and given to them from which they made up this report, I suppose.

Mr. BARKLEY. Was the original ballot cast at that election put in the record?

Mr. DYER. Yes.

Mr. BARKLEY. I mean the original ballot put in the box.

Mr. DYER. There was a recount made of the contests in 1910, the same as in this contest, and at the recount of the ballots the eighth precinct of the sixteenth ward, which was the one in which Mr. Gill voted, it was ascertained by the Democrats of the fifth ward that that ballot was cast for a Republican for Congress and Democratic otherwise. That is reproduced and properly proven by testimony of witnesses as Gill's ballot.

Mr. BARKLEY. Is there any testimony of any witness who has testified before this committee in this contest claiming that Gill had ever said to that witness, or any witnesses, that he had voted for you against Kinney?

Mr. DYER. Yes; positive testimony on that point. It is in the record on pages 1990–1995, and not denied by Gill in the record, though he had every opportunity to do so.

Mr. BARKLEY. And he has not denied it in his testimony?

Mr. DYER. He never has denied it.

Mr. BARKLEY. Did Gill testify in this case?

Mr. DYER. He did not; and a part of our defense was that he was voted against and scratched and fought because he had voted for a Republican against the Democratic candidate two years before. That was in our defense—in our testimony—and we put the ballot in the record, and he never went on the stand to deny it.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. DYER. Certainly.

Mr. GOODWIN of Arkansas. Is it not a part of your statement that in the trial of the city officials the theory of the defense was that the contestant's attorneys were the parties who changed the election returns?

Mr. DYER. That was the defense of Morrisey, the election judge, that he did not make the false returns, but that they were made by the contestant and his watchers, and counsel and attorneys at the time they made the recount.

Mr. GOODWIN of Arkansas. Upon what theory would they make a change to the prejudice of the contestant of several hundred votes, as I understand were changed?

Mr. DYER. They were all in his favor.

Mr. GOODWIN of Arkansas. I understood they were against him.

Mr. DYER. Every one in his favor in those precincts.

Mr. GOODWIN of Arkansas. How about the other precincts?

Mr. DYER. In some of them I gained a few, but most of the gains were by Gill. In the recount of the second precinct I was put down as entitled to 106 and Gill to 73. In the court proceeding it was claimed that this was done by these men when they were making the recount; that they monkeyed with the ballots themselves. I do not say it was true, because I do not know; but I say that that was the defense made by Morrisey and upon which he was acquitted.

Mr. BARKLEY. Does this record anywhere disclose the reasons assigned by Mr. Gill or by anybody for him for scratching his own ticket and voting for the gentleman in 1910?

Mr. DYER. No. That is all, Mr. Speaker. [Applause.]

Mr. GOLDFOGLE. Mr. Chairman, I yield 20 minutes to the gentleman from Connecticut [Mr. KENNEDY].

Mr. KENNEDY of Connecticut. Mr. Speaker, I very much regret, being a new Member of the House, that I should be placed upon a committee that compels me to pass upon the validity of any Member's title to a seat in this House. I try to be fair in politics, and I like to deal with others who act fairly also. In the election held in St. Louis November 6, 1912, there is not any question in my mind from the evidence presented before this committee that Mr. Dyer was not legally elected, and that he is holding a seat in this House that another should occupy. Undoubtedly Mr. Dyer desires to be fair in his arguments, but when he states that Mr. Gill never denied that he voted for him I think he must have overlooked the proceedings in the last day of the hearings before the committee, a portion of which I desire to read at this time in relation to Mr. Gill's denial that in the election held in 1910 he voted for Mr. Dyer:

The CHAIRMAN. You just made reference to a publication in a newspaper, which I assume was the publication of the story that you had voted against Kinney. Am I right?
Mr. GILL. Yes, sir.
The CHAIRMAN. Was there any denial on your part?
Mr. GILL. Yes, sir.
The CHAIRMAN. How did you make that denial?
Mr. GILL. The only way I could make the denial was this: That I voted against Kinney, and that the precinct he had shown you here—if you men will examine the precinct, you will see there were seven more votes in the box than were counted—that I claimed it was simply a mistake. I went further than that; I went to the supreme court in Jefferson City, where there is a contest——
The CHAIRMAN. That is not what I have reference to, Mr. Gill.
Mr. GILL. In just a moment I will come to it.
The CHAIRMAN. What I am trying to get at is whether, after the story of your voting for Dyer against Kinney came out, you made a denial. You said you did, and I asked you how, in what form, that denial was made before the election took place. That is what I meant to ask, if I did not ask it directly.
Mr. GILL. I stated that I denied it, and the newspapers copied my denial, and the supreme court had a contest for a judge upon the bench, Dyer——
Mr. DYER. I want to be interrupted, if the chairman wants him to make that statement, but it is not in answer to the chairman's question.
Mr. GILL. And the record in that contest showed——
Mr. KENNEDY. Did you make the denial at any public meeting?
Mr. GILL. Yes, sir.
The CHAIRMAN. What meeting was this?
Mr. GILL. A Democratic meeting.
The CHAIRMAN Where was it held?
Mr. GILL. In my own ward and other wards.
The CHAIRMAN. Before the election?
Mr. GILL. Before the election; I went all over the city.
The CHAIRMAN. Was it publicly made?
Mr. GILL. Publicly made.

It seems to me that that is as emphatic a denial as any man could make; that he never voted for Mr. Dyer.

There is another very strange feature in relation to this whole case. From January, 1913, until March 12, 1914, Mr. Dyer never made a request either before the committee or this House to have further evidence taken in St. Louis. He never at any time before the Committee on Contested Elections, until after all the evidence was in, argument of counsel concluded, and the case decided, made any request for the committee to visit St. Louis and examine the voters—as to who they voted for. I defy him or any member of the committee on the minority to deny that statement. But now, after the evidence was all in, after the arguments were all made, after he had been heard himself, and after the committee had voted on this case and decided it, the following day he sent a letter to the chairman of the committee, and I believe on the 1st of April sent another one, requesting that the committee reopen this case and open the ballot boxes, summon the voters, and ascertain how they voted.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Connecticut. Yes.

Mr. GRAHAM of Pennsylvania. Does not the gentleman think it is in ample time if a request is made before final decision is rendered, and just as soon as the contestee learns of the disposition to take this action of throwing out wholesale five or six precincts?

Mr. KENNEDY of Connecticut. I do not. The committee have not thrown out wholesale five or six precincts.

Mr. GRAHAM of Pennsylvania. What have they done with them?

Mr. KENNEDY of Connecticut. The committee have not done a thing except what they were compelled to do from the evidence, and what the gentleman would do if he was on the committee.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield further?

Mr. KENNEDY of Connecticut. Yes.

Mr. GRAHAM of Pennsylvania. Have they not thrown out four or five precincts?

Mr. KENNEDY of Connecticut. Yes.

Mr. GRAHAM of Pennsylvania. That is what I meant by saying "wholesale." I meant no reflection on the committee.

Mr. KENNEDY of Connecticut. Very well.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Connecticut. Yes.

Mr. GOLDFOGLE. So that we might have the record complete, especially with regard to the application to which the gentleman from Connecticut has reference, is it not also a fact that the chairman of the committee, after the denial of the motion, offered a resolution to the committee along the line of the request that had been made by the contestee, asking permission to bring that resolution into the House for its consideration, so that if the resolution were passed the committee might have it in its power to take further testimony at such time and within such limits as the committee saw fit.

Mr. BURNETT. What date was that? Was it early in the session?

Mr. GOLDFOGLE. Yes; that was in April.

Mr. BURNETT. Of this year?

Mr. GOLDFOGLE. Yes; and the request of the chairman was refused by a majority of the committee.

Mr. KENNEDY of Connecticut. I would state that that resolution mentioned by Mr. GOLDFOGLE was offered by him after this case had been decided by the committee.

Mr. GOLDFOGLE. Tentatively.

Mr. KENNEDY of Connecticut. Yes; and final, I might say. Now, it seems to me that that was rather late to come in with such a request, particularly after the statement had been made

before the committee that the voters in that district, hundreds of them, were rovers; that they were transients; that they were traveling from city to city and impossible to locate 18 months after election. What argument is advanced for the purpose of sending this case back to the committee? It has been decided by a former Congress that it was a very dangerous precedent to establish and a very dangerous course to pursue—that after votes had been cast one year and a half or a little over to have the voter testify just how he voted or have the case reopened.

The committee based its denial of the motion, amongst other grounds, on the authority of the report of the Elections Committee in the case of Giddings against Clark, which was decided in the Forty-second Congress (Smith, 91). In that case the committee said:

> It must be borne in mind that the party now asking an extension is the sitting Member. He is now, and has been during a large part of the term, exercising the functions and receiving the emoluments of the office in question. In a litigation of this character the thing in controversy grows daily less, and does not, as in most ordinary lawsuits, remain intact to be recovered by the successful party in the end. In this particular case the extension asked for would be very nearly equivalent to a final decision of the case in favor of the sitting Member upon the merits.
>
> We are now near the close of the second session of the Congress. If the parties are to be sent back to Texas to take further testimony, of course no further action can be taken until the opening of the third and last session, which is of but 90 days' duration, and would be necessarily far spent before a final decision could be reached. It does not follow from these considerations that a sitting Member can in no case be allowed an extension after the time allowed by law for taking testimony expires; but your committee think it does follow that no such extension should ever be granted to a sitting Member unless it clearly appears that by the exercise of great diligence he has been unable to procure his testimony, and that he is able, if an extension be granted, to obtain such material evidence as will establish his right to the seat, or that by reason of the fault or misconduct of the contestant he has been unable to prepare his case. (McCrary on Elections, 4th ed., p. 332.)

Mr. SWITZER. Will the gentleman yield for just one question?

Mr. KENNEDY of Connecticut. Yes.

Mr. SWITZER. Do the proceedings of the committee show that a member of it undertook to put in copies of indictments at St. Louis, Mo., in the record?

Mr. KENNEDY of Connecticut. That was in the hearings before the committee.

Mr. SWITZER. Does it show that a Member himself did undertake to have them inserted?

Mr. KENNEDY of Connecticut. He offered the indictments.

Mr. SWITZER. Was it offered by either side, both sides being present by counsel?

Mr. KENNEDY of Connecticut. That is my impression, sir.

Mr. SWITZER. That is what I want to find out.

Mr. KENNEDY of Connecticut. And I objected to the indictments being offered as evidence before the committee.

Mr. RUPLEY. Mr. Speaker——

Mr. SWITZER. A member of the committee undertook to do that?

Mr. RUPLEY. Mr. Speaker, will the gentleman from Connecticut yield——

Mr. KENNEDY of Connecticut. I will.

Mr. RUPLEY. To answer that question? I desire to answer the question of the gentleman from Ohio. The indictments were brought in by the attorney for the contestant and laid on the table in the committee room—copies of the indictments—and then I made a motion that those indictments be admitted in evidence.

Mr. SWITZER. Was the other side represented?

Mr. RUPLEY. They were present at the time; Mr. Dyer was present himself at the time.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. KENNEDY of Connecticut. Yes, sir.

Mr. JOHNSON of South Carolina. What did the gentleman read from when he first began to address the House?

Mr. KENNEDY of Connecticut. I read from the statement before the committee.

Mr. JOHNSON of South Carolina. Was that testimony taken in St. Louis, Mo., or was it an argument before the committee here?

Mr. KENNEDY of Connecticut. It was a statement before the committee.

Mr. JOHNSON of South Carolina. When the case was argued?

Mr. KENNEDY of Connecticut. Oh, yes; when the case was argued.

Mr. JOHNSON of South Carolina. It is not part of the testimony in the case?

Mr. KENNEDY of Connecticut. Oh, no.

Mr. HARDY. Will the gentleman yield for one question?

Mr. KENNEDY of Connecticut. I will.

Mr. HARDY. I have not read over all the testimony, of course. Is there any evidence before the gentleman's committee contradicting the alleged facts that upon a recount these great differences were shown in more than one of these precincts? For instance, where Mr. Gill was given 5 and on a recount showed he was entitled to 73, and where Mr. Dyer was given one hundred and ninety-odd votes the recount showed he actually only got 106? Was there anything offered to disprove those facts?

Mr. KENNEDY of Connecticut. No.

Mr. HARDY. Were those substantially admitted facts; was there any contradiction of the facts before the committee?

Mr. KENNEDY of Connecticut. They were admitted, and there was no contradiction of the facts.

Mr. HARDY. So that the proposition made late in the contest was not to contradict these false returns or show these false returns were not made, but to go back and retake the vote as it was cast—virtually to have the election over?

Mr. KENNEDY of Connecticut. Yes; that is the situation.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. KENNEDY of Connecticut. I will, but somebody will have to extend my time.

The SPEAKER pro tempore (Mr. FOSTER). The gentleman has five minutes remaining.

Mr. KENNEDY of Connecticut. I yield to the gentleman.

Mr. GRAHAM of Pennsylvania. I do not desire to take up the gentleman's time, if he has not enough, but in connection with the suggestion made by the gentleman about the contest—the second count or the recount, as it is called, was it necessary that the contestant should take any steps—did not the recount show he was elected, and therefore he had nothing to contest? Is not that so?

Mr. KENNEDY of Connecticut. No.

Mr. GRAHAM of Pennsylvania. The recount does not show him elected?

Mr. KENNEDY of Connecticut. On the face of the returns.

Mr. GRAHAM of Pennsylvania. That is what I meant.

Mr. KENNEDY of Connecticut. In several of the wards of the city there was a conspiracy formed knowingly by the Republicans and the crooked Democratic officials that had taken their oath to perform their duty——

Mr. McKENZIE. Will my colleague on the committee yield?

Mr. DONOVAN. Mr. Chairman, I protest. The gentleman has hardly had five minutes of his time. This is an outrage. He either should be entitled to time, or not be entitled to it.

Mr. STAFFORD. I do not think it is for the gentleman from Connecticut [Mr. DONOVAN] to determine to whom the gentleman shall yield.

The SPEAKER pro tempore. The Chair will endeavor to protect the gentleman from Connecticut [Mr. KENNEDY].

Mr. McKENZIE. I simply desire to ask my colleague if he will kindly cite the page in the record where there is one scintilla of evidence to substantiate the statement which is made by him?

Mr. KENNEDY of Connecticut. There is. You turn to page 470 of the first volume, and to what does the witness testify? He testifies that in the counting of the ballot in a certain precinct they could not find a ballot for Mr. Gill.

And one man there—I think his name was Housmann—said: "I know there is one there, because I voted for him."

Mr. McKENZIE. Will the gentleman pardon me?

Mr. KENNEDY of Connecticut. Wait until I get through, and I will yield. Another official that was keeping tally said: "Yes; I know you did, and I think a couple of others did. Give him three." And that is all they gave him, right under the eyes of Republican and Democratic officials, and now you call that a fair election. If you turn to page 470 of the first volume, you will find that there.

Mr. McKENZIE. If the gentleman will pardon me, I will yield him a minute of my time. Is it not a fact that that testimony was the testimony of the Republican judge or clerk—a Republican official? Consequently, he could not have been in the conspiracy.

Mr. KENNEDY of Connecticut. I understood he was in the conspiracy, because he is the judge who turned around and said, "I know there is one who voted for him," and the fellow keeping the tally sheet said, "I know he has three, and we will give him three." Think of it; in a fair election for a Representative to this House, claiming that he is entitled to his seat, and that he will resign if he is not, in which he has one hundred and ninety and odd votes cast for himself in one precinct and five for Mr. Gill. In the presence of these officials, where were those seventy-odd votes that the court found for Mr. Gill in this precinct? They were there on the table in the presence of these election officials that had taken their oath to count

those ballots fairly. Did they do it? No. Who says so? The court says so.

Mr. McKENZIE. Now, Mr. Spjeaker, if my colleague will yield, I will grant him another minute.

The SPEAKER pro tempore. Will the gentleman yield?

Mr. KENNEDY of Connecticut. I can not yield just now.

Mr. McKENZIE. I would like to have the gentleman point out in this book which I hand him, on page 470, the evidence.

The SPEAKER pro tempore. The gentleman from Connecticut declines to yield.

Mr. McKENZIE. Mr. Speaker, I was going to give him the time.

Mr. KENNEDY of Connecticut. Well, I will find it for you. But very evidently you know it is there, because you say it was a Republican official. You told this House so. [Laughter.]

In another ward or precinct in a recount of the votes there was a difference of 50 or 60. It was so that Mr. Dyer's vote was reduced over 200 and Mr. Gill's was increased over 170.

I assume that every gentleman here has had something to do with politics, and I want to ask you this question in all seriousness: If you have a certain section of your district carved off, and there are 102 election judges and inspectors and clerks there, and 52 of those are appointed by the Democratic congressional and county organization——

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. KENNEDY of Connecticut. I will ask the chairman if he will grant me more time.

Mr. GOLDFOGLE. Mr. Speaker, I yield 5 minutes more to the gentleman.

Mr. DONOVAN. Mr. Speaker, I ask unanimous consent that he may have 10 minutes more.

The SPEAKER pro tempore. The Chair begs to state to the gentleman from Connecticut that the time is in the control of the Member from New York [Mr. GOLDFOGLE]——

Mr. DONOVAN. Could he not get it by unanimous consent?

The SPEAKER pro tempore (continuing). And the gentleman from Illinois [Mr. McKENZIE].

Mr. DONOVAN. Could it not be done by unanimous consent, Mr. Speaker?

The SPEAKER pro tempore. The Chair will state the request of the gentleman from Connecticut [Mr. DONOVAN] that his colleague may have 10 minutes more. Is there objection?

Mr. STAFFORD. Mr. Speaker, the chairman can yield him time if he wishes, as he has more time to yield. Therefore I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. STAFFORD] objects.

Mr. KENNEDY of Connecticut. Fifty-two of these officials have taken their oath to watch over the interests of their respective parties. And in that whole ward only 14 officials out of 37 lifted a finger or gave any advice or made any suggestion or made any attempt to see that the Democratic candidate for Congress had an opportunity to be elected in accordance with the law. Thirty-seven of those officials voted against him. Three of those officials in a certain precinct, after the ballot box was closed, in the presence of three Republican officials, put everybody out of the room and attempted to count those votes. It was only when the Democratic managers went down to the office of the commissioner of elections and received an order from him that the public was permitted to go in there and see that those votes were counted fairly.

Those ballots were in the hands of six officials, who voted against Mr. Gill, for one hour and a half. Does any man here think for one moment that those ballots were counted fairly? Was there not an opportunity to manipulate them? Was there not an opportunity to do that which the voters did not intend should be done with the ballots?

In another ward—I forget the page of the record, but the gentlemen can find it; it is in the second volume of the evidence—a man was a hotel keeper, as he said, and had been keeping a hotel for three months. He was one of the election judges. What did he do? He suggested that the challengers should be put out of the voting place, and every man there who was an official was in favor of Mr. Dyer for Congress, and it was only when they went to the election commissioners' office and received an order there that those challengers had an opportunity to represent their respective parties.

Now, there is the situation. If you think it was a fair election; if you think it was a correct method for securing a fair count and for having an honest ballot cast; if you think it is not necessary to have elections conducted according to law, why, of course, you will seat Mr. Dyer. But if you think the election held on November 6, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17 in the fifth ward at St. Louis for a Member of Congress was corrupt, ballots tampered with, illegal ballots cast, and a conspiracy formed by the election officials you will vote to sustain the committee report. If you believe the election officials betrayed their official trust and did that which every corrupt election official would do and has done in the past; if you want to have clean elections in the fifth ward of St. Louis, you will seat Mr. Michael J. Gill as a Member of this House, who was honestly elected, and not vote for this request to send this case back to the committee to take evidence in St. Louis. [Applause on the Democratic side.]

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman from Illinois [Mr. McKENZIE] use some of his time now?

Mr. McKENZIE. I would like to ask the gentleman from New York [Mr. GOLDFOGLE] to use some of his time now. We are not ready to go ahead to-night. I would like to inquire, Mr. Speaker, how the time stands up to this point?

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] has 2 hours and 25 minutes and the gentleman from Illinois [Mr. McKENZIE] has 2 hours and 43 minutes.

Mr. GOLDFOGLE. I yield now, Mr. Speaker, 20 minutes to the gentleman from Pennsylvania [Mr. RUPLEY].

The SPEAKER. The gentleman from Pennsylvania [Mr. RUPLEY] is recognized for 20 minutes.

Mr. RUPLEY. Mr. Speaker, the contested-election case of Michael J. Gill against L. C. Dyer for the seat from the twelfth congressional district was brought and conducted according to the rules of the Committee on Elections and the statutes in relation to contested elections.

The notice of contest was filed and served on contestee, and he served his answer on contestant. Contestant began taking testimony Monday, January 13, 1913, by authority of an act of Congress, and consumed the entire time legally allotted to him. He examined nearly 150 witnesses, electors of the seventeenth precinct in the fifth ward in the city of St. Louis, Mo. Mr. Dyer examined about 40 witnesses and consumed only a small portion of the time allowed him by the act. In rebuttal no effort was made to explain or contradict the frauds alleged in the notice of contest and afterwards proven by the ballots offered and the disclosures made by the recount of fraudulent returns made by the election officers. His attorneys used about half of the time at his disposal in the examination of witnesses, many of whom did not reside in the twelfth congressional district, in an effort to justify his so-called "knifing" of Mr. Gill and evading and avoiding the charges of fraud; not endeavoring to show by judges or clerks of election that no frauds were perpetrated against Mr. Gill; did not subpœna Republicans or Progressives or challengers who were present or who cast ballots or knew of cuts, to combat testimony of Michael J. Gill, to wit, documentary evidence in shape of scratched ballots; return of count showing great discrepancy in return of election officers; marked ballots by officers of election, contrary to the election laws of Missouri; leaving ballot boxes unguarded; election officers generally agreeing to vote for Dyer, a Republican, cutting Gill, a Democrat, and voting for Kinney for State senator, a Democrat, as against Kramer, a Republican, and voting for Kiehl, Republican candidate for mayor, and against Dickman, a Democrat.

Evidence in the case shows bipartisan agreement and deal and every effort made to solicit voters to carry out a bipartisan compact consummated by election officers on election day inside the voting places. In this connection the evidence shows, volume 2, page 1165, in testimony of Thomas Egan, that judges and clerks in a number of precincts were given directions to scratch Gill and Dickman. Returns show bipartisan agreement carried out. Returns of ballots from fifth ward show Dyer, Republican, Gill, Democrat, and that Kiehl, Republican candidate for sheriff, over Dickman, Democratic candidate, and that Kinney, Democratic candidate for State senator, had an increased vote of 300 over any other Democrat in the ward, thus showing the operation of the bipartisan agreement entered into.

Kinney, the candidate for State senator, is the political boss in this ward. In the fifth ward, twelfth congressional district, Missouri, there are 17 precincts. Each has three Republican and three Democratic judges and clerks, and these are recommended for appointment by the political organization—in this case a bipartisan one—accounting for the character of the boards, as shown by the testimony.

The election officers made their return 2,213 for Dyer and 815 for Gill. The official recount secured by the contestant under an act of Congress disclosed that Mr. Dyer had 2,009 votes and Mr. Gill 994, showing a discrepancy of 383 votes. Mr. Dyer's vote as a Republican from the twelfth Missouri district was 11,981, Mr. Gill's total vote was 11,248, or a plurality of 732 for Mr. Dyer; the recount reduced Mr. Dyer's plurality

over Mr. Gill to 349 votes. No evidence, no explanation, is presented on the part of the contestee for these acts of the election board, except that they sat from 6 a. m. election day to 6 a. m. the following day after election. This seems peculiar, as in these precincts of the fifth ward there were only some 300 electors in each precinct, and there were six judges to count and return the vote.

It is testified voters were furnished lead pencils in booths for the purpose of scratching Gill and voting Dyer, although the recount shows that a great deal of this scratching was done in ink, writing in names, as in the case of Dyer—in ink.

Now, nearly 20 months after election Hon. L. C. Dyer asks that an examination of five or six hundred electors, who, it is alleged, cut their ballots in the election of 1912, be made.

The *contestee* himself has to say in his briefs and arguments that—

It should be remembered that the fifth ward is not one of the fine residence districts of St. Louis. One of the "river wards," it is a compact territory lying in the most congested part of the city, containing within its limits, on the one hand, practically all of the large office and public buildings, hotels and stores, and many factories and warehouses (in which very few voters live); and, on the other hand, practically all of the cheap hotels, so-called rooming or lodging houses—such as are found in every large city—and many tenement houses, boarding houses and unpretentious homes, including the so-called "levee district" with its large colored population. The record is full of detailed testimony covering these conditions, especially with reference to the number and character of the lodging and rooming houses in the first, second, third, and fourth precincts, filled with men only, who for the most part live upon small and often irregular incomes. These men are not outcasts, tramps, or vagrants, but as a class they are poor in purse and poorly educated, many being wholly illiterate, and many others barely able to write their own names. In the typical house of this class single beds or cots—often "double-decked"—for men are arranged in rows on each dormitory floor. In the "Home Hotel" alone 100 men slept nightly on one floor—with no partitions—at 10 cents each.

In the evidence offered by contestant it is shown that he sent a letter to every voter in the fifth ward within 30 days after the election, in which he asked certain questions, among others, "Did you vote for Gill?" Six hundred of these letters were returned marked by the post-office authorities, "Unable to deliver." From other replies received he secured his witnesses. At this late date the resolution of the minority report asks Election Committee No. 3 to go to St. Louis and secure evidence as to these scratched ballots. Your committee denied this motion, believing a sitting Member after all these months should have been able to satisfy the committee that an extension of time was necessary, inasmuch as every facility was at his command to prove his case, and already the testimony comprises 2,205 closely printed pages, together with the exhibits.

All testimony tends to prove, as do the exhibits, that fraud was consummated by the election officers in this ward. The contestee himself admits that the electors were poorly educated, illiterate, unable to write their own names, and so forth.

It is a very hard matter to prove fraud by direct evidence. The rule is—

That whenever a sufficient number of independent circumstances which point to its existence are clearly established, a prima facie case of its existence is made, and if this is not met by explanation or contradiction it becomes conclusive.

I have shown the recount in the twelfth congressional district of Missouri gave the Hon. L. C. Dyer a plurality of 349. The committee, by its resolution, declares that L. C. Dyer, from the twelfth Missouri district, is not entitled to a seat in the Sixty-third Congress, and that Michael J. Gill is the duly elected Representative, and is entitled to a seat therein. The committee set aside seven precincts in the fifth ward, namely: Precinct 2, which returns, by original count, gave Dyer 199 and Gill 5; recount gave Dyer 106, Gill 73.

Now, I refer to this precinct because Morrisey, the judge of elections, who was tried in the circuit court of the city of St. Louis, was from this precinct. Here I have a number of reasons, alleged and supported by the testimony, for the setting aside of the election returns from the second precinct of the fifth ward.

First, all the judges and clerks voted for Dyer.

Second, Gill's name was scratched on 63 ballots and Dyer's name written on 60 of them. See page 75 of photographic exhibit.

The committee had before them photographs of all the scratched ballots cast in the 17 precincts of the fifth ward.

Third, judges and clerks openly traded votes. That is in support of the allegation of a bipartisan compact in the second precinct. Judges and clerks openly traded votes, Republican judges and clerks voting for Kinney for State senate, and the Democratic judges and clerks voting for Dyer for Congress. See pages 389, 1890, 1041, 342, 1918, 1935, and 1941.

Mr. McKENZIE. Will my colleague yield right there?

Mr. RUPLEY. I will.

Mr. McKENZIE. Was it not admitted by counsel for contestant, when the question was put to him in regard to the trading of votes, that there was nothing criminal connected with that sort of a proceeding, and did he not admit that there was not?

Mr. RUPLEY. I will admit that electors and even judges and clerks may agree among themselves to vote for Democrats or Republicans, but I am sufficiently wise about elections to know that when that is true, and when Mr. Kinney secures his majority for the State senate from the fifth ward and Mr. Dyer secures his majority to Congress from the same ward, that some agreement, some understanding is being carried out; and it is general among about 15 precincts of the 17; and I want to say the quality and kind of fraud was the same in 15 of the 17 precincts, and only two of them were clean and clear of this kind and quality of fraud. But the committee saw fit to throw out 7 of the 15 precincts. In my judgment, a number of the other 8 precincts should have been thrown out. But giving the contestee the benefit of all doubt, we selected and threw out those that showed the grossest fraud, and left stand to his credit the remainder, and he is using that fact now in stating that but 40 witnesses were questioned, and these 40 witnesses he confined to these 7 precincts, and that only 18 testified that their ballots were scratched, and the others voted straight Democratic ballots. But, recollect, over 100 electors testified from these 8 other precincts, where the quality and kind of fraud is about the same as in the seven eliminated by this committee, and the judges and clerks of election supported this bipartisan compact that was carried out openly and publicly by the judges and clerks of the second precinct.

Mr. LOBECK. Do you mean to tell me that in throwing out these precincts you did not examine into the question whether there were any honest votes cast there?

Mr. RUPLEY. The rule of law, as laid down in the principles and precedents is that when the election officers on the inside mark the ballots, scratch the ballots, tamper with the ballots so that you are unable to separate the good ballots and the legally cast ballots from the fraudulent ballots it is the duty of your committee to throw out all the ballots of those precincts. That is the duty of the committee when that is disclosed, and I am one of this committee, elected by this House.

Mr. LOBECK. But in this election here you could identify every ballot with every voter, could you not, because they are numbered? It is not a secret ballot.

Mr. RUPLEY. Well——

Mr. LOBECK. Then you could identify every honest ballot cast there, and by your report you are disfranchising men who voted honestly and whose ballots were cast straight.

Mr. RUPLEY. On the face of the argument——

Mr. LOBECK. That is not fair, and any American citizen is entitled to have his honest vote counted, I do not care what kind of a district he lives in. If an honest vote is cast, and by the record you can prove it, according to your own admission, that vote is entitled to be counted.

Mr. RUPLEY. Permit me to answer that. On the face of it that appears to be very patent and plain.

Mr. LOBECK. It has been true in all election cases that I have had experience in.

Mr. RUPLEY. On the face of it, as the gentleman is appealing to your fairness, if we were able to go to Missouri and to pick out these electors and to identify these ballots, so that on the one side we could lay the Gill ballots and on the other side the Dyer ballots, and then could determine by counting them whether Mr. Gill or Mr. Dyer was elected, that would be the thing to do.

And we have here this equation in the case. We have not been able to find electors in the fifth ward; more than 500 were missing 30 days after the election. But if they were all there and we called them before us, the testimony shows that the witnesses were not certain of their ballots. The ballot marked 5 in precinct 5 would be shown an elector, and he would take it, and the table prepared and the list of all the electors showed that he cast the ballot. They would say, "This is your ballot," and elector after elector testified that he was not certain that was his ballot. Elector after elector testified that he was not certain that he scratched Gill's name and put Dyer's in, while a number testified that they did not scratch Gill's name and insert Dyer's, and that that ballot was not theirs. I ask you how the committee, under those conditions, could go to St. Louis and determine and separate the wheat from the chaff—the Gill ballots from the Dyer ballots?

Mr. SWITZER. Will the gentleman yield?

Mr. RUPLEY. I will.

Mr. SWITZER. Does the record show that Gill or anyone else issued subpœnas or any process through any committee, or

in any other way to bring these persons before some notary to give testimony? All you have is that the postal cards were returned, and you say they were not in the city.

Mr. RUPLEY. No; I do not know that he did. It was impossible to serve the warrant for the arrest of Morissey for about five months after the election.

Mr. SWITZER. You say they were not in the city because the postmaster returned the cards. Do you claim that is a justification for saying these people were not in the city and were not voters at the time?

Mr. RUPLEY. I am only the servant of this body, elected to this committee, and I of course will carry out your will; that is within your power; but I say that in my judgment it will be impossible for this committee to take the poll after you send us to St. Louis.

Mr. HARDY. Will the gentleman yield?

Mr. RUPLEY. Certainly.

Mr. HARDY. Does the history of any contest in any case heretofore show that there has been an effort by any committee of this House to have a reelection, to take the votes all over again of all the electors in any precinct where there are 1,000 or 1,500?

Mr. RUPLEY. I have carefully gone over the precedents established here in the Congress of the United States, and I find no case supporting Mr. Dyer in his contention before this House. Not a single case. The cases before the committee were cases where they brought the witnesses before the committee had decided on the contest before them

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HULINGS, for a few days, on account of a death in his son-in-law's family.

To Mr. GARRETT of Tennessee, indefinitely, on account of illness in family.

To Mr. VAUGHAN, indefinitely.

WITHDRAWAL OF PAPERS.

Mr. FOSTER, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies papers in the case of G. W. Irvin, Sixty-third Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. GOLDFOGLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, June 19, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting estimates of appropriations required by several departments of the Government for the service of the fiscal years ending June 30, 1914 and 1915, and for prior years (H. Doc. No. 1043), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 4651) to authorize the Secretary of the Treasury to sell certain land to the trustees of the charity fund of Star in the East Lodge, of Old Town, Me., reported the same with amendment, accompanied by a report (No. 846), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAYLOR of Arkansas, from the Committee on the Public Lands, to which was referred the bill (H. R. 4266) granting patents to certain lands to the legal heirs of W. F. Nichols, reported the same without amendment, accompanied by a report (No. 847), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEVENS of Minnesota: A bill (H. R. 17327) to provide revenue for the Government by levying a uniform excise tax on all persons, companies, corporations, or other associations operating power plants for the generation of hydroelectric energy or other form of water power for commercial use; to the Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 17328) to regulate carriers by water engaged in the foreign and interstate commerce of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOSS of Indiana: A bill (H. R. 17329) for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. UNDERWOOD: A bill (H. R. 17330) to authorize the sale and disposal of an island in the Coosa River in the State of Alabama; to the Committee on the Public Lands.

By Mr. HARRISON: Resolution (H. Res. 546) to print 40,000 copies of the report of the Committee on Reform in Legal Procedure of the American Institute of Criminal Law and Criminology, appointed to investigate and make a study of criminal procedure in England, known as Senate Document No. 495, Sixty-third Congress, second session; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 17331) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Ehle from one site to another in Congressional Cemetery, District of Columbia; to the Committee on the District of Columbia.

By Mr. BARNHART: A bill (H. R. 17332) granting an increase of pension to Le Roy Rogers; to the Committee on Invalid Pensions.

By Mr. BOWDLE: A bill (H. R. 17333) granting an increase of pension to Martha Sims; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 17334) for the relief of Peter Gouker; to the Committee on Military Affairs.

By Mr. FARR: A bill (H. R. 17335) granting a pension to Perry B. Bowman; to the Committee on Pensions.

Also, a bill (H. R. 17336) granting a pension to Hayden E. Evans; to the Committee on Pensions.

Also, a bill (H. R. 17337) granting a pension to Daniel Miles; to the Committee on Pensions.

Also, a bill (H. R. 17338) granting an increase of pension to James J. Dougher; to the Committee on Pensions.

Also, a bill (H. R. 17339) granting an increase of pension to Maria F. Weed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17340) for the relief of the widow of William H. Thomas; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 17341) for the relief of S. H. McLean; to the Committee on Indian Affairs.

By Mr. HART: A bill (H. R. 17342) granting an increase of pension to James McCormick; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 17343) for the relief of Charles L. Pritchard; to the Committee on Claims.

By Mr. HENSLEY: A bill (H. R. 17344) granting an increase of pension to James Johnson; to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 17345) for the relief of Charles A. Mace; to the Committee on Claims.

Also, a bill (H. R. 17346) for the relief of Albert Tuft; to the Committee on Claims.

Also, a bill (H. R. 17347) for the relief of David H. Williams; to the Committee on Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17348) granting a pension to John J. Coughlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17349) granting an increase of pension to Ellen Dillan; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 17350) for the relief of J. H. Bolen; to the Committee on Claims.

By Mr. DEITRICK: A bill (H. R. 17351) granting a pension to Robert G. Phinney; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 17352) for the relief of the legal representatives of Nathaniel Boyden and Oliver H. Dockery; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 17353) granting a pension to Henry Garfield Clemons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17354) granting an increase of pension to John Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17355) granting an increase of pension to David P. Boyd; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17356) for the relief of James D. McCall; to the Committee on Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 17357) to correct the military record of Andrew J. Flanders; to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 17358) for the relief of Edward A. Shave; to the Committee on Military Affairs.

By Mr. WEAVER: A bill (H. R. 17359) granting an increase of pension to Thomas H. Glenn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of the Methodist Church of Newberry, S. C., favoring national prohibition; to the Committee on Rules.

By Mr. CANDLER of Mississippi: Petition of the Woman's Christian Temperance Union of Artesia, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. CHURCH: Petitions of 500 citizens of the seventh congressional district of California, protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of the Second Congregational Church of Putnam, Conn., favoring establishment of an international tribunal for the adjudication of international differences; to the Committee on Foreign Affairs.

Also, petition of R. J. Drew, of Bridgeport, Conn., against national prohibition; to the Committee on Rules.

Also, petition of 289 citizens of Ridgefield, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. DYER: Petition of P. E. Chapman, of St. Louis, Mo., favoring House bill 14288, to separate electric contracts from a general contract on Government work; to the Committee on Public Buildings and Grounds.

Also, petition of the Emerson Electric Manufacturing Co., of St. Louis, Mo., favoring House bill 17705, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petition of the seventh district convention of the Illinois Christian Missionary Society, favoring bill to grant to the several States a vote on the prohibition amendment; to the Committee on the Judiciary.

By Mr. GARDNER: Resolution from the Essex County (Mass.) Woman's Christian Temperance Union, favoring the passage of the amendment to the Constitution prohibiting the manufacture, sale, or importation of intoxicating liquors; to the Committee on Rules.

Also, petition from the Lynn Woman's Christian Temperance Union, No. 1, favoring the passage of the constitutional amendment prohibiting the manufacture, sale, or importation of intoxicating liquors; to the Committee on Rules.

Also, petition of sundry citizens of Newburyport, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of various business men of Lisbon, Mount Vernon, Bennett, and Letts, all in the State of Iowa, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Memorial of the Roger Williams Association of Baptist Churches, in the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. KINKEAD of New Jersey: Petition of sundry citizens of the eighth congressional district of New Jersey, against national prohibition; to the Committee on Rules.

By Mr. LA FOLLETTE: Petition of sundry citizens of the third congressional district of Washington, against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of sundry citizens of Willsboro, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petition of the Charles Nelson Co., the Shipowners' Association of the Pacific Coast, the Denham, Carrigan & Hayden Co., and the California Barrel Co., all of San Francisco, Cal., protesting against antitrust legislation; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Memorial of the Massachusetts Medical Society, relative to provision for mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

By Mr. SINNOTT: Petition of the second Oregon district, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of the second Oregon congressional district, protesting against passage of House bill 7826, Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of the second Oregon congressional district, favoring passage of House bill 12928, to amend postal laws, etc.; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petition of Division No. 192, Brotherhood of Locomotive Engineers of El Paso, the El Paso Chamber of Commerce, and the Dallas Chamber of Commerce, all of Texas, asking that action be deferred on the Moon bill (H. R. 17042), regulating pay for transportation of United States mails; to the Committee on the Post Office and Post Roads.

Also, petition of H. H. Rotchford, of Paint Rock, Tex., favoring postponement of legislation affecting business; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petitions of various merchants of Denton, Garza, Decatur, Bridgeport, Lewisville, Chico, St. Jo, Iowa Park, Byers, Nocona, Jacksboro, Henrietta, Bowie, Alvord, Wichita Falls, Valley View, Gainesville, Graham, and Petrolia, all in the State of Texas, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. TAVENNER: Petition of A. Winstein and others, of Viola, Ill., protesting against the passage of House bill 7826, Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of C. A. Park and others, of Viola, Ill., favoring the passage of House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Trinity Electric Co., of Moline, Ill., favoring the passage of House bill 14288, relative to United States Government work; to the Committee on Public Buildings and Grounds.

By Mr. THACHER: Petitions of sundry citizens of New Bedford, Mass., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Chambre de Commerce Franco-Americaine, of New Bedford, Mass., protesting against reduction of letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TREADWAY: Petition of the Board of Trade of Springfield, Mass., against the provision in House bill 17041 that no part of a certain appropriation may be used in the prosecution of any organization or individual for entering into a combination for increased wages, etc.; to the Committee on Appropriations.

Also, petitions of sundry citizens of the first congressional district of Massachusetts, protesting against national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Montour Falls, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. WEAVER: Memorial of 180 teachers at the Normal Institute of Pittsburg, Okla., and R. P. Wett and many others, of Temple, Okla., favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *June 19, 1914.*

The Senate met at 12 o'clock m.

Rev. George H. Williams, of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for Thy loving kindness that has followed us all the days of our lives, for Thy leadership through the years that are past, and for this blessed privilege of meeting in the midst of these favorable surroundings, again to offer unto Thee our prayers in the name of Him who loved us and died for us.

Our heavenly Father, our fathers trusted Thee and Thou didst deliver them. They declared that there was no real government unless it was founded upon a strong moral basis. They with this faith laid deep and strong the foundations of this glorious Republic. We thank Thee, heavenly Father, for their faith, and we praise Thee that this great and magnificent superstructure is still, in its beauty and loveliness, ours. We thank Thee for the great privileges and the great advantages that we have for civil and religious liberty.

And, our Father, as we look upon this great structure and as we remember that it is from the cooperation of God with man, its erection makes us feel like one of old to exclaim, "What hath God wrought!" We pray that Thou wilt bless us, that

Thou wilt pardon us all our sins, and that Thou wilt lead us in the way of Thy commandments. And when our work on earth is done may we hear that welcome plaudit, "Well done!" We ask all in the name of our Lord Jesus Christ. Amen.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Page	Smoot
Brady	Hollis	Perkins	Sterling
Bristow	Johnson	Pittman	Stone
Bryan	Jones	Pomerene	Sutherland
Burleigh	Kenyon	Ransdell	Swanson
Catron	La Follette	Reed	Thomas
Chamberlain	Lane	Saulsbury	Thompson
Chilton	McCumber	Sheppard	Thornton
Clapp	Martine, N. J.	Sherman	Tillman
Clarke, Ark.	Myers	Shively	Warren
Culberson	Nelson	Simmons	Weeks
Cummins	Norris	Smith, Ga.	West
Dillingham	O'Gorman	Smith, Md.	White
du Pont	Owen	Smith, Mich.	Williams

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL] and his pair with me.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER], the senior Senator from Massachusetts [Mr. LODGE], and the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. MYERS. I will announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. SIMMONS. I desire to announce the unavoidable absence of my colleague [Mr. OVERMAN].

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, a quorum of the Senate is present. The Secretary will read the Journal of the proceedings of the last session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

EXECUTIVE SESSION.

Mr. SWANSON. I desire to submit a conference report on the naval appropriation bill.

The PRESIDENT pro tempore. Let the Chair make an inquiry. The present occupant of the chair was not in the chair last evening, but he was advised that a unanimous-consent agreement was entered into that immediately upon the reading of the Journal to-day the Senate would proceed to consider in executive session a certain nomination.

Mr. SHIVELY. Yes, Mr. President; and I move that the Senate proceed to the consideration of executive business.

Mr. WILLIAMS. I ask the Senator to withhold that for just one moment. There are some resolutions to present from the Committee to Audit and Control the Contingent Expenses of the Senate, especially one——

The PRESIDENT pro tempore. The Chair will state to the Senator from Mississippi that that can not be done under the existing unanimous-consent agreement. The Sergeant at Arms will clear the galleries and close the doors.

The Senate proceeded to the consideration of executive business. After 1 hour and 30 minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD of Virginia, Mr. SHARP, and Mr. COOPER managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER (Mr. POMERENE in the chair) presented a telegram from the Chamber of Commerce of Honolulu, which was read and referred to the Committee on Appropriations, as follows:

[Telegram.]

HONOLULU, *June 18, 1914.*

The VICE PRESIDENT, *Washington:*

Salaries governor certify fixed by law. Living expenses here higher than mainland. Hope Appropriation Committee report reducing salaries may not be adopted.

CHAMBER OF COMMERCE OF HONOLULU.

The PRESIDING OFFICER presented a telegram from William J. Spencer, secretary-treasurer of the executive council of the Building Trades Department, which was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

ATLANTIC CITY, N. J., *June 18, 1914.*

Hon. THOMAS R. MARSHALL,
President United States Senate, Washington, D. C.:

Executive council of the Building Trades Department, representing 400,000 building operatives, has this day instructed the undersigned to advise you of our unqualified indorsement of House bill No. 15657, which has for its purpose the relief of voluntary organizations of wageworkers from the interpretation the United States courts have placed upon the Sherman antitrust law.

WILLIAM J. SPENCER,
Secretary-Treasurer Building Trades Department.

The PRESIDING OFFICER presented a petition of the New York Yearly Meeting of the Religious Society of Friends, of Union Springs, N. Y., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. MYERS presented petitions of sundry citizens of Cascade and Chinook, in the State of Montana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Fred King, Harris Goedde, Leonard Beckel, and 27 other citizens of Evansville, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Glemis Valley and Center, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. ROBINSON presented petitions of sundry citizens of Arkansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Arkansas, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 603) accompanied by a bill (S. 5899) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 262. Samuel H. Portz.
S. 270. Harold L. Clifton.
S. 634. Mary P. McIntire.
S. 831. Joseph A. Mason.
S. 855. Patrick Moore.
S. 1562. William E. Monroe.
S. 1779. Thomas Harrison.
S. 3127. Linnie C. Hawkins.
S. 3181. John E. Tevendale.
S. 3301. Louis M. Smith.
S. 3518. James D. Setliff.
S. 3559. Clarence McMillan.
S. 3770. John Ritter.
S. 3905. Perdita L. MacVean.
S. 4198. Edward Flannery.
S. 4363. Richard C. Freeman.
S. 4885. Philip H. Chambers.
S. 4928. Lettie Vilott.
S. 4938. Josephine Green.
S. 4939. Jennie Farley.
S. 4940. Margaret Cecilia Donavan.
S. 4974. George W. Mason.
S. 4975. Benjamin Girdner.
S. 5160. Jacob D. Cook.
S. 5365. Joseph Frick.
S. 5401. Harry D. Hogan.
S. 5407. Ida M. Smith.
S. 5444. Susan J. Cantrell.
S. 5490. Marvel J. Nash.
S. 5557. Dora D. Walker.
S. 5579. Albert V. Wallis.
S. 5580. Emma B. Hubbard.
S. 5631. Theodore Hansen.
S. 5710. George W. Cameron.
S. 5715. Jen Rody Chauncey.
S. 5724. Ray W. Burkdoll.
S. 5749. Frank Stemm.
S. 5870. Carlton Meredith.

Mr. HUGHES, from the Committee on Finance, to which was referred the bill (H. R. 11245) extending to the port of Provi-

dence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported it without amendment.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 10345) for the relief of C. M. Hammond, reported it without amendment and submitted a report (No. 604) thereon.

Mr. WEST, from the Committee on Military Affairs, to which was referred the bill (S. 4005) for the relief of John J. Muehleisen, reported adversely thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. WEST, from the Committee on Military Affairs, to which was referred the bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army, reported it without amendment and submitted a report (No. 605) thereon.

GOLD HILL CONSOLIDATED CO.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back with amendments Senate resolution 394 authorizing a special committee to investigate the use of the Senate committee stationery in the promotion of the Gold Hill Consolidated Co., submitted by the Senator from North Carolina [Mr. OVERMAN] on the 15th instant. I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, on page 1, line 1, after the word "That," to strike out "a special committee of five Members of the Senate be appointed by the President of the Senate, and that said committee" and insert "the Committee on Privileges and Elections or any subcommittee thereof"; on page 2, line 6, after the word "stenographers," to insert "at not to exceed $1 per printed page"; and in line 13, after the word "thereof," to insert "no witnesses to be paid except when subpœnaed," so as to make the resolution read:

Resolved, That the Committee on Privileges and Elections or any subcommittee thereof is hereby empowered and directed to make a thorough and complete investigation into the use of stationery of the United States Senate Committee on the Census and the United States Senate Committee on Rules in the promotion of the so-called Gold Hill Consolidated Co., and of the sending of an employee of the United States Treasury to make an investigation of and report upon the property of said company, and any other matters touching upon or relating to the use of property of the United States or employees of the United States Government in connection with the promotion or business of said Gold Hill Consolidated Co. Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress, to require by subpœnas or otherwise the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from any of the departments or bureaus of the Government; to employ stenographers at not to exceed $1 per printed page to take and make a record of all evidence taken by the committee, and to keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound. The chairman of the committee, or any of the members thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or the chairman of any subcommittee thereof, no witnesses to be paid except when subpœnaed. All hearings by and before said committee, or any subcommittee thereof, shall be open to the public. The expenses of such investigation shall be paid for out of the fund for contingent expenses of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

L. W. JONES.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 388, submitted by the Senator from South Carolina [Mr. TILLMAN] on the 11th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the contingent fund of the Senate the sum of $16 to L. W. Jones, for services as assistant clerk to the Committee on Naval Affairs, from June 1 to June 4, inclusive.

THE COMMITTEE ON REVOLUTIONARY CLAIMS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 383, submitted by the Senator from New Hampshire [Mr. GALLINGER] on the 29th ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to E. W. Lillard 60 days' salary at the rate of $2,220 per annum; to Rella M. Lane, 60 days' salary at the rate of $1,440 per annum; and to Ephraim S. Lillard, 60 days' salary at the rate of $1,200 per annum; the same being for services as clerk, assistant clerk, and messenger, respectively, to the Committee on Revolutionary Claims, for 60 days from May 27, 1914.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 5900) granting a pension to Laura C. Bailey; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 5901) granting an increase of pension to David Frank; to the Committee on Pensions.

By Mr. SHERMAN:

A joint resolution (S. J. Res. 164) for the appointment of a commission to acquire by purchase or condemnation certain land for the extension of the Capitol grounds, and providing for the payment therefor; to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate $90,000 for the purchase by the United States of the right to use the method patented by Louis Gathmann for drying smokeless powder, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. JONES submitted an amendment proposing to appropriate $15,000 for the purchase of that portion of the block whereon the United States courthouse and jail now stand in the city of Fairbanks, Alaska., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—THOMAS S. MURRAY.

On motion of Mr. THOMPSON, it was

Ordered, That the papers in the case of Thomas S. Murray, S. 2644, Sixty-second Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

AFFAIRS IN NICARAGUA.

Mr. O'GORMAN. I have received a telegram from Brown Bros. & Co. and J. & W. Seligman & Co., of New York, which I desire to have read.

There being no objection, the telegram was read, as follows:

[Telegram.]

NEW YORK, *June 18, 1914*.

Hon. JAMES A. O'GORMAN,
Senate Chamber, Washington, D. C.:

We have telegraphed to the Hon. BENJAMIN F. SHIVELY, chairman of Foreign Relations Committee, as follows:

"Our attention has been called to newspaper reports of a resolution introduced by Senator SMITH of Michigan in the United States Senate directing the Committee on Foreign Relations, or any subcommittee thereof, to inquire into certain transactions between the Republic of Nicaragua and Messrs. Brown Bros. & Co. and J. & W. Seligman & Co. and Speyer & Co. The preamble of the resolution makes certain positive statements, every one of which, so far as it relates to the undersigned, is incorrect. Said incorrect statements are as follows:

"'Speyer & Co. are not associated with Brown Bros. & Co. and J. & W. Seligman & Co. in their Nicaraguan transactions.

"'Earnest H. Wands was not designated as financial agent of the Republic of Nicaragua in the interest of said Brown Bros. & Co. and Seligman, having been designated as financial agent before the bankers had any relations with Nicaragua; in fact, the bankers met Mr. Wands for the first time when, as financial agent of Nicaragua, he, on behalf of Nicaragua, negotiated with them.'

"Neither Brown Bros. & Co. nor J. & W. Seligman & Co. ever bought any of the bonds of the Republic of Nicaragua at a low price or at any other price, and have not made and do not stand to make any profit through their redemption. They never owned and do not now own any bonds of the Republic of Nicaragua. What the bankers did was as follows: On behalf of Nicaragua they negotiated with the council of foreign bondholders in London, Lord Avebury, president, and J. P. Cooper, Esq., secretary, representing the holders of the bonds of 1909 of the Republic of Nicaragua and managed to arrange for the Republic a reduction of the rate of interest on said bonds from 6 per cent to 5 per cent, and also secured for the Republic of Nicaragua the release of certain security pledged to the bondholders, as well as the release to Nicaragua of £379,049 4s. 2d. cash withheld in London by the original purchasers of the bonds. They also secured for the Republic a reduction in the redemption price of the bonds. For none of these services was any charge made by the bankers. The only connection of Mr. Wands with this matter was that on behalf of Nicaragua he went to Paris for the purpose of securing the assent of the French bondholders to this arrangement, so advantageous to Nicaragua.

"The railroad of Nicaragua has not been sold to the bankers below its actual value. In the first place, only 51 of the shares of the railroad were sold to the bankers, the remainder being retained by Nicaragua; and, secondly, the price paid, so far from being below its actual value, is, in the light of earnings, above the actual value of the road. The railroad has paid no dividend since the stock was bought.

"The bankers have not secured profits of any kind through compelling the Republic of Nicaragua to redeem any of its bonds. The bankers never owned and do not now own any of said bonds. Furthermore, they have made no profit on any of their transactions with Nic-

aragua. They have charged 6 per cent interest on their advances, and no commission, except one of $7,550 on one particular advance. A very large proportion of said advances amounting to $1,060,000 still remains unpaid. They have bought 51 per cent of the railroad and 51 per cent of the bank, to the future enhancement in the value of which they must look for any possible profit.

"Generally speaking, the bankers have not only not brought reproach upon the American Government, as charged, but, on the contrary, they have, without compensation, put through in Nicaragua a creditable piece of constructive financing. They have aided Nicaragua to adjust its foreign debt at a reduced rate of interest. They have assisted Nicaragua in settling its disordered currency. They have aided Nicaragua in improving the collection of its customs of revenues, which have largely increased in consequence. They have greatly improved the condition and operation of the railroad of Nicaragua. For the purpose of making the above possible, they have loaned large sums to Nicaragua from time to time, and have purchased 51 per cent of the stock of its national railroad and 51 per cent of its national bank. The bankers have received no dividends on the shares, either of the railroad or the bank, and neither enterprise is at present in a condition to declare dividends.

"The entire program and the manner of its execution we respectfully suggest reflect credit on American banking methods. We think it unfortunate that baseless accusations should have been made to discredit American business men and their methods.

"The members of our firms and their books are at the disposal of your committee for any investigation you may desire to make in this matter."

As New York Senator, familiar with our reputation, we think you should be apprised of the facts.

BROWN BROS. & CO.
J. & W. SELIGMAN & CO.

Mr. SMITH of Michigan. Mr. President, I introduced the resolution to which that telegram refers after very careful consideration and a thorough investigation into Nicaraguan affairs, so far as they are controlled and directed by the bankers who send this telegram to the Senator from New York.

I have no disposition at all to enter into any controversy with these gentlemen concerning the subject about which they have advised the Senate. I will say, however, that the indebtedness of the Republic of Nicaragua, funded from time to time and made the basis for supervision and liquidation by Brown Bros. and Seligman, reflects no credit upon this Government, upon the Government of Nicaragua, or upon the bankers having this matter in charge.

The issue is now squarely made by their communication to the Senator from New York, who is also a member of the Committee on Foreign Relations, and it is the duty of the Senate to take up that issue and to investigate it carefully. I feel that the Committee on Foreign Relations, which has jurisdiction over the resolution, will take that course.

The only answer I desire to make to the telegram is this: Standing in my place, and with my responsibility to the country as an American Senator, I allege that the indebtedness sought to be validated and imposed upon the Republic of Nicaragua is, in the main, fictitious and fraudulent and ought not to receive the approval of the American Government.

Saying that much, I request that the telegram offered by the Senator from New York shall be sent to the Committee on Foreign Relations for consideration in connection with the resolution of investigation now pending there.

The PRESIDING OFFICER. Without objection, the communication will be referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, as somewhat cognate to this matter, I ask unanimous consent to have published in the RECORD an article entitled "Our Continental Policy," by Melville Davisson Post. It deals with the Monroe doctrine in its relationship to European connection with South America, and especially with reference to the present condition in Mexico.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The matter referred to is as follows:

OUR CONTINENTAL POLICY.

[By Melville Davisson Post.]

The situation in Mexico brings the Monroe doctrine forward out of the region of academic speculation. We have had much discussion of the doctrine and its application to the various courses the United States was advised to follow before our decisive step at Vera Cruz; but the air has not been cleared. Confusion, for the most part, results from failure to recognize the precise limitations of this policy—to differentiate what President Monroe defined it to be from the vague notion of a continental protectorate so insistently in the public mind.

There can be no greater hardship than to live under indefinite laws. The greatest safeguard of the citizen is that the laws shall be so certainly defined that no question can arise about their meaning. There is a like peril when national policies are not certain. If we are to consider the term "Monroe doctrine" to be synonymous with the terms "national honor" and "general welfare," or the like, then it is simply out of the question to undertake to say how any policy may affect it. These latter are terms that change with education, ideals, and public sentiment. No man can say what our conception of national honor or public welfare may be; therefore no man can say what acts of foreign nations may be taken to contravene these vague ideals.

If, however, we define the Monroe doctrine to mean that no land on this continent shall be considered as subject to foreign colonization, and that no foreign nation is to be permitted to impose its system on any American State—that is to say, no land of any American State shall be taken by any European power, and every American State shall be permitted to work out its own governmental policy independent of European intervention—then we have established a measure we may apply accurately to any proposed national act.

THE ARMY OF THE ALLIES AT PEKING.

The United States was urged in the beginning to regard Mexico as in a condition similar to that of China during the Boxer rebellion—a country in a condition of internal chaos, with no responsible government, and with the lives and property of foreigners at the mercy of flying squadrons of bandits. The President was advised to call a conference of the powers of Europe and march on the city of Mexico as we marched on Peking.

It was pointed out that this armed intervention in China was accomplished as a concerted action and without any grave clash between the different authorities. In the march on Peking there were Japanese, Russians, British, Americans, Germans, and French. This force was, without difficulty, put under the general command of the highest foreign officer in China, who at that time happened to be Field Marshal Count von Waldersee.

The legations besieged in Peking were relieved; order was restored and maintained until China was able to guarantee the general safety, and then the troops were withdrawn. China was impressed by the fact that the nations of the earth were determined to put down anarchy wherever it might appear, and to insist on some form of orderly government everywhere in the world.

In the beginning certain authorities urged the United States to take precisely this course with Mexico. There were subjects of all the great powers in Mexico; their lives and property were in jeopardy. And it was pointed out that these nations should be as willing to care for their unofficial subjects as they would be for the personnel of official legations; and consequently the same duty devolved on them to restore order in Mexico as to restore it in China. It was further indicated that if one nation should act alone—for instance, the United States—all patriotic Mexicans might resent it; but they could not resent allied intervention.

If Mexico were a country unaffected by the Monroe doctrine, or what it is imagined to be, this course might have been undertaken long ago; but the Monroe doctrine was generally considered to stand in the way of such a plan. It is interesting to consider just how far this position is tenable.

Mr. Roosevelt said to Congress, in discussing the Monroe doctrine:

"We do not guarantee any State against punishment if it misconducts itself, provided that punishment does not take the form of an acquisition of territory by any non-American power."

And, again, he said to the Fifty-ninth Congress:

"Moreover, we must make it evident that we do not intend to permit the Monroe doctrine to be used by any nation on this continent as a shield to protect it from the consequences of its misdeeds against foreign nations. If a Republic to the south of us commits a tort against a foreign nation, such as an outrage against a citizen of that nation, then the Monroe doctrine does not force us to interfere to prevent punishment of the tort—save to see that the punishment does not assume the form of territorial occupation in any shape."

And Mr. Olney said, during the Venezuelan controversy: "It (the Monroe doctrine) does not relieve any American State from its obligations as fixed by international law, or prevent any European power directly interested from enforcing such obligations and from inflicting a merited punishment for the breach of them."

Mr. Roosevelt was clearly of the opinion that southern States could not use our policy to protect them from European powers if they flagrantly outraged the rights of any foreign nation. It therefore happened that he did not consider the Monroe doctrine to be involved when the ports of Venezuela were bombarded by German, English, and Italian warships.

He took the position that if any southern States refused to follow the usual customs of civilization in their foreign relations, they must suffer for that defiance, and that so long as territory of the State was not actually taken our policy was not involved, no matter how severely the offending American State was punished for its misdeeds.

It is therefore certain that, so far as the Monroe doctrine is concerned, European nations have the right to punish southern States for gross violation of the ordinary humane customs of civilization, and they have the right to protect their citizens and their property. The main point is that European nations shall not occupy the territory of those States. We seem to have made a distinction; their ports may be bombarded, but marines ought not to be landed—the idea being that the Monroe doctrine would not be violated by the landing of troops in southern States, but that European nations, having once occupied territory of an American State for a rightful purpose, might remain for a wrongful purpose. And to continue to occupy territory would be a violation of the Monroe doctrine.

Some years ago European nations were about to seize the customhouse of the Dominican Republic. The United States undertook to act for them, and took charge of the customhouse of that Government, on the theory that if Santo Domingo were once occupied by European powers it might continue to be occupied by them. A permanent occupation of the territory of any southern State would be a violation of the Monroe doctrine, and would call for our interference.

The landing of European troops on the soil of a southern State is not regarded by us as a violation of the doctrine, but as a thing that may lead to a violation of it. It is not the act that contravenes our policy, but the probable result that may contravene it.

INTERVENTION UNDER AMERICAN LEADERSHIP.

It seems therefore clear that if foreign powers, independent of the United States, were to undertake to make a concerted march into the interior of a South American State, we might be forced to protest against it on the precedent of Santo Domingo—that is to say, on account of the fear that the Monroe doctrine might be involved by the refusal of some one of the powers to withdraw its troops. If the United States, however, were assured that these forces would be withdrawn and that no permanent occupation of the territory of the southern State could result, then the Monroe doctrine would not be drawn into the question. It would be no more involved than it was involved by the bombardment of Venezuela.

How could the United States be certain that the powers would withdraw their troops? It would seem that if the United States should lead in any required intervention, and the whole expedition should be under the leadership of a superior American officer, as the Chinese expedition was under the leadership of Field Marshal Count von Waldersee, the difficulty would be removed.

It appears practically certain that the powers could make no valid objection to a plan of this character if they should ever find it neces-

sary to enter a southern State. Small forces of Great Britain, France, Germany, and of other nations, associated with a larger American force and under unquestioned American leadership, might make such a joint intervention without infringing the Monroe doctrine.

If it does not violate the Monroe doctrine for European powers to protect their rights by bombarding southern ports from warships, it is difficult to see how the policy is violated when foreign nations protect their rights by landing troops, if it is certain that the troops are to be removed after the wrongs have been corrected. If a concerted action by warships in which we do not join and over which we have no control is no violation of the doctrine, how can it be a violation of it to have a concerted action of troops in which the United States takes the leading part?

If the whole expedition were under the command of an American general, as the whole Chinese expedition was under that of Field Marshal Count von Waldersee, it seems exceedingly unlikely that any portion of this command would be able to remain on southern territory, if the American officer commanding the expedition deemed it advisable to withdraw.

The current idea that Mr. Olney and Mr. Hay expanded the Monroe doctrine to mean that the United States must alone settle all internal affairs of America without interference by or suggestions from European powers is not sound. The doctrine never meant anything like that. It meant precisely what Monroe said in his message. Mr. Olney's dictum that we are practically sovereign on this continent was gratuitous, as are the efforts of later Secretaries of State to make the doctrine vague and general. We are under no obligations to accept them.

There is no more reason why the United States should accept these modern theories as definitions of the Monroe doctrine than there is reason for our accepting those of Polk and Grant as properly illustrative of it. President Polk suggested that we ought to seize Yucatan, because under the Monroe doctrine we were bound to take over any territory that a European power might be tempted to annex; and that was the theory adopted by Grant when he wished to seize the eastern end of the island of Santo Domingo. It was a novel and ingenious conception of the Monroe doctrine, but not one likely to appeal to us; as though one should say to his neighbor: "A highwayman may take your purse, *and therefore* to prevent that misfortune I shall take it myself." A piece of irresistible logic!

There can be no doubt that a concert of the powers to police all disorderly places of the world is an advance. It shows that the human race is beginning to move vaguely as a unit and to consider the welfare of all. That it may lead to universal peace, to a sort of federation of all peoples, is a hope not entirely of the fancy. Every concerted move, then, looking to the welfare of all is to be encouraged. The joint action of civilized nations carries more weight and incurs less antagonism than that of a single power. It is the force of united national opinion. As a man is more influenced by the concerted act of his neighbors than by the act of one, so a nation must be more impressed by the joint act of all the great powers about her.

THE NATION NOT BOUND BY HERESIES.

If the United States should be of the opinion, then, that it would be wise for all the powers interested to intervene at any time in southern affairs for the purpose of establishing order and protecting the lives and property of foreigners, it can be done under the dominating leadership of this country without affecting the Monroe doctrine.

The fact can not be overlooked, however, that this policy is not acurately understood by the people. Unfortunately the conception of it is uncertain. The general impression is that we have forbidden any armed European foot to touch, under any pretext, the soil of a South American State. This is a foolish, dangerous, and profoundly erroneous idea. That is not the Monroe doctrine—it is a heresy superimposed on it; but it is widely believed and is the current opinion of the average citizen.

Therefore it must be recognized that if in the beginning the administration had undertaken to negotiate joint intervention of all the powers in Mexico, it would have been subjected to the gravest criticism. Those opposed would have marshaled a vast patriotic sentiment. A popular appeal would have been made to patriotic motives. The administration would have been charged with the abandonment of American ideals and a surrender to European domination.

All this criticism might have had no base in reality, but it may very well be doubted whether any administration would dare to undertake the experiment of stemming such a current of misunderstanding. It might be that a great executive, sufficiently in the confidence of the whole people, would have been able to go forward with it, and so to clearly define the limitations of the Monroe doctrine that the people would have been able to see that no national policy of this country would be violated by such a course.

Looking at the situation from all quarters, however, one must admit that the undertaking would have been extremely doubtful. Old wars, especially with Great Britain, have left their heritage of bitterness. Emigrants from oppressed countries have brought with them their sentiment against the dominion of monarchies. Any policy that would seem to conciliate or invite a joint action of European nations on this continent would inflame this sentiment.

This sentiment is anachronistic and a pressure against a federation of the human race, but it exists and must be reckoned with. Even the great peace movement that Count Mouravieff inaugurated on the 24th of August, 1898, at the direction of the Emperor of Russia, has from time to time in this country been opposed by this sentiment. The pressure of it was so great that the representatives of the United States declined to sign the twenty-seventh article of the convention for the pacific settlement of international disputes, except with the reservation that nothing therein contained should be construed to imply a relinquishment by the United States of America of our traditional attitude toward purely American questions—thereby excluding the United States from the obligation of submitting any American question concerning this continent to The Hague Court.

If the Chinese and Japanese had excluded any Asiatic question, and European powers any continental question, international questions to be settled by arbitration would have been difficult to find.

However, if any administration were powerful enough to substitute in the public mind the actual Monroe doctrine for the current Monroe heresy, the joint intervention of all powers, when such a course might become necessary in South American affairs, could be had without violation of any American ideal.

We have seen that the United States could hardly permit foreign powers to intervene in southern States exclusive of ourselves—not because the Monroe doctrine would be thereby violated, but because it might be violated by the refusal of some one of the powers to withdraw its forces after the necessity for them has passed. And we have seen that the United States, dominating a concerted movement of the powers, could intervene in southern States without violating the Monroe doctrine, but at the peril of rousing a great sentiment that might destroy the administration which undertook it.

A measure to avoid the pressure of this false sentiment lies in the plan of settling disputes on this continent through the mediation of American Governments only, and the recent efforts along that line are a decided advance. Such stable Governments as Argentina, Brazil, and Chile could very well join with the United States in maintaining order where it is necessary, and to protect the lives and property of foreigners. Such a cooperation of American powers with the United States could, of course, in no way affect the Monroe doctrine or any American tradition. It is probable also that it would provoke less resentment on the part of the American State so entered than if the invasion were by European troops.

It is by no means a mere fancy that we shall be able in time to effect a confederation of southern States which, with the cooperation of the United States, shall undertake to settle all American disputes without the intervention of any European power. This would be an ideal solution of the difficulties on this hemisphere. A good deal has been done toward such cooperation, and it may be accomplished. It is an end well worth every reasonable effort.

It must be admitted, however, that to make such cooperation permanently effective we must get rid of the sentiment against us in the south; we must get rid of the heresy of a protectorate and the unsolicited elaborations of the Monroe doctrine gratuitously made by some of our officials—the idea that we sit as a sort of overlord, and that all southern States must maintain the kind of government we think is suited to them, or the sort of civilization we deem advisable. We should have to make it clear that we take the Monroe doctrine to mean precisely what it does mean.

It is proper to remember that if the United States were to effect a permanent working cooperation with the South American Governments for the purpose of settling disputes on this continent, the Monroe doctrine would in no sense be violated; but the modern acceptance of it, usually attributed to Olney and Hay, that there is an obligation on the United States to settle the internal affairs of America herself, without interference and suggestions from any other power, is heresey. It never was the Monroe doctrine, and it can not be taken to be the Monroe doctrine to-day, except by the use of that elastic construction for which our courts are famous.

THE EGOTISM OF MR. SEWARD.

This brings us to the inquiry as to whether the United States is, in fact, under any obligation to take any active course toward a southern Government unless our national honor is involved or our citizens are in peril. The foreign notion that because the United States declines to permit a European power to colonize any part of America, or to land troops for the purpose of oppressing any South American State, or impose its system on it, we are thereby under obligation to police southern countries is error.

By the maintenance of the Monroe doctrine this country does not undertake to establish order in any South American country, or to collect the debts of any foreign power, or to force any administration to meet its obligations.

Our traditions do not obligate us to send an invading army into any South American State unless our own national honor demands it. We have not undertaken, as Mr. Roosevelt has pointed out, to protect any southern State from the result of its wrongdoing. We undertake to protect it only from foreign colonization and from being forced to adopt a form of government suggested or imposed on it by a European power.

Thus we stood calmly aside and allowed England, Germany, and Italy to bombard the ports of Venezuela; and before that, in 1861, outrages on foreigners became so flagrant in Mexico that they led to a treaty of joint intervention. Great Britain, Spain, and France felt it necessary to intervene. Later Great Britain and Spain withdrew their troops, but Louis Napoleon remained. Afterwards the United States pressed France to withdraw her troops, which was finally done.

It seems strange that Mr. Seward, in presenting the request of the United States, made no mention of the Monroe doctrine. It has been explained that this arose from the egotism of that official, who took himself to be an authority as great as Monroe and his Cabinet.

At any rate, since the Monroe doctrine was announced and accepted, European nations have interfered in southern States for the purpose of protecting the rights of their citizens and their property, and we have felt it our duty to object only when there was danger that these foreign powers would remain on American soil.

Our only reason for putting the customhouse of Santo Domingo under American control was the fear that if European powers undertook that control they would never withdraw from the island. Mr. Roosevelt explained it as follows:

"Our own Government has always refused to enforce such contractual obligations on behalf of its citizens by an appeal to arms. It is much to be wished that all foreign Governments would take the same view. But they do not; and in consequence we are liable at any time to be brought face to face with disagreeable alternatives.

"On the one hand, this country would certainly decline to go to war to prevent a foreign Government from collecting a just debt; on the other hand, it is very inadvisable to permit any foreign power to take possession even temporarily, of the customhouses of an American Republic in order to enforce the payment of its obligations, for such temporary occupation might turn into a permanent occupation."

When citizens of a country are in danger or national honor requires it, however, a Government must act swiftly and with firmness.

An insult to the flag may seem a slight thing to go to war about, but it must be remembered that the flag is the emblem of the nation's honor, and insults to it can not be overlooked. A high and formal courtesy is insisted on by all nations claiming the respect of the world.

No matter what the final result of affairs in Mexico may be, it is certain that our relations with other nations, especially the southern Republics, will be in some degree affected. If our intercourse with these Governments is ultimately to become more friendly, and if in the end some plan of efficient and permanent cooperation is likely to be evolved, it will be a distinct advance in diplomatic relations on this continent. Whatever the final result may be, however, we must in the end make our conception of the Monroe doctrine, as an American policy, clearer and more definite.

It is therefore of the first importance that the people shall have a correct understanding of the exact limitations of this doctrine. Governments are influenced by the pressure of public opinion, and this public opinion must be intelligent if the policy of the administration is to be farsighted and wise.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, when I presented to the Senate the report of the Committee on Commerce on the river and harbor bill I announced that I should ask the Senate to take up the bill for consideration on Monday next. Since that time a number of Senators have indicated to me a desire for a longer time in which to examine the rather voluminous report, embracing several hundred pages, a copy of which I hold in my hand. In deference to the wishes of these Senators, I shall not ask to take up the bill on Monday, but I give notice that I shall ask to take it up on Thursday of next week.

Mr. SMITH of Michigan. Mr. President, we could not understand the Senator from North Carolina. If I caught what he said in his closing sentence, it was that he would ask to take up the bill on Thursday next.

Mr. SIMMONS. Yes; I said that when I submitted the report to the Senate I made a statement to the effect that I would call it up on Monday next.

Mr. SMITH of Michigan. Yes.

Mr. SIMMONS. But that, in deference to the wishes of certain Senators for a longer time in which to examine the report, I would not call it up until Thursday next.

Mr. SMITH of Michigan. Then it is the intention of the Senator to call it up on Thursday?

Mr. SIMMONS. Yes.

NAVAL APPROPRIATIONS.

Mr. SWANSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6, 14, 15, 16, 18, 39, 42, 43, 44, 50, 54, 66, 68, 70, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 41, 46, 47, 48, 49, 51, 52, 56, 58, 60, 61, 62, 63, 64, 65, and 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "*Provided*, That the Secretary of the Navy is authorized to detail such naval officers not exceeding four as may be necessary to the Hydrographic Office"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee of conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000" and in lieu thereof insert "$180,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000), $200,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment after the word "men" insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the proviso in said amendment and in lieu thereof insert the following: "*Provided*, That such appointments shall be made in the order of merit from candidates who have in competition with each other passed the mental examination now or hereafter required by law for entrance to the Naval Academy, and who passed the physical examination required before entrance under existing law"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 1 of said amendment after the word "type" insert the following: "to have a surface speed of not less than 20 knots."

In line 5 of said amendment after the word "expended" strike out the comma and insert a period, and strike out the words "and the" and in lieu thereof insert "The."

In line 10 of said amendment after the word "said" insert the words "eight or more"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 67, and agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 40, and 71 the committee of conference have been unable to agree.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.
L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

The report was agreed to.

Mr. SWANSON. I move that the Senate further insist upon its amendments, ask a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

WIDOW OF THOMAS B. M'CLINTIC.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the said bill.

N. P. BRYAN,
THOMAS S. MARTIN,
COE I. CRAWFORD,
Managers on the part of the Senate.
EDW. W. POU.
LUTHER U. MOTT,
Managers on the part of the House.

The report was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On June 18, 1914:

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

On June 19, 1914:

S. 55. An act for the relief of Daniel Hampton;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; and

S. 2226. An act for the relief of Joel J. Parker.

INDIAN APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12579.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. On page 77, after line 17, the Committee on Indian Affairs proposes to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

The senior Senator from Mississippi [Mr. WILLIAMS] proposes to add at the end of the amendment the following proviso:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. WILLIAMS. Mr. President, we went all through this debate a year ago. The Senate disagreed with the committee and adopted the amendment which I at that time offered. Then the committee, being determined that the amendment should not go through, made a point of order against the committee amendment as amended, and it went out of the bill, and now we have here to go over the whole thing again.

Mr. President, in 1830 there lived in the State of Mississippi a tribe of Indians known as the Choctaws. Unlike every other tribe of Indians in the United States, they had never had a quarrel with the English-speaking white man. No tomahawk had ever been raised by them against the American pioneers who settled that country. They were the friends of the English-speaking white settlers at all times. They fought for them and with them against Frenchmen and Spaniards. They fought with "Mad Anthony" Wayne.

About that year it was thought desirable to get them to remove, if they would, west of the Mississippi River. It was under Gen. Jackson's guidance and counsel that this was done. We entered into a treaty with them known as the Dancing Rabbit treaty, so named after the creek upon the banks of which the treaty was entered into.

Mr. President, it is a principle of universal law that citizenship in a savage tribe is not a matter of residence, but it is a matter of consanguinity, of blood relationship. It is interesting to go back and discover that this has once been the case with all people who have ever lived, not American Indians alone. I once investigated the points or resemblance between the tribal constitution of the Iroquois Indians, the "Indians of the Long House," and the early tribal institutions of Athens and of Rome. To be a citizen in any of them you had to be a member of the tribe by blood or adoption; place of residence had nothing to do with it. It is perfectly wonderful how far the institutions of all in their early stages agree in this respect. Citizenship everywhere originally was a matter of kinship. To be a member of the tribe in blood made one a citizen of the tribe, or, as we call it when we refer to the tribes of Indians in America, a citizen of "the nation."

I dwell upon this a moment for the purpose of laying down the fundamental principle that a Choctaw is a Choctaw, independently of the fact whether he dwells in Mississippi or whether he dwells in Oklahoma; that a Choctaw is a citizen of the Choctaw Nation, independently of the fact whether he dwells in Oklahoma or in Mississippi; and I do it for the further purpose of calling your attention to the fact that the Dancing Rabbit treaty recognized that truth.

The Dancing Rabbit treaty went on to say that provided these people would move west of the Mississippi River a certain lump sum should be appropriated for their benefit, part of it for schoolhouses and school teachers and part for other purposes, and that certain annuities should be instituted, to be shared by those of them who went west of the Mississippi River. In addition to that there was the usual provision for giving the chiefs certain favors—so much land, and all that. In all our treaties with the Indians it has been found necessary to give special favors to the chiefs and subchiefs—men of influence—to induce them to influence the others.

Some of the Choctaws in Mississippi did not want to go west of the Mississippi River, and some of their chiefs did not want to go west—Mooshalatubbee, Greenwood Le Flore, and some of the balance of them. It became necessary in this treaty to provide for those Mississippi Choctaws who declined to go and who were not willing to go, the object of the Government of the United States being to secure the land and be able to sell the land to white settlers; and in so far as the land in Mississippi was to be given to Indians there, to give it out by metes and bounds in individual ownership—in severalty, as we call it.

The consequence was that the Choctaw Indians going west of the Mississippi River became entitled to their proportionate share of this lump sum and their proportionate share of these annuities; but by article 14 of the Dancing Rabbit treaty the Choctaws who remained in Mississippi were specially recognized as having "all the privileges of citizens of the Choctaw Nation." This article 14 had to be inserted in order to secure any treaty at all. It was the sine qua non. Greenwood Le Flore insisted on it. It was admitted on all sides that unless those who chose to remain in Mississippi were to retain their Choctaw citizenship and receive the other advantages of article 14 there could be no treaty.

Mr. President, the Dancing Rabbit treaty can be found in the United States Statutes at Large, volume 7, "Indian Treaties from 1778 to 1842." I shall not undertake to read the treaty, of course; it is too much; but it is a treaty of "perpetual friendship, cession, and limit." It recites that one of the objects of it is "that the Choctaws may live under their own laws at peace with the United States and the State of Mississippi," and that therefore they have determined to sell their lands east of the Mississippi and have agreed to the following treaty. Why did they put in and at peace "with the State of Mississippi," except because there was no promise for all to go and no duty that all should go, and because many would remain in Mississippi?

Another portion of it is that which cedes to the United States the land which the Choctaws then owned as a Choctaw reservation within the State of Mississippi, Mississippi having extended her laws to all residents of the State.

Article 14, which is the important article, upon which I dwell, reads as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty——

Mr. OWEN. What page is that?

Mr. WILLIAMS. It is on page 335, the fourteenth article of the Dancing Rabbit treaty. By the way, I will say in this connection the Senator from Oklahoma [Mr. OWEN] was the first man in the world who ever called my attention to this particular article of this particular treaty. I continue the reading—

and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it.

Now, Senators, mark you—

Persons who claim under this article shall not lose the privilege of a Choctaw citizen; but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Now, that cuts them out of the annuity alone; cuts them out of it, even if they subsequently removed to what afterwards became known as the Indian Territory. In all other respects, remaining in Mississippi, if they so elected, they are guaranteed "the privileges of a Choctaw citizen." Meanwhile they had already been cut out of the lump sum, which was a sum devoted to the purpose of removing the Choctaws west and of schooling them there, and so forth. Of course, those who did not remove to the west of the river obtained, from the very nature of the case, no part of the lump sum. In every other respect the Mississippi Choctaws were a party to this treaty, as Choctaw citizens; and neither the United States nor the United States in conjunction with the Choctaws in Oklahoma, or in the old Indian Territory, had any right to change their rights under the treaty without the consent of the Mississippi Choctaws. They certainly never had any right to change it by engrafting upon it provisions which would cut out the Mississippi Choctaws from their express right under the Dancing Rabbit treaty. This is a fortiori true when you remember that just in so far as the Choctaws in Mississippi were cut out the fellow citizens in Oklahoma were benefited. Certainly a party of adverse interest to them could not represent them and waive their rights.

I had a long fight in the House of Representatives upon this question. I won the fight. The Committee on Indian Affairs there, upon which at that time was the late Vice President, Mr. Sherman, and the former Senator from Kansas, Mr. Curtis, and others, saw the justice of the claim of the Mississippi Choctaws, and it was provided that they should have the rights which were claimed for them.

But upon the legislation I found afterwards an insidious amendment that I did not know was there, and which provided that in order to have their rights they must remove to Oklahoma. The Mississippi Choctaws could no more move to Oklahoma than they could fly, because they for the most part did not have any money to move with, unless they walked, and, if they walked, had nothing to eat while walking.

Mr. OWEN. Was he doing well in Mississippi?

Mr. WILLIAMS. The Senator asks me if he was doing well in Mississippi. Yes; after his fashion he was doing very well. The Mississippi Choctaw in Mississippi, according to his idea, was in a very happy condition. He was in 1830, but he never was a money-maker, he never possessed a white man's love of money.

By the way, I want to pay tribute right here to the Choctaws in the State of Mississippi. This treaty you see looks to their becoming citizens of Mississippi, but Mississippi never permitted them to vote. She excepted from the ballot "Indians not taxed." But they lived there. They have lived, as their ancestors had, along the valley of the Pearl and the Leaf and the Youghiogheny. With squirrels, wild turkey, ducks, bear, and fish the Indians in Mississippi did not have to die to go to the "happy hunting grounds." He had them right there.

Now, the amendment referred to required these people to move to Oklahoma. So I afterwards secured an appropriation of $20,000, I think it was, to help them remove. But I found that, though I procured this appropriation of $20,000 to help them move, in the first place the sum was not sufficient, and in the next place that they had nothing to do and no way to make a living after they got to Oklahoma; they would have starved when they got there.

I and others interested in their welfare and their future afterwards prevailed upon the Dawes Commission to send a subcommittee to the State of Mississippi in order to identify the Mississippi Choctaws and put them upon the roll. That committee was headed by Capt. McKennon, of Arkansas. They came to Mississippi and went into the counties of Jasper and Newton and Le Flore and Leake and Neshoba, and Smith and Scott, and they gave notice, and the Mississippi Choctaws came up to be identified, and quite a number of them were identified and were placed by that subcommittee of the Dawes Commission upon the roll. Mr. President, there was no trouble in identifying full-blood Choctaw Indians. There were not any other sort of Indians in south and central Mississippi. The members of no other tribe ever remained in that section. Very few others ever lived in it, and they, small tribes right along the seacoast, had long since disappeared. Capt. McKennon did good work, and did it in a kindly spirit. A great number of the Indians came up and were put upon his roll. I am not certain of the number right now, but I think it was about 2,400.

Now, then, after he has acted for the Dawes Commission, has identified these people as Mississippi Choctaws, then the matter is brought into court in Oklahoma somehow or other and those rolls are not approved of.

Mr. OWEN. Mr. President——

Mr. WILLIAMS. Wait a minute. Then, furthermore, somehow or other when those rolls get here to Washington they do not receive the final approval of the Secretary of the Interior as to over eleven hundred of these men—unmistakable Choctaws of the full and half blood. Now, why? Not because they were not Choctaws. Nobody will say that. Capt. McKennon knew an Indian when he saw him; he knew him from a white man. These were full bloods and half bloods. Now, I yield to the Senator from Oklahoma.

Mr. OWEN. I wanted to remind the Senator that in the report which Capt. McKennon made subsequent to the list referred to by the Senator they were not put on the rolls because Capt. McKennon in his report said he found it was impossible for the persons of Indian blood to prove their descent. They had no family records; they had no records of 1830; and they could not prove their descent. He made that report, and that was the basis upon which that roll was afterwards disapproved by the Secretary of the Interior.

Mr. WILLIAMS. I understand that, Mr. President. I will come to that right now, though that was not the connection of the argument where I intended to bring it in. Here was a law that was passed by Congress in that connection in 1902. It shows that there were two classes of these people reported on by Capt. McKennon—Choctaws who were to be enrolled as of the full blood and Choctaws of mixed blood entitled by virtue of descent from patentees. But let me read it all to give the connection.

All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said commission, make bona fide settlement—

Now, this was a waiver of the requisition of going to Oklahoma before identification—

make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such commission as Mississippi Choctaws, entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior.

Then this language was put in. It goes on:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement—

Now, mark this, the pitfalls in it, and how carefully they were placed there:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications *all full-blood Mississippi Choctaw Indians* and *the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land* under the said fourteenth article of the said treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said commission—

The treaty referred to by date is the Dancing Rabbit treaty. But—

Now, mark you this—

But this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant—

Now, mark it. To the advantage of what sort of an applicant?

And shall not be invoked by or operate to the advantage of any applicant *who is not a Mississippi Choctaw of the full blood*—

That is, Mississippi Choctaws of the full blood. That class could "invoke" it, and it could "operate" to their advantage. They could be identified without proving descent. How? By the eye of any man who knew an Indian when he saw him and had common sense.

It was the other class who could be identified only by proof of descent who must have been solely referred to in that part of Capt. McKennon's report referred to by the senior Senator from Oklahoma in his interruption of a moment ago.

The Mississippi Choctaws of full blood are taken out of this exception. There were two classes of these men. I continue to read the law of 1902—

or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said commission shall be upon a separate roll.

There were two classes of people entitled to benefits under this. One was the full-blood Mississippi Choctaw, who had to prove simply that he was a Choctaw of full blood.

Mr. OWEN. And moved.

Mr. WILLIAMS. He was not to move until the lapse of a certain time after the final approval of the roll—now, mark that—six months after the final approval of the roll "and the ratification of the agreement," to which he was never a party, affecting his rights between the United States Government and the Choctaws in Oklahoma. Of course all this involved his having knowledge that his enrollment had been approved. I deny that any such notice was ever really given him, and I assert and will later prove that as to eleven hundred of them; they were simply pigeonholed, to use the language of the senior Senator from Oklahoma. Now, there was a second class, namely, those whose ancestors had obtained patents under a clause of article 14 of the Dancing Rabbit treaty.

And then, Mr. President, what did they do with those men of this class? Fishermen, hunters, illiterates from generation to generation, this great Government called upon them to trace their pedigree back to 1830. Half the white men who are educated can not do it.

Mr. WEST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. WILLIAMS. I do.

Mr. WEST. Why did they put such rigid requirements on the statute book?

Mr. WILLIAMS. Oh, I think I can tell you. Because their brethren in Oklahoma knew that the more any Choctaws residing outside of Oklahoma got of what was coming to the Choctaw Nation the less they would get. That is why.

Mr. OWEN. The United States did it.

Mr. WILLIAMS. Yes; the United States through committees and through Congress did it, and Oklahoma Choctaw influence and their paid attorneys for them won out.

As I was going to say, and I am giving the history of it, I got an appropriation of $20,000 to help bring these people out to Oklahoma.

Now, mind you, under what I have just read you they were not to move necessarily until six months after the final approval of the rolls, but in the meanwhile the matter was carried into some courts out there, and some lawyers out there were paid so much for keeping off and getting off names from the rolls. The Senator from Oklahoma will admit, I believe, that there was a contract to that effect by the Choctaw Nation in Oklahoma with a firm of lawyers who were to receive so much per for every name that they kept off the final enrollment, and these lawyers went to work and they kept off these men that Capt. McKennon had enrolled and had identified as full blood Choctaws.

They kept them off and got them off by procedure before a peculiarly constituted court from whom no appeal could lie. Appeal was sought to the Dawes Commission and to the Supreme Court of the United States. The latter decided that it had no jurisdiction to consider the appeal—that the decision of this peculiarly constituted court as instituted by our law was final. What influences secured the peculiar institution of that court? Again echo answers.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I yield.

Mr. GORE. I think the Senator from Mississippi is in error with reference to the time and the character of the contract; I have no more sympathy with the contract than has he; but the contract did not stipulate a certain per cent for each one kept off the rolls; it did stipulate 9 per cent for each and every court citizen who should be put off the roll, the court citizens being alleged Indians who had been admitted to enrollment and to citizenship by the Federal courts of the Indian Territory. The contract, as I recall, related exclusively to court citizens, and stipulated that the attorney should receive 9 per cent of what would have gone to each of those citizens who should be removed from the rolls, they having been already placed on the rolls by the court.

Mr. WILLIAMS. I think I will come to that later, unless I forget it. I think the contract to all, and the Senator admits it, applied to those whose names had been placed on the rolls as the consequence and result of trial in and decree of Federal courts, not peculiarly constituted.

I have here somewhere a part of that contract. I do not think I am mistaken broadly in the statement I have made, which was that the attorneys received so much "per." I am not criticizing those people for that. Human nature generally is controlled by self-interest, and when there is a common fund and a certain number of people who would be entitled to distribution under it can increase their share by keeping other people out, I reckon that until God recreates human nature, or until it developes itself to a higher plane, they will proceed to hire lawyers to do it; and that is what they did in this case.

There were these full-blood Choctaws—for the present I am not talking about any others—and no man living denies that they are full-blood Choctaws; no man living, with any knowledge of law, denies that they are citizens of the Choctaw Nation—regardless of where they live—by consanguinity and blood; no man living will deny that the fourteenth article of the Dancing Rabbit treaty said they were to have all the privileges of Choctaw citizens, except that they were not to share in that annuity, and that from the nature of it they could not share in the distribution of the lump sum.

What is the object of this opposition to the amendment I offer and this attempt to distribute this fund solely to Choctaws in Oklahoma? One of the dearest friends I have in the House of Representatives and from Oklahoma has already publicly avowed on the floor there what its object is. It is little by little to distribute this fund until there will be nothing left. Meanwhile these people in Mississippi, friends of the white man, who never raised a tomahawk against him, who fought the other Indians for us, who followed Mad Anthony Wayne in his fight against the northern tribes, have knocked year after year at the doors of Congress and can not get consideration from its committees. It is openly avowed that it is intended little by little to distribute all of this Choctaw fund until there is nothing left of it and therefore nothing left for the Mississippi Choctaws to get; and it is advised that instead of attempting to get what is due him on this bill there should be a separate bill for his relief passed. A bill has been introduced by one of those gentlemen from Oklahoma in the other House, and that bill for the relief of the Mississippi Choctaw is to relieve him out of the Treasury of the United States later on.

Mr. President, here is that annuity business to which I referred, which was an annuity of $20,000 for 20 years, to which the Choctaws remaining in Mississippi were not entitled. Then there follow some provisions in the Dancing Rabbit treaty about money to be devoted to the erection of schools and schoolhouses and the payment of teachers in the Indian Territory, to which they were to remove. These provisions, of course, by their very nature could not apply to the Mississippi Choctaws because the Mississippi Choctaws could not send their children to school in the Indian Territory. In every other respect these people were parties to this treaty, and there was no moral right under the sun for Congress by any law of its own making, without consulting them in any respect, to deprive them of their rights under that treaty. Not even though it were by agreement with—or a better word would be collusion with—the Oklahoma Choctaws.

That is not all. At one time a claim of the Mississippi Choctaws grew up against this Government until I believe it amounted to about $8,000,000. That was paid. The amount was $8,000,000, but about $5,000,000 were deducted to cover various expenses, leaving $3,000,000. It was a claim growing out of what the Government owed the Mississippi Choctaws. Where do you reckon it went? It went to the Choctaws in the Indian Territory, and the Mississippi Choctaws never saw it.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I do.

Mr. OWEN. I want to remind the Senator from Mississippi that Murray & Vroom found 4,100 of these claims as shown on the muster rolls, and 3,400 of them went to Oklahoma.

Mr. WILLIAMS. From Mississippi?

Mr. OWEN. Yes.

Mr. WILLIAMS. I did not know there were that many in the State.

Mr. OWEN. There were 4,100, and 3,400 went to Oklahoma at that time.

Mr. WILLIAMS. What became of them?

Mr. OWEN. They are there yet; those who have not moved back.

Mr. WILLIAMS. Yes; and are not enrolled.

Mr. OWEN. Yes; they are on the rolls.

Mr. WILLIAMS. That is news to me. I do not think there ever were 4,000 Mississippi Choctaws in Mississippi. At the time Capt. McKennon and I were considering this matter the estimate made was somewhere between 1,600 and 2,500. Where does the Senator from Oklahoma get that information?

Mr. OWEN. From the muster rolls of the Indian Office.

Mr. WILLIAMS. Well, then, it must be right.

Mr. OWEN. It is right.

(Note by Mr. WILLIAMS: Evidently the Senator from Oklahoma and I, as will hereinafter appear, were using the phrase "Mississippi Choctaws" in two different senses. I meant Choctaws living in Mississippi in 1902, he, Choctaws who had lived in Mississippi prior to 1855 and who had left that State and gone to Oklahoma in the fifties—1855, 1856, and 1857—before the war.)

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the junior Senator from Oklahoma?

Mr. WILLIAMS. I yield to the Senator, if he wishes to ask a question.

Mr. GORE. I wish to suggest to the Senator from Mississippi that the attorneys now representing those who claim to be descendants of Mississippi Choctaws, and who desire a share of the estate of the Oklahoma Choctaws, claim that there are some 40,000 descendants of the Mississippi Choctaws.

Mr. WILLIAMS. Oh, Mr. President, now I understand what the Senators from Oklahoma mean. They are talking about Indians who used to be Mississippi Choctaws decades ago or about the white people who are running around loose with about a sixteenth or a thirty-second of Indian blood in them who want to get in, I reckon. I am talking about full-blood Choctaws living in Mississippi in 1902.

Mr. GORE. The Senator from Mississippi misunderstands my observation. The Indians alluded to by my colleague [Mr. OWEN] were actual Indians, who actually removed from Mississippi to Oklahoma, who are now members of the Choctaw Tribe, and who are enjoying the benefits and properties of that tribe. There are attorneys who are insisting that there are some 40,000 persons eligible to qualify as Choctaws who are entirely willing to share in the estate of the Oklahoma Choctaws.

Mr. WILLIAMS. Yes; and to swear that they had Indian ancestors.

Mr. GORE. Yes.

Mr. WILLIAMS. I am not talking about them, nor am I trying to get anything for them. Let me show you the next deadfall in this act. It is provided:

Applications for enrollment as Mississippi Choctaws and applications to have land set apart to them as such must be made personally—

Must be made personally—

before the Commission of the Five Civilized Tribes.

A man in Mississippi to appear personally in Oklahoma to find out if he has any rights.

Mr. President, I know these people well. They lead simple lives; they are hunters and fishermen. They can be prevailed on now and then to go out and do job work. As I said here upon the floor of the Senate once before, you can hire a man in Mississippi to go and split you 10,000 rails. If a negro comes in and tells you he has got those rails piled up in the woods, you had better go out and count them first; if a white man tells you so, you had better, as a rule, count them; but if a Choctaw Indian comes and tells you he has them there, he has them; you need not count them. He pays his debts. Sometimes he is a long time about it, because he is a long time getting the money, but if he lives he pays his debts. He lives an honest and simple life, and here is the United States Government requiring him to appear personally before somebody across the river, and requiring him, moreover, to prove who his grandfather's grandfather was, and half the Senate could not do that; that is, to the satisfaction of a court.

There were two classes of them—this act makes a clear distinction—first, the full bloods, and, secondly, the others, whether of full or of mixed blood. The act goes on to say who is "a descendant of those receiving patents to lands under said treaty." There is not a page upon the history of our dealings with the Indians that is more shameful than the page which records the manner in which the Choctaw Indians have been dealt with by the United States Government.

In the Dancing Rabbit treaty itself there was a provision that a qualified agent of the United States should go down there, that that man should see these Indians, that they should "signify their intention" to the agent "within six months from the ratification of this treaty," and that they should "thereupon be entitled to reservations" of various lands within six months afterwards. The United States Government sent down there a notorious drunkard, who stayed drunk the whole six months, and did not give an opportunity to one-twentieth of the Mississippi Choctaws ever to "signify" any "intention" of any description. I will ask the Senator from Oklahoma does he remember his name?

Mr. OWEN. His name was Ward.

Mr. WILLIAMS. Yes; his name was Ward. It is a notorious historical fact that he had to be afterwards recalled. Meanwhile the six months had expired, because the United States through its agent, its partner in the controversy, its representative in the controversy, was drunk.

When successors were sent there most of the Indians lost out because the time designated in the treaty had elapsed.

Senators, I do not want to consume your time unnecessarily, because last year I ran over this whole matter—at that time there was a full attendance of the Senate—and the Senate agreed with me and disagreed with the committee; but there are parts of it that I want to dwell upon.

I think that the Chair yesterday made a mistake in holding that this provision of this bill was in pursuance of a treaty; it is in violation of a treaty. Technically it may be in pursuance of the law of 1902 to a large extent, but it is in violation of a higher law that, unless set aside by the consent of the Mississippi Choctaws, ought to control, and that is the treaty. But however that may be, I have so much more respect for the parliamentary opinion of the present occupant of the chair than I have for my own that I did not appeal from it, and did not make any fight upon it. It was in clash, however, with the decision that was given last year upon the same point. The fourteenth article of the treaty is this, if you please:

When allotments as herein provided—

This is part of the law—

14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit—

Of whom?—

of the Choctaws and Chickasaws—

Not the Choctaws in Oklahoma alone—

and distributed per capita as other funds of the tribes.

That does not say the Choctaws in Oklahoma alone, but it says:

When allotments as herein provided have been made to all citizens and freedmen.

Another clause of this law says—I will read it in a moment—that when all charges upon the fund have been satisfied—the Speaker of the House held that the word "charges" meant fees, attorneys' fees, and charges of that sort. I think that was rather a narrow meaning to give it. There are 1,080 of these people enrolled by Capt. McKennon entitled to their share under this law as full-blood Mississippi Choctaws who are standing out yet without any recognition of any description, and it can not be said, I think, that there has been a "final approval" or adjustment until their claims have been determined. Section 17 of that law reads:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under the rules and regulations to be prescribed by the Secretary of the Interior.

My contention is that the United States Government, as a great and honest Government, ought not to make final the approval of these rolls until these people have had a proper chance.

Mr. LANE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. WILLIAMS. I do.

Mr. LANE. I should like to ask the Senator from Mississippi a question. If the Government pays out this money to the Oklahoma Choctaws, and the Mississippi Choctaws are entitled to their proportionate share of it, does not that become a valid claim against the Government which at some time it will have to pay?

Mr. WILLIAMS. There has been a bill already introduced in the House to pay the Mississippi Choctaws, unless I am misinformed.

Mr. OWEN. Mr. President, a bill may be introduced in the House for any purpose whatever, but these claims have no more right against the United States than if they were absolutely without any foundation whatever.

Mr. WILLIAMS. I did not say they had. I am not prepared now to give an opinion on that subject.

Mr. OWEN. I do not believe the Senator could really contend that they have.

Mr. WILLIAMS. No; I did not say they had; but the object is very plain: It is to distribute this fund, to get it out of

the way, to leave nothing to the Mississippi Choctaw, and still fool him with the idea that he will have a claim against the United States Treasury; and I do not know but that he would have a claim in the court of morals and good faith. Having been juggled in this matter for 84 years, he might very well have a right in the court of ethics, at any rate, to appeal to the generosity of the United States to restore him some of the money which he had lost.

Mr. OWEN. Mr. President, I remind the Senator from Mississippi that they were urged by the United States and by the Choctaws in the West for over 75 years to go West, and those who have not done so have remained in Mississippi in spite of that.

Mr. WILLIAMS. Oh, yes; I understand they were "urged to go West"; they were urged to leave the Leaf and Pearl River bottoms and the Youghiogheny and the hunting grounds there and to go out to Oklahoma, but they did not want to go.

Mr. OWEN. Oklahoma is a better place.

Mr. WILLIAMS. And they very properly said, "We prefer to stay here; every right that we have grows out of the fact that we are Choctaws; and it does not grow out of the fact of residence in Oklahoma at all. The provisions of article 14 of the Dancing Rabbit treaty expressly say that we shall have all the privileges of a citizen of the Choctaw Nation except those things which, from the very nature of them, we can not have," which I have already outlined.

The Senator from Oklahoma surely never ate a Youghiogheny squirrel.

Mr. OWEN. I am willing to.

Mr. WILLIAMS. And he never ate one of those channel cat out of the streams of that part of Mississippi, and he never went fishing up about Lake Burnside, or he would not say that a sensible Indian could be appealed to to leave that country to go to Oklahoma, unless his right to something in Oklahoma was adjudicated and determined before he moved. That is what I thought I had secured for him. But, Mr. President, outside of that, the Mississippi Choctaw had no way of going there except when he was a well-to-do Choctaw. The poor ones had no way of going; they could not pay their way; and, even after I got an appropriation to help them, they were faced with this question, which each one asked himself, "What am I to do after I get to Oklahoma while I am waiting for the courts out there to deal with my case—starve? They do not want me there anyhow; how do I know they will even give me work?"

Mr. OWEN. Mr. President, I remind the Senator that the courts out there did deal with these cases, and in the Jack Amos case held that unless the Indians had removed they were not entitled to citizenship there.

Mr. WILLIAMS. I have already referred to that.

Mr. OWEN. Judge Clayton so held, and the Supreme Court confirmed his opinion; so that I do not think the Senator ought to continue to argue that they have the rights of citizenship without their moving, after the courts have decided it.

Mr. WILLIAMS. Mr. President, that has devolved upon them in consequence of this act of 1912, which was a distinct illustration of bad faith upon the part of this Government. I inquire of the Senator from Oklahoma to what supreme court he refers?

Mr. OWEN. The Supreme Court of the United States in the Stephens case.

Mr. WILLIAMS. Yes, under the act of 1902 and the peculiar constitution of that peculiar court; but there is something a little higher in this world than the bare technicalities of the law, Mr. President, especially a law with pitfalls all through it.

Mr. President, there was a committee of the House, presided over by Mr. RUSSELL, to which was referred the bill H. R. 19213, which was a bill for the purpose of providing a method for the Mississippi Choctaws to be enrolled if entitled to be. That committee reported:

> First. That a considerable number of Indians not enrolled are entitled to the benefits of Choctaw citizenship.
> Second. That members of the following two classes are entitled to such benefits.
> (a) All full-blood Choctaws.
> (b) All mixed-blood Choctaws, who can prove descent from an ancestor who received or was entitled to receive a patent to lands under article 14 of the treaty of 1830.

You can just cast that last or B class out, because none of them can prove it, or very few. Some of them can. There was Greenwood Le Flore's family, for example, who remained there and became very cultured people and large slaveholders and large landholders and built "Malmaison," their country house, in Le Flore County, a fine old mansion, which the President pro tempore may possibly have seen; but, as a rule, these people can not prove that.

> Third. That the Secretary of the Interior be requested to furnish this committee, from records in his possession or under his control, and within nine months from the date hereof, a list of those who comprise the two above-named classes and who are not enrolled as Choctaws.

I wanted to find—and I will find later, though I think it will not be disputed—a statement made in the other House where it was confessed that the object was to exhaust this fund. I say that because you will hear the argument made that, even if this legislation is passed without reserving the right of the Mississippi Choctaws, there will be plenty left for them. That argument has been made every time—that there will be plenty left; and yet the idea is to go through the fund little by little until there is nothing of it left.

Mr. OWEN. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I do.

Mr. OWEN. How much does the balance of the property undistributed amount to?

Mr. WILLIAMS. I do not know what the balance of the property undistributed now amounts to, but I know that if you go on for many years more with this game that you sought to go on with last year and that you are seeking to go on with this year there will not be any left.

Mr. OWEN. It is estimated at $35,000,000, and this sum will amount to about $3,500,000.

Mr. WILLIAMS. That may be true; but if you take off $3,000,000 at a slice now, as a starter, and more each year, it will not last long.

Mr. OWEN. Oh, well, I take it the Senator ought not to make that argument beyond its legitimate bearing; and when I call his attention to the fact that there is $35,000,000 of property and only three and a half million dollars taken his argument entirely loses its force.

Mr. WILLIAMS. It does not lose its force. Here is a letter from an Oklahoma Representative in the House dealing with the subject, part of which I will read:

> You doubtless know that the only legislation necessary for a winding up of tribal affairs is a provision for a per capita distribution of our funds. This amendment is the first step on the last lap of a final settlement, and we expect to try to provide for these payments every year, *so that all the funds may be distributed* just as they are collected. Points of order, petitions, and every other possible opposition will be urged against this amendment, and the sentiment of our people should be made known.

So I have a perfect right to say that this question is not to be considered solely upon its aspects as a $3,000,000 appropriation here and now, but upon its aspects as a first step in a scheme which is intended to exhaust the fund.

This very dear friend of mine, whom I hold in a place close to my heart, being asked in debate in the House if he meant that, said:

> I admit everything in that letter, and I admit that I am going to try to do everything that letter sets forth.

Mr. President, I do not know what more I can add to this. As the Senator from Oklahoma has intimated, Congress has passed a law, a court has construed that law, and the Supreme Court has upheld that law—or, rather, has ruled that it had no jurisdiction to consider an appeal from the peculiarly constituted lower court's construction of the law and the treaty. I am not contending here that the Mississippi Choctaws, in the face of all that legislation and in the face of these decisions, have any right here that is enforceable in a court of law, but I am trying to get the legislative branch of this Government to change that law which was enacted against them and construed against them.

So far as the construction of the court was concerned, I hardly see how the Supreme Court could have come to any other conclusion, unless it had taken the position that that law could not set aside the treaty without the consent of the Mississippi Choctaws—a point which seems not to have been mooted. I am not talking now, however—and I can not be thrown off the right scent—about what are their rights in court to-day. I am talking about what their rights ought to be. I am trying to get a lot of men who love justice, or are supposed to love it, to help me change the law so that they can get their rights. I say that more shameful pages never were written in any history than those recording the manner in which these people have been treated, and it is no justification of it to say that they were treated in that way by law or by agreement between the United States and the Oklahoma Choctaws, who profit by the agreement.

What is Federal law? Why, it is the voice of the Congress of the United States with the President's signature of approval

on it. If one man had gone out and done these people this great injustice there might be some excuse made for it; but those who represent a great Nation have done it, and what I am appealing to you to do is to undo it. No amount of talk about what courts have decided or what Congress did in 1902 or the jurisdiction on appeal of the Supreme Court under a peculiar statute constituting a still more peculiar court can affect the proposition. If this committee amendment in the bill is in order, then this restriction upon it sought to be made by my amendment is likewise in order.

Mr. GORE. Mr. President, many of my most reputable and honorable constituents are members of the Chickasaw and Choctaw Tribes of Indians. I therefore share the high admiration which has been expressed by the Senator from Mississippi for these immemorial tribes.

I may say, too, that I share the sentiment which he expresses in behalf of this tribe on account of the fact that their early history was identified with the State of Mississippi. I myself am a native of the old Choctaw territory in the State of Mississippi. In my childhood I used to find arrowheads upon their former hunting grounds. It is but natural that I should feel an interest in the Choctaws, whether they have remained in Mississippi or whether, pursuing a wiser course, they have removed to Oklahoma. I am willing—nay, I should insist—that the General Government mete out justice to the Choctaws, whether they reside in Mississippi, their original haunts, or in Oklahoma, their adopted home; but, sir, I am not willing that this Government should be generous toward the Mississippi Choctaws at the expense of the Oklahoma Choctaws.

This Government, sir, must be just to the Oklahoma Choctaws before it can be generous to the Mississippi Choctaws. If there be any right on the part of the Mississippi Choctaws, if there be any obligation in their favor, it must be a moral obligation or claim against the Government of the United States and not either a moral or a legal claim against the Oklahoma Choctaws.

Mr. WILLIAMS. Mr. President, will the Senator permit an interruption?

Mr. GORE. Yes, sir.

Mr. WILLIAMS. I just wanted to be sure that I understood the Senator. Did he say that there must be a claim against the United States and not against the Choctaw fund?

Mr. GORE. I say, if the Mississippi Choctaws have any right or any claim——

Mr. WILLIAMS. It is against the United States?

Mr. GORE. Yes, sir.

Mr. WILLIAMS. I just wanted to be certain of that, because the Senator's colleague a moment ago seemed to think it was absolutely absurd that they could have any.

Mr. GORE. I made it entirely conditional and contingent, and I stated that it was a moral claim, not a legal claim. I do not know but that there might be some moral claim against the General Government; not, however, a legal claim.

I shall proceed to show that if there be any obligation it must exist against the General Government, and not against the Choctaws of Oklahoma; and I shall also show, before I conclude, that there is a syndicate or organization of lawyers who have been for years attempting to reopen the Choctaw and Chickasaw rolls in order that they might realize a golden fortune out of that contingency.

It is true that under the Dancing Rabbit Creek and other treaties the Choctaws agreed to remove westward of the Mississippi. They exchanged 15,000,000 acres of land in Mississippi for a large section of territory now comprised in the State of Oklahoma—over 15,000,000 acres. All who desired to remove westward were permitted to remove westward; but the treaty stipulated that if any of the Choctaws desired to remain in Mississippi and become citizens of the States they should be entitled to certain allotments of land. Each head of a family, I believe, was entitled to a section of land. Every child over 10 years of age was entitled to a half section of land. Every child under 10 years of age was entitled to a quarter section of land.

That was a pretty generous dower in behalf of those Choctaws who should elect to remain in Mississippi. It is perhaps true—I have no occasion to deny it—that Mr. Ward, who was acting as Indian agent for the Government, encouraged the removal of Indians from Mississippi to Oklahoma, and discouraged the registration of those Indians who intended to remain in Mississippi. Those who desired to remain in the State of Mississippi were required to register, in order to constitute a list for the allotment of the lands provided by the treaty. Under Mr. Ward's conduct, or misconduct, I think only 142 heads of families were registered, but the Government of the United States made an effort to atone for the conduct of Mr. Ward. In 1842 an investigation was made, and it was ascertained that more than 1,100 Indians, heads of families, had elected to remain in Mississippi, the whole number, children and all, aggregating more than 4,000. The Government then enacted a law to carry out its obligations to those Mississippi Choctaws. It provided, under the act of 1842, for the issuance of scrip to each and every one of those Indians, in accordance with the Dancing Rabbit Creek treaty.

The PRESIDENT pro tempore. Will the Senator suspend a moment, to permit the Chair to address an inquiry to him?

Mr. GORE. Yes, sir.

The PRESIDENT pro tempore. It is the desire, both of the Vice President and the President pro tempore, that the Vice President shall resume the chair within a very short time. Is it the intention of the Senator to interpose a point of order to the amendment offered by the Senator from Mississippi to the committee amendment?

Mr. GORE. Yes, sir.

The PRESIDENT pro tempore. If it is, the Chair will dispose of it at this time, if the Senator will suspend.

Mr. GORE. Very well.

The PRESIDENT pro tempore. The principal purpose of the amendment offered by the committee is to direct a per capita payment of a given sum to certain Indians, the fund to be disbursed being a trust fund, the property of the Indians, and now in the custody of the United States. It provides for an unconditional present payment. The purpose of the amendment offered by the Senator from Mississippi is to make the payment conditional upon the happening of a certain event. The Chair holds that if it is competent for Congress to pass the main proposition for partial payment at this time it is also competent for Congress to annex any condition it may see proper. The condition proposed in the amendment of the Senator from Mississippi is entirely germane and entirely proper if the Congress sees fit to adopt it. The point of order is therefore overruled.

Mr. GORE. Mr. President, I should like to make just one observation before the Chair makes his final ruling. The Senator from Mississippi [Mr. WILLIAMS], just before he sat down, said that we pleaded the existing law in behalf of the Oklahoma Choctaws and against the Mississippi Choctaws. He said: "That is the law." He said: "What I want to do is to change the law." It seems to me that statement on the part of the Senator——

The PRESIDENT pro tempore. This does not go to that point. It simply goes to the right of Congress to exercise a conditional delay of the main proposition.

Congress could omit the entire proposition, and if it can do that it can do less. It can make it depend upon certain events that may occur in the future. It might make it depend upon the lapse of a period of time. Besides that, the amendment of the Senator from Mississippi does not include all of the tribes named in the amendment of the committee.

The Chair is quite satisfied with his ruling. It is not the result of hasty consideration. The matter was called to his attention on last evening, and he gave it some consideration, and he is satisfied to stand on the ruling he has announced.

The amendment is in order, and the question is on its adoption. The Senator from Oklahoma may proceed.

Mr. GORE. Mr. President, as I was saying when the Chair raised this question, the General Government passed an act in 1842 under which land scrip was issued to the Mississippi Choctaws remaining in that State. Scrip for one-half the land was issued in that year.

In 1845 the Government changed its policy. It enacted a law under which no further scrip was issued, but under which the value of the scrip, estimated at $1.25 an acre for the land represented, was capitalized, and upon that capitalization the Mississippi Choctaws remaining in Mississippi were paid 5 per cent interest.

That policy continued until 1852, when the Government of the United States again changed its policy. It decided to pay off the capitalized value of the land scrip previously issued, and the act of that year appropriated $872,000 for the payment of the Mississippi Choctaws.

The PRESIDENT pro tempore. All of those things may be very good reasons why the amendment should not be adopted, but they do not constitute a reason why it should not be considered.

Mr. GORE. I am not discussing the point of order.

The PRESIDENT pro tempore. The Chair thought the Senator was doing so. The Chair begs the Senator's pardon. He thought the Senator was addressing his remarks to the Chair.

Mr. GORE. I am not discussing the ruling of the Chair. I am discussing the merits of the Senator's amendment.

The PRESIDENT pro tempore. The Chair begs the Senator's pardon.

Mr. GORE. Under that act some $732,000 were paid to the Mississippi Choctaws who elected to remain in the State and who took lands in Mississippi in lieu of the promised land in the present State of Oklahoma.

Between 1836 and 1855 some 4,000 Mississippi Choctaws removed from Mississippi to the Indian Territory. They were admitted to citizenship in the Choctaw Nation; they are on the rolls to-day, and they are participating in the tribal property of the nation.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. GORE. Yes, sir.

Mr. WILLIAMS. I should like to ask the Senator between what two years that was.

Mr. GORE. Between 1836 and 1855.

Mr. WILLIAMS. Was it only 4,000 Mississippi Choctaws to whom the senior Senator from Oklahoma was referring?

Mr. GORE. I do not know.

Mr. OWEN. Yes.

Mr. GORE. I assumed so, but I did not know.

Mr. WILLIAMS. If that is the case, then the senior Senator from Oklahoma and I are both right. If he referred to 4,000 Mississippi Choctaws being on the rolls who had removed there prior to 1855, I would not for a moment dispute that statement. I thought the Senator referred to the Mississippi Choctaws who had removed there since 1902 and had gotten upon the rolls.

Mr. OWEN. No, no.

Mr. WILLIAMS. I thought that must be a mistake, as there were only about 2,200 or 2,300 of them in the State.

Mr. GORE. My purpose in making the observation is this: The Senator from Mississippi has argued that membership in a tribe or a clan is dependent upon blood, upon consanguinity, and not upon any legal rights or enactment.

Now, sir, that may have been true in times of antiquity; that may have been true among the families and tribes and clans of ancient Greece and Rome; that may have been true among the Iroquois. Indeed, sir, it may have been true among the Chickasaws and Choctaws prior to the coming of the white man, and even subsequently to the coming of the white man so far as they themselves, their constitution and customs, were concerned.

It does not follow, however, that in their dealings with the Government of the United States mere blood is sufficient to constitute membership in a tribe. Indeed, sir, it is not sufficient to constitute membership in any of the Five Civilized Tribes.

That one point is overlooked by many humane and philanthropic people. It raises the strangest sort of anomaly, which they can not reconcile with their sense of justice; but, Mr. President, bona fide residence among the Five Civilized Tribes was a condition precedent to membership in those tribes or in those nations. It often happened that in the case of full brothers one may be upon the Indian rolls and the other may not, and it turns upon the point of residence.

I remember most distinctly a case in point. One of the best friends I ever had was a Choctaw Indian—Calvin Meek. I could say of him, as Anthony said of Caesar, "He was my friend, faithful and just to me." He died some four or five years ago. He left a widow and five helpless and dependent children. His full brother is on the Choctaw rolls to-day, is a citizen of that nation, secured an allotment, and secures all the benefits and distributions of tribal funds. The Indian blood of his brother, Calvin Meek, was never challenged. No one disputed that he was an Indian by blood, but he filed his application for citizenship while he was a resident of the State of Missouri. He filed his application 30 days before he removed to the Indian Territory. His brother removed to the Indian Territory before filing, and upon that point turned the decision of the two cases. Calvin Meek was held not to be eligible to membership because he had severed his relations with the tribe and adopted the customs of the white man. His brother, a resident of the Choctaw country, maintaining his relationship with the tribe, was a member of the nation, and was entitled to share its tribal property.

There never has been a Chickasaw Indian or a Choctaw Indian admitted to the rolls of either tribe who was not a bona fide resident of the Chickasaw and Choctaw Nations in Oklahoma. This is an unvarying rule, and it never has been departed from; but from 1855 down to about 1890 Choctaw Indians removed to Oklahoma from time to time. They were welcomed by their brethren of the West. They were adopted into the tribe, and to-day they are upon the rolls of the tribe.

In 1889 the Choctaw Council passed a memorial requesting the Government of the United States to prevail upon their brethren in Mississippi to transfer their residence from that State to the Indian Territory. In 1891 the Choctaw Council passed a resolution creating a commission to visit the State of Mississippi, to visit their kinsmen in their old home, and prevail upon them to remove to the Indian Territory, and to share the fortunes of their families and tribes who had already moved toward the setting sun. They have greeted them with open arms. Not only that, sir, but in some instances they defrayed the expenses of those who removed from Mississippi to Oklahoma, and in certain instances they defrayed the expenses of those who had removed to the Indian Territory while they were becoming adjusted to their new homes and their new environments.

This has not been a policy of exclusion on the part of the Oklahoma Choctaws. Those who came and became bona fide citizens or residents became members of the tribe. That was a condition essential to citizenship in the tribe. I think there is no exception to that universal rule.

In 1893, 21 years ago, the Dawes Commission was created by Congress. A former distinguished Member of this body was appointed as its first chairman. That commission investigated the rights and the claims of the Mississippi Choctaws remaining in Mississippi to enrollment in the Indian Territory, and that legally constituted commission decided that the Mississippi Choctaws had no right to enrollment. They insisted upon that immemorial requirement, that of residence in the nation.

The decision of the Dawes Commission was challenged. Under the law the Indians had a right to appeal to the Federal courts in the Indian Territory. Jack Amos and others prosecuted an appeal from the decision of the Dawes Commission to the Federal court presided over by Judge Clayton. In a very able and, I might say, a very eloquent decision Judge Clayton decided that the Mississippi Choctaws remaining in Mississippi had no legal right to citizenship in the Choctaw Nation or to enrollment as citizens of the tribe.

That is the decision of the court. It is authoritative. Amos prosecuted an appeal from the decision of Judge Clayton to the Supreme Court of the United States, and despairing of success he suffered the case to be dismissed, and it never came to final judgment in the Supreme Court. He was represented by able and distinguished counsel. I infer, however, from the suggestion of my colleague that in a subsequent case, the Stephens case, the question was decided by the Supreme Court in accordance with Judge Clayton's decision.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to his colleague?

Mr. GORE. I yield.

Mr. OWEN. The Mississippi Choctaw case was argued in the Stephens case, and the Supreme Court held that the decision of Judge Clayton in that whole class of cases was final.

Mr. GORE. The Stephens case and the Amos case were companion—related cases?

Mr. OWEN. Yes.

Mr. WILLIAMS. Those decisions applied to those people who were claiming that their ancestors had received patents.

Mr. OWEN. The decisions which were ratified by the Supreme Court were to the effect that the legislation authorizing final judgment to be rendered by the United States District Court of the Indian Territory gave conclusive and final jurisdiction, and that their decision under the law was conclusive.

Mr. WILLIAMS. I understand; but the decision of the lower court went off upon the ground that these people had not proven that they were descended from the people who had received these patents.

Mr. OWEN. No; it went——

Mr. GORE. It was on the ground that they were not bona fide residents of the nation.

Mr. OWEN. I have here the language of Judge Clayton:

> Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible, while in Mississippi, to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen except to participate in the annuities.

And then he held that those who had not done so were not entitled.

Mr. WILLIAMS. Notwithstanding the fact that article 14 says it relates to the Choctaws who remain in Mississippi.

Mr. OWEN. He was passing on article 14.

Mr. WILLIAMS. And it says that it relates to the Choctaws who remain in Mississippi.

Mr. GORE. Mr. President, I think it is the last clause in the fourteenth article cited by the Senator and quoted by him, to the effect that they should not lose their privileges as Choctaw citizens, but it expressly provided that those who should remove should not share the annuities; that they shall enjoy other privileges; that they shall have a right to share in other property as citizens of the Choctaw Nation. But upon what condition were the privileges of citizenship to be enjoyed, and by what class of Mississippi Choctaws? By those who removed. That is the language of the treaty.

Mr. President, the second article of the Dancing Rabbit treaty provides that the section of country now held by the Chickasaw and Choctaw Tribes should be conveyed to those tribes, to have and to hold so long as they exist as a nation and live on it. The patent issued in pursuance of that treaty to the Chickasaw and Choctaw Tribes followed that language and conveyed that splendid region to the Chickasaws and Choctaws, to have and to hold so long as they exist as a nation and live on it.

Now, Mr. President, to show the further generosity of the Oklahoma Choctaws under the Curtis Act, under the Atoka agreement of 1898, provision was made for the allotment of land to the Indians and the final winding up of the affairs of the tribe. It is true, as suggested by the Senator, that a number of Indians were identified as Mississippi Choctaws remaining in Mississippi. It is my recollection that there were some 2,500 all told, but subsequent to the Atoka agreement in 1902 a provision, out of abundant generosity, was inserted to the effect that the Mississippi full-blood Choctaws who should remove to the Choctaw Nation within six months should be entitled to enrollment and should be entitled to citizenship under the original terms of the treaty and should live upon the land.

Mr. President, that was not mere nominal generosity. It was not a mere show of justice and of liberality toward their kinsmen. Under that tempting offer some 1,485 Mississippi Choctaws forsook their original home and wended their way to the land of the fair god in the present State of Oklahoma.

Mr. WILLIAMS. How many did the Senator say?

Mr. GORE. I think the number was 1,485, and it cost the Oklahoma Chickasaws and Choctaws $15,000,000. That was the price of their generosity. They opened their homes, they opened their rolls, they shared their lands, they shared their patrimony with their brethren who showed sufficient interest in the new home to transfer their residence to it at the splendid price of $15,000,000.

Yet the Senator from Mississippi suggests that the Oklahoma Choctaws have been measly, stingy, niggardly with their clansmen who were shortsighted enough to remain in the good old State of Mississippi.

Mr. President, the Choctaws and Chickasaws, it is true, have a magnificent patrimony. They have on hand in the Treasury $7,500,000 in cash; they have outstanding uncollected balances of $7,100,000. They have segregated coal land worth at least $30,000,000.

That, sir, has been a tempting bribe to many enterprising lawyers in this country. If but those rolls could be opened, if but the Mississippi Choctaws could be placed upon those rolls, if but these attorneys could share the lands and the money accruing to their clients, what a magnificent fortune it would be.

Mr. President, there is one firm of attorneys in the city of St. Louis who have secured, according to the report of a Government inspector, 9,500 contracts with Mississippi Choctaws and 2,300 contracts with alleged Choctaw and Chickasaw "freedmen"—negroes. According to the testimony of one of those attorneys he held 4,200 contracts. According to the information gathered by the Government inspector he had, all told, 9,500 contracts.

Sir, there is a bill pending in another place to secure each one of these Indians who shall make proof of blood under the act $2,080. The contract, and I have a copy of it here, calls for 30 per cent of all the land and all the moneys which shall be taken away from the Oklahoma Choctaws and transferred to the Mississippi Choctaws. If they realize their golden dream the possible fee would amount to $6,000,000.

That is not all. They have organized a syndicate known as the Texas & Oklahoma Investment Co. It is chartered in the State of Texas with a capital stock of $100,000. A firm of lawyers holds 40 per cent of the stock, and the investors, the promoters, the speculators, those who would plunder the Oklahoma Choctaws, hold 60 per cent of the stock.

I have here an extract from a letter written by one of these parties, in which he says that it is estimated that each Indian claim will be worth $8,000. This is an advertisement. He says that his contracts are for 30 per cent of the amounts which might be realized. This, he says, will be $2,400 in each case. He says that he is not selling less than 20 contracts in a lot, at $25 each. He adds significantly that on 20 contracts you would realize $23,500 net profit on an investment of only $500.

Now, Mr. President, you can see the shadow of the wolf lurking around the tents and the tepees of these Oklahoma Choctaws, if these attorneys for the Mississippi Choctaws should consummate their piracy on the Oklahoma Choctaws. I shall ask leave to print a portion of the statement, contracts, and so forth, of this firm of attorneys of St. Louis as a part of my remarks, so that the Senate can appreciate the avarice and the cupidity which has impelled these men, as a pack of wolves, to prey upon these Indians.

The PRESIDENT pro tempore. Without objection, the matter will be inserted. The Chair hears none.

Mr. GORE. I may add that there are 2,300 freedmen contracts.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. GORE. I do.

Mr. WHITE. How did these Indians find these lawyers?

Mr. GORE. I am delighted to have the Senator ask that question.

Mr. WHITE. Did the lawyers go among the Indians?

Mr. GORE. I have just referred to the freedmen's contracts, numbering 2,300. The firm of Crews & Cantwell hired J. Milton Turner, a negro lawyer, to rustle, and he rustled. He got a good many of the 2,300 contracts.

Bob Fortune, a well-known negro out in Oklahoma, was another rustler. He also rustled around and got a good many of these 2,300 freedmen contracts. There was one other negro in the woodpile whose name I do not now happen to remember. In Mississippi they also had emissaries who were conspicuous not only for their activity but for their success. There was one agent, A. P. Powell, retains marks of African ancestry, who was operating in Mississippi, and he got, I believe, 4,200 contracts from the Mississippi Choctaws in that State. I have a statement here showing that one Luke Ward Conerly, of Gulfport, Miss., had on the 27th of last month 1,800 of these luscious plums ready to throw into the lap of Messrs. Crews & Cantwell. He had previously assisted in transferring 1,300 contracts from one Matthews to Crews & Cantwell; and I may add that he had helped to secure, I believe 2,358 other contracts in his patriotic endeavors to serve the interests of the Mississippi Choctaws and to share the property of the Oklahoma Choctaws and incidentally to realize to Crews & Cantwell 30 per cent on each and every allotment secured to the Mississippi Choctaws. I think in some cases, perhaps of extraordinary difficulty, the fee was 35 per cent.

I believe that the solicitation of business is not regarded as in accord with the very highest ethics and propriety of the legal profession. Perhaps they might plead the character not the color of their emissaries in extenuation of their activities.

Now, sir, based upon the representation of the Texas Investment Co., if they could realize on these 9,500 contracts it would aggregate a little more than $18,000,000—$18,000,000 attorneys' fees to secure the Mississippi Choctaws their pretended rights under the Dancing Rabbit treaty.

I think in the history of mankind, in the history of Indian fees, greater enterprise and greater cupidity have never been made manifest amongst the sons of men.

It is true that if the pending amendment reported by the committee should be adopted, there would be an abundant balance of the estate left to meet all just claims which might ever arise against the Chickasaws and Choctaws.

The amendment calls for $100 per capita to these Indians. It would leave in the Treasury about $5,000,000 in cash belonging to these two tribes, to say nothing of the uncollected balance of $7,000,000, and the segregated coal lands which are yet to be sold and will probably bring some $25,000,000 or $30,000,000.

Mr. President are we to deny justice to the Oklahoma Choctaws and Chickasaws in order that these attorneys can realize on their investments, or, rather, upon their activities? These Oklahoma Choctaws and Chickasaws need this money. They need it now. It is their money; the Government is their guardian; the Indian is the ward. These Indians are dying, as in the course of nature all must die. They are passing to the happy hunting ground. They ought to be allowed to come into their own, to enjoy their property, to enjoy this money while they yet live to provide the necessaries and comforts of life. It will be of slight service when they are on the other side of the sod. Monuments and inscriptions are quite as unserviceable to an Indian as to his pale-faced brother.

These Indians are obliged now when their property is unavailable for use as a basis of credit to borrow money, and in many instances they are paying high rates of interest, while

their own money is lying idle in the Treasury, is rusting in the Treasury. Is that justice to the Choctaw? Is that justice to the Chickasaw? Can this Government, can this Congress, justify such inhuman, barbaric treatment toward the involuntary wards of the Government?

The best way to inculcate an observance of contracts and treaties on the part of the Indian is for the Government itself to keep its word, to keep its faith inviolate with these Indians.

Mr. President, I need hardly say here to reenforce the justice of the pending committee amendment that we have been unfortunate enough in Oklahoma to have experienced five lean years. Our crops have been reduced. The basis of credit has been reduced, especially on the part of those whose landed property is restricted.

I might say in passing to illustrate this fact that the wheat crop in Oklahoma in 1912 was 23,500,000 bushels, in 1913 it was 18,500,000 bushels. In 1912 the oat crop was 22,000,000 bushels, in 1913 it was 17,000,000 bushels. In 1912 the corn crop was 101,800,000 bushels. Last year it was 52,500,000 bushels. In 1912 our cotton crop was 1,021,000 bales, and last year it was only 820,000 bales.

This has been a misfortune to the State, it has been a misfortune to the people of the State, and most of all has it oppressed those who can not make adequate use of their credit. Yet this pittance is to be denied to the Oklahoma Chickasaws and Choctaws in order that the Mississippi Choctaws, who have no right, who have no just claim against the Oklahoma Indians, may be given time to assert an imaginary right against the Oklahoma Chickasaws and Choctaws and to share in the property they *now hold*.

Mr. President, it seems to me that the voice of justice pleads loudly and pleads eloquently against the pending amendment offered by the Senator from Mississippi, and pleads with equal eloquence for justice to the Oklahoma Chickasaws and Choctaws and for the adoption of the amendment wisely reported by the Committee on Indian Affairs. I trust that the Senate will reject the pending amendment offered by the Senator from Mississippi and will heartily indorse and adopt the amendment reported by the Committee on Indian Affairs.

The matter requested to be printed is as follows:

EXHIBIT A.

MISSISSIPPI CHOCTAW CONTRACT.

This agreement, made this 5th day of September, 1910, by and between Louis Joseph Ryan, now residing at the town of Biloxi, in the county of Harrison, State of Mississippi, party of the first part, and Thomas B. Crews and Harry J. Cantwell, jointly, parties of the second part, witnesseth:

That, whereas the party of the first part is entitled, as a Mississippi Choctaw or as a descendant of a Mississippi Choctaw, under the laws of the United States, to certain rights in the distribution of the tribal property of the Choctaw-Chickasaw Indian Tribe in Oklahoma; and

Whereas the party of the first part has been heretofore denied enrollment or has had no opportunity to make application for proper enrollment in said rolls as a Mississippi Choctaw; and

Whereas it is necessary that the party of the first part shall secure the lawful professional services of attorneys for the purpose of presenting such evidence as the party of the first part may have of his status and right as a Mississippi Choctaw or a descendant of a Mississippi Choctaw, so entitled to the rights aforesaid, and for other necessary legal services in establishing and securing his rights in the premises; and

Whereas the party of the first part is without any means or funds to compensate such attorneys and counsel;

Now, therefore, the premises considered, the parties of the second part jointly agree:

First. To represent the party of the first part as attorneys and counsel in presenting to the Interior Department such lawful evidence as the party of the first part may collect to establish the facts of his pedigree and status, and such other facts as may be necessary to establish the right claimed.

Second. To represent as attorneys the party of the first part in all legal proceedings before any court, commission, or department of the Government of the United States or the State of Oklahoma, wherever and whenever such right may be properly and legally tried.

Third. To present before the committees of Congress proper legal argument in support of the right so claimed or in support of any measure tending to provide a remedy for the right so claimed.

Fourth. To furnish party of the first part necessary information for the purpose of enabling him to select to the best advantage any lands that he may be entitled to by reason of said right.

Fifth. To collect all sums of money, lands, and property that may properly be collected, selected, and received hereafter by reason of said right, and to faithfully pay over and account to said party of the first part for all such sums of money and property after deducting the compensation hereinafter provided for.

In consideration of the premises and the agreement of the parties of the second part as aforesaid, and of services heretofore rendered by them, the party of the first part contracts and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received by reason of the right claimed, and hereby irrevocably appoints the parties of the second part his true and lawful attorneys in fact, to do any and all acts in his name, place, and stead as fully and completely as he might do in person in and about the subject matter of this agreement, and to execute such receipts, discharges, and releases as the party of the first part might lawfully do, hereby ratifying and confirming all that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever, touching said rights or interests, and requests that the Interior Department of the United States recognize the parties of the second part as his exclusive agents and attorneys in the premises.

And it is hereby specifically agreed that the appointment herein of Thomas B. Crews and Harry J. Cantwell is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits of this agreement, and shall perform all of the duties hereunder.

It is further agreed that by reason of the legal services rendered prior to and at the signing of this agreement, in advising the party of the first part as to his legal rights, and in consideration of the services heretofore rendered by A. P. Powell before the committees of Congress in presenting the claims of the class of persons to which the party of the first part belongs, said parties of the second part having compensated said A. P. Powell therefor, and in further consideration of the absolute agreement herein of the parties of the second part to perform the services herein, that the powers herein granted are powers coupled with an interest; and it is agreed that the parties of the second part may jointly designate, substitute, and appoint, in writing, any competent attorney or attorneys at law to assist in the performance of the duties of the parties of the second part hereunder, and to clothe said person or persons with all the powers herein granted to the parties of the second part, the parties of the second part hereby guaranteeing the efficiency and integrity of any and all persons who may be thus appointed, it being distinctly understood that the compensation of such persons for such assistance shall not be paid by the party of the first part.

It is further understood and agreed that, in the event it becomes necessary under any law now existing or hereafter enacted, that this contract shall be approved by the Secretary of the Interior; then, in that event, the Secretary of the Interior may, in his discretion, modify the terms of this contract as to the compensation to be paid the parties of the second part, without invalidating this contract, and said contract as modified by said Secretary of the Interior shall be binding upon the parties hereto, provided always that the compensation fixed by the Secretary of the Interior shall in no event exceed the percentage above stated.

Executed in duplicate.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed and delivered in presence of:

_____ _____.
_____ _____.

State of _____, county of _____, ss.

Before me, _____ _____, a _____ _____, in and for said county and State, on this _____ day of _____, 191—, personally appeared _____ _____ and _____ _____, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof I have hereunto set my hand and official seal at said county the day and year last above written.

_____ _____.
_____ _____.

EXHIBIT B.

[Extract from hearings before a subcommittee of the House Committee on Indian Affairs on June 4, 1914.]

Mr. CARTER (interposing). Right along that line, how many contracts have you with these people?

Mr. CANTWELL. I have in all, contracts with 4,200 persons.

Mr. CARTER. What compensation do those contracts provide?

Mr. CANTWELL. They provide that the fee shall be fixed by act of Congress or subject to change by act of Congress and by the Secretary of the Interior. They provide for from 25 per cent to 35 per cent. A part of them provide for 35 per cent.

Mr. POST. If these 4,000 persons were enrolled as citiens of the Choctaw Nation and if they were entitled to all of the emoluments that you claim for them, what would be the aggregate amount coming to them?

Mr. CANTWELL. They are not claiming under this bill the distributions which were made per capita that they did not go out there to be identified for; that is, those cash distributions that were made during the time the tribe was in existence of lease money or of the net proceeds of them. They are simply equitably entitled to them, but they are claiming instead of the lands that those now on the rolls have gotten or this bill provides that they shall get a full and equal quantity of land at twice the nominal appraised value. That amounts, so far as these lands go, to about $2,000 apiece. It would amount to an equal distribution if awarded those rights——

Mr. POST (interposing). What do you estimate that to be?

Mr. CANTWELL. The estimates vary. Everyone now on the rolls has gotten his 320 acres at a nominal appraisement, and those lands are in many cases worth $100 per acre to-day. There would probably be, at a low estimate, $25,000,000 or $30,000,000 worth of property left; that is, at the very lowest estimate.

Mr. CARTER. I have here what purports to be a copy of a contract, printed with the name of Cantwell and Crews on it, which contains the following provision:

"Fifth. To collect and receive all sums of money, lands, and property that may lawfully be collected, selected, and received by reason of said rights hereafter, and to faithfully pay over and account to the party of the first part for all such sums of money, lands, and property after deducting the compensation herein provided for."

* * * * * * *

Mr. CARTER. I notice here an affidavit by A. P. Powell, in which he sets out, I believe, that he has taken through Milton J. Turner, Robert L. Fortune, and others contracts for about 2,300 people. He states in that affidavit that he has taken 2,300 of these contracts and turned them over to Cantwell & Crews.

Mr. CANTWELL. I do not know what the contents of that affidavit are, but that is probably true. If that is what he says, that is probably true. I think, if you desire any information in regard to those contracts—I only want to say this to you, that we had some difficulty with Mr. Powell. Mr. Powell was sent to Mississippi under a salary of $150 per month and expenses to take these contracts for our firm. He charged in his expenses for notary fees and everything else. We learned that he was charging some of these people small sums of money, and I got him to St. Louis and asked him about it and jacked him up about it. Then we bought Powell's interest entirely out. There is an affidavit which was made on the 6th day of November, 1911. You understand that these contracts taken by Powell have no connection with these others.

Mr. CARTER. Let us see what it is. Do you say that this provision, authorizing you to collect and receive all sums of money, lands, and property that may lawfully be collected, etc., is not in your contract with the Mississippi Choctaws?

Mr. CANTWELL. I will send you an exact copy of the contract with the Mississippi Choctaws. I believe there was a copy of the form furnished in that investigation of Indian contracts made by the committee, but if there is not I will send you a copy of it.

Mr. CARTER. Now, then, Mr. Cantwell, I notice that Mr. Powell testifies to having turned over about 4,200 contracts with Mississippi Choctaws to Crews & Cantwell. Then another gentleman states that he has turned over—I have not that affidavit here with me—but he states that he has turned over to Crews & Cantwell about 1,300 contracts with Mississippi Choctaws in addition to the ones turned over by Powell. That was a gentleman by the name of Luke W. Conerly, of Gulfport, Miss.

* * * * * * *

Mr. CANTWELL. If the committee desires, I have all the contracts, except about 400 which are in the possession of Mr. Luke W. Conerly, of Gulfport, Miss., in a safe deposit in Washington, with a memorandum of the evidence made by each claimant, and they are open to the inspection of the committee at any time.

Mr. CARTER. Mr. Powell says that he charged each applicant from $1.25 to $2.50.

He says: "After the 4,000 were registered, more applicants came in, and I charged them $1.25 each. I made this charge because the money that had been advanced by Crews, Cantwell, and Hulbert was exhausted, and they refused to put up any more money for taking applications. This charge by me was to cover expenses of continuing the work of getting applications. I sent all these claims that I was making a charge for to Crews and Cantwell. I went from Bay St. Louis to Washington to see Mr. Cantwell, and he tried to get Hulbert to put up more money, and Hulbert notified me at Jackson, Miss., that he had put up $7,000, and that we had to take proof of the same, and that he was willing to put up the $7,000 for that purpose. He has not put it up yet."

Then he says: "I went to Monticello and took applications for Crews and Cantwell and charged $2.50 each there. I took about 100 names there. I took a few names at Biloxi and charge $1.25 for each applicant there. These claims were for Crews and Cantwell. I also visited Meridian and took about 88 applications there for Crews and Cantwell, but for which no charge was made."

Mr. CANTWELL. I want to say unqualifiedly and as strongly as I can say it that if Mr. Powell or anybody else says that we ever authorized him to charge $2.50 and knew he was charging $2.50, or any sum whatever, for any of these contracts, he is an unmitigated perjurer. Never, with our consent, was there one dollar of money charged; and, furthermore, as this affidavit which I submit to you shows, when we discovered that he had done it, we paid Powell a large sum of money to get rid of him.

Mr. CARTER. When did you sever the connection?

Mr. CANTWELL. This circular which was sent out on the 16th of February, 1912, shows our full connection with Mr. Powell.

Mr. CARTER. Does it show the date?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. Do you know what the date is?

Mr. CANTWELL. Some time in January or February, 1912.

Mr. CARTER. That was after the time he had made this affidavit. This was on April 27, 1911.

Mr. CANTWELL. He is an unmitigated liar if he ever says that any charge was ever made, because he charged us with all the expenses and we got vouchers for them. Our instructions to him were not under any circumstances to permit anybody to pay him anything. I would like to have this made a part of the record.

Mr. CARTER. Yes, sir. Since the time that you severed connection with him you have not authorized him in any way to act for you or Mr. Crews?

Mr. CANTWELL. No, sir.

Mr. CARTER. Has he continued to take contracts?

Mr. CANTWELL. I do not know who he has taken contracts for. I understand he has been down to Mississippi. The only contracts taken for us were contracts taken by Mr. Luke W. Conerly, at Gulfport, Miss.

Mr. CARTER. He is your agent?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. He is still continuing to take contracts?

Mr. CANTWELL. I believe so.

Mr. CARTER. When you separated from Mr. Powell, did you give him any letter of recommendation?

Mr. CANTWELL. Yes, sir; I committed the unpardonable folly of writing a letter to Powell—he is a very peculiar human being, you know, very active—in which I complimented him for staying here and keeping open the Mississippi Choctaw matters. He and Nichols, as you know, stayed around in this Capitol and haunted everybody for months and months when practically everybody in Oklahoma and Mississippi had given up hope, and I wrote a letter to Powell which gave Powell entirely too much credit and which he immediately had lithographed. He changed one part of it, one sentence in the original copy, and spread it all over Mississippi. There is nothing in that to be ashamed of except that I was probably too generous in giving him something to which he was not entitled.

Mr. CARTER. You found out at the time you made this settlement and turned him off that he was a man of bad repute?

Mr. CANTWELL. At the time we made this settlement?

Mr. CARTER. Yes, sir.

Mr. CANTWELL. Mr. Carter, after we made that settlement with Mr. Powell and engaged Mr. Conerly, Powell, I was afraid, would go down to Mississippi and go to taking contracts. I was afraid that we could not keep him quiet. I did not want him to take any more contracts. I agreed to pay Powell a small salary if he would go down there and stay there under the direction of Conerly. After we bought him out, simply to dispose of him, we agreed to pay him $50 or $60 a month.

Mr. CARTER. So he did work for you after that?

Mr. CANTWELL. No; he went down there with the understanding that he was not to take any contracts at all.

Mr. CARTER. But was to draw a salary?

Mr. CANTWELL. Yes, sir. He telegraphed me from some point down there that the deal was off, and the next day he went to taking contracts.

Mr. CARTER. On his own hook?

Mr. CANTWELL. On his own hook, I suppose. I got out this circular. That was the occasion for getting out this circular.

Mr. CARTER. Do you not think that giving him this letter from a firm of lawyers like yourself and Mr. Crews might give a certain standing that would enable him to take contracts that he could not possibly have gotten without that letter?

Mr. CANTWELL. I am inclined to think that that is probably true.

* * * * * * *

Mr. CARTER. How much does the Harrison bill provide shall be paid to each claimant?

Mr. CANTWELL. Double the appraised allotment.

Mr. CARTER. Two thousand and eighty dollars?

Mr. CANTWELL. Approximately.

Mr. CARTER. It is stated here that 9,558 of these contracts are controlled by Crews & Cantwell. Without regard to whether that is or is not true, a calculation of 9,558 multiplied by $2,000 would be $19,116,000, and if the fees set out in your contracts were paid to you, you would get about one-third of that sum. Some of them are 30 per cent and some 35 per cent?

Mr. CANTWELL. I do not think there are any 35 per cent.

Mr. CARTER. This one here is 35 per cent.

Mr. CANTWELL. That is not a Mississippi Choctaw contract.

Mr. CARTER. It provides for the enrollment of the people?

Mr. CANTWELL. Yes, sir; but that would include freedmen and all.

Mr. CARTER. That would aggregate a fee of $6,338,000. That would be a great deal more than Mansfield, McMurray & Cornish ever dreamed of, and their fee of $750,000 seemed excessive.

Mr. CANTWELL. That predisposes that all are going to be enrolled. In the next place, it includes in your estimate a great many people who are not Mississippi Choctaws, who could be eliminated from consideration.

Mr. CARTER. If they were enrolled, they would be entitled to the same consideration?

* * * * * * *

Have you hypothecated any of those contracts?

Mr. CANTWELL. No; I have hypothecated none of these contracts. There has never been a hypothecation of any of those contracts, so far as we are concerned. There are some gentlemen in Texas who are interested with us in those contracts and in what sum may be recovered who have advanced money for taking those contracts and have agreed to advance some money for the necessary expenses whenever we get an opportunity to be heard.

Mr. CARTER. How much have they advanced?

Mr. CANTWELL. They have advanced altogether—I do not know the exact figures, but it is probably $15,000.

Mr. CARTER. What security did they take?

Mr. CANTWELL. They took an agreement from us that they should have an interest in whatever we might recover.

Mr. CARTER. That would practically be a hypothecation?

Mr. CANTWELL. That is not hypothecation; it is a declaration that they shall receive a certain proportion.

Mr. CARTER. How much are they to receive for financing it?

Mr. CANTWELL. My recollection is that in the case of the Mississippi Choctaws it is 60 per cent, whatever it may be.

Mr. CARTER. Whatever your fee is?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. What is the name of the concern that is financing these contracts?

Mr. CANTWELL. It was incorporated by these people under this agreement and called the Texas-Oklahoma Investment Co.

Mr. CARTER. Who compose the corporation?

Mr. CANTWELL. A number of gentlemen in Houston, Tex.; friends of Mr. Harris Masterson.

Mr. CARTER. Do you know any of the other names?

Mr. CANTWELL. I do not know any except Mr. Masterson and Mr. Hulbert.

Mr. CARTER. Are those the only people you have negotiated with concerning these contracts for the purpose of raising money?

Mr. CANTWELL. Those are the only people with whom we have ever signed a contract assigning any interest called the Texas-Oklahoma Investment Co.

Mr. CARTER. Did you have any business with a fellow named C. B. Molling in Ohio?

Mr. CANTWELL. No, sir.

Mr. CARTER. With Mr. Dechant?

Mr. CANTWELL. No, sir.

Mr. CARTER. Did you have any correspondence with him?

Mr. CANTWELL. No, sir. He may be a stockholder in the Texas-Oklahoma Investment Co. He may have sold his stock to somebody else, but so far as my knowledge goes——

Mr. CARTER (interposing). It was an organized stock company?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. And the stock was sold?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. What is the capital?

Mr. CANTWELL. I think the capital is $100,000.

Mr. CARTER. What was the capitalization based upon?

Mr. CANTWELL. It was based on the assignment of the contract.

Mr. CARTER. What was the relative value between the capitalization and the fee?

Mr. CANTWELL. There was an agreement to put up $25,000, and to give Mr. Crews and myself 40 per cent of the stock. In other words, the contracts were assigned to the Texas-Oklahoma Investment Co.; they agreed to provide a fund of $25,000.

Mr. CARTER. And you take 60 per cent?

Mr. CANTWELL. Forty per cent.

Mr. CARTER. And they 60 per cent?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. They to pay in $25,000 for the 60 per cent?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. Then there has been really $25,000 paid instead of $15,000?

Mr. CANTWELL. You asked how much had been spent.

Mr. CARTER. There is still $10,000 paid in?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. And they were to have 40 per cent?

Mr. CANTWELL. Sixty per cent.

Mr. CARTER. Then, for $25,000, if these contracts should go through, they would expect to realize $3,802,000?

Mr. CANTWELL. Of course, Mr. CARTER, I have not speculated on anything of that sort. When the time comes it will be found, of course, that a great many of these people are not entitled to rights. We probably will determine that ourselves.

* * * * * * *

Mr. CARTER. How long was Powell in your employ?

Mr. CANTWELL. Until February, 1912.

Mr. CARTER. Was Milton Turner in your employ?

Mr. CANTWELL. Not on the Mississippi Choctaw work.
Mr. CARTER. Was he in your employ?
Mr. CANTWELL. Yes, sir.
Mr. CARTER. Was Robert Fortune?
Mr. CANTWELL. Robert Fortune helped Turner on some of the Freedmen's contracts.
Mr. CARTER. Are any of those gentlemen Indians?
Mr. CANTWELL. No, sir; not that I know of. I do not know Robert Fortune at all. Turner is a negro.
Mr. CARTER. How about Powell?
Mr. CANTWELL. Powell claims to be an Indian.
Mr. CARTER What do you think about it?
Mr. CANTWELL. My opinion of the Indian would be very much lessened if Powell is an Indian. That is all I can say from what I have seen of him. When I wrote him a letter, which I think any white man or any Indian would have considered a generous letter, he simply used it to hurt the cause, I thought.
Mr. CARTER. Robert Fortune is a colored man, and for a number of years was a deputy marshal in the Indian Territory.
Mr. CANTWELL. I do not know him.
Mr. CARTER. Did you have anyone else at that time working for you in this matter?
Mr. CANTWELL. Except Conerly; no, sir.
Mr. CARTER. Conerly was employed since that time?
Mr. CANTWELL. Conerly was employed in the beginning, but with Powell.

* * * * * * *

Mr. HURLEY. I would like to ask Mr. Cantwell if he knows whether these gentlemen are connected with the company or syndicate that now holds the Mississippi Choctaw contracts. He has spoken of Mr. Harris Masterson, of Houston, Tex., and Mr. E. L. Hulbert?
Mr. CANTWELL. Mr. E. L. Hulbert.
Mr. HURLEY. Is Mr. W. A. Smith, of Houston, Tex., also a director of the company?
Mr. CANTWELL. My recollection, Mr. Hurley, is that Mr. Smith is the secretary of the company. That is my recollection.
Mr. HURLEY. Mr. J. B. Crews, your partner or former partner——
Mr. CANTWELL (interposing). It is T. B. Crews.
Mr. HURLEY. And yourself, Mr. H. J. Cantwell——
Mr. CANTWELL (interposing). Yes, sir.
Mr. HURLEY. That constitutes the board of directors of the company, does it not?
Mr. CANTWELL. Not now, because I resigned as a director for the purpose of giving them the control of the directory in Texas when they might have meetings.
Mr. HURLEY. Do you know whether or not the following-named persons are the principal stockholders of the company: Mr. H. J. Cantwell, Mr. T. B. Crews, both of St. Louis; Mr. Clifford Green, of El Campo, Tex.; Mr. S. L. Hurlbut, of El Campo, Tex.; Mr. H. Masterson, of Houston, Tex.; J. H. Gavenan, of Galveston, Tex.; H. Gavenan, of Galveston, Tex.; L. Bryan, of Houston, Tex.; J. J. Sweeney and W. H. Gill, of Houston, Tex.?
Mr. CANTWELL. That is my recollection, Mr. Hurley. I think all of those gentlemen are stockholders in that company.
Mr. HURLEY. Now, state what connection, if any, Mr. C. B. Molling, or C. B. Molling & Co., of Houston, Tex., has with this company that has all these Mississippi Choctaw contracts.
Mr. CANTWELL. I do not recollect his name. Possibly he may be a stockholder.
Mr. HURLEY. You do not know whether or not he is authorized to sell stocks or shares in the company that is holding these contracts?
Mr. CANTWELL. Mr. Hurley, any man who owns a certificate of stock in a corporation is entitled to sell his own shares. There is not any sold by the company, so far as the company is concerned, but if he has a certificate of stock he can sell it.
Mr. CARTER. Mr. Cantwell, the organization of this company is founded upon——
Mr. CANTWELL (interposing). Whatever fees——
Mr. CARTER (continuing). The value of the contracts?
Mr. CANTWELL. Yes, sir.
Mr. CARTER. And unless these people are enrolled the stock is valueless?
Mr. CANTWELL. Absolutely.
Mr. CARTER. Then you and your stockholders are in just exactly the same attitude with relation to aiding these people to be enrolled as the firm of Mansfield, McMurray & Cornish was in endeavoring to keep the people off the roll?
Mr. CANTWELL. Except that we do not occupy a fiduciary relation—there is no question about that.
Mr. HURLEY. I want to ask you about the statements in this communication. I am reading now from a letter from Mr. C. B. Molling, dated Houston, Tex., June 12, 1911:

"It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contracts call for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200. We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscriptions for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 invested."

Mr. CANTWELL. I never saw the article nor authorized any such statement as that. I never saw any such letter, and I have no knowledge of any such letter being sent. I can not imagine why it should have been sent or who could have sent it.
Mr. CARTER. For the information of Mr Cantwell I will tell him that the letter was sent to me by a former Congressman, with the suggestion that I had better look into the matter.

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Mr. BOND. Was this corporation organized before you acquired the contracts or after?
Mr. CANTWELL. That corporation was organized after we acquired quite a number of contracts.
Mr. BOND. The relation of attorney and client exists between you and these Indian claimants, does it not?
Mr. CANTWELL. Yes, sir.
Mr. BOND. How many of these claimants came to you and employed you as an attorney of their own volition?
Mr. CANTWELL. Of our own volition——
Mr. BOND (interposing). How many of them came to you of their own volition?
Mr. CANTWELL. I should say probably 250 or 300.
Mr. BOND. Then, how many——
Mr. CANTWELL (interposing). That I had never heard of before—maybe 500.
Mr. BOND. Did they come to St. Louis and employ you at your office?
Mr. CANTWELL. No, sir; by correspondence.
Mr. BOND. Then how many did you acquire by solicitation or by hiring agents?
Mr. CANTWELL. All the rest of them.

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EXHIBIT C.

CONTRACT BETWEEN J. F. M'MURRAY AND R. P. FORD.

This memorandum will show that I, J. F. McMurray, an attorney at law of McAlester, Okla., having made certain contracts with members of the Choctaw and Chickasaw Tribes of Indians to settle all claims against the United States, including the "leased district," and to represent said tribes in the sale of all remaining tribal property, and desiring the assistance of 30 leading citizens of said tribes to successfully carry out the terms of said contracts and secure to said members the best results in said claims and property, do hereby employ and associate with me in said work, for the purpose of assisting me in carrying out the terms of said contracts and getting the best results from same, 30 members of the Choctaw and Chickasaw Tribes.

Each of the parties so employed hereby agrees to devote himself to all work necessary to carry out the terms of said contracts to a successful termination and to hold himself in readiness to carry out any suggestion made by said McMurray not inconsistent with his own personal business.

Said McMurray for a valuable consideration hereby transfers, sets over, and assigns to the said 30 parties hereinafter named one-half of all amounts realized by him out of said contract after paying all expenses connected with the prosecution of said work under the said contracts, and it is hereby agreed that said McMurray's expenses under this contract up to and including the present date is $30,000; said amounts to be paid over to said parties at the time received by said McMurray and divided equally between the parties hereto named.

For and in consideration of said transfer each of said parties hereby pays in cash to said McMurray the sum of $500 and agrees to pay any other sum necessary to carry out the work of said contracts not to exceed $500 for each person.

All parties to this contract hereby sign our names and agree to all the terms mentioned therein this November 19, 1912.

J. F. MCMURRAY.
R. P. FORD.

Mr. WILLIAMS. Mr. President, the adoption of this amendment need not lead to any delay and will not lead to any delay, but, on the contrary, will hurry up things by hastening the consideration of pending bills to do justice to the Mississippi Choctaws. It may delay this particular $100-apiece distribution for a few days or a few months, but a separate bill can be introduced. All that is necessary to stop delay upon this matter is for the Senator from Oklahoma and his colleagues in both Houses to stop delaying legislation in behalf of the Mississippi Choctaws.

There is now a subcommittee of the Committee on Indian Affairs of the House of Representatives dealing with a bill introduced by Representative HARRISON, of Mississippi, who represents the Mississippi district in which most of the Mississippi Choctaws reside. That bill is before a subcommittee of the Committee on Indian Affairs of the House, and that bill can be reported out any day whenever that subcommittee is ready, and one of the Oklahoma Representatives is chairman of that subcommittee. We are merely trying to force consideration for our people, and then all of us all together can move to the final distribution and settlement.

Now, if the Senator does not want any delay, let him and his colleague from Oklahoma quit throwing obstructions in the way of legislation in behalf of the Mississippi Choctaws. Independent legislation has been introduced, and it is being delayed and held up, and wherever it is we find that the opposition comes from Oklahoma. It does not come from anywhere else. Oklahoma being peculiarly the Indian State of the Union, it is very natural that she would have immense influence in connection with Indian affairs. She has exerted it. She has overexerted it—overdone it. So much for that.

Now, another thing, Mr. President. The Senator speaks of reopening the rolls. This amendment does not reopen any rolls, except just this far, that this money shall not be distributed until these people have been heard and the opportunity has been given Congress to act upon their case; that is all.

The senior Senator from Oklahoma showed a disposition a moment ago to question what I was saying, because I said this was the first step in a scheme to exhaust the entire funds of the Choctaws and then to throw the burden upon the Treasury of the United States of doing justice to the Mississippi Choctaws.

Here is a bill, H. R. 10066, a House bill introduced by a Representative from Oklahoma [Mr. MURRAY] to do that very thing. It provides that a commission to be known as the Mississippi Choctaw homes commission, to consist of certain parties, be provided to determine those people's rights under the fourteenth article of the Dancing Rabbit treaty, and that said commission shall be assigned interpreters, agents, and so forth, and then that said commission is authorized to select a tract of land in the State of Mississippi.

I stop to wonder if the man who drew this bill up knew how little public land we have left in the State of Mississippi, and

how absolutely worthless what little we have left is—land that nobody would have. There is no other sort. But the bill goes on to provide that if not feasible to purchase the same in that State, it may be purchased in any other State in quantity sufficient to give to each Mississippi Choctaw a home of sufficient "acreage and fertility."

Now, mark the close of it. I quote:

That there is hereby appropriated for the purposes of this act, out of any funds of *the United States* not otherwise appropriated, a sufficient sum for the accomplishment of the purposes of this act.

Mr. President, there is nobody who knows better than the senior Senator from Oklahoma how these people have been treated. I have heard him use words of righteous indignation about it. But the chief difference between a Choctaw in Mississippi and a Choctaw in Oklahoma is that a Choctaw in Mississippi has no vote and a Choctaw in Oklahoma has.

In a brief drawn up and filed some time ago the senior Senator from Oklahoma, representing the Mississippi Choctaws at that time, used this absolutely true language:

It will thus be seen that there was a secret underhand opposition to the Mississippi Choctaws, because it must be remembered that this rule of identification, made by the Dawes Commission on March 10, 1899, and submitted by report to the Secretary of the Interior, was pigeonholed for eight years and then disapproved without notice.

That is the language of the senior Senator from Oklahoma [Mr. OWEN].

That is the roll where over 1,100 Mississippi Choctaws went before the Dawes Commission and proved their right to be enrolled, and when that list came up here it was never put on the final rolls of the tribe.

Why not? Mr. President, echo answers, Why? The senior Senator then proceeds in the same brief:

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless.

And they are.

The report referred to is in behalf of the full-blood Mississippi Choctaws. Every word of this is true. The Senator from Oklahoma stated this, but it is true independently of who had stated it:

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock, on March 4, 1907, *without notice or warning*, so that no person upon this roll ever knew for eight years whether he was so far identified as to be entitled to remove as an identified Choctaw, and finally the entire schedule was rejected without notice.

And finally the entire scheme was rejected without notice. There were not only pitfalls in the law, but pitfalls in the administration of the law. Eleven hundred of them were found to be entitled to go upon the rolls, were kept eight years without notice, and then finally cut out because they did not move in time.

It is the senior Senator from Oklahoma who said all that.

Mr. President, the junior Senator from Oklahoma says that I place these people's case, and that it rests, entirely upon consanguinity. I did not. I placed it partially upon that ground and partially upon the ground of the solemn word of a solemn treaty, which in express language says that they shall have "the privileges of citizens of the Choctaw Nation." The claim rests upon both grounds. But if it had rested only on either ground, it would have been a sufficient foundation.

The Senator speaks of the claims attorneys who would get in their bloody work. I do not doubt it. They have already gotten it in on all the tribes in Oklahoma, and I expect if these people of mine get any chances at all these Indian claims lawyers will try to get the lion's share of it.

But that is easily enough cured, and nobody knows it better than th Senator. In the act of 1902 there was a clause, and I will come to it after a minute——

Mr. OWEN. Of 1900.

Mr. WILLIAMS. Of 1902.

Mr. OWEN. Of 1900, I think.

Mr. WILLIAMS. There was one in 1902 providing that these lands, which at that time were to be distributed in severalty, should go without charge of any description flowing out of mortgage, deed, or contract. You can cut out these scoundrels very easily. What do we do every day in connection with pension claims? We prescribe just how much the lawyer shall get. We do not leave him to deal with necessitous, ignorant people, and by unconscionable bargaining to rob them. Nor ought it to be done here.

Unless my recollection is at fault it was at my instance that the clause in the law of 1902 was placed there, because I knew that the thing that is going on now was going on then, because these Choctaws had been writing to me from that part of the State of Mississippi in which they dwelt, or having others write me for them, asking me about entering into contracts to give the Cotton Development Co., and firms of lawyers here and there, 50 per cent or other outrageous proportions of their lands, in case they succeeded, and I wrote to the poor people every day, and I said, "You do not need any lawyer at all. If I can save you I can save you, and if I can not I can not; but you do not need a lawyer now, at any rate. You may need a lawyer later in your country, but not here. Wait until we put upon the statute books the law that gives you an undoubted right, and then there will be time enough to employ a lawyer if your claim is disputed; and a lawyer in Oklahoma," or in the Indian Territory, as it then was. In spite of that, these poor, helpless, ignorant people nearly all went on and signed thousands of these unconscionable contracts. That is not all. The Indians in Oklahoma did it, too. It is easy enough to stop it if anybody wants to stop it. I believe here is that clause I referred to in the law of 1902. Yes; here it is:

Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act.

That is the language there and we can put it in any law when all have had a chance to be heard and all is ready to be closed up with justice to all, and I shall be more than pleased to see it done. I think if there is anything in the world I dislike more than another—I had almost said "hate," but I do not believe I hate anybody longer than 24 hours—but if there is anything I dislike more than another it is one of these galloping-around lawyers with agents getting illiterate people to sign up contracts of useless employment on contingent fees in order that he may live upon their sweat. The Senator from Oklahoma can not outdo me in stopping that. So all he said in that connection goes for naught in this discussion.

The junior Senator from Oklahoma gave the number of Indians who are on those rolls. He is mistaken in the number. The Commissioner of the Indian Office says in a report to the House, in discussing the Mississippi Choctaws:

The total number of persons—

Now, I ask the Senator from Oklahoma to mark the language—

The total number of persons entitled as Mississippi Choctaws was 2,534, but only 1,445 were finally enrolled.

The Senator's colleague can tell him how that happened. The rolls containing their names were pigeonholed, lost for eight years, and in spite of all that we are not disposed to do them justice.

I have already called your attention to the bill which was introduced by one of the Representatives from Oklahoma, Mr. MURRAY. There is another man from Oklahoma in the House of Representatives that I love very much for very many reasons. He would not do anything that he thought was wrong. I suppose he thinks he is representing the interests of his constituents, and many think provided they are representing their constituents that everything is all right. He was asked if he had not introduced a bill of this sort. I see him before me. He said:

Mr. CARTER. No. I introduced a bill directing the Secretary of the Interior to investigate the condition of the Mississippi Choctaws, with a view of seeing if it was practicable and just for the Federal Government to provide homes for them on the public domain.

That is exactly the Murray bill. He goes on, however, to say that whatever glory he may have had in that respect it was taken away from him by one of my colleagues in the other House, who introduced the same bill in his own name.

The junior Senator from Oklahoma [Mr. GORE] has to-day made the argument that whatever wrongs these people have suffered, they ought to be indemnified for out of the United States Treasury. Well, I answer that by saying if they are not entitled to rights as Choctaws they have not any rights at all. I fear that if they have no rights as Choctaws growing out of their citizenship in the Choctaw Nation and as coparceners with the Choctaws in Oklahoma before the tribal relations were abolished, then they have no rights of any description.

I am inclined to agree with the Senator's colleague [Mr. OWEN] about that; but suppose the junior Senator from Oklahoma is right, that the Mississippi Choctaws have rights against both the Choctaw Nation and the United States Government, what justice is there in making the white people of the United States pay because they did not receive their rights as Choctaws?

That is not all, Mr. President. Drawing a picture a while ago of how these people have been treated, I forgot something that I want to bring to the attention of the Senate. My colleague in the other House [Mr. HARRISON], representing the district in which most of these Choctaws live, during the debate in the House said:

You and your colleagues from Oklahoma would go into the Treasury of this country and take out the money to give to the Mississippi Choc-

taws, while I would give it to them out of the funds of the tribe. I make that statement for this reason, in part, because in 1881, I think it was, the Oklahoma Choctaw Indians sued the United States for moneys due the tribe they left back in Mississippi about 1831.

What he meant, of course, was the citizens of the tribe left back there in Mississippi:

They based their suit—

Now listen to this, Senators—

They based their suit on injuries done to the Mississippi Choctaws in Mississippi and not to the Choctaws that had moved out into Oklahoma. The suit went to the Supreme Court of the United States, and an $8,000,000 verdict was rendered in favor of the Choctaws in Oklahoma.

On account of the injuries done to the Choctaws in Mississippi remember—

That went into the funds of the tribe. It is there now, less the expense incurred in that piece of litigation, and is it right—

He said—

to saddle upon the Government of the United States and upon the Treasury the payment of this money when the Oklahoma Choctaws got that money in that way—

About $8,000,000 of it—

and it is now in the funds of the tribe?

He goes on:

The Mississippi Choctaws that I have pleaded for in the bill that I have introduced have never received one cent of that money that is now in the coffers of the funds of the Choctaw Nation. And I want to say it will be a living compliment to the gentleman from Missouri [Mr. RUSSELL], the gentleman from Minnesota [Mr. MILLER], and the gentleman from New York [Mr. SMITH], who were on the Indian Affairs Committee in this House in the Sixty-second Congress that they went into *exhaustive* hearings on this question in considering my bill, and they reported unanimously.

Note "unanimously," Mr. President.

There was not a single Representative from Oklahoma on the subcommittee, you see, hence no opposition in a so patently just a case, and so they reported unanimously in favor of reopening the rolls in order to give, and to the extent of giving, the Mississippi Choctaws some of these rights for which I plead here and Representative HARRISON pleaded then.

Mr. SWANSON. Mr. President, will the Senator permit me to ask him a question, merely for information?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. WILLIAMS. I do.

Mr. SWANSON. I desire to ask the Senator from Mississippi a question for information, so that I may know how to vote on this proposition. As I understand the proposition of the Senator from Mississippi the Choctaws in Oklahoma got $8,000,000 for damages done to and claims made in behalf of the Choctaws in Mississippi, and they do not want to pay damages to the people who were injured?

Mr. WILLIAMS. That particular transaction is not at issue in this amendment of mine; but I am reciting it merely as a specimen of the manner in which the Mississippi Choctaws have been dealt with. They got $8,000,000 out of the United States, put it into the fund out in Oklahoma, and the poor Mississippi Choctaws I reckon never knew, most of them, that any suit had been carried on in their behalf. This is a new thing to me. I find it in a speech made by my colleague [Mr. HARRISON] in the House of Representatives. I knew of a great many mean things that had been done to these Indians, but I did not know until this morning that they had been treated quite as meanly as this.

Mr. OWEN. I do not believe the Senator from Mississippi wants to misstate the matter, of course.

Mr. WILLIAMS. Why, certainly not; not voluntarily.

Mr. OWEN. No. The amount of the judgment to which the Senator refers was less than $3,000,000, to start in with; but while it is true that it related to various citizens, people who might have been called Mississippi Choctaws, Murray & Vroom found that there were 4,100 of those people, and the muster rolls showed that 3,400 removed from Mississippi to the Indian Territory, and afterwards that there were over 700 more who removed. So that more than the number that Murray & Vroom found have since that time been transferred to Oklahoma. It is only because of the increase of population that there are any remaining at all.

Mr. WILLIAMS. Then the 4,000 Mississippi Choctaws who went to Oklahoma went, according to the statement of the junior Senator from Oklahoma [Mr. GORE], prior to 1855, and therefore, of course, this matter of 1881 did not relate to them.

Mr. OWEN. Yes; it did.

Mr. WILLIAMS. It did? Well, how much of it did the Mississippi Choctaws of Mississippi ever get?

Mr. OWEN. I do not know about that.

Mr. WILLIAMS. Did they get a red cent?

Mr. OWEN. They got all they were entitled to, I suppose.

Mr. WILLIAMS. Oh, now, do not suppose it. I presume my colleague in the other House looked into it, and he is a mighty careful man. As a fact, not a Mississippi Choctaw in Mississippi ever got a cent. If any Mississippi Choctaws got anything, it was the so-called "Mississippi Choctaws" who were living in Oklahoma and had been living there, or in what we used to call the Indian Territory, probably ever since 1855 and 1856.

Mr. GORE. That claim originated or was first preferred, I think, in 1858 or 1859. In fact, the Senate once adjudicated the claim.

Mr. OWEN. In 1855.

Mr. GORE. The Senate adjudicated the claim in 1859 or 1860.

Mr. OWEN. It was under the treaty of 1855.

Mr. GORE. When the Senate rendered its award?

Mr. OWEN. Yes.

Mr. GORE. And I think that related to lands which the Choctaws had transferred to the Government in Mississippi, the final payment, as I understand, for them.

Mr. WILLIAMS. I have never read the case.

Mr. OWEN. It has no bearing on this matter, however.

Mr. WILLIAMS. It has this bearing upon it: It is a part of the general scheme; it was just what the Senator said in that brief. It is a proof of the insidious or "underhand" influence that has been operating all the time, as the senior Senator from Oklahoma has so well said, to rob the Mississippi Choctaws; it is a part of it. This is one of those cases where you can not make out very much of a legal case by a statute, but where, as a justice of the peace once said, "The statute itself air rotten"; and where Congress, being honest, just, and right, ought to remedy the deficiencies of the statute. That is what I am trying to have done.

Mr. OWEN. Mr. President, this is not really a very involved matter. The United States in 1820 undertook to get the Choctaws to remove from Mississippi to the Indian Territory, and made a treaty with them of that date. Afterwards the United States made another treaty in 1830, inviting them again to remove. There were quite a good many Mississippi Choctaws then living in Mississippi who were not willing to go to Indian Territory, but their chief, Greenwood Le Flore, who negotiated the treaty of 1830, agreed with the Government that if the fourteenth article were introduced in that treaty the treaty would be made. The fourteenth article was introduced in the treaty. It provided that the head of a family might have 640 acres of land in Mississippi and other members of his family 320 acres and 160 acres by age. It provided also that those Indians refusing to go West might become citizens of the State of Mississippi, and they remained there with the understanding that they would be citizens of Mississippi; but it was provided that if they desired to remain they should not lose the right of a Choctaw citizen, but if they ever removed they should not have any right to the Choctaw annuities.

The question as to the meaning of this language was passed on by the United States court. I read a few moments ago from Judge Clayton's decision of 1897, but I will just quote a few words more from his decision, showing that this very fourteenth article was definitely passed upon by this court of competent and special jurisdiction. He gives the reasons at considerable length which led to that decision; and the decision is substantially just, because if a people desire to be members of a community, obviously they ought to be willing to make themselves a part of the community by living with the community.

Mr. WILLIAMS. Mr. President, before the Senator goes on, if I understood him a moment ago——

Mr. OWEN. I wish the Senator would let me finish my argument; I am not going to occupy over 5 or 10 minutes.

Mr. WILLIAMS. But in connection with the fourteenth article, I want to read that language, because the Senator, if I understood him, is mistaken about it.

Mr. OWEN. Very well, let the Senator read it.

Mr. WILLIAMS. The Senator says that if they removed, they were not to lose the rights of Choctaw citizenship. On the contrary, it says:

If they reside upon said lands, intending to become citizens of the States—

They would not reside there after they were removed, of course——

Mr. OWEN. I wish the Senator would read the section.

Mr. WILLIAMS. I am reading it—

If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article—

Which I have just read—

shall not lose the privilege of a Choctaw citizen, but if they ever remove—

"But if they ever remove"—

are not to be entitled to any portion of the Choctaw annuity.

That is where the annuity comes in.

Mr. OWEN. I can state this case in five minutes, if I am permitted to do so. It is perfectly simple and easy. The Government tried to get these people to move west in 1820. They tried again to get them to move west in 1830; but there was a certain portion of them who would not move, and the fourteenth article of the treaty of that year, just read by the Senator from Mississippi, was construed by Judge Clayton, the United States district judge having authority from Congress on this very matter. In rendering his decision he said:

To permit men with, perchance, but a strain of Choctaw blood in their veins, who 65 years ago broke away from their kindred and their nation and during that time, or most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable.

It is therefore the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

During the various years from 1820 to 1830 and thereafter the Government tried to get these people to remove. The Senator from Mississippi justly stated that the agent, Ward, did not make the proper register of the fourteenth-article claimants; he made no adequate register at all, but Murray and Vroom were sent there by the Government of the United States immediately afterwards to remedy Ward's neglect, and they registered 4,100 of these people, giving each of them certain scrip entitling them to land. The western Choctaws got no scrip.

Mr. WHITE. When was that?

Mr. OWEN. That was between 1842 and 1855, when this distribution was made, and a great many of these Mississippi Choctaws then moved to the Indian Territory. The muster rolls of the Indian Office show that 3,400 out of the 4,100 registered by Murray & Vroom moved to the Indian Territory; afterwards over 700 more moved; so that ultimately the total number of those who moved, according to the muster rolls, was shown to be 4,128.

The western Choctaws from time to time passed resolutions inviting the Mississippi Choctaws to come to the Indian Territory. From 1830 to 1889, before the tribal government was broken up by the United States, the Choctaws desired to enlarge their number; they wanted to be of more consequence as a nation; they were not then jealous of the disposition of their property, and they therefore repeatedly invited the Mississippi Choctaws to join them, and even as late as 1889 they memorialized the Government of the United States and asked the Government to help to move the Mississippi Choctaws.

When the United States determined to break up the tribal government in 1893, it sent out the Dawes Commission, headed by Senator Dawes. That was in 1893—21 years ago. The Government thereafter, in 1906, passed an act directing the Dawes Commission to make up these rolls. I have the law here, and it will only take a moment to read it, and I should like to call the attention of the Senate to it. The Dawes Commission were instructed in 1896 as follows:

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be and are hereby made rolls of citizenship of said nations or tribes, subject, however, to the determination of the United States courts as provided herein.

That was in 1896—18 years ago—and attorneys have been trying to get the Mississippi Choctaws on the rolls every since. Many were enrolled prior to 1907 on the final rolls who moved to and established residence in the Indian Territory or Oklahoma.

Mr. WHITE. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. WHITE. Did the act creating the Dawes Commission make any reference to the Mississippi Choctaws at all?

Mr. OWEN. I was going to explain that. Immediately afterwards, in 1897, the Dawes Commission were instructed to pass upon the rights of the Mississippi Choctaws, and they made a report in 1897 taking the same view of the fourteenth article of the treaty of 1830 that was taken by Judge Clayton in his decision. Judge Clayton's opinion of the Mississippi Choctaw case went to the United States Supreme Court in the so-called Stephens case, and the court held broadly that the decisions of the lower courts were final under the terms of the act, and therefore that the decision rendered by Judge Clayton was final.

Mr. WILLIAMS. In other words, that they had no jurisdiction.

Mr. OWEN. Yes; they had no jurisdiction to set that decision aside. The Supreme Court had jurisdiction to declare Clayton's decision final, and did so. The Dawes Commission, in an independent statement which they sent to Congress, made the same declaration as that made by Judge Clayton. They were a tribunal expressly authorized by Congress to declare the rights of the Mississippi Choctaws. I will not pause to read that decision; it is to the same effect as Judge Clayton's opinion, and is based upon common sense, because the Mississippi Choctaws had voluntarily, deliberately, and willfully separated themselves from the other members of the nation because they refused to move in 1830.

Mr. WHITE. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. WHITE. Were they not treated with up to that time as a tribe, and by this severance were not the tribal relations destroyed?

Mr. OWEN. Well, they were to the extent that they took up citizenship in Mississippi.

Mr. WHITE. Were not these Indians treated with by the National Government as a tribe rather than as individuals?

Mr. OWEN. Yes; they were treated with as a tribe, with certain expressed exceptions. The treaty made with the tribe dealt with individuals by the grant in the tribal agreements of certain individual rights; for instance, they gave the chiefs certain particular lands and certain particular rights.

Mr. WHITE. That was simply a grant of land in severalty.

Mr. OWEN. Yes; that is what that was.

Mr. WHITE. Did they treat with them as individuals at all?

Mr. OWEN. No; they did not. Only with them as a tribe.

Mr. WILLIAMS. The treaty expressly said that the Mississippi Choctaws were to be treated as citizens of the Choctaw Nation.

Mr. OWEN. The Indians unwilling to go West were so numerous and powerful that Greenwood Le Flore, representing them, said that the treaty could not be made without their consent and that their consent could only be obtained by putting in the fourteenth article.

Mr. WHITE. That gave them the right to take land in severalty in Mississippi.

Mr. OWEN. Yes; it did.

Mr. WHITE. And they took it.

Mr. OWEN. They took it, they sold it, and enjoyed the benefits of it.

Mr. WILLIAMS. It not only gave them the right to take lands in severalty, but it also recognized their citizenship in the Choctaw Nation.

Mr. OWEN. I have already called attention to that language.

Mr. WILLIAMS. But the Senator from Alabama did not understand it.

Mr. OWEN. The United States court and the Dawes Commission, which was appointed by Congress as a special tribunal to pass on the matter, both held that unless the Mississippi Choctaws had removed they were not entitled to citizenship.

Mr. SWANSON. Will the Senator permit me to ask him a question?

Mr. OWEN. Certainly.

Mr. SWANSON. I should like to have a little elucidation of the statement that there went into the treasury of the Choctaws in Oklahoma $8,000,000 on account of the injury done the Choctaws in Mississippi.

Mr. OWEN. Not one dollar went into the treasury of the Choctaws in Oklahoma on any such account—not one cent.

Mr. WILLIAMS. Where did it go?

Mr. OWEN. The records, of course, show it went to the individual claimants and in expenses. The Mississippi Choctaws who in 1830 refused to move were invited time after time up to 1889 by the western Choctaws to come West; and after 1889, when the United States negotiated an agreement with these people in 1897–98 and in 1901–2, there were a series of agreements, the final agreement being in 1902.

Mr. WHITE. Was not the real consideration of the agreement between the Government and the Choctaws and Chickasaws the removal of the Indians from Mississippi to Oklahoma?

Mr. OWEN. Yes; but an exception was made in the interest of those who wanted to remain in Mississippi.

Mr. WHITE. That was a grant of land in severalty, was it not?

Mr. OWEN. Yes; it was a grant in severalty, of 640 acres to each adult, 320 acres to children over 10 years, and 160 acres to children under 10 years. In the so-called Curtis Act of 1898,

it was provided that no person claiming to be an Indian should be recognized as an Indian belonging to the Five Tribes unless he had previously to that time moved into the tribe where he claimed citizenship and established bona fide residence. That was obviously necessary for the protection of the Choctaw Indians against tens of thousands of people who had a trace of Indian blood and who would otherwise claim to be Indians in order to enjoy the rights of citizenship. That was the long-debated, well-considered Curtis Act of June 28, 1898. The Mississippi Choctaws had an exception made in their favor, that if they moved before the completion of the final rolls—March 4, 1907—they might nevertheless be entitled to the rights of citizenship. So they had from that time, June 28, 1898, until March 4, 1907, nine years in which to move, but the Indians, for whom this eloquent plea is being made, did not avail themselves of it. It is stated in their behalf that they were poor and did not have the means to remove, but they had nine years at least in which to move, if they wanted to move, and, since they walk from one end of Mississippi to the other without the slightest difficulty, if they were really anxious to go they could just as well have easily walked to Oklahoma without any more trouble.

Mr. CLARKE of Arkansas. And we appropriated $20,000 for the purpose of assisting them in removing.

Mr. OWEN. Yes; the Government appropriated $20,000 to help move them, and many private individuals provided them money in the hope of renting lands from them—in the hope of getting a fee out of them, in all sorts of ways—so that finally there were *a good many* who moved—nearly 2,000. When the Dawes Commission reported that they were not entitled to enjoy the benefits of citizenship unless they did move, Congress instructed the Dawes Commission to identify the people who had a right to move, and they tried to do so. They went down to Mississippi and found that the Choctaws there had kept no family records; that they had not kept the patronymic names; but each man had a Choctaw name and each woman had a Choctaw name, and these names were so confused that persons who claimed to have the right to be called Mississippi Choctaws and descendants of fourteenth-article claimants could not prove, in the first place, that their fathers were enrolled by Murray & Vroom or by Ward; and they could not prove, in the second place, that they were the lineal descendants of such persons; and the Dawes Commission therefore made their report, and said:

> We find that they can not do this, and therefore we have done the best we could; and we here submit a roll of 1,900 people whom we think are of Indian blood.

That country was full of runners going out and telling the Indians to "come in and be enrolled, because you have got a chance to be admitted to citizenship in the Choctaw Nation, and it is of great value to you." As the Senator from Mississippi says, there were a lot of attorneys urging these people to come forward and be enrolled, and 1,900 of them were enrolled.

Mr. WHITE. The lawyers were trying mainly to enroll them, were they not?

Mr. OWEN. Yes; the lawyers were trying to get fees out of it, and therefore they were strenuously trying to get all these people enrolled.

Mr. WILLIAMS. The report of the Indian Bureau shows that 1,440 were enrolled.

Mr. OWEN. That is wrong, because there were over 1,900. I know better than the alleged report. I know what the true report is. There were over 1,900. The Secretary of the Interior refused to enroll them, however, because he said the report of the Dawes Commission acknowledged on its face that there was no evidence that justified it; that it was only guesswork. They might have been of Creek origin; they hight have been of any of the tribes of the Mobile Basin. There are a good many Indian tribes there. They might have been Choctaws, descendants of nineteenth-article Choctaws; they might not have been Choctaws; they might have been Chickasaws. They speak the same language, practically.

So these poor people were in a very weak position. They were not able to furnish the necessary proof, and I sympathized with them; but when the Choctaws and Chickasaws came to make the final agreement of 1902 they said to the United States: "We will agree to waive this legal evidence as to those who are full-blood Indians of Choctaw blood, waive the fact that they may be nineteenth-article claimants and all other doubts, provided they will move within six months and establish bona fide residence in the Choctaw-Chickasaw country." Under sections 41, 42, 43, and 44 of the Choctaw agreement of 1902 there were 1,642 of these Indians recorded as citizens of the Choctaw Nation, and they are now on those rolls and enjoying all the rights of other citizens of the Choctaw Nation, regardless of the fact that they could not prove themselves descendants of the fourteenth-article claimants or that their ancestors had ever been recognized as entitled under the fourteenth article. Murray & Vroom reported 4,100 of these Indians entitled under the fourteenth article, and 4,128 moved west before 1889. The recent list shows 1,642 additional names put upon that roll, making nearly 6,000 of these Indians on the Choctaw rolls west under color of the fourteenth article.

Now, nobody pretends that any Mississippi Choctaw who, after all of this urging from 1830 down to this date of 1907, has refused to remove, or has not removed for any reason, has a legal right to citizenship; but the time has come when it can not be asserted justly, I think, that he has any real moral right, because the Government has been inviting him to remove since 1830, and obviously the promise to the Choctaws and Chickasaws west that they should have a distribution of their lands and of their property and that the money should be paid to them individually can not be carried out until you fix a common denominator. You must know how many people there are to whom this land and property shall be distributed.

The Government, therefore, having authorized the Dawes Commission in 1896, 18 years ago, to make up these rolls, and the Dawes Commission having spent 10 years making the rolls, the Congress of the United States finally, in 1906, passed an act declaring that no one should be put upon these rolls after March 4, 1907. I want to call the attention of the Senate to that law:

> *Provided*, That the rolls of the tribes affected by this act—
>
> That is, the Five Tribes—
>
> shall be fully completed on or before the 4th day of March, 1907; and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after that date.

It has been claimed that some of these people who had been agitating a claim for citizenship during the preceding 10 years were not given the right of appeal to the Secretary of the Interior at the last minute of March 4, 1907, that they came up too late. To meet that claim the Interior Department made a careful investigation and has reported about three or four hundred people who seemed to be equitably entitled to enrollment. The Oklahoma delegation has requested that those people be enrolled, and a provision has been put upon this bill providing for their enrollment.

Mr. WILLIAMS. I should like to ask the Senator a question there. Does that number embrace the 1,100 and some odd Mississippi Choctaws of whom the Senator spoke, whose claims have been sent up here, who were enrolled by the Dawes Commission, and their enrollment pigeonholed here?

Mr. OWEN. The Senator is confusing the report of the Dawes Commission of 1898, which was presented without evidence, and which was entirely rejected. A large number of people on that rejected list were enrolled afterwards as full-blood Choctaws and are on the rolls and are in Oklahoma now.

Mr. WILLIAMS. The 1,100 to whom the Senator refers?

Mr. OWEN. There is no such roll as the 1,100 roll. The Senator will have to look that up, because there is no such roll.

Mr. WILLIAMS. I read just a moment ago a part of the Senator's brief, in which he mentioned, I think, 1,100.

Mr. OWEN. There were about 1,900 in the schedule of March 10, 1898.

Mr. WILLIAMS. I thought the Senator said, in that brief, 1,100; but whatever the number is, they are not recommended to be put upon the roll now, are they, by the committee?

Mr. OWEN. A large number of them are included in the 1,642 I have just mentioned, who were put on the final rolls of 1907.

Mr. WILLIAMS. Does the Senator remember how many?

Mr. OWEN. I do not remember just the number; I suppose something over a thousand. That is just a broad guess.

Mr. WILLIAMS. I did not know that any were.

Mr. OWEN. Oh, yes; there were large numbers; all of those who were willing to remove and comply with the conditions and who were full bloods.

The question of moral right comes down to this: Have these Mississippi Choctaws, even if they are full-blood Indians, who were unable to prove that they are descendants of the fourteenth-article claimants—because it must be remembered that the descendants from the nineteenth-article claimants of the Mississippi Choctaws are not entitled; it is only the descendants of the fourteenth-article claimants that could by any possibility claim—have persons of the full Choctaw blood who have been invited from 1830 down to 1907 to remove, and who have refused or evaded or not cared to remove, a right now to say that the obligations of the United States, entered into nearly 20 years ago, with the Choctaws and Chickasaws, west, for the distribution of their property, shall not be carried out until they

are put upon the roll? Have they a moral right to make that claim?

I think they have not. I think they have neither a moral right nor a legal right.

I ask permission to print, at the end of my speech, a brief statement on this subject by the attorneys of the Choctaw and Chickasaw Nations, west.

The VICE PRESIDENT. Without objection, the request of the Senator from Oklahoma will be granted.

The matter referred to is as follows:

THE ALLEGED CLAIM OF MISSISSIPPI CHOCTAWS TO CHOCTAW CITIZENSHIP.

A group of attorneys with large contingent fees are pressing the alleged claim of alleged Mississippi Choctaws to citizenship in the Choctaw Nation and vigorously lobbying in their interest.

This case is simple and easy to understand.

Every person entitled as a Mississippi Choctaw has been enrolled by the Dawes Commission, approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and the matter was settled conclusively and finally by act of Congress with the approval of the President of the United States as of March 4, 1907. (Stats., 1907.)

By the treaty of 1830, article 3, the Choctaws agreed to remove to the Choctaw country west. (7 Stat. L., 335.)

By article 14 certain Choctaws reserved for themselves the privilege of becoming citizens of Mississippi without relinquishing the right to remove to the Choctaw Nation west and thereby acquire citizenship in the Choctaw Nation (7 Stat. L., 335.)

The number of the fourteenth article claimants was determined by Murray and Vroom under act of Congress of August 23, 1842. (5 Stats., 513.) They ascertained the number amounted to 1,153 adults, and including their children amounted to 3,885, and 143 families who received patents, making a total of about 4,110 persons. (See H. Doc. 898, 61st Cong., 2d sess.)

The emigration between 1838 and 1855, shown by the muster rolls of emigrating Choctaws in the office of the Commissioner of Indian Affairs, shows that more than 3,400 Choctaws removed to the Indian Territory and that they were paid for the land relinquished by them under the fourteenth article and were paid in the Choctaw Nation west. (See Muster Rolls, Indian Office, by Douglas Cooper, U. S. Indian agent.)

Many of the 700 remaining Choctaws subsequently emigrated, leaving very few, if any, fourteenth-article claimants. Some of the Mississippi Choctaws having gone west and exhausted their right to remove under the fourteenth article, moved back and intermingled with other Indians of Creek, Chickasaw, and of other bloods, so it is no longer possible to tell what the blood is. Some are mixed with negro and white blood.

Up to 1889 the Choctaws west freely admitted to citizenship those whom they knew to be of Choctaw blood and who actually complied with the condition of bona fide residence. On March 4, 1890, Congress sent the Dawes Commission to negotiate agreements for winding up the affairs of the Five Civilized Tribes.

On October 16, 1895, the General Council of the Choctaw Nation passed a general law requiring all persons claiming the right to citizenship in the Choctaw Nation west to file their petitions on or before November 15, 1895, or be forever barred. (Laws of the Choctaw Nation, session 1895 and 1896.) This law was obligatory upon the United States officers subsequently charged with perfecting those rolls under act of Congress June 10, 1896, requiring the Dawes Commission to recognize the tribal law. (See 29 Stat. L., p. 321; see also Eastern Band of Cherokees *v.* United States, 117 U. S., 288.)

In 1897 Congress passed an act authorizing the purging of the rolls.

In 1898 the Curtis Act was passed, providing for abolishing of tribal governments, subdividing the tribal land, completing the rolls, with the following provision:

"No person shall be enrolled who has not heretofore removed and in good faith settled in the nation in which he claims citizenship: *Provided, however*, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or treaties with the United States."

Congress thus recognized the general principle that prior residence was essential to citizenship (reserving the status of the Mississippi Choctaws temporarily pending adjustment), and this rule has been rigidly enforced by both the tribal and Federal authorities, to wit, that no person should be enrolled who had not satisfactorily established residence prior to the grant of citizenship.

In July, 1896, Jack Amos and 97 other Mississippi Choctaws appealed to the Dawes Commission for enrollment as Choctaw citizens of the full blood residing in Mississippi. On December 1, 1896, the Dawes Commission rejected the claim of Jack Amos and other Mississippi Choctaws by blood, on the ground that they were not residents of the Choctaw country west. This decision was appealed to the United States district court for the central district of Indian Territory, and the court sustained the Dawes Commission in an elaborate opinion entitled "Jack Amos *v.* The Choctaw Nation" (Rept. of Commission to Five Civilized Tribes, 1899, p. 92), in which Judge Clayton held as follows:

"Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrived at the conclusion that the 'privilege of a Choctaw citizen' was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the land conveyed to him and to his people, and there, the only spot upon earth where he could do so, renew his relations with his people and enjoy all the privileges of a Choctaw citizen, except to participate in the annuities."

He held, in effect, that those who had not so removed were barred by failure to remove.

This decision of Judge Clayton was virtually affirmed by the Supreme Court of the United States, which held that the act of Congress gave final jurisdiction to the district court and that the act itself was constitutional. (See Stephens *v.* Cherokee Nation, 174 U. S. Rep., p. 445.) In the Supreme Court of the United States the matter was expressly argued in the case of Emma Nabors and others, appellants, against the Choctaw Nation, appellee, at the same time with the Stephens case, October term, 1898.

Notwithstanding this decision by the Dawes Commission, subsequently affirmed by the United States district court and the Supreme Court of the United States, the attorneys of the Mississippi Choctaws, having a large contingent fee, urged upon Congress to authorize the Dawes Commission to make a special finding, and in the Senate, on February 26, 1897 (CONGRESSIONAL RECORD, 2337), it was provided by an amendment of the Indian appropriation bill, as follows:

"That the commission appointed to negotiate with the Five Civilized Tribes in the Indian Territory shall examine and report to Congress whether the Mississippi Choctaws, under their treaty, are not entitled to all the rights of Choctaw citizenship except an interest in the Choctaw annuities." (30 Stats. L., 83.)

Thereupon the Dawes Commission rendered their decision, and held (H. Doc. 274, 55th Cong., 2d sess., Feb. 2, 1898) that the Mississippi Choctaws had "the right at any time to remove to the Indian Territory and, joining their brethren there, claim participation in all the privileges of Choctaw citizens save participation in their annuities; still, if any person presents himself, claiming this right, he must be required by some tribunal to prove the fact that he is a descendant of some one of those Indians who originally availed themselves of and conformed themselves to the requirements of the fourteenth article of the treaty of 1830."

On June 28, 1898, Congress directed the Dawes Commission "to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830," and to report to the Secretary of the Interior.

The Dawes Commission made its report on identification, March 10, 1899, using the following language:

"The commission therefore, finding it impossible to trace the full-blood Choctaws now residing in the State of Mississippi bearing an English name with any degree of certainty to his ancestors bearing Indian names, and to establish the fact that such ancestors performed the duty of signifying to the United States agent within the limited period their intention and desire to remain and become citizens of the States, has believed it to be its duty to report the names of all full-blood Choctaw Indians who might appear before it in said State for identification as Mississippi Choctaws, and it accordingly makes such report, having taken the names and identification of each of such persons and prepared a schedule of them from the data obtained by the commission recently within said State, which schedule accompanies this report as a part hereof."

The commission further stated (report of Dawes Commission, 1899, p. 78, last paragraph):

"It is impossible to trace descendants now bearing English names to ancestors bearing Indian names, upon whom was imposed the duty of complying with the treaty at that time, and to connect persons now living with the fulfillment of the requirements of the provisions of article 14 of said treaty."

The Secretary of the Interior declined to approve this work, based upon the confessed lack of evidence, and subsequently disapproved this schedule, which contained, in fact, the names of many who were confessedly not full bloods.

Congress, on May 31, 1900, enacted the following:

"*Provided*, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior to make settlement within the Choctaw and Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by such United States commission and by the Secretary of the Interior as Choctaws entitled to allotment." (31 Stat L., 221.)

No person claiming citizenship in the Cherokee Tribe, in the Creek Tribe, in the Seminole Tribe who had not, previous to the Curtis Act of June 28, 1898, established bona fide residence was admitted citizenship, but in the case of the Mississippi Choctaws the extraordinary opportunity was given them on May 31, 1900, to remove to the Choctaw country and establish residence and duly identify themselves until an additional right was granted them under the Choctaw supplemental agreement, with the consent of the Choctaws and Chickasaws of July 1, 1902, which waived legal proof of the identification, but upon certain specified conditions.

The Choctaws and Chickasaws who owned the Choctaw and Chickasaw country west adjusted this whole controversy with the United States by sections 41, 42, 43, and 44, in which the Choctaws and Chickasaws waived their right to demand legal proof of compliance with the fourteenth article of the treaty of 1830 by any person claiming citizenship under that article, and waived the proof further required by a descendant of such person that he should demonstrate by legal proof his lineal descent from such ancestor who had so complied with the fourteenth article.

It must be remembered the Dawes Commission held explicitly that the claimants under the fourteenth article could not furnish this proof.

Except for this great generosity on the part of the Choctaws and Chickasaws in waiving proof of descent from a fourteenth article claimant, practically none of these claimants could have been enrolled. As it was, it was agreed by section 41 that all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of the full or mixed blood, who received a patent of land under the said fourteenth article of the said treaty of 1830, who had not removed to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, should be deemed to be Mississippi Choctaws entitled to admission as citizens of the Choctaw Nation, on the express condition, however, that they should within a limited time remove to the Choctaw-Chickasaw country and establish and maintain bona fide residence.

The Choctaws and Chickasaws bought their peace by this concession, waiving their right to demand legal evidence on the part of such persons and thus ended a strenuous contest of six years with the attorneys of the Mississippi Choctaws. This settlement was confirmed by Congress July 1, 1902, as a final settlement of this controversy, now 12 years ago.

An organized lobby is now engaged under large contingent fees trying to tear down the settlement of this controversy of 1902 by appealing to Members of Congress from Mississippi, Alabama, and Louisiana, in which some persons who claim to have Choctaw blood still reside.

The Choctaws in 1897 agreed with the United States to wind up their tribal affairs, and the United States pledged them a prompt settlement, a distribution of their lands, and a division of the proceeds derived from the sale of the residue. The Choctaw-Chickasaw rolls and the rolls of the Five Tribes were finally closed by Congress April 26, 1906, as of March 4, 1907—over seven years ago. Every Choctaw and Chickasaw has received his allotment, and a large part of the residue has been sold. It is now over 15 years since Congress agreed with the Choctaws and Chickasaws to make this distribution, and the lobby representing the Mississippi Choctaws are now urging Congress to hold up the distribution of this property as a means of extorting from the Choctaws and Chickasaws further concessions, and they openly threaten

the representatives of the Choctaws and Chickasaws with their power to prevent action by Congress in distributing this property unless the representatives of the Choctaws and Chickasaws will make further concessions to them.

Respectfully submitted.

P. J. HURLEY,
Attorney for the Choctaw Nation.
REFORD BOND,
Attorney for the Chickasaw Nation.

Mr. ASHURST. Mr. President, I call for a vote on the pending question.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi to the amendment proposed by the committee.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Page	Thomas
Borah	Hollis	Pittman	Thornton
Brady	Jones	Robinson	Tillman
Bristow	Lane	Shafroth	Townsend
Bryan	Lee, Md.	Sheppard	Vardaman
Camden	McCumber	Shively	Warren
Catron	Martin, Va.	Smith, Ariz.	West
Chamberlain	Martine, N. J.	Smith, Md.	White
Clapp	Myers	Smoot	Williams
Clarke, Ark.	Norris	Sterling	
Dillingham	Owen	Swanson	

Mr. MARTINE of New Jersey. I was requested to announce the absence of the junior Senator from North Carolina [Mr. OVERMAN] on official business, and his pair with the senior Senator from California [Mr. PERKINS].

Mr. SHIVELY. I desire to announce the absence of my colleague [Mr. KERN] on important business.

Mr. CHAMBERLAIN. I have been requested to announce that the senior Senator from North Carolina [Mr. SIMMONS] is unavoidably absent on official business, and that he is paired with the junior Senator from Minnesota [Mr. CLAPP].

Mr. HOLLIS. I desire to announce that the senior Senator from Maine [Mr. JOHNSON] is necessarily absent, and is paired with the junior Senator from North Dakota [Mr. GRONNA].

The VICE PRESIDENT. Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary proceeded to call the names of absent Senators.

Mr. VARDAMAN. Mr. President, as it is quite obvious that we shall not have a quorum before 5 o'clock, I move that the Senate adjourn.

Mr. ASHURST. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call of my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I have a pair with the senior Senator from New Mexico [Mr. FALL], but under its terms I have a right to vote. I vote "nay."

The result was announced—yeas 2, nays 48, as follows:

YEAS—2.

	Bristow	Vardaman	

NAYS—48.

Ashurst	Gore	Page	Stone
Borah	Hollis	Pittman	Sutherland
Brady	Hughes	Ransdell	Swanson
Bryan	Jones	Robinson	Thomas
Catron	Lane	Shafroth	Thompson
Chamberlain	Lee, Md.	Sheppard	Thornton
Chilton	McCumber	Shively	Tillman
Clapp	Martine, N. J.	Smith, Ariz.	Townsend
Clarke, Ark.	Myers	Smith, Ga.	Warren
Cummins	Nelson	Smith, Md.	West
Dillingham	Norris	Smoot	White
Fletcher	O'Gorman	Sterling	Williams

NOT VOTING—46.

Bankhead	Goff	McLean	Saulsbury
Brandegee	Gronna	Martin, Va.	Sherman
Burleigh	Hitchcock	Newlands	Shields
Burton	James	Oliver	Simmons
Camden	Johnson	Overman	Smith, Mich.
Clark, Wyo.	Kenyon	Owen	Smith, S. C.
Colt	Kern	Penrose	Stephenson
Crawford	La Follette	Perkins	Walsh
Culberson	Lea, Tenn.	Poindexter	Weeks
du Pont	Lewis	Pomerene	Works
Fall	Lippitt	Reed	
Gallinger	Lodge	Root	

So the Senate refused to adjourn.

The VICE PRESIDENT. The roll call having disclosed the presence of a quorum, the question is——

Mr. GORE. Mr. President, I wish to make just one statement in explanation of the judgment referred to by the senior Senator from Mississippi [Mr. WILLIAMS].

In the case of the Choctaw Nation against The United States he referred to the judgment as aggregating $8,000,000. It is true that the gross finding aggregated $8,000,000, but there were countercharges and deductions for expenses of the removal of Indians, and so forth, aggregating $5,000,000. The net judgment was $2,985,000. Of that, $417,000 went to 191 families of Mississippi Choctaws who did not receive lands, but who subsequently removed to the Indian Territory.

Mr. ASHURST. I call for the question.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the committee. All in favor of the amendment will say "aye." [After a pause.]

Mr. OWEN. Mr. President, I wish to move to table the amendment to the amendment.

The VICE PRESIDENT. If that is the purpose, the Chair will be compelled to rule that it is too late now.

Mr. OWEN. I do not insist upon it.

The VICE PRESIDENT. All those opposed to the amendment to the amendment will say "no." [After a pause.] The Chair is unable to decide. All in favor of the amendment to the amendment will rise. [After a pause.] Those opposed will rise. [After a pause.] The amendment to the amendment is agreed to. The question now is on agreeing to the amendment of the committee as amended.

Mr. GORE and Mr. OWEN called for the yeas and nays.

Mr. SMOOT. The Senators can not call for the yeas and nays now, after the result of the vote has been announced.

Mr. GORE. Mr. President, we could not have any way of knowing whether we have a quorum or not. I was trying to secure recognition before the result of the vote was announced, but I did not quite succeed in doing so.

The VICE PRESIDENT. The Chair does not believe the yeas and nays can now be called for. There was an opportunity for it and a division. The question is on agreeing to the amendment of the committee as amended.

Mr. ASHURST. Mr. President, before the question is put on the adoption of the amendment as amended I desire to move the following amendment, to be inserted after the last word of the recently adopted amendment to the amendment:

Provided further, That the interest accruing from tribal funds and deposited in the banks in the State of Oklahoma may be used as authorized by the act of March 3, 1911, under the direction of the Secretary of the Interior, to defray the expense of per capita payments authorized by Congress.

Mr. OWEN. Mr. President, reserving the right to raise a point against the amendment, I make no objection at this time.

Mr. ASHURST. I withdraw the amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment being withdrawn, the question is upon agreeing to the amendment as amended. [Putting the question.] The Chair is of the opinion that the amendment is rejected.

Mr. OWEN. Let us have a rising vote

Mr. NORRIS. I call for the yeas and nays.

Mr. OWEN. I call for a division.

The VICE PRESIDENT. All in favor of the amendment as amended will rise. [After a pause.] Those opposed to the amendment as amended will rise. [After a pause.] There is no doubt that the amendment as amended is agreed to.

Mr. CLAPP. Do I understand that the Chair has announced the adoption of the amendment as amended?

The VICE PRESIDENT. Yes.

Mr. CLAPP. At this juncture I am going to ask the chairman, in behalf of the committee, to offer an amendment on page 32. It appears that there has been a cyclone or tornado at Pipestone, Minn., at which the buildings were badly damaged and two of the pupils were injured. The department asks to strike out, in line 22 of page 32, the words "in all" and the figures "$48,675" and to insert "$6,500 for repairs on buildings and purchase of equipment to replace that destroyed or damaged by tornado on June 10, 1914; in all, $55,175."

Of course there can be no objection to this amendment.

Mr. VARDAMAN. Let the amendment be read. We did not hear it in this part of the Chamber.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, under the heading "Minnesota," strike out the words "in all" and the figures "$48,675" and insert "$6,500 for repairs on buildings and purchase of equipment to replace that destroyed or damaged by tornado on June 10, 1914; in all, $55,175."

Mr. TOWNSEND. I understand that the department has called attention to this item?

Mr. CLAPP. Yes; the department has called the attention of the chairman of the committee to it.

Mr. THOMAS. If the buildings have been destroyed by tornado, should not the appropriation of $6,000, in line 21, for general repairs and improvements be stricken out?

Mr. CLAPP. No; that is to cover the general repairs and improvements. The department thinks there should be a general clause appropriating $6,500 for repairs and purchase of equipment without limitation.

Mr. THOMAS. That would make $12,500 in all.

Mr. CLAPP. Exactly; but the item of $6,000 has already been placed in the bill for contemplated repairs.

Mr. THOMAS. For repairs upon buildings that have been destroyed by tornado?

Mr. CLAPP. The department does not know just what buildings were destroyed or the extent of repairs, and asks for $6 500 under the general provision of repairs and purchase of equipment to replace that destroyed or damaged by the tornado. There can be no objection to it, it seems to me.

Mr. THOMAS. It seems that the appropriation now proposed covers something already in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 78, after line 10, to insert:

For the salaries and expenses of not to exceed six oil and gas inspectors, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $25,000, to be immediately available.

Mr. ASHURST. I move to amend the amendment on page 78, line 12, by inserting after the word "inspectors" the words "in addition to those now employed."

The amendment to the amendment was agreed to.

Mr. THOMAS. I think I will make a point of order against the amendment that it is general legislation and is not germane or relevant to the subject matter of the bill.

Mr. ASHURST. I do not wish, of course, to discuss the point of order, but I wish to have read a letter addressed to the chairman of the committee from the honorable Secretary of the Interior urging this amendment and showing the necessity for the same.

The VICE PRESIDENT. That would not settle the question as to whether it is general legislation or not.

Mr. ASHURST. I ask unanimous consent that the letter be inserted in the RECORD.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 7, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: I am much concerned about the extensive and unnecessary waste of natural gas and the loss in the value of the oil production from the inflow of underground water on the Indian lands and adjacent private lands in the State of Oklahoma, and I am writing to ask attention to those problems in connection with your consideration of the Indian appropriation bill now before your committee.

This department has had three men investigating these subjects during the past year, and their investigations have brought out the following facts:

(1) That there is a constant and unnecessary waste of natural gas from the Indian lands and adjacent private land in the State of Oklahoma, which during the year 1913 is estimated to have reached not less than 200,000,000,000 cubic feet of gas.

That with the average price of natural gas to the consumer in Oklahoma during 1912 about 7.6 cents per 1,000 cubic feet, this means an economic loss to the people of that State during this one year equivalent to not less than $16,000,000, according to reports by the Bureau of Mines. It is estimated that at least 30 per cent of this waste occurred on restricted Indian lands.

(2) That in addition to the waste of natural gas, the oil resources on Indian lands in Oklahoma are being seriously damaged through the inflow of underground water from oil wells penetrating the oil-bearing strata, and which water is not being properly imprisoned within its own strata, and is being allowed to penetrate the oil-bearing strata and to reduce the value of the oil, not only by driving the oil back from the wells, but is further mixing with the oil, so that in the case of pumping wells an increasingly large quantity of water must be brought to the surface in order that the oil may be secured.

This situation as to both oil and gas in Oklahoma not only involves this loss to the Indians, but it is discreditable to our national intelligence.

The Indian Office of the department as now organized has no adequate inspection force with which it can prevent this embarrassing and wasteful situation. To adequately meet this situation in such manner as will both protect the interests of the Indian landowners and also save for the use of the people of Oklahoma these invaluable oil and gas resources, it will require an inspection force of six men, whose combined salaries and expenses will not exceed $25,000 per annum, to bring about this saving of more than one-quarter of a million dollars for the members of the Five Civilized Tribes. The present waste of gas is so inexcusable and is such a serious detriment to the interests of the tribes, as well as to the people of the State of Oklahoma, that I can not too strongly urge that your committee make provision for such an inspection force in the pending Indian appropriation bill.

I am attaching herewith a draft of amendment which will accomplish this purpose. I believe that an adequate inspection force, organized under these provisions, will mean a net saving to the Indians of the Five Civilized Tribes for some years to come of not less than $200,000 per annum, and I believe the good results to come from such an inspection will be of far greater service to the people of Oklahoma and to the country at large in connection with the practical conservation for present-day use of the oil and gas resources of that State.

Cordially, yours,

FRANKLIN K. LANE.

The VICE PRESIDENT. The Chair is of opinion that the point of order is not well taken. It is not general legislation; it has to do exclusively with the lands of the Five Civilized Tribes. On the point of order that it is not germane to the bill the Chair understands the rule to be that that question shall be submitted to the Senate. The question is whether the amendment is germane.

Mr. SUTHERLAND. Let the amendment be read.

The VICE PRESIDENT. The Secretary will read the amendment as amended.

The Secretary read as follows:

For the salaries and expenses of not to exceed six oil and gas inspectors, in addition to those now employed, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $25,000, to be immediately available.

The VICE PRESIDENT. The question is, Is the amendment germane?

Mr. ASHURST. The question is not debatable, and I do not wish to debate it, but I wish to have the letter from the Secretary of the Interior read.

The VICE PRESIDENT. It must be decided without debate. [Putting the question.] The ayes have it. The Senate decides that the amendment is germane. The question in on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 78, after line 17, to insert:

That in all payments hereafter made by any officer of the United States to heirs of deceased citizens of any of the Five Civilized Tribes in Oklahoma of tribal or other funds, the Commissioner of Indian Affairs, under such rules and regulations as he may prescribe, shall cause to be heard and determined the question of heirship, and the findings so made shall be final and conclusive, and thereupon he may cause to be paid to such persons as may be found to be the heirs of any deceased allottee, under such rules, regulations, and restrictions as he may prescribe, the distributive share to which the allottee would, if living, be entitled: *Provided*, That all payments due deceased allottees may be made to the legally appointed administrator or executor of the estate of such deceased allottee in cases where an executor or administrator has been appointed: *Provided further*, That if no legal guardian is appointed all amounts of $100 or less due living minors may be paid to the natural guardian, and all sums in excess of such amount shall be paid to the legal guardian, but in case no legal guardian is appointed such money may be held or deposited in some solvent National or State bank in Oklahoma for the benefit of such minors. All such deposits and disbursements shall be made in accordance with rules and regulations prescribed by the Commissioner of Indian Affairs and approved by the Secretary of the Interior.

Mr. SUTHERLAND. I should like to ask the chairman of the committee if the amendment contemplates that the Commissioner of Indian Affairs shall exclusively determine the question of heirship.

Mr. ASHURST. In reply to the question propounded by the Senator from Utah I will state that the amendment the Senator will observe carries no appropriation, but is authority to the Commissioner of Indian Affairs to determine questions of heirship as to per capita payments.

Mr. SUTHERLAND. That is a question which is usually determined by the court when it involves citizens of a State.

Mr. OWEN. May I make a suggestion to the Senator from Utah?

Mr. SUTHERLAND. If the Senator will pardon me just a moment, I understand these Indians now have become citizens of the United States, and it seems to me that a question of this character ought to be relegated to the courts.

Mr. OWEN. The reason for the amendment is that some of these per capita payments, as in the case of the Cherokees, are only $15, and to require heirship to be proved up in these small matters would cost more than the amount distributed. It relates to per capita payments; that is all it does relate to; payments made by any officer of the United States to the heirs of deceased citizens of any of the Five Tribes of tribal or other funds. They are distributing these funds from time to time by per capita payments, and if they have to go into court and hire a lawyer and pay him $50 and pay the expenses of probating it will cost more than the amount of the distribution itself.

Mr. SUTHERLAND. I did not follow the reading of the amendment very carefully.

Mr. OWEN. It relates to distribution.

Mr. SUTHERLAND. It is limited to a small amount?

Mr. OWEN. It is limited to cases under $100.

Mr. PAGE. Mr. President, it seems to me that the last proviso, commencing on line 6, page 79, and continuing down to line 16, is not good legislation. I think it is legislation that is open to a point of order.

Mr. OWEN. If the Senator objects to that part, he might move to amend the amendment by striking out that portion, and there will be no objection made, so far as the Senators from Oklahoma are concerned.

Mr. PAGE. Then I move to strike out that portion of the amendment just read included between line 7, on page 79, after the word "appointed," down to and including the word "Interior," in line 16.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 79 in the committee amendment strike out the additional proviso beginning in line 7 and ending in line 16.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORE. Mr. President, recurring to the vote taken a few moments ago on the amendment offered by the senior Senator from Mississippi [Mr. WILLIAMS] to the amendment of the committee, I wish to say it was my purpose, before the Chair announced the result, to ask for the yeas and nays in case the amendment to the amendment prevailed. Failing in that, I wish to prefer *this* request. It is the purpose of the Senate today to adjourn until Monday. I have made my arrangements to leave to-morrow, and I can not be here when the amendment finally comes up in the Senate. There will be a roll call on the amendment in the Senate after the bill has been reported to the Senate. I wish to ask unanimous consent that that yea-and-nay vote may be had now, without waiting until the bill comes into the Senate. If the Senate will grant this request, I will appreciate it.

Mr. VARDAMAN. I doubt if the Senator can do that.

The VICE PRESIDENT. The Chair would be glad to accommodate the Senator from Oklahoma if under any known principle of parliamentary law it could be done, but there does not seem to be any.

Mr. GORE. I am not asking the Chair as a matter of accommodation to do it; I am simply asking unanimous consent, because the only point is whether a yea-and-nay vote shall be taken now or when the bill comes into the Senate. I will state to the Senator from Mississippi that it is the purpose of the Senate to adjourn from to-day until Monday; I have made my arrangements to leave the city, and I can not remain until the amendment is voted on in the Senate. There will be a yea-and-nay vote on the amendment, and I was wondering if the Senate would not consent to take a yea-and-nay vote now rather than wait until the bill is reported to the Senate.

Mr. WILLIAMS. Provided it were not taken again in the Senate?

Mr. GORE. I have no objection to that proviso.

Mr. VARDAMAN. That can not be done until after the bill has been reported to the Senate.

Mr. WILLIAMS. I can not see how it can be done. If it is impossible for me to add that much to the agreement, then it is impossible for me to give unanimous consent.

Mr. ASHURST. I call for the regular order.

Mr. GORE. I move to reconsider the vote by which the amendment was adopted.

The VICE PRESIDENT. That will raise the question. The Senator from Oklahoma moves to reconsider the vote whereby the amendment was agreed to.

Mr. VARDAMAN. I move to lay that motion on the table.

The VICE PRESIDENT. The Senator from Mississippi moves to lay the motion of the Senator from Oklahoma to reconsider on the table.

Mr. OWEN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. CLAPP (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence I would not feel like voting unless my vote should become necessary to make a quorum.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, which I transfer to the Senator from Ohio [Mr. BURTON] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. He is not in the Chamber, and I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). Making the same announcement with regard to my pair and my transfer that I made upon the last roll call, I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I withhold my vote, because of a pair with the senior Senator from Maryland [Mr. SMITH], who is not present.

Mr. THOMAS. I transfer my pair with the Senator from New York [Mr. ROOT] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from Indiana [Mr. KERN], and vote "yea."

The result was announced—yeas 21, nays 19, as follows:

YEAS—21.

Borah	McCumber	Smith, Ariz.	Townsend
Bristow	Martin, Va.	Smoot	Vardaman
Catron	Nelson	Sterling	Williams
Chamberlain	Norris	Sutherland	
Cummins	Ransdell	Swanson	
Lane	Shively	Thornton	

NAYS—19.

Ashurst	Hollis	Page	Stone
Brady	Jones	Robinson	Thomas
Bryan	Martine, N. J.	Shafroth	Thompson
Camden	Myers	Sheppard	White
Gore	Owen	Smith, Ga.	

NOT VOTING—56.

Bankhead	Fletcher	Lippitt	Saulsbury
Brandegee	Gallinger	Lodge	Sherman
Burleigh	Goff	McLean	Shields
Burton	Gronna	Newlands	Simmons
Chilton	Hitchcock	O'Gorman	Smith, Md.
Clapp	Hughes	Oliver	Smith, Mich.
Clark, Wyo.	James	Overman	Smith, S. C.
Clarke, Ark.	Johnson	Penrose	Stephenson
Colt	Kenyon	Perkins	Tillman
Crawford	Kern	Pittman	Walsh
Culberson	La Follette	Poindexter	Warren
Dillingham	Lea, Tenn.	Pomerene	Weeks
du Pont	Lee, Md.	Reed	West
Fall	Lewis	Root	Works

The VICE PRESIDENT. On the question to lay the motion to reconsider on the table, the yeas are 21 and the nays are 19, a quorum not having voted.

Mr. GORE. I move that the Senate adjourn.

Mr. WILLIAMS. Before the Senate adjourns I want to raise a point of order and submit it to the Chair. Before the Senator from Oklahoma [Mr. GORE] made his motion to reconsider the amendment offered by me the amendment had been adopted and the amendment as amended had passed the Senate. The query is whether the Senator can move to reconsider as to my amendment to the amendment without first moving to reconsider the amendment as amended. I do not think he can.

The VICE PRESIDENT. The rules provide that no business can be done except to put the question to adjourn; but the Chair will state, for the information of the Senator from Mississippi, that the motion to reconsider is to reconsider the amendment as amended.

Mr. WILLIAMS. Then I was misinformed.

The VICE PRESIDENT. The question is on the motion to adjourn. [Putting the question.] The noes seem to have it.

Mr. WARREN. I call for a division, Mr. President.

The VICE PRESIDENT. Those in favor of the motion will rise and stand until counted. [A pause.] Those opposed will rise and stand until counted. [A pause.] The motion to adjourn is lost. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Norris	Stone
Borah	Gore	Owen	Swanson
Bristow	Hollis	Page	Thomas
Bryan	Jones	Ransdell	Thompson
Camden	Lane	Robinson	Thornton
Catron	McCumber	Sheppard	Townsend
Chamberlain	Martin, Va.	Shively	Vardaman
Chilton	Martine, N. J.	Smith, Ariz.	Warren
Clapp	Myers	Smith, Ga.	White
Cummins	Nelson	Smoot	

Mr. CHILTON. The Senator from New Mexico [Mr. FALL] is necessarily absent from the session of the Senate.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. SHAFROTH, Mr. STERLING, Mr. TILLMAN, and Mr. WILLIAMS answered to their names when called.

Mr. MARTIN of Virginia. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 20, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 19, 1914.

SECRETARIES OF LEGATIONS.

Sheldon Whitehouse, of New York, now secretary of the legation at Managua, to be secretary of the legation of the United States of America to Greece and Montenegro, vice Frederic Ogden de Billier, appointed secretary of the legation at La Paz.

Cyrus F. Wicker, of New York, now secretary of the legation at Panama, to be secretary of the legation of the United States of America at Managua, Nicaragua, vice Sheldon Whitehouse, nominated to be secretary of the legation to Greece and Montenegro.

CONSULS.

Frank Deedmeyer, of Alabama, now consul at Prague, to be consul of the United States of America at Chemnitz, Germany, vice Thomas H. Norton, resigned.

Wilbur T. Gracey, of California, now consul at Progreso, to be consul of the United States of America at Seville, Spain, vice Charles S. Winans, nominated to be consul at Nuremberg.

Charles K. Moser, of Virginia, now consul at Colombo, to be consul of the United States of America at Harbin, China, vice Southard P. Warner, deceased.

Charles S. Winans, of Michigan, now consul at Seville, to be consul of the United States of America at Nuremberg, Bavaria, vice George N. Ifft, appointed consul at St. Gall.

Henry H. Balch, of Madison, Ala., to be consul of the United States of America at St. Stephen, New Brunswick, Canada, vice Charles A. McCullough, deceased.

George K. Donald, of Mobile, Ala., to be consul of the United States of America at Maracaibo, Venezuela, vice John K. Baxter, resigned.

William L. Jenkins, of Gwynedd, Pa., to be consul of the United States of America at Guadeloupe, West Indies, vice Frank Anderson Henry, appointed consul at Puerto Plata.

George S. Messersmith, of Dover, Del., to be consul of the United States of America at Fort Erie, Ontario, Canada, vice Horace J. Harvey, resigned.

Harry G. Seltzer, of Hamburg, Pa., to be consul of the United States at Breslau, Germany, vice Herman L. Spahr, appointed consul at Montevideo.

CONSULS GENERAL.

Robert P. Skinner, of Ohio, now consul general at Berlin, to be consul general of the United States of America at London, England, vice John L. Griffiths, deceased.

Julius G. Lay, of the District of Columbia, now consul general at Rio de Janeiro, to be consul general of the United States of America at Berlin, Germany, vice Robert P. Skinner, nominated to be consul general at London.

Alfred L. M. Gottschalk, of New York, now consul general at large, to be consul general of the United States of America at Rio de Janeiro, Brazil, vice Julius G. Lay, nominated to be consul general at Berlin.

RECEIVER OF PUBLIC MONEYS.

Albert T. Forse, of Keeler, Cal., to be receiver of public moneys at Independence, Cal., vice Vivian L. Jones, resigned.

POSTMASTERS.

ALABAMA.

C. T. Fitzpatrick to be postmaster at Montgomery, Ala., in place of Joseph P. Dimmick. Incumbent's commission expires June 21, 1914.

John B. Tally, jr., to be postmaster at Scottsboro, Ala., in place of Albert N. Holland. Incumbent's commission expires June 21, 1914.

ARKANSAS.

A. P. Massey to be postmaster at Stamps, Ark., in place of John R. Greenwood. Incumbent's commission expired February 22, 1914.

COLORADO.

Clifford I. Parsons to be postmaster at Central City, Colo., in place of M. K. Sullivan. Incumbent's commission expired April 21, 1914.

C. E. Spicer to be postmaster at Edgewater, Colo., in place of Frank H. Miller, removed.

CONNECTICUT.

Stephen Charters to be postmaster at Ansonia, Conn., in place of Frederick L. Gaylord. Incumbent's commission expired January 17, 1914.

Judson B. Griswold to be postmaster at Ivoryton, Conn., in place of George B. French. Incumbent's commission expired December 20, 1913.

John F. Penders to be postmaster at Meriden, Conn., in place of Henry Dryhurst. Incumbent's commission expires June 20, 1914.

Howard F. Spencer to be postmaster at Higganum, Conn., in place of Edward D. Gilbert, deceased.

IDAHO.

E. W. Colton to be postmaster at Malad City, Idaho, in place of Uther Jones, resigned.

ILLINOIS.

Otto Bacmeister to be postmaster at Toulon, Ill., in place of Chester B. Claybaugh. Incumbent's commission expired April 29, 1914.

John Coveny to be postmaster at Elizabeth, Ill., in place of William L. McKenzie. Incumbent's commission expired March 28, 1914.

F. O. Grissom to be postmaster at Kinmundy, Ill., in place of John F. Donovan, resigned.

John P. Harvey to be postmaster at Amboy, Ill., in place of George A. Lyman. Incumbent's commission expired April 25, 1914.

J. O. McDowell to be postmaster at Sumner, Ill., in place of John Culbertson, resigned.

Frank G. Pierski to be postmaster at La Salle, Ill., in place of William T. Bedford, resigned.

W. P. Stevens to be postmaster at Richmond, Ill., in place of James V. Aldrich, deceased.

IOWA.

J. H. Pettibone to be postmaster at Burlington, Iowa, in place of William W. Copeland. Incumbent's commission expired April 6, 1914.

KANSAS.

C. P. Fallis to be postmaster at Luray, Kans., in place of J. M. Van Scoyoc, resigned.

Henry R. Honey to be postmaster at Mankato, Kans., in place of E. D. George, removed.

L. E. Waddell to be postmaster at Cottonwood Falls, Kans., in place of June B. Smith. Incumbent's commission expired March 31, 1912.

KENTUCKY.

Robert H. Mayo to be postmaster at Paintsville, Ky., in place of Lloyd Clay. Incumbent's commission expired March 7, 1914.

J. M. Turner to be postmaster at Cadiz, Ky., in place of George P. Thomas, resigned.

MAINE.

F. A. Pitts to be postmaster at Damariscotta, Me., in place of George H. Weeks, deceased.

Charles M. Richardson to be postmaster at Waterville, Me., in place of Perham S. Heald. Incumbent's commission expired June 2, 1914.

MARYLAND.

John H. Blades to be postmaster at Pocomoke City, Md., in place of H. Clay Powell. Incumbent's commission expired May 2, 1914.

MASSACHUSETTS.

William F. Murray to be postmaster at Boston, Mass., in place of Edward C. Mansfield, resigned.

MICHIGAN.

Salem F. Kennedy to be postmaster at Lakeview, Mich., in place of Scott Swartout. Incumbent's commission expired June 13, 1914.

Paul W. Segelstrom to be postmaster at Stambaugh, Mich., in place of John Farley, deceased.

MINNESOTA.

Daniel J. Harrington to be postmaster at Chisholm, Minn., in place of George L. Train. Incumbent's commission expired June 2, 1914.

Patrick McCabe to be postmaster at Proctor, Minn., in place of Cora Wilson. Incumbent's commission expired June 2, 1914.

Charles Reinholdson to be postmaster at Sandstone, Minn., in place of Albert S. Webb. Incumbent's commission expired June 2, 1914.

MISSOURI.

Robert W. Corum to be postmaster at Boonville, Mo., in place of Edward J. Garthoffner. Incumbent's commission expired June 10, 1914.

John W. Davis to be postmaster at Platte City, Mo., in place of William T. Clements. Incumbent's commission expired April 15, 1914.

J. J. Thom to be postmaster at Neosho, Mo., in place of Alexander F. Karbe. Incumbent's commission expired June 6, 1914.

NEBRASKA.

Fred W. Matthews to be postmaster at Rising City, Nebr., in place of Truman A. Robey, resigned.

J. S. Myers to be postmaster at Grant, Nebr., in place of Ezra C. Hoffman. Incumbent's commission expired January 11, 1914.

John H. O'Kane to be postmaster at Gothenburg, Nebr., in place of Henry C. Booker. Incumbent's commission expired April 6, 1914.

NEW JERSEY.

William B. Loudenslager to be postmaster at Atlantic City, N. J., in place of Harvey Thomas, resigned.

NEW MEXICO.

Jesse L. Turner to be postmaster at Santa Rita, N. Mex., in place of Walter P. Wilkinson, resigned.

NEW YORK.

James O. Murphy to be postmaster at Orchard Park, N. Y. Office became presidential October 1, 1912.

Cyrus Tompkins to be postmaster at Hopewell Junction, N. Y., in place of J. W. Van Tassell, deceased.

NORTH CAROLINA.

O. F. Crowson to be postmaster at Burlington, N. C., in place of Finley L. Williamson, resigned.

J. Otho Lunsford to be postmaster at Durham, N. C., in place of Jesse A. Giles. Incumbent's commission expired May 17, 1914.

OKLAHOMA.

John H. Anderson to be postmaster at Snyder, Okla., in place of W. M. Allison. Incumbent's commission expires June 21, 1914.

J. P. McLarty to be postmaster at Wilburton, Okla., in place of Logan G. Hysmith. Incumbent's commission expired May 31, 1914.

OREGON.

T. J. Tweedy to be postmaster at Pendleton, Oreg., in place of James T. Brown, resigned.

Charles N. Wait to be postmaster at Canby, Oreg., in place of Adam H. Knight, resigned.

PENNSYLVANIA.

Jacob T. Born to be postmaster at Wilmerding, Pa., in place of Harry D. Patch. Incumbent's commission expired March 30, 1914.

M. E. Brown to be postmaster at Blairsville, Pa., in place of Edgar J. Graff. Incumbent's commission expired April 20, 1914.

Thomas P. Delaney to be postmaster at Castle Shannon, Pa. Office became presidential April 1, 1914.

B. N. De France to be postmaster at Ellwood City, Pa., in place of James E. Butler, deceased.

John M. Graham to be postmaster at Volant, Pa., in place of Frank B. Moorhead. Incumbent's commission expired January 10, 1914.

Robert M. Foster to be postmaster at State College, Pa., in place of Philip D. Foster. Incumbent's commission expired February 16, 1914.

William H. Hartman to be postmaster at Bentleyville, Pa., in place of Loretta N. Young. Incumbent's commission expires June 21, 1914.

Daniel P. Johnson to be postmaster at Lansford, Pa., in place of Nathan Tanner. Incumbent's commission expired March 5, 1914.

Charles E. Knecht to be postmaster at Nazareth, Pa., in place of Oscar D. Schaeffer, removed.

Thomas P. Logan to be postmaster at Midland, Pa., in place of John W. Ramsey, removed.

Blake W. McCracken to be postmaster at Mahaffey, Pa., in place of William W. McQuown, resigned.

Joseph A. McLain to be postmaster at Fredericktown, Pa. Office became presidential January 1, 1914.

Thomas S. Moreland to be postmaster at Jamestown, Pa., in place of John D. Dennison. Incumbent's commission expired March 22, 1914.

M. D. Salyards to be postmaster at Pitcairn, Pa., in place of Alexander C. Evans. Incumbent's commission expired March 8, 1914.

Karl Smith to be postmaster at Sharpsville, Pa., in place of Frederick H. Bartleson. Incumbent's commission expired March 22, 1914.

John A. Stief to be postmaster at Ashland, Pa., in place of Mary C. Patterson. Incumbent's commission expired May 19, 1914.

William V. Wirtz to be postmaster at Albion, Pa., in place of Harley J. Barns. Incumbent's commission expired February 25, 1914.

John M. Zimmerman to be postmaster at Greensburg, Pa., in place of R. A. Fulton Lyon. Incumbent's commission expired April 29, 1914.

TENNESSEE.

E. F. Allen to be postmaster at Ashland City, Tenn., in place of William J. Shivers. Incumbent's commission expired April 4, 1914.

TEXAS.

W. F. Juliff to be postmaster at Granbury, Tex., in place of Henry Zweifel. Incumbent's commission expires June 20, 1914.

WYOMING.

J. S. Van Doren to be postmaster at Casper, Wyo., in place of Lizzie McDonald, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 19, 1914.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

WILLIAM G. SHARP to be ambassador extraordinary and plenipotentiary to France.

SURVEYOR GENERAL.

John B. McGauran to be surveyor general of Colorado.

UNITED STATES MARSHAL.

E. R. Moore, United States marshal, northern district of Iowa.

POSTMASTERS.

ILLINOIS.

Edward Coryn, Moline.

MAINE.

Charles M. Richardson, Waterville.

NEW MEXICO.

W. S. Gilliam, Mesilla Park.
Ella B. Taylor, Aztec.

NEW YORK.

J. Frank Dimon, Riverhead.
Minnie C. Fellows, Scarsdale.
Peter Marcinkowski, jr., Wallkill.
Bessie Sullivan, Lisbon.

REJECTION.

Executive nomination rejected June 19, 1914.

James A. Lawson to be postmaster at Danville, Va.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 19, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the center from whom all pure conceptions, worthy thoughts, and kindly deeds flow, so move our hearts that with clearer vision, holier intent and purpose, we may move forward unperturbed. For if Thou art with us, who can be against us? Thus may we think Thy thoughts and act in consonance with Thy purposes, that Thy will may be done in us to the good of all mankind. In Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—MICHAEL J. GILL AGAINST L. C. DYER.

Mr. GOLDFOGLE. Mr. Speaker, I call up the privileged report on the contested-election case of Michael J. Gill against L. C. Dyer.

Mr. DUPRÉ. Mr. Speaker, I desire to submit a request for unanimous consent. My colleague, the gentleman from Louisiana [Mr. MORGAN], is a member of the Committee on Elections

No. 3, which considered the Gill-Dyer case. He has been called home, and before leaving he prepared some remarks, which he asked me to have incorporated in the RECORD. I ask unanimous consent that he may be permitted to extend his remarks in the RECORD.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent that he may have printed in the RECORD some remarks prepared by his colleague, the gentleman from Louisiana [Mr. MORGAN], on the Gill-Dyer case. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Speaker, I now yield five minutes more to the gentleman from Pennsylvania [Mr. RUPLEY].

Mr. RUPLEY. Mr. Speaker, last evening the House adjourned when I was in the midst of the recital of the fraud alleged in the second precinct of the fifth ward, and I had reached No. 5 allegation of fraud in the second precinct, where the judges and the clerks returned 199 votes for Mr. Dyer and 5 for Mr. Gill; and in this precinct, when the ballots were examined on the recount, it was found that Mr. Dyer had received only 106 votes while Mr. Gill had received 73. Judge Bishop's ballot, which was straight Democratic, was not found in the box when the recount was made. (Record, pp. 75, 1926, 333, 348.)

Eichholz, a voter, testified that he wanted to vote the straight Democratic ticket, and repeatedly called for one, but that one of the judges interfered. He refused, however, to scratch Gill's name. When his ballot, 173, was examined on the recount Gill's name was scratched and Dyer's written in.

Mr. Speaker, it is impossible of performance for this committee to go to St. Louis or for the contestee to bring before this committee the electors who voted those ballots, notwithstanding the ballots can be identified. The testimony in this case, from beginning to end, shows that when the witnesses were called and the ballots corresponding with the ballots they cast disclosed by reference to the rolls of the election officer shown them, they would examine the ballot and reply, "I am not certain this is my ballot." Under the election laws of the State of Missouri it is not a difficult trick to substitute for the legal ballot an illegal ballot and give it the same number. These electors in their testimony again and again said, "This ballot contains Mr. Gill's name scratched and Mr Dyer's name written in; we voted the straight Democratic ballot." I challenge the contestee to carry out what he offers by the report of the minority and the resolution they have framed: and it should be remembered that this contestee from the very day of the filing of the notice of contest had notice of the fraud alleged, and upon the recount taken within a few months after the election also had notice that the election officers had tampered with the ballots and made a fraudulent return. From that time until March, when he asked this committee to make a virtual recount of the ballots, the contestee knew of the character, quantity, and quality of the fraud alleged, and now, at this late day, when the passage of this minority resolution will result in the contestee filling the full term of his office, the minority on the committee asks that we agree to a resolution which, in the judgment of your committee, on a 7 to 2 vote, will accomplish nothing.

Precinct No. 4 returned—132 Dyer, 49 Gill; recount, Dyer 110, Gill 68. Precinct No. 5 returned—186 Dyer, 23 Gill; recount shows, Dyer 148, Gill 51. Ninth precinct returned—183 Dyer, 3 Gill; recount, Dyer 149, Gill 14. Fourteenth precinct returned—148 Dyer, 68 Gill; recount gives, Dyer 128 and Gill 71. The committee also set aside precinct No. 3, where the returns were—67 Dyer and 49 Gill; recount shows, Dyer 72 and Gill 82. In rejecting these precincts Mr. Dyer loses his plurality of 349 votes and Mr. Gill gains a plurality of 67 votes. Precinct No. 7 should have been set aside for the following reasons:

First. All the judges and clerks voted for Mr. Dyer.

Second. Fourteen ballots not returned.

Third. Ballots scratched and Dyer written in in same handwriting, affecting 72 Democrat ballots as scratched against Gill.

As Mr. Dyer received the vote of this precinct and Mr. Gill's plurality was 67, it should have been increased 144, making a total plurality of 221. The condition in the seventh precinct is found in all precincts in this ward, except the sixth and twelfth, and your committee could have reached this same decision through all the precincts, to a greater or less degree, thus increasing Mr. Gill's plurality by many hundred votes.

This action is taken in accord with well-established principles and precedents, to wit:

When the result in any precinct has been shown to be so tainted with fraud that the truth can not be deducible therefrom, then it should never be permitted to form a part of the canvass. The precedents, as well as the evident requirements of truth, not only sanction but call for the rejection of the entire poll when stamped with the characteristics here shown. Washburn *v.* Vorhees (2 Bartlett Cont. Cases, 58).

And the same principle in this case you find decide in Dodge *v.* Brooks, Thirty-ninth Congress (2 Bart., 78 Rowell's Dig., 203); Finley *v.* Walls, in Forty-fourth Congress (Smith, 389; Rowell's Dig., 714), wherein the law is clearly stated:

Where fraud is proved to have been committed by the officers of an election no reliance can be placed upon any of their acts, and their return must be rejected as wholly unreliable. The party claiming under the election must prove the actual vote in some other way.

In Bisbee *v.* Finley in the Forty-seventh Congress (Rowell's Digest, 716), it was held that—

Any considerable number of votes proved for one candidate in excess of the number returned for him has always been regarded as evidence of fraud and a legitimate method of impeaching the return.

Also Aldrich *v.* Robbins, Fifty-fourth Congress (Rowell's Digest, 718), Aldrich and Underwood in same Congress, Wise *v.* Young, Fifty-fifth Congress (Hinds' Precedents, 650), and other cases.

Cases relied upon in the minority report are all along the line where evidence of fraud is not sufficient to overthrow returns. Contestant charged in this case that in a large number of precincts ballots cast for him were fraudulently counted by election officers for contestee. This charge the committee found to be correct, but in many precincts not sufficient to overthrow the returns. In Walker against Rhea in the Fifty-sixth Congress the committee reported frauds and irregular practices in interest of the contestee, but that they fell short of being sufficient to change the result.

This is also found true of a Virginia case in the Fifty-seventh Congress, which case is very similar to Gill against Dyer which shows colossal fraud in nearly all of the 17 precincts of the fifth ward, fraudulent returns, scratched ballots, willful and deliberate participation in these frauds by election officers, assistance to voters in marking ballots, voting without oath as to illiteracy as required by Missouri law, leaving ballot box unguarded, ejecting watchers from polling places, signing the election returns before the vote was counted and polls closed, filling in vote without its being verified with the count, one election officer marking more than 50 ballots for electors, and so forth. In other words, plain fraud was rampant inside the voting places in the fifth ward of the twelfth congressional district of Missouri in 1912, the place where a candidate's rights are supposed to be safeguarded.

Your committee by a 9 to 2 vote declared after a careful and deliberate examination of this case and under their oaths of office that Hon. L. C. Dyer was not elected to a seat in the American Congress from the twelfth Missouri district, and that Michael J. Gill was elected and should be given his seat.

Mr. McKENZIE. Mr. Speaker, I yield 15 minutes to the gentleman from Iowa [Mr. SCOTT].

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Cary	Garrett, Tenn.	Johnson, S. C.
Aiken	Coady	George	Jones
Ainey	Connolly, Iowa	Gerry	Keister
Anderson	Conry	Gillett	Kennedy, Conn.
Ansberry	Cooper	Gittins	Kennedy, R. I.
Anthony	Copley	Glass	Kindel
Ashbrook	Covington	Good	Kinkead, N. J.
Avis	Crisp	Gordon	Kitchin
Bailey	Curry	Gorman	Knowland, J. R.
Barchfeld	Dale	Goulden	Konop
Barnhart	Danforth	Graham, Pa.	Korbly
Bell, Ga.	Davenport	Greene, Vt.	Kreider
Borland	Davis	Gregg	Lafferty
Brodbeck	Decker	Griest	Langham
Brown, N. Y.	Deitrick	Griffin	Langley
Browne, Wis.	Dies	Gudger	Lee, Ga.
Browning	Difenderfer	Guernsey	L'Engle
Bruckner	Dooling	Hamill	Levy
Brumbaugh	Driscoll	Hamilton, N. Y.	Lewis, Pa.
Bulkley	Dunn	Hardwick	Lieb
Burke, Pa.	Dupré	Harrison	Lindquist
Butler	Eagle	Hart	Linthicum
Byrnes, S. C.	Edmonds	Haugen	Loft
Byrns, Tenn.	Fairchild	Helm	McAndrews
Calder	Fess	Henry	McDermott
Callaway	Fields	Hinds	McGuire, Okla.
Candler, Miss.	Finley	Hobson	MacDonald
Cantor	Fitzgerald	Hoxworth	Madden
Cantrill	Fordney	Hughes, W. Va.	Mahan
Carew	Frear	Hulings	Manahan
Carlin	Gallivan	Humphrey, Wash.	Martin
Carter	Gardner	Humphreys, Miss.	Merritt

Metz	Patten, N. Y.	Smith, Md.	Thompson, Okla.
Mondell	Peters, Me.	Smith, J. M. C.	Treadway
Montague	Peters, Mass.	Smith, Saml. W.	Tribble
Moon	Phelan	Smith, Minn.	Tuttle
Morgan, La.	Porter	Smith, N. Y.	Vaughan
Morin	Pou	Smith, Tex.	Vollmer
Moss, Ind.	Powers	Stanley	Walker
Moss, W. Va.	Reed	Stedman	Wallin
Murdock	Reilly, Conn.	Stephens, Nebr.	Walsh
Murray, Mass.	Riordan	Stephens, Tex	Whitacre
Neeley, Kans.	Roberts, Mass.	Stevens, N. H.	White
Neely, W. Va.	Sabath	Stringer	Willis
Norton	Scully	Talbott, Md.	Wilson, Fla.
O'Brien	Shackleford	Taylor, Ala.	Wilson, N. Y.
O'Leary	Sharp	Taylor, Colo.	Winslow
O'Shaunessy	Sherley	Taylor, N. Y.	Woods
Paige, Mass.	Sherwood	Thacher	Young, N. Dak.
Parker	Slayden	Thomas	Young, Tex.

The SPEAKER. On this vote 233 Members, a quorum, have answered to their names.

Mr. FOSTER. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CHANGE OF REFERENCE.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to rerefer H. R. 13825 to the Committee on Claims, by direction of the Committee on Public Lands. It undoubtedly belongs to that committee.

The SPEAKER. Where is it now?

Mr. FERRIS. It is before the Public Lands Committee.

The SPEAKER. Is it a public bill or a private bill?

Mr. FERRIS. It is a private bill.

The SPEAKER. It is not necessary to have unanimous consent to do that.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, be taken from the Speaker's table, the Senate amendments disagreed to, and a conference asked for.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to have the Diplomatic and Consular appropriation bill taken from the Speaker's table, to disagree to all Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Chair announces the following conferees: Mr. FLOOD of Virginia, Mr. SHARP, and Mr. COOPER.

CONTESTED ELECTION CASE—MICHAEL J. GILL AGAINST L. C. DYER.

Mr. GOLDFOGLE. Mr. Speaker, Mr. Michael J. Gill, the contestant, has submitted a request to the Committee on Elections which I now convey to this House. He desires to be heard, and I yield to him five minutes, if it be in order.

Mr. MANN. The gentleman from Iowa [Mr. SCOTT] had the floor a moment ago.

The SPEAKER. The gentleman from Iowa had the floor when the point of order was made. The Chair recognizes the gentleman from Iowa.

Mr. MANN. There will be no objection to the request of Mr. Gill.

Mr. GOLDFOGLE. Mr. Speaker, I understand the gentleman from Illinois to say he has no objection to hearing Mr. Gill.

The SPEAKER. It does not make any difference whether anybody makes any objection, the gentleman has a right to make a speech.

Mr. SCOTT. I am perfectly willing to yield.

The SPEAKER. The gentleman from Iowa is recognized for 15 minutes.

Mr. SCOTT. Mr. Speaker, I have not the honor to be a member of the Committee on Elections, and profess no intimate familiarity with the testimony which has been taken in this case. However, when the reports of the majority and minority were laid upon my desk I took occasion to examine them somewhat carefully and to ascertain, if possible, just what questions were to be submitted to this House. I was struck somewhat with the peculiarity of the minority report, and I was interested in the discussion of the gentleman from Virginia [Mr. WATSON] yesterday afternoon when he commented upon its form. It seems to me that the correct solution of the question that is presented to this House by the minority report does not require an intimate familiarity with the evidence that has been taken. It seems to me that a great deal has been said in debate here that goes wide of the real question that is to be submitted to this House, and that is whether or not the contestee is entitled to have his request respected for permission to take testimony.

In the report of the majority it is shown conclusively that Mr. Dyer had 349 plurality over Mr. Gill, so on the face of the returns, if the returns are to be respected, there is no question as to his title to his seat. The majority undertake, however, to overcome that conceded plurality by the invocation of a principle of law. They say that because, at the close of all the evidence, they are justified in drawing the inference that the judges and clerks of election were guilty of fraud and conspiracy. Under the law the burden of proof in this case shifts to the contestee, and he is obligated to show that, notwithstanding that fraud and conspiracy, there were sufficient votes cast at the election in 1912 to elect him over Mr. Gill. Now, that presents a very interesting legal question, a question of the burden of proof in this case, and this case should be determined upon the question of the burden of proof. If the burden of proof rests upon the contestant in this case from the beginning to end, then it is clear that Mr. Dyer is entitled to his seat.

If the burden of proof has shifted and rests upon Mr. Dyer to go out into the fifth ward and bring in the voters to show that a majority of all the voters of that district voted for him, then there may be some question as to his right to a seat on this floor. One of the fundamental principles of the common-law practice, and that practice is made applicable by the statute of the United States to the case which we are considering to-day, is that when fraud or conspiracy is relied upon it must be laid forth in the pleadings specifically and particularly. One of the other fundamental principles of legal procedure is that the burden of proof in a trial rests upon the contestant, or the plaintiff, and that it never shifts except in response to an issue tendered by the pleadings. Therefore if we are to observe legal procedure, under the law of the land which protects Mr. Gill's title, we must hold that the contestant in this case bear the burden which the law places upon him.

Now, when those matters had occurred to me, it seemed to me logical, it seemed to be necessary, that I first turn to see what issue had been tendered in this case by the contestant, and I turned to the notice of contest; I turned to that pleading required by the statutes of the United States to set forth the ground particularly and specifically upon which the contestant relies, because here was a case where fraud and conspiracy upon the part of the judges of election were relied upon for the purpose of nullifying the solemn returns of that body and casting the burden of proof upon Mr. Dyer. I was astonished when I examined that notice to find that neither the word "fraud" nor the word "conspiracy" could be found anywhere within its four corners. I was astonished to see that nowhere within that entire instrument was there a single charge made against either the judges or the clerks of election. I was astonished to realize that no such issue was presented in the pleadings as the contestant now assumes to stand upon; but that notice, that pleading, drawn and filed by the contestant, fastened the burden of proof by its very terms upon him from the beginning to the end of this case. And that burden can not shift under the law until he, after discovering the fraud and conspiracy, applies to the committee or to the House for leave to amend.

Mr. POST. Will the gentleman yield?

The SPEAKER. Will the gentleman from Iowa [Mr. SCOTT] yield to the gentleman from Ohio?

Mr. SCOTT. Not now. When he has done that, then the tribunal before which he appears fixes the terms, and the terms are fixed in such a way as will do justice to both parties. Then the contestee will not be out of his right to meet the prima facie case that is to be made in response to the new issue that is to be tendered. Because when that amendment is made, when the specific charge of fraud or conspiracy on the part of the judges of election is tendered, the contestee must be ready to go out into the wards among the electors and bring them in to meet the prima facie case made. Because under that rule of law the contestant only has to make a prima facie case, and he may do it with one or two witnesses, and then sit back and rest and say to the contestee, "Now the burden is upon you; go forth and get your testimony."

Now, the very reason that lies behind these rules of procedure to which I have referred is that that can not justly be done after all the evidence is closed, after the day has passed when the contestee has his opportunity to meet that new issue. When that notice was filed they failed to charge fraud and conspiracy upon the part of the judges of election. And I want to make the point here that there is a distinction between the charge of fraud made against an outsider which never shifts the burden of proof and a charge of fraud against the election officials. It is only when you attack the integrity of the tribunal that the burden of proof is shifted. Now, that was not done. Here is the condition which confronts this House: A contestant comes in at the close of all the evidence—and mark the statement of the learned chairman of the committee yesterday as he stood upon the floor when he said only after a most careful examination of all the evidence did they come to that conclusion, referring to the question of fraud and conspiracy upon the part of the judges of election. Only, then, after all the testimony was taken did they come to that conclusion. Then was the first time that they undertook to shift the burden of proof to Mr. Dyer. Then was the first notice he had officially upon this record that he was required to go out into the wards and subpœna all those voters, because upon the pleading adopted and filed in this case by the contestant he proclaimed the burden of proof assumed by himself throughout the entire trial. The precedents in this House make clear the distinction between illegality, unlawful action, and fraud upon the part of judges of election. The mere plea of illegality, illegal votes, illegal or erroneous counting, does not shift the burden of proof. You must by an allegation of direct moral turpitude attack the integrity of the tribunal, and that even yet has not been done. There was but one way, I say, that the contestant could do that, and it was at the time when he first discovered the fraud and the conspiracy, if there was such, upon the part of the judges of election, and that was to apply for leave to amend and ask the terms to be fixed.

But if we are to respect the recommendation of the majority of the committee in this case, we must at the end of the trial shift the burden of proof, nunc pro tunc, as we say, giving no opportunity to Mr. Dyer to meet the charge. Under these circumstances there seems to me but one of two courses which this House should pursue—either seat Mr. Dyer directly or grant his request to take more evidence.

Mr. BOOHER. The minority of the committee do not ask that Mr. Dyer be seated?

Mr. SCOTT. The act of the committee does not control the discretion of this House. If the contestant was not able to make a case under the law, it is the duty of this House to seat him, unless in the exercise of our full discretion the House may see fit to grant further time to take testimony.

Mr. BOOHER. Is not the fact reasonably deducible from the report of the minority of this committee that the minority of the committee found there was fraud committed there, and they want an opportunity to go there and prove it was not sufficient to unseat the contestee? Is not that the object of the minority of the committee?

Mr. SCOTT. It may be there was fraud, but the point I make is that Mr. Dyer has the legal right and opportunity to go forth and get the testimony and disprove that fraud, if it was fraud, or show that it did not operate to change the result of the election.

Mr. BOOHER. Why did not the contestee in this case make this proof in the year and three months in which he had the opportunity to do it?

Mr. SCOTT. Because the contestant laid down the pleading which would govern the rule of conduct of this House whereby he assumed the burden of proof, and all that. [Applause on the Republican side.]

Mr. BOOHER. Now, upon that proposition the committee disagreed with the gentleman from Iowa, and I agree with the committee. That is the difference.

Mr. SCOTT. That is a matter upon which each individual Member of this House must entertain his own opinion.

Mr. BOOHER. Certainly; I agree with the gentleman on that.

Mr. SCOTT. But I simply state my views, my understanding of the law in this case, after a brief investigation of two or three days' time, hoping, if I am right, that the membership of this House may accept whatever statement which I may make that appeals to them.

I yield back the balance of my time.

Mr. GOLDFOGLE. Mr. Speaker, I ask leave to yield five minutes to the contestant in this case, Mr. Gill.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] asks leave to yield five minutes to the contestant in this case. Without objection, the contestant, Mr. Gill, is recognized for five minutes.

There was no objection.

Mr. GILL. Mr. Speaker and gentlemen of the House of Representatives of the United States, I did not care to say a word upon this question, but have concluded, after the remarks of yesterday, that it would be advisable that I do so. I have always been willing to leave the question with the high-minded men who had the contest under consideration. I was willing to let those men render a verdict and pass it up to you men, that you might put it to the test of your reasoning—your best reasoning—and form an intelligent conclusion, and whatever that conclusion should be I would accept it as a good American citizen. [Applause.]

I have stayed off the floor of this House; I have not bothered the Members on that side at all; not a one of you. I have appealed to very few of you on this side. I am willing that the question should be settled upon its merits. I do not believe in abuse. Abuse gets nobody anything in this world. My attorneys, as high-class men as God ever put life into, were accused yesterday on the floor of this House by the contestee, or at least he intimated that they were the ones that tampered with the ballots in this case. What a pity. The election commissioners in St. Louis are a body of men composed of Democrats and Republicans, and their employees are also equally divided; and I say to you gentlemen here this morning that nobody was permitted to touch those ballots excepting those employees and the commissioners themselves.

Now, there is a question about my votes. I say this to you, paraphrasing the language of Robert Emmet when he appealed to his judges, if the souls of the faithful departed have anything in common with those in this transitory life, then I ask you, my beloved mother, who has long since gone to the world beyond, to appeal to Almighty God to look down in my heart and there, if there ever was a thought in my mind that deviated from the principles of Democracy or ever supported a Republican for office I hope it will exhibit itself here on my face, so that you men on the Democratic side will be not deceived. [Applause.]

It is true you will find in the record that I said I scratched a few Democrats. The question was put to me bluntly and quickly, and I knew I had scratched, but I did not know whom; but after thought I find that there were four or five men running for the United States Senatorship on the Democratic ticket, and in order to make that ballot legal it was necessary for me to scratch about four of them.

Mr. RUCKER. And vote for one?

Mr. GILL. Yes; and vote for one. So that if you find it in the record that I scratched a Democrat, that is what I had in mind when I said so.

Another thing I want to say to you here this morning: Emphasis was put upon the fact that the postmaster in the city of St. Louis, appointed by the President of the United States, had told me so-and-so, and that I was guilty, and that he was going to vote against me. I ask you men to take this statement, that the postmaster in the city of St. Louis never testified in this case, and he never told me any such a thing as the contestee remarked yesterday; never.

There are men in this House who have known me for 25 years, and I have been a consistent, honest, hard-working Democrat, and never took a dollar in my life for the effort I put forth. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired. If nobody wants to speak——

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman from Illinois [Mr. MCKENZIE] use some time now?

Mr. MCKENZIE. I yield 20 minutes, Mr. Speaker, to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for 20 minutes.

Mr. SAUNDERS. Mr. Speaker, I am always oppressed with a feeling of dissatisfaction, when confronted with an election case, and required to render a decision upon the merits, without adequate opportunity of investigation. We should deal with these cases as judges, not as partisans. What judge, what supreme court, would determine a case upon the argument of counsel, without any inquiry on its part into the facts contained in the record, or the questions of law presented in the briefs of counsel? And yet that is practically what we are compelled to do with respect to these election controversies. They are investigated in the first instance by committees of the House, who dig into the law, and make their explorations into the testimony. The members of these committees often reach different conclusions, and later they come before us, and present these conclusions in oral arguments. We follow these argu-

ments, as best we can, and in large measure, upon what is thus presented, grope our way to a conclusion, unaided by those personal investigations, so essential to a determination upon the merits. This being so, we should err on the side of caution in reaching a conclusion, and omit nothing that will enable us to arrive at the very right of the controversy.

I have been through this case, so far as I have been able to do so. I have examined both the majority and the minority reports, and subjected them to a careful comparison. In large measure, I have examined the precedents, and in this connection, I will say that so far as contested-election precedents are concerned, you can prove anything by them. They constitute a history of extensive wrongdoing, a history which acquits neither one of the great parties of fault. [Applause.] In referring to these precedents I will content myself with those citations which contain the fundamental principles that appeal to the sense of justice innate in every man. All will agree that the principles hereafter to be cited are sound, not because they have been announced by a partisan committee in some particular case, but because, as I have said, they appeal to our fundamental sense of justice, and are recognized as axiomatic.

The first proposition that I ask this House to consider is this, that the possibility of grave injustice is always present, when it is proposed to reject bodily the entire return of election officials.

It has been well stated in Second Hinds, page 127, that the entire poll is not to be rejected, except after the fullest attempt to purge it of illegal votes, and to ascertain the real vote by all possible means. The innocent should not be made to suffer with the guilty, and nothing short of the impossibility of ascertaining for whom the majority of the votes were given, ought to vacate an election. (American Laws of Elections, section 304, 2 Hinds, p. 134.) When an entire poll is rejected on the ground of fraud, or misconduct on the part of the election officials, such, for instance, as manipulating the returns, or tampering with the ballots, the candidates suffer, and the public interests suffer, for the misconduct of officials over whom the voters have no control. If the ballots of properly entitled voters have become intermingled with fraudulent ballots dishonestly inserted by corrupt officials, diligent effort should be made to eliminate the fraudulent additions, and thus preserve the rights of the honest voters who constitute the residuum. Another authority states this principle as follows: The election should be set aside only when it is impossible from any evidence, in reach, to ascertain the true result. (2 Hinds, p. 151.) The doctrine of throwing out entire returns for fraud of the election officials while tolerable in theory, is most unhappy in application, if nothing further is done to eliminate the fraud, and thus arrive at the true result.

No effort ought to be spared on the part of the committee, or of this House, to secure those facts which will enable an intelligent judgment to be formed. After reading both the majority and minority reports, I am prepared to say that accepting their statements, as to what occurred at the precincts under investigation, the record does not afford sufficient evidence to enable us as judges, to determine whether Dyer, or Gill was elected. Misconduct on the part of the judges is fully proved, but in large part the effect of this misconduct has been corrected by the recount, leaving only the improperly manipulated ballots to be corrected, or excluded. No sufficient effort has been made to do this, and as there were confessedly a number of honest ballots cast for both Gill, and Dyer in the excluded polls, this House is unable to determine who, on the whole, received a majority of the honest votes in the congressional district, and is unable therefore to determine who was elected. The committee rejected the returns from seven precincts, as follows: The second, third, fourth, fifth, ninth, fourteenth, and seventeenth. As a result of this action, a large number of properly entitled voters, who cast their ballots for the candidate of their choice, have been disfranchised. It must be admitted, even by those who contend for the exclusion of these polls, that the excluded votes, were in large measure the votes of citizens who voted as they intended to vote, and whose ballots have not been tampered with. This must be true, because the record shows that a large proportion of the ballots must have been scratched by deliberate choice, and in such cases when the name of Gill was replaced by that of Dyer, it was not the corrupt act of another, but the direct act of the voter, or of an election official acting under his directions.

I do not take issue with the gentlemen who assert that when a return is so tainted with fraud, or misconduct of the election officials, that the truth can not be deduced therefrom, the same must be rejected. That is undoubtedly true. The precedents to this effect, are as old as the hills. But permit me to call your attention to the fact that there is an essential difference between rejecting a return, and rejecting a poll. The return is merely the primary evidence as to how the voters voted. When a return is rejected, legal votes are not thereby lost, for they may be proven by secondary evidence. The voters may be called as witnesses (2 H., p. 202). There are numerous precedents for this proposition. In the case of Wise *v.* Young (2 H., p. 654) the returns were rejected, but the testimony of over 5,000 voters was taken to prove that they voted for the contestant. To the same effect, Waddill *v.* Wise (2 H., p. 470), and Thorp *v.* Epes (2 H., p. 644). Nor will I take issue with the proposition that the evidence of false counting at most of the above precincts is so strong, that it vitiates and overthrows the value to be attached to the return of the election officials. The errors in the count at the above precincts, save precinct 17, and perhaps precinct 14, are too serious to be attributed to honest error. I am willing to agree that in five of the above precincts there is no possibility of an honest count having been made in the first instance.

But may I call the attention of this great appellate court before which this matter is now in issue, to the fact that these errors which have been corrected by the recount, may be relied upon to show that in large measure, the wrongdoing of the election officials was confined to manipulating the returns. If, in the first instance, these officials had falsified to any considerable extent the individual ballots, to secure the result desired, there would have been no occasion to falsify the count, for the count would have conformed to the ballots as changed by the judges. Hence the recount having in all likelihood eliminated the major portion of the fraud, it furnishes the greater reason therefore for taking the evidence of the voters, in the effort to arrive at the true result at these precincts.

Permit me to call your attention to another fact in this connection. If the suggestion of scratching creates in your mind the idea that there was fraud at those precincts, that idea is largely repelled by the fact that the evidence amply shows that an angry state of mind on the part of many Democrats at those precincts, not only made scratching likely, but even inevitable. These incensed and angry Democrats were determined to scratch Gill, because they believed that he had scratched the Democratic candidate at the previous congressional election. I am not going to charge Mr. Gill with having actually scratched that candidate. It is unnecessary to take up that controversy. While the report is to that effect, it is a matter of indifference for the purposes of this case, whether the charge is well, or ill, founded.

The material fact is that the Democratic voters of those wards firmly believed that Gill was guilty of this imputed wrongdoing. All parties are agreed on that point. All agree that the brother of the former Democratic candidate for Congress, the ward committeeman, and other friends of the dead man, firmly believed that Mr. Gill had scratched Kinney when he was a candidate for Congress. Hence this deeply rooted belief on their part furnishes ample explanation of the activity of the Democrats of those precincts, in their effort to take revenge upon Gill for his supposed defection to their former idol.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a question?

Mr. SAUNDERS. I will yield for a question.

Mr. HARDY. Did I understand the gentleman to say that a wrong count of 50 votes would be sufficient in the gentleman's judgment to hold the judges corrupt, and to throw out the returns?

Mr. SAUNDERS. I say that errors in the count, where the errors were as great as they were shown to be at some of these precincts, would justify the committee in rejecting the returns, but would not justify the committee, or this House, in refusing to make inquiry by proper evidence aliunde, as to how the voters at those precincts actually did vote. [Applause.] I think that is a sufficiently clear statement of the situation. I wish to say that in scores of election cases this inquiry has been made. Time and time again returns have been rejected and the contestant seated by this body, because the evidence aliunde, satisfied the committee that a majority of the honest votes had been cast in his favor.

I wish to call the attention of the House to another fact: It is argued, in opposition to the request that opportunity be given to take additional testimony, that such a course would be useless and futile, on the ground that the voters are so ignorant and illiterate, that their testimony would furnish no aid to an intelligent conclusion. Yet it is stated in the report, as an evidence of wrongdoing on the part of the judges at certain precincts, that the judges at these precincts marked the ballots of a large number of voters who were not illiterate. The two statements can not stand together, and both be true. Certainly

the testimony of these literate voters might be taken. [Applause on the Republican side.]

Mr. WATSON. May I interrupt the gentleman?

Mr. SAUNDERS. Yes; I have not very much time. I am not averse as a rule to being interrupted, but it is very hard to make a connected argument in 15, or 20 minutes, when you yield for interruptions.

The SPEAKER. Does the gentleman yield?

Mr. SAUNDERS. Of course I yield to my colleague.

Mr. WATSON. I would be very much obliged to the gentleman if he would point out anything in the majority report of this committee which states that all the people in that ward were illiterate.

Mr. SAUNDERS. Oh, I never said that.

Mr. WATSON. Of course——

Mr. SAUNDERS. I said that the argument advanced was that this inquiry would be futile, on the ground of the ignorance and illiteracy of the voters. It does not seem to me that I ought to be interrupted by my colleague's inquiry, when I made such a clear statement of my position. I never said that the report stated that all the people in the ward were illiterate. I said that the argument had been made that this inquiry into the actual vote of the electors would be futile on account of the illiterate character of the people of those wards. That is certainly the argument that has been made on the floor.

Further I called the attention of the House to the fact that the report makes the charge against the judges that at more than one precinct, they had marked the ballots of people who were able to sign their names to the register, and who were therefore not illiterate. That in full was the statement that I made. If therefore, Mr. Speaker, the argument is made that fraud is to be presumed because so many Democratic ballots were scratched in favor of the Republican candidate—and I will admit that standing alone and unexplained that fact might create a suspicion of wrongdoing—bear in mind that the likely explanation of this scratching is to be found, not in the imputed rascality of the election officials, but in the inflamed state of mind of the Democratic voters of that ward toward Gill.

Whether or not that hostile attitude was justified, is not material. If it existed, and both reports fully show that it did, then it furnishes an explanation of the scratching that is entirely consistent with an honest conduct of the election in this particular. The testimony of one of the active antagonists of Gill is to the effect that the word to defeat Gill was passed around at a meeting at which 500 people were in attendance. (See record, p. 1192.) Burke, another witness, testifies that the local feeling against Gill seemed unanimous. (See record, p. 423.) This witness states that he had his mind made up to scratch Gill, because the latter had "double-crossed," the Democratic ticket two years before.

I wish to say another thing, and the truth of it will be recognized by every man to whom I speak, because you have all had experience as candidates, and that is that nothing enrages the average party voter to the same extent, or is more likely to turn him against the candidate of his party, than an apparently well-sustained charge that this candidate has been guilty of treachery to some former party candidate. Whatever may be said about the character of the population in the precincts in question, it is none the less true that it is precisely in a population of that character that the fires of prejudice burn the fiercest, and the flames of party wrath are the more readily kindled, against a man who is accused, and in their judgment, convicted, of having knifed a former idol.

Mr. PALMER. Will the gentleman yield?

Mr. SAUNDERS. I am sorry, but I can not yield now. Take such a population, not altogether illiterate, but a rude, rough population, a democratic population, because this is a Democratic ward, and it is among such party voters, and party workers, that our own experience in party matters tells us, that the suggestion of wrongdoing against a former Democratic candidate would run like wildfire. If these people were satisfied that the man then asking their ballots, had voted against the Democratic candidate, two years before, and voted for the then Republican candidate, that fact would furnish sufficient ground for them to say, "If Dyer two years ago was good enough for Gill, Dyer to-day is good enough for me." That was just exactly what they did say. Michael Kinney testifies (p. 1910) that the "story was circulated that if Dyer was good enough for Gill to vote for two years before, he was good enough for them to vote for this year."

I refer to this, why? Merely to show that the record furnishes a valid and sufficient explanation why ballots were scratched, and why it was to be expected that ballots would be scratched, in the precincts which have been rejected by the report of the committee. This explanation supports the bona fides of the scratched ballots.

I have already called the attention of the House to the fact that while the rejection of entire returns may be tolerable in theory, it is often most unhappy, and productive of injustice in application. The innocent and the guilty suffer alike for the wrongdoing of others. We are not concerned so much in this case with Mr. Dyer, or Mr. Gill, as we are concerned to do justice. If the state of the record is such, that it is insufficient for a just conclusion, then we should exercise the power afforded by law, to secure the evidence which will enable us to arrive at the very right of the controversy.

Mr. WEBB. Will the gentleman yield?

Mr. SAUNDERS. I do not like to yield at this point. I have very little time.

Mr. WEBB. I am in sympathy with the gentleman's argument, but I wanted to ask him a question about precinct 17.

Mr. SAUNDERS. I intend to discuss precinct 17, in the progress of my remarks, and point out the weakness of so much of the report as relates to this particular precinct.

While it is perfectly true as a matter of law, that upon a proper state of facts a committee may reject the returns of a poll, and while it is further true that the committee was justified in rejecting the returns from at least six of the seven precincts rejected, yet it does not follow as a universal proposition that when you reject a return, you are justified in seating the candidate who has the majority in the remaining precincts.

Many years ago at a time when election committees were far more partisan than they are to-day, this House decided an election contest from South Carolina. The entire poll of the city of Charleston was rejected by the committee, and that rejection was sustained by the House. With Charleston rejected, the contestant had a clear majority in the other precincts of the district. Was the contestant seated? Not at all. The committee concluded, and very properly, that while the evidence of fraud and wrongdoing at Charleston was so overwhelming that no value could be attached to the returns, they could not determine what proportion of the undoubted legal vote of the city had been cast respectively for the contestant, and the contestee. Hence they could not determine whether on the whole, the contestant, or the contestee, received a majority of the legal vote of the district. This being so, the House unseated the contestee, but did not seat the contestant. The seat was declared vacant. See the case of Buttz *v.* Mackay (12 H., p. 163), the syllabus of which is as follows: Gross frauds perpetrated in such a way as to show connivance of election officers, caused the rejection of the returns of all the precincts of a city. One-third of the votes of a district being rejected, the House did not seat contestant, but declared the seat vacant.

The principle upon which this was done is manifest. The committee being unable to determine how many of the votes cast in Charleston which were legal, were cast for the contestant, and how many for the contestee, was not justified, in that state of uncertainty in declaring that the contestant had received a majority of the legal votes. A report seating him, would have been tantamount to such a declaration.

There are many precedents to the above effect, and many to the contrary. As I have said, you can prove anything by the precedents in election cases.

Is there a Member of this House who has listened to the arguments for the majority and minority reports, who has any doubt that many of the votes in the rejected polls, were honestly cast for Gill? Have you any doubt that many of the votes at these precincts were honestly cast for Dyer? Have you any doubt that many of the ballots in the rejected precincts were scratched either by the voter, or by the judge in conformity with the direction of the voter, and were therefore honest votes, representing the choice of those voters, in the exercise of free volition?

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. McKENZIE. Mr. Speaker, does the gentleman want more time?

Mr. SAUNDERS. I would like to have a few minutes more time.

Mr. McKENZIE. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. SAUNDERS. When you reject these polls bodily, what happens?

Mr. OGLESBY. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. OGLESBY. For a question for information. In the judgment of the gentleman, would it have been possible to ascertain by investigation what proportion of those votes and which of those votes which were scratched were scratched by

the voters themselves and which were scratched by the inspectors?

Mr. SAUNDERS. Undoubtedly. I will discuss that phase of the case later. In this connection I wish to answer the question of the gentleman from North Carolina. The precincts in this ward were of course disconnected precincts, and the fraud and wrongdoing in one precinct, can not be imputed to the officials in another. Under the law of Missouri the ballots are numbered, so that in the case of a contest you can trace down, and ascertain the ballot cast by a particular individual. It appears that in precinct 17, three votes for Gill were improperly marked for Dyer, but the inquiry into illegal marking goes no further, though it was competent to take the testimony of all the voters, voting scratched ballots. It appears further that at this precinct one judge scratched 37 ballots, but that in itself does not indicate fraud.

Doubtless the local politicians who were interested in defeating Mr. Gill, instructed the voters as they went in, to ask for this particular judge. It happens frequently in elections where there is no suspicion of fraud, that one judge marks many more tickets than do the others. It further appears that at some time during the election day, the watchers were ordered from the polls by the judges of election, but were afterwards readmitted on the order of the election commissioners. See report, pages 4–5. Upon the foregoing facts as to this precinct, as they appear in the report, the committee rejected the entire precinct. Plainly as to this precinct the facts do not justify the rejection of the returns, and the elimination of the entire vote cast.

In this connection the following precedents are cited: The return should be rejected only when it is so tainted with fraud, or misconduct of the election officials that the truth can not be deduced from it. (2 H., p. 151.) In the case of Goodwin *v.* Cobb, in which it appeared that great frauds had been committed at certain precincts, the votes of certain properly entitled voters were received, and the others rejected. (1 H., p. 721.) In other words the illegal votes and the misconduct of the officials, did not cause the exclusion of the legal voters. An entire poll should not be rejected when it is possible to purge it of illegal votes. (2 H., sec. 880.) Although the fraud in a district may be extensive, the House prefers to purge the returns rather than declare the seat vacant. (2 H., sec. 1103, sec. 1095, sec. 1080.) The recount at precinct 17 practically agreed with the original count, and gave Dyer 62 majority. Accepting the statements of the report, the evidence cited to justify the exclusion of this precinct, is certainly far from satisfactory. If this precinct had been counted, even excluding the others, Gill's ascertained majority would have been about 11.

Mr. POST. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. POST. I want to ask the gentleman if under the laws of Missouri, in the event this case should be sent back for further testimony, a committee of this Congress could compel the voter to tell how he voted?

Mr. SAUNDERS. Yes. I imagine there would be no trouble about that. The testimony of a number of these voters has already been taken.

Mr. POST. Under the law of Missouri?

Mr. SAUNDERS. No statute of a State can limit the power of the House of Representatives in dealing with the election of its own Members.

Mr. POST. I desire to ask the gentleman another question.

Mr. SAUNDERS. I do not wish to be discourteous to my friend but I can not yield further. I have only two or three minutes remaining. The proposition submitted in the views of the minority, is as follows:

Resolved, That the Committee on Elections No. 3, or a subcommittee thereof, be instructed to take additional testimony in the contested-election case of Michael J. Gill *v.* Hon. L. C. Dyer, touching the election of November 5, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17, of the fifth ward of the city of St. Louis, with particular reference as to whether or not the Democratic ballots in those precincts, which had Michael J. Gill's name scratched, were the correct votes of the voters in question, or whether some person or persons had fraudulently scratched the name of the said Gill without the knowledge and consent of the said voters; and that the said committee, after it has taken and considered this additional evidence, in connection with testimony heretofore taken, make its report to the House, with its recommendations, within 30 days after the adoption of this resolution.

Mr. POST. Unless the committee was able to compel the voter to tell how he voted, how could it be done?

Mr. SAUNDERS. It appears that a number of witnesses have deposed as to their ballots. The contestee takes his chances in this respect. If with the opportunity afforded, he is unable to make good his title to his seat, clouded as it is by the misconduct of the election officials, he will be the loser. This House at least, will have done its full duty, and omitted no effort to arrive at the very right of this controversy.

The statement of Mr. Dyer's offer to the committee, is found in the views of the minority, on page 10, to the effect that if he was given 30 days, in which to take the additional testimony, the expense to be borne by him, he would forfeit all pay as a Member of the House, in the event he failed to secure such testimony as would satisfy the committee, that he was entitled to his seat. Should the House hesitate to afford the time to take this testimony, having in mind that the votes cast at the excluded precincts amounted to over 1,500? Undoubtedly many of these votes were honestly cast for Gill, and many for Dyer. Who can determine with the material before him, what is the proportion of fraudulent votes to be excluded, and the proportion of legal votes to be credited respectively to the contestant, and contestee? At least the effort should be made to determine, as best we can, by the testimony of the voters themselves, how and for whom their votes were actually cast.

The contestee will have to take the testimony of Democrats to show that they scratched a Democratic ballot, in favor of a Republican candidate, so that the burden will be altogether upon him. This leave to take further testimony has been given in many cases. Such a case was that of Hopkins *v.* Kendall (2 H., p. 636). In that case after the committee had been considering the same for quite a while, it asked for and obtained from the House, authority for the parties to take additional testimony, necessary for the proper determination of the issue. With the facts now before us, we will merely give our best guess as to the candidate receiving the majority of the legal vote in this congressional district. This case should not be determined by guessing. We need more light to reach a proper conclusion, and the effort, at least, to secure this light, should be made.

I desire in this connection to call the attention of the House to the case of Jackson *v.* Smith (1 H., p. 711). In that case the committee not having the evidence necessary to enable it to reach an intelligent conclusion, asked for, and obtained authority from the House to take such testimony, as it deemed necessary to the determination of the questions of fact.

Mr. POST and Mr. BOOHER rose.

The SPEAKER. To whom does the gentleman yield?

Mr. SAUNDERS. Mr. Speaker, will the gentleman from Illinois yield me five minutes more?

Mr. McKENZIE. I can yield the gentleman five minutes more.

Mr. SAUNDERS. Then, Mr. Speaker, I yield to the gentleman from Missouri [Mr. BOOHER].

Mr. BOOHER. Mr. Speaker, I will not take up the gentleman's time, as his time is so short.

Mr. SAUNDERS. Then I yield to the gentleman from Ohio [Mr. POST].

Mr. POST. Mr. Speaker, I want to ask if the contestee has requested the committee having his case under consideration to grant him the privilege of taking further testimony?

Mr. SAUNDERS. He did, as appears from the report on page 7.

Mr. POST. How long ago was that?

Mr. SAUNDERS. In March of this year. If the committee had afforded this authority at that time, all of the testimony now so much desired would be before us, to be passed upon according to its value.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. I have only a few minutes more, and wish to pursue my argument uninterruptedly.

Mr. WATSON. I know the gentleman does not want to make an erroneous impression.

Mr. SAUNDERS. Oh, no. I do not. I do not want to get my facts mixed.

Mr. WATSON. As a matter of fact, no application was ever made to the election committee until after it had reached a conclusion.

Mr. SAUNDERS. I have not stated anything to the contrary.

Mr. WATSON. And the case was tried and decided.

Mr. SAUNDERS. That stateemnt does not make an issue between us. Why does my friend inject a statement of that sort? I have not said anything to the contrary. I merely said that the request was made to the elections committee, and it ought to have been granted then, just as we ought to grant it, now that it is made to us.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. GOLDFOGLE. When the application was made by Mr. Dyer to the committee the committee had only expressed itself tentatively. That is to say, it had taken a tentative vote.

Mr. SAUNDERS. I do no care a straw about that. I do not care if the committee had solemnly arrived at its conclusion. This matter is now before us as a body of judges, and the ques-

tion is whether there is enough evidence in the record to enable us to declare that according to the very right of this case, Mr. Dyer ought to be unseated, and Mr. Gill seated? If this evidence is insufficient for a just conclusion, and additional evidence that will aid us to reach such a conclusion, may be secured within a reasonable time, then the opportunity at least, should be given to secure it.

The public interests will not suffer, the cause of justice will not be impaired, by affording the opportunity to procure this much-needed testimony. The standing of this House will be raised in the minds of all fair-minded people, should we make known by our action that we are willing to put forth every reasonable effort to reach a decision of this case on its merits, to decide it as judges, and not as partisans. [Applause.] Mr. Speaker, as I have said you can prove any proposition out of the election cases, provided you go back far enough. The attitude of the partisans of other days, toward the disposition of the ordinary election case, was summed up in the flippant remark of old Thad Stevens, referring to a pending contest: "Which one of these damn rascals, is ours." [Applause.] We have measurably gotten away from that attitude. We are doing better. The election reports of the last 10 years show that when this House was in the control of the Republicans, they did full justice to many Democratic contestees. [Applause.] I see before me to-day more than one honored Member of this body whose case was tried before a Republican committee, and who retained his seat by the finding of that committee, when a partisan attitude would have afforded an adverse report on purely technical grounds. We can do one of two things with the case before us. Primarily the opportunity should be extended to take the additional testimony suggested as necessary, by the imperfect state of the record. Secondarily, should the House decide to refuse the request for this extension, and determine to act upon the present record, its action should be limited to declaring the seat in issue to be vacant. This will be in accord with the case cited, and with the further case of McDuffie against Davidson, in which the House after rejecting a number of precincts, declined to seat the contestant on the ground asserted in his behalf, namely that with these precincts excluded, he had a majority in the remainder. Whatever may be done with this case, we should seek to avoid even the suspicion of injustice. I believe in the square deal, everywhere, at all times, and under all circumstances, but somehow I believe that with respect to controversies of this character, there should be in some peculiar, special, and exceptional degree the application of such a deal, whatever may be the politics of the body which tries the issue. [Loud applause.]

Mr. GOLDFOGLE. Mr. Speaker, I yield now seven minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, if the report of the majority of this committee is merely taking advantage of a technical error or a technical wrong, and seeks to seat a Democrat on a mere technicality, as stated by the gentleman from Virginia [Mr. SAUNDERS], then I want the Democrats of this House all to vote to reject that report. But if it contains evidence that shows that a substantial and real crime has been committed by the officers holding the election of such a character as renders it impossible to find what was the true vote cast by the voters, then it is absolutely right to reject these boxes in the seven precincts which have been thrown out by the committee in their report, and I want to reject them, and if the result of that rejection is the election of Gill I want Gill seated. On this point they say that Gill, the contestant, has the burden of proof. I grant it. Let us see whether he sustains it. In precinct 2 Judge Bishop's case comes to my mind. His testimony is sufficient to satisfy any nonprejudiced mind that he voted ticket No. 56, and that ticket was marked and numbered and placed in the ballot box, but when the recount came that ticket could not be found, but a pretended ballot, unscratched and unnumbered, was there, and the contestee says this was Judge Bishop's ticket. Read his testimony and see. He knew his ticket was numbered, and he remembered because he asked the officer at the time, "What is the number on my ticket?" and then took his book out and put on the stub No. 56, but 56 was not found. These corrupt officers did not dare to have Judge Bishop's vote come up scratched, because he was a first-class man and had been active for the whole straight ticket, so his ticket was lost. But that is not all in reference to precinct No. 2. The judges of election in precinct No. 2 made returns in which they gave Gill 5 votes and they gave Dyer 199. The recount, had on demand of Gill, showed that Gill received 73 and Dyer 106, and, according to the statement made by the gentleman from Virginia [Mr. SAUNDERS] a moment ago, he must be willing to throw out that box. He said if as many as 50 fraudulent votes are found in a box that box ought to be rejected. There are more than 50 fraudulent votes shown in this box. I have not got time to go over all of them, but I want to call attention to only a few salient points. That was in precinct No. 2. Has the contestant sustained the burden there? What about precinct No. 9. In the testimony on page 517, I believe, we find this evidence: A certain witness, who was a Republican judge of election, testified that when Maurer and Byrne completed the tally they had not given contestant a single vote, whereupon witness informed them that they must give him one vote, as witness himself voted for contestant. Witness glanced casually at a few of the Democratic ballots and saw three votes for Gill, whereupon Maurer said, "All right, give him three." That is precinct No. 9. Is the burden of proof sustained? Does not that show sufficient corruption to render the returns in that case worthless? Do you as sensible men believe that credence should be given to the returns of officers who make such a sham of their position? In precinct 2 there was a proven fraud of giving Gill 70 votes too few and Dyer 94 votes too many, even using the doctored ballots fixed up by the corrupt election officers.

In precinct 9 they were going to count Gill no single vote when a casual glance shows that there were 3 on the first bunch of the ballots right at hand when such a count was challenged. Now, let me say this. What has created some favor in this Chamber in behalf of Mr. Dyer was the charge that Gill had scratched Kinney and had gone to Kinney's friends after he was dead and told them he had befriended Kinney, and in that way gotten their support in the primary, and that after that Kinney's friends had discovered that it was false. It has been repeatedly stated on this floor by gentlemen arguing this case that Gill never denied scratching Kinney and voting for Dyer; and yet the gentleman from Connecticut [Mr. KENNEDY] yesterday evening late, from the testimony before the committee, read the evidence which showed that he had denied it. There, notwithstanding the statements of speakers on this floor, is the evidence before the committee. I will tell you what I think about that former contest. I think that former case in which Kinney was contesting the election of Dyer was as rotten as this. I think when Gill cast a vote in that election that the same class of officers of election took and scratched the ballot and put in Dyer's name, and elected Dyer then just as they are trying to elect him now. Who would have any regard for such officers and such judges of election——

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HARDY. No; I have not the time.

When the committee found that character of officials making returns, and in whom they could not place any confidence, it was then either one of two things—either to throw out the returns or go back down there and hold the election over. Now, do you believe it was the function or the place of this committee to go back down to St. Louis and try to gather up all the voters who voted in that box? I admit that many of them actually did scratch Gill and wrote in Dyer. Here we find the judges of election falsifying the record, and we absolutely know that you can not go to a precinct in any place in the United States months afterwards and find out just how the vote was.

It was one of two things, to deny the people of that district the right of representation on this floor or to throw out those four, or five, or six, or seven rotten places; and this committee tells you they did not throw out all the rotten ones, but the rottenest. In discussing precincts 2 and 9 I have not tried to select the rottenest of the seven precincts rejected by the committee. I do not know about the others so well, but I know about 2 and 9. No man honestly wanting to arrive at a just conclusion would allow those returns to figure in the result of an election. And now, I ask, should the committee have granted contestant's request and gone back to hold that election over? They had fifty-and-odd voters of that precinct before them, and many of them were not certain how they voted. How could the committee have found out? By examining all of them? There were a few positive and a great many uncertain. How could they have found out how the vote was cast? Gentlemen, it is absolutely absurd, and I do not believe such a proposition as was sought to be maintained in this case has ever been acted on anywhere. It would have been absurd for this committee to have said that they would go down there and hold this investigation 18 months after this election was over. When the proposition was made, too, the adjournment of Congress was, we believed, only a short time away.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HARDY. Mr. Speaker, I ask for three minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARDY. I have but little more to say. Gentlemen, the whole evidence in this case is not familiar to many of us. It was gone over week after week and month after month by the Committee on Elections. That committee looked into the faces of the witnesses, having them all before them, and examined and cross-examined them, and the Democratic and Progressive members of that committee come as a unit before you and tell you that as to those seven boxes the judges of the election were so rotten and corrupt they could not believe them. Will you, because a little sympathy and prejudice has been injected into this case by the charge that Gill voted against the nominee, which he *denies*, overthrow the deliberate judgment of your committee, who are as honest men as we are?

I took the opportunity to ask, in talking to an old friend of mine, whom I know, "What kind of a man is Gill?" and he replied, "He is as clean as you are." I do not know how clean I am, but I know how clean I think I am. I know if that statement is true, Gill did not vote against Kinney and then lie about it. And when a clean man comes before you, the thing to do is not to eject him on the ground that he was a traitor when he denies it. And when you have got the proof of the treachery of the officers of election, who made the charge and who are guilty of all sorts of fraud, as proven here, how much credit would you give to the fact that they showed a ticket with Kinney's name scratched and Dyer's written in two or three years ago? They put up the same kind of a job on Kinney then that they put up on Gill now. It is the same kind of thing. I want to say, *gentlemen*, that if ever a case was rotten and reeking with corruption, if ever an election fraud deserved the stamp of the disapproval of the Democratic Party placed on it, it is in this case. I do not blame Dyer, but it was the little petty men, maneuvering with the political tricksters of that ward, who perpetrated the fraud—who, perhaps, could not do anything straight if they wanted to do so. Kinney's brother, running for the senate, traded for his own benefit, or was traded for, and got 300 votes for himself, while Dyer got votes on the other side. If there had been only a trading of votes, the validity of the election would not be affected; but if the judges were so corrupt that no faith in the verity of their returns can be had, then those returns must be rejected. In my judgment, these officers of election, in order to carry out their political trade, so falsified the ballots and the returns that there is no truth in them. The whole thing is corrupt, and corruption must not be allowed to triumph. Let it be forever known that such election officers can not elect men to Congress.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I hope I may be permitted to present my argument without interruption, as my time is limited.

I have no feeling in this case whatever. I am fond of the sitting Member, my colleague Mr. Dyer, because he has proven a useful Member and an able representative of the people of his district. I also like the contestant. Before he moved into the twelfth district he was a resident of mine and ran for Congress against me. He acted honorably and decently in that campaign, and certainly I want to do him justice.

This contest differs materially from the many previous ones that have come from the twelfth congressional district of Missouri.

Mr. RUCKER. How many have we had from there? Can you tell?

Mr. BARTHOLDT. I do not wish to be interrupted.

Mr. RUCKER. Will the gentleman answer that one question?

Mr. BARTHOLDT. I will ask the privilege to continue, because I have only a limited time.

Heretofore these contests were mostly based on charges of irregularities and frauds preferred by Republicans against Democrats, while in this instance the Democratic contestant brings charges of this character exclusively against the election officials and voters of his own party. It is, in other words, the result of a feud in the Democratic Party, of a contest between two Democratic factions, one led by contestant and the other by the Democratic boss of the fifth ward of St. Louis, Michael E. Kinney. Not a single Republican vote is questioned or challenged, and no blame whatever attaches to the contestee, my colleague Mr. Dyer. This is frankly admitted by the majority of the committee who state in their report—

> That no charge of misconduct or impropriety attaches to Mr. Dyer personally; that he was not a participant in the conspiracies, irregularities, or frauds which gave rise to this contest, and has served as an honorable Member of this House.

At the outset, then, it must be put down as an incontrovertible fact that if frauds were committed at the election which resulted in the return of my colleague to Congress they were Democratic frauds perpetrated exclusively by adherents of that party. The majority report therefore and every Democratic vote cast for that report in this House is a distinct indictment against Democrats.

Before I proceed to tell the House what I know as a Representative of St. Louis of the Democratic family feud to which I have referred let me briefly analyze the majority report to ascertain what these alleged frauds consist of. It is claimed that the Democratic judges and clerks of election in seven precincts of the fifth ward had entered into a conspiracy to defeat their own party candidate and had accomplished this purpose in the first place by false counts and, secondly, by scratching contestant's name and inserting that of contestee on ballots in the hands of alleged illiterate voters, many of whom, it is asserted, were really not illiterate. Contestant's case rests entirely on these allegations. Now, let us see. Who are those judges and clerks? Are they representatives of the dominant faction or of a political ring? No; they are official appointees of a bipartisan board of election commissioners selected for a term of years upon the recommendation of the party central committee. This fact certainly does not support the theory of a conspiracy, and, what is more, there is nothing in the evidence to support it. It is true that discrepancies were discovered between the original count and the official recount of the ballots, but, considering the intellectual caliber of these election judges and the totally unaccustomed and difficult task they had to perform during 22 or 24 consecutive hours, these discrepancies might have been unintentional mistakes just as easily as a result of a conspiracy to defraud. If the latter, would these judges not have guarded against detection, knowing that an official recount would be had, by making the tally sheets correspond with the ballots? And how will the majority reconcile their theory with the fact that in several of the seven suspicious precincts which they propose to throw out contestee actually gained votes on the official recount? In other words, he had been credited with less votes by the judges than he was entitled to. Does that look as if the poll judges had been in a conspiracy to count him in? The fact is, Mr. Speaker, that what the majority of the committee mistakes for a conspiracy was simply a consensus of political opinion among certain Democrats to the effect that their candidate for Congress should be beaten because they had found him to be disloyal to their party candidate at the previous election. I shall refer to that more fully later on.

The second ground on which the majority base their decision is the manner and extent to which the Democratic judges of election in the seven precincts heretofore mentioned assisted illiterate voters of their own party in the preparation of their ballots. The assumption of contestant, accepted by the majority, is that these judges usurped the rights of the voters by substituting Dyer's name for Gill's on the ballots, and it is further assumed that they did this whether or not called upon to assist in the preparation of the ballots. It was incumbent on the contestant to substantiate this charge by irrefutable evidence. In this, however, he has utterly failed, and his whole case has collapsed right here. So weak and unsatisfactory was the evidence adduced by contestant on this point that the majority of the committee, endeavoring to shift the burden of proof in the last minute, asked the contestee why he had not furnished proof to the contrary, but when he asked for an opportunity to do so, offering to adduce the evidence within 30 days, the majority, by a vote, denied him this opportunity. It is proper to state in this connection that there was one Democrat on the committee who refused to lend his hand to this palpable denial of justice. It was the distinguished gentleman from New York, the honorable chairman of the committee, Judge GOLDFOGLE. He had seen distinguished service on the bench and, acting as a judge rather than a partisan, was determined to administer evenhanded justice in this case. As mentioned in the majority report he did not only vote in favor of allowing contestee to furnish the lacking evidence, but afterwards made a motion himself to have the committee take "such further testimony as it shall deem necessary to the determination of the questions of fact." But this motion, too, was voted down, although in the very precedent which the majority cite in justification of their action (Giddings *v.* Clark, in the Forty-second Congress), it is laid down as a rule that the right to take further testimony shall be granted to a sitting Member if thereby he would be enabled "to obtain such material evidence as will establish his right to the seat." This is exactly the case here.

Although I hold that on the evidence presented the House should here and now decide this contest in favor of the sitting Member, I shall willingly assent to the taking of further testimony, because, in my judgment, this would enable every fair-

minded Member of this House to come to the same conclusion. In fact, if ever the rule just cited should find application it is in this case. And this brings me back to the evidence now before us.

The total vote cast in the seven precincts of the fifth ward—the vote in all other parts of the district being unchallenged—was 1,537, which, according to the official recount, were distributed as follows: Dyer, 825; Gill, 406; Progressive, Socialist, and scattering, 231; and "no vote," 75. There is no complaint as to the 231 for the Progressive, Socialist, and so forth, so we can deduct those from the total of 1,537, leaving 1,306. Of these the contestant received 406, which, naturally, he does not challenge; hence, taking off 406 from 1,306, we have left 900 votes to further analyze. Now, the contestant complained only of Democratic ballots cast in those seven precincts; hence we should deduct as absolutely unchallenged the 388 Republican ballots, which will leave a balance of 512 votes to explain—the difference between 1,025 undisputed by contestant and 1,537, the total vote in these precincts. "These 512 votes," says the minority report, "constitute the entire number of Democratic ballots in these precincts which had Gill's name scratched." On 437 of these Dyer's name was written underneath, while on 75 Gill was scratched, but no name substituted. As the 75 were counted for neither one nor the other of the candidates, the whole controversy reduces itself to the question of the reliability of 437 votes. It was the sole matter to be decided by the committee. And how did they decide it? By throwing out all of the 437 ballots? Oh, no. Even of these votes, they knew, there are too many whose integrity and correctness had already been established to risk awarding the seat to the contestant on such a showing. Therefore, to be on the safe side they decided to throw out all the 1,537 votes cast in all the seven precincts, the 1,100 honest ones together with the 437 whose reliability has been questioned, and by doing so they succeeded in squeezing out a majority of just 67 for contestant. The excuse given for this attempted wrong is that the returns from all those seven precincts were—I quote the language of the majority report—"so tainted with fraud that they must be considered as utterly unreliable," a statement which is refuted even by the known facts. If 1,100 ballots out of 1,537 are conceded by both sides to be straight and honest votes, unreliability can, at the most, be asserted against the balance, namely, the 437, but not against all 1,537. Yet the committee asks this House in all seriousness to disfranchise 1,100 citizens the integrity of whose votes no one has called in question. It is in your power, gentlemen, to accede to this demand, but the only possible excuse you will have for it is that contestant is a Democrat, and that the Democratic majority can do what it pleases.

I could rest the case right here, but let us see about those 437 ballots which are alleged to be tainted. They are Democratic ballots, as I said before, on which Gill's name was scratched and Dyer's written in. We are not without evidence as to those ballots. It was the duty of contestant, as I said before, to submit evidence as to every one of them. He had the names and addresses of all these voters, and more than that, he knew from the recount and the poll books how each had voted and what Democrats had scratched him. The record shows that before he started to subpœna witnesses he circularized the whole ward with letters asking for information from those who had voted against him, and how many did he finally subpœna as witnesses? A total of 56. And what about the other 381 who had scratched him? We do not know, the committee does not know; in fact, nobody knows, except perhaps Mr. Gill, and he will not tell us. But I ask you are we not justified in concluding that the reason why contestant did not summon them as witnesses was that their answers did not suit him? And what about those 56? Why 24 confirmed their ballots, 14 were uncertain, and 18 contradicted their ballots. If the same relation held good throughout all the seven precincts, and we deducted all the contradicted ballots from the majority for contestee, he would still have a majority of several hundred votes. In the absence of actual evidence this would be the only fair way of reaching a conclusion. But what the committee and the House should insist upon is the evidence. To throw out 1,537 votes upon testimony questioning about 1 per cent of them would, as is justly pointed out in the minority report, be a grosser fraud than any supposed to have been perpetrated at the polls.

To make a case the majority points out that voters were not sworn as to their illiteracy. That is true; but ever since the Supreme Court of Missouri has decided that the statute requiring oaths is only directory, oaths have not been administered in any St. Louis elections, and the judges frankly testified to this fact. Why so many voters were assisted, even some who were not really illiterates, is lucidly set forth in the minority report. To scratch a ballot correctly, everyone will admit, requires more than a mere ability to write your name.

The more ignorant voters—and that class naturally abounds in a cheap lodging-house ward like the fifth—did not know how to scratch, yet they wanted to get even with Gill because of his party disloyalty to Thomas Kinney, who had been their leader and friend. Hence they asked the judges to assist them from fear that if unassisted they might invalidate their ballots. The scratching was usually done by the same judge in each polling place in accordance with an old practice whereby Democratic judges assist Democratic voters and Republican judges Republican voters. This accounts for the fact that so many of the scratched ballots show the same handwriting in each precinct. The judges frankly admitted this to be a fact, and made no attempt at concealment.

So much for the minor facts in the case. I say minor facts, because the thing of real importance and which alone furnishes an ample explanation for Mr. Gill's defeat I have so far touched only slightly. It was not a conspiracy of the election officials, but a state of mind of the voters of the district, and especially of the fifth ward. The majority in their report admit it and other speakers have referred to it, but as a St. Louisian I can testify to it from a knowledge of the local situation. The contestant had incurred the enmity of a powerful element in the Democratic Party, because in the 1910 election he had scratched the Democratic candidate for Congress, the late Thomas Kinney, and had voted for Dyer. Tom Kinney, as he was familiarly called, was the Tim Sullivan of the fifth ward. He had befriended the poor and needy and was always willing to help those in trouble. In a ward where there are so many of this class you may imagine what this means, especially when you remember that this very class is as strong in their affection as in their enmity. Tom quite naturally became a political leader by whom they swore, and after his death his memory became sacred to them, and they naturally transferred their allegiance to his brother, Michael, who, politically, stepped into Tom's shoes. When it became known in St. Louis that Gill had knifed Tom Kinney there was not a Democrat who was willing to bet a dollar on his election. The consensus of opinion was that "his goose was cooked." In order to save the day, the congressional committee was called together and in formal meeting demanded his withdrawal from the ticket, several committeemen informing him that there was no chance of his election.

It is unnecessary to go further, Mr. Chairman, except to record the result which was that the contestee ran behind his ticket in every ward of the district and lost the fifth ward altogether. In that ward meetings had been called in which the word was passed around to defeat Gill, and considering all the circumstances it is surprising that he received as many votes as he did. That he was fairly and squarely beaten by Democrats refusing him their support will be corroborated by prominent leaders of the St. Louis Democracy, and it may, indeed, be said that he has no one but himself to blame.

Reverting to the charge of conspiracy among the Democratic election officials, let me ask what reason could they possibly have to defeat their own party candidate, except that he had proved unworthy of their friendship? They had loyally supported him at the primaries, but as soon as they had discovered that he had deceived them with his professions of friendship and admiration of Tom Kinney, they had a double reason to turn against him, one being that he had knifed their erstwhile leader, and the other that he had, not to use the short and ugly word, posed as his friend. Instead of a conspiracy to defraud, it was a more or less concerted action dictated by honest convictions, and while these men, typical as they are of the population of the ward, might be very plain people, their example of indignant resentment of political duplicity, in my judgment, deserves high commendation rather than criticism from every standpoint of good morals. A St. Louis jury, it seems, has just indorsed this view by acquitting one of these election judges who had been indicted as a result of the Dyer-Gill contest. It was the first, and will no doubt be the last, of these trials, for it is to be presumed that the prosecuting attorney had selected the strongest case to secure a conviction.

My conclusions are that contestant has failed utterly to establish by evidence his right to the seat now occupied by my colleague Mr. Dyer. If such evidence is available he has not adduced it. As it is known that he did address the 437 Democrats who scratched his name, the only logical conclusion is that the answers of at least 383 were not only not satisfactory to him but were favorable to contestee. Under these circumstances, not to allow contestee an opportunity to procure this testimony will amount to a denial of justice and to a determination, on the part of the majority of this House, to oust a Republican, right or wrong. The only other construction that could be placed on such a verdict will be that, in the opinion of the majority, Democratic voters have no right to scratch their

tickets, and when they do that the Democrats in Congress arrogate to themselves the right of correcting the will of the people. Such usurpation is bound to be resented by the honest voters of this country, and I trust there will be enough self-respecting Democrats on this floor to make such an outrage impossible. [Applause.]

Mr. GOLDFOGLE. Mr. Speaker, I yield to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, in addition to the evidences of fraud so clearly and vividly portrayed yesterday by the distinguished gentleman from Virginia [Mr. WATSON], I want to suggest that this House and every man in it who has served here during the last 10 or 12 years has other proof, strong, irresistible, convincing proof, that fraud was committed in the fifth ward of St. Louis at the election held in November, 1912. I unhesitatingly give it as my judgment that there has not been an honest congressional election held in the fifth ward in St. Louis in 12 years. And it is not Republicans that are at fault, nor is it Progressives, nor is it Democrats.

The shameful conditions, so long existing, due to the facts that the community there has been and is blighted by the political boss described by the gentleman from Missouri [Mr. BARTHOLDT], and is populated by a lot of miserable underlings who are subservient to the will of the boss. Three times has the seat of one Democrat from that district been challenged since I have been a Member of this House. Twice the occupant of that seat was ejected and driven in shame from this House, although he came here with apparently six or seven thousand majority of the votes to his credit. In his third contest, by reason of a promise that he would never run again, as I understand, he was permitted to hold his seat, which no doubt would have been taken from him, and justly so in all likelihood, if he had not made that promise. That man was followed by another Democrat, whose seat was also challenged for frauds committed in the fifth ward, and he by the vote of this House was driven from this Chamber. I am not certain as to whether the next gentleman's seat was challenged or not; but I do know that the present sitting Member, Mr. Dyer, had his seat challenged in the Sixty-second Congress by Mr. Thomas E. Kinney. That contest never was decided by the House, for the reason the contestant, Mr. Kinney, died before it was reached. And now Michael J. Gill contests the seat of the sitting Member from that district, Mr. Dyer, making at least six contests in 14 years from that district, and in every one of them fraud was charged and fraud was proven to have been perpetrated by the political bosses who dominated those precincts. My colleague [Mr. BARTHOLDT] refers to these same bosses as the "idols" of the people.

The distinguished gentleman from Virginia [Mr. SAUNDERS] took the floor a few minutes ago and by his argument succeeded in convincing me that he is of that class of "doubting Thomases" who must put his finger in the wounded side and must see and examine the pierced hand before he can or will believe. He is such a great lawyer, so rigid and judicious in all his views, that he spurns the judgment of his colleagues who constitute the committee that investigated and reported this election contest, though that committee is composed of able and distinguished lawyers, who are justly recognized for their ability and integrity and whose seats have never been contested. There are gentlemen here, perhaps, whose seats have been challenged and against whom adverse reports have been made by a Republican committee of a Republican House, but which adverse reports were subsequently, for some reason, by the action of a Republican House, recommitted to the Republican committee, and there the contest was permitted to sleep the sleep that knows no waking. We find a gentleman here insisting on abstract propositions of law and demanding abstract proofs which he knows or ought to know, from the very nature of things, can not be produced. He must remember that recently, in his own State, a man suffered the extreme penalty of the law upon circumstantial evidence. Oh, the gentleman would have us prove all of these things by direct, conclusive evidence, which, as a lawyer, he knows, and every gentleman who advocates the proposition knows, is impossible. Fraud is seldom proven by direct and positive evidence. It ought not to be required in cases like this.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Tennessee?

Mr. RUCKER. I regret I have not the time to yield. But I will not now seem to be discourteous to the gentleman. I yield.

Mr. AUSTIN. Just for a question.

Mr. RUCKER. Then I will yield. Make it short.

Mr. AUSTIN. I will ask the gentleman to explain to the House what he thinks about the acquittal of those same election officers by a jury in St. Louis, Mo.?

Mr. RUCKER. Oh, the gentleman from Missouri, Mr. Dyer, was frank enough yesterday to say that although the ballots were exhibited it was impossible to identify the voters, because under the order of the Supreme Court of Missouri the trial judge was instructed that the ballots must be pasted on a cardboard, so that the number on the ballot corresponding to the voter's number on the poll book could not be seen; and hence nobody could tell who cast a given ballot which was assailed, and, besides, the State had to rely for its evidence very largely upon the very scoundrels who perpetrated the fraud in its effort to establish fraud. The gentleman knows that there could not be a conviction under such circumstances. However, I do not want to be diverted to the discussion of that question——

Mr. COOPER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Wisconsin?

Mr. RUCKER. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. RUCKER. Gentlemen argue that a reason for this great slump of votes in the fifth ward is found in the wondrous power and personal influence of Thomas E. Kinney, a man strong among his fellows, a hard-working man, a man who sprang from the humble walks of life, and who, by uprightness of character and fidelity to duty, won and held the esteem and friendship of the voters of the fifth ward. They say he was a just and true man. Well, Mr. Speaker, I want to reply that in the last congressional election the people had a chance to vote for such a man in the person of Mr. Gill, a man who has earned his livelihood by the dripping of sweat from his brow as he bent over the workbench, a man who, even during the pendency of this contest, has gone to the neighboring town of Alexandria, Va., and there worked over a heated furnace blowing glass, in order to earn by his daily toil the dollars necessary to support his devoted wife and the children God has given him.

I appeal to you for justice and fairness to such a man, a man whom Dr. BARTHOLDT truly says is honorable and decent, and everybody who knows him knows this to be true. They say the wondrous influence of Thomas Kinney over the minds and actions of men, and which lost none of its power when Kinney died, was put in action by Mike Kinney in order to avenge the alleged wrong that Gill had done Tom Kinney, and that influence took the votes from Gill.

Let me call your attention to the fact that in the twelfth congressional district of Missouri, outside of the fifth ward, Mr. Gill received within 10 per cent of the number of votes cast for the Democratic candidate for governor. The shortage of votes suffered by Mr. Gill, outside of the fifth ward, possibly measures the influence of the great power over men that was held and exercised by Tom Kinney. It may be that that 10 per cent does reflect his power; but I say to you that when it comes to the fifth ward—that one ward which has given so much trouble, that has been so productive of election contests, which has cost the people so much in dollars and cents; that one ward against which more fraud has been charged and proven than in any other district in the whole United States—in that ward the slump of more than 60 per cent of the vote represents the perfidy, the shame, and the corruption of those judges and clerks of election. I am a Missourian, and I will talk plainly. I have no respect for men such as most of those judges and clerks are, nor do I fear them. Consider all this dodging around as to how these judges and clerks were appointed. The gentleman from Missouri [Mr. BARTHOLDT] a moment ago said, in effect, that they were appointed in order to revenge the wrongs done some one. Upon whose recommendation were they appointed? The brother-in-law of Tom Kinney, that man Egan, that man who shamelessly and arrogantly boasted that the judges and clerks "know their business"; that it was not necessary to see them all because "they know their business" recommended them. Oh, yes; they do know their master's voice; they were subservient to the superior will and the superior minds of this political boss, who succeeded the "idol" who they say sprang from obscurity into local political power and prestige in that community, and they did the bidding of their new boss. Justice and decency will be unknown in that community until all bosses are dethroned and shorn of power.

But let me say, do you Republicans think—and let me ask the same question of my Democratic friends—that these frauds that have been committed and these outrageous things that have been shown here are the result of influences that survived the death of Tom Kinney? Do you really think so? They tell us Kinney was a good man. I am willing to admit it. I have no

harsh word for him. I assume he was a good man, because all of Mr. Dyer's friends say he was. Under the law, from time immemorial, it has been held in all jurisdictions in enlightened civilization that statements made by one in extremity are admissible in evidence, though not under oath, because made in the presence of death. Hear what Mr. Kinney said about Mr. Dyer just a short time before this contest began. Kinney, whose contest was unsettled at the time he died, said in specification 47 against Mr. Dyer—and he had a whole book of charges against his friend Mr. Dyer, this splendid young man, against whom I have no word of complaint. Mr. Kinney charged—

That in said congressional district there were a large number of voters who were legally and lawfully registered and entitled to vote at said election who had expressed and declared their intention of voting for contestant at said election and were using all lawful and honorable means at their command to assist contestant—

That is, Kinney—

but contestee—

That is, Dyer—

who was a member of Gov. Hadley's staff—

A Republican governor of Missouri, the last we will ever have—

took offense at the action of such voters in supporting contestant, informed them of his official position, and threatened and bullied a large number of such persons by threatening them with arrest and locking them up in jail.

That is what Tom Kinney said about Mr. Dyer. He said that he, Mr. Dyer, had police officers of the city of St. Louis following around after people who were supposed to be his friends; that a Republican politician who owned a saloon—

directed such police officers to take such voters to headquarters of contestee—

To Mr. Dyer's headquarters—

and that he, the said contestee, arrogantly, insolently, and unlawfully interrogated and cross-examined such voters, and demanded to know the reason why they were working against him, and threatened them with being arrested, put in jail, and prosecuted.

In another place he charged that Mr. Dyer had detectives following his friends, and so forth.

Gentlemen of the House, that is what Tom Kinney said of Mr. Dyer just before he bade this world farewell. He never retracted these grave accusations. He left them as a part of the permanent record of this House. He said solemnly that Mr. Dyer was guilty of all those odious things; and yet, in the twinkling of an eye, as soon as Tom Kinney's spirit had taken its flight to the God who gave it, the whole atmosphere changed, and with a rumbling noise we find it going forth, surging throughout the district, in the hearts of all voters, that this man Gill betrayed Kinney, and therefore, according to the edict of the boss, it was agreed, "We will betray the Democracy of the district. We will not only vote against Gill for his alleged offense; we will not only do that, but we will take this herd of voters, body and soul, and deliver them into the camp of the Republican Party." Great God, you know that is not true! It is true, perhaps, that when a man does you wrong, when a man has betrayed you, your friends may resent it to the extent of scratching his name from the ballot; but a man who has ever pronounced the name of Democracy and received approval from on high will not be guilty of such a horrible thing as voting the Republican ticket, even in passion and for revenge, and it is nonsense to say he will. [Applause on the Democratic side.] Why should a man blight his political hopes by doing such an unrighteous act as that? [Laughter and applause on the Democratic side.]

But, they tell us, that is exactly what was done by some of these election fiends, these men whose only province in life is to do the bidding of superiors—these wharf rats, if you please. I want to say in passing that I have no doubt there are good men there; some good men who vote the Republican ticket and the Progressive ticket, and many good men who vote the Democratic ticket. But you can not make me believe they would commit such a heinous political sin. The gentleman from Virginia [Mr. SAUNDERS], who has returned to the room, is unable, with all his legal ability and astuteness, to make me agree to his contention, that we must in contested election cases prove our case as you would have to prove a murder case. He can not make anyone believe that. You do not have to prove grounds of contest beyond a reasonable doubt. When we show fraud on the rampage, fraud here and there; when we find fraud roaming over the district and permeating this precinct and that precinct; when we find evidences of it here and yonder; when we discover its loathsome presence in the polling place; when we find those who were sworn to obey and support the majesty of the law of that great State becoming willing tools in the hands of men who are bent on destroying the hopes and ambitions of men; when we find all these things the law of reason and justice, of decency and integrity, of purity and honor, demand that—when fraud has so permeated the election and returns and so controlled the conduct of those charged with conducting the election as to make it impossible for mortal man to separate the good from the bad, impossible to determine how many votes were honestly cast for one or the other—our duty is to cast all the polluted ballots aside.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. May I have five minutes more?

Mr. GOLDFOGGLE. I yield to the gentleman from Missouri five minutes more.

Mr. RUCKER. Let me appeal to this House as a citizen of Missouri, and not alone in behalf of Mike Gill, for the Lord knows he can go back to the blast furnace and again blow glass to earn a living for his wife and children if this House so decrees. It is not for him only that I plead, but in part for the imperial State of Missouri, whose escutcheon has been tarnished by the oft-repeated criminal practices and conduct of political bosses in the fifth ward of St. Louis. I appeal to you by your votes to-day to do as the Republican Party did when it was in power, and say to those people back there that before any man can sit on this floor to represent that great district of Missouri he must come with the majority of votes cast for him outside of the fifth ward, until such time as public sentiment, decency, honesty, and integrity shall crystallize and drive the political boss into hiding and permit honest men in that community to have an opportunity to cast their votes as their judgment directs and have them honestly counted as cast. I appeal to you in behalf of the State of Missouri. I appeal to you in behalf of the purity of elections everywhere. And you, my Republican friends—the Lord knows you have done wrong often enough—I take this opportunity to warn you. Now is the day and time for repentance. I appeal to you to cast a vote here in harmony with your best judgment. Did you really think Jim Butler, with 6,000 majority, practiced fraud, and for that reason vote against him? If so, cast a vote to-day to repudiate fraud and justify the action of the Democracy of the twelfth district in choosing the Representative of their choice. The distinguished lawyer from the great old Commonwealth, the mother of States and of Presidents, tells you that a special reason ought to be shown before we vote to cast out these fraudulent votes and give Mr. Gill the seat to which he was elected. He makes the specious plea that conclusive proofs must be offered. He advises that we go back to Missouri and take evidence again. We did not do that in other cases. I say to this House we have no right to hold another election in the twelfth district of Missouri at the suggestion of the gentleman who does not even claim the record before the House entitles him to hold the seat he has so long held without just warrant for doing so.

Mr. ANTHONY. Will the gentleman yield?

Mr. RUCKER. Make your question very short, please.

Mr. ANTHONY. Did the gentleman vote to unseat Jim Butler?

Mr. RUCKER I think I did not.

Mr. MANN. I know you did not.

Mr. RUCKER. I will accept your statement and admit you are right. But, Mr. Speaker, it is always right to vote against Republicans when any question of politics is involved. Suppose, however, I voted wrong then, will you retaliate by voting wrong to-day?

Mr. MANN. No; I will not; but the gentleman will a second time, though. [Applause on the Republican side.]

Mr. RUCKER. I am inclined to think the gentleman has previously made up his mind to do that which his conscience may hereafter upbraid him for doing. I hope he will vote right once, but fear he will not. But I care not. I appeal to those whom I believe will do the right. I appeal to you gentlemen, and I tell you these things which the gentleman from Virginia says may have happened accidentally did not happen accidentally. The thief does not run his hand in your pocket accidentally; he does it deliberately. Did those judges and clerks make false returns accidentally, did they? You know they did not. I do not believe that the true version has been given. I do not believe this wrong was done Mike Gill because Tom Kinney understood and believed that Gill had voted against him. I believe it is the result of a conspiracy to elect a Republican Member of Congress and a Democratic State senator. Gill is a good Democrat, an honest, conscientious man, and he has stated in this solemn presence, his future at stake, with every aspiration and ambition of his life dependent upon the action of this House—he has stood here and told you in the presence of his God, invoking the presence of his sainted mother to witness

the declaration, that he never voted for a Republican in his life. That is enough to establish his Democracy and refute the charge against him. I say to you gentlemen of the House, in my judgment the wrongs we complain of were not accidental; they were deliberately perpetrated. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. McKENZIE. Mr. Speaker, how much time is there remaining on both sides?

The SPEAKER. The gentleman from New York has 60 minutes remaining, and the gentleman from Illinois has 52 minutes remaining.

Mr. McKENZIE. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Speaker, in the short time allotted me I can only refer to some of the more important features of the case.

The contested-election case of Gill against Dyer is being considered without regard to party affiliation and will bring the members of all parties together on common ground, for the reason that the seat of a sitting Member in Congress is involved who in no way was connected with the alleged fraud or conspiracy. This fact was recognized by the majority of the committee, who, in their report, say:

The voluminous testimony in the case, comprising 2,205 pages of closely printed matter and a multitude of exhibits, was given careful reading, searching attention, and painstaking consideration. In view of the fact that no charge of misconduct or impropriety attaches to Mr. Dyer personally, that he was not a participant in the conspiracies, irregularities, or frauds which gave rise to this contest, and has served as an honorable Member of this House, the discharge of the serious and important duty of this committee was rendered the more difficult.

In the consideration of the evidence, listening to the arguments of the parties to the contest and their counsel, and an examination of their briefs, it is clearly evident that the real cause for the defeat of Gill can also be found in the report of the majority on page 5, which says:

The conclusion at which the committee has thus arrived is strengthened by the fact, contended for by the contestant and deduced from the evidence, that some of the judges and clerks of election entertained what might well be called a political factional antagonism against Gill for what they conceived he had done as a voter in the election of 1910. In that election Thomas Kinney was the Democratic candidate and Mr. Dyer the Republican candidate for Congress in the twelfth district of Missouri. Dyer was declared elected and took his seat. Kinney contested the election. Subsequently and in 1912 Gill was nominated as the Democratic candidate for Congress, receiving Kinney's support at the primaries. While this Kinney-Dyer contest was in progress a recount of the ballots was had.

An examination of Gill's ballot revealed the fact that he had scratched Kinney and voted for Dyer. Thomas Kinney died before the disclosure was made, and Michael E. Kinney, his brother, succeeded him in the Democratic leadership of the ward. Gill was called before the congressional committee of the ward to make an explanation of his scratched ballot. He stated that there must have been some mistake. That explanation was not accepted, and Kinney and his brother-in-law, Thomas Egan, Democratic committeeman for the fifth ward, thereupon made known to their followers that they were strongly opposed to Gill's election and desired his defeat.

See page 59 of hearings.

Now, let us examine the evidence offered before the committee:

Those two pages—

And so forth.

Those two pages of the record, 2084 and 2079, gentlemen, show very plainly that in the November, 1910, election, when Kinney ran as the Democratic candidate for Congress, that Gill scratched Thomas E. Kinney's name, the Democratic candidate, and voted for the Republican candidate.

When this information reached Michael Kinney, a brother of Senator Thomas E. Kinney, and who had recently died, Michael Kinney and his friends immediately stated that with this corroborative proof of Gill's duplicity and deceit in their possession that they would not under any circumstances support Gill for election.

So at Michael Kinney's request a meeting of the Democratic congressional committee for the twelfth district was called at once, the members of this committee being, ex officio, also the members of the Democratic city central committee for the seven wards and parts of wards comprising the district. This meeting was held about two weeks before the November election at the Democratic headquarters, and six of the seven committeemen attended, only Daly, of the seventeenth ward, being absent. Thomas Eagan, of the fifth, and John Clooney, of the sixteenth, from whom Kinney had gotten the records showing Gill's vote, were both there. By invitation of the committee Kinney remained at the meeting, and Gill was present by request.

Kinney asked Gill if he had ever voted for any Republicans, and was answered that he had voted "for maybe five or six for minor offices." Asked if he had voted for the congressional nominee, Kinney—two years ago—said that he thought that he had. The records showing his vote were then shown to Gill by Kinney, who asked Gill if he had not voted for Dyer. Gill answered that he thought "it was a mistake." All present then looked at the records, and Gill said, "I still say it is a mistake," but would not say "yes" or "no" whether he voted for Dyer. Kinney then asked Gill if he had taken any interest in the election two years ago. Gill answered that "it was an off year," but that he "went around and made a couple of speeches." Kinney asked him where, and he said "in Fitzsimmons's ward"—the fifteenth—which statement Fitzsimmons, who was present as committeeman from that ward, promptly denied. Gill said nothing further, and Fitzsimmons said to him, "The best thing I could say about it, you ought to withdraw from the ticket"; but Gill said he would not withdraw. Then Griffin, a member of the twenty-third ward and chairman of the committee, got up and said: "Tom Kinney had a great following in his ward; he was well liked down there, and this talk and record here is bound to get to the people down there, and they surely are not going to vote for a man who voted against Tom Kinney; the people would not vote for a man who had voted against Tom Kinney."

Griffin also asked Gill to withdraw, in which request he was joined by Rice, the committeeman from the seventh ward, but Gill still refused to withdraw. The testimony in detail covering what happened at this meeting is set out in the record on the pages referred to on page 10 of brief of contestee.

However, the minority of the committee draw an entirely different conclusion and dissent to the finding of the majority of the committee. The minority contend that there was no intended fraud or conspiracy on the part of anyone in the fifth ward or elsewhere in the twelfth congressional district of Missouri to defeat Gill and elect Dyer. It was simply a psychological condition of mind that existed in the fifth ward. The strange and complex people, residing largely in boarding houses, lodging houses, and tenements, honestly believed that they had a serious grievance against the contestant in this case. They were extremely wrought up in their belief that Gill had "knifed" their leader, Kinney.

Tom Kinney said:

"I don't know how he (Gill) got as many votes as he did; he must have stolen them." And (p. 1193) "I knew we had enough to beat him, and that is all I was concerned with." And (p. 1192):

"Q. You testified that you had a hundred or more people at your meeting when you gave out the words to defeat Mr. Gill?—A. We did, we had more than that; we had one that went about 500, after we gave the same order out at one of our regular meetings."

Other witnesses also testify that they had plenty of votes to defeat Gill long before the election. State Senator Michael Kinney, whose brother Gill scratched two years before, testified, at page 1250:

"Just as soon as that report (of Gill scratching Kinney in 1910) went out, why it was around—they were up in arms—everybody that met me and asked me, I told them about it * * *. The story was circulated; if Dyer was good enough for Gill to vote for two years ago, he was good enough for them to vote for this year * * *. I voted for Dyer, the first Republican I ever did vote for, and I hope it will be the last."

Other witnesses to the preelection uprising against Gill are Judge Bishop (above mentioned), now Democratic assistant circuit attorney, who said (p. 318): "It was noised all through the ward; had been for some little time before the election." And Thomas Burke, a voter (p. 422), said: "I just told him (the judge) to scratch Mr. Gill's name * * * I had my mind made up"—because Gill had "double-crossed" the Democratic ticket two years before. And (p. 423) Burke testified further:

"Q. Did that seem to be the unanimous feeling up there?—A. Yes."

This was in precinct 17, which the majority would throw out, on testimony, about only 4 contradicted ballots out of 200 cast.

Then William Hoppe, another voter and not an election official, though active in the ward, testified (p. 1301):

"Q. So that there was a general or widespread feeling among the Democrats, as far as your knowledge extended?—A. The whole ward and outside the ward, any place you go to."

So the word went over the district, and the very thing happened that has happened many times before, that a wrong, real or fancied, has caused people to vote against one supposed to be the wrongdoer.

Again, referring to the report of the majority on page 7, the committee says:

After the committee in the month of March last had taken a tentative vote on the question what, if any, precinct returns should be rejected, and a majority had expressed their views favorable to the proposition that the polls of the seven precincts mentioned ought to be set aside, the contestee, Mr. Dyer, applied in writing to the committee for leave to give further testimony to show what votes were actually cast for him and for Mr. Gill, respectively, in these excluded precincts. After hearing the contestee, the committee denied the application, the chairman of the committee and Messrs. McKENZIE and SHREVE dissenting. A motion by the chairman that the committee recommend to the House the adoption of a resolution authorizing and empowering the committee to take such further testimony as it shall deem necessary to the determination of the questions of fact in this contest, either by it or by subcommittee, was likewise denied.

As has already been stated, there was a recount of the votes under the laws of the State of Missouri, and the contestant had received the benefit of all of the errors made by the judges in counting the ballots, and it is held by the minority that the case should rest there as regards this feature of the contest.

The majority failing to concur in our contention leads us to feel that the request of Mr. Dyer to take further testimony should have been granted. This contention was concurred in by the distinguished chairman of the committee, who made a motion to have the Committee on Elections take this further testimony. This was also voted down, as set forth in the majority report. Chairman GOLDFOGLE has seen distinguished service as a judge in New York City and has served with distinction as a Member of this House for 15 years, and the fact that he took the position that he did on this request shows that it was reasonable and just and ought in fairness to be granted. The House should, without question, overrule the majority in this request and order the committee to take further testimony, as indicated, to clear up the point to the satisfaction of the mem-

bership of this House, and that no injustice be done to Mr. Dyer.

Now, what is the excuse given in the majority report for the denying of this request of Mr. Dyer to take further testimony? The report says it would leave Mr. Dyer in office during the time it would take to allow him to examine the witnesses in question; that he would be drawing the pay, and so forth. But it is not denied that Mr. Dyer's request was for only 30 days, the expense to be borne by him, and in case he did not get the testimony to satisfy the committee that he (Dyer) was elected, then he (Dyer) would forfeit all pay as a Member of the House. In view, therefore, of these facts, the excuse given by the majority report is not entitled to consideration.

Now, I would like to say a word about the character of the officials and how they were selected. First, there has been an impression or intimation that these officials were selected about the time of this contest, about the time it was first discovered, and that Gill was charged with knifing the Democratic ticket. As a matter of fact, this meeting was, as will be seen by the evidence, called two weeks prior to the election. Here is what Mr. Blevins, the able counsel for the contestant, has to say on the subject:

Mr. SMITH. I understand the charge is made that those election officers were selected because they were for Dyer and against Gill?

Mr. BLEVINS. Oh, no. They would not have been appointed if the election board had known that they were not straight party men; they would not have been appointed at all, because my late associate, Mr. Jamison, who is now general counsel of the M., K. & T. Railway Co., was a member of the election board and was at the time these judges and clerk were appointed, and they all made a fair showing that they were straight party men, or they never would have been appointed.

* * * * * * *

Mr. MCKENZIE. Mr. Blevins, will you permit me a question right there?

Mr. BLEVINS. Certainly.

Mr. MCKENZIE. When are these judges and clerks of election recommended—at what time?

Mr. BLEVINS. Well, they are recommended—under the law they are appointed for two years.

Mr. DYER. Ninety days before the election.

Mr. BLEVINS. Ninety days before the election, and they hold over until after the election, until about 90 days before the following election; but, as a matter of fact, vacancies occurred right along to almost the very day of the election, and to fill them appointments were being made constantly right up to the time of election.

Mr. MCKENZIE. May I ask you another question?

Mr. BLEVINS. Yes, sir.

Mr. MCKENZIE. In order that we may get something clear in our minds, when was this meeting held by the Democratic congressional committee in which Mr. Gill was present and the question of his having voted against some of the Democratic candidates at previous elections brought up and discussed? When was that meeting held?

Mr. BLEVINS. I understand that there was said to be some sort of a meeting of that kind held by the members of the committee a week or ten days before the election.

Mr. MCKENZIE. That was long after the recommendations had been made for judges and clerks?

Mr. BLEVINS. Oh, yes. Probably there may have been a few judges and clerks recommended and appointed after that, but very few.

Now, gentlemen, that completely disproves the idea that these election officers were appointed after the fact had become known or that it was noised about in regard to Mr. Gill's conduct at the previous election.

Mr. COOPER. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. COOPER. I understand it to have been claimed on the part of the contestant here that there was a conspiracy among the judges, and that they were appointed in pursuance of that conspiracy in order to wreak a vengeance on Gill because he had voted for Kinney. As a matter of fact, these judges were appointed a long time before anybody knew or even claimed that Gill had voted for the Republican candidate?

Mr. SHREVE. That is absolutely correct.

Mr. COOPER. That is an exceedingly important point and disproves the whole argument.

Mr. SHREVE. Mr. Speaker, this completely dispels the theory that has been injected into this case, that these men were appointed at about the time it was learned that Mr. Gill bolted the Democratic ticket. As a matter of fact, these men were selected 90 days before that time. Even the contestant himself comes before you and tells you of the high character and standing of these men who comprise this election board. These men were selected because they were straight party men. We must stop and consider the class of people from whom these selections have to be made. They may be poor, but they are honest. They may be unable to read and write, but they are honest; and they might not be able to run up the figures with such mathematical accuracy as some other men, but they are still honest. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. MCKENZIE. Mr. Speaker, I yield one minute more to the gentleman.

Mr. SHREVE. Mr. Speaker, take the case as it stands to-day, and the very inconsistencies which you find in the records go to prove that there was no conspiracy. Every lawyer who has had experience in the criminal side of the courts knows that when a criminal starts out to do a piece of work he does a better job than was done anywhere in this district. The court in St. Louis has already purged the second district, and so all we ask of you to-day is to let us go back and take the testimony of those other 412 men; let us determine whether they scratched their ballots or whether they did not. It is only fair and reasonable to do that, and I trust and sincerely hope and believe that this body will take this fair and impartial view of this case and that we will be allowed to take additional testimony. [Applause.]

Mr. KEATING. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. FLOYD of Arkansas). The gentleman will state it.

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GOLDFOGLE. Mr. Speaker, I trust the gentleman from Colorado will not insist upon that. It was understood yesterday that there were to be no points of no quorum made.

Mr. KEATING. Mr. Speaker, I will say to the gentleman that this discussion is very important and that these arguments should be heard by the jury.

Mr. GOLDFOGLE. I agree with the gentleman in that respect; but, as a matter of fact, when the Members come in and answer to their names, they will go right out again.

The SPEAKER pro tempore. The gentleman from Colorado makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MANN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Fess	Korbly	Reed
Ainey	Fields	Kreider	Reilly, Conn.
Anderson	Finley	Lafferty	Riordan
Ansberry	Fitzgerald	Langham	Rothermel
Avis	Fordney	Langley	Sabath
Bailey	Fowler	Lee, Ga.	Scully
Barchfeld	Frear	L'Engle	Shackleford
Barkley	Gallivan	Lewis, Md.	Sharp
Barnhart	Gard	Lewis, Pa.	Sherley
Bell, Ga.	Gardner	Lieb	Sherwood
Blackmon	Garrett, Tenn.	Lindquist	Sisson
Borland	George	Lloyd	Slayden
Brodbeck	Gerry	Loft	Smith, Md.
Brown, N. Y.	Gillett	McAndrews	Smith, J. M. C.
Browning	Gilmore	McCoy	Smith, Minn.
Bruckner	Goeke	McDermott	Smith, Tex.
Brumbaugh	Gordon	McGuire, Okla.	Stanley
Bulkley	Gorman	MacDonald	Stedman
Burke, Pa	Goulden	Madden	Stephens, Tex.
Burnett	Graham, Pa.	Mahan	Stevens, N. H.
Butler	Greene, Vt.	Maher	Stringer
Calder	Gregg	Manahan	Talbott, Md.
Callaway	Griest	Martin	Talcott, N. Y.
Campbell	Griffin	Merritt	Taylor, N. Y.
Cantor	Gudger	Metz	Thacher
Cantrill	Hamill	Montague	Thomas
Carew	Hamilton, N. Y.	Morgan, La.	Townsend
Carlin	Hardwick	Morin	Treadway
Cary	Hart	Moss, W. Va.	Tuttle
Chandler, N. Y.	Hayden	Mott	Underwood
Church	Hayes	Murdock	Vare
Clancy	Helm	Murray, Mass.	Vaughan
Claypool	Henry	Neeley, Kans.	Vollmer
Collier	Hinds	Neely, W. Va.	Wallin
Conry	Hobson	Nelson	Walsh
Copley	Hoxworth	Norton	Watkins
Covington	Hughes, W. Va.	O'Brien	Whaley
Crisp	Hulings	O'Leary	Whitacre
Dale	Humphrey, Wash.	O'Shaunessy	White
Danforth	Humphreys, Miss.	Paige, Mass.	Willis
Davenport	Jones	Parker	Wilson, Fla.
Decker	Kahn	Patten, N. Y.	Wilson, N. Y.
Dies	Keister	Peters, Me.	Winslow
Difenderfer	Kennedy, R. I.	Peters, Mass.	Woods
Dooling	Key, Ohio	Phelan	Young, N. Dak.
Doremus	Kinkead, N. J.	Plumley	Young, Tex.
Dunn	Kitchin	Porter	
Estopinal	Knowland, J. R.	Powers	
Fairchild	Konop	Rainey	

The SPEAKER. On this vote 240 Members have responded to their names—a quorum.

Mr. FOSTER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Missouri [Mr. BOOHER] is recognized for five minutes.

Mr. BOOHER. Mr. Speaker, I do not think it is worth while to discuss the question of fraud in this case, because the

report of the majority and minority of the Committee on Elections admits the fraud, and say that fraud was committed in certain precincts, and the minority of the committee are asking for an opportunity to disprove that the fraud was sufficient to vitiate the election in these certain precincts. Now, this fraud is admitted, so that the argument of our friend from Missouri [Mr. BARTHOLDT] that the action of the judges in the questioned precincts was a mistake falls. My friends, their action was not a mistake, it was not considered so by a single member of your Committee on Elections, but it was considered fraudulent conduct or the committee never would have been asked to go down there and take testimony to disprove it.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. BOOHER. Just for a question.

Mr. BARTHOLDT. How did the jury consider that which has just been sitting on this case?

Mr. BOOHER. I do not know; I am not familiar with that case. I am not responsible for what juries do. We are not going to decide this case by what a jury did. I understand that the point made yesterday about that case before a jury that the ballots were exhibited to the jury and they saw the numbers and that they compared them with the poll book is not borne out by the facts. The decision of the Supreme Court of the State of Missouri that allowed those ballots to be shown was that the numbers should not be shown, and before these ballots were exhibited to the jury, I am told, there was a piece of paper pasted over the ballot so that nobody could see what the number was.

Now, that was done in order to secure the secrecy of the ballot, and nobody was permitted to compare the ballots with the poll books to see how anyone had voted. I am not going to discuss that question. If the defense was made in that case, as I understand, yesterday, then it is an impeachment of the election board of the city of St. Louis. The board of elections in St. Louis appointed these judges, believing them to be honest and efficient, and not the scoundrels they proved themselves to be. We are told the defense in that case was that if these ballots were changed from the original count, they were changed by the contestant in this case and his attorneys when the recount was made. Now, the man who made that statement before a jury or before this House knew that neither the contestant nor his lawyers could touch one of those ballots. The election commissioners read the names off of these ballots and the clerks appointed by the election board made a tally, and the contestant or his lawyers or the contestee or his lawyers, who were present, could not touch a ballot or handle them in any way. Why bring that up in this case? Now, in reference to the story about Mr. Gill having voted for Mr. Kinney, I say there is not a word of testimony in all this record, in all the hearings they have had, that Mr. Gill did so. All of it is hearsay from start to finish. Here is the start of it. Now, this man Egan, who commended these judges to be appointed, testified:

Q. How did you come to learn this fact that he had not done so?—

That is, that Gill voted against Kinney—

A. Well, the first that I learned of it was through this man that I spoke of, Canty. He told me he had met a fellow——

Q. You learned it from Canty?—A. From the customhouse, that had told him that he had heard about Mr. Gill scratching Kinney.

Now, three or four times throughout the record, throughout the testimony, it appears that is the way the information got out, and in spite of the denials made by Mr. Gill in public speeches in St. Louis, the denials published in the newspapers, his denial made in the record in this case, which was read yesterday, and his denial this morning, gentlemen talk about that, and if these denials in this case and the source of information are not sufficient to condemn it, then I do not know how you can condemn a statement of that sort. Now, my good friend from Missouri stated that the action of the election officers in the disputed precincts in their count were mistakes. Was it a mistake when these election judges violated every provision of the State statute of Missouri in regard to the count of votes? I am going to put in the RECORD the section of the statute, and it is as follows:

SEC. 6224. Vote, how canvassed: The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered upon each of the poll books, they shall reject the ballots, if any, found folded inside of a ballot; and if the ballots and the poll list do not agree after such rejection, they shall reject all ballots not numbered, and no ballot not so numbered shall be counted. The ballots so rejected shall be inclosed in an envelope marked "rejected ballots," and returned with the ballot boxes to the election commissioners; and the ballots or poll lists agreeing or being made to agree in this way, the board shall proceed to count the votes in the following manner: Said judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles, or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be, alike, and exclude from such files any which may have a name or any erasure or in any manner shall be different from the other of such file. One of said judges shall then take one file of the kind of ballots which contain the same name and count them by the tens, carefully examining each name on each of said ballots. Such judge shall then pass the 10 ballots aforesaid to other judges, who shall count them in the same manner and call the names of the persons named in the 10 ballots and the offices for which they are designated, and the poll clerks shall tally 10 votes for each of such persons. When they shall have have gone through such file of ballots containing the same names by tens in that way, and when the clerk shall have tallied all the votes by tens for each of said persons, they shall then take up the next pile of ballots containing the same names and shall count them by tens in the same way, and shall call the names of the persons named in said ballots and the offices for which they are designated, and the clerks shall tally the vote by tens for each of said persons in the same manner. When the counting of each file of ballots which contain the same names shall be completed, the clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice. The said judges shall then canvass the other kind of ballots which do not correspond, those containing names partly from one kind of ballots and partly from another, being those usually called "split tickets," and those from which the names of the persons proper to be voted for on such ballots had been omitted or erased, usually called "scratched tickets." They shall be canvassed separately by the judges, and each name called out to the clerks and the office for which it is designated, and the clerks making tally of the same. When all ballots are canvassed in this manner, the clerks shall compare their tallies together and ascertain the total number of votes received by each candidate, and when they agree upon the number, one of them shall announce in a loud voice the number of votes received by each candidate on each of the kinds of ballots containing his name. (Laws 1903, p. 170.)

From the evidence in this case every one of these election officers guilty of this fraud ought to be in the penitentiary from the day they are convicted until their last hour has come on this earth. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOLDFOGLE. I yield five minutes additional to the gentleman from Missouri.

Mr. BOOHER. There is nothing that could go so far to destroy this Government as corrupt elections, and I do not care whether the man is a Democrat or a Republican. An election judge who will falsify the count is not fit to run at large in this country, but he ought to be in the penitentiary. Now, turn to the record the election officers made. I merely want to call my good friend's attention to it—he is a Republican. In the ninth precinct 63 ballots for alleged illiterates were made up by Edward J. Maurer, Democratic judge, in plain violation of the law, which requires that the illiterate voter shall be sworn, and he admits he never swore one of these men. Why, the law says that these judges shall be appointed for their intelligence, knowledge of the law, and their supposed honesty.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. BOOHER. No; the gentleman would not yield to me, and the gentleman will have to take his own medicine.

Oh, yes; it was a mistake. W. H. Gibbons testified that—

No oath was administered to those whose ballots were prepared by Mr. Maurer. Upon opening the ballot box Maurer and Byrne, Democratic judges, handled and counted the Democratic ballots.

This witness also testified that when Maurer and Byrne completed the tally they had not given contestant a single vote.

Now, listen, Members of Congress:

Whereupon witness informed them that they must give him 1 vote, as witness himself voted for contestant.

Now, that was a Republican judge. They had not given him a single vote, and yet one of the judges had voted for him.

Now, what did these dutiful judges do? Listen:

Witness glanced casually at a few of the Democratic ballots and saw 3 votes for Gill, whereupon Maurer said, "All right, give him 3."

A mistake, was it not? I want to read you what this Congress has decided time and again in regard to cases of this kind. The brief says further:

Witness did not go through the whole pile of ballots to see if there were more for Gill, explaining that it was getting so late he wished to hurry away. Oscar Hanserman, Republican judge, testified that no oath was administered to illiterates, as required by law, but that Mauer, Democratic judge, would fix up the ballot and put it into the box, without asking the voter how he desired to vote.

A mistake, was it not? Is it possible that Members of this House will by their vote justify that kind of a fraud? If this is not sufficient to throw out the poll, how would you throw out a poll? There is not a respectable court on earth that would hesitate for a moment on a contest in court to throw out that entire poll. Men go in and vote, the judge takes the ticket and does not ask them how they want to vote, but scratches it and puts it in the ballot box.

And there was Judge Bishop's ticket. They did not dare miscount it. They did not number it. These election officers were not poor, ignorant fellows. They knew the law, and they knew that the Supreme Court of the State of Missouri had decided that a ballot found in the box without a number on the back of the ballot was a fraudulent vote and could not be counted for anybody, and they did not dare change Judge Bishop's vote, and so they put it in the box without numbering it.

It was not counted and could not be counted. They say these were honest fellows!

Another accident in this long chapter of accidents:

Thus, James Thomas desired to vote a straight Democratic ticket and did not scratch Michael J. Gill. His ballot shows the name of Michael J. Gill scratched with no name written in.

They did not have time to write in the name even. And a remarkable thing is that 73 of them show, in one precinct, the handwriting of one man, and did not put Mr. Dyer's initials on any one of them. They wrote "Dyer."

Now, I acquit Mr. Dyer of any wrong in this matter. But it was done in his interest and he must pay the penalty for what these fellows did.

Mr. McKENZIE. I would like to ask the gentleman from Missouri [Mr. BOOHER] if it is not perfectly legal to simply write the name "Dyer" on a ballot without the initials?

Mr. BOOHER. No; it is not perfectly legal.

Mr. McKENZIE. Has it not been so held?

Mr. BOOHER. No; the courts have held that such ballots might be counted, but they have never held that they ought to be counted, if there was another man running by that name for the same office.

Fraud, misconduct, and willful disregard for the election laws, tampering with ballots, substituting the will of precinct election officials for the will of the voters, and deliberate conspiracy against contestant is so plainly evident that not the slightest faith or credence can be placed in the return of the judges and clerks. Rejection of the entire votes of these precincts is fully sanctioned by the authorities.

The following quotations from the authorities governing contested-election cases in this House shows clearly that the law is with the majority report:

While it is well established that mere neglect to perform directory requirements of the law or performance in a mistaken manner where there is no bad faith, no harm accrued, will not justify the rejection of an entire poll it is equally well settled that where the proceedings are so tarnished by fraudulent, or negligent, or improper conduct on the part of the officers, that the result of the election is rendered unreliable, the entire returns will be rejected and the parties left to make such proof as they may of votes legally cast for them. (Covode *v.* Foster, 41st Cong., 2 Bart, 602.)

Where it was clearly shown that the contestant received 170 votes and the return only gave him 143 votes, and there was other evidence tending to show actual tampering with the ballot box the return was set aside. (McCrary on Election, 377. Washburn *v.* Voorhees, 2 Bart, 54.)

And it is truthfully said in Thompson *v.* Ewing that the whole conduct of election officers may, though actual fraud be not apparent, amount to such gross and culpable negligence, such a disregard of their official duties as to render their doings unintelligible or unworthy of credence and their action unreliable for any purpose. (McCrary on Election, 382, 383. Weaver *v.* Given, Id. 140. Gibbons *v.* Stewart, 2 Brewst., 1.)

The law is that where fraud is proved to have been committed by the officers of an election in conducting the election no reliance can be placed upon any of their acts, and their return must be rejected as wholly unreliable. (Finley *v.* Walls, 44th Cong., Smith, 389.)

Fraud can rarely, if ever, be proved by direct evidence, and the rule is that whenever a sufficient number of circumstances which point to its existence are clearly established a prima facie case of its existence is made, and if this case is not met with explanation or contradiction it becomes conclusive. (Mitchell *v.* Walsh, 54th Cong., Rept. 1849.)

Returns from precincts where it was proved that more voters voted for contestant than were returned for him were rejected, and only the votes proved aliunde counted. (Wise *v.* Young, 56th Cong., Rept. 186.)

The SPEAKER. The time of the gentleman has again expired.

Mr. GOLDFOGLE. Will the gentleman from Illinois [Mr. McKENZIE] use some of his time?

Mr. McKENZIE. I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, one can only make a brief statement within the time granted to me, and that I shall only attempt to do. I have reached the conclusion in my capacity as a trier of this case that I could not vote for the resolution embodied in the report of the majority, and will briefly state my reasons.

The sitting Member comes here as the result of the election machinery of the State of Missouri, under the authority of the State, and is prima facie entitled to his seat. The burden is upon the contestant to show that he is not so entitled, and that burden under the evidence of this case rests upon the contestant up to this time. And the question to be determined is whether, with that burden upon him, he has removed the presumption of the validity of the election of the sitting Member, Mr. Dyer. The majority report attempts to overcome that presumption by setting aside the entire poll in seven election precincts of the fifth ward of this congressional district, and by doing so thereby reach a result giving the contestant 67 majority. In order for them to have done so they should have resorted to every possible method in order to have so purged the returns as to show that the contestant was elected or that the election was so tainted with fraud that it was impossible to arrive at a result.

In the minority report are some very interesting figures which bear upon this phase of it. In these seven precincts there were 1,537 votes cast. Of these, 231 were scattering, and in 75 of them the name of Mr. Gill was stricken out, and there was no vote at all. Deducting 231, leaves 1,306 votes, and deducting the vote—406—which the contestant will not deny that he received, because it appears upon the recount, leaves 900 votes. There were 388 straight Republican ballots on which Dyer was voted for. This leaves 512 votes to be explained or investigated in these seven precincts. These 512 were Democratic ballots which had Gill's name scratched, and of these the name of Dyer was written thereon in substitution on 437. There were 75 of these ballots simply scratched and no name substituted. These 512 votes were subject to investigation and attack by the contestant, but only 54 were examined, and only 18 of these contradicted their ballot. In other words, the contestant only sought to attack 54 of these alleged fraudulent ballots and succeeded only as to 18 ballots.

Now, it was incumbent upon the contestant in the case of these 512 voters, whose ballots could be plainly identified—voters who could be located and presumably could be brought forth to testify—to interrogate them as to the manner of their vote and as to whether the ballots which appeared to be the ballots cast by them represented the vote which they intended to cast. Now, that is practicable. It was not only incumbent upon the contestant, but it was his duty to seek those votes, which are the only ones which are contested, in order to satisfy the committee and satisfy this House that he received a sufficient number of them to have himself declared elected. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, in five minutes one can not more than touch one or two of the many important phases of this case, and I shall only attempt to touch two. One, and first, as to the question of whether or not the contestant, Mr. Gill, voted for "Tom" Kinney or scratched "Tom" Kinney's name, and voted for Mr. Dyer. The contestant has been heard upon this floor to-day. He discussed that subject. He quoted very eloquently from Robert Emmet, but this House is ignorant as to whether he did vote for Mr. Dyer or whether he scratched Mr. Kinney's name. He did not tell us. Now, it is not important, so far as this case is concerned, whether he did or not, except that if, appearing before us as he has, this House to-day believes he did vote for Mr. Dyer and against Mr. Kinney, it is fair to assume that the voters of this fifth ward in question came to the same conclusion that this House must have come to, and that is that he bolted his party ticket. And that being so, we have reason enough and excuse enough for the vote that was shown in this fifth ward, giving Mr. Dyer an overwhelming majority.

Now, the mere fact that he voted for Mr. Dyer would not have counted against him in that ward any more than it would in my ward or the ward of any of you. But when he went into that ward afterwards in the primary fight and secured the assistance of Egan and of Kinney upon the claim that he was the friend of Tom Kinney and voted for him, when he had not so voted, and got their assistance under false pretenses, is it to be wondered at that those men did everything in their power to defeat him at the November election following, just as I would have done, just as you would have done, just as any man with a drop of red blood in his veins would have done?

Now, assuming that in six of these election precincts fraud has been shown—and I will assume that—that the returns were fraudulent in six of the precincts, inasmuch as it is admitted by all that Mr. Dyer is innocent of that fraud and was not a party to it in any way, it is agreed by both sides that unless that fraud was of such a character that we can not determine which of these men received a majority of the votes, unless it was so mingled that we can come to no conclusion, then only must we throw out these precincts. But assuming that the returns were fraudulent, if we can still ascertain whether Mr. Dyer had a majority, and, if he did, whether it was sufficient to overcome that of Mr. Gill—if we can ascertain that and come to that conclusion, it is agreed upon both sides that, whatever the fraud may have been on the part of these judges, it can not affect the result, and Mr. Dyer still should be seated. There is no question upon that.

The question is, What do these facts show? The majority of the committee thinks that as to 10 of the 17 precincts there was no fraud. The majority of the committee finds that as to those precincts Mr. Dyer's conceded majority is 599; that is, out of one-half of the votes in this fifth ward they concede Mr. Dyer has a majority of 599. Now, as to the balance, these 7 pre-

cincts that they throw out, Mr. Dyer needs only a majority of 68 in order to entitle him to a seat in this House.

Now, is it not fair to say that of the votes, regardless of the count of the judges, regardless of any conspiracy on the part of the judges, Mr. Dyer will receive the same proportion in those 7 precincts that he did out of the 10? Would anyone say that that is not fair?

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. I would like to have one minute more.

Mr. McKENZIE. I yield to the gentleman one minute.

Mr. LENROOT. Of course not, because the fact is that in these 7 precincts, where these friends of Tom Kinney were so active, Mr. Dyer's proportion would be much larger than in the 10 precincts that the committee says are free from fraud; and applying that same proportion, instead of giving Mr. Dyer a majority of 67 it will give him a majority of more than 200.

And, my friends upon that side, if you will throw partisanship aside, if you will take this case and consider it as you would if you were sitting upon the bench, or as you would if you were sitting as jurors in a jury box, I insist you would have to come to that conclusion, that upon this showing, made by the majority of the committee itself, Mr. Dyer is entitled to his seat upon the votes shown.

But they do not ask that. They ask only that which the chairman of the committee himself asked last March, namely, that this committee should be empowered to proceed and take further testimony, in order that further facts may be shown; and that is asking little enough. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. McKENZIE. Mr. Speaker, may I inquire how the time stands?

The SPEAKER. The gentleman from Illinois [Mr. McKENZIE] has 23 minutes, and the gentleman from New York has 55.

Mr. McKENZIE. I ask that the gentleman from New York use some time.

Mr. GOLDFOGLE. I yield 15 minutes to the gentleman from Missouri [Mr. DICKINSON].

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] is recognized for 15 minutes.

Mr. DICKINSON. Mr. Speaker, I knew Tom Kinney. I served in the Missouri Senate with Tom Kinney. He and I were personal friends. I knew him well enough to believe that if Tom Kinney had been alive at the time that this election was held and this crime was committed against the contestant, Mr. Gill, the things done, the frauds committed, would never have been committed with the knowledge or consent of Tom Kinney.

Kinney had a contest pending in this House against the contestee, Mr. Dyer, and in his contest he made charges of wrongs perpetrated against him. Some of them have been referred to by the distinguished Member from Missouri, my colleague, Mr. RUCKER. Additional charges were made by Tom Kinney to the effect that hundreds of negro votes were brought into St. Louis in the interest of Mr. Dyer, and that Mr. Dyer became the beneficiary thereof.

The death of Kinney ended that contest. After he had died a conspiracy was entered into to defeat the present contestant, Mr. Gill, who ran against Mr. Dyer.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield for just a question?

Mr. DICKINSON. Just for a question.

Mr. McKENZIE. I would like to ask the gentleman if he means that the contest between Kinney and Dyer was ended by the death of Kinney, or did not Congress act upon it prior to the death of Mr. Kinney, seating Mr. Dyer unanimously?

Mr. DICKINSON. Well, I gave it according to my recollection. But that is not very material.

Here in this contest the majority of this committee have said in their report not one unkindly word against Mr. Dyer, and there is no disposition here on the part of anyone to attack Mr. Dyer. He, however, is the beneficiary of a wrong so infamous, so notorious, and so fully known that the act, immediately after the wrong was known, became public property, and those who have violated the law of Missouri have robbed by their returns Michael J. Gill of his seat. So far as their action was concerned, these parties were indicted and arrested and prosecution was commenced.

Michael J. Gill has been guilty of no wrong. He was attacked at this election by these judges and clerks seeking to defraud him of his seat. Michael J. Gill stands before this body absolutely clean. No man stands higher in the city of St. Louis or in Missouri than Michael J. Gill. First, he has been honored by his party as the nominee for Congress. He stated here in your presence to-day that the Democracy of the district in which Dr. BARTHOLDT lives honored him with the nomination, and so strong was this man in the hearts and in the affections of those people that he ran far ahead in his district. He afterwards was nominated in the twelfth district, and the contest was between Gill and Dyer. Mr. Gill was nominated because of his high character and standing; nominated in a Democratic district, and he lost his certificate of election in a district that had approximately a thousand Democratic majority. The returns gave approximately a thousand majority, I believe, to Mr. Dyer.

Now, this conspiracy and wrong did not extend throughout the entire congressional district. Men who commit wrongs against the ballot box select some limited territory in which to do their devilish deeds. In that way they are easier of concealment. It is not claimed here that Mr. Gill lost those wards and that district by the mere scratching of Gill's name and the writing in of the name of Mr. Dyer by the act of the voters. It it admitted, it is known, that at least a large per cent of them were the deliberate act of the judges and clerks. Everybody knows it to be true that they have wronged Gill, wronged the honest voters, wronged the great city of St. Louis and the people of Missouri. Ah, they say that when these men were arrested and tried one of them, and they say the worst one, was cleared the other day. They defeated Gill, as far as withholding from him the certificate by their own deliberate wrong.

The same gang were able to prevent the conviction of the men who had been a party to this wrong; and now they come here and hope in this body to get a third approval in Congress by confusing the issue, asking this body to turn down the majority report of seven men who have carefully gone over the entire testimony. It is in evidence that Gill has all the time been pressing for an early hearing and decision of this case. The contestee has sought by every effort to delay and put off the decision. He and his friends appeal for further delay. They ask it of this body of Congressmen, who have not read the evidence except to a limited extent, but who have merely read the reports. The majority report in favor of seating Mr. Gill has been kindly to Mr. Dyer. It might well have been written in stronger language and been justified. The case of Mr. Dyer has been presented by the minority in the very strongest possible manner, and he comes before this House in the most favorable attitude.

Ah, they say this case ought not to be tried along partisan lines. It does not come well from those who in other cases have seen fit for partisan reasons to wipe out much larger majorities in the past. I know the timidity of some gentlemen on this side who respond to the appeal, "Let us not be partisan here," and now and then on this side of the House there are some gentlemen, who in their zeal to be fair, bend the other way and lend their hands and voice to put the seal of approval upon as outrageous a fraud as was ever committed in the city of St. Louis. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOLDFOGLE. Will the gentleman from Illinois [Mr. McKENZIE] use some time?

Mr. McKENZIE. I will ask the gentleman from New York to use some of his time.

Mr. GOLDFOGLE. I prefer to continue the order heretofore followed.

Mr. McKENZIE. The gentleman from New York has a great deal more time than we have on this side.

Mr. HEFLIN. How does the time stand?

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] has 40 minutes, and the gentleman from Illinois [Mr. McKENZIE] has 23 minutes.

Mr. GOLDFOGLE. I yield five minutes to the gentleman from Illinois [Mr. FOWLER].

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] is recognized for five minutes. [Applause.]

Mr. FOWLER. Mr. Speaker, this question is one which ought to appeal to the highest honor of every Member of this House. I would not cast my vote or my influence for the purpose of doing a wrong to either the contestant or the contestee if I knew it. I rise more for the purpose of giving testimony to what I do know about the character and fitness of the contestant than for any other purpose. In 1893 in the Illinois Legislature I met a blue-eyed boy just old enough to become a member of that legislature. I served with him in that House for nine months, and I say without any fear whatever of contradiction that no member of that body won in the hearts of the members of that legislature a higher place for

honor, integrity, and devotion to Democratic principles than did Michael Gill. [Applause on the Democratic side.]

I have followed that young man from his early inception into politics, and I never have heard a word against that high and noble record which he won in the Illinois Legislature. He was one of the cleanest men in that body. He was one of the most devoted to the duties of the legislature. He was one of the most persistent in hunting down fraud and standing up in his manly courage for decent legislation. I went to the home of that young man in Alton during that session of the legislature. I went to where he had worked as a private in the ranks of that great body of men who stand around heated furnaces for long hours, where he formerly earned his living as a glass blower in the sweat of his face. That young man has come before this body, in my opinion, as clean-handed as any man ever came before a court or a jury, presenting his case for a hearing. I desire, Mr. Speaker, to speak for this young man and to say for him that if any wrong was done in the election of 1912, in my opinion, it was not done by Michael Gill or by his permission. It is admitted that fraud was perpetrated in the fifth ward of the twelfth district of Missouri. A principle of law is that fraud vitiates everything, and if that ward has committed fraud against Gill or against Dyer it ought to be discarded and not taken into consideration in making up our verdict on the fairness of that election. If fraud is as rank in the fifth ward of this district it ought to be disfranchised. If any good men live in this ward, they ought to be disfranchised for remaining in it.

I have read most of the evidence. I have read both of the reports, and I have come to the conclusion that if these reports and that evidence be true, the very same hand that changed the vote of Michael Gill against Tom Kinney changed the vote of other honest men who cast their votes for Michael Gill in 1912 and placed them on the other side of the poll in favor of his opponent. Such conduct can not and ought not to be tolerated. Let us be clean and stand for clean men in Congress, elected by the ballots of clean men. Fairness in elections can not be preserved without punishing those who commit frauds at the polls. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GOLDFOGLE. Now, I trust the gentleman from Illinois [Mr. MCKENZIE] will use some of his time.

Mr. MCKENZIE. I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

[Mr. HOWARD addressed the House. See Appendix.]

Mr. GOLDFOGLE. Mr. Speaker, I yield seven minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. RUCKER. Mr. Speaker, can I ask the gentleman from New York, chairman of the committee, a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. GOLDFOGLE. What is it?

Mr. RUCKER. Can not the gentleman give the gentleman from Alabama [Mr. HEFLIN] 10 minutes?

Mr. GOLDFOGLE. I am trying to do the best I can by all the Members. If the gentleman from Missouri can carve out the time for me, I will be exceedingly grateful.

Mr. RUCKER. I could carve it out so as to divide it up among those who wanted to sustain your report.

The SPEAKER. Both gentlemen are out of order.

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, some of the ablest lawyers in this House have investigated this case. One of them is not only an able lawyer, but he is one of the ablest judges in public life to-day. I refer to the gentleman from Virginia, Judge WATSON. [Applause.] There is no man in my acquaintance in service here that I would rather follow in a matter of this kind, no man more conscientious and painstaking, than this able and distinguished gentleman; and after investigating this case for months, analyzing every feature of it, he has reached the deliberate judgment that this man Dyer is not entitled to his seat, and that this man Gill is entitled to the seat. [Applause.]

Back of him in that position is Judge SMITH, of Texas, and Mr. WHITACRE, of Ohio. These men have investigated every phase of this case, and it is their judgment that there was so much corruption in the seven precincts, that by throwing out the rotten, corrupted, and illegal vote this man Gill is clearly entitled to his seat. [Applause.]

Gentlemen, what are you going to do in this case? You are going to do one of two things—declare Mr. Gill entitled to the seat or declare the seat vacant. I will not vote to declare the seat vacant, but I will vote to sustain the judgment of the committee of this House in the matter. [Applause.] If you take the judgment of the committee, which eliminates the fraudulent and corrupted vote, Gill is entitled to the seat by 67 majority of the honest votes cast all over the unquestioned territory of the entire district. [Applause.]

Gentlemen talk about depriving the people of a sovereign State of the right to a Representative in this House, when this Republican who has come here upon a certificate based on fraudulent returns now asks the House for time that he failed to ask the committee for until it rendered judgment in his face and against him on facts that he and the contestant had submitted.

What would have been the course of a court under these circumstances? The moment Mr. Gill made the showing that he did, making out a prima facie case, the burden of proof shifted, and what did Mr. Dyer do? Did he ask for more time? No; he rested his case and waited for the judgment of the committee on the whole case as submitted by himself and the contestant, Mr. Gill.

Then, when the committee did finally act, what did he say? Why, he said "I want more time." This demand for more time is now really amusing to me. It is a Republican trick for delay. [Applause on the Democratic side.] If that district elected a man, and in my judgment it did, this man Gill is entitled to that seat. But some of the Republicans tell us that he scratched a Democratic ticket on one occasion. Mr. Speaker, this is the first time during my service in this House that I have ever found Republicans pleading for Democratic regularity and exercising guardianship over the Democratic Party. [Applause and laughter.]

Mr. Gill made a statement in the House to-day, and what did he say? He practically asked God Almighty to strike him down if he had ever voted anything but the Democratic ticket. [Applause.] He says now in private conversation and everywhere else that he never scratched the Democratic nominee, Mr. Kinney, and that he has always voted the Democratic ticket; but gentlemen are appealing to this side now to give them a little more time over there, not because of newly discovered evidence—oh, no—but in order to give Mr. Dyer time to discover evidence. He could have obtained time at the hands of the committee or from the House if he had requested it in good faith and in due time.

Mr. COOPER rose.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. HEFLIN. I can not yield at this time. He could have obtained time, but he did not seem to want time until the committee had finally decided the case. What are we to do gentlemen—declare the seat vacant? No. Let us have the courage to stand by the expressed judgment of the majority of this committee. [Applause on the Democratic side.]

First, the testimony shows that the election laws of Missouri were disregarded by the judges and the clerks of election in those precincts. Second, the testimony shows that the judges deliberately counted hundreds of votes for Dyer that were cast for Gill, as shown in the recount. Third, the testimony shows that ballots cast for Gill were scratched and Dyer's name inserted and counted for Dyer. When Gill closed his case he had made a case that would have made it the duty of the court to throw out the returns from the wards in question. Dyer was represented by able counsel. It was his duty to overcome the case made by the contestant, and he was not prevented from doing so for want of time. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. GOLDFOGLE. Mr. Speaker, I yield two minutes to the gentleman from Alabama.

Mr. HEFLIN. Mr. Speaker, as I said a moment ago, if he had lacked time, he could have secured it from the House, but he did not ask for it; and why did he not? Mr. Dyer was represented by able counsel, but he never discussed the need of further time to introduce additional testimony until the committee had decided the case against him. He now asks for a new trial and a continuance, not upon the ground of newly discovered evidence, but we are confronted with the ridiculous situation of the contestee wanting time to go out and hunt up evidence. All this is for delay. [Applause.] I want to know what he was doing from October, 1913, till March, 1914. Why did he not ask for time then?

It is stated here that this man Gill has expended what little money he had getting up his evidence and presenting his case to the committee. He is an honest Democrat and a poor man pleading for justice at the hands of this House; and in conclusion, Mr. Speaker, I desire to say that I think I am as nonpartisan as any man in this House, and I vote the Democratic ticket with unerring precision all the time [applause], and I am sure, from the testimony, that this man Gill votes the Democratic

ticket all the time; and I believe that when you eliminate the fraudulent vote he is entitled to a seat in this House, and the evidence submitted in this case bears out my statement.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. GOLDFOGLE. I yield one more minute to the gentleman.

Mr. HEFLIN. Mr. Speaker, I believe that the greatest surprise that has come to Mr. Dyer—and he is a good, clever fellow—is that he has not been turned out of this House long ago. He is a very clever gentleman, but we are trying this case on its merits. The judges representing the majority of the committee are positive, in their judgment, that from all the evidence Mr. Dyer is not entitled to a seat in this House, but that Mr. Gill has been duly and constitutionally elected from that district a Representative in this body; and, so far as I am concerned, I shall cast my vote to sustain the action of these able and worthy gentlemen who constitute the majority of that committee. [Applause on the Democratic side.]

Mr. McKENZIE. Mr. Speaker, I yield one minute to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, in reply to what the gentleman from Alabama [Mr. HEFLIN] has just said, I want to read from the record in this case the testimony given under oath by Mr. Dyer, a brother of the contestee, a man 51 years of age, publisher of a magazine in St. Louis, concerning a conversation that he had with this contestant, Mr. Gill—testimony which the contestant, Gill, has never denied under oath anywhere:

Q. Now state what was said by Mr. Gill to you or in your presence on the subject.—A. I noticed the ballots there on account of my brother being made a contestant in this matter, and I just thought I would see Gill and speak to him; that is, as I was at the city hall, and I saw him inside, and the election commissioners' office was locked up; that is, the doors were shut, rather. Nobody was allowed in there, I understand, except men that were inside.

Q. You mean inside of the office?—A. Yes; so I walked up to the window, and I saw Senator Vest's son, Alec Vest. I said to Alec, "You interested in this contest?" He said, "No; I am just up here." Election Commissioner Spencer came to the window and spoke to me. I said to Spencer, "Tell Gill to come here to the window, I want to speak to him. See whether he knows me." He came there, and I spoke to him. I said, "What is the matter, Gill? You seem to be in trouble here." He said, "Yes." I said, "You voted for Dyer. You ought to be friendly with us," and so forth and so on. He said, "Well, you are the one that gave that news to the Kinney crowd." I said, "No." "Well," he said, "it don't make any difference. I am not going to admit it now, but I may admit it in Washington when they take the contest on there, and I will tell the Election Committee at that time, probably, if I do admit it, of having voted for Dyer, the kind of fellow Kinney is, the reason why I voted against him."

That is testimony in this case given under oath, and the contestant has never under oath denied it. It is true that in his speech to-day he did appeal to Robert Emmet and to the Lord, neither of whom, however, was a witness in this case. [Laughter and applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. GOLDFOGLE. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, I shall not try to make an elaborate argument in this case in two minutes. There is one phase of it to which I want to call attention. Mr. Gill's Democracy has been called into question here on the ground that he did not vote the Democratic ticket two years prior to the election at which he was a candidate.

I have known the contestant, Mr. Gill, since 1892. When I first knew Mr. Gill he was canvassing the State of Illinois for the Democratic ticket. John P. Altgeld was then the head of the ticket, and was elected governor of that State. Mr. Gill himself was a candidate for the State legislature from a Republican district. He was elected to the legislature, and it was during that campaign and during his service in the legislature, which meets in my home town, that I first became acquainted with him. No man in that body stood higher than he for conscientious performance of his duty and rectitude in every respect, as well as for Democracy, which, of course, is included under the term "rectitude." [Applause on the Democratic side.] The evidence, the undisputed evidence, here is that many tickets in the election which is now being contested were tampered with; that names were scratched out and other names written in without any warrant whatever. It is pretty clear that that condition did not come about in this ward in two years, and if it existed at this election, is it not fair to presume that it existed at the election before and that Mr. Gill's vote was tampered with and the name of Mr. Dyer written in then as it was written in in the case before us? And in view of the acknowledged rectitude of the man, his high character, his high standing, vouched for by those who know him, his statement on the floor and in the record that he did not cast that vote, absolutely convinces my mind, and I have not the least doubt that his statement here is the truth, and that the point made against him now is being made to prejudice his case with Democrats in the House; that it is not entitled to and should not have any weight whatever. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman from Illinois kindly use some of his time now?

Mr. McKENZIE. I yield two minutes to the gentleman from Illinois [Mr. THOMSON].

Mr. THOMSON of Illinois. Mr. Speaker, as always, I was interested in the remarks of the gentleman from Alabama [Mr. HEFLIN]. Unfortunately, he seemed not to have any judgment of his own on this proposition, but he appealed to his colleagues on the other side to stand by the judgment of those on the committee who submitted the majority report. Much as I respect the opinion of my Progressive colleague [Mr. RUPLEY], a member of the committee, I shall not vote for the resolution suggested by the majority report which Mr. RUPLEY has recommended in concurrence with the others on the majority. It seems to me, Mr. Speaker, that the real question before us now is whether or not the proposition to give 30 days' time to secure further evidence in this case is a reasonable proposition. When the burden of proof was shifted, quoting from the chairman of the committee, from the contestant to the contestee, the contestee, according to the record, immediately offered to secure testimony which he claimed would convince the committee, and to secure it within 30 days. That offer has not been made now for the first time, but it was made some months ago, and it has been good ever since. The majority of the committee would throw out the entire vote in some six or seven precincts in the fifth ward. They would throw out something like 1,534 votes, some of which have been completely confirmed by those who cast them, men who appeared before the committee as witnesses and confirmed their ballots. Now, the authorities that are cited by the majority in sustaining that recommendation are not in point. There is a difference between all of those cases and the case in question, in that in this jurisdiction in Missouri there is not what you can call a secret ballot. It is possible to summon each voter in these precincts before the committee and produce the ballot cast at the election in his name. He can then be asked whether that ballot shows the vote which he cast for Member of Congress correctly and as he voted it. In this way the vote in these precincts can be verified and this is what the contestee requested be done, and he asked but 30 days in which to do it.

It is proposed by the majority of the committee to deny that reasonable request and instead to throw out entirely the vote of these precincts. In the case of some of these precincts they are basing that recommendation on testimony which does not call in question more than three or four votes in the whole precinct. Such a course is preposterous. They recommend throwing out over 1,500 votes on evidence affecting slightly over 1 per cent of them.

The contestant went through the fifth ward with a fine-tooth comb in search of witnesses to prove his charges. He produced 54 witnesses, and of that number who appeared before the committee only 18 testified that their ballots had been changed.

Those ballots have been thrown out, and properly so, but why throw out all the others cast in those precincts, when every voter can be put on the witness stand and can be shown the ballot bearing his number and can give the same testimony with reference to it, namely, whether the vote shown on the ballot as being cast for the candidate for Congress is correct and as he voted it? Where it is possible to produce such evidence it should be produced. The authorities on election contest cases do not sustain the disregard of all votes in a precinct where it is possible to separate the bad or fraudulent votes from those which are valid and good. It is possible to do that in this case. To refuse to do so is the rankest kind of injustice.

Mr. GOLDFOGLE. Mr. Speaker, I yield three minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, this is a very serious problem which confronts this House of Representatives. I am fearful that gentlemen have traveled far afield in their arguments. The seat of Mr. Dyer, the sitting Member, is contested by Mr. Gill. The record in this case, stated briefly, shows that the contestant established by indubitable proof, admitted upon all sides, that fraud was perpetrated in these special precincts mentioned. It is claimed that Mr. Dyer did not participate in that fraud, and I believe that there is no claim that he did, but, Mr. Speaker, if he is the beneficiary of the fraud, the result is just the same, so far as the contestant is concerned, as though Mr. Dyer himself participated in and engineered that fraud. I have been taught that the receiver of stolen goods is just as guilty as the party who actually committed the larceny.

Here is a case, Mr. Speaker, where a gentleman is occupying a seat upon this floor as a result of admitted fraud, a fraud sufficient to change the result; but he is not to be ousted because it is said that the contestant voted at one time against a Democratic nominee. If that were a crime, then every gentleman on the other side of the aisle would be in the penitentiary to-day. [Laughter and applause.] I have never heard before, and I am certainly amazed to hear from Republican sources, that to scratch a Democratic ticket is a crime. Some of us believe it, some of us have preached that as being the correct doctrine; and I am glad that I have lived to see the day when the Republican representation in this American Congress stands upon this floor and proclaims to all the world that to scratch a Democratic ticket is a crime sufficient to deprive a man of membership here.

Now, Mr. Speaker, I want to say that fraud was committed, no matter by whom. It is said that the sitting Member made a fair request of the committee. That is true; but he waited until the evidence was in, the arguments made, the verdict rendered, and when he saw it was against him, then he made the demand. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Speaker, I would like to inquire how much time I have remaining?

The SPEAKER. The gentleman has 15 minutes remaining.

Mr. McKENZIE. I would like to inquire of the gentleman from New York how many speeches he has.

Mr. GOLDFOGLE. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eighteen minutes.

Mr. GOLDFOGLE. I think the gentleman had better occupy some of his time now. I may reserve some of my time.

Mr. McKENZIE. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN]. [Applause.]

The SPEAKER. The gentleman from Illinois is recognized for 15 minutes.

Mr. MANN. Mr. Speaker, I came into the Congress in the Fifty-fifth Congress, having been elected in 1896. I went on the Committee on Elections No. 1 and served on that committee 12 years, 6 years as the chairman of it. There are several very eminent Members on the Democratic side of the House now in the House who can testify to the fairness of that committee; but I found when I came into the Congress a bitter and intense feeling on the Republican side of the House against the Democratic contestees, growing out of the fact that in the Fifty-third Congress the Democrats had unseated Mr. Joy, of St. Louis, in a case where the Republicans were firmly of the opinion that the unseating was wholly unjustified.

I remember that in the Fifty-fourth Congress, although I was not a Member of it, the Committee on Elections was changed from one committee to three committees, so that it might fire out Democrats a little faster to carry out the feeling of resentment and reprisal on the part of the Republican membership because of the infamy of the Democratic side of the House in the Joy case from St. Louis. When I came into the House I was told by some of the old Republican Members that we were justified, because of the Joy case, in turning any Democrat out of the House. While there may have been justification for it, I did not feel that that was the proper spirit in which to approach election cases, and I did all that was within my power for years to have these contests settled upon the evidence; fairly considered, without regard to partisanship. I believe the present case will have about the same result, if the contestee is turned out, on the Republican majority in the next House as the turning out of Mr. Joy in the Fifty-third Congress had. [Applause on the Republican side.] Every Republican Member of this House believes, after giving a great deal of consideration to the evidence, that there is no justification whatever for unseating Mr. Dyer and seating Mr. Gill. [Applause on the Republican side.] What are the facts in the case, very briefly?

They have a bipartisan election commission in St. Louis which elects the judges and clerks of election, two Democrats and two Republicans, and in each precinct they have two Democratic judges, two Republican judges, one Democratic clerk, and one Republican clerk, I believe—three on each side. These officials in the precinct are named by the bipartisan election commission, but they are named, in the main, and in this case were named, upon the recommendation of the respective political organizations—the Republican judges and clerks upon the recommendation of the Republican committeemen and the Democratic judges and clerks upon the recommendation of the regular Democratic committeemen, named before the contest which is involved here really arose.

There is no pretense that the Republicans entered into a conspiracy for the purpose of depriving Democrats of votes or of counting the votes fraudulently. The officers were selected by the regular organization. It developed in the course of the campaign that Mr. Gill had voted two years before for Mr. Dyer as against Mr. Kinney, who had been the Democratic candidate. Mr. Kinney was a strong man in this ward—the fifth ward of St. Louis. He was the idol and the boss of that Democratic ward. He had been the Democratic candidate for Congress. Whether Mr. Gill voted against him or not—though I notice he did not deny the statement to-day—it makes no difference, because the new Democratic organization—Mr. Kinney having died and his friends being in power—believed that Mr. Gill had voted against Kinney. Kinney's friends were up in arms. The judges and clerks had been selected before this was made known. Does anyone here believe that a majority of the Democratic judges and clerks, selected by the Democratic organization, voted against Mr. Gill and for Mr. Dyer, and that nobody else in the ward felt that way? It is impossible to suppose that the Democratic organization, as shown by the clerks and judges, was against Gill and for Dyer, and that all the rest of the Democrats in the ward were the other way. They were that way because that was the sentiment of the Democratic organization of the ward. I know enough about city politics—and I hope you do—to know that when the Democratic organization or the Republican organization is strong one way or the other in a ward like this it has a great deal of influence and great effect. In this case the word was passed down the line from the Democratic committeemen to knife Mr. Gill. They did not care anything about Dyer. They were not interested in him. They did not care whether he came to Congress or went to hades. The only thing they were interested in was punishing Mr. Gill, because he had knifed Mr. Kinney two years before. They did what you and I would do. The law of reprisal is one of the strongest motives which influence the conduct of man. We turned out Democrats, I am sorry to say, following the Joy case because of the law of reprisal, and when it was discovered that Mr. Gill had knifed Mr. Kinney, the idol of his ward, his friends, following the law of reprisal, said, "Very well; we will do the same. We will knife Mr. Gill." And they did. Who doubts it? Maybe they went too far. I do not know whether they committed fraud in counting the votes or not. I know that judges of election, after an all-day session, frequently make mistakes. I never have seen the time when judges of election strictly followed the law anywhere in reference to the counting of ballots.

They say because there were Democratic votes shown for Dyer, therefore that is reason for assuming fraud. Why, in the last election I ran on the Taft ticket. Mr. Taft received in the neighborhood of 10,000 votes in my district. That number of votes would not have elected me. I received over 20,000, and I do not doubt that there are many precincts in my district where the Republican judges, the Progressive judges, and the Democratic judges, and the clerks all voted for Mr. MANN. If they had not, I would not be here. [Applause on the Republican side.] And I think they showed good judgment. [Laughter.]

Mr. RUCKER. I would not enter into a controversy with the gentleman on that question at all.

Mr. MANN. Now, what are we asking? The Committee on Elections has found in seven of these precincts that there was fraud and that the vote ought to be thrown out. Nobody could tell in advance what the finding would be. There was no allegation in the pleading asking in the first place that these returns should be thrown out. There was a recount of the ballot had, and it was discovered that the returns and the ballots did not agree. That is the main reason offered by the committee for throwing out the returns. They may be justified in that; I do not undertake to say. But it was their duty and the duty of the Committee on Elections, under all the precedents of this House, when they determined without it being declared in the pleading to discard the returns from these seven precincts, to ask the House for permission to take testimony as to how the voters actually did vote. It was not within the power of the contestee to do it then. He could not determine then to take testimony. There was no warrant of law for him to take testimony at that time, and there has not been for more than a year. But when the Committee on Elections say that in their opinion the returns from these seven precincts should be discarded, justice and precedent both require that we find out how the voters actually did vote. I have seen cases repeatedly in this House, before my committee, where it was evident that some fraud had been committed. We declined to turn out the Democratic Member because, unless we took the testimony of people who had actually voted, we would be electing the Member of Congress.

The SPEAKER. The Chair will inform the gentleman that 13 minutes have expired.

Mr. MANN. Well, Mr. Speaker, I will yield back the balance of my time, but I take a minute, however, to say that I hope the Democratic Members of this House, with their two-thirds majority, will for a moment forget their partisanship and deal fairly with the contestee. Let us find out how the voters voted in these precincts. If they voted for Dyer, he is entitled to the seat; if they voted for Gill, there is no one on this side of the House who will raise a finger against seating the contestant. You can afford to be fair. Will you? [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman yields back one minute and a quarter.

Mr. McKENZIE. Mr. Speaker, I yield half a minute to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, I desire in this half minute to introduce and have pending an amendment to the committee resolution.

The SPEAKER. The Clerk will read the amendment for information.

Mr. HOWARD. The majority committee resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That L. C. Dyer was not elected a Representative in the Sixty-third Congress from the twelfth district of the State of Missouri, and that Michael J. Gill was not elected a Representative in the Sixty-third Congress of the United States from the twelfth district of the State of Missouri; and that on account of fraud and corruption practiced in the election in said district the seat is declared vacant.

Mr. McKENZIE. Mr. Speaker, was that read in my time?

The SPEAKER. Of course it was.

Mr. McKENZIE. I simply wish to state to the membership of the House that this resolution was offered on the individual responsibility of the gentleman from Georgia [Mr. HOWARD], who simply asked me for the time in which to introduce it. I did not know the contents of the amendment.

The SPEAKER. It was this way: If the gentleman from Illinois yielded to the gentleman to offer an amendment, that is one thing; and if he yielded to him for debate, it is an entirely different proposition. But what the Chair understands the gentleman from Illinois is doing is to disclaim any responsibility for the amendment.

Mr. HOWARD. Mr. Speaker, if the Chair will permit me, I do not want to be misunderstood. I asked permission to introduce the amendment because of the fact that the previous question would probably be asked for, and I simply wanted that amendment pending as an amendment to the majority resolution. I introduced it on my own responsibility, and the gentleman from Illinois [Mr. McKENZIE] has nothing to do with it.

Mr. MANN. Mr. Speaker, a parliamentary inquiry, if I may make it.

The SPEAKER. The gentleman will state it.

Mr. MANN. The majority resolution consists of two parts. If the substitute offered by the minority should not be agreed to and a separate vote should be had on the two parts of the majority resolution, and that part unseating Mr. Dyer should prevail and that part seating Mr. Gill should not prevail, would the result be that the seat would be left vacant?

The SPEAKER. It would be, in the judgment of the Chair. It would have precisely the effect of the amendment just offered by the gentleman from Georgia [Mr. HOWARD].

Mr. McKENZIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKENZIE. The offering of this substitute resolution by the gentleman from Georgia [Mr. HOWARD] will not in any way affect the taking of the vote on the substitute resolution offered by the committee, will it?

The SPEAKER. It would happen in this way: If the amendment of the gentleman from Georgia should be voted on and should prevail, there would not be any sort of sense in doing anything else. If the House declared the seat vacant, that would be the end of it.

Mr. McKENZIE. Mr. Speaker, I certainly did not yield time to the gentleman from Georgia for the purpose of offering the resolution to be voted upon instead of the resolution we have pending offered by the minority of the committee.

The SPEAKER. The trouble is, it seems to the Chair at first blush as though you had already done it.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. I would like to inquire of the Chair if the introduction of my amendment to the majority resolution would not come in between the vote on the minority resolution and the resolution as offered by the majority of the committee? I so requested it when I introduced it.

The SPEAKER. The rule is as old as the hills that you perfect the original before you vote on the substitute. So if that is in order, your amendment would be voted upon before the minority substitute.

Mr. HOWARD. Then, Mr. Speaker, under the circumstances, to be perfectly fair to the other side, I ask to withdraw my amendment.

The SPEAKER. The gentleman from Georgia withdraws his amendment.

Mr. GOLDFOGLE. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman from New York has 18 minutes.

Mr. GOLDFOGLE. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. RUPLEY].

The SPEAKER. The gentleman from Pennsylvania [Mr. RUPLEY] is recognized for four minutes.

Mr. GOLDFOGLE. I yield to the gentleman five minutes.

Mr. RUPLEY. Mr. Speaker and gentlemen of the House, before this case reaches a vote I desire to touch upon several of the high points as brought out before your committee—fraud on the inside on the part of the election officers; Republican judges and Democratic judges and Republican clerks and Democratic clerks tampering with ballots, marking and scratching ballots in 15 precincts of the 17 precincts of the fifth ward of the twelfth congressional district of Missouri.

Only two precincts, the sixth and the twelfth, were without fraud. All the other districts showed fraud on the part of the election officers. If I understood the full force of the amendment offered by the gentleman from Georgia [Mr. HOWARD], he had in mind that the fraud was so colossal, was so mammoth, in the fifth ward of that congressional district that no election had occurred, and that no one—neither Mr. Gill nor Mr. Dyer—was elected to represent the twelfth district of Missouri.

But what are the facts? In all the other wards of this congressional district the returns showed that Michael J. Gill had a plurality of over 600, and it was necessary to count the 15 election precincts of the fifth ward in order to give Hon. L. C. Dyer a plurality. So that if the gentleman from Georgia [Mr. HOWARD] was moved by reason of the existence of fraud, and if it is desired to eliminate fraud in declaring a seat vacant in this House, he has established a case beyond any doubt for Michael J. Gill, because outside of this ward Michael J. Gill was elected by more than 600 votes. [Applause on the Democratic side.]

So I am going to appeal to the Democrats on this side in asking you to join with all the members of this Committee on Elections in giving force to the conclusion reached by that committee, representing this side, elected by this House, to represent the Democrats, six in number—Judge GOLDFOGLE; Judge WATSON, of Virginia; Judge SMITH, of Texas; Congressman KENNEDY, of Connecticut; Congressman MORGAN, of Louisiana; Congressman WHITACRE, of Ohio. After a number of meetings and after reading more than 2,000 pages of testimony, we reached the conclusion, taking up precinct by precinct, that at least seven precincts of this ward should be rejected.

We were not governed by proof of fraud alone, nor by the fact that there were electors that scratched out Gill's name and wrote in Dyer's name, but by the fact that the election officers themselves on their count had returned more votes for Dyer than we found in the ballot boxes when the ballot boxes were opened. [Applause on the Democratic side.]

Now, if I know anything of regularity of proceedings—and we have just had a discourse here from that eminent gentleman from Illinois [Mr. MANN], the leader on the Republican side, on the question of regularity—I have found, as a member of an election committee, how difficult it is to bring all the facts adduced before a committee to the floor of this House and have them fairly presented here in nine hours allotted to a debate. We had much more of this fraud, of this taint of fraud, of this irregularity of this colossal character where neither you nor any member of your committee could separate the good ballots from the fraudulent ballots.

Now, you say it is an easy matter to go back to St. Louis and examine these ballots, because when an elector votes his ballot is numbered. But you forget that under the Missouri system of voting by separate ballots it is a very easy matter to substitute one ballot for another ballot and to give it the number. You are asking us, after these months—nearly 20—to go back and identify the electors. We may bring in a ballot, and we may bring in a man, and that man may say he is John Smith, and it may be that according to the roll he voted this particular ballot; but how is your committee to know in a ward like this that this particular individual John Smith is the individual who voted that particular ballot? [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GOLDFOGLE. I yield two minutes more to the gentleman, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania is recognized for two minutes more.

Mr. SWITZER rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. SWITZER. Does the gentleman yield?

Mr. RUPLEY. I do for a short question.

Mr. SWITZER. Is it the opinion of the gentleman that this election commission of the city of St. Louis is a crooked body—that it is dishonest?

Mr. RUPLEY. Certainly not.

Mr. SWITZER. They have charge of these ballots, have they not?

Mr. RUPLEY. They have; and permit me to continue that in this particular district the voters lived in many boarding houses and hotels, and paid 10 cents a night for beds in tiers, and they are asking us to find these electors. [Laughter.] And I want to say to you, furthermore, that from the evidence within the covers of those two large volumes of testimony, on my oath as a Member of this body, I believe that in that business district, composed of wholesale houses and of office buildings, they have not more than 1,000 legally qualified electors. [Applause on the Democratic side.]

Just a short time ago, I believe in 1910, that district showed 1,000 more electors than in the election of 1912. It is a floating population, a levee district. They are moving about, on the boats on the river. They come into that city on the freight trains. They are the scourings of the earth that reach that particular district—the seventh ward of the city of St. Louis. If you vote for this minority resolution you are going to impose upon us an impossible task. [Applause on the Democratic side.]

Now, permit me to say that if you accomplish this you eliminate a number of precincts reeking with as much fraud as these seven precincts, and nearly the same in kind, quality, and quantity.

This resolution is limited in its scope. We are to do what?

Resolved, That the Committee on Elections No. 3, or a subcommittee thereof, be instructed to take additional testimony in the contested-election case of Michael J. Gill against Hon. L. C. Dyer, touching the election of November 5, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17 of the fifth ward of the city of St. Louis, with particular reference—

Only with particular reference—

as to whether or not the Democratic ballots in those precincts which had Michael J. Gill's name scratched were the correct votes of the voters in question or whether some person or persons had fraudulently scratched the name of the said Gill without the knowledge and consent of the said voters, and that the said committee, after it has taken and considered this additional evidence in connection with testimony heretofore taken, make its report to the House with its recommendations within 30 days after the adoption of this resolution.

The SPEAKER. The time of the gentleman has again expired.

Mr. GOLDFOGLE. I yield to the gentleman one minute more.

Mr. RUPLEY. In many of these precincts ballots were missing. Are we to go out there and find the ballots? Would the resolution cover that? In many precincts Socialist votes were substituted for Democratic votes—Socialist votes were given to Democrats.

So I could go on and show to you many of the evidences of fraud brought out before this committee.

And now, in closing, let me say that the majority of this committee, with all the facts before them and answering to their consciences after full deliberation, decided, by a vote of seven to two, that L. C. Dyer was not elected to this Congress and that Michael J. Gill was elected. L. C. Dyer has been here nearly 15 months. He has secured the emoluments of the office. He has had his secretary and the secretary's pay. He has had the frank of a Member of Congress. The office is nearly stripped by the time we reach a vote.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent of the House that those who have spoken have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that all gentlemen who have spoken have leave to extend their remarks on this subject. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] is recognized for 10 minutes.

Mr. GOLDFOGLE. Mr. Speaker, in the few minutes remaining I shall not attempt to review the testimony in this case. Indeed, it is quite unnecessary to review it, because, from the arguments that have been made on the floor for and against the committee report, it would seem evident that the membership of this House are quite well informed of the general trend of the testimony, and I think this House has at this time a very clear idea of what is contended for on both sides of the question.

It has been conceded by the contestee's side that there was some fraud practiced in the twelfth congressional district, and it is quite clear that returns were falsified. After a consideration of all the facts and circumstances developed by the testimony, the authorities applicable to the case made it compulsory upon the committee to direct the elimination of certain of the returns. Indeed, that the committee were required so to act was conceded by some of those who spoke on behalf of the contestee. That the contestant made a prima facie case has been practically conceded. When, on the 12th day of March of this year, a tentative vote was taken, it appeared that a majority of the committee favored the elimination of the returns from the seven precincts. On the very next day, the 13th day of March, the contestee served upon the chairman of the committee a notice of motion for leave to take further testimony. Now, this committee acted with great expedition in this case; for if you turn to the hearings you will find that those hearings began in the middle of December of this session. According to the regular procedure of the House the testimony in a contested-election case does not reach the committee until the so-called long or regular session of Congress, and in accordance with that procedure the testimony did not come to the committee until December, 1913, and the hearings were begun in that month. So that you will notice the great expedition with which the chairman of the committee acted.

As I said, in March the committee had reached a stage when a tentative vote was taken, and on the 2d day of April, on which day a meeting of the committee was held, the question came up on the motion made by the contestee.

Allusion has been made to the dissent that I entered against the decision of the committee. I regret I had to disagree with a majority of my Democratic colleagues on the committee, but I am still of the opinion I was right. The rule is quite clearly stated in the case of Featherston against Cate which was decided in the Fifty-first Congress. It is stated in Hinds' Precedents:

The rejection of the return does not necessarily leave the vote actually cast in the precinct uncounted. It only declares that the returns, having been shown to be false, shall not be taken as true, and the parties are thrown back upon such other evidence as it may be in their power to produce in order to show how many votes were cast and for whom, so that the entire vote, if sufficient pains be taken and means be at hand, may be shown, and not a single one lost, notwithstanding the falsity of the return.

That, Mr. Speaker, is the rule; and following that rule I dissented from the decision of the committee, because I concluded it was only fair and just that the contestee should have the right to offer evidence——

Mr. RUCKER. Will the gentleman yield?

Mr. GOLDFOGLE. Certainly; for a question.

Mr. RUCKER. You joined with the committee in making this report, did you not?

Mr. GOLDFOGLE. I am explaining my dissent——

Mr. RUCKER. You joined with the committee in the making of the report, did you not? And if you joined with the committee, why do you not stand up for the report?

Mr. GOLDFOGLE. But if you will look at the report you will see that there is an express notation of my dissent.

Mr. RUCKER. Did you not join in the report?

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. I trust the gentleman will not take up the few minutes I have remaining.

Mr. RUCKER. I do not like to have you make a speech against your report.

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. No; I can not yield further. I would love to yield, but I can not.

The SPEAKER. The gentleman declines to yield.

Mr. GOLDFOGLE. Now, I want to say that after Mr. Dyer's motion was voted down I offered a resolution in that committee, and I desire to state the form of the resolution I offered, because it was according to what I conceive to be precedents established in the House.

The resolution which I asked the committee to recommend to this House for adoption was as follows:

Resolved, That the Committee on Elections No. 3 is hereby authorized and empowered to take such testimony as it shall deem necessary to the determination of the question of fact in the said contested case of Gill against Dyer, and shall have power to send for all such persons, ballots, and papers as it may find necessary for the proper determination of said controversy, and determine the time, place, and manner of taking such testimony, which may be taken before said committee or any subcommittee thereof, or any person selected by said committee

for such purpose, and the expense incurred in taking said testimony and carrying out the provisions of this resolution shall be paid out of the contingent fund of the House on vouchers certified as correct by the chairman of said committee.

Now, Mr. Speaker, had that resolution——

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

Mr. GOLDFOGLE. I decline to yield.

The SPEAKER. The gentleman from Missouri can not take the gentleman from New York off his feet by a parliamentary inquiry.

Mr. RUCKER. I simply wanted to ask if his time had expired.

Mr. GOLDFOGLE. Mr. Speaker, I proposed that resolution in the interest of which I believed to be justice and fair play. I had asked the committee to recommend it for adoption to the House. That was on April 2. Mr. Dyer had offered to stipulate to limit himself in the taking of his proofs to 30 days, though he did not ask that the contestant be limited at all. The burden of proof had shifted to the contestee; and though we had reached in committee a vote on the precincts, it still seemed to me fair that the contestee should be accorded an opportunity to prove, if he could, within fair limit of time, the true state of the vote in the seven several precincts from which the returns were eliminated.

In the case of Mitchell against Walsh, decided in the Fifty-fourth Congress, it was declared that—

The House of Representatives, with its broad and limitless powers respecting the settlement of contested-election cases, is only desirous of arriving at the truth. While it will not depart from wise and well-settled rules of law, it will not hedge itself about with technical rules which may do manifest wrong.

Mr. Speaker, had my suggestion made to the committee been acceded to and the resolution been adopted by the House, we would have been enabled to reach before now probably the very stage we have now reached. The case could have been concluded by this time anyway. Dissenting, as I do, from the decision which denied Mr. Dyer's motion for a privilege I thought he ought to have, I may, however, reaffirm that the falsity of the returns by the judges and clerks of elections is clearly disclosed; and should the House, in the exercise of its judgment, conclude that further time should not be allowed the contestee to give additional evidence, it follows that, according to the findings and conclusions reached by a majority of the committee, that Mr. Dyer was not elected a Member of the House. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the resolution reported by the minority of the committee.

Mr. MANN. Mr. Speaker, I ask to have the resolution read.

The SPEAKER. The Clerk will report the minority resolution.

The Clerk read as follows:

Resolved, That the Committee on Elections No. 3, or a subcommittee thereof, be instructed to take additional testimony in the contested-election case of Michael J. Gill *v.* Hon. L. C. Dyer, touching the election of November 5, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17 of the fifth ward of the city of St. Louis, with particular reference as to whether or not the Democratic ballots in those precincts which had Michael J. Gill's name scratched were the correct votes of the voters in question or whether some person or persons had fraudulently scratched the name of the said Gill without the knowledge and consent of the said voters; and that the said committee, after it has taken and considered this additional evidence, in connection with testimony heretofore taken, make its report to the House, with its recommendations, within 30 days after the adoption of this resolution.

Mr. ELDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ELDER. I would like to ask whether the majority resolution is divisible or not?

The SPEAKER. Yes; but we have not got to that yet.

Mr. ELDER. Another inquiry is, If the first resolution of the majority should be adopted and the second one rejected, would that leave the seat vacant?

The SPEAKER. It would leave the seat vacant.

Mr. RUCKER. Mr. Speaker, I move the previous question on the resolutions and the substitute.

Mr. GOLDFOGLE. The order of the House fixes that.

Mr. RUCKER. The previous question was not ordered.

Mr. GOLDFOGLE. It was tantamount to ordering the previous question.

The SPEAKER. The Chair thinks not. The gentleman from Missouri moves the previous question on all the resolutions.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the resolution of the minority, which has just been read.

Mr. MANN. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 136, answered "present" 23, not voting 167, as follows:

YEAS—107.

Aiken	Esch	Kindel	Saunders
Anthony	Estopinal	Kinkaid, Nebr.	Scott
Austin	Evans	La Follette	Sells
Barchfeld	Falconer	Lenroot	Shreve
Bartholdt	Farr	Levy	Sinnott
Bartlett	French	Lindbergh	Slemp
Barton	Glass	Linthicum	Sloan
Beakes	Good	Lobeck	Small
Bell, Cal.	Green, Iowa	McKenzie	Smith, Idaho
Bowdle	Greene, Mass.	McLaughlin	Smith, Saml. W.
Britten	Guernsey	Mann	Stafford
Brown, W. Va.	Hamilton, Mich.	Mapes	Steenerson
Burke, S. Dak.	Haugen	Miller	Stephens, Cal.
Burke, Wis.	Hawley	Mondell	Stone
Burnett	Hayes	Moore	Sutherland
Calder	Helgesen	Morgan, Okla.	Switzer
Campbell	Hinebaugh	Moss, Ind.	Talcott, N. Y.
Cary	Howard	Mott	Temple
Chandler, N. Y.	Howell	Nelson	Ten Eyck
Cooper	Johnson, Utah	Padgett	Thomson, Ill.
Cramton	Johnson, Wash.	Patton, Pa.	Towner
Curry	Kahn	Payne	Townsend
Davis	Kelley, Mich.	Platt	Underhill
Dillon	Kennedy, Iowa	Plumley	Volstead
Drukker	Kent	Roberts, Mass.	Walters
Dupré	Kettner	Roberts, Nev.	Woodruff
Edmonds	Kiess, Pa.	Rogers	

NAYS—136.

Abercrombie	Donovan	Hayden	Post
Adair	Doolittle	Heflin	Pou
Alexander	Doremus	Helm	Quin
Ashbrook	Doughton	Hensley	Ragsdale
Aswell	Driscoll	Hill	Rainey
Baker	Eagan	Houston	Raker
Baltz	Eagle	Hughes, Ga.	Rauch
Barkley	Edwards	Hull	Rayburn
Bathrick	Elder	Igoe	Reilly, Conn.
Beall, Tex.	Falson	Jacoway	Riordan
Borchers	Fergusson	Keating	Rubey
Brockson	Ferris	Kelly, Pa.	Rucker
Bryan	Flood, Va.	Kennedy, Conn.	Russell
Buchanan, Ill.	Floyd, Ark.	Key, Ohio	Sisson
Buchanan, Tex.	Foster	Kirkpatrick	Smith, N. Y.
Burgess	Fowler	Lazaro	Sparkman
Candler, Miss.	Francis	Lee, Pa.	Stephens, Miss.
Caraway	Gallagher	Lesher	Stephens, Nebr.
Carr	Gard	Lever	Stephens, Tex.
Carter	Garner	Lloyd	Stout
Casey	Garrett, Tex.	Logue	Sumners
Claypool	Gilmore	Lonergan	Tavenner
Coady	Giffins	McClellan	Taylor, Ark.
Collier	Godwin, N. C.	McCoy	Taylor, Colo.
Connelly, Kans.	Goeke	McGillicuddy	Thompson, Okla.
Connolly, Iowa	Goodwin, Ark.	Maguire, Nebr.	Tribble
Crosser	Graham, Ill.	Maher	Underwood
Cullop	Gray	Mitchell	Vollmer
Deitrick	Gudger	Nolan, J. I.	Walker
Dent	Hamill	O'Hair	Watson
Dershem	Hamlin	Oldfield	Weaver
Dickinson	Hammond	Page, N. C.	Williams
Dixon	Harris	Palmer	Wingo
Donohoe	Harrison	Park	Witherspoon

ANSWERED "PRESENT"—23.

Allen	Cox	Morrison	Seldomridge
Booher	Goldfogle	Murray, Okla.	Sims
Browne, Wis.	Hardy	Peterson	Stevens, Minn.
Bulkley	Hay	Reilly, Wis.	Taylor, Ala.
Clark, Fla.	Holland	Rouse	Watkins
Cline	Moon	Rupley	

NOT VOTING—167.

Adamson	Dies	Hughes, W. Va.	Metz
Ainey	Difenderfer	Hulings	Montague
Anderson	Dooling	Humphrey, Wash	Morgan, La.
Ansberry	Dunn	Humphreys, Miss	Morin
Avis	Dyer	Johnson, Ky.	Moss, W. Va.
Bailey	Fairchild	Johnson, S. C.	Murdock
Barnhart	Fess	Jones	Murray, Mass.
Bell, Ga.	Fields	Keister	Neeley, Kans.
Blackmon	Finley	Kennedy, R. I.	Neely, W. Va.
Borland	Fitzgerald	Kinkead, N. J.	Norton
Brodbeck	FitzHenry	Kitchin	O'Brien
Broussard	Fordney	Knowland, J. R.	Oglesby
Brown, N. Y.	Frear	Konop	O'Leary
Browning	Gallivan	Korbly	O'Shaunessy
Bruckner	Gardner	Kreider	Paige, Mass.
Brumbaugh	Garrett, Tenn.	Lafferty	Parker
Burke, Pa.	George	Langham	Patten, N. Y.
Butler	Gerry	Langley	Peters, Mass.
Byrnes, S. C.	Gillett	Lee, Ga.	Peters, Me.
Byrns, Tenn.	Gordon	L'Engle	Phelan
Callaway	Gorman	Lewis, Md.	Porter
Cantor	Goulden	Lewis, Pa.	Powers
Cantrill	Graham, Pa.	Lieb	Prouty
Carew	Greene, Vt.	Lindquist	Reed
Carlin	Gregg	Loft	Rothermel
Church	Griest	McAndrews	Sabath
Clancy	Griffin	McDermott	Scully
Conry	Hamilton, N. Y.	McGuire, Okla.	Shackleford
Copley	Hardwick	McKellar	Sharp
Covington	Hart	MacDonald	Sherley
Crisp	Helvering	Madden	Sherwood
Dale	Henry	Mahan	Slayden
Danforth	Hinds	Manahan	Smith, J. M. C.
Davenport	Hobson	Martin	Smith, Md.
Decker	Hoxworth	Merritt	Smith, Minn.

Smith, Tex.	Taylor, N. Y.	Wallin	Wilson, Fla.
Stanley	Thacher	Walsh	Wilson, N. Y.
Stedman	Thomas	Webb	Winslow
Stevens, N. H.	Treadway	Whaley	Woods
Stringer	Tuttle	Whitacre	Young, N. Dak.
Taggart	Vare	White	Young, Tex.
Talbott, Md.	Vaughan	Willis	

So the resolution was rejected.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. NEELEY of Kansas with Mr. MURDOCK.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. ALLEN with Mr. FESS.

Mr. HINDS with Mr. HENRY.

Mr. MCDERMOTT with Mr. WILLIS.

Mr. TUTTLE with Mr. GILLETT.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. LANGLEY with Mr. FIELDS.

Mr. WATKINS with Mr. FORDNEY.

Mr. MURRAY of Massachusetts with Mr. NORTON.

Mr. LEE of Georgia with Mr. MORIN.

Mr. KITCHIN with Mr. PROUTY.

Mr. HUMPHREYS of Mississippi with Mr. MACDONALD.

Mr. HARDWICK with Mr. MANAHAN.

Mr. GARRETT of Tennessee with Mr. MCGUIRE of Oklahoma.

Mr. SHERWOOD with Mr. PORTER.

Mr. FITZGERALD with Mr. MERRITT.

Mr. FINLEY with Mr. LINDQUIST.

Mr. WEBB with Mr. LEWIS of Pennsylvania.

Mr. CANTRILL with Mr. KEISTER.

Mr. YOUNG of Texas with Mr. COPLEY.

Mr. CALLAWAY with Mr. LAFFERTY.

Mr. BYRNS of Tennessee with Mr. DUNN.

Mr. BYRNES of South Carolina with Mr. ANDERSON.

Mr. MONTAGUE with Mr. AINEY.

Mr. SMITH of Texas with Mr. PARKER.

Mr. PATTEN of New York with Mr. POWERS.

Mr. THOMAS of Kentucky with Mr. SMITH of Minnesota.

Mr. WILSON of Florida with Mr. YOUNG of North Dakota.

Commencing June 18, ending June 20, inclusive:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Commencing June 10, ending June 22:

Mr. BROWN of New York with Mr. BROWNE of Wisconsin.

On this vote:

Mr. J. M. C. SMITH (for substitute) with Mr. CLINE (against).

Mr. KENNEDY of Rhode Island (for substitute) with Mr. TALBOTT of Maryland (against).

Mr. LANGHAM (for substitute) with Mr. GALLIVAN (against).

Mr. GREENE of Vermont (for substitute) with Mr. MORGAN of Louisiana (against).

Mr. GARDNER (for substitute) with Mr. BRODBECK (against).

Mr. DANFORTH (for substitute) with Mr. PETERSON (against).

Mr. VARE (for substitute) with Mr. LEWIS of Maryland (against).

Mr. GRAHAM of Pennsylvania (for substitute) with Mr. RUPLEY (against).

Mr. KREIDER (for substitute) with Mr. CLARK of Florida (against).

Mr. BUTLER (for substitute) with Mr. COX (against).

Mr. TAYLOR of New York (for substitute) with Mr. GRIFFIN (against).

Mr. MOSS of West Virginia (for substitute) with Mr. SELDOMRIDGE (against).

Mr. AVIS (for substitute) with Mr. HARDY (against).

Mr. MADDEN (for substitute) with Mr. ROUSE (against).

Mr. BULKLEY (for substitute) with Mr. BLACKMON (against).

Mr. PAIGE of Massachusetts (for substitute) with Mr. GOULDEN (against).

Mr. GRIEST (for substitute) with Mr. BELL of Georgia (against).

Mr. FREAR (for substitute) with Mr. REILLY of Wisconsin (against).

Mr. HULINGS (for substitute) with Mr. MURRAY of Oklahoma (against).

Mr. TREADWAY (for substitute) with Mr. BOOHER (against).

Mr. WINSLOW (for substitute) with Mr. CARLIN (against).

Mr. MURRAY of Oklahoma. Mr. Speaker, I desire to know if the gentleman from Pennsylvania, Mr. HULINGS, voted?

The SPEAKER. He did not.

Mr. MURRAY of Oklahoma. Then I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. MURRAY of Oklahoma was called, and he answered "Present."

Mr. ROUSE. Mr. Speaker, I voted "nay." I am paired with the gentleman from Illinois, Mr. MADDEN. I desire to withdraw that vote and answer "present."

The name of Mr. ROUSE was called, and he answered "Present."

Mr. HARDY. Mr. Speaker, did the gentleman from West Virginia, Mr. AVIS, vote?

The SPEAKER. He did not.

Mr. HARDY. Mr. Speaker, I am paired with the gentleman. I voted "nay." I wish to withdraw that and answer "present."

The name of Mr. HARDY was called, and he answered "Present."

Mr. BOOHER. Mr. Speaker, is the gentleman from Massachusetts, Mr. TREADWAY, recorded?

The SPEAKER. He is not recorded.

Mr. BOOHER. Mr. Speaker, I wish to withdraw my vote of "nay" and answer "present," as I am paired with the gentleman.

The name of Mr. BOOHER was called, and he answered "Present."

Mr. ALLEN. Mr. Speaker, did the gentleman from Ohio, Mr. FESS, vote?

The SPEAKER. He is not recorded.

Mr. ALLEN. Mr. Speaker, I am paired with the gentleman. I therefore desire to withdraw my vote of "yea" and answer "present."

The name of Mr. ALLEN was called, and he answered "Present."

Mr. CLINE. Mr. Speaker, did the gentleman from Michigan, Mr. J. M. C. SMITH, vote?

The SPEAKER. He did not.

Mr. CLINE. Mr. Speaker, I am paired with the gentleman, and I desire to withdraw my vote of nay and answer "present."

The name of Mr. CLINE was called, and he answered "Present."

Mr. REILLY of Wisconsin. Mr. Speaker, did the gentleman from Wisconsin, Mr. FREAR, vote?

The SPEAKER. He did not.

Mr. REILLY of Wisconsin. Mr. Speaker, I am paired with the gentleman. I desire to withdraw my vote of nay and answer "present."

The name of Mr. REILLY of Wisconsin was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs on the resolution offered by the majority.

Mr. MANN. Mr. Speaker, I ask a division of the question.

The SPEAKER. The gentleman from Illinois demands a division of the question, and the vote will first be taken on the first resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 548.

Resolved, That L. C. Dyer was not elected a Representative in the Sixty-third Congress from the twelfth district of the State of Missouri, and is not entitled to a seat therein.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 98, answered "present" 22, not voting 166, as follows:

YEAS—147.

Abercrombie	Coady	Ferris	Hay
Adair	Collier	Flood, Va.	Hayden
Alexander	Connelly, Kans.	Floyd, Ark.	Heflin
Ashbrook	Connolly, Iowa	Foster	Helm
Aswell	Crosser	Fowler	Helvering
Baker	Cullop	Francis	Hensley
Baltz	Deitrick	Gallagher	Hill
Barkley	Dent	Gard	Holland
Bathrick	Dershem	Garner	Houston
Beaks	Dickinson	Garrett, Tex.	Howard
Borchers	Dixon	Gilmore	Hughes, Ga.
Brockson	Donohoe	Gittins	Hull
Bryan	Donovan	Godwin, N. C.	Igoe
Buchanan, Ill.	Doolittle	Goeke	Jacoway
Buchanan, Tex.	Doremus	Goldfogle	Keating
Burgess	Doughton	Goodwin, Ark.	Kelly, Pa.
Burnett	Driscoll	Graham, Ill.	Kennedy, Conn.
Candler, Miss.	Eagan	Gray	Kettner
Caraway	Eagle	Gudger	Key, Ohio
Carr	Edwards	Hamill	Kirkpatrick
Carter	Elder	Hamlin	Lazaro
Casey	Faison	Harris	Lee, Pa.
Claypool	Fergusson	Harrison	Lesher

Lever	Oldfield	Rubey	Ten Eyck
Levy	Page, N. C.	Rucker	Thompson, Okla.
Linthicum	Palmer	Russell	Townsend
Lloyd	Park	Sims	Tribble
Logue	Post	Sisson	Underwood
Lonergan	Pou	Smith, N. Y.	Vollmer
McClellan	Quin	Sparkman	Walker
McCoy	Ragsdale	Stephens, Miss.	Watkins
McGillicuddy	Rainey	Stephens, Nebr.	Watson
Maguire, Nebr.	Raker	Stephens, Tex.	Weaver
Maher	Rauch	Stone	Williams
Mitchell	Rayburn	Sumners	Wingo
Nolan, J. I.	Reilly, Conn.	Tavenner	Witherspoon
O'Hair	Riordan	Taylor, Ark.	

NAYS—98.

Anthony	Edmonds	Kiess, Pa.	Scott
Austin	Esch	Kindel	Sells
Barchfeld	Estopinal	Kinkaid, Nebr.	Shreve
Bartholdt	Evans	La Follette	Sinnott
Bartlett	Falconer	Lenroot	Slemp
Barton	Farr	Lindbergh	Sloan
Bell, Cal.	French	Lobeck	Small
Bowdle	Glass	McKenzie	Smith, Idaho
Britten	Good	McLaughlin	Smith, Saml. W.
Broussard	Green, Iowa	Mann	Stafford
Brown, W. Va.	Greene, Mass.	Mapes	Steenerson
Browne, Wis.	Guernsey	Miller	Stephens, Cal.
Burke, S. Dak.	Hamilton, Mich.	Mondell	Stout
Burke, Wis.	Hammond	Moore	Sutherland
Calder	Haugen	Morgan, Okla.	Switzer
Campbell	Hawley	Moss, Ind.	Talcott, N. Y.
Cary	Hayes	Mott	Temple
Chandler, N. Y.	Helgesen	Nelson	Thomson, Ill.
Cooper	Hinebaugh	Patton, Pa.	Towner
Cramton	Howell	Payne	Underhill
Curry	Johnson, Utah	Platt	Volstead
Davis	Johnson, Wash.	Plumley	Walters
Dillon	Kelley, Mich.	Roberts, Mass.	Woodruff
Drukker	Kennedy, Iowa	Roberts, Nev.	
Dupré	Kent	Rogers	

ANSWERED "PRESENT"—22.

Aiken	Cline	Padgett	Seldomridge
Allen	Cox	Peterson	Stevens, Minn.
Booher	Hardy	Reilly, Wis.	Taylor, Ala.
Bulkley	McKellar	Rouse	Taylor, Colo.
Church	Moon	Rupley	
Clark, Fla.	Murray, Okla.	Saunders	

NOT VOTING—166.

Adamson	Finley	Lafferty	Prouty
Ainey	Fitzgerald	Langham	Reed
Anderson	FitzHenry	Langley	Rothermel
Ansberry	Fordney	Lee, Ga.	Sabath
Avis	Frear	L'Engle	Scully
Bailey	Gallivan	Lewis, Md.	Shackleford
Barnhart	Gardner	Lewis, Pa.	Sharp
Beall, Tex.	Garrett, Tenn.	Lieb	Sherley
Bell, Ga.	George	Lindquist	Sherwood
Blackmon	Gerry	Loft	Slayden
Borland	Gillett	McAndrews	Smith, J. M. C.
Brodbeck	Gordon	McDermott	Smith, Md.
Brown, N. Y.	Gorman	McGuire, Okla.	Smith, Minn.
Browning	Goulden	MacDonald	Smith, Tex.
Bruckner	Graham, Pa.	Madden	Stanley
Brumbaugh	Greene, Vt.	Mahan	Stedman
Burke, Pa.	Gregg	Manahan	Stevens, N. H.
Butler	Griest	Martin	Stringer
Byrnes, S. C.	Griffin	Merritt	Taggart
Byrns, Tenn.	Hamilton, N. Y.	Metz	Talbott, Md.
Callaway	Hardwick	Montague	Taylor, N. Y.
Cantor	Hart	Morgan, La.	Thacher
Cantrill	Henry	Morin	Thomas
Carew	Hinds	Morrison	Treadway
Carlin	Hobson	Moss, W. Va.	Tuttle
Clancy	Hoxworth	Murdock	Vare
Conry	Hughes, W. Va.	Murray, Mass.	Vaughan
Copley	Hulings	Neeley, Kans.	Wallin
Covington	Humphrey, Wash.	Neely, W. Va.	Walsh
Crisp	Humphreys, Miss.	Norton	Webb
Dale	Johnson, Ky.	O'Brien	Whaley
Danforth	Johnson, S. C.	Oglesby	Whitacre
Davenport	Jones	O'Leary	White
Decker	Kahn	O'Shaunessy	Willis
Dies	Keister	Paige, Mass.	Wilson, Fla.
Difenderfer	Kennedy, R. I.	Parker	Wilson, N. Y.
Dooling	Kinkead, N. J.	Patten, N. Y.	Winslow
Dunn	Kitchin	Peters, Mass.	Woods
Dyer	Knowland, J. R.	Peters, Me.	Young, N. Dak.
Fairchild	Konop	Phelan	Young, Tex.
Fess	Korbly	Porter	
Fields	Kreider	Powers	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. CLINE (for resolution) with Mr. J. M. C. SMITH (against).

Mr. TALBOTT of Maryland (for resolution) with Mr. KENNEDY of Rhode Island (against).

Mr. GALLIVAN (for resolution) with Mr. LANGHAM (against).

Mr. MORGAN of Louisiana (for resolution) with Mr. GREENE of Vermont (against).

Mr. BRODBECK (for resolution) with Mr. GARDNER (against).

Mr. PETERSON (for resolution) with Mr. DANFORTH (against).

Mr. LEWIS of Maryland (for resolution) with Mr. VARE (against).

Mr. RUPLEY (for resolution) with Mr. GRAHAM of Pennsylvania (against).

Mr. CLARK of Florida (for resolution) with Mr. KREIDER (against).

Mr. COX (for resolution) with Mr. BUTLER (against).

Mr. TAYLOR of Colorado (for resolution) with Mr. KAHN (against).

Mr. GRIFFIN (for resolution) with Mr. TAYLOR of New York (against).

Mr. SELDOMRIDGE (for resolution) with Mr. Moss of West Virginia (against).

Mr. HARDY (for resolution) with Mr. AVIS (against).

Mr. ROUSE (for resolution) with Mr. MADDEN (against).

Mr. BLACKMON (for resolution) with Mr. BULKLEY (against).

Mr. GOULDEN (for resolution) with Mr. PAIGE of Massachusetts (against).

Mr. BELL of Georgia (for resolution) with Mr. GRIEST (against).

Mr. REILLY of Wisconsin (for resolution) with Mr. FREAR (against).

Mr. MURRAY of Oklahoma (for resolution) with Mr. HULINGS (against).

Mr. BOOHER (for resolution) with Mr. TREADWAY (against).

Mr. CARLIN (for resolution) with Mr. WINSLOW (against).

Until further notice:

Mr. AIKEN with Mr. FORDNEY.

Mr. RUPLEY. Mr. Speaker, I desire to inquire whether Mr. GRAHAM of Pennsylvania voted.

The SPEAKER. He is not recorded.

Mr. RUPLEY. Then, Mr. Speaker, I desire to change from "aye" to "present."

The name of Mr. RUPLEY was called, and he answered "Present."

Mr. BOOHER. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. TREADWAY. I desire to change my vote from "aye" to "present."

The name of Mr. BOOHER was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the second resolution.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 548.

Resolved, That Michael J. Gill was duly elected a Representative in the Sixty-third Congress of the United States as a Representative from the twelfth district of the State of Missouri, and is entitled to a seat therein.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 108, answered "present" 26, not voting 174, as follows:

YEAS—125.

Abercrombie	Donohoe	Helm	Rainey
Adair	Donovan	Helvering	Raker
Alexander	Doremus	Hensley	Rayburn
Ashbrook	Driscoll	Hill	Reilly, Conn.
Aswell	Eagan	Houston	Riordan
Baker	Eagle	Hughes, Ga.	Rubey
Baltz	Faison	Hull	Rucker
Barkley	Ferris	Igoe	Russell
Bathrick	FitzHenry	Jacoway	Sisson
Beall, Tex.	Flood, Va.	Keating	Smith, Md.
Borchers	Floyd, Ark.	Kennedy, Conn.	Smith, N. Y.
Brockson	Foster	Key, Ohio	Sparkman
Bryan	Fowler	Kirkpatrick	Stephens, Miss.
Buchanan, Ill.	Francis	Lazaro	Stephens, Nebr.
Buchanan, Tex.	Gallagher	Lee, Pa.	Stephens, Tex.
Burgess	Garner	Lesher	Stone
Candler, Miss.	Garrett, Tex.	Levy	Sumners
Caraway	Gilmore	Lloyd	Tavenner
Carr	Gittins	Logue	Taylor, Ark.
Casey	Godwin, N. C.	Lonergan	Ten Eyck
Claypool	Goeke	McCoy	Thompson, Okla.
Coady	Goldfogle	McGillicuddy	Townsend
Collier	Goodwin, Ark.	Maguire, Nebr.	Underwood
Connelly, Kans.	Graham, Ill.	Maher	Vollmer
Connolly, Iowa	Gray	Mitchell	Walker
Crosser	Gudger	O'Hair	Watson
Cullop	Hamill	Oldfield	Williams
Deitrick	Hamlin	Palmer	Wingo
Dent	Harris	Park	Witherspoon
Dershem	Harrison	Pou	
Dickinson	Hayden	Quin	
Dixon	Heflin	Ragsdale	

NAYS—108.

Anthony	Britten	Cooper	Edwards
Austin	Broussard	Cramton	Esch
Barchfeld	Brown, W. Va.	Curry	Falconer
Bartholdt	Burke, S. Dak.	Davis	Farr
Bartlett	Burke, Wis.	Dillon	French
Barton	Burnett	Doolittle	Gard
Beakes	Calder	Doughton	Glass
Bell, Cal.	Campbell	Dupré	Good
Bowdle	Chandler, N. Y.	Edmonds	Green, Iowa

Greene, Mass.	Kiess, Pa.	Nelson	Smith, Idaho
Guernsey	Kindel	Nolan, J. I.	Smith, Saml. W.
Hamilton, Mich.	Kinkaid, Nebr.	Page, N. C.	Stafford
Hammond	La Follette	Patton, Pa.	Steenerson
Haugen	Lenroot	Payne	Stephens, Cal.
Hawley	Lindbergh	Platt	Stout
Hayes	Linthicum	Plumley	Sutherland
Helgesen	McClellan	Roberts, Mass.	Switzer
Hinebaugh	McKenzie	Roberts, Nev.	Talcott, N. Y.
Howard	McLaughlin	Rogers	Temple
Howell	Mann	Saunders	Thomson, Ill.
Johnson, Utah	Mapes	Sells	Towner
Johnson, Wash.	Miller	Shreve	Tribble
Kelley, Mich.	Mondell	Sims	Underhill
Kelly, Pa.	Moore	Sinnott	Volstead
Kennedy, Iowa	Morgan, Okla.	Slemp	Walters
Kent	Moss, Ind.	Sloan	Watkins
Kettner	Mott	Small	Woodruff

VOTING "PRESENT"—26.

Aiken	Church	Holland	Rouse
Allen	Clark, Fla.	Lever	Rupley
Blackmon	Cline	McKellar	Seldomridge
Booher	Cox	Moon	Stevens, Minn.
Browne, Wis.	Elder	Murray, Okla.	Taylor, Ala.
Byrns, Tenn.	Fergusson	Padgett	
Cary	Hardy	Reilly, Wis.	

NOT VOTING—174.

Adamson	Finley	Langley	Rauch
Ainey	Fitzgerald	Lee, Ga.	Reed
Anderson	Fordney	L'Engle	Rothermel
Ansberry	Frear	Lewis, Md.	Sabath
Avis	Gallivan	Lewis, Pa.	Scott
Bailey	Gardner	Lieb	Scully
Barnhart	Garrett, Tenn.	Lindquist	Shackleford
Bell, Ga.	George	Lobeck	Sharp
Borland	Gerry	Loft	Sherley
Brodbeck	Gillett	McAndrews	Sherwood
Brown, N. Y.	Gordon	McDermott	Slayden
Browning	Gorman	McGuire, Okla.	Smith, J. M. C.
Bruckner	Goulden	MacDonald	Smith, Minn.
Brumbaugh	Graham, Pa.	Madden	Smith, Tex.
Bulkley	Greene, Vt.	Mahan	Stanley
Burke, Pa.	Gregg	Manahan	Stedman
Butler	Griest	Martin	Stevens, N. H.
Byrnes, S. C.	Griffin	Merritt	Stringer
Callaway	Hamilton, N. Y.	Metz	Taggart
Cantor	Hardwick	Montague	Talbott, Md.
Cantrill	Hart	Morgan, La.	Taylor, Colo.
Carew	Hay	Morin	Taylor, N. Y.
Carlin	Henry	Morrison	Thacher
Carter	Hinds	Moss, W. Va.	Thomas
Clancy	Hobson	Murdock	Treadway
Conry	Hoxworth	Murray, Mass.	Tuttle
Copley	Hughes, W. Va.	Neeley, Kans.	Vare
Covington	Hulings	Neely, W. Va.	Vaughan
Crisp	Humphrey, Wash.	Norton	Wallin
Dale	Humphreys, Miss.	O'Brien	Walsh
Danforth	Johnson, Ky.	Oglesby	Weaver
Davenport	Johnson, S. C.	O'Leary	Webb
Decker	Jones	O'Shaunessy	Whaley
Dies	Kahn	Paige, Mass.	Whitacre
Difenderfer	Keister	Parker	White
Dooling	Kennedy, R. I.	Patten, N. Y.	Willis
Drukker	Kinkead, N. J.	Peters, Mass.	Wilson, Fla.
Dunn	Kitchin	Peters, Me.	Wilson, N. Y.
Dyer	Knowland, J. R.	Peterson	Winslow
Estopinal	Konop	Phelan	Woods
Evans	Korbly	Porter	Young, N. Dak.
Fairchild	Kreider	Post	Young, Tex.
Fess	Lafferty	Powers	
Fields	Langham	Prouty	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. LEWIS of Maryland (for resolution) with Mr. VARE (against).

Mr. RUPLEY (for resolution) with Mr. GRAHAM of Pennsylvania (against).

Mr. CLARK of Florida (for resolution) with Mr. KREIDER (against).

Mr. COX (for resolution) with Mr. BUTLER (against).

Mr. GRIFFIN (for resolution) with Mr. TAYLOR of New York (against).

Mr. SELDOMRIDGE (for resolution) with Mr. Moss of West Virginia (against).

Mr. HARDY (for resolution) with Mr. AVIS (against).

Mr. ROUSE (for resolution) with Mr. MADDEN (against).

Mr. BLACKMON (for resolution) with Mr. BULKLEY (against).

Mr. GOULDEN (for resolution) with Mr. PAIGE of Massachusetts (against).

Mr. BELL of Georgia (for resolution) with Mr. GRIEST (against).

Mr. REILLY of Wisconsin (for resolution) with Mr. FREAR (against).

Mr. MURRAY of Oklahoma (for resolution) with Mr. HULINGS (against).

Mr. BOOHER (for resolution) with Mr. TREADWAY (against).

Mr. CARLIN (for resolution) with Mr. WINSLOW (against).

Mr. CLINE (for resolution) with Mr. J. M. C. SMITH (against).

Mr. TALBOTT of Maryland (for resolution) with Mr. KENNEDY of Rhode Island (against).

Mr. GALLIVAN (for resolution) with Mr. LANGHAM (against).

Mr. MORGAN of Louisiana (for resolution) with Mr. GREENE of Vermont (against).

Mr. BRODBECK (for resolution) with Mr. GARDNER (against).

Mr. PETERSON (for resolution) with Mr. DANFORTH (against).

Until further notice:

Mr. GREGG with Mr. KAHN.

Mr. BAILEY with Mr. DRUKKER.

Mr. BORLAND with Mr. SCOTT.

Mr. SHACKLEFORD with Mr. CARY.

Mr. RUPLEY. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. RUPLEY. Has Mr. GRAHAM of Pennsylvania voted?

The SPEAKER. He has not.

Mr. RUPLEY. Then, I desire to vote "present."

The name of Mr. RUPLEY was called, and he answered "Present."

Mr. BLACKMON. Mr. Speaker, how did the gentleman from Ohio, Mr. BULKLEY, vote?

The SPEAKER. He did not vote.

Mr. BLACKMON. Then, Mr. Speaker, I desire to change my vote from "yea" to "present."

The name of Mr. BLACKMON was called, and he answered "Present."

Mr. FERGUSSON. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. FERGUSSON. I wish to withdraw my vote and vote "present."

The name of Mr. FERGUSSON was called, and he answered "Present."

Mr. BOOHER. Mr. Speaker, did the gentleman from Massachusetts, Mr. TREADWAY, vote?

The SPEAKER. He did not.

Mr. BOOHER. I have a pair with the gentleman, and I wish to withdraw my vote of "yea" and vote "present."

The name of Mr. BOOHER was called, and he answered "Present."

Mr. LEVER. Mr. Speaker, I desire to change my vote from "nay" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. LEVER was called, and he answered "Present."

Mr. AIKEN. Mr. Speaker, I desire also to change my vote from "nay" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. AIKEN was called, and he answered "Present."

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN of West Virginia, for one week, on account of important business.

To Mr. WEAVER, indefinitely, on account of important business.

SWEARING IN OF A MEMBER.

Hon. MICHAEL J. GILL, Representative of the twelfth congressional district of Missouri, accompanied by Mr. LLOYD, appeared at the bar of the House and took the oath of office.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Saturday, June 20, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of George F. W. Holman *v.* The United States (H. Doc. No. 1044); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of William Lee Darling *v.* The United States (H. Doc. No. 1045); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting report on the old customhouse building at New Orleans, La., made at the direction of the Supervising Architect, by the superintendent of construction in charge of the new post-office building, and commending the estimate as submitted (H. Doc. No. 1046); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 255) authorizing the Secretary of State to extend invitations to other nations to send representatives to the International Dry-Farming Congress to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, reported the same with amendment, accompanied by a report (No. 848), which said joint resolution and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 124) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes, reported the same with amendment, accompanied by a report (No. 851), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea, reported the same with amendment, accompanied by a report (No. 852), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 2903) for the relief of Judd McKelvey, reported the same without amendment, accompanied by a report (No. 849), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3817) authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana, reported the same without amendment, accompanied by a report (No. 850), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13825) for the relief of the heirs of Marianne Sainte Ana Schrepper; Committee on the Public Lands discharged, and referred to the Committee on Claims.

A bill (H. R. 10808) granting a pension to Michael Grace; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of California: A bill (H. R. 17360) to acquire a site and for the erection and completion thereon of a public building in the city of Santa Monica, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. MAHER: A bill (H. R. 17361) to regulate the wages of mechanics and laborers employed in or under any and all departments of the Government; to the Committee on Labor.

By Mr. PARK: A bill (H. R. 17362) to amend the postal and civil-service laws, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BYRNES of South Carolina: A bill (H. R. 17363) relating to the use of the mails in effecting insurance on persons and property, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BROWNE of Wisconsin: A bill (H. R. 17364) providing for the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. LEVY: Resolution (H. Res. 547) directing the Committee on Foreign Affairs to investigate the payment of $10,000,000 and $250,000 annuity to the Republic of Panama as provided for in the convention ratified February 25, 1904, to ascertain if any portion of said moneys should belong to the United States of Colombia, etc.; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17365) granting an increase of pension to Millie Rowe; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 17366) for the relief of Alonzo C. Jones; to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 17367) for the relief of John S. Rhoads; to the Committee on Military Affairs.

Also, a bill (H. R. 17368) for the relief of Eleazer Briggs, alias Alonzo Welsh; to the Committee on Military Affairs.

By Mr. GUDGER: A bill (H. R. 17369) granting a pension to I. M. Johnson; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 17370) granting an increase of pension to Claude A. Holder; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 17371) for the relief of William McCutcheon; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: A bill (H. R. 17372) granting a pension to William H. Philipps; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 17373) granting a pension to George Baldwin; to the Committee on Invalid Pensions.

By Mr. PETERS of Massachusetts: A bill (H. R. 17374) granting a pension to Eva S. Long; to the Committee on Pensions.

By Mr. PETERSON: A bill (H. R. 17375) granting a pension to Mary R. Hill; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 17376) granting an increase of pension to Emma B. Hubbard; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17377) for the relief of Lawrence M. Larson; to the Committee on Claims.

By Mr. SMITH of Maryland: A bill (H. R. 17378) granting a pension to Ida V. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 17379) granting a pension to Mary Mueller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17380) for the relief of Michael S. Shannon, John W. Connelly, Henry P. Graham, and Daniel O'Lone; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 17381) granting a pension to William H. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17382) granting a pension to Alonzo J. Mayo; to the Committee on Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 17383) granting a pension to Catherine Woods; to the Committee on Pensions.

By Mr. TEN EYCK: A bill (H. R. 17384) granting an increase of pension to Mary E. Carhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17385) for the relief of James Conerty; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of sundry citizens of Haviland, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petitions of 13 citizens of Ewan and Mullica Hill, 707 citizens of Wenonah, and 11,000 citizens of Gloucester County, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. BURKE of South Dakota: Petition of 30 citizens of Huron, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petitions of W. T. Belcher, George D. Sullivan, and sundry other citizens of the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Bedford and Park Avenue Board of Trade, of Brooklyn, N. Y., relative to chance for Frederick A. Cook to present proof of first discoverer of North Pole; to the Committee on Naval Affairs.

By Mr. GILMORE: Petition of Lodge No. 914, International Association of Machinists, favoring passage of bill to promote safety of employees and travelers upon railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Petition of 30 citizens of Westport, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of Mrs. H. M. Brown and other citizens, of Lancaster, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Memorial of the Seventh Ward Woman's Christian Temperance Union, of Tacoma, Wash., favoring national prohibition; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Petitions of sundry citizens of the fifteenth congressional district of Pennsylvania and sundry citizens of Mansfield, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of John Mohl, Ernest Mohl, and Jacob Diehl, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of the American National Retail Jewelers' Association of Neenah, Wis., favoring the passage of the Owen-Goeke bills (H. R. 2972; S. 1556), to eliminate time guaranties on gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: Protest of W. H. Palmer, Philmont, August Schnack, and 10 other residents of Hudson, N. Y., against national prohibition; to the Committee on Rules.

Also, telegrams from C. A. Van Deusen and 12 other residents of Hudson, N. Y., against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of sundry citizens of Canton, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOON: Petition of R. P. Buckner and others of Chattanooga, Tenn., against national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Memorial of various teachers of Pittsburg County, Okla., favoring national prohibition; to the Committee on Rules.

Also, petitions of 100 citizens of Carmen, 250 citizens of Woodward, and 200 citizens of Bristow, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petition of the Liquid Carbonic Co. of America, of Los Angeles, Cal., protesting against the passage of national prohibition resolution; to the Committee on Rules.

Also, memorial of the Federal Civil Service Employees' Association of the port of San Francisco, Cal., favoring passage of House bill 12055; to the Committee on Labor.

By Mr. RIORDAN: Papers to accompany House bill 10808, for relief of Michael Grace; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Petitions of the Union Sunday School of Corral, Idaho, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Letter from the Albers Bros. Milling Co., of Los Angeles, Cal., favoring an amendment to the proposed mixed-flour law; to the Committee on Interstate and Foreign Commerce.

Also, petition signed by Mrs. Myrtie R. Harper and 10 other citizens of Los Angeles; resolution of Hollywood Presbyterian Christian Endeavor Society; petition signed by Walter R. Hoff and 10 other citizens of Los Angeles; petition signed by Nancy, Pleasant, and May Bolen; petitions signed by Lyle M. Ostrom and 54 other citizens of Los Angeles; letters signed by Mrs. Margaret Bush, Mrs. Rebecca Lee, M. M. Welch, and James Gillespie, all of Los Angeles; letter from John Makens, president San Pedro Dry Federation, all in the State of California, favoring national prohibition amendment; to the Committee on Rules.

Also, individual petitions from Byron P. Brockway and 22 other citizens of Los Angeles, Cal., and letter from E. E. Wild, Los Angeles, Cal., manager Liquid Carbonic Co., protesting against national prohibition amendment; to the Committee on Rules.

Also, resolution of the San Francisco (Cal.) Chamber of Commerce, opposing House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of Shallberg Bros, of Moline, Ill., relative to passage of House bill 15667, relative to eliminating from section 2 paragraph relating to sale of mines; to the Committee on Mines and Mining.

By Mr. TEN EYCK (by request): Petitions of J. D. Feit and Mrs. Hannah Wideman, of Troy and Voorheesville, N. Y., respectively, favoring the passage of the Hobson resolution; to the Committee on Rules.

By Mr. UNDERHILL: Petition of sundry citizens of New York State, favoring passage of the McLean-Weeks bill for protection of migratory birds; to the Committee on Agriculture.

By Mr. WEAVER: Petition of J. W. Kincaid and many other citizens of Wynnewood, Okla., favoring national prohibition; to the Committee on Rules.

Also, petition of W. S. Defard and 27 other citizens of Oklahoma City, Okla., protesting against national prohibition; to the Committee on Rules.

SENATE.

SATURDAY, *June 20, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee desiring to hold Thee first in our plans and purposes and passions of life. We desire to enter into more complete fellowship with Thee and lift our hearts that we may be instructed in Thy way. We would hold Thy name above the prize of fame or fortune, above our love for country, above our desire of life. We would glorify Thy name. We pray that we may enter this day into such perfect and complete subjection to Thy will as that Thy law will be the law of our lives and Thy spirit our constant inspiration. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas McClintic, deceased.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4377) to provide for the construction of four revenue cutters.

PETITIONS AND MEMORIALS.

Mr. NELSON presented resolutions adopted by the Lumbermen's Club of Memphis, Tenn., favoring the adoption of certain amendments to the bill relating to navigation of vessels, bills of lading, etc., which were referred to the Committee on Commerce.

Mr. OLIVER presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation amending section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Lebanon County (Pa.) Medical Society, remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which was ordered to lie on the table.

He also presented a petition of Council No. 763, Order of Independent Americans, of Nuremberg, Pa., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Council of the Borough of Coatesville, Pa., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Chamber of Commerce of Pittsburgh, Pa., remonstrating against any further extension of the parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented memorials of the Board of Trade and the Chamber of Commerce of San Francisco; the Merchants' Association of Fresno; the Shipowners' Association of San Francisco; the Hawaiian Commercial & Sugar Co., of San Francisco; the Fruit Growers' Association of San Francisco; the Charles Nelson Co., of San Francisco; Levi Strauss & Co.,

of San Francisco; the Schaw Batcher Co. Pipe Works, of Sacramento; the Paraffine Paint Co., of San Francisco; the Pacific States Savings & Loan Co., of San Francisco; the California Barrel Co., of San Francisco; the Dunham, Carrigan & Hayden Co., of San Francisco; Williams, Dimond & Co., of San Francisco; the Northwestern Red Wood Co., of Willitts; Sherwood & Sherwood, of San Francisco; M. J. Fontana, of San Francisco; Swayne & Hoyt, the Robert Dollar Co., and the Griffith Durney Co., of San Francisco; and the Chamber of Commerce of San Diego, all in the State of California, remonstrating against the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

SHAWNEE AND DELAWARE INDIANS.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 1033) for the relief of certain Shawnee and Delaware Indians, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 5902) for the relief of Nancy P. Moore; to the Committee on Claims.

By Mr. BRADY:

A bill (S. 5903) for the relief of Lawrence M. Larson (with accompanying papers); to the Committee on Claims.

By Mr. HUGHES:

A bill (S. 5904) granting a pension to Adolph Gross; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5905) granting an increase of pension to Charles Gustoson (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5906) for the relief of Lloyd C. Stark; to the Committee on Naval Affairs.

By Mr. SHERMAN:

A bill (S. 5907) granting an increase of pension to John R. Snook; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5908) to provide a direct, truthful, and inexpensive means of communication between the voters and candidates for nomination and election to certain Federal offices, and to provide publicity for amendments to the Federal Constitution, submitted by Congress, and the reasons for and against their adoption; to the Committee on Privileges and Elections.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. THORNTON submitted an amendment proposing to appropriate $100,000 for the purchase and construction of such vessels and boats as may be necessary for use in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SWANSON submitted an amendment proposing to appropriate $50,000 for the acquisition of a site and the commencement of a post-office building at Norton, Va., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to increase the appropriation for education in Alaska from $200,000 to $250,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WEEKS submitted an amendment providing for the reopening and adjustment of the claim of the State of Massachusetts for expenses incurred and paid for interest and premium on bonds issued for coast defense, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MYERS submitted an amendment relative to the termination of the indefinite appropriation for "surveying within land grants (reimbursable)" made by the act approved March 2, 1885, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SWANSON submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BRISTOW submitted an amendment intended to be proposed by him to the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was ordered to lie on the table and be printed.

TRAFFIC IN OPIUM.

Mr. POMERENE. I give notice that I shall offer an amendment to the bill (H. R. 6282) to provide for the registration of with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes. I ask that it may be printed in the RECORD for the information of Senators.

The VICE PRESIDENT. And lie on the table?

Mr. POMERENE. Yes; and that it lie on the table. I suggest that it be read.

The VICE PRESIDENT. It will be read.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

On page 3, after the sixth line, insert:

"*Provided further*, That this act shall not apply to physicians and surgeons regularly licensed to practice their profession in the State, Territory, or District where they reside, who may prescribe, dispense, or administer said drugs in good faith; nor to nurses or attendants who may dispense or administer in like good faith said drugs under the direction of a physician or surgeon regularly licensed and given in good faith as aforesaid.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I ask that Senate bill 4160, to create an interstate trade commission, to define its powers and duties, and for other purposes, being Calendar No. 504, be taken from the calendar, as I wish to substitute therefor House bill No. 15613. I desire to give notice that immediately upon the disposition of the Indian appropriation bill I shall ask the Senate to proceed with the consideration of the bill.

The VICE PRESIDENT. Without objection, the request of the Senator from Nevada is granted and Senate bill 4160 will be taken from the calendar and postponed indefinitely.

IMPORTS AND EXPORTS.

Mr. SMOOT obtained the floor.

Mr. CLAPP. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Goff	Oliver	Smith, Mich.
Borah	Gore	Owen	Smoot
Brady	Hitchcock	Page	Sterling
Bristow	Hollis	Perkins	Sutherland
Bryan	Hughes	Pittman	Swanson
Burleigh	Jones	Pomerene	Thomas
Camden	La Follette	Reed	Thompson
Catron	Lane	Robinson	Thornton
Chilton	Lewis	Saulsbury	Tillman
Clapp	McCumber	Shafroth	Townsend
Clarke, Ark.	Martin, Va.	Sheppard	Vardaman
Crawford	Martine, N. J.	Sherman	Warren
Culberson	Myers	Shively	Weeks
Cummins	Nelson	Simmons	West
Dillingham	Norris	Smith, Ariz.	White
Fletcher	O'Gorman	Smith, Ga.	Williams

Mr. CAMDEN. My colleague [Mr. JAMES] is absent on official business. He is paired with the Senator from Massachusetts [Mr. WEEKS].

Mr. LANE. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN].

Mr. HOLLIS. I wish to announce the absence of the Senator from Maine [Mr. JOHNSON]. He is paired with the Senator from North Dakota [Mr. GRONNA].

Mr. SHIVELY. I desire to announce the absence of my colleague [Mr. KERN] on important business. I desire that this announcement shall stand for all roll calls to-day.

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. SIMMONS. I wish to announce the absence of my colleague [Mr. OVERMAN] on account of sickness in his family.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE].

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

Mr. CUMMINS. I desire to announce the absence of my colleague [Mr. KENYON]. I make the announcement for the day.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. Mr. President, a month ago to-day I called the attention of the Senate to the imports and exports for the month of April, 1914. I desire now to occupy about five minutes of the time of the Senate in calling attention to the imports and exports for the month of May, 1914.

The total imports for May, 1914, were $163,637,386. For May, 1913, they were $133,723,713, or an increase of importations for the month of May, 1914, over the month of May, 1913, of $29,913,673.

The total domestic exports in May, 1914, were $157,406,572, a decrease of $33,649,228 compared with the month of May, 1913.

Taking the imports and exports together, they show a loss to our commerce for the month of May of this year as compared with May, 1913, of $63,562,901.

I call the attention of the Senate to the statement I made in the Senate one month ago, showing a loss for that month, taking imports and exports together, of $63,890,849, a little more than for the month of May this year.

For April and May the loss amounts to $127,453,750. The $29,913,673 increase in our imports means idleness for thousands of our workmen. The $29,913,673 increase of imports of goods simply takes the place of that many goods made by American workmen.

From to-day's statement of the United States Treasury at the close of business June 18, 1914, received this morning, I see the revenues from customs receipts for June to that date were $14,753,811.23, and for the corresponding month and date of the fiscal year 1913 they were only $13,734,195.54, or an increase of $1,019,615.69, notwithstanding the great decrease in the rate of duties charged as compared with a year ago.

The month of June is in a fair way of making a worse showing than either April or May of this year.

I also call attention to the amount and increased percentage of importations of certain lines of goods ready for consumption during the month of April, 1914, as compared with the month of April, 1913. Mr. President, I shall not stop to read it, but I ask that it be printed in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Imports of merchandise in April, 1914, compared with April, 1913.

Products.	1914, values.	1913, values.	Increase.	Increase, per cent.
Aluminum, manufactures of	$120,981	$102,472	$18,509	18
Automobiles, parts of	94,838	24,997	69,841	279
Watches, and parts of	289,185	225,165	64,020	28
Clocks, and parts of	73,552	62,601	10,951	17
Cloths, cotton	1,003,548	690,083	313,465	45
Lace and lace articles	2,096,036	1,027,188	1,068,848	104
Stockings	353,825	239,674	114,151	47
All other knit goods	340,434	41,690	298,744	716
Yarns, linen	98,278	62,216	36,062	57
Fruits and nuts	4,726,536	3,851,220	875,316	22
Glass and glassware	685,185	578,201	106,984	18
Cutlery	262,242	136,157	126,085	92
Leather and tanned skins	1,632,597	759,737	872,860	114
Gloves, leather	537,791	427,036	110,755	25
Linoleum	212,069	132,601	79,468	59
Paper, and manufactures of	2,250,180	1,795,320	454,860	25
Perfumery, toilet articles	207,076	194,984	12,092	6
Seeds	1,138,868	558,754	580,114	103
Silks, and manufactures of	11,094,793	2,212,941	8,881,852	401
Vegetables	1,262,044	734,414	527,630	71
Wool:				
Class 1	6,581,569	1,658,168	4,923,401	296
Class 2	445,869	215,504	230,365	106
Class 3	1,799,657	969,440	830,217	85
Woolen cloths	1,282,786	257,533	1,025,253	398
Dress goods	321,661	226,871	94,790	42
Wearing apparel	124,996	90,684	34,312	37
All other imports of wool	1,616,989	416,294	1,200,695	288
Totals	40,653,585	17,691,945	22,961,640	129

Mr. SMOOT. In this connection I simply want to call attention to some of the increases. For instance, lace and lace articles, 104 per cent; leather and tanned skins, 114 per cent; silk and manufactures of silk, 401 per cent; woolen cloths, 398 per cent. I shall not continue further, but will simply say that the average increase on goods ready for consumption in the items named is 129 per cent for the month of April.

In this connection I wish also to read an article found in the Washington Post this morning, dated New York, June 19.

[From the Washington Post, June 20, 1914.]

FORTY-THREE MILLION DOLLARS SENT NEW YORK—SHIPMENT OF UNITED STATES TREASURY GOLD IS TO REPLACE METAL LATELY EXPORTED.

NEW YORK, *June 19.*

Guards of the United States Express Co., armed with repeating rifles and automatic revolvers, have delivered $43,000,000 to the Subtreasury in this city in the last week. The gold, in bars and coin, came from other branches of the United States Treasury, and constituted the greatest transfer of the precious metal ever made between Subtreasuries. The last of the gold came in over the Lehigh Valley Railroad Thursday morning. It was contained in five express cars, each bearing $5,000,000.

These transfers of gold by the Government were promoted by the fact that for the last six weeks the country has been losing gold to Europe on a large scale. Since May 1, $53,000,000 has gone out, and since the beginning of the year a total of $69,000,000.

Mr. President, considering the imports and exports, there is no wonder that gold exportation should be taking place, and if there is not a change before many months in the amount of increased imports and the amount of decreased exports, we may well wonder what is going to happen to our finances in the near future. It can not be otherwise than detrimental. We can not have this amount of trade running against us without some disastrous results.

I simply call this to the attention of the Senate now, because there was some question raised in the Senate when I heretofore called attention to the imports and exports for the month of April, and it was then contended that it merely happened for that month.

Mr. HOLLIS. Mr. President, I desire to say a word about the outflow of gold. The movement of gold is a very delicate matter that is governed entirely by the rate of exchange. When any foreign country is willing to pay a small fraction of 1 per cent more for the use of gold, they can draw it from us. The reason that is ascribed by the best economists for the present outflow of gold is that foreign investors and security holders have become so frightened at the disclosures regarding the New York, New Haven & Hartford Railroad, and at the frauds that were perpetrated in the St. Louis & San Francisco Railroad deal, that they are dumping over our securities and are sending them back to this country. We therefore have to send the gold abroad to pay for them.

The VICE PRESIDENT. Morning business is closed.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. SIMMONS. Mr. President, I was not in the Chamber when the Senator from Utah [Mr. SMOOT] began his statement. I came in after he had probably been on the floor some little time and came in at the request of some Senators who sent for me. I did not hear distinctly a part of the statement of the Senator from Utah after I came in. I do not therefore feel at this time that I am called upon to make any response. I will, however, read the RECORD to-morrow morning, and if there is anything in the statement of the Senator to which I desire to refer I shall do so later.

Mr. SMOOT. I wish to say to the Senator from North Carolina that the figures from which I quoted are figures received from the department this morning. More than likely the Senator from North Carolina will also receive the same figures at his office in his mail to-day.

Mr. THOMAS. Mr. President, the Senator from Utah has taken a very melancholy view of our commercial conditions and has indulged in some forebodings as to the consequences of a continuation of the decreases in imports and exports. Of course the depression which exists in the United States, which the Senator attributes to the condition of business as outlined in his figures, means a corresponding prosperity in other countries which have benefited by these conditions. I should like to ask the Senator what particular country of the Old World is basking in the sunshine of that prosperity and progress and indicative of the conditions there as reflected from the bad conditions here?

Mr. SMOOT. Mr. President, in answer to the Senator from Colorado, I will say that the report from the Treasury Department does not show from what countries this extra $29,000,000 worth of goods were imported; but from whatever countries they were imported the foreign workmen had just that much more work than they would have had if they had not been imported into this country.

Mr. THOMAS. Well, it must be a calamity to the civilized world to know that a few workmen somewhere have been benefited. For my part, I am very glad of it.

Mr. SMOOT. As between the workmen of another country and the workmen of America, I prefer to have the workmen of America receive the benefit.

Mr. THOMAS. So do I, Mr. President; but I think if the Senator, whose knowledge of statistics is much greater than mine, had cared to do so, he could have furnished us some facts concerning the multitude of foreigners who are coming over here upon every vessel which sails from a European port, thus escaping from that prosperous condition which is there now so prevalent, that he may engage in competition with our workmen here. It is somewhat surprising to me, if our unsatisfactory situation, commercially speaking, has resulted in so much benefit to the workmen of Europe, that they should still crowd our shores in such large numbers, aggravating our own labor problems here and reducing opportunity for securing that amount of work which is still left to us. Industrial conditions, Mr. President, are not satisfactory anywhere, but are quite as good here as elsewhere.

Mr. OWEN. Mr. President, I think there is no difficulty in accounting for the present condition of the country. Three groups of men having their headquarters in New York have been shown, through interlocking directorates and interlocking control, to have the direction of approximately $22,000,000,000 of property, and practically to have the control over nearly every railway in the country and every one of the great industrials. Those men can forbid the railroads to buy rails, to buy steel cars, to buy railroad frogs and switches, to buy lumber, and to buy crossties; those men can put out of employment thousands and tens of thousands of men; those men can constrict credits in the districts of Representatives who are to be elected in the fall and in the States of Senators who are to be elected in the fall; they can by their power make hard times in districts where they want to have a change and where they want to defeat those in sympathy with a correction of those conditions, whether those candidates be Democrats or progressive Republicans.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. OWEN. I yield to the Senator.

Mr. SMOOT. Mr. President, the Senator's argument does not answer any statement whatever that I made. If these men in New York have made hard times, and if they have restricted credits—and I do not say that they have or that they have not done so—but, if they have, I call the Senator's attention to the fact that the importations for the month of April, 1914, were over $30,000,000 more than the importations for the month of April, 1913, and the importations for the month of May, 1914, were $29,900,000 more than they were for the month of May, 1913; so that, if the prosperous times had continued, there is no telling what the increased importations might have been.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator.

Mr. McCUMBER. I rise to a point of order, which is that the pending question before the Senate is not debatable.

The VICE PRESIDENT. The point of order is well taken. The pending question is on the motion of the junior Senator from Mississippi [Mr. VARDAMAN] to lay on the table the motion of the senior Senator from Oklahoma [Mr. GORE] to reconsider the vote whereby the amendment of the committee on page 77, beginning in line 18, as amended on motion of the senior Senator from Mississippi [Mr. WILLIAMS] was agreed to. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. GORE. I think that perhaps I made the motion to reconsider not the vote which I had in mind; and, with the consent of the junior Senator from Mississippi, I will withdraw that motion to reconsider and move to reconsider the vote by which the amendment to the committee amendment was adopted.

The VICE PRESIDENT. The question is to lay on the table the motion to reconsider the vote whereby the amended amendment was agreed to. It can not be otherwise.

Mr. GORE. Very well.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. WILLIAMS. As I understand, the vote to be taken is on the motion to lay on the table, is it not?

The VICE PRESIDENT. The vote about to be taken is on the motion to lay on the table the motion to reconsider.

The Secretary proceeded to call the roll.

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and vote "yea."

Mr. DILLINGHAM (when his name was called). I have a pair with the senior Senator from Maryland [Mr. SMITH], who is absent, and I therefore withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Wyoming [Mr. WARREN]. As I do not know how he would vote on this question if present, I withhold my vote.

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce—and I will let this announcement stand for the day—that my colleague [Mr. OVERMAN] is absent on account of illness in his family.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is unavoidably absent. I transfer that pair to the Senator from Wisconsin [Mr. STEPHENSON] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED] and therefore withhold my vote.

Mr. STONE (when his name was called). I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair wtih the senior Senator from New York [Mr. ROOT]. In his absence, I withhold my vote.

Mr. WEEKS (when his name was called). I inquire if the senior Senator from Kentucky [Mr. JAMES] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. WEEKS. I have a general pair with that Senator, and therefore withhold my vote.

I wish to announce that my colleague [Mr. LODGE], who is absent, has a general pair with the senior Senator from Georgia [Mr. SMITH]. I should like to have that statement stand for the day.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business, and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. WEEKS. I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Ohio [Mr. BURTON] and vote. I vote "yea."

Mr. GOFF. I should like to inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. GOFF. Then I withhold my vote, having a general pair with that Senator.

Mr. CHILTON. I announce my pair with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of Georgia. I desire to transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Maryland [Mr. LEE] and vote. I vote "nay."

The result was announced—yeas 21, nays 23, as follows:

YEAS—21.

Catron	Norris	Sterling	Weeks
Crawford	Oliver	Sutherland	West
Hitchcock	Perkins	Swanson	Williams
Hollis	Sherman	Thornton	
Lane	Smith, Ariz.	Townsend	
McCumber	Smoot	Vardaman	

NAYS—23.

Ashurst	Lewis	Pomerene	Smith, Ga.
Bryan	Martine, N. J.	Robinson	Stone
Clarke, Ark.	Myers	Saulsbury	Thompson
Gore	Newlands	Shafroth	Tillman
Hughes	Owen	Sheppard	White
Jones	Page	Simmons	

NOT VOTING—52.

Bankhead	Camden	Cummins	Gronna
Borah	Chamberlain	Dillingham	James
Brady	Chilton	du Pont	Johnson
Brandegee	Clapp	Fall	Kenyon
Bristow	Clark, Wyo.	Fletcher	Kern
Burleigh	Colt	Gallinger	La Follette
Burton	Culberson	Goff	Lea, Tenn.

Lee, Md.	O'Gorman	Reed	Smith, S. C.
Lippitt	Overman	Root	Stephenson
Lodge	Penrose	Shields	Thomas
McLean	Pittman	Shively	Walsh
Martin, Va.	Poindexter	Smith, Md.	Warren
Nelson	Ransdell	Smith, Mich.	Works

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Page	Stone
Borah	Hollis	Perkins	Sutherland
Brady	Hughes	Pomerene	Swanson
Bristow	Jones	Reed	Thomas
Bryan	Lane	Robinson	Thompson
Camden	Lewis	Saulsbury	Thornton
Catron	McCumber	Shafroth	Tillman
Chilton	Martine, N. J.	Sheppard	Townsend
Clapp	Myers	Sherman	Vardaman
Clark, Ark.	Nelson	Simmons	Weeks
Crawford	Norris	Smith, Ariz.	West
Cummins	O'Gorman	Smith, Ga.	White
Dillingham	Oliver	Smoot	Williams
Goff	Owen	Sterling	

Mr. LANE. I wish again to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

The question recurs on the motion of the junior Senator from Mississippi [Mr. VARDAMAN] to lay on the table the motion of the senior Senator from Oklahoma [Mr. OWEN] to reconsider the vote by which the amendment of the committee on page 77, beginning on line 18, as amended on the motion of the senior Senator from Mississippi [Mr. WILLIAMS], was agreed to. On that the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. LANE (when Mr. CHAMBERLAIN'S name was called). I wish again to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. CHILTON (when his name was called). I make the same announcement as on the former roll call in regard to my pair.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. SMITH] and withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I am compelled to withhold my vote.

Mr. OLIVER (when his name was called). Again announcing the transfer of my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Maine [Mr. BURLEIGH], I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "yea."

Mr. SAULSBURY (when his name was called). I make the same transfer as heretofore announced and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. WEEKS (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Ohio [Mr. BURTON] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I have received information from his colleague to the effect that if he were present he would vote as I shall vote. I therefore feel at liberty to vote and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. In view of the announcement made by the Senator from Mississippi [Mr. WILLIAMS], I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. STONE. I transfer my pair with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "nay."

Mr. SMITH of Georgia (after having voted in the negative). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Maryland [Mr. LEE] and will allow my vote to stand.

Mr. SMOOT. I wish to announce that the senior Senator from Connecticut [Mr. BRANDEGEE] is paired with the junior Senator from Tennessee [Mr. SHIELDS], and that the junior Senator from North Dakota [Mr. GRONNA] is paired with the senior Senator from Maine [Mr. JOHNSON].

The result was announced—yeas 27, nays 26, as follows:

YEAS—27.

Bankhead	Hitchcock	Perkins	Thornton
Bristow	Hollis	Sherman	Townsend
Catron	Lane	Smith, Ariz.	Vardaman
Crawford	McCumber	Smoot	Weeks
Cummins	Nelson	Sterling	West
Dillingham	Norris	Sutherland	Williams
Goff	Oliver	Swanson	

NAYS—26.

Ashurst	Hughes	Pittman	Smith, Ga.
Brady	Jones	Pomerene	Stone
Bryan	Lewis	Robinson	Thompson
Camden	Martine, N. J.	Saulsbury	Tillman
Clapp	Myers	Shafroth	White
Clarke, Ark.	Owen	Sheppard	
Gore	Page	Simmons	

NOT VOTING—43.

Borah	Fletcher	Lodge	Shields
Brandegee	Gallinger	McLean	Shively
Burleigh	Gronna	Martin, Va.	Smith, Md.
Burton	James	Newlands	Smith, Mich.
Chamberlain	Johnson	O'Gorman	Smith, S. C.
Chilton	Kenyon	Overman	Stephenson
Clark, Wyo.	Kern	Penrose	Thomas
Colt	La Follette	Poindexter	Walsh
Culberson	Lea, Tenn.	Ransdell	Warren
du Pont	Lee, Md.	Reed	Works
Fall	Lippitt	Root	

So the motion to reconsider was laid on the table.

The VICE PRESIDENT. Does the Senator from Arizona desire to go back to the items relating to Montana or to continue the further reading of the bill?

Mr. ASHURST. Have all of the Oklahoma items been finished?

The VICE PRESIDENT. They have been finished.

Mr. ASHURST. I was not aware that the amendment on pages 72 and 73 had been agreed to.

The VICE PRESIDENT. No; that has not been agreed to.

Mr. CLARKE of Arkansas. Mr. President, my recollection is that there was a certain amendment reserved at the instance of the junior Senator from Iowa [Mr. KENYON]. That Senator interposed a point of order against part of the amendment. I think it is also true that the junior Senator from South Dakota [Mr. STERLING] reserved a point of order. It may possibly be they were disposed of while I was out of the Chamber.

Mr. STERLING. Mr. President, the point of order was made to the amendment beginning on line 11, page 72, and extending to line 26, on page 75. The amendment involves different propositions and is separable. I therefore withdraw the point of order so far as the first two paragraphs are concerned—the paragraphs beginning with line 11, on page 72, and extending to and including line 10, on page 73.

The VICE PRESIDENT. The question is, then, on agreeing to the first of the amendments.

The amendment was agreed to.

The SECRETARY. On page 73, beginning with line 6, the Committee on Indian Affairs report to insert:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. What is the point of order to the next paragraph?

Mr. STERLING. The point of order is that it is general legislation.

The VICE PRESIDENT. Where does it begin, the Chair inquires?

Mr. CLAPP. On page 73, line 11.

The VICE PRESIDENT. It seems that the Senate, as in Committee of the Whole, has just agreed to an amendment, on page 73, embodied in lines 6 to 10, inclusive, but the Chair is now informed that the Senator from Mississippi [Mr. WILLIAMS] had an amendment pending to the amendment.

Mr. WILLIAMS. I had offered an amendment to that part of the bill, but I understood a point of order had been made against the part of the bill to which my amendment applied, and that the point of order had been sustained and it had gone out. I understand now that the point of order has been withdrawn, and it has never been decided upon. That being the case, I offer the amendment which the Secretary will read.

The VICE PRESIDENT. The vote whereby the amendment was adopted will be reconsidered unanimously, unless there is objection. The amendment proposed to the amendment by the Senator from Mississippi will be read.

The SECRETARY. The Senator from Mississippi [Mr. WILLIAMS] offers to amend the amendment on page 73, beginning

in line 6 and ending in line 10, by adding at the end of line 10 the following proviso:

Provided, That the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled; and he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled, and all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the "Treaty of Dancing Rabbit Creek."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi to the amendment.

Mr. WILLIAMS. Mr. President, I do not desire to take the time of the Senate to any great extent, except to explain the amendment. If this amendment is adopted, it will be to do in connection with this particular Senate amendment just what we did on page 73 and just what we did finally to the other Senate amendment on page 78. It is to conserve the rights of the Mississippi Choctaws in the same manner here as the Senate has conserved them on page 78.

I hope the amendment will be adopted.

Mr. NORRIS. I wish to ask the Senator from Mississippi what is the necessity of having this amendment adopted here if it applies to the same Indians to whom the other amendment of the Senator applied?

Mr. WILLIAMS. The other was a matter of distribution and this is a matter of enrollment.

Mr. NORRIS. It applies to the same Indians, does it not?

Mr. WILLIAMS. The committee amendment to which I offer this amendment is an amendment which opens up the rolls for the purpose of placing upon them the persons enumerated in Senate Document No. 478 of the Sixty-third Congress, second session.

Mr. NORRIS. I understand that.

Mr. WILLIAMS. My amendment is, if that is to be done, then to place also upon these rolls these Mississippi Choctaws who were enrolled by Capt. McKennon and the Dawes Commission.

Mr. NORRIS. I want to ask the Senator a question. I understood that the amendment he offered yesterday, and which was agreed to, provided that this distribution could not take place until the Mississippi Choctaws had been enrolled. Is that true?

Mr. WILLIAMS. That is true; but that was a matter of distribution. Now, this is a matter of enrollment with a view to future distribution. Does the Senator understand it?

Mr. NORRIS. As I understand the amendment the Senator offered yesterday, it would necessitate the enrollment of these same Indians that the Senator now seeks to enroll.

Mr. WILLIAMS. No; unfortunately it would not. It would merely prevent the distribution until they were enrolled, but it does not enforce the enrollment.

Mr. OWEN. This amendment would enroll them.

Mr. WILLIAMS. I say if we are going to open up the rolls in order to put these people upon it, I want to put my people upon it.

Mr. NORRIS. I think the Senator's argument yesterday was mostly based on his proposition that the Mississippi Choctaws ought to be enrolled.

Mr. WILLIAMS. Yes; and that there ought not to be any distribution of the fund until they are enrolled, so that they can have their share of it. Now, here is a proposition to enroll certain persons not thus far enrolled, and to that I offer an amendment to enroll these people.

Mr. NORRIS. This amendment, then, is the real meat of the contention made by the Senator from Mississippi?

Mr. WILLIAMS. It is a part of it. The other related to the holding back of the distribution until they were enrolled. Now, this provides that they shall be enrolled, provided these other people are enrolled.

Mr. OWEN. Mr. President, the Committee on Indian Affairs has never passed upon this proposition of the Senator from Mississippi, and I think I will be justified in saying that the Committee on Indian Affairs would not adopt such a provision, because the evidence does not justify it and because the Secretary of the Interior in report after report for seven years has strongly opposed the reopening of these rolls.

It is true that in 1898, 16 years ago, the Dawes Commission made a visit to Mississippi and spent about 30 days. In that time they made a schedule of people who came before them and whom they believed to be Indians. Upon that list were one thousand nine hundred and odd people. The Dawes Commission reported that those people who came before them could not furnish the proof which was necessary to establish their right under the fourteenth article of the treaty of 1830; that they could not prove who their ancestors were; that they could not prove that they were fourteenth-article claimants; and upon that report the Secretary of the Interior refused to recognize them.

Obviously in 30 days it would be impossible to pass upon 1,900 cases. But afterwards, under the instruction of Congress, up to the year 1907, for nine long years after that report was made, the Dawes Commission patiently examined case after case upon a review of the 1898 schedule, and finally listed 1,642 persons as Mississippi Choctaws, people who had been invited from 1830 to come West and had refused.

Mr. NORRIS. I want to propound a question to the Senator, and I ask it for the purpose of getting information. I am not well informed.

Mr. OWEN. I will be glad to give any information I can.

Mr. NORRIS. Is there any question as to whether these Mississippi Indians are members of the Choctaw Tribe? Is that question controverted?

Mr. OWEN. Of course, it is controverted. They are not members of the tribe. They are not entitled to membership in the tribe. Those who are entitled under the laws have already been admitted, amounting to 1,642 persons by the completed roll of 1907.

Mr. NORRIS. Does the Senator contend that these 1,600 and more are not properly members of the tribe?

Mr. OWEN. They are properly members. There were 1,642 who complied with the terms of the act of Congress of 1902.

Mr. NORRIS. They are still in Mississippi?

Mr. OWEN. No, sir; they are in Oklahoma.

Mr. NORRIS. The point I wanted to inform myself on was in relation to the Indians who are still in Mississippi.

Mr. OWEN. There were some Choctaw Indians, or those of Choctaw blood who remained in Mississippi, who did not move to Oklahoma under the law of 1902, which required them to do so if they wanted to become citizens. The people who remained in Mississippi having failed and refused to comply with the conditions imposed by the act of 1902 have no legal right, and I insist that they have no moral right, because they have been invited, they and their ancestors were invited, from 1830 down to 1907 to move into Oklahoma, where they might join the Choctaw people west, and they could not under the Choctaw law and under the United States law enjoy such rights, even if full-blood Choctaws, unless they did remove before March 4, 1907.

Mr. NORRIS. I gathered the idea from the debate that took place yesterday that in a technical legal sense they probably were not members of the tribe. I want to ask the Senator if these Mississippi Indians called the Mississippi Choctaws had removed to Oklahoma would they have been entitled to enrollment? In other words, is there any other reason why they are not entitled to enrollment except the fact that they remained in Mississippi?

Mr. OWEN. Yes. They would not only have been obliged to move into Oklahoma, but they would have been obliged also to prove that they were full-blood Mississippi Choctaws and descendants of fourteenth-article claimants of 1830, and they would have had to live for three years upon the land, and would have had to furnish proof within four years to the Dawes Commission that they had complied with those conditions.

Mr. NORRIS. On one of those propositions which the Senator has laid down, namely, that they would have had to prove that they were full-blood Choctaws, is there any evidence or is the Senator himself aware as to what the facts are in regard to that particular proposition? Are they Choctaws?

Mr. OWEN. I do not know the individuals who remained in Mississippi; I suppose that there might be some who were full-blood Choctaws in that country. But I will have to explain to the Senator that the agreement of 1902, by which this controversy of long standing was settled, related to property distribution involving very large values, and the Choctaws and Chickasaws west who had the legal right to these values were not willing to permit people to come in without a legal right, and the Mississippi Choctaws were unable to furnish any proof that would bring them within the rule. The compromise was effected, the western Choctaws buying their peace by waiving the legal evidence on condition of the above-named proposals being strictly observed.

Mr. VARDAMAN. Mr. President——

Mr. OWEN. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I should like to suggest to the Senator, in view of his answer to the Senator from Nebraska, that the Choctaws in Mississippi made no effort to make proof. I understand that, as a matter of fact, a great many of them knew noth-

ing in the world about the invitation to go to the Indian Territory. When the Senator says they failed to make proof, the point we make is that those people are very illiterate, a thriftless people without ambition, and a great many of them, I daresay, did not know anything about it. There is no evidence that these people ever undertook to make any proof of their lineage.

Mr. OWEN. Mr. President, the Dawes Commission published notices in the papers all over Mississippi in 1898. They sent runners out through Mississippi to see these people and call upon them. There were numerous attorneys who were interested in getting these people on the rolls and who were busy, therefore, to try to get them before the Dawes Commission. Every effort that could be made was made to get them there. That was done first in 1898, and it was continued during 1900, 1901, 1902, 1903, 1904, 1905, 1906, up to 1907, and up to 1907 some of them were finally admitted, but those admitted were required by this compromise with the Choctaws and Chickasaws who lived west to conform to certain reasonable conditions.

I thought at the time that the conditions were rather hard, because they were required to move within six months. They were required to live there for three years. They were required to furnish the proof of such removal. But the Dawes Commission recognizing what the Senator from Mississippi [Mr. VARDAMAN] says to be true, that they were ignorant people, took great pains to have their clerks look them up, to look after them and ascertain what the facts were, and it resulted in the enrollment of 1,642, amounting to property right estimated somewhere between $10,000,000 to $15,000,000.

Now, the question comes up as to their moral right. I suppose no one pretends they have any legal right. It is obvious that they have no legal right, because the treaty right which they claim, or which is claimed for them under the fourteenth article of the treaty of 1830, was passed upon by Judge Clayton, of the United States court, having special jurisdiction in that regard, and he held that unless they had complied with the requirements and had moved and established residence they were not entitled, and he passed against their claim under the fourteenth article. It was passed on also by the Dawes Commission, acting as a special tribunal under the act of Congress of March 3, 1897. They found also that they were not entitled to citizenship in the Choctaw Nation unless they had removed and unless they should furnish proof that they were lineal descendants of fourteenth-article claimants. The nineteenth-article claimants, though full-blood Mississippi Choctaws, or the descendants of the nineteenth-article claimants of the treaty of 1830 had no right to citizenship whatever.

Mr. NORRIS. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. NORRIS. As tending to throw just a little light on the moral obligation, if any had existed, I want to ask the Senator what the facts were in regard to the property of the Choctaws who remained in Mississippi. Did they have property given to them?

Mr. OWEN. Yes.

Mr. NORRIS. They had allotments of land?

Mr. OWEN. Yes; 640 acres for an adult; they had 320 acres for a child over 10 years of age and 160 acres for a child under 10 years of age.

Mr. NORRIS. I got an idea yesterday, from what was said here, that while that order was under a law passed by Congress, in fact it was never carried out—at least in full.

Mr. OWEN. It was not carried out in full, but the omission was corrected after that failure by Murray & Vroom giving land scrip to those who previously had not received land allotments.

Mr. NORRIS. Did these Indians in reality get any benefit from that or was it of such a nature that speculators got hold of the scrip and really deprived the Indians of it? I have been told by the Senators from Mississippi that these Indians are very poor, that they have no property, and that their cases are really pitiable. The idea struck me that before we attempt to give them a distribution of the property that is to go to the other members of the tribe, who, I understand, are very wealthy and have lots of property, we ought to ascertain as far as the moral obligation is concerned whether they have once been supplied with their share of the property and whether they have lost it or whether it has been taken away from them on account of the negligence of the Government; and if so, whether it ought not to be an obligation of the Government to take care of them rather than the other members of the tribe. I should like to get any light the Senator may be able to give me on that question.

Mr. OWEN. Murray & Vroom were charged by the United States with the duty of giving them this sum. They ascertained who the Indians were; they gave each his part—one-half of it in Mississippi, and they agreed to give the other half to them in Oklahoma when they moved. That led to an immigration to Oklahoma of all those who were found entitled by Murray & Vroom. Murray & Vroom found 4,100, and the muster roll shows that 3,400 moved prior to 1855 of the Murray & Vroom group and 728, I believe it was, afterwards moved, making something over 4,100—about 4,128, who afterwards moved, so that all of those who were found by Murray & Vroom to be entitled as fourteenth-article claimants appeared to have moved to Oklahoma. The rule of the Five Civilized Tribes is that when a man abandons his citizenship, abandons his residence with a particular tribe and moves, he becomes an alien, he ceases to be a member of the tribe, and he must be readmitted by order of the tribe. That is in the constitution of the Cherokee Nation, and that has been the practice in the other tribes. So they would readmit, if they wanted to, but they did that as an act of grace and not as a legal right under the Indian communal law, which they recognized and under which they lived. So that of the number that Murray & Vroom recognized—4,100—it appears that all of them moved over to Oklahoma.

There were a lot of the nineteenth-article claimants, full-blood Mississippi Choctaws, who did not have any right recognized or claimed by anybody. These full-blood Choctaws did not claim to have any right of citizenship. They got large grants of land; they did not claim any citizenship in Oklahoma. Yet the Senator from Mississippi makes a sweeping claim for all persons of Choctaw blood without discrimination. Obviously it was necessary for the Government of the United States within some reasonable time to determine who should be the people to whom the allotments should be made.

The Dawes Commission in 1893—21 years ago—were instructed to go and arrange a distribution of these Indian lands and properties, to make agreements with these people for that purpose. In 1896—18 years ago—the Dawes Commission was instructed by an act of Congress, which I read here yesterday, to make up the roll of citizenship. That roll was by act of Congress absolutely terminated on the 4th of March, 1907, after 11 years of controversy. Congress by that act declared that the roll should be permanently closed as of that date.

We now move to put on the roll about 400 people, because since that time, from 1907 to 1914, the department found about 400 people whom they thought were equitably entitled. The Senator from Mississippi [Mr. WILLIAMS] takes advantage of our liberality in asking to have these people put on who have apparently an equitable right—and that is the language of the report, "apparently an equitable right"—our liberality in offering to put these Indians on the rolls and asking that this amendment should go on is taken advantage of by the Senator from Mississippi to ask a wholesale reopening of the rolls, to ask that all the 1,910 people who were put upon the rejected schedule of 1898 by the Dawes Commission, 16 years ago, be enrolled and to otherwise reopen the rolls.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the junior Senator from Mississippi?

Mr. OWEN. I shall do so in just a moment. The senior Senator from Mississippi [Mr. WILLIAMS] now asks to let nearly 2,000 people be put on the rolls, although the Dawes Commission, the Commissioner of Indian Affairs, and the Secretary of the Interior have scrutinized that rejected schedule and found there were a number of people who are on that schedule who ought not to be put on the roll. Now I yield to the junior Senator from Mississippi.

Mr. VARDAMAN. I ask the Senator did the Dawes Commission approve of adding to the rolls those that he proposes to enroll?

Mr. OWEN. Yes, sir; in part.

Mr. VARDAMAN. Did the Dawes Commission state that they were entitled to be enrolled?

Mr. OWEN. Yes, sir; in part.

Mr. VARDAMAN. Why is it that that has been delayed so long?

Mr. OWEN. The list, of course, includes a great many different kinds of people. I can not from my personal knowledge of it tell exactly what the action severally was, but the department, passing upon these cases, either had to disapprove or approve them. It disapproved some; some came in too late; that is, after the Dawes Commission had approved the enrollment and there were quite a few that came in too late for the department to act upon their cases.

Mr. VARDAMAN. Is it not a fact that in 1907, just at the close of the rolls, the Secretary of the Interior transmitted a letter to Congress, urging that the time be extended, because he

said that he could not finish the roll, and that there were others who should be included?

Mr. OWEN. Yes; and Congress did not agree to change the law. The Interior Department found at that time quite a number of cases which they did not have full opportunity to carefully consider and review under all of the regular processes which the department follows, yet I remind the Senator that for 10 years these cases had been being heard; many of them had been heard by the Interior Department and sent back to the Dawes Commission, then sent back to the Interior Department, and then again sent back to the Dawes Commission, and were before the Secretary for a third time.

Mr. VARDAMAN. But, Mr. President, I want to ask the Senator from Oklahoma if, as the guardian of these unfortunate people, if there are any people in Mississippi who are entitled to share in this benefaction, he does not feel that the Congress is morally bound to ascertain that fact and to permit them to so share?

Mr. OWEN. Mr. President, Congress has taken the most extreme pains by beginning in 1896 and only closing after 10 years of hearings——

Mr. VARDAMAN. As a matter of fact——

Mr. OWEN. Just a moment; let me answer. This Congress authorized the Dawes Commission to make up its rolls in 1896. The Dawes Commission was instructed in 1897 to report on the rights of the Mississippi Choctaws. The Dawes Commission made a report that those Indians were not entitled to rights unless they moved to the western country, established a residence there, and proved that they were descendants of the fourteenth-article claimants. Judge Clayton held the same thing in effect, and he was authorized by Congress to pass upon it. The Supreme Court confirmed the Clayton decision in a group of cases—the Stephens case. After 10 years the Interior Department finally closed those rolls under the instruction of Congress, and the 400 whom we ask to have enrolled are simply those whom the department, after 7 years of inquiry, since that time—from 1907 to 1914—say they believe are equitably entitled.

Mr. VARDAMAN. Is the Senator willing for them to be enrolled?

Mr. OWEN. Yes.

Mr. VARDAMAN. Well, the Senator is not sure, but I am certain that there are others in Mississippi, and probably elsewhere, that are entitled to the same consideration at the hands of Congress that the persons are entitled to who are included in this amendment.

Mr. OWEN. Mr. President, there are a hundred thousand Indian people in Oklahoma who are entitled to their peace. They have left this matter in the hands of the United States to distribute this property among them. From 1896 to 1907—11 years—these questions of citizenship were before the authorities, and finally Congress closed these rolls. Is it any wonder that the people down there do not want this Pandora's box opened, to open the matter widely to anybody on earth who claims to be of some Indian extraction, to come in and demand a part of that estate now, when the Indians have no longer any organized method by which to resist it, when they have no longer attorneys, with suitable expenses provided, representing them and paid to take care of their interests, and when perjury and fraud may be successfully used against them? It would be a ruinous thing to do; it would be grossly unjust to over a hundred thousand Indians to reopen these rolls now. The Secretary of the Interior and the Commissioner of Indian Affairs have repeatedly and steadfastly since 1907 refused to recommend it, but have recommended the contrary. I appeal to the Senate to give Oklahoma and its Indian people the peace they are legally and morally entitled to.

Mr. WILLIAMS. Mr. President, I shall not detain the Senate long, because I shall certainly not run over the whole ground that was run over a year ago and also upon yesterday.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. WILLIAMS. Yes.

Mr. CLAPP. It strikes me the Senator's amendment is subject to this criticism: The provision made in the paragraph, from line 11, page 72, to line 5, page 73, and from lines 6 to 10, on page 73, in both cases, inclusive, are cases which the committee has gone over and is prepared to recommend specific action—in the one case to submit it to the commissioner for determination, and in the other case to take fifty-odd names enumerated on the list in the document referred to and enroll them.

Mr. WILLIAMS. I assure the Senator that, so far as the committee is concerned, there is no difference between the two cases, except that the committee chose to consider one and chose not to consider the other. This amendment of mine was offered May 18, 1914, and referred to the Committee on Indian Affairs.

Mr. CLAPP. That is true. The committee went over this matter for I do not know how long; I know I spent days upon it myself; and now the Senator proposes not simply to refer the subject for consideration and determination but to place the Mississippi Choctaws in the same category with those covered by the paragraph from lines 6 to 10 by a direction to enroll them. I should certainly, under those circumstances, feel constrained to vote against the Senator's amendment.

Mr. WILLIAMS. The Senator is mistaken about that.

Mr. CLAPP. I borrowed the amendment from the Secretary and read it, and that was my reading of it.

Mr. WILLIAMS. The committee amendment reads:

The Secretary of the Interior is hereby authorized to enroll—

And so forth.

My amendment says that—

And the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled.

Mr. CLAPP. Yes.

Mr. WILLIAMS. Wait a moment. That refers to the 1,100 men to whom the junior Senator from Oklahoma [Mr. OWEN] referred in his brief, as shown on page 3981 of the CONGRESSIONAL RECORD of February 20, 1914, which I quoted yesterday. The names of these 1,100 men were pigeonholed in the Department of the Interior for eight years, as he himself says, and as he thinks, by some underhand opposition; he can not understand it except in that way. The Senator from Oklahoma states further in his brief:

The report—

Referring to the Dawes Commission report submitting the names of 1,100 Mississippi Choctaws—

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock, on March 4, 1907, without notice or warning, so that no person upon this roll ever knew for eight years whether he was so far identified as to be entitled to remove as an identified Choctaw.

The remainder of my amendment does not go that far. It reads:

And he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled.

They are to be full-blood Choctaws. There is not any trouble about identifying full bloods. The Senator will agree with me about that. Then, the only part of it which is left in doubt is this that I am about to read:

And all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the "treaty of Dancing Rabbit Creek."

This last class can not be enrolled until they can satisfactorily establish their descent. In connection with that, I may say that we might entirely ignore that provision, because very few, if any, of them can satisfactorily prove who their grandfathers and great-grandfathers were.

Mr. CLAPP. The Senator evidently does not catch my point, which is that the Senator's amendment proposes not to refer the matter, as we have in the amendment from line 11, page 72, to line 5, page 73, but to place these names in the same category with the names covered by the amendment from lines 6 to 10, on page 73—that is, without further consideration the Secretary must enroll them. I, for one, can not vote for that amendment.

Mr. WILLIAMS. I catch the Senator's point now.

Mr. OWEN. Mr. President, I shall reserve the right to make a point of order against the amendment of the Senator from Mississippi.

Mr. WILLIAMS. Then, Mr. President, I reserve the right to make a point of order against the amendment to which it is an amendment. Both must fall or both must stand.

Mr. OWEN. Then I make the point of order now, Mr. President.

Mr. WILLIAMS. Mr. President, the committee amendment is this:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

My amendment is:

And the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls—

Certain other Indians, to wit—

all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission

dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled.

It is self-evident that, if my amendment is out of order, the amendment to which it is an amendment is also out of order. They both have exactly the same object in view. I therefore make the point of order against the committee amendment.

Mr. CLAPP. Mr. President, of course I shall not debate the point of order; it is not debatable; but it is an unfortunate fact that here is one group of Indians whose names have been sent in and whom everybody is agreed should be enrolled.

Mr. WILLIAMS. I do not want any point of order made; I would rather not make it, and if the Senator from Oklahoma will withdraw his point of order, I will withdraw mine.

Mr. OWEN. I will not withdraw it.

Mr. CLAPP. That is not what I am talking about. Then, here is another group as to whom everybody concedes the question should be submitted to the Commissioner of Indian Affairs; but every time that we try to get justice done to the group in the second paragraph or to submit the claims of the Indians covered by the first paragraph, the proposition is made to add a further provision, to which, of course, the Representatives from Oklahoma can not consent.

Mr. WILLIAMS. If the Senator will pardon me a moment, I was just engaged in reforming my amendment to meet the views of the Senator from Minnesota, for I think that one point he made was a good one, and that I ought to heed it—when the Senator from Oklahoma made the point of order. Then I made the point of order to the committee amendment as well. If there is any fault in the matter of not permitting any of these people to get a hearing, it is not mine.

Mr. CLAPP. Well, what seems to me unfair is that one Indian, whose right is absolutely unquestioned anywhere, should be barred unless there is attached to his right the condition precedent of admitting another Indian to enrollment, about whose right there may be very serious question. I do not believe that one man's right in dealing with the Government, where it is at the mercy of those who administer the Government, should be made dependent upon the question of whether or not another man is able to secure his right.

Mr. TOWNSEND. Mr. President, may I not ask the Senator from Mississippi to offer his amendment as a separate paragraph? Is he not willing to do that?

Mr. WILLIAMS. No, Mr. President; I am not, for the very simple reason—the Senator sees the parliamentary situation as well as I do—that if I do that I shall then be forced to make a point of order to the committee amendment, or else I shall be forced to pass it without making it and allow it to be adopted, and then submit my amendment to a point of order; and, of course, it will go out on a point of order, and so will the committee amendment.

Mr. TOWNSEND. Has the Senator stopped to consider that possibly putting out the other matter on a point of order will not be objectionable to the Senator who makes the point of order to the amendment of the Senator from Mississippi? We have had a good deal of work in trying to get this matter consummated up to this time, and I confess that personally I have been in sympathy with having the matter of the right to be enrolled determined. I can not vote myself for the proposition offered by the Senator from Mississippi now, although I am in sympathy with the determination of that fact.

Mr. WILLIAMS. If the Senator from Oklahoma had not interrupted me, I was going to modify the amendment so as to meet this point. I think the Senator from Minnesota is right. I ought not to ask that these people be placed upon the rolls right now. I ought to ask simply that the matter be sent to the Secretary to be considered, with the qualification that, in considering it, he should consider no lapse of time in previous laws whereby they are barred.

Mr. TOWNSEND. The point I am trying to make to the Senator is that the fact that he insists that this shall be a part of that committee amendment, the former amendment which has been adopted, or that both shall go out, will not bring about the result that he desires, because, as I say, I think possibly the Senator who will make the point of order to the amendment of the Senator from Mississippi had just as soon have the other amendment go out. Therefore, it seems to me, nothing, possibly, can be accomplished except the defeat of both amendments.

Mr. WILLIAMS. I ask unanimous consent that the point of order be withheld for a moment. I think perhaps we can arrive at a conclusion that will suit all.

I ask the attention of the Senator from Oklahoma, the Senator from Minnesota, and the Senator from Michigan. I am willing, if Senators are willing, to offer this amendment at the end of line 5 instead of at the end of line 10, on page 73, and have it read, as follows:

Provided, That the Secretary of the Interior is hereby authorized and directed to consider and determine the claims to enrollment on said citizenship rolls of all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21—

And have it read just like it does now down to the end, and then add this—

and he shall determine their rights regardless of any limitations as to the time for their assertion hitherto fixed in any statute.

If the Senator will agree to withdraw his point of order, I will agree to withdraw my point of order to the language of the committee amendment; and by putting it in the other place, and changing the language to that extent, it will obviate the objections of the Senator from Michigan.

Mr. OWEN. Mr. President——

Mr. WILLIAMS. At any rate, before that is done, and before the point of order is made—because I want the point of order to be made to the amendment as I now offer it—I ask to modify the amendment as follows:

After the words "directed to," in line 2 of the amendment, insert the words "consider and determine the claims to"; strike out the word "enroll" and insert "enrollment"; after the word "rolls," in line 2, insert "of"; and at the end of it insert the language which I a moment ago dictated to the Secretary.

It is as much subject to a point of order, of course, after that as it was before, but I want it to read in that way because I think that is fair. I think the criticism of the Senator from Minnesota in that respect was just.

Mr. OWEN. Mr. President, the United States made a contract with the Choctaws and Chickasaws west by which the United States obtained the consent of the Choctaws and Chickasaws to give up their tribal governments, to give up their legislatures and their courts and their officers, to become part of a new State, and to distribute their property. The Indians consented with very great reluctance; but as a part of the consideration there was an agreement to have a distribution of their property and to have the rolls made up and concluded.

I should regard it as a breach of faith with these people—I think it would involve the United States in a very large claim, amounting to millions of dollars, which they would bring against the United States and demand to be repaid out of the Treasury of the United States—if we should pass any such arbitrary act. For that reason I can not consent to it, and I can not make a compromise which would lead to it.

I should be glad to enroll these 400 people who have been found by the department equitably entitled to enrollment; but if the Senator imposes the condition that they shall go out unless I consent to something which I do not think is right, I shall be obliged to yield to the conditions I find confronting me.

Mr. WILLIAMS. Then, I make the point of order that the language in the lines from 6 to 10, on page 73, is new legislation upon an appropriation bill, and there is a law upon the statute books closing the enrollment, and any reopening of it at all is new legislation.

The VICE PRESIDENT. Both points of order will be sustained. Is there any appeal from the ruling of the Chair? The Chair also sustains the point of order as to the succeeding paragraph. Is there any appeal from the ruling of the Chair?

Mr. THOMAS. Mr. President, is it in order at this time to make a point of order to the amendment on page 77, down to and including line 10, on page 78? If it is, I desire to make it, on the ground that it is not germane or relevant to the subject matter contained in the bill, nor is it an amendment to any item or clause of the bill to which it directly relates, and besides, it is general legislation.

The VICE PRESIDENT. It has been agreed to.

Mr. GORE. Mr. President, I may say to the Senator from Colorado that both points of order were presented. The Chair held that it was not general legislation, and the Senate held, by a vote of 40 to 15, that it was germane. It has already been agreed to by the Senate.

Mr. THOMAS. If it has been disposed of, then I wish to inquire whether I can make the point of order after the bill comes into the Senate?

The VICE PRESIDENT. It is going to be the ruling of the Chair as now constituted, if it happens to be occupied by the present occupant of the Chair—and it might as well be stated now for future information—that points of order must be made in the Committee of the Whole before amendments are agreed to, and if not made in the Committee of the Whole they can not be made in the Senate. The Chair believes, however, that under the rules of the Senate points of order may be reserved,

if made in the Committee of the Whole, for the determination of the Senate, as an amendment may be reserved for determination in the Senate. The Chair has no doubt that the Senator from Colorado can reserve the point of order for the Senate, but what it amounts to the Chair is unable to determine, because the point of order has been once overruled.

Mr. THOMAS. I reserve the right to make the point of order against this particular amendment when the bill comes into the Senate. I refer to the amendment on page 77.

Mr. ASHURST. Mr. President, I ask the attention of the Senator from Mississippi to this: At the end of the amendment offered by him yesterday, and which was adopted, on behalf of the committee I propose the amendment, which I send to the desk, to the committee amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the amendment of the Senator from Mississippi heretofore agreed to, it is proposed to insert the following words:

Unless the consent of the United States shall have previously been given, all contracts made with any person or persons now applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto are hereby declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall comprise an offense against the laws of the United States, punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both.

Mr. JONES. Mr. President, I wish to suggest that the amendment as amended was agreed to. I do not see how another amendment can be offered without reconsideration.

The VICE PRESIDENT. Is there any suggestion of a point of order?

Mr. WILLIAMS. Mr. President, I have read the amendment offered by the Senator from Arizona, and it seems to me it is all right. It reads in this way:

Unless the consent of the United States shall have previously been given all contracts made with any person or persons now applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto are hereby declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall comprise an offense against the laws of the United States, punishable by a fine—

And so on.

The point of doubt that arises in my mind about it is this—and I want to suggest a method of curing it, which I think will be accepted by the Senator from Arizona: It declares these contracts to be void and of no effect. There is some doubt about our right to do that. In the act of 1902 certain language appears which I shall ask the Senator to add to his amendment, so that if that should fail because of unconstitutionality this will hang. That language was as follows:

Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act, unless approved by the Secretary of the Interior.

I put in those words, "unless previously approved by the Secretary of the Interior."

Mr. ASHURST. So far as I have any authority so to do——

Mr. GORE. Mr. President, that is the point about which all this controversy touching enormous fees has revolved—the power of the Secretary to approve these contracts—and Congress on two different occasions has deliberately decided that it requires the previous approval of Congress in the one instance or the previous approval of the United States in the other. Now, no man can penetrate the future far enough to tell what might happen, and I do not want any single officer of this Government given this authority.

Mr. WILLIAMS. Mr. President, will the Senator from Oklahoma permit an interruption for a moment?

Mr. GORE. Yes, sir.

Mr. WILLIAMS. I added to that language in the law of 1902, for the purpose of keeping in with the spirit of the amendment offered by the Senator from Arizona, the language:

Unless previously approved by the Secretary of the Interior.

I am perfectly willing, however, to strike that out, and then it will read as the Secretary will now read it; that is to say, that the land shall go on unencumbered by any debt, deed, contract, or otherwise made previously to that time.

Mr. GORE. That is it; make it absolute.

Mr. WILLIAMS. That will make it absolute.

The VICE PRESIDENT. But there is a parliamentary situation here. This amendment as amended has been adopted in Committee of the Whole, and now it is proposed to amend an amendment that has been adopted in Committee of the Whole.

Mr. ASHURST. I ask unanimous consent that the matter be reconsidered for this purpose.

Mr. WILLIAMS. I thought we were still in Committee of the Whole, Mr. President.

The VICE PRESIDENT. We are in Committee of the Whole, but the amendment has once been adopted.

Mr. WILLIAMS. Then we will have to get unanimous consent to go back to it, that is all.

Mr. GORE. I understand this is an amendment to the bill.

The VICE PRESIDENT. There was a motion made to reconsider, and a motion to lay the motion to reconsider on the table was agreed to. The Chair is compelled to decide that there can not be two motions to reconsider.

Mr. WILLIAMS. The Chair is clearly right.

Mr. VARDAMAN. Mr. President, could it not be adopted by unanimous consent? I do not think there is a Senator upon the floor who would object to it. I ask that it be added by unanimous consent.

Mr. TOWNSEND. Mr. President, I am not yet familiar with that amendment. I have been trying to get into my mind just exactly what it purports to do, and before I will consent to it I should like to know exactly what the proposition is that is before the Senate.

Mr. ASHURST. Mr. President, as was disclosed yesterday during the debate, and as the Senator from Michigan well knows, because he is a valued and faithful member of the Committee on Indian Affairs, and as all of the Senators know, a large number of persons, composed in part of lawyers, in some of the cities of the Southwest have been very assiduously engaged from time to time in the matter of seeking out Indians, either full bloods or quarter bloods or whatever they might be, and getting contracts from them ranging all the way from 15 to as high as 40 per cent, to be paid to the attorney in the event that he secures a judgment for any money or property against the United States. The object of the amendment is to provide that no contract that may be secured with an Indian shall be of any validity unless it is approved in advance by the Interior Department or by the United States Government, and that any property or moneys that may come to an Indian by virtue of any allotment or otherwise shall not be subject to any lien or subject to any charge for any fee.

I need not make any extended remarks on the subject of the abuse. It is so flagrant that it seems to me legislation dealing with it ought to be provided.

The distinguished Senator from Michigan will remember that in the Indian appropriation act last year the Committee on Indian Affairs, after much discussion, added this provision:

No contract made with any Indian where such contract relates to tribal funds or property in the hands of the United States shall be valid, nor shall any payment for services rendered in relation thereto be made, unless the consent of the United States has previously been given.

Mr. TOWNSEND. Does the Senator mean by "United States" the Secretary of the Interior?

Mr. ASHURST. No; the legislation of last year provided "unless the consent of the United States has previously been given," leaving it to the Congress of the United States to give the consent.

Mr. WHITE. Mr. President, I heartily agree with the intention of the amendment. I do not think that the country can be worse afflicted than with scavenger lawyers who are out scouring the country to get cases. They do not deserve anything. They do not get any credit at the hands of the profession for any such conduct, and they are not entitled to any consideration at the hands of the public.

I want to ask the Senator from Arizona one question, however, and that question I am induced to ask by what was said by the Senator from Mississippi. The Senator from Mississippi seems to think that Congress has not power to invalidate these contracts. That, I think, would be true if the contract was made with a person sui juris, but is it true with reference to an Indian?

Mr. ASHURST. It is my judgment, as a matter of law, that a contract made with an Indian who has not yet severed his tribal relations with respect to property that is in trust by the United States would not be valid, and in the case of such a contract Congress would have full jurisdiction to invalidate it.

Mr. WHITE. Or impose any condition it pleases upon its appropriation of either lands or money?

Mr. ASHURST. Yes, sir; manifestly.

Mr. WHITE. If that is true, it occurs to me that the amendment of the Senator from Mississippi would not be necessary, though I do not object to it.

Mr. ASHURST. I think the amendment of the Senator from Mississippi is salutary and necessary. I think it is a wise amendment.

The VICE PRESIDENT. Is there any objection to the amendment?

Mr. JONES. Mr. President, I do not see how we can amend an amendment that has already been accepted by the Senate

without reconsidering it. The chairman of the committee can offer this amendment in the Senate and there will then be no parliamentary situation to prevent it. Unless the amendment he proposes to amend is reconsidered I make a point of order that the amendment will not be in order.

The VICE PRESIDENT. The amendment is not in order if there is the least objection to it. There is objection made.

Mr. GORE. I should like to inquire if the amendment offered by the Senator from Arizona can not be offered as an amendment to the bill?

The VICE PRESIDENT. It may be offered in the Senate.

Mr. GORE. I mean in Committee of the Whole. I know no rule of the Senate which precludes a Senator from offering any amendment to a bill that is pending in the Senate.

The VICE PRESIDENT. There is no rule of the Senate which precludes it, but it is not offered as an amendment to the bill. It is offered as an amendment to the amendment.

Mr. GORE. That would obviously be out of order. I suggest to the Senator from Arizona that he offer his amendment as an amendment to the bill to be inserted at this place.

Mr. ASHURST. I can not do that at this time when we are considering only committee amendments.

Mr. GORE. Very well, if the rule is that way. I did not know it was the rule.

Mr. ASHURST. I withdraw the amendment, and will offer it at another time. Before we pass from Oklahoma, I think there is one more item reserved.

Mr. OWEN. I call the attention of the Senator from North Dakota to the John West item, which went out on a point of order. I think if he would present it that there would be no point of order made against it.

Mr. CRAWFORD. I will ask the chairman of the committee, as I was absent from the Chamber for a little while, whether the item under South Dakota has been reached yet?

Mr. ASHURST. I will say to the Senator from South Dakota that it has not been reached yet.

Mr. CRAWFORD. I want to offer an amendment to that.

Mr. ASHURST. I ask that the amendment on page 60 be agreed to.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 60 the committee report to strike out line 14 to line 11 on page 61, the following words:

That the fourteenth paragraph of section 18 of the Indian appropriation act approved August 24, 1912 (37 Stats. L., pp. 533, 534), be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause to be delivered to the persons entitled thereto, under such rules and regulations as he may prescribe, checks payable to the order of individual Indians who are members of the Band of Mexican Kickapoo Indians residing in the Republic of Mexico, covering individual Indian moneys now on deposit to the credit of such Indians, or in any manner under the control of the superintendent of the Shawnee Indian School and other officers of the Interior Department or which may hereafter be deposited with or come under the control of the Department of the Interior or its representatives, except such moneys as may belong to members of said band who are under 18 years of age and the feeble-minded Indian known as Paw-kaw-kah, in which cases such moneys shall be paid to the proper custodians of the members of said band who are under 18 years of age, and the said Paw-kaw-kah."

And to insert:

That part of the act of Congress approved June 21, 1906 (34 Stats. L., p. 363), reading as follows: "All restrictions as to sale and encumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians who have heretofore been or are now known as Indians of said tribes, affiliating with said Kickapoo Indians now or hereafter nonresident in the United States, who have been allotted land in Oklahoma or Indian Territory are hereby removed: *Provided*, That any such Indian allottee who is a nonresident of the United States may lease his allotment without restriction for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee," be, and the same is hereby, repealed, and the trust period on the lands allotted to said Indians now held in trust is hereby extended for 10 years from the date of the expiration of the present trust period on said lands, and the further sale of any of the lands allotted to or inherited by the Mexican Kickapoo Indians shall not be permitted without specific authority of Congress.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, as it will be necessary for me to leave the Chamber in a short time I will ask the permission of the Senator in charge of the bill that I may offer an amendment of which I spoke to him and to which I have his consent, to be inserted on page 55, after line 14. I ask that the amendment be read. It is short, except the description of the land.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 55, after line 14, insert:

The Secretary of the Interior is hereby authorized to grant and convey to the Bismarck Water Supply Co., a corporation organized and existing under the laws of the State of West Virginia, an easement or right of way for use for a pumping station and for other necessary buildings, railroad tracks, mains, water pipes, and wells on lands appertaining to the Indian school, Bismarck, N. Dak., for the purpose of pumping water from the Missouri River to its reservoir and to supply its patrons with water, such grant to be made upon such conditions as the Secretary of the Interior shall prescribe, and such easement to continue so long as used for the aforesaid purposes; the said easement to cover the following described lands, to wit:

That part of lot 3 of section 31, township 139, range 80 west of the fifth principal meridian, in the county of Burleigh, in the State of North Dakota, bounded and described as follows: Beginning at a point 50 feet easterly from the smaller spur track of the Northern Pacific Railway Co., running along the easterly side of the warehouse of the said railway company, and 1,075 feet southeasterly from the north line of said lot 3, said distance being measured parallel to or concentric with the aforesaid spur track and 50 feet easterly therefrom; thence northwesterly, parallel to or concentric with aforesaid track and 50 feet easterly therefrom, 260 feet; thence north 3° 55′ west 198.5 feet; thence along the southwesterly right-of-way line of the main track of the Northern Pacific Railway Co. 169.4 feet; thence south 13° 40′ east 314 feet, to the point of beginning; said tract of land containing 1.3 acres, more or less.

Mr. McCUMBER. Mr. President, I will briefly, in explanation of this amendment, state that the Bismarck Water Co. buildings for the operation of its waterworks were located on land purchased from the Northern Pacific very near the Northern Pacific bridge crossing the Missouri. A few years ago it was found—or, at least, it was thought—that the intake pipe at that particular point was more or less responsible for a settling of the abutment of the bridge. Therefore the Northern Pacific made an arrangement with the water company to convey it other land and to remove its buildings and structure a few hundred feet down the river. Subsequent to that, and after the tract had been agreed upon, the Northern Pacific conveyed the tract of land to the United States for the purpose of an Indian school. It was in two separate tracts. It made the reservation in one of the tracts granted, but failed, through inadvertence, to make the reservation in the other tract. Therefore this amendment is offered for the purpose of granting the easement over an acre and two-tenths, I think it is, approximately, for the use of the water company, upon such terms as may be fixed by the Secretary of the Interior.

The PRESIDING OFFICER. This not being a committee amendment, it can only be considered at the present time by unanimous consent. Is there objection? The Chair hears none. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. McCUMBER].

The amendment was agreed to.

Mr. ASHURST. I ask now to recur to the Montana items on page 42.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The next amendment was, under the head of "Montana," in section 9, page 42, line 16, after the word "employees," to strike out "$12,000" and insert "$15,000," so as to make the clause read:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 42, line 19, after the word "employees," to strike out "$30,000" and insert "$35,000," so as to make the clause read:

For support and civilization of Indians at Fort Peck Agency, Mont., including pay of employees, $35,000.

The amendment was agreed to.

The next amendment was, on page 42, line 22, after the word "employees," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

For support and civilization of Indians at Blackfeet Agency, Mont., including pay of employees, $20,000.

The amendment was agreed to.

The next amendment was, on page 43, line 2, after the date "1910," to insert "*Provided*, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Fort Belknap Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed," so as to make the clause read:

For maintenance and operation, including repairs, of the Milk River irrigation system on the Fort Belknap Reservation, in Montana, $20,000, reimbursable in accordance with the provisions of the act of April 4, 1910: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Belknap Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United

States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. MYERS. I offer an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Montana offers the following amendment to the committee amendment.

The SECRETARY. Amend by inserting, after the words "United States," in line 11, page 43:

If exercised within three years from the date of the proclamation of the President opening said reservation to settlement.

Mr. PAGE. Mr. President, this amendment on page 43 is in the exact language of amendments which have been made at the suggestion of the Commissioner of Indian Affairs in three or four or perhaps a half dozen points in the bill. At the time this matter came before the Committee on Indian Affairs in the House the question was raised as to why this provision was put in. I read from the Indian appropriation bill hearings, commencing on page 379. Mr. Meritt, the Assistant Commissioner of Indian Affairs, said:

Congress has passed in these cases laws extending the State laws for beneficial use to irrigation projects, and it is for the purpose of repealing all those laws so that the Indians will not be required to make beneficial use in accordance with the State laws or else lose their water rights under these projects.

If it is true as is claimed by those who insist upon this amendment that the Federal Government can pay out several hundred thousand dollars to impound waters for the benefit of an Indian reservation, and then pay out millions upon millions of dollars to build irrigating ditches to complete irrigation projects, and if within five years the Indians have not availed themselves of its beneficial use the white man may take the water and carry it elsewhere outside the reservation—I say, if it is true that that is the condition of affairs with reference to these irrigation projects, then I believe we should oppose the very large increases that have been made by the Senate Committee on Indian Affairs to the appropriations made in the House until such time as this matter can be put upon some basis that will safeguard the Indians.

I remember that in the Senate discussions a day or two ago the Senator from Montana [Mr. MYERS] demurred to a statement made by the chairman of the Committee on Indian Affairs, the Senator from Arizona [Mr. ASHURST], when he said that these amendments had received the unanimous approval of the Indian Affairs Committee. I have no doubt the Senator states his belief about that, but if he had been present—he was in the hospital, I think—he would have known that this matter was brought up repeatedly in the committee, and that it was the unanimous sentiment of the committee that these large appropriations should not be continued unless the Indians were safeguarded substantially in the manner suggested by the amendment under discussion. It may be well to go back to the hearings had in the Senate Committee on Indian Affairs last year for a moment. I think last year we increased the appropriation for this item above the sum named in the bill as it came from the House something like a half million dollars, and all the time we were acting upon the supposition that the Indian was fully protected.

On page 272 of the hearing, under date of February 8, 1913, I find in the report the following:

Senator MYERS. When you come down to the merits of the matter, I wish I could in some way portray the situation out there.

Remember that the Senator was speaking of these appropriations for the irrigation of Montana Indian lands. I continue:

Senator MYERS. I want to indorse all that Senator Dixon has said, and to say a good deal more if possible. I will not say a good deal more, because you have not the time.

That Flathead Reservation is right in my part of the State. I am frequently on it, and I am thoroughly familiar with it. I live close to it, as well as Senator Dixon, and I am getting letters from people every day—reputable people, whom I can not doubt and who know the situation—portraying the situation there. The circumstances are that when that reservation was thrown open there was some promise on the part of the Government to put water on it at an early day, and those promises induced people to buy those lands and make the first payment; to break up housekeeping in the other States and move out there and go on the 80-acre tracts. The 80-acre tracts are worth nothing without water on them, and the Government led people to believe that water would be put on them. It is all reimbursable.

I want the Senate to especially note that in all these discussions it is apparent that nobody was speaking for the Indian. It was always the white man who was the subject of chiefest solicitude before that committee. I continue to quote from the hearings:

Senator PAGE. Why do you understand the House cut it down?

Senator MYERS. The Secretary of the Interior made it $250,000; but Mr. Newell, the reclamation officer, and the men on the ground who know what they are talking about, state that it ought to be $625,000.

* * * * * * * *

The CHAIRMAN. Do you desire to postpone consideration of this matter until Senator Dixon comes into the room?

Senator MYERS. Yes, sir; if you are going to do anything with it. It is his amendment.

The CHAIRMAN. Or shall I submit it to the committee now?

Senator MYERS. I would like to ask the gentlemen of the committee a question or two about this. Do any of you doubt that the land is worth this money and that it will be reimbursed to the Government? Do you doubt that the security is sufficient?

Senator CURTIS——

I want to say here that Senator Curtis was quite often the court of final appeal in discussions before our Committee on Indian Affairs, because he had been on that committee for a great many years, was himself, I believe, a half or a fourth blood Indian, knew about all the treaties, and when he expressed an opinion it had great weight with the committee. Here is what he said at that time:

Senator CURTIS. I do not know anything about this particular tract. I have tried to find your last year's hearing, but did not have time. There is one of these reservations in your State where the property owned by the Indians is not sufficient to reimburse the Government. I do not know which one it is, but there is one of them, because——

Senator MYERS. This certainly is not it.

Senator CURTIS. Because they showed that if you got all the money that the land was appraised at it would not then pay back the amount of money that we had advanced for irrigation.

Bear in mind, Mr. President, that we are mortgaging the Indian lands for these irrigation schemes, when s Senator Curtis says, with reference to some of them, "if you get all the money the lands were appraised at it would not pay back the amount of money that we had advanced for irrigation."

I want to say here that we have repeatedly had the statements made before the Committee on Indian Affairs that some of these irrigation ditches had been allowed to fill up, to become almost worthless, and yet year after year we are asked to increase these appropriations substantially as they are increased in this bill. As you see on page 43 of the bill before us the House provision called for only $100,000, but we are proposing to increase the sum to $250,000, and yet when you come to safeguarding the Indians by the amendment proposed by the Indian Bureau we are met by a proposal from the Senator from Idaho that the amendment go out on a point of order.

My insistence is that if we are going to rule out this protective clause on a point of order, we do not want to make the increase from $100,000 to $250,000 on this particular appropriation and hundreds and hundreds of thousands of dollars on other appropriations in this bill for irrigation projects in the one State of Montana. I think we have added half a million dollars in this State alone to what the House provisions called for for irrigation.

These appropriations may not be wrong if we will protect the Indians' rights, but, in my judgment, Mr. President, we are not doing this. We substantially say to the Indian "You must be a farmer. You must make beneficial use of this water." The Indian says, "I have no money; I have no horses; I have no wagons; I have no plows. Help me to the wherewith and I will do it." Our reply to him is substantially this: "No, sir; we are going to tie your hands. We will not give you anything to work with; and yet if you do not make beneficial use of this water within three years—that is the amendment offered by the Senator from Montana [Mr. MYERS]—your rights under these irrigation projects may be taken away from you."

Mr. SUTHERLAND. Does the Senator from Vermont think that the Indians upon these reservations have a preferential right to the water?

Mr. PAGE. Mr. President, I am not a lawyer and prefer not to express legal opinions, but I would like to read just a paragraph from the hearings. Congressman CARTER, the Indian Congressman from Oklahoma, asked Assistant Commissioner of Indian Affairs Meritt touching this particular amendment, and his reply was:

That is a general item that we are incorporating in connection with a number of these items. Congress has passed in these cases laws extending the State laws for beneficial use to irrigation projects, and it is for the purpose of repealing all those laws so that the Indians will not be required to make beneficial use in accordance with the State laws or else lose their water rights under these projects.

Mr. SUTHERLAND. The Senator has not quite answered my question. My question was whether the Senator from Vermont thought the Indians upon these reservations had a preferential right to the water?

Mr. ROBINSON. Mr. President, will the Senator from Vermont yield to me for a moment to attempt to answer the question of the Senator from Utah?

Mr. PAGE. Mr. President, I shall be very glad to do so, because I am not a lawyer and I am glad the Senator from Arkansas desires to come to my relief.

Mr. SUTHERLAND. If the Senator will permit me, the answer of the Senator from Arkansas alone might not answer the purpose I had in my mind. I desired to ascertain, if I could, what is the state of mind of the Senator from Vermont upon this question.

Mr. PAGE. Then let me answer before the Senator from Arkansas makes a statement.

Mr. SUTHERLAND. I wanted to understand whether he thought the Indians had a preferential right.

Mr. PAGE. Some law has been submitted to me which would tend to show this, but whether it is a good or bad law I do not know. In volume 207 of the United States Reports——

Mr. SUTHERLAND. That is the Winters case?

Mr. PAGE. It is the Winters case.

Mr. SUTHERLAND. I am familiar with that case.

Mr. PAGE. It says:

The Government of the United States has the power to reserve waters of a river flowing through a Territory and exempt them from appropriation under the laws of the State which that Territory afterwards becomes.

Mr. SUTHERLAND. Well, now——

Mr. PAGE. I only give that for what it is worth. We have been led to believe that the Federal Government has a right to take care of the Indians. If it has not, we want to know it now, so as to better safeguard the matter.

Mr. SUTHERLAND. I shall take occasion some time before this debate is ended to discuss that case; but still the Senator from Vermont has not replied to my question. Does the Senator from Vermont think the Indians have a preferential right?

Mr. PAGE. I want to say to the Senator from Utah that I decline to be catechised as a lawyer, because I am not a lawyer; I am simply giving the business view of the matter as it presents itself to me.

Mr. SUTHERLAND. Of course it does not require the training of a lawyer for the Senator to make up his mind as to whether or not a right exists.

Mr. PAGE. I have been led to believe by the statement of the assistant commissioner, backed, as I understood, by the opinions of the attorneys of the Interior Department, that the Federal Government has the right to take care of the Indians in the way provided in this bill.

Mr. SUTHERLAND. What I was going to suggest to the Senator from Vermont, if he had answered my question, was that either these Indians have a preferential right to this water or they have not—one or the other. If they have a right, no statute can take it away from them; and if they have no right whatever, no statute can confer it upon them. So, as it seems to me, in either view of the situation this provision is of no value; it is of no consequence. That was the only suggestion that I desired at this time to make to the Senator.

Mr. PAGE. I thank the Senator for his suggestion. I have no doubt that his law is good, for I respect the Senator's legal abilities very highly. I come at the matter, however, in this way: If the law gives the State the right to take this water away from the Indian, then I do not want to continue year after year to take the Indian's money and put it into these irrigation projects.

I want to read a little further from the hearings upon that point, because I am very deeply interested in this matter.

Mr. SMITH of Arizona. Before the Senator reads the matter to which he refers will he permit me to make a suggestion in answer to his last proposition?

Mr. PAGE. I will.

Mr. SMITH of Arizona. The attitude which we assume is very plain. It is that the Federal Government has no control or power or right over non-navigable streams in a State. The States own such streams by the very constitutions of the States. So the Federal Government's attempt to controvert the right of a State or the right of the people of a State as to the use of water is perfectly futile. Congress could not succeed in doing it if it tried to do so.

Mr. PAGE. Mr. President, I should like to interrogate the Senator from Arizona for a moment, as he has made a very pertinent suggestion.

Let us admit that the Senator's law is absolutely correct; I am not questioning that at all, for he is a lawyer, and I am not; but I desire to ask him if he would like to have us, as a Senate or as a Congress, appropriate the Indian's money when in one year, two years, or three years the States can step in and take away from the Indian the value which has been paid for with his money?

Mr. SMITH of Arizona. I do not think there is a man on this floor or on the floor of any other respectable body who would desire to do anything of that kind. Certainly I should not.

Mr. PAGE. That is what we are doing, are we not?

Mr. SMITH of Arizona. I think not, for it is reimbursable to the Indian, where the white man uses it it has to be reimbursed. Water being the life of those people, it can not stand idle for all time, dedicated to me or to anybody else. That would be contrary to the constitution of every one of the arid States. You would hold it up here; the interpretation you would put upon it by your action would be to reservoir this water and keep it there perpetually if some Indian did not take it. The law of the State would not permit such a thing; and the people who live there never would submit to it.

Mr. PAGE. Has the Senator from Arizona read this bill sufficiently to know that in one State alone, the State of Montana, the increase of appropriation by the Senate Committee on Indian Affairs has been half a million dollars over and above the House provision in the bill.

Mr. SMITH of Arizona. That might be; and yet that might not be half enough, and it might be twice too much.

Mr. MYERS. May I ask the Senator from Vermont a question for information?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. Certainly.

Mr. MYERS. Does the Senator begrudge that appropriation if it goes to a good use? How much would he cut it down?

Mr. PAGE. I believe it is my duty to oppose to the extent of my ability any increase over the House provisions if the Indian's rights can not be safeguarded.

Mr. MYERS. I ask the Senator if he can cite one instance where that has been the case heretofore in Montana?

Mr. PAGE. I simply say that in this matter I am guided by the opinions of the Indian Department. That department and its attorneys have said that this proviso was necessary to protect the Indian. Let me read it, for I want the Senate fully to understand just what we are discussing here:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Belknap Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States.

This is a precaution which the Indian Department says is necessary. Can I consistently and conscientiously stand here and say that I will approve the increase in the appropriation about which we are now talking, from $100,000 to $250,000, in the face of the statement of the department that this proviso is necessary to protect the Indian? Are we doing our duty as guardians of the Indian if we consent to the use of his money in this lavish manner when we know that he is liable to be deprived of the benefits resulting from these expenditures?

Mr. MYERS. Will the Senator from Vermont again yield to me?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Vermont yield?

Mr. PAGE. I first yield to the Senator from Montana, because he was first to ask me to yield.

Mr. MYERS. We have not yet reached the paragraph where there is an increase from $100,000 to $250,000. That paragraph is not the one now under discussion. The insignificant sum of $20,000 is proposed to be allowed for prosecuting the great reclamation project on the Fort Belknap Reservation. There is not one cent of increase provided for in this paragraph.

Mr. PAGE. If the Senator from Montana will take the trouble to examine the bill, he will find that the very language, commencing on line 3 and ending in line 12, on page 43, is repeated on line 21 of the same page.

Mr. MYERS. We have not yet reached that.

Mr. PAGE. It is being repeated in practically every one of these irrigation clauses in this appropriation bill, because the Commissioner of Indian Affairs insists that it is necessary to put these provisions into every one of the paragraphs.

Mr. MYERS. I am talking about the pending paragraph now. What would the Senator do about that $20,000 where there is no increase? Would he take it away from them?

Mr. PAGE. I took up this feature of the bill at the very first point when we reached it. The Senator from Idaho gave notice yesterday that he would make the point of order on this proviso. I simply say that, if that point of order is to be made, then I do not want to increase the appropriations for irrigation purposes until some way is found to safeguard the Indian.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PAGE. With pleasure.

Mr. BRADY. Did I understand the Senator from Vermont to say that the Commissioner of Indian Affairs had recommended this particular paragraph?

Mr. PAGE. Certainly. He has stated that it is absolutely essential to protect the Indian.

Mr. BRADY. Was that the Commissioner of Indian Affairs or the Assistant Commissioner of Indian Affairs?

Mr. PAGE. It was the assistant commissioner; but I want to say in regard to that, that the commissioner was with us a part of the time. I am not sure whether he was with us at the particular time when this proposition was considered or not.

Mr. BRADY. Did the Senator from Vermont ever hear the Commissioner of Indian Affairs say that that paragraph ought to be in the bill?

Mr. PAGE. Mr. President, I can not say that I ever did; but when the Commissioner of Indian Affairs comes to us and says, "I can not be with you; I leave with you the Assistant Commissioner of Indian Affairs," then the Assistant Commissioner of Indian Affairs, as I understand, speaks not only for the Commissioner of Indian Affairs but he speaks for the Secretary of the Interior and for the law department of the Department of the Interior. As I understand it, Mr. Meritt, the assistant commissioner, has been the law officer of the Indian Department for several years.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PAGE. With pleasure.

Mr. BRADY. I can not agree with the Senator from Vermont that the Assistant Commissioner of Indian Affairs always speaks for the Secretary of the Interior or for the Commissioner of Indian Affairs. I believe that the Commissioner of Indian Affairs and the Secretary of the Interior understand irrigation law well enough to know that it would be useless to put such a provision in the bill. I have not discussed the matter with either of them, but I do know enough about irrigation law to make the statement that we can not change the laws of a State.

I am as much in favor of protecting the Indians as the Senator from Vermont can possibly be; I want to help them in every way I can; but the way to help them is to have this money expended in putting water on these Indian reservations to a beneficial use, for if you do not put it to a beneficial use they can not hold it, and there is no law that can be passed by the Congress that could enable the State to permit them to hold it.

I want to call the Senator's attention to the fact that the Indians on the Fort Hall Reservation in Idaho have been provided not only with what water they need but with more water than they need. The discussion came up the other day in a manner that called my attention to a fact that I thought the Commissioner of Indian Affairs ought to be advised of, for I believe he is honestly endeavoring to do what is best for the Indian and for the Government. I wrote him a letter after the Senate adjourned, telling him the conditions in the Fort Hall Indian Reservation. I have his reply here, and I am going to ask the Secretary to read it. It states that there is more water there than the Indians can use, and that it ought to be sold. I should be in favor of that if it were not for contravening our own laws in passing a bill authorizing him to sell it so that the Government can get back some of the money that they have advanced. In all these cases this money is to be returned by the whites when they pay for the water and it is to be reimbursed to the Government.

The clause which the Senator read from the Montana item said that the money was to be reimbursed, that the white people were to pay it back, and that the Government was to be reimbursed for the construction of the canals. I fully agree with the Senator that we ought to be overly cautious in order to protect the Indian along the very lines that he suggests, but often these canals are built, unless you put water on the land, and unless you furnish these appropriations where necessary to construct the canals to put the water on the land, the Indians will suffer from the very fact that there is no law that will protect them from losing the water. Now, I want at this time to ask the Secretary to read the letter which I wrote to the Commissioner of Indian Affairs and his reply.

Mr. PAGE. Mr. President, before the letter is read I want to make one suggestion to the Senator, and that is to say that we are dealing with this bill; we are not dealing with conditions or circumstances which he suggests may exist; we are not dealing with any proposed change in the law which he says had better be made. I am taking this bill just as it reads, and saying that my objection to the bill is that before we increase these appropriations to such an inordinate amount we should know that they are going to be available for the benefit of the Indians. I will now be glad to hear the letter read.

Mr. BRADY. Mr. President, I believe the Senator is absolutely right about that. I agree with him, but I want to call the Senator's attention to just one point, and I want him to give it careful consideration, and that is that these appropriations for maintaining canals or putting water on the land through a canal that is constructed must be made or the Indians will lose their rights. Where the canals are constructed the laterals must be built so that the water can be carried out over the sand. If it is not done, the Indians can not put the water to beneficial use. If a new canal is to be constructed, then the committee is justified in scrutinizing the item just as closely as it can, and if the very best reasons for it are not shown it should not be constructed, for there is no question that many times the Indian does not receive the value for the money that is charged up to him for canal construction, and that should not be so. I should like to have the Secretary read the letter written by me to the Commissioner of Indian Affairs and the reply of the commissioner.

The PRESIDING OFFICER. Does the Senator from Vermont yield?

Mr. PAGE. I yield for the purpose of having the correspondence read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

JUNE 18, 1914.

HON. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. COMMISSIONER: During the consideration of the Indian appropriation bill in the Senate yesterday and to-day the question arose as to the conditions existing on the Fort Hall Indian Reservation relative to the irrigated lands, and there was a point of order raised against an amendment offered by the committee reserving the Indians the right to the water to be used on their lands, whether they used it or not. While I did not raise the point of order, I think you will agree with me that the Presiding Officer was right in deciding that the point of order should be sustained. This incident has brought to my mind a question to which I have given considerable thought.

Under the constitution and laws of the State of Idaho water, when appropriated for irrigation purposes, must be put to beneficial use, and if not put to beneficial use within a reasonable time any citizen of the State can appropriate the unused water and, by putting the same to beneficial use, obtain clear and good title to the same. If I understand the conditions correctly, you have an appropriation on the Snake River of about 600 second-feet, which equals 30,000 inches of flowing water per second, the same being sufficient to irrigate, according to the usual estimates of the Government, about 48,000 acres of land. In addition to this you have for the use and benefit of the Fort Hall Indian Reservation a reservoir located on the Blackfoot River about 24 miles above the Indian reservation. This reservoir covers an area of about 15,000 acres and has a capacity of about 200,000 acre-feet. However, the flow of the river does not always fill this reservoir and, as I understand it, the average amount supplied by the river is not less than 163,000 acre-feet, and my judgment is that in an average year it will be sufficient to fill the reservoir.

On the Blackfoot River below this reservoir there are some prior water rights, consisting of water rights appropriated by farmers and the water decreed by the court for their benefit and use. The amount of those decreed rights, as I understand it, is about 232.78 cubic feet of water per second, which is equivalent to 41,481.49 acre-feet. On a basis of 163,000 acre-feet, which is certainly the minimum, this leaves 121,419.5 acre-feet as available reservoir capacity, which on a basis of 3 acre-feet per acre of land irrigated will irrigate approximately 40,506 acres of land. Therefore, you have sufficient water, if these figures are correct, to irrigate 88,506.6 acres of land.

Under the laws of Idaho and every other State where irrigation laws are in force the law and the rule is that water must be put to beneficial use and that no citizen or corporation can hold more water than is necessary to irrigate the specific lands for which the same was appropriated. This being the case, it seems to me that it would be good business for the Government to sell the water that it can never use, and from the proceeds reimburse the Government for a part of the money that has been spent in the construction of irrigation works and reservoirs.

I do not desire to be presumptious in this matter, but feel it my duty to call your attention to it, for I am convinced that if the Government does not take this course in time this surplus water, that can never be used on the lands for which it was appropriated, will be appropriated by some individual or corporation, and the Government will receive no benefit whatever from the same.

Very truly, yours,

——— ———.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 19, 1914.

MY DEAR SENATOR BRADY: Replying to your letter of June 18, as to the conditions existing on the Fort Hall Indian Reservation relative to the irrigated lands and water supply, I transmit herewith draft of an amendment to the Indian appropriation bill, which I suggest as proper for introducing at this session of Congress.

Apparently there is more water now available in the reservoir and natural flow-water rights in the Snake River for this project than can be economically distributed by the system of canals as constructed, and it is believed that authority of Congress should be given to sell whatever surplus of such water may be available for sale.

Cordially, yours,

CATO SELLS, *Commissioner.*

Mr. BRADY. Mr. President——

Mr. PAGE. Mr. President, I did not yield the floor, except for the reading of the letters.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Idaho a question in connection with the correspondence which has been read?

Mr. PAGE. I yield to the Senator.

Mr. TOWNSEND. As I understand, in the letter the Senator wrote he suggested that the United States should sell this water. Does the Senator maintain that the United States has the right to sell the water and yet has no right to impose restrictions or conditions as to its use?

Mr. BRADY. They would have the right in case nobody objected to it. In this case they have a reservoir to sell also. I want in some way, if it is possible, for the Government to get back its money from the sale of the surplus water, if it can.

Mr. TOWNSEND. Does the Senator think that the Government has a legal right to sell that surplus water?

Mr. BRADY. The Government has appropriated the water and built a reservoir, and if the Government desires to sell it to somebody who wants to use it for a beneficial purpose, and nobody objects, the Government can do it.

Mr. TOWNSEND. It does not make any difference, so far as the legal right is concerned, whether there is objection or not, does it?

Mr. BRADY. If the title would pass, I do not think there would be any question but what the title would be good whether anybody objected or not, if the purchaser immediately put the water to a beneficial use.

Mr. TOWNSEND. Does the Senator think the Government could pass a good title?

Mr. BRADY. In this instance the Government has made a proper and legal appropriation, has constructed a reservoir and impounded the water. I believe that the Government could sell an interest in the reservoir, and the Government could pass good title to the property.

Mr. SMOOT. Mr. President, if the Senator from Vermont will allow me——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Utah?

Mr. PAGE. I wish to say that I was rather careless when the junior Senator from Arkansas [Mr. ROBINSON] attempted to interrupt me, and I want to surrender the floor to him now, because I ought to have done so some time ago.

Mr. SMOOT. The Senator can not surrender the floor to anybody.

Mr. PAGE. I mean I yield the floor for the purpose of allowing the Senator from Arkansas to make some remarks, if I may be permitted to do so.

Mr. SMOOT. I merely desire to say a word to the Senator from Idaho, which perhaps may save time in the consideration of this bill. If the Senator from Idaho does not offer the amendment that is suggested in the letter of the Commissioner of Indian Affairs and refers it to the committee and the committee offers it, I am going to make a point of order against it in any event, because, Mr. President, the United States and no one else has any right to sell water which they have appropriated, and the only way in which they can acquire legal title to it is by beneficial use.

Mr. ROBINSON and Mr. LANE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Vermont yield?

Mr. PAGE. I yield to the junior Senator from Arkansas.

Mr. ROBINSON. Mr. President, many of the Senators who have already spoken on this question are much more familiar with the subject of irrigation than am I. I believe, however, that there is a very important principle involved in this proviso and that it is effective to preserve the rights of the Indians on the various reservations to which it may be applied. I think there is a misapprehension as to the rights and power of the Federal Government in the reservation of waters flowing through territory of the United States and over lands which may constitute Indian reservations.

Prior to the decision in the Winters case, in Two hundred and seventh United States Supreme Court Reports, the opinion seemed to prevail, so far as I can tell, among lawyers generally and especially among lawyers in the West that the doctrine of prior appropriation governed exclusively or almost exclusively in the determination of water rights. The decision in the Winters case constituted an epoch in the history of Indian affairs in the United States, in that it suggested a way whereby, if Congress is prompt in acting, valuable rights which might otherwise be lost to the Indians may be preserved to them.

The Winters case lays down this doctrine—and I call the attention of Senators, especially those from the West, to it, although doubtless they are familiar with it—that the United States in setting aside by treaty for the use and benefit of the Indians reservations to be used for the raising of stock and for agricultural purposes impliedly reserved a sufficient amount of water flowing in the streams that pass through the reservation to carry out the primary purpose of its agreement with the Indians, and, second, that that reservation of water is prior and paramount to the actual appropriation of water under State and Territorial laws.

Mr. President, I am aware of the fact that this is a very far-reaching doctrine and a very important one, but if the decision in the Winters case is sustained it means that if Congress wants to carry out its agreements with the Indians whereby these reservations were set apart in order that they might become an agricultural people and advance to a high state of civilization it can by proper action reserve a sufficient amount of water to accomplish that purpose.

If the reservation of water is effective the States under their laws can not deprive the Indians of the right to this water, because the same is exempted from appropriation; but it is also true that the most complicated questions arise in such cases, questions of far-reaching importance. I will disclose by an illustration that when water has been actually diverted under State laws, even though it has been reserved by treaty for the benefit of lands on Indian reservations, when it is wrongfully appropriated under those laws——

Mr. WARREN. In order that we may follow the Senator—I am not familiar with the decision—I will ask the Senator, when was it made and where did the case arise?

Mr. ROBINSON. It was decided January 6, 1908, by the Supreme Court of the United States. I am going to read from it.

Mr. WARREN. Where did the cause of action arise?

Mr. ROBINSON. It was an appeal case from Montana and affected the waters of the Milk River in Montana. If I am permitted to do so, I will take just a little time to go into this subject, but before doing that I want to give the illustration which is familiar to the members of the joint commission created to investigate Indian affairs.

During the last session Congress appointed a joint commission, composed of four members, of which the Senator from Michigan [Mr. TOWNSEND] was a member, I being the other representative on the part of the Senate, and two Members of the House, to work out some sort of an adjustment of the controversies that had arisen over water rights on the Yakima Reservation, in the State of Washington. Briefly stated, the facts under which that controversy arose were these: Many years ago the United States set aside a reservation, known as the Yakima Indian Reservation, in the State of Washington, for the benefit of the Yakima Indians and certain associated tribes. The Yakimas ceded a large territory to the United States. It was declared in the treaty that it was the purpose of the treaty to encourage agriculture among the Indians. With the passing of time, white persons settled on the other bank of the Yakima River and began to appropriate the waters of that river. Large irrigation projects were established under the laws of the United States, until the entire water flow of the Yakima River, which was the principal irrigation stream touching the Yakima Indian Reservation, had been actually appropriated under the laws of the State of Washington.

In the meantime it had become apparent that the waters of that river were not sufficient to supply the demands of the reservation and of the white users on lands off the reservation. Conflicts arose and litigation occurred in the courts of the State of Washington, and the controversy, as is known to Senators who are present, became one of the bitterest and most difficult that has arisen in connection with the irrigation projects of the United States. This commission was empowered to investigate that matter. Until the decision in the Winters case it was almost universally contended that the prior appropriation of these waters and their application to actual beneficial use under the laws of the State of Washington gave the white settler the prior right to the water; but, applying the decision in the Winters case, it was found that as a matter of equity, if not as a matter of law, when that reservation was set aside there was an implied reservation of enough water flowing in the Yakima River to irrigate the lands of the Indians on the Yakima Reservation. That theory is supported by the doctrine in the Winters case. Nevertheless, practically all of the water having been diverted for use by white settlers on nonreservation lands, we are now in this bill, as the result of that investigation and in an attempt to adjust that controversy, entering upon a policy of making gratuity appropriations which contemplate large sums for the purpose of reimbursing the Indians for the waters that were wrongfully taken from them under the laws of the State of Washington.

I have said that the Supreme Court of the United States has decided in the Winters case that whenever the Government by treaty with the Indians makes a reservation of land for the

benefit of the Indians, it impliedly reserves for those Indians enough water to make those lands productive; that is, conceding in the beginning that it is the design of the treaty to promote agriculture among the Indians. I have also said that that reservation is paramount to any actual appropriation of the water under the laws of the State or Territory in which the stream flows. I do not know that I shall read the entire decision; it is a very long one and a very interesting one; but I will read——

Mr. SMITH of Arizona. Who decided that case?

Mr. ROBINSON. The Supreme Court of the United States decided it.

Mr. SMITH of Arizona. Who wrote the opinion?

Mr. ROBINSON. Mr. Justice McKenna wrote the decision. I will ask to insert the entire opinion as a part of my remarks, but unless some Senator wants to hear it all, I will only read the syllabus or such parts of it as I think are germane:

In view of all the circumstances of the transaction this court holds that there was an implied reservation in the agreement of May 1, 1888 (25 Stats., 124), with the Gros Ventre Indians and other Indians establishing the Fort Belknap Reservation, of a sufficient amount of water from the Milk River for irrigation purposes, which was not affected by the subsequent act of February 22, 1889 (25 Stats., 676), admitting Montana to the Union, and that the water of that river can not be diverted so as to prejudice this right of the Indians by settlers on the public lands or those claiming riparian rights on that river.

That is a clear assertion of the doctrine.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON. I do.

Mr. SUTHERLAND. Was that a unanimous decision?

Mr. ROBINSON. I think one justice dissented.

Mr. SUTHERLAND. Justice Brewer dissented, did he not?

Mr. ROBINSON. Mr. Justice Brewer dissented. Otherwise the opinion was unanimous.

The Circuit Court of Appeals of the Ninth Circuit, in passing upon the same case, on February 5, 1906, used this language. I read from the syllabus:

Held, That the land reserved to the Indians being barren and worthless for agricultural purposes without irrigation, the treaty so confirmed should be construed as reserving for the use and benefit of the Indians residing on the reservation a portion of the waters of the Milk River for the irrigation of the reservation lands.

Upon the other proposition—that is, as to whether this reservation on the part of the Government, implied reservation though it be, is superior to the actual appropriation of the waters for beneficial use under State laws—I call attention to another feature of the decision:

The Government of the United States has the power to reserve waters of a river flowing through a Territory and exempt them from appropriation under the laws of the State which that Territory afterwards becomes.

Briefly stated, then, since the Winters case the doctrine has become generally accepted and is at least fairly well established that when the United States by treaty sets aside an Indian reservation for agricultural or stock-raising purposes it also impliedly sets aside sufficient water, if there be so much in the streams flowing through or upon the reservation, to carry out the primary purposes of the treaty, and that even though the Indians are slow—and they are always slow—in using their water. If you make it merely a question of practical or beneficial use of the water, the white man will always beat them to it, as he has beaten them to it in the past.

The doctrine of prior appropriation means that practically all of the waters available for use on Indian reservations where there is not a sufficiency for all lands will be used by the white man and the Indian's land will become useless. If you are to protect the rights of the Indians, you may work some little hardship upon your white citizens by reserving to the Indian lands a sufficient amount of water to make them useful. You can not apply a limitation of two or three years, because the Indians are not quick to avail themselves of benefits of this sort.

We are now engaged in a great effort to stimulate the spirit of agriculture among the Indians. As a rule Indian tribes are not devoted to agriculture, and, just as indicated in the illustration which I have cited in the State of Washington, if you permit white people to take waters that justly belong to Indian lands you will be making gratuity appropriations to compensate the Indians for water of which they have been wrongfully deprived by prior appropriation under State laws.

Mr. WARREN. Mr. President——

Mr. ROBINSON. I yield to the Senator from Wyoming.

Mr. WARREN. I should like to ask the Senator what would be his proposition as to the legal and proper manner of determining how much water should be reserved at or near the head of these long streams that flow through many States?

Mr. ROBINSON. I will not undertake to determine that. I am discussing now another proposition.

Mr. WARREN. That is a matter that enters very largely into the consideration of this question.

Mr. ROBINSON. I realize that the Senator presents a difficult question.

Mr. SMITH of Arizona. Did not the case quoted by the Senator go up when they were Territories and not States?

Mr. ROBINSON. No.

Mr. SMITH of Arizona. Those things occurred while Washington was a Territory, according to the Senator's statement.

Mr. ROBINSON. That makes no difference.

Mr. SMITH of Arizona. It does make a difference under the Constitution.

Mr. ROBINSON. If the Senator will permit me to state my own conclusion with regard to the matter——

Mr. SMITH of Arizona. I am simply asking the Senator a question.

Mr. ROBINSON. I think the doctrine of the Winters case is that whenever the Government creates an agricultural Indian reservation, the lands of which must be irrigated to profitably cultivate, under a treaty or agreement with the Indians it impliedly reserves water for the use of that reservation, and that you can not, under State laws, deprive the reservation of that water.

Mr. SMITH of Arizona. That is all right. Now, how about an executive-order reservation, which most of these are, where there is no treaty at all with the Indians?

Mr. ROBINSON. Of course, Mr. President, the water rights as to any particular reservation would depend in part, at least, upon the terms whereby the reservation was created. If it is a treaty or an agreement reservation, as in many cases, the terms of the agreement would govern; but if the reservation is established for the purpose of improving agriculture among the Indians, the doctrine of that case, as set forth by the highest court in this land, is that you can not deprive the Indian of the primary benefits of his agreement by appropriating his waters to actual use.

Mr. SMITH of Arizona. If the Senator will permit one more question, would that apply to any other nationality except Indians? Suppose this was a grant to a lot of Americans under the same terms, in the case of an executive-order reservation, which is what the great majority of these cases are. Scarcely any of them come under the Senator's case, according to the facts stated. Suppose that that agreement——

Mr. ROBINSON. Mr. President——

Mr. SMITH of Arizona. Will the Senator permit me to finish my question?

Mr. ROBINSON. I thought the Senator had finished.

Mr. SMITH of Arizona. No; I have not even come to the question yet.

Mr. ROBINSON. All right; go ahead.

Mr. SMITH of Arizona. I was asking, Does this peculiar right rest inherently in an Indian, as different from a Mexican or an American, if he should do the same thing? Suppose it was a lot of Americans in favor of whom this had been made. Would not the same argument in the Winters case say that under that power of Congress in a State, having under the Constitution all rights to all the water, and under the constitutions of these States, as well as the United States, having exclusive ownership of them, the same thing would apply to Americans who went there, because they were not industrious, and it would hold as long as you are claiming it should hold in the Indian case? I am simply testing the position the Senator holds, or that he claims the opinion holds.

Mr. ROBINSON. The Senator has already asked me about fifty questions in one.

Mr. SMITH of Arizona. Would that apply to Mexicans under similar conditions?

Mr. ROBINSON. Mr. President, the Supreme Court and the courts of the United States have recognized some difference in these rules as applied to Indians, who are the wards of the Government, and citizens of another class. There has been no determination as to rights as between Indians and Mexicans, and I shall not attempt to do so, because no Mexican right is involved in any subject that I am discussing or that is even remotely under consideration.

The circuit court of appeals in 1908, in confirming an opinion of the lower court, used this language, as reported in One hundred and sixty-first Federal Reporter, at page 829, the Conrad Investment Co. case:

Manifestly, the Indians can not be expected to acquire water rights to any considerable extent through prior appropriation, because they are not far enough advanced in the art of agriculture to reduce the water to a continuous use, and the water of the public streams that

they shall finally need depends largely upon their progress in this art. The Government, however, being their guardian—

There is the doctrine that I have already laid down to the Senator from Arizona. The Government does recognize a higher obligation, if you please, to one of its wards than it does to one of its ordinary citizens—

The Government, however, being their guardian, has a most important trust to perform in this relation—that is so to conserve the waters of such streams as traverse or border the reserve as to supply the Indians fully in their probable or, I may say, even possible future needs when they have ultimately secured their allotments in severalty.

Mr. SMITH of Arizona. In answer to that argument, then, it is so high that it overrides the hundreds of decisions of the Supreme Court of the United States? That obligation is so high that it overrides the Constitution of the United States?

Mr. ROBINSON. Oh, no, Mr. President. I can not yield further to that kind of an argument. The Senator from Arizona can take his own time to belittle the arguments I am undertaking to make.

Mr. SMITH of Arizona. I did not know it was worrying the Senator.

Mr. ROBINSON. It does not worry me in the least; but I will be frank with the Senator from Arizona. I do not think such an observation as that elucidates or illuminates this question, but I recognize his right to make it in his own time.

Mr. SMITH of Arizona. I was simply suggesting the Constitution; that is all.

Mr. ROBINSON. I do not think it is fair——

Mr. MYERS. Mr. President, may I ask the Senator a question?

Mr. ROBINSON. Just a moment. I want to answer the last statement of the Senator from Arizona. I do not think it is fair for the Senator from Arizona to say that a decision like that which I have read overrides the Constitution of the United States and all the decisions of the Supreme Court of the United States. I think that decision is founded in reason and in justice; and if you read the history of this country, and if you study the history of these irrigation projects—my colleague from Michigan will confirm me and the Senator from Oregon will confirm me—you will find that under the operations of these irrigation projects, constructed in many instances on Indian reservations at Indian expense, the principal benefits of those projects have gone to white men.

I ask the Senator from Michigan now if his experience in the investigation of that subject does not confirm my statement?

Mr. TOWNSEND. Absolutely so.

Mr. ROBINSON. I ask the Senator from Oregon the same question.

Mr. LANE. Unquestionably.

Mr. ROBINSON. Now, Mr. President, I repeat that it does not lie in the mouth of any Senator here to denounce a doctrine such as that asserted in the Conrad Investment Co. case, declaring the Indians to be wards of the Government, declaring it to be the duty of the Government to see that its agreements with the Indians are kept and are carried out in good faith, as overriding the Constitution of the United States and the decisions of the Supreme Court of the United States.

I now yield to the Senator from Montana.

Mr. MYERS. Mr. President, acknowledging the validity of the decision in the Winters case, and that case applying to the Fort Belknap Reservation, the same reservation to which this paragraph of the bill applies, if, as the Senator from Arkansas says, it is impossible under that decision for the State of Montana or any of its white citizens to take any of the water of the Milk River to the detriment of the Indians, and this amendment merely saying "such water as is needed by the Indians is hereby reserved," what iota of weight or efficiency does this amendment add to the law?

Mr. ROBINSON. I will show the Senator. I cited an illustration awhile ago where legally the Indians on the Yakima Indian Reservation were entitled to sufficient water from the Yakima River to irrigate their reservation. The public generally in the State of Washington understood, however, that those who got the water first, and actually applied it to practical use, had a paramount or a prior right to any claim that the Indians might have, and so they appropriated all of that water. One benefit of this provision is to put white settlers on notice that the lands reserved for the Indians on that reservation will have enough water to make them profitable and to carry out the purposes of the reservation. If that notice had been given in the State of Washington, the Government of the United States would have been saved a gratuity appropriation of perhaps a million and a half dollars that we are now called on to make, not because any wrong was done, except that the white settlers had appropriated to actual use all of the waters, including that impliedly reserved by treaty to the Indians, and we either had to take the waters away from the white settlers or make an appropriation to provide water for the Indians, and we are doing the latter thing.

Mr. MYERS. Mr. President, one other question, if the Senator please.

Mr. ROBINSON. Yes; I yield with pleasure.

Mr. MYERS. Speaking of notice, what notice is the white settler going to get of how much or what quantity of water is to be reserved indefinitely, without any limit, by this provision?

Mr. ROBINSON. The question which the Senator from Montana asks is analogous to the question which was asked me a moment ago by some Senator on the other side, I think, or perhaps by the Senator from Arizona. It is impossible to determine in advance just what the amount of this water will be; and that was one of the arguments which was used prior to the Winters case, and in the argument of the Winters case, to discredit the right of the Indians; but the point is that those who take water from the streams which flow upon that reservation take it with notice that it is subject to a prior right whenever exercised by the Indians themselves. That is as definite a statement of it as I can make.

Mr. WARREN. Mr. President, I will state that I am the Senator who asked the Senator from Arkansas that question.

Mr. ROBINSON. Yes; it was the Senator from Wyoming.

Mr. WARREN. The Senator did not answer it, and I doubt if any Senator can answer it.

Mr. ROBINSON. It can not be definitely answered.

Mr. WARREN. For instance, take a reservation at the head of a stream, the waters of which flow through perhaps 20 States or 10 States, and the rights are identical in the entire length of stream and extend all the way. The policy which the Senator advocates would simply lock up and play dog in the manger with the entire irrigation water supply of the country. The United States had better pay tenfold over in such exceptional cases as the Senator has stated was the amount paid in Washington than undertake to paralyze the entire country subject to irrigation and reclamation by retaining and tying up all of the water and keeping it unused.

Mr. ROBINSON. Mr. President, that argument is forceful, but it was made in the Winters case in almost the exact language which the Senator from Wyoming has used, and I must admit that it is supported with some reason and logic; but the court decides—and I believe the decision is right, notwithstanding the difficulties that arise out of the question—that the paramount duty of the Government is to keep faith with the people who are under their control, their wards, the Indians.

Mr. WARREN. Does the Senator think, although that may be a decision of the court, that we ought to add fuel to the flame by tying up still stronger than it is already tied up our entire irrigation country?

Mr. ROBINSON. I will be frank with the Senator from Wyoming. I think that whenever a controversy arises between an Indian and a white man as to water rights, and the legal right is with the Indian, Congress ought not to exercise its great powers to divest him of that right. I think the Indian is exceedingly fortunate if he gets what he is entitled to, and I think the history of our dealings with the Indians shows that to be true.

Mr. WARREN. It is not a matter of divesting; but are we to wait two or three hundred years to know whether or not this water is to be used?

Mr. ROBINSON. Oh, no.

Mr. WARREN. That is the point. There has got to be some end and some determination somewhere as to what the water rights are.

Mr. ROBINSON. They made exactly that same argument in the Winters case, and made it with great force, as the Senator will see on page 570. It was a part of the brief of those who opposed the rights of the Indians.

Mr. WARREN. I will say very frankly that I never read the Winters case and do not remember that I ever heard of it until the Senator brought it up to-day; so if my argument is along the same line, if the gentlemen who preceded me and who gave their attention to the case used the same language, I have not plagiarized, because I never read it.

Mr. ROBINSON. Oh, no; I hope the Senator did not think I implied that. If anything I have said implied that the Senator had plagiarized anything, I am very unfortunate in my expressions.

Mr. WARREN. Oh, no; I did not mean that the Senator had implied that.

Mr. ROBINSON. I meant to say that whatever force that argument might have it has been considered in almost the

same language as that now presented to the Senate by the Supreme Court of the United States, and held by that court not to be a controlling consideration.

Mr. SUTHERLAND. Mr. President——

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. SUTHERLAND. The Senator from Arkansas, I take it, believes that the Indians upon any of these reservations that have been made have the right to divert all of the water from the stream or streams if it is necessary to irrigate their land?

Mr. ROBINSON. Oh, no; I do not state the proposition so broadly as that. If the Senator will permit me, I will answer his question in the language of the Supreme Court. That body, in deciding the case I have already referred to—and I will say that it is strongly supported in doctrine by a number of other cases—holds that it is not within the power of the States to deprive the Indians of water which has been reserved to them under treaties between the Indians and the United States, and that when the United States makes an Indian reservation for agricultural purposes it reserves a portion of the waters for the irrigation of the reservation lands.

Now, there is no decision as to the amount of waters which are reserved. There is considerable indefiniteness about it, and I would not undertake now to pass upon what the court would say was the extent of the reservation in these treaties. I do say, however, that the limitation which has been inserted in this provision by the Commissioner of Indian Affairs, namely, the water "necessary to supply for domestic, stock-watering, and irrigation purposes," is a reasonable limitation.

Mr. SUTHERLAND. That is exactly the question I put to the Senator. I think perhaps the Senator did not hear the latter part of it, and therefore I repeat the question:

Does the Senator from Arkansas believe that the Indians upon these reservations have the right to divert from the stream or streams upon the reservation all of the water, if all of it be necessary for their use, for domestic, stock-watering, and irrigation purposes?

Mr. ROBINSON. Mr. President, that is a question that is not involved in this controversy. That is an academic question; it is a hypothetical question, and I would not care to answer a question of that sort in categorical terms. I would not care to say "yes" or "no," because I do not think it would throw any light on this controversy. I will say, however, that I think the Indians on the Fort Belknap Reservation ought to have reserved for them enough water for cooking and laundry purposes, and to water their stock, and to cultivate the small acreage of land which they will probably cultivate in the next 20 or 25 years; and that, I think, is what is sought to be accomplished by this proviso.

Mr. SUTHERLAND. Suppose all of it be necessary for that purpose; then have they a right to divert it all? That is the question I put to the Senator.

Mr. ROBINSON. I should think they would.

Mr. SUTHERLAND. The Senator thinks they would?

Mr. ROBINSON. However, I am not willing that the Senator shall ask me a question which I have stated is hypothetical in connection with the discussion I am now making, and secure from me an answer which he thinks is erroneous, and then proceed to correct my answer.

Mr. SUTHERLAND. No; I do not think the Senator's answer is erroneous, if we assume the accuracy of the Senator's premises. I think the Senator is quite logical in saying what he does.

Mr. ROBINSON. Now, as the Senator has asked me some questions, may I ask him one?

Mr. SUTHERLAND. I was going to ask the Senator a question if he will permit me to do so.

Mr. ROBINSON. Yes; but I think I will take my turn now and ask you a question. Will the Senator from Utah tell me whether he thinks it is sound doctrine that when the Government of the United States enters into a treaty with the Indians, taking from them a cession of a part of their lands as a part of the consideration of the treaty, and agreeing with them that a certain area of land shall be held and owned by them for agricultural and other kindred purposes, there is no implied obligation on the part of the United States to provide sufficient water to make those lands reasonably useful for agriculture? Does the Senator stand for the doctrine that the United States has no obligation to provide water for those lands?

Mr. SUTHERLAND. Mr. President, I think it has not.

Mr. ROBINSON. I mean, of course, in the natural streams. I do not mean in artificial channels.

Mr. SUTHERLAND. I think it is not a question of the power of the United States at all. The question I was going to ask the Senator next will disclose my position, perhaps.

Mr. ROBINSON. I can not hear the Senator distinctly.

Mr. SUTHERLAND. I say, I think it is a matter wholly outside the powers of the United States Government. The question whether or not the water shall be diverted from the stream and the corpus of it consumed in irrigating lands is a question for the State.

The question I want to put to the Senator is this: The rule of the common law, of course, is that water runs and must be permitted to run as it has been wont to run. That is the doctrine of riparian rights. Under the common law water can not be led away from its channel and consumed upon the land. It must be permitted to flow in its accustomed channel. Now, if these Indians in Montana or elsewhere have the right to divert water from the streams in derogation of the common-law rule, where do they get the right? Is it not from the statute of the State, which has enacted a rule different from the rule of the common law? And if it is under the State statute that they get the right, in exercising the right must they not comply with the conditions of the statute, one of the conditions of the statute being that the water shall be put to a beneficial use within a reasonable time?

Mr. ROBINSON. I think I have already shown that as to Indians that doctrine is correct only in part, and that a doctrine which is paramount to it is that the United States has such an interest in and a control over waters flowing through lands which it owns, through a territory which it controls, that when it enters into an obligation with these Indians to assist them in becoming an agricultural people by reserving lands for them it also reserves for them such part of the waters which it controls as may be reasonably necessary to carry out the treaty.

Mr. SUTHERLAND. But the question is, What does it reserve? Can the United States reserve any more or greater right than the Indians have? That right, in the absence of some local rule to the contrary, is to permit the water to run unintercepted through their lands, not to divert it.

Mr. ROBINSON. I admitted in the beginning that the subject is not without difficulties. I admit now that by the reservation of indefinite quantities of water for the benefit of Indians, development in localities may be embarrassed or hindered; but I do believe that Senators who are interested in this subject have exaggerated the detrimental effects of this provision and have overlooked the very wholesome and beneficial design of it.

Mr. MYERS. Mr. President, I should like to ask the Senator one more question.

Mr. ROBINSON. I take pleasure in yielding to the Senator from Montana.

Mr. MYERS. Conceding that the Winters case applies to this proposition, and that it is the law that sufficient water for the use of the Indians in this reservation is reserved by law, and the Senator claiming that Congress has the jurisdiction to legislate on the subject, does the Senator think the Indians ought to have that reservation forever, time without end, without Congress adopting some reasonable rule and regulation with which they must comply in order to exercise the rights conferred by the Supreme Court in that case?

Mr. ROBINSON. No; I think the Senator answers his own question, because to give any other answer I would have to make an unreasonable answer according to his hypothesis, and I certainly do not intend to do that. I think every right, to be exercised, must be exercised within reasonable limitations, and I do not stand for the doctrine of forever locking up these waters or forever holding these reservations in the possession of the Indians; but I do stand for the doctrine that whenever we expend the money of the Indians for the construction of Indian irrigation works, we ought not to put a limitation in the legislation authorizing them which in the very nature of things will deprive the Indians of benefits under the appropriation and divert those benefits to white settlers, who are quicker and readier and more capable of grasping those benefits. Now, as to what a reasonable limitation would be——

Mr. SHAFROTH. May I ask the Senator——

Mr. ROBINSON. I hardly think three years a sufficient length of time, and I will tell you why. You can not make farmers out of those Indians, and nobody expects to do so, inside of three years. You are doing two works at the same time. You are giving the Indian an opportunity and at the same time you are trying to teach him to avail himself of that opportunity. If you were dealing with white persons, a limitation of three years would perhaps be reasonable, but my attention has been called to the fact that there has been a limitation sometimes as much as 20 years as to white persons.

Mr. MYERS. I do not know of any.

Mr. ROBINSON. There is no justification for putting a shorter limitation on an Indian, who is less qualified to exercise

such privileges or enjoy such rights, than you put upon a white man. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to ask the Senator whether in the Winters case it was a question between persons who had already appropriated the water, or whether it was a question as between those who desired to file upon and appropriate the water? While the Senator is looking it up, I will state to him that the law in the West, particularly in the State of Colorado, does not fix a limit as to the time the appropriation shall actually be applied to the land. The spirit of the law of irrigation is that you can file a plat of your irrigation enterprise in the office of the State engineer, and you can begin the construction of your work, and the right of your water dates from the time of the filing of your plat, provided you, within a reasonable time, appropriate the water which is set forth in the declaration that you make at the time of the filing of the plat. Now, as to what is a reasonable time, there has never been a fixed time designated.

Mr. ROBINSON. If the Senator will permit me, the idea of the Senator from Montana is to fix a limit of three years; and I think, in view of the circumstances and in view of the fact that we are dealing with Indians who are not agricultural people and are not ready to avail themselves of that right, the limitation is too brief.

Mr. SHAFROTH. Is the enterprise already entered upon and the work constructed?

Mr. ROBINSON. Yes.

Mr. SHAFROTH. And the question is as to applying the water to the land?

Mr. ROBINSON. Yes; availing themselves of the water right. I think the reservoir has been completed. Has it not?

Mr. MYERS. I think so.

Mr. ROBINSON. The appropriation is for the maintenance and repair of the Milk River irrigation system on the Fort Belknap Reservation?

Mr. SHAFROTH. Has the Senator looked to see whether that was a case as between parties who had already appropriated water, as to whether it was the junior appropriator or the senior appropriator, or whether it was the inception of the matter before any right whatever had accrued?

Mr. ROBINSON. This Winters case does not apply, as I said in the beginning, to every Indian reservation. It sets forth the general doctrine which is a principle of law that I think applies to many reservations. But it would make no difference, as far as the right of the Indian lands to the water is concerned, whether the controversy arose through some one who had actually appropriated or some one seeking to appropriate, because the doctrine of the case is that it could not be diverted to their detriment.

Mr. SHAFROTH. Still you recognize that failure on their part, with an unreasonable limitation of time, would vitiate their right.

Mr. ROBINSON. I recognize this fact. The whole subject of irrigation in its practical aspect, of course, presents many and serious difficulties. I recognize the further fact that in asserting the doctrine in the Winters case you are confronted with the difficulty suggested by the Senator from Wyoming and the Senator from Montana, and that is that unless there is some limitation upon the time when this right may be availed of, it may constitute an embarrassment to the development of the whole community, and a needless embarrassment at that.

I recognize all that, but I am saying that it is fair and right that Congress should seek to preserve a water supply for these Indians for the purposes set forth in this bill. It is apparent to anyone here that the total water available for irrigation will not be appropriated by those Indians. This contemplates the reservation of only a supply for domestic purposes, stock watering, and for irrigation purposes, and the area to be irrigated in the most hopeful view for the Indian will be small; that provision would be reasonably construed. There is no legal or definite limitation upon the time in which water reserved for Indian lands must be used, yet at the same time all laws must have a reasonable construction, and for my part—now, Senators, hear me—for my part I would rather err in favor of the Indian than err against him, and that is the conclusion of the argument with me.

Mr. LANE. I should like to suggest to the Senator from Arkansas that in these cases the appropriations for the Indians call for but a minor portion of the water in the particular instances I know of, and that, on the other hand, they are allowed only three years under the law, and are given no manner of implements or means to make use even of this minor appropriation. There is the injustice of it.

Mr. MYERS. I should like to suggest that the bill carries hundreds of thousands of dollars for the benefit of Indians in that respect. It is loaded with provisions giving them tools and implements.

Mr. LANE. That is a separate appropriation. The object here is to relieve a condition which has been found to be deleterious and which would bring ruin upon the Indians.

Mr. ROBINSON. I ask to have inserted at the close of my remarks a copy of the opinion of the Supreme Court (207 U. S.) in the Winters case. There is no clear statement of facts in that case, but the circuit court of appeals, in One hundred and forty-third Federal Reporter, page 740, makes a definite and very clear statement of the facts involved in the Winters case. I wish to insert that along with the opinion in the case.

The matter referred to is as follows:

Mr. Justice McKenna, after making the foregoing statement, delivered the opinion of the court.

The question of jurisdiction is presented by the United States. Five of the defendants named in the bill failed to answer, and a decree pro confesso was taken against them. The other defendants, appellants here, after the affirmance by the circuit court of appeals of the interlocutory injunction, filed a joint and several answer. On this answer and the bill the case was heard and a decree entered against all of the defendants. From that decree the appellants here appealed to the circuit court of appeals without joining therein the other five defendants. The contention is that the circuit court of appeals had no jurisdiction and that this court has none, because the five defaulting defendants had such interest in the case and decree that they should have joined in the appeal, or proceedings should have been taken against them in the nature of summons and severance or its equivalent.

The rule which requires the parties to a judgment or decree to join in an appeal or writ of error or be detached from the right by some proper proceeding or by their renunciation is firmly established. But the rule only applies to joint judgments or decrees. In other words, when the interest of a defendant is separate from that of other defendants he may appeal without them. Does the case at bar come within the rule? The bill does not distinguish the acts of the defendants, but it does not necessarily imply that there was between them, in the diversion of the waters of Milk River concert of action or union of interest. The answer to the bill is joint and several, and in effect avers separate rights, interests, and action on the part of the defendants. In other words, whatever rights were asserted or admission of acts done by any one defendant had no dependence upon or relation to the acts of any other defendant in the appropriation or diversion of the water. If trespassers at all, they were separate trespassers. Joinder in one suit did not necessarily identify them. Besides, the defendants other than appellants defaulted. A decree pro confesso was entered against them, and thereafter, according to equity rule 19, the cause was required to proceed ex parte and the matter of the bill decreed by the court. Thomson *v.* Wooster (114 U. S. 104). The decree was in due course made absolute, and granting that it might have been appealed from by the defaulting defendants, they would have been, as said in Thomson *v.* Wooster, absolutely barred and precluded from questioning its correctness, unless on the face of the bill it appeared manifest that it was erroneous and improperly granted. Their rights, therefore, were entirely different from those of the appellants; they were naked trespassers, and conceded by their default the rights of the United States and the Indians and were in no position to resist the prayer of the bill. But the appellants justified by counter rights and submitted those rights for judgment. There is nothing, therefore, in common between appellant and the other defendants. The motion to dismiss is denied and we proceed to the merits.

The case, as we view it, turns on the agreement of May, 1888, resulting in the creation of Fort Belknap Reservation. In the construction of this agreement there are certain elements to be considered that are prominent and significant. The reservation was a part of a very much larger tract which the Indians had the right to occupy and use, and which was adequate for the habits and wants of a nomadic and uncivilized people. It was the policy of the Government, it was the desire of the Indians, to change those habits and to become a pastoral and civilized people. If they should become such, the original tract was too extensive, but a smaller tract would be inadequate without a change of conditions. The lands were arid and, without irrigation, were practically valueless. And yet, it is contended, the means of irrigation were deliberately given up by the Indians and deliberately accepted by the Government. The lands ceded were, it is true, also arid; and some argument may be urged, and is urged, that with their cession there was the cession of the waters, without which they would be valueless, and "civilized communities could not be established thereon." And this, it is further contended, the Indians knew, and yet made no reservation of the waters. We realize that there is a conflict of implications, but that which makes for the retention of the waters is of greater force than that which makes for their cession. The Indians had command of the lands and the waters—command of all their beneficial use, whether kept for hunting "and grazing roving herds of stock" or turned to agriculture and the arts of civilization. Did they give up all this? Did they reduce the area of their occupation and give up the waters which made it valuable or adequate? And even regarding the allegation of the answer as true, that there are springs and streams on the reservation flowing about 2,900 inches of water, the inquiries are pertinent. If it were possible to believe affirmative answers, we might also believe that the Indians were awed by the power of the Government or deceived by its negotiators. Neither view is possible. The Government is asserting the rights of the Indians. But extremes need not be taken into account. By a rule of interpretation of agreements and treaties with the Indians, ambiguities occurring will be resolved from the standpoint of the Indians. And the rule should certainly be applied to determine between two inferences, one of which would support the purpose of the agreement and the other impair or defeat it. On account of their relations to the Government, it can not be supposed that the Indians were alert to exclude by formal words every inference which might militate against or defeat the declared purpose of themselves and the Government, even if it could be supposed that they had the intelligence to foresee the "double sense" which might some time be urged against them.

Another contention of appellants is that if it be conceded that there was a reservation of the waters of Milk River by the agreement of 1888, yet the reservation was repealed by the admission of Montana into the Union February 22, 1889 (ch. 180, 25 Stat., 676), "upon an equal footing with the original States." The language of counsel is that "any reservation in the agreement with the Indians, expressed or

implied, whereby the waters of Milk River were not to be subject of appropriation by the citizens and inhabitants of said State was repealed by the act of admission." But to establish the repeal counsel rely substantially upon the same argument that they advance against the intention of the agreement to reserve the waters. The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied and could not be. The United States *v.* The Rio Grande Ditch & Irrigation Co. (174 U. S., 690, 702; United States *v.* Winans, 198 U. S., 371). That the Government did reserve them we have decided, and for a use which would be necessarily continued through years. This was done May 1, 1888, and it would be extreme to believe that within a year Congress destroyed the reservation and took from the Indians the consideration of their grant, leaving them a barren waste—took from them the means of continuing their old habits, yet did not leave them the power to change to new ones.

Appellants' argument upon the incidental repeal of the agreement by the admission of Montana into the Union and the power over the waters of Milk River which the State thereby acquired to dispose of them under its laws is elaborate and able, but our construction of the agreement and its effect make it unnecessary to answer the argument in detail. For the same reason we have not discussed the doctrine of riparian rights urged by the Government.

Decree affirmed.

Mr. Justice Brewer dissents.

United States Reports, 207, pages 574–578.

WINTERS ET AL. *v.* UNITED STATES.

(Circuit Court of Appeals, Ninth Circuit. Feb. 5, 1906.)

No. 1243.

1. INDIANS—TREATIES—RESERVATIONS—WATER FOR IRRIGATION.

Act May 1, 1888, c. 213, 25 Stat., 114, art. 2, reduced the size of the Montana Indian Reservation under an agreement providing for Congressional donations in order to enable the Indians to become self-supporting as a pastoral and agricultural people. By the treaty the Indians ceded and relinquished their rights to certain lands not then reserved; the reservation being described as beginning at a point in the middle of the main channel of Milk River opposite the mouth of Snake Creek, thence south to a point, thence east, thence in a northerly direction, in a direct line, to a point in the middle channel of Milk River; thence up the Milk River, in the middle of the main channel thereof, to the place of beginning, etc. Held that the land reserved to the Indians being barren and worthless for agricultural purposes without irrigation, the treaty so confirmed should be construed as reserving for the use and benefit of the Indians residing on the reservation a portion of the waters of the Milk River for the irrigation of the reservation lands.

2. WATERS AND WATERCOURSES—APPROPRIATIONS OF WATER—DESERT-LAND LAW—PUBLIC RIGHTS.

A portion of the waters of Milk River having been impliedly reserved for the benefit of Indians cultivating the Fort Belknap Indian Reservation by the treaties with such Indians, grantees of public lands outside of the reservation could not acquire the exclusive right to appropriate all the waters of the river for irrigation under the desert-land act (act of Congress, March 3, 1877, ch. 107, 19 Stat., 377, as amended by act of Congress, March 3, 1891, ch. 561, 26 Stat., 1096), authorizing appropriation by such owners of water for irrigation "subject to existing rights."

3. SAME—WATERS SUBJECT TO APPROPRIATION.

Desert-land act (act Cong. Mar. 3, 1877, ch. 107, 19 Stat., 377, as amended by act Cong. Mar. 3, 1891, ch. 561, 26 Stat., 1096), authorizing the appropriation of waters of holders of land acquired under such acts, applies only to waters of the United States.

Appeal from the Circuit Court of the United States for the District of Montana:

"This is an appeal taken from an order secured by appellee (complainant in the court below) enjoining appellants (defendants in the court below) from interfering in any manner with the use of 5,000 inches of the waters of Milk River in the State of Montana. The order was made by the court upon a hearing under a rule to show cause why the preliminary injunction should not be granted. The suit involves the right of the appellee and of the Indians residing upon the Fort Belknap Indian Reservation to the use of the waters of Milk River for useful and beneficial purposes. This Indian reservation was established by the treaty or convention between the Government of the United States and the Indians May 1, 1888 (25 Stat., 113–133, ch. 213). Appellee's complaint is quite lengthy, as are also the affidavits and statements presented by the appellants at the hearing. We shall endeavor to condense the facts derived from the pleadings and evidence and make a general reference to the statutes and treaties bearing upon the issues raised herein. The Indian reservation comprises an area of about 1,400 square miles, embracing about 1,000,000 acres of land, the greater portion of which is grazing land, 'well adapted to stock raising.' (Act June 10, 1896, ch. 398, 29 Stat., 351.) There are, however, some portions thereof that are suitable for agriculture, and of these portions 'approximately about 30,000 acres are susceptible of irrigation with the waters of Milk River.' There is but little water to be found upon the reservation itself, and this scarcity of water 'renders the pursuit of agriculture difficult and uncertain.' (29 Stat., 351, ch. 398.) The center of Milk River is the northern boundary line of the reserve throughout its entire width, and this stream is the only source of supply for the various uses of the Government and the Indians at the agency, and for irrigation purposes generally on the reserve. Since 1889 and 1890 a portion of the waters of the stream have been continuously used by the Government and the Indians for household, domestic, and irrigating purposes, at and near the agency proper, and this is the only source of supply from which to satisfy their requirements and necessities at that place. Since the year 1898 water has been taken from Milk River by means of a canal and used on the reservation for the purpose of irrigating the cultivable lands susceptible of irrigation with the waters of that stream. As alleged in the complaint, 'approximately 5,000 acres of land are being irrigated upon said reservation for the purpose of producing thereon crops of hay, grass, grain, and vegetables with the waters diverted by means of said canal and lateral ditches distributing said waters from said canal over the lands.' This canal has a carrying capacity of at least 5,000 inches of water, and such amount of water is required for the present needs and requirements of the Government and the Indians for household, domestic, agricultural, and irrigating purposes on said reserve. Besides, stock raising, principally horses and cattle, has always been and is now extensively carried on by the Indians everywhere on the reserve. 'The main reliance of these Indians for self-support is to be found in cattle raising.' (29 Stat., 351, ch. 398.) And the stock ranging and feeding in the northern portion of the reserve all along the channel of the stream, from the eastern to the western limits of the reserve, must depend principally upon Milk River for drinking water. At the time of the institution of this suit no water reached any part of the reservation, the same having been diverted by the appellants.

"Prior to the enactment of any law recognizing the right of appropriation to the waters on the public lands all of the country within the State of Montana was Indian country. By the provisions of article 4 of the treaty of October 17, 1855, proclaimed April 25, 1856, there was established and reserved to the Fort Belknap Indians, and other Indian tribes, as and for their home and abiding place, nearly all that part of the State lying north of the Mussel Shell River, and extending from the crest of the main range of the Rocky Mountains eastward, approximately to what is now the western boundary line of the Fort Peck Indian Reservation. (Revision of Indian Treaties, p. 7; 11 Stat., 658.) By the terms and provisions of this treaty the Fort Belknap Indians reserved to themselves the 'uninterrupted privileges of hunting, fishing, and gathering fruit, grazing animals, curing meat, and dressing robes.' (Article 3 of treaty, 11 Stat., 657.) The territory which was so set apart and reserved to them at that time embraced the channel and the waters of Milk River from its source to its mouth lying within the confines of the United States. This continued to be the abode of these Indians until 1874, at which time their territory was reduced so as to embrace nearly all that part of Montana lying to the north of the Missouri River, and extending from the Rocky Mountains eastward to the Dakota boundary line, including Milk River. (Act of Apr. 15, 1874, ch. 96, 18 Stat., 28.) The tract so set apart remained Indian country and the Indian reservation of these Indians until 1888, at which time the present Fort Belknap Indian Reservation was carved out of the larger reserve established in 1874 as their 'permanent home,' with the center of Milk River as the northern boundary line of the reservation, and which is now its northern boundary line. The diversion of the waters by appellants is admitted by them, but they claim the right to divert the waters of Milk River on the ground that the waters of the stream in question were legally and properly appropriated by them and each of them for a beneficial and useful purpose, under the laws of the State of Montana authorizing the appropriation of the waters of the streams within that State for household, domestic, agricultural, irrigating, and other proper purposes as the same are sanctioned, recognized, and confirmed by the Federal Statutes. Their rights to the water are based upon the appropriation of the waters, and the rights relied upon and asserted by them are those, and those only, that inure to appropriators of water under State and Federal laws.

"The proofs show that the individual appellants are owners of different quantities of land acquired by them under the desert-land laws of the United States; that their title to a large portion of the lands was obtained from the Government of the United States under said laws. Others had settled upon and applied to enter the land claimed by them under the desert-land laws. Some of them had appropriated different quantities of water from the West Fork of Milk River and others from the North Fork of Milk River, and all claim that at the time the waters were appropriated and diverted by them the lands along the bank of said stream above the point of said diversions were unappropriated public lands. Large amounts of money, exceeding over $100,000, had been expended by them in diverting the water and in making other improvements on their lands. The acquisition of their lands under the desert-land laws and appropriations of water were made during the years 1895, 1900, and 1903. That in all said acts they relied upon the land laws of the United States and upon the rights granted to appropriators of water for the purpose of reclaiming desert lands; made entries under the land laws of the United States of the lands held by them, respectively, and diverted and appropriated the waters of the West Fork and North Fork of Milk River, outside of the limits of the Indian reservation, and the appropriations were made to be used upon lands which were thrown open to settlement upon the extinguishment of the rights of the Indians thereto. All of the lands owned or claimed by appellants, as well as the land owned by appellee and occupied by the Indians, under the treaty with the Government, are dry and arid, and crops can not be grown thereon without sufficient water to irrigate the same. Unless water is obtained, the lands and homes of the respective parties would be rendered valueless and useless.

"There are four assignments of error: '(1) The said circuit court erred in holding that by the treaty made and entered into the 1st day of May, 1888, between the United States and the Indians residing upon the Fort Belknap Indian Reservation, there was reserved to the said Indians the right to the use of the waters of Milk River to an extent reasonably necessary to irrigate the lands included in the reserve created by the said treaty, and that by the said treaty there was reserved to the said Indians the right to the use of said waters at all. (2) The said circuit court erred in holding that the reservation of the waters of Milk River, if any, contained in the treaty of May 1, 1888, entered into by the United States, to the Indians residing upon the Fort Belknap Reservation, was binding upon respondents or any of them so as to affect the rights of the respondents to the use of the waters of the tributaries of said Milk River based upon acts of appropriation done and had in pursuance to the laws of the United States, the laws of the State of Montana and decisions of its courts, and the customs of the country. (3) The said circuit court erred in holding that the rights of the Indians living upon said reservation to the use of the waters of Milk River were superior to the rights of the respondents or either of them, for the reason that the proof showed affirmatively and without contradiction that the respondents and each of them had diverted, appropriated, and applied to a useful purpose the waters of the said river or its tributaries, according to the laws of the United States, the laws of the State of Montana and decisions of its courts, and customs of the country to the extent claimed by them, and there was no proof showing that there had ever been an appropriation of the said waters according to the said laws, decisions, and customs of the said waters or any thereof according to the said laws, decisions, and customs by the said Indians, or on their behalf. (4) The said circuit court erred in holding that the Indians residing upon said reservation, or the United States for their use and benefit, were entitled as against these respondents or either of them to the prior right to the use of 5,000 inches of the waters of Milk River, or to the prior right to the use of the said waters at all.'"

B. Platt Carpenter, E. C. Day, Stephen Carpenter, James A. Walsh, C. C. Newman, and R. E. O'Keefe, for appellants.

Carl Rasch, United States attorney, and Edward E. Cushman, special Assistant Attorney General.

Before Gilbert and Ross, circuit judges, and Hawley, district judge.

Hawley, district judge, after making the foregoing statement, delivered the opinion of the court:

The first, and in our opinion the most important, question to be determined in this case is in relation to the construction and true interpretation of the treaty of May 1, 1888, between the Government of the United States and the Indian tribes therein mentioned. What rights, if any, did the Indians obtain by virtue of their consent to the terms of the treaty as ratified? The situation of the Indians and the rights held by them under the prior treaties must be considered. What were the inducements which caused them to give up their abiding places under the original conditions which existed, and to cede and relinquish to the Government many of the rights and privileges which they had previously enjoyed? Their former homes and abiding places, their hunting grounds, and their rights of fishing in the streams and lands over which they roamed were not voluntarily abandoned, were not surrendered to the Government without consideration, or without an object or purpose on their part. The territory over which they previously had occupancy and dominion was very large. They were evidently induced by the commissioners representing the Government to relinquish the greater portion of the vast territory over which they claimed control and had possession by the promise of the Government to aid them with money, and to furnish them with stock and farming implements whereby they could better their condition in life. The "act to ratify and confirm an agreement" with the several tribes of Indians in Montana, "and for other purposes" (act May 1, 1888, ch. 213, 25 Stat., 113 et seq.), of itself clearly specifies the causes which induced the Indians to make the change. "Whereas the reservation set apart by the act of Congress approved April 15, 1874, for the use and occupancy" of the Indians named in the act, "is wholly out of proportion to the number of Indians occupying the same, and greatly in excess of their present or prospective wants, and whereas the said Indians are desirous of disposing of so much thereof as they do not require, in order to obtain the means and enable them to become self-supporting, as a pastoral and agricultural people, and to educate their children in the paths of civilization," the agreements were entered into. It was for that purpose, and other reasons mentioned in the different articles of the treaty, that the Indians ceded and relinquished to the United States "all their right, title, and interest in and to all the lands embraced within the aforesaid * * * reservations, not herein specifically set apart and reserved as separate reservations for them, and do severally agree to accept and occupy the separate reservations to which they are herein assigned as their permanent homes." (25 Stat., 114, ch. 213, art. 2.) "In consideration of the foregoing cession and relinquishment, the United States hereby agrees to advance and expend annually, for the period of 10 years after the ratification of this agreement," sums of money amounting to $430,000, "in the purchase of cows, bulls, and other stock, goods, clothing, subsistence, agricultural and mechanical implements * * * in assisting the Indians to build houses and inclose their farms, and in any other respect to promote their civilization, comfort, and improvement: *Provided*, That in the employment of farmers, artisans, and laborers, preference shall in all cases be given to Indians residing on the reservation who are well qualified for such position." (25 Stat., 114, ch. 213, art. 3.) "In order to encourage habits of industry and reward labor, it is further understood and agreed that in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided for in article 3, preference shall be given to Indians who endeavor by honest labor to support themselves, and especially to those who in good faith undertake the cultivation of the soil or engage in pastoral pursuits as a means of obtaining a livelihood, and the distribution of these benefits shall be made from time to time as shall best promote the objects specified."

In connection with the provisions and terms of the articles of the treaty to which we have specifically referred, attention is called to the boundaries of the Fort Belknap Reservation:

"Beginning at a point in the middle of the main channel of Milk River opposite the mouth of Snake Creek, thence due south to a point * * *; thence due east * * * thence following the southern crest of said mountains; * * * thence in a northerly direction in a direct line to a point in the middle of the main channel of Milk River opposite the mouth of Peoples Creek; thence up Milk River, in the middle of the main channel thereof, to the place of beginning."

Now we have the basis from which to determine whether or not the Indians were, by the terms of the treaty, given any right on the reserve, which they accepted, to the flowing waters of Milk River from which to irrigate their lands, so as to enable them to cultivate the soil on the lands of the Government set apart to them for the purposes mentioned in the treaty. The Indians are not the owners of the land included in the reservation. They are, however, occupants of the land which was by the Government set apart and reserved for their occupation and use. The title to the lands is still in the Government. The contention of appellants is that when Congress, under the treaty, declared the land to which the rights of the Indians had been extinguished to be a part of the public domain, the water of the river and other sources, unless expressly reserved, became subject to appropriation under the terms of the act of Congress of March 3, 1877 (ch. 107, 19 Stat., 377), as amended March 3, 1891 (26 Stat., 1096, ch. 561), and that the Government did not reserve any right to the waters of Milk River which it or the Indians can assert against appellants, who appropriated the waters on the public domain, or to any of the water that flows through or past lands owned by the Government.

To quote the language of counsel:

"The Government, having the absolute title and right to dispose of all its lands, including the lands within the Fort Belknap Indian reservation, had authority to grant the right of appropriating water upon those lands and upon the reservation. No reservation or restriction having been made, the Government can not now, after these defendants have accepted the grant, acquired vested rights, and expended a large amount of money in improving their lands, enjoin them from using the waters which they have appropriated."

We are of opinion that, when all the facts, circumstances, conditions, and surroundings of the Indians at the time the treaty was entered into are considered, it can not judicially be said that no portion of the waters of Milk River was reserved by the terms of the treaty for the use and benefit of the Indians residing upon the reservation. Such a construction would be in violation of the true intent and meaning of the terms of the treaty. We must presume that the Government and the Indians, in agreeing to the terms of the treaty, acted in the utmost good faith toward each other; that they both understood its meaning, purpose, and object; that they knew that "the soil could not be cultivated" without the use of water to "irrigate the same." Why was the northern boundary of the reservation located "in the middle of Milk River" unless it was for the purpose of reserving the right to the Indians to the use of said water for irrigation, as well as for other purposes?

It is admitted by appellants that "the irrigation and cultivation of the Indian lands is a policy of the Indian Department." The Indians in their untutored and uneducated minds might not have known the exact meaning of the word "irrigation" had it been used in the treaty, but in their wild, and to some extent uncivilized, condition they knew the use of forests, of lands, and of water. If they were to graze cattle and cultivate the soil, they knew it could not be done successfully without the use of water. They knew, as well as the officers of the Government, where the boundaries of their reservation were, and that their rights, under the terms of the treaty, extended to the middle of the channel of Milk River, and believed they had as much right to the water as to the land included in the boundaries for their permanent homes for the uses and purposes of the agreement made with the Government. The signing of the treaty was not an idle ceremony. The absence of the words "to irrigate their lands" did not abrogate and destroy their rights as guaranteed by the terms of the treaty. We are of opinion that it was the intention of the treaty to reserve sufficient waters of Milk River, as was said by the court below, "to insure to the Indians the means wherewith to irrigate their farms," and that it was so understood by the respective parties to the treaty at the time it was signed.

It is true that in the treaty of June 10, 1896 (29 Stat., 351, ch. 398), reference is made in article 5 to a scarcity of water which renders the pursuit of agriculture "difficult and uncertain"; yet it will be observed that article 2 of that treaty appropriates certain sums of money for divers purposes, among others, "to inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement." In arriving at this conclusion we have followed the rules that should govern the courts in the construction of treaties made by the Government with the Indians.

In Jones *v.* Meehan (175 U. S., 1, 11; 20 Sup. Ct., 1, 5; 44 L. Ed., 49) the court said:

"In construing any treaty between the United States and an Indian tribe, it must always * * * be borne in mind that the negotiations for the treaty are conducted on the part of the United States, an enlightened and powerful nation, by representatives skilled in diplomacy, masters of a written language, understanding the modes and forms of creating the various technical estates known to their law, and assisted by an interpreter employed by themselves; that the treaty is drawn up by them and in their own language; that the Indians, on the other hand, are a weak and dependent people, who have no written language and are wholly unfamiliar with all the forms of legal expression, and whose only knowledge of the terms in which the treaty is framed is that imparted to them by the interpreter employed by the United States; and that the treaty must therefore be construed, not according to the technical meaning of its words to learned lawyers, but in the sense in which they would naturally be understood by the Indians. (Worcester *v.* Georgia, 6 Pet., 515, 8 L. Ed., 483; The Kansas Indians, 5 Wall., 737, 760, 18 L. Ed., 667; Choctaw Nation *v.* United States, 119 U. S., 1, 27, 28; 7 Sup. Ct., 75; 30 L. Ed., 306.)"

To accept the contention of appellants' counsel would certainly be, as was said by Mr. Justice McKenna in United States *v.* Winans (198 U. S., 371, 380; 25 Sup. Ct., 662, 664; 49 L. Ed., 1089), "an impotent outcome to negotiations and a convention, which seemed to promise more and give the word of the Nation for more. And, we have said, we will construe a treaty with the Indians as 'that unlettered people,' understood it, and 'as justice and reason demand in all cases where power is exerted by the strong over those to whom they owe care and protection,' and counterpoise the inequality 'by the superior justice which looks only to the substance of the right without regard to technical rules.'"

It is undoubtedly true, as claimed by appellants, that the grants of the Government for lands bounded on streams and other waters without any reservation or restriction of terms are to be construed, as to their effect, according to the law of the State in which the lands lie. It was so held in Hardin *v.* Jordan (140 U. S., 371, 384; 11 Sup. Ct., 808, 838; 35 L. Ed., 428). See also Whitaker *v.* McBride (197 U. S., 510, 512; 25 Sup. Ct., 530; 49 L. Ed., 857; and authorities there cited). It is also true, as appellants claim, that the desert-land acts upon which they rely recognize the doctrine of appropriation of water under State laws; but this right of appropriation can only be acquired "subject to existing rights." The language of the proviso in the act of 1877 is:

"That the right to the use of water by the person so conducting the same on or to any tract of desert land * * * shall depend upon bona fide prior appropriation * * * necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights."

The appropriations by appellants from the tributaries of Milk River were made with notice of and subject to the "existing rights" of the Government and of the Indians on the reservation. Kinney on Irrigation, section 133. In Story *v.* Woolverton (Mont.) (78 Pac., 589), where the Government had abandoned a military reservation and passed an act granting to the State of Montana a portion thereof, and there subsequently arose a question of water rights between the parties to the suit, the court, in discussing the statutory requirement governing the acquisition of water rights by appropriations, made by individuals, said:

"Prior to the time of settlement upon the lands in question, and prior to the appropriation of the waters of Bear Creek by anyone, both the land and the water were the property of the Government. When the Government established the reservation, it owned both the land included therein and all the water running in the various near-by streams to which it had not yielded title. It was therefore unnecessary for the Government to 'appropriate' the water. It owned it already. All it had to do was to take it and use it."

It necessarily follows from the conclusions we have reached as to the proper interpretation of the treaty that the appellants did not acquire any exclusive or superior right to all the waters of Milk River by virtue of the appropriation of said waters under desert-land act, March 3, 1877 (ch. 107, 19 Stat., 377), as amended by act March 3, 1891 (26 Stat., 1096, ch. 561; 1 Supp. Rev. Stat., 137). The law is well settled that the doctrine of appropriation under said statutes, which is recognized and protected by section 2339 of the Revised Statutes (U. S. Comp. St., 1901, p. 1437), applies only to public lands and waters of the United States. Sturr *v.* Beck (133 U. S., 541; 10 Sup. Ct., 350; 33 L. Ed., 761), Smith *v.* Denniff (24 Mont., 20; 60 Pac., 398; 81 Am. St. Rep., 408), Cruse *v.* McCauley (C. C.) (96 Fed., 369, 373, 374). And it is equally well settled that when the lands of the Government have been legally appropriated or reserved for any pur-

pose they become severed from the public lands, and that no subsequent law or sale should be construed to embrace or operate upon them.

In Kinney on Irrigation, section 124, the author said:

"The term 'public domain' in its broadest sense comprehends all lands and waters in the possession or ownership of the United States, and including lands owned by the several States, as distinguished from lands possessed by private individuals or corporations. The term 'public lands' only embodies such lands as are subject to the sale or other disposition by the United States under general laws. It is a well-settled principle that land once reserved by the Government or appropriated for any special purpose ceases to be a part of the public lands, and in all grants or proclamations declaring public lands open to settlement the portion already reserved is always excepted, though the exception is not specifically mentioned."

In the application of these principles to military reservations, see Wilcox *v.* Jackson (13 Pet., 498, 513; 10 L. Ed., 264). In Leavenworth R. R. Co. *v.* United States (92 U. S., 733, 742, 745, 747; 23 L. Ed., 634) the court, in discussing the question whether certain lands granted to the railroad company conveyed lands which had previously been reserved for the Indians, said:

"As long ago as the Cherokee Nation *v.* Georgia (5 Pet., 1; 8 L. Ed., 25), this court said that the Indians are acknowledged to have the unquestionable right to the lands they occupy until it shall be extinguished by a voluntary cession to the Government; and recently, in United States *v.* Cook (19 Wall., 591; 22 L. Ed., 210), that right was declared to be as sacred as the title of the United States to the fee. * * * With the ultimate fee vested in the United States, coupled with the exclusive privilege of buying that right, the Indians were safe against intrusion, if the Government discharged its duty to them. * * * We are not without authority that the general words of this grant do not include an Indian reservation."

After quoting from Wilcox *v.* Jackson, supra, the court said that the rule therein announced "applies with more force to Indian than to military reservations. The latter are the absolute property of the Government. In the former other rights are vested. Congress can not be supposed to grant them by a subsequent law general in its terms. Specific language leaving no room for doubt as to the legislative will is required for such a purpose. * * * The treaty reserved them as much to one as to the other of the contracting parties. Both were interested therein and had title thereto. In one sense they were reserved to the Indians, but in another and broader sense to the United States for the use of the Indians. Every tract set apart for special uses is reserved to the Government to enable it to enforce them." In United States *v.* Carpenter (111 U. S., 347, 349; 4 Sup. Ct., 435, 436; 28 L. Ed., 451), where the court held that the location of land scrip upon lands reserved for Indians under the provisions of a treaty with an Indian tribe, and the issue of a patent therefor, are void, Mr. Justice Field, in delivering the opinion of the court, said:

"It matters not whether the land had been surveyed or not, the treaty was notice that a part of the quarry could be retained by the Government, and that the whole might be for the use of the Indians. This purpose and the stipulation of the United States could not be defeated by the action of any officers of the Land Department."

In Missouri, etc., Railway Co. *v.* Roberts (152 U. S., 114, 118; 14 Sup. Ct., 496, 498; 38 L. Ed., 377) the court, in discussing the general question, said:

"It has always been held that the occupancy of lands set apart by statute or treaty with them—the Indians—for their use can not be disturbed by claimants under other grants of the Government not indicating its intention, either in express terms or by the uses to which the lands are to be applied, to change the possession of the lands. And the setting apart by statute or treaty with them of lands for their occupancy is held to be of itself a withdrawal of their character as public lands."

In United States *v.* Rio Grande Irrigation Co. (174 U. S., 690, 702; 19 Sup. Ct., 770, 774; 43 L. Ed., 1136) the court, in considering the congressional legislation which recognizes and sanctions the right to appropriate water and defines the operative effect of this legislation, and limits and confines it to the public lands, among other things, said:

"The unquestioned rule of the common law was that every riparian owner was entitled to the continued natural flow of the stream. (Quoting the language of Chancellor Kent, 3 Kent Com., sec. 439.) While this is undoubted, and the rule obtains in those States in the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise. * * * Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress, a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its waters, so far at least as may be necessary for the beneficial uses of the Government property; second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States."

These rules are distinctly recognized and approved in the subsequent case of Gutierres *v.* Albuquerque Land Co. (188 U. S., 545, 554; 23 Sup. Ct., 338; 47 L. Ed., 588).

The views which we have expressed are conclusive upon the questions herein involved, and render it unnecessary for us to review the statutes and decisions of the courts of Montana upon the questions pertaining to the rights of appropriation, as distinguished from the rules of the common law as to riparian rights.

In conclusion, we are of opinion that the court below did not err in holding that "when the Indians made the treaty granting rights to the United States they reserved the right to use the waters of Milk River, at least to an extent reasonably necessary to irrigate their lands. The right so reserved continues to exist against the United States and its grantees, as well as against the State and its grantees."

The order appealed from is affirmed, with costs.

Mr. BORAH. Mr. President, the proposition which has been presented is in some respects one of universal concern to all the arid-land States, and if any precedent were going to be established it would be worthy of the consideration of all Senators in arid States to consider it gravely before it should have their approval.

So far as the situation in my State is concerned, I do not know of any injury which is likely to follow to the Indian by reason of the failure to put in this amendment, even if the amendment would have any legal worth after inserted. There may be other places where that would be true with which I am not familiar. The proposition which they seek to establish here would create this kind of a precedent: That Congress could, in effect, distribute the waters flowing in a stream of the arid-land States.

If the Winters case does go to the extent to which the Senator from Arkansas believes it goes, it would, in my judgment, override a number of decisions which the court had theretofore rendered, and it would be in the teeth of decisions which the Supreme Court has since rendered.

On the other hand, if I understand the facts of the Winters case correctly, it can be harmonized with the contention which the Senators from the arid-land States make. If we will look back of the opinion into the pleading and ascertain what the facts were, we will find that the Winters case does not necessarily establish a new or an exceptional doctrince such as is supposed on the part of those who have just read it. Now let us see. The complaint in that case said:

In 1889 the United States constructed houses and buildings upon the reservation for the occupancy and residence of the officers in charge of it, and such officers depend entirely for their domestic, culinary, and irrigation purposes upon the water of the river.

The Senator from Colorado put a question which touched the heart of this controversy, and that is whether there was not some question of priority here.

In the year 1889 and long prior to the acts of the defendants complained of the United States, through its officers and agents at the reservation, appropriated and took from the river a flow of 1,000 miner's inches, and conducted it to the buildings and premises, used the same for domestic purposes and also for the irrigation of land adjacent to the buildings and premises, and by the use thereof raised crops of grain, grass, and vegetables.

Now, there had been an actual appropriation upon the part of the United States by and for the Indians under the law of prior appropriation, which obtains in the arid-land States. No one contends here that there may not be an appropriation upon the part or on behalf of the Indian under the law and doctrine of prior appropriation the same as is permitted for the white man. No one contends that you can deprive the Indian of the right to go upon the stream in the State where his land is situated and make his appropriation from the stream under the laws of the State or in accordance with the doctrine of private appropriation.

Afterwards—

Now, mind you, that was a thousand inches—

Afterwards, but long prior to the acts of the defendants complained of, to wit, on the 5th day of July, 1898, the Indians residing on the reservation diverted from the river for the purpose of irrigation a flow of 10,000 miners' inches of water to and upon divers and extensive tracts of land, aggregating in amount about 30,000 acres, and raised upon said lands crops of grain, grass, and vegetables. And ever since 1889 and July, 1898, the United States and the Indians have diverted and used the waters of the river in the manner and for the purposes mentioned, and the United States "has been enabled by means thereof to train, encourage, and accustom large numbers of Indians residing upon the said reservation to habits of industry and to promote their civilization and improvement." It is alleged with detail that all of the waters of the river are necessary for all those purposes and the purposes for which the reservation was created, and that in furthering and advancing the civilization and improvement of the Indians, and to encourage habits of industry and thrift among them, it is essential and necessary that all of the waters of the river flow down the channel uninterruptedly and undiminished in quantity and undeteriorated in quality.

What do we have here upon which to base the decision of the Supreme Court in the Winters case?

I was reading from the Winters case the facts as they are disclosed in Two hundred and seventh United States, pages 566 and 567. Of course, the Senator from Arkansas, able lawyer that he is, knows that the court decides a case upon the facts which are before the court and the decision must be interpreted and construed in the light of the facts which are before the court.

Now, what have we in this case? We have this situation: A reservation had been created by treaty. The Indians had gone upon the reservation and the United States through its officers and through the action upon the part of the Indians had gone upon the public streams, had diverted the water, had applied it to beneficial use, and was claiming the water by virtue of prior appropriation. No one contends that that was not the law with reference to the Indians the same as it is with reference to the white man.

As the Senator from Colorado said, there is another principle which adheres which justifies this decision, and that is that having gone upon the stream, having given your notice of appropriation, having constructed your canal and given evidence of your good faith, the court always permits any reasonable time within which to complete your appropriations. If you show that you originally intended to appropriate a certain

amount of water and that you have land which will ultimately be covered by that water, and your diligence and your activity are sustained by the facts, the court will protect you from the date of the first effort to appropriate to the full extent which is necessary to irrigate your land.

Mr. SHAFROTH. I should like to state to the Senator that we had a test in the State of Colorado upon what is termed the procedure of appropriating water. It arose in a case where a ditch did not comply in any respect with the prescribed statutory provision relating to the filing with the State of the plat of the ditch to appropriate water. The supreme court of that State in a contest as against an irrigation enterprise that did file held that the person who appropriated the water in the first instance would be protected in his right absolutely, notwithstanding he had not complied with the statutory provision in relation to the manner in which it should be taken out; that it was the appropriation of the water which controlled.

Mr. BORAH. I recognize that principle; and when you examine the facts upon which this case was determined, while some of the language of the opinion I confess would lead one to believe that a rather exceptional doctrine had been stated, we must take into consideration the fact that the court was really considering the facts relative to a contest between two appropriators.

Mr. BRADY. Mr. President, I should like to ask my colleague if he does not believe that if in the case he is now discussing the defendant had been a white man the evidence as submitted would justify the defendant, in this case the Indian, in the use of the water fo beneficial purposes?

Mr. BORAH. In other words, as I understand my colleague's question, this matter would have been no different if it had been between white men upon both sides.

Mr. BRADY. That is what I intended to ask my colleague.

Mr. BORAH. Let me read further. There is more in this statement of facts, which shows that it does not fall outside of the general rule when you come to measure the decision by the rule of facts stated in the complaint. The court goes on to say:

It is alleged that "notwithstanding the riparian and other rights" of the United States and the Indians to the uninterrupted flow of the waters of the river the defendants in the year 1900 wrongfully entered upon the river and its tributaries above the points of the diversion of the waters of the river by the United States and the Indians, built large and substantial dams and reservoirs, and by means of canals and ditches and waterways have diverted the waters of the river from its channel, and have deprived the United States and the Indians of the use thereof. And this diversion of the water, it is alleged, has continued until the present time, to the irreparable injury of the United States, for which there is no adequate remedy at law.

The Senators from the arid-land States recognize that that is nothing but an ordinary complaint with reference to a contest between prior appropriators. If the Senator from Arkansas will bear with me a moment, they have not set up here in the complaint a treaty right; they have not set up here a contract right. They have alleged that they went upon the stream and diverted and appropriated the water and applied it to a beneficial use, and upon that they based their right of action, and upon no other state of facts could the court have sustained it without an obiter dictum, because there were no other facts before the court.

It seems that this turns not upon the question of the original grant or the original contract, but upon the question whether or not the Indians having appropriated this water afterwards ceded away the right, an entirely different proposition from the one suggested by the fact that they were relying upon their original contracts. As I understand it, this reservation was a large reservation, and after a time the Indians ceded away certain of their lands, and the question was whether or not they had not ceded away these water rights. The court said it could not be presumed that they had intended to cede away their water rights, having diverted the water and applied it to a beneficial use.

But there is still another proposition. The court says in the opinion—and I read upon page 557 in support of its contention—that it relied upon the case of the United States *v.* The Rio Grande Bridge & Irrigation Co. (174 U. S., 690).

Let us turn back for a moment to One hundred and seventy-fourth United States and see what it says. We shall find again that this authority is not in conflict with the contention made here that the State controls the water of the State.

Mr. ROBINSON. Will the Senator yield to me for a question?

Mr. BORAH. I yield.

Mr. ROBINSON. I have before me a part of the decision to which the Senator refers. I want to call his attention to the fact that in that case the court uses the following expression:

Although this power of changing the common-law rule—

Referred to a while ago by the Senator from Utah [Mr. SUTHERLAND]—

Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream, to the continued flow of its waters; so far at least as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States.

Mr. BORAH. I accede to both those propositions, although I desire to say that as to the first proposition I think it has been modified by subsequent decisions or, rather, it has been made clear as to the meaning of the court.

Mr. ROBINSON. It was quoted approvingly in the Winters case——

Mr. BORAH. Exactly.

Mr. ROBINSON. By the circuit court of appeals.

Mr. BORAH. Now, let us take this case, if you please, as a whole and see what it says. The syllabus says:

The unquestioned rule of the common law was that every riparian owner was entitled to the continued natural flow of the stream. But every State has the power, within its dominion, to change this rule—

And that is reasserted in the Colorado case, in Two hundred and sixth—

and permit the appropriation of the flowing waters for such purposes as it deems wise. Whether a Territory has this right is not decided.

Turning to the body of the opinion, we find that the court says:

The bill further charges that the purpose is to obtain control of the entire flow of the river and divert and use it for irrigation and supplying waters for municipal and manufacturing uses; that, by reason of the porous soil, the dry atmosphere, and consequent rapid evaporation, but little water thus taken from the river and distributed over the surface of the earth will ever be returned to the river, and that this appropriation of the waters will so deplete and prevent the flow of water through the channel of the river below the dam as to seriously obstruct the navigable capacity of the river throughout its entire course, even to its mouth.

I invite the Senator's attention to the fact that this case in the complaint in the statement of facts was based upon the proposition that this diversion would destroy the navigability of the river, and therefore it invoked the power of Congress, which is recognized as the legitimate power, to preserve the stream for navigable purposes and to prevent its destruction for that purpose. No one doubts, I presume, that Congress may protect a navigable stream from a diversion of the waters so as to preserve its navigability. That was the bone of contention or the gravamen of the charge in One hundred and seventy-fourth United States. The court further says:

The bill charges that such appropriation of the entire flow will seriously obstruct the navigability of the river from the place of the dam to the mouth of the stream.

Then the court says:

The unquestioned rule of the common law was that every riparian owner was entitled to the continued natural flow of the stream. It is enough, without other citations or quotations, to quote the language of Chancellor Kent (3 Kent Com., sec. 439).

But, mind you, you are not here relying upon the doctrine of riparian rights. You are relying upon the doctrine of prior appropriation and the right of the Indian to go upon the stream and secure his right under the State law. If he had no right other than that of an owner of the land, all he could do would be to insist that the waters should continue to flow as they had theretofore flowed. All he could insist was that they continue to pass by his holdings as they had hitherto done. That was the doctrine of riparian rights. He could not take the water from the stream and divert it and spread it over hundreds and thousands of acres of land. You abandon that proposition and go to the other proposition, which has no foundation save and except in the laws of the respective arid-land States. You claim your right of prior appropriation under the State law.

The Indian in the case to which I have reference—I do not know how the other cases are—went upon the stream, appropriated the water, impounded it, and claimed his right under the laws of the State of Idaho. Can he then, or anyone else, turn around and deny the source from which he claims his right? He is not claiming any right here by virtue of a treaty, but by reason of the doctrine that is found in the constitution of my State. No one denies that he has a right to avail himself of all the privileges of any other citizen or any other party who desires to go upon the stream and claim this right.

So far as I am concerned, if I were dealing with the matter in a State I would give him an additional privilege for the very reasons which had been advanced here by the Senator from Arkansas and others. It is true that he is not so agile and so quick to protect his right or is not prepared to do so with as full means as a white man. But that does not change the

proposition as to the source to which he must go in order to get this additional privilege and to get this additional right.

Mr. SHAFROTH. In line with what the Senator has stated I should like to make an observation, and that is that the power of the Government over a stream in a State in order to protect the navigability of the waters below is a negative or a veto power, in order to prevent something; but it can not create anything by virtue of any law which it may attempt to exercise over the stream of a State. In other words, even in the construction of a bridge across a navigable stream, the United States Congress can not provide that a bridge shall be constructed; it can give its consent to the construction of a bridge, but you have also to get the consent of the State in order to construct the bridge. The power of the Government, therefore, is simply negative.

Mr. BORAH. The Senator is quite correct. The court in this case, on which Senators rely, further says:

> While this is undoubted, and the rule obtains in those States in the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise. Whether this power to change the common-law rule and permit any specific and separate appropriation of the waters of a stream belongs also to the legislature of a Territory we do not deem it necessary for the purposes of this case to inquire.

But this was a territorial instance which came under the Two hundred and seventh United States in the Winters case:

> Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized.

These are the ones to which the Senator from Arkansas called attention:

> First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream.

You notice that they are not discussing the doctrine of prior appropriation there, but of the riparian owner, a man who has land bordering upon a stream. The court says that the Government of the United States, without its consent, can not be deprived of its riparian rights, and I will call attention in a few moments to some statutes which I think the court was overlooking at the time; but I accept that proposition nevertheless, and I do not quarrel with it, so far as the questions now being discussed are concerned.

Mr. ROBINSON. Mr. President, just a minute. Would the Senator hold that the United States would have to make an appropriation of the waters for beneficial use of land they own and that the appropriation would have to be made under the State laws? I think the courts hold otherwise.

Mr. BORAH. Mr. President——

Mr. SHAFROTH. I will state to the Senator——

Mr. BORAH. I do not think the courts do hold otherwise. The fact is that the practice of the United States has been universal in all these reclamation projects to go upon the stream and appropriate the water. I can not put my finger on a Federal decision, but there have been State decisions sustaining the doctrine of prior appropriation between the Government and the individual, the same as between two individuals; but in all instances the Senator will find that the United States Government has never taken the chance of claiming anything by virtue of its being a government; but it has gone upon the stream the same as the individual and appropriated the water when it was desired for the purpose of irrigating its land.

Mr. SHAFROTH. Mr. President, I will state to the Senator from Arkansas that the very act creating the reclamation fund provided specifically that the rights of the States with respect to irrigation should be observed in the construction of the dams and reservoirs under that act.

Mr. ROBINSON. Certainly, that is true; but if the United States owns the land through which a stream flows, it would not be, in my judgment, compelled, in the absence of an act of Congress—of course, Congress could require it—but otherwise it would not be compelled to make an appropriation under the State law. I think the courts have so held, and I think I shall be able to show that.

Mr. TOWNSEND. Mr. President, in this connection I wish to make a suggestion. Suppose, as in this case or in some other cases, the Government has, with the consent of the State or without it, established a reservation and has erected irrigation works by the use of the money of the Indians, and a reservoir is established there, what right would the Government have over the water there impounded?

Mr. BORAH. It has just the same right precisely, in my judgment, as if the water had been diverted from the flowing streams of the States or water which otherwise would be the subject of appropriation. If it is not water which by a natural reservoir rises and can not be taken off the land except by trespassing upon it, if it is an ordinary instance of impounding water which has been gathered up somewhere, the only right the Government would have would be the same right as an individual. The Government would have to show that it had appropriated this water, and that it had used reasonable diligence to apply it to a beneficial use or was preparing to apply it to a beneficial use within such time as the court would say was the usual limit.

Mr. TOWNSEND. So that the Government would have no more right, no more authority, over that impounded water than it would have over any stream if it had not gone to the expense of constructing the work?

Mr. BORAH. Exactly. The Senator can see that the Government of the United States could protect itself.

It is said here that the Indians are powerless to protect themselves. The Government of the United States can go upon these streams and protect all Indian reservations by appropriation of water and by providing for its application and use, with all reasonable diligence, and protect the Indians just as fully and completely, in my judgment, as an individual may protect himself in regard to this matter. If the Government sits idly by and does not try to protect the Indian, the Indian, as a ward, may lose; but there is no reason why the Government should sit idly by and not do these things; there is no reason why a State should be ravaged because the Government fails to do its duty.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield to the Senator from Arkansas.

Mr. ROBINSON. I asked the Senator from Idaho a while ago whether he thought if the Government owned land and desired to make a beneficial use of the waters thereon it would have to appropriate the waters under a State law, and the answer was made by a number of Senators that that was the universal custom, implying that it was obligatory upon the Government to do that. I want to call the Senator's attention on that point to a case which I had in mind, but could not cite at the time I asked him the question. It is cited, however, in the Winters case, on page 747 of One hundred and forty-third Federal Reporter. In that decision the court, in the Winters case, used this language:

> In Story *v.* Woolverton (Mont., 78 Pac., 589); where the Government had abandoned a military reservation and passed an act granting to the State of Montana a portion thereof, and there subsequently arose a question of water rights between the parties to the suit, the court, in discussing the statutory requirement governing the acquisition of water rights by appropriations made by individuals.

The court then quotes the following language:

> Prior to the time of settlement upon the lands in question, and prior to the appropriation of the waters of Bear Creek by anyone, both the land and the water were the property of the Government. When the Government established the reservation, it owned both the land included therein and all the water running in the various near-by streams to which it had not yielded title. It was therefore unnecessary for the Government to "appropriate" the water.

The Government already owned it, and all it had to do was to take it and use it.

Mr. BORAH. That was a decision of the Supreme Court of the State of Montana?

Mr. ROBINSON. Yes, sir.

Mr. BORAH. Of course, in one sense that decision would be perfectly correct. Under that decision prior to appropriation any citizen could have gone upon that stream and appropriated that water as against the Government. That has been decided too often, I think, to admit of discussion.

Mr. ROBINSON. The doctrine in this case is that, since the Government owns the land and the water, it does not have to go to the State under State laws to use its water, but can take and use it by virtue of its proprietorship.

Mr. SHAFROTH. I think, if the Senator will look into the facts of that case, he will find that the United States Government did not comply with the terms of the statute with respect to filing upon the water.

Mr. ROBINSON. Certainly.

Mr. SHAFROTH. And on that account they were attempting a contest with the United States to take the water.

Mr. ROBINSON. And the court held they did not have a proprietary right.

Mr. SHAFROTH. There is no conflict in that theory with the theory for which the Senator from Idaho is contending. It is just like the decision which the Senator quoted to the Senator from Idaho, namely, that actual appropriation is the test; priority of appropriation is priority of right; and even if a proprietor does not comply with the State laws with respect to filing his plats and things of that kind, if he appropriates the

water he gets it, no matter if a subsequent appropriator should comply with the exact terms of the statute.

Mr. ROBINSON. Will the Senator allow me to reply to his last statement?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I do.

Mr. ROBINSON. Just one further word. I wish to say that the doctrine of prior appropriation under State law does not apply in a case of that kind. I refer the Senator from Colorado to a case which has been cited by both the Senator from Idaho and myself, that of the Conrad Investment Co. against the United States (161 Fed. Rep., p. 832). We there find this language:

> The lands within these reservations are dry and arid, and require the diversion of waters from the streams to make them productive and suitable for agricultural, stock-raising, and domestic purposes. What amount of water will be required for these purposes may not be determined with absolute accuracy at this time; but the policy of the Government to reserve whatever water of Birch Creek may be reasonably necessary not only for present uses, but for future requirements, is clearly within the terms of the treaties as construed by the Supreme Court in the Winters case.

That shows, Mr. President, if I may be pardoned just a further brief statement, that in cases of this kind involving Indian reservations—certainly where treaties exist fixing the rights of the parties—the Government impliedly reserves whatever amount of water is reasonably necessary both for present and future uses; and it follows, as a matter of course, that the doctrine of prior appropriation can not apply, because otherwise there would be no necessity for the reservation.

Now, I also call attention to the fact that in the same decision from which the Senator from Iowa quoted a while ago, on page 181, the court quoted approvingly the following language from a decision of the court:

> The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be. (United States *v.* Rio Grande Ditch & Irrigation Co. (174 U. S., 690, 702; 19 Sup. Ct., 770; 43 L. Ed., 1136); United States *v.* Winans (198 U. S., 371; 25 Sup. Ct., 662; 49 L. Ed., 1089).) That the Government did reserve them, we have decided, and for a use which would be necessarily continued through years.

The result of a reservation of water by the Government is to exempt the water from appropriation under State law, so that when the time comes that the Indians need these waters for the irrigation of their land, they will have them in spite of the fact that under State laws appropriations of water have been going on.

Mr. SHAFROTH. Will the Senator yield to me for a minute?

Mr. ROBINSON. I have concluded all I desire to say.

Mr. SHAFROTH. I think, if the Senator will examine those cases, he will find that the facts do not bear out the construction which he is placing upon the decisions. It is true that where a large irrigation enterprise is undertaken it often takes many years to complete it, and that appropriation of the water is reserved for it may be 10 years, it may be 15 years, it depends upon the magnitude of the work very largely; but if the Senator will examine the authorities, I am confident he will find that there has been a failure to comply with some statutory regulation, some regulation with respect to filing upon the water or with relation to filing in the office of the State engineer a plat of the irrigation enterprise, and that that does not conflict with nor abrogate the right of the first appropriator; in other words, they hold that statutory provisions can not abrogate the right given in State constitutions to appropriate water and that priority of appropriation is priority of right in its use.

Mr. MYERS. Mr. President, I trust the Senator will yield to me to interject this observation: The Senator from Arkansas, I understand, read a decision a while ago to the effect that the United States Government could in Montana take water out of streams and put it on land owned by the United States Government without going through the formula of making a statutory appropriation. I merely wanted to observe that that gets the Senator nowhere and proves nothing, because the United States Government in doing that is doing no more than any individual resident of Montana can do. Any resident of Montana who owns land which is arid and which needs water to make it productive and who wishes to cultivate it can take water out of any stream and put it upon that land without the scratch of a pen in compliance with the statutory provisions for appropriation. The laws of Montana recognize common-law appropriations according to custom and usage, and the United States Government did no more than any individual citizen can do.

Mr. ROBINSON. Let me suggest, in reply to what the Senator from Montana has said, that that is all true; but I cited that case as bearing upon the effect of the reservation of water by the Government. If the Government reserved the water from appropriation under State laws, and had the power to use the water without appropriating it under the State laws, it follows, as a matter of course, that whenever the Government wants to do so it can take that water and use it, having reserved it from appropriation under the State law.

Mr. MYERS. I did not catch all the Senator read. There was no question of regulation in the case he read, was there?

Mr. ROBINSON. There was not in that case, but I thought I had previously established the doctrine, as decided in the Winters case, that the effect of setting aside an Indian reserve was to reserve the water necessary for irrigation purposes, and the effect of the reservation was to exempt the water from appropriation under State laws; and if then, according to the case which I cited and which the Senator has just been discussing, the Government can use the water without appropriation under the State law, it follows, as a matter of course, that the effect of the reservation is to withhold it from all appropriation.

Mr. MYERS. Any citizen may do the same thing; so, I repeat, that I do not see that there is any differentiation there.

Mr. ROBINSON. No citizen can reserve water rights in the sense that the Government reserves water rights for these Indians by the treaty.

Mr. BORAH. Mr. President, the case which the Senator from Arkansas cited a few moments ago simply goes to the extent of making the Government the first appropriator on that stream, and nothing more; and, as the Senator from Montana says, any individual can go upon that stream and reserve those rights in precisely the same way. If he began the construction of his ditch or provided any method or means of diverting the water and had actually diverted it, that amount of water was reserved to him, and any more was reserved to him which he had shown the capacity to take out and put upon his land, provided he used reasonable diligence.

Some time ago, when I was diverted, I was calling attention to the case to which the Senator has just adverted in connection with the Winters case. I refer to the case in One hundred and seventy-fourth United States. Let me read another paragraph from it:

> Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action.

That, Mr. President, is the authority upon which the court relies in the Winters case, and the authority upon which the court relies in the Winters case bases its decision upon the interstate-commerce clause of the Constitution giving Congress power over interstate commerce and thereby the power to keep open the stream over which that commerce may flow; and nobody, of course, is contending against that proposition.

Now, Mr. President, let us come back to the original principles for one moment. I think that I am familiar enough with the views of the Senator from Arkansas upon some questions to present two or three propositions on which he will agree with me. The first is this, that when the colonies seceded from Great Britain they were the sole and exclusive owners of the waters and all the streams which flowed within their borders. There was nobody else to own them; they belonged exclusively to the States and were subject alone to their sovereignty. Will the Senator tell me under what provision of the Constitution those waters were transferred to the National Government? How did they get there? If the National Government owns and controls the waters of the States, under what provision of the National Constitution does it do so? As has been said by the Supreme Court time and time again, the waters of the streams belong to the States and are subject to their control; and no provision of the National Constitution ever transferred any right over them save and except that of keeping the streams open for navigation for the purposes of commerce.

The second proposition that I will state to the Senator is, that the National Government owns its public land wholly and solely as a proprietor; not as a sovereign, but solely and alone as Jones or Smith or anyone else owns land as proprietor. In a proprietary capacity the National Government can not add to its proprietorship its sovereign power. Therefore the National Government in my State, owning its public lands, stands in the same position as any other proprietor; it has the same rights. If it is in a State where the common-law doctrine of riparian rights prevails, it may insist upon waters flowing by its lands as they were wont to flow. If it is in a State where the doctrine of prior appropriation obtains, any individual may go upon a stream, although it flows over the public lands, and appropriate every particle of the water in the stream, if he

applies it to a beneficial use. It is not necessary that he keep off the public lands or that he refrain from interfering with the water that flows over the public lands. The National Government as a proprietor is in the same position as any individual, and must yield to the laws of the State the same as must an individual.

I will take a moment to read from some of the decisions upon this question briefly. I would not detain the Senate if it were not for the fact that this is a matter of more than ordinary concern to us:

The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of the State or elsewhere, except in cases in which it is expressly granted.

The Supreme Court further says:

First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States and were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case.

Again, the court says in Martin *v.* Lessees (16 Pet., 410):

When the Revolution took place the people of each State became themselves sovereign, and in that character held the absolute right to all their navigable waters and the soils under them for their own common use, subject only to rights since surrendered by the Constitution to the General Government.

Says the Supreme Court in Seventh Howard:

It is not questioned that land within a State purchased by the United States as a mere proprietor and not reserved or appropriated to any special purpose might be liable to condemnation for streets or highways like the land of other proprietors under the rights of eminent domain.

* * * * * * *

Every State in the Union comes, and must come, in on the same basis as every other State. The State has the absolute right to control the game and the manner of hunting the same within the State. The admission of a Territory to statehood abrogates the terms of a treaty with Indians as to the right to hunt upon the public lands. The sovereign rights of the State can not be taken away by treaty or act of Congress.

In Two hundred and sixth United States the Supreme Court says:

In other words, the determination of the rights of the two States inter se in regard to the flow of waters in the Arkansas River is subordinate to the superior right on the part of the National Government to control the whole system of reclamation of arid lands. That involves the question whether the reclamation of arid lands is one of the powers granted to the General Government.

* * * * * * *

Clearly, it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits.

During the discussion of one of these cases before the Supreme Court Mr. Justice White, now Chief Justice, said from the bench in a colloquy with one of the attorneys:

You constantly talk about the public lands. When you speak of the public arid lands, are you deducing from the fact that they are public lands a governmental right or power in Congress? Do you suppose if there are 100 acres of public land in a State, the existence of that public land in the State invests Congress as a Government with the power to destroy the law of the State because it owns land in the State which an individual would not have?

That states the matter, Mr. President, in a nutshell. The fact that the National Government owns lands in a State does not empower the National Government to interfere with the laws of the State in any respect whatever. The land is subject to the control of the State just the same as it would be if it belonged to any other proprietor.

Mr. SUTHERLAND. Mr. President, in that connection, will the Senator from Idaho permit me to suggest, in support of what he is saying, that whenever we provide for the erection of a public building in one of the States the State government has absolute control over it, unless we have procured from the State the cession of jurisdiction?

Mr. BORAH. The Supreme Court said in another case:

But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

Now, with reference to the right of individuals to appropriate the waters of public streams flowing over public lands, I will not stop to read, but I desire to put in the RECORD the statutes of 1866 and 1877.

Mr. TOWNSEND. What statutes?

Mr. BORAH. United States statutes.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The matter referred to is as follows:

SEC. 9. And be it further enacted, that whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals, for the purposes aforesaid, is hereby acknowledged and confirmed: *Provided, however,* That whenever, after the passage of this act, any person or persons shall, in the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

This statute, after providing for the sale of desert lands and the appropriation of water for the reclamation of the same, declares that "all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights."

Mr. BORAH. The constitution of the State of Idaho provides on this subject as follows:

APPROPRIATION OF WATER—PRIORITIES.

SEC. 3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in section 14 of article 1, of this constitution.

The doctrine of prior appropriation has been established in our State by the constitution.

As I have said, I am not familiar with the Montana situation, but, so far as the Fort Hall situation is concerned, the parties went upon a public stream, complied with the State law, appropriated the water, diverted it from the stream, put it into a reservoir, and took it from the reservoir and put it upon the public lands. Whatever rights they have there they claim by virtue of having complied with the State law. They conceded the jurisdiction of the State, and, having conceded the jurisdiction of the State, having secured whatever rights they had by virtue of having complied with the laws of the State, enjoying all they do enjoy because of the laws of the State, I think it will not be seriously contended that, so far as that right is concerned, it is not subject in all its ramifications and the effects of distribution to the laws of the State.

Mr. WILLIAMS. Mr. President, I wish to ask unanimous consent to withdraw a point of order which I made. I offered an amendment to the committee amendment, on page 73, from line 6 to line 10. The Senator from Oklahoma made a point of order upon my amendment, and then I made a point of order upon the committee amendment to which it was an amendment.

I have been looking into the matter, and I believe the committee amendment is a meritorious one, as was my amendment to it, and I do not think I ought to defeat one meritorious thing because somebody else, by a point of order, has defeated another meritorious thing.

I therefore ask unanimous consent to withdraw the point of order I made to the committee amendment, on page 73, lines 6 to 10, inclusive.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. The proper way, of course, if we are going to do it in violation of the rule, would be to reconsider the vote by which the point of order was sustained.

Mr. NORRIS. It was not sustained by a vote.

Mr. WILLIAMS. I can not move to reconsider a ruling of the Chair. I have just taken stock of the question, and I have found out that I have no right to withdraw it, because it has been passed upon and has gone out of the bill; that I can not even do it by unanimous consent after we get back into the Senate out of the Committee of the Whole, and the only way to do it is to get unanimous consent in Committee of the Whole.

Mr. SMOOT. I thought the Senator referred to the amendment which was offered by the Senator and referred to the Senate and voted upon by the Senate.

Mr. WILLIAMS. Oh, no; this is in another part of the bill, and this amendment went out altogether upon the ruling of the Chair on the point of order. There was no reference of the matter to the Senate at all.

I ask that consent.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. TOWNSEND. If I understood the ruling of the Chair on that subject—I may have misunderstood him—he took out the amendment prior to that also. I take it the request applies also to that?

Mr. WILLIAMS. No, Mr. President; my request for unanimous consent applied only to what I have mentioned.

Mr. TOWNSEND. Yes; but my point is that the amendment just before this also went out with it. If I understood the Chair correctly, he said both went out together.

Mr. WILLIAMS. No; somebody else made a point of order on the balance of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, the point of order to which was withdrawn, which will be stated.

The SECRETARY. On page 73, the paragraph beginning on line 6 and ending with line 10 on that page, reading as follows:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

The amendment was agreed to.

Mr. SMOOT and Mr. SUTHERLAND addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. SMOOT. Mr. President, I rose for the purpose of entering a point of order against the amendment which has been discussed this afternoon; but if my colleague desires to address the Senate I will withhold it.

Mr. SUTHERLAND. I wish to say something on this question before we finally pass away from it; but there are several other amendments.

The PRESIDING OFFICER. Does the Chair understand that the senior Senator from Utah yields to his colleague?

Mr. SMOOT. I yield for that purpose.

Mr. SUTHERLAND. I am not at all particular whether I say what I have to say now or later on some of the other amendments.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SUTHERLAND. I yield to the Senator.

Mr. OWEN. I do not want to interrupt the Senator nor break in on the thread of his discourse. I understood that I should be recognized after the Senator from Utah, but I understand he yielded to his colleague.

The PRESIDING OFFICER. Yes.

Mr. OWEN. So I will ask permission to be recognized after the Senator from Utah.

The PRESIDING OFFICER. That certainly will be done.

Mr. SUTHERLAND. Mr. President, in this discussion we have rather lost sight of the language of the proposed amendment. It is:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Belknap Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

I do not know exactly how this reservation was created. I know that some of the reservations in Montana are what are called treaty reservations; that is, they were created under the terms of a treaty entered into between the United States and the Indians. Other reservations to which this same amendment is directed were created by Executive orders. That was the case with reference to the Uintah Reservation in my own State. That reservation was created in 1864 by an Executive order issued by President Lincoln.

The position of the Senator from Arkansas [Mr. ROBINSON] seems to be that no matter how the reservation was created the United States has the power to reserve these waters from the operation of the laws of the States. Whatever construction may be given to the decision of the Supreme Court in the Winters case, it certainly does not go to that extent, because it dealt with a reservation that was created by a treaty, and the full extent to which the decision of the Supreme Court can by any possibility go is to hold that under that treaty there was an implied reservation of the waters, which would be in legal effect the same as though it had been expressly reserved.

Mr. ROBINSON. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Arkansas.

Mr. ROBINSON. I stated in the beginning of my remarks that the Winters case applied to such reservations as were created by treaty or agreement stipulations between the Government and the Indians, and that it might be that that doctrine would not apply to other reservations, but that a different doctrine would apply. I made that statement distinctly.

Mr. SUTHERLAND. The same amendment, however, is found with reference to the Uintah Reservation, which, as I say, was created by an Executive order and is not a treaty reservation at all. However that may be, the amendment ought not to be put upon the appropriations for any of these reservations.

What is it that this amendment proposes to do? It proposes, first of all, to reserve waters so far as they may be necessary for irrigation purposes, and, further, to provide that the failure of any Indian or Indians to use the waters for a beneficial purpose shall not in any manner defeat his or her right to the same.

Either the Indians upon that reservation have a superior right to this water or they have not, as I suggested to the Senator from Vermont. If they have a superior right, that is a right which can not be added to by any act of Congress. It is a right which exists independently of any act of Congress. So, in that view of it, this amendment is absolutely needless. If, on the other hand, they have no right superior to that of any other resident or citizen of the State of Montana, then no act of Congress can confer it upon them. In that view of the matter, while the amendment is inoperative, it is mischievous, because it attempts to assert a power upon the part of Congress which it does not possess, and is likely to come up hereafter as an embarrassing circumstance in any contentions which may arise between different claimants. In either view, it ought not to be adopted as an amendment to the bill.

Mr. TOWNSEND. Mr. President, will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. TOWNSEND. The Senator is more familiar than I am with these irrigation projects. Is it not an act of declaration of intention to make beneficial use of the land in an Indian reservation when the Government constructs an irrigating plant for the purpose of irrigating that particular tract of land? What further notice must be given that there is an intention to apply it to that particular use on that reservation?

Mr. SUTHERLAND. That would depend upon the law of the State. In the absence of a law to the contrary, no notice at all would be required. It would simply be necessary that the appropriator should begin his work of appropriation, follow it up with reasonable diligence, and make an application of the water to his land and to a beneficial use within a reasonable time. That was the law of all the arid-land States.

Mr. TOWNSEND. Of course, in every one of the cases where this provision is attached there had been an appropriation made by the Government, and I assume that they had complied with the laws of the State up to that point; at least that they had a right to do what they did in making the appropriation and constructing the irrigation plant. That provision was intended, if I understood it correctly, that if anything should happen so that this water which had been appropriated or which had been impounded, which had been provided for through the appropriation, should not be within a certain time or within any particular time applied to the reservation for which it was appropriated the Indian should not lose his right under it. Now, do I understand the Senator to say that the Federal Government—the Congress of the United States—has no right to prepare for such an emergency as that?

Mr. SUTHERLAND. I have not the slightest doubt about it in my own mind. Of course I may be mistaken; but I was going on to discuss that very matter.

Mr. TOWNSEND. Then I want to say this, in order that the Senator may discuss it if he thinks it worth while: It seems to me it has been a most serious mistake on the part of the Government to expend the amount of money it has expended in the construction of irrigation projects at the expense of the Indians, if in the end the only people or largely the only people who are going to get the advantage of it are white people who have simply taken advantage of this investment of the Indians.

Mr. SUTHERLAND. If it turned out in that way the Senator would be quite correct; it would be a mistake, or at least a partial mistake, and at any rate it would be most unfortunate. There is, however, no necessity of its turning out in that way. What is a reasonable time within which to complete the works and to put the water to beneficial use depends upon circumstances. If a single individual is appropriating water for a 10-acre tract of land from a nearby stream, three months might be a reasonable time and anything beyond that an unreasonable time. In the case of an enterprise involving several thousand acres of land and bringing water from a remote distance, two years might be a reasonable time. In a case of this kind, where hundreds of rights are involved, where an immense tract of land is involved, and where a large irrigation plant must

be established, a reasonable time may go far beyond that. It depends upon the circumstances of each case.

All that the Government of the United States is obliged to do is what any corporation would be obliged to do in a similar situation, namely, to do its work with reasonable diligence, complete the canals, the reservoirs, the dams, if there are any, within a reasonable time and make the application of the water within a reasonable time.

It has been held repeatedly that it is not even necessary, when the water is taken out, to apply it to the entire tract of land the first year. A settler may take up 160 acres, and after he has completed his ditch the first year he may be able to apply it only to 5 acres. That is not the measure of his right. The next year he can apply it to an additional 5 acres, and the next year to an additional 10 acres, if that is all he can reasonably do; and he can continue to apply the water until he has redeemed his entire 160 acres, all of this being done within a reasonable time, having in mind, as I have said, the circumstances of each individual case, his right will relate back to the time when the initial steps were taken.

Mr. LANE. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Oregon.

Mr. LANE. I wish to say to the Senator that that was the very wrong we were trying to remove. Under the law of 1907 the Indians were allowed but three years within which to make their improvements upon the land and to bring it under cultivation after they had brought the water to it; and they were not then given by the Government—through the neglect, of course, of their guardian—the means, the tools, and the implements with which to bring it under cultivation. They were absolutely shut out. That was what we were trying to remedy.

Mr. SUTHERLAND. I know nothing about the conditions in Montana, but in my own State there is a provision that the appropriation must be completed within a reasonable time, and there is a limitation upon that, as I remember, of five years. The State legislature recognized the fact that in this great enterprise that would not be a sufficient time, and by act of the legislature we have extended it until the year 1919. The work was begun in 1906, and although the citizens of the State, the water corporations of the State, must in any event complete their appropriations within 5 years, we have so amended our law that the Indians may have 13 years within which to do it; and that time will not expire, as I say, until 1919.

Mr. PAGE. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Vermont.

Mr. PAGE. It seems to me the suggestion just made is a very happy solution of this matter. Does not the Senator think it might be proper to add to these amendments here, if points of order are not made against them and they are allowed to remain, a provision that these appropriations shall not be made unless the State, through its legislature, shall provide that the Indian shall have so many years in which to make his beneficial use?

Mr. SUTHERLAND. I should not like to pass upon that question. It is not necessary to be done in the case of my own State.

Mr. PAGE. The Senator says his own State has provided in that way.

Mr. SUTHERLAND. My own State has done that.

Mr. PAGE. So that is all right. Now, why not let the other States that want this do the same thing?

Mr. SUTHERLAND. I should prefer to have the Senators from those States determine that matter. I am not familiar with their laws. They may have done it.

Mr. PAGE. My idea is that there is no question about these amendments being open to points of order; but then we come back to the other proposition. The State of Montana, for instance, is asking that we add $500 000 to the appropriation made by the House. Does the Senator think that we, as legislators, are doing our duty by the Indians if we add these appropriations unless we protect them by saying that they shall not be granted unless some protection is given to the Indians?

Mr. SUTHERLAND. I will say to the Senator from Vermont that if I felt that in the end these Indians were going to lose their water I certainly would not appropriate money to build works; but I can only speak of the situation in my own State. The people of Utah are quite as careful of the rights of the Indian as the Congress of the United States, and they have been far more careful of their rights in times past than Congress has been.

Mr. PAGE. Mr. President, I should like to call the attention of the Senator from Montana to what I am about to say.

Mr. SUTHERLAND. I hope the Senator will let me complete what I was going to say about this matter before he does that.

Mr. PAGE. Just one word, and then I will. The Senator from Montana, you will bear in mind, has just introduced an amendment that provides, substantially, that unless they make their improvements within three years the right shall lapse. The Senator from Utah says that in his State the Indians have 13 years; and still Montana is asking that we add to the appropriation to the extent of half a million dollars.

Mr. SUTHERLAND. I should like to complete what I have to say upon this question, and I shall be very brief. I do not want to undertake to settle for Montana what should be done in that State.

As it seems to me, the question involved here is, after all, a comparatively simple one. The rule of the common law was that the water of a stream should be permitted to run in its accustomed channel. Under the common law—and that is the rule in all of the Eastern States to-day—an owner of land can not divert the water for the purpose of irrigating his land or leading it away from the channel of the stream. It is true that the riparian proprietor may utilize the water to a certain limited extent for the purpose of flooding his meadows and for other purposes, but it must be returned to the channel.

That rule of the common law was found to be entirely inapplicable to the conditions in the arid-land States, because crops could not be grown simply by the fall of the rain. That rule of the common law originated in England and was adopted in this country because the conditions were such that it was not necessary to resort to artificial irrigation. The rain which fell from the heavens took care of the crops. In the arid section, however, when it was discovered that the rainfall was wholly insufficient, and that water must be diverted from the streams in order to grow crops, the courts at a very early day held that the rule of the common law, being entirely inapplicable, ceased to have any existence. Indeed, that was based upon a larger and more general rule of the common law itself, namely, that the reason of the rule ceasing, the rule itself ceases. So they held that the reason of the common-law rule having ceased in the arid-land region, the rule itself ceased.

The Supreme Court of the United States has held repeatedly that in the absence of local laws or local customs which prior to the adoption of the statutes had the force of laws, the rule of the common law applies. So far as the public lands of the United States are concerned, the United States is a proprietor, the same as any individual is a proprietor. In the absence of any rule of the State to the contrary, the United States would have a right to rest upon the common-law rule that the water should run as it had been accustomed to running.

Now, if the United States or an Indian tribe or an individual within a State seeks any other rule than the common law—that is, seeks the right to divert the water and consume it in the irrigation of land—he can not resort to any law of the United States, nor to the rule of the common law, because the rule of the common law is against him. He must go to the State law; and the State, having the right to say that the common law in that respect shall be departed from and appropriation for a beneficial use take its place, has the right to condition its exercise. Therefore, if the United States or an Indian tribe undertakes to appropriate water in derogation of the rule of the common law and in conformity to the law of the State, the law of the State must be complied with because the law of the State is the measure of the right.

Mr. PAGE. And under the law of the State, or under the common law, is it true that the man who first makes appropriation of this water holds it?

Mr. SUTHERLAND. Under the law of the State, the man who first appropriates it and puts it to a beneficial use.

Mr. PAGE. That is the statement made by the Senator from Idaho this afternoon.

Mr. SUTHERLAND. That is a correct statement.

Mr. SHAFROTH. Not under the common law.

Mr. SUTHERLAND. Not under the common law. The common law did not recognize the right at all. As the Senator from New Mexico [Mr. CATRON] says, that was really the common law of these arid-land States, because, as I say, the old rule was departed from in pursuance of the controlling rule, that the reason of the rule ceasing, the rule itself ceases.

The Senator from Colorado [Mr. SHAFROTH] calls my attention to a recent decision of the Supreme Court in Two hundred and thirteenth United States, the case of Boquillas Land & Cattle Co. against Curtis, the syllabus of which reads:

Under section 3198, Revised Statutes of Arizona of 1887, the common-law doctrine of riparian rights does not now obtain in that Territory, and, as held by the supreme court of the Territory, the doctrine of appropriation was recognized and to some extent in force prior to and since 1833 in the State of Sonora, now a part of that Territory.

Confirmation of an estate does not enlarge it, and where the original Mexican title did not carry riparian rights, the mere confirmation thereof by the United States does not give such rights to the confirmee.

The rule is laid down and the limit of the authority of the United States in matters of this kind is nowhere more clearly stated than in One hundred and seventy-fourth United States, from which the Senator from Idaho read. Let me repeat a sentence or two from that case.

That was a decision by Mr. Justice Brewer, who, by the way, dissented in the Winters case. I may say not only that Justice Brewer was one of the greatest judges who has ever sat upon that bench, and one of the greatest of the judges who sat upon it at the time he occupied it, but no judge has ever sat upon that bench who was so familiar with western questions as Mr. Justice Brewer. He was a judge upon the bench in Kansas for many years, and in Colorado, a circuit judge holding court in Colorado, trying upon the circuit these irrigation cases and mining cases; and it is no secret that the bench turned to Justice Brewer as an authority upon irrigation and mining questions whenever such cases came before the Supreme Court. He speaks with peculiar authority upon matters of this kind. He dissented, as I say, in the Winters case.

Justice Brewer, in the Rio Grande case (174 U. S.), after calling attention to the rule of the common law which I have stated, says:

> While this is undoubted, and the rule obtains in those States in the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise. Whether this power to change the common-law rule and permit any specific and separate appropriation of the waters of a stream belongs also to the legislature of a Territory, we do not deem it necessary for the purposes of this case to inquire.

He proceeds:

> Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized.

And, of course, when the court states that two limitations must be recognized, the converse of that naturally follows that only the two will be recognized.

> First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream—

Now, to what? Not to divert the water for purposes of irrigation; not to take it up and consume the corpus of the water as irrigation renders necessary, but—

> to the continued flow of its waters; so far, at least, as may be necessary for the beneficial uses of the Government property.

It is not stated in very precise terms, but whatever the right may be it is not a right to divert water; it is a right to the continued flow of the water.

But the thing which is sought to be reserved here is not the right to the continued flow of the water, so far as that may be necessary, in the language of this case, for the beneficial use of the Government property or the Indian property, but it is a proposition to reserve the water for irrigation purposes; that is, to reserve the water under the rule laid down by the State laws. It is a direct recognition of the rule of the State, and not the rule of the common law or the rule announced by this case.

Of course, if the United States relies upon the local law—a State law—it must act in accordance with the conditions of the local law. If the State has the power to confer the right to appropriate water in derogation of the common law, it of course has the lesser power to condition the exercise of that right in any way it pleases; and when the United States relies upon that right conferred by the State to appropriate water in derogation of the rule of the common law, it must accept the conditions which the local law has imposed.

Mr. SHAFROTH. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to state to the Senator, as references have been made to decisions to the effect that a State has the right to change the mode of appropriation to that of riparian ownership, the legislature, of course, has no such right, but it must be done by a constitutional amendment of the State. That is the only way by which it can be done.

Mr. SUTHERLAND. Yes. The other limitation which this case announced is one that I need not read. It is simply the right to protect the navigability of the streams. Of course, that right arises from an express provision of the Constitution of the United States. That is a right which exists under the commerce clause of the Constitution.

Mr. PAGE. May I interrupt the Senator?

Mr. SUTHERLAND. I yield to the Senator from Vermont.

Mr. PAGE. I want to say that this matter was brought before the Committee on Indian Affairs, and on page 378 of the hearing we have the law given by the law officer of the Bureau of Indian Affairs. I do not want to take up the time of the Senate in reading it, but——

Mr. SUTHERLAND. What law does the Senator refer to?

Mr. PAGE. Let me read it, and the Senator will see:

> The climatic and physical conditions are such that this project—

Referring to the Fort Hall project—

> has given considerable trouble and anxiety since its construction. Moving sands, weeds, and animals in the summer and ice in the winter have given more than the usual amount of trouble and expense, but it is hoped that with the proper seasoning of the structures and an increase in farming some of these difficulties will disappear or at least become less.
>
> Referring to the proviso clause regarding water rights, I wish to say: The purpose of this and other similar legislation in this bill is to protect the rights of Indians to water on Indian reservations and on allotted Indian lands held under trust or by other patents containing restrictions on alienation.
>
> To establish more certainly and securely water rights of Indians is a matter of the greatest importance in administering satisfactorily their affairs. On a number of reservations where Indians have been allotted the land is practically of no value for agricultural purposes without irrigation. Water on these reservations is a vital factor in developing the Indians living thereon, so that they may become self-supporting and be raised to a higher standard of civilization.
>
> The Supreme Court, in the case of Winters *v.* United States (207 U. S., 564), said that "the power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

I will take only a moment. Here is the law given with citations. Then we come to the conclusion:

> I have quoted the laws referred to and shown the money expended on the reservations named—

Three million three hundred and twenty-one thousand five hundred and twenty-three dollars and eighty cents—

> in order to indicate the great importance of the matter under consideration and the necessity of conserving the water rights of Indians on the large number of Indian reservations throughout the United States.
>
> The Indian water-right situation is one of the most acute and important questions relating to Indian matters now before the Indian Bureau.

So they emphasize that in the strongest possible way as one of the most acute and important questions before the bureau at this time.

> There are dependent upon the solution of this question not only property rights involving millions of dollars, but the success or failure, prosperity or poverty, of thousands of Indians who are the wards of the Government and whose interests it is the duty of the Indian Bureau to protect.
>
> The CHAIRMAN. Why do you add this provision which materially modifies the law which has existed heretofore?

That is the provision we are talking about.

> Mr. MERITT. We are asking that this proviso clause be incorporated in the bill in connection with a number of irrigation projects for the reason that we find it necessary if the water rights of the Indians are to be protected. Congress has appropriated in a number of cases a large amount of money for irrigation projects on various reservations and has required that those appropriations be made reimbursable out of the funds of Indians. States have passed certain laws which make it desirable, in certain cases, that the water be made beneficial use of by the Indians; otherwise the Indians stand a chance of losing their water rights or else taking their water-rights status to the courts for determination. This item, we believe, will protect the water rights of the Indians on a number of reservations where large appropriations have been made, and where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Mr. SUTHERLAND. I have read all that before. The quotation that is made from the Winters case is accurately made, but it is one of those unfortunate statements that sometimes courts, and the highest courts, lapse into. It is an obiter dictum. It was not involved in the case. Two cases are cited as authority for the proposition by the court which do not bear out the statement. One of the cases is the one from which I have just been reading, and which clearly does not bear out any such statement as that. It has not the remotest connection with it. The other is a case that has not yet been referred to, a case in One hundred and ninety-eighth United States, which involves the fishery rights of the Indians. That was a case arising either in Oregon or Washington, I have forgotten for the moment which, where the Indians had entered into a treaty with the Government by which they ceded certain lands, but the treaty expressly stipulated that it reserved their rights of fishery. It was held, and properly held, that under that treaty the reservation was effectual; that they still continued to have the right to fish upon the stream. That is obviously a very different thing from this matter of utilizing the waters of a stream. So neither of those cases will bear out the statement of the court, and, moreover, the statement, as I have said, is a mere dictum.

Mr. PAGE. Conceding that the Senator from Utah is absolutely correct in regard to the law we have before us, the caution is given by the Indian Commissioner that the Indians are liable to lose what they are putting into these lands. If that is true, if these waters which have been impounded for the benefit of the Indians may be diverted at any time to the first man to make a beneficial use of them, are we doing right by the Indians to continue to appropriate millions of dollars every year when the commissioner tells us those rights are liable to be taken away from them?

Mr. SUTHERLAND. This legislation will not help him. Suppose that we were to pass an act of Congress with all due solemnity to-day that the Senator from Vermont should have the right in the State of Vermont to appropriate the water of some particular stream and turn it out of the stream and use it upon his land, would it give the Senator any right?

Mr. PAGE. The Senator does not get my point.

Mr. SUTHERLAND. Yes, I do.

Mr. PAGE. The point is, In the name of all that is good, shall we keep on taking the money to build these projects?

Mr. SUTHERLAND. I had answered that. We are building these projects because we think the agents of the Government of the United States who have these matters in control will be sufficiently diligent to secure the rights of the Indians precisely the same as white people are compelled to secure their rights in these States.

Mr. PAGE. As a matter of fact, I want to say to the Senator——

Mr. SUTHERLAND. Let me say to the Senator it is perfectly futile for us by a piece of legislation to attempt to confer upon an Indian a right which he does not have under the law of the State. We can no more confer a right upon the Indian to get something that he has not a right to get under the law of the State than we can confer the same right upon a white man.

Mr. PAGE. But the poor Indian is not here to say, "You shall not put your hand down into my pocket and take my money." He is not here to say, "You shall not mortgage my farm and then within three years deprive me of all." He is not here to defend himself, and I appeal to the Senator as a friend of the Indian to stand up and say we are not doing a good thing if we permit his farm to be mortgaged.

Mr. SUTHERLAND. All I am saying is that we can not do him any good by this legislation.

Mr. PAGE. Then we should not legislate.

Mr. SUTHERLAND. We can not do him any good by this amendment. We can do him good by appropriating money and building irrigation works and appropriating water, but it must be done under the law of the State. We can not create the right; in other words, we can not extend his rights under the laws of the State.

Mr. PAGE. The Senator said that has been done in one State. Why has that not been the condition in other States?

Mr. SUTHERLAND. I have answered that question. I say the amendment is not necessary in my own State, and so far as Montana and Idaho are concerned the Senator from Vermont must fight out that question with the Senators from those States. I am not going to discuss it.

Mr. PAGE. That is what I am trying to do.

Mr. SUTHERLAND. Now, just a word with reference to what this would result in if it has any effect at all. There is no limitation as to the amount of water which is to be reserved and no limitation as to the length of time the right will exist without the Indian doing anything to carry it into operation. Therefore we may have this situation, and it will be an actual situation if it could apply to the Uintah Reservation. Here is a stream of water rising upon that reservation and flowing out of the reservation to land to be occupied by settlers. The water is being appropriated by these white settlers clear away from the reservation all the time. At the end of 50 years, when some of the descendants of these Indians finally conclude that they want to divert some water from this stream in what was a former part of the reservation, can they divert it and take it from the white man and his successor in interest who has been utilizing it for 50 years? Is that the intent of the legislation? Is that the effect of it? If it has any effect at all, it might result in exactly that sort of a situation.

So, take another stream which rises out of the reservation and flows entirely through it. It rises up in Wyoming and flows through a part of Utah into the reservation and out of the reservation again. Suppose in the meantime during the next 50 years the Indians are not utilizing the water which has been reserved to them or attempted to be reserved on this reservation. White settlers above divert the water and utilize it. White settlers below divert it and use it. At the end of 25 or 30 or 50 years these Indians suddenly conclude that they want to cultivate some land there. Should they be permitted to take these rights from the white men? If the white men are not willing to take rights of that character that are subject to be put an end to in the way I have indicated, is that stream to be perpetually dedicated to idleness during all the years to come by this sort of legislation?

We say that this water is reserved to the Indians. We do not require that they utilize it at any time, and therefore we dedicate it perpetually to waste until the Indians use it unless those white people are willing to make an appropriation subject to having it taken by the Indians for their land, their own land to be rendered valueless whenever the Indian gets ready to do it.

Mr. PAGE. Mr. President, I will take but a moment of time. Here is the opinion of Mr. Meritt, the law clerk of the department. I want again to read what he says about the law.

Mr. SUTHERLAND. I hope the Senator will be brief, because I will yield the floor in a moment, and let him take all the time he wants.

Mr. PAGE. Mr. Meritt says:

According to estimates of the Reclamation Service——

Mr. SUTHERLAND. From what page is the Senator reading?

Mr. PAGE. Page 454 of the 1913 hearings:

According to estimates of the Reclamation Service it will require nearly $3,000,000 to be further appropriated by Congress to complete this project, the money appropriated to be reimbursable out of the proceeds of the sale of land and timber of the Flathead Indians.

Here we are going to ask the Indian to mortgage his land and his timber, for a $3,000,000 project has already been appropriated, and then you state the law is, that if a white man is quicker than an Indian and can appropriate that water quicker than he can, the Indian loses his right. Why do you take the Indian's money unless you can protect him?

Mr. SUTHERLAND. Mr. President, all these rights have been initiated already. The Government of the United States has filed upon these waters for the benefit of the Indians. In my own State they have a clear right, at any time up to the year 1919, to put it to a beneficial use. The effect of the action of the legislature of my State is to permit the Government of the United States to file a caveat upon those waters which will last for 13 years.

Mr. PAGE. Do they do that also in Montana? We are talking about Montana now.

Mr. SUTHERLAND. I have already said to the Senator that I will not discuss Montana.

Mr. PAGE. But Montana is the State we are now legislating for.

Mr. SUTHERLAND. Very well; the Senator must discuss that matter with the Senator from Montana, who knows about it. I do not know what the laws of Montana provide on the subject.

Mr. President, just another reference and then I am through. It was suggested by somebody when we were discussing this question the other day that a citizen of Utah or any of these other States would have no right to initiate a water claim upon a reservation. This claim was made in my own State some years ago. In 1902, when some citizens of that State initiated a water claim upon the Uintah Reservation, in what is called the Strawberry Valley, the question arose as to whether they had a right to initiate a claim upon these waters within the reservation. I argued the case for them before the district judge, and he held that they did have a right to do it; that the waters were subject to the jurisdiction of the State the same as waters upon any other part of the public domain; and that right was initiated and the work was done by them. It was finally turned over by the citizens, and the great Strawberry Valley project is built upon that filing. The Government of the United States, upon the filing made by these citizens upon the reservation, has spent more than a million dollars in building a reservoir and other works under the reclamation act.

The question finally came—not in that particular case, but in another case—to the supreme court of the State. The case is reported in Thirty-seventh Utah. I read from page 217. The court said:

It is now well settled and recognized that there is a distinction between initiating or acquiring a right to the use of unappropriated public waters on public domain and a right or interest in or to the public lands themselves, and that the former is not dependent upon the latter. To initiate and acquire a right in and to the use of unappropriated public water, whether on the public domain or within a reservation or elsewhere, is dependent upon the laws or customs of the State in which such water is found. Property in and to the use of unappropriated waters of a stream or spring or lake on the public domain or within a reservation—

And this was within the Indian reservation—

or within a reservation, may be acquired for a beneficial purpose by mere appropriation, and the first appropriator, to the extent of his appropriation when completed and established, is the owner as against all the world. In order that the appropriator may be entitled to the use of such water, it is not essential that he should have located or taken possession of any tract or parcel of the public domain bordering upon the stream or lake from which the appropriation is made, or that he even have an interest in or to the lands proposed to be irrigated if such be the beneficial purpose of the appropriation. An appropriation may be made of such water for the irrigation of lands not situated upon or near the stream or lake from which it is taken, and the water may be conducted by means of ditches or channels, or otherwise, across the intervening public lands, to irrigate lands possessed by the appro-

priator or others, or he may sell and dispose of the water thus conducted to others to use it for a beneficial purpose on claims or lands possessed or owned by them, or in which they have an interest and upon which the water may be and is applied for a beneficial purpose. These views are discussed and enlarged upon by Mr. Kinney in his work on Irrigation (chs. 6, 7) and by Mr. Farnham in his work on Waters and Water Rights (vol. 3, ch. 22). And it also has been held that a valid water right may be acquired even though there had been no compliance with the statute regulating the appropriation of unappropriated public waters, where the unappropriated water was actually diverted by means of a ditch or canal or otherwise and applied to a beneficial use before the inception of any adverse statutory claim. (Murray *v.* Tingley, 20 Mont., 260; 50 Pac., 723, and cases there referred to.)

I come to the concluding part of it, on page 219, which reads:

We have no doubt that unappropriated public water on a reservation or on the public domain is subject to appropriation, and may be appropriated for a beneficial purpose, though the appropriator has not, when his application is filed with the State engineer, a present right in or to the lands along the stream from which the water is proposed to be diverted, or in or to the lands proposed to be irrigated by him. In this respect the appropriation of unappropriated public water on a reservation and the loction of a mining claim or other lands on or within a reservation rest on different foundations, and are controlled by different principles. The one is a proper subject of rightful acquisition. The other is not.

That is, the power to acquire the water upon the reservation is a proper subject, while the right to acquire a mine upon the reservation is not.

An appropriation made of such waters will be protected—

Now, I ask the Senator from Vermont to listen to this:

An appropriation made of such waters will be protected—

Mind you this is an appropriation of water upon this very reservation, the Uintah Indian Reservation—

An appropriation made of such waters will be protected, even as against the Government of the United States. The location of mining claims or the taking up of lands on or within a reservation is void and of no effect, because the ores or lands sought to be taken, or acquired, are not then subject to private ownership or acquisition.

That is a clear and emphatic decision in favor of the contention which I am making.

I also call attention, and then I am through, to the fact that in 1906, when we first began the work of constructing for the Indians canals and reservoirs, Congress itself thrashed out the subject. The Senator from Minnesota [Mr. CLAPP] will remember the discussion which took place in the committee. I remember that Senator Teller was also a member of the committee at that time, a lawyer of great ability with very pronounced views upon these western questions. The then Commissioner of Indian Affairs insisted that we should undertake then to reserve these rights, and the whole matter was discussed pro and con before the committee. The Senator from Minnesota heard the discussion, I believe, and will bear me out in what I am saying. Even Mr. Roosevelt, the then President, took some hand in the matter and attempted to have a different form of legislation, but that committee after full consideration finally wrote into that law this language:

Provided, That such irrigation systems shall be constructed and completed and held and operated, and water therefor appropriated under the laws of the State of Utah, and the title thereto until otherwise provided by law shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto.

There could not be a more unequivocal recognition of the limitation upon the power of the United States to initiate these water rights than that. It is expressly recognized with reference to this very enterprise that the water must be appropriated under the laws of the State of Utah.

Mr. SMOOT. Mr. President, I make the point of order against the amendment that is now under discussion that it is general legislation upon an appropriation bill.

The PRESIDING OFFICER. The point of order is sustained.

Mr. OWEN. Mr. President——

Mr. WILLIAMS. Mr. President, I rise for the purpose of making a motion, but I will yield for a short time to the Senator from Oklahoma.

DUTY AND OPPORTUNITY OF THE PRESENT RULING MAJORITY IN CONGRESS.

Mr. OWEN. Mr. President, the Democratic national platform includes the following pledge:

We call attention to the fact that the Democratic Party's demand for a return to a rule of the people, expressed in the national platform four years ago, has now become the accepted doctrine of a large majority of the electors. We again remind the country that only by the larger exercise of the reserved power of the people can they protect themselves from the misuse of delegated power and the usurpation of governmental instrumentalities by special interests. For this reason the national convention insisted upon the overthrow of Cannonism and the inauguration of a system by which the United States Senators could be elected by direct vote. The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.

No plank in the Democratic platform was of greater importance than the pledge to overthrow corruption, fraud, and machine rule in politics. Machine rule and corruption in party government has been the bane of both the Republican and Democratic Parties and one of the greatest difficulties in the way of perfecting true and honest democratic government.

The means by which machine rule and corruption have accomplished their sinister designs are perfectly well understood, and the remedy is perfectly well understood by students of government.

The Democratic Party, and the members of the Republican party as well, should join with enthusiasm in eliminating corruption and machine rule. The Republican Party was torn in half by machine rule in Chicago in 1912. No Senator on this floor, I believe, would venture to say that he thought it a wise policy to permit in any way machine rule, fraud, or corruption in our election machinery. But no individual seems to feel charged with the responsibility of preparing the necessary measure and urging its passage which will make effective the right of the people to express themselves freely and to have authoritative knowledge of the claims of the candidates and of measures and have their will made effective.

I propose, therefore, a resolution charging the Committee on Privileges and Elections with this duty, in the hope that it may meet with the sympathetic cooperation not only of all Democrats, but of all the Republican and Progressive Senators as well.

To facilitate these reforms I have prepared and submit herewith four proposed bills.

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

First. The first law requiring important amendment is the law preventing private individuals from contributing unlimited amounts of money in the campaigns relating to the Presidency and to the Members of Congress and Senators. I have had this statute carefully examined and prepared by one of the ablest experts in the United States on this question, Mr. George H. Shibley, and I have introduced it and had it referred to the Committee on Privileges and Elections, Senate bill 5810.

The present law permits any amount of contribution to be made and expended by private persons in relation to these elections and permits intrastate committees the liberty of doing as they please with regard to the nomination and election of Senators and Congressmen, without any conditions being imposed by the Federal law. The plan which I have proposed is to lay down a minimum of requirements in the way of contributions and expenditures by corporations, committees, or individuals; and if passed, this bill will have an important effect upon diminishing fraud in the election of Congressmen and Senators, and would have an important effect on overthrowing machine rule and corruption.

PUBLICITY PAMPHLETS.

Second. In order to enable the people to have knowledge of the claims of the candidates or the public measures upon which they vote there should be a public pamphlet issued at Government expense and delivered by Government Postal Service to the hands of each citizen, giving proper space to each candidate and to each measure voted on. In like manner, I have had prepared and submitted a bill, Senate bill 5865, covering this subject. This bill would permit a man without wealth to make the race for the Senate, and also for Congress, and would place his claims before every voter. The bill proposes a partial contribution, so as to prevent irresponsible candidates entering the field.

PREFERENTIAL BALLOT.

Third. I propose a preferential ballot in order to prevent minority or plurality nominations, which is the most important instrument in the hands of the machine politicians, who have always a highly organized, militant minority under their control, led by captains and lieutenants. They divide the unorganized but more honest majority into three or four or more groups by bringing out a number of unsophisticated candidates, each of whom can command a popular following because of individual merit, and with an organized minority of 20 to 30 per cent of the voters, aided by selfish interests and by fraud, the machine can put over its plurality nomination and win the party nomination and then demand party allegiance and party loyalty in support of their unfairly minority-nominated candidate.

The preferential ballot automatically coheres a majority of electors in favor of the candidate most acceptable to the majority and destroys the plurality nomination, which, as I have stated, is the chief agency of the political machine. The Democratic Party can not make effective its platform pledge unless it disarms the political machine. I have had prepared a suitable

statute, as above, on this point, Senate bill 5809, which I urgently commend to the attention of the Senate, not only the Democrats but the Republicans as well, because it is equally important to honest Republicans as to honest Democrats that a majority of the Republicans should be permitted to nominate candidates acceptable to a majority of their party members, as it is to the Democrats to have the right to nominate candidates acceptable to a majority of their members.

I remind the Senate that the preferential ballot was adopted by both branches of Congress in the Federal reserve act, section 4, for the selection of the directors of the 12 Federal reserve banks, and this system is perfectly well understood by the country.

CORRUPT PRACTICES.

Fourth. I have also had drawn in like manner Senate bill 5864, to define corrupt practices in connection with campaigns for the nomination or election of United States Senators and Congressmen, and to provide punishment therefor. I believe that every Senator will agree, whether he be Democrat or Republican or Progressive, in the importance of having the nominations and elections of the Congressmen and Senators free from corrupt practices.

These and other steps are obviously necessary to carry out the pledge of the Democratic national platform at Baltimore, in which the Democratic Party offered itself to the country as "*an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.*"

PRESIDENTIAL PRIMARY.

I think we should provide for the nomination of candidates for the Presidency and the Vice Presidency by the preferential primary ballot, and that proper statutes should be drawn and enacted covering this point along the line recommended by the President in his annual message last December.

The Democratic platform upon this point declared:

The movement toward more popular government should be promoted through legislation in each State which will permit the expression of the electors for national candidates at *presidential primaries.*

In order to have uniformity in the 48 States, Congress should lay down a few fundamental rules, which would be a minimum condition imposed upon the States in this legislation. At present Congress requires the States to conform to certain rules in selecting Senators, and the constitutionality of the imposition upon the States of a reasonable requirement in regard to this matter will not be denied, since it is the practice of a hundred years.

The State primaries on presidential, senatorial, and congressional candidates could be ordered to take place the second Tuesday in June, beginning in 1916, and the national convention authorized and required to meet within 30 days thereafter for the sole purpose of ratifying the primaries and writing the platforms.

The conventions should consist of nominees for Congress, for the Senate, and of hold-over Senators not defeated in the primaries.

The Federal Government within its sphere is as sovereign as are the States within their sphere, and the Federal Government can and should by statute indicate the minimum requirements that should be provided by the laws of the several States in perfecting the right of the Federal Government to have its officers nominated and elected by a majority of the people, safeguarded against fraud and corruption. If the minimum requirements are not provided by the State law, then the Federal requirement should apply, as in the case of the recent statute for the election of Senators.

If the Democratic Party now in power leaves the country under the machine-rule system, with the door wide open to fraudulent practices in nominating and electing Senators and Members of Congress, after its solemn promise to the American people and after it has been trusted with power by the American people, for the chief purpose of controlling the special interests and the vicious alliance between corrupt business and corrupt politics, it will undoubtedly receive severe condemnation for violating these vital promises so intimately affecting integrity of government.

I submit, therefore, the following resolution and ask that it be referred to the Committee on Privileges and Elections:

Senate resolution 399.

Whereas the party now in power appealed to the American people in 1912 upon the following statement:

"The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected"; and

Whereas it is the sincere desire of all patriotic men of every party to terminate corruption in government: Therefore be it

Resolved, That the Committee on Privileges and Elections prepare the bills necessary to more strictly control corruption, fraud, and machine politics in the nomination and election of the officers of the United States, and to enable the people to have authoritative knowledge with regard to the claims of candidates.

Mr. SMOOT. I understand the Senator has offered that resolution and has asked that it be referred to the Committee on Privileges and Elections.

Mr. OWEN. I ask its reference to the Committee on Privileges and Elections.

The PRESIDING OFFICER. If there is no objection the resolution will be referred to the Committee on Privileges and Elections.

Mr. WILLIAMS. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, June 22, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 20, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father soul, above all, through all, in us all; make dominant Thy spirit within us, that we may climb the mount of transfiguration for the moment and behold with wondering eyes the glorified Christ, the finished product, the paragon of human perfection, that we may descend into the valley with renewed faith and confidence, working the works of righteousness with eager hearts and willing hands, looking forward to that perfection for which we all long, which, in the dispensation of Thy providence, waits on the faithful; in Christ the Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLERK PRO TEMPORE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., June 20, 1914.

Mr. SPEAKER: Desiring to be temporarily absent from my office for a short time, I hereby designate Mr. D. K. Hempstead, an official in my office, to act for me and in my stead in any and all official matters that may require the official action of the Clerk of the House of Representatives during my temporary absence.

Very respectfully,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, had still further insisted upon its amendments Nos. 28, 29, 33, 40, and 71, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair designates the gentleman from New York [Mr. RIORDAN] to preside to-morrow at the memorial services for the late Representative SULLIVAN.

ORDER OF BUSINESS.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the special order which I ask the Clerk to report.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Ordered, That on Tuesday, June 23, 1914, the House stand in recess from 5 o'clock until 8 o'clock p. m.; that the House shall continue in session from 8 p. m. until not later than 11 p. m. During such session it shall be in order to consider in the House, as in Committee of the Whole, bills on the Private Calendar to which there is no objection. The consideration of said calendar shall begin with No. 244 thereon, continuing to the end, after which other bills on said calendar may likewise be considered by unanimous consent.

The SPEAKER. Is there objection to the present consideration of this order?

Mr. MANN. I object.

Mr. FITZGERALD. I expect to ask the House to sit nights until the sundry civil bill is disposed of. Next week is the last week of the fiscal year, and I shall object to any request for any other order.

The SPEAKER. The gentleman from Illinois objects, and the gentleman from New York gives notice that he wishes the House to sit at night until the sundry civil bill is finished.

INVALID PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. MANN. I desire to reserve a point of order, and to ask the gentleman if there is a statement.

Mr. RUSSELL. There is no statement. It has not been customary——

Mr. MANN. Then I make the point of order that it is not in order to call it up.

The SPEAKER. What is the point of order based on?

Mr. MANN. There is no statement with the conference report. The rule requires that a conference report and statement of the House conferees shall be printed in the RECORD.

The SPEAKER. There is no question in the world about that.

Mr. RUSSELL. It has not been customary for a long time to file statements with the conference report on these pension bills. The clerk of the committee has been making up these reports, and he has not made up any statements to go with them.

The SPEAKER. Nevertheless, it is the rule that a statement must be printed.

Mr. MANN. I have several times called attention to the fact that there were no statements with these conference reports.

Mr. RUSSELL. I withdraw the report.

BRIG. GEN. CLINTON D. M'DOUGALL.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to address the House for two minutes to pay a brief tribute to a former Member of this House, a distinguished soldier of the Republic, who was buried this morning in Arlington, the late Clinton D. MacDougall.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. GOULDEN. Mr. Speaker, to-day in beautiful Arlington Cemetery was laid to rest the body of a brave and heroic soldier of the Republic, an able lawmaker, a loyal citizen, Brig. Gen. Clinton D. MacDougall, of Auburn, N. Y. He served gallantly from 1861 to 1865, and as colonel of the One hundred and eleventh New York Volunteers was wounded at Gettysburg and in several other battles of the Civil War.

Though born and reared in Scotland, he was an ardent, loyal citizen of the country of his adoption. He served with distinction in the Forty-third and Forty-fourth Congresses from the thirty-sixth New York district, represented by the Hon. Sereno E. Payne, the oldest Member of the House in point of service.

For many years Gen. MacDougall had been the president of the board of trustees of the Soldiers' and Sailors' Home at Bath, in that State. He served his adopted country well and faithfully in many positions, and his memory will ever live in the hearts of a grateful people.

It is a special privilege and honor, as a comrade, to pay this brief tribute to one of the Nation's brave defenders and distinguished patriots. [Applause.]

WIDOW OF THOMAS B. M'CLINTIC.

Mr. POU. Mr. Speaker, I call up the conference report on the bill (S. 661) for the relief of the widow of Thomas B. McClintic, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up a conference report on the bill indicated by him and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The report and statement are as follows:

CONFERENCE REPORT (NO. 845).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the said bill.

EDWD. W. POU,
LUTHER W. MOTT,
Managers on the part of the House.

N. P. BRYAN,
THOMAS S. MARTIN,
COE I. CRAWFORD,
Managers on the part of the Senate.

STATEMENT.

The House of Representatives receded from its amendments to pay this widow $2,880 for salary and allowances for one year, and agreed to the bill as passed by the Senate allowing the claimant salary and allowances for two years, or $5,760.

EDWD. W. POU.
LUTHER W. MOTT.

Mr. POU. Mr. Speaker, I move that the House agree to the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 58, noes 11.

So the conference report was agreed to.

REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, I call up the conference report on the bill S. 4377, the revenue-cutter bill, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the bill S. 4377, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The report and statement are as follows:

CONFERENCE REPORT (NO. 839).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill S. 4377, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to amendment No. 3 made by the House to the bill and agree to House amendment No. 3; and that the Senate recede from its disagreement to House amendments Nos. 1 and 2 and agree to the same.

W. C. ADAMSON,
T. W. SIMS,
F. C. STEVENS,
Managers on the part of the House.

J. H. BANKHEAD,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The Senate passed the bill providing four revenue cutters, the House amended the bill, striking out two of them, inserting amendment No. 3, authorizing the Secretary of the Treasury to supply one revenue cutter with medicines and a physician. The Senate concurred in the first two amendments and concurred in the third amendment with an amendment substantially providing for the same two vessels which the House had stricken out in amendments Nos. 1 and 2. The House disagreed to the Senate amendment to House amendment No. 3 and asked for a conference, to which the Senate agreed, but in doing so used language which might be construed as disagreeing to all three of the House amendments. Therefore the conferees have deemed it proper to use language in their report which expressly agrees to all three of the House amendments, while the Senate expressly recedes from its amendment to the House amendment No. 3 and agrees to the same, so as to leave the bill as it was returned by the House to the Senate, striking out two of the cutters, leaving two authorized, and authorizing the

Secretary of the Treasury to supply medicines and a doctor for one revenue cutter.

W. C. ADAMSON,
T. W. SIMS,
F. C. STEVENS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. POU in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. MOORE. Mr. Chairman, when the House adjourned on Saturday last it was with the understanding that the first matter to be taken up this morning would be the item in relation to the Frankford Arsenal, which was passed over.

Mr. FITZGERALD. That question can not come up this morning. There is a point of order pending, and the chairman, the gentleman from Tennessee, is absent.

Mr. MANN. The gentleman from Pennsylvania had the right to offer an amendment.

Mr. FITZGERALD. We want to dispose of the whole matter at once. I think it ought to go over until the gentleman from Tennessee comes back.

Mr. MOORE. A number of us have waited over until the gentleman from New York returned to his bill in order that this matter might be taken up, the point of order pending, as the gentleman recalls.

Mr. FITZGERALD. The matter has been passed over, and I will call it up as soon as the gentleman from Tennessee returns.

Mr. MOORE. The gentleman from Illinois made a suggestion that an amendment was to be offered and the gentleman from New York incorporated that in his motion.

Mr. FITZGERALD. We did make an arrangement to accommodate the gentleman from Pennsylvania. I do not think we ought to take the matter up until the point of order is decided.

Mr. MANN. The point of order only relates to one amendment.

Mr. FITZGERALD. That amendment is to provide a certain amount of money for the Frankford Arsenal, and the gentleman from Pennsylvania wishes to offer an amendment providing additional money, and we ought to settle them all at one time.

Mr. MOORE. The gentleman understands that we do not want to lose the right to offer an amendment.

Mr. FITZGERALD. Oh, no; we made the agreement that would protect the right of the gentleman from Pennsylvania to offer an amendment.

Mr. MOORE. What is the proposition of the gentleman from New York?

Mr. FITZGERALD. The gentleman from Tennessee is temporarily absent——

Mr. MOORE. And therefore can not decide the point of order.

Mr. FITZGERALD. And when he returns and gentlemen who are interested are all here we can call the matter up.

Mr. MOORE. And we will not lose the right to offer such amendments as we desire?

Mr. FITZGERALD. No; the understanding is that you have the right to offer further amendments.

Mr. MOORE. Do I understand that the whole matter will go over until Tuesday next?

Mr. FITZGERALD. Until the next day we take the bill up, some day next week.

Mr. MOORE. I am prepared to go on with the Frankford matter now.

Mr. FITZGERALD. I prefer to have the matter all settled at one time.

Mr. MOORE. I will ask the gentleman this as a matter of general convenience. We have waited patiently here according to the agreement of last Saturday. Can we have an understanding that it will be taken up on Monday or Tuesday morning? If the gentleman says it will come up on Tuesday morning, that will relieve the situation.

Mr. FITZGERALD. We will take it up when the gentleman from Tennessee returns.

Mr. MOORE. Does the gentleman intend to press the further consideration of the bill on Monday?

Mr. FITZGERALD. I shall move for consideration of the bill whenever it is in order.

Mr. MOORE. Notwithstanding Monday is District day, according to the calendar?

Mr. FITZGERALD. That is a matter for the House. I shall make the motion, and the House can decide for itself. I intend to move the consideration of this bill at every opportunity. This fiscal year ends in about 10 days. If the House does not want to progress rapidly, the responsibility is upon the House.

Mr. MOORE. Then, we are given notice to be prepared on Monday, Tuesday, or Wednesday?

Mr. FITZGERALD. I give no notice of any kind except that I want to proceed with the bill as rapidly as possible.

Mr. MANN. The gentleman from New York knows that, as a matter of right, we should return to this matter this morning.

Mr. FITZGERALD. I do not think the gentleman has a right to return to it at this time.

Mr. MANN. It was only passed over for the day, but of course it does not make any difference.

Mr. FITZGERALD. The gentleman from North Carolina now in the chair would hardly care to dispose of the pending amendment until the point of order is disposed of, and no further amendment is in order at that place.

Mr. MANN. I think it is in order.

Mr. FITZGERALD. I think not, with the point of order pending.

Mr. MANN. It was a matter passed over for the convenience of the chairman, and the agreement was that we should return to it the first day thereafter.

Mr. FITZGERALD. The belief was that this bill would be under consideration last Tuesday, but it was shut out because of the conference report on the naval bill.

Mr. DONOHOE. Might we not have an understanding that in case the gentleman from Tennessee [Mr. GARRETT] is in the chair on Tuesday next we can go back to this item?

Mr. FITZGERALD. I will ask the House to return to it as soon as the gentleman from Tennessee returns, whether it be Tuesday or not.

Mr. MOORE. We have been here three or four days, waiting patiently, while the chairman of the committee has been away.

Mr. FITZGERALD. Oh, my absences are so infrequent that when I am absent it is conspicuous, which can not be said of the gentleman from Pennsylvania.

Mr. MOORE. Can we have a definite arrangement that this will be taken up on Tuesday morning?

Mr. FITZGERALD. If the gentleman from Tennessee is in the chair, and the House considers the bill on Monday, I may call it up on Monday.

Mr. MOORE. The gentleman having been absent for three or four days for his own convenience is not inclined to consult the convenience of others.

Mr. FITZGERALD. Mr. Chairman, the gentleman's statement is so unfounded and unjust that I wish to say that this arrangement was made for his accommodation and not for mine.

Mr. MOORE. Oh, I beg the gentleman's pardon. He did not make the arrangement for me.

Mr. FITZGERALD. Because he desired to leave the city last Saturday, while I remained here to perform my public duties.

Mr. MOORE. Oh, that is not the fact. The RECORD will disclose the request did not come from me.

Mr. FITZGERALD. Mr. Chairman, I ask the Clerk to read the bill.

Mr. MANN. Mr. Chairman, on Saturday last this item was passed over until Tuesday, or the first day that the House resumed consideration of this bill. That was the order and agreement by unanimous consent. The Chairman of the Committee of the Whole now being temporarily absent, and there being a point of order reserved, of course the present occupant of the chair will not care to pass upon the point of order; but under the circumstances the gentleman from New York [Mr. FITZGERALD] ought also to consult the convenience of other Members. I notified the gentleman from Pennsylvania [Mr. MOORE] yesterday that under the unanimous-consent agreement the Frankford Arsenal matter would come up to-day, and that I

supposed the point of order and the amendment would be passed over because of the temporary absence of the gentleman from Tennessee [Mr. GARRETT]. I think the gentleman from New York ought to be reasonable about it. What is the objection to saying it will be taken up next Tuesday?

Mr. FITZGERALD. Mr. Chairman, I do not know whether the House will determine to proceed on this bill on Monday or not, but if it does, and the gentleman from Tennessee [Mr. GARRETT] is in the chair, I shall ask that the matter be disposed of at that time. If it has to go over until Tuesday, I will ask that it go over until Tuesday.

Mr. MANN. What is the objection to agreeing now that it will come on Tuesday?

Mr. FITZGERALD. If the gentlemen desire it to go over until Tuesday, I have no objection.

Mr. MOORE. That is all we ask.

Mr. FITZGERALD. Perhaps the bill may be disposed of before Tuesday. That will be my hope.

Mr. MANN. I think the gentleman is indulging in a vain hope.

Mr. FITZGERALD. Mr. Chairman, I am satisfied that it go over until Tuesday, if that will accommodate these gentlemen who are anxious to leave.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL MILITARY PARKS.

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; compensation and expenses of three civilian commissioners, maps, surveys, clerical and other assistance, including $300 for necessary clerical labor under direction of the chairman of the commission, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; roads and their maintenance; purchase of small tracts of lands heretofore authorized by law; in all, $57,060.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 61, line 2, strike out the word "three."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. Mr. Chairman, I have here a matter referring to this entire bill, which will only take one or two minutes' time of the committee. I refer to an article published in the Plate Printer, the official organ of the International Steel and Copper Plate Printers' Union of North America, a subordinate body of the American Federation of Labor, which I desire to read, as follows:

"JAMES C. COURTS—A PUBLIC SERVANT THE VALUE OF WHOSE SERVICES ARE KNOWN OF ALL MEN—HE IS MODEST, PATIENT, KIND, AND COURTEOUS—THE APPROPRIATIONS COMMITTEE, SINCE IT WAS SET UP, IN 1865, HAS HAD BUT TWO CLERKS—SERVED UNDER RANDALL, HOLMAN, SAYRES, CANNON, HEMENWAY, TAWNEY, AND FITZGERALD.

"If we were asked the question, What man, among the hundreds of thousands in the Government service, is indispensable in his position? our first thought would be of James C. Courts, clerk of the Committee on Appropriations of the House of Representatives. Many men, including hundreds of Representatives, have had the same thought regarding Mr. Courts. Time has well demonstrated that no man's services are indispensable; but it is a truth which no man will dispute, that there is not in the Government service to-day a more valuable public servant than the subject of this sketch. And if his compensation were gauged relatively to his value to the Government his salary would be the topnotcher of all those on its pay rolls.

"Mr. Courts was born in the Trinity River country of Texas. When but a boy he moved to Tennessee. He studied law, and the supreme court of that State gave him a certificate admitting him to the bar.

"In 1877 John D. C. Atkins, of Tennessee, was chairman of the Committee on Appropriations. Knowing young Courts's ability, he made him assistant clerk of that committee. The clerk at the time was Robert J. Stevens, of California. He was appointed to that position by Thaddeus Stevens in 1865. Although he bore the same name as the first chairman of the committee, the two were not relatives. Mr. Stevens resigned in 1883, and Mr. Courts succeeded to the clerkship. He has held the position for 31 years. Mr. Stevens and himself are the only clerks the committee has had since its foundation.

"The committee was first constituted in 1865, and Thaddeus Stevens was named as chairman. Prior to that year the appropriations, with some few exceptions, were made by the Committee on Ways and Means. In the same year another new committee, that on Banking and Currency, was constituted. To this committee was given jurisdiction over all questions of banking and currency. Such questions had hitherto belonged to the Ways and Means Committee. At the same time, all the great appropriation bills were given to the new Appropriations Committee. In 1880 the Committee on Agriculture was given jurisdiction over the appropriations for that department. In 1886 the Committees on Military Affairs, Naval Affairs, Post Offices and Post Roads, Foreign Affairs, and Indian Affairs were given charge of their respective appropriation bills.

"Prior to 1865 the Government did not have a fiscal year, and there was great looseness in appropriations, so much so that it was always a difficult matter to determine just what were the Government's responsibilities regarding them.

"A notable case in point was an act passed during the war granting bounty to Volunteer soldiers who reenlisted. That was a continuing, indefinite appropriation, and the Treasury honored all claims under it until 1874. In that year Chairman Garfield put through Congress what was called the "covering-in act," and ever since all appropriations have been made for the fiscal years named.

"Prior to 1874 when Congress authorized the construction of a public building the Treasury honored all demands on that account over a series of years until the building was completed.

"Samuel J. Randall was chairman of the committee when Mr. Courts succeeded to the clerkship. He has therefore served under Chairmen Randall, Holman, Cannon (twice), Sayres, Hemenway, Tawney, and Fitzgerald.

"Mr. Courts is modest, patient, courteous, and faithful to duty. These are characteristics of his nature. His fund of knowledge regarding the details of legislation is seemingly inexhaustible. Thousands of Representatives and persons having business with the Appropriations Committee during the past 30 years would attest that they never went in vain to Mr. Courts for information. They would also with one voice declare that his patience, his courtesy, his kindness were never failing.

"Observe him from the gallery as he sits beside a chairman of the committee during the long hours, days, and weeks when the House is considering appropriation bills. A chairman is asked some question regarding some item in the bill. Oftentimes the chairman has not the information at hand. He inclines his head to the clerk beside him, and Mr. Courts in a low voice, not audible in the galleries, gives the desired and correct information. The chairman apparently, to one not a close observer, gives the information without a hitch, as though he had possessed it all the while. This happens scores of times during the consideration of any appropriation bill.

"And so it has been for more than 30 years. Congresses may come and Congresses may go, but James C. Courts stays on forever. The political complexion of the House affects not his tenure. There is not enough political influence in the United States to oust him from his office. That truth tells the story of the value of his services to the Government."

Mr. PAYNE. Mr. Chairman, I am very glad to join with the gentleman from Washington in the tribute that he has paid to a faithful servant of this House whom I have known personally during all of my service here. I can testify to the truth of every word that is stated in his praise in the newspaper article which the gentleman has just read.

But I rose also to pay another tribute this morning. My esteemed and honored colleague, Mr. GOULDEN, has paid a tribute to a resident and citizen of my own town, Clinton Dougall MacDougall. When the gentleman from New York was paying that tribute I was absent from the House attending the last rites to Gen. MacDougall at Arlington. I knew Gen. MacDougall as a young man, as a soldier, and I have known his career since, both in the political and in the business world. I want to indorse everything that his comrade, Mr. GOULDEN, has said. He was an honored citizen of my own town, a faithful soldier—nay, more than that, a brilliant soldier, who never knew fear, who maintained strict discipline, although a volunteer soldier without experience when he went into the Army, a man who rose high on the rolls of the Army during the War of the Rebellion. He was one of the best soldiers that the Republic has produced. He was in many battles and was wounded severely at times, but his unfaltering courage never wavered. He was always true to duty on the field of battle. He had a successful career in Congress prior to my coming here, and I rise to pay this tribute to one of my old friends. [Applause.]

The Clerk read as follows:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battle field of Shiloh, Tenn.; compensation of three civilian commissioners; secretary; clerical and other services; labor; historical tablets; maps and surveys; roads; purchase and transportation of supplies and materials; office and other necessary expenses, $25,800.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 61, line 12, strike out the word "three."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BARTON. Mr. Chairman, I would like to ask the gentleman from New York the reason for that amendment, which is similar to the one agreed to in the paragraph preceding?

Mr. FITZGERALD. Mr. Chairman, a year or two ago it was provided that as vacancies in the office of civilian commissioners in these parks occurred they should not be thereafter filled. When the commissions go out of existence the duties devolve upon the War Department. Vacancies have occurred in some of the commissions and there are not three commissioners, and it is thought advisable to strike out the provision for three commissioners.

Mr. BARTON. The gentleman leaves in the words "civilian commissioners"?

Mr. FITZGERALD. Yes; and propose to strike out the word "three."

Mr. BARTON. Will that increase or decrease the number?

Mr. FITZGERALD. The number can not be increased, but in some instances where the vacancies occur there will be less than three.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battle field and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services, expenses, and labor; purchase and preparation of tablets and gun carriages and placing them in position; and all other expenses incidental to the foregoing, $50,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 62, line 1, strike out the word "three."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; compensation of three civilian commissioners; engineer and clerk, labor, iron gun carriages, mounting of siege guns, memorials, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps, surveys; roads, bridges, restoration of earthworks, purchase of lands, purchase and transportation of supplies and materials; and other necessary expenses, $42,200.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 62, in line 8, strike out the word "three."

Mr. MOORE. Mr. Chairman, may I ask the gentleman from New York what his purpose is in striking out the number of civilian commissioners? He has already done so in the case of Gettysburg, and now he applies it to the Vicksburg National Park.

Mr. FITZGERALD. As I have already stated, a provision was enacted last year or the year before providing that vacancies in civilian commissioners should not be filled, and as the commissions go out of existence their duties are devolved upon the War Department. Some vacancies have occurred in some of the commissions, so there are no longer three commissioners, and it was deemed advisable to strike out the word "three" and just provide for civilian commissioners.

Mr. MOORE. This would not affect those now in office?

Mr. FITZGERALD. It does not affect those in office and does not in any way affect the number except as by operation of the law the number is reduced.

Mr. MOORE. I think it is due to say as to the Gettysburg Commission, about which I know something, that perhaps it is unexcelled in the matter of competency and patriotism, and that it has done wonderfully efficient work.

Mr. FITZGERALD. It does not affect anybody who is a member of the commission at all.

Mr. MANN. May I ask the gentleman why does he provide an engineer at Vicksburg and not at the other parks? That seems to be a new proposition.

Mr. FITZGERALD. As I recall, at Vicksburg the grounds are much less advanced than at the other parks, and this man has charge of this work, and the two places are combined, and he acts as both clerk and engineer.

Mr. MANN. Have we had this man there before under the appropriations heretofore made?

Mr. FITZGERALD. They had an engineer and a clerk and they dispensed with one position, and this man acts in both capacities.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For widening to not exceeding 18 feet and improving surface of roads and for building bridges and culverts, from the belt-line road to the western border; from the Thumb Station to the southern border; and from the Lake Hotel Station to the eastern border, all within Yellowstone National Park, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $75,000.

Mr. FOSTER. Mr. Chairman, I notice in this paragraph just read that there is a new provision, saying that these roads shall be built not exceeding 18 feet wide, suitable and safe for automobiles and other vehicles. I want to know what is the reason this item was put in that provision, "not exceeding 18 feet"?

Mr. FITZGERALD. It developed that the roads were being built about 30 feet wide, and the committee believed that roads 18 feet wide were sufficient, and that we should not go to the expense of building roads as wide as 30 feet.

Mr. FOSTER. It is simply a matter of economy?

Mr. FITZGERALD. For instance, the standard road in the State of New York is 16 feet wide. There are reasons why the roads in the Yellowstone Park should be somewhat wider, but to build 25, 50, 70, or 75 miles of road 30 feet in width seemed to the committee to be unnecessary, and we desired to put that limitation.

Mr. FOSTER. All right.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The committee deemed it wise in connection with this item to limit the width of the road to 18 feet. I am not altogether certain but what it will be found that that is rather narrow in some places on these roads, but it came out in the hearings or developed in the hearings that the road leading to the west entrance was being widened to a width of 30 feet, and the committee believed that was an unnecessary and excessive width, and that if these roads were generally widened to a width of 30 feet the cost would be so great that Congress would not be inclined to continue the work. If it shall develop that there are places on these roads where they should be widened to a greater width than 18 feet, that can be provided for hereafter; therefore I did not insist on my objection to this limitation in width, because, as a matter of fact, most of the roads are not being constructed to a width in excess of 18 feet and a large portion of the construction is 16 feet.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Can the gentleman inform the committee as to the width of the roads already established where they are around curves and the like? My recollection is that more than 18 feet is absolutely necessary. We all recognize that 18 feet is adequate for a straight course, but where there are sudden turns, as there are many instances in the Yellowstone National Park, it would be necessary to have a much wider road to insure safety.

Mr. MONDELL. I think the gentleman is correct, and that was the thought I had in mind. However, the committee was of the opinion that there was a disposition on the part of the engineers to widen all the roads to an unnecessary width, and that 18 feet was as wide a road as would be necessary—at least in the straight stretches. Even under this limitation I suppose the engineer would be entirely justified in widening the roads on the turns.

Mr. STAFFORD. But does not this provision, as the gentleman reads it, absolutely limit the construction to 18 feet, whether on turns or whether it is on straight stretches? There is no exception at all made under this provision.

Mr. MONDELL. There are places where the roads come together, junctures, turns, and curves, where, I think, the engineer could very properly assume that that was an exceptional case; but in any event the road foundation can be made wider than 18 feet. We are not completing this work absolutely, and if after working under this appropriation for a year it shall develop that we have unwisely limited the width of the road we can remedy that. In the meantime this provision, as I say, does not prevent the engineer from making such foundations wider than this.

Mr. STAFFORD. The engineer would be guilty of direct violation of the provision if he attempted to evade it in the manner suggested by the gentleman.

Mr. MONDELL. Nothing of the kind. On the contrary, there are roads, so far as the grading is concerned, and so far as the foundation of the roads is concerned, that are, I presume, 40, or even 50, feet wide in the park. Under this limitation the engineer would not be expected to put the finish to the road beyond 18 feet.

Mr. STAFFORD. If he laid the foundation, I believe the gentleman will agree——

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I will say frankly to the gentleman that, personally having a very considerable interest in Yellowstone Park, I was not anxious to have this language inserted in the bill. The committee was inclined to insist on it, and as far as the major portion of the roads is concerned it is wide enough.

Mr. STAFFORD. I am surprised that he is approving it.

Mr. MONDELL. I only agreed to it because it seemed to the committee that there was a disposition on the part of the engineers to widen the roads at some points unnecessarily.

Mr. STEVENS of Minnesota. May I ask the gentleman a question?

Mr. MONDELL. Yes.

Mr. STEVENS of Minnesota. To what extent have motor vehicles been introduced in the park, and what difference will such introduction make as to the width of these roadways?

Mr. MONDELL. Motor vehicles have not been introduced into the park at all except as regards a country road in the northwest corner of the park in Idaho that is no part of the park system. This widening of the roads is for the purpose of putting them in condition so that they can be utilized for motor vehicles, it being the opinion of the officers in charge that it would be unsafe to allow motor vehicles on the present roads without widening. This is the second appropriation, I believe, for widening the roads. I think last year's appropriation was the first under a plan for the widening of the present roads sufficient to make them safe for both motor and horse-drawn vehicles.

Mr. FITZGERALD. If the gentleman will permit me, the authorization to widen and improve these roads for motor-propelled vehicles only applies to those roads which lead from the outside of the park, the boundaries of the park, to certain points on the belt line.

Mr. STEVENS of Minnesota. Then, may I ask, before motor vehicles can be allowed in the park the whole system of roadways must be widened?

Mr. FITZGERALD. Yes. It is estimated it will cost something over $2,000,000. We have restricted the work that is being done so that persons can go from the place from which they start and into the park by automobiles and reach certain stations. Then, if they wish to go around the park, they can go around in horse-drawn vehicles.

Mr. MONDELL. It is true that while up to this time no provision has been made for the widening of the main circuit, these appropriations for the widening of the approaches, when they shall have been used and the roads shall have been so widened, will make it possible to reach the belt line with automobiles over any of the roads from the outside. Now, there will be no difficulty after that is done in having regulations established under which motor vehicles could go from point to point on the belt line at a time when carriages are not going over the roads. In other words, motor vehicles could very properly be allowed to go from point to point on the belt line at night or early in the morning, at a time when the horse-drawn vehicles are not on the roads.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. This appropriation when used is expected to put the roads leading into the park in such condition that motor vehicles can reach the belt-line system from any direction over which there is a road. Thereafter we can either continue widening the roads, or if that is not done, or until it is done—it will be entirely practicable, and I hope it will be done—provide by regulation to allow motor vehicles to pass over the roads at a time when horse-drawn vehicles are not using them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For widening to not exceeding 18 feet and improving the surface of roads and for building bridges and culverts, in the forest reserve leading out of the park from the east boundary, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $20,000.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on this paragraph.

Mr. MONDELL. The gentleman knows that the paragraph is not subject to a point of order.

Mr. FOSTER. I do not know that. We have not had a decision from the Chair yet.

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. FOSTER. Mr. Chairman, I will get a little information first. This is a provision for widening the roads in a forest reserve?

Mr. MONDELL. Will the gentleman allow me to make a brief statement in regard to the matter?

Mr. FOSTER. Can the gentleman answer the question? Is that a fact?

Mr. MONDELL. It is.

Mr. FOSTER. That by this bill you are taking away from the Agricultural Department the right to control roads and build roads and are putting it in this bill?

Mr. MONDELL. We are not taking anything. We are just continuing our jurisdiction.

Mr. FOSTER. Continuing your jurisdiction? You mean extending it.

Mr. MONDELL. I do not mean extending it. I mean just what I say. This road, the East Road, or Cody Road, as it is known, was built out of appropriations carried in the sundry civil bill. It has always been maintained out of appropriations carried in that bill. The item which precedes this has a provision for ordinary repairs for the road. This is simply an item for the widening of that approach as we have widened other approaches. This road was built as a part of the park system out of appropriations carried in this bill, and has always been a part of the park system.

Mr. FOSTER. This provides for widening the roads and building bridges in the forest reserve, which is not a part of the parking system.

Mr. MONDELL. It is true that this road is in the forest reserve; but it is also true that this road was built as a part of the park system, and a part of that was done before this land was in the forest reserve. It is a road started years ago, built from appropriations carried in this bill, and no other appropriations have ever been made for it; no other funds have ever been used either for its construction or repair other than the funds carried in connection with the park item in the sundry civil bill.

Mr. FOSTER. This, though, is a new item in the bill here?

Mr. MONDELL. It is only a new item in the sense that it is for the widening of this road as distinguished from the ordinary repair of the road; it is a new item just as the preceding item was a new item last year.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question?

Mr. MONDELL. Yes.

Mr. HAMILTON of Michigan. The gentleman speaks of this road being within the park system. Does he mean it is within the area of the park?

Mr. MONDELL. No; it is not.

Mr. HAMILTON of Michigan. Then it is outside of the park proper?

Mr. MONDELL. It is.

Mr. HAMILTON of Michigan. And it is within the forest reserve?

Mr. MONDELL. It is. But there are two roads leading into the park which are partly within the forest reserve and which have always been carried in the sundry civil appropriation bill in connection with park items. One of them is the road leading from the south, from the Thumb to Jackson Lake. The other is the road leading from the east boundary down the North Fork of the Shoshone. It happens to be in a forest reserve; but that does not change or alter the fact that it is a road built out of park appropriations and maintained always from those appropriations.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. GOULDEN. These roads are exclusively in the forest reserve?

Mr. MONDELL. A part of this particular road is in the forest reserve and a part of it is in the park.

Mr. GOULDEN. And it is intended as an outlet from Yellowstone Park to where?

Mr. MONDELL. It is an outlet from Yellowstone Park in the direction of Cody. It is the outlet to the Chicago, Burlington & Quincy Railroad.

Mr. GOULDEN. It is a connection between the railroad at Cody or some other station and the Yellowstone Park?

Mr. MONDELL. This road does not extend to within 30 miles of the railroad. It extends only to the boundary of the forest reserve. There are about 30 miles of road that is outside of the forest reserve maintained by the local people.

Mr. GOULDEN. There is a road leading from the railroad station to the terminal of this road, as I understand it?

Mr. MONDELL. Yes; a good one.

Mr. FOSTER. Mr. Chairman, I believe that while it is true that when this road was built this land was not in the forest reserve, still it is now a part of the forest reserve and under the control of the Agricultural Department, and is not a part of the parking system.

Mr. MONDELL. Let me make a suggestion to my friend before he proposes his point of order. I do not think the point of order is good. But, assuming that it is, the Forest Service has no money to repair this road. It is a road that, so far as the Forest Service is concerned, is of little value to them. It is not the kind of road that they build. They build roads leading across the reserves, having value in connection with forest matters. They would not repair this road if you gave them the opportunity to do so. They have not any desire to repair it. They need their money for expenditure elsewhere. I am sure the gentleman from Illinois has no desire to allow this road to get into a condition where it can not be used, because it is one of the very important entrances to the park. So far as the people of Wyoming are concerned, we would be perfectly willing to have the Forest Service take care of the road, if they had the money to do it or were disposed to. They are not disposed to spend any money on the road, and they have no money available to spend on the road. They need whatever small sums they have elsewhere, for roads leading across the forest reserves or leading from ranger station to ranger station.

Mr. FOSTER. Mr. Chairman, I think that this is not a matter that comes within the jurisdiction of the national parks, and I do not believe that that item has any place in the bill providing appropriations for parks.

Mr. FITZGERALD. Mr. Chairman, if the gentleman from Illinois will permit me, I think the Agricultural appropriation bill carries about half a million dollars for roads in the forest reserves. The roads that are built by the Forest Service, however, are roads that are essential for the proper maintenance of the forest reserves.

Mr. FOSTER. Oh, not entirely so. I think the gentleman will recall that many of these roads are built through the forest reserves for the convenience of the people who go through them when it is necessary for them to do so, and also for the purpose of enabling the officials of the Forest Service to go through them. The Government built these roads so that the people may go over them.

Mr. FITZGERALD. No. The appropriations are to enable the Forest Service to build such roads and trails as are necessary for the proper maintenance of the forest reserves. But this road from Cody to the eastern entrance to the park is the road that goes from one of the railroad stations through a forest reserve into the park. If it were put in such condition that automobiles could be used on it, persons can go from Cody to the eastern entrance of the park to the belt line in one day. The road now is not in very satisfactory shape. There has been a dispute for some time as to whether the Forest Service should improve and maintain it or whether it should be maintained as part of the expenses of the Yellowstone National Park.

In the item on page 62 there is included $7,500 for the maintenance of the road in the forest reserve leading out of the park at the east boundary, which is this road, and not to exceed $2,500 for maintenance of the road in the forest reserve leading out from the south boundary. These roads are to be considered as a part of the roads of the park system, and the cost should be charged to the expense of maintaining the park. It is contended—and I think correctly—that the Forest Service is not justified in spending the money that would be necessary to put them in proper shape out of this appropriation.

This is a question of making available roads in the park. After some discussion it was thought advisable to include this item in order to put the road in proper shape. Perhaps it will not cost so much to maintain it hereafter.

Mr. FOSTER. Does the Forest Service have control of this reserve, or does the parking system have control?

Mr. FITZGERALD. The War Department, under the language of the other appropriation, maintains it.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOSTER] make a point of order?

Mr. FOSTER. Yes; I make a point of order.

Mr. MONDELL. Before discussing the point of order, Mr. Chairman, I would like to know what the point of order is.

Mr. FOSTER. The point of order is that this road through the forest reserve is not a part of the parking system, and that the roads of the Forest Service are under the control of the Agricultural Department. This attempts to build roads through the forest reserve, which is not a part of the parking system.

Mr. MONDELL. Mr. Chairman, that is not a very clear point of order.

The CHAIRMAN. The Chair will ask the gentleman from Wyoming whether the Committee on Appropriations has any jurisdiction over the forest reserves?

Mr. MONDELL. The Committee on Appropriations has jurisdiction over this road, and I want to lay down two propositions in regard to it.

Mr. FOSTER. They have no jurisdiction over the forest reserves.

Mr. MONDELL. If the gentleman will allow me, I would like to quote a few facts as against the gentleman's fancy.

Mr. FOSTER. The gentleman may have some fancies himself.

Mr. MONDELL. This is a work in progress; it is an item to finish a work in progress, undertaken and carried on wholly by and under the War Department, now under the supervision of the War Department, always under the supervision of the War Department, never undertaken by the Agricultural Department, and never at any moment under the supervision of the Agricultural Department.

This East, or Cody, Road was first provided for in an appropriation carried in the sundry civil bill in connection with park appropriations, providing for its construction by the War Department by the same officers as constructed the roads within the park. My recollection is that that first appropriation was made some eight or nine years ago. It was carried continuously until the road was completed. It was carried in the same item as the park appropriation, the construction item. In other words, the item was for roads within the Yellowstone Park so much, a certain portion of which was to be used for the construction of the East, or Cody, Road. The road was constructed in that way.

Every one of the park appropriations since the road was completed has carried, as the present appropriation carries, in the item preceding this, a provision in connection with the park appropriation for maintaining this road. The current appropriation bill is as follows:

> Yellowstone National Park: For maintenance, repair, and improvements, $125,000, of which sum $75,000 shall be immediately available, including not to exceed $15,000 for the maintenance of the road in the forest reserve leading out of the park from the east boundary.

That is the existing, current law. That is the way that item has been carried for years.

Now, we have inaugurated some extensive work of improvement in connection with the park roads. That is the work of widening them so as to make them available for motor-drawn vehicles.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MONDELL. As soon as I get through with this statement.

Mr. HAMILTON of Michigan. I thank the gentleman.

Mr. MONDELL. And in connection with that enlarging work we have this item that relates to this park road, the part of it that is in the forest reserve and outside of the park.

Now, I will yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. Simply for my own information I want to ask the gentleman if there has grown up a system by which the Federal Government undertakes to construct roads for the State of Wyoming running to the park, calling it a park system, and the Government standing the expense? If so, how long has the Government been doing that?

Mr. MONDELL. Oh, no; there has not any such system as that grown up. I want to call the attention of the gentleman to the fact that the Yellowstone National Park——

Mr. HAMILTON of Michigan. I know about the Yellowstone National Park.

Mr. MONDELL. Every acre of it that amounts to anything is within the State of Wyoming.

Mr. HAMILTON of Michigan. Exactly. We all know that.

Mr. MONDELL. It is a part of the State of Wyoming.

Mr. HAMILTON of Michigan. Yes; but it is a Government reservation, within the jurisdiction of the Government. As I understand, you have an extension of the highways out into the State of Wyoming, which would properly be under the control and supervision of the State of Wyoming, but a system has

grown up there by which the Federal Government has maintained these roads for the State of Wyoming.

Mr. MONDELL. Of course the gentleman is mistaken; that is all.

Mr. HAMILTON of Michigan. I should like to know about it.

Mr. MONDELL. This East Road, so called, is about half in the forest reserve and half in the park. It leaves the main park system at the outlet of the Yellowstone Lake, passes over the divide via Sylvan Lake, down Jones Creek, to the boundary of the park, and continues down the north fork of the Shoshone through the forest reserve. The only part that the Government has built is the part in the park and in the forest reserve. There is no part of it outside of the forest reserve. I will say for the information of the gentleman from Michigan [Mr. HAMILTON] that no States in the West build roads within forest reserves if they can help it. They get no taxes from forest reserves. They receive no income from forest reserves. As far as they are concerned, forest reserves are absolutely unremunerative.

Mr. HAMILTON of Michigan. Are all these roads across forest reserves?

Mr. MONDELL. The road that the gentleman from Illinois [Mr. FOSTER] has made his point of order on, some 29 miles of it, is on a forest reserve.

Mr. HAMILTON of Michigan. I was only thinking how convenient it would be for a State, if it has within its borders a Federal park or reservation, simply to have the reservation roads extended out into the State.

Mr. MONDELL. If they will open that forest reserve and give it to the State of Wyoming, we will not ask anybody to build any roads; but it strikes me that the gentleman from Michigan is rather straining a point when he insists first that our lands shall be kept in perpetual reservation, so that we receive no income from them, and then that we shall build roads over them.

Mr. HAMILTON of Michigan. I was just thinking of the other States.

Mr. MONDELL. That is far from the point.

The CHAIRMAN. The Chair desires to ask the gentleman from Wyoming whether this appropriation is to be spent wholly within the forest reserve?

Mr. MONDELL. This particular item is to be spent wholly in the forest reserve, as the item which preceded it is to be spent also on a particular section of road. In other words, in this widening of the roads of the park system we have indicated the particular part of the roads which we wanted widened. But the important matter is this: That this is a work in progress; that this road was built by the military officers. It was built by the War Department, and has always been repaired by the War Department under appropriations carried in this bill, and the repairs for this particular road are in the item which precedes this, which is an item that embraces the park roads, all of them, so that it is and has been recognized as a part of the park system.

Now, it happens that this particular section of this particular approach is in a forest reserve, the upper end of the road being in the park; but the fact that the land over which the road is built happens to have been included in a forest reserve, a part of it, since the road was built, does not alter the fact that it is a road built with appropriations carried in this bill, built by the War Department, built by the same officers who have built the park roads, built with the same organization, built with the same tools, built at the same time, and always continued under the jurisdiction of the park officers. It has never been under the jurisdiction of any other department of the Government.

It does not seem to me, Mr. Chairman, that there could be any sort of question in regard to it. If this goes out on a point of order, there are items in this bill for areas or parks entirely surrounded by a forest reserve that must go out. That does not change the situation in regard to this road. If the theory of the gentleman from Illinois were correct, then all it is necessary to do to abolish an approach to a national park which has been built by the War Department and is maintained by the War Department as a part of the park system, is to establish a forest reserve. We know that the forest-reserve officials will not care to take charge of a road of that kind if authorized to do it. The only way they could take charge of this road would be by specific authorization, which would require a change of law to put it under their jurisdiction. Assuming that they wanted it, they have no funds to widen this road.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. I understand this appropriation is for the improvement of a road entirely within the boundaries of the forest reserve outside of the national park.

Mr. MONDELL. Yes.

Mr. RAKER. And it is solely under the Government supervision and control?

Mr. MONDELL. Absolutely.

Mr. RAKER. Then it seems to me that the Government ought to improve those roads, in order to have the approach into the national park.

Mr. MONDELL. The point of the gentleman from Illinois [Mr. FOSTER], so far as he has made any point at all, I assume to be that inasmuch as the road is within the forest reserve, therefore we can not appropriate for it on this bill. If that were true, there are other appropriations carried in this bill that would go out on a point of order. Without regard to the location of the road, it was built in connection with the park system by the officials of the War Department, by the same organization that built the other park roads, and it is being maintained by the park appropriation. The only reason why this particular item was segregated is that we are segregating all these items for widening these roads.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. I would like to say to the gentleman that when you expend the money for maintaining the park, and the county and State expend money building good roads outside, the Government ought to build good roads on the intervening territory over the forest reserves. The Government has absolute jurisdiction of the forest reserves, and they ought to put those roads in shape, so that the people can have the use of it and get into the park. It is absolutely necessary, so that the people can have the benefit of it.

Mr. MONDELL. The gentleman knows that the people of Wyoming do not use the road to any considerable extent. It is a tourists' road.

Mr. RAKER. Yes; I had the pleasure of going over the road, and also the roads in Oregon, and the Government ought to put the roads in shape so that the people can get into the park.

Mr. FOSTER. Yes; but the Government ought to do it in the right way.

Mr. MONDELL. As far as the people's interest is concerned, it would be immaterial to them whether the money was spent by the Forestry Bureau or spent out of the appropriation made in this bill. It would make a great deal of difference to the forestry officers, because they have no funds with which to build and repair roads like this.

I appealed to the Forestry Service two years ago when a bridge on this road got into such a condition of disrepair that it was dangerous. I appealed to the local forestry officers, and they said, in the first place, they had not any funds; and, in the second place, it was not the sort of a road that they built and repaired; and, in the third place, they had no jurisdiction over the road; that the War Department had a crew up there at work, and it was for them to make the repairs.

Mr. BARTON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BARTON. The suggestion was made by the gentleman from Michigan that the appropriation was more for the benefit of the people of Wyoming. I would like to ask the gentleman this question: I find an item of $211,000 for the improvement of the harbor at Marquette, Mich. Does not the gentleman think that the people would profit more by the building and widening of this road than they would by this harbor improvement?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FOSTER. Mr. Chairman, the hearings disclosed the fact that when the chairman of the committee asked Capt. Knight in reference to this item he answered that this was a new item; that it had never been in any of the bills before. Then he described the road running from the eastern boundary of the park through the forest reserve toward Cody. The length of the road is 28 miles and the estimated cost $56,000. So the $20,000 now being appropriated, according to the testimony, was a part of the beginning of the widening of this road and never had been in the bill before. Therefore it is only the beginning of a new project, this widening of the road, so as to make it possible to travel from Cody to the park with automobiles. That is the history of the transaction, as outlined before the Committee on Appropriations. It will cost $2,000 a mile. This was the beginning, so that it seems to me clearly that it is not a continuing project. It is a different proposition entirely in the forest reserve, and the Committee on Appropriations does

not control the appropriations for building roads in forest reserves, and I think it is clearly subject to a point of order.

Mr. MONDELL. The gentleman insists that because we are beginning the widening of the road that therefore it is a new project.

The CHAIRMAN (Mr. HAY). Assuming that it is a work in progress, does that give jurisdiction to the Committee on Appropriations necessarily?

Mr. MONDELL. I assume that the committee retains jurisdiction of the works that it builds, unless there is some legislation which deprives them of that jurisdiction. This committee has provided every dollar that has been used for building and the repair of the road. The item that we just passed provides $7,500 for the repair of the road.

The CHAIRMAN. But the point of order was not made against that item.

Mr. MONDELL. There is no other department of the Government that has jurisdiction. The fact that the road is within the forest reserve does not necessarily give the Agricultural Department jurisdiction by any manner of means. We have many public works in forest reserves not under the jurisdiction of the Agricultural Department.

Mr. MANN. Mr. Chairman, I would like to be heard a moment on the point of order. While my colleague refers to this as a new project, and in one sense that is true, no one questions, I believe, that this is for the repair and improvement of a road in existence. The item is in order on some bills so far as its being a work in progress is concerned, and the question, I take it, that is bothering the Chair is whether this item is in order on this bill or on the Agricultural appropriation bill. If this were an item for the construction of the new road in the forest reserves, the item would be in order, if at all, on the Agricultural appropriation bill, which carries appropriations for improvements in the forest reserves. The Chair will remember, first, that this road was in existence before the forest reserve was created, under the jurisdiction of the War Department, as an approach to the park. Not only that, but it is now under the jurisdiction of the War Department, not under the jurisdiction of the Agricultural Department or the Forest Service.

The CHAIRMAN. How is it under the jurisdiction of the War Department when all the forest reserves are under the jurisdiction of the Department of Agriculture?

Mr. MANN. It is under the jurisdiction of the War Department, as a matter of fact, first, because we make an appropriation, and have for years, for the maintenance of this particular road. Not only is that appropriation carried in this bill, but it is carried in the current law. It has been carried in the law for years, an appropriation for the maintenance of a road in the forest reserve leading out of the park from the east boundary. That is in the current bill, it is in the current law, and it has been carried for years. That maintenance is under the jurisdiction of the War Department. The Chair asks how that could be. This road was constructed before the forest reserve was created, when the land was a part of the public domain, and under the jurisdiction of the War Department, and was retained under the jurisdiction of the War Department when the forest reserve was created. The creation of the forest reserve by a proclamation of the President did not change the jurisdiction of the War Department over this road as an adjunct to the Yellowstone National Park.

The CHAIRMAN. Did the proclamation of the President creating this forest reserve except this road?

Mr. MANN. Probably not.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. MANN. No. I do not want to be diverted from the point of order. That is all I want to argue. Whatever may be the theory of it, the War Department retained jurisdiction of that road. The jurisdiction was not taken away, as a matter of fact, nor as a matter of law, in my opinion, by the order of the President creating a forest reserve with certain exterior boundary limits. Congress, then, has repeatedly asserted that the jurisdiction over this road remained in the War Department by making an appropriation for the maintenance of the road by the War Department.

The Chair will readily see that you could not in the Agricultural appropriation bill make any appropriation for this road to be expended by the War Department; that is, it would be subject to a point of order. The agricultural appropriation bill can not carry an item for the War Department to expend, and we would be placed in this attitude if the Chair should sustain the point of order: First, we make an appropriation for the repair and maintenance of the road to be expended by the War Department. That is not only in the law, but that is in the bill, and that would be the effect. The War Department maintains the road, and when it comes to widening the road, which is a form of repair of the road, if this should be carried in the Agricultural appropriation bill, that would be done by the Forest Service, and there would be two jurisdictions over this road. The Forest Service has never exercised jurisdiction over this road. I think it would require a positive statute to change the jurisdiction of the road from the War Department to the Agricultural Department. The road, to begin with, was an adjunct of the Yellowstone National Park. That authority has not been changed, and for years Congress has recognized the jurisdiction of the War Department over this road by making an appropriation for its maintenance, and it has never recognized the jurisdiction of the Forest Service over the road.

Mr. MONDELL. They have declined to accept the jurisdiction.

Mr. MANN. I do not think they would have authority to accept the jurisdiction. There are many pieces of property in forest reserves that do not belong to the Government. The Government does not undertake to determine when it creates a forest reserve by order of the President that all the land included within the exterior limits of the forest reserve belong to the Government. There are many pieces of property in all these forest reserves which belong to private individuals, and even hamlets, villages, perhaps, are within the exterior limits of the forest reserves. The jurisdiction of this road was not changed from the War Department to the Agricultural Department by the order creating the forest reserves; and since Congress has repeatedly recognized the jurisdiction of the War Department and the War Department is now engaged in maintaining jurisdiction over this road by order of Congress, that is where the jurisdiction rests, as it seems to me.

Mr. FOSTER. Mr. Chairman, I want to say just one word. The gentleman from Wyoming [Mr. MONDELL] endeavored to recognize the fact that this did belong to the forest reserve, because he attempted to get an item in the appropriation bill for the Agricultural Department to build a certain bridge, as stated by him awhile ago.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MONDELL. The gentleman entirely misunderstood me. I said nothing of the kind. I said I traveled over a part of this road a couple of years ago, and that we came to a bad bridge, and that we asked the forest officer there present——

Mr. FOSTER. Was not that the bridge the gentleman tried to get an appropriation for when the Agricultural bill was up for consideration?

Mr. MONDELL. It was not. I have not tried to get an appropriation for a bridge that I have not gotten. This was a bridge over a small stream. The forest officer was there, and we asked him if he could not use some of the forest funds and put that bridge in repair so that we could get across it, and he said he had no jurisdiction.

Mr. FOSTER. Then, Mr. Chairman, I withdraw the statement. When this forest reserve was created by proclamation of the President, it is very likely that these roads and trails all went along with the forest reserve, and if it is necessary to build this road through the forest reserve from Cody to the eastern boundary of the Yellowstone Park, it is an easy thing for the Agricultural Committee to make this appropriation to build it, and an attempt to put it on this bill and change the jurisdiction of the Agricultural Committee over the appropriation for forest reserves, it seems to me, is out of order.

Mr. RAKER. Mr. Speaker, I would like to say a couple of words on the point of order.

The CHAIRMAN (Mr. HAY). The Chair is ready to rule. It is very clear to the Chair that the forest reserves of the United States are under the jurisdiction of the Agricultural Department, and therefore that any appropriation, speaking generally, made for the purpose of improving forest reserves should be made by the Committee on Agriculture, and that the Committee on Appropriations has not jurisdiction over such appropriations; but in this case it is stated, and not contradicted, that for many years the War Department has had control of this road, that the control has not been disputed by anyone, that the Department of Agriculture has not undertaken to exercise any control over it, and that the road itself has been kept up by the War Department by appropriations made in this bill. Under the circumstances, and applying it to this case alone, the Chair is of opinion that the point of order is not well taken and therefore overrules it.

Mr. LEVY. Mr. Chairman, I ask unanimous consent to return to page 49 and to offer the following amendment as a substitute.

The CHAIRMAN (Mr. Pou). The gentleman from New York asks unanimous consent to return to page 49. Is there objection?

Mr. FITZGERALD. For what purpose?

Mr. LEVY. To offer a substitute for that section.

Mr. FITZGERALD. Let us hear it read first.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 16 to 24, inclusive, on page 49, and insert in lieu thereof the following:

"Valuation of property of carriers: The Interstate Commerce Commission is hereby directed to advertise for bids from financial experts for the purpose of carrying out the objects of the act providing for a valuation of the several classes of property of carriers subject to the act to regulate commerce and amendments thereto, and to secure information concerning their stocks, bonds, and other securities, and to award the contract to the lowest bidder. Said valuation shall be completed within four years and shall not exceed $5,197,000; and to enable said commission to carry out the provisions of this section there is hereby appropriated $1,000,000."

Mr. FITZGERALD. I will reserve the right to object for five minutes.

Mr. LEVY. Mr. Chairman, the reason I offer this is that the appropriation in the item contained in this bill is some $1,900,000. I have here an estimate made by a very distinguished expert in railroad values, and he asked me to submit the following estimates to you. That estimate is as follows:

NEW YORK, N. Y., *February 24, 1914.*

Hon. JEFFERSON M. LEVY,
Washington, D. C.

DEAR MR. LEVY: I respectfully request you to submit to Congress the following proposition on my behalf:

That upon a duly authorized and executed contract I will value the United States railroads and carry out the provisions therefor of the Federal valuation act, which passed the House of Representatives December 5, 1912, the Senate, with amendments, February 24, 1913, and was approved March 1, 1913, entitled "Enabling Interstate Commerce Commission to value property of common carriers and prescribing certain methods of procedure; in the physical valuation and securing information concerning their stocks and bonds and boards of directors, amending an act to regulate commerce approved February 4, 1887, by adding thereto a section known as section 19a."

The valuation of each property to show, as required by act March 1, 1913

Original cost to date.

Cost of reproduction new.

Cost of reproduction less depreciation, with analysis of methods with reasons for differences.

Other values and elements, if any, with analysis of methods with reasons for differences.

Original cost, lands, rights of way, terminals, owned or used at time of dedication, and present value.

Original and present cost condemnation damages or purchase in excess of original cost or present value.

And show in addition to requirements of act—

Potentialities.

Going value, whether decreasing or increasing.

Possibilities.

Probabilities.

Strategetic value, if any, of location.

Strategetic relationship to competitors.

Strategetic relationship to general and specific commodities carried.

Show as required by act March 1, 1913—

Properties held for purposes other than those of common carrier, original cost and present value, with analysis of each and reasons for differences.

History and organization of present and previous or subsidiary corporations.

(In the matter of histories of railroads, I now have the most complete data extant; in many instances more complete records of their individual acts than the companies themselves.)

Increases and decreases of stocks, bonds, and other securities, and moneys received upon syndicating, banking, and financial arrangements.

Net earnings.

Gross earnings.

Expenditures of all moneys and purposes for which same were expended.

In regard to stocks and bonds, will show exactly properties upon which they were a lien and the precedence of such lien, that is, first, second, third, or other lien.

In regard to expenditures in operation, will separate actual expense of operation from expenditures for betterments, additions, replacements, and specify expenditures for repairs and expenditures chargeable to depreciation. (Much of the data for this work I now have on hand.)

Further, in regard to the active stocks and bonds, I can show in detail those which have become obsolete or worthless through acts of corporations, and which, through corporate acts, such stocks or bonds should not enter into the cost or value of a specific company.

Show as required by act March 1, 1913:

Amount and value of any aid, gift, grant, or right of way or donation to any carrier or previous corporation, by the Government of the United States, or any State, county, municipality, individuals, associations, or corporations.

Any grant of land to any carrier or previous corporation by the Government of the United States, or any State, county, or municipality, and the amount of money derived from the sale of any portion of such grants, and the value of any unsold portion thereof at time acquired and present time.

Also value of any concession and allowance made by such common carrier to the Government of the United States, or to any State, county, or municipality, in consideration of such aid, gift, grant, or donation.

All facts, data, and records used to be in the form of legal evidence, adapted to each valuation in an orderly and classified manner, so that they can be availed of at any time in the future upon any required date or upon the hearings upon tentative values subject to review.

From the facts deduced, reconstruct the present method of accounting promulgated by the Interstate Commerce Commission and formulate a modern, up-to-date, and comprehensive system of accounting under the provisions of section 20 of the act to regulate commerce, so that the books and records of a railroad will show from the trial balances, as reports rendered to the Interstate Commerce Commission, the actual and real status of each company, and from which the tangible and intangible values may at all times and at any time in the future be deduced.

All of this work and valuation to be begun within 60 days from date of signing and execution of contract and finished within from 3 to 4 years from date of beginning, for the sum of $5,197,000, to be paid $100,000 upon execution of contract and balance in monthly installments, as work progresses, with 10 per cent reserve until last payment is due, such sums when so paid to be in full for the work above referred to.

I further agree to give a reasonable and fair bond as security for the faithful and full completion of the work.

I will also further agree that in all matters of assistants—adaptation being equal—to give preference to the available skill, first, in the Army and Navy; second, in the civil-service lists; third, to the general American public, reserving the right of choice and determination of the most efficient skill required in the different departments, and also reserving the right of instant removal for want of skill or efficiency or the discovery of lack of high moral character, so that when the work is finished the Government will have a corps of assistants of the highest skill and qualifications in matters of railroad valuation and knowledge.

Very respectfully,

E. C. M. RAND.

BRIEF OF FEDERAL VALUATION ACT—H. R. 22593.

Passed House of Representatives December 5, 1912.

Passed Senate with amendments February 24, 1913.

Approved March 1, 1913.

Enabling Interstate Commerce Commission to value property of common carriers and prescribing certain methods of procedure.

Physical valuation and securing information concerning their stocks and bonds and boards of directors.

Amending an act to regulate commerce approved February 4, 1887, by adding thereto a new section, known as section 19a.

First. Each piece of property: Original cost to date; cost of reproduction new; cost of reproduction, less depreciation, with analysis of methods, with reasons for differences. Other values and elements, if any, with analysis of methods, with reasons for differences.

Second. Original cost of lands, rights of way, and terminals owned or used at time of dedication and present value. Original and present cost of condemnation damages or purchase in excess of original cost or present value.

(Can give, in addition—going value, potentialities, possibilities, probabilities, strategetic relationship to competitors, strategetic relationship to general and specific commodities carried.)

Third. Property held for purposes other than those of common carrier. Original cost and present value, with analysis of each and reasons for differences.

Fourth. History and organization present and previous corporations. Increases and decreases stocks, bonds, and other securities and moneys received. Upon syndicating, banking, and financial arrangements. Net earnings. Gross earnings. Expenditures of all moneys and purposes; same expended.

(Can give in detail properties upon which stocks and bonds are or have been liens upon; stocks and bonds which have been forfeited by foreclosure or otherwise.)

Fifth. Amount and value of any aid, gift, grant, or right of way or donation to any carrier or previous corporation by the United States Government or any State, county, municipality, individuals, associations, or corporations.

Any grants of land to any carrier or previous corporation by the United States Government or any State, county, municipality, and the amount of money derived from the sale of any portion of such grants and the value of any unsold portion thereof at time (acquired) and at present time.

Also the value of any concession and allowance made by such common carrier to the United States Government or to any State, county, or municipality in consideration of such aid, gift, grant, or donation.

Paragraph 9. Commission from or proscribed. Method of procedure, Form in which result shall be submitted. Classification of elements that constitute ascertained value.

Investigation shall show value in whole and separately, value each State, Territory, and District of Columbia classified in detail.

Paragraph 10. Commence 60 days after approval and reported as progressed to Congress, beginning each session thereafter, until completed.

Paragraph 11. Coiner pursuant to commission or its agents from time to time as required maps, profiles, contracts, reports of engineers, other documents, records, papers, or copies of any or all.

Free access to agents; cooperate and aid.

Paragraph 12. Commission keep informed as to extensions and improvements or other changes in condition. From time to time revise and correct and revise and correct valuations.

Paragraph 13. Carriers' report as commission requires.

Paragraph 14. Thirty days' notice when tentative valuation is completed and before such valuation shall become final by registered letter to carrier, Attorney General of the United States, governor of the State, and such additional parties as the commission may prescribe, and allow 30 days in which to file protest. If no protest, valuation becomes final.

Paragraph 15. If protest, then hearing. Final determination, prima facie evidence in Interstate Commerce Commission proceedings.

Paragraph 16. If in trial—Interstate Commerce Commission—court refer to Interstate Commerce Commission to hear and determine question value and report back to court

Paragraph 17. Applies to receivers and operating trustees; forfeit $500 each offense.

Paragraph 18. Attorney General at request of Interstate Commerce Commission to prosecute and secure writs of mandamus.

Paragraph 19. Amending title as at beginning.

MEMORANDUM OF PARAGRAPHS IN RE ANSWERING FEDERAL-VALUATION ARGUMENTS.

Is the appreciation of commodities the depreciation of money?

Changes in rates of wages for substantially all kinds of labor and in prices of most commodities has materially altered the purchasing power of money.

Railway rates have not been adjusted to this diminished value of money.

The involuntary and unsolicited reduction in railway rates has gone so far as seriously to threaten the stability of railway wages and railway income. Eighteen hundred and ninety-seven, 15-ton car, New York to Chicago, 10,500 gross. No change in class rates. Produces same to-day.

Chicago to New York—basis rates east Mississippi River and north James, Potomac, and Ohio Rivers.

More than 40 per cent of gross receipts of railways is expended in payment of employees.

Employees—now about $1,100,000,000 per year; 10 years ago were $700,000,000.

The dollar of 1897 will purchase 20 per cent less labor to-day.

An increase in rates for to-day of over 30 per cent would barely give the roads the same earning power they had 15 years ago, and then not make up the unprovided-for depreciation alone, saying nothing of supercession *and obsolescence* or reasonable advance in facilities.

Fuel represented about 11 per cent of cost of operation 15 years ago, which was about $1 for fuel for each $17.25 of gross earnings, while to-day it takes $1 for fuel for each $12 of gross receipts.

Taxes have increased during past 15 years over 15 per cent.

Increased cost of regulation owing to increased expenses; costs roads $100,000,000 per year, as follows:

1. Preparation and publication of rate schedules.
2. Compilation of statistics.
3. Litigation under regulatory statutes and expenses.
4. Special appliances.
5. Additional employees and wages, and regulation of hours.

Revenue has been reduced by—

1. Regulatory orders.
2. Suggestions with force of orders.
3. Statutory reductions.

New capital costs more to-day than 15 years ago in interest and discounts owing to lack of security, property being mortgaged to limit money found only upon basis of surplus from earning, reached through additional preferred stock, additional common stock, company notes.

Interstate Commerce Commission shows rates declined 1897 to 1907 0.798 to 0.759 mills per ton, 4.89 per cent.

The indirect loss from withdrawal of confidence in American railroad investments would be immeasurable. Such a readjustment would become archaic almost from the outset, because the adjustment of securities based upon the values of to-day might be totally erroneous to-morrow unless the values were made on modern requirements and theories and systematically corrected when the elements of value changed through operation.

Present value depends on the highest practicable use to which a thing may be put.

Now, Mr. Chairman, I want to say under the system we have now in vogue the cost of making the valuation by the Interstate Commerce Commission will cost approximately $25,000,000, and if continued, as proposed, it will take many years. Not alone that, but it will cost equally as large a sum to the railroads of this country, and this eventually will be paid for by the people. It is a great and grave mistake to keep on continuing the system of allowing the Interstate Commerce Commission to hold up the whole country, as it is being held up at the present time, by withholding decisions.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. LEVY. Certainly.

Mr. MANN. I did not understand how much this gentleman says this valuation can be made for by private contract.

Mr. LEVY. My amendment states that it must not exceed $5,197,000. Here is Mr. Rand's estimate. He offers to give a fully protected contract in his statement, which I have placed in the RECORD.

Mr. FITZGERALD. But who would take his estimate?

Mr. LEVY. He offers to give security.

Mr. MANN. But who will accept his opinion?

Mr. LEVY. It will be done under contract through the Interstate Commerce Commission.

Mr. MANN. How can they agree to the contract?

Mr. LEVY. They make up the specifications, and the lowest bidder gives security for faithful performance of his contract.

Mr. MANN. But who will take this man's opinion as to the values?

Mr. LEVY. The values they would get by this means are better than the Interstate Commerce Commission could secure by selecting——

Mr. MANN. But who would know whether they were or not?

Mr. LEVY. The lowest bidder would give ample security.

Mr. MANN. They could get somebody to do it for $1,000,000. I could do it in a few minutes for a good deal less than that; but when you get it, what good is it?

Mr. FITZGERALD. I could do it for $200,000.

Mr. LEVY. It is my purpose to bring before the House the importance of this and see if, in some way or other, we can not avoid this enormous, extravagant expense which will be entailed upon the country for 25 years.

Mr. FITZGERALD. Oh, no.

Mr. LEVY. Under the system proposed, at least 20 years.

Mr. MANN. But what people will accept the valuation? Does the gentleman himself believe he can give a valuation of the railroads in the United States?

Mr. LEVY. The purpose is to take the lowest bidder who is an expert in valuation——

Mr. FITZGERALD. What is this man's business?

Mr. LEVY. He is a financial expert; but I am not indorsing any particular individual. There are many expert accountants and appraisers in this country.

Mr. FITZGERALD. That does not mean anything. I know those fellows.

Mr. LEVY. I am informed Mr. Rand has a great reputation as an expert.

Mr. MANN. How does a financial expert qualify to give the valuation of railroad property?

Mr. LEVY. Because of his ability along that line.

Mr. FITZGERALD. Has he worked for the railroads?

Mr. LEVY. I understand by his references that Mr. Rand has worked for the stockholders, and railroads as well, in many cases. He has been selected by important interests all over the country.

Mr. FITZGERALD. Maybe the railroads are trying to put up a job on us.

Mr. LEVY. My sole object is to correct the evils of the present system, and one that would be more economical and bring the valuation to an early conclusion. The Interstate Commerce Commission is holding the whole country up for two or three years on a decision, whereas many of the courts of this country are not allowed to withhold a decision over 60 days; but the withholding of the present rate decision by the Interstate Commerce Commission has interfered with the prosperity of the whole country. The eastern rates decision should have been decided months ago.

You have given them more power and they are more extravagant than any other department of the Government.

Mr. MANN. We do not agree with that.

Mr. FITZGERALD. We can not let that statement go unchallenged.

Mr. MOORE. Suppose we spent $5,000,000 to obtain the physical valuation of the railroads of the country, does the gentleman think that, even after we obtained it, it would help us to secure a decrease in the cost of living?

Mr. LEVY. I do not. But I want to say that I am not converted to this proposition. I only wanted to bring it before the House and show the importance of it and in comparison with the extravagant system we have now.

Mr. MOORE. Does the gentleman think we ought to spend $5,000,000 at all?

Mr. LEVY. No.

Mr. MOORE. How would it decrease the cost of living?

Mr. LEVY. I only want to say here that the system we are going on at the present time, of holding the whole country up and hitting at the business interests of the country, is disastrous.

Mr. FITZGERALD. Mr. Chairman, this is a matter of very vital importance. If there be a doubt in the mind of any other Member of this House, except my colleague, that this work should be done by contract rather than under the supervision of the Interstate Commerce Commission, I would like to know it. I shall not object to the amendment, if offered, in order that we can get a vote and find out just what the situation is.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. LEVY]? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. MOORE. Mr. Chairman, I have collected some letters and statistics on the subject of the cotton trade, which I would like to extend in the RECORD. And I ask unanimous consent that I may do that.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

All public spaces resulting from the filling of canals in the original city of Washington not now under the jurisdiction of the Chief of Engineers of the United States Army, except such portions as are included in the navy yard or in actual use as roadways and sidewalks, and except the portions assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station, respectively, are placed under the jurisdiction of the Chief of Engineers of the United States Army and shall be laid out as reservations as a part of the park system of the District of Columbia: *Provided*, That in addition to the provision made by section 4 of the act approved July 1, 1898 (Stat. L., vol. 30, p. 570), the Chief of Engineers of the United States Army shall have authority to grant permission to the municipal authorities of the District of Columbia or to any of the executive departments to occupy temporarily spaces derived from original canal locations when required by public necessity or convenience: *Provided further*, That a statement of all permits granted from time to time hereunder shall be annually reported to Congress at the beginning of each regular session thereof.

Mr. MANN. Mr. Speaker, I reserve a point of order on the paragraph. I do not have much knowledge concerning this matter. As to these public spaces resulting from the filling in of the canals in the original city of Washington, what are they? And if we turn them over to the War Department, why should we then let the War Department turn them over to somebody else?

Mr. FITZGERALD. There are quite a number of these public spaces and they are not under the jurisdiction, apparently, of anyone. The District of Columbia has erected some buildings on some of them, and the Department of Agriculture, I believe, has erected some buildings on other portions. The Engineer Department believed that it was desirable to have control over them by some officials of the Government, and, since they had been utilized in this way, not to interfere with such use as was now being had of them, and if it was desirable to permit other use, to give them authority to grant that use. I think that that portion of the provision is not of importance. It might be wise to reserve the right to Congress to determine whether these spaces should be used or not. But there are a number of them, and they should be in the control of some officials of the Government.

Mr. MANN. As to the spaces which are now not occupied by any branch of the public service, either the District or otherwise, I do not see any objection to turning them over to the War Department. But I would not then give the War Department authority to turn them over to somebody else. If they are made a part of the parks, why should they not remain a part of the parks? The gentleman says that some of these spaces are now being occupied by the buildings of the Agricultural Department. There is no exception in here as to the Agricultural Department, I notice.

Mr. FITZGERALD. I was mistaken about the Agricultural Department. The buildings I had in mind are in another place. These are the spaces specifically occupied now.

Mr. MANN. Where were the canals, if I may expose my ignorance and thereby get information?

Mr. FITZGERALD. I would have difficulty in describing them unless I could point them out on a map to the gentleman. There is one here to the west of the Capitol, if I recall——

Mr. MANN. That was the old Tiber River that ran down there.

Mr. FITZGERALD. No; it was the canal.

Mr. GOULDEN. I remember the canal very well. It ran through where the Botanic Garden is and down through the Mall, and then down to the river.

Mr. MANN. That was the old river.

Mr. FITZGERALD. What was known as the James Creek Canal ran down there.

Mr. MANN. According to that, if the gentleman is correct, it would turn over the Botanic Garden to the War Department.

Mr. FITZGERALD. No.

Mr. MANN. That is what this would do.

Mr. FITZGERALD. No; it would not, because the Botanic Garden does not occupy a portion of the spaces that have been filled in.

Mr. MANN. Well, the Botanic Garden is there. I do not think it occupies the space, but the gentlemen have testified that it did.

Mr. FITZGERALD. I did not say that it ran through where the Botanic Garden is.

Mr. MANN. It is public property all the way across there. The old Tiber River ran through the Botanic Garden space. I do not think that is where the canal was, but I do not know.

Mr. PAGE of North Carolina. If the gentleman will permit me, I had occasion to run across what was said to have been this filled-in canal, and it ran from just about the foot of Capitol Hill, at this southwest corner, down almost parallel with South Capitol Street, and there is an appropriation in the District bill of this year to pave across some broken spaces. How long it has been built in I do not know, and I was told by the engineer of the District that that was the location of this canal that is now being discussed here.

Mr. MANN. How could that canal down here west of the Capitol get down into the navy yard?

Mr. PAGE of North Carolina. I can not explain to the gentleman how it got there unless it had a very circuitous route and went into the Anacostia River somewhere in the locality.

Mr. FITZGERALD. The statement was made that the purpose of these canals was originally to bring stone to the Capitol. And these spaces, wherever the canals were—these unoccupied spaces—do exist, and I think it is desirable to put them under the authority of some one. As to whether it is wise to permit the War Department to give these temporary permits, it may be a matter——

Mr. MANN. I do not think that is wise. I make the point of order on the proviso commencing in line 14 of the paragraph.

Mr. FITZGERALD. It is subject to a point of order.

Mr. MANN. I make the point of order on the proviso.

Mr. FITZGERALD. If the gentleman would move to strike it out there would be no opposition.

Mr. MANN. There is no question about its being subject to a point of order, commencing with the word "provided" in line 22 and running down to the end of line 25.

Mr. FITZGERALD. If the gentleman will withdraw the point of order, I will move to strike that language out.

Mr. MANN. Very well. I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to strike out all after the word "Columbia," in line 14, to the end of the paragraph.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to strike out the proviso from line 14 to the end of the paragraph. The question is on agreeing to that motion.

The motion was agreed to.

Mr. TRIBBLE. Mr. Chairman, I ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Potomac Park is made a part of the park system of the District of Columbia under the exclusive charge and control of the Chief of Engineers of the United States Army, and subject to the provisions of section 6 of the act approved July 1, 1898 (Stat. L., vol. 30, p. 570).

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I did not get time to look it up, but will the gentleman be kind enough to tell us what are the provisions of the act of July 1, 1898?

Mr. FITZGERALD. It refers generally to the parking system of the District. It places all reservations over a certain area under the jurisdiction of the War Department, and the President, if I recall correctly, is authorized to make certain rules and regulations for the control of the parks, to which certain penalties attach, and it was desired to bring the Potomac Park within the purview of that act.

Mr. MANN. I supposed the Potomac Park was already under the authority of the President to make regulations.

Mr. FITZGERALD. It is; but this act defines the parking system and authorizes these regulations as to penalties, and this item is to prevent nuisances and abuses in connection with the parks.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The Clerk will read.

The Clerk read as follows:

The Chief of Engineers is authorized to permit, at his discretion, boat clubs to erect, maintain, and occupy boat houses in the portion of Potomac Park east of the railroad embankment, and to provide and maintain landing and mooring facilities along the water front; all such permits to be revocable at will by the Chief of Engineers and to be conditioned upon the payment of such periodical rates of compensation as may be fixed by him; all sums collected hereunder shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the revenues of the District of Columbia: *Provided*, That the said structures and facilities shall be located, built, and altered only in accordance with such plans and specifications as may be approved by the Chief of Engineers, and that the Chief of Engineers may make and enforce such regulations for the maintenance, occupation, and use of said structures and facilities as he may deem proper: *Provided further*, That a statement of all permits granted from time to time hereunder shall be annually reported to Congress at the beginning of each regular session thereof.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. MANN. I would like to ask whether it is the intention under this provision to permit buildings to be erected on the portion of Potomac Park lying east of the railroad, along the northern side of that park?

Mr. FITZGERALD. East of the railroad embankment?

Mr. MANN. East of the railroad on the northern side of the park, on the water front there, or the inlet, or whatever it is.

Mr. FITZGERALD. On the south side.

Mr. MANN. The south side is along the Potomac River.

Mr. FITZGERALD. That is the place.

Mr. MANN. The highway runs along there.

Mr. FITZGERALD. These boathouses, if I understand correctly, are not to be built on——

Mr. MANN. I think the intention would be to put the houses on the north side in the so-called Washington Channel.

Mr. FITZGERALD. No. These boathouses are built on floats.

Mr. MANN. And they would be in the way of a view to the river to anyone walking along there or driving on the Speedway.

Mr. FITZGERALD. No. The roadway along the river is considerably above the level of the river. This practice has been followed in other cities; in the city of New York, for instance, along where the Speedway is built, they have facilities where these boathouses are permitted, and they have a float connecting the boathouses with the land. They are usually small, two-storied buildings where the boats are housed and the upper parts of the buildings are used for the installation of lockers.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. I may be mistaken, but my understanding is that they intended to put these boathouses, or make leases for these boathouses, on the Washington Channel side, not on the Potomac River side.

Mr. MANN. I think it is a bad thing to do, either way, in a public park. Why should we permit people, because they want to use the water—a very laudable desire—to ruin the looks of a park that is maintained there for all the people?

Mr. FITZGERALD. It does not ruin the looks of the park.

Mr. MANN. Oh, I have seen them, and I know they do.

Mr. FITZGERALD. It makes these parks available for purposes that they otherwise would not be available for. Nobody can go down east of the embankment on the Potomac Park unless he takes a vehicle or takes quite a long walk. If the facilities were there for the boathouses, the river could be utilized for boating, and they would add very much to the attractiveness of the place.

Mr. MANN. I do not see how they would add to the attractiveness of the place.

Mr. SELDOMRIDGE. Would these boathouses be similar to those on the Schuylkill River, in Fairmount Park, Philadelphia?

Mr. FITZGERALD. Yes.

Mr. SELDOMRIDGE. They are quite commonly used in parks?

Mr. FITZGERALD. Yes. They add to the attractiveness of the parks.

Mr. MANN. Oh, I have helped to resist this at home so long that resistance is a second nature with me. There are plenty of places for boathouses, without putting them in the park. If they have any place for boathouses, they ought to be owned by the Government as a part of the park system and not be under the control of a club.

Mr. FITZGERALD. This provision merely permits these boathouses to be placed along there. It gives access to the river to a great number of people who wish to utilize it, and it conduces to the health and development of the people. It is along the most highly progressive lines of legislation that may be suggested.

Mr. MANN. It is along the line of progressive legislation that the moment you get a park every personal and special interest wishes to grab it and put up a lot of little, cheap, unsightly buildings. They could not put up a permanent building that would be decent and appropriate and agreeable to look at, because the permits would be revocable at will.

Mr. FITZGERALD. Has the gentleman ever seen a boathouse?

Mr. MANN. Oh, yes. Like the gentleman from New York, I live upon a large body of water.

Mr. FITZGERALD. That is fresh water.

Mr. MANN. Yes; it is fresh water, and good water, too. It it not the filthy liquid that you have around New York Bay. [Laughter.]

Mr. FITZGERALD. The gentleman has not been to New York lately.

Mr. MANN. No; not as lately as the gentleman has.

Mr. STAFFORD. Mr. Chairman, I think if the gentleman were familiar with the character of the buildings referred to by the gentleman from Colorado [Mr. SELDOMRIDGE], for instance, those in Fairmount Park, Philadelphia, he would not interpose any objections to this provision. Coming from a fresh-water country, like myself, he thinks we have no need of those things, because the water there is too rough for rowing; but the denizens of cities like Philadelphia and New York and Boston have many oarsmen and canoeists who have need of such a combination. The character of the buildings that would be used would not be of the character suggested by the gentleman, but would be of the ornate character of those to be seen in New York, Philadelphia, and Boston. They are permanent and built of stone.

Mr. MANN. The permits are revocable at will, and nobody but a crazy man would build a permanent structure there under such conditions.

Mr. STAFFORD. The Chief of Engineers of the Army would be in control, and he would not permit the erection of an unsightly shanty or shack down there at the water front, but would require buildings in harmony with the location.

Mr. MANN. Ever since this park was established everybody has been trying to grab a slice of it. The Smithsonian Institution wants to get a piece of it for an aeronautical laboratory, or something of that kind, and other people want to get the center of it for their private use.

Now, here comes a proposition to take the exterior of it for a boathouse. When a new park is being built everybody wants to get it for their special interest. I think these parks ought to be preserved for the benefit of the people at large, and that exclusive privileges ought not to be given to anybody.

Mr. STAFFORD. This will be for the benefit of the public at large.

Mr. MANN. Not at all.

Mr. STAFFORD. The public can not utilize it without granting this permit to some one.

Mr. FITZGERALD. It has been suggested that permission be given to lay out a tennis court, a baseball diamond, and a golf course.

Mr. MANN. And they wanted to lay out a race course.

Mr. GOULDEN. They have got a race course there now.

Mr. MANN. Oh, no.

Mr. FITZGERALD. No one has yet suggested setting up a merry-go-round, but that might be suggested. The purpose is to provide facilities where people may go and obtain recreation and exercise under proper supervision. Now, rowing in shells is not such a form of recreation that the Government could easily supervise it. Persons must have some training and experience, and it must necessarily be conducted by private clubs. This merely gives them an opportunity to locate their house along the water front. I am in favor of what has been suggested, of making that part of the park a great recreation center for the people of Washington, and to permit no acquisition of exclusive special privileges by any person for selfish purposes.

Mr. MANN. The gentleman knows that there is not in Washington now a single large park where they cater to the man who does not ride, who does not own an automobile.

Mr. STAFFORD. That is the very purpose of this provision.

Mr. FITZGERALD. I speak for those who, like myself, can not afford automobiles.

Mr. STAFFORD. If the gentleman will permit, he is aware that persons who wish to go rowing at their own expense must go away out here to Georgetown to obtain a canoe or boat. This provision will enable the persons whom he describes to be within easy access of the water.

Mr. MANN. I would have it so that the Government owned a boathouse there and rented boats to everybody alike.

Mr. FITZGERALD. That is an entirely different matter.

Mr. STAFFORD. This will permit the association of persons for rowing——

Mr. MANN. To grab up a part of the water front.

Mr. FITZGERALD. What the gentleman from Illinois [Mr. MANN] suggests is an entirely different matter. I have no doubt, in time, provision will be made for a boathouse where any person may be able to go and hire a boat in which it will be safe for a man who does not use a boat more than once in six months——

Mr. MANN. Like the gentleman from New York and myself. We both of us live in cities which have water fronts.

Mr. FITZGERALD. In which it will be safe for such a man to navigate the waters in front of the city of Washington. This is for a different purpose. I would not suggest and would not wish anybody to induce the gentleman from Illinois [Mr. MANN] to make an attempt to go out in a racing shell.

Mr. MANN. Like the gentleman from New York [Mr. FITZGERALD], I am light-headed enough to float. [Laughter.]

Mr. STAFFORD. The gentleman from Illinois is large enough of girth so that he would float anyway.

Mr. MANN. I would not be weazened, like the gentleman from Wisconsin.

Mr. FITZGERALD. With my knowledge of what has been done in this regard at other places, I think this is a very desirable provision to remain in the bill. However, I desire not to take up too much time on it.

Mr. MONDELL. I think if the gentleman from Illinois [Mr. MANN] would investigate these matters——

Mr. MANN. That remark is entirely unnecessary. I have been over to the park to investigate the matter, and I am sure that the gentleman from Wyoming has not, he not being familiar with bodies of water, anyhow.

Mr. MONDELL. The gentleman always knows more about what some one else has done than they know themselves.

Mr. MANN. That is what every fellow who wants to make an argument throws at me. In this particular case I do know more about it than the gentleman from Wyoming does.

Mr. MONDELL. The gentleman says he knows more about the matter than I do; perhaps so. It so happens that I was at Potomac Park last evening, so that my last visit was quite recent. The gentleman has said that there are plenty of places where boathouses could be built and where boats could be moored, adjacent to Washington. Evidently the gentleman has not investigated that matter, and I have, because I enjoy boating; and I would be very glad to find some place where I could get a boat kept, so that I could have a small boat within easy reach. The fact is, you must either go to Georgetown or else you must go across the river to the vicinity of Alexandria. It is true there is a very limited space down near the old fish market where there is a boat club, but that space is very limited and it is entirely filled up and utilized.

Washington has a magnificent water front. There ought to be a great deal of boating here, very much more than there is. One reason why there is not more is because there never have been satisfactory facilities placed within easy reach where people could keep their boats. Now, this peninsula, reaching out into the river, is peculiarly adapted for that sort of use, and it will in no wise injure it or affect it for other purposes to so use it. It will encourage boating in the city. It will give the gentleman from Lake Michigan an opportunity to keep a boat or hire a boat or secure a boat without going a great distance, and to enjoy a boat on the water adjacent to the city best adapted to boating; and I hope he will not make a point of order.

Mr. MANN. I make the point of order against the item.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Toward the construction of necessary retaining walls in Meridian Hill Park, $25,000.

Mr. MANN. Mr. Chairman, I make a point of order against that item.

Mr. RAUCH. Mr. Chairman, this is an appropriation for a continuation of work necessary to the preservation and upkeep of this park, which was recently bought and paid for by the United States Government. The committee do not think the item is subject to a point of order.

The CHAIRMAN. The Chai. would like to hear the gentleman from Illinois [Mr. MANN].

Mr. MANN. The committee have not produced any authority for this item, and it is necessary to obtain authority. There is no authority that I know of anywhere for an appropriation for these retaining walls. It is the duty of the Committee on Appropriations to furnish the authority, because they propose the item.

Mr. FOSTER. I am not with the Appropriations Committee on this. I should like to see this go out, but I thought, there being a park there, that the improvement should be made.

Mr. MANN. Here is an item for a retaining wall. I make the point of order. It is not my duty to produce authority for it. I can not do that. I do not think there is any authority for it.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Telegraph to connect the Capitol with the departments and Government Printing Office. For care and repair of existing lines, $500.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I am curious to know what telegraph lines are owned by the Government connecting the Capitol with the various departments.

Mr. RAUCH. All the departments are connected with each other and with the Government Printing Office.

Mr. STAFFORD. With telegraph or telephone lines?

Mr. RAUCH. I think the Senate has a telegraph line.

Mr. MANN. I think they have abolished it as we have abolished it. This is an old item, and I think ought to go out of the bill.

Mr. RAUCH. I think it is still in operation on the Senate side.

Mr. MANN. It may be in operation from the Government Printing Office very likely. Does the gentleman happen to have a statement showing how much was expended last year? When we abolished the two telegraph clerks which we had on the House side of the Capitol at an expense of $1,000 or $1,200 each, there was a good deal of talk about how inconvenient it would be for Members of Congress. I wonder if anybody here has ever been inconvenienced. I think during my service in the House I never sent or received a telegram in that way, and I wonder if anybody else ever did.

Mr. RAUCH. I can not give the gentleman that information. I never have experienced any inconvenience.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Commission of Fine Arts: To meet the expenses made necessary by the act approved May 17, 1910, entitled "An act establishing a Commission of Fine Arts," including the purchase of periodicals, maps, and books of reference, to be disbursed, on vouchers approved by the commission, by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission, $5,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the paragraph. This Fine Arts Commission has been in existence a good while. It has been contended that it has cost the Government a great deal of money. I do not know whether the people have realized the benefit from the amount of money that has been expended in the change of plans for the beautifying of Washington or not.

Mr. MANN. The gentleman will remember that the Commission of Fine Arts is not the so-called Burnham Commission that proposed plans for beautifying Washington. This is not that commission.

Mr. FOSTER. No; this has to do with monuments, statues, and public buildings.

Mr. MANN. We passed a law a few years ago, to which reference is made in this paragraph, providing that monuments, statues, and everything of that kind, or plans, should be submitted to the Commission of Fine Arts before they were approved; and they have submitted a lot of things to that commission on the Panama Canal—some of them perhaps profitably and some of them an unnecessary expense to the Government. But if you abolish the appropriation, leaving the law the way it is, it would not be possible to carry into effect many acts of Congress, because the department can not proceed in a good many things until the matters have been submitted and approved by this Commission of Fine Arts; that is, where the approval is called for by specific acts of Congress.

Mr. FOSTER. The law provides that before any statues can be erected they must be submitted to the Fine Arts Commission?

Mr. MANN. That is my recollection.

Mr. FOSTER. So if the appropriation should go out, they could not do the work.

Mr. MANN. They could not do the work. That was the McCall bill, that passed Congress several years ago.

Mr. FOSTER. Then I do not want to interfere with it. Otherwise I would like to see it go out.

Mr. MANN. I was not enthusiastically in favor of the McCall bill when it passed the House three or four years ago, but still it passed Congress after considerable discussion.

Mr. FOSTER. Mr. Chairman, I withdraw the motion.

The Clerk read as follows:

Memorial to Gen. Ulysses S. Grant: For unveiling and dedicating the memorial to Gen. Ulysses S. Grant and for each and every purpose connected therewith, including erecting and taking down viewing stands and putting the grounds in sightly condition, $5,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I want some information for the benefit of the Members of the House as to who has charge of ceremonies attendant on the unveiling of various statues dedicated in the city from time to time. Like a good many Members of the House, about a month ago I attended the unveiling of the statue erected to Commodore John Barry. Personally I had no feeling because I was not given a seat in the reserved section where the Senators and their wives, the diplomats and their wives, and the President and members of the Cabinet were seated, but I did have a feeling of humiliation as a Member of this House to see our great Speaker, second in position in control of this Government, seated with Members away distant from the speaking stand and not given the privilege of a seat with the other dignitaries on the special platform. I think it was a humiliation to the House. I do not say that the Speaker was not thoroughly at home in his surroundings and did not like the seat given him, but I believe it was a slight on this Chamber. The Speaker should not have been assigned a seat remote from the others engaged in the ceremonies on that occasion.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BURKE of South Dakota. Did I understand the gentleman to say that he was present at the ceremonies?

Mr. STAFFORD. I was, with a great number of other Members of the House. The House adjourned at 2 o'clock in the afternoon for that purpose.

Mr. BURKE of South Dakota. Did the gentleman have a seat?

Mr. STAFFORD. I did.

Mr. BURKE of South Dakota. How did he obtain it?

Mr. STAFFORD. Through the courtesy of my colleague [Mr. MANN].

Mr. MANN. Mr. Chairman, the committee sent every Member of Congress a statement telling when the ceremonies were to be had and asking whether the Member desired a seat; and if so, how many. I attend to such things, or Mrs. Mann does for me, and I received my seats.

Mr. BURKE of South Dakota. I received the communication that the gentleman from Illinois refers to. There was a statement that a reply must be made by the 4th day of May, and I wrote to the official who it was stated would furnish me a ticket. I think his name was Col. Harts, and his street and number given. I requested that I be furnished with tickets, but I received no response to my communication and did not receive tickets.

Mr. STAFFORD. I am not finding fault with the treatment accorded Members of the House, but I do say that the person who had charge of the exercises ought to have given greater consideration to the second officer in the control of this Government, the Speaker of this House, than to assign him a seat at a distance from the ceremonies in the broiling sun of a hot afternoon. I do not make any complaint at the instance of the Speaker. But from the dignity of the position he occupies, I felt humiliated that the second officer of the Government should be slighted in that manner.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. Certainly.

Mr. MANN. Does not the gentleman think that the Speaker of this House attending ceremonies of that kind would prefer to have a seat where the other Members of the House were given seats rather than to be segregated and set off by himself in a place of small seating capacity?

Mr. STAFFORD. Mr. Chairman, the great commoner who presides over this House naturally felt more at home where he was, but we were scattered everywhere. Being the second officer in this Government, the Speaker of the House of Representatives, the proper place for him was beside the President and the Secretary of State and the other dignitaries who attended the ceremony. I am asking for information as to who has charge of these ceremonies.

Mr. RAUCH. Mr. Chairman, I will state to the gentleman that the unveiling ceremonies of this memorial to Gen. Grant will be in charge of the War Department.

Mr. STAFFORD. Were the ceremonies in connection with the unveiling of the statue of Commodore Barry under the supervision of the War Department?

Mr. RAUCH. I understand they were.

Mr. MANN. Mr. Chairman, I think these ceremonies are all held under the jurisdiction of the engineer officer in charge of public buildings and grounds in the city of Washington, who is now Col. Harts, one of the best officers in the Army, and a very efficient officer in this capacity, who succeeded Col. Cosby.

Mr. STAFFORD. Does not the gentleman from Illinois believe that the Speaker of this House should have a seat beside the President of the United States and the other dignitaries rather than to be seated in a remote station?

Mr. MANN. Oh, Mr. Chairman, I have noticed all of my life that when it comes to arranging for ceremonies of this kind a great many people who did not get the best seats thought that they or some one else who did not get the best seats—and no one can tell in advance where the best seat will be—was not treated with proper dignity; but, of course, these people endeavor to treat with dignity and great courtesy the Members of Congress. My observation is that on all of these occasions it is the people who are outside of Congress who have the best right to complain, because Members of Congress get the seats—usually the best—and then generally give the ticket to some one else to use.

Mr. STAFFORD. Mr. Chairman, I wish to say that on that occasion, at least, anyone attending those ceremonies would have observed that not one Representative was in the select section which had a canopy over it, but that they were distributed throughout the other two sections in the blazing sun, and the members of the Cabinet, the Diplomatic Corps, the orators of the occasion, and the Senators and their wives were all given, as they should be, special seats in the segregated section.

Mr. HAMILTON of Michigan. Oh, the sun did not blaze on that day.

Mr. FITZGERALD. I am inclined to think that that was done purposely, so that everybody could have an opportunity to see the Members of the House.

Mr. STAFFORD. Oh, we are on display here so much that we do not care to be put in the spotlight.

Mr. FITZGERALD. I was very grateful to receive a ticket, in order that I might by my presence attest the esteem in which I hold the memory of John Barry.

Mr. MANN. The gentleman from New York knows that the gentleman from Wisconsin [Mr. STAFFORD], the House having adjourned early, attended these exercises instead of going to a much more exciting affair, and kicked himself all of the time that he was at the exercises because he was not at the ball game. His feeling in the matter is excusable and perfectly natural.

Mr. STAFFORD. Mr. Chairman, I want to say to my friend that, as I recall, there was no ball game on that afternoon; and if there was, I preferred the unveiling exercises. I had a very good seat; but I do protest against those who had charge of these exercises shunting off into an obscure corner the Speaker of the House of Representatives, and not giving him a preferential seat in the select stand.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry. Are we under the five-minute rule?

The CHAIRMAN. We are.

Mr. DONOVAN. What has become of the watch? [Laughter.]

Mr. FITZGERALD. Do not search me—search the gentleman from Connecticut. [Renewed laughter.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the gentleman understands that where sits McGregor there is the head of the table, and that wherever the honored Speaker of this House sat, that seat, by reason of that fact, was the seat of honor at those ceremonies. I think, therefore, there should be no complaint.

Mr. STAFFORD. We so consider it was the seat of honor when it was occupied by the Speaker, but there was a proper place for the Speaker of this House, and that was in the reserved section.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 73, line 1, strike out the words "memorial to Gen. Ulysses S. Grant."

Mr. FITZGERALD. That is an unnecessary repetition.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman when these exercises are to take place, as far as is now known?

Mr. FITZGERALD. My recollection is that the statement was made that they would probably be ready for them in September.

Mr. MANN. Of this year?

Mr. FITZGERALD. Yes.

Mr. MANN. I trust that Congress will not be in session at that time, although I had hoped these exercises might occur when Congress was in session.

Mr. FITZGERALD. Mr. Chairman, the statement was made that the contract calls for completion of everything by August 10 of this year, and it is expected that the memorial will be completed then. I therefore assume that the ceremonies will be held in September.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. BRITTEN. Does the gentleman think the fence around the Botanic Garden will have been removed by that time?

Mr. FITZGERALD. No; it will not. We do not wish it removed by that time. They expect so very large an attendance upon this unveiling that it is believed to be a desirable thing to have that fence up there in order to facilitate policing arrangements and to control the crowd.

Mr. BRITTEN. However, it is the intention to remove that fence as quickly as possible thereafter?

Mr. FITZGERALD. Yes. About two or three years ago we made four attempts to give it away.

Mr. MANN. Not two or three years ago; it was eight or ten years ago, I guess.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Arlington Memorial Amphitheater: For beginning the construction, under the direction of a commission consisting of the Secretary of War, the Secretary of the Navy, and Superintendent of the United States Capitol Building and Grounds, Ivory G. Kimball, representing the Grand Army of the Republic, and Charles W. Newton, representing the United Spanish War Veterans, of a memorial amphitheater, including a chapel, at the National Cemetery at Arlington, Va., and in accordance with

the plans of Carrere & Hastings, architects, of New York City, adopted by the commission heretofore appointed, $250,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 73, after line 21, insert the following:

"Horseshoe Battle Ground, Ala.: For the erection of a memorial to the men who fought under Gen. Andrew Jackson in the battle at the Horseshoe on the Tallapoosa River, Ala., authorized by the act approved April 2, 1914, $5,000."

Mr. MANN. Mr. Chairman, I reserve a point of order until I can hear the gentleman from Alabama make a nonpartisan speech on this subject.

Mr. FITZGERALD. Mr. Chairman——

Mr. MANN. I said the gentleman from Alabama [Mr. HEFLIN]. I want the gentleman from Alabama to explain this.

Mr. HEFLIN. Mr. Chairman, I always make a nonpartisan speech——

Mr. MANN. On this subject; not any other.

Mr. HEFLIN. Mr. Chairman, I did not think it was necessary to have any further legislation on this subject. A bill was passed through this House and my good nonpartisan friend from Illinois [Mr. MANN] helped me to pass it through the House. It passed the Senate unanimously and was approved by the President, but when we were making ready to lay the cornerstone upon the battle ground at the Horseshoe Bend we discovered that the War Department had ruled that it would take a specific appropriation in one of these appropriation bills and held that the bill which we passed did not specifically appropriate $5,000 for that purpose, and informed me that it would be necessary to get this provision in this bill. They submitted an estimate to the chairman of the Committee on Appropriations asking for this $5,000. It has been approved by the department, the bill has already passed both branches of the Congress and has been approved by the President, and I trust there will be——

Mr. MANN. Mr. Chairman, I withdraw the point of order, although I had hoped the gentleman might tell us the reason for doing this work. I remember his eloquent description before and I thought perhaps he would have added to it somewhat.

Mr. HEFLIN. Well, I do not care to take up the time of the House to repeat things that I said heretofore.

Mr. MANN. I know the gentleman would not repeat.

Mr. HEFLIN. I have some remarks which I am going to submit on that battle ground on the Fourth of July, and I could deliver them here if I had the time, but it would take perhaps an hour and a half to do so, and I will not take up the time of the House now. I appreciate the expressed desire of my friend to hear me on the Battle of the Horseshoe Bend.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Secretary of War is authorized, upon finding that the flood conditions which prevailed in the Ohio Valley in March, 1913, destroyed the property of any lessee from the United States of land or water power, or both, on the Muskingum River, or so damaged the same as to prevent the beneficial use of the premises so leased, upon application of the lessee, to terminate the lease as of the date of the destruction or damage of such property of the lessee, or to abate the rental for such time and in such amount as may represent the loss of the beneficial use of the premises so leased because of such flood conditions. Any lessee who shall have paid to the United States any such rental in respect of which relief is hereby authorized shall have the amount so paid refunded by the accounting officers of the Treasury upon a finding by the Secretary of War that he is entitled to the same. The amount necessary to make all such reimbursements, not exceeding $500, is appropriated.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I wish to inquire whether there can be any other claims of a like character to those covered by the paragraph under consideration.

Mr. RAUCH. Mr. Chairman, I am informed that those will probably not amount to more than $200, and that these are the only claims of this character.

Mr. STAFFORD. The gentleman recognizes it is a purely private claim and has no place in an appropriation bill, and I was fearful that this might be used as a peg on which to hang a great number of other claims that might amount to a tremendous sum.

Mr. MANN. If the gentleman will permit, it is not quite on all fours with an ordinary private claim. As I understand, the Government owns water power there and the water power was leased. When the flood came it destroyed the buildings of the lessee, and in some places probably destroyed the water power, I suppose, and this proposition is simply to remit the rental of these people whose buildings were destroyed, in connection with the use of the water power, by that flood. They are not making use of the water power now.

Mr. RAUCH. This refunds some rentals they were obliged to pay under the terms of the lease.

Mr. STAFFORD. I was fearful that perhaps it might be used in another body as a handle on which to hang a great many other claims arising through floods when the United States is in no way responsible. That is the purpose of my inquiry. However, I withdraw the point of order, Mr. Chairman, on the assurance of the gentleman from Indiana.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins, and of investigating lake levels with a view to their regulation, $125,000.

Mr. SPARKMAN. Mr. Chairman, I reserve the point of order on this paragraph, and I would like to ask the gentleman in charge of the bill at the present time what kind of a survey is this to be?

Mr. RAUCH. Mr. Chairman, I am informed that the old surveys are obsolete, and this is for deep-draft vessels on the lakes. It is a hydrographic survey.

Mr. SPARKMAN. Well, if it is for the purpose of navigation, then there is nothing upon which to base this appropriation. I understand, of course, that there have been items carried in the sundry civil bill for many years, and perhaps in other bills, providing for surveys of the lakes up there, not for the purpose of navigation, however, but for other purposes. Now, I have not any of those old provisions before me, but this provision seems to go a little further than the others, as I recall them, and it seems to me the provision is too much in the nature of a survey in the interests of navigation to be carried in a bill of this kind.

Mr. RAUCH. The gentleman, of course, is aware that this provision has been carried in this way for a number of years?

Mr. SPARKMAN. I understand similar provisions have been in the bill heretofore, but none just like this. I think this goes somewhat further than those heretofore appearing in these bills.

Mr. RAUCH. This is exactly the same as it has been carried heretofore—the same language.

Mr. SPARKMAN. Upon what authority do you base an appropriation of this kind, and what have you been basing them on heretofore?

Mr. MANN. That is precisely the item in the existing law.

Mr. SPARKMAN. Yes; but there has to be some authorization for anything that goes into the sundry civil bill; otherwise, an appropriation is not permissible.

Mr. MANN. This has been under the jurisdiction of this committee for many years. The gentleman will recall that some years ago there was a hot fight in this House as to whether these people had jurisdiction or the Hydrographic Office of the Navy had jurisdiction of these matters, and it was held at that time by the chairman and by the House, after a hot fight, that that item was in order on this bill.

Mr. SPARKMAN. What directed my attention particularly to the provision was the use of the words "Lake Champlain." I did not think they had been embraced in any of the provisions heretofore.

Mr. MANN. That is in the existing law.

Mr. RAUCH. I think this provision would be in order, anyway.

Mr. SPARKMAN. I do not think so, unless there is some existing law on which to base it. But still I take the statement of the gentleman for the fact.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understand these surveys are limited to the Great Lakes and tributaries, like the Niagara River and the St. Lawrence River?

Mr. RAUCH. That is right.

Mr. STAFFORD. And this does not provide for surveys of lakes exclusively within the State lines?

Mr. RAUCH. That is my information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase and installation of a boiler on the patrol boat *Scout*, to be expended by and under the direction of the Secretary of War, and to be immediately available, $9,000; in all, $94,260.

Mr. STAFFORD. Mr. Chairman, I wish to move to strike out the last word. I wish to inquire whether in any other city of the country except New York City we make a similar provision for this character of supervision and control?

Mr. RAUCH. We do not. No other city is situated as this one.

Mr. STAFFORD. Why does the National Government undertake work of this character, which it declines to perform in other large maritime cities on the coast?

Mr. MANN. There is a special law on that subject in reference to New York Harbor, which I have been hoping we might get extended to Chicago Harbor and generally. I have introduced two bills on the subject—one for Chicago Harbor and one general in its provisions.

Mr. STAFFORD. The purpose of my inquiry was that there was a possibility of receiving these services, and I would like to have them extended to my own city and Chicago and other cities.

Mr. MANN. So far as that is concerned, there is a special law authorizing this work to be done.

Mr. STAFFORD. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

For support of the National Home for Disabled Volunteer Soldiers, as follows:

Central Branch, Dayton, Ohio: Current expenses: For pay of officers and noncommissioned officers of the home, with such exceptions as are hereinafter noted, and their clerks, weighmasters, and orderlies; also payments for chaplains, religious instruction, and entertainment for the members of the home, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, janitors, watchmen, and fire company; for all property and materials purchased for their use, including repairs not done by the home; for necessary expenditures for articles of amusement, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the home; and for stationery, advertising, legal advice, for payments due heirs of deceased members: *Provided*, That all receipts on account of the effects of deceased members during the fiscal year shall also be available for such payments; and for such other expenditures as can not properly be included under other heads of expenditures, $61,000.

Mr. ANTHONY. Mr. Chairman, I desire to make a point of order against all in line 17, page 79, after the word "*Provided*," and the balance of the paragraph. It is a change of existing law.

Mr. RAUCH. I will say that this is in accordance with existing law, and has been carried in this appropriation bill for a number of years in this exact language. It is not, in the opinion of the committee, subject to a point of order. I think in just a minute or two I can produce the law under which this appropriation is made.

Mr. ANTHONY. I want to make a short statement. The existing law provides for what is called the "post fund"; that is, the amount that is realized from the proceeds from the effects left by deceased members of these homes. As the original law stipulates, that money is to be expended for the benefit of all the members of the home. Heretofore it has been expended largely for the amusement of members of the home, but an abuse has grown up in recent years under this language wherein this money is expended for other purposes than contemplated originally by the law. It has been expended for the purpose of making up shortages and deficiencies in other appropriations. That is the reason I made the point.

Mr. STAFFORD. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. STAFFORD. Has the gentleman any acquaintance with the administration of this same fund in other branch homes besides the one referred to here—that at Dayton?

Mr. ANTHONY. Yes; I have.

Mr. STAFFORD. Does the gentleman's criticism apply to all the homes?

Mr. ANTHONY. It applies to all the homes. I observe that, reading from the report of the board, they are expending this money for purposes that Congress ought to appropriate for, whereas Congress originally intended that the money realized from deceased members should be used for the amusement or common benefit of their surviving comrades. That was the purpose of the law; but instead of that, and in pursuance of the present policy, the money is used to make up a deficiency of fuel at one time and construct a building at another, and the money is expended without any responsibility to the Congress. I think there may be $150,000 or $200,000 in that post fund now, and the president of the board, under the present condition, is able to take that money and use it for anything he pleases, without consulting Congress or anybody else and without responsibility. I do not think the expenditure is proper.

Mr. FOSTER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. FOSTER. Do I understand the gentleman to say that from this fund which is created under this proviso of the bill the governor of a soldiers' home can use money for any purpose he sees fit?

Mr. ANTHONY. The board of managers can do so, and that means that one man, the president of the board, does it.

Mr. FOSTER. Now, as to this money that goes into the fund, he expends that in his judgment for the benefit of the inmates of the home?

Mr. ANTHONY. That was the original idea of the law.

Mr. FOSTER. Can the gentleman give us any idea, or state whether it is true or not that this money is regularly spent for the benefit of these inmates?

Mr. ANTHONY. Very largely it is. For instance, the managers provide amusements, theatricals, baseball games, bands, and things like that for the amusement of the members. That was the original purpose of the expenditure of this money. Now, they have strayed from that so that they expend it for the construction of a building. For instance, the managers of the home can expend $10,000 for the erection of a building for some favored employee, if they want to give him a building.

Mr. FOSTER. Does the gentleman mean a residence?

Mr. ANTHONY. A residence for an official of the home.

Mr. FOSTER. And as high as $10,000?

Mr. ANTHONY. I will not say that exact amount; but he could expend $6,000 or $8,000 or $10,000—along there—perhaps.

Mr. FOSTER. It seems to me a strange thing that this should be permitted.

Mr. ANTHONY. It is.

Mr. FOSTER. Can the gentleman give us some idea of about how much, for instance, for building a residence? Does the gentleman know what they do?

Mr. ANTHONY. There have been no expensive residences constructed at any of the homes in recent years. Those that have been constructed out of this fund are buildings that cost three or four or five thousand dollars.

Mr. FOSTER. Three or four thousand dollars?

Mr. ANTHONY. Yes.

Mr. FOSTER. A building for the use of some official in the home?

Mr. ANTHONY. Some employees of the home.

Mr. FOSTER. Now, this fund is derived from the inmates who die without relatives and have some property, is it not?

Mr. ANTHONY. Yes; it is from the sale of the effects of deceased members who have no heirs.

Mr. FOSTER. Does it also take the accrued pensions?

Mr. ANTHONY. Yes; it takes the accumulated pension as well.

Mr. FOSTER. That is, they take from the soldier a certain amount of his pension, and this goes into the fund, and on his death, if there are no heirs, the money remains in this fund?

Mr. ANTHONY. The gentleman is correct.

Mr. FOSTER. What I supposed this was intended for was to afford some little extra pleasures, and so forth, for the inmates of the home.

Mr. ANTHONY. I will say to the gentleman that that was the original purpose in the creation of this fund, and it was the manner in which the money was originally expended. Now, it is not only expended for construction but the Government inspector, who inspected the Western Branch last year, found that about $8,000 out of the post fund at that branch was expended for the purchase of fuel oil in excess of what was appropriated for by Congress in this bill.

Mr. FOSTER. Can the gentleman give us some idea as to how late or up to what time they have been spending these funds for the building of residences on the grounds, and so forth?

Mr. ANTHONY. I have not the information at hand, but——

Mr. FOSTER. Has it been within the last few years?

Mr. ANTHONY. Yes. It has been within the last few years.

Mr. FOSTER. Did I understand the gentleman to say that they have bought fuel out of this fund?

Mr. ANTHONY. They have. The Government inspector, Maj. Jackson, detailed by the Secretary of War, in his report to Congress called specific attention to the fact that fuel oil to the amount of $8,000 was purchased at the Leavenworth Branch out of the post fund, notwithstanding the fact that the board of managers had already come to Congress for a deficiency of $6,000 in addition to the amount regularly appropriated for that purpose.

Mr. FOSTER. When was that done?

Mr. ANTHONY. That was done last winter.

Mr. FOSTER. That was done in order to keep from coming to Congress for a deficiency?

Mr. ANTHONY. For a second deficiency. In my opinion it is an actual violation of law, for which the officials who did that should be held responsible.

Mr. FOSTER. Is that the same sort of precedent that has been followed for years in reference to this fund?

Mr. ANTHONY. I think the abuse has been going on for a number of years. From the desire of the managers to avoid coming to Congress and asking an increase of certain appropriations they have been raiding this fund and depriving the soldiers of the amusements that that money would purchase.

Mr. FOSTER. So that it started in and has been gradually increasing the misuse of this fund aside from the original intention?

Mr. ANTHONY. Yes. My objection to that is that it is an expenditure of money without any authority of law. I think every dollar of expenditure at these homes should be authorized by Congress. When the money is taken out of the post fund—or the posthumous fund—in this manner Congress knows nothing whatever about it.

Mr. FOSTER. I understand that this proviso proposes to add to these expenses provided above. Is that it?

Mr. ANTHONY. Yes. It authorizes them to make these expenditures.

Mr. FOSTER. But the gentleman's contention is that this fund was created as a fund for the personal benefit of the inmates?

Mr. ANTHONY. I contend that this fund should be used for the common benefit of the men for their amusement, for some extra things for their welfare.

The CHAIRMAN. Will the gentleman from Kansas [Mr. ANTHONY] please indicate the line upon which he makes the point of order?

Mr. ANTHONY. The entire proviso. It controverts the original statute creating the post fund.

The CHAIRMAN. The gentleman would not want to strike out the "$61,000"?

Mr. ANTHONY. No; not the amount of the appropriation, but simply the language of the proviso.

Mr. FITZGERALD. Does the gentleman make a point of order on it?

Mr. ANTHONY. Yes.

Mr. FITZGERALD. On what ground?

The CHAIRMAN. The gentleman from Kansas makes a point of order on the proviso, beginning on line 17, page 79, and ending with the word "expenditures" on line 21.

Mr. ANTHONY. On the ground of its being contrary to existing legislation.

Mr. FITZGERALD. The gentleman from Kansas has been talking about one fund and this refers to an entirely different fund. There is a post fund and a posthumous fund. He has been talking about the post fund. A few years ago the Committee on Appropriations conducted an investigation——

Mr. ANTHONY. Will the gentleman permit a question?

Mr. FITZGERALD. Let me make a statement, please.

Mr. ANTHONY. Is not the post fund an abbreviation of the posthumous fund?

Mr. FITZGERALD. No; it is an entirely different thing. The Committee on Appropriations made an investigation, in which it brought out facts which it believed constituted an abuse of the so-called post fund. My recollection is, for instance, that a memorial arch was erected in honor of a governor of one of the homes at one particular branch.

The post fund originated, if I recall the facts correctly, directly from the canteen. Paragraph 472 of article 15 of the Rules and Regulations for the Organization of the National Home for Disabled Volunteer Soldiers provides how the post fund shall be constituted. The ordinary sources of revenue are the store, the hotels, and the restaurants. The business of these separate establishments is conducted by the superintendent of the post fund under the direction and supervision of the council of administration of the post fund; the net profits of the fund, unless otherwise directed by the board of managers, to be used for the increase of the libraries, the maintenance of bands when appropriations for that object are insufficient, furnishing amusement halls, and such other purposes as will best conduce to the enjoyment of the members of the home. Additional sources of revenue to the post fund are provided for by the acts of July 1, 1902, and June 25, 1910.

Now the posthumous fund under paragraph 405 of article 12——

Mr. STAFFORD. Mr. Chairman, will the gentleman kindly describe that fund again?

Mr. FITZGERALD. It is the posthumous fund. It comprises such money and effects of the deceased members who have not executed the agreement provided for in the act of June 25, 1910, as are found on their persons and in the custody of the surgeon, together with any sum received from the sale of property of such members in the hands of the quartermaster; but it does not include pension money standing to the credit of deceased members. There are two distinct funds—the post fund and the posthumous fund.

Now, the provision in the bill to which the gentleman makes a point of order refers to the proceeds of the sales of effects or receipts on account of the effects of deceased members. Now, in the sundry civil bill approved August 18, 1894, is the following provision:

That the balance of the posthumous fund, including the amount invested in bonds pertaining to that fund, that may be in the hands of the treasurer of any branch of the home on July 1, 1894, shall be transferred to the appropriation for "Current expenses, 1895," of that branch home—

If the Chair will now follow the language of the provision, I will read further—

and thereafter all receipts on account of the effects of deceased members shall be credited to the appropriation for "current expenses" of the fiscal year during which such amounts were received, and all repayments of such amounts shall be made from and charged to the like appropriation for the fiscal year in which such repayments shall be made.

So that the language in the pending bill is strictly in conformity with the law crediting to the appropriation for "current expenses" for the current year the receipts from the sale of the effects of deceased members.

Mr. ANTHONY. I should like to ask the gentleman if he does not think it would be a better business method for Congress to appropriate directly the money required for the expenses of the homes rather than to authorize in this manner the expenditure of money from funds of this kind? Would it not be better to have these special funds go into the General Treasury?

Mr. FITZGERALD. Yes; it would be a good deal better. It would require some changes in connection with the control of certain funds connected with the National Soldiers' Homes; but the gentleman from Kansas [Mr. ANTHONY] is a member of the Committee on Military Affairs, which has jurisdiction over the legislation on these matters, and his inquiry might more properly be raised in that committee rather than addressed to me, because the Committee on Appropriations can only appropriate in accordance with the existing law.

Mr. ANTHONY. I will say to the gentleman that the board of managers have every year been making a report of conditions at the homes, and that report has come to Congress. The Speaker refers that report to the Committee on Military Affairs, of which I am a member, and the report is duly buried there. Nobody ever sees it. This year is the first time in the history of that committee, as I understand it, that that report has ever been brought to the attention of the committee.

Mr. FITZGERALD. That is due to the fact that there has been a change in the House. The report was duly buried in that committee during the 16 years that the gentleman's party was in control of the House; but now, since the Democratic Party has had control of the House, when this report went to the Committee on Military Affairs under the able direction of the distinguished chairman of that committee [Mr. HAY], instead of the report being pigeonholed, as it formerly was, according to the statement of the gentleman from Kansas, that committee has performed its duty of examining that report, and I assume will recommend——

Mr. ANTHONY. Let me say to the gentleman right there——

Mr. FITZGERALD. No; you will not say it right there.

Mr. ANTHONY. I have the floor.

Mr. FITZGERALD. I assume that committee will recommend such legislation as will be appropriate under the circumstances.

Mr. ANTHONY. I have the floor, and yielded to the gentleman.

Mr. FITZGERALD. The gentleman can not stop me in the middle of a sentence. I can not stop in that way.

Mr. ANTHONY. Go ahead and finish up.

Mr. FITZGERALD. I have said all I want to say.

Mr. ANTHONY. The whole trouble lies in the fact that the committee of which the gentleman from New York is the chairman is called upon to appropriate for these institutions, whereas the reports are referred to the Committee on Military Affairs, which has no authority whatever in the premises, no right to make a single appropriation for these homes. The result of this divided authority is found in the business conditions which exist there.

Mr. FITZGERALD. The truth of the matter is that during the years the gentleman from Kansas has been in the House he has never raised his voice in criticism of these matters. Whatever abuses were disclosed in the expenditure of the post funds were not discovered by the gentleman from Kansas, although he was a member of the majority for a number of years.

Mr. ANTHONY. The gentleman has never claimed that they were.

Mr. FITZGERALD. The gentleman was a member of the Committee on Military Affairs, and some things have aroused his activities in this matter. The Committee on Appropriations merely recommend appropriations in accordance with the law.

If that law should be changed, I should be glad to join with the gentleman in having proper legislation enacted; but I have all I can do to perform what work falls legitimately to this committee in connection with the mere appropriation of money, without attempting to suggest what legislation might be proper in many of these respects. In this instance, however, we are merely appropriating in accordance with the law. That is all we have a right to do, and that is what we should do.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Subsistence: For pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration and the subsistence of civilian employees regularly employed and residing at the branch, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the home, $250,000.

Mr. ANTHONY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 6, page 80, the figures "$250,000" and substitute therefor "$303,990.32."

Mr. ANTHONY. Mr. Chairman, of the amount of $250.000 appropriated in this paragraph, the sum of $215.961.30 is the amount actually expended for subsistence, or the feeding of the soldiers at the Dayton Home. Now I think right here is the point where Congress ought to step in and provide sufficient funds, so that these men can be properly subsisted.

The other day I called the attention of the House to the fact that at the Regular Army Soldiers' Home, here in Washington, the War Department is allowing 35 cents a day for the subsistence of its veteran soldiers. That means that they are provided with ample food of great variety, and the men are contented and happy.

At Dayton, Ohio, under the parsimonious management of the board of managers, in their extreme anxiety to cut down the cost of subsistence to the soldiers there to the lowest possible notch, they have screwed it down to 22 cents a day. Perhaps that provides sufficient rough food to maintain a soldier in active service, but it has been demonstrated time and again that it is not sufficient to maintain old men and the feeble and invalid soldiers in these homes. They need a greater and better variety of food. The increase I have provided is 25 per cent in the amount which is allowed, an increase of about $51.000 covering this branch. Instead of being excessive, it will only bring the cost of the ration up to 30 cents a day in the Ohio home, and the same increase should be made for subsistence at all the other branch homes. That is little enough, in comparison with what the Regular Army soldiers are getting in the Regular Army homes. I think the House ought to step in here and do away with the complaints that are coming from the Volunteer homes in regard to the insufficient food supply.

Mr. BURKE of South Dakota. Mr. Chairman, I do not rise to oppose the motion of the gentleman from Kansas [Mr. ANTHONY], as it probably would be desirable to increase the appropriation for subsistence at these homes, and thus improve the standard of living. I do want to comment, though, on his remarks criticizing generally the national soldiers' homes of the country. In a speech in the House on the 9th of the present month he criticized the Battle Mountain Sanitarium, an institution located in the western part of South Dakota. When that item is reached in the bill I intend to submit some further remarks and read some letters and newspaper articles refuting charges that have been made against this institution by the gentleman from Illinois [Mr. BUCHANAN]. Inasmuch as the gentleman has raised the question of insufficient subsistence at these institutions, and states that there is a complaint against the management generally of all the homes, and that they are not properly conducted and provided for, I am going at this point to read a letter from an old soldier, a veteran of the Civil War, a man who had a long military service, who has been a member of the Battle Mountain Sanitarium on two or three occasions. Before doing so, however, I wish to say that I am in sympathy with the suggestion of the gentleman from Kansas [Mr. ANTHONY] that the appropriations for the subsistence of these homes might be materially increased, and ought to be increased, especially so when we consider that at some of them the amount expended, I believe, is as low as 24 cents a day for each member, which hardly seems sufficient to properly provide subsistence for men, especially many who may be invalids, who ought to be well cared for, not only with necessities but with some luxuries, that they are entitled to. With reference to the Battle Mountain Sanitarium, which has been assailed by the gentleman from Kansas, I want to read this letter the old soldier that I have referred to, who resides at Neligh, Nebr., wrote to his home paper:

HIGHLY PRAISED IN LETTER FROM OLD SOLDIER.

BATTLE MOUNTAIN SANITARIUM,
Hot Springs, S. Dak.

The NELIGH REGISTER.

GENTLEMEN: I have just returned from the Battle Mountain Sanitarium at Hot Springs, S. Dak., and will pen a few lines for the benefit of the old soldiers who are afflicted and need to build up. I have nothing to sell, no contribution to ask, but I think it's the finest place I ever knew for a man to regain his former self. The fresh mountain air, the water, and the baths, the kind treatment received, ought to help any afflicted person. In the first place, the men who preside over the institution are as fine a lot as the greatest who preside over our Nation at Washington, and from the governor down to the smallest employee seem to exert themselves to their utmost capacity from the time they enter their duties until the close of day to provide and make the members of the institution comfortable. They have as good doctors as the Government provides and there are no pains spared to make you comfortable. Many go who are able to return to their homes when they have received treatments, while many who from wounds and the long nervous strain have not been able to battle with life. There they have got to remain, but, remember, the official authorities stand ready to receive you with outstretched hands. I think the governor is as fine a man as I ever met; not a word did I hear against the doctors or the men in authority while I was there. I was there 24 days, and my neighbors knew how feeble I was when I went away. They congratulate me on my appearance now, being hardly able to walk when leaving here August 15, returning yesterday. I have been there twice before and received similar results. But I am just a man born of woman and of the "earth earthy," and possess the weakness of clay, and have not the language to express my appreciation of the Battle Mountain Sanitarium under its present management.

Respectfully,

E. W. WRIGHT, *Neligh (Nebr.) Register.*

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not prevail. However much information the gentleman from Kansas may have about the insufficiency of the subsistence, the officials of the Government charged with the responsibility disclose that the subsistence is sufficient and that these men can be subsisted for the amount which is allowed. It has been the custom of the Committee on Appropriations during my service upon it to appropriate the sum requested for subsistence in all of these homes. They have never made any reduction from the amount estimated unless the board of managers when before the committee indicated that for one reason or another the amount estimated was not necessary.

The current appropriation, according to my recollection, was $260,000 and the estimate for the next year was $255.000. When the estimates were before the committee Mr. Harris said that those estimates had been revised and they only asked for $250,000, and that is what the committee recommend.

Now, here is the per capita cost of subsistence at this branch. Maj. Harris said that the per capita cost of subsistence was $81.30 a year, which is 22.2 cents per day. That is the smallest of any of the branches.

Now, in the report of Maj. W. P. Jackson, inspector general of the National Home for Disabled Soldiers, made from September 8, 1913, to November 29, 1913, he gives the average cost of the raw materials per day, with and without the special diet. Last year these rations cost, on an average, 17.11 cents, 21.67 cents, and 22.54 cents. A ration of 20 cents a day, he says, exclusive of the cost of service, would be ample to supply the first-class feed service to the general mess.

This is the Inspector General of the War Department who makes that statement. I have now, Mr. Chairman, a copy of the report made by A. W. Smith, of Topeka, Kans., under the date of May 16, 1914. It is by Col. A. W. Smith, appointed by Mr. Washington Gardner, a Member of this House for a great many years, well known to many Members, at present commander in chief of the Grand Army of the Republic. Col. Smith made an inspection of the Western Branch, in connection with some statement that had been made as to bad conditions in that branch. He gives a menu of the National Soldiers' Home, Western Branch.

Besides the general mess there is a hospital mess, feeding about 450, and an old men's mess of about 300. These messes, in addition to members cared for, feed a large number of civilian employees.

Reports of investigations made, not by persons partial to the management of the homes but by the persons who are solely interested in the men who live in the homes, have been to the effect that the feed is ample and of the best quality.

These are not young men. They are men advanced in years, afflicted with many ills, suffering from different diseases, and at a stage of life and condition that makes it not an easy matter to manage a home in which there are large numbers of them. So special care is taken to ascertain whether they are treated properly. I believe we should treat them as any reason-

able man would expect. No one expects the Government to have them live in unparalleled luxury, but they should be kept in decency and in comfort, and ample provision should be made for their comfort and happiness. That has been done.

I am not an advocate of the board of managers. I am in a position rather where it is my duty to be their critic, but I think we should not be unfair or unjust in our criticism of public officials in the management of the public business, whether we be in sympathy with them politically or for any other reason.

My investigation leads me to the conclusion that these men are as well cared for as they should be. This committee, on matters of this character of subsistence and other items necessary for the maintenance of the home, acquiesced in the recommendations of those in charge of the homes for money. I think we can not justify an increase by 25 per cent of the money requested for subsistence for one of these homes where no information other than a statement of a Member on the floor that in his opinion the amount appropriated is inadequate.

Mr. FOSTER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOSTER. Do I understand the gentleman to say that the committee has given all that was asked for by those in charge of the home?

Mr. FITZGERALD. Yes. The estimate was $255.000, and the board of managers, when appearing on behalf of their appropriation, stated that $250.000 was sufficient. That reduction was due to the fact that there is a perceptible reduction in the number of men in the homes. The committee has always given the amounts requested, and I think that there is nothing more that the committee can be expected to do. Inasmuch as there is much criticism of the subsistence in these homes, I ask unanimous consent to place in the RECORD a report made by Col. Smith of his investigation of the Western Branch, as he was the representative of the Grand Army of the Republic, appointed by the commander in chief of that body.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert in the RECORD the report indicated. Is there objection?

There was no objection.

The report referred to is as follows:

TOPEKA, KANS., *May 16, 1914.*

Col. CHARLES W. BLODGETT,
25 The Roanoke-Clifton, Cincinnati, Ohio.

DEAR SIR AND FRIEND: Having been appointed by Commander in Chief Gardner as one of the committee to inspect the national soldiers' homes, and in pursuance of instructions received from you as chairman of said committee, I have the honor to report that I visited the Western Branch, located near Leavenworth, Kans., on May 11 and 12. I went without previous announcement, in order that I might find the home in its everyday condition.

Having been a member of the board of managers of the Kansas State soldiers' home at Fort Dodge for several years, I had some practical knowledge of the needs and management of an institution of that character.

I was exceedingly fortunate upon arrival at the national home to find Col. Wadsworth, the Government's inspector, there, who had come to make his semiannual inspection. Like myself, he had come without announcement. He invited me to accompany him on a tour of inspection of the various barracks and buildings of the home. We made a most thorough and minute inspection of every department of the home, its equipment and management.

The site of this home comprises a tract of 640 acres near Leavenworth, Kans. The home consists of over 75 buildings, comprising 17 barracks, mess halls, hospital, library, theater, officers, and civilians' quarters, hotel, power house, ice plant, greenhouse, stables, office buildings, storehouses, chapel, morgue, two band stands, store, electric-car station, etc.

The present membership of this branch is nearly 2,800, of whom about 2,100 were present, the others being absent on passes or furloughs. During the last fiscal year this branch cared for 4,118 different individual soldiers.

About 90 per cent of the members of the home are Civil War veterans, the remainder being soldiers of the Spanish War, Indian campaigns, foreign service, etc.

The general mess hall of this home accommodates about 900 at a sitting, and, on account of the large number, two sittings are required in serving each meal.

It is the custom of the home to prepare the menu or bill of fare for a week in advance, and I here submit the menu for the week I was there:

[Print 12.]

CAPT. CRAMPTON—WESTERN BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS—BILL OF FARE FOR WEEK ENDING MAY 16, 1914.

SUNDAY.

10. Breakfast: Fried breakfast bacon, boiled eggs, steamed potatoes, cream gravy, bread, butterine, syrup, coffee.
Dinner: Roast mutton, onion sauce, mashed potatoes, creamed peas, tapioca pudding, bread, butterine, coffee.
Supper: Creamed rice with milk, canned peaches, bread, butterine, sirup, coffee.

MONDAY.

11. Breakfast: German stew, steamed potatoes, apple sauce, bread, butterine, sirup, coffee.
Dinner: Bean soup, boiled beef, steamed potatoes, fruited bread pudding, bread, butterine, coffee.
Supper: Bologna sausage, corn bread, stewed apples, bread, butterine, sirup, coffee.

TUESDAY.

12. Breakfast: Irish stew, stewed figs, bread, butterine, sirup, coffee.
Dinner: Boiled corned beef, creamed potatoes, macaroni and cheese, rice pudding, bread, butterine, coffee.
Supper: Chilli concarne, stewed figs, currant cake, bread, butterine, sirup, coffee.

WEDNESDAY.

13. Breakfast: Corned beef hash, stewed peaches, bread, butterine, sirup, coffee.
Dinner: Beef pot pie, steamed potatoes, boiled navy beans, farina rice pudding, bread, butterine, coffee.
Supper: Boiled hominy, fried bacon, stewed peaches, bread, butterine, sirup, coffee.

THURSDAY.

14. Breakfast: Fried breakfast bacon, steamed potatoes, compote of fruit, bread, butterine, sirup, coffee.
Dinner: Baked pork and beans, creamed potatoes, macaroni and tomatoes, pickles, bread, butterine, and coffee.
Supper: Oatmeal mush and milk, stewed prunes, bread, butterine, sirup, coffee.

FRIDAY.

15. Breakfast: Boiled eggs, steamed potatoes, cream gravy, stewed fruit, bread, butterine, sirup, coffee.
Dinner: Baked halibut, mashed potatoes, stewed tomatoes, peach pie, cheese, bread, butterine, coffee.
Supper: Bologna sausage, peach butter, bread, butterine, sirup, coffee.

SATURDAY.

16. Breakfast: Beef fricassee, steamed potatoes, stewed apricots, bread, butterine, sirup, coffee.
Dinner: Boiled shoulders, brown gravy, boiled potatoes, boiled navy beans, rice pudding, pickles, bread, butterine, coffee.
Supper: Succotash of lima beans and corn, stewed apricots, bread, butterine, sirup, coffee.

H. CRAMPTON,
Commissary of subsistence.

The quality of the food purchased is the best in the market, and it is furnished in ample quantities and sufficient variety and is prepared with skill and care.

We made a thorough inspection of the dining room and the table after the meal had been put upon it and before the inmates were admitted and found that everything upon the table was in first-class shape and of good quality. After the meal another inspection was made, and it was discovered that there was ample upon the table of every kind of food contained upon the bill of fare.

Besides the general mess, there is a hospital mess, feeding about 450, and an old-men's mess, feeding about 300. These messes, in addition to the members cared for, feed a large number of civilian employees.

In order to supply vegetables in season and milk to the various messes a garden of 60 acres is cultivated and a dairy of over 60 cows maintained. In addition to the milk supplied by this dairy, 250 gallons are daily purchased by contract.

The water supply at the home is furnished by the city of Leavenworth and is the same as is furnished at Fort Leavenworth and is as good as the average city water.

AMUSEMENTS.

Amusements are furnished the members of the home free, consisting of motion pictures, baseball games, band concerts, a library containing 9,000 volumes, reading rooms, billiard hall, card room, quoit-pitching grounds, boating, fishing, etc.

The chapel is arranged for both Catholic and Protestant service, and regular religious services are held.

HOSPITAL.

There are 355 patients in the hospital, which is divided into 17 wards. A surgeon in chief and 4 assistant surgeons, with 12 trained nurses and several male nurses, all of whom are at the patients' call, both night and day, are in attendance.

A matron, who looks after the sanitation of the hospital has no superior in any like institution in this country. Everything is supremely clean, and everything is being done for the comfort and welfare of the members that medical science and human sympathy can command.

One ward in the hospital is set apart for tubercular patients, so they are not confined in the same room with patients with other ailments.

The hospital in its management and equipment, in my judgment, is equal to any in the land. The beds are the very best that can be made, and are faultlessly clean. The sanitation of the hospital is absolutely superb. The food supply is such as the doctors recommend for the patients.

We visited the cold-storage plant and found the meats as good as the market affords.

The storehouse is supplied with the best of everything. Evidently it is the policy of the board of managers of the Government to buy nothing that is not first class.

The 17 barracks where the men are quartered were inspected and found to be in first-class condition. Each barrack contains from 140 to 160 men. The barracks are divided into rooms, containing from 20 to 36 men. The inmates are required to keep everything in order in their rooms and themselves clean. One of the noticeable features, when I entered the home and came in contact with the membership, was the clean, healthy condition of the inmates.

I interviewed many as to their treatment and the food supplied and the necessary comforts which would naturally be expected in such a place, and I failed to hear a complaint from any man.

The home has a very extensive laundry and dry-cleaning plant, and no one is permitted to wear dirty clothes. When a uniform becomes soiled it is sent to the dry-cleaning plant where it is put in excellent condition.

The discipline of the home is as humane and lenient as possible to maintain dignity and good order. Gov. Cooke is a man with fine business qualifications, was a good soldier, and is peculiarly adapted for the position he occupies. He is very popular with the inmates.

Having made a thorough investigation, as I formerly stated, of every department of the institution, and having made many inquiries from the inmates as to their treatment and their comfort, etc., I can not see where there is anything lacking to make it an ideal place for an old man to spend his declining years.

The only one article of food that I could suggest any improvement in would be the coffee. It is not as strong as we used to get in the Army nor is it just such as I would like now, but the quantity is more than ample. It is served in bowls which hold 8 ounces, about equal to two ordinary cups of coffee. There is no limit to the quantity that a member may have.

The cemetery is beautifully located and neatly kept and contains about 5,000 of our departed comrades. Every six months the Government furnishes markers for the various graves. All the funeral services are military.

As an appendix to this report I am inclosing you a copy of the rules and regulations, which will give you exact knowledge of what the discipline requirements are, and also the fire protection, which you will readily observe is a very important matter.

All of which is respectfully submitted.

A. W. SMITH.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I have listened attentively to the speech of the chairman of the committee, and I am quite surprised that he would rise here with that statement and oppose increasing the estimate as submitted. The bill of fare for Sunday, I agree, would be acceptable to an old soldier, but when they furnish the old soldier with one good meal a week and then pare it down so that they do not give him any vegetables except potatoes at the noonday meal, and when the evening meal consists merely of bologna sausage, bread, butterine, and coffee, it stirs my sympathy, and I rise in protest. I think these old soldiers in their declining years should have something more for their evening meal than bologna sausage, bread, butterine, and coffee. You can not make any argument here that on 22 cents a day, with the high cost of living still prevailing, you can furnish any man or set of men a decent bill of fare. It would not be out of the way to increase this item by 50 per cent. Twenty-five per cent is reasonable, and shame upon any representative of the Grand Army of the Republic who is sent to inspect the conditions who will visé a bill of fare such as was stated by the chairman of the committee. I think it is high time that we should do something for these old soldiers. We vote millions of dollars indiscriminately in pensions, but when you come to provide for their bodily welfare by giving them something fit to eat in their declining years objection is raised upon the ground of economy. I think it is false economy, and that these old soldiers deserve better treatment.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. FITZGERALD. The gentleman has been in this House for some years.

Mr. STAFFORD. Yes.

Mr. FITZGERALD. And he represents a district which has a soldiers' home in it?

Mr. STAFFORD. I beg the gentleman's pardon. I do not, and never have.

Mr. FITZGERALD. Is there not a branch of the soldiers' home in the gentleman's district?

Mr. STAFFORD. Oh, it is quite a distance away.

Mr. FITZGERALD. How far is it away?

Mr. STAFFORD. It is in the district represented by my colleague, Mr. CARY.

Mr. FITZGERALD. How far away is it from the gentleman's district?

Mr. STAFFORD. The nearest point is 3 miles.

Mr. FITZGERALD. And there is a branch in Milwaukee?

Mr. STAFFORD. Yes.

Mr. FITZGERALD. And the gentleman comes from Milwaukee?

Mr. STAFFORD. Yes.

Mr. FITZGERALD. And he has never before, in all the time he has been in this House, raised his voice in criticism of the character of food given these old soldiers in these homes.

Mr. STAFFORD. No; because this is the first time since I have been in the House that this outrageous condition has been called to my attention, and if it had been before I would have taken the floor many, many times and protested.

Mr. FITZGERALD. Mr. Chairman, I will state this, from what I know of this bill of fare, having read it many times, that it is better than the average constituent of the gentleman enjoys from day to day.

Mr. STAFFORD. Oh, it may represent the condition of the bill of fare of the gentleman's constituents, but not the constituents that I represent.

Mr. FITZGERALD. I am speaking particularly of the people of Milwaukee.

Mr. STAFFORD. The gentleman is misrepresenting and knows nothing about the conditions.

Mr. FITZGERALD. I may not; but when the gentleman from Wisconsin undertakes to set his judgment above the judgment of physicians and the judgment of men whose business it is to know how men should be fed scientifically and what is best for them and what is essential for them, he is merely indulging in cheap demagogy, because there is a branch of the National Soldiers' Home in the gentleman's own city.

Mr. STAFFORD. I have never indulged in demagogy near as much as the gentleman from New York has on behalf of appropriations for his navy yard. I have not got the reputation for indulging in demagogy, and it ill becomes the gentleman to make such a statement.

Mr. FITZGERALD. Nevertheless, I make it.

Mr. STAFFORD. I know the gentleman makes many rash statements that he can not back up, as he is accustomed to make on some occasions.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. Each year these complaints come to Congress about the inefficiency of the food supply of the military homes, and each year the chairman of the Committee on Appropriations answers the criticisms by fulsome eulogies of the board of managers and by reading a faked-up report on the part of some individual sent to the soldiers' homes, whose expenses are paid for by the board of managers, and who is ribbed up to bring in that kind of a report.

Mr. FITZGERALD. This gentleman to whom I refer——

Mr. ANTHONY. Oh, I know all about how that report was secured, when it was secured, and why. It was secured in advance with the idea of discrediting what I am going to say about this.

Mr. FITZGERALD. And I think it has discredited the gentleman.

Mr. ANTHONY. And I say it as a Member of this House and with personal knowledge of the truth, and I do not intend to have the gentleman come in and offer to the House a faked, trumped-up report of that kind to offset what I say in good faith to the House without telling the House how it was obtained.

Mr. FITZGERALD. This report is made by a man appointed by the commander in chief of the Grand Army of the Republic. He was a colonel in the Civil War and he resides in the gentleman's own State. He was one of the committee appointed by the commander in chief of the Grand Army of the Republic, and if this is a faked, trumped-up report to discredit the gentleman, it does not originate with me.

Washington Gardner was a Member of Congress, and served on that side of the House for many years with the gentleman from Kansas——

Mr. ANTHONY. Mr. Chairman, I have the floor.

Mr. FITZGERALD. And the gentleman knows he would not be a party to any faked-up charge.

Mr. ANTHONY. Will the gentleman permit me to finish my remarks? I want to admit that, as far as Washington Gardner is concerned, he is a fine man, a man who is respected highly, and who served in this House with his colleague, the president of the Board of Managers of the Soldiers' Home, Mr. Wadsworth, who is also a fine, genial gentleman, and who has many friends on the floor of this House, and it is natural Washington Gardner should seek to help out his old colleague, and it is natural the gentleman from New York [Mr. FITZGERALD] seeks to help out his old colleague from New York State, Mr. Wadsworth.

Mr. FITZGERALD. And your Republican colleague; the gentleman must not forget that.

Mr. ANTHONY. I do not care whether he is a Republican or a Democrat. I am pleading for proper treatment of these old soldiers, and if a Republican is responsible for this maladministration I want to say I am horrified and ashamed of it, and I would be glad even to fill these places on the boards with Democrats if they will step in and treat these men as they ought to be treated.

Mr. FITZGERALD. We tried to do it, and that side of the House stepped in and kept it from being done.

Mr. ANTHONY. I want to say further, Mr. Chairman, that there is real cause for the criticisms and complaints of the soldiers' home, and I want to call the attention of the House to a report made by the Senate committee last year when they investigated the California home. Now, what did they report as to the condition of these veterans and the way they were treated? We find that these poor old veterans, most of them survivors of the great War of the Rebellion, in their tottering old age were fed in this manner: A soup plate was put in front of them at noontime. A ration of soup was poured into that plate. The veteran drank it or ate it. In the same dirty plate a ration of meat or potatoes was afterwards placed without even giving them a new plate or washing the old one. They were fed like a drove of hogs; that is the way they were

treated. What did the Senate committee find further? It was admitted by home officials that the milk was watered before it went on the table; that 50 per cent of water was placed in the milk that was given these poor old veterans. What did they find further? They found out that they put 19 pounds of coffee to make 125 gallons of coffee to serve to the veterans, and it was admitted that that was about one-half the amount that should go into the ration. Good coffee well made is the first essential of any ration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SELDOMRIDGE. Will the gentleman yield for a question?

Mr. ANTHONY. Yes.

Mr. SELDOMRIDGE. I believe the gentleman is honest in the statement he is making to the House in reference to the character of ration provided for these old soldiers and I would like to ask the gentleman this question: On what theory of management do the managers of these homes provide a ration of that character? What is the object in providing a cheap ration? Is it to reduce the expenses of management and secure for themselves a record of economy and judicious management?

Mr. ANTHONY. I think the gentleman is right there. Maj. Wadsworth is unquestionably a good business man, who takes pride in keeping the cost of feeding the men as small as possible, even while wasting money in other directions.

Mr. SELDOMRIDGE. Having experience as a public man, does not he realize the sentiment of the country would justify the most liberal appropriations for the sustenance of the old soldiers?

Mr. ANTHONY. I feel that it should.

Mr. SELDOMRIDGE. Then, let me ask the gentleman this question.

Mr. ANTHONY. I want to say if it were not for the political pull of the president of the board of managers on the floor of the House to-day these men would be better treated and fed, and the pull is on both sides of this Chamber.

Mr. SELDOMRIDGE. Why is the effort, then, to increase the ration so highly resisted? I can not understand why there should be any opposition whatever to an increase in the amount of the ration.

Mr. ANTHONY. It is simply pride—defending themselves from just criticism. Now, let me call the attention of the committee to a condition at the Leavenworth home that immediately preceded the visit of this so-called official visitor which the chairman of the committee has read to you. Here was the condition that prevailed. That committee speaks of what a pleasant place it is and how ideal are the surroundings. Listen to this. Here is a communication in a local paper out there:

> Veterans report bedbugs thick; while nursing, he was often called upon by sick patients to kill them.

This is in the hospital, remember, and the local paper published the story.

> I take pleasure in thanking you for publishing the story which you did in your issue of September 9. I positively assure you of the truth of same, especially in reference to bedbugs. I will say that a few weeks ago, before the hospital wards and barrack building were fumigated, which has just recently been done, I myself, six weeks ago, was night nurse (male). One of my patients (paralyzed), when I would go to his bed at 12 o'clock to turn him over, I could scrape the bedbugs off his pillow. Many and many's the time he called me to kill them. He had to buy a skullcap to keep them off.
>
> I suppose that after the ladies you mentioned spoke of bedbugs they had to get to work.

And so forth.

Now, what preceded that? Two very estimable ladies in the town went to the hospital at the soldiers' home to see a dying veteran——

Mr. FITZGERALD. Who signed the letter?

Mr. ANTHONY. It is signed, "One Who Knows," an old soldier. He was afraid to sign his own name; if he did, he would not last longer than 30 days at the institution which the gentleman praises so much.

Mr. FITZGERALD. He ought not to remain there at all if he knows of those conditions.

Mr. ANTHONY. I will tell the gentleman a little more. It happened that I was at my home about that time, and two very estimable ladies of the town came to see me, members of the Ladies' Circle of the Grand Army of the Republic. They had paid a visit to the hospital at the Leavenworth home to see a dying veteran there, a man who died shortly thereafter. They were horrified upon going to see this man to find his bed was literally alive with vermin—and remember, gentlemen, this is in one of these institutions so highly praised by the Committee on Appropriations. They came to me and demanded that I make a complaint about it. I took it up before the board and it was denied by the local officials that that condition existed. But it came about that on account of the publicity given the complaint that the hospital was infested with vermin the board was subsequently forced to discharge the chief surgeon and other officials who were responsible for that condition.

The trouble is that these estimable gentlemen on the board do not know how these institutions are being managed. They go there once a year. And I tell you that there are conditions, gentlemen, which prevail at some of the homes which are a shame and a disgrace, and this bedbug incident is just one of them.

Now, to get down to the question of the amendment which I have offered. There is one argument that I am sure the chairman of the Committee on Appropriations can not answer, and that is why it is that the Regular Army home allows 35 cents a day to maintain the veteran soldiers in the home here in Washington, and the gentleman would compel the veteran Volunteer soldiers of these homes provided for by this bill to subsist on 22 cents a day. I am making the effort to give these veteran Volunteer soldiers as good rations as the soldiers of the Regular Army homes, and I think it is no more than just or right that that be done.

Mr. REILLY of Connecticut. Will the gentleman yield?

Mr. ANTHONY. Yes.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ANTHONY] has expired.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words.

I shall support the amendment offered by the gentleman from Kansas [Mr. ANTHONY], and I think there is merit in his statement that there should be an increase, in view of the cost in the Soldiers' Home near Washington City. In other words, there should not be such a difference as 10 or 12 cents per day per man between maintaining the soldiers of the Regular Army as against those who served in the Volunteer Army.

Mr. FITZGERALD. What does the gentleman include in the Washington home? Does it not include the service at these buildings?

Mr. ANTHONY. I will say that Gen. Young, the commandant, informed me that they allowed about 35 cents for subsistence of the men in the home and 50 cents for the men in the hospital of the home per day.

Mr. FITZGERALD. That might include all the service?

Mr. ANTHONY. That is subsistence.

Mr. FITZGERALD. The gentleman has indefinite information.

Mr. ANTHONY. I can show the gentleman from the reports that I am correct.

Mr. FITZGERALD. I do not know anything about it.

Mr. ANTHONY. It is the gentleman's business to know when he is preparing these appropriations.

Mr. AUSTIN. I do not believe the gentleman from Kansas could afford to make a misstatement to the House in reference to this matter. We all know he has given it a pretty thorough investigation, for we have constantly heard him deliver speeches on the floor of the House in reference to the alleged abuses in the home located in his own congressional district.

Mr. FITZGERALD. The gentleman's criticism of that home commenced when the board of managers declined to burn coal in that home which was produced in the gentleman's district, at a very greatly increased cost, instead of burning oil. That is when it commenced.

Mr. ANTHONY. The gentleman is right; and I still contend that I am right and the gentleman is wrong.

Mr. AUSTIN. Mr. Chairman, I will continue my remarks. [Laughter.]

Regardless of what was the original motive that prompted the gentleman from Kansas, I am led to believe it resulted in his investigation of this subject, and I have that confidence in him that I am loath to believe he could afford to misrepresent a condition affecting the soldiers' home located in the district he so ably represents. But in this connection I wish to state the home located near Johnson City, known as the Southern Branch, is ably administered by Gov. John T. Smith; and during my service in this House I have never received a complaint from a member or ex-Federal soldier in that home from the district I represent. I know the officers of that home personally, and I have had occasion to visit it and examine the various departments, the mess hall, the barracks, the administration buildings, the hospital, and so forth. There is no just cause for complaint of the efficient, faithful, and honest administration of this home, and I challenge any criticism as to

the efficiency of it or the high character of the men who administer its affairs.

Now, I have had occasion also to visit the Southern Branch, located at Hampton, Va., two or three times every year during my service in this House. I know personally the governor of that home, Col. Knox, and the other officers who are associated with him in its administration, and I do not believe there can be truthfully laid a just complaint against the efficient, honest, and faithful management of that home. I think I owe it to the men who are connected with the soldiers' home in Tennessee and the soldiers' home in Virginia to make this statement, in view of the many criticisms that have been made on the floor of this House touching the various soldiers' homes in the United States.

Mr. MONDELL. Mr. Chairman, I do not know to what extent gentlemen who happen to represent districts in which there are soldiers' homes or districts which are adjacent to soldiers' homes may feel called upon to complain on behalf of the inmates of the homes as to the treatment they receive, but certain it is that the inmates themselves make very, very little complaint of their condition. The gentleman from Tennessee [Mr. AUSTIN] has just made a most remarkable statement—that, with regard to the Mountain Branch, near his home, he has never heard a single complaint from an inmate. I imagine it would be very difficult, indeed, to match that condition in any public institution anywhere, particularly when you take into consideration the fact that these men are old, that they are infirm, and that they are at a period of life when trifling matters sometimes seem of great importance to them. There is not an item in this bill that so appeals to our patriotic impulses as these items providing for the care of the old Union soldiers. And I am surprised to hear gentlemen on this side use the language they have used in describing conditions in these homes as being outrageous. It is not true; it never was true; and, least of all, is it true now. These homes are beautiful, spacious, comfortable, well taken care of, and the inmates are well provided for, and in the overwhelming majority of cases they are perfectly content. The board of managers is composed of men of high character, men who served with these veterans, men who are in sympathy with them, and men who would not leave anything undone which would contribute to their comfort. To say that these men limit the fare of these soldiers, deny them proper food, in order that they may make a showing of economy, is to indict them in a way that any man knowing those gentlemen knows is not justified or justifiable. It is true that the sum per day paid for subsistence—simply the cost of food, not including any cost of preparation—does not seem high, but the supplies are bought in large quantities at wholesale, and therefore at a comparatively low price. Furthermore, practically every one of these homes has a large farm. At most of the homes milk and cream are produced from the farm, and they are not included in the cost of the ration.

Those farms produce a large portion of the vegetables used in most of the homes. Those vegetables are not charged up in the cost of the ration, so that as a matter of fact the ration costs very considerably more than is indicated by the price stated as its cost. Not only are these farms well stocked with high-grade cattle, with work horses and implements, but they are of considerable area, capable of producing a considerable portion of the farm products used in the home. We are expending quite a considerable sum for the maintenance of the farms, and not one product of the farms is charged to the cost of the ration. If you add to the cost of the ration the value of all the products produced on the farms and the cost of maintaining the farms, you would find that the cost of the ration would be quite high.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. ANTHONY. The total cost is about $150,000, appropriated for these so-called farms. Does the gentleman know that about $75,000 of that amount is devoted to the maintenance of grounds as scenery and not to the production of vegetables?

Mr. MONDELL. No; I do not know it.

Mr. ANTHONY. That is a fact.

Mr. MONDELL. I do not know anything of the kind. I am not especially well acquainted with these soldiers' homes, but I take it for granted that the money that is spent on these farms is spent economically. I know that a large amount of vegetables are grown.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. I take it also that the money is spent in the main for carrying on the work on the farms.

Now, there has been some criticism of the ration, some talk to the effect that there is not a sufficient variety. The gentleman from Wisconsin [Mr. STAFFORD] talked about bologna sausage for supper. Well, if on some one day in the year, or on two days or three days in the year, bologna sausage was on the ration, I assume that it was good bologna sausage, and I have no doubt it was palatable and acceptable. Certainly the gentleman does not want us to understand that that was the only article of food that was served.

Mr. STAFFORD. It is true that they had bread and butterine and coffee, but they had nothing else.

Mr. MANN. The gentleman from Wisconsin is looking for a certain thing which goes with bologna. [Laughter.]

Mr. STAFFORD. They can get the other thing outside.

Mr. MONDELL. I understand it may be popular to make these criticisms. The gentleman may want to appeal to a few disgruntled persons, to the effect that these members of the home are not being well fed, but I prefer to take the word of the members of the homes themselves rather than that of those advocates and champions of them who criticize the bill of fare. I do not propose to stand here and hear the management of these homes for veterans, as maintained by Congress, challenged unfairly without answering.

Now, this is true with regard to the suppers at those homes—a matter that was discussed before our committee: These men are mostly old. It does not do to feed them heavily on meat for the evening meal. It has been clearly demonstrated that an increase of meat for the evening meal means an increase of a variety of troubles, an increase of the number of men in the hospitals; and, therefore, in order to keep the men healthy and in as good condition as possible, the meat ration is kept small for the evening meal. I suppose that these gentlemen would suggest that we load these veterans with the heaviest kind of meat for the evening meal in order that we may increase the number of those who go to the hospitals.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Does not the gentleman think they are entitled to some vegetables for the noonday meal besides potatoes?

Mr. MONDELL. I have no doubt they are so furnished.

Mr. STAFFORD. That was the only vegetable contained in the bill of fare that was read by the gentleman from New York [Mr. FITZGERALD]. Perhaps that was a fast day.

Mr. MONDELL. Those bills of fare include a variety of vegetables. I have no doubt the bill of fare is satisfactory to the majority of the veterans. I have no objection, so far as I am personally concerned, to having the bill of fare improved if the veterans desire it—to have a greater variety, if they desire it. But I do protest against increasing the appropriation on the ground that these men have not been well cared for and well fed, and that they have not in the overwhelming majority of cases been perfectly content and well satisfied.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. GUERNSEY. Mr. Chairman, I do not know what conditions may exist in other national soldiers' homes, but I do know from personal examination of the home at Togus, Me., near the State capital, that the food served there and the conditions under which it is served are as good as in the best hotels in Washington.

And further than that, that Gen. Joseph Smith, who until recently has been the Maine member on the board of managers of these national homes, and whose reappointment to the board of managers certain interests have been trying to prevent, has taken an unusual personal interest in the soldiers' home at Togus, and has given a great amount of his time for years looking after that home and the interests of the veterans there, making frequent personal visits to them. I know him so well and his love of the work was so great that it would have been impossible in the soldiers' home near Augusta, Me., for any conditions to exist as to foods that were not entirely proper and right.

Gen. Smith made the Maine home his special charge, and he rendered most important and faithful service to the Government and the veterans during his service on the board. I can personally assure this House that the veterans at the Maine home are well cared for and well fed. I have talked with the veterans; I have visited them at the home; I know what they say, and I have never heard a single complaint. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, as stated a few minutes ago, I intended making some further remarks upon the conditions in the Battle Mountain Sanitarium and the management of that institution when the item making the appropriation is reached. The subject of the conditions in the homes generally, however, having been discussed as they have been, I will ask the indulgence of the House to bear with me while I say what I have to say right now, as it will perhaps be more appropriate at this point than further on in the bill.

I think perhaps that some of the antagonism that seems to prevail in the House against the management of these homes is due largely to some remarks made and to the charges that were brought to the attention of the House on the 29th of April by the gentleman from Illinois [Mr. BUCHANAN], wherein he read a statement made by three men who had been dropped from the rolls at the Battle Mountain Sanitarium, in South Dakota.

The gentleman from Kansas [Mr. ANTHONY] on the 9th of the present month, in a speech in the House, made reference to the Battle Mountain Sanitarium, complaining of the conditions in that institution and referring to the charges that had been made by the three men who had been members of that home, who, as he expressed it, "had been given the gate," meaning that they had been dropped from the rolls.

Mr. Chairman, in general debate on this bill I commented somewhat upon the charges contained in the communication which came from these three men, and which were put in the RECORD by the gentleman from Illinois, and I do not intend to discuss them at any length now, except to say that in the years that I have been in this House and during the time that the Battle Mountain Sanitarium has been in operation in my State I never have received a single complaint from any member of that home, or from any man who had ever been in the home, except the charges that the gentleman from Illinois submitted, copies of which were sent to me.

Some Members of the House undoubtedly labor under the impression that these charges come from some old soldier, some old veteran of the Civil War, some man who had a long and perhaps distinguished military service.

Now, it happens that these charges were principally gotten up by one who had been a member of the home, and I took occasion to look up that man's record. He is 47 years of age. He enlisted in Buffalo, N. Y., in May, 1898. He was discharged in November, 1898, at Buffalo, and he was treated in a hospital during his military service for a period of two days for an ingrowing toenail. That is the record of the man who is the chief sponsor for these charges.

The gentleman from Kansas [Mr. ANTHONY], referring to these charges, on June 9 stated that he had written to a man who had been in that home, who he said was a man he knew and upon whom he could rely, inquiring about these men. That man, in speaking of these men, said in his letter of reply to the gentleman from Kansas:

> In a word, these three men are simply three miserable, wretched, nonpensioned, impoverished invalids, with a rather exaggerated idea of their surroundings.

Of the man who had the six months' service, at Buffalo, N. Y., in 1898, he said:

> He is a frail chap, in the secondary stages of pulmonary tuberculosis, inclined to be fanciful as to his surroundings, reads socialistic literature, etc.

Mr. Chairman, with reference to these charges and the speech made by the gentleman from Illinois [Mr. BUCHANAN], I want to have read an article from the Hot Springs Star, of May 15, 1914. Hot Springs is the place where the Battle Mountain Sanitarium is located. I invite attention to the reading of the article.

The Clerk read as follows:

THE OTHER SIDE—THE TRUTH ABOUT THE DISCHARGE OF MEMBERS FROM THE BATTLE MOUNTAIN SANITARIUM.

Regarding an unpleasant situation that developed at the Battle Mountain Sanitarium recently, several of the papers of the Northern Hills have been, we think, a little hasty in publishing articles regarding same without first getting the facts in the case. We refer to the discharge of members, James H. Lacy, John H. Yount, and Anthony H. Walich, from the sanitarium.

The matter published by the Gate City Guide, at Rapid City, and the Pioneer-Times, at Deadwood, is a copy of the CONGRESSIONAL RECORD and letters submitted by Congressman BUCHANAN of Illinois, to whom these men who were discharged took their case. He, of course, on the floor of the House, seemed to get real bitter and denounced the management of the home here in rather an uncalled-for manner.

Lacy, Yount, and Walich were members of the sanitarium here in the tubercular cottage. As any person in this city will verify, the men at this cottage get the best treatment of any at the sanitarium. Petty troubles were enlarged upon by them until an investigation by the board resulted.

In Congressman BUCHANAN'S tirade, as well as the letters submitted, he called particular attention to the local management and laid all blame, if there be any, on these men.

A synopsis of all the charges made by the men discharged would be too lengthy, but in substance the chief trouble seems to lay in the free tobacco issued at one time, it being somewhat musty; but as soon as reported, this matter was righted.

Leaving out the minor details, the president of the Board of Managers of the National Home, Maj. James W. Wadsworth, of New York City; Col. James E. Miller, inspector general and chief surgeon; together with a committee composed of Col. N. G. Cockey, of Salina, Kans., and Col. F. F. Jones, of Ohio, representing the Spanish War Veterans' Association, upon their regular tour of inspection, investigated these complaints, and after a fair and impartial hearing made a joint recommendation that Lacy, Yount, and Walich be dropped from the rolls, thus exonerating the local management from all charges referred to in the CONGRESSIONAL RECORD. This investigation was made March 25 of this year. This ought to lead any fair-minded person to a proper conclusion, and that is that the members evidently received their just deserts.

Men in charge of any institution of any importance are always criticized, and of the 500 members at the Battle Mountain Sanitarium there are bound to be some who have an idea that they could conduct it in better shape than men who have devoted their life to this sort of work.

Regarding the food and drugs at the sanitarium, the United States food and drug inspector here last week stated that when it came to criticizing it he had no criticism to offer, but that it was a matter of wonderment to him at the high quality and perfect manner in which everything is kept.

Every person in the city has a personal pride in the sanitarium and its set of efficient officers, and when papers in other cities give publicity to unfounded statements, even though they be in the CONGRESSIONAL RECORD, we beg to set the matter right and hope that the Guide and Pioneer-Times will set this matter right with their readers.

Mr. BURKE of South Dakota. Mr. Chairman, I want to add a further testimonial to the high standard that prevails in the Battle Mountain Sanitarium, both as to administration and the conditions generally, and to further refute the unjust charges that were brought to the attention of the House and the country by the publication of the charges that were sent to the gentleman from Illinois [Mr. BUCHANAN] and which appears in the RECORD of April 29. I am going to ask to have read a letter written by a very prominent citizen of South Dakota, a man who had a very distinguished military service in the War of the Rebellion, who rose to the rank of captain, a man who is highly respected and whose word is absolutely good. He happens to be a brother of a gentleman who served in this House with honor and distinction for a period of 12 years, the Hon. Washington Gardner, of Michigan. His name is C. V. Gardner, and before I send the letter which I received only yesterday to the Clerk's desk to be read, I will read the letter accompanying it for the information of the House and to show that he wrote me entirely unsolicited:

PIEDMONT, S. DAK., *June 16, 1914.*

Hon. CHARLES H. BURKE, *Washington, D. C.*

MY DEAR MR. BURKE: The inclosed is a copy of a letter I have this day mailed to Hon. FRANK BUCHANAN.

His speech, to say the least, was outrageous, and he ought to make amends for so vile a slander.

With kind personal regards,

Yours, very truly,

C. V. GARDNER.

Mr. Chairman, I now send to the Clerk's desk and ask to have read in my time a copy of the letter that Capt. Gardner inclosed, the original having been sent to the gentleman from Illinois [Mr. BUCHANAN], to whom it is addressed.

The Clerk read as follows:

PIEDMONT, S. DAK., *June 17, 1914.*

Hon. FRANK BUCHANAN,
Washington, D. C.

DEAR SIR: On my return home, after an absence of some weeks, my attention has been called to a speech made by you and published in the CONGRESSIONAL RECORD of April 29 last, in which you viciously assailed the management and officials of the Battle Mountain Sanitarium, located at Hot Springs, this State. My first thought was one of intense indignation; then, supreme pity, that a gentleman supposed to have the ability to represent in part one of the great States in the Congress, would make such a speech without first trying to ascertain if there was just cause for it, and the alleged complaint in a letter by one Walich, and made a part of your bitter and unjust attack.

Permit me to state that at the last annual encampment of the National Grand Army of the Republic Association, held at Chattanooga, a standing committee of 10, one for each of the national homes, was appointed to investigate alleged ill treatment of inmates and other wrongdoings by the officials of the homes. I was assigned to the Battle Mountain Sanitarium. I made application for admission, ostensibly for treatment, but in reality that I might, from personal experience and observation, study conditions as they actually existed. I was regularly admitted February 5 last and remained until March 2. I was assigned to a ward and lived just as the other inmates, eating the same food at the same tables, and obeying the same rules and regulations of the institution as my comrades did.

It was a pleasant experience and a revelation along many lines. There were at the time of my visit between 400 and 500 inmates.

Being a sanitarium rather than a home, I found men suffering from nearly all diseases and ailments that humanity is heir to—patients in all stages of diseases, from the very sick to those who were physically strong, but were there for treatment of real or imaginary chronic ailments.

I desire to state right here that it is my candid belief that quite a number of the inmates, judging from their physical appearance, movements, and appetites, are there because a too generous Government has supplied them with all the luxuries of a home without money or a price. Men able to work, yet taking the opportunity of having been enlisted as soldiers, live without labor or responsibility. This applies especially to some of the so-called Spanish War veterans.

I do not hesitate to state that if you will look up the record of the man who wrote and those who indorsed that letter you will find that

they never heard a hostile shot, or if so, were far in the rear; and, further, if they are ailing, they are being treated for diseases brought on by dissipation and debauched habits. They are simply "camp followers" and unworthy of the name of American soldiers and a disgrace to the great body of young men who are rightly known as Spanish War veterans.

I doubt not all the 10 homes have a greater or less number of these fellows, whose chief occupation is that of disturbers and faultfinders. I found the sanitarium modern in all respects and treatment the very best.

The food, while plain—as it should be—was most abundant, and the chef of the Waldorf-Astoria could not improve on its preparation and cooking. All foodstuffs are accepted only after inspection by a competent committee, two of whom are doctors, and must comply with pure-food laws The sanitary conditions are simply perfect from "cellar to garret."

I have found that not only all the officials, but attendants as well, are most courteous and attentive to their varied duties. As to Gov. James A. Mattison, I do not believe in all the country there is a man better qualified in every respect for the position he occupies. He is kindness personified, yet firm in his administration; and the charges you make in your unconsidered—I want to be charitable—speech are so foreign to his nature that they are simply absurd.

It is my good fortune to have known Maj. W. H. Stanley for a number of years. He is a most genial gentleman and the very soul of honor, and if a wrong, by any means possible, occurs in his department, no man would be swifter to right it if in his power to do so.

Should you have any doubt of the truth of these statements, if you will go and investigate for yourself and not find them in all respects as above set forth, I will pay all your expenses from Washington and return. Should you find my contentions correct, I hope you will be big enough and broad enough to acknowledge before all the people of the country that you did a great injustice to the most worthy gentlemen and conscientious officials. It is that "spirit that makes just men perfect."

Yours, truly,

C. V. GARDNER,
Late Captain Company A,
Twenty-ninth Iowa Volunteer Infantry.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. During the remarks of the gentleman from Wyoming [Mr. MONDELL] I was surprised——

Mr. DONOVAN. Now, Mr. Chairman, I am going to make the point of order. The gentleman has already struck out the last word two different times.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, I was astonished to find that the gentleman from Wyoming [Mr. MONDELL] in the remarks he addressed to the committee, questioning the correctness of statements made by other Members in reference to the soldiers' home, should himself have displayed a woeful lack of knowledge, a woeful ignorance in regard to matters upon which he is called upon to legislate in his committee. He assured the House that the inmates of these soldiers' homes were abundantly supplied with fresh vegetables from splendid farms connected with every one of these 10 homes.

It is true that we appropriate in this bill about $152,000 to conduct imaginary farms at these homes, but what do the figures compiled from the report of the board of managers show? They show that out of the $152,000 that we appropriate for these so-called farms there is a net loss in conducting them of $83,000, and that the inmates receive only about $60,000 in value in vegetables from these farms. In other words, these farms are conducted at this loss to the Government of $83,000, which is explained by the board as being expended for the maintenance of the grounds. Yet the members are charged up with the maintenance of these grounds, with the cost of this scenery, in the comparative figures which they furnish Congress, showing how much it costs per annum to maintain a member in one of these homes.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MONDELL. The gentleman knows that the soldiers are not charged up anything on account of these farms; that whatever is produced on the farms is received by them in addition to the ration cost which has been reported.

Mr. ANTHONY. I have stated to the gentleman that the amount Congress appropriates for farms, $152,000, is used in computing the total cost to the Government of maintaining the members per annum. It is shown by figures that the soldiers do not get the amount of $152,000 by $83,000. At some homes, one, the Battle Mountain Home, not a dollar is expended for the cost of a real farm. Every dollar of it is expended for maintenance and grounds.

Mr. MONDELL. That is the home where the gentleman from that district says there is no complaint.

Mr. ANTHONY. It is very natural for gentlemen representing the district where these homes are situated to get up and defend them. The crowning indictment of these homes arises from the fact that at Battle Mountain Sanitarium for instance, supposed to be a home for the cure of tuberculosis, there has not been a single record of a soldier who has been cured at that institution. Whereas at the Government Army sanitarium at Fort Bayard they turn out dozens of men cured of that dread disease every year.

Mr. BURKE of South Dakota. Does the gentleman think that the Member who comes from the district where there is a home, if he wants to serve his own interest, would be upholding the government of a home against the judgment of several hundred members that might be in the institution?

Mr. ANTHONY. At some homes there is very little complaint, while at others the conditions are very bad. Some gentlemen have spoken in defense of their homes, and justly so.

Mr. BURKE of South Dakota. I have confined my statement to the Battle Mountain Sanitarium, which was assailed by these three men and one or two others.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were 12 ayes and 18 noes.

So the amendment was lost.

The Clerk read as follows:

Southern Branch, Hampton, Va.: For current expenses, including the same objects specified under this head for the Central Branch, $46,000.

Mr. ANTHONY. Mr. Chairman, I have been informed that the governor of the Hampton Home draws about $7,000, in all, per annum from the United States Treasury, and that that is made up of his salary as a retired colonel in the Army and also the regular salary of a governor of the soldiers' home. It is a generally accepted rule or a provision of law that wherever a retired Army officer is detailed to active duty he is only allowed to draw, in addition to the retired pay, the amount of difference between the retired pay and the regular pay. Yet the board of managers, for some reason, have allowed the governor of the Hampton Home the full salary of $3,000 in addition to his retired pay.

Mr. FITZGERALD. The retired Army and Navy officers can be assigned to certain military duty, and then they receive full pay. I do not know of any statute that prohibits a retired Army officer receiving civilian compensation. There is a provision in the Revised Statutes that forbids any person receiving a compensation of more than $3,500 from receiving any other additional pay; but I am informed that the comptroller has ruled that the pay of a retired officer of the Army is in the nature of a pension, and that they do not come within this provision.

Mr. ANTHONY. Of course the gentleman knows that a retired officer ordered to active duty simply draws the regular pay, and it seems that the governor of a soldiers' home is merely doing military duty and should not draw any more than the pay of his rank on active duty.

Mr. FITZGERALD. He draws a salary as governor of the home.

Mr. ANTHONY. And he gets quarters and a number of other emoluments. Mr. Chairman, I would like to offer an amendment which I think would correct the abuse. I understand this governor is drawing the full amount of $3,000 salary from the board of managers, in addition to his retired pay from the War Department, and I think the amendment will cure that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph, to follow line 15, page 83:

"*Provided*, That when a retired Army officer is appointed to an official salaried position by the board of management of the National Home for Disabled Volunteer Soldiers, he shall not be paid by said board of managers out of any appropriation made by this act a greater compensation than that which will equal the difference between the retired pay and the pay he would receive if on the active list of the Army."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against the amendment. I want to ask the gentleman from Kansas this question: Why should that rule apply only to retired officers who may be appointed by the Board of Managers of the National Soldiers' Homes? Why should it be restricted in such a way? If such is to be the policy of the Government, why should the rule not be uniform?

Mr. ANTHONY. Mr. Chairman, I will say to the gentleman that it is my information that it is the general law now, which applies to every other assignment other than to physicians in the national soldiers' homes, the law governing which seems to have been construed by the comptroller as a law unto itself.

Mr. FITZGERALD. Mr. Chairman, I am informed that the law applies only to active service in the Army.

Mr. ANTHONY. I do not see any reason why a Regular Army officer should draw double pay from the Government for doing purely military duty, and this is surely military duty.

Mr. FITZGERALD. Suppose a retired Army officer was appointed head of a department of the Government; should he

receive only what he is entitled to as an officer of his grade on the active list?

Mr. ANTHONY. No; I think perhaps an exception should be made, but in this instance at the Hampton Home he is doing regular military duty. Let me carry the analogy further. If a retired officer of the Army was detailed there as a military instructor to those men, if such could be done, all he could draw would be the difference between his retired pay and his active pay.

Mr. FITZGERALD. Because that would be active military duty.

Mr. ANTHONY. That is all this man is doing.

Mr. FITZGERALD. Oh, no; he is the governor and the administrator of this home. Suppose a retired colonel were appointed Assistant Secretary of the Navy or Assistant Secretary of Agriculture, the same rule should apply to him as would apply to a man appointed governor of one of these homes.

Mr. ANTHONY. Mr. Chairman, to my mind it is bad policy to allow any man to draw two salaries from the Government for doing one duty.

Mr. FITZGERALD. There have been retired Army officers who have been Members of Congress.

Mr. ANTHONY. A retired Army officer is subject to being ordered to active duty by the Government at any time that it can utilize his services. He is not like a man retired on a pension.

Mr. FITZGERALD. But only for military duty.

Mr. ANTHONY. That should be military duty at Hampton Home, and it really is. I think the trouble is that it is construed as a civil duty by the comptroller.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TAGGART. Does the gentleman's amendment include also retired officers of the Navy?

Mr. ANTHONY. It covers only officers of the Army, because the presumption is that they would detail only officers of the Army, but still it should apply to officers of the Navy.

Mr. TAGGART. Of course this is not a military duty under any department of the Government. It is a civil duty.

Mr. ANTHONY. As the gentleman from California [Mr. KAHN] suggested to me, the language should be "Army, Navy, or Marine Corps."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. FOSTER. I think it is a limitation on an appropriation.

Mr. FITZGERALD. I think not.

Mr. FOSTER. Oh, yes. It provides that they shall be paid only so much. I think it is a limitation on an appropriation.

Mr. BARTLETT. Not on the amount carried in this bill.

Mr. FOSTER. It is a limittation on the item carried in this bill.

Mr. ANTHONY. Has the point of order been made against the amendment?

The CHAIRMAN. The Chair understood the gentleman from New York reserved the point of order, but the Chair did not understand that he made the point of order.

Mr. FITZGERALD. Mr. Chairman, I made the point of order.

Mr. ANTHONY. Mr. Chairman, I think the amendment is clearly in order under the Holman rule. It is a limitation, a reduction.

Mr. TAGGART. Is it not manifest on the face of the amendment that it works an economy? It limits the appropriation. It will reduce the amount of expenditure on the bill.

Mr. STAFFORD. Mr. Chairman, if the Chair will indulge me, I wish to refresh his memory on that part of the Holman rule which provides that an amendment shall be in order where it works a reduction of compensation of any person paid out of the Treasury of the United States, and certainly this amendment covers that character of individual and is in order under the Holman rule.

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from Kansas.

The question was taken.

The CHAIRMAN. The noes appear to have it. The noes have it, and the Clerk will read.

Mr. ANTHONY (from his seat). Mr. Chairman, I ask for a division.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman did not rise to ask for a division, and that he asked for a division after the Chair had announced the result and had directed the Clerk to read. The request comes too late.

Mr. ANTHONY. Mr. Chairman——

Mr. FITZGERALD. Oh, the gentleman never rose out of his seat.

Mr. ANTHONY. The gentleman can not make anything by unfair tactics of that kind.

Mr. FITZGERALD. I am not attempting to gain anything by being unfair; but the gentleman did not rise in time.

Mr. ANTHONY. There is no doubt the amendment will be voted down; and the gentleman might as well allow a division on it.

Mr. FITZGERALD. I make the point of order that the demand for a division came too late.

Mr. ANTHONY. If the gentleman makes the point of order on that, I will make the point of no quorum.

Mr. MANN. While the rules might require a gentleman to rise to make a demand for a division, ordinarily it is done by a gentleman sitting in his seat.

Mr. FITZGERALD. It is too late.

Mr. MANN. The gentleman asked for a division.

Mr. FITZGERALD. Then I beg the gentleman's pardon if the gentleman made it in time.

Mr. MANN. But he made it while he was in his seat.

Mr. ANTHONY. Mr. Chairman, I withdraw the request for a division.

Mr. FITZGERALD. If the gentleman made his demand for a division in time, of course, I did not understand it.

Mr. MANN. The gentleman from Kansas withdraws his request.

Mr. FITZGERALD. It is too late to withdraw.

Mr. STAFFORD. I renew it, Mr. Chairman.

Mr. FITZGERALD. The gentleman can not renew the request. If it was not made in time, he can not renew it.

Mr. STAFFORD. The gentleman from Kansas was in time, and if he withdraws it another Member has the privilege of renewing it, and I renew it.

Mr. FITZGERALD. It is too late for the gentleman from Wisconsin——

Mr. STAFFORD. If the gentleman will bear with me, if the gentleman from Kansas made the demand for a division in time and then subsequently withdraws it, it lies within the power of any Member to renew it.

Mr. MANN. Undoubtedly.

Mr. STAFFORD. And that was my purpose in renewing it.

Mr. MONDELL. Let me suggest the gentleman from Kansas did not make his motion in time. He did not claim he did. The gentleman from New York agreed, if the House by unanimous consent would give an opportunity to make the motion, he should not object, but that does not give the gentleman from Wisconsin an opportunity to make it.

Mr. STAFFORD. The gentleman from Illinois, whom I believe to be a somewhat superior parliamentarian to the gentleman from Wyoming, claims that the gentleman from Kansas was in time.

Mr. MONDELL. I do not understand the gentleman from Illinois to claim anything of the kind.

Mr. STAFFORD. Oh, yes, he did; and if the gentleman did not hear it he is deaf.

Mr. HAMILTON of Michigan. I do not believe in these invidious comparisons.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, $95,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

Mr. ANTHONY. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the proviso beginning in line 7, on page 84, and insert in lieu thereof the following:

"*Provided*, That such part of this sum as shall be used for fuel shall only be expended for such fuel as can be procured most economically and which will furnish the greatest number of thermal units of heat in proportion to its cost."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. ANTHONY. Mr. Chairman, in reference to the point of order I think if the provision which this amendment supplants was in order, and has been held in order, that the amendment which I offer is in order. My reason for offering the amendment is that the present provision which provides—

That no part of this sum shall be used for fuel oils if it shall appear to the board of managers that coal as a fuel can be procured and used more economically—

Is practically worthless as a limitation on this expenditure. The wording of the present amendment in the bill is nothing more or less than a fraud on its face. It says, "if it shall appear to the board of managers." Well, it is liable to appear in most any way to "the board of managers." I have offered an amendment which will provide, in substance, that the fuel that shall be used shall be the fuel which will procure the greatest number of thermal units of heat in proportion to its cost. That is the method the War Department and other departments use in purchasing fuel, and if incorporated in this bill will no longer permit the board of managers to dodge the present limitation which is in the bill. There has been a great deal of contention as to which is the cheapest fuel at the Leavenworth Home. I will admit it is not a precise thing; there have been several reports made upon this question, all of them different; and I am just going to read one short extract from the latest report on the subject, because it is the very latest thing from the Bureau of Mines in reference to the question. This is under date of June 10, the present month, and probably later than anything that has been had by the committee on that question. It is signed by Van H. Manning, Assistant Director, and is as follows:

A report to the Director of the Bureau of Mines shows that the Leavenworth plant could probably save from $7,000 to $8,700 per year if properly equipped to burn the most economical coal (Cherokee Mill Run) to be had in their market.

Now, that is an entirely different coal and comes at a distance of 100 miles away from our coal field. I do not care what coal they burn or what fuel they burn, but I want them to burn the most economical fuel. And if the House will adopt this amendment which I have offered, I believe it will settle that much-mooted question for once and all.

Mr. FITZGERALD. Mr. Chairman, this provision in the bill is not effective, and the responsibility can not be placed on the members of the Committee on Appropriations. It is the provision drafted and offered by the gentleman from Kansas [Mr. ANTHONY] himself and accepted by the Committee on Appropriations in order to prevent the expenditure of money for fuel at this home in a way that would neither be economical or just.

Now, there has been a controversy as to whether or not it was more profitable to the Government to utilize coal or oil at the Leavenworth Branch of the National Soldiers' Home. The Board of Managers have contended that it was more economical to burn oil, and that to burn coal economically would require an investment of about $75,000 for new equipment.

The gentleman from Kansas [Mr. ANTHONY] early in the session conferred with me and stated that this controversy had gone on for several years; that it was impossible for us to get an agreement; and that if arrangements would be made to have an investigation by an impartial and disinterested official, get a report and settle this question, it would end this controversy. He suggested that the Bureau of Mines be requested to make such an investigation. I ascertained that the president of the Board of Managers of the Soldiers' Home had requested the Bureau of Mines to make this investigation. We got the report and the report confirms the contention of the board of managers, a report based upon a visit of an inspector from the Bureau of Mines to the Leavenworth Home lasting from February 9 to February 19, inclusive:

Now, let me read from his report:

In preparing the estimates which follow, the fact was kept in mind that there are some 3,000 persons in the institution who are dependent upon the power plant for light, heat, and power, and in large measure for the cooking of the meals. There are two general policies, either of which might be followed in changing the plant so that coal could be used, and estimates are included for each. One is to limit the investment and make the change with the least initial expense, and the other is to install such mechanical equipment as will insure convenience of operation and continuity of service, and at the same time reduce the operating expense.

Estimates are based on a price for oil of $1.1425 per barrel in tank cars f. o. b. the switch at the home, and for coal of $2.86 per long ton in coal bins or storage pit at the home. The above figure for oil is the price being paid this year, and that for coal is the price being paid for Leavenworth coal at the Federal prison in cars f. o. b. their switch. The estimates throughout are based upon the assumption that Leavenworth coal will be used if the change in fuel is made, for the reason that no other coal was offered when proposals were called for on a contract for 13,000 tons for the prison.

Additional boilers and another stack will be necessary if a change of fuel is made. The installation of these boilers will necessitate the removal of the shop at the end of the boiler room, and an additional building is included for this purpose. The estimates for depreciation and maintenance are based only on the additional investment if coal is to be used and on that part of the present plant that would be replaced if the change were made.

And then the estimates are included. The annual operating expenses for coal are $62,000; hand-fired, $71,000; coal stokers, $61,100. The necessary investment in order to burn coal is for coal, hand-fired, $21,100; for coal stokers, $77,200.

Having ascertained that the president of the Board of Managers of the Soldiers' Homes had requested the Bureau of Mines to make such an investigation, it occurred to me that it would be advisable to have another independent investigation made by competent authorities. So under date of March 16, 1914, I addressed a communication to the Secretary of War and requested him to have some official attached to the Inspectors' Department or the Quartermaster Corps of the Army make an investigation of the plant at the Leavenworth Home and report to the committee what it would cost to properly equip the home for the utilization of coal, and whether in his opinion it would be more economical to use coal or oil. Here was another department of the Government that could have no interest in a controversy as to which was the better. The report of the investigation was made, and that report was submitted to the committee, and from that investigation and report it says that changes are necessary to equip the plant for the economical use of coal which would require an expenditure of approximately $75,000. The Bureau of Mines estimated $77,000. And it is stated that two kinds of coal are available—a high grade, which costs $2.54 per ton, and a lower grade, which costs $2.25 per ton. The Bureau of Mines estimated that the coal cost $2.86 per ton, the cost paid by the Leavenworth prison. And in this report it says that, with the investment required, after we would spend $75,000 for the equipment, we would then save by the use of coal $609.50 a year. And the report continues:

The above comparisons are based on the cost of oil as given in the letter of the quartermaster referred to. It is noted that the oil in question costs $1.14 per barrel, which cost, considering the quantity purchased, would seem somewhat high.

The comparisons are also based on the assumption that the coal and oil would be used with the same relative efficiency. As a matter of fact, the experiences of this office has shown that oil-burning installations are operated generally with an increased efficiency over coal of approximately 50 per cent. This corps is paying for oil on the Pacific coast, under present contracts, 80 cents per barrel, as compared with $1.14 paid at Leavenworth (Kans.) Branch of the National Home for Disabled Volunteers. As a general proposition, considering the efficiency with which oil is used and the many advantages as a labor-saving device, it would seem reasonable, even with the low price quoted for coal, that the oil-burning installation should be more economical.

Now, the plant is equipped for the burning of oil. Here are reports from two independent, impartial bureaus of the Government, both of which contend that in order to equip this plant to burn coal it will necessitate an expenditure of at least $75,000, and in the end we would have gained nothing, either in efficiency or economy.

Now, the provision in the bill is—

that no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as fuel can be procured and used more economically.

The board of managers have contended that coal can not be procured and used more economically, and their reiterated statements are now substantiated by the report of the Bureau of Mines and the report of the Quartermaster Department of the War Department.

I hope that the amendment of the gentleman from Kansas [Mr. ANTHONY] will not be adopted, because it is so worded that if enacted it may be impossible to utilize any of the fund at all for fuel, unless we appropriated $75,000 for equipment in the event that coal is to be used.

Mr. ANTHONY. There is no question, Mr. Chairman, that this appropriation for fuel at the Western Branch Home has been the cause of more juggling of figures than has ever before been attempted by any Government board that has looked into such a matter. Some officials have returned reports that have an almost fictitious bearing on the matter, and they have taken the widest liberty in assuming items of cost of coal that absolutely misrepresent the situation.

I want to be frank with the House. I am making this fight for the use of the most economical fuel at that branch primarily because it is in a coal-mining district. There are 1,200 miners employed in the mines immediately adjacent to this institution; and I would be derelict in my duty if I did not appear here on the floor and insist that their product be utilized in the Government institutions near by when it can be purchased by the Government for less money than any other fuel.

The board of managers let the cat out of the bag on this fuel question in the letter that they addressed to the Bureau of Mines asking for this investigation, which, by the way, I have been asking for for a year and could not get anybody to move until recently. At the bottom of the letter to the Bureau of Mines was the simple statement from the president of the board of managers that, "I have instructed the officials at the Western Branch to furnish you all their information and figures," and so forth. It was very kind in them to furnish the figures, and it is true that the deductions made by both of the

investigations that have been had have been based upon figures kindly furnished by the officials of the home.

Now, what do they do? They take an arbitrary cost of the coal there that is anything but correct. They have not used coal at that branch for a good many years. When they did use coal there, this household item was about $87,000. Now, it is about $100,000. That difference represents the increase of cost of oil over coal for fuel.

Furthermore, I am surprised that the Committee on Appropriations allows itself to be bamboozled by the board of managers on this fuel question, as has repeatedly been done.

I want to call the attention of the chairman to a statement made in the hearings, which, on the face of it, will not be borne out by the facts. In the analysis of this household estimate for the Western Branch appears the item for fuel, including gas and oil, also water and electric light, at this Western Branch, $68,000. Last year they expended $63,000 for fuel oil alone, and the combined cost of the gas and electricity and the water at the Leavenworth Home was $25,000, which would leave only $43,000 for the purchase of fuel. Now, how in God's name they can do it under this appropriation is more than I can see and more than the chairman of the Committee on Appropriations can see. But I will tell you how they will do it. They will do it by subterfuge, as they did last year.

Last year, as the gentleman knows, after appearing before his committee and stating that $100,000 would be sufficient for this item of "household," the committee took them at their word. I told the committee at the time that it was not sufficient, that it would cost them more money. But the committee took the word of the board of managers. What does the inspector of the War Department say in the report that was filed in the House and which has gone to the Committee on Military Affairs? Maj. Jackson, the Assistant Inspector General, calls the attention of the War Department and of the House to the fact that after Congress had appropriated for fuel they came back for a deficiency of $6,000 at the Leavenworth Branch. After you had given them that in the deficiency bill the board of managers raided the post or the posthumous fund and took $8,000 out of that fund. The board of managers misled you.

Mr. COOPER. What did that make the total?

Mr. ANTHONY. It made the total $63,000, whereas in the estimate it shows only about $43,000, on which they said they could get along for fuel.

So I say the statement they make this year is fraudulent. They can not get along with $43,000 for fuel. It is impossible to do that with either coal or oil, and all I am asking Congress is to put a limitation on this appropriation that means something; to compel them to get under the thermal unit system, which is the system now in use in other departments of the Government. Then the board can not resort to any further subterfuge on the matter, but have got to come through straight and clean.

Mr. KELLEY of Michigan. Will the gentleman agree with the chairman of the Committee on Appropriations that it would cost $75,000 to make the change in the heating system?

Mr. ANTHONY. It would cost a considerable amount. I contend it could be done for very much less than that, but the experts have hit on the figure of $75,000 in order to scare off the House, in order to give an excuse to them not to buy coal from the coal miners of my district, but in order to continue to patronize the Standard Oil Co., which has a refinery in Missouri near by. Now, I suppose it is hopeless for me to stand here and continue to plead for this amendment. Probably it will be voted down, as all the rest of them were, but next year when the deficiencies come in under this appropriation I will have the satisfaction of being able to say to the gentleman from New York [Mr. FITZGERALD] that I told him so.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] seems to think that everybody is in a conspiracy against what he desires.

Mr. ANTHONY. I think the gentleman from New York is in a conspiracy to thwart what I desire in reference to the soldiers' homes.

Mr. FITZGERALD. First, the board of managers were doing him an injustice because they would not accept his suggestion as to the use of coal. Then the Bureau of Mines——

Mr. ANTHONY. Does not the Bureau of Mines come to your committee for its annual appropriation, and do you think they would dare to go counter to what the gentleman desires?

Mr. FITZGERALD. I decline to yield to the gentleman. The Bureau of Mines was requested by the board of managers of the homes to make a report, and having found certain things to be facts, they are now in a conspiracy against the gentleman from Kansas. Then the Quartermaster's Department——

Mr. ANTHONY. Does not the Quartermaster's Department come to the gentleman's committee for its appropriations, and would that department dare to return a report contrary to the gentleman?

Mr. FITZGERALD. I decline to yield to the gentleman. The Quartermaster's Department does not come to the Committee on Appropriations for its appropriation but goes to the Committee on Military Affairs, of which the gentleman from Kansas is a member. The Quartermaster's Department makes an investigation and finds certain facts, and those facts are contrary to what the gentleman from Kansas wishes, and so the War Department is in a conspiracy against him. Then, because the Committee on Appropriations accepts the statements made by the representatives of the Bureau of Mines and the Quartermaster's Department in preference to these wild, visionary statements of the gentleman from Kansas, he asserts that the chairman of the committee was bamboozled by these two departments because he accepted what they said instead of accepting these specific, accurate statements of the gentleman from Kansas.

I do not know what the president of the board of managers wrote to the Bureau of Mines, but I do know what I wrote to the Secretary of War; and, so that the gentleman from Kansas will not be indulging in any wild imaginings as to what I had written—my letter is printed in the hearings—and for the benefit of the House, I will read it to show how the Quartermaster's Department was induced to engage in this conspiracy to prevent the coal produced in the gentleman's district being used instead of oil produced outside. I wrote to the Secretary of War, as follows:

MARCH 16, 1914.

Hon. LINDLEY M. GARRISON,
Secretary of War.

DEAR SIR: The Committee on Appropriations of the House of Representatives is desirous of ascertaining the probable cost of installing a coal-burning plant in place of the present oil-burning plant for furnishing heat, light, and power at the Leavenworth (Kans.) Branch of the National Home for Disabled Volunteer Soldiers. Because of the controversy of several years' standing between the authorities of the national home and parties desiring to supply coal for fuel at the Leavenworth Branch it is very desirable on the part of the committee to obtain a report in the premises from some entirely disinterested and capable source, hence the suggestion that your department be invoked to aid in the matter.

I have therefore to request that through the Inspector's Department or the Quartermaster Corps of the Army, or both, you will have the matter carefully inquired into and a report made thereon through you to the committee within the next 30 days. Incidentally, the committee would be pleased to have any information developed by the inquiry as to the relative cost and efficiency, after installation, of using coal or oil for fuel at this branch of the soldiers' home.

Very truly, yours,

(Signed) J. J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

A report was made to the Secretary of War by the Chief of the Quartermaster Corps. There was a special reason for requesting a report from the War Department. It has a large Army post at Leavenworth, where this home is established. It is burning coal at that post. If it had any partiality at all, it would not be in favor of a fuel that it is not using itself. It would be likely to attempt to show that it was using the more economical fuel at this large post. It took the figures as to the cost of coal from the amount that it was paying under large contracts made for the supply of coal.

Now, it is unfortunate that it so happens that the expert of the Bureau of Mines, who spent 10 days at the national home, and the representatives of the quartermaster's department, after their investigation, both reached the conclusion arrived at by an engineer in the employ of the board of managers a year or two ago, that it would require $75,000 or $77,000 properly to equip this oil-burning plant so that it could burn coal.

What makes the gentleman from Kansas so irritated is that he promised at the last session of Congress that if an impartial investigation was made by some disinterested officials of the department of the Government, that my statement that it would take $75,000 to make the change would be shown to be so ill founded that I would be ashamed to have made it. Now, I have done the best I can, and if there is any other bureau of the Government that has facilities and information and knowledge that makes it competent to report upon this question which will be acceptable to the gentleman from Kansas, I shall be very happy to make the request upon that bureau to make another investigation. But I will not accept the unsupported assertions of the gentleman from Kansas, who has advocated a system which will provide consumption for about 13,000 tons of coal produced in his district. I can not accept him as an impartial witness against the contention and statements of responsible officials of the Government. I am compelled, with considerable reluctance, to accept the disinterested report of these officials and to antagonize the contention of the gentleman from Kansas.

It would be more satisfactory to me if he could demonstrate that it would be more economical for coal to be burned there. It would eliminate some controversy in the House in the consideration of this bill, and would relieve me of the necessity of burdening myself year after year with additional investigation, additional reports, additional facts to remind Members of the same old story, with no more foundation this year than it had last. The more we investigate it the less justification there is in advocating what he desires. This amendment, Mr. Chairman, is clearly legislation, and I insist on the point of order.

Mr. ANTHONY. Mr. Chairman, I ask for five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, the reports of these investigators would be very good indeed if it were not for the fact that the board of managers suppresses from them one important fact. In these reports coming to the Committee on Appropriations they state that it will cost from $2.60 to $2.84 per ton for coal at the Leavenworth institution. They carefully suppress the fact that there is a contract on file with the board of managers, which has some years yet to run and which, in the opinion of competent authority, can undoubtedly be enforced, which gives the Government all the coal that it wants at $2.25 a ton. Why do they not take $2.25 a ton, the contract price of coal? That is the nigger in the woodpile. They are dodging the real price at which coal can be secured.

Mr. TAGGART. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TAGGART. Is there any other institution in that whole region, beginning with the Federal prison, the Army post, a combined city of 250,000 people 30 miles from there filled up with manufacturing plants of different kinds, a $10,000,000 oil refinery—is there any other institution except the soldiers' home at Leavenworth that burns oil for fuel?

Mr. ANTHONY. Not a single one, for they all know that it is more economical to burn coal. Now, the gentleman from New York has alluded to a "conspiracy." It is pretty hard to understand where a conspiracy exists on my side of the question, but to anyone who understands the ramifications of New York politics it is not difficult to understand the animus of the gentleman from New York in urging the views of the board. The president of the Board of Managers of the Soldiers' Home happens to be the mainstay of the up-State Republicans of New York State, a spoke in the wheel of this Republican "organization," and the gentleman from New York, chairman of the Committee on Appropriations, is one of the leaders of the Tammany Hall Democracy, and in pursuance of the time-honored combination between these two political elements I do not blame the gentleman for standing as sponsor for that kind of a thing.

Mr. FITZGERALD. Mr. Chairman, gratuitous insults are seldom offered to Members on the floor of the House, and they should not be offered by men who live in glass houses. I am not a member of Tammany Hall. I am not eligible for membership in Tammany Hall. I have been put out of political conventions by Tammany Hall because I was not a member of its organization and was not in sympathy with its action. The gentleman from New York, Mr. Wadsworth, is not in politics so far as I am aware. He served in this House for 20 years with distinction. He was an honorable and is an honorable and reputable citizen.

The trouble with the gentleman from Kansas is, and his grievance is, that I would not in the face of the facts present to the Committee on Appropriations and advocate the burning of coal in the Western Branch of the National Soldiers' Home when one of his relatives was the most largely interested proprietor in the coal mines from which the coal was to come. [Applause.] That explains his persistency in using coal and not oil in this home.

The CHAIRMAN. The Chair thinks the amendment is in order. The question is on the adoption of the amendment.

Mr. STAFFORD. May we have the amendment reported?

Mr. FITZGERALD. Mr. Chairman, I would like to be heard on the point of order. The amendment provides as to thermal units, and certainly that is legislation, for there is no authority for it.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order. The Chair understood that, inasmuch as the gentleman addressed his remarks almost entirely to the merits of the proposition, he did not care to press the point of order.

Mr. FITZGERALD. But I had reserved the point of order.

The CHAIRMAN. That is true.

Mr. FITZGERALD. And I had stated it was clearly legislation. An examination of the amendment discloses that fact. It requires the purchases to be made under certain regulations, which is a limitation upon the power of the department. It is legislation.

The CHAIRMAN. But the Holman rule provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. FITZGERALD. How does the amendment in any way come within that rule? If the Chair will examine the amendment, he will see that it does not reduce the compensation of any person paid out of the Treasury of the United States, it does not reduce a salary and it does not reduce the amount carried in the bill.

The CHAIRMAN. That is the point upon which the Chair desired to hear the gentleman.

Mr. FITZGERALD. It specifically requires the purchase of coal to be made under certain regulations, from which the Chair is unable to determine whether it will be an increase or a decrease. It is purely a legislative provision.

Mr. ANTHONY. Mr. Chairman, I think that amendment is purely along the line of economy. It provides that only the cheapest coal shall be purchased, and there is no twisting of the English language that could make it mean anything else.

The CHAIRMAN. The Chair will state to the gentleman from Kansas that if the amendment is in order at all it must be under the following wording of the Holman rule:

Or by the reduction of the amounts of money covered by the bill.

The Chair will say candidly that when he first read the amendment it seemed to him that inasmuch as it provided that these gentlemen should buy this fuel where they could get it the cheapest, that that did reduce the amount of the bill; but as a matter of fact, it does not.

Mr. ANTHONY. How can the Chair explain that in any different way? That is the purpose of the amendment.

The CHAIRMAN. The amount of money carried by the bill remains the same, whether the amendment be adopted or not.

Mr. ANTHONY. Oh, no; if it is determined one way, it will cost the Government more; and if it is determined another way, it will cost the Government less.

The CHAIRMAN. Under the amendment the amount of the appropriation remains the same. It was under that consideration that the Chair at first decided that the amendment was in order. The Chair now decides that the amendment is not in order, and the Clerk will read.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, $17,000;
In all, $437,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think it is desired to pass another bill to-night, and I suggest to the chairman of the committee that this is Saturday night and it is now half past 5 o'clock.

Mr. FITZGERALD. Mr. Chairman, I think we ought to go ahead a little longer. We could easily sit late to-night. We have not many days left, and the bill ought to go to the Senate as soon as possible.

Mr. MANN. I am perfectly willing to sit late some night next week, but this is Saturday night.

Mr. FITZGERALD. Oh, yes; but it is always Saturday night with the gentleman when my bill is up. The last time the bill was up it was Saturday of last week.

Mr. MANN. That is true.

Mr. FITZGERALD. I think we ought to try and make more progress on the bill. It may be possible to get this bill enacted into law before the last of the fiscal year. I do not know whether it will or not. It can not be enacted unless we sit longer, and I think we ought to stay longer to-night.

Mr. MANN. How far does the gentleman think he ought to read?

Mr. FITZGERALD. Oh, to about page 148.

Mr. MANN. If that is the case, I think we ought to have a quorum present.

Mr. FITZGERALD. I think the House ought to determine whether it is going to stay here or not. I shall not voluntarily ask the House to quit.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present, and suggest that it will take until 12 o'clock to-night to pass the soldiers' homes items, even if we have a quorum.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order that there is no quorum present?

Mr. MANN. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty gentlemen are present, less than a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Fess	Kreider	Riordan
Anderson	Fields	Lafferty	Roberts, Mass.
Ansberry	Finley	Langham	Rogers
Ashbrook	Flood, Va.	Langley	Rouse
Avis	Floyd, Ark.	Lee, Ga.	Rucker
Baker	Fordney	L'Engle	Sabath
Barnhart	Fowler	Lenroot	Saunders
Bartholdt	Francis	Lesher	Scott
Bell, Ga.	Frear	Lewis, Md.	Scully
Blackmon	Gallivan	Lewis, Pa.	Seldomridge
Borland	Gardner	Lieb	Sells
Bowdle	Garner	Lindbergh	Shackleford
Brockson	Garrett, Tenn.	Lindquist	Sharp
Brodbeck	George	Linthicum	Sherley
Broussard	Gerry	Lloyd	Sherwood
Brown, N. Y.	Gill	Loft	Shreve
Brown, W. Va.	Gillett	Logue	Sims
Browne, Wis.	Gilmore	Lonergan	Sinnott
Browning	Gittins	McAndrews	Slayden
Bruckner	Glass	McCoy	Slemp
Brumbaugh	Godwin, N. C.	McDermott	Small
Buchanan, Ill.	Goeke	McGuire, Okla.	Smith, Md.
Bulkley	Goldfogle	McKellar	Smith, J. M. C.
Burke, Pa.	Good	McKenzie	Smith, Minn.
Burke, S. Dak.	Gordon	MacDonald	Smith, N. Y.
Burnett	Gorman	Madden	Smith, Tex.
Butler	Graham, Pa.	Mahan	Stanley
Calder	Green, Iowa	Maher	Stedman
Callaway	Greene, Vt.	Manahan	Steenerson
Cantor	Gregg	Martin	Stephens, Tex.
Cantrill	Griest	Merritt	Stevens, N. H.
Carew	Griffin	Metz	Stout
Carlin	Hamill	Miller	Stringer
Casey	Hamilton, N. Y.	Mitchell	Switzer
Chandler, N. Y.	Hammond	Montague	Talbott, Md.
Clancy	Hardwick	Moore	Talcott, N. Y.
Clark, Fla.	Harris	Morgan, La.	Taylor, Ala.
Claypool	Hart	Morin	Taylor, Colo.
Coady	Hay	Morrison	Taylor, N. Y.
Collier	Hayden	Moss, W. Va.	Temple
Connelly, Kans.	Hayes	Mott	Thacher
Copley	Helgesen	Murdock	Thomas
Covington	Henry	Murray, Mass.	Towner
Cramton	Hinds	Neeley, Kans.	Townsend
Crisp	Hobson	Neely, W. Va.	Treadway
Dale	Howard	Nelson	Tribble
Danforth	Hoxworth	Norton	Tuttle
Davenport	Hughes, W. Va.	O'Brien	Vare
Decker	Hulings	Oglesby	Vaughan
Deitrick	Humphrey, Wash.	O'Leary	Vollmer
Dent	Humphreys, Miss.	O'Shaunessy	Wallin
Dickinson	Igoe	Page, N. C.	Walsh
Dies	Johnson, Utah	Paige, Mass.	Watson
Difenderfer	Johnson, Wash.	Palmer	Weaver
Dillon	Jones	Parker	Webb
Donohoe	Keister	Patten, N. Y.	Whaley
Dooling	Kelly, Pa.	Patton, Pa.	Whitacre
Doremus	Kennedy, Iowa	Peters, Me.	White
Driscoll	Kennedy, R. I.	Peters, Mass.	Willis
Drukker	Kent	Phelan	Wilson, Fla.
Dunn	Key, Ohio	Platt	Wilson, N. Y.
Dupré	Kiess, Pa.	Porter	Wingo
Eagan	Kinkead, N. J.	Post	Winslow
Eagle	Kirkpatrick	Powers	Witherspoon
Edmonds	Kitchin	Prouty	Woodruff
Elder	Knowland, J. R.	Ragsdale	Woods
Estopinal	Konop	Rayburn	Young, N. Dak.
Fairchild	Korbly	Reed	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. POU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 162 Members answered to their names; and he reported the list of absentees to be entered upon the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having under consideration the bill H. R. 17041, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 162 Members answered to their names; and he reports the list of absentees to be entered upon the Journal.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the motion to adjourn is not in order at this time.

The SPEAKER. No motion is in order.

Mr. MANN. I would like to be heard upon the point of order.

Mr. FITZGERALD. I hope it will be voted down.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. I call the attention of the Chair to the manual, which is somewhat of a guide in the proceedings of the House. On page 372 the rule is:

> Whenever the Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum—which shall consist of 100 Members—the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The Speaker will find the following note:

> After the committee has risen and reported its roll call, a motion to adjourn is in order before direction as to resumption of the session.

Referring to Hinds, volume 4, paragraph 2969. That motion had been made, according to my distinct recollection, many times while both the Speaker and myself have been Members of the House.

It is true, if the motion to adjourn does not prevail and a quorum is not shown, that the failure of a quorum does not prevent the Chair directing that the committee resume its sitting.

Mr. UNDERWOOD. But, Mr. Speaker, I think the question presented by the gentleman from Illinois [Mr. MANN] is practically the same question presented here a short time ago by the gentleman from Massachusetts [Mr. GARDNER], and in which the House sustained the decision of the Chair, and I think after the decision was rendered the Speaker announced to the House that he had reached the conclusion that the proper procedure would have been not to recognize the gentleman for any motion when we went back into the House to report a quorum, and that automatically the committee should resume its session. I think that is the case, Mr. Speaker. There is no reason, if a quorum is shown to be present, why anyone should be recognized for a motion to adjourn or another motion. Because when we go back into the committee it is absolutely in the control of the committee, which is a part of the House, to rise and go back into the House and adjourn if they desire to do so. And I think it is merely a question of recognition in the end as to whether the Speaker will recognize a gentleman to make a motion or whether he will call the Chairman to the chair and allow the committee to resume its session. The correct practice of the House, decided some weeks ago, is for the Chair——

The SPEAKER. Was an appeal taken from the Speaker's decision on that day?

Mr. UNDERWOOD. My recollection is that an appeal was taken, and I moved to lay the appeal on the table, and by an emphatic majority the House laid the appeal on the table; and that there was a roll call on the question when it was before the House.

Mr. MANN. The recognition of the motion to adjourn does not rest with the Speaker. The motion to adjourn is a privileged motion. If it is in order, the Speaker can not refuse to recognize for that motion. It makes recognition itself. It has been ruled many times, Mr. Speaker, both by the present Speaker and by all of his predecessors since this rule has been in force, that the motion to adjourn was the only motion which was in order when the committee rose because of the lack of a quorum. And the reason for it must be manifest, that the House, if it chooses to adjourn, has the right to adjourn and has the right to have a roll call on the motion to adjourn. It is true that a majority of the House changes the rules by vote very often, but that has been the rule from time immemorial.

The SPEAKER. The history of this transaction is that in the first place the precedents are very vague. In the one that the gentleman from Illinois [Mr. MANN] cited there was a motion made to adjourn in a situation similar to the present one, but nobody raised the point. About six weeks ago the point was raised, but before that, on two occasions, when the Chair was inclined to transact some small business that was on the Speaker's table, the gentleman from Illinois himself raised the point that we could not do anything except go back into the committee. About six weeks ago the gentleman from Massachusetts [Mr. GARDNER] made a motion—the Chair thinks it was the motion to adjourn, although he is not sure—but anyhow he made some sort of a motion, and the Chair overruled him and he appealed from the decision of the Chair, and we had a roll call on it, by which the Chair was sustained. While the roll was being called, the Chair had time to study the question. And there is no precedent of very great light on the subject. But the performance that the House went through that evening demonstrated to my mind that if motions of one kind and another be made after the committee rises for lack of a quorum or after a quorum is ascertained, that it affords all

sorts of means for filibustering. The House for some time has frowned on filibustering, and in this case the Chair would rather rely on his own opinion, delivered in May, which was positive and clear, whether right or wrong, than to depend on this vague case that is cited by the gentleman from Illinois. And the Chair sustains the point of order.

Mr. MANN. Mr. Speaker, I respectfully appeal from the decision of the Chair.

The SPEAKER. The appeal is dilatory.

Mr. MANN. It is not dilatory, Mr. Speaker. I beg the Speaker's pardon.

The SPEAKER. The Chair decided then, and the Chair holds now, *from the* situation in which we found ourselves when the gentleman from Illinois started in, that the only thing to do is to go back into the committee.

Mr. MANN. But if the Speaker will hear me for a moment——

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Here is a case where the unbroken line of precedents is to be reversed, except the one that was made here recently. I have heard this motion made in the House many times while the Speaker has been a Member of the House and while I have been a Member of the House. I have heard it declared in order many times. I have heard it stated many times on the floor that no other business was in order except a motion to adjourn.

The Speaker referred a while ago to a statement that I made at times. I never have stated that a motion to adjourn was not in order at this time.

The SPEAKER. The Chair thinks, as a matter of fact, that that statement of the gentleman is correct.

Mr. MANN. The Speaker has passed upon that. Now, that being the case, the Speaker rendered a decision some time ago which was sustained by the House. I thought when it was rendered, although I was not here, but I read the proceedings, the Speaker was not informed as to the precedents.

Now, if we are to reverse this immemorial custom of the House, why should we not do it upon a roll call in the House? The appeal is not intended as dilatory at all. Let us settle the question. Two precedents will probably settle it.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from Illinois is through——

Mr. MANN. Yes.

Mr. UNDERWOOD. I would like to call the Speaker's attention to the parliamentary situation. The case that arose when the gentleman from Massachusetts [Mr. GARDNER] made his appeal from the decision of the Chair occurred when the Chair had recognized the gentleman from Massachusetts for the purpose of making a motion to adjourn, and then held it out of order.

Now, in this particular case the gentleman from Illinois [Mr. MANN] arose for the purpose of seeking to make the motion to adjourn. The Speaker did not recognize him for that purpose, and the point of order was made that he was not entitled to recognition for that purpose.

Now, Mr. Speaker, there can be no question but that the question involved in this case is a question of recognition. The Chair has not recognized the gentleman from Illinois for the purpose of moving an adjournment. The Chair might recognize him for that purpose, or he can turn over the gavel to the gentleman from North Carolina [Mr. POU]. Now, there is no appeal and there has never been an appeal in this House on a question of recognition. It is entirely in the discretion of the Speaker, and there is no appeal from that decision, the Speaker having held that the gentleman's motion is not in order and not having recognized him.

Mr. MANN. But the Speaker did recognize him.

Mr. UNDERWOOD. My understanding of the situation is that the Speaker did not.

Mr. MANN. The Speaker did, and the gentleman made a point of order against the motion, and the Chair sustained the point of order.

Mr. UNDERWOOD. The point of order I make is that the Speaker asked the gentleman for what purpose he rose.

Mr. MANN. Oh, no; he did not.

Mr. UNDERWOOD. That is my understanding of the proposition; and the point of order that I made was that the gentleman was not entitled to make the motion at this time. It was purely a question of recognition.

Mr. MANN. If the motion was in order the Speaker could not refuse to recognize, and did not attempt to. If the motion is in order it is a privileged motion. Now, the question is whether the appeal is dilatory. I assure the Speaker that the appeal is not dilatory.

The SPEAKER. The Chair thinks that he was right in May, when he rendered the last decision about that. Waiving the question whether or not the Chair recognized the gentleman to make the motion, you came out of committee to get a quorum—that is what you came out for—to transact the business of the House. Now, if all these other motions are allowable, it simply rigs up a new machine for filibustering.

Mr. MANN. But, Mr. Speaker, no one has claimed that ordinary motions are in order or that ordinary business is in order. That question is not involved.

The SPEAKER. The rule of the House is too plain for controversy, and no Speaker ever ruled on this proposition except the present one.

Mr. MANN. I beg the Speaker's pardon. I have heard every Speaker rule upon it since I have been a Member of the House, and it is in order.

The SPEAKER. If there is such a ruling, it is not recorded.

Mr. MANN. Oh, there are lots of rulings that are not recorded.

The SPEAKER. There is a ruling by a Speaker pro tempore; not a ruling, but a sort of ruling in this way: Somebody moved to adjourn under circumstances similar, and nobody made the point of order, and the motion to adjourn was negatived by the House; and then when the distinguished gentleman from Maine [Mr. HINDS] prepared his Parliamentary Precedents he put it in the headline in the way it is quoted in this footnote to the rule.

The reason of the thing is in favor of no business whatever being transacted after the quorum is ascertained, because otherwise it rigs up a machine, as the Chair stated a while ago, for filibustering and delaying the business of the House. And while the present occupant of the chair does not like very well to quote his own decisions, he does think that the decision of a Speaker of the House for two terms certainly has a binding force over that of a Speaker pro tempore; and the Chair holds, as he held in May, that the only thing that can be done under the circumstances is to go back into Committee of the Whole, and the Chair so orders.

Mr. MANN. Mr. Speaker, has the Chair disposed of the appeal which I made?

The SPEAKER. If you did not have the right to make the motion to adjourn, you have not the right to take an appeal.

Mr. MANN. Oh, yes; that would not follow at all. That is the question at issue.

Mr. MURRAY of Oklahoma. Mr. Speaker, even if the gentleman had the right to make the motion to adjourn, he would not have the right under these circumstances to appeal, because the appeal is of that privileged character which would require a quorum of the House. It is fundamental that you can not violate the written rule, and the written rule is that 100 makes a quorum in Committee of the Whole. If he could appeal, then it would require a quorum of the House, which would violate the written rule of the Committee of the Whole. I think the Chair is entirely right to refuse the appeal.

The SPEAKER. Let us see where we will land, because every Member of this House is interested in orderly procedure. If the Chair entertains the appeal it opens up the way for delay and filibustering. If any gentleman does not like the result of the vote on the appeal, a motion is made to reconsider the vote and a roll call may be had on that. If no quorum answers, a call of the House can be ordered, and so forth.

Mr. MANN. I would not be entitled to recognition for that purpose.

The SPEAKER. Why not?

Mr. MANN. Some gentleman on the other side would be entitled to recognition to move to lay the appeal on the table.

The SPEAKER. There you are.

Mr. MANN. The mere fact that it requires a roll call is no reason why the House should not have the right to decide it.

The SPEAKER. Now, if a quorum fails to vote on the roll call, then you must have a call of the House, and I undertake to say that if the motion of the gentleman from Illinois was entertained he could make motions enough here to keep us until 9 or 10 o'clock to-night.

Mr. MANN. Is that any reason why orderly procedure should not be followed and an appeal allowed when it is in order, Mr. Speaker?

Mr. DONOVAN. Regular order, Mr. Speaker.

The SPEAKER. The regular order is to hear the gentleman, if he wants to proceed, on his point of order.

Mr. DONOVAN. The Speaker has decided to call the gentleman from North Carolina [Mr. POU] to the chair. We ought not to be obliged to listen to this colloquy.

Mr. MANN. If an appeal is in order, Mr. Speaker, what follows does not make any difference. Here for years this motion has been held in order as an orderly proceeding. The Speaker has now decided that it is not in order. Certainly it is in order

for the House, then, on an appeal, to determine whether the recent ruling of the Speaker is the proper ruling or whether the rulings of his predecessors on the subject were proper rulings.

The SPEAKER. But the House has already decided that once.

Mr. MANN. That may be. I understand the House decided that once, but you can not always reverse a long line of precedents by one decision. I want to know what is to be the ruling of the House—not merely of this Speaker, but of Speakers who may follow him.

Mr. UNDERWOOD. Mr. Speaker, if I may say just one word, I think I was in error a moment ago when I said that when the gentleman from Illinois rose to make his motion the Speaker asked him for what purpose he rose. My recollection now, refreshing it, is that the gentleman from Illinois [Mr. MANN] rose without recognition and said: "Mr. Speaker, I move that the House adjourn." As soon as he did so I made the point of order that he was not entitled to be recognized for that purpose. The issue before the Chair was the question of recognition, and there is no appeal on that question and never has been.

The SPEAKER. The House resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from North Carolina [Mr. POU] in the chair. [Applause on the Democratic side.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pacific Branch, Santa Monica, Cal.: For current expenses, including the same objects specified under this head for the Central Branch, $46,500.

Mr. MANN. Mr. Speaker, I move to strike out "$46,500" and insert "$47,000."

The CHAIRMAN. The question is on the amendment.

Mr. MANN. I suppose the amendment will be reported. We will have that much order, Mr. Chairman, anyhow.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 21, page 84, strike out "$46,500" and insert "$47,000."

Mr. MANN. Mr. Chairman, I do not know just what the purpose of the committee was in skinning this down from $47,000 to $46,500. The current appropriation was $47,000. This item covers a great many things in connection with the soldiers' homes. The item in this place refers to the items under the Central Branch. The Central Branch item includes the pay of officers and noncommissioned officers of the home, and their clerks, weighmasters, and orderlies; payments for chaplains, religious instruction, and entertainment for the members of the home; printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, janitors, watchmen, and fire company; for all property and materials purchased for their use; for necessary expenditures for articles of amusement, library books, magazines, papers, pictures, and musical instruments; and for stationery, advertising, legal advice, for payments due heirs of deceased members.

Now, just why the committee thought it its duty to reduce the sum from $27,000 to $26,500 I do not know. I suppose it was because of the condition of the Treasury. Every dollar that the committee can cut off from an appropriation is now considered quite a big sum. They had to skin all of these things. Think of the great Committee on Appropriations in reference to soldiers' homes being so closefisted that it proposes to reduce the appropriation for all these items from $47,000 to $46,500. I wonder they did not make it $46,499. That would have saved one more dollar from the appropriations. Have we come to the point in the history of our country and the Treasury statements where we have to cut off an item of $500 for the support of soldiers' homes, split even thousands, coming from $47,000 down to $46,500? Can not we raise enough money to provide the odd $500? Why, I think the gentleman from New York ought to be able to contribute that out of his own pocket.

Mr. FITZGERALD. Mr. Chairman, the reason is so simple that I am surprised that the gentleman from Illinois should ask it. The appropriation for the current year was $47,000. The estimates were $47,000. When the items were under examination Maj. Harris, the treasurer of the Board of Managers of the Soldiers' Home, was before the Committee on Appropriations, with other members of the board. Taking these items, I said, "The next item is for the Pacific Branch, Santa Monica, Cal. For current expenses the appropriation is $47,000, and you are asking for $47,000." Maj. Harris said, "That can be reduced to $46,500." As those in charge of the homes, responsible for their administration, volunteered the information that upon further consideration they did not require $47,000 but only required $46,500, the committee acquiesced in their recommendation without any thought of whether the Treasury would be affected one way or the other. If the board of managers, instead of reducing the appropriation had submitted information that it was necessary for the proper conduct of the home to increase the appropriation, the committee would have made that recommendation. If there is any criticism to be made for the reduction of this sum, it is not the Democratic Members of Congress that should be criticized but the Republican members of the Board of Managers of the National Soldiers' Home who have requested that the appropriation for this purpose be reduced by $500.

Mr. MONDELL. Mr. Chairman, the committee, in preparing this bill, endeavored to economize as far as it could consistently do so, because it understood the condition of the Treasury and the waning balance in the general fund. They realized our decreasing exports and our increasing imports. They even understood the condition of the gold reserve, a condition which is very clearly indicated in the newspaper clipping which I hold in my hand, showing that since May 1 we have exported $53,000,000 of gold, and that since the beginning of the fiscal year the total export of gold has been $69,000,000.

Mr. DONOVAN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman is not speaking to the subject matter of any amendment.

Mr. MONDELL. I am discussing the necessity of economy.

Mr. HAMILTON of Michigan. Mr. Chairman, I desire to submit an inquiry.

Mr. MONDELL. I yield to the gentleman.

Mr. SLOAN. I want to ask the gentleman, who speaks of a waning condition of the Treasury, if that is actually the condition or whether it is clearly psychological?

Mr. MONDELL. So far as the balance in the Treasury is concerned, it is an actual dwindling and not psychological.

Mr. HAMILTON of Michigan. I want to ask the gentleman what consideration did we get for the $53,000,000 in gold that we shipped abroad?

Mr. MONDELL. I do not know, we may have caught some foreign articles for that sum.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman from Wyoming has no right to yield to the gentleman from Michigan without permission of the Chair.

Mr. HAMILTON of Michigan. I addressed the Chair.

Mr. MONDELL. Mr. Chairman, I hope this will not be taken out of my time. I hoped I might have time enough to say, after reading the clipping, that we transferred forty-three millions of gold to the Subtreasury in New York the other day and call attention to the fact that the administration has got so alarmed about the situation that I understand we are now, for the first time in our history, paying the employees of the Government in silver certificates. I understand that on the last pay day in this city the clerks and employees of the Government were paid almost exclusively in silver certificates.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Wyoming yield to the gentleman from Connecticut?

Mr. DONOVAN. I do not want him to yield, Mr. Chairman. I insist on the point of order that he is not speaking on the subject matter.

The CHAIRMAN. The Chair thinks the gentleman from Wyoming was reasonably within his rights.

Mr. DONOVAN. Mr. Chairman, if the Chair will say "the gentleman's usual way of being within his rights," I think the Chair would state it correctly. [Laughter.]

Mr. MONDELL. Mr. Chairman, in view of this unfortunate condition of the Treasury, this constantly growing excess of expenditures over receipts, this constant outward flow of gold, this necessity of paying the employees of the Government in silver certificates, in order to maintain a gold reserve—in view of all these facts, the gentleman from Illinois ought to understand that we must save, that we must cut down these appropriation bills, if it is only in the sum of $500.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. DONOVAN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut that the committee do now rise.

The question was taken; and on a division (demanded by Mr. DONOVAN) there were—ayes 47, noes 43.

Mr. FITZGERALD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FITZGERALD and Mr. DONOVAN were appointed to act as tellers.

The committee again divided, and the tellers reported ayes 54, noes 46.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4377. An act to provide for the construction of two revenue cutters; and

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WINGO, for three days, on account of important business.

To Mr. LOBECK, indefinitely, on account of illness in his family.

To Mr. DOREMUS, for one week, on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. LEVY. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. For the purpose of making a request for unanimous consent, and to inform the House that while nothing has erupted here in the House, there is a new volcano in my district——

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 38, noes 51.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present, and the gentleman from Illinois moves that the House do now adjourn.

Mr. LEVY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVY. My resolution—— [Laughter.]

The SPEAKER. The gentleman will have to get unanimous consent for its consideration.

Mr. LEVY. But it is a motion to adjourn the Congress on a certain date. I offered the resolution before the gentleman from New York made his motion.

The SPEAKER. The motion to adjourn has precedence over the motion of the gentleman from New York [Mr. LEVY].

Mr. LEVY. How does the Chair know? He has not yet heard my resolution read. It is an adjournment resolution.

The SPEAKER. The gentleman just stated that it provided for the adjournment of Congress.

Mr. LEVY. Yes.

The SPEAKER. The motion to adjourn has precedence over any other motion.

Mr. LEVY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVY. Has it precedence over the resolution of final adjournment of Congress?

The SPEAKER. Of course it has, because it takes a concurrent resolution to adjourn Congress. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 53, noes 40.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. The Chair overrules the point of order. Thirty-four gentleman have risen in the affirmative, a sufficient number, and the yeas and nays are ordered.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. What is a sufficient number; one-fifth of the whole number or one-fifth of 100 or one-fifth of what?

The SPEAKER. The gentleman has two things mixed. This is in the House, and a fifth of the Members voting on the last vote in the House can order the yeas and nays. The Clerk will call the roll.

The question was taken; and there were—yeas 50, nays 73, answered "present" 5, not voting 305, as follows:

YEAS—50.

Alexander	Curry	Hawley	Payne
Anthony	Dershem	Hayes	Roberts, Nev.
Barchfeld	Donovan	Howell	Rupley
Barton	Elder	Johnson, Ky.	Smith, Idaho
Bell, Cal.	Esch	Kahn	Stafford
Bowdle	Falconer	Kennedy, Iowa	Stephens, Cal.
Britten	Farr	Kindel	Stephens, Miss.
Bryan	French	McLaughlin	Sutherland
Buchanan, Tex.	Greene, Mass.	Mann	Taylor, Ark.
Caraway	Guernsey	Mapes	Thomson, Ill.
Cary	Hamilton, Mich.	Mondell	Volstead
Church	Hardy	Morgan, Okla.	
Cox	Haugen	Nolan, J. I.	

NAYS—73.

Abercrombie	Crosser	Helvering	Park
Aiken	Cullop	Hensley	Peterson
Aswell	Dixon	Holland	Quin
Bailey	Doughton	Houston	Raker
Baltz	Eagle	Hughes, Ga.	Rauch
Barkley	Edwards	Hull	Reilly, Conn.
Bartlett	Faison	Jacoway	Reilly, Wis.
Beakes	Fergusson	Johnson, S. C.	Russell
Borchers	Ferris	Kennedy, Conn.	Stone
Burgess	Fitzgerald	Kettner	Taggart
Burke, Wis.	Foster	Lee, Pa.	Tavenner
Byrnes, S. C.	Gallagher	Levy	Ten Eyck
Byrns, Tenn.	Gard	Lobeck	Thompson, Okla.
Candler, Miss.	Gittins	McGillicuddy	Underwood
Carr	Goulden	Maguire, Nebr.	Walker
Cline	Graham, Ill.	Murray, Okla.	Watkins
Collier	Gray	O'Hair	
Connolly, Iowa	Heflin	Oldfield	
Conry	Helm	Palmer	

ANSWERED "PRESENT"—5.

Booher	Hill	Sloan	Stevens, Minn.
Gudger			

NOT VOTING—305.

Adair	Dickinson	Hay	McKenzie
Adamson	Dies	Hayden	MacDonald
Ainey	Difenderfer	Helgesen	Madden
Allen	Dillon	Henry	Mahan
Anderson	Donohoe	Hinds	Maher
Ansberry	Dooling	Hinebaugh	Manahan
Ashbrook	Doolittle	Hobson	Martin
Austin	Doremus	Howard	Merritt
Avis	Driscoll	Hoxworth	Metz
Baker	Drukker	Hughes, W. Va.	Miller
Barnhart	Dunn	Hulings	Mitchell
Bartholdt	Dupré	Humphrey, Wash.	Montague
Bathrick	Eagan	Humphreys, Miss.	Moon
Beall, Tex.	Edmonds	Igoe	Moore
Bell, Ga.	Estopinal	Johnson, Utah	Morgan, La.
Blackmon	Evans	Johnson, Wash.	Morin
Borland	Fairchild	Jones	Morrison
Brockson	Fess	Keating	Moss, Ind.
Brodbeck	Fields	Keister	Moss, W. Va.
Broussard	Finley	Kelley, Mich.	Mott
Brown, N. Y.	FitzHenry	Kelly, Pa.	Murdock
Brown, W. Va.	Flood, Va.	Kennedy, R. I.	Murray, Mass.
Browne, Wis.	Floyd, Ark.	Kent	Neeley, Kans.
Browning	Fordney	Key, Ohio	Neely, W. Va.
Bruckner	Fowler	Kiess, Pa.	Nelson
Brumbaugh	Francis	Kinkaid, Nebr.	Norton
Buchanan, Ill.	Frear	Kinkead, N. J.	O'Brien
Bulkley	Gallivan	Kirkpatrick	Oglesby
Burke, Pa.	Gardner	Kitchin	O'Leary
Burke, S. Dak.	Garner	Knowland, J. R.	O'Shaunessy
Burnett	Garrett, Tenn.	Konop	Padgett
Butler	Garrett, Tex.	Korbly	Page, N. C.
Calder	George	Kreider	Paige, Mass.
Callaway	Gerry	Lafferty	Parker
Campbell	Gill	La Follette	Patten, N. Y.
Cantor	Gillett	Langham	Patton, Pa.
Cantrill	Gilmore	Langley	Peters, Mass.
Carew	Glass	Lazaro	Peters, Me.
Carlin	Godwin, N. C.	Lee, Ga.	Phelan
Carter	Goeke	L'Engle	Platt
Casey	Goldfogle	Lenroot	Plumley
Chandler, N. Y.	Good	Lesher	Porter
Clancy	Goodwin, Ark.	Lever	Post
Clark, Fla.	Gordon	Lewis, Md.	Pou
Claypool	Gorman	Lewis, Pa.	Powers
Coady	Graham, Pa.	Lieb	Prouty
Connelly, Kans.	Green, Iowa	Lindbergh	Ragsdale
Cooper	Greene, Vt.	Lindquist	Rainey
Copley	Gregg	Linthicum	Rayburn
Covington	Griest	Lloyd	Reed
Cramton	Griffin	Loft	Riordan
Crisp	Hamill	Logue	Roberts, Mass.
Dale	Hamilton, N. Y.	Lonergan	Rogers
Danforth	Hamlin	McAndrews	Rothermel
Davenport	Hammond	McClellan	Rouse
Davis	Hardwick	McCoy	Rubey
Decker	Harris	McDermott	Rucker
Deitrick	Harrison	McGuire, Okla.	Sabath
Dent	Hart	McKellar	Saunders

Scott	Smith, N. Y.	Taylor, N. Y.	Webb
Scully	Smith, Saml. W.	Temple	Whaley
Seldomridge	Smith, Tex.	Thacher	Whitacre
Sells	Sparkman	Thomas	White
Shackleford	Stanley	Towner	Williams
Sharp	Stedman	Townsend	Willis
Sherley	Steenerson	Treadway	Wilson, Fla.
Sherwood	Stephens, Nebr.	Tribble	Wilson, N. Y.
Shreve	Stephens, Tex.	Tuttle	Wingo
Sims	Stevens, N. H.	Underhill	Winslow
Sinnott	Stout	Vare	Witherspoon
Sisson	Stringer	Vaughan	Woodruff
Slayden	Sumners	Vollmer	Woods
Slemp	Switzer	Wallin	Young, N. Dak.
Small	Talbott, Md.	Walsh	Young, Tex.
Smith, J. M. C.	Talcott, N. Y.	Walters	
Smith, Md.	Taylor, Ala.	Watson	
Smith, Minn.	Taylor, Colo.	Weaver	

So the motion to adjourn was not agreed to.

The Clerk announced the following pairs:

From June 18 to June 20, inclusive:

Mr. MORRISON with Mr HUMPHREY of Washington.

From June 10 to June 22:

Mr. BROWN of New York with Mr. BROWNE of Wisconsin.

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. SHERLEY with Mr. GILLETT.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. NEELEY of Kansas with Mr. MURDOCK.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. ALLEN with Mr. FESS.

Mr. HINDS with Mr. HENRY.

Mr. MCDERMOTT with Mr. WILLIS.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. FIELDS with Mr. LANGLEY.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. ADAIR with Mr. AINEY.

Mr. BARNHART with Mr. AUSTIN.

Mr. BEALL of Texas with Mr. AVIS.

Mr. BORLAND with Mr. BARTHOLDT.

Mr. BRODBECK with Mr. BUTLER.

Mr. BUCHANAN of Illinois with Mr. CALDER.

Mr. BULKLEY with Mr. CAMPBELL.

Mr. BURNETT with Mr. CHANDLER of New York.

Mr. CALLAWAY with Mr. COOPER.

Mr. CANTRILL with Mr. COPLEY.

Mr. CARLIN with Mr. CRAMTON.

Mr. CARTER with Mr. DANFORTH.

Mr. CLARK of Florida with Mr. DAVIS.

Mr. DENT with Mr. DRUKKER.

Mr. DICKINSON with Mr. DUNN.

Mr. DOREMUS with Mr. EDMONDS.

Mr. DOUGHTON with Mr. FORDNEY.

Mr. EAGAN with Mr. FREAR.

Mr. FINLEY with Mr. GOOD.

Mr. FLOOD of Virginia with Mr. GRAHAM of Pennsylvania.

Mr. FLOYD of Arkansas with Mr. GREEN of Iowa.

Mr. GARNER with Mr. GREENE of Vermont.

Mr. GARRETT of Tennessee with Mr. GRIEST.

Mr. GARRETT of Texas with Mr. HELGESEN.

Mr. GLASS with Mr. SLEMP.

Mr. GODWIN of North Carolina with Mr. HINEBAUGH.

Mr. GOODWIN of Arkansas with Mr. HULINGS.

Mr. GORDON with Mr. JOHNSON of Utah.

Mr. GORMAN with Mr. JOHNSON of Washington.

Mr. GREGG with Mr. KEISTER.

Mr. HAMLIN with Mr. KELLEY of Michigan.

Mr. HARDWICK with Mr. KENNEDY of Rhode Island.

Mr. DUPRÉ with Mr. DILLON.

Mr. HARRISON with Mr. KIESS of Pennsylvania.

Mr. HAY with Mr. KINKAID of Nebraska.

Mr. HOWARD with Mr. KREIDER.

Mr. HUMPHREYS of Mississippi with Mr. ANDERSON.

Mr. KITCHIN with Mr. MCKENZIE.

Mr. LAZARO with Mr. LAFFERTY.

Mr. LEE of Georgia with Mr. LA FOLLETTE.

Mr. LEVER with Mr. LEWIS of Pennsylvania.

Mr. LINTHICUM with Mr. LINDQUIST.

Mr. LLOYD with Mr. MCGUIRE of Oklahoma.

Mr. MCKELLAR with Mr. MADDEN.

Mr. MONTAGUE with Mr. MACDONALD.

Mr. MOON with Mr. MANAHAN.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. MORGAN of Louisiana with Mr. MILLER.

Mr. PADGETT with Mr. MOORE.

Mr. PAGE of North Carolina with Mr. MORIN.

Mr. PETERS of Massachusetts with Mr. Moss of West Virginia.

Mr. PHELAN with Mr. MOTT.

Mr. POU with Mr. NELSON.

Mr. RAGSDALE with Mr. NORTON.

Mr. RAINEY with Mr. PARKER.

Mr. RAYBURN with Mr. PATTON of Pennsylvania.

Mr. ROUSE with Mr. PLATT.

Mr. RUBEY with Mr. PLUMLEY.

Mr. RUCKER with Mr. PORTER.

Mr. SAUNDERS with Mr. PROUTY.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. SHERWOOD with Mr. ROGERS.

Mr. SIMS with Mr. SCOTT.

Mr. SISSON with Mr. SELLS.

Mr. SMALL with Mr. SHREVE.

Mr. SMITH of Texas with Mr. SINNOTT.

Mr. SPARKMAN with Mr. SMITH of Minnesota.

Mr. STEPHENS of Texas with Mr. STEENERSON.

Mr. STRINGER with Mr. POWERS.

Mr. SUMNERS with Mr. SWITZER.

Mr. THACHER with Mr. TEMPLE.

Mr. TOWNSEND with Mr. TOWNER.

Mr. TRIBBLE with Mr. TREADWAY.

Mr. VAUGHAN with Mr. VARE.

Mr. WATSON with Mr. WINSLOW.

Mr. WEBB with Mr. WOODS.

Mr. WHITE with Mr. WALTERS.

Mr. WINGO with Mr. SAMUEL W. SMITH.

Mr. WITHERSPOON with Mr. YOUNG of North Dakota.

Mr. YOUNG of Texas with Mr. WOODRUFF.

For the session:

Mr. METZ with Mr. WALLIN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

Mr. HOBSON with Mr. FAIRCHILD.

The result of the vote was announced as above recorded.

Mr. DONOVAN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FITZGERALD. I move a call of the House.

The SPEAKER. There is no quorum. The gentleman from New York moves a call of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 45, noes 32.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those who are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-nine gentlemen have arisen, a sufficient number, and the Clerk will call the roll. Those in favor of ordering a call of the House will, as their names are called, vote yea, and those opposed will vote nay.

The question was taken, and there were—yeas 78, nays 32, answered "present" 6, not voting 317, as follows:

YEAS—78.

Abercrombie	Crosser	Harris	Peterson
Aswell	Cullop	Heflin	Pou
Baltz	Dershem	Hensley	Quin
Barkley	Dickinson	Holland	Raker
Bartlett	Dixon	Houston	Rauch
Beakes	Doughton	Howell	Reilly, Conn.
Borchers	Edwards	Jacoway	Reilly, Wis.
Bowdle	Elder	Johnson, Ky.	Rothermel
Burgess	Fergusson	Kennedy, Conn.	Rubey
Burke, Wis.	Ferris	Kettner	Russell
Byrnes, S. C.	Finley	Kindel	Smith, N. Y.
Byrns, Tenn.	Fitzgerald	Lee, Pa.	Sparkman
Candler, Miss.	Foster	Levy	Stone
Carr	Gallagher	Lobeck	Taggart
Clark, Fla.	Gard	McGillicuddy	Tavenner
Cline	Goodwin, Ark.	Maguire, Nebr.	Ten Eyck
Collier	Goulden	Murray, Okla.	Thompson, Okla.
Connolly, Iowa	Graham, Ill.	O'Hair	Walker
Conry	Gray	Oldfield	
Cox	Guernsey	Palmer	

NAYS—32.

Aiken	Falconer	Kennedy, Iowa	Smith, Idaho
Barton	French	Kinkaid, Nebr.	Stafford
Britten	Gudger	McLaughlin	Stephens, Cal.
Bryan	Hamilton, Mich.	Mapes	Stephens, Miss.
Buchanan, Tex.	Hawley	Morgan, Okla.	Sutherland
Cary	Helm	Nolan, J. I.	Taylor, Ark.
Church	Hughes, Ga.	Roberts, Nev.	Thomson, Ill.
Donovan	Igoe	Rupley	Volstead

ANSWERING "PRESENT"—6.

Allen	Hardy	Stevens, Minn.	Underwood
Booher	Sloan		

NOT VOTING—317.

Adair	Evans	Konop	Rayburn
Adamson	Fairchild	Korbly	Reed
Ainey	Faison	Kreider	Riordan
Alexander	Farr	Lafferty	Roberts, Mass.
Anderson	Fess	La Follette	Rogers
Ansberry	Fields	Langham	Rouse
Anthony	FitzHenry	Langley	Rucker
Ashbrook	Flood, Va.	Lazaro	Sabath
Austin	Floyd, Ark.	Lee, Ga.	Saunders
Avis	Fordney	L'Engle	Scott
Bailey	Fowler	Lenroot	Scully
Baker	Francis	Lesher	Seldomridge
Barchfeld	Frear	Lever	Sells
Barnhart	Gallivan	Lewis, Md.	Shackleford
Bartholdt	Gardner	Lewis, Pa.	Sharp
Bathrick	Garner	Lieb	Sherley
Beall, Tex.	Garrett, Tenn.	Lindbergh	Sherwood
Bell, Cal.	Garrett, Tex.	Lindquist	Shreve
Bell, Ga.	George	Linthicum	Sims
Blackmon	Gerry	Lloyd	Sinnott
Borland	Gill	Loft	Sisson
Brockson	Gillett	Logue	Slayden
Brodbeck	Gilmore	Lonergan	Slemp
Broussard	Gittins	McAndrews	Small
Brown, N. Y.	Glass	McClellan	Smith, J. M. C.
Brown, W. Va.	Godwin, N. C.	McCoy	Smith, Md.
Browne, Wis.	Goeke	McDermott	Smith, Minn.
Browning	Goldfogle	McGuire, Okla.	Smith, Saml. W.
Bruckner	Good	McKellar	Smith, Tex.
Brumbaugh	Gordon	McKenzie	Stanley
Buchanan, Ill.	Gorman	MacDonald	Stedman
Bulkley	Graham, Pa.	Madden	Steenerson
Burke, Pa.	Green, Iowa	Mahan	Stephens, Nebr.
Burke, S. Dak.	Greene, Mass.	Maher	Stephens, Tex.
Burnett	Greene, Vt.	Manahan	Stevens, N. H.
Butler	Gregg	Mann	Stout
Calder	Griest	Martin	Stringer
Callaway	Griffin	Merritt	Sumners
Campbell	Hamill	Metz	Switzer
Cantor	Hamilton, N. Y.	Miller	Talbott, Md.
Cantrill	Hamlin	Mitchell	Talcott, N. Y.
Caraway	Hammond	Mondell	Taylor, Ala.
Carew	Hardwick	Montague	Taylor, Colo.
Carlin	Harrison	Moon	Taylor, N. Y.
Carter	Hart	Moore	Temple
Casey	Haugen	Morgan, La.	Thacher
Chandler, N. Y.	Hay	Morin	Thomas
Clancy	Hayden	Morrison	Towner
Claypool	Hayes	Moss, Ind.	Townsend
Coady	Helgesen	Moss, W. Va.	Treadway
Connelly, Kans.	Helvering	Mott	Tribble
Cooper	Henry	Murdock	Tuttle
Copley	Hill	Murray, Mass.	Underhill
Covington	Hinds	Neeley, Kans.	Vare
Cramton	Hinebaugh	Neely, W. Va.	Vaughan
Crisp	Hobson	Nelson	Vollmer
Curry	Howard	Norton	Wallin
Dale	Hoxworth	O'Brien	Walsh
Danforth	Hughes, W. Va.	Oglesby	Walters
Davenport	Hulings	O'Leary	Watkins
Davis	Hull	O'Shaunessy	Watson
Decker	Humphrey, Wash.	Padgett	Weaver
Deitrick	Humphreys, Miss.	Page, N. C.	Webb
Dent	Johnson, S. C.	Paige, Mass.	Whaley
Dies	Johnson, Utah	Park	Whitacre
Difenderfer	Johnson, Wash.	Parker	White
Dillon	Jones	Patten, N. Y.	Williams
Donohoe	Kahn	Patton, Pa.	Willis
Dooling	Keating	Payne	Wilson, Fla.
Doolittle	Keister	Peters, Mass.	Wilson, N. Y.
Doremus	Kelley, Mich.	Peters, Me.	Wingo
Driscoll	Kelly, Pa.	Phelan	Winslow
Drukker	Kennedy, R. I.	Platt	Witherspoon
Dunn	Kent	Plumley	Woodruff
Dupré	Key, Ohio	Porter	Woods
Eagan	Kiess, Pa.	Post	Young, N. Dak.
Eagle	Kinkead, N. J.	Powers	Young, Tex.
Edmonds	Kirkpatrick	Prouty	
Esch	Kitchin	Raesdale	
Estopinal	Knowland, J. R.	Rainey	

The Clerk announced the following additional pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Until further notice:

Mr. WATKINS with Mr. BARCHFELD.

Mr. ALEXANDER with Mr. ANTHONY.

Mr. ASWELL with Mr. BELL of California.

Mr. BAILEY with Mr. DAVIS.

Mr. HARRISON with Mr. DUNN.

Mr. ASHBROOK with Mr. FORDNEY.

Mr. BLACKMON with Mr. HULINGS.

Mr. ESTOPINAL with Mr. GREENE of Massachusetts.

Mr. KEY of Ohio with Mr. HAUGEN.

Mr. KORBLY with Mr. HAYES.

Mr. Moss of Indiana with Mr. KAHN.

Mr. TAYLOR of Colorado with Mr. MONDELL.

Mr. FOWLER with Mr. PLUMLEY.

Mr. UNDERWOOD. Mr. Speaker, I desire to inquire whether the gentleman from Illinois, Mr. MANN, voted or not?

The SPEAKER. He did not.

Mr. UNDERWOOD. I voted in the affirmative; but I have a standing pair with the gentleman from Illinois. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. UNDERWOOD, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A call of the House is ordered. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Fairchild	Langley	Reed
Alexander	Fess	Lazaro	Riordan
Anderson	Fields	Lee, Ga.	Roberts, Mass.
Ansberry	FitzHenry	L'Engle	Rogers
Ashbrook	Flood, Va.	Lenroot	Rouse
Austin	Floyd, Ark.	Lesher	Rucker
Avis	Fordney	Lever	Sabath
Baker	Fowler	Levy	Saunders
Barchfeld	Francis	Lewis, Md.	Scott
Barnhart	Frear	Lewis, Pa.	Scully
Bartholdt	Gallivan	Lieb	Seldomridge
Bathrick	Gardner	Lindbergh	Sells
Beall, Tex.	Garner	Lindquist	Shackleford
Bell, Cal.	Garrett, Tenn.	Linthicum	Sharp
Bell, Ga.	Garrett, Tex.	Lloyd	Sherley
Blackmon	George	Lobeck	Sherwood
Brockson	Gerry	Loft	Shreve
Brodbeck	Gill	Logue	Sims
Broussard	Gillett	Lonergan	Sinnott
Brown, N. Y.	Glass	McAndrews	Sisson
Brown, W. Va.	Godwin	McClellan	Slayden
Browne, Wis.	Goeke	McCoy	Slemp
Browning	Goldfogle	McDermott	Sloan
Bruckner	Good	McGuire, Okla.	Small
Brumbaugh	Gordon	McKellar	Smith, Md.
Bulkley	Gorman	McKenzie	Smith, J. M. C.
Burke, Pa.	Graham, Pa.	McLaughlin	Smith, Minn.
Burnett	Green, Iowa	MacDonald	Smith, Saml. W.
Butler	Greene, Mass.	Madden	Smith, Tex.
Byrnes, S. C.	Greene, Vt.	Mahan	Stanley
Calder	Gregg	Maher	Stedman
Callaway	Griest	Manahan	Steenerson
Campbell	Griffin	Martin	Stephens, Nebr.
Cantor	Hamill	Merritt	Stephens, Tex.
Cantrill	Hamilton, N. Y.	Metz	Stevens, N. H.
Carew	Hamlin	Miller	Stringer
Carlin	Hammond	Mitchell	Sutherland
Carter	Hardwick	Mondell	Switzer
Chandler, N. Y.	Hart	Montague	Talbott, Md.
Clancy	Hay	Moon	Taylor, Ala.
Clark, Fla.	Hayden	Moore	Taylor, Colo.
Claypool	Hayes	Morgan, La.	Taylor, N. Y.
Cline	Helgesen	Morin	Temple
Coady	Henry	Morrison	Thacher
Connelly, Kans.	Hill	Moss, Ind.	Thomas
Cooper	Hinds	Moss, W. Va.	Towner
Copley	Hinebaugh	Mott	Townsend
Covington	Hobson	Murdock	Treadway
Cramton	Howard	Murray, Mass.	Tribble
Crisp	Hoxworth	Neeley, Kans.	Tuttle
Curry	Hughes, W. Va.	Neely, W. Va.	Underhill
Dale	Hulings	Nelson	Vare
Danforth	Hull	Norton	Vaughan
Davenport	Humphrey, Wash.	O'Brien	Volstead
Davis	Humphreys, Miss.	Oglesby	Wallin
Decker	Johnson, Utah	O'Leary	Walsh
Deitrick	Johnson, Wash.	O'Shaunessy	Walters
Dent	Jones	Padgett	Watson
Dershem	Kahn	Page, N. C.	Weaver
Dies	Keating	Paige, Mass.	Webb
Difenderfer	Keister	Parker	Whaley
Dixon	Kelley, Mich.	Patten, N. Y.	Whitacre
Donohoe	Kelly, Pa.	Patton, Pa.	White
Dooling	Kennedy, R. I.	Payne	Williams
Doolittle	Key, Ohio	Peters, Me.	Willis
Doremus	Kiess, Pa.	Peters, Mass.	Wilson, Fla.
Driscoll	Kinkead, N. J.	Phelan	Wilson, N. Y.
Drukker	Kirkpatrick	Platt	Wingo
Dunn	Kitchin	Plumley	Winslow
Dupré	Knowland, J. R.	Porter	Witherspoon
Eagan	Konop	Post	Woodruff
Edmonds	Korbly	Powers	Woods
Edwards	Kreider	Prouty	Young, N. Dak.
Esch	Lafferty	Raesdale	Young, Tex.
Estopinal	La Follette	Rainey	
Evans	Langham	Rayburn	

The Clerk having called the roll once, the following occurred:

Mr. STAFFORD. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Is not the Clerk obliged, under the rules of the House, to call the roll a second time?

The SPEAKER. Not on a call of the House. Maybe the practice has been to call it twice. Perhaps that is true.

Mr. BRYAN. I will ask unanimous consent, Mr. Speaker, to waive the second call.

The SPEAKER. We shall get along more quickly the other way.

At the conclusion of the colloquy the Clerk called the names of the Members who had failed to answer in the first call.

Mr. FITZGERALD. Mr. Speaker, how many are there here?

The SPEAKER. One hundred and twenty-eight.

Mr. FITZGERALD. Mr. Speaker, it is five minutes to 8, with 128 Members present, and more than 100 are required to get a quorum. While I believe that the Members should be here to transact public business, yet it is hardly worth while

to punish the Members who are here by continuing the proceedings. If I thought we could get a quorum to-night I would move to stay. As it is, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Sunday, June 21, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney General submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, which require an appropriation for their payment (H. Doc. No. 1048); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims which require an appropriation for payment (H. Doc. No. 1049); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to surplus fund (H. Doc. No. 1047); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for the acquisition of a site for the post office at Phoenixville, Pa. (H. Doc. No. 1050); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16953) prohibiting the sale or keeping for sale, in the District of Columbia, of undrawn cold-storage poultry, reported the same with amendment, accompanied by a report (No. 854), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 15513) for the relief of F. W. Schultz, reported the same without amendment, accompanied by a report (No. 855), which said bill and report were referred to the Private Calendar.

Mr. EVANS, from the Committee on Claims, to which was referred the bill (H. R. 13352) to allow credit in the accounts of Wyllys A. Hedges, special disbursing agent, reported the same without amendment, accompanied by a report (No. 856), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 17110) to reimburse Epps Danley for property lost by him while lightkeeper at East Pascagoula River (Miss.) Light Station, reported the same without amendment, accompanied by a report (No. 857), which said bill and report were referred to the Private Calendar.

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 15735) to correct the military record of Sanford F. Timmons, reported the same without amendment, accompanied by a report (No. 858), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16430) for the relief of John Oursler, reported the same without amendment, accompanied by a report (No. 859), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 10328) for the relief of Francis A. Grennen, reported the same with amendment, accompanied by a report (No. 860), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALKER: A bill (H. R. 17386) to regulate the labeling of cotton fabric sold in the District of Columbia, the District of Alaska, and the Territories of the United States, or shipped in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: A bill (H. R. 17387) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes"; to the Committee on Ways and Means.

By Mr. KETTNER: A bill (H. R. 17388) creating an additional land district in the State of California, embracing lands contained in the county of Imperial, and for other purposes; to the Committee on the Public Lands.

By Mr. RAINEY: A bill (H. R. 17389) to amend the internal-revenue laws; to the Committee on Ways and Means.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17390) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 17391) authorizing the Secretary of War to deliver to the village of Kasbeer, Ill., one condemned bronze or brass cannon, with carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER: A bill (H. R. 17392) granting a pension to Annie M. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17393) granting a pension to Sarah E. Jauss; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 17394) granting an increase of pension to Benjamin D. Smith; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 17395) for the relief of the Pennsylvania Millers' Mutual Fire Insurance Co.; to the Committee on Claims.

By Mr. DEITRICK: A bill (H. R. 17396) granting a pension to Chester A. Morang; to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 17397) for the relief of Philip St. Seve; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 17398) for the relief of Truman R. Peters; to the Committee on Claims.

By Mr. GARD: A bill (H. R. 17399) granting an increase of pension to James L. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17400) to correct the military record of Allen Moore; to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 17401) for the relief of William Rodamer; to the Committee on Military Affairs.

By Mr. GRAY: A bill (H. R. 17402) granting an increase of pension to Joseph Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17403) granting an increase of pension to Henry C. Tibbetts; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 17404) reinstating William S. Barriger to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 17405) granting an increase of pension to Thomas W. Chamness; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 17406) for the relief of Henry Watson; to the Committee on Military Affairs.

By Mr. MAHER: A bill (H. R. 17407) granting an increase of pension to Joseph Worden; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 17408) granting a pension to Donna B. Conover; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 17409) to correct the military record of George Andrews; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 17410) for the relief of Leo A. Blevins; to the Committee on Claims.

Also, a bill (H. R. 17411) for the relief of Benjamin F. Johnson; to the Committee on Claims.

Also, a bill (H. R. 17412) for the relief of Walter T. Morris; to the Committee on Claims.

By Mr. STONE: A bill (H. R. 17413) granting an increase of pension to John Throckmorton; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17414) granting a pension to Mary Maguire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17415) granting an increase of pension to Mary E. Carhart; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 17416) granting a pension to George Hauenstein; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 17417) granting a pension to Elizabeth Sawyer; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 17418) granting a pension to Jacob Schmidt; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17419) granting a pension to Anna C. McCulloch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17420) granting an increase of pension to Edward Norton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of 218 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Affidavits to accompany a bill (H. R. 15411) granting an increase of pension to Edward A. Bigelow; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: Petition of A. E. Maclean, of Pelham Bay Park, New York City, against national prohibition; to the Committee on Rules.

Also, petitions of the New York State Hotel Association, the Wine and Spirit Traders' Society of the United States, the Wine and Liquor Dealers' Association, and the Central Federated Union, all of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Brunswick-Balke-Collender Co., Chas. W. Leveridge (Inc.), and the Fownes Gloves Co., all of New York City, favoring the passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Women Physicians' Branch of the Political Equality League of Brooklyn, N. Y., and the Woman's Christian Temperance Union of Schenectady, N. Y., favoring the Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, relative to conditions in the coal fields of Colorado; to the Committee on the Judiciary.

Also, petition of the Scandinavian Independent Progressive League, of Brooklyn, N. Y., favoring memorial to Capt. John Ericsson; to the Committee on the Library.

Also, petition of the New York State Retail Jewelers' Association, favoring passage of the Owen-Goeke bill relative to gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMTON: Petition of Isaac Ernest and 80 other citizens and members of the Epworth League, of Atkins, Mich.; and resolutions of the Baptist Young People's Union, of Highland Park, Mich., representing 35 people; and the Highland Park Baptist Church, representing 70 people, in favor of the Hobson resolution for national prohibition; to the Committee on Rules.

Also, petition of Ed. J. Courtney, of Port Huron, Mich., favoring the passage of the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of George Stuart and five other citizens of Grindstone City, Mich., protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of Nathan Goettels and others of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Old Age Co. of Lancaster, Pa., favoring passage of House bill 4352, for old-age pensions; to the Committee on Pensions.

By Mr. DERSHEM: Petition of sundry citizens of Vira and Milroy, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of the Western New England Chamber of Commerce, favoring extension of county-agent system to advise farmers; to the Committee on Agriculture.

Also, memorial of the Connecticut Federation of Women's Clubs, favoring the Foster radium bill (H. R. 12741); to the Committee on Ways and Means.

Also, petition of Capitol City Lodge, No. 354, of Hartford, Conn., favoring the passage of the Federal locomotive boiler extension law; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSSON: Petition of Mrs. Belle Davis, Miss Clara E. Coulter, Miss Effie McAbee, and 19 other citizens; and R. H. Carter, G. M. Harvey, H. B. Phelps, and 18 other citizens; the First Baptist Church, representing a membership of 190, by C. F. Taylor, its presiding officer, and J. L. Spencer, its secretary, all of Raton, N. Mex., favoring national constitutional prohibition; to the Committee on Rules.

By Mr. FRENCH: Petitions of sundry citizens of Grangeville, Idaho, against national prohibition; to the Committee on Rules.

By Mr. GRAY: Papers to accompany a bill (H. R. 17403) granting an increase of pension to Henry C. Tibbetts; to the Committee on Invalid Pensions.

Also, papers to accompany a bill (H. R. 17402) granting a pension to Joseph Myers; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: Petition of Charles E. Parks, of Jamestown, N. Y., favoring the passage of the Smith-Hughes national motion-picture commission bill; to the Committee on Education.

Also, petitions of Charles E. Parks, of Jamestown, N. Y., and the First Baptist Church of Willsville, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of various members of the Epworth League of Cobb, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Memorial of the Connecticut Federation of Women's Clubs, favoring the Foster radium bill (H. R. 12741); to the Committee on Ways and Means.

By Mr. MOORE: Petitions of sundry citizens of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. MOTT: Petitions of sundry citizens of the thirty-second district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Roger Williams Association of Baptist Churches in the State of Rhode Island, and Robinson Wood and others, of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petitions of various churches, representing 3,559 citizens of Newburgh, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petition of Swayne & Hoyte (Inc.) and the Robt. Dollar Co., of San Francisco, Cal., protesting against antitrust legislation; to the Committee on the Judiciary.

Also, letter of the California Association of Electrical Contractors and Dealers, of San Francisco, Cal., favoring House bill 14288, for the purpose of segregating the electrical contract from the general contract on Government work; to the Committee on Public Buildings and Grounds.

By Mr. REILLY of Connecticut: Petition of Capitol City Lodge, No. 354, S. A. of M., favoring passage of the Federal locomotive boiler inspection law; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Norwich (Conn.) Board of Trade, favoring adoption of House resolution 5139; to the Committee on Reform in the Civil Service.

Also, memorial of the Connecticut Federation of Women's Clubs, indorsing the Foster radium bill (H. R. 12741); to the Committee on Ways and Means.

By Mr. SIMS: Petition of 250 citizens of Big Sandy, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of 246 citizens of Madras, Oreg., and 60 citizens of Boyd, Oreg., favoring national prohibition; to the Committee on Rules.

Also, petition of 136 citizens of the second Oregon congressional district, protesting against national prohibition; to the Committee on Rules.

Also, petitions of 16 citizens of Burns, Oreg., and Local Union No. 202, Cigar Makers' Union, of Portland, Oreg., protesting against national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of sundry citizens of the State of Florida favoring national prohibition; to the Committee on Rules.

Also, petition of Mrs. L. K. Paul, of Clearwater, Fla., favoring equal suffrage for women; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petitions of 605 and more citizens of Graham, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of Drs. W. T. Hinman, E. M. Sala, and S. D. Hamberg, and others, of Moline, Ill., favoring House bill 6282, the Harrison antinarcotic bill; to the Committee on Ways and Means.

Also, petition of R. C. Vance, secretary of the American Electrical Engineering Co., of Rock Island, Ill., favoring House bill 14288; to the Committee on Public Buidlings and Grounds.

By Mr. TEN EYCK (by request): Petition of Rev. George K. Statham and 24 other citizens of Albany, N. Y., favoring the passage of the Smith-Hughes motion-picture bill; to the Committee on Education.

HOUSE OF REPRESENTATIVES.

SUNDAY, *June 21, 1914.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore. Mr. RIORDAN.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, we wait on Thy blessing as we assemble here on this peaceful Sabbath day to commemorate the life and deeds of a departed Member of this House; who won by dint of his own efforts the confidence, love, and respect of his fellows and leaves behind him a worthy record as a servant of the people in his State and Nation. Strong of mind, warm of heart, generous to all who sought him, the poor, the needy, the sick, the distressed, the unfortunate, the outcast found in him a sympathetic, tender, and devoted friend.

We thank Thee for the germ of goodness and purity Thou hast imparted unto Thy children, especially for the good which sees, loves, and acts. Such were his virtues. So may we cherish his memory and emulate his virtues.

Comfort his many friends, his dear ones, and bring them at last to share with him the reward of an everlasting life. In the name of Him who taught us life, love, immortality, and how to pray—Our Father who art in heaven. Hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread; and forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom and the power and the glory, forever. Amen.

APPROVAL OF THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. CONRY. Mr. Speaker, I move to dispense with the reading of the Journal.

The motion was agreed to.

The Journal of the proceedings of yesterday was approved.

THE LATE REPRESENTATIVE TIMOTHY D. SULLIVAN.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. FITZGERALD, by unanimous consent, *Ordered*, That Sunday, June 21, 1914, be set apart for addresses upon the life, character, and public services of Hon. TIMOTHY D. SULLIVAN, late a Representative from the State of New York.

Mr. GOLDFOGLE. Mr. Speaker, I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

HOUSE RESOLUTION 549.

Resolved, That the business of the House be now suspended, that opportunity be given for tribute to the memory of Hon. TIMOTHY D SULLIVAN, late a Member of this House from the State of New York.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Resolved, That at the conclusion of to-day's proceedings the House, as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, do stand adjourned.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were agreed to.

[Mr. FITZGERALD addressed the House. See Appendix.]

Mr. GOLDFOGLE. Mr. Speaker, almost a year has passed since "the Stern Reaper, who gathereth all in whenever in His wisdom he may appoint," laid his dark and icy hand on one of our number, TIMOTHY D. SULLIVAN; and, in accordance with the beautiful and time-honored custom of the House, we pause amid the stress of legislative duties to fittingly pronounce our estimate on the life and character of the distinguished dead.

I rise, sir, to pay my tribute of respect to the memory of our departed colleague, whose life was one of intense interest, filled with varied experiences and marvelous activities.

He was born on February 6, 1863. At the early age of 23, then already popular with the people of his district, he was elected a member of the Assembly of the State of New York, in which he served eight continuous terms, until 1894. He was then chosen a State senator, and continued in the senate until 1903. In 1902 he was elected a Representative in the Fifty-eighth Congress, and reelected to the Fifty-ninth Congress, from which, after a brief service, he resigned to go back to the State senate. He was again chosen a senator, and finally elected by an admiring constituency to the Sixty-third Congress, in which he served until he met his untimely and tragic death.

Timothy D. Sullivan's character was as unique as it was great. From the very hour he reached manhood's estate he became, and continued until his unfortunate death, a prominent figure in the politics of both State and city. As a leader of men he attracted widespread attention, not only of those engaged in public affairs, but of the citizenship generally. No man in our city was better or more widely known than he. No man within his time built up through personal effort and kept throughout the struggles and vicissitudes of political life a larger, stronger, or more faithful and loyal following.

In the State legislature, during the score of years of his service, he was a most influential and frequently a dominating factor. No man in the ordinary walks of private or public life had a larger acquaintance with men of every rank, station, and condition. His friends were countless thousands; not merely in the State, but were to be found throughout the Union. This man, whose influence among the people and in legislative halls was so extensive, whose power in legislature and in party council was so great, whose knowledge of public affairs so diversified, whose keenness of intellect gave him such insight into the intricacies of political affairs as at times made him master of political situations, whose army of friends and devoted followers were numberless, whose name was a household word in his district and the surrounding neighborhood, whose successes in business enterprises as well as in politics followed one another closely, whose liberal generosity, broad charity, and merciful kindness to the needy and the fallen brought cheer to many a heavy heart and sunshine to many a desolate home—this man came from the ranks of the lowly and the humble, for he was born in poverty and reared amid adversity.

Bereft of his father when but a small lad, TIMOTHY in his earliest years had already tasted the cup of sorrow. He became a newsboy, and with the scant earnings from vending papers in the street this ragged, barefooted boy aided in the support of his widowed mother.

I shall never forget the occasion when SULLIVAN, in a public meeting some years ago, spoke in defending himself against an attack made on him in the public prints. It was contrary to his custom to reply to such criticism, but this once he departed from his accustomed way. He referred feelingly to his early training by his aged mother; and this strong, manly man, who had courageously fought many a battle and bravely withstood many a political storm, burst into tears that told more deeply than words can describe the depths of his filial love and the intensity of his sympathetic soul.

He represented part of the East Side of New York City. Its population, comprising people of various nationalities, animated by their love and appreciation of the value of our American institutions, take pride and display keen interest in the men they select for public office. It is a tenement-house district, abounding with myriads of homes of the struggling and toiling masses. It has not the advantages of the more fortunate and wealthy, but it is rich—exceedingly rich—in the possession of a good, honest, intelligent, thrifty and industrious people, the so-called everyday people, who make up the bone and sinew and contribute to the strength and the pride of our citizenship and the welfare of our country.

TIMOTHY D. SULLIVAN was in close sympathy and touch with his people. He mingled with them in the warm spirit of genuine fellowship. The most humble and unfortunate could approach him as readily as those in the higher ranks of life. Kind-hearted and generous to a fault, he never was so happy as when he could relieve the distress of the poor or assist some erring being who in his weakness needed the aid of his fellow man to help him rise again. He understood the frailties of human nature and what temptations in the hour of penury and sorrow and tribulation beset men. He did not, as some do, preach mercy and kindness and forgiveness and then withhold the helping hand to lift up the fallen and penitent that he may regain usefulness and be restored to self-respect. The grief of man or woman, the tear of suffering child, the pitiful entreaty of an erring soul appealed quickly to his gentle and sympathetic nature. His manifold acts of kindness attested that he was in unison with the sentiment expressed by the poet:

> In men whom we condemn as ill,
> I find so much of goodness still;
> In men whom we pronounce divine,
> I find so much of sin and blot,
> I hesitate to draw the line
> Between the two, when God has not.

He had risen to a position of affluence, yet he had always the same plain man of the people. He never forgot he sprang from them and was uplifted by them. He observed one rule for rich and poor alike. He was a man of action and of deeds, and not of words. Indeed—

> He blew no trumpet in the market place,
> Nor in the church with hypocritic face
> Supplied with cant the lack of manly grace.
> Loathing pretense, he did with cheerful will
> What others talked of while their hands stood still.

TIMOTHY D. SULLIVAN was an uncompromising Democrat. He fought hard and skillfully for his party and never failed in the district wherein he was the idol of his followers to bring success to the Democratic ticket. Yet, withal, his fairness secured for him a host of friends from the ranks of his political adversaries.

He was not an orator who dealt in flowery language and ornate periods, but a logical, practical, and convincing talker who presented his facts clearly in a common-sense way and frequently with commanding power. Had he remained in Congress he might have developed into a useful, working Member. His large legislative experience would have stood him well in hand and his work in committee could have been most useful. There is a mistaken notion prevalent among many of the American people that the best work of Congress is done on the floor and that to be a useful Member one must be found there indulging frequently in spirited debate. They little know that some of the most laborious and serviceable work is done by the earnest, sincere Member of the House in the committee room. And after all, there in the committee room, where the complex problems are first investigated and discussed, and where the difficult task of framing and shaping legislation to be reported to the House, or where bills without merit are to be laid aside, is where the usefulness, the skill, and the ability of a Member is oft put to severe test.

The malady with which Mr. SULLIVAN was stricken unfortunately cut short his career, and in September last we were startled with the intelligence of his pathetic death. The reports published in almost every newspaper in the land sent a shudder of horror through us all. It was the story of a great tragedy, and friend and foe alike in sorrow mourned. Again came vividly and in startling form the lesson we so frequently forget that teaches the uncertainty of human life. The awful story of the tragic death of this man whose district loved him so devotedly cast a gloom all over the locality where he was known so well. The people there mourned as they had never mourned before the loss of any of their neighbors or public men. The terrible news that this man in the prime of life and the height of his career had met with such a fearful fate brought again to the minds of men a realization of how vain after all is this transitory existence.

'Tis the wink of an eye, 'tis the draft of a breath,
From the blossom of health to the paleness of death,
From the gilded saloon to the bier and the shroud,
Oh, why should the spirit of mortal be proud?

Mr. Speaker, the funeral of TIMOTHY D. SULLIVAN was one of the most remarkable in point of attendance of people and in general sorrowing and mourning of a devoted constituency ever witnessed anywhere. For days the body of the deceased lay in the club house on the Bowery, and the scene there of men and women, with saddened faces and tearful eyes, coming and going by the thousands during all the hours and way into the far hours of the night was most inspiring and deeply affecting. As the throngs came and went— the rich, the middle class, and the poor—as the many thousands of those who had been the recipients of SULLIVAN'S benefactions and his kindness cast longing, lingering looks on the face of the man they had loved so well, as they knelt and silently prayed for the repose of his soul and then departed with faces betokening unfeigned sorrow and poignant grief at the loss of him who was in truth their friend, the stoutest heart was moved to tears. The floral tributes coming from every quarter of the city and from other sections of the State, the attendance of men and women and children from far and wide to pay respect to the memory of this man attested the universal popularity of our late colleague whose life, whose career, and death are so full of incident, so dramatic in detail, so fraught with lessons of equal opportunity in this Republic to all.

And those of us who in the sad contemplations of this hour reflect upon the many who have left us to go to the land of shadows and enter the state of a blissful immortality, as we take a retrospect and think of the losses we have suffered in the past we may well say—

Life's shores are shifting
Every year.
And we are seaward drifting
Every year,
Old places, changing, fret us,
The living more forget us,
There are fewer to regret us
Every year.
But the truer life grows nigher
Every year;
Earth's hold on us grows slighter,
And the heavy burdens lighter,
And the dawn immortal brighter.
Every year.

Mr. KAHN. Mr. Speaker, the life and public service of our late colleague, Hon. TIMOTHY D. SULLIVAN, are a shining example of the great possibilities that lie in the path of every American citizen. He was one of the plain people—a true type of his constituents. They looked to him for leadership and advice and always found a sympathetic listener and a willing counselor whenever they applied to him for sympathy or counsel. His was a strong character. He was an apt student in the school of practical experience. He learned to know men as they are, not as the idealists paint them. He became a leader among his fellows because the plain people whom he represented believed in him and had confidence in his judgment.

His goodness of heart and his many deeds of charity made his name a household word in hundreds of the homes of his congressional district. Indeed, his bounty and his charity were known all over the great metropolis in which he was born and grew to man's estate. He was always willing to extend aid to relieve distress and to give help to the needy. His bigness of heart and his love of his fellow man manifested themselves in various benefactions for which he became justly noted. He always found time to give a little attention to those who were less fortunate than he in the struggle for existence. Small wonder, therefore, that when the news of his tragic death was announced in the press of the country there was genuine sorrow for this big-hearted liberal-minded son of the East Side of New York. The thousands who stood with bent head and tearful eyes as his remains were carried to their last resting place attested more eloquently than spoken words the deep affection they had for this simple, rugged type of the self-made American citizen.

Personally, representing in part the city of San Francisco, Cal., and speaking for my constituency, I take this occasion to express the deep sense of obligation and gratitude which I and my constituents feel toward our late colleague. In 1911 the city of San Francisco desired to receive congressional recognition as the place to celebrate the completion of the Panama Canal in 1915. The contest for the honor was a long and hard-fought battle. Mr. SULLIVAN had unbounded confidence in the future of the great West and felt that San Francisco was the logical point at which the exposition in commemoration of the completion of that feat should be celebrated. Without hesitation he threw the weight of his great influence in favor of San Francisco. He was a tower of strength to our cause in that fight. I believe it but justice to his memory to make this brief statement in acknowledgment of the debt of gratitude which we of San Francisco and the Pacific coast owe him.

Mr. TEN EYCK. Mr. Speaker, my late colleague, TIMOTHY D. SULLIVAN, has been called from among us to fill his allotted place in the great to-morrow, without having had an opportunity to fill his last mission which an admiring and loving constituency intrusted to him. His personality will live forever in the hearts of the people in the great East Side of New York until they are called to cross the border to meet him on the other side, and the record of his charitable deeds will be handed down to their children's children as folklore in the community of his birth.

His hearty laugh, his genial manner, and his earnest and sincere loyalty to the people in his neighborhood, together with his deep interest in humanity and human kind, won him their everlasting gratitude, respect, love, and adoration, which all combined compose the bouquet of the human heart.

His parents belonged to that noble race whose love of liberty has caused them to fight on the side of freedom under every flag when it stood for justice and equality of the individual, and that race finally achieved self-government without an armed conflict. The inborn love for his fellowman, which shone out of his radiant face at all times, he inherited from his ancestral lineage.

He was born among the poor in the district that he represented, in the country his parents adopted, and never deserted their interests. He, knowing their wants by intimate contact, saw that they were filled; he was the arbitrator of their disputes, the leader in their pleasures, the champion of their cause, and the idol of their hearts.

They, in turn, honored him with the best gift they had—their franchise, which placed him among us as a Member of the House of Representatives, previously having sent him to the New York Legislature, thus delegating to him their interests in the framing of the laws under which they have to live.

His name is spoken in reverence; his life, which he lived for others, is referred to in terms of the deepest gratitude radiating from the hearts and souls of the poor people of the city in which he lived his life. His death is hallowed by that

true and sincere reverence and sorrow that the poor and lonely can only know.

Mr. CONRY. Mr. Speaker, TIMOTHY DANIEL SULLIVAN was a pioneer, a toiler, a leader in that great field of humanitarian activity that relieved the great East Side of 20 years ago of many of its sorrows, its hardships, and its woes. And we are met here to-day, in accordance with the time-honored custom of this House, to tell the simple story of his struggles for his fellow man, and to pay a well-merited tribute to his noble work and his great personal worth.

He possessed a strikingly attractive and magnetic personality, which enabled him to make and to retain friends. As a leader among men he ruled not with an iron hand but with a sympathetic and disinterested spirit of kindly consideration that impressed the recipient of his favor with the dignity and grandeur of his ingenuous nature. As a man he was ardently beloved by his friends and highly esteemed and honored by all who knew and understood his work. His good deeds and generous nature embraced all mankind and were circumscribed by no mean or narrow distinctions of race, creed, color, or condition in life. He was primarily the friend of the poor and the needy, and scores of the fallen and the outcast were given a new start and a better chance in life by this big-hearted, whole-souled, manly man.

He was always kind, and ever sought to win the confidence of men by sympathy and love. There was not even the semblance of malice in his nature. To him his erring and fallen brothers did not seem entirely depraved, although considered so by society. He believed they were not wholly bad, and that there dwelled deep down in the heart of every man, however unfortunate or misguided, true and God-given promptings and aspirations to the higher and nobler ideals of life. He knew that back of every thought and act were the original forces of heredity, that could be regulated and controlled by environment and circumstances, which furnished the seeds of either good or evil. And through all his days, with sound and stainless heart, he was kind, compassionate, tender, and helpful to the erring.

Born on the East Side, of poor but honest parents, richly endowed with the sterling qualities of good old Irish stock, he spent his infancy and youth amid the struggle and strife of the crowded streets of a great city. His father died, leaving him, at the tender age of 8, in poverty and obscurity, to begin the battle of life for the support of his widowed mother and her helpless children.

His childhood and youth were not passed in the comparatively easy poverty of the country, but in the repressive atmosphere of the grinding, sordid, baleful poverty of the congested districts of a great city. The inspiration of majestic nature in all her varied charms and beauty played very little part in the development of the character and quality of young TIM SULLIVAN. The bright and glorious sunrise, the whisper of the breeze in the forest, the sweet songs of the birds, the ever changing aspects of nature from verdant spring to golden harvest, never came with their mysterious blessings to mellow his young life. But from early childhood, through youth and young manhood, to maturity he found his inspiration in the faces of men and women living, like himself, the lives of hardship and struggle, lives from which the simple struggle for a bare existence sapped all the strength and energy of strong men and taxed to the breaking point the endurance of patient, loyal, devoted, self-sacrificing women. To carry whatever sunshine of human kindness he could find into these lives, to make this eternal and ceaseless battle of the breadwinner struggling for a mere existence a little lighter, became the constant aim and steady purpose of his noble life.

Inspired by a strong and deep-rooted love and solicitude for the welfare of his mother, his restless, ambitious nature craved ardently for work. He became a newsboy, then a bundle boy and a hustler in the newspaper offices of Park Row. His energy, industry, and activity soon won for him rapid advancement and promotion.

He was big, brawny, handsome, good-natured, and generous hearted, and by force of his dominating personality he forged to leadership, even in his childhood. He was the arbiter for his companions in their boyhood disputes, and the invariable justness of his decisions won for him the admiration, the confidence, and the esteem of all who knew him. He had the native wisdom of the untutored philosopher, the common sense of the matured man, and the heart of an innocent child.

He became active in politics, and soon won to his standard the men of the community who were worth while and who believed in his honesty, his loyalty, and his sincerity. He became in steady succession the leader of his district, assemblyman, senator, Congressman. He was elected to every office of honor and distinction to which he aspired by overwhelming majorities. He never knew defeat. His people were as loyal to him as he was to them.

So completely had he won their affection and their confidence that there was no honor within the gift of his loyal and devoted people that they would not willingly have bestowed upon him. He was supreme in his district, and his supremacy was built upon the great love he had for the poor, the forsaken, the friendless. He shielded the weak and attacked the strong and gave to every man a square deal.

In business, as in politics, success and prosperity rewarded his genius and industry. His name became prominently associated with business enterprises extending from the Atlantic to the Pacific coast—enterprises through which he accumulated vast wealth. And he always acted in the control of that wealth upon the principle "that no man liveth and no man dieth unto himself alone." Mankind can not value the heritage of a life well lived. We can not all agree as to the life of any man; but if we write their good deeds upon the tablets of our hearts and their faults upon the sands of the seashore, when the waves have washed across the beach we will have stored up ideals for the betterment of mankind.

Stirred by the pathos of human suffering, knowing the pall that falls on every life that is blighted by adversity, knowing the anguish, the sorrow, the tears, the heartaches that lie within the lowly walls of the East Side tenement, this great and generous spirit, with sensibilities keenly alive to human frailty in all its forms, strove with all his power to better the lot of his less fortunate fellow man. Attacked on every side, maligned by those whose selfish interests were best subserved by impugning his lofty motives, assailed by all who preached the doctrine of scientific charity, a species of charity that his generous nature and noble heart could never understand, he wavered not in his steady purpose, but persevered whole-hearted to the end.

He had no sympathy with the propaganda of scientific charity, but he did possess that serene philosophy that looks on sin as the inherent weakness of human nature and pities those who fall.

He lived a life replete with good and noble deeds, and each day added to the sum of human happiness. By direct giving and personal benefaction he carried happiness into the hearts of more people, relieved more distress, fed more of the hungry, clothed more of the poor, buried more of the unfortunate dead, and gave a new start in life to more of the helpless, the hopeless, the bruised and persecuted children of misfortune than was ever dreamed of in the whole philosophy of scientific charity. And his memory to-day is lovingly enshrined in the hearts of more men, women, and children, more clergymen, judges, lawyers, doctors, merchants, more of the rich, the poor, and the unfortunate, than that of any other public man that has departed this life in the great metropolis in recent times.

The name of this noble soul is a household word in the great throbbing East Side. He battled for the hopes of men. His heart was with the unfortunate. He stood against the onslaughts of greed that preyed upon the lifeblood of the poor. In his beneficent labors for the outcast he did not fear to stand alone. He was brave, generous, loyal, and true, and he will long live in the affectionate regard of the legions of the lowly, who always looked up to him as their protector and their friend.

Mr. GOULDEN. Mr. Speaker, however familiar to us may be the details of the life of our lamented colleague, TIMOTHY D. SULLIVAN, "time does not wither nor custom stale" them; each fresh narration is a "twice-told tale" of fascinating interest and power. The eloquent presentation of the facts of his life to which we have listened only serves to impress us more profoundly than ever with a sense of the man's bigness, and nothing now remains for those of us who knew him personally except to add a touch of color here and there to the portrait of him which has now been painted.

Considering only the externals of his life, the things most in the public eye, the one most impressive thing about him is that he was a self-made man. We hear much of such men in our land, and many are held up for the admiration and emulation of our youth; our democracy is boasted as the nursery of self-made men. But when the elements of family and social influence, hereditary wealth or prerogatives, fortunate circumstances, and good luck are eliminated, little is left of the "self-made" in many of these notable examples.

But analyze Representative SULLIVAN'S life as you will, you can not escape the conclusion that his success, worldly or otherwise, was not due to adventitious aids, but solely and entirely to his native abilities and ambition, to restless energy and creative faculties. His desire to succeed and be an independent

factor in life made him a business man in his teens; his power over men, his talent for leadership, his magnetic personality, manifested themselves so early that he was an elected representative of his people as soon as he was a man.

True, he was a politician, and it has become the fashion to deride politicians as the epitome of all that is opposed to the interests of the people. Yet, judged even by the standards of the reformers and uplifters, Representative SULLIVAN was a fine example of success in public life. He represented the people of his district in the State Assembly and Senate and in Congress so well that he broke down all party lines and became the idol of every man, woman, and child. It was said of him that he carried his district around in his pocket. The truth was that he carried his district around in his personality, and it is given to few men to inspire in their friends and neighbors such affectionate devotion, such unbounded loyalty, as was given to him by all the people of his district.

And he deserved it all. Throughout his public life, and in the business life which brought him a competence and showed how well he could succeed in any field, he was ever a man of his word. He was a plain dealer and a truthteller; he hated quibbles and evasions and technicalities; he tried for big things, he achieved big things, and success was dear to him; yet he would rather have failed a thousand times than once go back on his pledged word, the word which was his bond. In his own picturesque language, he was neither a "quitter" nor a "welcher." He was straight and true to the core, and upon that foundation his friends and followers built up their faith and loyalty.

But the most impressive side of his character, and the least known to the general public, was his bigness of heart, his free hand in the distribution of aid to the needy and helpless; his charities were not reported in the newspapers, and he was not a founder of colleges or libraries; yet for many years, in spite of the lack of press agents, he was the big brother and ever-ready friend to hundreds of families and thousands of people; he gave so freely and cheerfully, without question as to the history of the applicant or the use of the largess, that his close associates had to invent schemes to protect him from poverty.

He was thus a man of the people, never found wanting in times of trouble or need, the tried and true friend when the real test of friendship came. He was never much of an orator or talker; he never—

> Walked beside the evening sea,
> And dreamed a dream that could not be.

He was a man of deeds, of friendly acts, of the helping hand to his friends and neighbors; "the still strong man in a blatent land." His attitude toward life can be summed up in those splended lines of Sam Walter Foss—

> Let me live in my house by the side of the road,
> And be a friend to man.

After years of personal association the term "Big Tim," to those privileged to so call him, came to represent all of affection and genuine feeling that could be crowded into a name; and his monument is now in the hearts of countless thousands who mourned his passing as a personal loss.

His end was a pathetic one, and yet such as he would have wished; no trappings or pageants, no "last words" to a tearful accompaniment; he wished to steal away as quietly as he could, without disturbance to the friends whose hearts were overflowing with love for him. He felt that his work was done, and he wanted to pass out unnoticed.

> Some time at eve when the tide is low,
> I shall slip my mooring and sail away,
> With no response to the friendly hail
> Of kindred craft in the busy bay.
> In the silent hush of the twilight pale,
> When the night stoops down to embrace the day,
> And the voices call in the waters' flow—
> Some time at eve when the tide is low,
> I shall slip my mooring and sail away.

Thus quietly did he go; his memory will be no "thistle on the wind of many men's tongues," but a throbbing wound in loving hearts, lasting while life endures.

> Peace to his ashes;
> Honor to his memory.

[Mr. HAMILL addressed the House. See Appendix.]

Mr. GRIFFIN. Mr. Speaker, the House of Representatives, following a sacred custom, pauses on this Sabbath afternoon to render its tribute of respect to the name and memory of the late lamented TIMOTHY D. SULLIVAN, who represented in this Congress the Thirteenth New York District.

Born in New York City of Irish parentage in 1863, at a time when the North and South were engaged in unhappy internecine strife, his life spells American opportunity.

Poverty was his heritage. He made his own way in the business world, and in legislative halls by force of character. He rose from newsboy on the streets of the metropolis to a legislator of prominence in the Empire State, having been a member of the assembly for five years and a member of the State senate for 10 years. He also served in the Fifty-eighth and Fifty-ninth Congresses.

TIMOTHY D. SULLIVAN, affectionately known as "Big Tim" to every man, woman, and child in the Thirteenth New York District, was a postgraduate in the course of practical politics. His word was his bond, his pledge once given ever remained inviolate. He was loyal to his friends, devoted to their interests, unswerving in his party fealty.

He was not a hypocritical, theoretical moral uplifter, but a deep student of human nature, whose heart, early trained in the school of adversity, beat in sympathetic unison with the sufferings of frail humanity. The barefoot newsboy on the streets of Manhattan had known the pang of hunger and the heartache of poverty. In the classroom of experience he learned the wonderful significance of God's injunction, "Feed the hungry, clothe the naked." And when prosperity came he needed no urging to do the Master's bidding.

Christmas Day on the much-maligned, much-misunderstood Bowery, which loved him and which he loved, saw TIMOTHY D. SULLIVAN in his happiest rôle—the almoner of the poor, the comforter of the afflicted. He loved mankind with a love that knew no limitations. His hands were always outstretched to the poor fellow who started life with the odds against him, who fell by the wayside in life's journey to the great beyond.

The words of his Creator, "Let him who is without sin cast the first stone," seemed to be the spirit that guided him in his treatment of those who sinned against society.

He is gone. The poor of New York City have lost a benefactor, the oppressed a champion, the fallen a mediator. He is gone, but his memory still lingers, and ever will, among the poor of the teeming lower East Side, who knew him best and loved him most.

> Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set; but all—
> Thou hast all reasons for thine own, O Death!

Mr. GITTINS. Mr. Speaker, it fell to my lot to make formal announcement here of the death of Hon. TIMOTHY D. SULLIVAN, who had been elected to represent a New York City constituency here in the Fifty-eighth, Fifty-ninth, and Sixty-third Congresses. He had also been four times elected and served four two-year terms in the senate of his native State. It was during my service in the State Senate of New York in 1911 and 1912 that I gained the pleasure and advantage of a somewhat intimate acquaintance with "Big Tim," as everyone called him. The name did not belie the man. It fitted, rather, every faculty of his mind, every phase of his character. It would not have been enough were he called "Big-Hearted Tim."

Mr. Speaker, one of the great compensations which attend membership in the American House of Representatives is the privilege of meeting and knowing great men, statesmen and leaders of people. I have never met a man in public life anywhere who took deeper hold on my affections than did BIG TIM SULLIVAN. His kind is the rarest kind. Many great minds there are, but few indeed have possessed such a heart. As deep and broad as the ocean was his humanity. He always loved mankind, but he loved it most in its afflictions. He was broad and tolerant. The humble thanks of the poor and afflicted brought more pleasure to his soul than any other worldly thing could give.

To speak of a man as genuine has always seemed to me the highest kind of tribute to personal character. Mr. SULLIVAN was genuine. People may speak of the artistic temperament, the judicial temperament, the legislative temperament, but "Big Tim" personified in his temperament all the cardinal virtues. He was filled with faith, hope, and charity; and with him the greatest of these was charity.

In temper he was as simple as a child, as brave as a lion, as tender as a woman. Candor and courage were marked virtues with him. He loved his country with an intense love, and the welfare of his constituents was his highest aim.

He advocated suffrage for women because, he said, he observed in late years as many women as men on the streets of New York at 6 o'clock in the morning.

I learned to respect him for his native wisdom and his broad learning, acquired in the bitter school of experience. His presence always lent a distinct quality to any conference on political and governmental subjects. He always advanced considerations which otherwise would not receive proper attention. His rise from abject poverty to a high place among the leaders of

men can only be accounted for by crediting him with high qualities of both heart and mind and an industry of uncommon kind. His abstemious life was also a contributory cause. It is not generally known that he never drank liquor nor used tobacco.

For his simple virtue I would paraphrase Leigh Hunt's immortal poem:

Abou BIG TIM (may his tribe increase!)
Awoke one night from a deep dream of peace,
And saw, within the moonlight in his room,
Making it rich, and like a lily in bloom,
An angel writing in a book of gold;
Exceeding peace had made BIG TIM bold,
And to the Presence in the room he said,
"What writest thou?" The vision raised its head,
And with a look made all of sweet accord,
Answered, "The names of those who love the Lord."
"And is mine one?" said TIM. "Nay; not so,"
Replied the angel. TIM spake more low,
But cheerily still, and said, "I pray thee, then,
Write me as one who loves his fellow men."
The angel wrote and vanished. The next night
It came again with great awakening light,
And showed the names whom love of God had blest,
And lo! BIG TIM'S name led all the rest.

Mr. CALDER. Mr. Speaker, TIMOTHY D. SULLIVAN was a type of man in the public life in New York City that is fast becoming extinct. Born in that city in 1863 of Irish parentage, he was elected to the New York Assembly when hardly of age. He was subsequently elected to the senate and served for a number of years. He was elected to the Fifty-eighth and Fifty-ninth Congresses, again elected to the State senate, being elected in 1912 to the Sixty-third Congress. He was a comparatively young man; but in the years that he lived there were crowded together many events of a public character with which he had much to do. Congressman SULLIVAN was a natural leader of men. He did not dominate them through fear of his power, but rather through a kindly disposition. He practiced the art of winning his people by treating them kindly and taking care of them in their hour of distress. He had lived among them as a poor boy, grown up among them, knew their needs, and knew how to win their affection and loyalty.

Mr. SULLIVAN was a man of very large influence in the Democratic Party in New York City in that section lying south of Fourteenth Street, a section upon which the Democratic organization depended for its large majorities. Mr. SULLIVAN, through his years of leadership, was always accessible to every human being who lived in his neighborhood. He believed it the duty of a political leader to find employment for his people, to take care of them when they were sick, to bury their dead if their family was without funds; to save the wayward boy from prison and a life of crime when he was arrested for some slight violation of the law—in other words, he stood as the father of his whole community. He never posed as the leader of his party in New York, but rather as one of the group of men who molded the policy of that party. I seldom agreed with Congressman SULLIVAN in any of the public policies he advocated, and have always been on the opposite side politically, but I had a very high regard for his constant consideration of his people, particularly his attitude toward the unfortunate and friendless of our city.

One Christmas Day, without being known, I visited his headquarters in the Bowery in New York City where all the poor and derelicts of the city were gathered for their Christmas dinner. His custom was to give everybody who came a substantial meal, and before they left to provide them with some warm clothing and shoes to protect them from the winter weather. It was a wonderful sight, and I learned then why these men would vote for and with him on any measure, and die for him if asked. He had a kindly smile and was a man of exemplary personal habits. Among the people with whom he lived and by many great charities in the city of New York he will be sorely missed. I am glad to be present to-day and stand in my place to pay my personal tribute to this man who was so suddenly taken away, a man unique and a tower of strength in his day—a master politician of his kind and a big-hearted friend. New York City in his death lost one of its most interesting characters. The Democratic Party lost one of its strongest leaders, and the people of his district, irrespective of party, lost a kind, good, and true friend, and we all lost one of the most likable men who ever became a leader.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to read an address sent here by our colleague, Hon. HARRY HOWARD DALE, of the fourth New York district, who, much to his regret, is unavoidably absent to-day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. DALE. Mr. Speaker, the House of Representatives meets to-day to pay its final tribute of respect to one of its Members, the Hon. TIMOTHY D. SULLIVAN, who passed away on August 31, in the year 1913. The poor people of the city of New York were shocked to the extreme when the sad news reached them that their dearest friend's eyes had closed in death. Such was TIMOTHY D. SULLIVAN that we gather here to-day to pay tribute to. As a New York boy beginning his life, the struggle being a hard one, he never forgot the fact that he was a member of the common people, and until his death was ever ready and willing to aid and assist them; and therefore this element which goes to make up the great population of the metropolitan city of New York will forever honor the grand characteristics and memory of their noble champion who has answered the inevitable summons.

It was my pleasure to have spent several years in the Legislature of the State of New York with him, which gave me opportunity to personally observe and study him, and I therefore, Mr. Speaker, refer to him by reason of personal knowledge. His great motto always was: "To make success, all men must help each other." The people of the city of New York loved him. Many a heavy heart he gladdened that stood on the shore of despair by his ever-ready willingness, liberality, and charitable instinct. Most of his life was spent in what is known in the city of New York as the Bowery section, and he never forgot the scenes of his boyhood days, always keeping in touch with his people; always prominent in all their gatherings. He loved to associate with them, to greet them with a smile and a hearty grasp of the hand, and in return to receive their loyalty, love, and friendship. The letter carriers, the policemen, the firemen, the old soldiers, the friendless widow, and the homeless girl and boy will miss him, for he was ever their friend. They learned to know his ability and his worth, and they appreciated the faithfulness and devotion with which he served them. His memory will ever remain in the hearts of the people he represented so long and so ably. He was a self-made man. In his boyhood days he sold newspapers on the streets of New York.

Mr. Speaker, keeping that in mind and knowing what a great man he rose to be, it represents a hard and persistent battle. At a very early age, immediately after attaining his majority, he was elected to the Assembly of the State of New York to represent the people of the district where his boyhood days were spent. All that he was, the position that he achieved, was due to his own exertions and honest work. His career, indeed, furnishes a splendid lesson to the youth of this country and goes to show that in this land of the free and land of opportunity, however lowly or humble a boy's origin may be, he may rise to the highest rank and obtain the most exalted station. Of him it can be truly said that there is no stain upon his record and that he will be followed to his grave with the sincere regrets of all with whom he came in contact. Our colleague had an unfailing sense of humor, which smoothed over the rough obstacles of life we encounter on our travels. He was a good story teller; so when we saw him come, how welcome he became, knowing the likelihood of an enlivening conversation. His knowledge of political subjects was large, so that his observations were illuminated by reference to national events and what the great statesmen of the country had said and done in connection therewith, and his quotations were accurate and pertinent. He did not have the ambition for an orator's reputation, but was always ever alert to protect the interests of his people; and he never permitted any matter in which they were interested to be neglected or passed by. He eagerly watched such measures and was ever watchful in securing votes for the side he favored. Thus his great use to his district was known by his people and appreciated handsomely at the polls. He was an incessant worker for his constituents in all directions, so that they loved and honored him.

TIMOTHY D. SULLIVAN was one of the kindest hearted men I ever knew. His grief was extreme for the loss of one he loved. I know, as do many others, the saddening effect upon his life of the death of his cousin, the late Timothy P. Sullivan. He never ceased to grieve over that loss, and I doubt if a day passed thereafter when he did not live over again the charming relations he had been permitted for years to enjoy. It was a blow from which he never recovered, and no doubt was in a large measure responsible for his lingering illness that finally brought him to his end. Mr. Speaker, I could go on for an unlimited period of time dwelling upon the public services he has rendered, his record for honest and intelligent service to not only the people of the Nation, but particularly to the people of the city of New York, which is too well known to be referred to here by me. His influence could always be relied upon in favor of those things that were for the right. His spirit was not that of a warrior trampling and crushing

those who stood in the way of his ambition. On he ventured along the pathway, a bright smile upon his face, a willing hand to help the helpers on their way, and lo, when he reached the river a great multitude are gathered on its bank with rueful countenance, and when the boatman appears to bear him hence, there is still a greater multitude with outstretched hands to greet him on the shore.

Mr. LEVY. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from New York [Mr. LEVY] asks unanimous consent that Members who have not participated in to-day's ceremonies may have five legislative days in which to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

The SPEAKER pro tempore. Gentlemen, in accordance with the resolution previously adopted, the House now stands adjourned until 12 o'clock noon to-morrow.

Accordingly (at 1 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Monday, June 22, 1914, at 12 o'clock noon.

SENATE.

MONDAY, *June 22, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for coming more and more out of the shadows into the clear light of day, for the increased knowledge that gives the brighter vision of Thy face, for the uplift of humanity that brings us into closer relationship to Thy great plan and purpose. The motive that Thou dost present to us is the strength of life. The influences of Thy grace are our inspiration. The ideals of Thy word are the glory of all our human endeavor. Grant us Thy grace and wisdom to walk with a clear conscience through the hours of this day. May we find high and holy fellowship with God in the discharge of all our duties. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The Baptist Church of Beaufort, N. C., against United States (S. Doc. No. 521);

James B. Russell, administrator cum testamento annexo of William L. Hollis, deceased, against United States (S. Doc. No. 520);

Marcus D. Wright, executor of the last will and testament of Thomas G. Wright, deceased, against United States (S. Doc. No. 518); and

The trustees of the Methodist Episcopal Church South of Annandale, Va., against United States (S. Doc. 519).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased; and

S. 4377. An act to provide for the construction of two revenue cutters.

PETITIONS AND MEMORIALS.

Mr. THOMPSON presented a petition of the Epworth League, of Mankato, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Epworth League of the Garvanza Methodist Episcopal Church, of Los Angeles, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OVERMAN. I present a telegram in the nature of a petition signed by citizens of Rutherfordton, N. C., petitioning Congress to submit an amendment prohibiting importation, manufacture, and sale of intoxicating liquors. I ask that the telegram be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[Telegram.]

RUTHERFORD, N. C., *June 19, 1914.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.:

Undersigned petition Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors.

J. B. CARPENTER.	C. C. REID.
W. A. HARRILL.	C. E. TANNER.
JAMES M. CARSON.	J. D. HULL.
K. G. CARPENTER.	F. B. RANKIN.
R. R. BLANTON.	J. F. FLACK.
M. O. DICKERSON.	A. R. YELLON.

Mr. PENROSE presented petitions of sundry citizens of Scranton and Philadelphia, in the State of Pennsylvania, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. TILLMAN presented petitions of sundry citizens of Newberry, S. C., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the congregation of the First Baptist Church of Waltham, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Socialist Club of Attleboro, Mass., and a petition of Local Branch, National Association of Civil Service Employees, of Concord, Mass., praying for the enactment providing for the retirement of civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. SHIVELY presented the memorials of A. R. Dauth, C. Pilchin, William Wessel, M. A. Jenkins, Henry G. Jacobs, H. Thomas, and 58 other citizens of Fort Wayne, Indianapolis, and Evansville, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the Chamber of Commerce of Chattanooga, Tenn., praying for the enactment of legislation to regulate bills of lading, etc., which was referred to the Committee on Commerce.

Mr. HUGHES presented memorials of sundry citizens of New Jersey, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Ridgedale and Dickson, in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

ISAAC J. REESE.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1160) for the relief of Isaac J. Reese, reported it without amendment and submitted a report (No. 606) thereon.

AFFAIRS IN NICARAGUA.

Mr. STONE, from the Committee on Foreign Relations, to which was referred the resolution (S. Res. 396) authorizing the Committee on Foreign Relations to make an inquiry into the transactions of Brown Bros. and Seligman and Speyer & Co. concerning the validity of certain bonds issued by former President Zelaya, of Nicaragua, etc., reported it with an amendment in the nature of a substitute, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN:

A bill (S. 5909) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; to the Committee on Finance.

By Mr. OVERMAN:

A bill (S. 5910) authorizing the Secretary of War to donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Shelby, N. C.; and

A bill (S. 5911) authorizing the Secretary of War to donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Gastonia, N. C.; to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 5912) granting an increase of pension to Melvina Coquillard (with accompanying papers); to the Committee on Pensions.

By Mr. WEST (by request):

A bill (S. 5913) for the relief of the legal representatives of the estate of Benjamin Hamilton, deceased; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 5914) granting an increase of pension to William Howard; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 5915) granting a pension to Bernard Donegan; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5916) for erecting a suitable monument over the grave of Admiral David D. Porter in Arlington National Cemetery; to the Committee on the Library.

A bill (S. 5917) for the relief of the J. Ellwood Lee Co.; to the Committee on Finance.

A bill (S. 5918) to correct the military record of Isaac Purnell;

A bill (S. 5919) to correct the military record of J. H. Armstrong; and

A bill (S. 5920) granting an honorable discharge to Esau Carson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5921) granting an increase of pension to William P. Fenton;

A bill (S. 5922) granting an increase of pension to Harry J. Corr;

A bill (S. 5923) granting a pension to Caroline Kelly;

A bill (S. 5924) granting a pension to Ellwood I. Beatty;

A bill (S. 5925) granting a pension to Ezra A. Stair;

A bill (S. 5926) granting an increase of pension to Eugene Lenhart;

A bill (S. 5927) granting an increase of pension to Jesse Brown;

A bill (S. 5928) granting an increase of pension to Mary Taylor;

A bill (S. 5929) granting a pension to George C. Jackson;

A bill (S. 5930) granting an increase of pension to John G. Rifenberrick;

A bill (S. 5931) granting an increase of pension to Jeremiah Barnett;

A bill (S. 5932) granting a pension to Patrick Kinny;

A bill (S. 5933) granting an increase of pension to Samuel Frankenberger;

A bill (S. 5934) granting a pension to Joseph Rorke;

A bill (S. 5935) granting an increase of pension to John Billingsley;

A bill (S. 5936) granting an increase of pension to John Taggart;

A bill (S. 5937) granting an increase of pension to E. M. Knorr;

A bill (S. 5938) granting an increase of pension to Henry Wilson;

A bill (S. 5939) granting an increase of pension to Sarah J. Bossert;

A bill (S. 5940) granting an increase of pension to David G. McCullough;

A bill (S. 5941) granting an increase of pension to Grantley L. Weaver;

A bill (S. 5942) granting a pension to John C. Keffer;

A bill (S. 5943) granting an increase of pension to George Hudson;

A bill (S. 5944) granting an increase of pension to W. D. Boyd;

A bill (S. 5945) granting an increase of pension to Cyrus Devore (with accompanying paper);

A bill (S. 5946) granting an increase of pension to George L. Ross (with accompanying papers);

A bill (S. 5947) granting a pension to Lewis R. Meredith (with accompanying papers);

A bill (S. 5948) granting an increase of pension to Cerenious M. Wykoff (with accompanying papers);

A bill (S. 5949) granting an increase of pension to Hugh McDonald (with accompanying paper);

A bill (S. 5950) granting an increase of pension to Alexander Boyd (with accompanying paper);

A bill (S. 5951) granting a pension to Joseph L. Robinson (with accompanying papers);

A bill (S. 5952) granting an increase of pension to Oscar Ernst (with accompanying papers);

A bill (S. 5953) granting an increase of pension to Bentley C. Mercer (with accompanying papers);

A bill (S. 5954) granting an increase of pension to Joseph Artley (with accompanying papers);

A bill (S. 5955) granting an increase of pension to George H. Clark (with accompanying papers); and

A bill (S. 5956) granting an increase of pension to Thomas T. Adams (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La.; to the Committee on Commerce.

A bill (S. 5958) for the relief of estate of Sophia Brown, deceased, and heirs of Jacob Bezar, deceased (with accompanying paper); to the Committee on Claims.

By Mr. CATRON:

A bill (S. 5959) to amend an act entitled "An act to regulate commerce"; to the Committee on Interstate Commerce.

By Mr. MYERS:

A bill (S. 5960) for the relief of Delilah Siebenaler; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 5961) granting a pension to Harriet J. Weddle; and

A bill (S. 5962) granting an increase of pension to Joseph W. Seaman; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5963) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, and Marine Corps; to the Committee on Naval Affairs.

By Mr. JAMES:

A bill (S. 5964) granting an increase of pension to Amanda F. Powell (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. RANSDELL submitted an amendment proposing to increase the appropriation for pay and allowances and commutation of quarters for commissioned medical officers and pharmacists, Public Health Service, from $629,858 to $729,858, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WEEKS submitted an amendment proposing to appropriate $35,000 to construct two tidal indicators in Boston Harbor, Mass., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

NEWLANDS-BROUSSARD RIVER-REGULATION BILL.

Mr. NEWLANDS. Mr. President, I submit an amendment intended to be proposed to the river and harbor appropriation bill, and I desire to make a brief statement in connection therewith.

Ever since 1907 I have been urging the adoption of a river-regulation bill, providing a commission with a fund of $60,000,000 annually for 10 years, for the purpose of promoting the development and control of our rivers in the interest of navigation, and also with a view to the solution of the related questions of irrigation, forestry, fisheries, swamp-land reclama-

tion, flood control, water-power development, cooperation of railways and waterways, and promotion of transfer facilities and sites. Two years ago I succeeded in placing an amendment upon the river and harbor bill in the Senate providing for the skeleton organization covered by this bill, but the amendment was lost in conference because of the opposition of the House conferees. Since then, as the result of conferences with Senator RANSDELL and Senator-elect BROUSSARD, of Louisiana, the bill has been amended by fully recognizing the Mississippi River as a national problem, and the bill now has the active cooperation of these gentlemen, Mr. BROUSSARD having recently introduced it in the House. The bill is now known as the Newlands-Broussard bill.

Early in the present administration the President's attention was called to the bill as a substantial compliance with the Democratic platforms of the past two campaigns, calling in the most specific terms for comprehensive plans, an ample fund, the coordination of the scientific services, and the cooperation of the Nation with the States in the full development and control of our rivers for every useful purpose. The President was much interested and referred the bill to a Cabinet committee consisting of the Secretaries of War, Interior, Agriculture, and Commerce for their study and report. This Cabinet committee is very favorably inclined toward the general lines of the bill, but recommends as a step in the ultimate solution of the problem the adoption of an amendment to the river and harbor bill practically on the lines of the amendment offered by me two years ago and adopted in the Senate. The matter has been the subject of discussion at a Cabinet meeting, and the President approves of this action.

The most important difference between this amendment and the full bill is that it does not carry the large and continuing appropriation for which the advocates of a comprehensive plan of waterway development have been working. It does, however, provide complete machinery for the coordination of the scientific services of the Government, for the study of the problems involved, and for the formulation of plans. The amendment has the approval of the Secretaries of the departments named, as well as of the President, and is acceptable to me as a step in the right direction, although it does not go as far as I had hoped it might be carried. It is my belief that upon such a substantial foundation, with the cordial cooperation of the administration, it will be a question of only a comparatively short time until the problem of how to conserve our water resources will be solved in the best possible way.

I ask that the amendment be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the amendment was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SEC. —. That a commission, to be known as the river regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, two Members of the Senate to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to investigate questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, fisheries, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and to formulate, if practicable, and to report to the Congress comprehensive plans for the development of the waterways and water resources of the country for every useful purpose through cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, assigning to the United States such portion of such development, promotion, regulation, and control, if any, as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to States, municipalities, communities, corporations, and individuals such portion, if any, as properly belongs to their jursdiction, rights, and interests, with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States. Such river regulation commission is authorized for the purpose of said investigation and report to bring into coordination and cooperation with the Corps of Engineers of the Army, as a board or boards, the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, and to consider as a part of its study of a comprehensive plan the continuance of such a board or of such boards with a view to keeping such services in coordination and cooperation; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development, constructors, and other employees as it may deem advisable to appoint and employ in connection with the investigation and the formulation of plans herein authorized and to lease offices. And for the expenses of such investigation, organization, and formulation of plans the sum of $500,000 is hereby appropriated.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to.

The VICE PRESIDENT appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES conferees on the part of the Senate.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that House bill 12579, the unfinished business, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The Secretary resumed the reading of the bill, on page 43, line 13.

The next amendment of the Committee on Indian Affairs was, on page 43, after the word "estimates," to strike out "$100,000" and insert "$250,000," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law, including the necessary surveys, plans, and estimates, $250,000, reimbursable in accordance with the provisions of the act of April 4, 1910, and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 43, in line 20, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Flathead Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. SMOOT. I make a point of order against the amendment that it is general legislation.

The VICE PRESIDENT. The point of order is sustained.

The next amendment was, on page 44, line 7, before the word "lands," to strike out "allotted," so as to read:

For continuing the construction of irrigation systems to irrigate the lands of the Indians of the Blackfeet Indian Reservation, in Montana, etc.

Mr. SUTHERLAND. I should like to ask the chairman of the committee what is the purpose of striking out the word "allotted"? Are there lands to be irrigated that are not allotted to the Indians?

Mr. ASHURST. In reply to the question propounded by the distinguished Senator from Utah, I will refer to page 245, part 1, of the Senate committee hearings. The following proceedings are reported as having taken place before the Committee on Indian Affairs:

"For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $50,000, reimbursable in accordance with the provisions of the act of March 1, 1907, and to remain available until expended."

The item is referred to on page 456 of the House hearings.

Mr. MERITT. This is another irrigation project which is being constructed by the Reclamation Service. There was expended on this project up to June 30, 1913, $830,321. It is estimated that it will cost approximately $3,000,000. The project, when completed, will irrigate about 122,000 acres of land, and the present irrigable area amounts to 10,800 acres. There are on this reservation approximately 2,700 Indians.

Senator PAGE. On this you say you agree with the House?

Mr. MERITT. We will be satisfied with the estimates allowed by the House.

Senator MYERS. I should like to have Mr. Newell heard on that.

Then Mr. Newell, the Director of the Reclamation Service, appeared and stated, inter alia, as follows:

Mr. NEWELL. This irrigation system in Montana is immediately south of a large irrigated area in Canada, and immediately north of a large privately irrigated tract, and is one of a series which are being built by the Government and private parties, extending all along the Rocky Mountain front. The appropriations have been from $300,000 down to $150,000 in 1912. As Mr. Meritt has stated, the total cost will be about $3,000,000, and less than $1,000,000 has been appropriated. The foundation has been laid for an extensive irrigation

system for water to be brought on 10,000 more acres, all Indian land. In fact, all this land is Indian land that is to be irrigated. It is all irrigated land that has been allotted, but the Indians have not yet utilized any considerable part of it, as they have not yet accepted the ideas of allotments with alacrity. That is to say, they have not moved onto the lands.

Mr. Newell continues:

If we are to continue these irrigation systems, which seems to be the policy of Congress, the work should be carried on at a greater rate than that proposed of $50,000, which merely amounts to marking time. As stated, in the case of the Flathead, if we are to do anything, it ought to be done in an economical and effective manner, and that we should do something I think is testified by the fact that these Indians must be put on a self-supporting basis, must be put on the land, and in that climate the land should be irrigated. I think there are no questions here involved of whites sharing in the expense, because, as I understand it, nearly all the irrigable land is allotted to the Indians, and it is desired to continue the irrigation of those allotments to a point where the tribe can fairly share in them.

Mr. SUTHERLAND. I do not see anything thus far in what the Senator has read which indicates any reason for extending the irrigation to unallotted lands.

Mr. ASHURST. If the Senator will pardon me, with the word "allotted" stricken out it covers all the unallotted lands. With the word "allotted" remaining it would be only for the purpose of irrigating the allotted lands. Some of the Indians have not been allotted their share. If the word "allotted" were permitted to remain, it might be construed that the irrigation project would only be utilized and this provision could only be expended in the matter of irrigating allotted lands. Certain Indians have not had their lands allotted.

Mr. SUTHERLAND. I do not so understand the meaning of the word "allotted." I think the word "allotted" there is descriptive and is applied to the character of the lands to be irrigated. It does not necessarily mean lands which are now allotted. The same expression is used all the way through in all these appropriations.

Mr. ASHURST. It was the opinion of the committee——

Mr. TOWNSEND rose.

Mr. ASHURST. I yield to the Senator from Michigan.

Mr. TOWNSEND. If the Senator from Arizona will permit me, my understanding of the proposition is that the word "allotted" left in and the words in lines 8 and 9 left in would necessarily mean all the irrigable lands of the Indians. By striking it all out you have covered the Indians' land. It was thought that there should be two descriptive titles, each for a separate portion, to comprehend the whole. The committee have stricken out not only "allotted" but the words in lines 8 and 9, which referred to the other lands that were irrigable.

Mr. SUTHERLAND. The policy thus far has always been to provide for the irrigation of lands which were given to the Indians in severalty, not to provide for irrigation on these projects by tribal funds of lands which hereafter may be transferred to the whites. That might result in some embarrassment. If we make an appropriation to irrigate all Indian lands, hereafter a portion of those lands may be sold by the Government, and undoubtedly they will be sold to white settlers, and an embarrassing question perhaps might arise as to whether or not they carry the irrigation rights.

There ought to be some provision in the appropriation which confines the use of the appropriation for irrigation to lands which either now or hereafter are transferred to the Indians in severalty, and the word "allotted," which is used in all these expressions is a descriptive word. It is not a word which fixes a status at the present time, but it will apply to lands which are hereafter allotted to the Indians. However, if we strike it out, then you have a provision for all irrigable Indian lands, irrespective of whether they may or may not hereafter be allotted to the Indians.

Mr. TOWNSEND. The idea that the department had, as I recall it, in view of the discussion which was had before the committee, was that hereafter these lands were going to be used by the Indians; and there seemed to be quite a disposition on the part of the members of the committee to provide for the use of these lands for the Indians themselves; that whether these lands have been allotted or whether they were irrigable and unallotted, belonging to the tribe they should be used for the benefit of the tribe. The proposition was to cover the Indian lands. I myself can see very little difference between leaving both those portions in and striking them out. I would not want to have one stricken out and the other left in, but if one goes out evidently to my mind both should go out, and all the irrigable lands of the Indians of the Blackfeet Reservation would then be subject to the appropriation.

Mr. SUTHERLAND. I presume that in this case, as in all others, an estimate has been made as to how much money will be necessary to provide water for the lands which the Indians will occupy in severalty, and that that estimate does not cover all the Indian lands.

Mr. TOWNSEND. No; it covers what will be needed at this time. $50,000, for the construction of necessary works for putting water on the land.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 44, line 8, after the word "Montana," to strike out "and the unallotted irrigable lands to be disposed of under authority of law," so as to read:

For continuing the construction of irrigation systems to irrigate the lands of the Indians of the Blackfeet Indian Reservation, in Montana, including the necessary surveys, plans, and estimates, $50,000, reimbursable in accordance with the provisions of the act of March 1, 1907, and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 44, line 13, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Blackfeet Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. SUTHERLAND. I make a point of order against that proposed amendment.

The VICE PRESIDENT. The point of order is sustained.

The amendment was agreed to.

The next amendment was, on page 45, line 2, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Peck Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed: *And provided further*, That the Secretary of the Interior is hereby authorized to make allotments in accordance with the provisions of the act of May 30, 1908 (35 Stat., p. 558), to unallotted children on the Fort Peck Reservation as long as any of the surplus lands within said reservation remain undisposed of, such allotments to be made under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SUTHERLAND. I notice there are two provisos there.

The VICE PRESIDENT. It is a divisible question, if the Senator desires to have it divided.

Mr. SUTHERLAND. I make a point of order against the first proviso down to and including the word "repealed" in line 11.

The VICE PRESIDENT. The point of order is sustained.

Mr. TOWNSEND. The words "and further" should be stricken out if the first proviso goes out.

The SECRETARY. Strike out the words "and further" and begin, with the word "*Provided*," the proviso from line 11 to line 19 on page 45, so as to read:

Provided, That the Secretary of the Interior is hereby authorized to make allotments in accordance with the provisions of the act of May 30, 1908 (35 Stat., p. 558), to unallotted children on the Fort Peck Reservation as long as any of the surplus lands within said reservation remain undisposed of, such allotments to be made under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SUTHERLAND. The words "unallotted children" seem to introduce into the law a new expression. I have heard of "unallotted lands," but I have never heard of "unallotted children." I suppose what is meant is to allot lands to Indian children who have not yet had lands allotted to them.

Mr. ASHURST. The observation of the learned Senator from Utah is eminently correct from a grammatical standpoint, at least.

Mr. SMOOT. I will ask the Senator having charge of the bill if this same provision as to other reservations has not been eliminated by points of order?

Mr. ASHURST. I will say to the honorable Senator from Utah that this is the first time we have met with this provision in the course of the consideration of the bill.

Mr. SMOOT. Will not the Senator from Arizona explain to the Senate as to why this provision is put into the Indian appropriation bill?

Mr. ASHURST. Does the Senator from Utah refer to the matter not stricken out, from line 11 down to line 19, on page 45?

Mr. SMOOT. I refer to the matter beginning in line 12, which reads:

That the Secretary of the Interior is hereby authorized to make allotments—

And so forth.

Mr. ASHURST. Mr. President, it was the opinion of the committee that——

Mr. SMOOT. Mr. President, I will ask the Senator from Arizona a question which perhaps will clarify the situation quicker than it can be done by his looking up the record. Is this for the purpose of enrolling a number of Indian children who are not yet upon the rolls?

Mr. ASHURST. That is the purpose of the proposed legislation.

Mr. SMOOT. Then I have not any objection to it.

Mr. TOWNSEND. I think the committee amendment ought to be amended.

Mr. SUTHERLAND. I desire to suggest an amendment to the amendment, in lines 15 and 16, to strike out the words "unallotted," and after the word "reservation," in line 16, to insert "who have not received allotments."

Mr. TOWNSEND. I suggest that the words "who are entitled to receive allotments" should be inserted.

Mr. SUTHERLAND. In the amendment of the committee, on page 45, line 15, before the word "children," I move to strike out the word "unallotted," and in line 16, after the words "Fort Peck Reservation," to insert "who have not received but who are entitled to allotments."

Mr. ASHURST. I hope the amendment will be adopted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 46, to insert:

For payment to the trustees of school district No. 23, Flathead County, Mont., for the tuition of Indian children during the year 1912, $471.60.

Mr. SUTHERLAND. Mr. President, I want to ask the chairman of the committee a question. I received a letter from the county superintendent of schools in Box Elder County, Utah, some time ago, in which it was stated that the Indian Bureau, under some provision or lack of provision of the law, was no longer paying for the tuition of Indian children in that county. I was asked to bring the matter to the attention of the Committee on Indian Affairs, which I did. Can the Senator from Arizona tell me whether the matter was taken care of by the committee in this bill?

Mr. ASHURST. Mr. President, my remembrance, without consulting the record, is that an item somewhat analogous to the one now brought to the attention of the committee by the distinguished Senator from Utah [Mr. SUTHERLAND] was incorporated in the bill; at any rate, it was the intention of the committee to incorporate it in the bill; and if the committee has failed to do so, I trust the Senator from Utah will make the motion at the proper time that it be inserted, because it was the opinion of the committee that it would be wise, just, and equitable legislation.

Mr. SUTHERLAND. Should there not be some general provision, because that situation exists, I think, in quite a number of places in the West?

Mr. ASHURST. As to the advisability of general legislation on the subject, I am not prepared to state. Speaking for myself, I will say that it might be well to so provide, rather than to treat the various cases as individual items; but the committee has not arranged to treat these matters by general legislation, but has dealt with each one severally. The justification for this particular item is found in volume 5 of the hearings, on page 669. The reason for it is that the comptroller recently held that the office was without authority to pay the claims. The claims were, however, held to be just, and hence legislation was asked.

Mr. SUTHERLAND. There are a great many places where Indian families have lands which they have occupied and their children attend the district schools. The Indians themselves pay no taxes in support of the schools, as do the white people, and it has been the custom heretofore—I think until last year—for the Government to pay such tuition.

Mr. ASHURST. The Senator from Utah is correct about that, if my memory serves me accurately.

Mr. SUTHERLAND. There ought to be some general provision in this proposed law which will continue that practice. I am not sufficiently familiar with the general subject to frame the amendment, and I hope the Senator from Arizona will do so before the bill is finally passed.

Mr. NORRIS. Will the Senator from Utah yield to me for a question?

Mr. SUTHERLAND. Yes.

Mr. NORRIS. I should like to know, while this matter is up, why it is that the comptroller had refused to permit the practice—which I understand has been heretofore indulged in—of paying all such items as those without specific legislation. Why was that practice discontinued? Was it because of some prohibitory legislation?

Mr. ASHURST. Mr. President, in reply to the Senator from Nebraska, I will say that I do not know the particular reasons, and I doubt if they were disclosed to the committee, upon which the comptroller predicated his decision. We did not go into that matter. I presume he was fortified from a legal standpoint in his views.

Mr. NORRIS. I assume that he was. I am not complaining about that.

Mr. ASHURST. I do not know his reasons.

Mr. NORRIS. The point I wanted to make, and to which I should like to have the attention of the Senator from Arizona, was this: As I understand, prior to last year it was unnecessary in an appropriation bill to appropriate for these specific items, because the department had authority under general law, as I supposed, to pay such items without a specific appropriation in each particular instance. As I understand, the comptroller has now held that that authority does not exist in the department; and I wanted to know whether this decision was brought about on account of any legislation Congress had passed taking away from the department the authority to make such payments.

Mr. SUTHERLAND. I have a very indistinct recollection about it; but, as I recollect it, there was no appropriation made in the bill of last year for that purpose. It was left out of the bill. In that connection I wish to state that I find on page 8 of the bill a proviso to the general appropriation for the support of Indian day and industrial schools and for other educational and industrial purposes this proviso:

Provided further, That not more than $20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

Perhaps that will take care of it; I am not certain about it; but I inquire whether that is the fact?

Mr. CLAPP. Mr. President, I think that will take care of it, probably; but this situation arises in this way: These provisions come here from the House of Representatives; and, of course, there is a natural disposition, and a worthy one, to keep appropriations down. The departments come to our committee and present cases where it is urged they can not meet all their expenditures with the appropriation in the bill as it comes from the House, and that it is necessary to increase the appropriation or to make special provision; and in order that the increased amount may, without any question, be devoted to specific cases, ofttimes the committee, the members feeling that it should be devoted to specific cases, make it specific. That accounts occasionally for an increase on the part of the Senate committee over the amount carried by the House bill for items not covered by a general appropriation, but by a specific appropriation. It is often done in that way.

Mr. NORRIS. Will the Senator from Minnesota yield for a question?

Mr. CLAPP. Certainly.

Mr. NORRIS. I should like to ask the Senator from Minnesota if this particular item was rejected because there was no authority of law for the department to pay it or because of a lack of appropriation? As I understand the Senator from Arizona, the chairman of the committee, this claim was not allowed because there was no authority of law for its allowance.

Mr. CLAPP. Well, there may have been something of that kind in that particular case; I am not familiar with the decision of the comptroller in that regard, and I do not know what constrained him to render the decision making this appropriation necessary.

Mr. ASHURST. Mr. President, if the Senator will yield to me, I will send to the Secretary's desk, and ask to have read, the matter relating to this item, which appears on pages 40 and 41 of the report presented by the Committee on Indian Affairs to accompany the bill. It is a very short and succinct statement of the whole item and the reasons for it.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

PAYMENT TO SCHOOL TRUSTEES, FLATHEAD COUNTY, MONT.

(Bill, p. 46, line 1.)

On March 6, 1913, a contract was approved providing for the payment of the tuition of 25 Flathead Indian pupils in public-school district No. 23 of Flathead County, Mont., for the fiscal year ending June 30, 1912, at the rate of $9 per capita per quarter. Later, when claims were presented under this contract, it appeared that the parents of these children were owners of taxable property, although when the contract was drawn up it was understood in the Indian Office that the parents were not owners of taxable property, and this condition was stated in the contract. The children were permitted to attend the public school during the year on the assumption that the

district would receive compensation therefor. When the claim was presented to the Auditor for the Interior Department he took the position that, as the parents were taxpayers, the children were legally entitled to attend the school without tuition; in other words, the contract to pay tuition for the Indian children was null and void, lacking consideration, as the Indian children were entitled to attend the public schools tuition free. The Comptroller of the Treasury later confirmed this decision.

As the enrollment in the public schools was given these children in good faith by the public-school authorities with the understanding that the Indian Office would pay tuition therefor, it is believed that the proposed legislation to reimburse district No. 23, Flathead County, Mont., should be given favorable consideration.

Reports indicate that the parents of these children paid practically no taxes and the public schools should be aided by the payment of this claim.

Mr. MYERS. Mr. President, I think that statement sets forth very clearly and succinctly the reasons of the committee for embodying this amendment in the bill. I have had considerable correspondence about the matter with the department, as well as with the school trustees named. I think it presents a very strong and equitable claim for recognition. The amount is small, and the circumstances in favor of it are very strong and appealing. If there has been no law heretofore for the payment of this class of claims, this will make one. I trust that the amendment will be adopted, because I believe it is entirely right and just and does no wrong to anyone.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. MYERS. Certainly.

Mr. NORRIS. I should like to say to the Senator that I am not opposing this appropriation. The reading of the extract by the Secretary disclosed the ground upon which the decision of the comptroller was made. It occurred to me, however, when this amendment was read that such items ought to be provided for by a general appropriation, rather than by a specific appropriation; in other words, that we ought not to appropriate for every particular instance where Indian children are sent to public schools, as it would be very difficult for us to pass on each individual case. I made an inquiry, with a view of ascertaining whether this particular claim was rejected by the comptroller because of a want of authority of law and whether that would apply to all other cases of a similar nature. It does not appear to me that we ought to here take up each individual instance where Indian children are sent to the public schools and make specific appropriation for each case; but that the department ought to have a fund out of which they can pay such claims.

It seems in this case that the department rejected the claim on a technicality, because the report read by the Secretary seems to indicate that at the time the contract was made the parents of these children had no taxable property, but later on they became possessed of some property upon which they paid a small amount of taxes, and therefore this item could not be paid out of some general lump sum appropriated for that purpose.

Mr. TOWNSEND. Will the Senator from Nebraska yield?

Mr. NORRIS. The Senator from Montana [Mr. MYERS] has the floor. So far as I am concerned, I will be glad to yield.

Mr. MYERS. I think the remarks of the Senator from Nebraska are well made, and they may well be presented to the future consideration of the committee. It would be practically impossible, however, to incorporate in this bill general legislation at this time to cover all such cases, and therefore I trust that the amendment will be adopted.

Mr. CLAPP. Mr. President, will the Senator yield?

Mr. MYERS. With pleasure.

Mr. CLAPP. In my opinion, Mr. President, there ought not to be any general fund out of which claims of this kind may be paid. It develops that in this particular case payment was withheld on account of the parents being taxpayers. It also develops that, while they were technically taxpayers, they were not possessed of very much property, and the justification for this item is that the department having made a contract with the school district, a contract that does not come within the purview of the appropriation on page 8, and it having been made and carried out by the district, it would only be fair to make the appropriation to meet that contract. That is the only justification under the circumstances for this item.

Mr. NORRIS. Mr. President, if the Senator will allow me——

Mr. CLAPP. With pleasure.

Mr. NORRIS. I will say that when I said that I thought a general appropriation ought to be made I perhaps was not specific enough. I myself agree with the Senator from Minnesota that a general appropriation perhaps ought not to be made to apply to cases like this; but what I supposed this case to be before the report was read from the Secretary's desk was one where the parents of the Indian school children were not taxpayers. Such cases as that ought to be paid out of a general fund, I think, appropriated for that purpose.

Mr. CLAPP. They are covered by the appropriation on page 8. The only question in my mind when the Senator made his inquiry was, not remembering or being familiar with the history of this particular case, whether it was one of those cases where there was an additional payment due, which the department felt the appropriation under section 8 would not be sufficient to meet. It does not come within that.

Mr. NORRIS. It was the purpose of my inquiry to develop that. On the face of this appropriation there is nothing to differentiate it from any case that might arise under the general appropriation, and I wanted to know why it was, having made a general appropriation, that we were making a specific appropriation in this case. The explanation was given when the report was read, and it was perfectly satisfactory to me.

Mr. CLAPP. That is true. I am simply stating, as I stated before, that occasionally you will find a specific appropriation within the purview of a general appropriation, made specific because it is desired that it shall be used for that particular object rather than simply to add it en grosse to the general appropriation.

Mr. TOWNSEND. Mr. President, I think there is no trouble about the department being able to pay all the tuition where there is absolutely no question about whether they are Indian children not entitled to the benefits of the school. The item in question here, for instance, is one that has perhaps some equities in it that would entitle it to receive consideration at the hands of the Senate; and yet almost the same argument would hold with equal force against any of the white children whose parents did not happen to be taxpayers in that community. They are entitled to the benefits of that school. They ought to have the benefits of the school. They did have them, probably. This bill was brought in afterwards to compensate that school, largely on the ground that it is a poor district, although the Government had entered into a contract with the district to allow those children to go in there at a stated, stipulated tuition.

Mr. SUTHERLAND. The difference between the case of the Indian children and the white children is that the Indians have the property, but it is exempt from taxation, being held in trust by the United States.

Mr. TOWNSEND. In many cases, however, that is not true. In many cases the Indian property is used for the support of the schools, and the white children get the benefit of that the same as the Indian children do.

I did not object to this particularly, first because there was a contract, and also because it seemed perhaps right under some views of the subject that they should pay; but it is only in those cases where there is a question about it that it comes here in this bill, as I understand. At least no other has been called to my attention. Where it is clearly understood that the Indian child is not entitled under any consideration to the benefits of the school without paying for them, the department pays the tuition.

Mr. CRAWFORD. An appropriation is made.

Mr. TOWNSEND. An appropriation is made for that particular purpose. Now, you can not pass a general statute to cover these other cases, because they are all dependent upon particular circumstances which arise in reference to that school; and the Government has been particularly liberal in granting tuition to the schools to pay for the schooling of the few Indian children who have been to those schools.

Mr. SMOOT. Then I understand the Senator to say that the Indian children, for which this amount is provided, were children of parents who were taxed and paid taxes? I will ask the Senator from Michigan if that is not true?

Mr. TOWNSEND. They paid some taxes. They did not pay very much tax. Perhaps some of them paid no taxes; but they were children who, under the construction of the comptroller, were entitled to the benefits of the school just the same as the white children were, their property being so situated and they living under such relations as entitled them to the benefits of the school.

Mr. SMOOT. There may have been a great many white families there that paid no more taxes than the Indians.

Mr. TOWNSEND. Quite so.

Mr. SMOOT. And it seems to me rather a dangerous proposition to start to make an appropriation here for the year 1912 for Indian children taught in a certain school in Montana who are children of taxpayers.

Mr. TOWNSEND. I desire to say, if the Senator will permit me, that this is a little different from other cases, because the department entered into a contract on the supposition that some of these children were not entitled to the free use of the school. Now, whether they employed extra teachers, and under that representation were induced to hire extra teachers, is some-

thing that I know nothing about; and it was for that reason that I did not make any particular objection to this item.

Mr. SMOOT. I want to say frankly that if this were a straight appropriation to pay any school district for teaching Indian children whose parents are taxpayers, I certainly should object to the item going in the bill, but upon the explanation of the Senator from Michigan I shall not make a point of order against it.

Mr. LANE. Mr. President, I should like to call the attention of the Senator from Utah to the fact that there are a number of cases where the parents of Indian children are taxpayers, and have been for many years, and yet their children are excluded from the public schools. We have had that matter brought to our attention in a number of cases where the white children objected to these Indian children, and the Indian children not only were not permitted to go to the school in the district in which they paid taxes, but they got no schooling at all. That exists, if it is a matter of any interest.

Mr. SMOOT. Of course, that question is not involved in this amendment.

Mr. LANE. No; but that is the fact.

Mr. SMOOT. It may be a statement of fact.

Mr. LANE. Yes; it is a statement of fact.

Mr. SMOOT. But that, as I say, is not involved in the question now before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 46, after line 4, to insert:

To reimburse the widow of George A. Miller, for expenses incurred by him in defense of a suit arising out of his operations as a special officer engaged in the suppression of the liquor traffic among Indians, $200, or so much thereof as may be necessary.

Mr. SMOOT. I should like to ask the Senator in charge of the bill if he has a statement from the department showing the expenses incurred.

Mr. ASHURST. George A. Miller, so the department reports, was a special officer employed by the Government of the United States in the matter of inspecting and ascertaining if there were any infractions or violations of the law relating to the traffic in intoxicating liquor among the Indians. In the performance of his duty he found it necessary, unfortunately, to shoot another person in self-defense. Both civil and criminal actions were instituted against Mr. Miller in the courts for this act of shooting on his part. The United States district attorney defended this officer in court, and he was successful in both the civil and the criminal courts; but the expenses referred to in the amendment were expenses which, under existing law, could not be borne by the Government, and costs which arose out of the civil and criminal actions that had been brought against him. The Comptroller of the Treasury has held that there are no funds available to meet these expenses. Then the department, in its estimate, further states:

During a portion of Miller's service he was in financial difficulty because of the illness of his wife, and when he died, a short time ago, he left his family without means. The intent of the item is to reimburse the estate for the amount expended by Mr. Miller, both as a matter of law and justice, to assist the widow.

Mr. SMOOT. What I wanted to know was whether the Senator had a statement of those expenses from the department. I ask the question for the reason that this is a personal claim, and, of course, rightfully should have gone to the Claims Committee. I know that that committee in the past, and also now, never makes an appropriation without some statement of the expenses incurred, and I thought perhaps the Senator had the items of expenses. If he has not, I shall say no more.

Mr. ASHURST. No; I have not the specific items making up the amount of $200.

Mr. SMOOT. I will say that I never would have voted for the claim unless I had a statement of the expenses at the beginning.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 46, after line 24, to insert:

There is hereby appropriated the sum of $50,000, out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be immediately available, for the purpose of purchasing cattle for the benefit of the Northern Cheyenne Indians: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all payments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. NORRIS. Mr. President, I should like to make an inquiry from some member of the committee about that appropriation. If I understand it, it is a sort of revolving appropriation by which these cattle are to be bought and sold, and then the department will use the money to buy some more cattle, and so on until 1924?

Mr. LANE. Yes. I may say that the matter was presented to the committee, and the condition which exists on that reservation is that the lands are not all suited for agricultural purposes, but they are lands upon which they can raise hay. The Indians are in a destitute condition, and have had a serious time; and the department thinks it can make them self-supporting and do great good to them by giving them cattle; and then, with the use of the lands that are irrigable upon which to raise alfalfa to feed the cattle in the winter, that they will do well by putting them in the cattle business. The range there in the spring, summer, and fall is, they say, perhaps the best of any in the United States. They can raise fat cattle there if they can carry them through the winter.

Mr. NORRIS. Where is it located?

Mr. LANE. I can not tell the Senator exactly. It is in the portion of Montana where they put these people a number of years ago. I can not tell the Senator the exact location. It is on the edge of the Rocky Mountains, more toward the south—south of the Flathead country and the Crow country. It is a particularly desirable country for that purpose I am told.

Mr. PAGE. Mr. President, will the Senator yield to me?

Mr. LANE. I will.

Mr. PAGE. I should like to say to the Senator from Nebraska that we have made four distinct appropriations for the State of Montana—$50,000 for the Northern Cheyenne Indians, $100,000 for the Fort Peck Reservation, $100,000 for the Blackfeet Reservation, and $100,000 for the Flathead Reservation.

Mr. NORRIS. I should like to ask the Senator if there are any other appropriations for these other agencies similar to this one?

Mr. PAGE. There may be, Mr. President; but I may say, in regard to that, that the State of Montana is getting more added appropriations over and above what was appropriated by the House than all the other States, or, as I understand, practically as much as all the other States. We not only appropriate $500,000 in addition for the Flathead, Northern Cheyenne, Fort Peck, and Blackfeet Indians, but we also add to the appropriation made by the House $500,000 for irrigation projects, making a million dollars that we add for Montana alone, over and above the appropriation made in the House.

Mr. NORRIS. A portion of this money is reimbursable, however, is it not, and some of it is appropriated out of Indian funds?

Mr. PAGE. It is supposed to be reimbursable; but in the hearings before the committee last year the late Senator from Kansas, Mr. Curtis, who is perhaps more conversant than any other man with matters pertaining to Indian affairs, made the statement that these appropriations were more than the entire value of the land. I think I am right in regard to that. It is substantially correct, at any rate. As I understand the matter, I may say further to the Senator from Nebraska that every one of these added appropriations was recommended by the department upon the supposition that we were going to protect them by the other legislation which provided that the irrigation benefits should not be taken from them for a term of years. Now, all those provisos which protect the Indians have gone out; but we have left in, or seem disposed to leave in, these very large additional appropriations for the irrigation projects.

Mr. NORRIS. Mr. President, I should like to say to the Senator that whether or not there is too much money appropriated for Indians in Montana is something that does not concern me so much. I have no objection to the appropriations going to Montana, even though the Montana Indians would get more than the Indians in any other State, if they are justified by the facts. I am not seeking to draw any State lines.

If there are Indians in Montana who need the money, and it is proper to make the appropriation and there is reason for it, I would favor the appropriation even though it meant that the Indians in Montana would get more money from the Treasury than the Indians in any other State. I do not believe we ought to draw the line in that way.

The Senator, however, has given some information that it seems to me is valuable. I should like to ask him now, in view of what he has said about different provisos protecting the irrigation projects having gone out of the bill, whether he is still in favor of this particular appropriation? Does he believe it is right?

I am asking solely for information. I am not opposing the appropriation, although this revolving concern did strike me as being a peculiar one, and I should like to get the judgment of the Senator on that question.

Mr. PAGE. Mr. President, I think these particular appropriations to aid the Indian to improve along the line of agriculture, making him more of a farmer and less of a hunter and trapper, are wise. I believe we ought to do this; and I am quite willing that in connection with this we shall appropriate very large sums of money for the irrigation of lands, so that he may do this. It must be borne in mind, however, that these separate additions to the bill in behalf of Montana were all predicated by the Commissioner of Indian Affairs on the theory that we were going to protect the Indians by the safeguarding provisions, which have all gone out on points of order.

Mr. NORRIS. The question I ask the Senator is, In view of that fact, does he think this provision ought to remain in the bill?

Mr. PAGE. I rather think it ought to remain in the bill; but, in view of what has been done, I believe we ought now to go back and change the proviso on page 43, where we increased the appropriation for the irrigation project from $100,000 to $250,000. I think we ought to change that, and leave it as it came from the House.

I think we ought to do that or else some assurance ought to be given us by the State of Montana that these large sums to be appropriated out of the Indian fund should be preserved, should be conserved, should be safeguarded and protected in some way; else, if that can not be done, I do not think we ought to make large increased appropriations. The particular appropriation to which the Senator refers I think is a wise one.

Mr. NORRIS. How does the Senator expect to get any guaranty from the State of Montana? The Indians are wards of the Federal Government. I do not see why we should ask Montana to do anything in aid of the Federal Government in support of the Indians any more than we ought to ask any other State.

Mr. PAGE. It has appeared in this discussion that, for instance, the State of Utah has provided by legislative enactment that these rights of the Indians shall be conserved until 1921. Now, if we could attach some proviso here that these appropriations shall not be available until the State of Montana by legislative enactment has done something to protect the Indian, I would be quite satisfied.

Mr. NORRIS. I wish the Senator——

Mr. PAGE. If that can not be done, I should feel that I have not done my duty unless I move to strike out the increased appropriation made by the Senate committee.

Mr. CRAWFORD. Mr. President——

Mr. PAGE. One word. I shall move to strike it out. I do not know that I shall succeed in carrying the motion, but really I have my own idea of duty and unless something can be done by which it can be safeguarded I shall feel it my duty to make that motion.

Mr. CRAWFORD. Mr. President——

Mr. NORRIS. I have the floor, but I will be glad to yield to the Senator from South Dakota.

Mr. CRAWFORD. I do not see the relation between the appropriation on page 47, which is $100,000 for the support and civilization of the Indians of the Fort Peck Reservation, and the appropriation for irrigation work on page 43 in relation to the Flathead Indian Reservation. Why should the amount of this appropriation for the civilization and support of another tribe of Indians, the Blackfeet, for instance, on another reservation be in any way dependent upon the amount appropriated for irrigation work in the Flathead Reservation? It seems to me that they are not connected or correlated.

Mr. PAGE. If the Senator will allow me, I will state that an appropriation had been made not only for the Fort Peck, the Blackfeet, and the Flathead Indians, but also for the Northern Cheyennes, and they are all subject to the same conditions that are attached to the amendment now under consideration.

Mr. LANE. Mr. President, I think the Senator is mistaken in that. I do not understand this to be that kind of an item at all. This is an item for the purchase of live stock—cattle—for the benefit of the Northern Cheyenne Indians.

Mr. CRAWFORD. That is not the one I was discussing.

Mr. LANE. It is the one under discussion.

Mr. MYERS. I should like to ask the Senator from Oregon a question.

Mr. LANE. Just a moment, please. If that is the item which is under consideration, and I think that is what the Senator from Nebraska referred to, I want to say to Senators that there is no irrigation or reclamation scheme in connection with this reservation. They have but a small portion of land which is irrigated, something like 2,500 acres, I understand, and for the reason that it is particularly advantageous for the raising of cattle and horses it is the desire of the Indian Bureau to let them raise cattle and horses. That is about the only source they have for making a livelihood. They are good cattlemen; they are better horsemen. The country is peculiarly adapted to that purpose. It raises good grass. That is all there is to it.

It is a revolving sum, which they are supposed to repay, or if they do not pay it from the sale of their cattle, it would be a claim upon their land. They are Indians whose annuities are practically nil. I do not think they amount to over $2 per capita. They have no farming land, and at this time they are in a destitute condition. It was the judgment of the department that they should be given this opportunity to make a living from horses and cattle from the use of their range, it being their most available resource.

Mr. NORRIS. I think it ought to be said in defense of the statement made by the Senator from Oregon that all this claim that there was any irrigation project involved in this appropriation——

Mr. LANE. It is not in this, I understand.

Mr. NORRIS. But the Senator did say, as I understood him, that the department recommended this appropriation on the theory that and other recommendations regarding irrigation contained in another portion of the bill should be allowed, and inasmuch as those other appropriations and recommendations have been disregarded and thrown out, therefore the question is whether this sum should be allowed.

Mr. LANE. I beg pardon. I think this was put in as an independent item regardless of any irrigation or reclamation project.

Mr. NORRIS. I think we can reach that. I should like to ask the Senator from Oregon if this particular item is to be appropriated for land under irrigation or that can be irrigated?

Mr. LANE. They have something like 2,500 acres, I understand, that can now be irrigated.

Mr. ASHURST. Mr. President——

Mr. NORRIS. I yield to the Senator from Arizona.

Mr. ASHURST. If the Senator will pardon me, it appears to me that there is some misapprehension in regard to this matter. It will be observed that the item we are now considering is for the specific purpose of purchasing cattle, and that the item following to which Senators have adverted is one of the industrial items. This is merely for the purpose of purchasing cattle, and I will read the justification submitted by the Indian Department regarding this item:

"There is hereby appropriated the sum of $50,000 out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be immediately available, for the purpose of purchasing cattle for the benefit of the Northern Cheyenne Indians: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all payments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law."

Mr. Chairman, I submit the following justification for this appropriation:

Tongue River statistics.

Population of tribe		1,433
Area of reservation, unallotted	acres	489,500
Agricultural lands	do	33,000
Grazing lands	do	330,000
Live stock owned by Indians:		
Horses, 4,000	average value	$35.00
Mares, 3,000	do	$35.00
Stallions, large, 100	do	$300.00
Cattle, 6,500	do	$50.00
Bulls, 100	do	$80.00
Grazing permits now running, cattle, 5,000, at per head		$3.35

The Tongue River Indians are not yet allotted. The reservation includes a few thousand acres of very good agricultural lands, providing water therefor can be secured. It has been found difficult and expensive, however, to provide water for these lands.

As a grazing proposition this reservation is one of the very best within or without the Indian country. The grazing lands carry heavy and nutritious feed; there is ample stock water of fine quality; there is good winter protection, and the topography of the country is such that feeding grounds for live stock can be found at about any time in the winter, regardless of the storms. The statistics show that the Indians now own about 6,500 head of cattle. These are the increase of a thousand heifers put on the reservation about eight years ago and another thousand put on about four years ago. Since then market cattle to the value of about $150,000 have been sold.

This success has been achieved largely by reason of the fact that these cattle, while issued to individual Indians, have been held very largely as a tribal herd, thereby protecting them from surreptitious slaughter and injudicious selling. The female stock is all preserved for breeding purposes, and only the matured steers and cullings put on the market. That very great returns have been achieved and can thereafter be achieved is therefore an established fact.

The statistics show that there are now about 5,000 cattle being grazed on this reservation under a lease. This means that outside interests are reaping the profits that might just as well come to the Indians had they capital with which to stock their reservation.

The statistics show that the Indians own about 7,000 head of horses and mares. Within the last three or four years these Indians, through various kinds of aids, have purchased about 100 stallions, which are now running on the range with their mares. This number is not sufficient hence there is left an unknown number of pony stallions, which should be eliminated as soon as funds can be provided for the purchase of better horses.

The purpose of this appropriation is to purchase cattle, so far as it will go, to place upon the range, consume the grass, and thereby bring to the tribe the profits now going to lessees. The success achieved in the past is such as to assure large profits after the Government has been fully reimbursed for any moneys thus appropriated.

It is believed that were it possible to replace all cattle running under lease by those owned by the tribe and by continuing the upbreeding of the horses, that within a comparatively short period the tribe can be made self-supporting and thereby eliminate the appropriation of public funds for their support, as has been the custom for several years past.

Statement of tribal assets and liabilities.

	Acres.	Value.	
Unallotted lands:			
Agriculture	33,000	$330,000.00	
Grazing	330,000	1,735,714.00	
Timber	70,000	950,000.00	
Mineral	40,000	400,000.00	
	473,000	3,415,714.00	
Timber, board feet, 300,000,000		600,000.00	
		4,015,714.00	
Tribal funds in Treasury June 30, 1913 (Doc. 328, 63d Cong., 2d sess.)		62,876.67	
			$4,078,590.67
Reimbursable appropriations made to June 30, 1913	$15,000.00		
Repayments by Indians	13,074.83		
		28,074.83	
Expended to June 30, 1913		23,061.76	
Reimbursable to United States			5,013.07
Surplus			4,073,577.60

Entire reservation unallotted. No legislation pending to allot.

As to the fact that it is a revolving fund, I wish simply to say that the results on this particular reservation have been very flattering. The reimbursable appropriations made on this reservation to June 30, 1913, were $15,000; and at the time this estimate was passed upon, which was in October, of the $15,000 these Indians had repaid $13,074.83; and it was stated before the committee that at that time they had probably repaid all of it. Hence, this one revolving appropriation shows very flattering results.

Mr. NORRIS. How long had the other revolving appropriation for these particular Indians been made?

Mr. ASHURST. It had been made in the Indian appropriation act for 1913.

Mr. NORRIS. And within one year all but $2,000 had been repaid?

Mr. ASHURST. That is true. So the returns were very flattering. I might state that these Indians are inclined to cattle raising.

Mr. NORRIS. It seems impossible that they should do that without selling the same cattle.

Mr. ASHURST. They probably purchased breeding cattle and sold them or sold beef or sold hides or something.

Mr. NORRIS. I should like to know whether there have been any appropriations made similar to this one involving quite a number of years; and if so, what has been the result?

Mr. LANE. Mr. President, I will say that this is something which has been tried in the last two years, and that in the southern portion of the Union it has been very successful. They have had, I think, no loss practically, or a very small one.

Mr. ASHURST. That is correct.

Mr. LANE. In regard to the Cheyenne Indians, of whom we are speaking at this time, they are Indians as to whom the Government found it necessary, in order to cut down expenses, to curtail the rations. The Indians have become tubercular. They are living in single-room houses without ventilation, and they are dying at a very rapid rate. They have reduced the rations and cut out the beef and substituted for it flour, which is starchy food. I as a physician advised the department against that. I told them if they wished to rid them of tuberculosis it would not do, that they would die like flies unless they did something for them. Those Indians are in need of food, and we are trying to give them this help so that they can raise their own cattle and have their own beef.

Mr. NORRIS. I should like to say to the Senator from Oregon that I have not made these inquiries in a spirit of criticism.

Mr. LANE. I know that.

Mr. NORRIS. But it struck me that it was a novel arrangement, and I wanted to know whether any system similar to it had been tried.

Mr. LANE. The fact is, it is a novel arrangement.

Mr. NORRIS. It is quite an interesting proposition.

Mr. ASHURST. Mr. President——

Mr. NORRIS. I yield to the Senator from Arizona.

Mr. ASHURST. I wish to say that the statement made by the Senator from Oregon is correct, that the results in all cases regarding these revolving appropriations have been very flattering. Not only have the sums of money advanced been repaid, but they have been repaid with remarkable promptitude.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Peck Reservation, Mont., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment; and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. THOMAS. I should like to inquire of the Senator having charge of the bill whether any appropriation of a similar character to this has been made heretofore for this identical purpose? It would seem to me to be an extremely generous one—

For the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Peck Reservation, Mont.

If similar sums have been expended for similar purposes, there might be some question as to the wisdom or policy, and whether it has been successful or not successful up to date, would show this appropriation to be desirable or otherwise.

Mr. LANE. I can answer that question. A similar appropriation to this has never been made to the Indians of the Fort Peck Agency, and now it has been inaugurated by the department. I want to say that heretofore we have appropriated money in large sums for so-called civilization and support of the Indians, and it consisted in expending a sum of money in payment of salaries to employees out of which the Indian did not in many cases receive one-quarter of a cent; it was of no good whatever to the Indians. Now, they have adopted a plan which has never been followed before. The Indians have not any plows or harrows or seeds, and they found that if they were given these implements, and we trusted them to go to work and raise a crop, they would do it and refund the money. These Indians on the Fort Peck Reservation have water to irrigate their land, yet I have been told from employees on that reservation that they are not allowed water until after it has been taken out above to irrigate the land of white settlers. By giving these Indians harrows and plows, it is believed they will cultivate the land and will make money, and they will repay it from the crops.

Mr. THOMAS. The Senator says it is the policy to loan them money. I see no provision here which justifies the conclusion that this is a loan.

Mr. LANE. It is a revolving fund.

Mr. ASHURST. Yes; that is correct.

Mr. LANE. It is to be repaid.

Mr. THOMAS. Do I understand that this comes out of the Indian fund and not out of——

Mr. LANE. It is reimbursable.

Mr. ASHURST. It is a gratuity appropriation out of the Treasury, but it does not go to the Indians. The money is under the jurisdiction of a proper bonded official. It is used to purchase these articles of industry, and it is reimbursable in accordance with the manner in which I pointed out a while ago.

I will say, further, in reply to the Senator from Colorado, although it is not necessary, the Senator from Oregon [Mr. LANE] has made a very accurate reply, this is the first time it has been attempted on this reservation, and it has been brought about by reason of the splendid success on these lines that have been procured and achieved on other reservations.

Mr. THOMAS. I notice, Mr. President, that a very large number of the proposed Senate committee amendments are of a character similar to if not identical with this one, and the total amount of appropriations which are added to this bill as amendments for that purpose is very large. I am not so confident about the effect of appropriations of this kind for the civilization of Indians as my friend the Senator from Oregon seems to

be, although I am not at all averse to a proper and appropriate experiment in that direction. In view of the condition of the Public Treasury, the falling revenues of the Government, and the pledge of the Democratic Party to administer the affairs of the Government economically, I must confess that the increase of the total appropriations for Indian purposes and for purposes which are analogous to the main objects of the bill, about 25 per cent in excess of the sum reported from the House——

Mr. ASHURST. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. ASHURST. Of all the Senators who have contended for economy, I think the Senator from Colorado justly leads, and he is correct.

Mr. THOMAS. That may be in effort, but not in result. I have not received any results of consequence up to date.

Mr. ASHURST. The items to which the distinguished Senator adverts were incorporated in the bill in pursuance of estimates legally made, according to law, by the department. The committee gave careful, diligent, protracted hearings, and much investigation to these items, and after its protracted hearings incorporated them in the bill in accordance with the estimates.

Mr. THOMAS. I am not, Mr. President, reflecting upon the good faith of the committee—at least, I am not intentionally doing so—and certainly not upon its chairman.

Mr. MYERS. Will the Senator yield to me to make an observation?

Mr. THOMAS. It has acted conscientiously and properly, as it seems to it. I yield to the Senator from Montana.

Mr. MYERS. I want to make just one suggestion. The Government has long been engaged in doling out thousands of dollars to the Indians to feed them and——

Mr. THOMAS. Now it is engaged in doling out hundreds of thousands.

Mr. MYERS. The expenditures under the former system aggregated hundreds of thousands and millions of dollars without any permanent results. The Government now seeks to educate these Indians to become farmers, self-supporting, and to make their own living. Every dollar of this money is reimbursable, and, judging by the past, it will be repaid to the Government, and the Indians will become civilized and become farmers, citizens, and self-sustaining, and will not have to have an annual donation of money doled out to them.

Mr. THOMAS. That is a very beautiful and alluring picture, Mr. President.

Mr. MYERS. That is the theory of the department.

Mr. THOMAS. But I am very much afraid that the Senator, who is a younger man than I am, will not live to see it materialize in actual accomplishment, though I hope he will.

Mr. ASHURST. Will the Senator pardon me for a moment?

Mr. THOMAS. Certainly.

Mr. ASHURST. In further reply to the Senator from Colorado, supplementing what was so well said by the Senator from Montana, I will say that the history of our dealings with the Indians discloses, as the Senator from Montana says, that for years the Government doled out food and blankets. I submit that if you take the wisest and most virtuous man and assure him that whatever comes, rain or shine, there will be doled out to him his blankets and his food, his initiative will be canceled and destroyed, and every reason for endeavor and for progress will have been taken away. Hence the Bureau of Indian Affairs has, after much consideration, concluded, rather than dole out rations to the Indian, to give him the means by which he will become self-supporting.

Mr. MYERS. To lend it to him; it is only a loan.

Mr. ASHURST. It is only a loan; so that he will become instructed in the art of agriculture, how to build houses, how to become a blacksmith, how to breed cattle, and how—slowly, of course, but surely, we hope—to develop into a self-sustaining person, and thus get rid of the miserable, unfortunate ration system. That is the reason of these revolving appropriations.

Mr. THOMAS. Mr. President, I am not criticizing this particular appropriation any more than I am criticizing others of similar character in the bill. The purpose sought to be subserved by these appropriations is unquestionably a good one, and one which does credit to the Indian Bureau, especially in view of the previous methods of the administration in that particular branch of the Interior Department. I do not believe, however, that the prospects of a successful application of these funds for the purposes for which they are designed are very bright, either under a Democratic or a Republican administration. If this money belongs to the Indians, I would see no objection to carrying out the recommendation of the commissioner to the extent to which the fund could be made available; but at this time to make these enormous appropriations—and when I say "enormous," of course, I have reference to the aggregate amount of them—is not justified in view of existing conditions, even though the purpose could be accomplished.

I am not going to make any objection, either by way of points of order or otherwise, to this or to similar appropriations. I merely want to emphasize for one moment a protest against the making of them to the extent that they are made at this time. I think it is wrong; I think it is unwise; I think it is going to react against the present administration. If there ever was a time in the history of this country when economy ought to be practiced, the present is that time; but we are not doing it either in the matter of Indian appropriations or any other appropriations. On the contrary, every bill coming over from the other House that is reported to the Senate from a Senate committee is enormously increased, and that, seemingly, without regard to the condition of the National Treasury.

I do not believe, as I said the other day, in false economy. There are many appropriations that ought to be increased, because they are absolutely essential to the well-being and the necessities of the Government. Where that is not the case, however, I think it would be well for my brethren to call a halt, or at least to go a little slower than seems to have been the case with reference to this and to other large appropriation bills.

Mr. LANE. I wish to say, if I may be allowed—and I shall be through in just a moment——

Mr. THOMAS. I yield the floor to the Senator from Oregon.

Mr. LANE. The Democratic administration owes it to itself to be just; that is its first duty; and only to the extent to which it is just will it make any great reputation for itself or secure the confidence of the people.

This is the first really just item, and perhaps one of the few contained in the bill. A great many of the others are subject to just criticism, but here is an attempt being made to allow the Indian an opportunity to make a living, which has heretofore been denied him by Congress and by the Bureau of Indian Affairs.

I wish to say that I, like the Senator, do not know—and I did not say I did, although the Senator charged me with the statement—whether or not this will succeed. I very much question whether you can make a successful farmer out of an Indian. We have tied up his land, we have expended hundreds of thousands of dollars of his money in building reclamation projects, and given him a limited time in which to make good upon those, and then refused to give him a plow or a harrow or a grubbing hoe to go out upon those projects and cultivate the land. He has been defrauded in the most contemptible manner. The department, I think, has come to the conclusion that if something of this kind is not done and the Indian is not able to extricate himself by some such means as this there will have to be an entire revolution in methods, for the department will no longer be able to stand upon its feet; it is going to fall by its own weight. We owe it to the Indian, and we have owed it to him for years and years. If he is to be forced to farm, if he is to be compelled to make his livelihood by that method or to starve to death, or to die of tuberculosis if he does not starve, it is our duty to give him a plow and a harrow and seed with which to farm. Any Democratic doctrine of economy which would deny him the means to become self-supporting under the existing circumstances would be subject to just criticism.

Mr. THOMAS. Mr. President, I quite agree that every inducement should be offered to the Indian to civilize and improve himself; I do not question that. Neither do I raise any issue as to the manner in which the Indian has been treated by the Government heretofore. There are many things, however, which are just which may not for the time being prove to be expedient. I think that in this particular instance one or two of these appropriations, by way of experiment, might well be made, instead of making them all together in this wholesale manner.

There are, I presume, a number of other items which are more subject to criticism than this one, smaller ones, perhaps, and ones which are needless. I notice, for example, appropriations for the building of gymnasiums for Indian schools and kindred items. It may be that Indians need gymnasiums in their schools; I do not believe they do; I do not believe an Indian has any more use for a gymnasium in a school than I have at my time of life for a gymnasium in my residence; but, if they do need them, the appropriations for them ought to come out of the Indian funds. When this bill is considered in its entirety and it is passed and becomes a law, with the addition of nearly $3,000,000 to an original appropriation bill of about $7,000,000, my impression is that we are going to hear from the people about it.

Mr. STERLING. Mr. President, I desire to call attention to two different policies, as it appears to me, found in these appropriations for the benefit of the Indians. One is the policy of direct appropriation out of the general funds in the Treasury for the purpose in one case, that of the Northern Cheyenne Indian, of purchasing cattle, and for the purpose in the case of the Fort Peck Reservation Indians of purchasing stock, seed, vehicles, harness, machinery, tools, and so forth; and for this latter purpose, also, is the appropriation in the Blackfeet Reservation item found on page 48 of the bill.

The other policy is not that of direct appropriation out of the Treasury for the purpose of the civilization and support of the Indians or for the purpose of purchasing cattle, but it is an authorization to take and use so much money that is already in the tribal funds to the credit of the Indians. This is the case in North Dakota, for example.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. THORNTON in the chair). Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. Certainly.

Mr. SMOOT. Does the Senator know whether or not the Fort Peck Indians and also the Blackfeet Indians have a fund in the Treasury?

Mr. STERLING. Not definitely, Mr. President; but I am informed that they have, and I am assuming there is a tribal fund to their credit.

Mr. SMOOT. I will say to the Senator that as soon as I could receive recognition it was my intention to ask that question of the Senator having the bill in charge; but, if the Senator from South Dakota does not object, I would like to ask it right now in connection with his remarks, so that he can discuss that question if he desires to do so, and I can do so afterwards.

Mr. STERLING. Certainly, I will be glad to have the Senator ask the question, although I had intended to ask it myself.

Mr. SMOOT. Then I will ask the Senator having the bill in charge whether or not the Fork Peck Indians at the present time have an amount to their credit in the Treasury?

Mr. ASHURST. The Fort Peck Indians?

Mr. SMOOT. Yes; or the Blackfeet Indians?

Mr. ASHURST. If the Senator will pardon me, I will supply that information in a few moments; I can not do so at this particular time, but will do so just as soon as I am able, which will be very soon.

Mr. STERLING. Mr. President, while the Senator from Arizona is examining the matter, I will call attention to the appropriation on page 56, relating to the Standing Rock Indians of North Dakota. It is not accurate to say that it is an appropriation, but it is an authorization to the Secretary of the Interior—

> To withdraw from the Treasury of the United States not to exceed the sum of $100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Standing Rock Indian Reservation, in North Dakota, for the purpose of purchasing cattle for the use of said Indians to enable them to become self-supporting.

This is quite different from the direct appropriation made in those cases to which I have already called attention, and the inquiry of the Senator from Utah as to whether there are tribal funds to the credit of these other tribes is very pertinent indeed.

Now, there is another question to which I should like to call attention. The Standing Rock Reservation is not wholly within North Dakota, but it is partly in South Dakota; it extends into both States; and why should there be the authorization for the use of $100,000 for the Standing Rock Indians in North Dakota and not for those in South Dakota?

Mr. ASHURST and Mr. CLAPP addressed the Chair.

Mr. STERLING. Mr. President, if there are tribal funds to the credit of the Indians mentioned, or to the credit of any of these other tribes, why may not the Secretary of the Interior, as in the case of the Standing Rock Indians, be authorized to expend a portion of those tribal funds in the purchase of cattle or in the purchase of farming implements, seed, and so forth? This is exactly the course followed now by the Secretary of the Interior with reference to the Indians on different reservations in South Dakota. Where an Indian is entitled to a certain pro rata share in the tribal funds the Secretary of the Interior may say to him, "It is the judgment of this department that you should take your pro rata share in stock rather than in money."

Mr. CLAPP. No.

Mr. STERLING. Yes.

Mr. CLAPP. If the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. I yield.

Mr. CLAPP. Mr. President, in the first place, the provision to which the Senator refers, on page 56, is a House provision. I could not say why it was limited to the Indians who might live on that portion of the reservation which is in North Dakota. We took that, of course, as we found it.

There are three distinct conditions here. I might say to the Senator that we tried to frame a general provision under which the Secretary of the Interior, where there was a tribal fund in the Treasury, could, within the probable amount of each Indian's share, take out of that fund and advance to the Indian, under the direction and care of the department and its agents, such amount as the Indian might need. That provision went out on a point of order. Then there are these other conditions: In the case of the Minnesota Indians we took the amount out of the tribal funds, limiting it to one-fourth of what each Indian would be entitled to if an apportionment were now made. That provision was made so as to render it absolutely certain that no disposition of the funds would operate to deprive another Indian at some other time of his share in the general fund. Now that amount is advanced to the Indian; it is not loaned to him; it is to be used by the department to buy things for him, such as seed, plows, and harrows, but it goes to him without any return. The other class is where the money is advanced to the Indian in the nature of a loan. In the North Dakota case the amount advanced is a loan and must be repaid by the individual Indian who gets the benefit of it, and when repaid it goes back again into the general fund of the entire tribe. You will find that in lines 21 and 22.

Some of these Indians have no funds, notably, I think, the Fort Peck Indians, although they have a large amount of land which some day, of course, will result in a fund for the tribe; but under the theory upon which we are proceeding it makes no difference whether the money comes out of the Indian funds or out of the General Treasury, because in both cases it is proposed that the individual Indian shall repay that money, and, unquestionably, under the provision on page 56, if the Secretary of the Interior should utilize the funds belonging to the Indians of the Standing Rock Reservation in North Dakota and advance $200 of that fund to John Smith, and John Smith should fail to pay it back, the United States would be under a moral obligation to place that amount again in that fund to the credit of all the Indians of the Standing Rock Reservation in North Dakota. So that in that respect it is immaterial whether we take the money from what we call the general funds of the Nation or take it out of what has been credited to an Indian tribe. They must pay it back in both cases; and in each case, if they fail to pay it back, the United States is the loser, and not the Indian tribe. It would be manifestly unjust to take the money belonging to the Indians of the Standing Rock Reservation in North Dakota as a general fund and loan out $500 to an individual Indian, and then, if he failed to repay it under the terms of his agreement, to charge that loss to the remainder of the Indians, who had no voice in making that loan, no voice in directing the use of the money, and no voice in seeing to it that the money was repaid.

Mr. NORRIS. Is not that just what they do here? Is not that the very thing proposed by this amendment?

Mr. CLAPP. No, sir. Now, one word more. Some of these tribes, while they have property, have no fund from which we could take it even if we wanted to; but in the last analysis it is immaterial, because we take the responsibility of securing the repayment of those loans.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. I yield.

Mr. SMOOT. In the hearings before the subcommittee of the House on the Indian appropriation bill, I find the information I asked for, and for the information of the Senator from South Dakota I will state what it is.

The Northern Cheyenne Indians, according to the testimony, have $62,876 of funds to their credit in the Treasury; the Fort Peck Indians have $11,792; the Blackfeet Indians have $295,442; the Flathead Indians have $58,953. So the Senator can see that the Northern Cheyennes have to their credit $12,876 more than this appropriation; the Fort Peck Indians have an appropriation of $100,000, and they only have $11,792 to their credit; the Blackfeet Indians have a credit of $295,442, and we make here a direct appropriation of $100,000 and do not take it from their credit; the Flathead Indians have $58,953, and we appropriate $100,000 for them.

Mr. STERLING. I think that explanation is satisfactory with reference to most of the reservations about which I have inquired. It was a question in my mind largely as to whether

or not there was any considerable fund standing to the credit of the several tribes for which such large appropriations have been made.

I think the Senator from Minnesota is somewhat in error in regard to the construction of the provision on page 56, relative to the authorization of $100,000 for the North Dakota Indians. The proviso is:

Provided, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment and placed into the Treasury to the credit of the said tribe on or before June 30, 1925.

The proviso does not specifically charge the United States with liability for this Indian fund. It might in terms do it, and protect the Indians; but it does not do it.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. STERLING. Yes, sir.

Mr. CLAPP. I did not say that it is done by the terms of the proviso, but I say that by the terms of the proviso the Secretary of the Interior must make rules and regulations for the repayment; and the Government could not possibly stand up against the claim of the Indians for reimbursement. If the Secretary of the Interior took that money and loaned $500 of it to John Smith, a member of that tribe, and he failed to return it, no man could think of justifying a defense. We would be liable, and it makes that money a revolving fund up to 1925. By 1925 it must be all repaid into the funds or treasury of the tribe. We can not support any other interpretation, especially when we take into account the immorality of our taking money from the tribal funds, without the tribe having any voice in the matter, and loaning it to an individual Indian.

I say again that it makes no difference whatever to the Treasury of the United States whether you take the $500 which as a matter of bookkeeping is to the credit of the Indian tribe, or the $500 which as a matter of bookkeeping is in the general revenue fund of the Government. It comes out of the cash on hand in either case; and so long as we are liable to see to it that the money is repaid and put back again in the Indian fund it becomes immaterial.

If this provision had not come in here from the House, we would not have hesitated a moment to have put in the same provision with reference to these Indians; but it was already in here with reference to these Indians, and consequently we left it as it was.

There are some Senators here to-day who were not here the other day, and I want to reiterate what I said then. I do not think we can put the money to better use than advancing it to individual Indians as they seem, to the mind of the agent and under his observation, desirous and competent, lending them a helping hand and teaching them in the fall the necessity of keeping their obligations by paying the notes which are taken for the money. So far as we have tried the matter heretofore it has worked out with most splendid results.

Mr. NORRIS. Mr. President, I am in entire sympathy with the proposition that seems to be contained in the bill with regard to the several appropriations for these various tribes. I do not believe it is right, however, for us to take the money out of the Indian treasury in one case and out of the United States Treasury in the other case; and I do believe there is a good deal of difference between the two propositions, notwithstanding what the Senator from Minnesota has said.

Mr. CLAPP. Mr. President, with the Senator's permission, I should like to ask him a question.

Mr. NORRIS. I yield to the Senator.

Mr. CLAPP. Turning, now, to page 56, beginning with line 13—of course that paragraph remains in the bill unless it is taken out by a Senate amendment. Under that provision, suppose the Secretary of the Interior should loan to individual Indians—and that is what is contemplated, of course—$25,000 of that money. Of course they do not get the money itself, but he makes the arrangement, buys a team, or seed, or something, pays for it, and takes the Indians' notes. Now, at the end of the term ending June 30, 1925, suppose that money was not to be had; suppose it had simply evaporated.

Mr. NORRIS. Suppose they had lost it?

Mr. CLAPP. Yes. Will the Senator insist for one moment that we would not be liable to those Indians for that $25,000?

Mr. NORRIS. I will answer the question, and that is what I rose to do—to point out what I believed to be an inconsistency between the two appropriations. In order to get that money back into the treasury of the Indian tribe, an appropriation by Congress would be required.

Mr. CLAPP. Yes.

Mr. NORRIS. That will be conceded by the Senator from Minnesota, I presume.

Mr. CLAPP. Certainly.

Mr. NORRIS. There is the difference between the two propositions.

Mr. CLAPP. No.

Mr. NORRIS. The Senator is assuming that Congress would appropriate the money. I agree with him when he says it is a moral obligation, but there is no legal obligation involved in it. If we speculate with this money, and lose it, of course we ought to pay it back; but when we come here with an appropriation to pay it back we would be met with all kinds of objections. It would be said: "We used this money in a way that we thought was right; the Indian agent did what he believed to be a good thing, but it turned out to be bad, and they must suffer."

Mr. CLAPP. Mr. President, I can not believe that the time will ever come in this body when, if this provision on page 56 went into effect, and in 1925 we found that we had lost $25,000 of the fund, any Senator would oppose an appropriation to make it good. That is not possible, it seems to me.

Mr. NORRIS. It is possible, Mr. President.

Mr. CLAPP. The Senator concedes at least the moral obligation.

Mr. NORRIS. Why, certainly. My objection to the House provision is that it is not like the amendments brought in by the Senate committee. The Senator himself says there should be no difference. When we take this money and loan it to Indians we ought to run no risk whatever of the Indians losing the money. Now, as to one tribe, we say: "Here is $100,000 appropriated out of the Treasury of the United States that the department is going to use to loan to individuals to buy stock and other things for individual Indians, and put into this revolving fund." Very good. "Here is another tribe of Indians in South Dakota in whose case we are going to take the money out of their treasury and handle it in the same way." The difference is that in one case, if there is a loss, the matter is ended, because it is Federal money that is used, while in the other case, if there is a loss, it requires action by Congress before the Indians can get what they are justly entitled to.

Mr. CLAPP. Mr. President——

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. CLAPP. The committee will not hesitate one moment, I think, if the Senator from South Dakota prefers to have that made a direct appropriation. We can make a direct appropriation of that, but we can not put it on the other basis, taking it out of the funds in each case, because in some of these cases—especially the Fort Peck case—there is practically no money there—$12,000, or thereabouts.

Mr. NORRIS. I understand that. I am not advocating that we should take it out of the Indian treasury.

Mr. CLAPP. If the Senator from South Dakota prefers that this should be a direct appropriation, I, for one, certainly should not oppose it, but should heartily agree to it.

Mr. STERLING. No; I am not quite asking that this be made a direct appropriation, nor expressing a preference as between this direct appropriation and the other, so far as that is concerned, under the conditions which have been stated by the committee with reference to other reservations. The fact that there are scarcely any tribal funds to the credit of some Indian tribes is important.

If the Senator will permit me, however, I appreciate very much what the Senator from Nebraska has said. Granting that there would be a moral obligation on the part of the Government to repay the Indians and make good the Indian fund on account of any losses that might be sustained by reason of bad investments or unforeseen conditions, I am inclined to think that there would be those who would say that the Government is not even under a moral obligation.

Mr. NORRIS. I presume there would.

Mr. CLAPP. Oh, I can not believe that.

Mr. NORRIS. I presume there would.

Mr. STERLING. They would say: "The Secretary of the Interior, in the exercise of his best judgment and discretion, expended this money, thinking it was for the best interests of the Indians. Unfortunately, it has been lost. Under what obligation is the Government to make it good?"

Mr. CLAPP. Upon what theory could we hold an Indian tribe to stand that loss when they had not been consulted? When we authorize the Secretary of the Interior to take funds that are only theoretically, as a matter of bookkeeping, set apart in the Treasury, it is all one lot of money, of course—when we authorize him to take money out of the fund belonging to the Indians and loan it to an individual Indian, I do not believe the time will ever come when a man will stand up in this body and say that the Indians should be subject to that loss.

Mr. NORRIS. We can not say——

Mr. CLAPP. If the Senator wants to suggest an amendment, I am willing to vote for it.

Mr. NORRIS. I think the Senator from South Dakota, or preferably the committee, ought to have brought in an amendment here originally to put them all on the same basis. We have here several tribes of Indians, and we are going to start out on the theory that it is a good thing for the Indians to try to induce them to farm, to raise cattle and hogs and stock. We want to get them to do that. We also want to teach them the advisability and the necessity, in fact, of paying back their loans when they borrow money, and so forth—all a laudable purpose, and a very good thing to do.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. NORRIS. In just a moment I will yield to the Senator. That is a policy on which we are starting out. We have five or six different tribes of Indians, and we are going to start on that policy with all these tribes. Some of these Indians have money in their treasury. Some have scarcely anything in their treasury. Regardless of whether they have money or not, however, that is not the reason why some of this money is taken out of the Treasury of the United States and some out of the treasury of the Indian tribes, because in some of these cases where by the committee amendment we have provided that the money shall be loaned by the Treasury of the United States the Indians have more in their treasury than the amount we are appropriating; so that is not the reason why it is done. I take it, therefore, that it is done without any reason.

Mr. LANE. No; I beg the Senator's pardon.

Mr. NORRIS. In one case we take the money out of the Treasury and buy stock and cattle with it, and in the other case we take the money out of the Indian treasury. What is the reason, then?

Mr. LANE. I will tell the Senator the reason. I have been trying to explain it all day. The reason is that some of these Indians' money has been expended in large reclamation projects for which their land has been mortgaged. The white settlers are securing the use of these lands, but the Indian is given only a limited time in which to make use of the water, or he loses his water rights. The Government has never provided him with a harrow, or a plow, or a horse, or anything.

Mr. NORRIS. I understand.

Mr. LANE. This is to allow him to secure tools and implements with which to work his land in order to make a living off it and save him the loss of his water right. In the case of the whites, in the new bill that has been put in here, the Government has allowed to white settlers an extension of time for payment of 20 years, and it has increased the time within which they may make their improvements, for the reason that it was found impossible for the white skilled farmer, with every appliance at his hands, to make these lands remunerative within a period of five years. The Indians, however, are allowed only two or three years. That was the condition, together with the fact that these Indians have been expected to succeed and to become civilized, as we call it, and to become citizens of means, without the Government ever having given them a cent with which to purchase implements with which to till their soil.

Mr. NORRIS. I do not dispute that this is a good thing to do.

Mr. LANE. That is the reason.

Mr. NORRIS. I do not think the Senator has comprehended the distinction I have tried to point out. I am not claiming that this should not be done in any of these cases. The complaint I make is this: For instance, on page 47 we appropriate $100,000 out of the Treasury of the United States for the purpose of having it expended by the Secretary of the Interior in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and so forth. That becomes a revolving fund. When this stock is sold the money goes back into the fund, and is reloaned, and so on until 1924; and then, as it comes in, the Secretary of the Interior will keep it in the fund, and in 1925 the United States Government will be reimbursed.

That is going on the theory, of course, that there will be a profit instead of a loss; and I think there will be. I believe anyone will concede that properly managed, barring accidents and unfortunate investments, in the aggregate there will be a profit, and there will be no loss.

Turn over to page 56, however. There we have a provision in the bill whereby $100,000 is appropriated for a similar purpose for the Standing Rock Indian Reservation in North Dakota; but that $100,000 is taken out of the treasury, not of the United States but of the Indian tribe, and made into a revolving fund in the same way.

Mr. CLAPP. On what page is that?

Mr. NORRIS. Page 56, the one that the Senator himself has been discussing.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. NORRIS. In a moment.

Mr. CLAPP. We can abbreviate this in a moment.

Mr. NORRIS. I hope the Senator will let me proceed until I reach a good period in the course of my remarks. I believe the Senator from Minnesota has well said that the Government would be morally bound where we have taken money out of the treasury of the Indian tribe and used it for this purpose in case loss instead of profit should result in 1925, and we should out of the Treasury of the United States reimburse their treasury with the amount of the loss. That being true, and I believe it is true, we ought not to take any chances, because, as the Senator from South Dakota has well said, Congress in 1925 may take a different view of it, and it would be no argument, with many people at least, conceding that we had a good reason for it, that this money had been invested in an honest purpose in trying to bring about a profit for the Indians in a financial way and proper instruction given them in the advancement that would necessarily be brought about by the care of stock and the raising of crops. I now yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, to put all this matter at rest, because it does not make a bit of difference—every dollar comes out of the Federal Treasury—I will move to strike out, if the chairman of the committee will adopt it as a committee amendment, on page 56, from line 13 to the bottom line on page 57, and in lieu to insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Standing Rock Indian Reservation, N. Dak., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all payments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. NORRIS. That amendment, if adopted, will cure the evil that I have called to the attention of the Senate.

Mr. ASHURST. As far as the chairman has any authority, he will accept the amendment.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The amendment before the Senate is the one at the bottom of page 47, beginning at line 17. The amendment suggested by the Senator from Minnesota is to another item of the bill on page 56.

Mr. NORRIS. Of course, we can not adopt the amendment now, but we can go along until we get to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee at the bottom of page 47.

Mr. NORRIS. That is the amendment to which I am giving my attention at the present time. This matter came up incidentally, and I presume will be promptly adopted, since it comes from a member of the committee, when we reach it properly.

I wish to ask the chairman of the committee as to the amendment on page 47. The amendment provides that the Secretary of the Interior shall expend this money "in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support."

In the amendment we have just adopted, beginning at the bottom of page 46 and ending at the top of page 47, which applies to the Northern Cheyenne Indians in the same State where we appropriate $50,000 for a similar purpose, this discretion of investment was not given to the Secretary of the Interior, but he is required in that case to expend all the money for cattle. I should like to have the chairman of the committee explain why this difference is made.

Mr. ASHURST. In answer to the Senator's inquiry, he was doubtless out of the Chamber when I made the statement that the Northern Cheyennes are peculiarly adapted and that their reservation is peculiarly adapted to cattle raising. They follow the pursuit of cattle raising and are inclined thereto. There is no part of the reservation fitted for farming and there is no reclamation project thereon. I read, I think, a part of the hearings disclosing that the Cheyenne Reservation of Indians is peculiarly fitted and fitted only for the raising of cattle.

Hence it appeared to the department and to the committee to be wise to limit it only to the purchase of cattle, but the same conditions will not obtain with respect to the Fort Peck Indians.

Mr. NORRIS. Where they have farming lands.

Mr. ASHURST. Where they have farming land.

Mr. NORRIS. And an irrigation project. I should like to say to the Senator that I anticipated, of course, that answer; yet it seems to me that I ought to call the attention of the Senator from Arizona to the fact that there ought to be, in the case of the Northern Cheyennes, a little discretion left to the Secretary of the Interior. For instance, he is confined entirely to the purchase of cattle. In the other cases there is a very general provision, "and such other purposes as the Secretary of the Interior may deem proper," and so forth. I want to direct the Senator's attention particularly to this: In that country, where the winters are long, in order to make a success of raising cattle I presume there ought to be some shelter. If it does not already exist, and if they do not have shelters, it would be a matter of economy and wise economy, it seems to me, to give the Secretary of the Interior a discretion to use a portion of this money for the purpose of building shelters to protect the cattle that they are raising.

Mr. ASHURST. I appreciate fully the solicitude of the learned Senator, but I will say that in that particular part of the country shelter for cattle is unknown, so I am advised, and the department itself requested that this item read as it does read. It asks that the language employed here be the language which we incorporate into the bill, and neither the department nor the committee knows of any reason why any further provision should be incorporated therein.

Mr. NORRIS. I can hardly conceive how there could be a locality in Montana where a man engaged in cattle raising ought not to have some protection for his cattle in the winter months.

Mr. MYERS. I should like to say to the Senator from Nebraska that shelter for range cattle in that country is unknown. They do not need it. The cattle live in the timber and get through with practically no loss. Any loss is negligible. Of course there may be a milch-cow house now and then, but if that is the case, the Indians can easily go to work and cut logs and put up a barn sufficient to shelter the few milch cows they have.

I would not have any objection to that clause being put in if I could see that it would serve any essential purpose; but I do not believe the conditions require it. That was the opinion of the department and the opinion of the committee. I do not think the conditions would make that essential to this appropriation.

Mr. NORRIS. It struck me that it might be a good idea to give the Secretary authority to invest some of this money in horses. I understand these Indians are experts along that line more than with cattle, and that they might raise them to profit. But I want to say just a word——

Mr. ASHURST. Let me say, in answer to the learned Senator, give the Tongue River statistics, and then he will probably be able better to argue from his premises. The population of the tribe is 1,433 Indians; the area of reservation unallotted is 489,500 acres; agricultural lands, 33,000 acres; grazing lands, 330,000 acres; live stock owned by Indians—horses, 4,000; mares, 3,000; large stallions, 100; cattle 6,500; bulls, 100. In other words, the learned Senator will observe that they have 500 more horses than they have cattle. They have more horses than they now can reasonably employ in the herding and the caring for and the branding of their cattle. The department concluded, and it was the opinion of the committee, that rather than use this appropriation in increasing the horse herds, which are already sufficiently large, the sum should be employed in increasing the number of cattle. That was the reason why it was limited to cattle.

Mr. NORRIS. I appreciate fully what the Senator has said, and yet if a little wider discretion were allowed here and horses were specifically named, as well as cattle, it would not follow that the Secretary of the Interior would have to buy horses. I think the Senator himself earlier to-day in this discussion said something about the Northern Cheyenne Indians being particularly well qualified to raise horses. There is profit in the business, and it seems to me that it would be a good idea to give the Secretary at least the right to furnish the Indians horses if they wanted them.

I wish to say another word about the shelter. I judge from what has been said that up in Montana people live in summer houses and have no stoves; that their houses are not heated, because the temperature is so warm that they have to guard against heat rather than cold, and that the cattle there never do get cold; that it is a warm country, like Florida, and hence the cattle need no shelter. I know that out on the Great Plains for a great many years people raised cattle and let them run over the plains without any shelter. They took a gamble on it, and if there was a blizzard or a storm that was very severe the result has often been that all the cattle practically have been lost. If there is a loss from this particular investment, I have an idea now that it will come about on account of the lack of shelter rather than from any other cause.

Mr. LANE. Mr. President, I wish to correct the Senator from Nebraska. I wish to say for the information of the Senator that there is no loss in that high, dry climate nor in that of our country from lack of shelter. What the cattle die from during a storm is lack of feed. If they can have their hay stacked up at some place where they can have access to it, it is almost a matter of indifference whether they have a shelter or not. They perish from lack of feed when storms drive them forward. They will need more shelter in Florida than up in this portion of Montana. They will suffer greater hardships in the Willamette Valley, Oreg., which is a balmy, soft, damp climate. You would lose more cattle there than on the east side of the Cascade Mountains at an altitude of 3,500 or 4,000 feet, where the temperature falls to 20° below zero, but where it is dry.

There should be a requirement here compelling the Indian Department to buy horses as well as cattle, for it is my opinion that they will do better with horses than cattle. They are more used to handling horses, and a horse will paw through the snow for feed where cattle will starve.

Mr. MYERS. Mr. President, I desire to concur in the delightful description given us by the Senator from Nebraska of the balmy climate of Montana. It doubtless seems very strange to one from the bleak and frigid realms of Nebraska. However, I will say to him that the housing of range cattle in Montana is unknown. It is not done. If they are given plenty of hay and plenty to eat the percentage of loss from death in the winter is inconsequential.

If the cattle were distributed among the Indians in small herds, a dozen or half a dozen to each Indian, and he wants to build barns for the cattle, there is nothing on earth to prevent him from going out into the woods and chopping down trees and getting out logs and building his own barn. He can do that, but if we appropriated money for that purpose it would be encouraging idleness and dependence. If you are going to run cattle in large herds of several thousand it would be impossible to construct shelter for them. It is not done for range cattle. If you are going to divide them and give two or three or half a dozen to each, per capita, then they can go out and cut down trees and build their own barns. It would be useless to vote the money for something that the Indians themselves can do by a little labor.

I appreciate all the suggestions of the Senator from Nebraska and his motives to do what is best, but the department asked for it in this form and really I do not see any use for a change.

Mr. NORRIS. I am very glad to get the information from the Senator from Montana; but I believe he is mistaken when he intimates that the Indians have any burning desire to go out into the timber and chop down trees and build houses.

Mr. MYERS. I did not say they had a desire to do it. I said they could do it; but if we give them money to apply to that purpose they certainly will not do it.

Mr. NORRIS. They could, but they will not. Everybody knows that. I will state the position the Indians up there would then be in. There ought to be a prohibition put in the bill to prohibit any Indians from chopping down any trees on this reservation, because if they get anxious to build barns, as has been intimated, they might get a fever to work hard in chopping down trees and putting up buildings. Suppose they go out and chop down the trees, what would happen? All the cattle would die in the wintertime because they could not get shade; they would be sun-struck. We have to protect the timber so that the cattle will have shade and places to go in the wintertime when it gets so hot in Montana.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The next amendment was, on page 48, after line 16, to insert:

There is hereby appropriated the sum of $100,000, to be immediately available, and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Blackfeet Reservation, Mont.; the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment; and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose

as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, on page 49, after line 17, to insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Flathead Reservation, Mont., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all payments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, under the head of "Nebraska," in section 10, on page 50, after line 19, to strike out:

SEC. 10. For support and education of 375 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $60,000; for general repairs and improvements, $4,500; for new laundry building and equipment, $4,000; for repairs and addition to hospital, $4,000; dairy barn, $6,000; in all, $78,500.

And to insert:

SEC. 10. For support and education of 375 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $62,300; for general repairs and improvements, $7,500; for new laundry building and equipment, $7,500; for repairs and addition to hospital, $6,000; dairy barn, $6,000; for lavatory annex, $10,000; in all, $99,300.

Mr. NORRIS. My colleague [Mr. HITCHCOCK], who has been called away from the Senate Chamber on official business, intended to offer an amendment to these items and he has left the matter with me. I believe the amendments will appeal to the Senate. In accordance with the understanding I had with him when he left the Chamber, I desire now to move that the amendment of the committee be amended, in line 5, by striking out "$7,500" and inserting "$5,000," that is a reduction of $2,500; on line 7, by striking out "$10,000" and inserting "$4,000," and adding after the semicolon which follows "$10,000," the following, "for girls' industrial building, $5,000," and changing the total from "$99,300" to "$96,300."

I understand that this has been called to the attention of the committee and that it is satisfactory. It means a reduction in the total appropriation for this school of $3,000.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 51, line 5, strike out "$7,500" and insert "$5,000"; in line 7, strike out "$10,000" and insert "$4,500"; and after the numerals "$4,500" and the semicolon, insert "for girls' industrial building, $5,000"; in line 7, in the total, strike out "$99,300" and insert "$96,300," so as to make the amendment of the committee read:

SEC. 10. For support and education of 375 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $62,300; for general repairs and improvements, $5,000; for new laundry building and equipment, $7,500; for repairs and addition to hospital, $6,000; dairy barn, $6,000; for lavatory annex, $4,500; for girls' industrial building, $5,000; in all, $96,300.

Mr. ASHURST. I merely wish to suggest that it should read "industrial building for girls."

Mr. NORRIS. I think that would be better. I believe that is a good suggestion.

The PRESIDING OFFICER. The amendment to the amendment will be modified. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 51, after line 7, to insert:

For expenses of the Omaha and Winnebago Agencies, including the pay of superintendent and employees not otherwise provided for, $6,040.

Mr. ASHURST. On page 51, line 9, after the word "superintendent," I desire to perfect the same by adding the letter "s," so as to read "superintendents" instead of "superintendent," so as to read:

For expenses of the Omaha and Winnebago Agencies, including the pay of superintendents and employees not otherwise provided for, $6,040.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 51, after line 10, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, after the assessments made on Sac and Fox tribal lands by drainage district No. 1, in Richardson County, Nebr., shall have been paid, and after the Indians whose allotments are within the drainage district shall have received their proportionate shares of the tribal funds as authorized by the act of May 13, 1910 (36 Stat. L., p. 368), to distribute and pay per capita to the remaining members of the tribe entitled thereto the tribal funds on deposit in the Treasury of the United States to the credit of the Sac and Fox of the Missouri Tribe, under the above act, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201).

The amendment was agreed to.

The next amendment was, under the head of "Nevada," in section 11, on page 52, line 5, before the words "Indian pupils," to strike out "two hundred and fifty" and insert "three hundred"; in line 6, after the word "superintendent," to strike out "$41,700" and insert "$50,100"; in line 7, after the word "improvements," to strike out "$6,000" and insert "$10,000"; and in line 8, after the words "in all," to strike out "$47,700" and insert "$60,100," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $50,100; for general repairs and improvements, $10,000; in all, $60,100.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," in section 12, on page 52, after line 9, to strike out:

SEC. 12. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., including pay of superintendent, $68,600; for general repairs and improvements, $5,000; in all, $73,600.

And insert:

SEC. 12. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for assembly hall and gymnasium building and equipment, $30,000; in all, $106,600.

The amendment was agreed to.

The next amendment was, on page 52, after line 19, to strike out:

For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for new dairy barn, $4,000; in all, $67,150.

And insert:

For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $60,250; for general repairs and improvements, $7,000; for water supply, $1,600; for new dairy barn, $4,000; in all, $72,850.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to insert:

There is hereby appropriated the sum of $200,000, to be immediately available and to remain available until expended; and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Mescalero Indian Reservation in New Mexico, the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund; and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, under the head of "New York," in section 13, on page 54, after line 19, to insert:

For expenses of New York Agency, including pay of employees, $2,500.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," in section 15, on page 55, line 9, after the word "employees," to strike out "$11,000" and insert "$15,000," so as to make the clause read:

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 14, to strike out:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., including pay of superintendent, $68,500; for general repairs and improvements, $6,000; in all, $74,500.

And insert:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500; for rebuilding dairy barn, $6,000; for general repairs and improvements, $8,000; in all, $82,500.

The amendment was agreed to.

The next amendment was, on page 55, after line 23, to strike out:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., including pay of superintendent, $35,200; for general repairs and improvements, $3,000; in all, $38,200.

And insert:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $5,000; for extension of power plant, improvement of water system, and addition to power plant, $15,000; for school building and remodeling of present school building into domestic building, $30,000; in all, $85,200.

The amendment was agreed to.

The next amendment was, on page 56, after line 9, to insert:

To assist members of Turtle Mountain Tribe of Indians in making settlement upon their nonreservation allotments, $25,000.

The amendment was agreed to.

The reading of the bill was continued from line 13 on page 56 to the end of line 2 on page 57, as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States not to exceed the sum of $100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Standing Rock Indian Reservation, in North Dakota, for the purpose of purchasing cattle for the use of said Indians to enable them to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment and placed into the Treasury to the credit of the said tribe on or before June 30, 1925: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed statement as to the expenditure of this fund.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. CLAPP] has offered an amendment to strike out the clause from line 13 on page 56 down to line 2 on page 57 and to insert. That point has now been reached.

Mr. ASHURST. Mr. President, as I said a while ago, to that amendment, so far as I know, there is no objection; but I ask that it shall be passed over until we have an opportunity to consult with the other members of the committee and also with the department.

The PRESIDING OFFICER. The Chair will state to the Senator from Minnesota that the Senator from Arizona asks that the amendment proposed by the Senator from Minnesota be passed over until he can investigate the matter further.

Mr. CLAPP. Very well.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. CLAPP. Mr. President, just one moment. I do not know how far that might involve a question of good faith. The Senator from South Dakota raised the question with reference to the Montana amendments and the Senator from Nebraska raised a question with reference to another provision.

The PRESIDING OFFICER. That amendment is not in order now anyway, because it is to strike out matter already inserted in the bill.

Mr. CLAPP. The amendment would be in order if it had been reported by the committee.

The PRESIDING OFFICER. Yes; if it were reported by the committee it would be in order.

Mr. CLAPP. I want to absolve the committee from any lack of good faith with absent Senators.

Mr. ASHURST. I share the same view as that of the Senator from Minnesota. Let the amendment go over, at least.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 57, after line 2, to insert:

For a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief, of the Wahpeton Tribe, who was buried March 13, 1867, in the Congressional Cemetery, Washington, D. C., in a grave marked "76–R. A. 22," the sum of $100.

The amendment was agreed to.

The Secretary resumed the reading of the bill, on page 79, line 17.

Mr. LANE. Were there not items of amendment on pages 73, 74, and 75?

The PRESIDING OFFICER. The Chair is informed that all those items went out on points of order.

Mr. LANE. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Oregon," in section 18, page 80, line 5, after "$12,000," to strike out "in all, $114,000" and insert "for addition to assembly hall, $15,000; in all, $129,000," so as to make the clause read:

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, $102,000; for general repairs, additions to buildings, and improvements, $12,000; for addition to assembly hall, $15,000; in all, $129,000.

The amendment was agreed to.

The next amendment was, on page 80, after line 14, to insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Warm Springs Reservation, Oreg., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund; and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. LANE. I should like to reserve the right to have that item passed over.

The PRESIDING OFFICER. Without objection, the item will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "South Dakota," in section 20, on page 81, after line 20, to strike out:

SEC. 20. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., including pay of superintendent, $61,500; for general repairs and improvements, $6,000; in all, $67,500.

And to insert:

SEC. 20. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $61,500; for general repairs and improvements, $8,000, $2,000 of which shall be immediately available; for repairing and enlarging dairy barn, $3,000; in all, $72,500.

Mr. CRAWFORD. Mr. President, the Senator from Minnesota offered an amendment the other day changing the amount of the appropriation providing for an Indian school at Pipestone, Minn. The school at Flandreau, S. Dak., is a few miles distant across the line from Pipestone, and is one of the strong Indian schools. It met with the same accident in the same storm which blew down the buildings at Pipestone, which occurred since the bill passed the other House. The Indian Office has sent a statement, which is in the possession of the chairman of the committee, calling attention to the necessity for making provision in this bill to meet the situation caused by that tornado, and I have prepared an amendment in accordance with the recommendation of the Indian Office, which I will send to the desk and ask to have incorporated into the committee amendment, together with the report from the Indian Office, which I will ask may be printed in the RECORD.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota to the amendment of the committee will be stated.

The SECRETARY. On page 82 it is proposed to strike out lines 4, 5, and 6 and to insert in lieu thereof the following:

General repairs and improvements, $6,000; for the repair of buildings and the purchase of equipment destroyed or damaged by the tornado of June 10, 1914, $10,000, $3,000 of which shall be immediately available; in all, $77,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. In the absence of objection, the statement referred to by the Senator from South Dakota will be printed in the RECORD. The Chair hears none.

The statement referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 16, 1914.

MY DEAR SENATOR: The Commissioner of Indian Affairs has received the following telegram from Supt. Peirce, of the Flandreau Indian School, Flandreau, S. Dak.:

"JUNE 10, 1914.

"School property struck by tornado this afternoon. No one injured. Ice house and dairy building destroyed, kitchen, bakery, and part of boys' building unroofed, chimneys down, and all buildings more or less damaged. Loss, about $10,000. Three thousand dollars needed immediately in order to care for pupils and continue school."

He has also received from Supt. Mann, of the Pipestone Indian School, Pipestone, Minn., the following telegrams, each dated June 10, the first reporting—

"Two boys, aged 8 and 9 killed by cyclone raging here to-day."

And the second that—

"Large barn, hospital, porches, and outbuilding wrecked in storm to-day. Will require $6,500 to build barn and restore damage. Strongly recommend Congress be urged to appropriate this sum for purpose."

I wish to bring to your attention the urgent necessity of having money provided for the immediate repair of these two schools. They are splendid institutions, each serving a definite purpose in our plan of Indian education, and will be needed for many years. Being right at the close of the fiscal year, practically both schools are without adequate funds to begin a reconstruction of the plants.

I earnestly recommend that H. R. 12579 be amended as follows:

That, on page 32, line 22, after the amount "$3,500," there be stricken out the words "in all, $48,675," and inserted the following:

"Six thousand five hundred dollars for repairs to buildings and the purchase of equipment to replace that destroyed or damaged by the tornado of June 10, 1914; in all, $55,175."

That, on page 82, lines 4, 5, and 6 be stricken out and the following inserted in lieu thereof:

"General repairs and improvements, $6,000; for the repair of buildings and the purchase of equipment destroyed or damaged by the tornado of June 10, 1914, $10,000; in all, $77,500."

Very truly, yours,

A. A. JONES, *First Assistant Secretary.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 82, line 11, after "$6,000," to strike out "in all, $78,750," and insert "for the purchase of 10 acres of land adjoining the school grounds, $3,500; in all, $82,250," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, $43,750; for new buildings, including equipment, $22,000; for completion of irrigation system, $7,000; for general repairs and improvements, $6,000; for the purchase of 10 acres of land adjoining the school grounds, $3,500; in all, $82,250.

The amendment was agreed to.

The next amendment was, on page 83, line 24, after the word "asylum," to strike out "$35,000" and insert "$40,000," so as to make the clause read:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, $40,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 24, to insert:

That the Secretary of the Interior is hereby authorized and directed to make an investigation with respect to the necessity and practicability of constructing a wagon road or highway through the Standing Rock Indian Reservation, in Corson County, S. Dak., from a point on the Missouri River north of Pontis, S. Dak., thence in a northwesterly direction to the town of Tatanka, and submit his report thereon to Congress on the first Monday in December, 1914, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for the purposes herein specified.

The amendment was agreed to.

The next amendment was, under the head of "Utah," in section 21, page 84, after line 23, to insert:

For pay of one physician for Indians under the superintendent of the Shivwitz School, Utah, $500.

The amendment was agreed to.

The next amendment was, on page 85, line 3, after the words "the sum of," to strike out "$250,000" and insert "$500,000," and in line 12, after the word "available," to insert "and to remain available until expended," so as to make the clause read:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $500,000, or so much thereof as may be necessary, of the funds to the credit of the Confederated Bands of Ute Indians, together with the accrued interest thereon appropriated under the act of March 4, 1913 (37 Stat. L., 934), and to use the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe, said funds to be immediately available and to remain available until expended: *Provided*, That the said Secretary shall report to Congress on the first Monday in December, 1915, a detailed statement as to all moneys expended as provided for herein.

Mr. SMOOT. Mr. President, I move to amend the amendment by striking out, on page 85, from line 1 to line 16, inclusive, and I shall offer two amendments in place of the original text. I now offer the first amendment.

The PRESIDING OFFICER. The question before the Senate at this time in order is the action upon committee amendments.

Mr. SMOOT. Then, Mr. President——

Mr. ASHURST. There is a committee amendment offered in this connection, is there not?

Mr. SMOOT. Of course, I know that; but I do not want the committee amendment to be agreed to, and I understood the chairman of the committee to agree to the amendment that I have offered.

The PRESIDING OFFICER. Is there objection to the amendment being considered at this time?

Mr. OWEN. Let us hear the amendment stated, Mr. President.

The PRESIDING OFFICER. Is there objection to the amendment being considered at this time? The Chair hears none. The amendment will be again stated.

The SECRETARY. On page 85 it is proposed to strike out the clause from line 1 to line 16 inclusive, and to insert:

That the Secretary of the Interior is hereby authorized to use, for the benefit of the Indians of the Confederated Bands of Utes, the accumulated interest on their 4 per cent trust funds accruing up to June 30, 1914, approximating $469,000, arising under the agreement of June 15, 1880 (21 Stats., p. 199), or otherwise, the proportion due the Utes in Utah to be expended or disbursed for their benefit under rules and regulations to be prescribed by the Secretary of the Interior, the proportion due the other Utes of the Confederated Bands to be paid to them per capita in cash or expended under rules and regulations to be prescribed by the Secretary of the Interior. The interest arising on the Confederated Ute trust funds after June 30, 1914, shall be hereafter distributed to them in like manner.

Mr. SMOOT. Mr. President, in explanation of the amendment I wish to state——

The PRESIDING OFFICER. Is there objection to now considering the amendment?

Mr. OWEN. I should like to have the matter explained, Mr. President.

Mr. SMOOT. I shall be glad to explain it.

In explanation of the amendment I desire to state that there is in the Treasury to the credit of the confederated bands of Utes a 4 per cent fund amounting to $3,567,082.17. The accrued interest on this fund up to and including December 31, 1913, was $398,153.42; the interest from January 1 of this year until June 30 of this year will be $71,341.64 in round numbers, making the aggregate interest up to June 30 of this year $469,495. The amendment provides that the amount of $490,000 shall be appropriated. This amount is interest only, and under the agreement made between the Government of the United States and the Indians in 1880, as recited in the amendment, the interest was to be paid to the Indians annually.

There has been a controversy for a great many years as to the amount that was due to these Indians, and, if the Senator will remember, in the Indian appropriation bill of 1913 an amount was appropriated directly, covering judgment in favor of these Indians; or, in other words, the judgment of three million three hundred thousand and some odd dollars, with the accrued interest to June 30, 1914, is the amount I have already named.

That fund, so far as the Utes in Utah are concerned, is desired to be used for the improvement of their lands and the extension of their water rights under the direction of the Secretary of the Interior. I will say, however, in passing that this amendment has been approved by the department and that it is in full accord with the idea of the Commissioner of Indian Affairs as to the future distribution of this fund.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. GORE. Does not the Senator think it would be a good idea to withhold and defer these payments until the rights of the Mississippi Choctaws to share in the fund can be adjudicated?

Mr. SMOOT. I do not want to get into any dispute, of course, upon that serious question with the Senator from Oklahoma.

Mr. GORE. Their rights are the same.

Mr. SMOOT. I will simply say no in answering that statement.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. SMOOT. Certainly.

Mr. ASHURST. I have a justification from the department in the shape of a letter, in concluding which the Commissioner of Indian Affairs says:

These two amendments—

Referring to the amendment of the Senator from Utah [Mr. SMOOT] and one intended to be proposed by the Senator from Colorado [Mr. SHAFROTH]—

These two amendments not only meet with my hearty approval, but are so desirable that I want to indicate my special interest in same, and desire that they shall be adopted.

Mr. SMOOT. Mr. President, I shall follow the amendment I have offered by the other amendment to which the Commissioner of Indian Affairs refers in that letter.

Mr. OWEN. I observe that the amendment lays down a rule for all future time. Did the Secretary pass upon that?

Mr. SMOOT. He has passed upon it, Mr. President, I will say.

Mr. OWEN. Did the Secretary's letter pass upon the advisability of establishing this rule for all future years?

Mr. ASHURST. I will ask that the letter may be incorporated in the RECORD.

Mr. OWEN. I should like to see it.

Mr. SMOOT. I will say to the Senator that the Commissioner of Indian Affairs has approved it, as he prepared this amendment. I asked the commissioner if it would not be better to change the words "shall be hereafter distributed to them in like manner" so as to read "shall be hereafter distributed to them in annual payments"; but he thought that it would be better to leave the words as the original amendment provided.

Mr. OWEN. Does the letter state what the amendments are?

Mr. SMOOT. I will show the correspondence to the Senator, if he so desires. I have it here.

Mr. OWEN. I shall make no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to strike out, on page 85, from line 1 to line 16, and to insert the matter which has been read.

Mr. ASHURST. I should like to have the letter of the Commissioner of Indian Affairs and a statement in justification of the amendment go into the RECORD, so that there will be a memorandum of it.

The PRESIDING OFFICER. In the absence of objection, the matter will be inserted in the RECORD.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, June 20, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: I have the honor to transmit herewith, for your information and use, a copy of proposed amendment to the Indian appropriation bill, H. R. 12579, concerning the Confederated Bands of Ute Indians, and to respectfully inform you that since our talk this morning I have had a conference with Senators SHAFROTH and SMOOT, and that this amendment meets with their approval. Senator SMOOT has agreed to offer the amendment as here stated.

I also respectfully request that the proposed amendment submitted to you yesterday, authorizing the Commissioner of Indian Affairs to negotiate an agreement with the Confederated Bands of Ute Indians for the final adjudication and settlement of all claims and demands of said Indians against the United States arising under the agreement ratified by the act of June 15, 1880 (21 Stat., p. 199), to be introduced by Senator SHAFROTH, shall stand as submitted.

These two amendments not only meet with my hearty approval, but are so desirable that I want to indicate my special interest in same and desire that they shall be adopted.

Sincerely, yours,

CATO SELLS, *Commissioner.*

JUSTIFICATION.

The purpose of this item is to initiate an affirmative movement looking to the final adjustment and settlement of the claims of the Ute Indians growing out of the agreement between them and the United States entered into in the year 1880.

Under that agreement the Utes ceded approximately 15,000,000 acres of land to the United States in trust with power to dispose of the same. Certain charges against the Utes were to be deducted, and the balance due them was to be held in the Treasury as an interest-bearing trust fund.

By suit in the Court of Claims a partial settlement, covering about half of the ceded lands, was accomplished. The final decree of the court was rendered in 1911.

The remaining portion has not been disposed of and probably will not be for many years as a considerable part of it is classed as coal lands or contains other valuable minerals. In view of the mineral character of this land exact compliance with the original agreement of 1880 is now impossible. Hence the necessity of some substituted mode of settlement.

The matter has been dragging along for many years, and the Indians are entitled to a settlement. It is also to the interest of the United States in this, as in similar cases, to bring the controversy to a close within a reasonable time to avoid the embarrassments incident to the lapse of time, death of witnesses, and loss of record evidence. Moreover, the work of solving the Indian problem must halt so far as the Utes are concerned until their property is ready to be individualized.

Settlement, through negotiation and agreement, is greatly to be preferred to further litigation, not only for the sake of simplicity and economy in procedure, but for the further reason that a suit at this time and under present laws would only serve to settle liabilities which have accrued since the decree of 1911.

JUSTIFICATION FOR "$125,000 FROM PORTION BELONGING TO THE NAVAJO SPRINGS BAND, IN COLORADO, FOR THEIR USE AND BENEFIT."

The Navajo Springs Band of Ute Indians are located on a reservation, the development of which and of the Indians themselves must depend mainly on stock raising. It is estimated that there are 500,000 or more acres of graing lands on which the Indians have approximately 550 head of cattle, 1,050 ponies, 1,250 sheep, and 600 goats. It is readily seen that this is a very inadequate and immaterial amount of stock for the land available for grazing purposes; and it is proposed to use the $125,000 for which appropriation is asked in the purchase of cattle and also in the purchase of stallions and rams for the upbreeding of their ponies and sheep. This amount expended in this way will not purchase sufficient animals to stock the range to its full capacity, but it will be a start from which it is hoped to bring about a stock-raising industry which will provide a vocation as well as maintenance for this band of Indians, and in this way work out the problem of their self-support.

The lands under the Navajo Springs Agency are of practically no account for agricultural purposes, and if these Indians are ever to become self-supporting it must be through the stock-raising industry.

There are, however, sufficient areas of irrigable lands on parts of the reservation which will enable the Indians to provide themselves with small gardens and will offer opportunity to establish homes for them on these small irrigable tracts, but their support must come from the live-stock industry.

By this means of developing the resources of the Indians, it is hoped that the necessity for gratuitous appropriations will be removed and the continued tax on governmental funds finally eliminated.

If this appropriation is not procured this year, it will mean, of course, the delay of another year in inaugurating these plans.

This is merely, of course, appropriating for use of the Indians money which is theirs and is not an appropriation from the Federal Treasury for the benefit of these Indians; it is putting them in the way of helping themselves, and, further, is a proper and sane method of using their funds.

Mr. SHAFROTH. Mr President, I wish to say a few words in relation to this amendment. I am in favor of it. I will state the circumstances under which I became interested in it, and I shall ask to have printed in the RECORD some communications which caused me to request the changes which have been made, as suggested by the amendment of the Senator from Utah [Mr. SMOOT].

As the original provision of the committee appeared in the bill, it seemed to the Southern Utes of Colorado that they were not well cared for, and I received communications from the chiefs of the Ute Indians, which were confirmed by a council of the Southern Utes, in which they complained about the funds being used for the purpose of buying stock or of improving lands or of constructng irrigation systems, and thereby putting to use money which they thought belonged to them and which should be paid to them.

I found, upon examining the treaty of 1880, that there was an arrangement between the United States and the Ute Indians, by which part of these Indians were to leave the State of Colorado and go over into Utah and part of them were to remain in the State of Colorado. It was also provided that certain of their lands should be sold by the United States Government as ordinary lands of the United States, and that the proceeds should be put into a fund for their use and benefit.

It seems that that policy was pursued for quite a while, but the settlement that the Indians thought ought to be made between the United States and the bands of Ute Indians was not made, and so a suit was instituted before the Court of Claims, which resulted in a judgment in favor of the Indians to the extent of $3,300,000. There have been appropriations made out of that fund every year since. The provision was made that these funds should be kept in the Treasury and should bear interest at the rate of 4 per cent. The amount which has been paid out has been less than the interest, and consequently the amount of interest which the Indians now have to their credit is, as stated in the amendment of the Senator from Utah [Mr. SMOOT], $449,000.

It was thought by the southern Utes that their interest might not be the same as the interest of the Utes in Utah and also the Utes called the Navajo Springs Utes. They, in fact, objected to there being horses or cattle furnished them instead of cash, because they claimed that they could not utilize the former, whereas they thought that the Navajos could, and also that the Uintahs of Utah could.

Following the communications which I received I had a conference with the Commissioner of Indian Affairs, together with other parties, including the Senator from Utah [Mr. SMOOT], and we agreed upon an amendment which was not exactly this amendment, but which afterwards crystallized into this amendment.

This amendment now segregates the fund so that the Utes in Utah will get a segregated part of the total amount of $3,000,000 placed to their credit, according to the number of Indians—a per capita amount—and there will also be placed to the credit of the Southern Ute Indians and the Navajo Springs Indians their proper per capita. Those accounts are to be kept separate, so that there will be a guide in the future for each one of those tribes as to how much money will be coming to them. There has been some change in the language of the amendment as to the authority given the Commissioner of Indian Affairs.

I have read to the Commissioner of Indian Affairs the communications received by me, and he has said that he agrees very largely with the statements set forth, and he thinks that, as to the Southern Utes, it will not be well to arbitrarily force them to take stock or to take anything else but cash. Inasmuch as the amount coming to each one per year is small, and since I am satisfied that the commissioner is going to treat them in a manner which will be satisfactory to them and which will be to their best interests, I have agreed to support the amendment which the Senator from Utah has presented.

I do not wish to read these communications, but I do want them put into the RECORD. The Commissioner of Indian Affairs said that there was great merit in them and that he would bear them in mind in the distribution of the fund. This amendment will afford the Utah Utes an opportunity to complete their irrigation enterprise; it will afford the Navajos an opportunity to have their range stocked; and it will give to the Southern Utes, who protested against the original proposition because it would be of no use to them, the money which they should have, except in some instances where the Commissioner of Indian Affairs believes it is to the best interest of the Indians that they should have certain advances made to them in the shape of stock or horses, or something of that kind.

Now, Mr. President, I ask unanimous consent that the declarations made in the council of the Indians and ratified by them by signature shall be printed in the RECORD as a part of my remarks, without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

SOUTHERN UTE INDIAN COUNCIL, GOOD NIGHT HALL,
Ignacio, Colo., April 19, 1914.

SPEECH OF BUCKSKIN CHARLIE, CHIEF.

When I was in Washington, many years ago, with several prominent Indian chiefs, we made a treaty with the Government in regard to giving up some of our lands. This treaty said that we Utes were to receive an annual cash payment as long as a member of our tribe remained alive. Now that the Court of Claims gave us a judgment enlarging that fund, I can not see where the treaty is changed. We have not asked for a change in that treaty, nor were we consulted as to changing that treaty. As it takes two parties to make a treaty, it takes two parties to change the treaty.

We hear that the Indian Office at Washington wants to set that treaty aside, *and* in place of the money that we received annually it is going to issue cattle or sheep to us instead. Now, we do not want any more cattle than we have. We have no range, and we can not put them on the regular forest reserve, because that range is all taken by the whites. Even the whites are being turned off the forest reserve, because there are too many cattle and sheep there now. Then, again, we Indians can not compete with the whites in raising cattle and, besides that, the whites will steal the cattle from us as they have taken our cattle and horses in the past. We have 160 acres of land each, but of such sagebrush land it requires 40 acres to pasture 1 cow.

Our old people need their money to buy something to eat. How do you think that old people could care for cattle? You say that they can herd them on vacant patches left around their allotments, but there is no vacant land any more; it is all taken up by the whites.

We want to stand by the old treaty; we do not ask to have it changed. We want the principal to stand as before the last judgment was rendered. We do not even ask that this fund be apportioned per capita, because it may be poorly spent and some of the tribe would be without food or clothing in a short time. Some Indians are like some white people around here, they do not know how to care for money.

The treaty was so made that we were to receive the annuity every fall so that we could buy food and clothing for the cold weather. We know that this is our money, because it is the payment for our land that we sold. The Government got it cheap enough, then why do they object to paying the money.

We are all under the Commissioner of Indian Affairs, and we have the right to ask him to help us to get Congress to appropriate the money so that he can pay it to us. Mr. Commissioner, you are paid to take care of us. You should see that the treaty is kept. We are friendly with the whites and have behaved ourselves and have progressed ahead of the rest of the Ute Tribes. Now, for that are you going to set us back with the rest of the Utes who were not so progressive? Is that right?

It is possible that some of our Utes could use a few cows, but they should have the right to buy them when you send us the money. The commissioner has nothing to do with that money. You think that we could get along better if we had cattle. I say no. We have no range. The Navajo Springs Utes have lots of range; they could use cattle, but we are now trying to have small farms, and if we have cattle, how could we feed them, and the result would be that they would die in winter or the whites would take them and sell them to those who could feed them, like they do with our horses. Then we would have no cattle and no money.

We can live nicely with our little farms and our annuity payment in cash. We would not even need an agent. Maybe a few Utes drink or gamble, but don't other Indians and whites have the same trouble? You can't change the nature of Indians so quick as that. We are Indians, and if you let us live our way and give us what is coming to us, we will be all right. We can take care of ourselves.

CHARLES BUCK.

NANICE, COUNCILMAN.

I am satisfied with the cash-annuity payment as it was given to us in the treaty. Our great Chief Ouray made that treaty for us with the Government. We want the cash, and we do not want the cattle that the Government wants to send us. We do not have pasture land enough to keep cattle. It would be too bad to give cattle to old people who have no one to care for them and maybe have some one take the cattle away from them. But with the cash the old people can buy what they need and no one can take it away from them.

We want only the interest money, not the principal. If the commissioner thinks different, he is wrong, and knows nothing about our conditions. Or, if he does, he is not trying to help us. If Mr. Leonard, Mr. Fry, or Mr. Linnen tells the commissioner different, they tell wrong stories, or they got their information in the wrong place.

If you give these Indians cattle and they lose them, as they have lost all their range horses to the whites, they will starve to death.

NANICE.

WEASELSKIN, OR GUS WILLIAMS.

Our chief, Buckskin Charlie, went to Washington, and he knows that the treaty was made, and the money must be in the Treasury. This money is for the sale of our land and coal and timber, and, as it is coming to us, we want it. That money is due every fall. It belongs to us, to the whole tribe, and it should be paid in cash. What right has the commissioner or any of the other men who run the Indian Office to change a treaty that was made 40 years ago, when they had nothing to do with making that treaty. It looks as though you wanted to do us a wrong. We want our money, just as you want yours. We make no objection as how you spend your money. So give us ours and we will take care of it.

I have a herd of sheep and have all kinds of trouble herding them. Just as soon as my sheep leave my allotment, which is not all fenced, the whites and Mexicans are after me, and kill my dogs and make much trouble for me.

GUS WILLIAMS.

EDWIN CLOUD, COUNCILMAN.

Why do the commissioners want to cut out a treaty that the Government made with our great Chief Ouray? The Washington officers told Ouray, "Here is your money, and we will pay your people every fall." Now we want to stick to that old law, and you have no right to change that law without our consent. We represent Ouray now, as he is dead. We have the same right to that treaty as he had. You did not tell Ouray that after a while we will change that treaty. You did not tell him that after a while you would not give him money, but would change it to cattle, horses, or chickens. No; the money is in the Treasury, and we want it in cash.

Ouray was a great man, as other great men who died and who made treaties, and they can not be broken unless Ouray's people say so.

The white people have so crowded the range that they have no room for their cattle. They quarrel about the range now. How could a little tribe of Indians expect to get a share of the range, and it is out of the question to keep more than one cow to the family on our allotments? Then, we have horses, and must keep pasture and raise feed for them for winter.

EDWIN CLOUD.

NICHOLAS EATON.

I want to know when the Government will pay us for all the coal land they took from us. It is about 17 years since the reservation was thrown open for settlement. We are dying off, and no settlement is made with us. Why do you let us wait so long? Why do you make us hold council meetings and get our white friends around here to help us—yes; fight for us? You act as if you were our enemies and not our friends.

We know that the money is in the Treasury for us, because Ouray made the treaty and the Indian Office has nothing to say about it. The treaty tells how it should be paid. It should be paid in the fall, when we need it. We don't want the cattle, we don't need them, but we do need the money pretty bad. If you don't give us the money, how are we going to live? How are we going to buy something to eat? If we look for meat in the mountains, somebody else will jump onto us.

What does Congress say about the cash payment? Do they think it is wrong for us to get the money? We are here in a big council, and every man here says we want our money, not cattle, and we want Congress to make the commissioner to give us our money. The commissioner thinks we should have cattle, but he is wrong. If he insists on sending the cattle, we will not take them under any condition. That is why we tell Congress how it is with us.

NICHOLAS EATON.

CYRUS GROVE, COUNCILMAN.

The Government is our father, the same as I am the father of my family. The Government can not say, "This is your money, but I will not give it to you." If I as father of my children, never gave them anything, what would become of them? Now we ask our father to give us what belongs to us, and we have a right to ask it when we need it. It is all right for our father to take care of our money for us. We are not asking for all the money, just for the interest of it.

The commissioner wants us to have cattle. I have a herd of cattle, and I had so much trouble with the whites on account of them that I got rid of most of them. I do not want to have trouble on account of the cattle. Sometimes I nearly had a fight about the cattle, and in winter they almost starved because I could not buy hay enough for them.

CYRUS GROVE.

JOSEPH PRICE, COUNCILMAN.

We want our money just as the treaty says. That treaty was made by our great chief, Ouray. A long time ago our chief, Ouray, made a treaty with the Government. He made a trade with the Government for the Utes where they gave timber, coal, and land to the whites. We gave a great deal in that treaty, and now that Ouray is dead we have a right to speak for ourselves, and we want the money for that timber, coal, and land.

When all the Utes die, what good is the money to them? What good is the money to us when we are dead? We want it now, while we are alive. We are dying fast enough now, and the money would help us a little and make us happier.

I heard that our friend the commissioner wants to buy cattle for us, but we do not want the cattle. Why don't the commissioner ask us if we want sheep or cattle? He don't. He has it in his mind that we need the cattle, but his mind is mistaken. This is no place for sheep or cattle. Sheep can not live on an allotment a day with horses. When we got the cash we were satisfied, but what was $25 a year? We bought some food and clothing and it soon was gone, but the Government thinks that is a lot and we ought to get rich.

JOSEPH PRICE.

JIM BUSH, COUNCILMAN.

We do not want cattle; the money is due the Utes, and we want the cash. We did not get all the interest so far that is due us. You say the last judgment was for $3,408,611, and it was rendered in February, 1911. Well, 4 per cent of that sum is $136,400 a year, and for two years it is $272,800. Only $200,000 was appropriated, so that is $72,000 short; and you say that all is paid up to date. How do you figure that?

We have small allotments and can keep one cow, but that is all; that one cow would not support us.

JAMES BUSH.

JOHN PAUL, COUNCILMAN.

Our father—the Government of the United States is our father, and we know that he has our money, and we think it is right if we ask for it; and we ought to get it. We ought to have it when we need it. I do not think that he can refuse to give it. The Government ought to stick to the treaty. If it wants us to trust the Government, they ought to be honest. If it goes back on its word, how can you expect a poor tribe of Indians to do great things?

JOHN PAUL.

We, the Southern Ute Indians in council assembled this 19th day of April, 1914, were present and listened to our men speak, and know that they speak the truth, and we stand by their ideas and sign our names in acknowledgment thereof.

Thomas Sage, Shoshoni, Alfred Colorado, John Thompson, Nato Chase, Joseph Watts, Powatts, Alfonso Kuebler, Ben Bean, Peter Eaton, Marine, Marez Washington, Tawache, Sam Bean, Fritz Kuebler, Bird Red, John Kuebler, John Tyler, Max Watts, John Weaver, Peter Spencer, Fred Grant, Antonio Buck, Jacob Box, Amos Eagle.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. Now, Mr. President, following the amendment just agreed to, I offer the amendment which I send to the desk, I will say to the Senator having the bill in charge that this is the other amendment referred to in the letter from the Commissioner of Indian Affairs.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Following the amendment just agreed to it is proposed to insert:

That the Secretary of the Treasury is hereby authorized and directed to segregate and set apart on the books of the Treasury to the credit of the several bands of Confederated Ute Indians, in proportion to their respective numbers, the trust funds known as "Confederated Bands of Utes 4 per cent fund," appropriated by the act approved March 4, 1913 (37 Stat. L., 934), together with such amounts as may accrue to said fund from the sales of lands under the agreement between said Indians and the United States, ratified by the act approved June 15, 1880 (21 Stat. L., 199); and the Secretary of the Interior is hereby authorized to expend the sum of $125,000 from the portion belonging to the Navajo Springs Band in Colorado for their use and benefit, and the sum of $300,000 from the portion belonging to the Uintah, White River, and the Uncompahgre Ute Indians in Utah for their use and benefit, in such manner and under such rules and regulations as he may prescribe.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 85, line 21, after the words "the sum of," to strike out "$10,000" and insert "$15,000," so as to make the clause read:

To carry into effect the provision of article 9 of the treaty of March 2, 1868 (15 Stat. L., 619), with the Confederated Bands of Ute Indians, for furnishing seeds and agricultural implements, the sum of $15,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 86, line 4, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock watering, and irrigation purposes, land allotted or to be allotted to Indians on the Uintah Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

So as to make the clause read:

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $10,000, to remain available until expended: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock watering, and irrigation purposes, land allotted or to be allotted to Indians on the Uintah Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. SUTHERLAND. Mr. President, I said on Saturday all that I care to say about the general question that is involved in this class of amendments, but I desire to call attention to one fact that distinguishes this reservation from, I think, all the other reservations involved in the bill, and that is that the territory upon which this reservation is situated came to us from Mexico by virtue of the treaty of Guadalupe-Hidalgo, entered into in 1848.

The Indians of Mexico occupied a somewhat different status from that occupied by the Indians of the United States. The rule which was adopted by the colonists and afterwards by the United States Government was that the Indians who roamed over the lands had a title by occupancy, or a right by occupancy, which subsisted until by treaty or purchase the Government of the United States had acquired it. Under the laws of Mexico, originally the Spanish law, the nomadic tribes had no such right. There were two classes of Indians in the territory subject to the Mexican Government. One was the Pueblo Indians, who were recognized as having a right to the soil, while the nomadic Indians, or the so-called "blanket" Indians, under the law of Mexico, had no right to the soil whatsoever. They had no recognized right to the soil over which they roamed any more than had the animals to the lands over which they roamed.

The rule of law is settled beyond question that when a country obtains territory from another by treaty it acquires exactly the title which the ceding nation had. Therefore, we took this territory from Mexico, discharged from any obligation whatever to the Indians. The Indians had absolutely no right and no title, and none passed to them when we acquired the territory. No treaties with reference to this reservation were ever entered into with the Indians. It was simply set apart for their occupancy by an Executive order. Therefore, even if it were true—which I think it is not, as I attempted to show the other day—that in these reservations elsewhere the Indians would have some sort of right to the water by virtue of their right of occupancy of the soil, that doctrine could not apply to the Uintah Reservation, and this forms an additional and very strong reason why this amendment should not be adopted.

I make the point of order against the amendment that it is general legislation.

The VICE PRESIDENT. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 86, after line 13, to insert:

To enable the Secretary of the Interior to protect the north abutment of the Government bridge at Myton, Utah, from high water, $200.

Mr. ASHURST. Mr. President, there should be an amendment to this amendment before it is adopted. I move to insert, after "$200," the words "to be immediately available."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 86, line 16, after the numerals "$200," it is proposed to insert "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Washington," in section 22, page 87, after line 11, to insert:

For a water supply for 120,000 acres, more or less, of irrigable land allotted to Indians in the so-called Wapato project on the Yakima Indian Reservation in the State of Washington, $100,000, to be covered into the reclamation fund as a first installment on account of the repayment of the cost of constructing storage works to impound the necessary flood waters of the Yakima River to provide annually, at the head gates of the reservation canal, 454,080 acre-feet of stored water and natural flow, or such part thereof as may be necessary, additional to the present available supply of 61,920 acre-feet; and for the construction by the Indian Service of a diversion dam across the Yakima River, and for beginning construction of the enlargement and extension of irrigation for distribution and drainage system on the said reservation, $100,000; in all, $200,000.

That of such water there shall be furnished free at said head gates such quantity of water as the Secretary of the Interior may determine to be sufficient for the irrigation of 40 acres of each such allotted tract. Reimbursement shall be made by the landowners of the cost of furnishing water for the remaining lands in such annual payments as the Secretary of the Interior shall prescribe, not to exceed 20 in number, the moneys received to be covered into the Treasury of the United States: *Provided*, That the cost of water right shall be $4 per acre-foot for an annual supply of not exceeding 4.3 acre-feet for each acre of land: *Provided also*, That the entire cost of said diversion works and distribution and drainage system shall be reimbursed by the owners of all lands for which a water supply is herein provided in not to exceed 20 annual payments; and the Secretary of the Interior may fix annual operation and maintenance charges, which shall be paid as he may direct. All charges against Indian allottees herein authorized, unless otherwise paid, may be paid from individual shares in the tribal fund when the same is available for distribution; and if any allottee shall receive patent in fee to his allotment before the amount so charged against him has been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment; and the fact of such lien shall be recited in such patent, and may be enforced by the Secretary of the Interior by foreclosure as a mortgage; and should any Indian sell any part of his allotment, with the approval of the Secretary of the Interior, the amount of any unpaid charges against the land sold shall be and become a first lien thereon, and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be refused, within the discretion of the Secretary of the Interior, until such charges are paid: *Provided further*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe; and said Secretary is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing provisions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary, and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith.

The amendment was agreed to.

The next amendment was, on page 89, line 24, after the word "For," to strike out "extension" and insert "operation," so as to read:

For operation and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000, reimbursable in accordance with the provisions of the act of March 1, 1907.

The amendment was agreed to.

The next amendment was, on page 90, line 3, after the word "seven" to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock watering, and irrigation purposes, land allotted or to be allotted to Indians on the Yakima Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. SMOOT. Mr. President, I make the point of order against the amendment that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The point of order is sustained.

The next amendment of the Committee on Indian Affairs was, under the head of "Wisconsin," in section 23, page 90, line 23, after the word "improvements," to strike out "$4,000; in all,

$40,670" and insert "$6,000; in all, $42,670," so as to make the clause read:

SEC. 23. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., including pay of superintendent, $36,670; for general repairs and improvements, $6,000; in all, $42,670.

The amendment was agreed to.

The next amendment was, on page 91, after line 2, after "$6,000," to strike out "in all, $49,450" and insert "for the construction of an employees' building, $15,000; in all, $64,450," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $43,450; for general repairs and improvements, $6,000; for the construction of an employees' building, $15,000; in all, $64,450: *Provided*, That the appropriation of $2,500 for repairing and rebuilding a barn at the Tomah School, contained in the Indian appropriation act of August 24, 1912 (37 Stat. L., 538), is hereby reappropriated and made immediately available for the purpose for which appropriated.

The amendment was agreed to.

The next amendment was, on page 91, after line 9, to insert:

That within 90 days after the approval of this act a complete roll of the unallotted members of the La Pointe or Bad River Band of Chippewa Indians of the State of Wisconsin, entitled to allotments under existing laws on the Bad River Reservation, shall be made and completed by the Secretary of the Interior with the assistance of a committee of members of said band duly appointed by a general council of the Bad River Band of Chippewa Indians called for that purpose. Immediately thereafter allotments of land (exclusive of the merchantable timber thereon) within said reservation shall be made in conformity with the provisions of the treaty of September 30, 1854 (10 Stats. at L., p. 1109), and subsequent acts of Congress relating thereto, to all persons so enrolled who may be alive at the time of the approval of this act. Patents for allotments made hereunder, subject to the provisions herein relating to the sale of timber and the distribution per capita of the proceeds therefrom, shall issue to the respective allottees without delay, and such patents shall contain a clause reserving to the United States the right to cut and market merchantable timber on the lands so allotted, the proceeds to be disposed of as herein provided. When the merchantable timber has been cut from the lands so allotted, the title to such timber as remains on said lands shall thereupon pass to the respective allottees: *Provided*, That the clause relating to the cutting and marketing of merchantable timber shall be omitted from all patents issued for allotments from which the merchantable timber has been cut and removed at the date of such patent.

That the Secretary of the Interior be, and he hereby is, authorized to sell the merchantable timber on all unallotted lands within the Bad River Indian Reservation, in the State of Wisconsin, under such rules and regulations as he may prescribe; the net proceeds derived therefrom, together with any undistributed proceeds derived from the sale of timber heretofore cut and sold from such lands, shall be distributed per capita and paid to the members of the band enrolled under the provisions of this act, where such members are or may hereafter be adjudged by the Secretary of the Interior competent; and in cases where members have not been adjudged competent by the Secretary of the Interior their shares shall be deposited to their individual credit as individual Indian moneys are now deposited and paid to them, or used for their benefit under the supervision of the Secretary of the Interior: *Provided*, That before approving any contract covering the sale of timber on any of said tribal lands the Secretary of the Interior shall refer the said contract or contracts to the unallotted Indians of the Bad River Band for an expression of their views as to the price, terms, and conditions of sale, in which matter the interests of minors shall be represented by their parents or natural guardians: *Provided*, That of the amount now on hand derived from the sale of tribal timber, at least $500,000 shall be distributed among such allottees enrolled under the provisions of this act where the same are competent, or, where the allottees are incompetent, deposited to their individual credit as individual Indian moneys are now deposited, within 60 days from the date of the approval of the roll by the Secretary of the Interior as herein provided: *Provided further*, That in the event a fair and adequate price is not offered for the merchantable timber on the Bad River Reservation authorized to be sold under the provisions of this act, the Secretary of the Interior may, in his discretion, cause to be built, equipped, and operated a suitable sawmill or sawmills, with appurtenances and necessary buildings, on the Bad River Reservation, for the purpose of manufacturing said merchantable timber into lumber; and he is hereby authorized to use so much of the proceeds from the timber heretofore sold, exclusive of the $500,000 herein authorized to be disposed of, to erect said sawmill or sawmills, said mill or mills to be constructed, operated, and maintained under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

Mr. OWEN. Mr. President, I ask to submit for the RECORD, without reading, a memorandum in explanation of that item.

The VICE PRESIDENT. Without objection, the memorandum will be printed in the RECORD.

The matter referred to is as follows:

WASHINGTON, D. C., *June 18, 1914.*

To the honorable Senate Committee on Indian Affairs:

On page 91 of the Indian appropriation bill as reported to the Senate is an item providing for the allotment of the tribal lands and the sale of the tribal timber on the Bad River Reservation in the State of Wisconsin.

The proposed legislation represents the wishes of a very large majority of the people of our reservation, and has been formulated with great care so as to meet the views of the Indians, the Indian Office, Senator LA FOLLETTE, and our Representative, Mr. LENROOT.

No one has authority from the Indians on our reservation to oppose the passage of this measure, and if anyone assumes to do so it will be a wrongful act.

The Indians kept a delegation in Washington for many weeks at the last session of Congress, and again at the present session, to accomplish the passage of this very legislation.

The allotment of our lands has been postponed since 1904, with great injustice, hardship, and loss to those members of the tribe who have not received allotments. Two rolls have been prepared in vain.

Much timber has had to be removed at a loss on account of damage by fire, and $635,000 is to-day deposited in bank, of which the members entitled to allotment are in sore need, but which they can not enjoy so long as enrollment and allotment are not completed.

Aged members of the tribe have been living in disappointment and distress from year to year, and many have gone to their graves without the benefit of the property which was theirs but for the lack of this legislation. The advantages that they could have enjoyed in their home life, in the education of their children, and in the improvement of their lands have been withheld from them.

We therefore ask the members of the committee to receive this final assurance from us as the duly authorized representatives of the Bad River Band of Chippewas of Wisconsin that no one has authority from our people to oppose this legislation and that the failure of the measure will be a calamity to the Lapointe, or Bad River, Band.

Very respectfully,

_____, _____,

Tribal Delegates.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 94, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, directed to cause an investigation to be made of the condition and tribal rights of the so-called St. Croix Chippewa Indians now residing in the counties of Polk, Burnett, Washburn, and Douglas, State of Wisconsin, and said to be in a destitute condition. That he shall ascertain and report to Congress at the beginning of the next session thereof whether the said Indians belong to the Lake Superior Chippewa of Wisconsin or to the Chippewa of Minnesota; what tribal rights, if any, they have with any band or tribe of Chippewa Indians residing in either Minnesota or Wisconsin; what benefits in land and money they would have received had they removed to a reservation in Wisconsin or had not been excluded from enrollment and allotment with the Chippewa Indians of Minnesota under the provisions of the act approved January 14, 1889 (25 Stat. L., 642). That he shall cause a census and enrollment to be made of the said St. Croix Chippewa, and shall report their actual condition and needs, with such recommendation for their relief as he may deem necessary. That for the purpose of making the said investigation and enrollment and for the immediate relief of such of the said Indians as are now in need of food, clothing, medicines, and other supplies, to be expended under the direction of the Secretary of the Interior, there is hereby appropriated from the Treasury of the United States, out of any moneys not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," in section 24, on page 96, after line 22, to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Shoshone Reservation, Wyo., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment; and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund; and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

Mr. CLAPP. Mr. President, before we go further, on page 95, line 6, at the end of the line, the word "relief" is not properly printed.

The VICE PRESIDENT. That is a clerical error, such as the Secretary always corrects. The Secretary will correct it.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 98, line 7, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Wind River Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. WARREN. I make a point of order against the proviso, commencing on line 7 and going to line 16.

The VICE PRESIDENT. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 98, after line 21, to insert:

For reimbursing Right Rev. N. S. Thomas, Episcopal bishop of Wyoming, for moneys expended in repairs to buildings on the Wind River Reservation, Wyo., $391.84; and permission is hereby granted the beneficiary to remove a certain barn erected by him upon the reservation.

The amendment was agreed to.

The next amendment was, at the top of page 99, to insert as a new section the following:

SEC. 25. That no appropriation in excess of $5,000 to be paid from Indian funds or which is reimbursable from Indian funds shall be expended by the Secretary of the Interior or by any other officer or agent of the United States, and no new irrigation project to be paid in whole or in part from Indian funds shall be begun until the Indians whose funds it is proposed to use for the purposes mentioned in such appropriations or for such irrigation project shall have been consulted and given a fair opportunity to express in writing their views thereon, either through their duly authorized business committee or through a general council meeting of said Indians: *Provided*, That as to irrigation projects hereafter authorized, no expenditure shall be made until the Commissioner of Indian Affairs shall have determined that the same is approved by a majority of the tribe whose fund is to be charged with said expenditure.

Mr. SMOOT. Mr. President, I should like the Senator having the bill in charge to explain the real object of this amendment.

Mr. TOWNSEND. Mr. President, the object of the amendment is stated, I think, rather clearly, but in the abstract it means that hereafter the Indians whose funds are to be charged with any appropriation in excess of $5,000 shall be consulted.

The commission that visited the Indians during last fall were impressed with one thing perhaps more forcibly than any other, and that was that the Indians complained that they did not know what was going on and that they were never consulted in the management of their own affairs. In years past—and I think the plan is kept up to some extent now—they have had the plan of organizing a council among the Indians, to whom matters affecting the tribe were referred. That has been, where it has been observed, a very wholesome regulation, I think.

We have provided here that all matters affecting the tribal funds involving an expenditure of $5,000 or more shall be submitted to the tribe and that the tribe shall understand that the appropriation is to be made out of their funds. The amendment provides, further, that so far as irrigation projects for the future are concerned any project which is to be organized, established, and maintained out of the funds of the tribe shall not only be submitted to the tribe to which the fund belongs, but a majority of them shall approve it.

The testimony will disclose that several of the projects, notably the Flathead project, never would have been undertaken if they had been first submitted to the Indians. I think it is generally conceded now that the Flathead project never ought to have been undertaken. I think the testimony will disclose that there is about $1,800,000, or perhaps more, either expended or to be expended upon this project in a country where irrigation is of practically no avail whatever and that it was opposed by the Indians. I have been told that the matter was submitted to the tribe when it was first undertaken, but I have also investigated that question, and I find that it was not properly submitted to the tribe.

We have felt that if we are ever going to make them self-supporting, independent, self-respecting citizens these Indians must be given an opportunity to share in the responsibility of their own affairs.

I realize, I think, what the objections to the provision will be. There is a claim, of course, that there will be certain Indians, who perhaps have more influence than others, who will overpersuade the tribe. I am convinced, however, that that is an exaggerated statement. I think as soon as the Indians are aware of the fact that they do have an interest and a voice in the beginning, at least, of these projects, they will manifest an ability which thus far has been undiscovered in many of the tribes. This applies particularly to the Indians on territory which it is proposed to irrigate.

With this provision I think we would obviate any future conditions such as have existed in the past in reference to the overreaching of the Indians in their own projects by the expenditure of their own money.

For these reasons this provision was put in. I believe it is a good thing to put it in. I think it is one of the most wholesome things in the bill. If we have any faith in the Indian, if our object is a sincere one, and we do intend by these large expenditures of money to make the Indian self-supporting and to make him responsible it is about time we commenced doing it. Therefore I have proposed this amendment, after consulting with the Department of the Interior and after consulting with people who have had charge of the Indian and are familiar with his characteristics, believing this is a wholesome provision to include in this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The Secretary proceeded to read the next amendment of the Committee on Indian Affairs, beginning on line 16, page 99.

Mr. OWEN. Mr. President, before the last item is left I should like to suggest that the word "tribal" should precede "funds" on page 99, so that it shall read "Indian tribal funds" wherever the word "funds" occurs. That is what is really meant.

Mr. TOWNSEND. I have no objection to that.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered and the word "tribal" inserted before "funds" wherever it appears; and, without objection, the amendment as amended is agreed to.

The next amendment of the Committee on Indian Affairs was, on page 99, after line 15, to insert as a new section the following:

SEC. 26. On or before the 1st day of July, 1914, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs which will afford a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries and wages of employees, and for other expenditures. Provision shall be made by the Secretary of the Interior for further analysis of each of the foregoing classes of expenditures if, in his judgment, he shall deem it advisable. Annually, after July 1, 1915, a detailed statement of expenditures, as hereinbefore described, shall be incorporated in the annual report of the Commissioner of Indian Affairs and transmitted by the Secretary of the Interior to Congress on or before the first Monday in December. Before any appropriation for the Indian Service is obligated or expended the Commissioner of Indian Affairs shall make allotments thereof in conformity with the intent and purpose of this act, and such allotments shall not be altered or modified except with his approval. That hereafter, in submitting estimates for the expenses of the Indian Bureau, the Secretary of the Interior and the Commissioner of Indian Affairs shall omit therefrom all treaty items except perpetual annuities and benefits for fixed unexpired terms, and in cases where treaty appropriations are to be discontinued under this provision and those appropriations are necessary for the support and civilization of the Indians, there shall be estimated gratuity appropriations therefor. There is hereby appropriated $10,000 for the purpose of carrying out the provisions of this section: *Provided*, That the report herein directed shall be in lieu of all other reports required to be made to Congress by the Commissioner of Indian Affairs or the Secretary of the Interior relating to Indian Affairs, except as provided in this act.

Mr. BRYAN. Mr. President, I wish to inquire of the chairman of the committee what is the purpose of section 26?

Mr. ASHURST. In reply to the inquiry of the learned Senator from Florida regarding the effect and purport of section 26 of the bill, I will read from page 62 of the report of the committee on this item:

The amendment provides $10,000, and has in view a more complete and concise system of accounting by the department. This item has been carried in previous appropriation bills, but was not finally made applicable until the present, when the Commissioner of Indian Affairs has requested the amendment in the form proposed. It comprehends the rendition of complete and perspicuous accounts at stated intervals, omits treaty items, except perpetual annuities and benefits, for fixed unexpired terms, and in cases where treaty appropriations are to be discontinued under this provision and those appropriations are necessary for the support and civilization of the Indians there shall be estimated gratuity appropriations therefor.

The amendment is recommended by your committee.

Mr. BRYAN. Section 25 of the bill as passed by the House, as I understand, repeals a similar section that found its way into the appropriation bill last year.

Mr. ASHURST. That is true.

Mr. BRYAN. No appropriation, however, was made in the Indian appropriation bill of last year for this cost-accounting system.

Mr. ASHURST. That is true.

Mr. BRYAN. When the Committee on Appropriations was asked to appropriate money to carry out this cost-accounting system it refused to do so, according to the hearing held before the House Committee on Appropriations a few months ago.

Let me ask the Senator how many employees there are as to whom it would be undertaken to find out what proportion of their time was employed in one branch of the service and what proportion was employed in other branches of the service? As I have it here, according to the answer given by the chairman of the House committee, there are 6,238 employees.

Mr. ASHURST. What is the date of that hearing?

Mr. BRYAN. July, 1913.

Mr. ASHURST. I should say that was approximately correct.

Mr. BRYAN. Of what benefit is it to the Committee on Indian Affairs to know what proportion of the employees' time is spent in examining oil leases, what proportion is spent in teaching school, and so forth?

In the hearings before the House committee the representative of the department stated that the request did not come from the department, but from one or two of the members of the Committee on Indian Affairs. According to him, about all that could be accomplished would be to provide places for one or two men to do this work, which would consist in trying to estimate what proportion of the day's work ought to be charged to one activity and what proportion to others.

Mr. President, I will say that the Committee on Appropriations have refused to make appropriations for that sort of business; and, as it is general legislation, I raise a point of order.

Mr. OWEN. Before the Senator raises a point of order——

Mr. BRYAN. Let me state the point of order. It is that it is general legislation on an appropriation bill.

Mr. OWEN. Will the Senator withhold it for a moment?

Mr. BRYAN. I will withhold it.

Mr. OWEN. I should like to advise the Senate that that was prepared by the experts of the Department of the Interior or of the Indian Office, and by Dr. Cleveland, of the Efficiency Commission, and it was done with a view to systematizing the accounts of the department.

Mr. BRYAN. Let me read this to the Senator. Mr. FITZGERALD asked Mr. Abbott who appeared:

> What value will it be to the Government to know that one sixty-second part of the services of a superintendent during any fiscal year was devoted to the administration of an oil lease, another one forty-fifth part devoted to the work of forestry on the reservation, and another one thirtieth part devoted to school work—of what value will it be to have all of this multiplicity of records to enable you to report all of this and to submit it to Congress, to be thrown into the wastebasket? Is that what this is for?
>
> Mr. ABBOTT. That is what this is for, as I understand it.

Mr. Abbott said:

> I will say very frankly that so far as the value of that kind of work to the Indians is concerned, my time so employed would be a dead loss.
>
> The CHAIRMAN. Tell me some individual in whose case it would not be a dead loss.
>
> Mr. ABBOTT. The usefulness of that information would appear when the commissioner goes before the Indian Committee and some member of that committee asks him to show from the records just what percentage of income from sale of timber or oil leases is paid out in administration. He can not tell from present records.
>
> The CHAIRMAN. It would be absolutely worthless. I have been here 14 years, and the information you would communicate to Congress would not be worth $2 a century.

Then the chairman asked him:

> There is one other question. Do you know what arrangements, if any, have been made for the employment of persons to do this work, or who are contemplated?
>
> Mr. ABBOTT. Yes, sir.
>
> The CHAIRMAN. Who are they?
>
> Mr. ABBOTT. One was a member of the Cleveland commission who worked for about two years examining the methods of the Indian Office.

Mr. OWEN. Answering the Senator as to the value of these criticisms, the question in the first place not only shows hostility, but the question was so framed as to be absurd. Of course nobody wants to know about the one sixty-second part of a man's time, or the thirty-fifth part of something else, or a fractional part of something else. That is not the meaning of this at all. It is a misinterpretation of it.

Mr. BRYAN. What is the meaning?

Mr. OWEN. The meaning of it is that the classification of the work done through the Indian Office in part should be so systematized that it will permit the President——

Mr. BRYAN. That is not what the witness said.

Mr. OWEN. The witness does not know anything about it. Abbott is not an expert on the matter, and does not pretend to be. If any question were going to be asked at all, it ought to be asked of the man who had prepared this, and not the man to whom Abbott was opposed.

Mr. BRYAN. Abbott was not opposed to him.

Mr. OWEN. He was opposed to this proposal.

Mr. BRYAN. No; he was not. He said the recommendation did not come from the department. He was advocating it.

Mr. LANE. I should like to explain to the Senator from Florida that the information we wished to obtain was such facts which would protect us from doing what we did last year when this body unwittingly put through over $100,000 of deficits which nowhere showed any accounting. The committee were ignorant of it, and they acted on it in good faith, and they were passed as live appropriations. If that kind of business was carried on by bankers or other business concerns, somebody would be under criminal indictment and would walk into the penitentiary. It is for the sake of getting information for the Senate so that they may know what they are doing and act upon that information.

Here is another case. There are two funds, two large sums of money, each amounting to $500,000, belonging to some tribe, of which I can get no record from the Indian Office, although I have been hunting for it for a number of days.

Mr. BRYAN. That is not because of the failure to have such a provision as this.

Mr. LANE. It is because of the failure to have an up-to-date system of accounting in the Indian Office.

Mr. BRYAN. That is not because of failure to have such a provision in the law.

Mr. OWEN. It was because of the failure to have a system of accounting in the Indian Office.

Mr. BRYAN. I raise the point of order against the amendment.

Mr. OWEN. Let me call the attention of the Senator to the language of this proposal. It is to establish a system of bookkeeping which will, in line 19, afford a ready analysis of expenditures—

> by appropriation.

That is one class.

> By appropriations and allotments—

That is another class—

> And by units of the service.

That is a third class.

That does not deal with the number of hours an employee may be engaged. A great many men are employed for certain classes of work.

Mr. BRYAN. I think the Senator is mistaken.

Mr. OWEN. I think the point of order can be made, but it is not justified.

Mr. BRYAN. I make the point of order.

The VICE PRESIDENT. What is the point of order?

Mr. BRYAN. The point of order is that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair overrules the point of order. The amendment has to do with the Indian appropriation bill and the keeping of the accounts of this appropriation.

Mr. BRYAN. Then, upon the merits of the proposition, I desire to submit that the Senate specifically, by section 25 of this bill, repeals section 26 of the appropriation act of last year; for the administration Congress refused to appropriate. It seems to me that the House acted more wisely than the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, at the top of page 101, to strike out section 25, in the following words:

> SEC. 25. Section 26 of the Indian appropriation act of June 30, 1913 (Public, No. 4), is hereby repealed.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, there are some matters to come up of importance, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Owen	Smith, Mich.
Borah	Hollis	Page	Smoot
Bristow	James	Perkins	Sterling
Bryan	Jones	Pittman	Sutherland
Camden	Lane	Poindexter	Swanson
Catron	Lea, Tenn.	Ransdell	Thomas
Chamberlain	Martine, N. J.	Reed	Thompson
Chilton	Myers	Saulsbury	Thornton
Clapp	Nelson	Shafroth	Tillman
Clarke, Ark.	Newlands	Sheppard	Townsend
Culberson	Norris	Shively	Vardaman
Cummins	O'Gorman	Smith, Ariz.	West
Dillingham	Oliver	Smith, Ga.	White
Fletcher	Overman	Smith, Md.	Williams

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from Delaware [Mr. SAULSBURY] and to state that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent. I will let this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE].

Mr. HOLLIS. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is necessarily absent and that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. SHIVELY. I wish to announce the absence of my colleague [Mr. KERN] on important business. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-six Senators have answered to their names. There is a quorum present.

Mr. LANE. Mr. President, if it is a proper time to do so, I would call up the reconsideration of the item on page 80, beginning in line 15, and concluding at line 14 on page 81. I asked that it be passed over in order to have a consultation by telephone with the Commissioner of Indian Affairs in regard to an amendment to it. I would like to have it considered now.

Mr. ASHURST. It will not be necessary to reconsider the amendment. It was passed over.

Mr. LANE. It was passed over. The same appropriation was made for all the other States allowing the Secretary to purchase agricultural implements and seeds.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LANE. There were two more amendments passed over, one on page 25.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 25, beginning with line 17, the amendment was passed over on the request of the Senator from Oregon [Mr. LANE]. The amendment is to insert, after line 16, on page 25, the following:

For investigation recommended by the Board of Engineer Officers of the United States Army, as set forth in paragraph 217 of their report to the Secretary of War on February 14, 1914, House Document No. 791, Sixty-third Congress, second session, and report as to the supply of the legally available water, acreage available for irrigation and titles thereto, the maximum and minimum estimated cost of the San Carlos irrigation project, including dam and necessary canals, ditches, and laterals, with recommendations and reasons therefor and the probable cost of adjudicating the water rights along the Gila River necessary thereto, and to take the steps necessary to prevent the vesting of any water rights in addition to those, if any, now existing until further action by Congress, $50,000.

Mr. LANE. I withdraw my objection. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The first amendment passed over will be stated.

The SECRETARY. The first amendment passed over is the amendment of the committee, on page 14.

Mr. ASHURST. I ask the attention of the Senator from Minnesota [Mr. CLAPP] with reference to an amendment proposed by him to the committee amendment on page 56. I asked that it might be passed over until I could have a consultation with some other members of the committee. I now ask the Senate to recur to that amendment.

The SECRETARY. On page 56, strike out the House text, beginning on line 13, down to and including line 2, on page 57, and insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Standing Rock Indian Reservation, N. Dak., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all payments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I want to recur to a committee amendment that was agreed to on page 63. If the chairman of the committee has no objection, I ask unanimous consent for a reconsideration of the vote by which the amendment was agreed to.

Mr. ASHURST. Very well.

Mr. OWEN. I did not hear what the amendment was about.

Mr. SMOOT. It is the amendment on page 63, relative to the Fort Sill School.

Mr. OWEN. I have no objection.

Mr. SMOOT. Beginning on line 15 and ending on line 22.

The SECRETARY. The amendment referred to is on page 63, beginning with line 15. It reads as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Women's Board of Domestic Missions, Reformed Church in America, the sum of $10,000 for mission and school buildings built by them on the Fort Sill Military Reserve, Okla., for the use of the Apache Indians and rendered useless on account of the removal of said Indians to the Mescalero Indian Reservation in New Mexico.

The VICE PRESIDENT. The motion to reconsider is agreed to, without objection.

Mr. SMOOT. I wish to say to the Senate that when this amendment was under consideration I rose for the purpose of making a point of order against it as obnoxious to Rule XVI, paragraph 4. At that time I knew little about the conditions and little about what were the real merits of the amendment.

This morning I had a very prominent citizen of Washington call at my office and tell me that the item should not be allowed to remain in the bill. He gave me the reasons why it should not be, and I am quite sure that he is perfectly sincere in the position taken by him. As this is a claim against the Government, it should be a claim made direct by way of a bill and should not be placed on an appropriation bill; and for the further fact that my entering a point of order against this item will in no way affect the claim of the Women's Board of Domestic Missions I feel constrained at this time to make a point of order against this item.

The VICE PRESIDENT. Under paragraph 4 of Rule XVI?

Mr. SMOOT. Rule XVI, paragraph 4.

The VICE PRESIDENT. The point of order is sustained.

Mr. OWEN. On pages 73 and 74 an item went out on a point of order, permitting the Muskogee Nation to present its claim to the Court of Claims. In lieu of the item which went out I should like to offer the following, and I hope that no objection will be made to it.

The VICE PRESIDENT. It has been the universal rule since the present occupant of the chair has been here to dispose of committee amendments first.

Mr. OWEN. I thought they had been disposed of.

The VICE PRESIDENT. They have not been disposed of.

Mr. OWEN. I beg pardon.

The VICE PRESIDENT. The next committee amendment passed over will be stated.

The SECRETARY. The committee amendment was passed over on page 14. The committee proposes to strike out beginning with line 11 down to and including line 22, on page 14, and to insert:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment or in any other estate or property held in trust by the United States under regulations prescribed by the Secretary of the Interior, $100,000: *Provided*, That the Commissioner of Indian Affairs is hereby authorized to use not to exceed $20,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians out of the $100,000 appropriated herein: *Provided further*, That hereafter any officer or employee appointed or designated by the Secretary of the Interior or the Commissioner of Indian Affairs as special examiner in heirship cases shall be authorized to administer oaths in investigations committed to him: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior there shall be paid by such heirs, or from the estate of such deceased Indian, or deducted from the proceeds from the sale of the land of the deceased allottee, or from any trust funds belonging to the estate of the decedent, the sum of $10, to cover the cost of determining the heirs to the estate of the said deceased allottees, which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided: *And provided further*, That the Secretary of the Interior is hereby authorized to require the attendance of witnesses at hearings, upon proper showing by any of the parties to determine the heirs of decedents, held in accordance with section 1 of the act of June 25, 1910 (36 Stats., p. 855), and the amendment of February 14, 1913 (37 Stats., p. 678), under such rules and regulations as he may prescribe.

The VICE PRESIDENT. There was an amendment to this amendment agreed to as in Committee of the Whole, which the Secretary will state.

The SECRETARY. On page 16, line 2, the words "authorized to inquire the," before the word "attendance," were stricken from the bill and the words "directed to compel the" were inserted.

Mr. STERLING. Mr. President, I made a point of order against this amendment on the ground that it was general legislation, but made it, too, because of some objection I felt at the time to this method of determining the heirs of Indian allottees.

Upon reflection, however, and some investigation, I am not disposed to insist on the objection. It may be that under present conditions the method contemplated by the amendment is the better method for determining the heirs.

The VICE PRESIDENT. The point of order is withdrawn?

Mr. STERLING. The point of order is withdrawn.

The VICE PRESIDENT. The question is on the amendment as amended.

Mr. STERLING. Before the question on the amendment is put, I wish to call the attention of the committee to one expression found in line 25, page 14. The amendment reads:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment—

And so forth.

It occurred to me that the words "and other persons" were too broad and comprehensive in this connection and would include other persons than Indian allottees or related in any way to Indian allotments. They might be white persons for whom the United States would hold in trust, for example, and there would be no necessity for determining the heirship of such persons by the Secretary of the Interior. Such heirship should be determined in the ordinary way by the probate court of the

county in which the person resides or in which the property is situated.

I move that the words "and other persons," in line 25, be stricken out.

The SECRETARY. On page 14 of the committee amendment, line 25, strike out the words "and other persons."

Mr. THOMAS. I should like to inquire of the Senator from South Dakota whether the words "or in any other estate or property held in trust by the United States" should not also be stricken out. As it stands it would seem that the purpose of this amendment, the particular effect of the amendment rather, would be to enable the Government to determine the right of any person in any estate or property held in trust by the United States, whether it is property belonging to the Indians or to anyone else.

Mr. STERLING. Mr. President, with the words "and other persons" stricken out, it seems to me that the words "other estate or property held in trust by the United States" would only relate to the property of the Indians or of Indian allottees.

Mr. THOMAS. That is true; but the words to which I call attention in that case have no office whatever to perform. I think they ought to go out.

Mr. STERLING. Mr. President, the Senator from Colorado calls attention, as I understand, to the concluding words in line 26.

Mr. THOMAS. To the words "or in any other estate or property."

Mr. STERLING. I think the words "or in any other estate or property held in trust by the United States" might include property held in trust for Indians other than Indian allottees.

Mr. THOMAS. The words "in any trust or restricted allotment," in line 26, are certainly broad enough to cover any possible claim held by any Indian beneficiary.

Mr. STERLING. I think, Mr. President, the point made by the Senator from Colorado is well taken; and I also move that the words "or in any other estate or property held in trust by the United States," in line 26, on page 14, and in line 1, on page 15, be stricken from the committee amendment.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next committee amendment passed over was, on page 23, in the clause beginning in line 6, to strike out "$20,000" and to insert "$35,600," so as to read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,600.

Mr. ASHURST. Mr. President, my colleague [Mr. SMITH of Arizona], who has been called from the Chamber at this moment, was the Senator who requested that that amendment be passed over. I request that it be passed over for a few moments longer until he shall have returned and that we now recur to the next amendment passed over.

The VICE PRESIDENT. The amendment will be again temporarily passed over.

The next committee amendment passed over was, on page 23, in line 21, after the word "Reservation," to strike out "$15,000" and to insert "$50,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, $50,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. CLAPP. Mr. President, on page 36, in one of the committee amendments there is a provision for a drainage system in the State of Minnesota. It provides that the Secretary of the Interior, in his discretion, may approve the assessments; it leaves the matter entirely with the Secretary of the Interior. Representative MILLER, of the district in which this drainage plant is situated, has been recently up there and has returned. He advises me that while as a rule this assessment would not be anywhere near $1.50 an acre, as provided in this amendment, yet there might be isolated cases where it would mean more than that sum, and if the discretion of the Secretary of the Interior were limited it would, of course, defeat the entire drainage system. In view of the fact that the discretion is vested finally in the Secretary of the Interior, I see no objection to withdrawing the limitation. I therefore ask that the following words in lines 22 and 23, on page 36, of the committee amendment be stricken out:

Provided, That said assessment shall not exceed $1.50 per acre; and.

To do that, of course, it will be necessary to reconsider the vote by which the amendment was agreed to.

The VICE PRESIDENT. Is there objection to the reconsideration of the vote by which this amendment referred to by the Senator from Minnesota was agreed to? The Chair hears none, and it is reconsidered. The amendment proposed by the Senator from Minnesota will now be stated.

The SECRETARY. On page 36, in the committee amendment, on lines 22 and 23, it is proposed to strike out the words: "*Provided*, That said assessment shall not exceed $1.50 per acre; and".

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, the senior Senator from Wisconsin [Mr. LA FOLLETTE] has sent me a bill, which he asked to have offered and adopted as an amendment to this bill at the end of the Wisconsin item. The Senator from Wisconsin is unable to be here to-day, being ill. I, therefore, in his behalf offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Minnesota on behalf of the Senator from Wisconsin will be stated.

The SECRETARY. At the end of the Wisconsin items, on page 96, after line 5, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to set apart lots 10, 11, and 12, section 25, township 48 north, range 3 west, on the La Pointe Reservation in Wisconsin, for an Indian town site, and to cause the lands described to be surveyed and platted into suitable lots, streets, and alleys, and to dedicate said streets and alleys and such lots or parcel as may be necessary to public uses, and to cause the lots to be appraised at their real value, exclusive of improvements thereon or adjacent thereto, by a board of three persons, one of whom shall be the United States Indian agent of the La Pointe Agency, one to be appointed by the Secretary of the Interior, and one selected by the Indians of the La Pointe Band of Chippewas, who shall receive such compensation as the Secretary of the Interior may prescribe, to be paid out of the proceeds of the sale of lots sold under this act, and when so surveyed, platted, and appraised, the President may issue patents to the Indians of the said reservation for such lots on the payment by them of the appraised value thereof, on such terms as may be approved by the Secretary of the Interior, and the net proceeds of such sales shall be placed to the credit of the La Pointe Band of Chippewa Indians: *Provided*, That no person shall be authorized to purchase lots on the lands described other than members of said La Pointe Band of Indians, and those now owning permanent improvements there shall have the preference right for six months from the date such lots are offered for sale within which to purchase tracts upon which their improvements are situated, but no lot shall be sold for less than the appraised valuation; but if any person entitled fails to take advantage of this provision, the agent of the La Pointe Agency shall appraise the improvements on the unsold lots, and any member of the La Pointe Band of Chippewas, on the payment to the owner of the appraised value of the improvements, shall have the preference right for six months from the date of such payment to purchase such unsold lot or lots at their appraised value on such terms as may be approved by the Secretary of the Interior: *Provided further*, That any land disposed of hereunder shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

SEC. 2. That the northeast quarter of the northeast quarter of section 34, township 48 north, range 3 west, be set aside and dedicated as a burial ground and for such other purposes as may be approved by the Commissioner of Indian Affairs for the use of the members of the La Pointe Band of Indians.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to reserve, within said town site of Odanah, not exceeding 10 acres for use of the La Pointe and other Chippewa Indians for fair grounds, parks, and other public purposes.

The VICE PRESIDENT. The question is on the amendment.

Mr. OWEN. Has that amendment been approved by the Interior Department?

Mr. CLAPP. I am not certain as to that, but it leaves everything to the Commissioner of Indian Affairs. It relates to the Bad River Indian Reservation. Odanah is the central seat of population of these Indians. We are practically doing away with the reservation. This is to make a sort of a town site there for the Indians. It provides that all these matters shall be subject to the approval of the Commissioner of Indian Affairs. As I have stated, the Senator from Wisconsin is unable to be here this afternoon and he has asked me to offer the bill as an amendment and to ask for its adoption. Knowing what I do of the situation there—I have been there, of course—I see no possible reason why we should not adopt the amendment.

Mr. SMITH of Arizona. I should like to ask the Senator from Minnesota whether or not this bill now offered as an amendment has been referred to the Committee on Indian Affairs or to the department, and whether or not any investigation has been made by either as to the necessity of this legislation? The bill is so long that it is almost impossible to catch its full import by merely hearing it read from the desk. I do not know to what extent it goes or what precedent it might establish.

Mr. CLAPP. The bill, of course, was referred to the Committee on Indian Affairs. I do not now recall whether or not we considered the bill in committee. It relates to one of those

matters about which, it strikes me, there can be no possible question. We are closing up matters on that reservation. I repeat that Odanah is the central seat of population of the Indians there. The agency is there, as are the store and the offices; and as the matter is being closed up, it is desired that these Indians shall have an opportunity to buy some of the lots. They also want a burying ground and a permanent fairground. So that while the bill is somewhat long it is necessary that it should be so. It provides that these lots shall be surveyed; that they shall first be offered to those who occupy them, reference being had to improvements upon them. If they fail to take them after 60 days, then the lots can be offered to other Indians of that tribe.

Mr. SMITH of Arizona. Is the Senator from Minnesota personally acquainted with conditions there?

Mr. CLAPP. I am thoroughly conversant with conditions there.

Mr. SMITH of Arizona. Then I will take the judgment of the Senator from Minnesota, of course.

Mr. CLAPP. There can be no question about it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota on behalf of the Senator from Wisconsin.

The amendment was agreed to.

Mr. JONES. To come in on page 90, after the word "school," in line 18, I offer the following amendment:

For enabling the Secretary of the Interior to assist the county commissioners of Stevens County, Wash., in the construction of a county road across the Spokane Indian Reservation, $500, reimbursable out of any proceeds arising from the sale or disposition of surplus lands of said reservation or out of any moneys to the credit of the Spokane Indians.

Mr. ASHURST. If the Senator from Washington will pardon me, there is another committee amendment which was reserved, and before we take up the bill for the consideration of individual amendments I ask that the committee amendment which was passed over be considered.

The VICE PRESIDENT. The amendment passed over, referred to by the Senator from Arizona, will be stated.

The SECRETARY. On page 23, line 10, after the word "Arizona," it is proposed to strike out "$20,000" and insert "$35,600," so as to make the paragraph read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,600.

Mr. SMITH of Arizona. Mr. President, I live in close proximity to the Papago Indian Reservation, and I know of no eight Papago villages in southern Arizona; certainly there is no such number within a reasonable distance of that reservation. I do not know whether the purpose of this provision is to establish eight Papago Indian villages or whether the purpose is to provide a water supply for eight Papago Indian villages now on the Papago Reservation, and thus accomplish the object sought to be accomplished by the amendment which has been struck from the bill, giving $50,000 for the purpose of tapping the water flow on which the city of Tucson depends. So I do not like the provision as it stands. I would not object, provided it were amended, in line 9, so as to read:

For the development of a supply of water for domestic use for existing Papago Indian villages situated on the public lands in southern Arizona.

I do not know but that under this provision the Bureau of Indian Affairs might have authority to go to a water supply claimed by a man owning cattle, and proceed there to establish an Indian village. If the provision were made to apply only to existing Papago Indian villages, I should have no objection to it. I should like to ask the chairman of the committee or any member of the committee who happens to have given this particular provision consideration what eight Indian villages are supposed to exist to which this appropriation of $35,600 is to be applied?

Mr. ASHURST. Mr. President, speaking for myself—I have had no opportunity to consult the committee—I have no objection to the amendment proposed by my colleague.

Mr. THOMAS. Mr. President, $35,600 divided among eight villages would be $4,450 per village. I should think that if the proposed amendment is going to be agreed to, it ought to be more definite, and it would be better to strike it out entirely than thus to amend it. There may be only one or two of these villages, in which event the total of $35,600 would be an excessive sum, upon the assumption, of course, that $4,450 per village is adequate for each of the total number of eight, which the bill recites.

Mr. SMOOT. That amount ought to sink a good many wells.

Mr. THOMAS. It would sink a good many wells, as suggested by the Senator from Utah.

Mr. SMITH of Arizona. Mr. President, I will say to the Senator from Colorado that from the regular Papago Reservation, lying on the river above Tucson, certain small bands of nomadic or roaming Indians stray, and do not stay on the reservation at all. They will go off to the foothills of some of the adjoining mountains or to some swale, away from the reservation, and camp there for six or eight months. If there is sufficient rain, they might attempt to raise a few vegetables, but very few; and whenever that location gets dry and does not graze the little stock they take with them, they will move to another place. As I have said, I do not know where the eight Papago Indian villages referred to are; I know of no such number now in existence; the committee does not seem to know of any such number; and it seems to me a pretty wasteful way to attempt to dispose of public money in so indefinite a manner.

Mr. TOWNSEND. Mr. President, I can just recall something that was said by some witness before the committee—perhaps the Assistant Commissioner of Indian Affairs. It appears that the House provided $20,000 for this purpose, which the Senate committee has raised to $35,600. There was nothing said before the committee which I can recall that did not apply simply to the sinking of wells. It was desired to provide for that, and, possibly, for making ponds where the fall of water was sufficient to justify them. The testimony, as presented by the assistant commissioner or some other witness, was, as the Senator has said, that these Indians are rather a roving band, but will live in villages if located on a piece of ground where they can secure water for their stock and for family uses; and that if wells could be dug for them and they could thereby get water, they would probably settle down more permanently. I do not think it was even suggested by anybody that any of this water would be supplied from any of the streams, but it was all to be procured from wells which were to be dug. I think there was some testimony as to the probable depth of the wells—how far they would have to go to get water—and statements as to what had been done in a few similar instances.

Mr. SMITH of Arizona. I am familiar with the condition which the Senator suggests, and I expected the facts to be presented before the committee as the Senator himself remembers them. The difficulty is that you can never confine that particular tribe of Indians to one particular place. If a well is dug at a place where possibly water can be obtained at a reasonable depth, there is no security on earth that the Indians will stay there one month longer than they want to; the well is there, as it can not be moved, and the cattleman or the farmer who might afterwards desire to use it would be deprived of its use on account of the Indian title.

The Papago Indian Reservation is large enough to afford ample room for every Papago Indian. The whole trouble is that an attempt has been made in one of the provisions of this bill to take the water supply upon which the city of Tucson depends and to apply it to the lands of the Indians. I have no doubt in the world that if the Indian Commissioner could get a sensible Indian agent at Tucson, one who had no other purpose than to adjust the water rights between the Indian and the white man, provision could be made—and it ought to be made—whereby the Indians on that reservation could get much more water than they are now getting, without any injury to anybody; but I can not too strongly condemn the attempt to tap the underflow on which the city of Tucson and everybody below the Indian reservation depends. That has been the purpose here; it has been apparent in bill after bill, and has been stricken out by this body every time it has appeared. No effort has been made to catch the upper flow, the surface flow, of the river and help the Indians with it, but now it is proposed to provide a water supply for eight Indian villages, although I do not know where they exist in spite of the fact that I am quite familiar with southern Arizona. I know of two or three little Indian villages and I know of a dozen abandoned places.

Now, to say that this money shall be applied for the benefit of eight Papago Indian villages in southern Arizona—and southern Arizona is about the size of New England—is so indefinite that nobody knows where this roving commission will dig the wells. If they are dug, it will result in dissipating the Papago Indian Reservation at Tucson and scattering the Indians over the whole country, probably interfering with the rights of men who have been grazing cattle on the land for the last 30 years. I want to limit the broad right covered by this provision, and, therefore, I suggest an amendment so as to make the provision read in this way:

For the development of a supply of water for domestic use for existing Papago Indian villages in southern Arizona, situated on the public lands and outside the Papago Indian Reservation.

I do not think they will find as many as eight Papago villages, but this will confine it to the Indian villages now existing, and not give a roving commission to the Indian agent to go

to the Papago people and tell them to leave their reservation and go somewhere else where wells will be dug for them. They would go down to the wells which might be dug and come back, and that would be the end of it, and the cloud of the Indian title would stop anybody else from using the water. It is as much in the interest of the Indian himself as in the interest of the public lands and leaving them open for the occupancy of those who might possibly use them that I suggest the amendment.

Mr. THOMAS. I should like to ask the Senator from Arizona if he does not think that it is bad policy to dig wells for these roving bands of Indians off of their reservation?

Mr. SMITH of Arizona. I do.

Mr. THOMAS. Does it not encourage them to leave their reservation, which they might stay upon if these inducements were not given by the Government?

Mr. SMITH of Arizona. The Senator is exactly right about that, and the reason for my full adherence to what he says is the peculiar nature of this tribe of Indians. They are perfectly peaceful and always have been the friends of the white man. They would stay on their reservation and work if they had a chance; but when they are permitted, as the Senator suggests, to wander from the reservation and go off into another country where wells have been dug for them, they will do so, only to abandon it the minute it does not become profitable for them to remain there. If it were provided that on the abandonment of these wells by the Indians, the lands on which they are dug should be returned to the public domain, it would make a very material difference in my idea of the matter.

Mr. THOMAS. It would seem to me, at least, Mr. President, to be also a recognition of his right to leave his reservation and to stay off it, which I do not think is wise in legislation. I should prefer to see the item stricken out entirely, in view of what has been said by the Senator from Arizona.

Mr. LANE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. SMITH of Arizona. Certainly.

Mr. LANE. Mr. President, the facts were presented to the committee in a statement made before the House committee by the Superintendent of Irrigation, and in another statement made to the Senate committee.

Mr. SMITH of Arizona. That is what I was asking for.

Mr. LANE. In the statement to the House committee it was said:

> Mr. SCHANCK. Probably it would be more clearly understood from this map than from a verbal description. The appropriation of $5,000 for the Papago Indians, the same being item No. 35, contemplates the sinking of wells and making other improvements to the water supply of the nomadic Papago villages, as found best by specialists in the field. In addition to this, large areas of the nomadic Papago country have been surveyed, and it has been found feasible to construct at eight villages wells and pumping plants to furnish water for stock, and perhaps in some instances for a small amount of irrigation where the villages have been established for a long time and where it is known that the Indians constantly make their homes. These villages are Via-Viau or Cocklebur, with a population of approximately 200; Chiu Chiuschu, with a population of approximately 200; Ko-opke, with a population of approximately 75; Tahf-Mohmeli, with a population of approximately 100; Quajoti, with a population of approximately 100; Anegam, with a population of approximately 200; Santa Rosa, with a population of approximately 400.

Mr. THOMAS. Where do they get their water supply now?

Mr. LANE. Here is what he says: He says that these Indians follow the water supply, and when it dries up in the valleys they go up into the mountains with their small herds, and wherever they can find water they make good use of it in their small gardens, and raise produce for their families; that they are poor people, and require this help from the Government to subsist upon. He says:

> They live at their villages on the lower elevations during the season when there is water, either obtained from little reservoirs that they have constructed themselves, or in a very few places such as we have chosen for irrigation purposes where there is water available below; but when it becomes dry and the season of drought comes on they go back to the higher country where there is more water and drive their flocks with them. They are to-day principally living on the product of their flocks, with what little irrigation and with what little farming they can do by what is called the dry-farming methods. They have developed on their own reservation dry-farming methods—methods that Mr. Burbank himself might take notice of.
>
> Diverting a little, I may say that they have raised a bean that can not be raised anywhere else, and which is raised only by them. Our object is to protect their rights.

He said, and repeated to us, that these were a very deserving and an industrious people, who lived in an arid belt of country where it was very hard for them to obtain water, and they have made better use of it than perhaps any other Indians in America.

Mr. SMITH of Arizona. The only trouble about the report read by the Senator from Oregon is that it is not the fact.

Mr. LANE. The Senator understands that I am not the author of it.

Mr. SMITH of Arizona. No; if the Senator had given it on his own information, I would have accepted it as a fact, unquestionably. Now, I do not want to do poor Lo any harm, but the flocks they live on are largely other people's flocks when you get them off the reservation. I do not know of a Papago Indian village in Arizona that has flocks enough to live on for a week; and this thing of their going higher up into the mountains to get water for irrigation is an impossibility. There is not in the whole of southern Arizona a condition which would make that true. They do not go on to these other places and then go up into another mountain hunting up a place to find more water to grow a new bean. They are getting off the reservation because they do not want to live under the rules of it. That is all there is in it. They wander around and stop wherever they please and as long as they please, and whenever they feel like it they go somewhere else, as far from the reservation as they can, and in the late troubles usually into Mexico.

I do not want to strike out the provision entirely, for if we can do anything for these Indians I should like to see it done. I do not believe we can, but I am willing to have the Government try the experiment, but not by whoever wrote this report or gave this testimony, for he does not know what he is talking about.

A beautiful theory hangs around the Indian; and the gentleman living in the East all his life is apt to get very familiar with the extinct tribe of Fenimore Cooper Indians that never did exist, and he immediately forms plans on that theory.

These Indians leave the reservation because they do not want to stay on it. They take no unusual amount of stock with them, because they know that if they are industrious they can find stock in the neighborhood where they are going. When you establish these wells and build these eight villages, my judgment is that not one of them will stay there after the first bad weather comes on or he gets hungry. They leave the reservation constantly.

I am perfectly willing that the Government shall spend money to see if it can develop water that will help these Indians. I know that they have not enough water on their own reservation; but I have noticed that they do not kill themselves trying to cultivate the ground even then, and they are the very best Indians I know.

The water they are now trying to give them has been there for the Government to give to them for the last 50 years; yes, you may say for the last 200 years. The town below them is probably the oldest town in America. Long before Jamestown or Plymouth Rock was heard of the town of Tucson existed. The Indian villages were there then. Now, for the first time, after they have put them all in this great reservation, and it has lain there for years and years, by the expenditure of a million and a half dollars or more, by going very deep across the Santa Cruz Valley and the little stream that runs through it, they have developed enough water to supply a city of 50,000 people, probably. There are twenty-odd thousand there now. The Indian reservation lies above it. Since this deep cutting across and pumping has been found successful, they wished to go in and cut off the water supply of the city. That proposal was struck from the bill. Then we have the other one, that they will send the Indians roving through eight villages. The report from which the Senator from Oregon read very carefully avoids stating the location of any one of those Indian villages. I do not know whether they are in Santa Cruz County, Cochise County, Pima County, or Yuma County, and neither does the man who testified in this report know.

We know that this has been done all over the West—the Indians have been mistreated by a lot of people who did not know how to handle them. Take this thing of educating the Indian, letting him sing a song, throwing him forcibly, if you please, through a schoolhouse, and then, because he can read, thinking you have an elevated citizen.

We all know what becomes of the educated Indian. It is needless for me to say in this presence. Then we go and capture him, virtually with a lariat, and send him off to Pennsylvania and to Hampton, down here, and educate him, to be an Ishmaelite all his life. Then the girl—you can imagine what her fate is. Yet we spend millions of dollars for this sort of foolishness, instead of letting him know how to cultivate an orange, how to plow a field, how to shoe a horse, do the thing in his environment, let the school supply the actual, mechanical knowledge that he should learn, let him grow up to the necessities, and only send to school the boy who wants to go to school.

The Indian will learn these things if you will give him the opportunity; but we turn him into our schools and pay millions

of dollars to educate him. I assert, from an experience of 30 years with him, that I do not believe 30 cents out of any $100 has ever gone, although not as the result of any thievery, in effectuation of the purpose for which the appropriation was made.

I should have asked to strike out of the bill the appropriation for this school in Pennsylvania, but I am not going to detain the Senate longer. I will reserve what I have to say about that matter for some future time and some other appropriation bill. I do want to say, however, that this proposal is of the same character. After persuading the Indian, as we have been for 20 years persuading him, to go on reservations, we are now giving him inducements to go off them. In the northern part they will take Indians off the Navajo Reservation and carry them away down into New Mexico, as the Senator from New Mexico stated the last time an Indian appropriation bill was up, and the agent will induce them to leave the reservation and go out on public lands to make locations, to harass, in a measure, the cattlemen, who have been using the water for years and years before.

I do not like this roving idea, but inasmuch as I have a sympathy for these Indians I am perfectly willing for the Government to make a try. I think the $20,000 the House gave is sufficient. I think we ought not to say that it is to be devoted to any eight Indian villages, but let the appropriation go to any village or any number of villages off of this reservation, so that the $20,000 may demonstrate whether or not they can get permanent water on unoccupied public domain, so that the Indian may possibly have a chance to better his condition.

Mr. TOWNSEND. Mr. President, if I had the same idea of the Indian that the Senator from Arizona has—that he is a hopeless proposition and that our large appropriations for schools is money thrown away—I should perhaps be more discouraged than ever over any prospect of civilization either for whites or blacks or browns. I do not take that view of it, however; and I believe the Government is now starting, practically for the first time, along the line of helping the Indian, the man who is entitled to more consideration at the hands of this country than he has ever received. The great West and much of the Middle West was at one time his property, and we have never stood on ceremony when it came to robbing him of it.

I do not care at this time, however, to go into that matter, because I assume that is not the policy of the Government. I simply wish to refer to this particular item, now that I have found the testimony that was taken on the subject. Some parts of the Senator's statement would certainly justify this appropriation. I can not tell now what the argument was for increasing it. I simply have the statement of the assistant commissioner, and I think Mr. Reed, who has charge of Indian irrigation projects.

On page 204 of the hearings, when this matter came up, Mr. Meritt said:

> Mr. Chairman, we would like very much to have our estimate in connection with this item—

Which was $35,000.

> These are Papago Indians that we spoke about a few days ago when the school items were considered. These Indians are living under conditions that would be almost impossible for white people to live under. They are very energetic people, and we think with this appropriation we can develop a sufficient water supply for these Indians so that they can become more self-supporting than they are at this time. They are not asking for any gratuity appropriations; they have not heretofore. We would like to aid them to the extent of procuring water for them so that they can make a success of stock raising and small agricultural pursuits.
>
> The CHAIRMAN. Is this a gratuity appropriation?
>
> Mr. MERITT. This is a gratuity appropriation; yes, sir.
>
> The CHAIRMAN. How is the water supply to be secured?
>
> Mr. MERITT. By drilling wells. We have one well rig out in that country at this time. Mr. Reed can explain the details of that.
>
> Senator TOWNSEND. As I understand it, this is a case where the Indians do not own the land. Where are you going to dig the well? The Papagos are living, as I understand, in little villages on land that does not belong to them.
>
> Mr. MERITT. We have created Executive-order reservations in two cases, I believe, and set aside land for these Indians. They are living in villages and we expect to get an Executive-order reservation covering all the land where the work is now in progress.
>
> Senator TOWNSEND. Do you propose to dig the wells before you get the reservation set aside?
>
> Mr. MERITT. No, sir. We have had men in that country making surveys. The land heretofore has not been surveyed, and we have data sufficient to enable us to get the land set aside and we have well-drilling outfits there so that we can furnish these Indians with water.
>
> Senator PAGE. These wells are drilled in the little villages, are they not—the Indian villages around there? I judge that from the hearings.
>
> Mr. MERITT. Mr. Reed has a map here, and I would be glad to have him answer any questions.
>
> Senator ROBINSON. Where do they get their water supply now?
>
> Mr. MERITT. From little hand-dug wells.
>
> Senator ROBINSON. Is the water supply adequate now?
>
> Mr. MERITT. It is for domestic purposes only.
>
> Senator ROBINSON. What are you going to use this water supply for?
>
> Mr. REED. To raise some little gardens. These Indians are called the nomadic Papagos. They live at their villages on the lower elevations during the season when there is water, either obtained from little reservoirs that they have constructed themselves or in a very few places such as we have chosen for irrigation purposes where there is water available below, but when it becomes dry and the season of drought comes on they go back to the higher country, where there is more water, and drive their flocks with them. They are to-day principally living on the product of their flocks, with what little irrigation and with what little farming they can do by what is called the dry-farming methods. They have developed on their own reservation dry-farming methods—methods that Mr. Burbank himself might take notice of.
>
> Diverting a little, I may say that they have raised a bean that can not be raised anywhere else and which is raised only by them. Our object is to protect their rights.
>
> There is at the present time another railroad survey made through the southern portion, which, if constructed, would bring the white man there, and he would take those places, probably, that have shallow water, and the Indian, who is just able to exist now, would have his last resources cut off and would probably be a charge upon the Government in a short time.
>
> The reservations have been made, and a few withdrawals, which are indicated on this map. Upon those we could begin work at once. We do not contemplate any large irrigation scheme. If we can get them 2 or 3 acres upon which they can raise something to eat, a few beans and a few other vegetables—they do raise the pumpkin—we will begin there at once. The other place which we have tentatively selected for site would have to be withdrawn. We understand perfectly well that we should not, and will not, expend one cent upon the public domain in developing water or anything of that kind, but we have selected those places, and if we should have this appropriation, would take the necessary steps to secure the land and would put these 5,000 Indians, who are now only semilocated, upon a basis where they could still exist, even though the white man might get in.
>
> Senator TOWNSEND. But do you think that this nomadic tribe would stay "put"?
>
> Mr. REED. They never move until they are compelled to.

Mr. SMITH of Arizona. The witness did not answer your question. You asked him a very significant question.

Mr. TOWNSEND. I asked the question:

> But do you think that this nomadic tribe would stay "put"?

His answer was:

> They never move until they are compelled to.

Mr. SMITH of Arizona. Compelled by what?

Mr. TOWNSEND (reading):

> Senator ROBINSON. They are not very nomadic, then?
>
> Mr. REED. That may be a misnomer, but it is a name that has been applied to them.
>
> Senator ROBINSON. If the House item is allowed, what will be the effect on your service there? The House allowed you $20,000, I believe, on that item.
>
> Mr. REED. We asked for $35,000. This is something that we won't lose by the use of the $20,000, because it is made up of a number of units—not one big project. We could utilize the $20,000.
>
> Senator ROBINSON. Would the $35,000 be adequate for all of them?
>
> Mr. REED. The $35,000 would probably develop all the water that we believe, or know, exists to-day.

I asked him this question:

> Is this the tribe that had the hand-dug wells that some one spoke of yesterday?
>
> Mr. REED. I do not know that they have. These are the Indians that are referred to.
>
> Senator TOWNSEND. Is this going to be artesian water, or is it to be pumped—going down a thousand feet for it?
>
> Mr. REED. No, sir; none of the places which we have selected for irrigation supply has a great depth. It is shallow; it lies in what is called in that country a wash that accumulates drainage from thousands and thousands of acres, and is moving on toward this drainage center. We won't attempt to pump water for irrigation 400 feet. We might pump it for stock or domestic use, but not for irrigation.

Mr. President, when the Senator from Arizona first arose, I could only recall in a general way what this item was. I am now satisfied from the testimony of an expert, Mr. Reed, who has been out there and has his well-digging apparatus there, that these 7,000 Indians are entitled to some consideration from the United States. I maintain that they are entitled to a prior consideration at the hands of the United States. No white man is in there now on this particular land. I have no objection to the development going to the extent of $20,000, because we can start it at that, at least, and find out what can be done. In this modest way we are putting it in the hands of this tribe to demonstrate that they are what it has been claimed for them that they are, namely, intelligent, industrious husbandmen; that they know something about raising stock; that they will cultivate their gardens; that they do not leave them unless they are compelled to leave them. Located as they are now, it seems to me this is the least thing Congress can do for these wards.

Mr. THOMAS. Mr. President, before the Senator takes his seat I should like to inquire what is the area of the reservation which the Papago Indians own, or which has been created for them.

Mr. TOWNSEND. I do not know that. I do know that, according to this testimony, they are to occupy nothing except their reservation.

Mr. SMITH of Arizona. On the contrary, there is not one of them on the reservation at all. That is the trouble with them.

Mr. THOMAS. The testimony which the Senator read indicated that it was the purpose of the bureau to secure additional reservations by Executive order.

Mr. TOWNSEND. Yes, sir.

Mr. THOMAS. I am disposed to think that the extent of the reservation at present is ample for their needs, and that it is unfair to the people of Arizona, either by Executive order or otherwise, that this reservation should be extended or any additional reservation created for these people.

Mr. TOWNSEND. I will say to the Senator that my understanding is from this testimony—and I know I am correct about it—that in some of these places it was carried out through Executive order. In some they propose to try to get an order for the location where these Indians now are. I assume they will not be located on these reservations, or they will not be set apart for them, unless it is found to be for the interest of the Indians to have those reservations set apart.

Mr. THOMAS. I have no doubt of that. I have no doubt that the department will sincerely intend to benefit the Indians proposed to be benefited by this measure; but before additional reservations are made for them it should be ascertained whether the same relief can not be extended to them in the domain which they at present own.

From what the Senator from Arizona has said—and we must assume that his personal knowledge of existing conditions there justifies him in speaking with authority—these Indians are not of the character portrayed by Mr. Reed in this testimony. I say that without in the slightest degree intending to reflect on Mr. Reed's purposes or intentions in making the statements he did before the committee. I would be in favor of the expenditure of this money upon the reservation. I am not in favor of expending one dollar outside of the limits of the reservation for any Indian tribe in the United States which has a reservation, because it tends to encourage the excursions of these tribes from their reservations. It not only tends to encourage them, but it legalizes their excursions by subsequent reservations by Executive order to include their new habitations. It is not right, and it is a positive injustice to the western settler, who, under the present system of conservation, has a pretty hard time in finding any land outside of reservations as conditions now are.

For the purpose of expressing my ideas in a motion, I offer as an amendment to the amendment of the Senator from Arizona [Mr. SMITH] a motion to strike out on page 23 lines 6 to 10, inclusive.

Mr. SMITH of Arizona. Mr. President, I am obliged to the Senator from Colorado for saving me the trouble of making the very exposé that he has made of this case.

The Senator from Michigan [Mr. TOWNSEND] speaks of the "7,000 Indians." The trouble is that he does not know the size of the reservation the Indians already have there. He does not seem to know that 50 per cent of the State of Arizona, a reservation as large as the N v England States, is withheld forever from taxation by the people. We are left nothing but the absolute desert to go to for the selectio of our lands under the bill admitting us as a State. The Indian reservations contain enough land to support 20 times that many white people.

The Senator speaks of these 7,000 Papagos. That is more than there are there, in my judgment, and a lot more. Yet with this immense, mighty reservation you are to let them go out, as you say, and create other reservations in a State already ruined by them, and cut off the State from the possibility of ever getting an acre of land that is worth a nickel. You are to encourage them to leave the magnificent waste of country which has been assigned to them, and go out and select whatever other little spot in the desert a home might be built on and create another reservation there.

If that is true, I join with the Senator from Colorado. If the purpose is to make a reservation of another inch of land in Arizona for any purpose on earth over which the State has no control, I shall certainly vote to strike it from this or any other bill in which it may appear.

I did not know there was any effort to create more reservations. If I had, the Senator need not have anticipated me by his amendment, for I should have offered it myself. It is a revelation to me to find a proposal that they shall leave their reservation, with hundreds and hundreds of acres for every man, woman, and child on it, and go out and create other reservations wherever they can find the possibility of making a home for a white man.

Under the Federal jurisdiction 90 per cent of the valuable land of the State of Arizona is withheld to-day in such reservations. We have nothing to tax except the industry of our people, the cattle, the railroads, and the mines. You have reserved all the best lands, and yet you expect us to maintain a State government, and now you are proposing to take this step.

This is my first knowledge of it. I am surprised that I have not had earlier information that they were going to make some more Indian reservations down in Pima County, Santa Cruz County, Yuma County—every one of them with reservations in it already. You propose to make some more, to let them wander, to let them go out somewhere and say, "We will dig you a well, and we will make another reservation for you," and scatter those reservations, but still withhold the lands from settlement by anybody else. Everyone who knows that country knows that they never selected the worst lands for Indian reservations. They got the very best. The best land in that county to-day is in the Papago Indian Reservation.

I most heartily indorse the motion of the Senator from Colorado to strike out this item from the bill if the purpose is to create a reservation outside of the regular Papago Reservation in Pima County. I withdraw my amendment and accept the amendment offered by the Senator from Colorado.

The VICE PRESIDENT. The amendment of the committee is first in order, it being to the text. It will be stated.

The SECRETARY. The committee proposes, on page 23, line 10, to strike out "$20,000" and insert "$35,600," so as to read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,600.

The VICE PRESIDENT. The question is on the amendment of the committee.

The amendment was rejected.

Mr. THOMAS. I move to strike out the paragraph embracing lines 6, 7, 8, 9, and 10.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Owen	Smith, Md.
Brady	James	Page	Smoot
Bryan	Jones	Penrose	Sterling
Camden	Lane	Perkins	Sutherland
Catron	Lea, Tenn.	Pittman	Swanson
Chamberlain	Lee, Md.	Poindexter	Thomas
Chilton	Lewis	Ransdell	Thornton
Clapp	Martin, Va.	Robinson	Tillman
Clarke, Ark.	Martine, N. J.	Shafroth	Townsend
Culberson	Myers	Sheppard	Vardaman
Cummins	Newlands	Shively	Warren
Gore	Norris	Simmons	West
Hitchcock	Oliver	Smith, Ariz.	White
Hollis	Overman	Smith, Ga.	Williams

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

EXECUTIVE SESSION.

Mr. CLARKE of Arkansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 23, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 22, 1914.

MEMBER OF THE EXCISE BOARD.

Cotter T. Bride, of the District of Columbia, to be a member of the Excise Board for the District of Columbia for a term of three years, beginning July 1, 1914. (A reappointment—term expires by limitation June 30, 1914.)

COLLECTORS OF CUSTOMS.

Rivers McNeill, of Chicago, Ill., to be collector of customs for the district of Chicago, in place of John C. Ames, resigned.

Thomas E. Stucky, of Indianapolis, Ind., to be collector of customs for the district of Indiana, in place of Leopold G. Rothschild, whose term of office expired by limitation March 31, 1914.

UNITED STATES ATTORNEY.

Harry B. Tedrow, of Boulder, Colo., to be United States attorney for the district of Colorado, vice Harry E. Kelly, resigned.

UNITED STATES MARSHALS.

John H. Parker, of Camden, Ark., to be United States marshal for the western district of Arkansas, vice John F. Mayes, whose term has expired.

Andrew Jackson Walls, of Coy, Ark., to be United States marshal for the eastern district of Arkansas, vice Harmon L. Remmel, whose term has expired.

APPOINTMENTS IN THE ARMY.

To be second lieutenants with rank from June 12, 1914.

CORPS OF ENGINEERS.

Cadet William Henry Holcombe.
Cadet James Bell Cress.
Cadet Charles Philip Gross.
Cadet Bernard August Miller.
Cadet Peter Cleary Bullard.
Cadet Brehon Burke Somerrell.
Cadet Xenophon Herbert Price.
Cadet Robert Walter Crawford.
Cadet Frederick Snowden Skinner.
Cadet Dabney Otey Elliott.
Cadet Allen Parker Cowgill.
Cadet George Fenn Lewis.
Cadet Harrison Brand, jr.
Cadet Frederick William Herman.
Cadet John Hill Carruth.

CAVALRY ARM.

Cadet Arthur Dow Newman.
Cadet John William Butts.
Cadet Cedric Watterson Lewis.
Cadet Edward Leuffer Nevin Glass.
Cadet Charles Watson Foster.
Cadet Cuyler Llewellyn Clark.
Cadet Clarence Corinth Benson.
Cadet Thomas Henry Rees, jr.
Cadet John Henry Woodberry.
Cadet Walter Woolf Wynne.
Cadet William Abbott Robertson.
Cadet Joseph Bradford Treat.
Cadet Joseph Wilson Byron.
Cadet Warren Philip Jernigan.
Cadet Walter Cyrus Gullion.
Cadet Sylvester De Witt Downs, jr.
Cadet Robert Dyer McDonald.
Cadet Orlando Ward.
Cadet John Prince Markoe.

FIELD ARTILLERY ARM.

Cadet Philip Loomis Thurber.
Cadet William Chester Houghton.

COAST ARTILLERY CORPS.

Cadet Lester Earl Moreton.
Cadet LaRhett Livingston Stuart.
Cadet Alfred Earl Larabee.
Cadet John Adams Brooks, jr.
Cadet Albion Ray Rockwood.
Cadet Frank Lawrence Hoskins.
Cadet John Hamilton Jouett.

INFANTRY ARM.

Cadet Roy Melvin Smyth.
Cadet Cleveland Hill Bandholtz.
Cadet Fritz Philip Lindh.
Cadet Harry Clyde Ingles.
Cadet James Lester Bradley.
Cadet Willis James Tack.
Cadet Floyd Randall Waltz.
Cadet Carl Eugene Fosnes.
Cadet Weldon Williamson Doe.
Cadet Carl Spatz.
Cadet Harold Roe Bull.
Cadet Charles Morton Milliken.
Cadet James Fred Byrom.
Cadet Woodfin Grady Jones.
Cadet Paul Clarence Paschal.
Cadet John Leo Parkinson.
Cadet Rudolph Gwinn Whitten.
Cadet Louis Thomas Byrne.
Cadet Francis Rusher Kerr.
Cadet Francis Marion Brannan.
Cadet William Rutledge Orton.
Cadet Francis Henry Forbes.
Cadet Rufus Sumter Bratton.
Cadet Thomas George Lanphier.
Cadet Jefferson Reese Davenport.
Cadet Benjamin Grant Weir.
Cadet Ralph Royce.
Cadet Harry Milford Brown.
Cadet Thomas Huntington Monroe.
Cadet Roger Burnett Harrison.
Cadet Joseph Webster Allison, jr.

To be additional second lieutenants with rank from June 12, 1914.

CAVALRY ARM.

Cadet William Ord Ryan.
Cadet Benjamin Fiery Hoge.

FIELD ARTILLERY ARM.

Cadet John Churchill Wyeth.
Cadet Arthur Ringland Harris.
Cadet John Green Burr.
Cadet John Benjamin Anderson.
Cadet William Edward Burr.

COAST ARTILLERY CORPS.

Cadet Joseph DeMoss McCain.
Cadet Eugene Villaret.
Cadet Reiff Hesser Hannum.
Cadet Harold Francis Loomis.
Cadet Leland Harold Stanford.
Cadet James Cooper Waddell.
Cadet Richard Bolles Paddock, jr.
Cadet Charles Carleton Griffith.
Cadet James Byron Haskell.
Cadet James Patrick Hogan.
Cadet Gooding Packard.
Cadet Glenn Preston Anderson.
Cadet Adam Empie Potts.

INFANTRY ARM.

Cadet Frederick Herr.
Cadet Clifford James Mathews.
Cadet Howard Prescott Milligan.
Cadet Frank William Milburn.
Cadet John Warren Weissheimer.
Cadet Isaac Gill, jr.
Cadet John Kennard.
Cadet John Bellinger Thompson.
Cadet Hamner Huston.
Cadet Jens Anderson Doe.
Cadet Sheldon Harley Wheeler.
Cadet Lester Leland Lampert.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 22, 1914.

CONSULS.

Frank Deedmeyer to be consul at Chemnitz, Germany.
Henry H. Balch to be consul at St. Stephen, New Brunswick, Canada.
George K. Donald to be consul at Maracaibo, Venezuela.

UNITED STATES MARSHALS.

Andrew Jackson Walls to be United States marshal for the eastern district of Arkansas.
John H. Parker to be United States marshal for the western district of Arkansas.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 4, 1914.

Otto Joe Cook.
Alexander Lambert.
George Henry Richardson.
Miley Barton Wesson.
Udo Julius Wile.
Charles Ford.
Albert Rotild Goodman.
Leonard Knight Graves.
George Carleton Kilpatrick.
Adolphus Alfred McDaniel.
Mark Pearson Pentecost.
Marion Ernest Quina.
Dalton Harris Trepagnier.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. William F. Martin to be lieutenant colonel.
Capt. John McA. Palmer to be major.

FIELD ARTILLERY ARM.

First Lieut. George B. Allin to be captain.
Second Lieut. Frederick W. Stewart to be first lieutenant.

POSTMASTERS.

ALABAMA.

C. T. Fitzpatrick, Montgomery.
Robert L. O'Neal, Huntsville.
John B. Tally, jr., Scottsboro.

KENTUCKY.

Robert H. Mayo, Paintsville.
J. M. Turner, Cadiz.

MASSACHUSETTS.

James E. Cadagon, Adams.

NORTH CAROLINA.

O. F. Crowson, Burlington.

VIRGINIA.

Wade H. Lipps, Wise.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 22, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the King of Kings, the Lord of Lords, our God and our Father, dispenser of all good, impart unto us plenteously of the heavenly gifts, that with courage, fortitude, perseverance, and patience we may do the work of this day and be the better prepared to do the work of the morrow, and so fulfill the law and the prophets, and thus grow day by day into the larger life revealed to us in the life and character of Thy Son, Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, June 20, and of Sunday, June 21, were read and approved.

FORTIFICATIONS AT CAPE HENRY.

Mr. BARTLETT. Mr. Speaker, I call up Senate joint resolution 160, a privileged resolution.

The SPEAKER. The Clerk will report the title.

The Clerk read the joint resolution, as follows:

Joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

Resolved, etc., That for procuring title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,000, the same to be immediately available and to remain available until expended, to complete the payment of awards in condemnation proceedings prosecuted by the War Department for the acquisition of land at Cape Henry, Va.

Mr. BARTLETT. Mr. Speaker, I ask that this resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

THE MEXICAN SITUATION.

Mr. HOWARD. Mr. Speaker, I ask unanimcus consent to extend my remarks in the RECORD on the Mexican situation.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on the Mexican situation. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution of the United Confederate Association, indorsing the President's Mexican policy and the President's reply thereto. It is short.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing the articles referred to.

Mr. MANN. What was the request? I did not hear it.

The SPEAKER. The request is to print a resolution of the United Confederate Veterans' Association, indorsing the President's Mexican policy and the reply thereto.

Mr. MANN. Can we find out what it is from the resolution?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

VOLCANO IN CALIFORNIA.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to the active volcano in California.

Mr. MANN. Would it be in order for the gentleman to extend remarks in the RECORD concerning himself?

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MINORITY VIEWS ON THE SEAMEN'S BILL.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to be allowed six days in which to file minority views on the bill S. 136, the seamen's bill.

The SPEAKER. The gentleman from Washington asks unanimous consent for six days to file minority views on the seamen's bill. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering District of Columbia bills.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The SPEAKER. The gentleman from New York makes a preferential motion that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the sundry civil appropriation bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky and Mr. BUCHANAN of Illinois) there were 69 ayes and 43 noes.

Mr. BUCHANAN of Illinois. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 115, answered "present" 6, not voting 184, as follows:

YEAS—128.

Abercrombie	Elder	Johnson, Utah	Rayburn
Adair	Estopinal	Jones	Reilly, Conn.
Adamson	Evans	Kennedy, Iowa	Reilly, Wis.
Alexander	Fairchild	Kindel	Scott
Aswell	Faison	Kirkpatrick	Seldomridge
Baker	Fergusson	Kreider	Sims
Barkley	Finley	Lenroot	Sisson
Bartholdt	Fitzgerald	Lever	Slemp
Beall, Tex.	Flood, Va.	McClellan	Sparkman
Blackmon	Floyd, Ark.	McGillicuddy	Stafford
Booher	Gardner	McKellar	Steenerson
Borchers	Garner	McLaughlin	Stephens, Miss.
Broussard	Garrett, Tex.	Maguire, Nebr.	Stephens, Nebr.
Burgess	Godwin, N. C.	Mann	Stephens, Tex.
Byrnes, S. C.	Good	Mondell	Stout
Byrns, Tenn.	Goulden	Montague	Talbott, Md.
Candler, Miss.	Graham, Pa.	Moore	Talcott, N. Y.
Clark, Fla.	Green, Iowa	Morgan, Okla.	Taylor, Colo.
Claypool	Hardy	Morrison	Towner
Cline	Harris	Moss, Ind.	Treadway
Collier	Hay	Murray, Okla.	Tribble
Connelly, Kans.	Hayes	Oglesby	Tuttle
Conry	Helm	Padgett	Underhill
Cox	Helvering	Page, N. C.	Underwood
Danforth	Holland	Park	Vollmer
Deitrick	Houston	Parker	Volstead
Dent	Howell	Payne	Watkins
Dillon	Hughes, Ga.	Post	Watson
Dixon	Hull	Quin	Webb
Donovan	Humphrey, Wash.	Ragsdale	Whaley
Doughton	Jacoway	Rainey	Williams
Dupré	Johnson, S. C.	Rauch	Witherspoon

NAYS—115.

Ashbrook	Doolittle	Hinebaugh	Prouty
Austin	Edwards	Howard	Raker
Bailey	Esch	Hulings	Roberts, Nev.
Baltz	Falconer	Igoe	Rubey
Barton	Farr	Johnson, Ky.	Rucker
Bathrick	Ferris	Johnson, Wash.	Rouse
Beakes	FitzHenry	Kelley, Mich.	Rupley
Bell, Cal.	Foster	Kent	Russell
Bowdle	Fowler	Kettner	Shreve
Britten	Francis	Key, Ohio	Sinnott
Browne, Wis.	French	Kinkaid, Nebr.	Smith, Idaho
Bryan	Gallagher	La Follette	Smith, Saml. W.
Buchanan, Ill.	Gill	Lazaro	Stephens, Cal.
Bulkley	Gocke	Lee, Pa.	Stevens, Minn.
Burke, Wis.	Goodwin, Ark.	Lindbergh	Stone
Campbell	Graham, Ill.	Lloyd	Sumners
Caraway	Gray	Lonergan	Sutherland
Carr	Greene, Mass.	McDermott	Taggart
Carter	Gregg	Mapes	Tavenner
Cary	Hamilton, Mich.	Miller	Taylor, Ark.
Casey	Hamlin	Moon	Temple
Church	Harrison	Moss, W. Va.	Ten Eyck
Coady	Haugen	Murdock	Thompson, Okla.
Cooper	Hawley	Nelson	Townsend
Cramton	Hayden	Nolan, J. I.	Walker
Curry	Heflin	Oldfield	Walsh
Dershem	Helgesen	Peterson	Walters
Dickinson	Hensley	Plumley	Woodruff
Donohoe	Hill	Pou	

ANSWERED "PRESENT"—6.

Allen	Burke, S. Dak.	Metz	Sloan
Bartlett	Fields		

NOT VOTING—184.

Aiken	Eagan	Lafferty	Porter
Ainey	Eagle	Langham	Powers
Anderson	Edmonds	Langley	Reed
Ansberry	Fess	Lee, Ga.	Riordan
Anthony	Fordney	L'Engle	Roberts, Mass.
Avis	Frear	Lesher	Rogers
Barchfeld	Gallivan	Levy	Rothermel
Barnhart	Gard	Lewis, Md.	Sabath
Bell, Ga.	Garrett, Tenn.	Lewis, Pa.	Saunders
Borland	George	Lieb	Scully
Brockson	Gerry	Lindquist	Sells
Brodbeck	Gillett	Linthicum	Shackleford
Brown, N. Y.	Gilmore	Lobeck	Sharp
Brown, W. Va.	Gittins	Loft	Sherley
Browning	Glass	Logue	Sherwood
Bruckner	Goldfogle	McAndrews	Slayden
Brumbaugh	Gordon	McCoy	Small
Buchanan, Tex.	Gorman	McGuire, Okla.	Smith, J. M. C.
Burke, Pa.	Greene, Vt.	McKenzie	Smith, Md.
Burnett	Griest	MacDonald	Smith, Minn.
Butler	Griffin	Madden	Smith, N. Y.
Calder	Gudger	Mahan	Smith, Tex.
Callaway	Guernsey	Maher	Stanley
Cantor	Hamill	Manahan	Stedman
Cantrill	Hamilton, N. Y.	Martin	Stevens, N. H.
Carew	Hammond	Merritt	Stringer
Carlin	Hardwick	Mitchell	Switzer
Chandler, N. Y.	Hart	Morgan, La.	Taylor, Ala.
Clancy	Henry	Morin	Taylor, N. Y.
Connolly, Iowa	Hinds	Mott	Thacher
Copley	Hobson	Murray, Mass.	Thomas
Covington	Hoxworth	Neeley, Kans.	Thomson, Ill.
Crisp	Hughes, W. Va.	Neely, W. Va.	Vare
Crosser	Humphreys, Miss.	Norton	Vaughan
Cullop	Kahn	O'Brien	Wallin
Dale	Keating	O'Hair	Weaver
Davenport	Keister	O'Leary	Whitacre
Davis	Kelly, Pa.	O'Shaunessy	White
Decker	Kennedy, Conn.	Paige, Mass.	Willis
Dies	Kennedy, R. I.	Palmer	Wilson, Fla.
Difenderfer	Kless, Pa.	Patten, N. Y.	Wilson, N. Y.
Dooling	Kinkead, N. J.	Patton, Pa.	Wingo
Doremus	Kitchin	Peters, Mass.	Winslow
Driscoll	Knowland, J. R.	Peters, Me.	Woods
Drukker	Konop	Phelan	Young, N. Dak.
Dunn	Korbly	Platt	Young, Tex.

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. GARRETT of Tennessee with Mr. GRIEST.

Mr. THOMAS with Mr. WILLIS.

Mr. ALLEN with Mr. FESS.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SHERLEY with Mr. GILLETT.

Mr. WEAVER with Mr. SLOAN (ending August 4).

Mr. HENRY with Mr. HINDS.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. FIELDS with Mr. LANGLEY.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. CANTRILL with Mr. COPLEY.

Mr. WINGO with Mr. AINEY.

Mr. AIKEN with Mr. ANDERSON.

Mr. YOUNG of Texas with Mr. ANTHONY.

Mr. SMITH of Texas with Mr. AUSTIN.

Mr. BARNHART with Mr. AVIS.

Mr. BORLAND with Mr. CHANDLER of New York.

Mr. DIES with Mr. BARCHFELD.

Mr. BRODBECK with Mr. DAVIS.

Mr. BROWN of West Virginia with Mr. DRUKKER.

Mr. BURNETT with Mr. CALDER.

Mr. CARLIN with Mr. DUNN.

Mr. CONNOLLY of Iowa with Mr. EDMONDS.

Mr. CULLOP with Mr. FREAR.

Mr. DOREMUS with Mr. FORDNEY.

Mr. EAGAN with Mr. GUERNSEY.

Mr. GALLIVAN with Mr. KAHN.

Mr. GEORGE with Mr. KEISTER.

Mr. GILMORE with Mr. KELLY of Pennsylvania.

Mr. GLASS with Mr. KIESS of Pennsylvania.

Mr. GOLDFOGLE with Mr. LAFFERTY.

Mr. GORMAN with Mr. LANGHAM.

Mr. GORDON with Mr. LEWIS of Pennsylvania.

Mr. HARDWICK with Mr. MANAHAN.

Mr. HOBSON with Mr. LINDQUIST.

Mr. HUMPHREYS of Mississippi with Mr. MCGUIRE of Oklahoma.

Mr. KITCHIN with Mr. MADDEN.

Mr. DIFENDERFER with Mr. MCKENZIE.

Mr. LEE of Georgia with Mr. MERRITT.

Mr. LESHER with Mr. MACDONALD.

Mr. LEVY with Mr. MOTT.

Mr. LIEB with Mr. MORIN.

Mr. LINTHICUM with Mr. NORTON.

Mr. MCCOY with Mr. PAIGE of Massachusetts.

Mr. MITCHELL with Mr. ROGERS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. MURRAY of Massachusetts with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. PATTON of Pennsylvania.

Mr. PATTEN of New York with Mr. PLATT.

Mr. REED with Mr. SELLS.

Mr. CALLAWAY with Mr. SMITH of Minnesota.

Mr. ROTHERMEL with Mr. THOMSON of Illinois.

Mr. SHACKLEFORD with Mr. SWITZER.

Mr. SHERWOOD with Mr. WILLIS.

Mr. SMALL with Mr. WINSLOW.

Mr. PALMER with Mr. VARE.

Mr. STRINGER with Mr. POWERS.

Mr. VAUGHAN with Mr. WOODS.

Mr. WILSON of Florida with Mr. YOUNG of North Dakota.

Mr. DECKER with Mr. PORTER.

Mr. METZ. Mr. Speaker, I am paired with the gentleman from New York, Mr. WALLIN, who did not vote. I wish to withdraw my vote of "yea" and answer "present."

The name of Mr. METZ was called, and he answered "Present."

Mr. ALLEN. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. FESS. I wish to withdraw my vote of "yea" and answer "present."

The name of Mr. ALLEN was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 17041), with Mr. POU in the chair.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Amend, page 84, line 21, by striking out "$46,500" and inserting in lieu thereof "$47,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

For transportation of members of the home, $800.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information from the chairman of the committee. I find a number of items here with regard to payment of transportation of the members of the home. Here is one of $800, and there was one preceding of $2,500, and another of $2,000, in all over $20,000. Is that money refunded in any way?

Mr. FITZGERALD. No; it is not. This is to pay the transportation of applicants for entrance into the various branches.

Mr. GOULDEN. The reason I asked the question is that in the State home with which I have been connected for the last 12 years or more we have a running account of that character, but the money is charged to the individual member and is returned into the funds of the State. I wondered whether that was the case in the national homes; and if not, is all expended?

Mr. FITZGERALD. I do not know why they do not. These soldiers apply for admission to the various branches of the home. If they have not been in the home before, their transportation is paid.

Mr. GOULDEN. In the home with which I am connected, the New York State Soldiers and Sailors' Home, we pay their transportation if the applicant is without funds, but it is charged to them and taken out of any money that may accrue to the member. I know of no reason why the national homes should be conducted in any different manner from the State homes.

Mr. FITZGERALD. In the way the national soldiers' homes are conducted no expense of transportation is attached to a man who applies for admission.

Mr. GOULDEN. Is that simply a rule, or is it the law?

Mr. FITZGERALD. It is a fact. As long as I can recall Congress has been appropriating for the transportation of applicants. I will refer to the regulations under which transportation is furnished. Paragraph 336 of article 8 of the rules and regulations provides that transportation shall be furnished to members of the home on first admission and to members of the home traveling on official business, to be paid out of the treasury of the branch to which the member is assigned from the funds appropriated for the support of the home under the head of transportation.

Mr. GOULDEN. Mr. Chairman, I shall not interpose any objection to the matter at this time, but I should like to suggest to the Committee on Appropriations, in its hearings on this subject next year, to ascertain why these items, which amount to $20,400, are appropriated for each year, and if it is all expended for the express purpose named.

Mr. FITZGERALD. Well, they are appropriated for pay of transportation of the old soldiers——

Mr. GOULDEN. We understand that.

Mr. FITZGERALD. From their homes to the national home. That has been the policy of the Government. If the policy is to be changed, there must be legislation on the subject.

Mr. GOULDEN. That is not the policy of the New York State home, and I do not believe that it should be the policy of Congress.

Mr. FITZGERALD. Well, the State homes are different.

Mr. GOULDEN. I do not see any difference as far as the members of the various homes are concerned. Members in the State homes should stand on an equality with those in the national homes. If the members of the one are required to pay transportation, those in the national homes should do so.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Battle Mountain Sanitarium, Hot Springs, S. Dak.: For current expenses, including the same objects specified under this head for the Central Branch, $24,000.

For subsistence, including the same objects specified under this head for the Central Branch, $38,000.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, before the next sundry civil appropriation bill is considered I hope the gentleman from Kansas [Mr. ANTHONY] will either refrain from assailing the management of the national soldiers' homes of the country as a whole, or that he will confine his complaints to the Leavenworth Home, or else be prepared to offer more evidence to sustain his charges than he has produced since this bill has been under consideration.

The gentleman from Tennessee [Mr. AUSTIN] certifies to the satisfactory conditions that obtain in the Mountain Branch located in his district, and that he never has had any complaint from any of its members.

The gentleman from Maine [Mr. GUERNSEY] makes the same statement with reference to the Eastern Branch located in his district. No one from the districts where the other homes are located has made any complaint, and therefore it may be assumed that all is well in these other homes.

Mr. CARY. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. I will.

Mr. CARY. I represent a district in which the Milwaukee Soldiers' Home is located, and I have had a great many complaints from the old soldiers there as to the management and treatment. About a year ago there were over 100 soldiers sick from ptomaine poisoning on account of the meat they had.

Mr. BURKE of South Dakota. Mr. Chairman, this bill has been under consideration for some days and this question has been discussed at considerable length, and this is the first suggestion that there has been any complaint at the Milwaukee Home.

I am not going to express any opinion with reference to the motives that may have inspired the gentleman from Kansas in attacking the board of managers, and for having criticized the administration of the homes generally, including the food, sanitation, and the conduct of the officials. It may be that he is justified in his position, and that he is actuated only by a patriotic spirit in wanting to better and improve conditions so as to add to the comfort of our soldiers who have rendered service to the country in time of need and are now old and broken down and unable to care for themselves.

With reference to the Battle Mountain Sanitarium, located at Hot Springs, S. Dak., now that we have reached the item in the bill making the appropriation for its support, I want to say just a word.

Summarizing what has been said with reference to the charges made by the gentleman from Illinois [Mr. BUCHANAN] in a speech made in the House on April 29 last, it appears that his charges were based largely upon the complaint of three men who had been members of this home for a short period and had been dropped from the rolls. They were not "old soldiers" in the sense that they were veterans of the Civil War, but men who had a brief service during the War with Spain in 1898. One person describes them as follows:

These men have, no doubt, made trouble for six months or more. They are bright men, not drinking men or men of bad habits in any way; they have studied the Blue Book, the Red Book, and the large printed report of the congressional committee investigating the Sawtelle National Home, in California, a short time ago, hence their dissatisfaction and complaint.

It is said of the one most responsible for the charges:

He is a frail chap, in the secondary stages of pulmonary tuberculosis, inclined to be fanciful as to his surroundings, reads socialistic literature—

And so forth.

This man is only 47 years of age and is the one referred to by me on Saturday. It appears from his military record that he enlisted at Buffalo, N. Y., in May, 1898, and was discharged there in November of the same year, having been treated in a hospital during his service for ingrowing toenail of the right foot.

Refuting the charges, we have the statement of the governor and treasurer of the home, the president of the board of managers, the inspector general and chief surgeon, and two members of a committee of the Spanish War Veterans' Association, who investigated the charges. In addition is the statement of Gen. S. J. Conklin, a soldier of prominence, who was a member of Battle Mountain Sanitarium on April 29, when the gentleman from Illinois assailed the management of that institution. Gen. Conklin said of the charges read by the gentleman from Illinois as follows:

The letter which he read is the rottenest thing that I have ever met with. There is not one iota of truth in the whole matter, as will appear if an investigation is ever had.

Finally, there is the letter of Capt. C. V. Gardner, of Piedmont, S. Dak., who served for three years during the Civil War, rising from the ranks to captain of his company. He happens to be the brother of the Hon. Washington Gardner, of Michigan, who served in this House for 12 years with honor and distinction, now commander in chief of the national Grand Army of the Republic. It appears that Capt. Gardner was one of a standing committee of 10 appointed at the last annual encampment of the National Grand Army of the Republic Association to investigate alleged ill treatment of inmates and other wrongdoings by the officials of the homes. He was assigned to the Battle Mountain Sanitarium. He made application for admission to the home ostensibly for treatment, as he says, that he might have an opportunity from personal experience and observation to study conditions as they actually exist. He states that he was assigned to a ward, lived as the other inmates did, ate the same food at the same tables, and obeyed the same rules and regulations of the institution as the other members did; that he remained in the home for a period of nearly a month. He not only refutes the charges made by the three expelled members, but denounces them, and pronounces the quality and quantity of food served, including the cooking and the sanitary conditions, as excellent. He testifies to the high character of the officials and attendants and says that uniform, courteous, and attentive treatment is extended to everyone. He concludes his letter, which is addressed to the gentleman from Illinois, by proposing that he personally inspect the home, and states that if he does not find the conditions in all respects as he has described them in his letter he will pay his expenses from Washington to Hot Springs and return. I hope, if the gentleman from Illinois does not accept this proposition, that he will visit the home and make an investigation at his own expense, and that when he has done so, if he finds that he was not justified in the charges that he made in the House on April 29 against this institution and its officials he will retract the same and acknowledge that he was mistaken. [Applause.]

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For continuing the work of cleaning and repairing works of art in the Capitol, including repairs to frames, under the direction of the Joint Committeee on the Library, $1,500.

Mr. SMITH of Idaho. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment after line 17, page 91:

"For the completion of the historical frieze in the Rotunda of the Capitol by having painted therein suitable designs by an American artist of national reputation, one design representing Grant and Lee

shaking hands at Appomattox, symbolizing the preservation of the Union and a reunited country; another representing a ship passing through the Panama Canal; and another representing the navigation of the air, $10,000: *Provided*, That the President of the Senate, the Speaker of the House of Representatives, and the members of the Committees on the Library of the Senate and the House of Representatives shall constitute a commission to have charge of the completion of said frieze, to determine the compensation competing artists should receive, and to make contracts for the painting of the designs selected.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment that it is new legislation.

Mr. SMITH of Idaho. Mr. Chairman, I desire to discuss the point of order.

Mr. FITZGERALD. Mr. Chairman, I will reserve the point of order for five minutes.

Mr. SMITH of Idaho. Mr. Chairman, the object of this amendment is to provide for the early completion of the historical frieze in the Rotunda of the Capitol.

We point with pride to our magnificent Congressional Library and the splendid Senate and House Office Buildings, but we are ashamed of our unfinished Capitol. For more than 60 years it has remained in an uncompleted condition. I have no doubt that every new Member of Congress who has passed through the Rotunda has been surprised to observe the vacant space in the historical frieze, and visitors always inquire of the guide why it has not been completed. Believing that there is no good reason for not portraying in this unfinished section a few of the important events which have transpired in the last half century, early in the present session I introduced a bill providing for the appointment of a commission consisting of the President of the Senate, the Speaker of the House, and the Committees on the Library in the two branches of Congress to select appropriate designs and to contract for their execution. This bill was referred to the Committee on the Library of the House, but up to date no action has been taken in the matter. A few weeks ago Senator O'GORMAN, of New York, at my request introduced a copy of the resolution in the Senate with the hope that action might be taken there, but so far nothing has been done. It appears to me, Mr. Chairman, that it is very important that this work be completed without delay. Early next spring we are expecting thousands of visitors from foreign countries to the National Capital en route to attend the Panama Exposition in San Francisco, and if this amendment is adopted the work could be completed in the meantime and we would not be compelled to apologize for the unfinished condition of this great building.

In this historical frieze, the first of scenes portraying the history of the New World represents the landing of Columbus; the next the entry of Cortez into the halls of the Montezumas 30 years later; the third scene represents the burial of De Soto in the Mississippi River in 1541; then in order follows Pocahontas saving the life of Capt. John Smith in 1606; the landing of the Pilgrims at Plymouth Rock in 1620; Penn's treaty with the Indians in 1682; the Battle of Lexington in 1775; the Declaration of Independence in 1776; the surrender of Lord Cornwallis in 1781; the death of Tecumseh, 1813; Gen. Scott's entry into the City of Mexico in 1847; and the last event portrayed is the discovery of gold in California in 1848, which was completed by the artist 25 years ago. Since that time work upon this great historical frieze has been suspended.

In my opinion, Mr. Chairman, the events mentioned in the amendment, to be portrayed in this vacant space, are the most important in the Nation's history.

What more important event has transpired in the history of our country than the reuniting of the North and the South after a struggle of four years in civil conflict? It was a fitting recognition of this event after 50 years of peace, which was recently celebrated by the dedication of a monument to the Confederate dead in Arlington.

We all recognize that the building of the Panama Canal is the greatest engineering feat in the world's history. It was constructed by American skill and American money, and the celebration of its completion is a most important event.

The successful construction of a heavier-than-air machine for the navigation of the air was accomplished by Americans, and this important event should also be represented in this great historical frieze.

Mr. Chairman, I ask unanimous consent to incorporate in my remarks an article which appeared in the New York Sun on March 22, 1914, descriptive of this historical frieze and containing brief sketches of the artists who painted them.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The article referred to is as follows:

[From the New York Sun, Sunday, March 22, 1914.]

STEPS TAKEN TO COMPLETE THE WORK IN ROTUNDA OF CAPITOL IN WASHINGTON, THE LAST OF THE WONDERFUL FRESCOES ON WHICH CONSTANTIO BRUMIDI WORKED FOR MANY YEARS.

A joint resolution has been introduced in the House of Representatives providing for the completion of the fresco frieze in the rotunda of the Capitol at Washington.

ADDISON T. SMITH, author of the resolution, is serving his first term in Congress. Ordinarily new Members are too intent upon impressing and serving the home folks for the first few years to bother much about unfinished buildings. Mr. SMITH'S interest can be readily understood when it is explained that for several years he served as a committee clerk in the Senate. Daily he passed back and forth beneath the unfinished, weather-stained frieze, and a promise he made himself—and has kept—was that if ever seated in either House one of his first moves would be toward the completion of the frieze.

The joint resolution provides that a commission, composed of the President of the Senate, the Speaker of the House, and members of the Committees on the Library of the Senate and House shall be empowered to complete the frieze "by having painted thereon a suitable design by an American artist of national reputation, representing Grant and Lee shaking hands at Appomattox, symbolizing the preservation of the Union and a reunited country, and another suitable design representing the Panama Canal in operation." An appropriation of $10,000 is made for the work.

Probably there has never been a tourist, a student, or other visitor viewing the vast heights and depths, the magnificent distances of one of the most wonderful rooms in the world—the rotunda of the Capitol—who has not marveled at the dilapidated and uncompleted belt or frieze. The average guide is apt to settle the question by explaining that Constantio Brumidi, who designed all and painted one-third of the frieze, fell from his slender, movable scafford and was instantly killed. This is untrue.

The work has remained unfinished for two reasons: First, no artist, American or foreign born, sufficiently skilled and sympathetic, has been found to complete the frieze; second, the lack of appropriate subject with which to terminate the procession of historical events. To get at the root of the matter it is necessary to go back to the advent of Brumidi and his wonderful art in the Capitol.

Constantio Brumidi is commonly and affectionately spoken of as the Michael Angelo of the Capitol. Little or nothing has been printed of his life and work, both of which are like a romance. Gazetters, encyclopedias fail even to mention his name. Yet this man caused the white staring walls of the Capitol to blossom forth in beauty and in colors that bid fair to retain their brilliancy, and yet mellow with age, as with the incomparable art of the masters of old.

First, last, and always Brumidi excelled in fresco, a branch of painting that is practically dead; yet he was versatile along all lines of art. In the Capitol alone he is entitled to large consideration as a designer, a decorator, a portrait painter, and frescoist. He studied carefully Romanesque, Venetian, Moorish, and Egyptian styles, all of which he used in the decoration of corridors and rooms at the Capitol. He lived in Pompeii for nearly two years, immersed in the knowledge to be found there, and one of the committee rooms at the Capitol he decorated in this style.

Real fresco is best understood by the Italian—it is the Italian word for "fresh" and the painting is done in mineral colors, mixed with water and applied to the surface of stucco or plaster, while the surface is sufficiently wet, or fresh, to imbibe and incorporate the colors. In the process of frescoing only as much surface of plaster is prepared at one time as can be finished while it is wet. The picture must progress piecemeal, and there is absolutely no possibility of retouching after once dry.

The French school in mural, decorative work, paints either in oils upon the walls or upon canvas, which is afterward coated with a gluey substance and pressed firmly upon the wall surface until it adheres. This method was employed in the much-talked-of wall decoration at the Library of Congress. There is no comparison between the so-called fresco of that building and the real fresco by Brumidi in the Capitol.

Brumidi was born in Rome on June 20, 1805, of an Italian mother and a Greek father. When very young he evinced a strong taste and propensity for drawing. A teacher was procured and he was admitted as a student at the Academia di San Luca when but 13. It was while at this school that he began the study of fresco, and took up plastic art under Thorwaldsen and sculpture under Canova. At 30 Brumidi had attained sufficient recognition to attarct the notice of Pope Gregory XVI, who commissioned him with three other well-known artists of that period—Podesti, Coghaetti, and Capaliti—to restore the Raphael frescoes in the Vatican.

When Piux IX ascended the papal throne Brumidi painted the portrait of that pointiff and it now hangs in the Vatican gallery. The new Pope, well pleased with the work, ordered a replica of himself and presented the young artist with a gold medal.

About this time Brumidi became a captain in the national guards, but continued his work upon the Vatican walls. In 1848 Rossi was assassinated. Pius IX fled to Gaeta, and the soldier Brumidi was ordered to turn the guns of his company upon the people. This he flatly refused to do; his house was surrounded at midnight by a cordon of soldiers, the artist captain dragged from his bed and thrown into prison. After 13 months of prison life Brumidi was released, but with the understanding that he would leave Italy at once and forever.

In 1849 Brumidi bade a last farewell to home and family and sailed for America. His leaving was rendered especially sad by reason of the fact that while confined in prison he became estranged from his wife.

Arriving in New York he had little difficulty in gaining recognition, as is evidenced by the altar piece "The Crucifixion" in St. Stephen's Church here. At the time it was painted it was the largest picture in oils in the United States. Brumidi was afflicted with wanderlust and has left examples of his work throughout the United States and Mexico, principally religious subjects in cathedral and church. On his way to Mexico he visited the Capitol in Washington and there received the inspiration for the great work of his life.

Finishing his work in Mexico Signor Brumidi returned to Washington in 1859 and applied to Gen. Meade, who was at that time in charge of the Capitol, for permission to show what could be accomplished by way of mural decoration in the building. Gen. Meade was not inclined to take any chances and the desired permission was delayed. But per-

sistent application finally won the artist his desire and the Italian entered the Capitol—for life.

His first work was the embellishment of the Agricultural Committee room, the central design being "Cincinnatus at the Plough." George Hazleton in his book on the "National Capitol" declares this to be the finest example of mural painting in America. The Senate waiting room next claimed Brumidi's attention, and a few years ago, while visiting in this country, Prince Henry of Prussia said: "This room is the most beautifully decorated one in the world. It is marvelously lovely."

And so Brumidi's brush swept on and on over the walls of the great building, transforming it into a thing of beauty. In the lower corridors he demonstrated an art new to America, skilfully ornamenting the long, narrow halls in arabesque, after the manner of the Vatican loggia, with flowers, fruits, birds, fish, and animals of all kinds and in true colors. A storm of protest was aroused over the introduction of animal life into the wall decoration, but Brumidi weathered it, and strong in his knowledge of the artists of the Renaissance, he continued to lay all the kingdoms of nature under contribution. The corridars to-day are as fresh and lovely as when first painted and a joy to all who see them.

The dream of the Italian artist's life—he became a naturalized American in later years—was to paint the Dome of the rotunda, and he gave every spare minute to the preparation of cartoons for its adornment. In 1862 the designs, to his immense gratification, were accepted, and at the age of 57 the artist mounted a scaffold 180 feet high and began upon the canopy fresco, which covers nearly 5,000 square feet. A small, specially designed lounge on rollers enabled him to lie flat the greater part of the time and to wheel himself from one part of the overhanging bowl to another as the work progressed.

The subject matter is exquisitely drawn and proportioned and painted with admirable regard to historical facts allegorically portrayed. The colors are flaming, breathing, leaping with life; altogether it is a mighty, a finished and fitting picture for the imposing proportions of the magnificent rotunda. The coloring is little less than astonishing because of the fact that in fresco but nine colors are available, lime in the plaster eating up all the rest.

Completing this undertaking, Brumidi at once commenced the cartoons for the frieze. They were accepted by Congress in 1869, but it was 1878 before that body saw fit to appropriate money for the actual work. The style of execution on the frieze is imitative of sculpture, being alto-relievo, and represents a series of scenes in the history of the two Americas, beginning with the entry of Cortez into the halls of the Montezumas, 1521, and ending with Gen. Scott's entry into Mexico in 1848.

The frieze is 100 feet from the floor and 250 feet in circumference. It is remarkable that at 73, an age when the generality of men have retired from active business life, the Italian-American wonderworker allowed himself to be drawn up to a scaffold, a sliding affair planned and rigged by himself, which clung like a huge tarantula to the side of the wall, at a height of 100 feet, and there he began the historic frieze.

At first he reached his workshop, as he called it, by means of a spiral stairway leading to the Dome. The stairway passes a balustrade a number of feet above the frieze. This balustrade the aged artist would scale and then descend a ladder to the delicate, apparently insufficient, scaffold beneath. Toward the last, grown silver haired and weak in the service of his adopted country, Brumidi devised a wooden cage, with a chair inside, and seating himself would each morning be hoisted by a system of pulleys to his beloved "shop." When evening shadows made it impossible for him to work longer he would give the signal and be gently let down from the exalted workbench.

In December, 1879, he had a narrow escape from instant death; a misstep on the scaffold caused him to lose his balance, and until rescued by a watchman in the Dome he hung as best he could, clutching a ladder and in a perilous position. Brumidi never recovered from the shock and died in February, 1880.

During the two months he lived, realizing that his own hands would not lend the historic procession around the belt, he worked feverishly at enlarging the frieze cartoons, finishing them only a few days before his death. These cartoons were promptly appropriated by Congress and later used, and neither Brumidi nor his family ever received one cent for them.

In this regard it is interesting to note that while decorating the committee rooms and corridors the artist received $8 a day until Jefferson Davis, who was a great admirer of Brumidi, saw that the amount was increased to $10. The canopy in the dome was the only piece for which he received a lump sum, and for the three years' labor on that $39,000 was paid him. Out of this sum he was forced to pay the assistants who mixed the colors, applied the cartoons, and assisted in small ways under the master's personal direction.

Brumidi's work began with the Cortez subject and ended with Penn's peace treaty. Filippo Costaggini was engaged not long after Brumidi's death to complete the frieze, but the result proved disastrous. Some declare that Brumidi purposely drew his cartoon two scenes short of finishing the frieze, waiting, as it were, for later subjects. Others contend that he calculated to the fraction of an inch the space necessary to be covered.

Be that as it may, Costaggini from the very inception of his own work crowded the cartoons in an abominable and heart-breaking manner; so much so that in some instances figures of importance are unrecognizable from the mass of surrounding matter. Costaggini was openly accused of crowding the cartoons with the idea of adding two scenes of his own—Leland Stanford driving the golden spike at the junction of the Union and Central Pacific Railways, 1869, and President Cleveland touching the button that opened the world's fair at Chicago.

Howls and avalanches of criticism evidently rattled the newer artist, and forthwith he madly started to spread and separate the remaining figures in a manner that might have been almost ridiculous if the result had not been such an artistic tragedy. But the elasticity came too late, and after using all the Brumidi cartoons a space of about 36 feet was left uncovered. It is this space that Representative SMITH'S resolution proposes now to fill.

In 1896 Senator Hansbrough offered a bill to finish the frieze with the Costaginni sketches, but it was not passed. A fine row developed, Senator Hawley declaring, says George Hazelton, "that a series of historical paintings without George Washington or Abraham Lincoln, but presenting Grover Cleveland, is not satisfactory." Mr. Hawley also said: "I wonder how a man giving a history of the United States can entirely skip the great war of the Union. I would put on the frieze the apple tree at Appomattox and Grant and Lee shaking hands, with surrounding touches of troops and artillery."

This settled the work of Filippo Costaggini, and since 1889 the frieze has been left to "innocuous desuetude" and the elements, for the frieze is badly stained from a leaky roof, now happily repaired so that no more damage can be done in that regard. The difference in the work of the two Italian artists is too apparent and too unhappy a subject to need delineation. In regard to the absence of George Washington in the frieze the artist probably thought that as the entire spirit of the dome canopy represented the beatification of George Washington some other great man or men should be honored in the frieze.

In all probability Mr. SMITH'S bill will go through. One amendment at least is certain, because it will be fostered by the Idaho Representative who offered the original resolution. The added clause will call for the discovery of the north pole and aviation to be depicted. Whether the face of the pole discoverer is to be composite or not Mr. SMITH has not decided. The artist who undertakes to draw designs and cartoons showing the surrender at Appomattox, the Panama Canal, the north pole, and aviation, and present all this in 36 feet of space will have his hands full. But, perhaps, it can be successfully done.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. BARTHOLDT. One minute. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word merely for the purpose of asking a question. I think this is a highly meritorious proposition, although subject to the point of order. In proposing designs for this vacant space in the Rotunda I notice that the gentleman does not even mention Abraham Lincoln. Does not the gentleman think a frieze representing Abraham Lincoln striking the shackles from 4,000,000 slaves would be a magnificent suggestion?

Mr. SMITH of Idaho. Most assuredly; that would be a very proper subject to be portrayed, if the space would permit. Of course, the commission will have entire charge, and they can determine what to put in there; and if they saw proper to put in a design portraying the great emancipator, they could do so under this provision in connection with the design representing Grant and Lee shaking hands.

Mr. BARTHOLDT. In the gentleman's proposition he does not tie down the commission to any specific design?

Mr. SMITH of Idaho. Not to any special design, except as stated in the proposed amendment.

Mr. BRYAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. FITZGERALD. But the point of order is sustained.

Mr. BRYAN. The amendment was to strike out the last word. I want to ask the chairman of the committee [Mr. FITZGERALD], while we are on the question of statuary, why he does not bring out the very meritorious bill which he has introduced for the erection of a statue in honor of John Ericsson, the inventor and constructor of the *Monitor*, one of those great men who is entitled to recognition by the Government for actual and stupendous service performed. The chairman of the Committee on Appropriations having introduced that bill, I would have thought it would have been brought out and passed.

Mr. FITZGERALD. Of course the gentleman understands that I have no control over the Committee on the Library, not even being a member.

Mr. BRYAN. But this bill was referred to the Committee on Appropriations.

Mr. FITZGERALD. Oh, no.

Mr. BRYAN. I thought it was.

Mr. FITZGERALD. I tried to do that, but they would not let me.

Mr. BRYAN. I will say to the chairman of the committee that I should like very much to see that bill come out of committee and be passed. Some of the very best and most reliable citizenship of my State has, through resolutions and by letter, called this to my attention, and I am anxious to get an opportunity to vote for that worthy act of appreciation of service rendered.

The Clerk read as follows:

Capitol Grounds: For the care and improvement of the grounds surrounding the Capitol, Senate and House Office Buildings, pay of one clerk, mechanics, gardeners, fertilizers, repairs to pavements, walks, and roadways, $30,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. Mr. Chairman, all of us have observed for several years past the dilapidated condition of the street in front of the Library of Congress, adjoining the Capitol Grounds. Ever since the terminal railway company built its tunnel under the Capitol Grounds that roadway has been in a very dilapidated condition, which is a disgrace to the Government. Yesterday I had occasion to ride over the street car tracks from the Capitol to the Union Station, and I noticed that the tracks were very unsettled. I would like to inquire of the chairman of the committee as to the reason for that poor condition of the street east of the Capitol Grounds.

Mr. FITZGERALD. My recollection is that the railroad tunnel extends under the street, and the settlement has not yet been finished as the result of the falling in of the tunnel and the operation of the trains. Until the settlement is completed it is deemed unwise to attempt to reset the walls and permanently fix it.

Mr. STAFFORD. I would like to say to the gentleman that other parts of the street over this tunnel seem to be in a very good condition. It seems that just in that part tributary to the Capitol Grounds is where this condition has existed for years and years.

Mr. FITZGERALD. It is since the original construction that the pavement has settled. The pavement has settled and has caved very badly. I made inquiries about it, and I ascertained that for some time there would be sufficient continuing settlement to make it unwise to permanently reset the boundary walls and curbing on the Capitol Grounds and make the necessary repairs.

Mr. STAFFORD. Upon whom rests the obligation to put that street in proper condition? Is it the Government, in control of the Capitol Grounds, or the Washington Terminal Co.? I recall that we granted some years ago the right of way to the Washington Terminal Co. to tunnel under these grounds. This street is now in a bad condition and should be repaired. It is an eyesore to thousands and thousands of people who have occasion to visit the Congressional Library.

Mr. FITZGERALD. It would not be worth while to do the work over and over.

Mr. MURDOCK. Has that sinking, which has been gradual, and which has been going on for years and years, affected the House Office Building in any way?

Mr. FITZGERALD. Oh, no. The House Office Building was specially strengthened. Foundations were put in at that point with a view to resisting the effect of any vibration from the operation of the trains.

Mr. MURDOCK. Well, while this subject is up, I would like to ask the gentleman this question: How often is the plaza right here in front of the Capitol paved and who has that in charge?

Mr. FITZGERALD. I do not know how often it is done, but we are making provision here to resurface the plaza east of the Capitol. It looks as if it had been done about 30 years ago.

Mr. MURDOCK. That is what I thought.

Mr. FITZGERALD. It has been urged from time to time. It is under the jurisdiction of the Superintendent of the Capitol, and he has urged it; and in this bill we carry $50,000, which will do the bulk of the resurfacing and make some changes in the drainage system.

Mr. JOHNSON of Kentucky rose.

Mr. STAFFORD. I would be glad to hear the opinion of the chairman of the Committee on the District of Columbia on that point.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman from New York will pardon me, it is my view and information that the railroads were to repair that street after they had built the tunnel under it. They have repaired it, as I understand, in places, except on the ground owned by the Federal Government. It is also suggested that the railroad is going to ask the Government to give it the Congressional Library over here as a roundhouse—the Government has given it everything else—and it may be very well not to improve this street over there until that has been done, because they will need to tear up the street again when that is done.

Mr. STAFFORD. Then the duty rests upon the Washington Terminal Co. to repair that street and put it in condition?

Mr. JOHNSON of Kentucky. From my information I understand they were required to restore it to its natural and normal condition.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman from New York state whether there is anything in this bill for the repaving of the portion of the Capitol Grounds east of the Capitol, on the east front?

Mr. FITZGERALD. Yes; $50,000.

Mr. BURKE of South Dakota. It needs it very badly.

Mr. STAFFORD. I assume the improvement is not limited to the Plaza to the east. It is all about the Capitol Grounds?

Mr. FITZGERALD. It will not do any more than cover the entrances and the Plaza.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

PUBLIC LANDS SERVICE.

Registers and receivers: For salaries and commissions of registers of district land offices and receivers of public moneys at district land offices, at not exceeding $3,000 per annum each, $540,000.

Mr. BURKE of South Dakota. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amend, page 93, by striking out lines 4, 5, 6, and 7 and inserting in lieu thereof the following:

"Registers: For salaries and commissions of registers of district land offices, at not exceeding $3,000 per annum, $270,000: *Provided*, That the office of receiver of public moneys for land districts from and after the 30th day of June, 1914, is abolished, and all the powers, duties, obligations, and penalties at that time lawfully imposed upon such receivers and upon registers of land offices shall, from and after that date, be exercised by and imposed upon such registers; and such registers shall, in addition to the duties thus imposed, have charge of and attend to the sale of public and Indian lands within their respective districts, as provided by law and official regulation, and shall be accountable under their official bonds for the proceeds of such sales, and for all fees, commissions, and other moneys received by them under any provision of law or official regulation. Instead of the office of receiver of public moneys hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding $2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize, and such chief clerk shall perform such duties as may be directed by the register of the land office for which he is appointed, or by official regulations, including the receipt of moneys, and he shall during the absence of such register or in case of a vacancy in the office of such register exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulations; but such clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction: *Provided*, That all the fees and commissions now allowed by law to both such registers and such receivers shall, after the 30th day of June, 1914, be paid to and accounted for by such registers in the manner prescribed by law and departmental regulations, and in like amounts in which they are now required to be paid to and accounted for by such receivers, but the compensation of such registers shall in no case exceed $3,000 per annum, as now provided by law.

Mr. FITZGERALD. Mr. Chairman, I make a point or order against that.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to have the gentleman make his point of order if he thinks it is subject to a point of order.

Mr. FITZGERALD. It is new legislation. It authorizes a number of things that are not now authorized by law.

Mr. BURKE of South Dakota. I am perfectly willing, Mr. Chairman, to accept the ruling of the Chair without discussing it. I do not care to discuss the point of order. I am perfectly willing to submit the matter without discussion.

Mr. FITZGERALD. I make the point of order, Mr. Chairman, that it is legislation. An attempt is made, I suppose, to bring it within the terms of the Holman rule, but so much other legislation, not now authorized, is added to the provision that it constitutes general legislation, and appears to me to be subject to a point of order.

Mr. RAKER. Mr. Chairman, in addition to what the gentleman from New York said, the statute now provides that the receiver shall receive $500 a year, under the provisions of the legislative act, in the Revised Statutes. This bill adds a new officer to take the place of the receiver, and fixes his salary at $2,000; so that as a matter of fact it is a large increase, on the face of it, over the present law. The receiver gets $500 and commissions that can run up to $3,000 only and no more. Some of these receivers have been getting not over $800, some of them $1,000, some $1,500. It is an ascending and descending scale, according to the work done in the office. But here is a positive change of the statute, fixing a new office, fixing the salary at $2,000 in the place of the $500 fixed by the Revised Statutes of the United States. Clearly that would not come under the Holman rule, because it is an increase all along the line.

The CHAIRMAN. The Chair thinks the amendment is in order under the Holman rule.

Mr. BURKE of South Dakota. Mr. Chairman, I should like to discuss the amendment.

The CHAIRMAN. The gentleman from South Dakota is recognized for five minutes.

Mr. BURKE of South Dakota. I thought possibly, if given sufficient time to think about it, the gentleman from New York [Mr. FITZGERALD] might recall that two years ago, on the 14th day of June, 1912, when the sundry civil appropriation bill was pending, he reported to the House the identical proposition that is involved in my amendment, and therefore I was not surprised when I saw him take the RECORD of that date to the desk so that the Chairman would know how the then occupant of the chair ruled on a point of order made at that time. A point of order was made against the provision by the gentleman from

Oregon [Mr. HAWLEY] and was discussed at considerable length, particularly by the gentleman from New York [Mr. FITZGERALD], who argued eloquently and ably against the point of order, which was overruled by the then occupant of the chair, the gentleman from Tennessee [Mr. BYRNS], the Chair basing his ruling by holding that the provision reduced expenses and was therefore in order under the Holman rule.

I wonder why it is that the gentleman from New York now makes a point of order when this provision is offered to the House, which he seems to have omitted in reporting the bill in this Congress. In 1912 the gentleman, then chairman of the Committee on Appropriations, brought this provision in as a part of the bill, and it was adopted by the House. I think every Member on that side voted for it. I wonder why this change of front. This proposition had been recommended and urged upon Congress for many years, but was not adopted until two years ago, when it passed the House under the leadership of the gentleman from New York [Mr. FITZGERALD]. He stated at that time that it would mean a saving of a very considerable sum of money. It will be observed that the amount carried in the amendment is just one-half of the amount that is carried in the bill. The gentleman, referring to these offices of receivers in 1912, said in his remarks:

> The purpose of this provision is to improve the efficiency of the land office and at the same time effect a very considerable economy. This recommendation has been made now for three different years by the Commissioner of the General Land Office, and it has been recommended and approved by the Secretary of the Interior.

Then he said further:

> This provision in the bill is to eliminate useless political officers and to substitute in their place men who are selected with regard to their qualifications for the work and to give them a tenure of office that will promote the efficiency of the administration of the public service.

Then he goes on further and says:

> In a majority of the land-office States it is a notorious fact that 75 per cent of the officials whose places are to be abolished by this provision do not personally perform the duties of their offices, but turn it over to a subordinate.

And he goes on still further:

> Here is an attempt, based upon the recommendation of responsible officials, to place in charge of the administration of these offices competent, efficient men, who will be compelled to discharge the duties of the office and not devolve them upon subordinates, which adds to the expense of the offices. This provision will relieve the office at Washington from considerable expense and trouble, as well as the ordinary field force, and greatly advance the interest of those seeking to secure their patents through these local offices.

Mr. Chairman, I think it is due to the House that the gentleman from New York [Mr. FITZGERALD], who first makes a point of order against this amendment, which was his own product in 1912 and which he defended at that time, should explain what has happened since June 14, 1912, to cause him and his associates on the Committee on Appropriations to come back with the old proposition of providing for receivers, as had been done previously for so many years. If it was a good thing then, why should not that side of the House accept it now and adopt the amendment that I have offered?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I am indebted to the gentleman from South Dakota for reading to the House my remarks of two years ago when this bill was under consideration.

I made the point of order against the amendment because it was impossible to tell, as it was read from the desk, what the amendment contained; but I sent to the desk the provision reported by the Committee on Appropriations two years ago, so that the Chairman could determine by comparison whether the amendment was similar or identical and not be misled as to whether the proposed amendment was in order.

I have not changed my opinion as to the desirability of abolishing certain of these offices. In 1912 I urged it and had the House adopt it, but was compelled to surrender on it to the Senate in order to obtain the reorganization of the customs-service provision, the repeal of the Tarsney Act provision, and the elimination of nearly $5,000,000 out of a total of $6,000,000 added by the Senate. It was the best that could reasonably be expected. The experience had at that time did not lead me to expect or hope for any assistance from the gentleman from South Dakota [Mr. BURKE] or any others on his side if such a provision were reported. I do not know whether the gentleman from South Dakota has changed his views, but for the information of the House so they may be able to weigh impartially the arguments pro and con——

Mr. BURKE of South Dakota. I will say to the gentleman, and perhaps save him the trouble of saying, that I have not changed my position; I was against it then and I am against it now.

Mr. FITZGERALD. I have not changed mine; but since the gentleman read the argument made by me, perhaps it is only fair to the House to read the argument made by the gentleman from South Dakota at that time.

Mr. BURKE of South Dakota. I still stand for that argument.

Mr. FITZGERALD. In opposition to the amendment which he now offers, the gentleman from South Dakota then said:

> Mr. Chairman, I am in favor of the motion of the gentleman from Wyoming [Mr. MONDELL] to strike this provision from the bill, first, because I do not believe that legislation as important as this legislation should be incorporated in an appropriation bill.
>
> It has been suggested that this provision is in order under the Holman rule because it would save expense. In my judgment, Mr. Chairman, it will not save one dollar in the expenses incurred in connection with the administration of the land offices of the country.
>
> I remember only a few years when it was proposed by the Interior Department to discontinue the Indian agents, and to consolidate the position of the school superintendent and the agent in one position, and we were assured if that was done we would save a large sum of money.
>
> Mr. Chairman, we did discontinue agents and substituted the school superintendents, but the experience has been it has not saved expense, but simply has put into the classified service positions that theretofore were filled by appointments made by the President and confirmed by the Senate, and we now have at the Indian agencies of the country agents who are charged with great responsibility, who are in some instances clerks sent out from the Indian Office, who never had seen an Indian until they left the District of Columbia and never had had any practical experience in dealing with Indians.

And further along the same line.

Mr. BURKE of South Dakota. Will the gentleman permit me to ask him, if I did not succeed at that time in convincing him, since he has had an opportunity to read and consider what I said, has he not concluded I was right about it?

Mr. FITZGERALD. No.

Mr. BURKE of South Dakota. And is not that the reason why he now proposes to appropriate for continuing receivers of public moneys?

Mr. FITZGERALD. No; I repeat what I have already said. I have not changed my position. I have not changed my views. I still think as I thought two years ago, that in the interest of efficient and economical administration——

Mr. BURKE of South Dakota. Is the gentleman for the amendment that I have offered?

Mr. FITZGERALD. I can not speak if the gentleman is going to try to speak at the same time. I think, if the reforms proposed were adopted, they would be to the advantage of the Government; but the gentleman continually confuses me with the Committee on Appropriations. I am not, I am only a single member of the committee, and the gentleman from Wyoming [Mr. MONDELL], who bitterly antagonized the provision in the bill two years ago, this year was a member of the subcommittee that prepared the bill, so that it was much more difficult to attempt to reform in any way anything connected with the public-land service than it would have been if he was absent.

Mr. MONDELL. The gentleman from New York admits that I convinced him that his position of two years ago was a mistake?

Mr. FITZGERALD. I will state for the third time, and I hope this will be sufficient, that I have not changed my opinion as to the wisdom of abolishing these offices. I believe we would get better administration and save money. Then I will add further that I think we are not going to abolish them at this time. I believe that the Republicans who strenuously antagonized abolishing these offices when they were still indulging in the vain hope that they might be successful in the national campaign can not in good faith, after they have lost the opportunity to fill the offices, attempt to abolish them. We were willing to take the chances regardless of whether we came into office or not. But the gentleman wished to wait to ascertain whether his own people would remain in office, and if they were he did not wish to reform, but if his party was unsuccessful then he wishes the reformation to proceed.

Mr. BURKE of South Dakota. The gentleman, as I understand, is of the same opinion that he was two years ago, but he anticipates that his associates on that side of the aisle are not of the same opinion, that they have changed while he has not. Is that what I am to understand?

Mr. FITZGERALD. No; I think Members like the gentleman from South Dakota interested in these land office districts, here and elsewhere, are not going to succeed in the abolition of these offices.

Mr. FERRIS. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I ask that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I shall not indulge in any remarks as to whether it is a good thing to maintain the registers and receivers when the Republicans were in or now while they are out. I will say that the amendment abolishing receivers ought not to be adopted for the reason that under existing law the Secretary of the Interior has the right to abolish these land offices in toto when the business dwindles down and they are no longer needed. In States where the public land has all been taken up the Public Lands Committee has been diligent in abolishing the receiver, and where the office business has dwindled down. The register and receiver of the land office are important officials; they are needed; and the House ought not to side-step the question whether it is good politics to keep them in or not. It is an economic question. It is not a matter of political jest. The register and the receiver have conducted the land business ever since the country was organized, and they ought to have it until the business dwindles down so that they are not needed. It costs only $500 apiece to retain them; the balance of their fees are fees collected from the settlers and does not cost the Treasury anything. The amendment ought not to be agreed to. It is too important to go on this bill in this way.

Mr. RAKER. Mr. Chairman, while the Chairman recognizes this amendment as being admissible under the Holman rule, I think if we went into a further investigation it would demonstrate that it costs more than it does under the present law.

I want to call attention to the fact that the law provides, in the Revised Statutes, section 2237, that the receivers shall receive a salary of $500. That has been the law for many years.

Mr. FITZGERALD. Read the rest of the provision.

Mr. RAKER. Section 2240, which is some ways from 2237, says that the compensation of the registers and receivers, including salary, fees, and commission, shall in no case exceed the aggregate of $3,000, and that no register or receiver shall receive for the quarter more than the fractional part of such maximum.

Now, this amendment provides for a new officer and that he shall receive $2,000, and he permits the Secretary to put another in charge of the work. Aside from the question of economy, it is taking from the local people the very men that they want there, who have been appointed by the President, with the recommendation of the Secretary of the Interior—two good competent judges to handle the business on the ground. I will guarantee that there is not a Republican Member from a Western State that will vote for this amendment, because he knows that 95 per cent of his people are against this amendment.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. RAKER. No; I can not yield just at this point. I am surprised to hear my friends, who know that 90 per cent of the people in the Western States are against any such provision, advocate this legislation. Why, these people would rise up in arms against such an amendment, in taking from them good, competent judges who now fill these important offices. The gentlemen know that; they know the facts, and they know the condition of the country, and there is no reason or sense in sending employees from the city of Washington out there to do this work. There is no reason for it, no use for it, and I am surprised that my friends who are sent here by the people of the West should at this time try to put on this bill such a piece of legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and on a division (demanded by Mr. BURKE of South Dakota) there were 4 ayes and 55 noes.

So the amendment was lost.

The Clerk read as follows:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the exchange of typewriters, $330,000: *Provided*, That this appropriation shall be available for the payment of per diem, in lieu of subsistence, not exceeding $4 per day, of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and in the opening of new land offices and reservations, while on such duty, and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares: *Provided further*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

Mr. MONDELL. Mr. Chairman, I move to amend by striking out, in line 10, page 93, the figures "$330,000" and inserting in lieu thereof the figures "$340,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 93, line 10, strike out the figures "$330,000" and insert in lieu thereof the figures "$340,000."

Mr. MONDELL. Mr. Chairman, I hope the chairman of the committee will accept this increase of $10,000 in this item. He will recall that the appropriation for the current year is $320,000, and that we have made a deficiency appropriation of $20,000, making $340,000, the amount to which I now seek to increase the appropriation. The other day I made an investigation of the situation in the General Land Office with regard to this appropriation for clerk hire and incidental expenses in the land offices, and I discovered that up to this time they have made appointments and authorized expenditures which consume all of the $340,000 available for the present fiscal year, except $86.96. There will be just as many land offices the coming fiscal year as there have been during the present fiscal year and are now. The probability is there will be one additional land office at least. I do not believe it possible for the department to reduce its expenditures below the expenditures for the current year without very considerable injury to the public service. I have not asked for the amount of the estimate, which is $350,000, but for the sum available for the current fiscal year. I think I am fairly well acquainted with the conditions under which this fund is expended. I believe it is being expended economically. I feel confident that if we do not give the department this additional $10,000 it will be necessary for them to discharge clerks. They must do it under the law, because they can expend only one-twelfth of the appropriation each month. The chairman will recall that they asked for a deficiency appropriation of $30,000 for the current year. We gave them $20,000. They found it very difficult to keep up with the business of the land offices with the sum we gave them for the current year. Any less sum will certainly have the effect of reducing the force and doing an injury to this very important public service. The local land offices have to do with the local entrymen. It is to the local land office that the entryman goes in the first instance to present his claims for land and to make his proof. If we do not give those offices a sufficient number of clerks and sufficient sums for other expenses, we work a hardship on our people who are seeking homes in the West and who are seeking to develop the West and who are seeking lands under the public-land laws.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not prevail. In the fiscal year 1913 there was an increase of $90,000 over the customary appropriation for the contingent expenses of the land offices because of the passage of the three-year homestead and other laws. There was a very large unexpended balance for 1914, the current year. There was appropriated $320,000, the amount requested by the Commissioner of the General Land Office. Some time ago the request was made for a deficiency appropriation of $20,000. It was ascertained that there would be an unexpended balance of $30,000 from the other year, and an attempt was made to get $30,000, although they had requested, if I recall, but $20,000. For the next fiscal year the committee has recommended an increase of $10,000 over the current year, and yet it appears that although they contemplate employing six less clerks than they employed in 1913, they expect to spend over $7,000 more for clerk hire than they did in 1913.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. The gentleman understands, of course, that this proposed appropriation is $10,000 less than the amount available for the present fiscal year?

Mr. FITZGERALD. It ought to be less than that. I am not certain that it is not somewhat too liberal, but so that there could be no falling off, the committee did recommend $10,000 more than was given for the current fiscal year, and yet despite that fact, despite the fact that those who presented this matter to the Committee on Appropriations disclosed they contemplated using six clerks less next year than they had in 1913, they wanted to expend $7,000 more for 239 clerks than they expended for 244 clerks in 1913. Of course, if the committee desires to give ample funds to enable indiscriminate increases of compensation of these clerks to be made, they ought to vote the additional $10,000. I believe that the service is given ample in the amount recommended by the committee, and I hope that the amendment will not be adopted.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. The gentleman is aware of the fact that had it not been for the discharge of a number of clerks, it would have been impossible to have gotten along with the amount available the present fiscal year, and yet we are proposing to give them $10,000 less than is available the present fiscal year for the same or a greater number of clerks than they now have, not taking into consideration the new land office.

Mr. FITZGERALD. Mr. Chairman, the gentleman is mistaken. The trouble is this: In response to a request of the General Land Office the committee, perhaps erroneously, gave $90,000 additional for 1913, because of the extraordinary conditions that it was asserted existed. The Land Office could not possibly expend the money that was given it, and ever since then they have been exerting every effort to have this money made available from year to year so that they might possibly expend what they could not expend in the year in which it was appropriated. I think there is not any necessity or justification for any further increase in this appropriation. It is now more than it has been at any time, with the exception of one year, and it is ample for the legitimate operations of the department.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $735,000: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied in whole or in part by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and to surveying under such other acts as provide for land grants to the several States and Territories, and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, except railroad land grants, and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations. The surveys and resurveys provided for in this appropriation to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation, not exceeding $200 per month each, as he may prescribe except that the Secretary of the Interior may appoint not to exceed two supervisors of surveys, whose compensation shall not exceed $250 per month each, and except in the District of Alaska, where a compensation not exceeding $10 per day may be allowed such surveyors and such per diem allowance, in lieu of subsistence, not exceeding $3, as he may prescribe, and actual necessary expenses for transportation, including necessary sleeping-car fares, said per diem and traveling expenses to be allowed to all surveyors employed hereunder and to such clerks who are competent surveyors who may be detailed to make surveys, resurveys, or examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States: *Provided further*, That the sum of not exceeding 10 per cent of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public-land survey corners wherever practicable.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that this paragraph and the next paragraph be considered together. If the indefinite appropriation is to be repealed, there are two amendments that should be offered to the pending paragraph. One is, after the word "lands," on page 94, in line 4, to insert "including the proportion to be paid by the United States of the cost of surveying lands within the limits of railroad land grants," and to strike out, in lines 18 and 19, the words "except railroad land grants." These amendments should be adopted if the next succeeding paragraph remains in the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the paragraph read and the succeeding paragraph may be considered together. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I have a letter here from the Commissioner of the General Land Office. First, I will inquire of the gentleman what he hopes to do? The Commissioner of the General Land Office says that we are denying the right to him to carry on surveys, that he has some 28 line parties in the field whom he will have to bring in if this legislation is enacted.

Mr. FITZGERALD. We propose two amendments necessary to perfect the paragraph if the indefinite appropriation is repealed. If the indefinite appropriation be repealed, then the Commissioner of the General Land Office can use such part of the $735,000 for surveying within land grants as he considers necessary. It is more advantageous than the other. We wish to strike out "except railroad land grants," lines 18 and 19, and to insert after the word "lands," in line 4, "including the proportion to be paid by the United States for the cost of surveys of the lands within the limits of railroad land grants."

Mr. FERRIS. Would the gentleman really do that? Although he adds this amendment, he takes away $100,000 and gives $35,000 in its stead; that is what he really does.

Mr. FITZGERALD. No; we do not. He has never been able to use more than $35,000 a year.

Mr. MONDELL. It is $635,000; and $35,000——

Mr. FITZGERALD. He has never been able to use in any one year more than $35,000.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none; and the Clerk will read.

The Clerk read as follows:

The indefinite appropriation for "Surveying within land grants (reimbursable)" made by the act approved March 2, 1895 (28 Stats., pp. 937 and 938), is terminated as an appropriation from and after June 30, 1914, in the same manner and under the same conditions as any annual appropriation for the fiscal year ending June 30, 1914, and any amounts that shall be reimbursed to that appropriation by railroad companies or otherwise under the terms of the act shall thereafter be covered into the Treasury to the credit of miscellaneous receipts.

Mr. FRENCH and Mr. FERRIS. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The gentleman from Idaho reserves a point of order.

Mr. FRENCH. I make the point of order that this paragraph is not in order.

Mr. FITZGERALD. Let us have a disposition of it; there is no use wasting time.

Mr. FRENCH. Then I make the point of order.

Mr. MONDELL. I would like to be heard on the point of order.

Mr. FRENCH. I would like to be heard on the point of order.

Mr. MONDELL. I would like to hear the gentleman's point of order before he makes his argument.

The CHAIRMAN. The Chair will ask the gentleman from Idaho to indicate to what portion he makes the point of order.

Mr. FRENCH. Mr. Chairman, the point of order I make is directed against the language on page 98, the paragraph that has been read, and I make the point of order upon the ground that the paragraph is new legislation, that it does not come within the Holman rule, and that it is not a saving of money to the Government. There is and has been for something like 20 years an irreducible or reimbursable fund maintained of $100,000 for the purpose of carrying on certain survey work. The committee, as I understand it, advises that it proposes to make appropriations for the surveys of these lands for which this reimbursable fund has been used. The chairman of the committee has just said there is included in the preceding paragraph an item in excess of that which has been used for any one year for the purpose of survey of grant lands. If we appropriate elsewhere for this survey, it is not a saving of money, but is a transfer of money from one appropriation for the purposes of another item in the bill. Instead of using the money that is always provided for, and to repeal the law making that authorization, this clause or paragraph has been inserted in the bill.

Mr. FALCONER. Will the gentleman yield for a question?

Mr. FRENCH. I will be glad to do so.

Mr. FALCONER. In his discussion of the point of order the gentleman indicates that he is against an increase of expenditures for certain survey purposes; that is, railroad land grants. Do I understand the gentleman to be opposed to spending more in the future than we have in the past on the surveying of railroad land grants?

Mr. FRENCH. The gentleman did not understand me. I think we ought to expend a good many times as much as we have been expending in the past because of the fact that the railroads or their grantees that own these lands to-day are escaping taxation. The lands are increasing in value from year to year, and by following the tardy policy that the Government has been following during the past in the survey of grant lands we are permitting the railroads that own those lands, or their grantees, to receive an increase in value without paying to the States and counties their reasonable proportion of taxation for the support of local institutions.

Mr. FALCONER. Mr. Chairman, I do not find that the gentleman's argument tends to that end. It seems to me that the amendment offered by the gentleman from New York or the committee, on page 96, line 18, together with the amendment offered on page 98, would leave this whole amount of money to be expended at the disposition of the Secretary of the Interior for the purpose of surveying greater tracts of railroad lands than ever before. The State of Washington, more than Idaho or any other State in the Union, suffers from this nontaxable feature. That is the thing we are trying to get at.

Mr. FRENCH. Mr. Chairman, of this item of $735,000 carried on page 96, the Commissioner General of the Land Office has advised me that $700,000 is needed to make surveys applied for by settlers and States under the law and can not be used at all for survey of grant lands. In other words, there

will be left only $35,000 available of the general appropriation for the survey of the lands embraced within land grants. On page 98 we propose to repeal the authorization and the expenditure, not of $35,000 but of an amount almost three times as great, or of $100,000. Now, I say, during the coming year we will expend three times as much by letting the law remain as it has been instead of repealing the law and permitting the Government to proceed with the surveys under the proposed paragraph.

Mr. HAWLEY. Will the gentleman yield?

Mr. FRENCH. I will be glad to.

Mr. HAWLEY. Would the gentleman consider if the language on page 98 is stricken out and the $100,000 available now for use for surveys of lands that railroads have, and for which they are compelled under the law to provide the survey in part, which money is reimbursable to the Government by the railroad company, that if this $100,000 remains it might be used over and over again in the course of a year and really amount to a much larger appropriation and a very much greater area of railroad land to be surveyed and be subject to taxation than if this item goes out, and all these surveys must be made under the provisions of the item on page 96?

Mr. FRENCH. Undoubtedly.

Mr. MONDELL. Mr. Chairman, will the gentleman yield to me?

Mr. FRENCH. Not at this point. I want to answer the question of the gentleman from Oregon [Mr. HAWLEY]. We have at this time an irreducible fund of nearly $100,000, which at this time is available for grant land survey work. Under the authorization of an act of Congress passed in 1910, the burden was placed upon the railroad companies of depositing money for the purpose of surveying their part of the land, and there is available at this time deposited by the railroads approximately $100,000.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Not at this moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. The gentleman is discussing the merits of the matter. I have no objection whatever to his discussing the merits of the proposition before the House, but I simply want to have it understood that if he is to discuss the merits of the matter on the withheld point of order, others also may discuss the merits of the matter in the same way. If that is understood, then I shall rather insist on the gentleman discussing the point of order.

Mr. FRENCH. In further answer to the question of the gentleman from Oregon [Mr. HAWLEY], I will say that this $100,000 authorized by law, but which the committee seeks to repeal, represents an amount of money that the Government itself has for carrying on its part of the survey within the primary grants of land to the railroads. The House understands that one-half of the land within the primary grants belongs to the Government and one-half belongs to the railroads, and under the act of Congress passed in 1910, authority was given to the department to call upon the railroads for the amount of money that might be necessary and could be used for the survey of the railroad lands.

Now, the department has done that. There is at this time something like $100,000 upon deposit with the Government that has been advanced by the railroads for the survey of their lands within the primary grants. This amount will be added to the $100,000 authorized by the Government. In other words, we have at this time, as the gentleman from Oregon has just suggested, an amount several times as great as that which would be available if this paragraph should be stricken out and the language of the bill were amended as suggested by the chairman of the Committee on Appropriations. Not only that, but inasmuch as this is a reimbursable fund——

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. DONOVAN. Can the gentleman discuss the merits of the point of order? If the Chair will allow that, when will it end?

The CHAIRMAN. The Chair can only call to order a gentleman when it is shown that he is not speaking in order.

Mr. DONOVAN. But, Mr. Chairman, the gentleman——

The CHAIRMAN. The gentleman must confine his remarks to the point of order.

Mr. DONOVAN. I assume that the gentleman can not discuss the merits, but confine himself to the point of order.

The CHAIRMAN. The Chair will suggest to the gentleman that he confine himself to the point of order.

Mr. FRENCH. Now, if the Committee on Appropriations proposes to give an amount of money for the survey of this work——

Mr. DONOVAN. Mr. Chairman, the gentleman can not do that——

Mr. FRENCH (continuing). Equal to the sum which under this provision it is proposed to strike out, then this does not reduce the expenditures of the Government a single penny. But, on the other hand, as I said in the beginning, it simply provides for the expenditure of money in another way instead of in the way already provided by law.

If the chairman of the Committee on Appropriations means to do that, then my point of order must be sustained. If the committee does not propose to do that, then this paragraph should not be stricken out, for it is imperative that our grant lands be surveyed.

Mr. MONDELL. Mr. Chairman, the gentleman wandered somewhat from the point of order, and if I were to do that—which I do not intend to do for any length of time—it would simply be to say that it is rather discouraging, when one starts out in good faith to endeavor to cure a situation that has been well-nigh unbearable for years, to have the gentlemen who are most interested in having that situation cured arise and attempt to block the reforms which we are trying to carry out.

The gentleman from Idaho [Mr. FRENCH], if he had his way about it, would continue the same miserable, halting, ineffectual policy for the survey of railroad land-grant lands that we have had for the last 10 years. We have, it is true, an indefinite appropriation that at one time amounted to $100,000, but as a matter of fact we have been spending out of it at the rate of only about $30,000 to $35,000 a year.

Mr. FALCONER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment; and, continuing at that rate, it would take us about 24 years to survey the lands lying within the railroad land-grant limits. It was to cure that condition that we sought to strike at the root of the tree, dispensing with that old law which has not been workable and making this entire appropriation of $725,000 available for that purpose.

Mr. FALCONER. I wanted to ask the gentleman, if the department has not surveyed more lands in the last 10 years when they have had $100,000 to do it and used only $30,000, where does the fault lie?

Mr. MONDELL. I do not know. This indefinite appropriation was provided in 1895.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. DONOVAN. I do not want the gentleman to yield. I submit to the Chair that the gentleman is not talking to the point of order. Will the Chair allow this to run loose all afternoon?

The CHAIRMAN. The Chair can not rule until it develops clearly that the gentleman is not talking to the point of order.

Mr. DONOVAN. According to the ruling of the Chair on the point of order, they have got the floor. Has the Chair been informed of the point of order in this discussion?

The CHAIRMAN. The gentleman will confine his remarks to the point of order.

Mr. MONDELL. Mr. Chairman, I shall endeavor to prove that this appropriation comes under the Holman rule, and I shall do so by calling attention to the fact that after having difficulty for years in securing the survey of these lands it was finally said we were unable to survey them more rapidly because the railroad companies were not compelled to put up their share of the cost. To cure that situation the Committee on the Public Lands reported the bill of 1910, a compulsory bill, compelling the railroad companies to put up their share of the cost of surveys. Instead of getting any better conditions under that compulsory law, we continued along at about the same old rate, spending about $35,000 a year and getting nowhere with a conclusion of these surveys. This year, in submitting the estimates, the department itself asked Congress to repeal this old law. In other words, what these gentlemen are opposing is the very thing that the department in their interest has asked to have done.

Mr. FRENCH. Mr. Chairman, will the gentleman yield at that point?

Mr. MONDELL. Yes.

Mr. FRENCH. Do I understand your position to be the position of the department, or has the department, after making that recommendation, changed its opinion so that it now recommends that the law be not repealed?

Mr. MONDELL. I am going to be entirely frank with the gentleman from Idaho and with the House in regard to that matter. My opinion is that the department is not so much wor-

ried about surveys as it is about clerks. The department asked for 16 additional clerks. The House did not see fit to grant them, though I tried to have it done. Some clerks are now being paid out of the railroad land-grant fund, and there is now in the legislative bill an amendment authorizing the department to use $25.000 of this money to pay clerks here in Washington. The gentleman from Idaho tells us that we ought not to repeal the continuing appropriation, because they want to spend that money in surveying lands in his State. If the gentleman can make me understand how you can spend money in paying clerks here in Washington and at the same time pay it out in surveys, then I will agree with him fully. This appropriation was depleted over $20,000 years ago, and it is now to be further depleted under a provision in the legislative bill by $25,000 to pay clerks. That item in the legislative bill should and I think will be agreed to; then if we repeal the continuing appropriation there will be $25.000 of it still available to pay clerks the coming fiscal year, and for the year following we can take care of those clerks directly.

Mr. DONOVAN. I make the point of order that the gentleman is not saying a word about the point of order.

Mr. MONDELL. Gentlemen complain because we propose to give them $735.000 instead of the $35,000 they have been getting for this work.

Mr. RAKER. Will the gentleman yield for a question on the point of order?

Mr. MONDELL. I will.

Mr. DONOVAN. Mr. Chairman, I raise the point of order that the gentleman has not the floor to yield. He is supposed to be addressing the Chair on the point of order. He can not yield the floor. The floor is entirely in the discretion of the Chair.

The CHAIRMAN. The Chair understands the gentleman to yield for a question.

Mr. DONOVAN. How has he got the floor to yield? He has not the right to farm out the time on this floor in discussing a point of order.

The CHAIRMAN. The gentleman from Wyoming yields to the gentleman from California for a question.

Mr. RAKER. I want to ask the gentleman a question. Under the statute, volume 28, page 937, the act of 1895, this fund is provided for. Do I understand the gentleman that even with the amendment, if this act is repealed, it will reduce the expenses of the survey if the work is actually done?

Mr. MONDELL. It saves the appropriation.

Mr. RAKER. One other question: If the survey work is done, will it not require the same amount of expenditure whether it is done under the act of 1895 or whether a new appropriation is made for it in this bill?

Mr. MONDELL. Oh, well, Mr. Chairman, that is not the question which I am discussing.

Mr. RAKER. That is the only question for the Chair to rule upon, whether this reduces expenditures.

The CHAIRMAN. The Chair would like to ask the gentleman a question. The provision against which the point of order is made is not in order unless it reduces the amount of money carried by this bill.

Mr. MONDELL. It will be in order if it reduces the expenditures of the Government under the Holman rule. That has been held time and again.

The CHAIRMAN. The language of the rule is—

Or by the reduction of amounts of money covered by the bill.

Mr. MONDELL. But the Chair has not read the entire rule.

The CHAIRMAN. For the moment the Chair has not, but the Chair wishes to get the point of order stated clearly.

Mr. MONDELL. This repeal does not reduce the amount of money carried in this bill, but it does reduce the expenditures of the Government. It does reduce the money paid by the Government to officials for various classes of work. Therefore, it does come within the Holman rule. I want to call the attention of the Chair to the fact that this provision was passed in 1895, and that it provides for a continuing appropriation for the survey of certain classes of public lands. It was originally $100.000. It is no longer quite that amount. It amounts now to about $80,000. The repeal of that undoubtedly is within the Holman rule, because it reduces expenditures. This sum is used for the payment of parties in the field surveying lands within railroad land-grant limits.

The CHAIRMAN. The Chair will say to the gentleman from Wyoming——

Mr. MONDELL. If the Chair will allow me just a word further—it is used also for the payment of the salaries of certain clerks here in Washington.

The CHAIRMAN. The Chair wants to suggest to the gentleman from Wyoming that the Holman rule provides that this reduction of expenditures must be in one of three ways. There must not only be a reduction of expenditures, but the reduction of expenditures must be such as to reduce the amounts carried by the bill.

Mr. MONDELL. I do not so understand the Holman rule, Mr. Chairman, and I think the Holman rule has never been so interpreted. This does reduce Government expenditures. It does repeal a statute under which officials are paid. If no other provision were made for them, it would reduce the number of the officials of the Government. Therefore it comes clearly under the provisions of the Holman rule. The gentleman from Idaho [Mr. FRENCH], it is true, has talked on both sides of the proposition. He has claimed, on the one hand, that it would reduce largely the amount of land surveyed and the number of people to be paid, and, on the other hand, that it would not. Well, one or the other of those two propositions must be true. It clearly does reduce the expenditures of the Government, reduce the moneys paid to employees of the Government, and if no other provision were made would reduce the number of Government employees, because they are paid directly out of this appropriation. So that it comes not only within the letter, but within the spirit of the Holman rule.

There have been a great many rulings on this point, as the Chair will see if he has had time to look them up. It is not necessary that an item reduce the sum carried in the bill or that the amendment reduce the sum carried in the bill. If that were the only application of the Holman rule, let me suggest to the Chair that the committee itself could never report in a bill an amendment which could come within the Holman rule, because the committee would not do the illogical thing of making an appropriation and then providing in amendment which reduced that same appropriation. So far as appropriation amendments offered by the committee are concerned, they can not in the nature of things increase or decrease the amount carried in an appropriation bill. They must be of a character that reduces governmental expenditures, that reduces the number of officers paid, and the amount of public expenditures. The Chair should recall that the law which we seek to repeal is, as a matter of fact, a part of the surveying legislation of the country. It is as though we carried annually in this bill a permanent provision that in addition to the other appropriations which we make for the survey of other lands we carry this continuing appropriation for land-grant lands. It is not necessary to carry this continuing appropriation in the bill, and yet to all intents and purposes that appropriation is as though it were carried in this bill. The Chairman is aware of the fact that there are many continuing appropriations, that once provided for in an appropriation bill, are then, for the purposes of brevity, dropped from the bill.

The act which we repeal is found on page 937 of volume 28 of the United States Statutes at Large and is carried in the item for the survey of the public lands.

Here we are actually repealing a $100,000 appropriation, which except for the fact that it was made permanent would be carried right along with the paragraph in this bill. It is simply eliminated from it for the purpose of brevity, because it is not necessary to continually reiterate a statement of an appropriation which becomes permanent. If the Committee on Appropriations has no authority to reduce expenditures except by first making an appropriation and then adding to their own bill a provision reducing it—if that is the only way the committee can come under the Holman rule, the Holman rule is a dead letter. The committee comes within the limitation of the rule in the only way the committee can, and that is by reducing expenditures, and there are no end of rulings to the effect that it is not necessary that the amount carried in the bill shall be reduced.

The discussion which was had in regard to the Cavalry regiments when the military bill was under discussion is a case in point. The committee did not reduce any amount in its bill, but it simply changed the law in regard to Cavalry regiments. By changing the law in regard to Cavalry regiments that much money was saved. I do not care to take the time of the Chair, but it seems to me that these decisions are so numerous that there should be no question in regard to them.

Mr. FERRIS. Will the Chair hear me for a moment?

The CHAIRMAN. If the gentleman from Wyoming has concluded.

Mr. MONDELL. For the present I do not care to take up the time of the committee any further.

Mr. FERRIS. Mr. Chairman, the act of March 2, 1895, makes this a continuing appropriation, and does a lot of other things. It is permanent law and has been permanent law since that time. This amendment comes in and seeks to repeal the existing law. This paragraph on which the point of order has been

reserved or been made by the gentleman from Idaho [Mr. FRENCH] does not reduce the expenditures of the Government, does not reduce the number of officers, either on the face of the bill or as a matter of fact. To repeal a section of the law here and put it in on another page does not bring it within the Holman rule. It is not reducing expenditures; it is not reducing the salaries of officers or the officers themselves. I think it is subject to a point of order. The Appropriation Committee brings in an act repealing the law and putting in the provision on another page in language equivalent thereto. It does not bring it within the Holman rule, and I think the point of order well taken, and that it ought to be sustained by the Chair.

The CHAIRMAN. The Chair is ready to rule. There is one thing about which the Chair thinks there is no dispute, and that is that this section against which a point of order is made is new legislation. It is not in order unless it reduces expenditures, and, as the Chair recollects the construction of this rule on many occasions, the retrenchment of expenditures must be such as reduces the amount carried by the bill. But whether that is true or not, it must at least appear that a reduction of expenditures is a necessary result. Now, that must appear in some way from the language of the amendment against which this point of order is made.

Mr. MONDELL. Mr. Chairman, does the Chair have any question on that point? Will he let me read the amendment?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MONDELL. The statute that we propose to repeal is this:

The sum of $100,000 is hereby appropriated and made a continuing appropriation for the survey of lands within the limits of the railroad land grant—

And so forth.

Now, the last paragraph of the Holman rule is as follows:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any commission authorized by law or the House members of any such commission who have jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

Now, we are proposing to repeal an appropriation of $100,000. It is presented by the committee having charge of the bill, and it retrenches expenditures by the amount of the repeal.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 96, line 7, strike out the figures "$735,000" and insert "$700,000."

Mr. FITZGERALD. Mr. Chairman, the recommendation of $735,000 was upon the understanding that the continuing appropriation would be repealed. Since this provision is taken out of the bill this is to reduce the appropriation to the amount that was agreed upon.

Mr. MONDELL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York, and I ask unanimous consent that I may discuss this matter for 15 minutes.

Mr. FITZGERALD. Oh, I object.

Mr. MONDELL. It is a rather important measure.

Mr. FITZGERALD. I do not care. I can not make any such concession as that.

Mr. MONDELL. Does the gentleman object to my discussing it for 10 minutes?

Mr. FITZGERALD. What does the gentleman wish to do?

Mr. MONDELL. I wish to discuss this general proposition.

Mr. FITZGERALD. The amendment I offer gives the amount the General Land Office requests.

Mr. MONDELL. I propose to vote with the gentleman on his amendment.

Mr. FITZGERALD. I do not want to have an extended argument upon this amendment.

Mr. MONDELL. Mr. Chairman, this amendment is rather important.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. FITZGERALD. I object for the present. Let the gentleman take the floor for five minutes.

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, as I suggested a moment ago, it is rather discouraging, after endeavoring to remedy an unfortunate condition, to have some gentlemen terrified by departmental letters to a point where they see fit to stand in the way of a reform which has been long needed. I can not understand the position of gentlemen who prefer an indefinite appropriation which has never at any time been utilized to the extent of more than $45,000—generally to less than $35,000—to an appropriation of $735,000, of which all, or such portion as the department may see fit to use, would be available for the purpose in question, and that is the survey of railroad land-grant lands. Let us see where we are in this matter. Away back in 1895 Congress made a continuing appropriation of $100,000 for the survey of lands within railway land-grant limits. Whether Congress really expected that would survey those lands as rapidly as they should be surveyed, I do not know. At any rate, for years the lands within railroad land-grant limits were surveyed very, very slowly. As a matter of fact, they were surveyed only as fast as the railroads wanted them surveyed. There was a great deal of criticism. That criticism came to the western men—to the Committee on Public Lands. One of the reasons why more lands were not surveyed under this appropriation, it was claimed, was because the railroads would not put up their share of the money, they being compelled to pay one-half of the survey. So I introduced and we passed the act of 1895, and we expected under that act to compel the railway companies to put up all of the moneys that would be needed for the survey of any given area within which they owned half the land.

The comptroller interpreted that law to the effect they could only call upon the railroad companies for their half of the cost of a given survey. This was the result: The department would start in in the spring with the idea of surveying certain railway land-grant lands. They would call on the railroads to put up their share. The railroads in good time would do that. Survey parties were sent into the field. It took them the summer season to make the surveys, and it took them some time to write up their field notes. It took anywhere from 2 to 12 months for the plats to be made in the surveyor general's office. They came back here, and it took a month or two for the department to look them over. They then went to the comptroller, and it there took all the way from two to five months to pass upon them, and the comptroller held that until those accounts were completed, the survey accepted, and everything about the transaction closed no money was available out of continuing appropriation. The result was that the sum was not a $100,000 fund in fact. It was a $35,000 fund, and so the complaint was made because at that rate we would not get the lands within railroad land grants surveyed in the next 25 years. We sought a remedy. Everybody having to do with the matter, in an effort to get the red tape down there, shortened up and cut out. An effort was made three years ago to expedite these surveys. Forty-eight thousand dollars was used about the same time these funds were used for the survey of some lands in southern California, where the railroad company owned only one-third of the lands instead of one-half. The result was that the amount of the difference between the amount the railroad company paid and one-half of the survey was permanently lost to this fund, so that the fund is not $100,000, but about $81,000. Last year we authorized the Land Office to use a portion of this fund to pay clerks in the office here. I do not know how much they have used for that purpose. There is now pending in the legislative bill an item authorizing them to use $25,000 of this and another fund for the purpose of paying clerks here in Washington, and I understand that it will be accepted.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FITZGERALD. Mr. Chairman, reserving the right to object, I would like to see if we can not fix upon a time within which to close debate upon this question. I ask unanimous consent that debate on the pending paragraph and all amendments thereto be closed in 25 minutes.

Mr. FRENCH. Mr. Chairman, I desire to have 10 minutes of that time.

Mr. MANN. I suggest to the gentleman from New York that he make that 30 minutes. That will provide the other 5 minutes.

Mr. FITZGERALD. And that will give me none.

Mr. MANN. Then make it 35 minutes.

Mr. FITZGERALD. I think 25 minutes is sufficient, and the gentlemen can say all they want to say in 5 minutes, but I will ask for 30 minutes.

Mr. FRENCH. Mr. Chairman, I shall have to insist upon having 10 minutes, and I shall not grant unanimous consent unless I may have that time.

Mr. FITZGERALD. The gentleman will have to arrange that with the Chair.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on the pending paragraph and all amendments thereto be concluded in 30 minutes, with the understanding that the gentleman from Idaho [Mr. FRENCH] is to have 10 minutes. Is there objection?

There was no objection, and it was so ordered.

Mr. MONDELL. Mr. Chairman, the department became so thoroughly convinced of the unworkable character of this indefinite appropriation, of how utterly impossible it was to survey the railroad land-grant lands as rapidly as they ought to be surveyed—they became so convinced of the futility of continuing the conduct of this work under that sort of a law that they submitted with their estimates this year a provision for repeal, the very provision we have now before us, or which went out on the point of order. In submitting that they did not ask for an additional amount for surveys. But when the committee proceeds to repeal this provision of the law and make this whole appropriation available for this work we added $35,000 to the bill. I think we might have added more properly, but that is at least as much as they have heretofore used out of this fund in any year in the past except one, and we make available the entire fund for the purpose, $735,000. I have no desire to quarrel with the Commissioner of the General Land Office. He is a good official; he has been disturbed by members of his surveying corps, largely agitated over a question of clerks, which has been provided for elsewhere; he has written some Members that this year we are going to survey all creation. This year, when this appropriation is not only depleted by over $20,000 on account of the San Bernardino survey, but will be depleted $25,000 more in the appropriation which will be secured in the legislative bill. They have 28 parties in the field, the commissioner says, and it is suggested that he will take these parties out of the field unless the continuing appropriation is preserved. Now, I scarcely think the Commissioner of the General Land Office will take the surveying parties out of the field when he has $735,000 available to pay them, and I think it is hardly fair for the commissioner to make that kind of a suggestion after he himself has suggested that this reform ought to be had. I think the committee ought to be given an opportunity to carry it out; and if we can carry it out, we would survey these railroad land-grant lands three times as fast as they have been surveyed in the past. We are anxious to have this great West that ought to have been surveyed years ago surveyed, and the very gentlemen who are the most interested attempt to block the efforts we are making to put these surveying provisions all under one item, so that the commissioner can use his judgment and his discretion and can use this great fund—as much of it as he sees fit—for this purpose. Why continue to go through the miserable maze of red tape which it is necessary to go through now in order to utilize the continuing appropriation, at the end of which we get surveys of a few hundred thousand acres out of 15,000,000. It is my opinion the gentlemen will rue the day they have opposed this change.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] knows about public lands and he knows about surveys, and he ought not to come in here and try to get through an amendment cooked up in the Committee on Appropriations that will absolutely destroy the surveying and the development of the West. The Commissioner of the General Land Office comes forward with a letter, over his own signature, under date of June 11, 1914, and states what havoc this would make if adopted. Let me read the gentleman what he says:

> We are now in the midst of the surveying season. There are at present 28 line parties surveying within railroad land grants. If the proposed legislation is enacted, this work must be stopped, or very largely curtailed, with the resulting continued exemption of these lands from taxation.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. I can not yield to the gentleman; the gentleman has had 15 or 20 minutes, and I have only 5.

Mr. PAGE of North Carolina. Will the gentleman yield to me there?

Mr. FERRIS. Yes.

Mr. PAGE of North Carolina. The gentleman used some expression about the Committee on Appropriations cooking up an amendment. I want to ask the gentleman if that language was not identical with the language submitted by the Land Office itself?

Mr. FERRIS. I do not know about that. Anyway, it was over the protest of the Land Office in a long letter addressed to the chairman and in a long letter addressed to me saying——

Mr. PAGE of North Carolina. This is in verbatim language communicated by the Land Office.

Mr. FERRIS. It may be that. Anyway the Land Office in a letter to the Committee on Appropriations and in a letter to me, both of which I hold in my hand, say that the passage of this legislation will play havoc with surveys in the West. I want to ask the gentleman from Wyoming himself and the other western Members what a nice spectacle it would be at this time if he called out every surveying party in the West? No such thing ought to be countenanced a moment. The gentleman from Wyoming ought not to try to do such a thing.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. I can not yield; the gentleman had 15 or 20 minutes, and I have only 5 minutes.

Mr. MONDELL. I understood that the gentleman asked me in regard to something. Evidently the gentleman does not want to know anything; he does not desire an answer.

Mr. FERRIS. I do not yield to the gentleman, and I would like to be let alone until I can say a word further. I, of course, do not want to be discourteous, but I must preserve one or two of the five minutes for my own use.

The Chairman has justly and righteously, as I believe, held this item to be subject to a point of order, and it has been stricken out. The chairman of the Committee on Appropriations has just offered an amendment which strikes out the $35,000 which was in lieu of the $100,000. I think that is entirely appropriate. The Land Office does not need both appropriations and is not entitled to receive both. The thing that ought to happen has happened; the point of order has been sustained; the objectionable paragraph is stricken out. The gentleman has offered now an amendment to strike out the $35,000, so that the appropriation will be left precisely as it was last year.

There is no use in trying experiments on the General Land Office, and there is no use in playing pranks on the General Land Office—pranks that they do not want played; and the gentleman from Wyoming knows too much about public-land matters and about Land Office matters to bring in such a thing.

I ask unanimous consent, Mr. Chairman, to incorporate a letter from the Commissioner of the General Land Office to myself and one to the chairman of the Committee on Appropriations. Both of them speak for themselves.

The CHAIRMAN (Mr. CONRY). The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by incorporating the letters named. Is there objection?

There was no objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 11, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: In response to your inquiry by phone this morning, as to the probable effect of the provision contained in lines 1 to 12, inclusive, page 98, of the pending sundry civil bill, providing for the repeal of the $100,000 continuing appropriation for the survey of lands within railroad land grants, provided for by act of March 2, 1895, I beg to inclose herewith, for your information, copy of my letter of May 27, 1914, to the Hon. John J. Fitzgerald, chairman of the House Committee on Appropriations, which quite fully explains the situation relative to this matter.

In addition to the matters stated in said letter, I beg to state that there is now in cash, either in the Treasury or in the hands of special disbursing agents, nearly $100,000 of moneys deposited by various railroad companies on the call of the Secretary of the Interior under the authority of the act of June 25, 1910 (36 Stat., 834), available for use in conjunction with Government moneys made available under said act of March 2, 1895, supra, in accordance with the decisions of the comptroller, as explained in said inclosed letter. Addtional calls have been made on the railroads for sufficient to bring this amount up to $128,000.

There is also available on this date in cash for use, in the Treasury or in the hands of disbursing agents, Government's moneys appropriated under said act of March 2, 1895, the sum of approximately $70,000, subject to increase, reappropriation and further use, as provided in said act of March 2, 1895, so that Government moneys will doubtless be available for use in conjunction with all of the said railroad deposits, above referred to, as rapidly as same is needed for use in the field.

Referring to line 7, page 96, of the sundry civil appropriation bill, you will note that the total amount appropriated for surveys and resurveys of public lands has been increased from $700,000 to $735,000; this is with the understanding, as I am advised, that the amount added shall, by amendment on the floor (see exception, line 18, p. 96), be made available for surveys within railroad land grants, in lieu of funds now procured by means of said continuing appropriation act of March 2, 1895. All of the said $700,000 is needed to make surveys applied for by settlers and States under the first preference mentioned in the act (lines 8 to 10, p. 96).

Briefly, therefore, under existing conditions there is available for use for the surveys of lands within railroad land grants during the present season, or as rapidly as the work can be done, anywhere from $150,000 to $250,000, whereas if this proposed legislation is enacted the most that can be expended for this class of surveys during the fiscal year 1915 will be $70,000 (one-half railroad money), with a large balance of railroad money on hand, which can not be used, unless, of course, Congress materially increases the additional direct appropriation and makes same available for the expense of this class of surveys.

We are now in the midst of the surveying season; there are at present 28 line parties surveying within railroad land grants. If the proposed legislation is enacted, this work must be stopped, or very largely

curtailed, with the resulting continued exemption of these lands from taxation.

While the committee doubtless considers that there are good and sufficient reasons for the recommendations made, in view of the importance of this legislation I beg to suggest your serious consideration of its advisability.

Very respectfully,

CLAY TALLMAN,
Commissioner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 27, 1914.

Hon. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR MR. FITZGERALD: At the verbal suggestion of Hon. FRANK W. MONDELL, a member of your committee, who called on me yesterday with relation to the matter, I submit the following form of an item to repeal the provisions of the act making an appropriation for surveying the public lands within railroad land grants, generally known as "the continuing appropriation act":

"So much of the provisions of the act of August 18, 1894 (28 Stat., 395), as amended by the act of March 2, 1895 (28 Stat., 937), as provides an appropriation for the survey of lands within railroad land grants and the making of a continuing appropriation is hereby repealed: *Provided*, That surveys heretofore authorized by the Commissioner of the General Land Office may be completed and paid for in the manner provided by law prior to this act."

For the benefit of your committee I will briefly refer to the several acts of Congress requiring the railroads and their successors in interest to pay for the survey, selecting, and conveyance of the lands granted. The act of Congress approved July 2, 1864 (13 Stat., 365), amending the act of July 1, 1862, providing a grant for the Union Pacific Railroad Co., contained this provision, section 21:

"And be it further enacted, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest as the titles shall be required by said company."

The act of Congress approved July 15, 1870, making appropriation for the survey of the public lands within the limits of the land grant to the Northern Pacific Railroad Co. provided:

"That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest"—

Which provisions were followed by the enactment of the general act of July 31, 1876 (19 Stat., 121), providing:

"That before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest."

It will be observed that the three acts are essentially similar, and that they provide for the payment by the companies or their successors in interest of amounts necessary for the cost of surveying, selecting, and patenting the lands granted. It will also be noted that there is no specific provision in any of said acts requiring that the cost of survey shall be divided equally between the Government and the companies; but as the lands granted were in every instance in alternate sections and not in solid blocks, the practice grew up of requiring the railroads to pay for only one-half the cost of surveying the entire area within the granted limits, upon the theory, I presume, that under this method the companies were required to pay for the survey of the lands actually granted; otherwise they would be required to pay not only for the survey of their lands but also for the survey of those belonging to the Government. I have not been able to find, in the limited time that I was able to devote to the examination of the matter, that the question has ever been definitely discussed in any decision rendered by this department; but I am advised that it has been the practice of this office, in all instances, to require of the railroads only that they pay for one-half the total cost of the survey of the lands lying within the granted limits. The Comptroller of the Treasury, under date of April 23, 1895 (Decisions of the Comptroller, vol. 1, p. 400), had under consideration the acts of August 18, 1894 (28 Stat., 395), and March 2, 1895 (28 Stat., 937), and said, in speaking of the act of 1894:

"That clause did not, however, provide that there should be appropriated at the same time such reimbursements were made a sum equal and in addition to the amount so reimbursed. As only one-half the amount expended under the appropriation could be reimbursed by the railroad companies, it necessarily followed that the reappropriations would become smaller each time, and would eventually cease. * * * It was under these circumstances that Congress made the appropriation in the act of March 2, 1895."

The comptroller, continuing, pointed out that the act of 1895 differed from that of 1894 in that the former act contained the provision that—

"Whenever there shall have been reimbursed and paid into the Treasury of the United States by the respective companies or parties in interest any part of said appropriation expended for surveys within such grants, there shall be immediately available, out of any money in the Treasury not otherwise appropriated, an amount equal to the amount so reimbursed, and the same shall be available for the survey of the public lands lying within the limits of the railroad land grants made by Congress until all of said lands shall have been surveyed."

and in the more recent decision, rendered June 29, 1912 (18 Dec. Comp., p. 1044), the acting comptroller said:

"The survey of railroad land grants necessarily involves the survey of such sections of the land as are retained by the Government, but the said act of 1910 provides only for the cost of the railroad's share, and expenditures on account of the Government's share must be under other authority of law."

In that decision the comptroller clearly recognizes that the acts of Congress requiring the payment by the companies only require such companies to pay for one-half the cost of surveying the lands within the granted limits. I take it, therefore, that under the practice of the Land Department and the decisions of the comptroller the companies are required to pay for only one-half of the cost of surveying the lands lying within the granted limits.

The act of June 25, 1910 (36 Stat., 834), makes ample provision for the collection by the Government, in advance, of the amounts necessary to pay for the railroads' share of surveying the lands within the granted limits, and the acting comptroller, in the decision above cited, holds that the continuing appropriation act of March 2, 1895 (28 Stat., 937), may be used in conjunction with the act of June 25, 1910, or that the moneys appropriated by the continuing act of 1895 are available with those secured from the companies under the act of 1910 for the surveying of the railroad lands and those belonging to the Government within the granted limits. If, however, the Congress should repeal the provisions of the act of 1895, providing for the continuing appropriation, there would be no fund from which the Government could pay its part of the cost of the survey of such lands, and it would be vain to require the companies to make large deposits for their part of the cost when there was no money available to defray the Government's part of such cost. In other words, under existing conditions, unless the Congress provides, by specific appropriation, for the survey of the Government's portion of the lands, the act of June 25, 1910, would be rendered practically inoperative, and the companies would be permitted to go on, as they have for more than 40 years, without the payment of taxes for the support of municipal, county, and State institutions. In speaking of the practices by the railroad companies in avoiding the payment of taxes, the Supreme Court of the United States, in the case of the Northern Pacific Railroad Co. *v.* Traill County (115 U. S., 600), used this language:

"We are aware of the use being made of this principle by the companies, who, having earned their lands, neglect to pay these costs in order to prevent taxation. The remedy lies with Congress and is of easy application. If that body will take steps to enforce its lien for these costs of survey, by sale of the lands or by forfeiture of title, the Treasury of the United States would soon be reimbursed for its expenses in making the surveys, and the States and Territories in which the lands lay be remitted to their appropriate rights of taxation. The courts can do no more than declare the law as it exists."

Responding to the suggestions made by the Supreme Court in the case above cited, Congress, on July 10, 1886, passed the act entitled "An act to provide for taxation of railroad land grants, and for other purposes." This act, in brief, provided that no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation on account of a lien of the Government for the cost of surveying, etc., or because no patent has been issued, but it was further provided that the act should not apply to lands unsurveyed.

It would seem, therefore, that until the Government has surveyed the lands granted to the various companies, that such lands will not become subject to taxation; and the relief which the foregoing act purported to extend was theoretical rather than real, because no provision was made for the survey of the lands, and, as above suggested, the act was specifically declared to be inapplicable to unsurveyed lands. Apparently, the first attempt by Congress to remedy the evil was the appropriation of $125,000 for the survey of lands within the limits of railroad land grants made by the act of August 5, 1892 (27 Stat., 370). This act was followed by the act of August 18, 1894, supra, which the comptroller held ineffective because it failed to appropriate an amount equal to that reimbursed by the company. This latter defect was remedied by the continuing-appropriation act of 1895. I assume from the request of one member of your committee for a draft of repeal of this appropriation that your committee must have under consideration the question of the advisability of doing away with this continuing appropriation. I can not state too strongly the hope that your committee will not recommend the repeal of this continuing appropriation.

Most liberal grants were made to the various companies to aid them in the construction of their roads. In speaking of the grant made to the Northern Pacific Railroad Co., the Supreme court, in the case of said company *v.* Traill County, above cited, said:

"The United States made a magnificent grant to this company of lands equal in quantity to forty or fifty thousand square miles, an area as large as an average State of the Union."

Where the companies desire to place their lands on the market, they are enabled to secure the survey of such lands by complying with the provisions of the act of February 27, 1899 (30 Stat., 892); but, as above stated, if the continuing-appropriation act of 1895 is repealed, the Government will be without funds or means to secure or compel survey of lands which the company desires to hold for speculative purposes, and which they may keep indefinitely, exempt from taxation. In many sections of the West the Government has reserved considerable areas for public purposes. These lands, being owned by the Government, are not subject to taxation; and if in localities where such reservations are established the railroad companies, the largest holders of real property, are permitted to retain their lands exempt from taxation, the local authorities will be very much embarrassed in raising the revenues necessary to the support of their institutions.

It may be argued that the Government has not availed itself in a proper manner of the privileges conferred by the continuing appropriation act of 1895, but there are a number of reasons why this has not been done.

The practice has grown up of requiring the different railroad companies affected by the provisions of the act of June 25, 1910, to deposit a sum equivalent to the estimated cost of surveying, selecting, and conveying the odd-numbered sections inuring to the companies, or about one-half of the total estimated cost of surveying the lands involved, the remainder of which was to be drawn from the continuing appropriation, which latter appropriation, in accordance with the act making it applicable, was to be reimbursed in the amount equal to that actually expended from the deposits made by the railroad company affected.

In adjudicating accounts under these interdependent relations, the reimbursement of the continuing appropriation has not heretofore been accomplished as rapidly as funds could be put into use, and consequently surveying activities under these joint appropriations have been restricted to considerable less than would seem to be indicated as possible of accomplishment by reference merely to the amount of the appropriation by the act of March 2, 1895, apportioned as has been necessary among the several land-grant States, according to their respective demands.

Steps are now being taken, however, with the purpose in view of bringing about an earlier reimbursement of the continuing appropriation than has heretofore been accomplished by pursuing a different method of submitting expense accounts of this class, the ultimate effect of which, it is believed, will be to permit the speedier rotation of funds to the end that larger areas of land may be surveyed each season than has heretofore been possible.

Prior to the passage of the act of June 25, 1910, which was practically coincident with the inauguration of the direct system of public-land surveys, previous to which the contract system obtained, delays of

years were encountered in securing action under the contracts, and after the lands were finally surveyed it was left optional with the companies when they would apply for patent to make the payments necessary to reimburse the fund. It may be stated in a general way that the continuing-appropriation act was practically a dead letter until the present direct system of surveys was adopted and the act of June 25, 1910, was passed, under which the Government could demand payment from the companies in advance whenever, in the judgment of the commissioner, it was necessary or desirable that the survey of any particular area be executed.

It is estimated that there remains nearly 16,000,000 acres of unsurveyed land within the primary limits of the railroad grants, but, owing to the fact that only nonmineral odd-numbered sections not reserved at the time the rights of the road attached inured to the companies, it is estimated that the amount of unsurveyed land now inuring to the companies is about 5,000,000 acres; and while, at the present rate of surveying, it will take 10 years to complete such surveys I am confident that under the system of advancing the approval of accounts, arrangements for which have recently been made, funds may be made available much more rapidly than heretofore if the Congress does not interrupt such work by the repeal of the law, and the only law under which it is possible for the Government to proceed.

I may add that settlements have now been made so that there is now available for the present season's work more than double the amount of money that has been expended under these appropriation acts during any one year for the last five years; and if the plan above outlined for advancing accounts operates as anticipated, this latter amount will be very materially increased, if not doubled.

Considering the grave importance of this matter and the urgent necessity of prompt survey of the balance of the unsurveyed lands within railroad land grants, I most respectfully urge that the repealing act hereinabove referred to be not recommended.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Mr. FALCONER. Mr. Chairman, there are over 700,000 acres of granted lands in the State of Washington yet unsurveyed, and as the result of their not being surveyed are now untaxed.

It is a hard matter to explain to the average taxpayer in the State of Washington why it is that railroad granted lands should go untaxed while other lands of equal value are surveyed and their owners required to pay taxes. The fault rests somewhere, either with the Congress or with the Department of the Interior. If the Department of the Interior has had for the last 19 years $100,000 annually to be expended in the survey of railroad granted lands, the Department of the Interior ought to be held responsible for the conditions obtaining in the States of Washington, Idaho, Wyoming, and other Western States.

To illustrate the importance of this matter to the taxpayers in my State, I know of sections in the State of Washington that are unsurveyed and untaxed, lined up with and bordering on surveyed and taxed lands, worth probably $100,000. Some of these lands may be worth slightly more, and a great portion of it may be worth less. The feeling in the State of Washington is that somebody is to blame for making the United States Government a holding concern for the owners of these granted lands. I have here in my hand a map of King County, Wash. One-third of its area, I judge from a glance at the map, is unsurveyed and paying no taxes. It represents railroad-land grants.

If we are to accept the statement made by the gentleman from Wyoming [Mr. MONDELL], any part of the $735,000 might be used, but the Commissioner of the Land Office insists that the limit would be $35,000 a year. We are informed by the report of the Commissioner of the General Land Office that there has been expended only $34,000 last year for these surveys. Why did not the Commissioner of the General Land Office expend $100,000?

Mr. MONDELL. The gentleman understands that with the adoption of the provision as intended the entire $735,000 would be expended.

Mr. FALCONER. I understand the commissioner to say that it would be necessary to have $700,000 to carry on other work. That is his statement, made over his own signature, and this would leave only $35,000, as I stated above, for railway land-grant surveys, which is not sufficient. I am in favor of any amendment or any feature of the bill that will provide for the survey of these lands, and there is no man on the floor of the House who can consistently stand up and defend the Land Department during the last 19 years for not expending $100,000 for the survey of the lands. The result has been that millions of dollars that should have been paid into the Public Treasury up to this date are now in the pockets of the owners of these unsurveyed, untaxed lands, and all because this work has not been done.

There may be some excuse for the present Commissioner of the General Land Office and for the present Secretary of the Interior for not making the surveys during last year. It was their first year in office, and it takes some time to organize. But I want to submit the proposition to this House that no taxpayer in the State of Washington will defend the inactivity of previous administrations in the last 19 years for not having this money expended in the survey of railroad lands. Irrespective of party, there is no excuse for it, and you can not explain to the people of my State why these surveys have not been made. If the officials of the Land Department of this administration understand the feeling in the West they will spend every dollar available for this purpose. And I will say, in passing, if the gentleman will permit me, and I will yield in a minute, that the people of our State have much confidence in Secretary Lane, and we believe he will do it. This bill ought to carry a sufficient appropriation, and I urge the continued appropriation of the $100,000.

Mr. FERRIS. Does not the gentleman think he has done well in sending out 28 line parties? There is some justice in the position taken by gentlemen over there, because this is a half-and-half proposition between the Government and the railroads, and until 1910 we had no way of getting the railroads to pay their part.

Mr. FALCONER. Before 1910 there was a way by which the railroads could have been made to advance the money, and Congress did not compel them to do it. The work ought to have been done.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FALCONER. I ask for one minute more, Mr. Chairman.

Mr. BRYAN. I will give the gentleman one minute of the time allotted to me.

Mr. FALCONER. Now, the railroads have put up $100,000, and it is on deposit. The only difficulty that can now stand in the way is this Congress and the department. Sir, if this appropriation is now made and the surveys are not then ordered and made, the Department of the Interior will continue to be in fault.

The people and the press out in my country have declared that the Government alone is responsible for the delay. The officials of the State are anxious to have these lands placed on the tax rolls; the railroads claim that they are anxious for the surveys, that these lands may come to patent. I hope the Congress will make a sufficient appropriation and that the Land Department under this administration, which seems to have a live Land Department, will be furnished with sufficient money to do this work.

Mr. MONDELL. The gentleman understands that if this point of order is sustained no increase of the amount will be obtainable?

Mr. FALCONER. If the present commissioner does not use more than his predecessor used, he will be subject to criticism. If the indefinite and continuing appropriation of $100,000 annually be retained, it appears to me that Commissioner Tallman will see that it is spent for the benefit of the country by placing these lands on the tax rolls.

Mr. MONDELL. He used $32,000 last year.

Mr. FALCONER. He should have used $100,000.

Mr. Chairman, the expenditure of $100,000 for survey of railroad land grants this fiscal year means that before another year rolls around all this amount and probably much more in taxes assessed will be paid to the county treasurers of the several States. There can be no possible excuse for continued phlegmatic action in this matter. I wish to insert correspondence and press items touching on this important subject. I have given much time to the subject. I urge the continuation of the larger appropriation.

OCTOBER 31, 1913.

Mr. A. A. JONES,
Acting Secretary of the Interior.

DEAR MR. JONES: I have had a number of communications of recent date regarding conditions obtaining in the State of Washington wherein large timberland owners have been holding for the last 10 or 20 years large tracts of timberland in the State of Washington, upon which stands the finest kind of timber in the reserves or in unsurveyed territory. Protests have come urging that the Government should not continue longer to be a holding company for these timber owners in permitting them to have these vast tracts of timber enhancing in value, with all other timber, but having the advantage of paying no taxes.

For instance, there are 700,000 acres, more or less, in the State of Washington held by large timber holders, worth many millions of dollars, on which no taxes are assessed because of the fact that it is not surveyed land. This question has been discussed in every little schoolhouse debate and civic league organization in the State for the last several years, and of recent date the instance of the Northern Pacific Railroad giving to the press a statement that the fault is with the Government and not with the railroad; that the railroad would be very glad, indeed, to get action upon this, even though they had to pay taxes, has caused criticism to be directed toward the department in this what appears to be a matter of favoritism.

Much of this land is very valuable. There are quarter sections that would pay a tax of from $100 to $200 per annum. It makes a big difference to the people of the State of Washington. St. M. & M. scrip has been filed on lands all through our country as has other scrip on land adjoining surveyed lands. I personally know of a number of tracts of this kind up the north fork of the Skykomish, Snohomish County, Wash.

I have been asked to introduce a resolution asking for an investigation, but this will only result in some press notice to myself, and would not help any in results.

I believe in the new order of things; that the administration desires to straighten out some of the irregularities that seem to have attached to the department, and I sincerely hope that early action will be taken in the matter. If it is desired, I shall be glad to send some definite information to the department.

I have the honor to be,

Very sincerely, yours, ——— ———.

DEPARTMENT OF THE INTERIOR,
Washington, November 14, 1913.

Hon. J. A. FALCONER,
House of Representatives.

MY DEAR MR. FALCONER: I am in receipt of your letter dated October 31, 1913, reporting that you have a number of communications of recent date regarding the alleged holding by grantees, or owners, of large tracts of timberlands in the State of Washington which are not subject to taxation by reason of the fact that they are in reserve, or unsurveyed. Mention is made of the Northern Pacific Railroad Co., and also of certain scrip locations by the St. Paul, Minnesota & Manitoba Railroad Co., and you express the hope that early action will be taken in bringing about the survey of these lands.

In reply I have to state, upon information furnished me by the General Land Office, that in the case of the Northern Pacific Railroad Co. the survey of all the unsurveyed lands that will inure to it within the primary limits of its grants was made possible by the act of June 25, 1910 (36 Stats., 834), which was for the purpose of enabling this department—

"* * * to complete the adjustment of land grants made by Congress and to aid in the construction of railroads, and to subject the lands granted to taxation by States, Territories, and municipal authorities, and railroad corporations required by law to pay the cost of surveying, selecting, or conveying any lands granted to such company or corporation * * *."

Under this authority the company was called upon in 1911 to deposit the sum of $25,981.55, being its estimated share of the cost of making these surveys, and with a like amount advanced from the appropriation of March 2, 1895 (28 Stats., 937), the field work has been prosecuted just as vigorously as the mountainous character of the country and the availability of competent surveyors will permit. At the present time the records of the General Land Office show that the surveys of 18 of these townships have been executed in the field, 5 of which are accepted and the triplicate plats thereof are on file in the local land office. With the exception of the said act of June 25, 1910, the General Land Office possesses no legal authority to bring about the survey of unsurveyed lands that may or may not be appropriated under scrip location or otherwise for the prime purpose of subjecting them to taxation. The regular appropriation for the survey of the public lands, under which the survey work is generally carried on, provides:

"That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States" under various acts; "and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations."

The demands arising under the preference class referred to involve practically this entire appropriation, and as the lands legally held by the interests referred to by you, including those covered by the St. Paul, Minnesota & Manitoba scrip are, by the very fact that they are thus appropriated, not of the preference class. They must properly await their survey by other legal means, the initiative of which does not rest with this department.

The fact that there are but 670,000 acres of unsurveyed unappropriated land outside existing reservations in the State of Washington suggests that possibly the 700,000 acres, more or less, referred to as being held by timber interests, worth many millions of dollars, on which no taxes are assessed because of the fact that they are unsurveyed, are probably largely in some form of reservation, most likely national forests, in which case the survey of such lands can only be secured under the condition that they are occupied by bona fide settlers, whose residence antedated the creation of the reservation.

From the foregoing you will readily see that the General Land Office has been, and is, actively engaged in the survey of all unsurveyed lands in the State of Washington that it has legal authority to execute, and that lands left unsurveyed are ineligible under existing laws and regulations.

Very respectfully,

A. A. JONES,
First Assistant Secretary.

EVERETT, WASH., *October 3, 1913.*

Hon. J. A. FALCONER,
Washington, D. C.

DEAR SIR: Your letter of recent date regarding ownership of unsurveyed lands in this county duly received. In reply I regret to state that there are no records whatever in my possession that would give you the information that you desire. The records in the assessor's office show the ownership of every foot of surveyed lands in the county; outside of that there is nothing to indicate any ownership. I believe that such corporations as the Weyerhaeuser, the Northern Pacific Railroad, etc., have such data, but am at a loss to know how to obtain it. I should think the Department of the Interior has all such information and should readily furnish it. As I understand the situation as it stands at present, the only salvation would be to have such lands surveyed so that they may be entered on the assessor's books (tax rolls) and become subject to taxation, or enact a clause to our revenue laws declaring such lands to be subject to taxation though unsurveyed. Am sorry that I am not able to give you some information on this matter. I am in utter darkness as to the ownership of a foot of land in this county outside of what is surveyed. If at any time in the future I may learn of some way that such information may be obtained, I shall certainly let you know of it at once.

Regretting my inability to furnish you with the desired information at this time, I beg leave to remain,

Yours, very truly,

T. D. DAVIES,
County Assessor.

[From the Seattle Sun, Tuesday, September 23, 1913.]

NORTHERN PACIFIC SAYS UNITED STATES LAND OFFICE IS TO BLAME—DELAY IN SURVEYING PRIMARY GRANT ACREAGE CHARGED BY RAILWAY AND BY TAX ASSESSOR TO RED TAPE.

Although a popular impression prevails that the thousands of unsurveyed, and hence untaxed, acres in the primary grant of the Northern Pacific in this State and county remain so largely through the machinations of the railway, reports of assessors are that the United States Land Office principally is to blame.

County Assessor A. E. Parish has on file in his office copies of letters written to the Land Office by high officials of the Northern Pacific. In these messages the text always was the same—efforts to get the department to hurry the surveys of the Northern Pacific lands, especially in Washington.

In a letter to Howard Elliot, then president of the road, Thomas Cooper, land commissioner of the Northern Pacific, urged the executive to hurry the Government in surveying the lands.

WANT IT SURVEYED.

Cooper wrote: "Instead of trying to escape taxation by delaying surveys, the company has been begging the department for years to hasten surveys, recognizing that the traffic benefits resulting from development following survey was infinitely greater than the tax burden."

Officials of the Northern Pacific assert it is entirely to their interest to have the tracts surveyed as soon as possible, but that the work of the Land Department is so painfully slow they have given up hope of getting it all platted within the next 15 years. They say some requests for surveys made in the past were not acted on by the Government until 10 years after they had been filed.

The county assessors' convention of Washington used to admonish the Northern Pacific at every annual meeting because of its unsurveyed condition. Now resolutions are adopted each year prodding the Land Department for the delays, not the railway. At the last meeting the president was authorized to keep in touch with the Government with a view of hastening the surveys. It is considered probable a similar action will be taken this year. Some persons suggest that if the Government did not put its surveying parties in the field so late in the summer they could accomplish more.

AMOUNT NOT ESTIMATED.

"Looking at the proposition on its face," remarked A. E. Parish, this county's assessor, "one would think the Northern Pacific simply blocked things so it wouldn't have to pay taxes. But a deeper insight dispels this notion. I have investigated the thing thoroughly and can come to but one conclusion—the Northern Pacific is as anxious to get its land surveyed as we are.

"The trouble is all with the Government. It takes time and patience to get our National Land Department to take action on anything. However, it is only fair to say it is improving in this respect. The surveys are being done more quickly. May this tendency increase.

"There is a great amount of railway land in this State untaxed because it's unsurveyed, but not all of it is valuable. A considerable amount of it consists of mountain peaks and rugged cliffs.

"The assessors of the State hope conditions will improve steadily. This county is missing a big tax revenue all right because of the unplatted Northern Pacific land. But some of the unsurveyed territory is wild, rocky land of little value. Just how big a revenue the county would get as a result of all railway land being platted it is not possible to estimate."

RAILROAD LANDS NOT TAXED.

The county commissioners of Chehalis County are complaining because of the large amount of Northern Pacific lands in that county which escape all taxation because, while surveyed, the surveys have never been accepted and the patents issued to the company. These lands are included within the limits of the forest reserve, which explains why the surveys have not been accepted.

In an address on Friday to the Washington State Tax Reform League, T. D. Rockefeller, former State tax commissioner, touched on the same subject and informed his hearers that there were between 600,000 and 700,000 acres of such railroad lands which were escaping all taxation because unpatented, the patents being withheld until after surveys were made, and the surveys not being made for reasons best known to the authorities at Washington City.

The title to these lands vested in the company immediately upon the passage of the land-grant act, nearly 50 years ago. The title of the company was placed beyond question by the completion of its line, some 30 years ago. But millions of dollars' worth of the company's lands have never paid a cent of taxes to the State or county for all these years. They have not paid taxes because no patents issue until the lands are surveyed.

The responsibility is not with the company, for years ago it paid to the General Government the estimated cost of surveying these lands. But the department has never authorized the surveys. The reason is believed to be that the progress of surveys has been blocked largely by the political "conservationists." If surveys were extended, the State could identify and recover its own 600,000 acres of school lands tied up in the forest reservations.

Whatever the agency which has blocked these surveys in the past, it would seem that the Washington delegation in Congress should interest itself in having surveys made immediately, that these lands should no longer escape taxation.

(Copy.)

MARCH 25, 1914.

Hon. ERNEST LISTER,
Governor State of Washington, Olympia, Wash.

MY DEAR GOVERNOR: I have had up with the Department of the Interior the matter of unsurveyed lands in our State that do not pay taxes. I have talked with Mr. A. A. Jones, assistant, and with the Secretary direct, urging them to make recommendations to the Finance Committee and insist on an appropriation sufficient to survey all unsurveyed lands in the State of Washington covered by scrip or otherwise privately owned, for the purpose of assessing and collecting taxes aginst same.

I wish that I might get all information possible from the land commissioner and any suggestions worth while from the other State officers. I will appreciate it very much if you will have same forwarded to me. The surveyor general might be able to give some information relative to the estimated cost of such a survey per township.

Most sincerely,

J. A. FALCONER.

STATE OF WASHINGTON,
OFFICE OF GOVERNOR,
Olympia, April 3, 1914.

Hon. J. A. FALCONER, M. C.,
Washington, D. C.

MY DEAR MR. FALCONER: I beg to acknowledge receipt of your letter of March 25 in relation to the action that has been taken with a view

to having lands in the State of Washington that would be subject to taxation, if surveyed, surveyed at an early date.

I took this matter up with the Department of the Interior personally in December, and am in receipt of advices from the department indicating its willingness to cooperate in every possible way in bringing about survey of these lands as rapidly as possible, so that they may be placed on the tax rolls of the State and a revenue therefrom made to accrue to the State.

By my direction, the State tax commission is now working with the assessors of 15 counties in which are lieu and scrip lands which would be subject to taxation, if surveyed, with a view to obtaining the description of these lands. As soon as the list is completed the same will be placed in the hands of the Interior Department with a request that attention be given these lands first

I will be pleased to see that you are furnished with a copy of the list when completed, and desire to thank you for your interest.

Sincerely, *yours*,

ERNEST LISTER, *Governor.*

(Copy.)

JUNE 17, 1914.

Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

DEAR MR. LANE: I find that an exception is made in the sundry civil bill (H. R. 17041), page 96, to the appropriation in the matter of railroad land grants.

I have had this matter up with your department frequently during the past year.

Acreage approaching 800,000 in area of valuable land in the State of Washington has for many years escaped taxation because of the fact that the survey has not been made.

The people of the State will accept no excuse for further delay in this matter.

This bill ought to provide for this survey by appropriating sufficient funds to do the work, and if further legislation is required to provide that the cost be assessed against the lands it should certainly be enacted.

We will doubtless continue on this bill Saturday next, and in behalf of the people of the State of Washington, I sincerely hope that your department will look into the matter. I have the honor to be,

Very sincerely,

J. A. FALCONER.

Mr. FALCONER. Mr. Chairman, I held a conversation with Secretary Lane and the commissioner's office on this subject Saturday last, and I know they desire this appropriation, and have a full appreciation of the significance of making the surveys.

Mr. FRENCH. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] has referred to my position on this question in a way that calls upon me to make a further statement. I am rather amazed at the position that the gentleman from Wyoming has taken upon this question, because he has almost always followed a course that was meant for the best interests of all of our Western States. Here, however, the very fact that the amendment offered by the chairman of the Committee on Appropriations to strike down this appropriation of $735,000 to $700,000 carries with it a complete refutation of everything that the gentleman from Wyoming has said and substantiates that which I have said. In other words, the committee here now undertake to throw off $35,000, and demonstrates that under the law as it would have been if the amendment had prevailed that was stricken out on my point of order, that only $35,000 could have been expended in lieu of that for which $100,000 may be expended at this time, in view of the fact that my contention has prevailed.

Mr. Chairman and members of the committee, I am vitally interested in this question. I come from a State that has a vast area of lands embraced within the railroad primary land grants. I am receiving letters from county commissioners of my State telling me that my State alone is losing $75,000 of taxes every year because of the fact that land held either by railroad companies or those concerns that own the lands as a result of these grants are escaping taxation. If these lands can be surveyed, then they will be available for taxation, and under the law, notwithstanding the fact that a grant has been made to a railroad, even notwithstanding the fact that the railroad has complied with conditions of the law and has built its railroad and has received the grant, it may not be subject to taxation upon its lands until the lands themselves shall be surveyed.

The department did make a recommendation, as I understand it, to which the gentleman from Wyoming [Mr. MONDELL] refers, that the old law be repealed; and if this particular bill could have passed several months ago, before the organization of the surveying parties, before they were placed in the field, and if instead of $35,000 there had been included an appropriation of $100,000 for this particular work, then I can see no good that could come from insisting on the old law, but rather I would have given my support to the new proposition. But, members of the committee, this is the condition that is confronting us. Already there are 28 surveying parties in the field. Ten of these surveying parties are in my own State, surveying or beginning the survey of something like half a million acres of land within the primary grant of the Northern Pacific Railroad; and in view of the lateness of the time when this bill will be passed, in view of all the considerations, these surveying parties being in the field, and all that, the department itself is opposed to the particular clause that went out on my point of order.

The gentleman has referred to me as possibly not being familiar with the conditions. I am familiar with the conditions, and if the correspondence of many of my people who themselves are struggling under the increased burden of taxation because of these lands not paying their portion of taxation can have any effect upon me, I ought to be familiar, because I am receiving letters and petitions from them urging speedy relief from this burden through the survey of these lands. Not only that, but I am familiar with the situation through having spent many hours of my time in various offices of the Department of the Interior to do what I could to help to direct the survey and impress upon the department the importance of the survey of these grant lands within my State. In view of what has been said, I want to read a letter addressed to me by the Commissioner of the General Land Office. I purposed to insert a copy of a letter addressed to the chairman of the committee, but that has been inserted upon request of the gentleman from Oklahoma [Mr. FERRIS]. In the letter to me the Commissioner of the General Land Office says:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 11, 1914.

Hon. BURTON L. FRENCH,
House of Representatives.

MY DEAR MR. FRENCH: Relative to the matter of surveys of land within the limits of railroad land grants, about which you called on me a number of times during the past few months, and also concerning which members of your State land board made inquiry in company with you, I beg to call your attention to lines 1 to 12, inclusive, page 98, of the pending sundry civil bill, for the repeal of the $100,000 continuing appropriation for the survey of railroad land grants provided for by the act of March 2, 1895. For your information I inclose herewith copy of my letter of May 27, 1914, to the Hon. JOHN J. FITZGERALD, chairman of the House Committee on Appropriations, on the question of the advisability of this repeal.

In addition to the matters stated in said letter, I beg to state that there is now in cash, either in the Treasury or in the hands of special disbursing agents, nearly $100,000 of moneys deposited by various railroad companies on the call of the Secretary of the Interior, under the authority of the act of June 25, 1910 (36 Stat., 834), available for use in conjunction with Government moneys made available under said act of March 2, 1895, supra, in accordance with the decisions of the comptroller, as explained in said inclosed letter. Additional calls have been made on the railroads for sufficient to bring this amount up to $128,000.

There is also available on this date in cash for use in the Treasury or in the hands of disbursing agents, Government moneys appropriated under said act of March 2, 1895, the sum of approximately $70,000, subject to increase, reappropriation, and further use, as provided in said act of March 2, 1895, so that Government moneys will doubtless be available for use in conjunction with all of the said railroad deposits above referred to as rapidly as same is needed for use in the field.

Referring to line 7, page 96, of the sundry civil appropriation bill, you will note that the total amount appropriated for surveys and resurveys of public lands has been increased from $700,000 to $735,000; this is with the understanding, as I am advised, that the amount added shall by amendment on the floor (see exception line 18, p. 96) be made available for surveys within railroad land grants, in lieu of funds now procured by means of said continuing appropriation act of March 2, 1895. All of the said $700,000 is needed to make surveys applied for by settlers and States under the first preference mentioned in the act (lines 8 to 10, p. 96).

Briefly, therefore, under existing conditions there is available for use for the survey of lands within railroad land grants during the present season, or as rapidly as the work can be done, anywhere from $150,000 to $250,000; whereas, if this proposed legislation is enacted, the most that can be expended for this class of surveys during the fiscal year 1915 will be $70,000 (one-half railroad money), with a large balance of railroad money on hand which can not be used.

We are now in the midst of the surveying season. There are at present 28 line parties surveying within railroad land grants. If the proposed legislation is enacted, this work must be stopped or very largely curtailed, with the resulting continued exemption of these lands from taxation.

While the committee doubtless considers that there are good and sufficient reasons for the recommendations made, in view of the importance of this legislation, I beg to suggest your serious consideration of its advisability.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Listen to the words of the Commissioner of the General Land Office. He declares he will need $700,000 of the $735,000 for other purposes.

Yet the gentleman from Wyoming [Mr. MONDELL] has said that there would be available nearly three-quarters of a million dollars that could be used for this purpose if the amendment could prevail. If all the moneys appropriated could be diverted to this one purpose, then his statement would be correct; but he knows that the preference right of the settlers, that the preference right of the States under the present law, and the preference claims upon that fund in other ways make it impossible for $700,000 of that $735,000 to be used for this purpose at all, and that instead of three-quarters of a million dollars there would be a paltry $35,000 that could be used for that purpose.

Now, Mr. Chairman, I am opposed to this amendment that the chairman of the committee has offered. It seeks to strike down

$35,000 from the amount that could be expended for the survey of the lands generally.

I shall offer another amendment, on page 96, line 13, to insert, after the word "ninety," the words "surveying public lands included within the primary limits of railway land grants."

If that can be inserted into this first provision, then we will have the right to use any part of the $700,000 that in the discretion of the Secretary of the Interior he may believe can be used for the purpose of surveying any of these lands, the Government owning the alternate sections within the primary grant of the railroads. If this amendment be adopted, it will permit the use of the $35,000 in addition to that which is now available in the irreducible fund. If the amendment does not prevail, then I hope that this amendment may be added in order that the $35,000 may be made available for the further survey of these lands. [Applause.]

Mr. BRYAN. Mr. Chairman, it has not always been the railroads that were to blame in this case, according to the opinion of many who ought to be in position to know. They claim that they have repeatedly put up the money in order to get these surveys made, and that there has been fault here at Washington. Of course I am not going to favor striking down any portion of the appropriation or cutting out $35,000 when the money is needed as badly as it is in connection with this service. Here is the claim of the railway company in reference to the deposit they have made on behalf of this service. I read from a letter from Thomas Cooper, land commissioner, of St. Paul, Minn., to Mr. Howard Elliot, dated St. Paul, Minn., December 6, 1909, as published in the pamphlet which I hold, being the proceedings of the fourteenth annual convention of the county assessors of the State of Washington. As to whether the company is trying to get the remainder of its land grant surveyed, note the following:

We have made application under various acts for the survey of 15,626,161 acres, and have advanced to cover the cost of survey $619,533.60. There is unsurveyed at this date of the total area for which we have made application 6,549,480 acres—odd and even numbered sections—and the company has a credit at this date for moneys advanced of $142,798

They say that they have been depositing money for the survey of this land on the ground that the increased settlement, the use of the land by settlers, would increase business, and that they would be glad to pay the taxes in order to get the land on the market, where it could be settled and brought into use and cultivation.

Then there is this situation that is absolutely appalling: In many cases the settlers have taken pot luck about locating on the lands, believing that they were on the alternate section owned by the Government and on land that they could later homestead, and yet after the surveys, as they come in, it is discovered that they are on the railroad land, just across the line. Now, there are a large number of settlers out there who settled in good faith, believing that they were settling on land under the homestead laws. But they find that it is railroad land and they can not get the railroad to relinquish, and so they are subject to an order to vacate. They will have to abandon their little homes and lose the improvements they have made and the cultivation that they have through their own efforts promoted. They have to abandon all that and lose their investment.

If there is any place where the Government money can be expended for a legitimate purpose, in a legitimate way, where there would be an adequate return, many dollars for one, it is in the surveys of these railroad lands. It not only brings taxes to the State but revenue to the Government. I hope there will be no disposition to cut out this $35,000, and I further hope that the department in considering this situation will push forward and send out more of their surveying parties, spend more of its money for the purpose of surveying this land and putting it in a position where it can be settled, and in a position where it can be placed on the tax rolls so that the railroads will do their part and the settlers will do theirs.

I have had considerable correspondence with the department concerning this proposition. I am sure the fall-down of the Federal authority in the matter of these surveys is inexcusable. Objections are often made to Government ownership and administration on just such grounds. It is a fact that a private corporation would have managed to get the taxes from those lands. The entire chapter is one of inexcusable neglect. I believe the present administration will be free from blame in this if a new policy is really instituted and the lands go on the tax rolls and into settlement and use, for it must be remembered that the alternate section belonging to the Government can not be located for settlement and use until it is surveyed.

Concerning the unfortunate position of many who are on these lands as settlers, believing they would have the right of homestead entry, I am compelled to say that I believe the Government should stand back of these people and insure them against loss. The record shows that these people were assured by circulars, which any reasonable man would rely upon, that they might settle on these lands, and if it should later be discovered that they were on railroad lands that they would be protected, and that the railroad would be required to relinquish their claim. A circular was issued containing the following:

PARAGRAPH 8.

The act makes special provision for instances where, after January 1, 1898, a qualified person in good faith makes settlement, with a view to homestead entry, upon unsurveyed lands within the primary limits of said grant, which upon survey are found to be within an odd-numbered section to which the right of the railroad company has attached by the definite location of its line of road. The purpose of this provision is to afford relief to those who make such settlement before the identification by survey of the lands to which the railroad claimant is entitled. Such settlement claim must be continued and the right of the settler asserted after survey by an application at the local land office, to make homestead entry of the lands settled upon, accompanied by proof of such settlement, and the continued maintenance of the claim. These claimants are not accorded the privilege of taking other lands in lieu of those settled upon, but if the proof submitted is deemed satisfactory the railroad claimant will be requested to relinquish the land embraced in said claims and to take other lands. All the provisions of these regulations are applicable to these lands excepting those pertaining to relinquishments by individual claimants.

Section 23 of said circular provides:

From time to time, and as soon as conveniently may be done, the Commissioner of the General Land Office shall prepare and submit to the Secretary of the Interior duplicate lists describing, according to the smallest legal subdivision, the lands to which there are conflicting claims as described in these regulations, and which the individual claimants have elected to hold; and upon the approval of any such list by the Secretary of the Interior, the Commissioner of the General Land Office will retain one copy thereof in his office and will transmit the other copy thereof to the railroad claimant, with the request that it relinquish its claim to the lands therein described. Every list will be deemed conclusive against the railroad claimant to the extent that it will be required, within 60 days after receipt thereof, to execute and deliver to the Secretary of the Interior a proper relinquishment to the United States of all the lands in said list, or to make satisfactory showing that those not relinquished have been sold or contracted to be sold, or are used or needed for railroad purposes, or are valuable for stone, iron, or coal.

On April 16, 1907, the Interior Department, acting through Secretary Ballinger, wrote a letter that gave these men further reason for feeling secure in their position, as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 16, 1907.

Dr. E. E. BECKETT,
355–357 Lumber Exchange, Seattle, Wash.

SIR: Answering your letter of March 16, 1907, respecting settlement of your brother on northwest quarter section 17, township 26 north, range 11 east, Washington, I advise you that said tract is unsurveyed land within the primary limits of the Northern Pacific Railroad grant, upon definite location of December 8, 1884, at which date its right vested; that the temporary withdrawal of the land March 18, 1905, for forest reserve did not affect the company's right; and that the land was released from said reservation July 6, 1905.

Therefore, if your brother settled upon the land since the definite location of the road, and prior to the survey in the field of the land in question, he may, when the plat of the survey becomes filed in the local land office, submit his homestead application with election under act of July 1, 1898, to retain the land (forms of which will be furnished by the district officers on request), upon which, if found correct, the railroad company will be requested to relinquish its rights to the land.

Very respectfully,

R. A. BALLINGER, *Commissioner.*

I have been deluged with letters and resolutions on behalf of these men, and I would be glad to help them. Various suggestions have been offered; but I see nothing in the way of relief for them except a plain appropriation of the necessary sum by Congress to save them from loss. The following affidavit sets forth in detail some of the facts involved in this matter:

STATE OF WASHINGTON, *County of King, ss:*

I, G. A. Schultheiss, being duly sworn, on oath depose and say that I am a citizen of the United States, of lawful age, and my post-office address is Baring, Wash., and qualified to make homestead entry. I did on the 22d day of May, 1908, make homestead entry on unsurveyed land, which since survey has been described as the northeast quarter of the southeast quarter and lots 7, 8, 9, of section 1, township 26 north, range 10 east, Washington Meridian. That before making settlement on said land, about the latter part of March, 1908, I called to see Joseph Gregory, a land attorney of Seattle, Wash., and I was handed a decision by said Gregory, and was informed by him that the decision was the latest decision of the highest court, and that this decision held that when a settler made settlement on unsurveyed land within the limits of the grant to the Northern Pacific Railroad Co. and that when the land was surveyed and found to be railroad land, that it was mandatory for the railroad company to accept scrip in lieu of the land settled upon; and at that time said Gregory went with me to the land office and showed the aforementioned decision to Frank Twitchell, receiver of the United States Land Office at Seattle, Wash., and at that time said Gregory and Twitchell had some discussion whether the decision applied to the land I was contemplating making settlement upon; and after looking at said decision said Twitchell informed me that there was no such thing as unsurveyed railroad land, and that it all belonged to the Government until patented, and that anybody settling on such land prior to survey would have a prior right over t railroad company. I was given the circular of the General Land Office, approved February 14, 1889, containing regulations under the act of July 1, 1898 (30 Stats., 597–620), and I thereafter read said circular most

carefully, paying particular attention to the interpretation placed upon said act in said circular by the Commissioner of the General Land Office, and I particularly noted paragraph "B," and I believed that the interpretation placed upon said act in said circular to be the law, and I relied on this circular and believed I had a right to make settlement on said land, and that I would eventually obtain entry of said land when open for entry; and after I settled on the land I was in the land office several times and talked with Henry Smith, register of the land office at Seattle, and I was informed by him that the land on which I had settled was within the grant of the Northern Pacific Railway Co.; and said Smith informed me that there had never been a case to his knowledge where the railroad company had refused to relinquish such land in favor of a settler when requested to do so by the Government, and I believed in and relied on the circular of February 14, 1899, and the advice given to me by Joseph Gregory, the attorney, and the information received from the register and receiver of the land office at Seattle, in making settlement upon and continuing my residence and improvement of the land above mentioned.

Since the date of the settlement I have made said land my home and have lived upon the land continuously, and have constructed improvements thereon of the value of about $1,400; that my improvements consist of a house 18 by 24 feet, woodshed 18 by 20 feet, root house 8 by 10 feet, 36 apple trees, berry bushes of all kinds, and I built about 1 mile of trail and have 1 acre cleared.

After the land was surveyed and open for entry I made homestead application to enter said land, and my entry was rejected by the register and receiver of the land office at Seattle, and I perfected my appeal, and the Department of the Interior has made demand on the Northern Pacific Railroad Co. to relinquish said land in my favor, which said company has declined to do, and now my entry is held for rejection, and I have lost all my time, toil, and money in attempting to acquire this land, and now find myself practically destitute because of the erroneous advice, misinformation, and misinterpretation of the law received as set forth by me herein.

G. A. SCHULTHEISS.

Subscribed and sworn to before me this 20th day of May, A. D. 1913.

J. E. ALLISON,
Notary Public in and for the State of Washington, residing at Seattle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken; and on a division (demanded by Mr. BRYAN) there were—ayes 33, noes 19.

So the amendment was agreed to.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAWLEY. The gentleman from New York [Mr. FITZGERALD] I understood to offer some amendment on page 96, lines 18 and 19. I did not hear all the proposed amendments, but it was to strike out the words "except the railroad land grant," and so forth.

Mr. FITZGERALD. I did not propose to offer that amendment, in view of the fact that the paragraph repealing the indefinite appropriation of $100,000 has gone out of the bill.

Mr. HAWLEY. I was inquiring whether the agreement had been acted on.

Mr. FITZGERALD. I did not offer that amendment.

The CHAIRMAN. The Chair will say to the gentleman from Oregon that the amendment was not offered.

Mr. FRENCH. Mr. Chairman, I offer the following amendment I send to the desk.

The Clerk read as follows:

Page 96, line 13, after the word "ninety," insert:
"To surveying public lands included within the primary limit of railway land grants.

Mr. FITZGERALD. Mr. Chairman. I make a point of order against that: there is no authority for the survey.

Mr. FRENCH. Will the gentleman reserve the point of order for a moment?

Mr. FITZGERALD. We have discussed the entire question in connection with the other matter, and the gentleman from Idaho had 10 minutes.

The CHAIRMAN. The agreement was that all debate on the paragraph should be concluded at 20 minutes of 4 o'clock, and the order is sustained.

Mr. BRYAN. I offer the following amendment.

The Clerk read as follows:

Page 96, line 9, after the word "settlers," insert:
"Thereafter in surveying railroad land grants."

Mr. FITZGERALD. Mr. Chairman, I make the same point of order that it is not authorized.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Abandoned reservations: For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, and any law prior thereto, including a custodian of the ruin of Casa Grande, $10,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The paragraph has to do with surveying abandoned reservations, and therefore involves the entire question of surveys. Before we leave the matter that has just been discussed, I want to say a word. As far as I have had anything to do with the matter, it has been with a view of aiding the gentleman from the Northwest and Members to get their lands within land-grant limits surveyed.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. For a question.

Mr. BRYAN. Does the gentleman regard his vote against the $35,000 cut out by the amendment of the gentleman from New York as an aid to us?

Mr. MONDELL. Not a penny of that could be used for the survey of land-grant lands.

Mr. BRYAN. I can not understand why cutting it down helps us.

Mr. MONDELL. It does not help you to have that item increased, because not a dollar can be used for surveys within land grants so long as the continuing appropriation is in force. As long as it is on the statute books you can not use any part of this great fund for the survey of such lands. It was with the view of making all these funds available for land-grant surveys that we propose what the department itself suggested repealing—that old, obsolete, archaic law.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. I can not yield. I have only five minutes. Gentlemen have talked about the reference of the Commissioner of the General Land Office in his letter to the continuing appropriation as a $100,000 appropriation. It is not a $100,000 appropriation. It was depleted by the San Bernardino survey several years ago, so that it is only eighty-odd thousand dollars, and it will be further depleted by the provision of law for $25,000 for clerk hire in the city; so it will leave but $47,000, at the best, that can be utilized, and not another dollar of all these great sums can be used for that purpose. This is the ridiculous position in which we find ourselves. No matter how badly settlers may want to have their lands surveyed within the land-grant limits, they do not come within the preferred class at all, and the gentlemen from the Northwest refuse to allow us to put them in the preferred class.

I am not surprised the gentleman from Idaho [Mr. FRENCH] wanted an amendment under which, in addition to keeping this old appropriation that has been of so little value on the statute books, he wanted to make the other appropriation available for land-grant lands, an appropriation which the commissioner himself says he needs for other surveys.

There are one or two curious statements in the commissioner's letter, a letter which, I grant you, puts the gentlemen from the Northwest in an embarrassing position, and I doubt the propriety of writing letters of that kind to Members of Congress. The position taken is, in effect, that while it is true they have not surveyed much of this land in the past, they are going to do it now, and have many parties in the field, which they will take out if we do not do what they want. The commissioner would not, in my opinion, take these parties out of the field with $735,000 available with which to pay them.

Mr. FRENCH rose.

Mr. MONDELL. I can not yield. He said that $35,000, he understood, was added with the expectation of providing that only this sum could be used for the purpose of surveying land-grant lands. There was no such purpose and there never has been any such purpose at any time. The commissioner is simply misinformed and mistaken in regard to it. We propose to put this item in in such form that all these funds would be available for the survey of land-grant lands. In 1910 I endeavored to make that $100,000 of some real value in the survey of these lands, and it was hoped that by repealing this old, miserable, inadequate, lame, and halting appropriation, largely depleted, and putting the land-grant lands on the same basis as all other lands we could proceed more rapidly with the survey of the 15,000,000 acres of these lands that ought to be surveyed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FRENCH rose.

Mr. FITZGERALD. Mr. Chairman, I shall object to any further discussion of that proposition.

Mr. FRENCH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order.

Mr. FRENCH. Is there an amendment pending?

The CHAIRMAN. There was an amendment pending, but the pro forma amendment, as the Chair understood, was withdrawn.

Mr. FRENCH. I will move to strike out the last two words.

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. If the gentleman offers an amendment and then withdraws it, does that preclude another gentleman from offering an amendment?

The CHAIRMAN. It does not.

Mr. MANN. Then, I take it, the amendment is in order.

Mr. FRENCH. Mr. Chairman, I move to strike out the last word. All I want to say is this, in justice to the Commissioner of the General Land Office. I took up the matter with him, and the Commissioner of the General Land Office replied to me. In view of the reference to the propriety of officers of the departments writing letters, this statement is due the Commissioner of the General Land Office. This is a matter that I have had up with him repeatedly, and with regard to which I called on him specifically for information.

Mr. MONDELL. Mr. Chairman, the gentleman is not the only Member of Congress who received those letters. We all received them.

Mr. FITZGERALD. Mr. Chairman, if the Commissioner of the General Land Office or his assistant had taken the trouble to be in the city at the time this matter was under discussion, he would not have found it necessary to resort to the impertinent business of writing letters grossly misstating the fact and misrepresenting the action of the committee.

The Clerk read as follows:

For topographic surveys in various portions of the United States, $350,000.

Mr. KELLEY of Michigan. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee relative to the distribution of this fund for topographic surveys among the several States. I do this because of a letter which I have received from the State geologist of our State. He is a very competent man, and I would like to read to the chairman a portion of the letter which bears on this question. He says:

I inclose herein a copy of a bill which is now before the Committee of the House on Expenditures in the Interior Department—

I do not remember what that bill is. He continues—

This bill seeks to provide an equitable distribution of expenditures for topographic and hydrographic surveys among the several States. Michigan has never received its share of expenditures for topographic surveys. Indeed, there are only four other States in the Union which have so little of this work as has the State of Michigan. I do not believe there has been any conscious discrimination against Michigan by the authorities of the United States Geological Survey, but the unequal, and, in my opinion, inequitable distribution of topographic and hydrographic work under the control of the director is matter for the attention of Congress.

I notice from the hearings that there is a very wide latitude in the amount of money expended in the various portions of the country. For instance, I notice on page 876 of the hearings that last year one State alone received $44,413, about one-sixth of the entire appropriation, and running back as far as 1908 that same State has received in all about $200,000 for topographic surveys.

Mr. FITZGERALD. What State was that?

Mr. KELLEY of Michigan. The State of California. I have no doubt that there is some special reason why that has been done, but it seems to me that perhaps some explanation ought to be made why it is that such a wide latitude exists in the amount apportioned to the various States.

Mr. FALCONER. Is there any reason why there should be any amount of money expended in the State of Michigan for hydrographic surveys?

Mr. KELLEY of Michigan. I am talking about topographic surveys.

Mr. MANN. There is a very great reason why money should be expended for hydrographic surveys in the State of Michigan.

Mr. FALCONER. It occurs to me not so much as where there is vast water power.

Mr. KELLEY of Michigan. So far as the water power of the State of Michigan is concerned, we have 12 great rivers—6 on the west side and 6 on the east—which, when developed, will furnish enough electric power to turn every wheel in the Middle West.

Mr. MANN. Not to mention the Soo.

Mr. FALCONER. Permit me to say to the gentleman that the Columbia River with her tributaries is capable of furnishing one-third of the entire water power of the United States under the best authority given us by the departments of the United States Government, and Michigan, while it does well, is not in a class with Idaho, Montana, Washington, Oregon, or California.

Mr. MANN. Washington water power is in reality; the other is in a dream.

Mr. KELLEY of Michigan. Does the gentleman think one-sixth of this appropriation should be expended in a single State?

Mr. FITZGERALD. No; I do not——

Mr. SLOAN. Will the gentleman yield?

Mr. KELLEY of Michigan. I desire to offer an amendment. Yes: I yield to the gentleman.

Mr. SLOAN. Will the gentleman be willing to fuse and merge the river and harbor appropriation of the State of Michigan with other States and compound the two appropriations for rivers and harbors and this geological appropriation?

Mr. KELLEY of Michigan. Our rivers and harbors contribute to the general welfare of the country.

Mr. SLOAN. I presume this does, too; but would the gentleman be willing to merge the two?

Mr. KELLEY of Michigan. I am only speaking of this particular appropriation. Mr. Chairman, I send to the Clerk's desk an amendment which I desire to offer to this section. I will say before the amendment is read that this is legislation suggested by the State geologist of Michigan, and he says in his letter that the proposed legislation meets the approval of the State geologists of the country.

Mr. FITZGERALD. The State geologists are very kind to be willing to take these funds from the Federal Treasury.

Mr. KELLEY of Michigan. I would like to inquire further from the chairman what is the practice as to requiring the different States to put up an equal amount before any funds can be had from the Federal Government? Is that a uniform practice, or simply insisted upon in certain instances?

Mr. FITZGERALD. Sixty per cent of the appropriation is now expended in public-land States. I am one of those who believe it should all be expended there. In States that are not public-land States, under the guise of doing some Federal work, the Geological Survey makes arrangements with the State officials to make equal contributions. I think the State of New York put up $8,000 to match that $8,000 to do work which in my opinion more properly should be paid for entirely by the State of New York. This work is being done in Michigan, where Michigan contributes $3,000 in order to get $3,000 out of the Federal Treasury, so that the work shall be done under the supervision of the Geological Survey instead of by the State of Michigan. After we have finished surveying the public lands, the public domain of the States, it is time enough to go into these other outside matters. This committee has endeavored to break up and prevent abuses which existed under this appropriation. Some years ago surveys were made primarily, if not entirely, for the use of a corporation that desired to build an electric railway. In one city in the country there was a topographical survey made for the purpose of adjusting and arranging its sewer system. Every municipality and every State in the country is perfectly willing to have the Geological Survey do all the surveying that is essential for the States and municipalities to perform their proper functions, just as many corporations that desire to utilize water power on some streams over which the Federal Government has no jurisdiction are very happy to have the expenses of determining what power can be generated borne by the United States.

I have no doubt that the State geologist—the one in Michigan and probably the one in New York and those in every other State where there is no public domain—have their greedy eyes fastened upon this appropriation. They probably would be very happy to have it all spent in their respective States, but these States are not infant industries. The gentleman represents a prosperous and wealthy State, well able to perform the things that belong to it. He should write the State geologist and tell him that Michigan is not a beggar knocking at the doors of the Federal Treasury. It is perfectly able and its resources are ample to enable it to do all the functions that belong to that State, and it should have no desire to have the Federal Government encroach upon its domain.

Mr. KELLEY of Michigan. What does the gentleman say of the State of California. Is it in the beggar class with $44,000 out of this appropriation?

Mr. FITZGERALD. Thirty thousand dollars of it was public-land business and $13,000 was for the cooperative work against which California matches $17,000, a better proportion than either in New York or Michigan.

Mr. KELLEY of Michigan. Of course that is one year, but during the past six years it has aggregated $200,000 for California.

Mr. FITZGERALD. That is true; but there are public lands there and Michigan has no public lands.

Mr. BRYAN. Michigan spent $2,000 and California spent $17,600 and Washington spent $13,760; Michigan does not belong in the same class.

Mr. FITZGERALD. Michigan would not spend any if she could prevent, but would like the Federal Government to do all the work and bear all the expense.

Mr. BRYAN. There are nothing but stump lands in Michigan.

Mr. KELLEY of Michigan. Oh, no; but what I was endeavoring to find out is whether the fund was equitably distributed.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 16, page 99, after the figures "$350,000," by inserting the following:

"*Provided*, That hereafter all the appropriations for the United States Geological Survey for topographical surveys in the various portions of the United States, for hydraulic surveys, for gauging the streams and the determination of the water resources, and for the reproduction and publications of the results of all such work, except as may be otherwise specifically allotted by law, shall be expended in accordance with a general regulation, approved by the Secretary of the Interior, which shall provide (1) that a sufficient sum shall first be set aside for general administrative expenses, purchase of instruments, maps of interstate areas or others necessary for studies of fundamental problems not local in character, and for expenditures at the discretion of the Secretary to meet emergencies and contingencies; (2) that the balance available for local field surveys shall be divided for expenditure in all States according to an average of two factors: First, the ratio of State to National population, and, second, the ratio of unmapped area in each State to the total unmapped area in the United States: *Provided, however*, That in computing this ratio it shall be the intent to exclude all public lands, national forests, national parks, and Alaska so far as classification is practicable, and provided (3) that an additional equitable allotment shall be made to each State on the basis of the amount of unmapped public lands therein contained, and (4) a second additional fair allotment shall be made to those States which by legislative enactment or otherwise contribute funds for cooperative work in topographic and hydraulic surveys, or which through State organizations make like surveys which are accentable to the Secretary of the Interior and available for the use of the United States Geological Survey. The said general regulation shall, furthermore, provide that (5) in States in which 100 per cent of the area has been topographically mapped with a reasonable degree of accuracy the pro rata allotment shall apply for resurveys only to the extent that the State contributes at least an equal amount; (6) that in any State in which the annual pro rata allotment may be too small for economical work surveys shall be made only when credited allotments, and any State funds provided under cooperative agreement have accumulated to the amount necessary for economical expenditure; (7) that the choice of the area to be mapped in each State and the scale to be employed therein shall be based upon consideration of its harmony with the plan for a general map of the whole United States, warranted expense, and its use for geologic investigations and for local needs; (8) that in States in which there are or may be provided administrative officers charged by law with the direction of the cooperative surveys, these officials shall be consulted, and in the event that said State official requests the construction of maps of a larger scale or greater detail than in the opinion of the Secretary is consistent with the plan of a general topographic map of the entire country, such maps may nevertheless be constructed provided the cooperating State pays the extra expense due to their unusual and special character."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that. It is clearly subject to a point of order, and it is occupying the valuable time of the committee to read it.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Let the amendment be printed in the RECORD.

Mr. FITZGERALD. I have no objection to its being printed in the RECORD.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For geologic surveys in the various portions of the United States, $300,000.

Mr. FERRIS. Mr. Chairman, I move to strike out "$300,000" and insert in lieu thereof "$400,000," on page 99, line 18.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The Clerk read as follows:

Amend, page 99, line 18, by striking out "$300,000" and inserting in lieu thereof "$400,000."

Mr. FERRIS. Mr. Chairman, the proposed increase merely brings the appropriation up to the estimate of the department, and even then it would scarcely be in keeping with the increase of business that has been piled onto the Geological Survey.

For instance, there was a time when land was land, and the homesteader, when he went out upon the land, had only to go to the district land office and file on it; but these conditions no longer prevail. Now, when a man seeks to enter a tract of land he first has to determine whether it is mineral or nonmineral, whether it is timbered or nontimbered, whether it is irrigable or nonirrigable land, whether it has or has not power sites, and so forth. The result is that the homesteader has to wait such a time as the Geological Survey can send their men out there and determine the character of the land.

It is poor economy to keep the homesteader waiting until the Geological Survey can get money enough to go out and make the necessary investigation. I appreciate the work of the Committee on Appropriations to pare down expenses and carve estimates, but recently in the West, and in fact in the whole United States, there has been a complete change of sentiment with reference to the methods of entering public lands. For instance, Government inspectors now have to go out and look at each individual tract of land to see to it that valuable coal deposits are not taken up by some homesteader, and, further, to see to it that somebody does not take up 320 acres of land for an enlarged homestead that has water power on it, or coal on it, or timber on it, or other minerals. The conservation people of the country insist that these lands shall be examined, and the Geological Survey has made a strenuous effort to keep in touch with the public sentiment along that line. But they can not do it unless you give them money enough to do the work. A constant pressure is exerted and a constant stream of complaints has come in from chambers of commerce, from homestead settlers' organizations, and from individual homesteaders to the Committee on the Public Lands, asking us to do something about it. The Committee on the Public Lands has no power to appropriate for these surveys. It has no power of appropriation. The only means of the Geological Survey to secure this money is first to suggest to the Interior Department the propriety of estimating for the money they need to run their department.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Colorado?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. In addition to the work thrown upon the Geological Survey, do they not also have to make reports on the flow of water in canals under the desert-land entries?

Mr. FERRIS. Yes; but the item for that comes in a little later—further over. The homestead act of 1909, which enlarged the size of the homestead from 160 acres to 320 acres, provides that the land is not enterable at all under the law if it is irrigable from any known source of supply, so that the Geological Survey has to send men out in each instance to determine the character of the land and determine whether there is mineral or timber on it or whether it is irrigable. These facts must be determined, and the department can not do it without money.

I dislike to offer amendments increasing the amounts of appropriation bills, but the department for four or five years has estimated increases for these purposes, and their work has constantly piled up.

Mr. FITZGERALD. The department estimated for only $300,000 in 1913 and 1914.

Mr. FERRIS. I have the figures somewhere. But if the gentleman has the figures correct, I will accept them. Anyway, they estimated for $450,000 in 1913 and you turned them down and gave them only $300,000. This year, in 1914, the Geological Survey asked for $450,000 and the Secretary's office cut the estimate down to $400,000. The estimate as it reached you was for $400,000 and you gave them $300,000. They need the amount of their estimate and deserve it.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. FERRIS. Yes.

Mr. GARNER. Does the gentleman say that the Geological Survey asked for $450,000?

Mr. FERRIS. Yes; and the Secretary cut it down to $400,000.

Mr. GARNER. Did they ask for $400,000 this year?

Mr. FERRIS. They asked for $450,000 this year and for $400,000 last year. The department asks for what they feel themselves entitled to and what they actually need. The Committee on Appropriations comes in here with a report cutting them down and paying no attention to their necessities. Other committees, that have given long and extended attention to matters related to public lands and who have examined the matter closely, never know until the bill is reported what has been given. I and other members of the Committee on Public Lands sought to present to the Committee on Appropriations what ought to be done in this regard, but we were not successful in that endeavor, and so the only thing we can do is to come here and ask the House to do what ought to be done, and that is to give the Geological Survey enough money so that they can perform the duties imposed upon them by existing law.

There are many other things that can be said, but committees of settlers and committees of chambers of commerce all over the country are asking that this work be done. It is not a large matter. It is what deserves to be done. We spend millions for all sorts of things, but when it comes to real work and real srevice the economy howl is heard from afar.

People engaged and interested in conservation of natural resources are making appeals to the Geological Survey to go on and make these investigations, which the survey can not do unless you give it money. I think it is a poor sort of economy to impose upon a department a duty and then withhold from that department the money it needs in the performance of that duty.

I know the chairman of the Committee on Appropriations will in a moment say that these departments ask for more than they are entitled to, and more than they ought to have; but I come back at him and say that after eight years' service on the Committee on Public Lands, and after an intimate acquaintance with the affairs along that line, I know that they do need the money, and the appeals that come to me every day will disclose that fact.

Mr. KENT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from California?

Mr. FERRIS. Yes.

Mr. KENT. I would like to ask the gentleman if he does not think it the part of common sense that our Government should know what its own assets are? That is what I understand is the thing that the Geological Survey is to do.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask for two minutes more.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that the gentleman from Oklahoma may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FERRIS. I may not use it all.

Mr. MANN. I wish the gentleman would take time now to tell what they do with this money.

Mr. FERRIS. I can do so in a word. In 1909 the Congress passed this enlarged-homestead bill. That bill provides that lands of a certain character can be entered under the 320-acre law. In other words, they must know whether the lands are nonirrigable from any known source of water supply. The Geological Survey has to go out and determine whether any irrigation is possible from either a subterranean or surface flow of water. It has also to determine whether there is any coal on the land, whether there is any other mineral on the land, whether there is any water power on the land. If so, it is not subject to any form of homestead entry. That is a part of what they do. In addition to that, they go through the other States, and, as has been suggested here and has been shown by the hearings, it is their plan to make topographical and other geological observations to determine whether there is oil, gas, or mineral in any part of the country, in order to let the people know what the country actually has within it. This is work in the public interest. It is good sense to know what is going on with our resources.

Mr. MANN. Is that so where the land has not been withdrawn on account of these objects?

Mr. FERRIS. Absolutely. For example——

Mr. MANN. I mean before it is withdrawn, is that so?

Mr. FERRIS. Absolutely. For instance if to-morrow a homesteader in the State of Montana should apply to the Land Office for an enlarged homestead, the application would not be allowed, but it would be sent to the General Land Office here in Washington and by that office sent to the Geological Survey, and the Geological Survey must have their expert men with expert knowledge go there and determine what that land is, whether it is coal or noncoal, irrigable or nonirrigable, and so forth.

Mr. MANN. If the Geological Survey know that there is no stream within 40 miles, that there is no coal in that neighborhood, and no oil in that part of the country, do they still have to send somebody out there on the ground to see if that is the case?

Mr. FERRIS. The fact that there is no surface indication does not necessarily mean that there is nothing of the kind there.

Mr. MANN. My question was a fair one. Do they have to send out somebody under such circumstances?

Mr. FERRIS. They do.

Mr. MANN. I should think the gentleman's committee would reform that.

Mr. FERRIS. I do not think it ought to be reformed. There was a time when a man could step up to the Land Office and file on land, whether it was agricultural land or whether it was mineral land. That was a mistake then, and it will not be remedied unless we make it possible to correct it.

Mr. MANN. The gentleman stated that that was true as to every individual homestead application.

Mr. FERRIS. Every enlarged homestead application; yes.

Mr. FRENCH. Will the gentleman yield just a moment? I think the chairman of the Public Lands Committee [Mr. FERRIS] did not fully understand the question of the gentleman from Illinois [Mr. MANN].

Mr. MANN. The question was a very plain, simple one.

Mr. FRENCH. It often happens that the department has sufficient data, so that an application can be acted upon promptly, without requiring a specific examination for that particular case.

Mr. FERRIS. Of course, if they have topographical maps and data, or special agents' reports, then they do not have to send somebody there to do the work a second time, but I am assuming that when land has never been examined at all they ought to examine it. Water-power sites have crept away from us, coal lands have slipped through the fingers of the Government, mineral lands have been lost to the Government just because we did not give the Geological Survey enough money to go and find out what the land actually was.

But that is not all. If the public was not interested, the homesteaders themselves are interested, because they are held up for weeks, months, and years awaiting a time when the Federal Government can determine whether the land is subject to entry or not. That condition ought not to continue longer. This bill has been carved down about $23,000,000 below the estimates, and I hope the chairman of the Committee on Appropriations will accept this amendment and let the Geological Survey have what they are entitled to in order to go on with their work.

Mr. GARNER. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Texas.

Mr. GARNER. Is it not the policy of the Government to make topographical maps of the entire United States?

Mr. FERRIS. It is, as far as they can.

Mr. GARNER. If we give them additional money, can they not do that more rapidly?

Mr. FERRIS. Yes.

Mr. GARNER. And if it is an advantage to have this work done, why not let them go on and do it as fast as possible?

Mr. FERRIS. I presume we could not do it all in one year, but this is only asking that the bald, bare, naked estimates be given.

When this work began in 1906, from then until 1909 the work did not amount to anything, but the public pulse of the country has grown until the demands are such that the land must be examined, and we must know what it is before we let it go. I hope the amendment will be agreed to.

Mr. FITZGERALD. Mr. Chairman, I am somewhat surprised that the members of the Committee on the Public Lands, who have taken such an interest in this appropriation, did not go to the trouble of finding how the money was being spent. If they had inquired into the question of how the money appropriated was being expended, perhaps their grievance would have been with the Director of the Geological Survey rather than with the members of the Committee on Appropriations. The sum of $300,000 has been appropriated for this purpose each year since 1911. In 1910 the appropriation was $225,000, and then back for some years it was $200,000.

In addition to the $300,000 carried in this item, the Director of the Geological Survey receives $35,000 from the Commissioner of the General Land Office to make the classifications requested under certain provisions of the law. Up to about four years ago between 60 and 70 per cent of this money was expended outside of the public domain of the United States. It was not expended in ascertaining the character of the public domain or the resources of the Federal Government, but it was expended in making surveys of certain private property for the benefit of great corporations and large interests. Certain members of the Committee on Appropriations, including myself, inquired vigorously into the matter. As a result, we have now succeeded in having arrangements made by which 60 per cent of the amount appropriated is spent on the public domain. If the entire 100 per cent were so expended, there would be no difficulty whatever. During the course of the investigation I asked the Director of the Geological Survey:

Where are your investigations made now? Are all of them on the public domain?

Mr. SMITH. They are distributed all over the United States, but the larger part of the appropriation is expended in the public-land States. About 60 per cent of the appropriation is allotted to geologic work in the public-land States.

The CHAIRMAN. Where is the 40 per cent spent and on what kind of work? How did you get that arrangement of 60 per cent and 40 per cent?

Mr. SMITH. Some years ago the percentage spent in the Eastern States was rather larger than what was spent in the Western States, and I have been influenced by the members of the Appropriations Committee to increase the percentage year by year.

The CHAIRMAN. The men from the Eastern States believe this money ought to be spent on the public domain?

Mr. SMITH. The four men who largely influenced the change in policy were Representatives from Iowa, Minnesota, Kentucky, and New York.

These gentlemen were Judge Smith, of Iowa; Mr. Tawney, of Minnesota; Mr. SHERLEY, of Kentucky; and myself. The Committee on Public Lands never was interested, never knew, never had any knowledge of the manner in which these appropriations were being expended. They were expended for the investigation of resources of the anthracite region in Pennsylvania, or private holdings in Tennessee and Kentucky, and to ascertain other resources in the Eastern States for the benefit of private individuals. Because the Director of the Geological Survey could not have the appropriation increased this year, he had declined to increase the recommendation from $300,000 to $400,000 and said that the committee was attempting to prevent the proper investigation of the resources of the United States and the classification of the public domain.

I desire to compel the Director of the Geological Survey to spend this money where the law contemplates that it should be spent, spent on the public domain and not upon private property for the benefit of individuals. If this appropriation be increased, it may increase the amount spent on the public domain, but we will continue the same percentage—40 per cent of $300,000—for the benefit of private interests. I think they should pay for their own investigations. I believe great corporations owning great land holdings, believing that they possess great mineral wealth, should pay for their own investigations of these lands and not have it done at the expense of the Federal Government. If the gentlemen on the Committee on the Public Lands will cooperate with the Committee on Appropriations, this entire $300,000, in addition to the $35,000 paid from the appropriation for the survey of public lands, will be spent on the public domain for the benefit of the homesteader seeking to get his homestead, and will not be spent in the interest of great corporations who are desirous of having their properties investigated and reported upon by officials of the United States at the expense of the United States, so that they may be exploited for their own profit.

These are the facts. I have no desire to prevent these classifications and investigations, but I know what this committee has been struggling against for years. It has been struggling to shake off the grip and the influence and the power of these great interests that have been able to have diverted more than 50 per cent of this appropriation for the investigation of private property, or for investigations not contemplated by the law. If it be made to appear in no uncertain terms that this money must be expended, first, primarily, on the public domain in the interest of the settlers on public lands, there will be ample funds for those who want the lands surveyed, and the private holdings will have to have their surveys made at their own expense.

I hope the committee will not adopt this amendment; to do so will be to encourage the practice that has been followed in the past. We wish to break it up. It is a vicious practice and ought not to be tolerated. The money appropriated for this purpose should be spent where it belongs, upon the public domain. [Applause.]

Mr. RAKER. Mr. Chairman, in addition to what the distinguished gentleman from Oklahoma [Mr. FERRIS] has said, I want to call attention of the committee to the fact that in addition to the examination required of the desert-land entries to determine whether or not there are any minerals, it is the duty to-day, and every final proof requires an investigation in the field of whether or not there are water rights belonging to their lands. They investigate the articles of incorporation. There have been cases pending for five years in which the Geological Survey has gone over it to determine whether or not there are any interests there that should be protected and whether or not the water right belongs to the individual claimant.

In addition to that, the Geological Survey has to go out and determine the character of the land where men are seeking reservoir sites. Men have been held up for three or four years because there was no opportunity for the Geological Survey to go out and make an examination and report to the General Land Office so that they could determine the matter, and they have been held up.

There is a case at hand where a man came to Washington a short time ago, and his claim had been held up three years. There was plenty of water, plenty of land—over 1,000 acres plowed; no water to put on it, because they would not permit him to put in a dam to hold the flood water, which was running to waste, because there was no examination made by the Geological Survey. This man had to go out and expend from $10,000 to $15,000 to buy hay over the country, when he could have raised it on his own ground and improved and developed the country. It was only during the last two or three weeks that he got the thing through.

Now, that thing occurs every day in relation to coal lands. Investigations must be made by the Geological Survey, and land that was sold for $10 an acre a few years ago has brought this Government in one instance in Wyoming nearly a million dollars. After a long investigation surveys in the oil fields of Wyoming and California are being made use of in the Attorney General's Office to the end that the Government interests may be protected and may be maintained so that its vast wealth in oil shall not be turned over to the Southern Pacific, the Santa Fe, and to private individuals that are desirous of gathering up all the oil lands in the country.

It is the same way in regard to the phosphates. This department needs money to make further examination and surveys. The same is true in regard to sodium. Now, I want to tell you that there is nothing that has retarded the general improvement of the public domain in the West as this waiting for examinations—for the want of money to make them, final proofs under the desert land law, applications to have reservoir sites, those desirous of obtaining coal lands legitimately, those who are legitimately trying to get oil lands—than the fact that there is an insufficient amount of money to make the first examination after the people have made applications and expended money, and have irrigated the land in certain instances, so that they may have an opportunity to obtain their patent.

Take one instance in northern California. That is a sample. Men went out and built a large ditch, costing in the neighborhood of $100,000. They got the water on the land, and then some four years later the Government claimed that the water was not of proper quality to irrigate the land. These men were held up during this time, and they have not even had their certificates of purchase issued, let alone their patents.

When the classification of the public lands by the Geological Survey began in 1906 the appropriation items under which the work was then and is now mostly done aggregated $410,000. These two items, both for the current year and as reported by the committee in the pending sundry civil bill, amount to $450,000, a net increase of only $40,000 since 1906. In the past seven or eight years the whole public-land policy has changed. Coal lands belonging to the United States are now sold as coal lands at prices varying with the tonnage and quality of the coal itself. No longer are these valuable lands allowed to be stripped by the Coal Trust or homesteaded by the dummies of those corporations.

In carrying out this new policy each Secretary of the Interior has made larger calls upon the Geological Survey to report on the facts. These facts must be learned in the field by trained engineers. The results of this change in the public-lands policy are large and important; many thousands of acres of coal lands fraudulently entered by the corporation have been restored to the public domain by the General Land Office and Department of Justice, and large damages assessed for coal already mined, on the basis of Geological Survey reports as to the tonnage involved. Suits also are pending against the Southern Pacific for California oil lands, and here again the field data of the Geological Survey have been largely used by the representatives of the Department of Justice.

In the matter of coal-land valuation the cost, including all field surveys and office work, amounts to only a few cents an acre, yet in one Wyoming sale the difference between the selling price per acre under the new valuation policy and $20 an acre, the legal minimum, amounted to a quarter of a million dollars—an appreciable contribution to the reclamation fund, which, however, did not raise the price of the coal to the consumer a single cent. Thus these coal-land surveys are in reality revenue producing, and illustrate the kind of business policy that any private landowner would adopt.

The coal-land work on the public domain is only part of the new burden placed upon the Geological Survey. Other new laws, the enlarged homestead act of 1909 and the withdrawal act of 1910, require action by the Secretary of the Interior and the President, necessitating recommendations by the Director of the Geological Survey based on facts gained through field examinations by geologic and hydraulic engineers. The designations of nonirrigable lands properly opened to 320-acre homestead entries were made in 1909 and 1910 largely on the basis of field data collected by the Geological Survey in its general investigations in the Western States during many years previous. Now, the demand for these designations, a demand that comes directly from the settlers in the West, is increasing by leaps and bounds, and the Geological Survey finds itself unable to keep pace, or at least to materially cut down the arrears in petitions already accumulated. Naturally the petitions that

remain unacted upon are largely those that must wait for more field information, and the Geological Survey needs more money to enable it to put engineers in the field to visit each of the localities where these settlers are asking for an opportunity to enter the lands that they believe come under the terms of the enlarged-homestead act. Since last July 182 such petitions have been received from California and only 116 acted upon, yet the survey is now acting upon nearly twice as many petitions per month as it did a year ago. Congress has written into this law the requirement of a classification. In 1909 the item for water-resource investigations under which this field work is largely done was increased $50,000, but even now it is $50,000 below the $200,000 appropriation made by Congress for 1906 and the three years immediately preceding.

So also with the various irrigation and other right-of-way acts, the Carey Act, and the desert-land act; the accumulated work represents applications by the public, reports on which are needed by the administrative officer of the department, as pointed out to the Appropriations Committee. (See hearings, p. 906.) The pending water-power cases involve over a third of a million horsepower and 400 miles of transmission lines. Has not the West a right to ask prompt action on such matters? There is every reason, however, to believe that the Geological Survey can not move faster without a larger field force.

The mineral-land examinations under the item of geologic surveys are no less important. Millions of acres of the Nation's richest mineral lands await classification by the Geological Survey, not only coal and petroleum lands, but the hardly less important areas of phosphate rock, upon the utilization of which the largest agricultural development of the West will soon depend. This geologic field force needs to be expanded rather than reduced, but unless the appropriation is increased this year there must be an actual reduction by reason of the termination of a transfer of appropriation from the General Land Office for coal-land work. See hearings before the Appropriation Committee, page 887.

The Western States also need prompt reports on their mining districts, and in California there is good reason to believe that both in metals and oil the treasures of the earth are not yet all discovered. The limitation of work by the Federal bureau gives just that much advantage to the big corporations who have their geologists and their engineers serving them to a larger degree each year. The technical bureaus of the Government are in reality the special servants of the general mass of citizens who can not afford to employ experts in private practice, but must depend necessarily on the Federal bureaus for authoritative information.

While the most urgent need of increase in field activities of the Geological Survey is in the West, it is important also that more work be taken up in the Eastern States. This is mentioned in a note in the estimates of appropriations. The demand for resumption of the stream-gauging work in the Southeastern States has been requested by many of the Congressmen from those States and the work is much needed. A similar statement might be made regarding the demand for geologic work in the States of Oklahoma, Texas, and Louisiana, further development of these oil resources being in reality of national importance rather than of merely sectional interest.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FALCONER. Mr. Chairman, I favor the amendment of the gentleman from California.

Mr. DONOVAN. Mr. Chairman, I rise to a point of order. Has not debate on the amendment closed? Debate can be but five minutes under the five-minute rule. The gentleman favors the amendment, and debate on that is exhausted, is it not?

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that he supposes that if the gentleman were not allowed to proceed he would move to strike out the last word. The Chair thought that in the interest of orderly procedure and with a view of expediting the consideration of this bill the gentleman might proceed, so far as the Chair was concerned.

Mr. FALCONER. Mr. Chairman, I move to strike out the last word so as to get by the objection of the gentleman from Connecticut. The gentleman from Illinois [Mr. MANN] a few moments ago asked the gentleman from Oklahoma whether or not this money was being expended, and, if so, how it was being expended. That question occurs to the average man who knows anything about the land question, and it is a perplexing problem to the man who would settle on land. It does seem that very little of this money has been expended judiciously or for the advantage of the public, and yet I believe that the amendment should be adopted. The gentleman from New York [Mr. FITZGERALD], chairman of the committee, laid great stress upon the fact that we ought not to expend 40 per cent or any per cent of this money for private individuals or corporations, that it should be expended on the public lands. It occurs to me, and I think it does to a good many men on the floor, that private corporations do not wait for the United States Government to go out and make a survey of a water power anywhere.

The Great Northern Railroad Co., as an example, at Chelan Falls, Lake Chelan, Wash., developed a magnificent water power and did not wait for the United States Government to get data to guide it. That is to the credit and enterprise of that company. No one blames the Great Northern or any other company. We admire their thrift and enterprise, but I believe we should expend a reasonable amount for the purpose of ascertaining the resources of the country and classifying them.

There is a conspicuous lack of knowledge on the matter of land classification in the West, and it causes much distress. A man files on a piece of land as a homestead. After he has filed on it some prospector comes along and finds a little quartz vein on the land and presents himself at the land office and enters a contest, and then the homesteader has to go to the local office, and after hearings and a decision the case is carried to the Land Department in Washington, and perhaps after several years of contest the homesteader defeats the contester and settles again to his everyday task of improving his holdings, when he is again interrupted by an order withdrawing his land for water-power purposes, resulting in another long grind before the several branches of the department.

Mr. HOWARD. Will the gentleman yield?

Mr. FALCONER. Yes.

Mr. HOWARD. Is not that rather the fault of the law than the lack of appropriations?

Mr. FALCONER. You can not get——

Mr. HOWARD. Is there not some way to determine these contests?

Mr. FALCONER. The idea is to prevent contests by having a more thorough classification. The department ought to know in the outset whether land is agricultural, timber, or mineral land. Thousands of acres of the finest timberland in the country have been taken up under false assumption—and they proved it to the satisfaction of the Government—that it is mineral land. Give the appropriation to the department to do the work and hold the department responsible.

The CHAIRMAN. The time of the gentleman from Washington has expired.

By unanimous consent, Mr. FALCONER was granted leave to extend his remarks in the RECORD.

Mr. FITZGERALD. Mr. Chairman, I would like to see if I can not arrange some time within which to conclude the debate upon this amendment.

Mr. MANN. Mr. Chairman, we would like 15 minutes over here.

Mr. FITZGERALD. Very well. I will ask unanimous consent that debate on the paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I would like to have two or three minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on the paragraph and all amendments thereto be concluded in 33 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KENT. Mr. Chairman, I believe the statement of the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], was to a certain extent unfair. We can seldom accuse him of unfairness, but he intimated that all of this money that was spent in nonpublic-land States was spent for the benefit of large corporations and monopolies.

Now, as a matter of fact, it is to the interests of our entire country to have a knowledge of the topography, the physical geography, and the mineral resources in all the States, even where all lands are in private ownership. This is for the benefit of every one and especially for the small man's benefit. The large corporations mentioned by the gentleman from New York can afford to pay, but the small fellows can not. The Government, at a small expense, can do what would in the aggregate of private expenditure be a vast expense and almost impossible of accomplishment. As far as the big corporations are con-

cerned, they naturally pay for their own examinations, but small owners, who are equally interested in knowing what underlies, can not afford to pay for topographical work or for a geological survey, however rudimentary.

Mr. MURDOCK. Will the gentleman yield?

Mr. KENT. Yes.

Mr. MURDOCK. I listened to the statement of the gentleman from New York [Mr. FITZGERALD] with a great deal of interest, and I would like to hear the gentleman from California explain what benefit there is for a Government survey made geologically of the anthracite coal fields owned by the big interests in Pennsylvania?

Mr. KENT. I should say I think there is no proper interest in doing it except in a general way, except in such terms as would go to show the total resources of the country, what it will produce, and how it should be handled and taxed; but in my opinion the greater portion of the work should be done in the public-land States. There is no doubt there is necessity for certain work to be done in other States. We are expending money now teaching the farmers how to raise hogs, how to protect those hogs from hog cholera; we are sending out farmers' bulletins on all manner of farm topics. Why are we not justified in making topographical surveys, which work—for instance, in the matter of drainage and erosion—leads to the proper use of land that is in private hands, just as we protect hogs and cattle that are in private hands by the furnishing of reliable and disinterested information?

Mr. BRYAN. Will the gentleman yield?

Mr. KENT. Yes.

Mr. BRYAN. I desire to ask the gentleman one thing. Down here in Mississippi, Mr. Smith stated:

> In the drainage work the most detailed work in the East has been done in the State of Mississippi, in the Yazoo Delta, where we met the request of the State for a cooperative survey that cost something like $50 a square mile, and we put up about fifteen and the State between two and three times as much.

Here we have money spent on private lands, but is not that a private work, and is not that money well spent?

Mr. KENT. I believe so. I yield back the balance of my time.

Mr. HAWLEY. Mr. Chairman, I am interested in this appropriation and the proposed increase solely from the standpoint of its use on the public lands. In that part of the State in which I live there is a mineralized belt that runs from the southwestern to the northeastern corner. It is about 50 miles wide. The mineral does not appear in every part of the belt, but the mineral is scattered all through that section. There are some of the very best agricultural lands that are now open to entry by homesteaders in that section. People come to this locality from every State in the Union seeking homes on the public lands. Agricultural lands are found scattered throughout this belt. For instance, here is a little elevation with a little stream running through that, with a number of streams branching out from it. It is a very well-watered section and this land will make good homes. Immediately after settlers have made their applications to make entry they are met with the proposition that their entry can not be allowed by reason of the fact that the land in some parts of that section is mineral land. They must wait, having their application in suspense, until the department here in Washington has had time and has found the money to send out some persons to investigate that and other entries in the locality. If the entries numbered 10 or 100 it would be a matter of comparatively small moment, but in this section they number many hundreds and thousands, and the settlers are there on the land at an expense, not knowing whether they ought to invest the money brought with them in clearing up the land, in building houses and barns, and making various improvements, and in breaking up the soil and trying to make a crop. They do not know whether, after having expended every dollar they brought with them, it may be decided that the land is mineral and they have no right to enter it. The time between the time a man goes on the land with his wife and children and the time he knows whether he can make a home on it ought to be the least time possible.

He ought not to be held there in suspense. The surface of many of these lands is agricultural land, but down underneath the surface in this belt there may be coal; there are gold and silver and copper. The veins may come in from some surrounding district and run down deep under the soil. But still it may be regarded as so valuable for mining that the land ought to be reserved as mineral land instead of being entered as agricultural land. If the homesteader is to be kept off his land, if the proposing settler is to be denied the land, he ought to know it before he has bankrupted himself in improving the land.

I have taken up the matter with the department time after time, and my files are full of letters of this kind. The homesteaders say, "We are on the land. We have waited two or three years. We do not know whether we can get the land or not. We had $500 or $1,000 or $2,000 when we came into the State. It has largely been consumed on subsistence during this period of waiting." I have sent letters of that kind over to the Geological Survey with a request for an answer. They say it is a matter that they will look into; that they will investigate it as soon as they have men and money to do it.

I have had hundreds of letters like that in the course of my service here, and there are people who have waited two or three or four or five or six or seven years, and their entries are still undetermined. The $100,000 additional that we ask is a moderate sum. Many of these people who went out there and spent half the money that they brought with them, or a greater proportion, finding the delays there so costly, have left that part of the country and have gone into Canada, where they can more speedily determine the question of their right to enter the lands they have selected. They are people of the best blood and brain and brawn, from all sections of the United States; some of them from New York State, and some from South Carolina, and some from Georgia and Illinois and Iowa and Kansas and Nebraska and all the Middle States of the West; and they are there waiting in suspense to know whether that piece of land can be taken by them as a homestead, or whether they will be denied the right to enter it.

I appeal to the House that this is a case of spending money on public land for a public purpose, for work that must be done some time, and it seems to me right and just that it should be done as speedily as possible, so that the poor men who have comparatively small sums of money may be able to use their money on the development of the land and not be kept waiting until it is exhausted on subsistence, and they find themselves without either land or resources. [Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. WATKINS. Mr. Chairman, there were two statements made by the gentleman from New York [Mr. FITZGERALD] which, I think, are desirable to notice. One was that the department, in making its estimates, estimated $300,000 as a sufficient sum to cover the work indicated by this item.

Mr. FITZGERALD. I did not say that. I said the estimate was $400,000.

Mr. WATKINS. Then I stand corrected, Mr. Chairman, because I have in my hand a document which shows a necessity for the $400,000. It comes from the Geological Survey. Then the department has estimated this amount of $400,000. The Committee of the Whole is now asked to vote upon the proposition as to whether the Committee on Appropriations shall be sustained in its recommendation that the estimate be cut 25 per cent and reduced down to $300,000.

If it is a fact that the department does not need the $400,000, then as a matter of economy it is our duty to vote for $300,000, as carried in the bill. But if the facts justify the department in asking for the $400,000, then it is our duty to respond to that demand.

The other statement made by the gentleman from New York—and I hope I am not misquoting him on that proposition—was that these investigations were often made, or at least were sometimes made, for powerful individuals and corporations, to the exclusion or detriment of the small holders and the Government. On that question I submit a few facts. In the northwestern part of the State of Louisiana, in the fourth congressional district, which I have the honor to represent, there is one of the largest oil and gas fields in this country. When the first indications pointed to the fact that there were deposits of oil there and gas was discovered in small quantities, the Geological Survey made an investigation on a small scale, and as a result of that investigation millions on top of millions of dollars has been added to the revenues of the people of that section of the country, and incidentally to the revenues of the Government itself, because there were large quantities of public land at that time in that section.

The small landowners, however, were not able on their own account to employ experts to go there. The rich corporations, the great oil companies of this country, went in there to develop those fields, paying their experts $20, $25, $50, and sometimes $100 a day, and they were enabled to a large extent to monopolize these holdings in these oil lands. In a short time, however, the President, by Executive proclamation, prevented the settlement of these lands by homestead entry, and they have been tied up for the last five or six years, so that no settler can enter upon the lands for homestead entry in the whole northwestern part of the State of Louisiana.

If this appropriation were made, the Chief of the Geological Survey could send out his experts there and ascertain on what particular sections, quarter sections, and sixteenth sections these oil indications are, and in this way enable the citizens there who want to settle up these lands to make homestead entries, which they have been debarred from doing during the continuation of that Executive order.

Mr. FOSTER. Can the gentleman inform the committee whether the Geological Survey claims to be able to locate the places where oil is to be found?

Mr. WATKINS. They give indications pointing to certain facts, which enable experts to determine approximately the locality—not definitely or explicitly, but with that degree of certainty which will enable parties to go ahead with their prospects and make investigations; and enormous amounts of oil and gas have been developed from the cursory and superficial surveys made in this section years ago.

Mr. FOSTER. Can the gentleman give the committee any place where they have ever done that?

Mr. WATKINS. I am just giving you that illustration right now. Since that time large fields have been discovered which were not covered by this survey.

The CHAIRMAN. The gentleman's time has expired.

Mr. LENROOT. Mr. Chairman, I trust this amendment will be adopted. With reference to the suggestion that has been made, that the operations of the survey upon private lands are in the interest of large corporations, I wish to say that the truth is exactly the opposite. We ought to provide facilities for the Geological Survey to work upon privately owned lands as well as publicly owned lands, because the benefits of the Geological Survey is not to the great monopolies and trusts, that can employ their own engineers and make their own investigations, but it comes to the little corporation and the little man, who can not employ these $100-a-day men. And when there is development in a certain field it is of great public interest to know the extent of that field and the amount of its resources; and it is right here that the Geological Survey is rendering a great public service on privately owned lands as well as publicly owned lands.

As to the publicly owned lands, Mr. Chairman, I have been sitting all winter as a member of the Committee on the Public Lands, and during this session of Congress that committee has dealt with almost every phase of our mineral resources. During the sittings of that committee we have had before us almost every day the Director of the Geological Survey, Dr. Smith. During all of that time Dr. Smith has shown by his attitude that there is no truth in the intimation that the survey favors large interests, because there has been no man before that committee who has been more earnest or more desirous for the public welfare and the conservation of our national resources still owned by the United States than the Director of the Geological Survey.

As to the many matters that this committee has considered, upon which it has reported bills to this House which are now upon the calendar and will shortly be voted upon, I hope, so far as these matters are concerned, if we have been justified in the past in the expenditures we have made for the Geological Survey—and we have—the work now before the survey would justify not only this increase, but a much larger increase. Therefore, upon both grounds—upon the ground of the necessity of this expenditure upon publicly owned lands and upon the ground of the necessity of this expenditure upon privately owned lands—they are all in the public interest, and this amendment should be adopted.

Mr. MONDELL. Mr. Chairman, I can not support the amendment offered by the gentleman from Oklahoma. I should be willing to increase the item by $50,000, but I do not think a condition exists and I do not think any statements were made before the committee justifying so large an increase as is proposed. There should beyond question be an increase of this item by $35,000. It is necessary to do that in order to keep the appropriation in the same amount that it is at the present time, by reason of the fact that at the present time and for a number of years past the General Land Office has been turning over to the Geological Survey out of its appropriation for the survey of public lands the sum of $35,000. My understanding is that the commissioner has informed the Director of the Geological Survey that he will not make that apportionment the coming fiscal year, and I think he ought not to. I do not believe he is justified or ever was justified in doing it.

Now, this item should be increased by at least $35,000, somewhere between $35,000 and $50,000, in order to retain the item in as large an amount as is now available. It is true that if all the work that gentlemen have outlined and suggested and referred to as needing to be done in the West were done under this item, then it should be increased not $100,000, but $200,000 or $300,000.

The fact is that the ordinary examination of lands of settlers is never made under this item of expenditure. Such examinations are made in the main under the item carried in the bill on page 94, "depredations on the public domain," and so forth, "$475,000." But the Geological Survey has a largely increased and increasing work in the matter of general classifications which is done under this item. At my request and suggestion there was given, and is found on page 899 of our hearings, a statement showing the classified expenditures under this appropriation, showing that 30 per cent approximately of the entire appropriation is used directly and exclusively for land classification. That being the case, it shows there is a very considerable increase in the work of the bureau under this head in the last few years. Work that is done exclusively by the survey under this appropriation includes classification under the enlarged homestead act, classification that will be enlarged and increased if the homestead bill now reported from the Committee on Public Lands becomes a law. All coal classifications are made under this appropriation. So that while all of the work which gentlemen have referred to is not done under this appropriation, a very large amount of very important work is done, and the appropriation ought to be retained at least in the amount which is now available. Unless we increase the item by $35,000 the bureau will not have as much the coming fiscal year as it has available this year.

Should the amendment offered by the gentleman from Oklahoma not be carried, I expect to offer an amendment increasing the item by $50,000.

Mr. FERRIS. Mr. Chairman, just a word. The gentleman from Wyoming very properly calls attention to the fact that if this item be not increased at all the Geological Survey will have $35,000 less this year than it had last year, owing to the fact that the General Land Office has been loaning $35,000 to the Geological Survey, which they will no longer do and can not do. If my amendment is adopted, therefore, it would only give them $65,000 more than they now have. The gentleman from New York, chairman of the Appropriations Committee, in some remarks indicated that the funds in the past had been used for the benefit of private lands. I take it from looking over the hearings that some members of the committee were in favor of that. The gentleman from Kentucky [Mr. SHERLEY] goes on to show—I will not take the time to read it—that sometimes it is very important for the Government to know what is on private land.

The gentleman from New York indicates that some money has been used for the benefit of corporations. I do not know what he refers to or means, but I undertake to say that the Director of the Geological Survey has never expended a cent except for the public interests. He has been before our committee for two months helping us to get out some important legislation, and every time the public interest was at stake he took his position on that side and against the other side. I am sure that a man who is so faithful in helping to prepare bills relating to the public interest would be faithful in the expenditure of this money. I do not think it is right to criticize an officer who has for years and years faithfully and patriotically administered the affairs of his department, to say that because he may or may not have investigated some lands in the anthracite-coal district that thereby it was wrong. Probably it was for the purpose of determining what the amount of coal is in the United States. It has been very important to know what minerals there are in the Territory of Alaska, so that we have spent or are to spend $35,000,000 for a railway up there, and why is it not sufficient to appropriate a few extra dollars to determine what is in the land of the United States? Why not know what is contained in our Nation's granary, so we can intelligently administer the same?

No one is more for economy than I, but to be penny-wise and pound-foolish is not a seductive argument to me.

This money is needed. It ought to have been reported by the committee and avoid this proceeding.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. RAKER. Since this question came up I have called up the Secretary of the Interior and discussed this matter with him. He says the idea that any of this money had been expended for private use anywhere is not carried out by the records of the office.

Mr. FITZGERALD. And he does not know any more about it than the gentleman from California.

Mr. FERRIS. Mr. Chairman, on page 891 of the hearings they were discussing this very proposition as to whether any of this money should be used in private-land States, and this is what the gentleman from Kentucky [Mr. SHERLEY] said:

Mr. SHERLEY. The ownership by the Government of land makes investigation of its land of greater value to them than the investigation of privately owned land only in the sense that it enables the Government better to know what price it ought to receive when selling land; but so far as the development of the mineral resources of the country is concerned, it is just as important to know the resources of privately owned land as Government-owned land.

I will present herewith the hearings before the committee that show the necessity of this appropriation:

GAUGING STREAMS AND DETERMINING WATER SUPPLY OF THE UNITED STATES.

Mr. SHERLEY. The next item is "For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources."

You have for the current year $150,000 and your estimate is for $200,000. What is the condition of your appropriation?

Mr. SMITH. That was the amount of the appropriation 10 years ago and at the present time there are larger demands for this special phase of the work of the Geological Survey than there have been in the past, especially by reason of the land classification work.

Mr. SHERLEY. First, let us get back to my concrete question. What is the condition of the appropriation?

Mr. SMITH. Last year there was an unexpended balance under this appropriation of $1,360; not because we did not need to spend that amount of money, but it is difficult to exactly measure the expenditures under any one of our field appropriations; not to overrun and still to expend the full amount. On that account that is not to be taken as an indication that the money was not needed. Under the appropriation for the present year the unincumbered balance is $7,500, all of which I expect will be taken up at the beginning of the field season.

Mr. SHERLEY. Does all of his money go for salaries?

Mr. SMITH. The reason that the salary list printed in the estimate is in excess of the total appropriation comes from the fact that we cooperate with the various States, especially in the West, and the $150,000 is simply the amount of Federal funds. In making out the salary list account was not taken of the funds from the cooperating States.

Mr. SHERLEY. What is the extent of those contributions?

Mr. SMITH. I will have to insert that. It is in the neighborhood of $130,000. It ranges from about $20,000 received from California down to a few hundred dollars received from States like West Virginia, Wyoming, Connecticut, and Vermont.

Mr. SHERLEY. In the note to the bill you state "contributions from this branch to public-land administration have become large." What is the nature of those contributions?

Mr. SMITH That comes in connection with the land classification which is now an integral part of the administration of the public lands by the Interior Department.

Mr. SHEPLEY. How?

Mr. SMITH. There are two types of classification; that relating to minerals, which is provided for under the appropriation for geologic surveys, and the hydrographic classification under this item. Now, we have several kinds of cases that are put up to us for report. First of all, we have the administration of the enlarged homestead act, which depends upon the designation by the Secretary of the Interior whether the land is irrigable or nonirrigable, that act being applicable to the nonirrigable lands on the public domain; and under that we make reports to the Secretary on the basis of which he designates certain lands as available for entry in 320-acre tracts rather than in 160-acre tracts as under the ordinary homestead. That work has very largely increased this year. It comes to us in the form of petitions from the intending entrymen, those petitions sometimes representing two or three settlers, and in other cases representing 20 or 40 settlers. When this law was passed, back in 1909, the average receipt of petitions of this kind amounted to 15 per month. That increased gradually until 1912 we received on an average 92 per month. Last year we received 300 per month and in the three months of this year we are receiving nearly 500 per month. We have in a similar way increased the rate at which we handle these cases, but not sufficiently to prevent our work getting in arrears. So that at the present time there are something like 1,300 of these cases that are unacted upon, in spite of the fact that last month we acted upon 485 such petitions.

Table showing the accumulation of pending enlarged-homestead petitions.

Year.	Cases received.		Cases acted on.		Accumulation.		Deficit.
	Year.	Per month.	Year.	Per month.	Year.	Per month.	
1909	183	15	119	10	+ 64	5.3	64
1910	231	19	226	19	+ 5	.5	69
1911	337	28	186	16	+151	12.6	220
1912	1,101	92	294	25	+807	67.0	1,027
1913	3,601	300	3,317	276	+284	24.0	1,311
1914[1]	956	478	970	485	− 14	5.5	1,297

[1] Two months.

Designations: The greater part of the designations of nonirrigable lands thus far made was promulgated during the first year after the passage of the act, nearly 160,000,000 acres being designated within six months of its passage. Since that time the areas have varied from year to year, the general tendency being toward a smaller area each year, because of the increased difficulty of separating the irrigable from the nonirrigable lands in the remaining areas. The accompanying table shows the area which has been designated each year since the passage of the act, and in comparison therewith the number of petitions acted on, and the average area designated for each petition upon which action was taken:

Year.	Area designated.	Petitions acted on.	Average area.
	Acres.		*Acres.*
1909	[1]157,176,800		
1909	13,860,306	119	116,473
1910	16,512,013	226	73,062
1911	1,738,038	186	9,347
1912	2,213,712	294	7,529
1913	15,865,282	3,317	4,786
1914[2]	3,965,513	970	4,089

[1] Designated prior to receipt of petitions. [2] Two months.

Mr. SHERLEY. What proportion of your fund is expended in work on public lands in connection with the duties that relate to the administration of the public-land laws?

Mr. SMITH. Of this appropriation of $150,000 we are expending approximately 80 per cent in the public-land States, and this relates not only to the administration of the enlarged homestead law but also cases that come up under the water-power and irrigation laws—the statutes of 1901 and 1891. Applications in the one case for water-power permits and in the other case for a reservoir site or right of way easement are referred to the Geological Survey. In some cases they are passed upon on the basis of data already in hand by reason of investigations of other years, and in still other cases they have to be sent to the field and special examinations made.

Mr. SHERLEY. Are requests made from the War Department upon the Geological Survey for data touching the flow of streams in connection with the damming of such streams for water-power purposes?

Mr. SMITH. There are some such cases with reference to streams in the East, and there is a good deal of correspondence with the War Department in that connection. We furnish them data frequently in connection with their administration of the navigable streams, and their offices are supplied with our publications as issued. But in connection with the public lands we have this special demand for intensive work, and here again we have a gradual accumulation of back work. Of the water-power cases which are referred to the Geological Survey, we have accumulated since August, 1912, when the first case of this kind was referred to us from the Secretary's office, 53 water-power cases, which are now pending. The importance of those to the Western States can be measured by the fact that these involve the development of more than 350,000 horsepower and transmission lines over 400 miles in length. We are handling those cases, but you can see that they are important enough so we can not handle them too rapidly, or else the public interests might be endangered.

Mr. SHERLEY. Do you undertake to pass judgment upon the quantity of water that might be impounded at any particular place in connection with irrigation projects?

Mr. SMITH. Yes, sir; and we also pass upon the conflicting claims of irrigation and water power for the occupation of specific sites, and in the matter of irrigation rights we have 121 accumulated cases. That has to do also with the administration of the desert-land law where the entrymen under that law, as a part of their proof in order to secure title, are required to show that they have through ownership of stock in irrigation companies adequate water to improve the land, and we have to pass upon the adequacy of such stock ownership; in other words, whether the company in which they own stock actually has the water that is necessary to put on that land. So that in these matters we are very close to the current development of the West.

Mr. SHERLEY. Now, in the past you have been employed in the gauging of streams irrespective of the relationship of that work with the administration of public-land laws. What are you doing in that connection now?

Mr. SMITH. We are doing less in the Eastern States; not only less than what the citizens of the Eastern States feel should be done, but less than we feel should be done. That came out in connection with the Ohio flood. We made somewhat of a reconnoissance study of that flood situation, and, as a matter of fact, had already under contemplation and partly worked out a thorough investigation of the run-off of the Ohio Basin; but after the Ohio flood we made a further investigation of certain features and issued a report which we believe placed the matter fairly before the public; but that matter deserves a much more thorough investigation than we were able to give and we are not covering the Ohio drainage basin with gauging stations as we did some years past. There is also a considerable demand being made upon us from many of the Southern States, not simply in connection with the water-power development in large units, but also in small units.

Mr. SHERLEY. Let us get back to what you are doing rather than to the demands made upon you. What stations are you now maintaining where the gauging of streams is conducted periodically and regularly?

Mr. SMITH. Last year we maintained 1,148 regular gauging stations. Those stations were, in part, conducted by the survey alone, and I should say in small part. Only 77 of them were maintained by the Geological Survey alone; 99 were maintained in cooperation with the Reclamation Service; and 170 with the Forest Service. Of course those were all in the public-land States and on the public land; 42 for the Indian Office; 6 in cooperation with the Army Engineers; and 47 in cooperation with the Weather Bureau.

Mr. SHERLEY. Now, you speak of "in cooperation." What do you mean—that you bear part of the expense, or that the data is made available for your use?

Mr. SMITH. The cost of administration in such cases is largely borne by the survey. We utilize our engineers who are on the ground, and the station itself may be established by one of the cooperating bureaus; and the cost of gauge reading, which is purely a local cost, is maintained by the cooperating bureau. In the case of the Indian Office and the Reclamation Service, all the expenses that can be charged up to the individual gauging stations are met by the cooperating bureau. We largely furnish the overhead supervision.

Mr. SHERLEY. You say the Weather Bureau maintains some forty-odd stations?

Mr. SMITH. In cooperation with us. Most of the Weather Bureau stations in the past have been simply for the purpose of recording stage of the river. Of course the purpose of the Geological Survey's gauging

is to provide information regarding the quantity of water flowing past a given point, and in that case the stage of the river is only one factor. We have also to measure the rate of flow and have to know the cross section as well as the stage of the height of the river.

Mr. SHERLEY. There is no reason why both kinds of data should not be secured wherever any gauging is done, is here? It is just a matter of different instruments, and a competent man can do both.

Mr. SMITH. In most cases the same gauge reader and the same gauge can serve both purposes, but there are localities where it is important for the Weather Bureau, in their flood predictions, to have a station on some river at a point which we would not select for the station because it would not be suitable for making quantitative measurements of flow, which is our purpose.

Mr. SHERLEY. While the point selected might not be the one you think most desirable, wherever selected it would be available to obtain data for you?

Mr. SMITH. Yes; if measurements of flow can be made; and in that spirit we are cooperating to avoid duplication, and in some cases we have turned over stations to the Weather Bureau, and, on the other hand, they have turned over certain stations to us.

Mr. SHERLEY. Now, can you put in the record a statement showing just what you are expending, and how, in the gauging of streams proper, and also what is being expended by these other services, and how, so that we may understand what is meant by the cooperation that you speak of in general terms?

Allotments of "stream-gauging" funds, 1913–14.

Item.	Federal.	Cooperative.
Administration	$21,420	.....
Computation (stream-gauging data)	14,600	.....
Inspection (stream gauging)	1,000	.....
Ground waters	1,800	.....
Utilization (land classification)	24,500	.....
Surface waters:		
Vermont	200	$1,200
Massachusetts	2,250	3,000
New York	2,500	11,500
Virginia and Maryland	500	.....
Southeastern States	4,000	.....
Ohio River Valley	6,000	400
Minnesota	3,500	5,500
Wisconsin	1,000	.....
Iowa	500	500
Colorado and Wyoming	6,000	.....
Montana and North Dakota	4,500	5,000
Utah	4,500	7,500
Nevada	2,500	2,500
Idaho	4,500	7,000
Oregon	4,500	5,000
Washington	4,500	5,000
California	4,500	19,000
New Mexico	4,500	15,000
Arizona	3,000	3,000
Territory of Hawaii	5,000	40,000
Contingent	2,530	.....
Total	150,000	131,100

Mr. SMITH. In the case of the Reclamation and Indian Services, we are simply expending their money for them, $5,500 and $6,000, respectively, although we use the results so obtained and combine them with our results in the compilation of studies representing whole drainage basins.

Mr. SHERLEY. Is there any place where gauging is done by any of these other services where you also maintain an independent station?

Mr. SMITH. I believe I can say at the present time there is absolutely no duplication of that kind by reason of our getting together with the Army engineers and the Weather Bureau, and in some cases the Army engineers, in establishing gauging stations for their own use, have asked our recommendation in the selection of points.

Mr. SHERLEY. You say "in some cases." Is there any case where the Army engineers are maintaining gauges for the measurement of streams where there has not been, as far as possible, a cooperation between them and you, and obtaining from you such scientific data as might be necessary to enable them most efficiently to perform the work for their own needs as well as the needs of your service?

Mr. SMITH. At the present time I should say there was no such case at all. When I say "at the present time," I mean in late years.

Mr. SHERLEY. Now, there are stations where gaugings have been conducted for many years. Have those cases been looked into to see whether there could be a better cooperation or a better system worked out? Have you ever had any meetings with the officials of these other services who control this matter, so as to go over the whole scheme and arrange it in the most efficient manner?

Mr. SMITH. We have had conferences within the past year with the Army engineers and constant correspondence on that matter, so that they know exactly what we are doing and what we want to do, and in return they frequently discuss with us their plans for the purpose of securing any suggestions or modifications. So that I think we have reached the point where there is no duplication of effort. Of course there are certain stations—I think the one at Paducah might be cited as an illustration—which would have no value for us on account of backwater. It is not a good place to determine the quantity of water flowing in the river, although, of course, the Army engineers, like the Weather Bureau, need the records of stage.

Mr. SHERLEY. Is there any place near there where they can obtain the stage and at the same time obtain data which would be of value to you? Has that phase of it been considered?

Mr. SMITH. I think that you would have to go a considerable distance up the river to find just what we want. Once established the maintenance of a gauging station is not an expensive matter, in that it only involves the salary of a gauge reader, with the occasional visit of the engineer to measure the cross section and determine the stream velocity. I should add to that statement as to the distribution of gauging stations that the largest item of all is that of 679 stations which are maintained in cooperation with the various States.

There is also a contribution of 285 stations that are maintained privately, and we get records from various power and irrigation corporations and other interested parties. Those records, of course, are available for our general use.

Mr. RAUCH. You are asking for $200,000 and you get approximately $75,000 from the States—is that right?

Mr. SMITH. Yes, sir. It is stated in my annual report, and I will get the exact amount.

Mr. RAUCH. Your salary roll under this item is how much?

Mr. SMITH. About $153,000.

Mr. RAUCH. Can you in a general way tell us how this difference between the salary roll and the estimated appropriation and the amounts received from the States is to be expended?

Mr. SMITH. We have, for instance, an item of about $14,000 for the transportation of our esmployees; about $800 for transportation of equipment and supplies, and our subsistence item amounts to $75,000. The subsistence of our animals—that is, in connection with travel—amounts to approximately $1,000, and supplies of various kinds amount to about $4,000. Then we have, by reason of having outside offices, in the West especially, but also in the East, a rent item of $3,300. We maintain offices in San Francisco, Salt Lake City, Denver, St. Paul, Helena, Boise, Tacoma, Portland, Oreg., Santa Fe, Madison, Wis., Atlanta, Albany, and Newport, Ky.

Mr. SHERLEY. Is there any space in public buildings that you could use for offices?

Mr. SMITH. We use public buildings wherever available.

Mr. SHERLEY. What do you mean by that? Do you mean that you actually make requests of the Treasury Department for space?

Mr. SMITH. When we hear of buildings that are planned for or are being built or being completed, we apply for definite space.

Mr. SHERLEY. That is not what I am after, either. San Francisco has a very large public building and a number of public buildings; did you ever make a request at the Treasury Department for an allotment of space there?

Mr. SMITH. Yes, sir; and we occupy Government building space in San Francisco.

Mr. SHERLEY. But in those places where you do not—where you rent?

Mr. SMITH. In Boise, Helena, and Portland there is no space in Government buildings available for us.

Mr. SHERLEY. Have you ascertained that by inquiry and request, so that a rearrangement might be made to give you space, or have you simply contented yourself with the report of the particular man there that there is no space and then rented?

Mr. SMITH. To the extent that we heard a rumor recently that space was to be vacated in a public building, and while the correspondence showed that such a vacation was only temporary, we did secure the use of that space for the time that it was to be vacated.

Mr. SHERLEY. There are Weather Bureau stations at all of those places where you are gauging, are there not?

Mr. SMITH. These are simply for our district offices. Of course we have many gauging stations, but the most of our gauging stations are not at any headquarters. These are just places on the rivers, but I suppose that in all of those places where we have district offices there are Weather Bureau offices.

Mr. SHERLEY. Have you ever ascertained whether there was space in those Weather Bureau stations for your men?

Mr. SMITH. I do not know that that point was ever investigated, but knowing, as I do, how adverse the ones in charge of this work are to paying rent, I question very much whether we have missed any opportunity to get space in public buildings.

Mr. SHERLEY. I was fearing that you were going to finish your sentence by saying that you know how adverse any department is to have anybody else use any building or space in connection with it.

Mr. SMITH. I think we got good treatment in this case where a bureau was leaving a public building for a matter of a year or so.

Mr. SHERLEY. I gathered from your statement that the demands on this fund are greater than in the year before.

Mr. SMITH. That is true with respect to this public-land work.

Mr. SHERLEY. Is it general?

Mr. SMITH. We are neglecting the eastern work.

Mr. SHERLEY. I am not speaking of your neglect, but of your demands; are the demands greater upon your service now than they were in the year before?

Mr. SMITH. At the present time I am answering letters from various Representatives and Senators from several Southern States explaining why we are not maintaining as many gauging stations as we did six years ago.

Mr. SHERLEY. In order to get a direct answer, are your demands this year greater than they were the year before?

Mr. SMITH. I believe they are.

Mr. SHERLEY. Then, how do you explain the fact that this year you are asking for $200,000 and last year you asked for $300,000?

Mr. SMITH. My estimate as submitted to the Secretary of the Interior this year was $300,000.

The estimate as submitted to the Secretary of the Interior was $300,000, and in this case, as in the case of some other items, it was pared in the Secretary's office.

Mr. SHERLEY. I want to ascertain the fact. I find in connection with a great many of these items that the estimates bear no relationship on earth to the testimony subsequently adduced as to the demands upon the service, and when particularly large requests are made and attention is called to the fact that previously they were not asked, we are told that there was some reason which was not heretofore known.

Mr. SMITH. My estimates were in several cases pared in the Secretary's office as submitted in the final estimates, and the increases over last year's appropriation which are presented to the committee have the hearty indorsement of Secretary Lane, and I think I am expressing his feeling when I say that he is especially anxious that there should be an adequate appropriation for the land-classification work, which is becoming a more and more important part of the work of his department in the administration of the public lands.

Mr. SHERLEY. Are you doing any more work with the same amount of money than heretofore?

Mr. SMITH. I believe I can say that we are cutting our unit cost every year. We are using better methods, and we are getting, especially in this matter of the water resources, better team work from the various engineers by reason of their coming together in conference and each man learning what has proven to be a successful method in somebody else's field. I may say that those conferences of our engineers have been attended by representatives of the other bureaus not only of this country, but each year they have been attended by representatives of the various Government bureaus of Canada. The methods that have been developed by the Geological Survey are really the standard methods for the world, and when I say that I have in mind the fact that the engineers from the various European countries, representing the Governments, come over and study our methods here in Washington.

I hope the amendment will be agreed to. The amendment of the gentleman from Wyoming ought not to be agreed to. It will do no good. It is wholly insufficient.

The growth of this work is phenomenal. I print herewith a portion of the last annual report, which shows how this work has grown. It deserves the attention of Congress, and it deserves it now:

GROWTH OF WORK.

During the last six years the field investigations of the Survey and the office work connected therewith have shown remarkable growth. Notwithstanding the fact that within that period the former technologic branch of the Survey has become an independent organization, the Bureau of Mines, the older bureau is larger now than it was six years ago.

In personnel the net growth since 1907 has been about 37 per cent; in general correspondence the number of incoming letters now exceeds that of 1907 by 43 per cent; the total distribution of reports and maps has increased 23 per cent, the increase in maps sold being even larger, 25 per cent; and the total cash receipts from sales of publications are larger by 60 per cent than in 1907. In the matter of total printed pages in the published reports there has also been a notable increase, though it is impossible to state this exactly by reason of changes in measure of page and size of type.

During this period, however, notwithstanding these gains in every particular that can be stated statistically, there has been a net loss in annual appropriations. The $350,000 appropriated in items under the technologic branch in 1907 has been only in part replaced by increased amounts now appropriated in other items, although the net loss is also in part offset by increased cooperation by the States in the field work of this Federal service. Thus the fact becomes apparent that in spite of a large measure of growth in public demands, as proved by the increase in correspondence and in distribution of publications, especially in publications sold, there has been no increase in the total appropriations available for sustaining the work of this bureau.

If the most recently organized branch of the survey, the land-classification board, is taken, even more noteworthy items of growth can be cited for a single year. With the board's work largely increased in every line of activity, the formal land-classification reports prepared for a single bureau, the Office of Indian Affairs, show for 1912–13 an increase in number of 20 per cent over the previous year. The letters received in the land-classification board increased 32 per cent, and the outgoing letters 70 per cent. It is not surprising that the files of this branch doubled in volume this last year.

The fact that more public work is being performed without corresponding increase in expenditure is unmistakable evidence of efficiency and economy. Efficiency in the public service is the end sought by an increasing number of administrative officers throughout the departmental service. The constant and painstaking effort of responsible chiefs and clerks in all grades is to make the largest returns to the public for the money appropriated by Congress. The motive of public service is often as effective in these kinds of Government work as the incentive of personal gain in private enterprise.

Because of this increasing pressure of official work, overtime service has become almost habitual in many of the divisions of the survey. Of the scientific members of the organization, several will be found working at their desks every evening during the winter, often until midnight, so that many of the geologists and others average at least 10 per cent overtime. In the clerical force, where there is the same devotion to duty, but possibly not the same personal interest in the work, the record is no less creditable in the amount of voluntary and, indeed, volunteered service. In one group of clerks, for instance, the overtime throughout the year averages about 5 per cent; in another group the average is 7 per cent, the extra time reaching 9 per cent in one of the winter months. In another section an extra hour a day is required of the whole force during periods of a week or more when the demands from the public are especially heavy, the time of service showing, for instance, an increase of 20 per cent in a single month. The library is regularly kept open an extra hour during the winter to facilitate its use in connection with the official scientific work.

Another gratifying evidence of devotion to work is furnished in the records of attendance. Usually an average of only two-thirds or less of the total annual leave permissible under the law is taken by survey members, while 10 to 14 per cent is the average sick-leave record (12½ per cent this last year). In the field work of the Geological Survey the men know no official hours; they regulate the length of the working-day only by the season, and even after darkness has fallen there may be several hours of accounting and clerical work in the tent before the chief of party or his principal assistants turn in for the night.

In connection, however, with this matter of overtime work and what may be considered a maximum output, it is believed that the limit has been reached and that a crisis now faces the work in charge of this bureau. The activities imposed by Congress upon the Geological Survey have been increasing faster than the appropriations provided therefor, until now it is all too apparent that the organization is undermanned and underequipped. Overtime work under adverse conditions is, as already stated, evidence of enthusiastic loyalty to the public service, but the strain is cumulative and the organization is bound soon to weaken, while both the quality and the quantity of the product must plainly suffer unless more adequate appropriations are voted by Congress. The demand upon the survey for more work can not be checked, but the means to meet the demand can be provided.

Mr. FITZGERALD. Mr. Chairman, whatever the telephonic communications of the gentleman from California, he has obtained no more accurate information than he had volunteered before he resorted to the telephone. Moneys appropriated for geologic surveys have been expended on privately owned land.

Mr. FERRIS. Oh, we do not deny that.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RAKER. What I meant by that and what the purpose to say was that the department investigates the quantity of coal for the purpose of finding out the amount, but for no private individual.

Mr. FITZGERALD. Mr. Chairman, it would be immaterial to me, if I owned a large tract of land bearing coal, what the peculiar motive that inspired the department was in examining to determine the quality and quantity of coal on my land. All that I should want would be the information. The motive of the survey in doing the work at the expense of the Federal Government would be something that would never concern me at all. These gentlemen are asking that $100,000 be added to this appropriation. If all of the amount recommended by this committee be expended on the public domain, there would be then $20,000 additional to the amount proposed in this amendment expended for this purpose.

I can not agree with gentlemen who contend that it is the duty of the Government or that it is a function of the Government to make investigations upon privately owned properties, particularly so long as there is a crying need to make investigations and determinations upon the public domain. The gentleman from Wyoming is in error in his statement that this item must necessarily be increased $35,000, that if it be not increased the Geological Survey will have $35,000 less than it has during the current year. Certain duties are imposed upon the General Land Office in the classification of lands, and $35,000 is the sum which it sets aside out of its appropriation to do the work. Instead of employing independent persons in the General Land Office to make these investigations it has been turning $35,000 over to the Geological Survey to make the investigations, in the belief that its organization and facilities will enable the work to be done better. Some one has suggested that the committee has reduced the amount 25 per cent. Let me suggest rather that there is a request that the appropriation be increased 33⅓ per cent. If this committee were to act upon such recommendations without any information to justify it, and increase appropriations for various branches of the public service by 33 per cent from statements of the character volunteered to the committee in support of this one, the Federal Treasury would not commence to meet the demands that would be made upon it for these various services.

I believe that the committee has recommended ample funds to enable the Geological Survey to do the work imposed upon it in a proper, effective, and intelligent manner. If it devotes itself to the work which the organic act creating the survey imposes upon it, it will have no difficulty in performing its duties with the appropriations provided in this bill. I hope the amendment will not be agreed to.

It had been a common practice a few years ago for the head of the Geological Survey, as soon as the sundry civil appropriation bill was reported to the House, to start a vigorous canvass of Members who might or might not be affected by the expenditures from these appropriations in their respective districts and to build up an agitation and start a controversy in the House. After a number of years of conflict the Director of the Geological Survey was driven back to his office, where he belonged; but this year he has resorted to the old tactics. He had the members of the Committee on the Public Lands meet, and they held a meeting without the information that was before the Committee on Appropriations, and upon the assurances of the Director of the Geological Survey that the committee had cut his estimates—not refused to increase his appropriation 33 per cent, but cut his estimates—they started a vigorous campaign. Then he sought out gentlemen like the gentleman from Louisiana [Mr. WATKINS], who has money expended in his district, and impresses upon him the necessity of having this appropriation increased. Going from one to another, instead of spending his time performing his public duties in the place set aside for that purpose in the manner intended, he went about giving incomplete information as to what had been done and urged Members for one reason or another to increase this appropriation $100,000. If I believed the appropriation should be made, I should not support it to encourage such indefensible methods on the part of a head of a bureau.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. FERRIS) there were—ayes 59, noes 38.

Mr. FITZGERALD. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. FITZGERALD and Mr. FERRIS) reported that there were—ayes 60, noes 45.

So the amendment was adopted.

Mr. CURRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 99, line 17, after the word "surveys," insert the words "of the public lands."

Mr. FERRIS. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. It is not subject to a point of order; there is no debate on it.

Mr. FERRIS. I make the point of order.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. FERRIS. I make the point of order that it is new legislation.

Mr. MANN. What is the point of order?

Mr. FERRIS. The point of order is that it is new legislation and is contrary to existing law.

Mr. MANN. It is not legislation at all; it is a definition of what surveys are—geological surveys of the public lands.

Mr. FERRIS. I do not think the gentleman is right about that.

Mr. MANN. It is the only thing there is authorized under the law to make surveys of.

The CHAIRMAN. The point of order is not sustained, and the question is on the amendment.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOUSTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $150,000.

Mr. FERRIS. Mr. Chairman, I move to strike out "$150,000" and insert "$200,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, line 7, strike out the figures "$150,000" and insert "$200,000."

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. There is absolutely no justification for increasing this appropriation. The only excuse is that the Director of the Geological Survey has requested the gentleman from Oklahoma to offer the amendment. There is no information that justifies it. If the committee wishes to increase it for that reason alone it can do so. I would suggest to gentlemen upon this side that they should hesitate somewhat about accepting these amendments offered in this way. We are approaching the time when the country will be scrutinizing very carefully what this House does in the way of appropriations. There has never been any justification for expending more than $150,000 a year for the purpose here stated. It can not be justified now after the statement issued by the Treasury Department for the current year that there will be a deficit in our receipts over our expenditures.

Mr. FERRIS. Mr. Chairman, the gentleman from New York does not keep himself within the facts when he says that the only thing justifying this amendment is a request from the Director of the Geological Survey to me to offer the amendment. On the contrary, the estimates urgently asked for this increase in the appropriation, and the hearings show they are entitled to this increase of appropriation; and the facts that are before the Committee on Public Lands show and make them aware that it is necessary. The floods of the Ohio, and the floods of the Mississippi, and irrigation all over the United States make it necessary that some increased investigation should be made along this line. I do not know what the will of the House may be; but this amendment ought to be made. Year after year for a good many years they have been asking this money be appropriated, and that the country get a benefit of honest, faithful, patriotic surveys that have been made. Year after year they are turned away, and the money is refused them.

I full well appreciate the great strain that comes on the Committee on Appropriations to keep down appropriations. But they have already carved this bill down $23,000,000 below the estimates. There is no use, when we are trying to develop the West, when we are trying to develop water power in the West, when we are trying to revise the mining laws and the mineral laws, and trying to get some development on the withdrawn areas of the West, for the development of that country and the diffusion of the benefits therefrom amongst the people, to pare down and keep cutting down the appropriations necessary for those purposes.

I hope the amendment will be agreed to. I tried to get it inserted in the bill when the bill was pending before the Committee on Appropriations. I tried to appear before the chairman of the Committee on Appropriations, but I was unsuccessful. I have no way of knowing what is reported until the bill comes in on the floor. Then we are confronted with the idea that Members ought not to present amendments.

I confess, Mr. Chairman, I do not rise to such a high ethical standpoint as that. I believe the Members of this House have the right to offer amendments to appropriation bills or any other bills. This body is composed of 436 sovereign Members. I do not think any committee has the right to seclude itself and deny to the other Members of the House the right to offer amendments. And nobody has the right to abuse a Member like a pickpocket for offering amendments. The gentleman from New York [Mr. FITZGERALD] can say what he will and do what he will, but I will offer amendments anyway when I think they are necessary. [Applause on the Republican side.]

Mr. PAGE of North Carolina. Mr. Chairman, the gentleman from Oklahoma [Mr. FERRIS], in his criticism of the Committee on Appropriations, is hardly fair, and certainly he can not express the sentiment on this side of the House touching appropriations. He, no doubt, was greatly elated at the applause that greeted him from the other side of the House, when they are anxious over there to pile up appropriations on a Democratic House of Representatives, and no one can blame them. But we are pledged to some economy, and about the only people, so far as my observation goes up to this time, who are concerned in the Democratic Party's living up to its pledges and carrying out its pledges to the country, are found on the committees of the House which make appropriations and which have information upon which we should appropriate.

So long as gentlemen come into the House and offer amendments to appropriation bills and base those amendments upon estimates made by some department, unless somebody trims the estimates and brings them down within the bounds of the needs of the public service, the appropriations will continue to mount higher and higher every year.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Idaho?

Mr. PAGE of North Carolina. No; I can not yield now.

The CHAIRMAN. The gentleman from North Carolina declines to yield.

Mr. PAGE of North Carolina. It seems to me it is time that gentlemen on this side of the House stand by those committees that are endeavoring to carry out the party's pledges, and it is time that Members and organizations, often on the part of men on this side of the House, should cease to attempt to break up an effort to economize in the expenditure of the public funds. [Applause on the Democratic side.] I think it is time that some one should say it to the Democratic membership of this House; and I say if the gentleman from Oklahoma [Mr. FERRIS], chairman of the Committee on Public Lands, or any other Member as an individual or representing an organization, can come in here and overthrow the recommendations of the committees that have investigated the needs of the public service, then it is time that you dismiss us; then it is time that you dismiss those committees that have supervision of these appropriations, and take the estimates that are sent here by the executive departments of the Government and enact them directly into law. [Applause on the Democratic side.]

Mr. RAKER. Mr. Chairman, this is not a question of raising or lowering the estimates. It is a matter that the entire West is interested in. It is a matter upon which the President of the United States, before his inauguration and since, has said that he was opposed to reservation, but was in favor of conservation. [Applause.] That western country has been tied up for six years.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from North Carolina?

Mr. RAKER. Yes; I always do.

Mr. PAGE of North Carolina. Some of us are interested in the conservation of the Public Treasury. You do not seem to be. [Applause.]

Mr. RAKER. I am glad the gentleman made that remark. We are interested in the conservation of the Treasury. We are opposed to turning over water powers amounting to hundreds of thousands of horsepower to the hands of private individuals. [Applause on the Republican side.] This department wants money so that they may send out into the field men to make an examination of the water-power interests of this country.

There are hundreds of water-power cases pending to-day in which there is over a third of a million horsepower involved and hundreds of millions of acres of desert lands, which means hundreds of thousands of dollars to this country, and which means the upbuilding of the West. Instead of allowing the water to flow down to the ocean, as it has done since the beginning of time, it should be utilized for the benefit of man. How are you going to develop it? Are you going to keep it locked up in reserves, or are you going to open it up so that the people may have an opportunity to develop it, to use it if they desire; an opportunity to spend their money in developing not only the water power but the land; that they may conserve the water power and make the streams larger in the summer, to give us more water in the areas adapted for irrigation; that we may hold back this water for the purpose of irrigating those desert, barren lands that have been standing idle and unused for ages?

And at the same time we are building these dams, in order that we may have the opportunity of developing water power. To-day the man who files an application is denied a prompt hearing, is denied his rights—for delay at times means a practical denial of his rights—simply because there is not money enough appropriated for this service to make a prompt and proper examination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, it might be interesting to the committee to see how this $150,000 has been spent. One would imagine that it was all being expended in the investigation of the matters referred to by the gentleman from California [Mr. RAKER]. If there be that great necessity, it is somewhat astonishing that they should be expending this money, not in the public domain or the public-domain States, but spending it in the Eastern and Southern States. The sum of $21,000 was expended for administration, $14,000 in computation of stream-gauging data, $1,000 for inspection, $16,000 for ground work, $24,500 in utilization of land-classification work. Then in gauging surface waters in Vermont there was expended $900; in Massachusetts, $2,500; in New York, $2,500; in Virginia and Maryland, $500; in the Southeastern States, $4,000; in the Ohio River Valley, $6,000; in Minnesota, $3,500; in Wisconsin, $1,000; in Iowa, $100; in Colorado and Wyoming, $6,000; in Montana and North Dakota, $4,500; in Utah, $4,500; in Nevada, $2,500; in Idaho, $4,500; in Oregon, $4,500; in Washington, $4,500; in California, $4,500; in New Mexico, $4,500; in Arizona, $3,000; in Hawaii, $5,000; contingent expenses, $2,530.

Some of the States have been cooperating in these stream-gauging enterprises. It is easy to understand why $2,500 of this money is spent in the State of New York, when they obtained from the State of New York its cooperation to the extent of $11,500. There is no reason why a dollar of this money should be spent in the State of New York. That State ought to do this work itself. It is amply able to do it. So is Massachusetts. So are these other States. But this desire to have this cooperative arrangement with the States and to have the Geological Survey superintend it results in a diversion of this money to places where it should not be spent. What excuse is there to spend $2,500 in the State of New York, cooperating with that State in gauging the flow of the Hudson River? We have the most valuable watershed, perhaps, in the United States. We have spent $20,000,000 ourselves to obtain it. There is no need of the Federal Government contributing $2,500 to assist the State of New York to find out how much the water flow is and what its water is. There is no necessity for the Federal Government going into States like Massachusetts, Virginia, and Maryland, and other States.

The gentleman says this is only the amount of the estimates for this service. The estimates of money required to conduct the public service during the next fiscal year were $73,681,000 in excess of the estimated revenues of the Government in the next fiscal year. Recently the Secretary of the Treasury pointed out that he had overestimated our revenues by about $20,000,000, so that the estimated sums required to conduct the Government during the next fiscal year are about $100,000,000 over the estimated revenues. This committee did not reduce the appropriation for these services. It continued the amounts that had been carried for a number of years. The gentleman from Oklahoma [Mr. FERRIS] has already increased one item 33 per cent. He proposes to increase this item 33 per cent. If he offers many other amendments, as he promises to do, increasing other items in the same ratio, there will not be many of us on this side of the House in the conduct of the public business in the next Congress. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I would like two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman from Oklahoma stated that he had endeavored to confer with members of the Committee on Appropriations, and had been unable to do so. I think Members of the House who have from time to time desired to confer about matters in these bills have found no difficulty. I made an appointment to meet a number of members of the Committee on the Public Lands at the committee room one morning, and it was somewhat unfortunate, I suppose, but in the transaction of the public business I was compelled to go early to the White House, and was detained longer than I had anticipated. I reached my office a few minutes before the House convened. It was impossible to go over the matter then, and we agreed that we would meet the next morning. The only gentleman who was present the next morning to go over these matters was the gentleman from California [Mr. KENT]. The gentleman from Oklahoma evidently determined not to appear. I wish to make this statement so that nobody will linger under the impression that the gentleman was denied an opportunity even of conferring as to what the facts actually were.

I have no prejudice for or against any of these services. If I could have my way, it would be very pleasant to recommend all the money every public official, every Member of Congress, and every selfish outside interest desired for one purpose or another. My task would be much easier. It is so much easier and so much more popular to advocate appropriations for service in which our constituents are interested than it is to attempt to take a broad survey of the field and determine without any prejudice or partiality what is required to enable a particular service to be conducted properly.

I believe, and I do not think there is any difference of opinion among the members of the committee who have examined into the matter, that this committee has recommended a sum amply sufficient for this service. A few years ago there was this same agitation to increase this appropriation from $150,000 to $250,000. A member of a political club, of which I am a member in my home district, met me one day while I was there, while the bill was under consideration, and told me that he was about to attend a convention of engineers to be held in the city of Pittsburgh, and he wanted to carry my assurance that I would vote to increase this appropriation so that the engineers of the country would have the benefit of these Government reports in making reports and investigation. I told him that I would not favor the increase, but I would oppose it; that I was of the opinion then—and I entertain the same opinion now—that these moneys should be expended upon the public domain or in the ascertainment of facts in utilization of the waters over which the Federal Government has control and not for the private benefit of individuals, singly or in groups, and not for the purpose of relieving the States of a part of the burdens which properly belonged to them. I hope that the amendment will not prevail. [Applause.]

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. It is very unfortunate that this sudden spasm of economy on the part of the Democratic majority comes upon items where they are of great public necessity, and there is little or none of that desire for economy upon items that could be well dispensed with or postponed until a future time. [Applause.]

The gentleman from North Carolina a few minutes ago said that he expected this side of the House to vote for all the increased appropriations so as to put the Democratic Party in a hole. I want to say to him and to the chairman of the Appropriations Committee that if it had not been for this side of the House standing with him and with his committee a number of times on these and other bills against increases of appropriations that were unnecessary the appropriation bills would have been much larger than they are to-day, and you have the Republican side of the House to thank for the fact that they are not larger than they are.

Now, with reference to this item, the gentleman undertakes to say that this question of water supply, of water power in the States not upon the public domain, is not a matter of public interest. Mr. Chairman, when this bill and the general deficiency bill shall have been completed in this House there will come before us for consideration a bill which has already been made privileged, relating to granting franchises for dams and

water powers on the navigable streams in the United States. They do not relate to the public domain, but they relate to every navigable stream in the United States, whether it be in the East or whether it be in the West. Will the gentleman say that it is not to the interest of the country to know and to have information concerning the water supply and the water power upon these navigable streams? The gentleman refers to the Hudson River, of New York. I do not know anything about the Hudson River, of New York, or as to its water-power capabilities, but I do remember that last session we had before us the question of the Connecticut River, in the State of Connecticut, where they came to this Congress for a franchise for a dam creating water power, and it was defeated by those who were opposed to conservation because there were placed amendments on that bill safeguarding the public interests.

So, Mr. Chairman, when anyone says that this is not a matter of public interest except as it relates to public land, he is ignorant of what is going on with reference to these matters, with reference to the water supply, the control of navigable streams, and the control over our water powers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. FERRIS) there were—ayes 51, noes 53.

Mr. BRYAN. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. FITZGERALD and Mr. FERRIS to act as tellers.

The committee again divided; and the tellers reported—ayes 55, noes 55.

So the amendment was rejected.

The Clerk read as follows:

For continuation of topographic surveys of the public lands that have been or may hereafter be designated as national forests, $75,000.

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD for the purpose of inserting some tables dealing with immigration.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last three words. I would like the attention of the gentleman from New York, the chairman of the committee. Is it the gentleman's intention to sit to-night continuously? I ask this so that gentlemen may be able to make arrangements with respect to it.

Mr. FITZGERALD. I hope the committee will sit right along until late to-night and make as much progress as possible.

Mr. HAWLEY. Did the gentleman say until late to-night or until 8 to-night?

Mr. FITZGERALD. Oh, 11 or 12 o'clock.

Mr. STAFFORD. Mr. Chairman, can we not have some understanding of the hour when we will adjourn, if there be no objection or no recess taken?

Mr. FITZGERALD. Oh, a reasonable hour.

Mr. STAFFORD. Not much later than 9 o'clock?

Mr. FITZGERALD. Oh, I think we will run later than that. It is much harder on me than it is on the gentleman. I think it would be to the convenience and advantage of the House if we could sit some time on this bill for several days and dispose of it. To-morrow the conference report on the naval appropriation bill will be called up, the conference report on the agricultural bill will come in, and there will be a disagreement on the legislative appropriation bill, so that with these conference reports coming before the House it is going to make it difficult to obtain much time to give to this bill, and we should try and dispose of it as soon as possible.

Mr. STAFFORD. There is no disposition on this side not to have an evening session, though I think that 10 o'clock would be considered as late as we ought to sit.

Mr. FITZGERALD. By 10 o'clock everybody may be in such good humor and so fresh that we may dispose of considerable of the bill in an hour or two after that time. Nobody wants to make any engagements after 10 o'clock at night.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HUMPHREY of Washington. What does the gentleman think will occupy our time during the rest of the summer after this bill is out of the way?

Mr. FITZGERALD. Why, from the information we get as to the number of bills that are to be given special consideration, there will be enough legislative matters in which a large number of Members are interested to occupy not only the summer but a considerable portion of next winter. The appropriation bills should be disposed of, and it is to the convenience of everybody. Some of the items of this bill naturally will take some time. Members are interested in them and desire to discuss them. We have only disposed of about 80 pages out of 182 pages of the bill.

Mr. HUMPHREY of Washington. In view——

Mr. FITZGERALD. We started three weeks ago, I think, but one week we did not do anything.

Mr. HUMPHREY of Washington. In view of the progress we have been making to-day I will not have any objection to a night session——

Mr. FITZGERALD. I will say to the gentleman from Washington that after the appropriation bills are disposed of and have passed both Houses and are approved by the President I will be very indifferent as to what will occupy the House the balance of the time.

Mr. HUMPHREY of Washington. I will say to the gentleman from New York that after the appropriation bills are disposed of, unless I change my mind, which, of course, is within the bounds of possibility, he will not keep any late hours in this House unless he keeps a quorum.

Mr. STAFFORD. If the gentleman will permit this observation, the roll call disclosed this morning 248 Members present. With the approach of July, does the gentleman think it will be possible even to maintain a quorum here to do any business?

Mr. HUMPHREY of Washington. I do not know; but if we are going to stay in session all summer, that side will maintain a quorum if they do any business.

Mr. MURDOCK. I would like to ask the gentleman from New York a question. At the bottom of page 155 there is an item for the enforcement of the antitrust law. I have been spoken to by many gentlemen as to whether we will reach that item to-night——

Mr. FITZGERALD. I think so.

Mr. MURDOCK. If we do, does the gentleman expect to go ahead with the consideration of that paragraph?

Mr. FITZGERALD. Yes; I expect to go past that item without any discussion.

Mr. MURDOCK. Of course, it will be discussed, and I want to know if the gentleman is going to let that item go over.

Mr. FITZGERALD. I think we ought to take it up. I think one gentleman did intimate he might move to strike it out.

Mr. MURDOCK. I want to be sure of that.

Mr. FITZGERALD. The gentleman recalls what happened two years ago when somebody moved to put it in, and having charge of the bill it was my duty to antagonize it, and the House by a vote of 5 to 1——

Mr. DONOVAN. Mr. Chairman, I want to make an observation about the gentleman from Washington, and I hope he will not go out.

Mr. MURDOCK. I want to be sure about this proposition, and I would like to have the attention of the gentleman from New York. I have had inquiry about this paragraph, and it has been the custom here at times to pass over items. I understand it is not the purpose of the gentleman from New York to pass this item over to-night?

Mr. FITZGERALD. I think not.

Mr. MURDOCK. If he reaches the item he is going to take it up? I wanted to understand it definitely.

Mr. FITZGERALD. It was put in here one night about half past 9.

Mr. MURDOCK. Then I will notify the gentlemen who have asked me. That is what I wanted to know.

Mr. FITZGERALD. I think we ought to get along with the bill.

Mr. MURDOCK. So I understand it is not to be passed over when we reach it?

Mr. DONOVAN. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY], who is very much interested in conservation, I see has left the room. I believe the gentleman ought to attend to his duties as well as any of us. It was not possible for him in the last week to help make a quorum or raise the question of no quorum, and if everybody had done as the gentleman from Washington did last week the House would be empty. It is a great characteristic of those Members who go out and leave this Chamber after voting for a night session to come in here and raise the question of no quorum, and thereby get it into the RECORD that they are present. The gentleman could not raise, I repeat again, that point of no quorum in the last week, because he had flown the same as the rest of the absentees.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

For investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, $347,000.

Mr. FOSTER. Mr. Chairman, I move to strike out "$347,000" and insert "$460,000."

I do this not because the department has estimated any increase for this particular work, but for the reason that if this additional amount is given it will permit the cars which are now owned by the Government to continue in operation for 12 months in a year, or nearly so. We now have eight cars which are owned and controlled by the Bureau of Mines. These are cars which were purchased a few years ago. They were old Pullman sleepers. They are now in such a condition that they need repair. It will cost about $21,000 to repair seven cars and put them in proper condition to be taken on fast trains and sent to the scenes of mine explosions and wherever else it may be necessary that they should be sent.

This increased appropriation also gives to the Bureau of Mines on these cars a first-aid surgeon, a mining engineer, and a stenographer—instrumentalities essential in the education in this mine rescue work, which should be provided in connection with this work if the work is to be made effective.

There has been a call from the miners all over the country that the Government with its cars should, if possible, get around to these camps and instruct the miners in the particular work of making the mines safer. We hear of the terrible explosions that take place, where possibly hundreds of lives are lost; and the intention of the Bureau of Mines and the object which its officials are seeking to accomplish is to find some way of instructing these miners so as to avoid, if possible, this great loss of life.

The other day we read of a case over in Alberta, Canada, where more than 100 men lost their lives in the mines. A short time ago we also read of a case down in West Virginia, where scores of men lost their lives in an explosion. This is a matter of saving human life. It is not a matter of dollars and cents in this particular, but it is essential that these men should be instructed, so that this terrible loss of life may be avoided. Not only do we see this great loss of life in the mines which occurs now and then, but even from day to day; and I may say there are more lives lost in the course of the year from falling roofs and accidents of that kind that might possibly be avoided than are lost from the explosions that we read so much about in the papers. It is hoped that if these cars are permitted to operate 12 months in the year, properly equipped with men who can give instruction that will be beneficial to these miners, they can in the course of time get around and instruct all the miners in the different camps.

The CHAIRMAN (Mr. HOWARD). The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FOSTER. I present this matter to the committee to-day in the hope that they may conclude that in this item something more may be given, not because it has been estimated for but because, in my judgment, it is necessary and will do as much good as any other appropriation made in this bill.

I realize that the Committee on Appropriations has treated the Bureau of Mines with consideration, and I am not here to complain of the committee. I am here only to ask that this appropriation may be made to carry forward this work in a better way, in a quicker way, than it has been carried on in the past.

This work is so important that I wish I could impress on the Members of the House the necessity of adopting the amendment offered. We can afford to do more along these lines of saving human life.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FARR. Mr. Chairman, I hope that the amendment offered by the gentleman from Illinois [Mr. FOSTER] will prevail. In the matter of the mine rescue cars, it will enable the Bureau of Mines to send these cars out among the mining communities once in 4 years, rather than once in 12, as now, which would extend the effective work of instructing the miners as to the means of protection and also in giving information in first-aid work.

I will say for Pennsylvania, notwithstanding the large sum of money—nearly a quarter of a million dollars—that is annually expended there in the mining bureau of that State and in inspectorships for the safety of the men, that the Federal Bureau of Mines has stimulated greatly not only the interest of the corporations and employers but also that of the employees, and with advantage both along the line of safety and health conditions.

I want to present to this House some figures as to the number of miners killed in this country and in Great Britain. In 1910 we employed 725,000 miners in this country. Two thousand eight hundred and forty miners were killed. In Great Britain there were employed in that year 1,032,702 miners. One thousand seven hundred and fifty-four miners lost their lives in that country, as against 2,840 in this country, although this country employed 300,000 fewer miners.

In 1911 the number of miners employed in this country was 728,348, and the number killed was 2,719. In Great Britain for that year 1911 there were employed 1,049,000 miners, and there were 1,232 killed, or less than one-half the number killed in this country, although there were 272,000 more miners employed in Great Britain than here.

I live in a community which mines more coal to-day by several million tons than the entire output of the United States 50 to 30 years ago. I have known hundreds, yes thousands of desolated homes in my district. Thousands of miners who lived in the city of Scranton and the county of Lackawanna in my time have been killed in the mines, leaving thousands of widows and many thousands of helpless orphans. I do not know of any way in which this Congress can do more effective service than by increasing this appropriation, as desired by the gentleman from Illinois [Mr. FOSTER], for the purpose of safeguarding the mine workers and lessening the number of accidents and deaths in that important but most dangerous work.

Mr. MURDOCK. The gentleman stated that this increased appropriation would permit these mine cars to make a trip once in 4 years rather than once in 12 years. What does the gentleman mean by that statement?

Mr. FARR. With the limited number of these mine-rescue cars they can reach the mining communities only about once in 12 years.

Mr. MURDOCK. And with the increased appropriation it would allow them to visit all the mines once in every 4 years?

Mr. FARR. Yes; and the importance of that work will be indicated when I make the statement that over one-half of the miners to-day can not speak or read but little of the English language, and through these mine cars, by way of picture slides, a great deal of practical information can be given to them. [Applause.]

Mr. FITZGERALD. Mr. Chairman, there is no doubt that the work of the Bureau of Mines is very important and of great value. Sympathetic with its work, the Committee on Appropriations recommended all the money it requested for this purpose. In addition to that it increased by some $62,000 the appropriation for the bureau over the amount appropriated for the current year. In one or two items not vitally affecting the safety of the lives of the men engaged in mining the full amount requested was not given. Now, there was no information presented to the committee that any additional sum was necessary or required in this service. The Director of the Bureau of Mines was given all he asked. The purpose of these cars is to go from one mining center to another with instructors and to instruct the men engaged in mining in the use of the safety apparatus, and it is the contention of the director that this work is not a permanent work, but that it is a work of a somewhat temporary character, although in his opinion it will take some years perhaps to cover all of the mining regions as effectively as is desired.

The committee gave all the money that that bureau requested for this purpose. It gave $30,000 additional to enable them to replace the equipment upon the cars. It never contemplated that it would be possible to have cars so that they could operate the entire 12 months. They must be temporarily laid up.

Mr. STEPHENS of Texas. Do any of the States cooperate in this work, or have they paid any money or employed any experts to aid the United States Government in the prevention of these accidents?

Mr. FITZGERALD. Some of the States have mining inspectors and mining bureaus. I think the State of Illinois, perhaps, has the most highly organized and efficient State service of any of the States. Some of the others have State bureaus, but my recollection is that the Bureau of Mines of the Federal Government is not conducted in association with any of the States. Whether to do what the gentleman from Illinois proposes requires an increase of 33 per cent over the amount

requested by the bureau I do not know. I have no information. The committee gave all that the bureau asked. It seems to me that the committee should not increase this appropriation without the bureau at least suggesting that it is necessary for the conduct of its service.

Mr. FOSTER. Would the gentleman be willing to let this go over for the present?

Mr. FITZGERALD. No; I think we ought to dispose of it now.

Mr. KELLY of Pennsylvania. Mr. Speaker, I certainly hope that the amendment offered by the gentleman from Illinois [Mr. FOSTER] will prevail. Here is an opportunity to combine the conservation of human resources and material resources. As a dollar-and-cent proposition it seems to me this amendment is a most profitable investment, and no false plea of economy should prevail against it.

In the report of the Bureau of Mines just issued for the last fiscal year there is a summary of the cause of mine accidents and the waste of life and material involved. It says:

> There is no exact measure of the losses from mine accidents and mineral waste, but we may use an approximate measure. If the increasing rate of coal-mine fatalities during 1905, 1906, and 1907—the three years prior to the beginning of this work—had continued throughout the four subsequent years, since Congress began these mine-explosion investigations, the number of fatalities would have been at least 4,000 greater than they have actually been. At approximately the average compensation paid per man in fatal mine accidents of the past few years, this would represent a national loss of $12,000,000 in the four years. On the same basis the 30,000 men killed during the past 10 years in the mines of the United States would mean a loss of more than $100,000,000 in national productiveness. If it is remembered that for every fatal accident there are at least 3 to 5 serious nonfatal accidents, and 12 lesser accidents which incapacitate for one or more days, it will be seen that the actual national loss would have been much larger.
>
> In mineral waste, the national loss is estimated to be not less than $1,000,000 a day. This loss for the most part is not such as may be considered as representing a deferred use of resources, but represents a total permanent loss of national wealth.

One million dollars in material resources wasted every day and a hundred million dollars a year as the dollar-and-cent value of the wasted human resources! To prevent that waste is a conservation devoutly to be wished.

The Bureau of Mines, to my mind, is one of the most important and beneficial bureaus of the Federal Government. In the last few months five different patents have been taken out by engineers of the Bureau of Mines. Every one will be used for the common good without the payment of a dollar, and every one of them will benefit both miners and mine owners. One is a collapsible cage for rescue work, and another is a rescue apparatus carried by persons going into the mines after an explosion. These two inventions alone will mean the saving of untold lives, and, as a dollar-and-cent proposition, will be profitable. We can not afford to handicap this bureau by withholding the funds necessary to permit it to carry on its invaluable work in efficient manner. I sincerely hope that the amendment offered by the gentleman from Illinois will be adopted, because it means a conservation policy of the highest type. [Applause.]

Mr. MONDELL. Mr. Chairman, the gentleman from New York has called the attention of the committee to the fact that the Bureau of Mines has been given all it asked. Had the bureau asked for a larger sum under any of the heads of its expenditures, and given good reasons why such increased sums should be granted, I am sure that the committee would have been inclined to have granted larger sums than have been given.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KELLY of Pennsylvania. Does not the report of the Bureau of Mines explicitly state that they are handicapped because they have not sufficient funds?

Mr. MONDELL. My attention has not been called to any such statement of fact. We know what they did ask; we know that in the hearings they asked for nothing more. The committee is in sympathy with this work of the Bureau of Mines. It is doing a great and splendid work and under good management, but I think even in as important work as this it is altogether possible to appropriate so rapidly as to defeat the very purpose of your appropriation. We all realize the fact that the Federal Government can not become responsible for conditions in all the mines in the country. The most the Federal Government can do and ought to do is to give aid and encouragement and help to better conditions. The responsibility primarily is and must remain on the operator and upon the State in the enactment of legislation along lines which will insure and compel greater safety.

The work of the Bureau of Mines in suggestion and aid is and will be very helpful. But we ought not so to enlarge our work as to encourage the operator to neglect his responsibility. It is a very fortunate thing that under the encouragement of the work the Bureau of Mines operators are generally securing safety apparatus. Under the suggestions of the Bureau of Mines more favorable conditions are being established in the mines of the country. I think we are doing very well when we appropriate all that those in charge of the work desire, and that we have done. I am greatly interested in this work and will vote, as I have, for all that the bureau asks for its work.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. MONDELL. Yes.

Mr. COOPER. In view of what the gentleman from Pennsylvania [Mr. FARR] said about the present cars being able to reach the mines once in 12 years, what does the gentleman say to this language on page 28 in the report of the Director of the Bureau of Mines? And, by the way, on the preceding page—on page 24—there is a statement that the demands made on the bureau both by the Government and the public have from the beginning largely exceeded its facilities, and that these demands have increased much more rapidly than the funds and facilities of the bureau have grown. Then, on page 28, I find the following language, referring to these cars:

> The 12 fully manned rescue cars, operated on a schedule such as that outlined above, would reach the million men who labor underground in the United States once in four years' time.

Does not that show right on the face of it that the bureau does want these additional cars?

Mr. MONDELL. I do not think it necessarily does, in view of the fact we gave them all they asked.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I do not think it does, in view of the fact that the bureau did not ask any more than the amount we had given. The gentleman from Wisconsin [Mr. COOPER] knows this, that there is no important and helpful public service of this kind that can not indefinitely and very rapidly extend its work. The bureau should extend its work, but it should extend it in a reasonable and really helpful way. It should secure and equip additional cars, as the necessity of those cars are demonstrated by the work that the cars are now doing.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COOPER. The gentleman says that they should increase their facilities and extend their work as the necessities demand. But the statement of the bureau in that report is explicit that the demands are clear beyond their facilities; that they ought to have 12 cars in order that at least once in four years they can get to these million of miners and prevent this awful waste of life. It is perfectly plain to me that that is the only interpretation to be put on this annual report, just as was said by the gentleman from Illinois [Mr. FOSTER].

Mr. MONDELL. Oh, we could appropriate a million or two million dollars or five million dollars for this work, and it could be expended in some way, no doubt, but primarily it should be the effort of the Federal Government to encourage the mine operators to take up and carry on this work, and to encourage and insist upon the State legislating so as to compel mine operators to provide safety apparatus and compel conditions of safety.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. PAGE of North Carolina. Mr. Chairman, at one time in my service on the Appropriations Committee I was a member of the subcommittee that prepared the sundry civil appropriation bill, and I have some familiarity with the items appropriated for the Bureau of Mines. Personally, I have been very greatly interested in that bureau, not only because of the work that it is doing toward the conservation of human life and property but, I confess, as well because of a very long and close personal friendship with the gentleman who happens to be the Director of the Bureau of Mines. I am sure that what has been said by other members of the Appropriations Committee as to the attitude of that committee toward this bureau has been sympathetic, and the increased appropriations from year to year are evidence of the fact it has been disposed to increase the activities of this bureau, and the appropriations for the increase of its activities as rapidly as they could be wisely used in the extension of its work. In this instance it has appropriated what was asked for. The Director of the Bureau of Mines is supposed to know the needs and the possibilities of the extension of the work in the bureau over which he presides. Just a little while ago in this committee I had occasion to complain of the chairman of a legislative committee that he wanted to take the estimates as forwarded by the executive depart-

ments and appropriate in the amounts asked for without investigation, without taking into account the information obtained by the committee having the matter in charge, and now within an hour we are face to face with a proposition to go beyond the amount asked for in the estimates, the amount asked for by the gentleman who has charge of the work, who is supposed to know how rapidly he can develop the bureau over which he presides, and we are asked to believe that the gentleman from Illinois [Mr. FOSTER], who introduced the amendment, knows more about what ought to be done in this bureau than the gentleman who presides over it; that the gentleman from Pennsylvania [Mr. KELLY] and the other gentleman from Pennsylvania [Mr. FARR] are far more conversant with the work than the people who have in immediate charge the administration of the work and the expenditure of the appropriation. It seems to me it is entirely unreasonable to come in here and ask this committee to increase this appropriation in an amount that has not been suggested by the bureau having in charge the expenditure of the money.

And I want to say in conclusion what I said in the beginning, that I yield to no man on this floor in my sympathy for the Bureau of Mines and the work that it is doing, not only because of the work that it is doing but because of my faith in the man who is administering that particular branch of the Government, not only in his capacity but in his absolute honesty. And I may say, Mr. Chairman, with all his virtues modesty is not one of them, and he usually asks for what he needs, and I suppose in this instance he asked for all he needed.

Mr. RAUCH. Mr. Chairman, I will occupy but just a moment for the purpose of showing that the Committee on Appropriations, and the House of Representatives for that matter, are in complete sympathy with the development of this work. I wish to make the following statement, which appears in different parts of the hearings on mine rescue cars. They have seven cars——

Mr. FOSTER. They have eight.

Mr. RAUCH. During previous years they were operated for only five or six months of the year. "Last year," Dr. Holmes says, "you increased this appropriation so as to enable us to spend $20,000 additional on the work of the mine rescue cars, and as a result we will during this year operate those cars between 8 and 10 months." Now, then, it is impossible to operate any one car 12 months in the year, because it requires about 2 months for repairs. For that reason they asked for an appropriation for an additional car, which the committee provided. He says, "If we had one extra car we could operate the cars for 12 months. Under such a system, instead of having all the cars repaired at one time and giving all the men leaves of absence at one time, these changes could take place at intervals, and effective mine-safety training could go on during every month in the year." So as a matter of fact the Committee on Appropriations has made ample provision according to the plans of the Bureau of Mines for this work to go on each and every day in the year.

Mr. BUCHANAN of Illinois. Mr. Chairman, I think this increase in the appropriation ought to be approved. If the Director of the Bureau of Mines has not asked for sufficient money to carry out what Dr. Holmes has said ought to be done in his report, it seems to me that he has not done his duty. I take it from the remarks made by the chairman of the Committee on Appropriations a few days ago in a colloquy with Mr. MURDOCK, where he pointed out the great need of appropriations for the purpose of protecting human life in mines and elsewhere, that he would raise no objection or withhold his consent on an appropriation of this kind, and due to his efforts District day now has been set aside twice and he has defeated probably for this session of Congress a very meritorious bill for the purpose of protecting human life in the building industries in the District of Columbia. Of course, it is true that building craftsmen in the District of Columbia who live here do not have a vote and therefore have not any influence of that kind to exercise, and in spite of the efforts of a few of their friends we have been unable to secure consideration of that bill. If an earnest effort had been made to consider and pass that bill, it probably would have been done in half an hour. It was set aside by the exercise of his influence, by misleading statements made for the purpose of setting it aside, for many Members coming in here and not knowing just what they were voting on or what it meant when they voted to go into the committee were told that there was nothing of any importance to consider. Also I want to state while I have the floor that the chairman of the Committee on Appropriations in the colloquy with Mr. MURDOCK said in effect, if not in these words, that there was opposition here, and that an effort was being made to prevent appropriation bills being considered in order to take up and consider a bill that only one man wanted and nobody else knew or cared anything about. There are about 500,000 building craftsmen in the United States, and I believe they are all interested in securing the passage of that bill; in fact, I have information that they are interested in securing the passage of this measure, not only due to their sympathy for the protection of life of the building craftsmen working in the District of Columbia, but because they look at this bill probably as a sort of model that they might point to in order to have the different States pass a like measure. Now, I do not say the chairman is responsible for anything for which the whole committee is not responsible.

If the committee is permitting one man to dictate the policy of that committee, then they are all responsible to that extent.

Now, when it is pointed out that there can be more money utilized for the benefit and protection of the lives and health of the miners of the United States, we find that opposition is still there, and the consent of the committee is withheld for that money that is necessary to equip those cars for that purpose.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUCHANAN of Illinois. And it seems that that is not the only case where that opposition is shown.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, from time to time the gentleman from Illinois [Mr. BUCHANAN] has made statements that are so grossly inaccurate that if it were not for the fact that some people are likely to imagine that because a man is a Member of Congress he can not make mistakes, I would not pay attention to what is said.

In the performance of my duty as a Member of this House I did to-day what I did two weeks ago—I moved that the House take up the sundry civil appropriation bill. It was not for me to determine what the House should do. It was for the House to determine. And it determined—and, I think, properly and wisely, showing good sense—to proceed with the consideration of this bill. I remained in my seat while the vote was being taken, and when Members who escaped the gentleman from Illinois—who stood at the door—asked me what the vote was about I informed them that it was upon the motion I had made to consider the sundry civil bill, and that it was being antagonized by the gentlemen who desired to take up what is known as the Buchanan bill.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes.

Mr. BUCHANAN of Illinois. Does the gentleman contend that two weeks ago he remained in his seat when the vote was being taken?

Mr. FITZGERALD. I think I did; but I do not recall.

Mr. BUCHANAN of Illinois. I remember very well seeing the gentleman outside speaking to Members as they came in.

Mr. FITZGERALD. If I did go out, I exercised my rights as a Member of the House; and I was more successful, apparently, than was the gentleman from Illinois when he pursued that course to-day.

Mr. BUCHANAN of Illinois. I asked the gentleman from New York what he did two weeks ago to-day?

Mr. FITZGERALD. From the personal standpoint, I should have been very much gratified if the gentleman's motion had prevailed to-day. I happen to have been so unfortunate as to have caught a severe cold in the head, and I have been suffering all day from a severe headache, and my personal comfort and convenience would have led me to hope that the gentleman would have taken the day to consider a bill affecting persons in the District of Columbia.

I have read the bill in which the gentleman is interested—not with any such care as would enable me to determine whether its provision would be subject to criticism; but I have read it. It was introduced in the House on the 25th of September, 1913, and it was reported to the House on the 9th of May, 1914. It was not my fault that this bill lay in the Committee on the District of Columbia for more than eight months, during all of which time Congress was in session. I do not know whether it was the fault of the gentleman from Illinois [Mr. BUCHANAN], although the fact that the committee struck out everything after the enacting clause and reported an entirely different bill would lead me to believe, without comparing the two bills, that perhaps the bill which the gentleman had introduced was not in that perfect form that would have made it satisfactory to the Members of the House.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes; I yield.

Mr. MANN. Is the gentleman aware of the fact that that bill was reported to the House some time ago, and was then recommitted to the Committee on the District of Columbia?

Mr. FITZGERALD. No; I was not aware of it.

Mr. MANN. That is the fact.

Mr. FITZGERALD. But I do know that in the month of June——

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield there?

Mr. FITZGERALD. Certainly.

Mr. BUCHANAN of Illinois. Probably the gentleman does not want to make an erroneous statement about the bill.

Mr. FITZGERALD. No; I have no desire to do so.

Mr. BUCHANAN of Illinois. I want to say that the substance of the bill has not been changed.

Mr. FITZGERALD. I have not compared them.

Mr. BUCHANAN of Illinois. The substance has not been changed, except as to the application of it.

Mr. FITZGERALD. I do not want to be unfair to the gentleman, and——

Mr. BUCHANAN of Illinois. It does not make any difference about the unfairness to the gentleman from Illinois, and the fact is that the substance of the bill has not been changed, and there was no change in it at all.

Mr. FITZGERALD. There must have been some difference.

Mr. BUCHANAN of Illinois. The difference was that there was a reference made to building regulations instead of to the statute.

Mr. FITZGERALD. At any rate, in a bill of 14 sections——

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Washington?

Mr. FITZGERALD. I would like to get 5 minutes.

Mr. BRYAN. Does not the gentleman think he ought to go on with this bill? Does not he think he ought to say something about the sundry civil bill?

Mr. FITZGERALD. When a gentleman has made misstatements about me, does not the gentleman think that I should make a statement in reply?

Mr. BRYAN. Mr. Chairman, shortly at this rate we shall get into a wrangle and then we shall get into trouble. [Laughter.] I make the point of order that the gentleman is not discussing the bill.

Mr. FITZGERALD. A short time ago the gentleman complained bitterly of a colleague who would not permit him to make a statement on the floor of the House.

Mr. BRYAN. The gentleman is chairman of a great committee. If he insists on it, I will withdraw the point; but I think the gentleman ought to take a lesson, even from one who does not know as much as he does, and do as I suggest.

Mr. BUCHANAN of Illinois. I want to ask the gentleman to withdraw his point of order, and let the gentleman from New York [Mr. FITZGERALD] finish his criticism.

Mr. FITZGERALD. The only attempt that I know of to take up the bill—and I am not finding fault with anybody—was during this month of June, the last month of the fiscal year. This appropriation bill ought to be enacted into law before the 30th of the month. The failure so to enact it will not be the fault of myself or my associates on the committee. We have done everything we could to press it. We took whatever time was allowed to us.

The gentleman from Illinois [Mr. BUCHANAN] criticizes Members because they wish to make progress with this bill, which affects all of the people of the United States, every branch of the Federal Government, rather than a bill affecting men in the District of Columbia. I did not say that I wanted the sundry civil bill taken up because I desired to appropriate for the Bureau of Mines money that the head of the bureau did not ask. I united in the recommendation to appropriate the money stated by the head of that bureau to be necessary, and I do not believe it is necessary to increase by $113,000 what he says is necessary, and what he asks Congress to give to conduct the bureau

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KELLY of Pennsylvania. I can not understand why the statement has been repeatedly made that the Director of the Bureau of Mines has not been asking for this amount, when in his own report just issued from the Bureau of Mines he distinctly states that he has been crippled, and that with the limited funds at the disposal of his bureau in any one year it has required three years to prepare an experimental coal mine for this demonstration work.

Mr. FITZGERALD. That was not wholly due to a lack of funds. I repeat what I have said: The request was for $347,000 for these purposes, and that is the amount that the bill carries. With regard to the experimental mine, if I recall correctly, there was first an attempt made to lease a mine to be fitted up, where the actual conditions existing after an explosion took place could be simulated. If I recall correctly, some one finally donated a mine to the Government.

Mr. FOSTER. That is true at Bruceton, Pa. The coal company there gave the Government the use of a property for an experimental mine. All the Government does is, that when it takes coal out of the mine it turns it over to the company.

Mr. FITZGERALD. Yes; but the difficulty in completing those investigations was not because of a lack of funds that were requested and appropriated. In 1912 there was a difference of $50,000 between the amount estimated and the amount appropriated, and it was due to a readjustment of sums under various items. But for the current year 1914 this committee recommended what the Director of Mines requested, and it recommends for next year what he requested. I imagine he knows how much he needs. He has always requested what he required to conduct the service, and this committee has met him and has recommended to the House appropriations that he pointed out as desirable and essential for the work. I do not think we ought to increase this appropriation of $347,000 by $113,000, on the suggestion of some gentleman that the Bureau of Mines ought to spend that much, whether they think they need it or not. I hope the amendment will not prevail.

Mr. MANN. Mr. Chairman, I want to see if I can pour a little oil on the waters. I did not sympathize to the extent of voting with my colleague from Illinois [Mr. BUCHANAN] in opposing to-day or two weeks ago the consideration of the sundry civil bill. I understand, in a way at least, the duties of the chairman of the Committee on Appropriations, and it was the duty of the chairman of the Committee on Appropriations to endeavor to secure the consideration of the sundry civil bill as soon as it could be considered after it was reported to the House. I hope the consideration of it will be such that it will be possible to get it enacted into law by the first of the fiscal year.

I think the chairman of the Committee on Appropriations deserves the respectful and sympathetic consideration of every Member of the House, whether he happens to be fighting him at the time on the pending proposition or not, and I have great regard for the gentleman from New York [Mr. FITZGERALD] in that position. On the other hand, the gentleman from New York [Mr. FITZGERALD] has referred to the bill which my colleague [Mr. BUCHANAN] introduced, in regard to building regulations in the District of Columbia, and he stated that that bill was introduced last September and was reported into the House in May. That bill was reported into the House early in the winter; I do not remember just when. There was some opposition to it as it stood. I do not know just what that opposition was. There were undoubtedly some errors in it, and my colleague Mr. BUCHANAN in a very gracious way said that he was quite willing that the bill should go back to the District Committee and be again considered by that committee in order that if there were any errors in it they might be corrected. The bill was recommitted to the District Committee and was reported into the House early in May. It did not come up on the first District day after it was reported, because the House had another bill under consideration. Since that time there has been no District day in fact, although there have been two District days in theory under the rule.

Now, my colleague, as it is his duty pushing a bill that he believes ought to be passed, has endeavored to secure consideration of it even before the sundry civil bill. The House has not agreed with him. I have said to my colleague to-day privately, and I say it publicly now, that I hope we will soon be able to get his bill before the House. I do not believe there is any opposition to it. I do not believe it will take very long for consideration if it comes before the House; and I am pledged, as far as I am concerned, to do everything I can at the first opportunity to get that bill before the House. Meanwhile I hope that my colleague and the gentleman from New York will call it quits, smile, kiss, and make up, and go on with these other things. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOSTER) there were 23 ayes and 23 noes.

So the amendment was lost.

Mr. FARR. Mr. Chairman, I move to increase the amount of the appropriation from $347,000 to $367,000. That will enable the department to use the cars two months more a year.

Mr. FITZGERALD. There is no information of that character before the committee. Let me say to the gentleman that if there ought to be an increase in this sum, the department should first send in a formal request. It can be placed in the bill before it is disposed of in the other body. Both Houses have been fair to the Bureau of Mines. Nobody desires to interfere with their work, but we ought not to proceed upon the theory that the bureau did not ask for all the money it needed.

Mr. FARR. My information is that Dr. Holmes was not in town when the committee made up the bill.

Mr. FITZGERALD. The gentleman is mistaken. Dr. Holmes appeared before the committee, and the committee acted upon the information which he furnished.

Mr. FARR. I do know, Mr. Chairman, that the department would like to be in possession of this amount and to use these cars for the two months that I have mentioned.

Mr. FOSTER. I think, if the gentleman will permit me, that in view of the statements made here that there is no estimate for this additional amount, that the amendment be withdrawn. There is no question in my own mind but that the Bureau of Mines in order to do effective work ought to have this money; and I suggest to the gentleman from Pennsylvania that he withdraw the amendment.

Mr. FARR. Well, Mr. Chairman, in view of the suggestion of the gentleman from Illinois, I withdraw the amendment.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his amendment, and the Clerk will read.

The Clerk read as follows:

For inquiries and investigations concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, with a view to economic development, and conserving resources through the prevention of waste; to inquire into the economic conditions affecting the industry, $25,000.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York how this money is expended?

Mr. FITZGERALD. This is carried in the bill this year for the first time. In the tapping of gas and oil wells it has been found that there has been a tremendous waste of gas—millions of cubic feet are permitted to blow off before the oil comes up. In some instances where an oil well has been found there has been a great waste of oil before the well has been tapped.

Mr. MURDOCK. But after the well has been tapped then the utilization of petroleum has been very complete. That has been my understanding. I do not think there is any product that is so completely utilized as is petroleum.

Mr. FITZGERALD. The word "petroleum" is used in a generic sense. It includes petroleum and the by-products, but I think this was principally in connection with the waste of gas.

In 1912 the production of natural gas amounted to five hundred and sixty-two thousand million cubic feet, valued at $84,500,000. The estimate is that the waste amounted to about $50,000,000.

Mr. MURDOCK. That is in gas alone?

Mr. FITZGERALD. Dr. Holmes stated that the waste in petroleum would aggregate between $25,000,000 and $35,000,000 a year. When these gushers are found, the lighter oils that are more volatile sometimes go off in gas, and it is to demonstrate the best methods of conserving them.

Mr. MURDOCK. I will say to the chairman that I know, of course, as the gentleman knows, that in the first shooting of a well there is a loss frequently of gas and of oil. Is it the purpose of this paragraph to find ways to prevent that loss at that time? It certainly can not be to utilize petroleum after the petroleum is produced, because the distillates of petroleum now run down to the finest order.

Mr. FITZGERALD. This appropriation is carried in the language of the act authorizing the particular service, but the purpose is to develop and perfect the methods by which the waste of gas and oil will be prevented when wells are tapped. Sometimes men start after oil, and they find a great volume of gas above the oil. They blow the gas all off.

Mr. MURDOCK. And that is lost?

Mr. FITZGERALD. And sometimes they are after gas and they find oil above the gas, and they pay little attention to it; and according to the statement of Dr. Holmes, the waste of both oil and gas reaches nearly $90,000,000 a year. Of course if this gas and oil could be saved, it would very materially affect the price and the value of it in the communities where it is used.

Mr. MURDOCK. I call the gentleman's attention to the fact that the paragraph contains the phrase "with a view to economic development."

Mr. FITZGERALD. That is the language of the organic act. Two years ago a bill was passed through the House lodging the powers in the Bureau of Mines. It occasioned considerable controversy, and this is the language in which the act was passed; and in making the appropriation they asked to have it carried in the language of the act, but from the testimony submitted by Dr. Holmes it was apparent that this money was asked to continue on a larger and more efficient scale the work that had been done to prevent this enormous waste in gas and petroleum and the lighter oils.

Mr. MURDOCK. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For one mine inspector for duty in Alaska, $3,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Do they have any mines in Alaska that this man has anything to do with?

Mr. FITZGERALD. Oh, a great many.

Mr. MANN. What kind of mines does this man inspect?

Mr. FITZGERALD. Gold mines and copper mines and coal mines.

Mr. MANN. Does he inspect placer mines?

Mr. FITZGERALD. There is a statute creating an inspector of mines.

Mr. MANN. I know there is, but at that time it was supposed that they were going to have some mines up there.

Mr. FITZGERALD. In the territories and in Alaska, and this man has been in Alaska and he seems to be a very busy man, and of course they wanted to give him assistance up there.

Mr. MANN. Are there any coal mines up there?

Mr. FITZGERALD. There are coal fields. I am not certain whether there are coal mines or not. They say he is a very busy man. I have never been there and I have never seen him work.

Mr. MANN. I merely repeated the inquiry that I have made every year for years as to whether this man had anything to do, and I have never found anybody from Alaska or out of Alaska who knew whether he had anything to do or not.

Mr. FALCONER. Mr. Chairman, if the gentleman will permit, they are mining 2,000 feet under the sea in Alaska in the Treadwell gold mine, near Sitka.

Mr. FITZGERALD. I understand that there is work up there that requires competent and technical men, and the mines there are inspected and the regulations are enforced by the inspector of mines.

The Clerk read as follows:

Persons employed during the fiscal year 1915 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service at Washington, D. C., for purposes only of consultation or in connection with the preparation of results of their field work; all persons so detailed shall be paid in addition to their regular compensation only their actual traveling expenses in going to and returning therefrom; and all details made hereunder, and the purposes of each, during the fiscal year shall be reported in the annual estimates of appropriations to the Sixty-fourth Congress at its first regular session.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Just what is intended by this paragraph in reference to this service in Washington, and particularly as to that part of it which provides for the payment of the expenses? The provision in here is unusual, and I do not understand it.

Mr. FITZGERALD. They have been detailing these men and they have been drawing not only the traveling expenses, but the per diem while here in Washington. Now, the director of the bureau states that it is very desirable, after the men have made their investigations, to bring them to Washington for consultation and preparation of their report. He thinks that traveling expenses should be paid, but he does not believe that they should be allowed in addition a per diem for subsistence.

Mr. MANN. That is, at present, as I understand it, a man who is on the pay roll at $1,500 a year, if that should be the amount, and he is detailed to Washington and has been employed here two or three months in the wintertime to do work he receives his monthly salary and his traveling expenses to Washington, and then in addition he gets $4 a day while he is here, so that he is getting a salary of $1,500, and he not only gets that salary, but he gets that much more because he happens to have the privilege and pleasure of coming to Washington for a little while.

Mr. FITZGERALD. That is exactly the situation.

Mr. MANN. I see that is there stated and I nearly fell over in a faint at the idea that it was proposed by any department, because that detail business with per diem subsistence is so thoroughly abused by the Government that I did not expect any one would want to inaugurate a reform.

Mr. FITZGERALD. I think Dr. Holmes has shown a very commendable spirit——

Mr. MANN. And if this is the proposition I desire to pay a tribute to him.

Mr. FITZGERALD (continuing). To eliminate an abuse, and I think he should be commended for it.

Mr. MANN. I think so, too. I am afraid he will not be commended for it by the employees under him.

Mr. FITZGERALD. This would enable him to utilize a larger portion of the appropriation to do work of his bureau rather than to swell the amount paid to some employees.

Mr. MANN. I have known single persons, unmarried, in the service of the Government in Washington drawing annual salaries who were detailed to go outside the city to work, practically permanent employment, who received their salary and in addition subsistence allowance all the time that they were away from Washington, although it was just as cheap for them to board where they were as to board in Washington.

Mr. FITZGERALD. Was that during or after campaign time?

Mr. MANN. Well, it had nothing to do with the campaign time, I will say to the gentleman. These persons were not voters, and I have no doubt——

Mr. FITZGERALD. Oh, there is no doubt there has been abuse, as in the acquisition of sites to public buildings. Employees who wanted to visit their homes or relatives or their friends would be detailed to go and investigate a site down in some locality.

Mr. MANN. Now, I do not think the heads of the departments try to do it; far from it. I am not criticizing them for it, but the clerks do work for it.

Mr. FITZGERALD. I think these abuses crept into the law at times without the knowledge of the heads of the departments, although there are heads of departments and heads of departments.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

ALASKA, EXPENSES IN.

Insane of Alaska: For care and custody of persons legally adjudged insane in the Territory of Alaska, including transportation and other expenses, $70,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Why not strike out "the Territory of" and make it in Alaska, like it does everywhere else but under this head.

Mr. FITZGERALD. I think there is one place where the words were overlooked. Mr. Chairman, I move to amend by striking out of line 3 the words "the Territory of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 101, line 3, strike out the words "the Territory of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Traffic in intoxicating liquors: For suppression of the traffic in intoxicating liquors among the natives of Alaska, to be expended under the direction of the Secretary of the Interior, $15,000.

Mr. FALCONER. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee why they find it necessary to appropriate $15,000 for the suppression of the traffic in intoxicating liquors in Alaska? I have not had the advantage of the committee's investigation on that.

Mr. FITZGERALD. We have to do that because depraved white men insist on selling liquor to the natives up there and debauching them. Up to this time we have been carrying $12,000, but the necessity for additional inspectors were shown, and we have recommended an increase of $5,000. The "bootlegger" in Alaska seems to be very active, and the sale of liquor to the natives is the most demoralizing thing that occurs there. Everybody interested in their civilization and advancement is very anxious to eliminate as far as possible this traffic.

Mr. FALCONER. Mr. Chairman, I would like to have five minutes on this subject.

The CHAIRMAN. The gentleman from Washington [Mr. FALCONER] is recognized for five minutes.

Mr. FALCONER. I understand that we have about 65,000 people in the Territory of Alaska, one half of whom are natives and Indians and the other half white, a certain percentage of which, according to the testimony of the gentleman who is chairman of this committee, is "depraved white trash." Since the Government of the United States owns 95 per cent of the Territory of Alaska, and half the population natives and Indians, does it not occur to Members of the House that it is the office of the United States to eliminate whisky from Alaska? Is there any reason why the Government, having 35,000 natives and Indians in Alaska and being under a moral responsibility to protect these people, should not prohibit the manufacture or importation of whisky into the Territory of Alaska?

Now, it occurs to me—and I am not going to object to this item in the bill—that from the economic standpoint and from the standpoint of citizenship we should exclude from the Territory whisky.

Now, we have increased this appropriation $3,000 during the last year. I understand that the very best conditions obtain in Alaska, according to the testimony of some men, and yet we have to pay 50 cents per capita for every white man, whether he be of an average standard of citizenship or a "bootlegger," to keep him from giving to the unsophisticated natives of Alaska fire water which sets them crazy, a brand of liquor, according to the governor of Alaska called "40-rod whisky." I think the remark was made over there in the committee room that a man on taking a drink of this whisky could climb a telegraph pole——

Mr. COX. Backward—— [Laughter.]

Mr. FALCONER. And run up the side of a house. [Laughter.]. Or spit in the face of a Kadiac bear. [Laughter.] I want to ask the chairman of the committee if he does not think it would be advisable to eliminate whisky entirely from Alaska? Would it not be advisable for this Congress, from the economic standpoint, to pass a prohibitory bill, providing that no intoxicating liquor be sold in Alaska?

Mr. FITZGERALD. I will say very frankly to the gentleman, expressing my own opinion, that I do not think that sort of legislation leads to satisfactory results, either as to intoxication or as to the sale of liquor. I am not in favor of prohibition laws in the United States or in Alaska. As to what the effect of this whisky is I do not know. I was never up there; I never drank it, and never tried to climb a telegraph pole. [Laughter.]

Mr. WICKERSHAM. Mr. Chairman, if I may be permitted, I will say to the gentleman that most of the bad liquor comes from the State of Washington, from which the gentleman [Mr. FALCONER] hails, and they have to make expenditures of this same kind for the prevention of the sale of liquor to Indians in the State of Washington.

Mr. FITZGERALD. If we could prohibit the manufacture and sale of intoxicating liquors in the State of Washington perhaps not so much of it would go up into Alaska.

Mr. FALCONER. A very healthy condition obtains up there, I understand from the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. I have not taken that position. [Laughter.]

Mr. FALCONER. Then you contend that there is an unsatisfactory condition?

Mr. WICKERSHAM. I have not taken that position, either. [Laughter.]

Mr. FALCONER. Does not the gentleman think it would be advisable to put a statute on the books prohibiting the sale of liquor in Alaska?

Mr. WICKERSHAM. I do not think it ought to extend to Alaska alone, but it should also extend to the State of Washington, from which most of the bad whisky we have in Alaska comes. [Laughter.]

Mr. FALCONER. Well, I can assure the gentleman that we are going to go "dry" in the coming year in the State of Washington, and that no more good whisky will be shipped to Alaska. And then what will happen? Will you still need this appropriation?

Mr. WICKERSHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alaska [Mr. WICKERSHAM] moves to strike out the last word.

Mr. WICKERSHAM. The situation in Alaska with respect to liquor is better to-day than it has ever been before. Our licenses are issued by the courts, upon petition by the people of the community, and the courts are very strict in the issuance of licenses and the control of saloons in the Territory. There is a class of people coming into Alaska in schooners—smugglers from the gentleman's district—and they bring bad whisky up there with them and peddle it to the natives, and it is for the purpose of catching that class of people from the gentleman's district——

Mr. MANN. No wonder the gentleman from Washington wants prohibition—— [Laughter.]

Mr. WICKERSHAM. That this money is appropriated to catch these whisky peddlers, these "bootleggers," from Puget Sound, who violate the law, and not the people of Alaska. [Applause and laughter.]

The Clerk read as follows:

Sequoia National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, including the purchase of necessary

land where and under such conditions as the Secretary of the Interior may direct, for ranger station at a cost not exceeding $500; and the Secretary of the Interior is hereby authorized to accept patented lands or rights of way whether over patented or other lands in the Sequoia National Park that may be donated for park purposes, $15,550.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Is this intended to authorize the Secretary of the Interior to purchase land for one ranger station at $500, or for a good many at $500 each? It says:

Including the purchase of necessary land * * * for a ranger station at a cost not exceeding $500.

Does that mean $500 for each station, and authorize various stations, or does it mean for one ranger station?

Mr. FITZGERALD. It means $500 a station.

Mr. MANN. It means only one station?

Mr. FITZGERALD. That is my recollection. I will refresh it, however, in a moment.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Mount Rainier National Park, Wash.: For protection and improvement, construction of roads, bridges, fences, and trails, and improvements of roads, $51,000.

Mr. BRYAN. I move to strike out the figures "$51,000" and to insert in lieu thereof the figures "$111,208."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 106, line 25, strike out the figures "$51,000" and insert in lieu thereof "$111,208."

Mr. BRYAN. Mr. Chairman, Mount Rainier Park has really for its asset Mount Rainier, also known as Mount Tacoma, which is the highest mountain in the United States. It is one of the most wonderful parks in the world, but it has not received anything like the consideration by Congress that other parks have received. For instance, there has been a greater trend of tourists into California for summer travel, and this park has been a little bit slower in developing; but the time has come for some kind of recognition to be given to it, and I believe the Committee on Appropriations would do well to accept the estimates that were made: For road construction and improvement, $43,708; survey for north side road, $12,500; construction of south side road, $50,000; construction of new trails, $5,000; making a total of $111,208. I should have added $8,792 for general purposes, making $120,000. If this amendment were adopted and proper recognition were given the park, I am sure that the Government would be spending the money wisely and properly in improving its own property. This mountain and park is a tremendous resource of the people of this country. Our tourists are continually going abroad and are spending large sums of money in seeing Switzerland, the Alps, or the Canadian Rockies or elsewhere. Reaching a height of 14,408 feet, it towers above Mount Shasta, in California (14,162 feet); Mount Hood, in Oregon (11,225 feet); Mount St. Helens (9,697 feet); Mount Adams (12,307 feet); and Mount Baker (10,730 feet). This splendid mountain stands 10,000 feet above its immediate base and covers 100 square miles of territory.

If the Government will do its part toward constructing roads and opening up this splendid park, the people of Washington will do a great deal more. The Mountaineers, a widely known mountain-climbing club, pioneered in ascending the mountain on the eastern side both in 1909 and 1912. This club is planning to circle the entire mountain in the summer of 1915, and will thus further explore the park.

The following letters show the interest taken and the demands of the park and of those public-spirited citizens who, without hope of reward, busy themselves in the interest of the park:

SEATTLE-TACOMA RAINIER NATIONAL PARK COMMITTEE,
Tacoma, Wash., December 3, 1913.

Hon. J. W. BRYAN, M. C.,
House Office Building, Washington, D. C.

MY DEAR MR. BRYAN: Now that the regular session of Congress has begun and the estimates for Rainier National Park have been reported by the Department of the Interior, I am sending you, herewith inclosed, the recommendations and reports that have been made by our committee to the Department of the Interior, for it appears that our recommendations have been approved in every way.

We have not bothered you in the matter of urging our recommendations upon the Department of the Interior, for we felt that a sufficient burden would fall upon you when the estimates came up for committee consideration and, later, when the committee reports were considered in open Congress. Now that department estimates have been reported to Congress, I take the liberty of handing you the data filed by our committee with the Interior Department.

Put in brief, the recommendations of the intercity committee were for the following appropriations to be carried in the 1914 budget:

Road construction and improvement	$43,708
Survey of north-side road	12,500
To begin construction of south-side road	50,000
Construction of new trails	5,000
Total	111,208

To our recommendations as above indicated the department added an item of $8,792 for maintenance and general purposes, this added item making the total requested aappropriation $120,000, and it is this sum that the Department of the Interior has recommended.

When Secretary Lane and his principal assistant, Mr. Adolph C. Miller, visited Rainier National Park last August Secretary Lane requested that our committee secure the services of experts in road building and have prepared by them carefully considered recommendations for road construction and maintenance. This we did. Mr. Savage and Mr. Scofield went into the matter at length, and their carefully drawn report was submitted to the department, together with certain other recommendations of our committee. All of our suggestions were carefully drawn with a view to eliminating all unnecessary expenditure, and the members of our committee are exceedingly gratified to know that the officials of the Interior Department approved our report in every way.

I trust that you will have opportunity to read the intercity committee's recommendations and the report made by Mr. Savage and Mr. Scofield. Copies of both of these documents are sent herewith. Comparison with the estimates submitted by the Interior Department will show, I think, that our recommendations were closely followed. We are not advised as to when the park appropriations will come up for committee consideration. I am sending this data so that you may have opportunity to consider it in advance. If there is anything further that you should have in advance of committee hearings, kindly advise, and we will supply it immediately.

Awaiting your instructions in the matter, I beg to remain,

Very truly, yours,

T. H. MARTIN, *Secretary.*

RECOMMENDATIONS FOR ROAD AND TRAIL DEVELOPMENT IN RAINIER NATIONAL PARK, SUBMITTED BY SEATTLE-TACOMA RAINIER NATIONAL PARK COMMITTEE.

To the honorable SECRETARY OF THE INTERIOR,
Washington, D. C.

DEAR SIR: At a meeting of the Seattle-Tacoma Rainier National Park committee, held in the rooms of the New Seattle Chamber of Commerce, Seattle, Friday, October 3, 1913, various plans for road and trail development and maintenance in Rainier National Park were considered. Certain recommendations were decided upon, and these are submitted below. The improvement plans here recommended incorporate, in the judgment of our committee, road and trail development that is absolutely necessary to make the park reasonably accessible to the public.

The Secretary of the Interior visited Rainier National Park on August 15 of the current year. After his inspection of existing roads he conferred with members of our committee and the chief engineer of the State highway commission regarding recommendations that had been submitted to the department for road improvement and maintenance. At the conclusion of this conference the Secretary asked whether or not it would be possible to have the roads inspected by some experienced road builder; this for the purpose of securing the judgment of such a person on the matter of character and extent of work that should be done to complete the roads and maintain them in good condition. Members of our committee who were present promised that such an inspection would be arranged for, and the opinion of a road expert thus obtained submitted in due course to the department. In line with this understanding the intercity committee requested Mr. George Milton Savage and Mr. George Scofield, of Tacoma, both of them men of many years of practical experience in road building, to visit the park and make the investigation and report suggested by the Secretary. This plan was carried out, and a report, signed by both of the gentlemen named, was submitted to the intercity committee under date of September 29. The report was considered at yesterday's meeting of our committee, and is herewith transmitted to the Department of the Interior bearing our full approval.

The investigation made by Mr. Savage and Mr. Scofield was thorough, and their report bearing thereon is very comprehensive. It suggests a carefully considered plan for completing the present system of roads and making them safe. The report suggests methods for treatment of all parts of the road, and machinery best adapted for work of this character, and indicates materials that should be used. Further, the report gives definite estimates of cost for completing all units of the present road system, and recommends that the work outlined cover a period of five years on one of the units, three years on another unit, and one year on a third unit. Cost of all work and necessary equipment for first year is estimated at $43,708.

In line with this report, our committee recommends that the suggested plan be adopted, and that the item of expenditure for 1914 be included in the budget for that year.

A fundamental purpose of the Seattle-Tacoma Rainier National Park committee has been to advocate and work for development plans that would open up and make accessible all sections of the park. The general public has access now only to a limited region on the south side of the park. The beautiful natural parks of the north and east sides are not now accessible to the public for lack of roads. Surveys looking to road construction that will give access to the east side of the park are now under way, but nothing is being done to provide a way for travel to the beautiful north side parks. Our committee last year recommended appropriation of $25,000 to cover two surveys. An appropriation of $10,000 was made for a survey on the south side, and this survey is now in progress; but no provision was made for the survey recommended on the north side. We therefore urge again that provision be made for a road survey from the forest-reserve line near Fairfax up the Carbon River Valley to the Carbon Glacier, thence to Spray Park and Morain Park on the north side of the mountain. Approximate location of the road here proposed is indicated on map accompanying this report.

Besides the general desirability of making the beautiful north side parks accessible, there are two very practical reasons that actuate our committee in urging this phase of park development: The Northern Pacific Railway now operates to Fairfax, a point that is very near to the location where the proposed north side road would enter the national park. If the park were made accessible on the north side, as here proposed, the Northern Pacific Railway would immediately become interested in passenger travel to the park. This would greatly increase advertising and the general exploitation of Rainier National Park—an advantage that would result in tremendous benefit to the entire Northwest. More than this, entrance to the north side of the park, as shown by road systems indicated on accompanying map, would greatly shorten travel distances from the entire Puget Sound country to the national park. In view of the broad and general benefits to result from a north side entrance to the park, we respectfully urge that the 1914 budget

carry an item of $12,500 for survey of a north side road, approximate location to be as above indicated.

Congress at the last session appropriated $10,000 for a road survey from a point near Longmire Springs to the eastern boundary of the forest reserve, there to connect with the county road leading west from North Yakima. After this appropriation was made it developed that the State of Washington and the county of Yakima had appropriated funds for the construction of a road from North Yakima through the forest reserve to the eastern boundary of the national park. This State and county road is now partially constructed; indeed, it is available for automobile travel from North Yakima to the summit of the Cascade Mountains, a point within 3 miles of the eastern boundary of the national park. The State and Yakima County jointly have appropriated $85,000 to complete this road to the park boundary, and the work is now under way. Beyond question the road will be completed during 1914. At the conference held with the Secretary of the Interior at the time of his visit to the national park in August, it was pointed out that it would be unnecessary for the Government survey to extend to the eastern boundary of the forest reserve; this because the State was then constructing the road through the forest reserve to the park boundary. Hence it would be necessary for the Government survey to extend only to the eastern boundary of the park, there to connect with the State and county road from North Yakima. For this reason the Government survey, now in progress, is being made from a point near Longmire Springs in a southerly direction, going outside of the park and through the forest reserve to a point in the Cowlitz Valley; thence north up the Chanapokosh Valley, leading along the eastern boundary of the park to a point near the center, where it is proposed to connect the Government road and the State road at the park boundary. This proposed line is indicated on accompanying map. The Government survey is running outside of the national park through the forest reserve in order that elevation of the road may not be greater than 3,000 feet. This route for the road was strongly recommended by Mr. F. E. Matthes, Government engineer, who made a very careful study of national park topography. Practically all engineers and mountaineers who are acquainted with snow conditions on the mountains agree that it will be necessary for this south-side road to run outside of the national park to gain levels that will make the road available for a reasonable portion of the year.

Since the State of Washington and Yakima County have undertaken the construction of a road to the eastern boundary of the national park—this to be completed during 1914—it seems important to our committee that work on the Government road, now being surveyed from a point near Longmire Springs, to connect with the State road at the eastern boundary of the park, be entered upon as soon as the survey is completed and the data thereon ready for submission to contractors. Our committee recommends, therefore, that an item of $50,000 be carried in the 1914 budget, this sum to be used in starting work on the south-side road now being surveyed, the sum appropriated for this purpose to be available as soon as the survey is completed and approved.

To provide access to many desirable points in the national park, and to provide means, as well, for proper fire patrol of the park forests, we recommend that an item of $5,000 be carried in the 1914 budget for construction of new trails.

For reasons stated, our committee strongly recommends the extension of national park boundaries as follows: To include the 3-mile strip of forest reserve along western boundary of park, the 6-mile strip of forest reserve lying north of the park, and enough of the forest reserve on south side of park to incorporate the south-side road, which is now being surveyed. Our first reason for making this recommendation is based upon the fact that the narrow strips of forest reserve indicated carry many parcels of magnificent timber that should be preserved as an important feature of national park interest. Our second reason for making the recommendation is to the end that the territory through which roads must pass in order to reach the national park be brought under the same departmental authority that deals with the national parks. Under present conditions road construction and maintenance through those forest-reserve strips entail great embarrassment. It has required years of effort to establish a workable plan for creating and maintaining a satisfactory road on the present route through the 3-mile strip of forest reserve lying west of the park. These embarrassing conditions will be obviated if the national park boundaries are extended to include these narrow strips of forest reserve. For the reasons named we strongly recommend that the strips of forest-reserve territory indicated be incorporated in the national park.

In the foregoing recommendations we have not touched upon regular park maintenance items. We feel that your department is in position to pass proper judgment on items of this character. Our recommendations bear only upon matters of park development, and the recommendations that we have made are for improvements that we believe to be absolutely necessary for the logical development of the park, to the end that it may be accessible, in a reasonable and proper measure, to the general public.

Respectfully submitted.

ASAHEL CURTIS, *Chairman*,
T. H. MARTIN, *Secretary*,
Seattle-Tacoma Rainier National Park Committee.

TACOMA, WASH., *October 4, 1913.*

I ask to extend my remarks in the RECORD on this subject.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. The estimate submitted by the superintendent of this park was $1,201,600 for improvements for next year. The department estimated $120,000. The appropriation for the current year is $13,400. The largest sum ever appropriated in any one year was $20,000. The committee will understand that neither the superintendent of the park nor the department were at all modest in their requests for the improvements to be made there. The committee recommends the appropriation of $51,000. It has done so after hearing the Army officer in charge of these roads and after considerable investigation and after examining the maps to indicate what was being done. For the benefit of those Members who are familiar with the park I will say that this money will improve and continue the road from the park boundary to the Nisqually Glacier. If that much were done next year it would be a very considerable improvement, and thereafter, I assume, it will be the policy year by year, within a reasonable amount, to carry on the work of opening up this park. There are 207,000 acres in it. The work can not be done very rapidly, but after consultation with a number of Members interested in the matter, this being the particular improvement which is most highly desired and which ought to be made if anything is to be done, the committee recommended $51,000, an increase of $37,000.

Mr. BRYAN. I hope my colleague will permit me to remind him whether he ought to say Mount Rainier or Mount Tacoma.

Mr. FITZGERALD. I think the amount appropriated is all that the gentleman from that section really expected the committee to recommend.

Mr. JOHNSON of Washington. I desire to say that Mount Rainier National Park—I should say Rainier-Tacoma National Park, for that is what we call the mountain out West—is entirely within the district which I have the honor to represent. It is a national park of which we are all very proud. From letters I have received recently I think the citizens of all western Washington are pleased and gratified at what has been done by the Government for the improvement of the park and the roads within it. While we asked for $120,000 in order that we might carry out a general scheme which has been outlined, our people feel that the Committee on Appropriations has been quite liberal, particularly as definite promises are made as to future improvements. The chairman of the committee, the gentleman from New York, gave us extended hearings, and is fully informed as to the plan to carry the State east-and-west road through the great park. To him I desire to say that the people of western Washington are gratified and pleased that through this appropriation of $51,000 the completion of a good, safe road far up into the snows of the most majestic and most beautiful mountain in the United States will be accomplished. Other improvements will follow. I think the chairman of the committee will agree that the delegation from Washington was most reasonable in accepting $51,000 for such a grand mountain.

Mr. BRYAN. Does the gentleman say that the delegation was satisfied with this?

Mr. JOHNSON of Washington. The people of southwestern Washington district realize that they have submitted elaborate plans.

Mr. BRYAN. The gentleman is not opposing my amendment?

Mr. JOHNSON of Washington. Oh, no; I am not opposing the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Mesa Verde National Park, Colo.: For protection and improvement, including the lands within 5 miles of the boundaries of said reservation, which, under the act of June 29, 1906, are to be administered by the same service established for the custodianship of the park, $10,000.

Mr. RAUCH. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 107, strike out all after the word "improvement," in line 2, down to and including the word "park," in line 6.

Mr. RAUCH. Mr. Chairman, I will say that the act referred to has been repealed and that the committee did not have knowledge of it until after the bill was reported. Our jurisdiction is confined to the park.

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Platt National Park, Okla.: For maintenance, bridging, roads, and trails, $8,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. The gentleman from New York is quite familiar with the Platt National Park as an old proposition. What is the purpose now in reference to it, and can the gentleman tell us whether there is an item in the agricultural bill for it?

Mr. RAUCH. I understand that that item has been stricken out of the agricultural bill by the conferees.

Mr. MANN. The conference report has not yet been acted upon, but it proposes to strike out the item?

Mr. RAUCH. I understand the conference report proposes to strike out the item.

Mr. MANN. How can we spend $8,000 in this park unless they lay down gold dollars one on top of the other?

Mr. RAUCH. The expenditure is for bridges and roads and trails.

Mr. MANN. Why, you can step across it.

Mr. FITZGERALD. It is about a section and a half, nearly 900 acres.

Mr. RAUCH. I have here the expenditures.

Mr. MANN. Let us hear them.

Mr. RAUCH. Salaries, $3,640.

Mr. MANN. I thought so.

Mr. RAUCH Electric-light service, $250; telephone service, $100; repairs to buildings, $1,200; maintenance, repair and conconstruction of roads, trails and culverts, cutting wood, shoeing animals, planting and harvesting crops, repairs of farm tools, scavenger work, repairs of fences, $1,000; miscellaneous expenses, $310.

Mr. MANN. How are they doing all these things now?

Mr. FITZGERALD. They have the same amount in the deficiency bill of this year. We had to give it to them. The pitiful wail that went up from Oklahoma that the Government property was being destroyed, mutilated, and mistreated, and that some patriotic citizens were serving the Government without pay was too much for us.

Mr. MANN. Here is an appropriation for a park under a treaty with the Indians which we agreed to turn over to the State of Oklahoma. We failed to give it to them. Oklahoma says it will not take it as a gift. They will not accept it; it is not worth taking. Nobody will take it; it is a waif and an orphan in the world. Then we propose to spend $8,000 for maintenance, for building bridges, roads, and trails. There is nothing there.

Mr. FITZGERALD. Oh, yes; there is something there.

Mr. MANN. There is some nasty water there which may be healthy. The local people will not take it; the State will not take it. They want to maintain it at Government expense, purely in the interest of people who keep boarding houses there.

Mr. FITZGERALD. It is a regular gold mine for them.

Mr. MANN. Yes; for the people that keep the houses, and it is a gold mine for the people that draw the salaries.

Mr. FITZGERALD. The gentleman is aware that they took no chances in the appropriation this year.

Mr. MANN. I understand that not having it last year in the sundry civil bill, they got it in a deficiency bill. Then they went to the Senate and got an appropriation in the Agricultural bill.

Mr. FITZGERALD. Then they found out that would put them under the Agriculture Department and they did not like it.

Mr. MANN. I notice, however, that the item was retained in conference on the Agricultural appropriation bill until the day it was to be reached in this House on the sundry civil appropriation bill, and it has not yet been disposed of in the Agricultural bill, for the conference report has not yet been acted upon. I never have seen anyone more careful of their chances than the people who are behind the Platt National Park.

Mr. FITZGERALD. I have, in the case of Sullys Hill Park, in North Dakota. That was put in by the Senate in the Agricultural appropriation bill.

Mr. MANN. I am not familiar with that. The only way to be more careful would be to get this item in three different appropriation bills.

Mr. FITZGERALD. But the Sullys Hill item did not appear in the sundry civil appropriation bill when it was reported to the House, so that it has been retained in the Agricultural appropriation conference report.

Mr. MANN. I will confess my ignorance, for I do not know where Sullys Hill is; but I have heard of the Platt National Park for many years, and I have never heard any good of it.

Mr. FITZGERALD. The gentleman ought to hear the gentlemen from Oklahoma who are temporarily absent.

Mr. MANN. Oh, I have heard the gentlemen from Oklahoma who are temporarily out of the Chamber declare that the State of Oklahoma would not take it as a present.

Mr. PAGE of North Carolina. Mr. Chairman, I move to strike out lines 12 and 13, on page 107.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 107, strike out lines 12 and 13.

Mr. PAGE of North Carolina. Mr. Chairman, I regret that the gentleman from Oklahoma who is interested in this item of the Platt National Park is not present, and it is with some hesitancy that I have made the motion to strike it out in his absence; but as I have on several occasions prior to this time on the floor of the House stated that this is the most indefensible proposition I have ever known in any appropriation bill that is presented to the House of Representatives, and as we have tried repeatedly to give this piece of property to the State of Oklahoma, to the town that it adjoins or to the county in which it lies, and as the authorities will not take it as a gracious gift, I feel that I am quite within my rights in making the motion at this time. I am satisfied that these authorities never will accept that as a gift so long as the National Government makes an appropriation for its maintenance, and believing thoroughly that it is unjustifiable, that it should not be kept in the bill, I make the motion to strike it out.

Mr. SLOAN. Mr. Chairman, it seems to me that this particular park is without a friend on the floor. I have no doubt that the Members from Oklahoma are interested in preserving this park and maintaining its rights. I would like very much to hear the arguments in answer to those that have been made against the appropriation. I therefore ask unanimous consent that this paragraph be passed over without prejudice until tomorrow. It is now half past 7 o'clock and there are not more than 35 Members on the floor.

Mr. MANN. Oh, let us dispose of it now.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to pass over the paragraph without prejudice.

Mr. FITZGERALD. Mr. Chairman, if we pass over these items we will never consider them. I will have to ask that the item be disposed of. Everybody wishes to have matters passed over, but they ought to be considered. I object to passing it over now.

Mr. MONDELL. Mr. Chairman, I hope the amendment will not prevail. As a member of the subcommittee, and as a member of the Committee on Appropriations, I think the committee itself ought to defend the bill that it has reported. I admit that this item perhaps ought not to be in the bill. I admit that the item is not entirely justifiable; but I am surprised that having so large an attendance of the Democratic Members from Oklahoma this afternoon there is not a single solitary one of them here, so far as I can see, to defend the item at this time. Therefore I rise to defend it, not because it is entirely defendable, not because it ought beyond question to be in the bill, but because it is in the bill. The subcommittee reported it to the full committee, and I propose to stand by what we have done.

Mr. BARTLETT. The gentleman is mistaken; there is a gentleman from Oklahoma here.

Mr. MOORE. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. MOORE. Some one must have appeared before the committee or the subcommittee urging this appropriation.

Mr. MONDELL. Oh, no; it was estimated for, and we appropriated for it because it was estimated for.

Mr. MOORE. Mr. Chairman——

Mr. BARTLETT. The gentleman from Wyoming has overlooked the fact that there are two Representatives from Oklahoma here.

Mr. MONDELL. Well, some one has sent out a hurry-up call, and the gentlemen from Oklahoma have at last appeared.

Mr. MURRAY of Oklahoma. Mr. Chairman, I feel, in view of what the gentleman has said, since it is now 35 minutes past 7 o'clock p. m., with a continuous session without adjournment, I should state that three Members from the State of Oklahoma were sitting downstairs at the table, Mr. THOMPSON, Mr. CARTER, and myself, eating supper, as we would say at home, when we got word that the committee had reached this item in reference to the Platt Park. Now, I want to say to the gentleman from Wyoming he is not at all in earnest about this matter.

Mr. MONDELL. Why, I am advocating the appropriation. I am the only one who has risen to defend it.

Mr. MURRAY of Oklahoma. Well, then, the gentleman is a gentleman, a scholar, an orator, and a statesman.

Mr. PAGE of North Carolina. Mr. Chairman, for the information of the gentleman, since he has come in after the motion was made, I desire to plead guilty to being the gentleman who moved to strike out this appropriation. Now, if the gentleman will indulge me——

Mr. MURRAY of Oklahoma. I know the gentleman will withdraw it.

Mr. PAGE of North Carolina. If the gentleman will give me one reason why the item should stay in the bill——

Mr. MURRAY of Oklahoma. Well, the first is this, the park costs less to maintain than any park in the United States.

Mr. PAGE of North Carolina. Does the gentleman really give that as a reason?

Mr. MURRAY of Oklahoma. Well, the main reason for it is this: It is more than a park; it is a health resort, and twice as many people visit that park than any other park in the United States, according to the Government records, and if you are going to maintain any park, why not maintain one which the great body of the people visit.

Mr. PAGE of North Carolina. Where do these people come from who visit this park? From the town that adjoins it?

Mr. MURRAY of Oklahoma. From all over the country. The people of North Carolina if they understood——

Mr. PAGE of North Carolina. My information has been the principal good that comes from this was that the town that adjoins it got its water supply furnished it by the Government.

Mr. MURRAY of Oklahoma. Well, every town that gets an appropriation like any town in the gentleman's district is benefited by reason of the appropriation from the Federal Government. Any town, of course, is benefited from any appropriation, and this town, of course, gets its benefit indirectly just like a town down in the gentleman's district.

Mr. PAGE of North Carolina. A direct benefit comes to this particular locality; the indirect benefit is entirely lacking.

Mr. MURRAY of Oklahoma. No; the direct benefit is that same benefit that flows to any people that look for a place for resort and for a playground for the public when men want to get away from business.

Mr. PAGE of North Carolina. Seriously, does not the gentleman think the State of Oklahoma ought to pay for this resort and not the United States?

Mr. MURRAY of Oklahoma. I do not; no, sir.

Mr. PAGE of North Carolina. Well, I know of no other resort of this sort that is maintained——

Mr. MURRAY of Oklahoma. What about the Yellowstone Park?

Mr. PAGE of North Carolina. The gentleman does not put this in the same category?

Mr. CARTER. Did the gentleman from North Carolina ever hear of the Hot Springs, Ark.?

Mr. PAGE of North Carolina. Yes, sir; I have heard of it.

Mr. CARTER. The gentleman says there is no other resort of this sort that is maintained by the Government.

Mr. PAGE of North Carolina. Does the gentleman think it is anything like Hot Springs?

Mr. CARTER. It is the same character of park, exactly.

Mr. PAGE of North Carolina. I have rather too much information, real information, about this appropriation and this proposition for the two gentlemen, one on my left and the other on my right, both from Oklahoma, to enlighten me as to the real merits or demerits of this proposition, and I shall insist upon my amendment.

Mr. THOMPSON of Oklahoma. I hope the gentleman will withdraw his motion.

Mr. MURRAY of Oklahoma. The gentleman does not mean that at all. The gentleman just wants to have a little fun. I am going to leave it to the good sense of the House to vote against the motion of the gentleman to strike out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. PAGE].

Mr. CARTER. Mr. Chairman, I would like to be heard on this amendment for a moment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] is recognized.

Mr. CARTER. Mr. Chairman, this Platt National Park, which has been gone over so often in this House, is a small Government park in Murray County, Okla., in the district represented by my colleagues Mr. THOMPSON and Mr. WEAVER. It is a health resort somewhat similar to Hot Springs, Ark.; perhaps not quite so extensive and elaborate as Hot Springs and not quite so famous in its restitution of the afflicted to health, but nevertheless it is a splendid health resort where a great many people go in the summer months for recreation and health. It was purchased by the Government and set aside at a price, as I recall, of nearly $200,000. There are improvements there now which should be taken care of, and the only thing that this appropriation provides for is for the administration of the park and care of the improvements. I am surprised at my friend from North Carolina [Mr. PAGE]——

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. CARTER. Yes; in a moment. I am surprised that my friend from North Carolina [Mr. PAGE], in the discharge of his official duties as a member of the Committee on Appropriations, would want to abandon and let go to wrack a valuable piece of property belonging to the Federal Government.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CARTER. I promised to yield to my colleague [Mr. THOMPSON] first.

Mr. PAGE of North Carolina. The gentleman from North Carolina and other gentlemen have tried to give to the State of Oklahoma this piece of property, and you would not take it. [Laughter.]

Mr. CARTER. After you paid $200,000 for it?

Mr. PAGE of North Carolina. Yes. It is of more value than that.

Mr. CARTER. That is the reason why I criticize the gentleman. He is now so derelict in his duty in guarding the interests of the Government that he would abandon this splendid health resort for a niggardly $8,000.

The gentleman has just read to this side of the House a lecture on economy, and now for the sum of $8,000 he proposes to abandon and leave to rack and ruin of neglect property costing this Government $200,000. I am furthermore surprised at the gentleman for the reason that no opposition was made to this item in the consideration by the Committee on Appropriations, but now, when he found the Members of the Oklahoma delegation temporarily absent from this Chamber, getting their supper, as we all have to do at this time of the evening, he takes advantage of that absence and tries to strike this item from the bill.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I want to say, in answer to the statement of the gentleman from North Carolina [Mr. PAGE], that it is not a local park at all. It serves Kansas and Texas and Arkansas, besides Oklahoma and——

Mr. MURRAY of Oklahoma. And New Mexico.

Mr. THOMPSON of Oklahoma. Yes. As I said a moment ago, more people go to the Platt National Park than go to the Yellowstone Park. We have 12 national parks, and the Platt National Park in Oklahoma entertains more visitors than any other park in the United States, with the exception of the Hot Springs National Park.

Mr. PAGE of North Carolina. Mr. Chairman, if the gentleman will allow me, in view of the fact that this appropriation has recently disappeared from another appropriation bill, and in view of the eloquent plea of the three gentlemen from Oklahoma, I withdraw my amendment. [Applause.]

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To reimburse the United States the amount due on account of one-half of the per capita cost of maintenance of indigent patients in Freedmen's Hospital from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1906 to 1913, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1915, the sum of $41,209.73, which amount so transferred shall be covered into the Treasury as miscellaneous receipts.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I ask the gentleman in charge of the bill, What does this language mean in that transferred item of the Freedman's Hospital, "There shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1915, the sum of $41,209.73, which amount so transferred shall be covered into the Treasury as miscellaneous receipts"? What does that language, "beginning with the fiscal year 1915," mean?

Mr. RAUCH. It is to make the transfer as of the beginning of the fiscal year 1915.

Mr. MANN. That is not what it says. It does not say "the beginning of the year 1915," but to make the transfer "beginning with the fiscal year 1915." I really do not see what the point to that language is.

Mr. RAUCH. It is intended to mean as of the year 1915.

Mr. MANN. You do not need to have that language at all if the transfer is to be made in the fiscal year 1915, because this bill takes effect then, with the beginning of the fiscal year 1915. I do not think it is material, but that language does not mean anything the way it stands in the bill, unless it is intended to run for a series of years.

Mr. RAUCH. In the event that this bill had become a law in May, for example, we did not want it to become operative until the beginning of the fiscal year. This language was intended to take care of the situation if this bill had passed at an earlier date.

Mr. MANN. Then I should suppose instead of saying—

Beginning with the fiscal year—

You would have said—

With the beginning of the fiscal year.

Mr. MONDELL. Or—

At the beginning of the fiscal year.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $300,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. MOORE. I move to strike out the proviso.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 115, beginning with line 16, strike out the following words: "*Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. BARTLETT. A parliamentary inquiry. I understand the gentleman moves to strike out the proviso.

Mr. MOORE. I move to strike out the two provisos which have been read by the Clerk, beginning with line 16 and continuing to the end of the paragraph.

This matter has been fought over in the House before, and if the trust legislation recently passed through the House means anything, this paragraph is unnecessary. The two provisos which we have here have something of a history. If we are to believe the statements of certain of our friends who assume to speak for the organized-labor movement of the United States, they have been contested for for 20 or 25 years. They appear to establish class legislation, and to set aside from the operation of the law certain men who by reason of their exemption would have privileges under the law which are not accorded to other men, contrary to the spirit of the Declaration of Independence, of the Constitution of the United States, and of all that we have ever been taught with regard to the equal rights of men.

Mr. BARTLETT. Will the gentleman point out what part of the Constitution of the United States either of these provisos would contravene?

Mr. MOORE. I think the spirit of the Constitution, as well as the letter of it, provides for the equality of man, so far as the protection of the law is concerned. I call the gentleman's attention to the fourteenth amendment——

Mr. BARTLETT. The fourteenth amendment does not affect Congress. That simply restrains the States.

Mr. MOORE. Oh, I think it establishes a principle believed in by almost everybody in the United States, that before the law all men are equal; and the gentleman from Georgia [Mr. BARTLETT], who is interested in this paragraph, and who has introduced a bill to set aside from the operation of the law certain men engaged in certain kinds of business——

Mr. BARTLETT. I have got the principles of my bill incorporated in the antitrust bill which has passed the House.

Mr. MOORE. If that be true, it is absolutely unnecessary here.

Mr. BARTLETT. But if the gentleman will permit me——

Mr. MOORE. Of course, I have not very much time.

Mr. BARTLETT. I apprehend the gentleman can get more time if he wants it. I was interested in knowing what provision of the Constitution this legislation contravenes. The gentleman suggested the fourteenth amendment, and I suggested——

Mr. MOORE. The gentleman asked for something specific. You will find something in the fourteenth amendment about every man having an equal right to the protection of the law.

Mr. BARTLETT. In the States.

Mr. MOORE. The gentleman will also find a great deal in the preamble——

Mr. BARTLETT. The fourteenth amendment provides that the States shall not deprive anyone of the equal protection of the laws.

Mr. MOORE. I am trying to answer the gentleman's question.

Mr. BARTLETT. The fourteenth amendment simply restrains the States. There is nothing in the Constitution that restrains Congress in this respect.

Mr. MOORE. If the gentleman takes the ground that there is nothing in the Constitution that gives a man protection before the law——

Mr. BARTLETT. I never took any ground of that sort.

Mr. MOORE. I make the statement that this would appear to be class legislation, and that the bill which the gentleman introduced, which is voiced by these provisos, contemplates the exemption of a certain class of our citizens from the operation of laws which apply to other citizens. Either that, or these provisos are innocuous. Now, I was about to say that these provisos have a history. They have been advocated here for a great many years upon the ground that certain organizations ought to be privileged from the operation of the so-called antitrust laws. It has been said that the act of 1890, the Sherman antitrust law, contemplated that farmers' organizations and labor organizations should be excluded from the operation of that act.

It has been so stated on the floor. It is constantly stated in the literature that comes to Members of Congress. These statements are usually attributed to one or two men who are dead—Senator Hoar and Senator Sherman. It happens that Senator Edmonds, of Vermont, one of the great lawyers of these times, one of the great men who had to do with the passage of the Sherman antitrust law, is still alive, and out of his mouth we have it that there was no exemption such as has been suggested contemplated in the passage of this law, and that it would have been absurd to say that Congress intended to pass a law excepting a class of citizens from its operation.

The gentleman from Georgia has his own opinion and I have mine. It should not worry a Member of Congress to go before his constituents and say that he did not vote to except any one man from the operation of the law that he held another to, but that he did stand for equal rights for all men before the law. I think the gentleman from Georgia in advocating the Bartlett bill took the other side—that a few men would thus be picked out of millions of others and made exempt from the operation of the law.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE. Now, I am not a lawyer with the fine constitutional capabilities of the gentleman from Georgia and many other of the lawyers in this House. But I think I have the common-sense view of it, and I think I have the patriotic view of it. It is not a question of courage at all. It is a question of doing what is right. I believe that if we stand here for legislation that means equality before the law, we are doing exactly what is right; and when we stand for legislation that specializes certain men, takes them out from the operations of the law, we are doing what is contrary to the oath we take when we come here and swear that we will support the Constitution and the laws of this country.

I am not alone in this view of it. Many of our great lawyers take the same view of it. The other day it was said that Mr. Roosevelt had a different view on this proposition, and that when he and his party came into power there would be an exemption, not such as the Democratic Party proposed here, which is said to be innocuous, but an exemption that would be a real exemption.

Now, we have it from the mouth of Mr. Roosevelt himself that he was opposed to this kind of legislation, and he so told the leaders of the labor organization when they called upon him. There was no hesitation on his part. The gentlemen who assumed to speak for him on this floor have entirely misconstrued and misinterpreted what he said if they say that Mr. Roosevelt ever favored exemption of a certain class from the laws of this country.

Mr. BRYAN. Will the gentleman yield?

Mr. MOORE. For a question.

Mr. BRYAN. Can the gentleman point to any statement of Mr. Roosevelt wherein he has said that he was opposed to this?

Mr. MOORE. I certainly can, and I am glad the gentleman asked the question, because I thought he probably would. I assume now that the gentleman is speaking for the Progressive Party.

Mr. BRYAN. I am speaking for myself.

Mr. MOORE. President Roosevelt was speaking to Mr. Gompers, president of the American Federation of Labor. Mr.

Roosevelt said to him in regard to these efforts to obtain special privileges for special classes of workingmen:

But, understand me, gentlemen, if I ever thought it necessary, if I thought a combination of laborers were doing wrong, I would apply for an injunction against them just as quickly as against so many capitalists.

Mr. BRYAN. But he never said it was wrong to do the things mentioned in this act.

Mr. MOORE. When I get leave to extend my remarks I will put a good deal more in the RECORD that Mr. Roosevelt said, which controverts the statement made by the Progressives that they would give "real exemption to labor" when they came into power. The Democratic Party may not intend to give exemption to labor by this proviso. It may or may not be antitrust legislation. I question whether it is effective, because at the close of the first proviso it takes care of the Democratic Party, if it does not satisfy the labor leaders, by saying that that thing which shall be exempt from the operation of the law "shall not in itself be unlawful." Then what is the use of putting this on the statute books at all? Mr. Roosevelt was not in favor of this kind of legislation.

Mr. Taft vetoed the bill with this paragraph in it when it came before him, and your President, Mr. Woodrow Wilson, held it up for a long time, giving the general public the impression that he did not propose to stand for this legislation; finally he permitted the bill with the exemption clause to pass with a statement to the public which is not of record—a mere statement to the newspapers—that this not being substantive legislation he did not think himself warranted in vetoing the bill. You are now going to send it back to him in the form of substantive legislation, as you lawyers call it, as it appears in the antitrust bill. There is no necessity of sending it back again in this appropriation bill, because this is an innocuous paragraph, if that line "not in itself unlawful" means anything. That may be a sop to labor, but——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. Mr. Chairman, there is more indefensible talk about this paragraph than any other item in any bill during my service in Congress. This item for the enforcement of the antitrust laws was first inserted in an appropriation bill on the motion of the gentleman from Georgia, Judge BARTLETT.

Mr. BARTLETT. No; it was on motion of the gentleman from New Jersey [Mr. HUGHES].

Mr. FITZGERALD. The gentleman corrects me. It was the gentleman from New Jersey [Mr. HUGHES].

Mr. BARTLETT. I wrote the amendment, but he offered it.

Mr. FITZGERALD. Because the Republican administrations had not been prosecuting trusts that were violating the Sherman antitrust law. The gentleman from Georgia understands that I am talking about the appropriation bill when I say that he was the first one to suggest it.

Mr. BARTLETT. Oh, the gentleman is right about that.

Mr. FITZGERALD. Then it was found out that even after the appropriation was made, and $500,000 was carried in the bill in 1904, practically none of it was used the first year, and it was nearly four or five years before it was used. Then a case or two arose when it was ascertained that there seemed to be more interest in prosecuting labor organizations than the great trusts that were feeding upon the mass of the people. The gentleman from Pennsylvania [Mr. MOORE] grows very indignant because there has been attached to this paragraph a proviso requiring this appropriation to be expended for services in the prosecutions of industrial combinations, railroad combinations that violate the antitrust law, and that it shall not be used in prosecuting labor organizations or farmers' unions that may come within the purview of the law. The purpose was to give no excuse to any administration that it did not have ample funds to vigorously enforce the antitrust law against industrial combinations. The gentleman from Pennsylvania now complains about this action of the House in discriminating, taking one class out of the operation of the law and making it a preferred class. Let me recall to the gentleman from Pennsylvania that during the administration of President Taft there was prepared under the supervision of Attorney General Wickersham, under the immediate supervision of the gentleman from Michigan [Mr. TOWNSEND], now a Senator from that State, what was known as the administration railroad bill, and that bill as reported to this House contained a provision which eliminated the great railroads of the country from the operation of the Sherman antitrust law, and President Taft, and the gentleman from Pennsylvania, and all of the other servile followers of President Taft who are denouncing Members because they limit the appropriation so that it will be utilized for the purposes originally intended, were all anxious to have the Sherman antitrust law so amended that it would not affect the great railroads.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. Was not this same provision incorporated in the Clayton antitrust law lately passed by the House?

Mr. BARTLETT. That is correct.

Mr. FITZGERALD. That may be. I do not recall.

Mr. STAFFORD. The gentleman from Georgia and the other Members about the gentleman from New York say that it is.

Mr. FITZGERALD. I assume that it was. I am pointing out the difference in the attitude of gentlemen. They were willing to exempt the railroads of the country from the Sherman antitrust law and yet complain that an appropriation intended for prosecution of great industrial combinations is confined to that purpose. The United States Supreme Court has just handed down a decision in the International Harvester Co. against the State of Missouri, and I desire to quote briefly from the opinion.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The United States Supreme Court has just handed down a decision in International Harvester Co. against Missouri, justifying a statute against the charge of illegal discrimination, and in that case the court said:

In State v. Standard Oil Co. (218 Mo., 1, 370, 372), the Supreme Court held that the antitrust statutes of the State "are limited in their scope and operations to persons and corporations dealing in commodities, and do not include combinations of persons engaged in labor pursuits." And, justifying the statutes against a charge of illegal discrimination, the court further said that "it must be borne in mind that the differentiation between labor and property is so great that they do not belong to the same general classification of rights or things and have never been so recognized by the common law or legislative enactments."

Accepting the construction put upon the statute, but contesting its legality as thus construed, plaintiff in error makes three contentions: (1) The statutes as so construed unreasonably and arbitrarily limit the right of contract; (2) discriminate between the vendors of commodities and the vendors of labor and services; and (3) between vendors and purchasers of commodities.

The Harvester Co. appealed from this judgment on the ground that labor organizations were not included within the scope of the Missouri statute.

Mr. BARTLETT. That they were expressly exempted?

Mr. FITZGERALD. That they were expressly exempted.

Mr. MOORE. Give us the citation.

Mr. FITZGERALD. I have already cited it. It is the case of the International Harvester Co. of America, plaintiffs in error, against the State of Missouri, on the information of the Attorney General. The court further says:

(2) and (3) These contentions may be considered together, both involving a charge of discrimination—the one because the law does not embrace vendors of labor, the other because it does not cover purchasers of commodities as well as vendors of them. Both, therefore, invoke a consideration of the power of classification which may be exerted in the legislation of the State. And we shall presently see that power has very broad range. A classification is not invalid because of simple inequality. We said in Atchison, Topeka & Santa Fe Ry. Co. v. Matthews (174 U. S., 96, 196), by Mr. Justice Brewer, "The very idea of classification is that of inequality, so that it goes without saying that the fact of inequality in no manner determines the matter of constitutionality." Therefore, it may be there is restraint of competition in a combination of laborers and in a combination of purchasers, but that does not demonstrate that legislation which does not include either combination is illegal. Whether it would have been better policy to have made such comprehensive classification it is not our province to decide. In other words, whether a combination of wage earners or purchasers of commodities called for repression by law under the conditions in the State was for the legislature of the State to determine.

The court further says:

And so in the case at bar. Whether the Missouri statute should have set its condemnation on restraints generally, prohibiting combined action for any purpose and to everybody, or confined it as the statute does to manufacturers and vendors of articles and permitting it to purchasers of such articles; prohibiting it to sellers of commodities and permitting it to sellers of services, was a matter of legislative judgment, and we can not say that the distinctions made are palpably arbitrary, which we have seen is the condition of judicial review. It is to be remembered that the question presented is of the power of the legislature, not the policy of the exercise of the power. To be able to find fault, therefore, with such policy is not to establish the invalidity of the law based upon it.

Whatever may be the opinion of the gentleman from Pennsylvania, I agree with the court that there is a substantial and vital difference between the regulation of the right of human beings to labor and the dealing in commodities, and I am not willing, whatever may be the opinion of anyone else—and I say it so that there may be no misunderstanding of my position—that the one law without any distinction or difference should not apply to labor, the right to labor, and dealing in com-

modities. [Applause.] I do not believe that this appropriation put at the disposal of the administration to prosecute the violators of the Sherman antitrust law, the industrial combinations that were enriching themselves at the expense of the country in violation of the law, should attempt to control or to coerce men combined in organization for the betterment of their condition.

If members of these organizations do violate any law and are subject to any criminal prosecution, there are ample means and ample remedy to reach them in a proper manner. This appropriation in my opinion should be segregated. I rejoice that the committee included this recommendation in the bill and I hope that it will remain in it.

I now yield to the gentleman from Pennsylvania.

Mr. MOORE. The gentleman says that there would be ample remedy to prosecute any member of a union who violated the law. Would that apply to an organization which had its headquarters, say, in Indianapolis but which operated in New York?

Mr. FITZGERALD. I assume so.

Mr. MOORE. Would not it be bound solely by the laws of the State in which the act was committed?

Mr. FITZGERALD. No; because the Department of Justice has just been conducting, if it has not completed, before the grand jury of the southern district of New York, an investigation of the operations of the members of a labor union in the State of New York, the headquarters of which are located in the city of New York. And they were able to do it although it was prohibited from using any person paid out of this fund.

Mr. BARTLETT. Mr. Chairman, I am opposed to this motion of the gentleman from Pennsylvania to strike out these provisions. In the act of 1890 it was not contemplated to embrace organizations of labor, organized for the purpose of bettering their condition or increasing their wages or lessening their hours of labor. We are told by the gentleman from Pennsylvania [Mr. MOORE] that we have cited the testimony of dead witnesses—Senator Hoar, Senator George, and others—in sustaining our position that that act was not intended to apply to such organizations. It was not the intention of Congress when it enacted the law of 1890 to apply that act to labor organizations. It happens to be that the evidence we have produced from these dead witnesses are the words and the language used by the witnesses embalmed in the CONGRESSIONAL RECORD, and in books by the Senator, that have been written by those men who served their country and have passed from the stage of action.

If you gentlemen will read the book written by Mr. Hoar, detailing his experience as a Member of this House and as a Member of the Senate, you will find that Senator Hoar bears testimony to the proposition not only by what he said in the Senate, but also by what he wrote in his book and handed down to posterity—his fame as an author and a great lawyer and a great statesman—concerning the act of 1890, denying that labor organizations were intended to be embraced within the purview of that or intended to be subject to prosecution for violations of the antitrust law. From 1890 to 1902 no money was ever appropriated by Congress for the prosecution of the violators of the antitrust law, and the only money used for prosecutions generally was used for the prosecution of labor organizations. On the other hand, those great organizations that battened and fattened upon the people, and laid a monopolizing hand on commerce, were not only not prosecuted, but were the favorites of the Republican President then in power.

That has been demonstrated time and time again by investigations made by Congress, notably the investigation of the affairs of the United States Steel Corporation. That organization was not only not prosecuted under President Roosevelt, but was granted leave and license to violate the antitrust law and to buy out its only real rival in the manufacture of iron and steel, the Tennessee Coal & Iron Co., and the president of the Santa Fe Railroad was made a cabinet officer in the cabinet of President Roosevelt, although admittedly guilty of violations of the law, and he was left unprosecuted.

EXEMPTION OF LABOR ORGANIZATIONS.

Mr. Roosevelt is said to be not in favor of this. Of course he was not in favor of it, because the men in his favor who violated the Sherman antitrust law were not the labor people, but great captains of industry like Paul Morton and Gary and McCormick and Perkins of the Harvester Trust. They could receive license at his hands and not be prosecuted for the violation of the law, but the laboring organizations formed for the purpose of bettering the conditions of those who labor were the peculiar objects of prosecution at the hands of the Republican administration and at the hands of President Roosevelt. And he is now said by the gentleman from Pennsylvania [Mr. MOORE] to be opposed to this provision.

Mr. Chairman, I am one of those who believe that it is not only our right but our duty to place limitations upon appropriation bills to limit the expenditure of money when we do not desire it to be used in a way we are opposed to. Our forefathers in the English Parliament used it in the days of the tyrannous English kings to force relief from them when they could not get it otherwise, and we find Lord Coke heading a procession of the members of the House of Parliament and going to King Charles to present a petition of right, which is the second great Magna Charta of all English people, and refusing to give to the King the means to carry on the Government until he should consent not to billet soldiers upon the people in time of peace, and until he should grant them the relief demanded by the great English House of Commons. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BARTLETT. And for one, Mr. Chairman, drawing my inspiration from the history of the race to which I belong, a race which has battled for liberty and transmitted to posterity and to us the free institutions under which we live, and which we ought to preserve, it does not at all frighten me or stay me in the least in carrying out my purpose to say that it is irregular or unlawful by an item on an appropriation bill to limit the power of the Executive in the administration or expenditure of the money that we appropriate. I do not know whether President Wilson will veto this provision or not. I know that President Taft did veto it; but I also know that two-thirds of this House overrode that veto.

From 1874 there had been on the Federal statute books an election law, for the enforcement of which large sums of money had been appropriated. Hundreds and hundreds of thousands of dollars had been appropriated and paid to a man in New York by the name of John A. Davenport, who on the day of election surrounded the polls in New York with his subordinates, and who, on the day of election, placed deputy marshals at the polls in many of the Southern States. Vast sums of money have been appropriated and paid out for that purpose, but when the Democratic House in 1879 came to consider the Army appropriation bill, particularly an item authorizing in certain parts of this country the use of soldiers to gather around and guard the polls, doing what they said was the "enforcement of the law," the Democratic House put on the Army appropriation bill this provision:

> That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

A Democratic House put that upon the bill, and it was carried through the Senate by the aid of Democratic votes. President Hayes vetoed that bill, and we were told then that Democrats in the House and Democrats in the Senate were endeavoring to withhold support from the Army, because the amendment contained not only a prohibition against the use of the Army at the polls but declared that no appropriation in that bill, no money for subsistence, for transportation, salaries, or for any other purpose should be paid to the Army if used as a police force at the polls on the day of election. That was one of the reasons why, as soon as the Democrats got control of both the House and the Senate and we had a Democratic President, one of the first acts of the Democratic House and the Democratic Senate was to eradicate from the statute books those infamous laws that allowed the use of soldiers at the polls on the day of election. And it was by reason of the fact that the Democratic House and the Democrats in the Senate used this power of withholding funds from one of the executive departments that we were relieved from the abuse of the Army and its use as policemen on the day of election.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BARTLETT. So we have precedents hoary with age, precedents preserved and honored in the history of the English-speaking people, that not only authorize but justify the legislative branch of the Government in placing restrictions upon appropriation bills, so that if the people can get relief in no other way we can get relief from the executive branches of the Government, the President, or others who administer the laws, by

withholding our consent that the money we appropriate shall be used in a way that we do not desire to have it used. Now, the gentleman from Pennsylvania, my good friend [Mr. MOORE], raises a constitutional question. I notice that the Constitution is never in his way unless he wants to use it on some such occasion as this. When the rights of the States are to be trampled down, when Congress is to use a power not granted by the Constitution, he never thinks of it or dreams of it. When I ask him what provision of the Constitution this law violates, he does not even know. I do not blame him. He does not pretend to be a lawyer——

Mr. MOORE. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. MOORE. I have always denied that I was a lawyer, but I take it that if anyone will read the preamble to the Constitution and get the spirit of it he will find that it breathes equality

Mr. BARTLETT. Yes; but, Mr. Chairman, there is not a thing in the Constitution or any of its amendments that forbids Congress to pass a law that will exempt from its provisions certain classes. We do it every day. The war-revenue act of 1898 and the income tax law and other laws which we have passed exempt certain classes of people from their provisions. There is no prohibition against Congress passing class legislation. There is a provision in the fourteenth amendment which declares that no State shall deny to anyone the equality of the law, but there is no such restriction against Congress. There is also a provision in the fourteenth amendment that no State shall deprive any person of life, liberty, or property without due process of law, and amendment 5 of the Constitution provides that no person shall be deprived of life, liberty, or property without due process of law, and that private property shall not be taken for public use without just compensation. Since my friend from Pennsylvania [Mr. MOORE] has awakened to the realization that he can sometimes remember that we have a Constitution, I hope he will extend his studies now and find out something that is in the Constitution.

Mr. MOORE. Mr. Chairman, waiving for a moment the question of equal rights under the Constitution, I ask the gentleman if it is not good, well-settled Democratic doctrine that there shall be equal righs to all and special privileges to none?

Mr. BARTLETT. Yes; that is good Democratic doctrine, which my friend and his party have never followed and never invoked except in the interest of great corporations that are wanting to oppress and grind down the people. [Applause on the Democratic side.] You never invoked that in the interest of the laboring man or the farmer. It is only when we undertake to prevent the prosecution of men for that which is no crime, when great combinations of wealth and power have used that prosecution as a means of oppression that you cry "Constitution!" My friend has never yet waked up to a realization that the Constitution was intended for anybody else except the peculiar kind of constituency that he represents. [Applause.]

Mr. ADAMSON. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. ADAMSON. My colleague is such a profound lawyer that I want to ask him a question which I think will enable him to buttress his argument considerably. During the thousand years of English jurisprudence and the preceding thousand years of Roman jurisprudence, in all the legislation as to the corn laws, the cornering of the market, forestalling, regrating, and engrating, was any such legislation ever directed to production and consumption?

Mr. BARTLETT. Never.

Mr. ADAMSON. Was it not all directed to the speculator and the middleman?

Mr. BARTLETT. Always, and never in the world has brawn and muscle been held to make a monopoly. It was those people who cornered the market, who gathered goods together and undertook to forestall that laws against monopoly were enacted.

Now, Mr. Chairman, I close where I began. I am proud to belong to an English-speaking race that has preserved the right of the Government to always restrain by its limitations the use of money that we furnish it with so that it can not be used except as Congress shall direct. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I want to see if we can not agree on some time for debate on this paragraph. How much time is wanted on that side?

Mr. MONDELL. I think we will want about 50 minutes on this side.

Mr. FITZGERALD. Oh, we can not agree to that.

Mr. MONDELL. Why, the gentleman from Georgia has just occupied 20 minutes.

Mr. BARTLETT. How much time did I occupy, Mr. Chairman?

The CHAIRMAN. The gentleman occupied 15 minutes.

Mr. MONDELL. I think that perhaps we can get along with 25 minutes on this side. The gentleman from Pennsylvania wants 10 minutes, the gentleman from Washington [Mr. BRYAN] 5 minutes, the gentleman from Nebraska 5 minutes, the gentleman from Pennsylvania [Mr. GRAHAM] 5 minutes, and I would like 5 or 10 minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on this paragraph and pending amendments be closed in 40 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this paragraph and pending amendments close in 40 minutes. Is there objection?

Mr. MOORE. Reserving the right to object, I suppose the discussion is to be confined to the motion. I hope the gentleman will not include all amendments.

Mr. FITZGERALD. Yes; I include all amendments. We have had half an hour of discussion on this matter now.

Mr. MONDELL. Is it understood that the Chair will recognize the gentlemen on this side who have been mentioned?

Mr. FITZGERALD. Mr. Chairman, I will ask that the gentleman from Wyoming control 30 minutes and I control 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the paragraph and amendments thereto close in 40 minutes—30 minutes to be controlled by the gentleman from Wyoming and 10 minutes by the gentleman from New York. Is there objection?

Mr. MOORE. Reserving the right to object, I would like to offer some amendments to this paragraph after it is acted upon, and I should like to discuss it for five minutes.

Mr. FITZGERALD. I think it is reasonable to close all debate or we never will get through.

Mr. MOORE. I propose to offer an amendment that affects the substance of the proviso, and I think the amendment ought to be discussed.

Mr. FITZGERALD. The gentleman can offer the amendment before he uses his time.

Mr. MOORE. I have three amendments, and I will offer them now if I can have time, not exceeding 10 minutes, to discuss them.

Mr. FITZGERALD. That would make an hour. I will make it 50 minutes. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and amendments thereto be limited to 50 minutes, 35 minutes to be controlled by the gentleman from Wyoming and 15 minutes by myself.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this paragraph and amendments thereto be closed in 50 minutes, 35 minutes to be controlled by the gentleman from Wyoming and 15 minutes by himself. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, in my time I want to offer the following amendment.

The Clerk read as follows:

Page 115, line 19, after the word "view," insert the following: "The increase of manufactures for domestic consumption, the lowering of the price thereof, or the development of export trade."

Mr. MOORE. Mr. Chairman, I also send the following amendment to the desk to be read.

The Clerk read as follows:

Page 115, line 19, after the word "view," insert the words: "The protection of life or property, the promotion of trade or employment."

Mr. MOORE. Mr. Chairman, I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 115, line 19, after the word "view," insert the words "the welfare of labor, organized and unorganized."

Mr. MOORE. Mr. Chairman, I now ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, the gentleman from Georgia [Mr. BARTLETT] a little while ago quoted from one of the Senators long since passed away in support of his contention that labor organizations and farmers' unions were to be exempted from the operation of the Sherman antitrust law. The gentleman has been interested in the farmers' unions, but I think it was the gentleman from Georgia, the late Mr. Roddenbery, who introduced the first amendment offered in this House exempting the farmers' organizations, and that was because of the fact that

the labor organizations had made the agitation and expected to be exempted. The farmers' organizations were tacked on in that way.

I desire to say, further, with respect to these distinguished statesmen who have passed beyond and who are being constantly quoted as having said that farmers' and labor organizations were to be exempted from the operation of the Sherman antitrust law, that ex-Senator George F. Edmunds, who is still living, and who therefore has a right to speak out of his own memory, who was chairman of the Committee on the Judiciary of the Senate that passed that bill, gave out an interview the other day saying that these organizations were not to be exempted, and while I shall put the interview in full in the RECORD, I desire to read this extract from the statement of Mr. Edmunds, who, perhaps, is the greatest surviving statesman of that time:

Such legislation would be so absolutely unjust and unequal and such a complete reversal of constitutional liberty and equal rights that even discussion of it would seem to be absurd.

I place that opinion of a great constitutional lawyer against the opinion of that other great constitutional lawyer, the gentleman from Georgia [Mr. BARTLETT], for whose opinion generally I have very great respect.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I have not the time.

Mr. BARTLETT. I yielded to the gentleman.

Mr. MOORE. That is very true, and I would be very glad to yield to the gentleman if the gentleman from Georgia could help me, but I have not the time now. Mr. Chairman, I do not believe labor is being assisted by the Democratic Party in the passage of these provisos. I believe the Democratic Party has thrown out an anchor to windward to protect itself when the constitutional question is raised. I believe it has thrown a sop to labor in this proviso, and that it knows, whether the gentleman from Georgia knows it or not, that these provisos are innocuous and mean nothing. If labor is satisfied with this, very well. I have never been afraid to face labor nor to talk to labor leaders face to face, and I believe that labor understands a sop when it sees it, and knows when a party is fooling them. The Democratic Party has been fooling labor, including Samuel Gompers and others. It has been fooling them in the speeches made in this House, in the resolutions passed at Baltimore, and in the provisos put in this sundry civil bill for the second time. You have already put this sop in the antitrust law, even though you do not expect to have it passed at the other end of this Capitol. Why rub it in here?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I note that within the terms of the amendment proposed by the gentleman from Pennsylvania the second provision to be thrown out is as follows:

Provided further, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

I call the attention of the committee to the fact that this amendment has been argued now for more than half an hour and there has been but the faintest reference to the second paragraph. On two or three occasions I have asked the sponsors of these provisions what farmers' organizations, the farmers of what community of the United States, represented by whom and before what committee, have asked that this provision be placed in this bill or any similar bill. I come from a purely agricultural district. If I understand the people of my district and the farmers of the United States, representing a larger number of people than are represented in the first exemption provision, they do not ask to be treated differently before the law or before the courts from the people of any other profession. The facts are that this seems to be introduced from time to time as a crutch for the labor-exemption proposition to be limped in upon. The real force of that was demonstrated in the reading of the case of the International Harvester Co. against the State of Missouri by the chairman of the committee. There the court made this distinction in substance, that it would protect labor as against property.

Note you, under the second provision, it is not labor there that is protected, but it is property, the right to control its sale, and the right to combine for sale. So that if there ever was any reason for putting the second provision in and any reason for us to think it would judicially stand, if there is any force in the decision which the gentleman has read which would protect the labor clause, it will not stand on the second provision. That is the farmers' exemption. It was the linking together of these provisions, one valid and the other invalid, which prompted a large number of this House to override the Taft veto involving this question.

Mr. FITZGERALD. If the gentleman will permit, if the gentleman will read that opinion, he will find out that such distinction can be made also——

Mr. SLOAN. It is not necessary to read it; I heard it read in the dulcet tones of the gentleman. Of course, he read it correctly.

Mr. FITZGERALD. I only read the portion that applied to labor organizations, because that is the only portion which was criticized by the gentleman from Pennsylvania.

Mr. SLOAN. But the gentleman made this decision, or rather the decision made this distinction, and the gentleman challenged special attention to it, that property could not be protected and labor could. They were not put on the same basis. But it is true the farmers' products are on the same basis and ought to be on the same basis as the products of any other man's toil. The farmer is a manufacturer just the same as the man who makes farm implements. It takes an engineer now to be a farmer; it takes an economist and a scientist combined with engineering to be a successful farmer.

The farmers of the United States will insist upon, not exemption, so that they will stand better before the court or that they may have indulgence to commit misdemeanors and crimes in this country, but they do ask that in the legislation of this country they shall have equal treatment. They would rather be not discriminated against by putting their products in free, open competition with the farmers of Argentina, Canada, and Australia for American markets than to give them special indulgence before the courts. They have not consented to trade a doubtful right for free combination for the burdens of free trade in all they produce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Chairman, there are certain rights which men take along with the right to inhabit the earth. Among those rights is the right to labor and to enjoy the fruits of that labor. This is more than a so-called vested right in property; it is a natural, inherent right of man. It is as sacred to him as the right of habitation itself. It is as vital to his existence as the breath of life. He must have the right to labor in order to live.

And there are certain rights in which man is upheld in a supreme and absolute defense, and in the defense of which he is sustained even to the taking of life—the defense of self, the defense of his person, the defense of his life, the defense of those who by nature are entitled to look to him for protection, and I include the defense of the right to labor in order to live and to support those who are dependent upon him.

Mr. Chairman, there was the time when the laboring man was more independent in the exercise of this right to labor to live than he is to-day. There was a time when every man could say to his employer, "If you do not wish my services, I will go back to the cross-roads, to the village workshop, and I will make a plow, a wagon, or a carriage. I will employ myself and I will sell my product for my wages." But this condition of the laboring man has passed and gone. A great industrial revolution has brought a change and a new order of things. The laboring man as an individual has lost his opportunity to employ himself, his power to claim his right to labor to live. He can only work when others choose to employ him. And when he asks for employment the answer comes back and tells him whether or not he can live. The laboring man to-day finds himself confronted with an organization of employers; he finds himself confronted with a combination of capital; he finds himself confronted with a concentration of industry and control of employment—all standing between him and the right to labor to live and to support those dependent upon him.

This is the plight of the individual laboring man to-day. This is his absolute dependency standing alone. This is his utter helplessness as a single individual.

Under these new and changed industrial conditions union is his only remedy, his only relief, his only defense, his only hope. He must have the right to meet organization with organization. He must have the right to meet combination with combination. He must have the right to meet concentration with concentration. He must have the right to conform to these new and changed industrial conditions. He must have the right to avail himself of these new agencies and instrumentalities of action—these new powers and forces of united effort—in order to claim his right to labor, to live—in order to maintain industrial equilibrium—in order to secure a just and fair apportionment of the fruits of industry and toil.

There is a difference between a labor organization and a trust. There is a difference between a labor organization and a combination in restraint of trade. There is a difference between a labor organization and a monopoly of the resources of human life. There is a difference between an organization for a lawful, natural purpose, and an organization for an unlawful and a criminal purpose. There is a difference between an organization to preserve and safeguard natural inherent rights and an organization to monopolize and prey upon the vital necessities that sustain human life. There is a difference between men organizing for the lawful purpose of securing employment, and to claim the right of all men to labor, to live, and to enjoy the fruits of that labor, and men organizing as a trust, a combination in restraint of trade, a monopoly to control the vital resources of human life, the very inception of which is unlawful, the very existence of which is unlawful, the very continuance and duration of which are unlawful, and the very object and purpose of which is contrary to law and in violation of the natural inherent right of man to live. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MONDELL. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized for 10 minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, the discussion of the motion of my colleague from Pennsylvania [Mr. MOORE] has taken a very wide range and a variety of subjects have been discussed which, it seems to me, are not involved in his motion or in its effects.

For instance, the right to labor in order to live—no one is questioning that. I am sure my friend and colleague does not intend to question anything of that sort. The right to labor is outside of this amendment and outside of this question. Again, the discussion of the legal status of labor organizations or farmers' organizations as to whether or not they are criminal is in some respects entirely aside from the legitimate point involved.

This proviso stands in two parts. The first is a provision—

That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not itself unlawful.

In other words, that proviso declares that no part of this money shall be used to prosecute any organization entered into for any of the purposes named in that part of the proviso, and concludes with the words "not in itself unlawful."

I take it that, reading the paragraph, it would mean that the words "not in itself unlawful" apply to any act performed in the pursuance of the purposes of the combination. The combination itself may not be included in the words "not in itself unlawful."

In the second proviso there are no such words as "not in itself unlawful" appended to it; but it is a direct prohibition of the expenditure of any money in "the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. MOORE. Mr. Chairman, will my colleague yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. MOORE. Does not that mean, then, that labor organizations are exempted from prosecution for the performance of acts not in themselves unlawful, but that farmers' organizations are exempted regardless of whether their acts are lawful or unlawful?

Mr. GRAHAM of Pennsylvania. Undoubtedly. It has been the law from some of those ancient periods that have been referred to that a combination to raise or depress the price of necessities of life is a criminal combination. The paragraph, therefore, which relates to the farmer has no limitation upon it, but authorizes the exemption from prosecution of every organization formed to maintain prices absolutely and unequivocally. The price to be maintained is entirely within the judgment of the organization.

Mr. MOORE. Will my colleague yield again?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. MOORE. Does not that mean that the farmers' combination may be formed to enhance the prices of food products sold to the worker in the cities, who is exempted only when his acts are lawful, and does it not mean that the prices may be raised on the city workers who work in the mills and who purchase farm supplies and who are held accountable for acts that are unlawful, while the farmers' combinations may go scot free and may still raise the prices on the products sold to the workingmen?

Mr. GRAHAM of Pennsylvania. The maintenance of prices is limited by the words "fair and reasonable," but "fair and reasonable" within the contemplation of the organization; and it means naturally an increase of the price to the consumer, whoever he may be, whether he be rich or poor, whether he be a laboring man or a wealthy man.

When the Clayton antitrust bill was before this House I voted for the amendment called the Webb amendment. I did so, as I stated then, upon the ground that that amendment simply declared that the mere existence of a combination of labor was not forbidden by the Sherman law. In connection with that I furthermore declared that wherever there was an attempt to discriminate and classify the effect that any law should have, so as to direct it against one class and make them criminals, and as to another class, set them free from its operations, my voice and vote would always be raised against such a discrimination and such a distinction. [Applause.] The question that is involved in this proviso, however, is not as broad as that. You are now adopting a bill carrying appropriations for the departments of the Government, one of which is the high office of the Attorney General, a Democrat selected by a Democratic President, and you are saying to him practically, "You must not prosecute innocent people," or else this language of the proviso is meaningless and senseless. Since the Supreme Court has said in the International Harvester case, decided a few weeks ago, that legislative discrimination may lawfully separate between commodities and human toil, then there is a distinction which, if not abused or used arbitrarily, may be followed in legislative enactment, and you have placed all of that and more in the Clayton antitrust law. But this proviso is meant to be a limitation upon expenditures, and not a declaration of fundamental law. There is nothing in the proviso that declares either that this act shall be a crime or that another one shall not be a crime; but it simply says that the man whom your party has intrusted with the administration of these executive functions shall not use this money to prosecute innocent people, for you add to it the words "any act not in itself unlawful." If the act be not in itself unlawful, then why put the restraining hand of your legislation upon the shoulder of your Attorney General and say by this law, "We do not trust you in the execution and enforcement of these laws."

My objection to the paragraph is not either for or against labor. My objection is that these provisos are senseless and inapplicable as they are presented in this appropriation bill, as a restraint upon an executive officer to keep him from attempting to pursue crime. In the last section you describe what might be a common-law conspiracy, and say that he shall use any of these funds to prosecute that.

There should be no proviso limiting the use of the appropriation to any class. It should apply to all classes. If crime is discovered it should be prosecuted, no matter by whom committed.

My friends, when the time comes to legislate, draw your distinction between commodities and labor and I will vote with you upon any sensible statement of the law. When you come by suitable legislation to define what shall be crimes, then is the time to enact what your thought may be upon this subject. But in an appropriation bill, when you are setting apart money for the use of a department, which is to use it to prosecute crime, it is senseless and illogical to put into the bill the words "you shall not use this money to pursue or investigate certain classes." The language of these provisos assumes that the people who are to be exempted from pursuit are engaged in innocent and perfectly lawful things. If so, then why insert this proviso? Can not the prosecution be safely confided to your own Attorney General? Why should it be placed in this appropriation bill, where it can operate only as a restraint upon an executive officer in the present Democratic administration? This bill makes no definition of crime. This bill enacts nothing that will make one thing criminal and exempt another. It simply puts the hand of legislative power upon the shoulder of the Attorney General and says to him, "You must not pursue an investigation along either of these two paths." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, will the gentleman from New York yield a portion of his time?

Mr. FITZGERALD. There will be only one more speech on this side.

Mr. MONDELL. I yield five minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, a few minutes ago the gentleman from Pennsylvania [Mr. MOORE] quoted from Theodore Roosevelt.

If there is a word I hate
It is "amalgamate,"

and if there is anything that makes me hate that word more than anything else it is to have a standpatter attempt to quote Theodore Roosevelt on behalf of his principles and ideas. [Applause.]

Mr. MOORE. I can give the gentleman a lot more quotations.

Mr. BRYAN. Well, you have not quoted him in favor of your position yet. It is said that the devil quoted Scripture, and so, when these standpatters get up before this House and attempt to quote Theodore Roosevelt on a proposition of this kind, they make about as much of a success at it as the devil did when he attempted to quote Holy Writ. The proposition before us to-night is this:

That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Here is what Theodore Roosevelt said himself when talking in connection with the great anthracite coal strike in Pennsylvania:

"What the miner had to sell—his labor—was a perishable commodity; the labor of to-day, if not sold to-day, was lost forever. Moreover, his labor was not like most commodities, a mere thing, it was part of a living, breathing human being. The workman saw, and all citizens who gave earnest thought to the matter saw, that the labor problem was not only an economic but also a moral, a human problem. Individually the miners were impotent when they sought to enter a wage contract with the great companies; they could make fair terms only by uniting into trade-unions to bargain collectively. The men were forced to cooperate to secure not only their economic but their simple human rights. They, like other workmen, were compelled by the very conditions under which they lived to unite in unions of their industry or trade, and these unions were bound to grow in size, in strength, and in power for good and evil as the industries in which the men were employed grew larger and larger.

"A democracy can be such in fact only if there is some rough approximation to similarity in stature among the men composing it. One of us can deal in our private lives with the grocer or the butcher or the carpenter or the chicken raiser, or, if we are the grocer or carpenter or butcher or farmer, we can deal with our customers, because we are all of about the same size. Therefore a simple and poor society can exist as a democracy on a basis of sheer individualism; but a rich and complex industrial society can not so exist, for some individuals, and especially those artificial individuals called corporations, become so very big that the ordinary individual is utterly dwarfed beside them and can not deal with them on terms of equality. It therefore becomes necessary for these ordinary individuals to combine in their turn, first in order to act in their collective capacity through that biggest of all combinations called the Government, and, second, to act, also in their own self-defense, through private combinations, such as farmers' associations and trade-unions."

It is said that "actions speak louder than words," and now I will read from a chronicle of things done by Theodore Roosevelt in answer to the claims of gentlemen on the other side that he did nothing in the way of prosecuting the trusts.

While he was President the New York Times, a Democratic paper, in an editorial of June 22, 1906, telling of what he had done, used these words:

"The Drug Trust has been enjoined, both as an association and as individuals, not to continue in effect retailers' price lists fixed by the manufacturers.

"The Federal sleuths are on the trail of the Gunpowder Trust with explosive intent.

"Against the Fertilizer Trust 80 indictments have been found, and suits are under way to break up an unlawful combination between cottonseed oil mills and phosphate works.

"We need not dwell upon the awful drubbing adminstered to the Beef Trust, which is about to pass under the discipline of rigid Federal inspection of its products. Furthermore, in Kansas City the other day three great packing concerns, and the very ones that have been so shown up in Chicago, were found guilty by a Federal jury of accepting unlawful rebates from the railroads.

"The Standard Oil Co., the biggest and most formidable of all the trusts, is writhing under Commissioner Garfield's exposure of its monopolistic and forbidden practices, and shivers in daily expectation of a summon to court.

"The Chesapeake & Ohio Railroad Co. was punished for departing from its published freight rates in transporting coal to New England under a contract with the New Haven Road.

"The New York Central Road has been investigated for giving rebates to the wicked Sugar Trust.

"The great and proud Pennsylvania Railroad has been shamed by the Interstate Commerce Commission's disclosure of its promiscuous bribery of its subordinate officials by independent coal operators.

"Then there is the rate bill, which puts all the freight systems of the country under Federal regulation as to their freight charges; which makes pipe lines, sleeping cars, and express companies common carriers, thus bringing them under Government control, and which decrees the divorcement of product and traffic from transportation, making it necessary for the coal roads to part with their mine properties.

"This is a list of achievements with which the most ambitious President might be content, upon which he might be well satisfied to rest his reputation. But it is not enough for Theodore Roosevelt. 'I should dearly love to roast a Quaker,' said Sidney Smith. Being asked by one of his listeners if he had considered that the Quaker would suffer acutely during the process, he replied: 'I have considered everything.' Mr. Roosevelt is now, according to report, resolved not to roast, but to imprison, one great railroad president as an example to the others. All the great railroad presidents have been invited by the Interstate Commerce Commission to come and tell their story and submit to cross-examination. They are summoned by invitation or suggestion, rather than by subpœna, in order that the proceeding may give them no immunity from indictment and the jail. An invitation extended in this spirit is naturally most alluring. At the proffer of these hospitable attentions their bosoms glow with the grateful joy with which the condemned criminal regards the headman sharpening his ax or the pirate's captive watches the crew projecting over the ship's side the plank he is to walk."

So here we have performance, as told at the time by undisputed authority, and Theodore Roosevelt's own words as to his position on these propositions, as against the second-hand reports we have heard.

Mr. Chairman, against the quotation of a standpatter we have the performances of Theodore Roosevelt. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MONDELL. Mr. Chairman, what the laboring man of this country needs more than exemptions from prosecution under appropriations is an opportunity to labor. The gentleman from Indiana [Mr. GRAY] is much exercised about the right to labor. It is not the right to labor that is troubling the people of this country just now, but it is the want of opportunity to labor. What the farmers of the country need just now is not so much an exemption from prosecution by a Democratic administration as an opportunity to sell their products to the laboring men of the country, who at the present time are unable to secure employment and, therefore, unable to purchase the farmers' products to the extent that they would like to. Not being a lawyer, I have never studied to any very considerable extent the question of whether the framers of the Sherman antitrust law intended or expected that the prohibitions of that law should apply to farmers and labor organizations, but my personal opinion is that the question would never have been raised in the wide world, that no one would ever have imagined that the Sherman antitrust law applied to labor organizations if it had not been for the fact that a Democratic Attorney General, under the Democratic administration of one Grover Cleveland, having concluded that there were no trusts or capitalistic combinations that he could successfully prosecute, proceeded to prosecute organizations of labor. Of course that raised the question at once and settled it so far as the Democratic administration was concerned.

The Sherman antitrust law was a prohibition against labor organizations as such, the Democratic administration decided; it was the only kind of combination that a Democratic administration pursued under the Sherman antitrust law. The gentleman from Pennsylvania [Mr. GRAHAM] wondered why the committee placed in this bill a provision which prohibits the Attorney General from prosecuting innocent people. Why, because, under a Democratic administration, as evidenced by what was done under the Democratic administration of Grover Cleveland, the fact is that is just what they would do if we

did not prohibit them from doing it. They would proceed to prosecute innocent people in labor organizations.

Mr. BARTLETT. And the Republicans would not proceed to prosecute criminals.

Mr. MONDELL. On the contrary, Republican administrations, under Roosevelt and Taft, did successfully prosecute capitalistic organizations. You did prosecute a labor organization down in New Orleans, I believe it was, and your Attorney General said the Sherman antitrust law, so far as it applied to capitalistic organizations, was of no consequence or avail, and he never made an attempt to enforce it. If this were a Republican administration, of course it would not be necessary to have a prohibition of this kind in this bill. Nobody would expect a Republican administration to prosecute innocent men engaged in highly laudable enterprises, but under a Democratic administration it is necessary, after making your appropriation for the enforcement of the Sherman antitrust law, to say that you shall not prosecute innocent people trying to do a proper thing in the interest of the community. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Wyoming has consumed five minutes.

Mr. MONDELL. Does the gentleman from New York desire me to yield the remaining five minutes of my time?

Mr. FITZGERALD. Let us see these other amendments.

Mr. MONDELL. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Do we vote first on the motion to strike out the two provisos?

The CHAIRMAN. The Chair would think so, as that is the motion first made.

Mr. FITZGERALD. We will have to perfect the paragraph first. I suggest that the gentleman proceed and explain his amendment.

Mr. MOORE. Mr. Chairman, the purpose of the amendments is this, that whereas it is claimed on the other side of the House that this is not special legislation, although provision is made here to exempt certain organizations, the amendments propose that certain other organizations and individuals shall be exempted. The amendments suggest that there are other people engaged in industry, in trade, in commerce, besides those who belong to labor unions and to farmers' unions. The truth of the matter is that there are more than 30,000,000 of wage earners in the United States, and there are only a little over 2,000,000 of them who are organized. There are 28,000,000 wage earners in the United States whom you Members of Congress represent, and you are their only representatives here. You have been listening to appeals in circulars and listening to orators and representatives of organized labor upon the floor, but apparently you have not considered that there are 28,000,000 of people scattered around in your districts, earning wages—laboring men, honest and true and patriotic—who have no representatives here, unless you represent them. There are millions of farmers in the United States who are not represented in the organizations you propose to exempt. I have suggested in these amendments that you exempt other organizations and individuals than organized labor and that you exempt other kinds of producers and farmers than those who happen to be members of farmers' unions.

Surely you are not here to legislate only for 2,000,000 of organized men while 28,000,000 go by the board without consideration at your hands. Surely you are not here as Representatives of the American people—100,000,000 of them—to legislate for a few men organized in certain farmers' unions that have representatives in Washington to see you every day, when the millions of men who are not represented by these two or three men in Washington have no voice in this House at all. I have offered these amendments to give equal rights to all men; to afford an opportunity to vote for equality before the law for every man who labors, whether he belongs to a union or whether he does not belong. The opportunity is here given to vote to protect labor if it is necessary, to promote trade if you want to do so, to promote domestic commerce if you want to do so, to promote export trade if you want to do so. These are legitimate pursuits, and you are going to exempt those who follow legitimate pursuits.

I would like to follow that a little further, but my friend from Washington [Mr. BRYAN] has indicated that I did not quote correctly when I quoted President Roosevelt. I have as much admiration for his leader as he has. We differed at Chicago, but President Roosevelt had the courage to tell the representatives of labor and Congress that men should be free and equal before the law in the United States. He told them that when Mr. Bryan was endeavoring to bunko labor in 1908. He has held to that right down the line, and I am holding to it now, when you gentlemen are attempting to tell organized labor that you are giving them something when you are really giving them nothing. I am trying to tell you now that there are millions and millions of voters in this land who are not represented in this legislation. You are ignoring them, while you are pretending to satisfy those who are at your heels every day and around your offices during these long sessions. You pretend to give them exemption from prosecution under certain laws, but you are careful to put in that nice little saving clause, that nice little joker, which says they shall be exempt if—if their acts are not unlawful.

Mr. FITZGERALD. Mr. Chairman, it is difficult for me to determine whether the gentleman from Wyoming [Mr. MONDELL] was in favor of this amendment or opposed to it.

Mr. MONDELL. Well, the gentleman will undoubtedly hear me vote when the time comes.

Mr. FITZGERALD. Is there any objection to telling us?

Mr. MONDELL. No; I have not any at all. As a member of the committee I voted to put this provision in the bill. I felt under the Democratic administration it was absolutely necessary to protect these people from the Attorney General. [Applause on the Republican side.]

Mr. FITZGERALD. I thought maybe it was due to the fact that the gentleman from Wyoming voted to pass the sundry civil bill with this provision in it over President Taft's veto on the 4th of March, 1913. [Applause on the Democratic side.] He had seen some light in the November election preceding. [Applause on the Democratic side.] And he voted to pass this amendment over the President's veto. Now, the gentleman from Nebraska [Mr. SLOAN] wants to know who is in favor of this provision of exempting the farmers' unions, who has demanded this provision, and he declaimed several times, if I recall correctly, against such a provision. He voted to pass the sundry civil bill with this language in it over President Taft's veto. [Applause on the Democratic side.] What farmers' unions demanded it be incorporated in the bill at this time? Who is insisting it be put in?

Gentlemen now thinking perhaps they see an opportunity to make a little cheap political capital are forgetting their records upon this question. Now, the gentleman from Pennsylvania [Mr. MOORE] is at least consistent. He confessed he is not a lawyer, which accounts probably for the fact he has always opposed this provision. But he does not seem to understand just what it is. The Sherman antitrust law prohibited certain combinations, conspiracies, etc., in restraint of trade. And there have been prosecutions against members of labor organizations on the ground that they were engaged in a conspiracy, or they were part of a combination in restraint of trade. The fact that they were members of an organized body was the gravamen of the evidence. Now, the gentleman from Pennsylvania will not appreciate that because of the fact he wants to prohibit prosecution of all individuals who are not members of an organized body or of any association or any organization on the ground they violate the Sherman antitrust law.

He imagines that one individual can be a combination or a conspiracy in restraint of trade. [Laughter.] These amendments offered by the gentleman from Pennsylvania are intended to completely nullify, not only the effect of this provision, but the effect of the appropriation.

The truth of the matter is, that the gentleman from Pennsylvania has so ingeniously prepared these amendments that, if they were adopted by this committee, not a dollar of this money could be expended for the prosecution of anybody for violation of the Sherman antitrust law. I can understand how a standpat Republican, coming from Pennsylvania, living in the city of Philadelphia, and a staunch advocate of the late standpat President of the United States, would be very glad to tie up this provision in such a way that it could not be utilized to prosecute the men from whom his party expect to get the great campaign contributions this fall. [Applause on the Democratic side.]

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. GOOD. I understood the gentleman to say that it was never intended that the Sherman antitrust law should operate against the labor organizations.

Mr. FITZGERALD. I did not say that to-day, but I have said it in the past.

Mr. GOOD. Yes. I want to ask the gentleman, If that is true, what is the necessity of adding the words "not in itself unlawful" to this provision? Why not stop at the word "thereof"?

Mr. FITZGERALD. Does not the gentleman know what that means?

Mr. GOOD. I understand this, that if there was a conspiracy, or if members of a labor union entered into a conspiracy, they could be prosecuted through the expenditure of funds supplied in other sections of this bill. But if it were never intended to enforce the Sherman antitrust law against labor organizations, why put in the provision "not in itself unlawful"?

Mr. FITZGERALD. I think the gentleman has indicated what this means. This provision was not prepared by me. It was put in this bill in the House by a very large majority. The House, by a vote of 5 to 1, passed this bill over the veto of President Taft. Everybody understood what was meant. I think the gentleman from Iowa himself voted to pass the bill over President Taft's veto.

Now, the purpose of the language in this bill is not to exempt anybody from prosecution who violates the law, but it is to reserve this particular appropriation for use in prosecuting industrial combinations that are violating the law. It was given to the administration for that purpose, and it ought not to be diverted. It is not only a right of Congress but it is the duty of Congress to limit and restrict in its discretion and judgment the use of appropriations made for various purposes.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield at that point?

Mr. FITZGERALD. Yes.

Mr. MURDOCK. The gentleman from New York will remember that in previous Congresses the discussion on this provision has raged for hours, and largely around those words "not in itself unlawful." Now, I would like to ask the gentleman this question: Is this provision, punctuation and all, the exact provision we passed on previously, which was carried in the sundry civil bill, and which President Taft vetoed?

Mr. FITZGERALD. It is the identical provision.

Mr. MURDOCK. The gentleman from Pennsylvania [Mr. GRAHAM] indicated in his remarks that the words "not in itself unlawful" might relate to the word "combination" in a preceding phrase. The discussions have always brought out the fact that the words "not in itself unlawful" relate to the phrase "or for any act done in furtherance thereof." Is that the understanding of the gentleman?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman permit me just a word?

Mr. FITZGERALD. In a moment.

Mr. GRAHAM of Pennsylvania. My only purpose is to correct a misquotation of what I said.

Mr. MURDOCK. The gentleman from Pennsylvania says that the gentleman from New York is mistaken in understanding what he said.

Mr. FITZGERALD. There are certain laws under which illegal acts done by members of labor organizations could be prosecuted. The attempt has been to bring them within the purview of the Sherman antitrust law under the charge of a conspiracy. A man might do an act which in itself would be perfectly lawful, but which if done by a number of individuals in concert, as a part of a plan or scheme, might be construed to be a conspiracy; and it is for the purpose of preventing the labor organizations from being prosecuted for violations of the Sherman antitrust law by persons employed out of this appropriation that this language was put in.

I have already said that the charge was made that a labor organization in the city of New York, because it had solicited the public officials of the city of New York not to purchase school books published by a certain publishing company, was violating the Sherman antitrust law. An investigation was conducted by the district attorney for the southern district of New York, and the representative of the Attorney General's office stated, when the investigation was started, that specific directions were issued to him that no person employed under this appropriation should be utilized in that investigation. But there are large forces and large sums available to prosecute any violator of the law.

Now, I have read the debate in the Senate when this Sherman antitrust law was under consideration. A number of others have read it, and men seem to draw the conclusion from it that they desire should be the accepted conclusion. But I recall one distinguished Senator made the statement that the Supreme Court could never hold that the Knights of Labor, which was then the great labor organization, would come within the purview of this act.

I think it was Senator Hoar, of Massachusetts, who remarked that he was not sure about such a conclusion; that it was very difficult to predict what the Supreme Court would decide upon any question, and he wished to have no misunderstanding as to what the act meant.

That law was amended in a number of respects, was recommitted to the committee, rewritten, and then brought out and passed. Quite a number of men who were at that time in the Senate and participated in the discussion were under the impression that as finally framed it did not contemplate that labor organizations should be within its provisions. At any rate, the history of this particular appropriation is that it was aimed at and intended to be employed against the industrial combinations that were violating the Sherman antitrust law. There was no complaint that they had not prosecuted labor organizations, but this provision was put in to prevent this force being diverted from the work that Congress specifically intended.

Mr. MURDOCK. The gentleman will remember that in those debates specific mention was made of the farmers' organization known as the Farmers' Alliance.

Mr. FITZGERALD. Yes; the Knights of Labor and the Farmers' Alliance.

Mr. MURDOCK. I wish the gentleman would yield to allow me to say that I misquoted the gentleman from Pennsylvania in regard to those qualifications. He did not say what I thought he did. I wish to make that statement in justice to him.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. FITZGERALD. I hope all the amendments of the gentleman from Pennsylvania [Mr. MOORE] will be voted down, as they should be.

Mr. MURDOCK. Let us have them reported.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE:
Page 115, beginning with line 16, strike out the following:
"*Provided, however*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

The CHAIRMAN. The question is on the motion to strike out the provisos which have just been read.

Mr. FITZGERALD. I ask for a division.

The committee divided; and there were—ayes 6, noes 103.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE:
Page 115, line 19, after the word "view," insert the following: "The increase of manufactures for domestic consumption, the lowering of the price thereof, or the development of export trade."

The CHAIRMAN. The question is on the amendment.

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 91.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE:
Page 115, line 19, after the word "view," insert "the protection of life or property, the promotion of trade or employment."

Mr. JOHNSON of Kentucky. Division!

The committee divided; and there were—ayes 4, noes 93.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE:
Page 115, line 19, after the word "view," insert "the welfare of labor, organized and unorganized."

Mr. JOHNSON of Kentucky. Division. Mr. Chairman.

The committee divided; and there were—ayes 4, noes 91.

Accordingly the amendment was rejected.

The Clerk read as follows:

From and after July 1, 1914, it shall be the duty of the United States marshals to pay, under regulations prescribed by the Attorney General, the salaries of all judges of the United States courts, United States district attorneys, their regular assistants, clerks, and messengers, and United States marshals and their deputies.

Mr. MANN. I reserve a point of order on that paragraph. What is the change in the law, where it provides for payment by the marshals?

Mr. FITZGERALD. I was going to suggest that if the point of order was withdrawn I wanted to offer an amendment which is necessary to perfect the paragraph—that is, so the bond will

not be affected. Some of the disbursements are now made from the Attorney General's office and some made by the marshals.

Mr. MANN. That would require the marshals to give a larger bond.

Mr. FITZGERALD. Not necessarily a larger bond, but it would require them to give a bond that would cover this matter.

Mr. MANN. The marshals become the disbursing officers?

Mr. FITZGERALD. They are now to a certain extent.

Mr. MANN. Who pays the judges now?

Mr. FITZGERALD. The department.

Mr. MANN. In what way do they send the money to the marshals for the marshals to pay the judges?

Mr. FITZGERALD. The judges are scattered all over the country and checks are sent all over the country.

Mr. MANN. They now mail the checks to the judges, I assume.

Mr. FITZGERALD. That is my understanding.

Mr. MANN. Does the department say that this will simplify the keeping of books in any way?

Mr. FITZGERALD. The department recommends it very strongly. They say it would save the services of at least one clerk in the Department of Justice, and they think it would be advantageous to have the disbursements made by one officer.

Mr. MANN. Do the marshals pay for their own bond?

Mr. FITZGERALD. Yes.

Mr. MANN. This will make it necessary for the marshals to give a larger bond.

Mr. FITZGERALD. I do not know that it would make them give a larger bond, but it would be necessary that they should give a bond to cover their acts under any duty imposed by this provision.

Mr. MANN. I should think they would necessarily have to give a larger bond if they held a larger sum of money.

Mr. FITZGERALD. I do not know that the amount of money they would handle would be so materially increased as to affect the bond, but this provision should be adopted if the item remains in:

Provided, That every United States marshal operating under a bond executed prior to the passage of this act shall give a bond, effective thereafter, for the faithful performance of duties of his office, including the payment of salaries above mentioned.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 118, after the word "deputies," in line 18, insert the following: "*Provided*, That every United States marshal operating under a bond executed prior to the passage of this act shall give bond, effective thereafter, for the faithful performance of the duties of his office, including the payment of salaries above mentioned.

Mr. MANN. I notice that this provides that after July next the marshal shall make these payments. I take it the marshal will have to furnish a new bond in each case.

Mr. FITZGERALD. The first payment would not be made until August.

Mr. MANN. The marshal will have to furnish a new bond. If the bill does not become a law until the middle of July, and I hope it will by the 1st of July——

Mr. FITZGERALD. I will offer an amendment to cover that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Now, Mr. Chairman, I ask unanimous consent that the word "October" be substituted for that of July in this paragraph, and also in the amendment wherever it occurs.

The CHAIRMAN. The gentleman from New York asks unanimous consent to substitute the word "October" for July in the paragraph and in the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

For clothing, transportation, and traveling expenses, including materials for making clothing at the penitentiary; gratuities for prisoners at release, provided such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months, and transportation to place of conviction or place of bona fide residence in the United States, or to such other place within the United States as may be authorized by the Attorney General; for expenses of shipping remains of deceased prisoners to their homes in the United States; for expenses of penitentiary officials while traveling on official duty; for expenses incurred in pursuing and identifying escaped prisoners, and for rewards for their recapture, $25,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In this paragraph it says "gratuities for prisoners at release," while on the preceding page is a provision for discharge gratuities provided by law and transportation to place of conviction, and so forth. Are those two provisions not precisely the same thing?

Mr. FITZGERALD. No; the first item is for United States prisoners who are incarcerated in State institutions, and the other is for those in Federal institutions.

Mr. MANN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For hospital supplies, medicines, medical and surgical supplies, and all other articles for the care and treatment of sick prisoners; and for expenses of interment of deceased prisoners on the penitentiary reservation, $3,000.

Mr. HOWARD. Mr. Chairman, I would like to offer an amendment at this particular point, to insert a proviso, and as I have not reduced it to writing I will ask the Clerk to take it down, and that I may be permitted to consume five minutes on it. It is to add a proviso at the end of this paragraph, as follows:

Provided, however, That no portion of this appropriation shall be used for operations upon prisoners for clinical purposes.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 124, line 4, after the figures "$3,000," insert the following: "*Provided, however*, That no portion of this appropriation shall be used for operations upon prisoners for clinical purposes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. HOWARD].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. HOWARD. Division!

The committee divided; and there were—ayes 9, noes 37.

Accordingly the amendment was rejected.

The Clerk read as follows:

For salaries: Warden, $4,000; deputy warden, $2,000; chaplains—one $1,500, one $600; physician, $1,600; pharmacist and physician's assistant, $1,000; chief clerk, $1,800; bookkeeper and record clerk, $1,200; stenographer, $900; four clerks, at $900 each; head cook, $1,000; steward and storekeeper, $1,200; superintendent of farm and transportation, $900; three captains of watch, at $1,000 each; guards, at $70 per month each, $52,080; two teamsters, at $600 each; engineer and electrician, $1,500; two assistants, at $1,200 each; in all, $81,480.

Mr. HOWARD. Mr. Chairman, in line 12, I move to strike out "$70" and insert in lieu thereof "$80."

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 124, line 12, strike out "$70" and insert "$80."

Mr. FITZGERALD. I reserve a point of order against that.

Mr. HOWARD. Mr. Chairman, I concede that this amendment is subject to a point of order; but I want to call the attention of the committee to this increase, and I hope the committee are willing to concede this small increase in the salary of these guards, and that the gentleman from New York will not insist on the point of order.

As a matter of fact, in some law passed several years ago this salary was fixed at $70 a month, which, of course, would make any change subject to a point of order. I want to state briefly the conditions about it. These guards at the Federal prison—and I am intimately acquainted with only the Atlanta Penitentiary—have responsible duties. They are men of the very highest moral character. They are men above the ordinary intelligence. They ought to be men who know how to handle prisoners. I think the warden would substantiate this statement, as he has repeatedly recommended to the department that the salaries of these guards be increased. Here is the trouble at the Atlanta Penitentiary, and I presume it has been the trouble at Leavenworth, as has been related to me by the gentleman from Kansas [Mr. ANTHONY]: The cost of living has much increased since the salaries of these men were fixed. For instance, take the case of a guard who has a wife and three children. Under the law he has to buy two uniforms a year. He has to pay his house rent. He has to buy schoolbooks. If he is on the morning watch, he must get up at 12 o'clock at night. He must remain on his feet all day long. He is not allowed to sit down even for a minute. He gets absolutely no gratuities from the Government. He even has to pay for the food that he eats inside the prison. Now, here is the trouble, and it has been the trouble at Atlanta.

Just as soon as one of these guards gets intimately acquainted with a squad of prisoners and they understand him and he understands them and their disposition, and they get to liking him, this man will find something better and he will leave. Out of the whole force in Atlanta I do not believe there are over 18 or 19 men in the entire prison that you might term old

men or men who have been there any length of time. They come in and go out because the caliber of men at these prisons are offered something better on the outside. I believe the men are entitled to this increase. They have not had a penny increase in salary since 1897. They have asked for this and the warden has recommended it. It is a mere bagatelle, as far as the appropriation is concerned, and guards that are now in the Federal penitentiary are men from all over the United States. They are not all my constituents; they are from practically every State in the Union. I ask that these men be given this little increase, which will satisfy them, and I hope the gentleman from New York will not make the point of order, because the men deserve the increased salary.

Mr. MANN. How many are there at Atlanta?

Mr. HOWARD. I think 56, in all.

Mr. MANN. The bill says $70 a month and the appropriation is $52,080.

Mr. HOWARD. That is at Fort Leavenworth. My recollection is that there are 56 at Atlanta, but I may be mistaken.

Mr. FITZGERALD. Mr. Chairman, there has recently been appointed a gentleman in charge of the Federal prison service, who has some recommendations that the salary of some of the guards of these penitentiaries be increased. The committee hopes at the next session to make some readjustment that I think will satisfy everybody. We can not deal easily with it now, but I hope at the next session we can readjust the matter.

Mr. HOWARD. If the gentleman will remember, I spoke to him once about a graduated scale, based on the length of service, which would amount to about $85 a month, on an average.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

For support of the National Training School for Boys, District of Columbia: Superintendent, $2,500; assistant superintendent, $1,500; teachers and assistant teachers, $9,120; chief clerk, $1,000; storekeeper and steward, 600; matron of school, $600; parole officer, $900; office clerk, $720; assistant office clerk, $480; six matrons of families, at $240 each; foremen of, and skilled helpers in industries, $3,800; farmer, $600; assistant farmer, $420; teamster, $360; florist and engineer, at $540 each; shoemaker, $540; baker, $600; tailor, $600; cook, $480; assistant engineer, $420; laundress, $360; dining-room attendant, boys', $300; dining-room attendant, officers', $240; housemaid, $216; seamstress, $240; assistant cook, $300; nurse, $600; watchmen, not to exceed eight in number, $3,360; secretary and treasurer, $900; in all, $34,276.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I would like to know of the chairman of the committee what is the National Training School for Boys?

Mr. FITZGERALD. It is a Federal institution out on the Bladensburg Road, where young boys are committed.

Mr. MURDOCK. Is it what is ordinarily known as a reformatory?

Mr. FITZGERALD. It is a reformatory. It has been in existence 30 or 40 years.

The Clerk read as follows:

On and after June 30, 1914, the per capita cost of persons committed from the District of Columbia and maintained in the National Training School for Boys shall be fixed at a rate not less than $4.50 per week for each person.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. POU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. GRAHAM of Pennsylvania. I object.

Mr. FITZGERALD. I want to call the attention of the gentleman from Pennsylvania to the fact that there will be several conference reports to be taken up to-morrow.

Mr. STAFFORD. Will there not have to be a quorum present when these conference reports are considered?

Mr. FITZGERALD. There will have to be.

Mr. STAFFORD. Then, I think we will only waste time by coming in at 11 o'clock.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, June 23, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions filed in the case of the Hobson Methodist Church, of Davidson County, Tenn., *v.* The United States (H. Doc. No. 1057); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court and conclusion in the case of Kate P. McWaters, Margaret McWaters Bell, James H. McWaters, B. P. McWaters, and Moses McWaters, heirs of Moses McWaters, deceased, *v.* The United States (H. Doc. No. 1058); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Ordnance, United States Army, explaining the necessity for legislation to perfect the title of certain lands at Springfield Armory, and suggesting form of bill for this purpose (H. Doc. No. 1059); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 17147) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 861), which said bill and report were referred to the House Calendar.

Mr. LONERGAN, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 16642) authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Vineland, N. J., reported the same without amendment, accompanied by a report (No. 863), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 246) to authorize the Secretary of War to grant a revocable license for the use of lands adjoining the national cemetery near Nashville, Tenn., for public-road purposes, reported the same without amendment, accompanied by a report (No. 876), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 17102) for the relief of the Columbus, Delaware & Marion Railway Co., of Columbus, Ohio, reported the same without amendment, accompanied by a report (No. 864), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16370) for the relief of the Richmond, Fredericksburg & Potomac and Richmond & Petersburg Railroad Connection Co., reported the same without amendment, accompanied by a report (No. 865), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17085) for the relief of the Montgomery & Erie Railway Co., reported the same without amendment, accompanied by a report (No. 866), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12949) for the relief of William S. Colvin, reported the same without amendment, accompanied by a report (No. 867), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16305) to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department, reported the same without amendment, accompanied by a report (No. 868), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14956) to reimburse the postmaster at Kegg, Pa., for money and stamps taken by burglars, reported the same without amendment, accompanied by a report (No. 869), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12679) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased, reported the same without amendment, accompanied by a report (No. 870), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17028) for the relief of W. W. Taylor, reported the same without amendment, accompanied by a report (No. 871), which said bill and report were referred to the Private Calendar.

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 17086) for the relief of the Goshen & Deckertown Railway Co., reported the same without amendment, accompanied by a report (No. 872), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17074) for the relief of the Paterson & Hudson River Railroad Co., reported the same without amendment, accompanied by a report (No. 873), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1108) for the relief of Preston B. C. Lucas, reported the same without amendment, accompanied by a report (No. 874), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 7287) for the relief of Edward A. Thompson, reported the same with amendment, accompanied by a report (No. 875), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOEKE: A bill (H. R. 17421) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers, engaged in interstate commerce, to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBB: A bill (H. R. 17422) to amend section 1033 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: A bill (H. R. 17423) to enlarge and extend the post-office building at Williamsport, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. STONE: A bill (H. R. 17440) providing for the construction of a bridge across the Illinois & Mississippi Canal, in the State of Illinois; to the Committee on Military Affairs.

By Mr. BURNETT: Joint resolution (H. J. Res. 281) authorizing the President to appoint delegates to attend the Eighth International Congress of the World's Purity Federation, to be held in the city of San Francisco, Cal., July 18 to 24, 1915; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 17424) for the relief of Hunton Allen; to the Committee on Claims.

By Mr. BORCHERS: A bill (H. R. 17425) granting an increase of pension to Silas P. Rainey; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 17426) granting an increase of pension to Annie Smith; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 17427) for the relief of C. E. Lockwood; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 17428) granting an increase of pension to Sophia Frahm; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 17429) granting an increase of pension to Frederick Brinkman; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 17430) granting a pension to Daniel Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17431) granting an increase of pension to Eliza A. McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17432) granting an increase of pension to Earl H. Wilson; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 17433) for the relief of Amelia R. Dawson; to the Committee on Claims.

By Mr. O'LEARY: A bill (H. R. 17434) granting an increase of pension to Alfred A. Hayden; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 17435) granting a pension to James M. Neighbors; to the Committee on Pensions.

Also, a bill (H. R. 17436) granting a pension to George W. Pierce, alias George W. Comer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17437) granting an increase of pension to Julia C. Barstow; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17438) granting an increase of pension to Georgia Ann Taylor; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 17439) granting an increase of pension to John N. Cook; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A joint resolution (H. J. Res. 280) for the relief of the Doremus Machine Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Building Trades Department, American Federation of Labor, favoring passage of House bill 8593, relative to protection of workers on buildings in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BAILEY (by request): Petitions of 520 citizens of Tyrone, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the American National Retail Jewelers' Association, favoring passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Murray and others, of The Bronx, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. CALDER: Petitions of sundry citizens and the Bedford and Park Avenue Board of Trade, of Brooklyn, N. Y., relative to chance for Dr. F. A. Cook to present proof that he was first discoverer of North Pole; to the Committee on Naval Affairs.

By Mr. CONNELLY of Kansas: Petitions of 164 citizens of Prairie View, 19 citizens of Russell County, 163 citizens of Natoma, and 50 citizens of Barnard, all in the State of Kansas, for national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens in six counties of the sixth congressional district of Kansas against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Building Trades Department, American Federation of Labor, favoring the passage of House bill 8593, relative to protection of life and limb of workmen on erection of buildings in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DUNN: Petitions of sundry citizens of Charlotte, Rochester, and Monroe County, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Memorial of the New York Psycalatrical Society, favoring House bill 16637, relative to work in mental hygiene; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Petition of Morris Goldberg and others, of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. GRAY: Petition of the Whitewater Quarterly Meeting of Friends, of Richmond, Ind., favoring constitutional amendment for prohibition; to the Committee on Rules.

Also, petition of sundry citizens of St. Paul, Wayne County, and Shelby County, all in the State of Indiana, protesting against an amendment to the Federal Constitution for national prohibition; to the Committee on Rules.

By Mr. HAMILTON of New York: Petition of sundry citizens of Findley Lake, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HAYES: Petition of sundry citizens of the State of California, favoring the passage of House bill 13305, the standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Presbyterian Sunday School of Monterey, the First Baptist Church and Church Federation of Palo Alto, and the Methodist Episcopal Church of San Lucas, all in the State of California, for censorship of motion pictures by the Government; to the Committee on Education.

By Mr. HULINGS: Petition of 94 citizens of Kellettville, Forest County, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of 19 voters of Forest County and 118 voters of Ridgway, Elk County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 17372, for the relief of William H. Phillips; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Petitions of the United Brethren Sunday School and the Oak Grove Union Sunday School, all of Pine Grove, and the Church of God, Suedberg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of sundry citizens of Sun Prairie, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. O'LEARY: Petitions of Fritz Klenk and other citizens of Long Island City, N. Y., and sundry citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

Also, petition of 150 citizens of Richmond Hill, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of various voters of Gregory, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany House bill 17377, for the relief of Lawrence M. Larson; to the Committee on Claims.

By Mr. TOWNER: Petitions of the First Church of Christ, Bedford, Iowa, representing 300 people; the Methodist Episcopal Sunday School, Bedford, Iowa, representing 200 people; the First Baptist Church, Bedford, Iowa, representing 600 people; the First Presbyterian Church, Bedford, Iowa, representing 325 people, favoring the enactment of a national constitutional prohibition amendment; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry citizens of Schenectady, N. Y., favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *June 23, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee in the midst of the ample provision Thou hast made for our lives, surrounded by tokens of Thy continued providence. Thou hast given to us ample and abundant harvests. Thou dost give to us the blessing of internal peace. Thou dost inspire us with the highest national ideals. Thou thus hast been calling upon us, appealing to the best within us to lead us upward and onward to the attainment of God's great purpose in us and in our Nation. We thank Thee for the unsullied flag, for what it means, for what it leads to, for what it tokens for the future. Grant us the courage and the character to keep it unsullied and to maintain inviolate the trust that Thou hast committed to our hands. Hear us; guide us this day in the discharge of every duty; give to us a consciousness of fellowship with God. We ask for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

LAND AT FORT WASHINGTON, MD.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, calling attention to an item in the sundry civil appropriation act of June 23, 1913, for the purchase of swamp lands, Fort Washington, Md., $350, and owing to delay in acquiring title to the land requests that this amount be reappropriated, which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Evangelical Lutheran Augustan Synod of North America, in convention assembled at Sycamore, Ill., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Macomb and Meridosia, in the State of Illinois; of Indianapolis, Ind.; of Burlington, Iowa; of Youngstown, Ohio; of Eden Prairie, Minn.; and of Brownsville, Oreg., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a resolution adopted by Local Branch No. 52, United National Association of Post Office Clerks, of Lincoln, Nebr., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. SHERMAN presented a petition of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Congregational Ministers' Union, of Chicago, Ill., remonstrating against the passage of the pending immigration bill until a careful study has been made of the oriental and immigration problem, which was ordered to lie on the table.

Mr. WORKS presented a petition of the congregation of the North Pasadena Methodist Church, of Pasadena, Cal., and a telegram in the nature of a petition from the official board and congregation of the Methodist Church, of San Luis Obispo, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Pasadena, Cal., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a resolution adopted by the Association of Congregational Churches and Ministers, of Somerset County, Me., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Parsons, Dennis, Iola, Dighton, and Sabetha, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Tilghman, Bozman, Oxford, Easton, Queenstown, and Stevensville, all in the State of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of W. H. Bender, Ray Vaughn, John G. Sanestez, and 36 other citizens of Fort Wayne, and of Peter Hofmann, Edwin Hofmann, Louis Probst, and 28 other citizens of Dearborn and Madison Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Men's Bible Class of the Presbyterian Church of Michigan City, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Braintree, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

FEDERAL BUILDING, HONOLULU, HAWAII.

Mr. WARREN. From the Committee on Public Buildings and Grounds I report back, with amendments, the bill (S. 5295) to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes, and I submit a report (No. 608) thereon. I venture to ask for the immediate consideration of the bill. It costs no money, it is a short measure, and relieves a situation.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 6, before the word "May," to insert "May 30, 1908 (35 Stats., p. 490)"; on page 2, line 14, after the word "title," to insert "or to their successors in interest"; on the same page, line 17, after the word "owners," to insert "or by their successors in interest"; on the same page, line 20, after the word "site," to insert "or to their successors in interest"; on the same page, line 25, after the word "site," to insert "or such enlargement of the present site"; on page 3, line 1, after the word "building," to strike out the word "thereon" and the proviso thereto and insert "heretofore authorized: *Provided*, That the cost of the present site, including the enlargement thereof, or of such new site and of said building, shall not exceed the total of the limits of the cost heretofore fixed, to wit, $1,325,000: *Provided further*, That all appropriations heretofore made toward the acquisition of the present site and enlargement thereof and the construction of said building, together with the proceeds of such sale of the present site, are hereby made available toward the acquisition of such new site or the enlargement of said present site, and the construction of said building upon either the new or the present site," so as to make the bill read:

Be it enacted, etc., That the acts of June 30, 1906 (34 Stats., p. 782); June 30, 1906 (34 Stats., p. 794); May 30, 1908 (35 Stats., p. 490); May 30, 1908 (35 Stats., p. 541); March 4, 1909 (35 Stats., p. 951); June 25, 1910 (36 Stats., p. 696); March 4, 1911 (36 Stats., p. 1373); March 4, 1913 (37 Stats., p. 866); and October 22, 1913, providing for the acquisition of a site, the enlargement thereof, and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, be, and the same are hereby, amended so as to authorize the Secretary of the Treasury, in his discretion, in lieu of enlarging the site heretofore acquired for said building, to reconvey said site by the usual quitclaim deed to the person or persons from whom the United States acquired title, or to their successors in interest, upon the payment to the United States of the price the Government paid for said property, and conditioned upon the payment being first made by said previous owners, or by their successors in interest, of the sum of $35,000 to the person or persons who contributed said sum for the opening and dedication of Bishop Street, adjoining said site, or to their successors in interest; and the Secretary of the Treasury, in his discretion, is hereby authorized to acquire, by purchase, condemnation, or otherwise, a new and conveniently located site of ample area for said authorized building, and to enter into contract, within the limit of cost hereinafter fixed, for the acquisition of such new site, or such enlargement of the present site, and for the erection and completion of the building heretofore authorized: *Provided*, That the cost of the present site, including the enlargement thereof, or of such new site, and of said building shall not exceed the total of the limits of cost heretofore fixed, to wit, $1,325,000: *Provided further*, That all appropriations heretofore made toward the acquisition of the present site and the enlargement thereof and the construction of said building, together with the proceeds of such sale of the present site, are hereby made available toward the acquisition of such new site, or the enlargement of said present site, and the construction of said building upon either the new or the present site.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EX-SOLDIERS AS FOURTH-CLASS POSTMASTERS.

Mr. SMITH of Georgia. From the Committee on Post Offices and Post Roads I report back favorably with an amendment the bill (S. 5861) to amend the postal and civil-service laws, and for other purposes, and I submit a report (No. 607) thereon. It is a bill that covers eight lines, and is intended to permit ex-soldiers to take the examinations for fourth-class postmasters without regard to the age limitation. Many of the examinations will take place next month; and I wish to ask for the immediate consideration of the bill. It was unanimously approved by the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Post Offices and Post Roads was to strike out all after the enacting clause and to insert:

That all persons with honorable record in the military or naval service in the Civil War, either in the Federal or Confederate Army, or in the Spanish-American War, shall be exempt from any age limitation in the selection of fourth-class postmasters, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WORKS:

A bill (S. 5965) granting an increase of pension to King R. Olmstead (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW (by request):

A bill (S. 5966) to provide for the sale of public lands in western Nebraska and Kansas and eastern Colorado in certain cases, and for other purposes; to the Committee on Public Lands.

By Mr. JAMES (by request):

A bill (S. 5967) amending sections 476, 477, and 440 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. ROBINSON:

A bill (S. 5968) for the relief of John N. Thompson; to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 5969) for the relief of James Gloster; and

A bill (S. 5970) for the relief of Isaac Bethurum; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 5971) for the relief of Forrest V. Painter; to the Committee on Claims.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing that so much of the appropriation for the surveying of public lands not to exceed $25,000 be made available to bring up the arrears of office work on returns of surveys in the various surveyors general's offices, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

EXTENSION OF CAPITOL GROUNDS.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 164) for the appointment of a commission to acquire by purchase or condemnation certain land for the extension of the Capitol Grounds, and providing for the payment therefor, which was referred to the Committee on the District of Columbia and ordered to be printed.

GUARANTY OF BANK DEPOSITS (S. DOC. NO. 522).

Mr. HITCHCOCK. I ask unanimous consent to have printed as a Senate document a history of guaranty of bank deposits in certain States, prepared by George H. Shibley for the Senate Committee on Banking and Currency. I will say that this document also includes a statement of the court construction of various States.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the matter will be printed as a Senate document.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 32, 35, 36, 44, 45, 46, 50, 62, 64, 66, 67, 68, 69, 97, 99, 104, 105,

106, 107, 108, 128, 129, 130, 131, 133, 134, 135, 138, 139, 140, 141, 145, 157, 162, 163, 164, 165, 166, 170, 171, 172, 173, 174, 175, 181, 184, 188, 199, 200, 201, 209, 210, 213, 214, and 235.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 31, 34, 38, 39, 40, 41, 42, 49, 51, 54, 55, 56, 57, 58, 59, 60, 61, 63, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 100, 102, 103, 109, 126, 132, 136, 142, 143, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 161, 167, 178, 179, 180, 183, 185, 186, 187, 189, 190, 192, 193, 194, 196, 197, 198, 202, 203, 205, 206, 207, 208, 211, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, and 233, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,405"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "General Supply Committee: Superintendent of supplies, $2,250; clerks—1 of class 4, 1 of class 3, 3 of class 2, 2 of class 1; 12 temporary clerks for four months, at $75 each per month; in all, $15,850"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,520"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "janitor service for the Executive Mansion and Office Building, not to exceed $1,200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,150"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$376,620"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: On page 76 of the bill, line 3, strike out the words "Toward the" and insert in lieu thereof the word "For"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,316,890"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That not to exceed $25,000 of this fund shall be used for the purposes above indicated"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$463,630"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

The committee of conference have been unable to agree on amendments numbered 1, 20, 28, 29, 30, 33, 43, 47, 48, 52, 76, 78, 79, 85, 101, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 212, 218, 219, 220, and 234.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. I ask that the conference report may be adopted.

Mr. SHAFROTH. I should like to inquire of the Senator from Virginia as to whether or not the items concerning the assay offices in the West were disagreed to by the Senate conferees and if there has been a yielding to the House conferees on those items?

Mr. MARTIN of Virginia. There has been no yielding. Those items are in disagreement.

Mr. SHAFROTH. They are in disagreement?

Mr. MARTIN of Virginia. In disagreement.

The report was agreed to.

The VICE PRESIDENT. Does the Senator from Virginia move that the Senate further insist on its amendments still in disagreement and request a further conference?

Mr. MARTIN of Virginia. I understand the proper course is for the report to go to the House, and let the request for a further conference come from the House before such a motion is made.

Mr. WARREN. If the Senator from Virginia will permit me, unless there is some request from the House, the usual course is for the Senate to further insist upon its disagreement, request a further conference, and appoint conferees.

Mr. MARTIN of Virginia. I think either course is permissible, and on the suggestion of the Senator I will make the motion. I move that the Senate further insist upon its amendments still in disagreement, request a further conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees at further conference on the part of the Senate.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of House bill 12579, the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Colorado [Mr. THOMAS], to strike out lines 6, 7, 8, 9, and 10, on page 23, which will be read.

The SECRETARY. The matter proposed to be stricken out by the Senator from Colorado [Mr. THOMAS] reads as follows:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $20,000.

Mr. SMITH of Arizona. Mr. President, that is the amendment on which I addressed the Senate for a few minutes last evening. From the statement made that there are other reservations for the Indians in that county, I concur most heartily in the motion of the Senator from Colorado. I hope the Senate will strike that provision from the bill. I do not think there is any necessity for it. It is purely experimental and doubtful in its wisdom, to say the best of it. I am perfectly familiar not only with the Indians to whom this section applies, but equally so with the country over which they roam. When there is already an enormous Papago reservation within that county, the establishment of others is detrimental, in my judgment, not only to the Indians, but to the white people as well and to the prosperity of that part of the State.

I hope the Senate will strike this provision from the bill.

Mr. TOWNSEND. Mr. President, in view of what the Senator from Arizona [Mr. SMITH] has stated and what was said last evening, I feel as though I ought to make a further statement in reference to this matter.

I, of course, am not personally familiar with the conditions in Arizona and am obliged to rely upon the information which has come to me. I have been informed this morning by a Senator who ought to know that there is no large reservation for these Papago Indians in any part of Arizona; that there is a small executive reservation, and upon that most of these wells are proposed to be dug. In fact, I am informed that those Indians built dwellings there, monuments were erected where they are now located before the city of Tucson was located; that they had been in possession of this land from the time Arizona was recognized as a Territory and even when it was a part of Mexico. The Papago Indians were in this territory first.

I am making this statement, Mr. President, because I wish to give the reasons which actuated me in supporting this measure. My understanding is that these wells are to be dug in order to accommodate the Indians who have never received anything at the hands of the Government, but whom the Government recognizes as being entitled to some consideration; that with the digging of these wells, the furnishing of a limited supply of water which will answer their needs, it shall be made possible for the Indians to live in a civilized manner. It was with this understanding, and before the Senator on yesterday stated on the floor that there was an effort to coerce these Indians into going where they did not wish to go and to locate them on territory other than what they had theretofore occupied, that I supported this proposition.

If it be true that the committee has not been properly informed, if the facts which have been submitted to us are unreliable, it is very difficult for me to know where we are going for our facts. I am not doubting the word of the Senator from Arizona; I have known him too long for that; but I had assumed that it was my duty as a member of the Committee on Indian Affairs to legislate on affairs pertaining to Indians, and that legislation was not to be left to the individual Senators in the various States where these Indians are located. I know that we ought to have their judgment and their information; they are deeply interested, not always alone for the Indians, but for their people as well; and we, acting on these committees and as Members of Congress, are called upon to settle these questions in the interest of a trust which we owe to the Indians.

I have made this statement, Mr. President, because I thought it was due that it should go into the RECORD, for I am very confident that this matter, with others, is going to be investigated and that we are going to ascertain whether we are being deceived by the officers of the Government, whose duty it is to supply information and to give us the facts under their charge, and whether that information is absolutely unreliable.

Mr. THOMAS obtained the floor.

Mr. SMITH of Arizona. Will the Senator from Colorado yield to me just for a second?

Mr. THOMAS. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. Mr. President, I understand that the eight Papago villages referred to in the objectionable paragraph are off the reservation. If they are on the reservation, I would say to the Senator that the provision is all the more objectionable, for the reason I stated on yesterday; that is, if they put these wells on the reservation they have got to go up and tap a water supply, on the underflow of which the city itself exists.

Mr. TOWNSEND. Does the Senator from Arizona refer to Tucson?

Mr. SMITH of Arizona. I refer to Tucson.

Mr. TOWNSEND. May I ask the Senator if it is correct, as I stated a moment ago, that these Indians were located on this particular ground even before Tucson was established, old as that city is?

Mr. SMITH of Arizona. We do not know, because the first man who was able to write the history of that country found both there.

Mr. TOWNSEND. What prior right had Tucson to the water? According to the Senator's own statement, it would necessarily be a limited amount that these Indians could use. Why should they be denied that right?

Mr. SMITH of Arizona. The Indians are not denied the right. We had appropriated the water years before, and the Indians had made no appropriation, nor had the Government done so for them. We are not using the surplus waters; we have gone down to immense depths; we have dug great ditches across a wide valley; we have sunk deep wells and run them by electrical power in order to get water, going above, where the Indians had never dreamed nor the Indian Department had never dreamed that water could be obtained. The city has obtained it at an enormous expense. Now, to say that they can go and sink at their pleasure wells of exactly the same or of a similar kind and cut the underflow, which is as well measured as is the upper flow of the river, and take it away without any investigation at all, is unjust and the Senator must see the injustice of it, without further investigation, under every light in which we can look at it.

I again express my sympathy for these Indians, much more intensely than the Senator can feel, for I see them every day when I am at home; we all feel the same way about them; but we are legislating here or attempting to legislate on a mere conjecture as to whether this will or will not affect the underflow without any investigation whatever. In any event, it is a matter which ought to be investigated, and I will aid the Senator in any effort to see that hereafter, when statements come from any department of this Government purporting to set forth facts, that they shall know that they are facts, so that we can rely with some sort of confidence on their statements.

Mr. THOMAS. Mr. President, I have no doubt that the Indian Bureau has conscientiously and truthfully endeavored to give to the committee all needed information or at least all information in their possession concerning this and kindred items of appropriation. Of course, no man who knows the Senator from Michigan [Mr. TOWNSEND] will doubt for a moment that, in recommending this appropriation, he has done so because he has felt it his duty to do so in view of the information which he has received; but my objection to the paragraph under consideration is fundamental and goes beyond any question of expediency as it may concern this particular tribe of Indians.

The situation, as I understand, may be summarized in this way: The Papago Indians own a reservation in southern Arizona, and as wards of the Nation they are provided for or should be provided for as residents upon that reservation. They are in the habit of leaving the boundaries of their reservation and wandering over other portions of the country, stopping for a while in one place and then in another, but anchoring themselves nowhere in particular. Of course that is of itself a violation of the law. They have no business off their reservation, except as they may be permitted to go under departmental regulations. This appropriation is designed not only to legalize their excursions from the boundaries of their reservation, but to encourage them and to make their absence from it permanent.

Not only so, but it is proposed, according to the testimony of Mr. Meritt, that these eight wells shall be sunk for the benefit of these Indians at any point in southern Arizona which the department may determine to be desirable; and in the event that a successful supply of water is obtained, then by Executive order a new reservation, or a number of new reservations, are to be created for their benefit. I want to protest as emphatically as I know how against the exercise of such a policy either in this particular instance or at all. It is wrong not only to the Indians themselves, not only to the taxpayers of the country, but to the settlers upon the public lands in the State of Arizona. If there is any place outside of the Papago Reservation where water can be secured, it ought to be secured for the white settler who is looking for and generally disappointed in the search for land which is still a part of the public domain upon which he can make his location.

Now, let us trace this thing to its ultimate consequences. The Papago Indians, as I have said, have a reservation. They ought to stay upon that reservation and be supported so long as they do stay upon it; but they are leaving the reservation. The Government is going to sink eight wells for them in as many places; and assuming, now, that the sinking of each well results in the obtaining of a supply of water and that they are at considerable distances from each other, then it is proposed that the President by Executive order shall create a new reservation at each one of these places for these Indians, and thus enlarge the area of land excluded from settlement under the homestead and other laws of the United States designed for the benefit of the white man. It simply means the further contraction of the public domain in the State of Arizona, already contracted because of the creation of so many of these reservations beyond all reasonable limitations.

I assume that there is plenty of land and to spare in the reservation which has already been set apart for these Indians. I assume that if they do not stay upon that reservation they ought to be compelled to do so, and if compulsion proves unsuccessful, then the Government ought to withhold all supplies from them until they become tractable and submit to the powers that are above them.

I predict, Mr. President, that if this precedent is once established it will simply be used for similar practices in other States, to say nothing of Arizona itself. The principle is wrong; the consequences of it are likely to be pernicious; and instead of benefiting the Indian, it is going to prove a serious injury to the State of Arizona. I hope this paragraph will be stricken out.

Mr. PITTMAN. Mr. President, I am a member of the Committee on Indian Affairs, and voted for this provision in the committee at the time it was acted upon; but I believe now that I voted through a misapprehension of the facts. I was under the impression that this appropriation was to develop water on the reservation; but I understand now it is possible that these wells may be dug at eight different places; and if the reservation is made to include them all, it may have to be

made large enough to take in nearly the whole State, or else involve the creation of eight separate reservations.

It is certainly impracticable to have eight separate reservations for 1,400 Indians, which, as I understand from the report, is the number of these Indians; and yet the bill anticipates that when these wells are developed in these eight separate settlements, then the lands surrounding them will be constituted into reservations. I say that means either eight separate reservations, if the Indians are widely scattered through that State, or it means one enormous reservation.

It seems to me that the Indian commissioner could more definitely advise Congress as to whether or not the present reservation is sufficiently large; and if not, how much larger it should be made. If the Indians require an additional reservation, he should point out the necessity for and the location of the proposed additional reservation. I do contend that it seems absolutely impracticable to attempt to establish eight separate reservations, as may be done under this provision, in the State of Arizona for the benefit of 1,400 Indians.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I do.

Mr. THOMAS. If the Senator will allow me for a moment to refer him to the CONGRESSIONAL RECORD of yesterday, he will ascertain just what is proposed by the Indian Bureau. The Senator from Michigan [Mr. TOWNSEND], in his remarks yesterday afternoon, read from page 204 of the House hearings, Mr. Meritt being the witness from whose testimony he quoted, as follows:

Senator TOWNSEND. As I understand it, this is a case where the Indians do not own the land. Where are you going to dig the well? The Papagos are living, as I understand, in little villages on land that does not belong to them.

Mr. MERITT. We have created Executive-order reservations in two cases, I believe, and set aside land for these Indians. They are living in villages and we expect to get an Executive-order reservation covering all the land where the work is now in progress.

In other words, the work is in progress in different places and these Executive-order reservations are going to keep up with the progressive sinking of these wells. Of course, as the Senator from Nevada well says, it is obvious that the obtaining of water for the sinking of these wells is going to be followed by the increase of the area of the reservation for these Indians. If the wells are going to be sunk at all, perhaps they should be sunk on the reservation now in existence, and the Indians ought to be made to stay there.

Mr. PITTMAN. And if the reservation is not large enough it should be enlarged.

Mr. THOMAS. The Senator from Arizona [Mr. SMITH] says that it is ample for the number of Indians constituting this tribe, and I have no doubt it is. I have heard no one say that it is too small.

Mr. PITTMAN. If it is a fact that these villages are widely separated——

Mr. THOMAS. The Senator from Arizona says he knows of no such villages; that the villages are mythical.

Mr. PITTMAN. I am assuming that there are eight villages. If they are widely separated, then, it follows that, if they are included in one reservation, it must be an enormous reservation; and if they are made into eight reservations, then it is not an economical management of Indian affairs. I think the whole matter is guesswork.

Mr. SHAFROTH. Mr. President, I want to ask the Senator from Arizona a question. If I recollect aright, in looking at the map of the State of Arizona about one-third of the area of that State is in Indian reservations.

Mr. SMITH of Arizona. One-half of it is in reservations of all kinds.

Mr. SHAFROTH. One-half of it is in reservations of all kinds. Now, how much of that half consists of Indian reservations?

Mr. SMITH of Arizona. I would not be able to answer that offhand. The records show very plainly. I should judge, though, that of the number of these great reservations probably nearly half of them are Indian reservations.

Mr. SHAFROTH. That is, one-quarter of the State of Arizona at the present time is in Indian reservations. Mr. President, I want to call attention to the fact that Congress, after having the experience of a number of years in regard to forest reserves in the United States, passed a law some 10 years ago prohibiting Executive-order forest reservations, and providing that no forest reserve could be established without the consent of Congress. Now, it seems to me that if we are going to allow Indian reservations to be made by Executive order, it is directly in conflict with the express policy of the Congress of the United States in respect to other reservations. It must be remembered that whenever these reservations are established they result in practically locking up the resources of the State. I am opposed to this provision of the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. THOMAS].

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will now state the amendment heretofore submitted by the Senator from Washington [Mr. JONES].

Mr. STERLING. Mr. President, I rise to ask as to the stage of the proceedings upon the bill. Are we through with the consideration of the committee amendments?

The VICE PRESIDENT. The consideration of committee amendments is completed, except as to two small matters with reference to punctuation.

Mr. STERLING. Before taking up individual amendments, I wish to call attention to the committee amendment beginning with line 3, page 67, which went out the other day on a point of order, and I invite the attention of the junior Senator from Oklahoma [Mr. GORE] to this particular amendment. I desire to know if the point of order made at that time is now insisted upon? I have been assured that the point of order would be withdrawn.

The VICE PRESIDENT. The Chair will not permit a point of order to be withdrawn after it has been sustained. The Chair has some rights.

Mr. STERLING. As to the procedure, Mr. President, I did not have that in mind when I called the matter up. The Chair is, of course, correct.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 90, after line 18, it is proposed to insert——

Mr. ASHURST. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. JONES. Certainly.

Mr. ASHURST. There are one or two other committee amendments, or rather corrections, that the committee wishes to dispose of.

The first is that on page 6, line 17, the word "thirteen" should read "eleven," so that it will read "nineteen hundred and eleven," instead of "nineteen hundred and thirteen."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6 it is proposed to strike out, on line 17, the first word in the line, the word "thirteen," and to insert in lieu thereof the word "eleven."

The amendment was agreed to.

Mr. ASHURST. When the amendment on page 11 was before the Committee of the Whole for consideration, in reply to a question propounded to me by the senior Senator from Utah [Mr. SMOOT], I stated that the unused balance for that fiscal year was $29,500.01, but I was in error. The unused balance is $40,755.62. I ask that the figures "$29,500.01" be stricken out and "$40,755.62" inserted in lieu thereof.

The VICE PRESIDENT. By unanimous consent, the vote whereby the amendment was agreed to will be reconsidered; the amendment will be amended by unanimous consent, as stated by the Senator from Arizona, and the amendment as amended will be agreed to.

Mr. ASHURST. The junior Senator from Utah [Mr. SUTHERLAND] propounded to me on yesterday an inquiry regarding the facts concerning the payment of tuition for Indian children enrolled in the public schools in Box Elder County, Utah. I desire to direct the attention of the Senator from Utah to the following provision on page 8 of the bill:

Provided further, That not more than $20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

I have a letter on this subject from the Commissioner of Indian Affairs, which I ask to incorporate in the RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 22, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR, I have an informal inquiry inviting my attention to the communication presented by Senator SUTHERLAND to the Senate Committee on Indian Affairs concerning payment of tuition for Indian children enrolled in the public schools of Box Elder County, Utah (page 13 of the report; part 1 of the hearings before the Committee on Indian Affairs, United States Senate, on the Indian appropriation bill).

For the fiscal year 1913 a contract was made with the trustees of the schools of Box Elder County, which provided for payment of tuition

of 16 Indian pupils at the rate of $10 per quarter per pupil, and during this year all claims presented under the contract were paid. This contract was not renewed for the fiscal year 1914, because of a decision of the Comptroller of the Treasury, dated October 22, 1913, under which the office was precluded from entering into contracts to pay tuition for Indian children enrolled in public schools where under State law they were entitled to attend free of charge. It is understood that the Indians resident in Utah are so entitled in accordance with the law of that State.

If the question presented be rightly understood, it applies to future contracts with the commissioners of Box Elder County and not to reimbursement for past services, inasmuch as the county was duly advised that it was impracticable to contract with it for the fiscal year 1914 and no contract was, in fact, made. Such future remuneration during the fiscal year 1914 to the public schools for education of Indian children may be authorized if the provision in the Indian appropriation bill in its present form as reported by the Senate committee, page 8, becomes a law. This provision reads:

"*Provided further*, That no more than $20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools."

Very truly, yours,

CATO SELLS,
Commissioner.

Mr. ASHURST. On page 78, line 10, I move to insert the matter which I send to the desk.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. On page 78, after the amendment already agreed to at that place, it is proposed to add the following:

Provided further That the interest accruing from tribal funds and deposited in banks in the State of Oklahoma may be used as authorized by the act of March 3, 1911, under the direction of the Secretary of the Interior, to defray the expense of per capita payments authorized by Congress

The VICE PRESIDENT. Is there any objection?

Mr. WILLIAMS. Mr. President, what is the request?

The VICE PRESIDENT. An amendment.

Mr. LANE. I object to it until I learn something about it.

Mr. WILLIAMS. Reserving the right to object, I wish to ask the Senator from Arizona what is the nature of the amendment. Does it affect the Mississippi Choctaws?

Mr. ASHURST. Not at all. I have received a letter from the department requesting the adoption of an amendment to the effect that the interest on tribal funds on deposit in the banks of Oklahoma may be used for the purpose of paying any per capita payments that the law may authorize. I will ask that the amendment may be restated.

Mr. WILLIAMS. That is all right. The Senator's statement is sufficient for me.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ASHURST. Just one more item and I will surrender the floor.

During the discussion of the item to which the Senate refused to agree, being the amendment regarding the Papago Indians, much was said that I feel was erroneous. Of course it was accidentally stated in that way. In order that the Senate and the country may have the departmental views at least I ask that pages 322, 323, 324, 325, and 326 of the House hearings may be incorporated in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Mr. MERITT. The next item reads as follows:

"For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,600."

We offer the following justification for the record:

STATISTICS, 8 PAPAGO VILLAGES.

Census, 1913		1,423
Present irrigable area, undetermined.		
Irrigated area	acres	873.7
Acres under completed project, depends upon water found.		
Acres cultivated by Indians		873.7
Acres cultivated by whites		None.
Value of irrigated land	per acre	$100
Expended to June 30, 1913		Nothing.
Estimate for fiscal year 1915		$35,600
Cost of completed project		$35,600

"The Indians of this territory have had little or no aid from the Government, and are a bright and energetic people, for Indians. Their principal source of revenue is that of stock raising, and this could be made a source of much greater revenue for them if it were not for the fact that the water supply for use of the stock is very limited and hard to obtain. Frequently the feed is ample in a locality, but water is at such a great distance that stock can not subsist. The estimate on this contemplates the sinking of wells, or the improvement of those already constructed, the installation of a pump and small distillate engine, the construction of excavated tanks for domestic and stock water, and the erection of a small structure over the pump and engine."

"There are eight villages which are much in need of these improvements. Others might in the future require the same. The villages included are:

Via-viau, or Cockleburr	200
Chiu-Chiuschu	200
Ko-Opke	75
Taht-Mohmeli	106
Komelih	
Quajoti	100
Anegam	200
Santa Rosa	400

"As stated before, these Indians have had practically no aid from the Government, and have been a peaceful and inoffensive tribe at all times, and are almost wholly self-supporting at present, but to bring them to a state where they would be really removed from danger of actual starvation there is nothing that can be done so cheaply to add to their income, but not in any sense pauperize them or render them any less industrious. It is the intention to have one thoroughly competent white man to travel from one village to another, to see that these pumping plants are kept in good operating condition.

"The cost of individual pumping plants is estimated as follows:

Sinking well 6 inches diameter, 200 feet, at $5	$1,000
Pump	800
Gas engine	400
Domestic water storage tank	500
Stock-water storage tank	750
Structures, buildings for pump, engines, etc	500
Engineering and incidentals	500
Total	4,450

The CHAIRMAN. Your justification gives the names of these towns?

Mr. SCHANCK. Yes, sir.

The CHAIRMAN. And the location of each?

Mr. MERITT. The justification does not show the exact locations. Mr. Chairman, I would like Mr. Schanck to make a statement in regard to this appropriation for the Papago Indians. We are asking for three separate appropriations.

The CHAIRMAN. We would like to have Mr. Schanck's statement in the record.

Mr. SCHANCK. Probably it would be more clearly understood from this map than from a verbal description. The appropriation of $5,000 for the Papago Indians, the same being item No. 35, contemplates the sinking of wells and making other improvements to the water supply of the nomadic Papago villages, as found best by specialists in the field. In addition to this, large areas of the nomadic Papago country have been surveyed, and it has been found feasible to construct at eight villages wells and pumping plants to furnish water for stock, and perhaps in some instances for a small amount of irrigation where the villages have been established for a long time and where it is known that the Indians constantly make their homes. These villages are Via-Viau or Cockleburr, with a population of approximately 200; Chiu Chiuschu, with a population of approximately 200; Ko-opke, with a population of approximately 75; Taht-Mahmeli, with a population of approximately 100; Quajoti, with a population of approximately 100; Anegam, with a population of approximately 200; Santa Rosa, with a population of approximately 400.

Mr. CARTER. You have left out Komelih.

Mr. SCHANCK. Yes; Komelih, with a population of approximately 150.

The CHAIRMAN. How much land do these Indians own around each one of these villages?

Mr. SCHANCK. They own no land; they are on the public domain, except the Chiu Chiuschu village has a reservation.

The CHAIRMAN. How much do they own?

Mr. SCHANCK. It consists approximately of one township. The village of Ko-opke has a reservation around it of approximately 35,000 acres, and the village of Taht-Mahmeli has a reservation consisting of 12 sections, I believe.

The CHAIRMAN. And none of the other towns have lands except on the public domain?

Mr. SCHANCK. No, sir; they have occupied and cultivated these lands around the villages as best they can.

The CHAIRMAN. How does the department protect them against white settlers?

Mr. SCHANCK. The department was preparing to protect them by allotting them from the public domain.

The CHAIRMAN. And nothing has been done in that direction?

Mr. SCHANCK. There has been farther east, but under the act of Congress passed last year no money is available for the allotment of lands on the public domain in Arizona and New Mexico. We expect to protect them by putting them in shape so they can cultivate their lands, and, of course, as long as they stay there and cultivate the lands, the present laws prohibit homestead entry or any form of entry upon lands thus occupied by Indians. They do need more protection, but as yet I believe the Indian Service is hardly able to say in all instances what should be done. We need some of these other appropriations to conduct our investigations to make more definite recommendations as to the future.

The CHAIRMAN. So then, under the present laws, a white man can not go in there and take land that these Indians now occupy?

Mr. SCHANCK. Is not that the fact, Mr. Meritt?

The CHAIRMAN. If it can be shown that the Indians actually occupy the land, are they protected against white settlers?

Mr. MERITT. Mr. Chairman, there was incorporated in connection with the appropriation for allotment work in the last Indian appropriation act a proviso clause which prevented the Indian Bureau from making further allotments on the public domain in the States of New Mexico and Arizona.

The CHAIRMAN. Is that good legislation? Would it be good legislation to leave that out?

Mr. MERITT. I think it is absolutely just and fair to the Papago Indians, as well as to other Indians in those States, that this legislation in the Indian appropriation act this year be omitted. The language in that act that we would like to have omitted in this year's legislation reads as follows:

"*Provided*, That no part of said sum shall be used for the survey, resurvey, classification, appraisement, or allotment of any land in severalty upon the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona."

That legislation has worked a hardship on these Indians.

The CHAIRMAN. Do you leave it out of the draft of the bill this time?

Mr. MERITT. Yes, sir.

Mr. SCHANCK. The Indian village of Ak-chin, near Maricopa Station, is one for which we are asking an appropriation of $22,200 for the construction of wells and an irrigation system for a small area at that village, from the general irrigation fund. South of Tucson, distant about 150 miles from the village of Ak-chin, is the Papago Reservation, for which we are asking an appropriation of about $8,000 to construct a temporary pumping plant and to operate it and the one already constructed during the fiscal year, and probably the year following. These two pumping plants will water about 1,000 acres. This $8,000 is also out of the general irrigation fund. In addition to this $8,000, we are asking for the first installment, which is $50,000, for the project on the Papago Reservation south of Tucson, the total project to cost $150,000. The temporary pumping plant is needed pending the time when this large project can be put into use, and this large appropriation is urgently needed at this session of Congress to protect the water rights of the Indians, as these are being rapidly appropriated by the whites. Of the 800 Indians attached to the Papago Reservation, about 600 would be taken care of by the completion of the large project on the Papago Indian Reservation. In addition to these three items for the Papagos, we are asking for $5,000 to operate a well rig, already purchased for drilling wells, to improve the domestic and stock water supply for any so-called nomadic Papago Indians who occupy the territory west of Tucson and south of the Southern Pacific Railroad, covering a large area. In addition, we are asking for a specific appropriation of $35,600 to construct wells and pumping plants at eight villages where surveys have been completed with sufficient accuracy to indicate that water is available for stock purposes, and, in some instances, for a small amount of irrigation. These villages are distant from 40 to 90 miles south and east of the village of Ak-chin, near Maricopa Station, for which the first appropriation is requested in the general irrigation fund.

Mr. CARTER. Are all these Papagos in Arizona?

Mr. SCHANCK. Yes, sir.

Mr. CARTER. How many of them are there?

Mr. SCHANCK. In the allotting work, so far as it has been carried on there, there were allotted approximately 4,000, and I should think about half of the territory they were known to occupy was covered.

Mr. CARTER. How much money all told, by this bill, do you spend in connection with irrigation work for the Papagoes?

Mr. SCHANCK. One hundred and twenty thousand eight hundred dollars.

Mr CARTER. How many items are there in the bill for the Papagoes? I mean specific items and general items of appropriation, too.

Mr. SCHANCK. Five.

Mr. CARTER. Will you name them in consecutive order in order that we may be enabled to refer to them in the hearings?

Mr. SCHANCK. Eight thousand dollars for the construction and maintenance of pumping plant, canals, and the installation of additional pumping plants on the Papago Reservation near Tucson, Ariz.; in the general irrigation appropriation, an item of $22,200 for the construction of a pumping plant at the village of Ak-chin, near Maricopa Station; specific appropriation item No. 29, carrying an appropriation of $5,000 for water supply for the nomadic Papagoes, which contemplates improving the water supply for any Indians among the nomadic Papagoes; item No. 33, carrying an appropriation of $50,000 for beginning the construction of a permanent irrigation system on the Papago Reservation near Tucson; item No. 35, carrying an appropriation of $35,600 for securing a water supply for stock and, if possible, for irrigation, for eight Papago Indian villages, five of which are on the public domain and three on small reservations in a territory about 60 miles long and 30 miles wide.

Mr. CARTER. That will be a total of $120,800.

Mr. SCHANCK. Yes, sir.

Mr. CARTER. How many of these Papagoes will be beneficiaries of this project?

Mr SCHANCK. Those that can be definitely determined will be.

Mr. CARTER. I would like to have that information in connection with each amount appropriated.

Mr. SCHANCK. I have prepared a statement of that, and it can appear in the record at this point.

Irrigation systems from general appropriation.

Number benefited:		
Ak-chin village, 105 Indians		$22,200
Papago Reservation, 300 Indians		8,000
Special appropriations:		
Nomadic Papago water supply		5,000
Eight Indian villages (stock, domestic, and irrigation water supply) number of Indians in each:		
Cockleburr	200	
Chin Chinschu	200	
Quajote	100	
Ko-Opke	75	
Komilib	150	35,600
Santa Rosa	400	
Taht Mahmell	100	
Anegam	200	
Papago Reservation; permanent irrigation system, number of Indians, 600		50,000
Total for Papagos		120,800

Mr. CARTER. I think it should. Now, you have $8,000 for the Papago Reservation and again $50,000 for the Papago Reservation. Suppose you make an explanation of that.

Mr. SCHANCK. The $8,000 for the Papago Reservation is to operate and maintain the present temporary pumping plant and to install another small pumping plant to care for the crops for the coming year and probably the next year until the large irrigation system can be put into working order.

Mr. CARTER. Then you ask $50,000?

Mr. SCHANCK. The $50,000 appropriation is the first appropriation——

Mr. CARTER (interposing). The first appropriation for what?

Mr SCHANCK. For the construction of the permanent irrigation system, which will ultimately cost $150,000.

Mr. CARTER. It is not the intention of the Indian Bureau to have any duplications in any of these items of appropriation to be made for special and definite purposes?

Mr. SCHANCK. No, sir; these Indians are most deserving and they will make use of it.

Mr. CARTER. The item of $35,600 is to be used, I notice, for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona. Explain just what you mean by domestic use.

Mr. SCHANCK. Water to drink and to cook with.

Mr. CARTER. Not for stock?

Mr. SCHANCK. Well, stock, too; the three things.

Mr. CARTER. Those are the only purposes for which it is used—cooking, drinking, and for stock?

Mr. SCHANCK. And I think irrigation, where possible.

Mr. CARTER. I think not. I think it could not be used for irrigation purposes.

Mr. SCHANCK. Of course, we do not ordinarily expect to find enough water which would be available for irrigation.

Mr. REED. I think that should be changed so as to include stock and irrigation.

Mr. CARTER. It seems to me it would be pretty hard to defend an item of $35,000 for water simply for domestic uses.

Mr. SCHANCK. For stock purposes; that is the primary object of it.

Mr. CARTER. I think you ought to provide for that in the language of the bill.

Mr. MERITT. I suggest that you incorporate after the words "domestic use," in line 9, the words "and for irrigation purposes."

Mr. CARTER. For irrigation purposes and for stock and domestic use.

Mr. MERITT. Yes; that would be all right.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington [Mr. JONES] will be stated.

The SECRETARY. On page 90, after line 18, it is proposed to insert:

For enabling the Secretary of the Interior to assist the county commissioners of Stevens County, Wash., in the construction of a county road across the Spokane Indian Reservation, $500, reimbursable out of any proceeds arising from the sale or disposition of surplus lands of said reservation or out of any moneys to the credit of the Spokane Indians.

Mr. JONES. Mr. President, I think I should explain this amendment briefly.

The amendment was referred to the committee and the committee referred it to the department. Through the kindness of the chairman, I have a letter from the department reporting upon the amendment. I think that letter sets out clearly the reasons for this amendment and will convince the Senate that it is a meritorious proposition.

I shall not read the letter in full; but the Secretary states that these Indians have approximately $20,000 in the Treasury to their credit, and he says the Commissioner of Indian Affairs has had correspondence with reference to this road work. The commissioner says:

For your information there is inclosed herewith copy of a report received by the commissioner from the superintendent of the Spokane Indian Reservation on the subject.

From the records it appears that the construction of the road across the reservation would be a decided benefit to the Indians. However, owing to the depleted condition of the available funds at the disposal of the service at the present time which might be used in connection with this road work, if Federal aid is to be given the county commissioners in building this highway a special appropriation will be necessary.

In view of the above facts, it is recommended that the proposed amendment receive favorable consideration.

He incloses with that an extended report from the superintendent in charge, from which I will read just an extract or two. He says:

Until good wagon roads are provided for the Spokane Reservation progress among the Spokane Indians will necessarily be slow because of the lack of transportation facilities for marketing their products, now confined to three indifferent hill roads that during certain seasons are very bad, and at all times require very long hauls for a large majority of the Indians.

The situation, in brief, with reference to this road, is that this reservation is situated in Stevens County, Wash., and there is quite a settlement in a certain locality that can be reached only by crossing the reservation. The county commissioners contemplate building a road to reach this section, crossing the reservation. The county funds are very low; and, furthermore, this road appears to be of very great service and very great benefit to these Indians. Therefore they have asked that there should be some help on he part of the Indians in the construction of the road. The matter was carefully looked into by the superintendent, and he says this:

For the foregoing reasons—

He gives the location of the road, the situation of the Indians, the location of the white people, and the benefits that will accrue from the road, and then he says:

For the foregoing reasons I strongly recommend that some means be found to enable the Spokane Indians to contribute a fair share of money toward the construction of the proposed road, for every public utility that improves conditions among the whites in the vicinity of the reservation will bring the homes of these Indians in closer touch with civilization, while good roads will aid them equally with the whites and hasten the day of their independence.

Unfortunately the Spokanes are practically destitute of tribal funds, although possessing timber resources of nearly one billion feet, this being so isolated at present that it can not be economically or profitably marketed until convenient railway transportation facilities and good wagon roads are provided. * * *

In comparison with many other tribes the Spokanes have not fared well at the hands of the Government, though among the most deserving—

I call the attention of the Senate to this language of the superintendent:

In comparison with many other tribes the Spokanes have not fared well at the hands of the Government, though among the most deserving, and a good opportunity is here offered to do a double act of justice by aiding worthy settlers who are struggling against adverse circumstances to develop a most promising section of this new country, at the same time assisting our willing but ignorant red wards in getting on their feet.

If $500 contributed in behalf of the Spokane Indians will assure the building of this road, it will be about the most profitable investment that could be made for them with that amount of money, which would be many times returned in future benefit. It would also go far toward removing a natural and almost excusable prejudice existing in the minds of many good western people against the Indian and his reservation as obstacles in the path of progress.

That is from the superintendent of the reservation. I submit that this small amount, as he says here, would be really of double benefit.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I ask that I may put in the RECORD, so that the RECORD will show them in full, the letter from the Secretary and the letter from the superintendent.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1914.

MY DEAR SENATOR: I have received your letter of March 11 submitting for report an amendment proposed by Mr. JONES to H. R. 12579, for an expenditure of $500 to assist the county commissioners of Stevens County, Wash., in the construction of a county road across the Spokane Indian Reservation, to be reimbursed out of any proceeds arising from the sale or disposition of surplus lands on said reservation.

There is approximately $20,000 in the Treasury to the credit of these Indians, derived from the sale of lands belonging to them, but there is no authority of law to use any part thereof except in connection with the allotment, classification, and sale of lands.

The Commissioner of Indian Affairs has had correspondence with reference to this road work. For your information, there is inclosed herewith copy of a report received by the commissioner from the superintendent of the Spokane Indian Reservation on the subject.

From the records it appears that the construction of the road across the reservation would be a decided benefit to the Indians. However, owing to the depleted condition of the available funds at the disposal of the service at the present time which might be used in connection with this road work, if Federal aid is to be given the county commissioners in building this highway, a special appropriation will be necessary.

In view of the above facts, it is recommended that the proposed amendment receive favorable consideration.

Very truly, yours,

A. A. JONES.
First Assistant Secretary.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

[Department of the Interior, United States Indian Service. The Spokane Indian Agency, Room 423, Federal Building.]

SPOKANE, WASH., *February 23, 1914.*

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Answering office letter of January 19, 1913, regarding a request for Indian Office assistance in the matter of building a county road across the Spokane Indian Reservation, right of way for which was recently granted by the department to the commissioners of Stevens County, Wash., the following report is submitted:

Until good wagon roads are provided for the Spokane Reservation progress among the Spokane Indians will necessarily be slow because of the lack of transportation facilities for marketing their products, now confined to three indifferent hill roads that during certain seasons are very bad, and at all times require very long hauls for a large majority of the Indians. This road deficiency also prevents, or handicaps, the development of nearly all allotments except those in the immediate vicinity of the present poor roads over which the Indians are obliged to travel with their cayuse teams. With such a handicap and the poor prospect of better conditions, there is little or no incentive for most of them to do much more than cultivate enough land to furnish them with a bare living. Among intelligent and experienced white pioneers or settlers these obstacles to development would gradually be overcome, but such energy can not be expected from the long dependent red man.

The valley of the Columbia River north of the west end of the Spokane Reservation is very fertile and rapidly being peopled by a fine lot of settlers, practically all of whom have come into the valley with sufficient means to purchase tracts of land that they are vigorously proceeding to develop, but now find themselves unexpectedly in a pocket. Across the river to the west lies the Colville Reservation; eastward is the mountainous divide between the Columbia and Colville Rivers, while to the south the Spokane Reservation is a formidable barrier that must be pierced to enable them to have an outlet to markets on the south side of the river, there being no railroad in the entire territory. To reach these markets at present a long detour must be made from the lower end of the almost water-grade road down the Columbia to the eastward along the reservation boundary lines, thence southward over the hilly, sandy, and rocky road through the reservation to the Nee bridge over the Spokane River near its mouth, all of which entails a real hardship and great loss of time for the settlers, who have not as much time to spare as their red brethren.

The proposed road follows the water grade down the Columbia until it reaches a point a short distance north of the Government town site at the junction of the Columbia and Spokane Rivers, where it diverges to the east, passing along the east and west dividing line between the town site and the Spokane Agency Reserve; thence south by twists and turns to the Nee bridge. This diversion involves a series of steep grades in getting down to the bridge, which could undoubtedly be avoided by crossing the town site nearer the Columbia, over such of the platted streets as may offer a better grade and shorter line of travel.

Stevens County, in which the Spokane Reservation wholly lies, has a very large area, much of which is but thinly settled, and its financial resources are very limited, so much so that it will not be able to construct the proposed road without assistance, owing to an unusual expense that will be necessitated by a lot of rockwork at a point on the reservation known as the Big Rock, where a bluff butts into the river. Excepting at that point construction will not be a difficult matter, and a water grade can be made practically the entire distance across the reservation, affording an easy and scenic line of communication that would be a godsend to these isolated white settlers and of equal or greater benefit to the Indians of the west end; for while only seven allotments would be crossed, all with a minimum amount of damage, that would be more than offset by the resulting increase in their value, a great many other allotments now unimproved would be placed within easy access to the road, thus leading to their occupancy by the allottees or give to them a good rental value, now lacking by reason of their isolation.

Of the seven allotments crossed, two are those of deceased children of an old blind widower, whose nearby allotment will be greatly enhanced in value and bring a fine rental or sale price. Another is that of an intelligent woman to whom a fee-simple patent has been issued. Two others belong to an old man and an old woman, who will be much benefited, for they are unable to make any improvements and are now dependent upon agency assistance. The remaining allotment directly affected is that of a little schoolgirl. Many miners are allotted in that vicinity, their lands not yet fenced, and no development of the property by parents or lessees can be expected until wagon-road facilities, now nonexistant, are provided.

For the foregoing reasons I strongly recommend that some means be found to enable the Spokane Indians to contribute a fair share of money toward the construction of the proposed road, for every public utility that improves conditions among the whites in the vicinity of the reservation will bring the homes of these Indians in closer touch with civilization, while good roads will aid them equally with the whites and hasten the day of their independence.

Unfortunately the Spokanes are practically destitute of tribal funds, although possessing timber resources of nearly 1,000,000,000 feet, this being so isolated at present that it can not be economically or profitably marketed until convenient railway transportation facilities and good wagon roads are provided, so that any sum set aside to assist in the building of this much-needed county project would have to come from the general reimbursable fund or else be specifically appropriated by Congress.

In comparison with many other tribes, the Spokanes have not fared well at the hands of the Government, though among the most deserving, and a good opportunity is here offered to do a double act of justice by aiding worthy settlers who are struggling against adverse circumstances to develop a most promising section of this new country, at the same time assisting our willing but ignorant red wards in getting on their feet.

If $500 contributed in behalf of the Spokane Indians will assure the building of this road, it will be about the most profitable investment that could be made for them with that amount of money, which would be many times returned in future benefit. It would also go far toward removing a natural and almost excusable prejudice existing in the minds of many good western people against the Indian and his reservation as obstacles in the path of progress.

I have marked the course of the proposed road across the reservation on the map accompanying the office letter, and this, with the letter from Senator W. L. JONES and its inclosure is herewith returned.

Respectfully,

JOHN MCA. WEBSTER,
Superintendent and S. D. A.

Mr. LANE. Mr. President, I wish to have a correction made in the RECORD.

On page 10854, in answer to the Senator from Florida [Mr. BRYAN], I stated that there were something like $300,000 in deficits which had been passed in the Indian appropriation bill of last year. In looking over the statement afterwards I came to the conclusion that there was but $100,000 of those deficits which had not been reported to the Committee on Indian Affairs, the other $200,000 having been reported to that committee, but not to the Senate, so I changed the figures to $100,000. The proof reader, however, read it "$700,000," which is entirely out of line with the facts. It was $100,000. There were about $300,000 of deficits, $100,000 of which was not reported either to the committee or to the Senate, and $200,000 of which, if I remember now, or thereabouts, had been reported to the committee but not to the Senate.

Mr. TOWNSEND. Mr. President, I desire to offer an amendment to the bill. On page 65, after the figures "$200,000" in line 21, I move to strike out all of the proviso down to and including the word "Interior," in line 10, page 66.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 65, beginning with the word "*Provided*," in line 21, it is proposed to strike out the remainder of line 21, all of lines 22, 23, and 24, on page 65, and all on page 61, down to and including line 10.

Mr. TOWNSEND. Mr. President, this is an amendment which involves, as I believe, a great principle in the management of Indian affairs. There probably is no bill which comes before the Senate which is given less attention and incites less interest generally on the part of Senators than the Indian appropriation bill. I regret that this is so. I believe this condition is due to the fact that the Indian has been regarded throughout the country as an incompetent person, in the way of the white

man's progress, blocking civilization or modern development. He is an Indian, and men seem to think that the only good Indian is the dead one. If the expressed intention had been to dispose of and exterminate him, it is difficult to imagine more effective means to those ends than the treatment he has received at the hands of the white man.

I have felt since I came to Congress that the Indian, being a ward of the Government and under its charge, should be given the consideration to which his rights and our obligations entitled him. A sense of duty was upon me which I had not felt in unofficial life. I know that he has been neglected. I feel that he has been despoiled of his natural heritage and been made the helpless victim of his guardian. What guardian or trustee of a white person would have been permitted to treat his cesti que trust as this Government has treated its wards? The Indian has been driven from place to place throughout the United States, generally with the idea of locating him in some position where he will not be too much in the way upon land which was thought to be worthless for the white man's use. Later it was found that the lands assigned him were valuable, and again he has been compelled to move on. In cases where he could not be moved farther, the effort has been to divest him of whatever of value he held and render him as small an equivalent as possible. It is this disposition to wrong the Indian that every conscientious man connected with Indian affairs either as legislator or administrator has been trying to combat. This to the man without an Indian constituency is certainly an impersonal task. He must work, if he works at all, from a sense of duty and without hope of personal reward; and if the rights of the Indian are to be preserved and his wrongs requited, it must be through men who believe that the rights of a red man are at least equal to those of the white man.

Mr. OLIVER. Mr. President, I think what the Senator from Michigan is saying is worthy of careful attention on the part of the Senate, and I think it is worthy of a larger audience of Senators. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Perkins	Smoot
Bankhead	Jones	Pittman	Sterling
Bristow	Lane	Poindexter	Stone
Bryan	Martin, Va.	Pomerene	Sutherland
Camden	Martine, N. J.	Reed	Thompson
Chamberlain	Myers	Robinson	Thornton
Chilton	Nelson	Saulsbury	Tillman
Clarke, Ark.	Norris	Shafroth	Townsend
Cummins	O'Gorman	Sheppard	Vardaman
Dillingham	Oliver	Sherman	Warren
Fletcher	Overman	Shively	Weeks
Gore	Owen	Smith, Ga.	White
Hitchcock	Page	Smith, Md.	Williams
Hughes	Penrose	Smith, Mich.	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The Senator from Michigan will proceed.

Mr. TOWNSEND. Mr. President, I thank the Senator from Pennsylvania for calling a quorum, but I realize that Senators are not interested in what may be said about the Indian. Outside of Oklahoma he can not vote; he has not large influence, and his interests attract little public attention. I, however, propose to state my views on this particular amendment.

When interrupted I was discussing the situation which maintains throughout the United States and has maintained for some years as to our attitude in reference to the American Indian. I had stated that he had been moved about from place to place, and by almost common consent was considered as a being of an inferior race, the people having lost sight of the fact that he is not an interloper, that he is not an intruder here, but that this is his native land. He is the aborigine, and the paleface is the foreigner. He was here in possession when Columbus discovered America, his native land. In theory we have recognized his prior right, and by statutes have acknowledged that right. Thousands of illustrious examples in letters, in art, in industry, and in statesmanship testify to the fact that he is not of an inferior race, and where he has not been corrupted by the white man he stands as an example to all men of honor and integrity.

This great Indian problem has been complicated by the fact that it has been difficult sometimes to get men of the right understanding, the right training, and the right sympathies to handle it. That the Indian in his native primitive condition is capable of assimilating at once our ideas of government no one will claim. He is the child of the forest and plain, and to the Anglo-Saxon method of civilization he must yield. It is the business of our Government to fit him for the new condition. Necessarily the work of preparing him for citizenship and of preserving his rights must be worked out through governmental agencies. Much of this work must be done among the Indians in the field, and by agents or representatives of the Government. These agents have always been subject to local interests and influences, so much so that I think most men who have given careful study to the matter have concluded that it has been and will continue to be absolutely impossible to secure anything like approximate justice to the Indians if their affairs are left to local representatives. They will reflect the local sentiment, which invariably is in favor of the dominant and against the weaker and less influential race.

The questions, first, of a just and comprehensive plan, and, second, of agencies for carrying out such a plan, are and should be the transcendent ones with the Department of Indian Affairs. The greatest obstacle in the way of proper administration is the spirit of greed and graft which works its ends through unconscionable political influence. The provision in the House bill was intended by its instigators to place the affairs of the Five Civilized Tribes under the supervision of a politician who would be subservient to the advice of men who know what they want.

The tendency of the times has been toward the merit system in public service. In no department of the Government is the civil service more imperatively needed than in the administration of Indian affairs. Fortunately, during all of our experience with the Indians there have been connected with the service some men who were capable and honest. They have generally incurred the ill will and opposition of corrupt Indian exploiters, but they have kept alive the spirit of American duty, and have demonstrated, in a measure at least, the possibilities of development for the American Indian. Such are the men whom it is proposed in the pending bill to legislate out of office. The Indians have confidence in them; the Board of Indian Commissioners commend them for their great efficiency. The Commissioner of Indian Affairs would not think of removing them if he were uninfluenced by Oklahoma politicians.

The Five Civilized Tribes in Oklahoma comprise about 101,000 Indians, approximately one-third of all the Indians in the United States. They are known as the Cherokees, the Seminoles, the Creeks, the Choctaws, and the Chickasaws. I suppose they were called civilized tribes because they attained a civilization of their own, having their separate form of government. That government was effective and in a measure progressive. It is believed by many that their condition under their own government was much better than it has been since the United States compelled them to abandon self-government and to submit to that imposed by the United States.

The affairs of these tribes are now administered in Oklahoma by a commissioner of the Five Civilized Tribes, in the person of Mr. J. G. Wright, and by a superintendent of the Union Agency, a Mr. Kelsey. The duties of the former relate to tribal affairs, and those of the latter to the affairs of individual Indians. These duties are separate and distinct, and if properly done they are all that two honest, capable, and experienced men can perform.

The proposition I have moved to strike from the bill is to abolish these two positions and to create a superintendent of the Five Civilized Tribes, to be appointed by the President, by and with the advice and consent of the Senate. In other words, officers now under the civil service, men of tried and proven ability, are to be supplanted by a man who may be a politician, selected by political influences, which have been ineffectual under present management.

My apprehensions of the wrongs which may result to the Indians from this change in existing law are based upon facts and circumstances developed in the committee hearings, and which seem to me to be closely related. Let us first review the history of this particular provision and the reasons given for its enactment. Members of the Board of Indian Commissioners who had made a personal investigation of the work of Wright and Kelsey were before the committee, and strongly recommended that these men be retained and that their force of inspectors be increased rather than diminished. Their reasons were strong and convincing, and they were men actuated by the highest and most unselfish motives. After their statements the Acting Commissioner of Indian Affairs, Mr. Merritt, was interrogated by the chairman and others of the committee. On pages 363, 364, 367, and 368 is found the following:

The CHAIRMAN. I would like to ask what reason induces the House of Representatives to incorporate this provision? What was the argument? Do you know, Mr. Meritt?

Mr. MERITT. Mr. Chairman, this item was incorporated in the House bill on the recommendation of Representative CARTER, of Oklahoma, and has the support, I understand, of the Oklahoma delegation in Congress. The conditions in eastern Oklahoma among the Indians of the Five Civilized Tribes justify the legislation that is now in the Indian bill, and I am authorized to state to this committee that the Indian Office and the department are in favor of the legislation now contained in the bill, with two amendments. We shall ask for an increase in the appropriation allowed by the House. The House allowed $150,000, and we shall ask that that amount be increased to $225,000. Probably we can, in view of the consolidation, get along with $200,000, which will be a decrease over last year's appropriation of $50,000 for administrative work. We will also ask that there be incorporated in the bill after the word "that," in line 6, these words: "Effective July 1, 1914," so that it will be clear when these two offices shall be consolidated.

Senator TOWNSEND. Why do you ask to have them consolidated?

Mr. MERITT. Because the Commissioner to the Five Civilized Tribes has been engaged in strictly tribal work, and the superintendent of the Union Agency is engaged in individual Indian work. In addition to those two officials, we have another official at Muskogee, who is at the head of the Indian schools of the Five Civilized Tribes. The Commissioner to the Five Civilized Tribes has been in charge of tribal work for a number of years. Congress has, by direct provisions, required that the tribal work of the Five Civilized Tribes be wound up. This work has slowly continued from year to year over the earnest protest of the Representatives from that State. The tribal work has practically been wound up at this time, except the disposal of the coal lands. The unallotted lands of the different nations have practically all been sold, or will be sold by the 1st of July. We have the affairs of the Cherokee Nation now practically wound up, and they will be wound up by the 1st of July. The tribal affairs of the Seminole Nation are practically wound up, and the affairs of the Creek Nation will be wound up very shortly after the 1st of July if we can procure legislation which will equalize Creek allotments. We have that legislation now in the department already prepared, and we shall ask that that legislation be incorporated in this bill. That will enable us to wind up the tribal affairs of the Creek Nation. The surplus tribal property of the Choctaw and Chickasaw Nations is very largely disposed of, except the coal lands. The surface of those lands will soon be advertised and will be sold this spring or summer. Part of the coal lands has been leased, and that property will continue tribal and the proceeds be used for tribal purposes for a number of years.

* * * * * * *

Senator TOWNSEND. Now, here is an appointment that somebody has suggested. There must have been some reason in somebody's mind why this should be done this way. I do not believe your department originated it.

Mr. MERITT. No, sir; our department did not originate this legislation. It was incorporated in the bill in the House of Representatives; and, I might say, if there is any extended discussion on this item I would be glad if Senator OWEN and Senator GORE could be present. I probably have answered as extensively as I can regarding this matter.

Senator TOWNSEND. Thus far there has not been a word said here that furnishes a sufficient reason for making that change. Now, if you had said to me, if it was true, that you could not get a man to fill this larger position possibly under the civil service, why there might have been some reason for that, but it would seem to me that the very suggestion that we have local representatives here to explain this item shows conclusively the very evil which these gentlemen have anticipated in making this possible change.

Mr. MERITT. Mr. Chairman, I do not believe that the conditions which have prevailed at Muskogee and among the Five Civilized Tribes during the last 16 years can be justified. We have had appointed to positions in that office politicians from practically half the States of this Union; men have held their positions because they would distribute political patronage to the various Senators and Congressmen. They have gotten their appropriations because they had certain employees from certain districts who aided them in the past in their work. These employees were appointed largely through the efforts of the officials now in charge of the work at Muskogee. I believe all those political appointees have been covered under by the civil service. Those men will be protected in their positions, but the department and the Indian Office believe that the efficiency of that work can probably be increased by the appointment of a man who has not been connected with that work in the past. That tribal work should have been wound up several years ago. It is because of politics and these political appointments that has made the Five Civilized Tribes work inefficient, which has strung the work along for a long period of years, when the tribal affairs should have been wound up some time ago.

From this it appears that the provision under discussion was proposed by a Representative from Oklahoma and had the support of the Oklahoma State delegation, that it did not originate in the Indian Office, and that the acting commissioner could not explain it satisfactorily, but requested that the two Senators from Oklahoma be present if there was to be "extended discussion."

It is well to remember this fact in order to understand another matter to which I shall call attention shortly. It should also be remembered that the acting commissioner stated as a reason for this new law that the tribal affairs of these Indians have been about wound up; that they ought under law to be wound up; that the work has slowly continued from year to year "over the earnest protest" of Representatives from Oklahoma. He thinks or states that these affairs should have been wound up years ago, and that they were not was due to political influence exerted by Senators and Representatives through Mr. Wright, now in charge of the tribal matters of these five nations. No one familiar with Indian affairs in Oklahoma will doubt that politicians have exerted their influence, but here is a proposition to make the exercise of that influence more potent. There are, however, serious doubts in my mind as to the accuracy of the acting commissioner's suggestion that Mr. Wright is responsible for any of the political appointments in the Five Civilized Tribes.

After Mr. Meritt made his statement before the committee Commissioner Wright made his report to the Indian Office covering these matters. I received a copy from Commissioner Sells, and I desire to submit it here, as it is a complete and conclusive answer to the alleged reasons for the pending legislation:

MUSKOGEE, OKLA., *May 29, 1914.*

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

MY DEAR MR. LANE: There has recently been forwarded me from the department a printed copy of hearings on the pending Indian appropriation bill before the Senate Committee on Indian Affairs, in which appear discussions of the affairs of the Five Civilized Tribes and the status of the unfinished tribal work.

Hon. E. B. Meritt, Assistant Commissioner of Indian Affairs, appearing before the committee, has made certain observations with reference especially to the tribal work, which indicate that he has been misinformed, and to which I beg the privilege of taking a few exceptions.

I trust I may not be considered as criticizing Mr. Meritt, with whom I have been closely and pleasantly associated since his connection with the service, other than to say that had he been more accurately informed or more familiar with conditions, I am convinced he would not have made these conclusions.

In view of the facts, however, and as I was not present to correct impressions which may prevail among members of the committee because of statements that might be considered a reflection upon the department, as well as upon this office and myself personally, I feel it incumbent upon me to submit to you the following facts:

On pages 363 and 364, of said hearings, Mr. Meritt is reported to have said in part, as follows:

"The Commissioner to the Five Civilized Tribes has been engaged in strictly tribal work and the superintendent of the Union Agency is engaged in individual Indian work. * * * The Commissioner to the Five Civilized Tribes has been in charge of tribal work for a number of years. Congress has by direct provisions required that the tribal work of the Five Civilized Tribes be wound up. This work has slowly continued from year to year over the earnest protest of the Representatives from that State. The tribal work has practically been wound up at this time except the disposal of the coal lands. The unallotted lands of the different nations have practically all been sold or will be sold by the 1st of July. We have the affairs of the Cherokee Nation now practically wound up, and they will be wound up by the 1st of July. The tribal affairs of the Seminole Nation are practically wound up, and the affairs of the Creek Nation will be wound up very shortly after the 1st of July if we can procure legislation which will equalize Creek allotments. * * * The surplus tribal property of the Choctaw and Chickasaw Nations is very largely disposed of except the coal lands. The surface of those lands will soon be advertised and will be sold this spring or summer. Part of the coal lands has been leased and that property will continue tribal and the proceeds be used for tribal purposes for a number of years."

The tribal affairs of the Cherokee Nation ought to be practically completed by June 30 next, with the exception of distributing approximately $836,000 tribal moneys to 41,690 citizens. The Creek tribal affairs should also be practically disposed of by such time with the exception of the distribution of about $3,800,000 to approximately 17,700 citizens to equalize their allotments when so authorized by Congress. The tribal affairs of the Seminoles are also nearly completed, although under instructions from the department the allotment deeds are not yet all executed. About $1,800,000 tribal moneys must be distributed or individualized to 3,119 members before the affairs of this tribe can be entirely finished.

In the Choctaw and Chickasaw Nations there remain about 970,000 acres of unallotted timber lands, approximately 25,000 acres of other unallotted lands, and about 430,000 acres of the surface of the segregated coal and asphalt lands yet to be disposed of, together with such land heretofore sold as may not be finally paid for. There have been 2,088,440 acres of tribal lands in these two nations disposed of since 1910, embraced in 25,516 separate tracts, for the aggregate amount of approximately $11,590,600, separate ledger accounts being required for each tract; and interest must be computed on amounts received on deferred payments until they are completed, final payments not being due for about two years. Of the lands heretofore sold in the Choctaw and Chickasaw Nations there are 19,235 tracts not yet paid for in full. There are also approximately 2,500 town lots in said nations yet to be disposed of. The tribal coal and asphalt deposits under the segregated coal and asphalt lands can not be disposed of, and therefore the tribal affairs of these nations can not be closed until the sale of the mineral deposits is authorized by Congress.

The final proceeds of all tribal properties of the Choctaw and Chickasaw Nations, including the coal and asphalt, together with amounts on hand, will probably reach twenty or thirty millions of dollars, and these must be distributed per capita or individualized before the tribal affairs can be closed.

In view of these facts, it would seem that Mr. Meritt has not been adequately informed in regard to the unfinished tribal work of these tribes.

The details in connection with the sale of the unallotted lands can not be easily understood, such lands, excepting coal lands, being more or less intermingled with allotted lands; and the work of separating them, tabulating descriptions, preparing maps showing the location of each tract, printing lists of descriptions for each sale, replying to letters of inquiry, furnishing desired information, selling lands at auction, recording sales, issuing receipts to purchasers for the amount paid at time of sale and thereafter opening ledger accounts for each tract purchased, receiving remittances due, together with computing interest thereon; issuing certificates of purchase to purchasers for each sale and upon full payment finally preparing deeds to purchasers, having same executed by the proper tribal officers and approved by the department, and thereafter recording and delivering them, is all work of an exacting character. Moreover, the transfers must finally be noted on all of the various township allotment plats, and checked to insure accuracy and to prevent confusion thereafter in land titles.

In response to a suggestion from a member of the committee during the hearing, that from the annual report of the Commissioner to the Five Civilized Tribes it appeared there was still considerable work to be done, Mr. Meritt states that there is considerable clerical work re-

maining, but that this could as well be performed under the supervision of one official having charge of both tribal and individual Indian affairs as of two.

The remaining lands, if properly advertised and sold, should, in my opinion, realize at least $6,500,000; nor does this include the coal and asphalt deposits; while the amount remaining to be distributed to Creeks, Cherokees, and Seminoles is about $6,000,000. The advisability of leaving work of such magnitude to clerks may be questioned. I invite attention to the fact that in the distribution of about $850,000 to Cherokees in 1897, made by a special agent, different inspectors of the department, including former Inspector J. W. Zevely, Inspector McLaughlin, and myself, when an inspector prior to being assigned to duty here, were continuously detailed at various times to attend the payments in order to insure their being properly made. Yet, notwithstanding these precautions, the special agent was finally detected in irregularities in connection with the payments, suspended, and subsequently dismissed from the service.

On page 368 Mr. Meritt further states:

"Mr. Chairman, I do not believe that the conditions which have prevailed at Muskogee and among the Five Civilized Tribes during the last 16 years can be justified. We have had appointed to positions in that office politicians from practically half the States of this Union; men have held their positions because they would distribute political patronage to the various Senators and Congressmen. They have gotten their appropriations because they have had certain employees from certain districts who aided them in the past in their work. These employees were appointed largely through the efforts of the officials now in charge of the work at Muskogee. I believe all of those political appointees have been covered under by the civil service. Those men will be protected in their positions, but the department and the Indian Office believe that the efficiency of that work can probably be increased by the appointment of a man who has not been connected with that work in the past. That tribal work should have been wound up several years ago. It is because of politics and these political appointments that has made the Five Civilized Tribes work inefficient, which has strung the work along for a long period of years, when the tribal affairs should have been wound up some time ago."

From these remarks Mr. Meritt seems to have reference to this office, and indicates that the cause of delay in closing the tribal affairs is principally due to inefficiency of political employees, who, as he states, were appointed "largely through the efforts of the officials now in charge of the work at Muskogee."

As the affairs of the restricted individual Indians under the supervision of the superintendent do not pertain to the winding up of tribal affairs, my statements are confined to matters of this office and not those under the supervision of the superintendent Union Agency.

I was appointed to my present position, having been transferred from the position of inspector July 1, 1907, since which time Secretaries Garfield and Ballinger, and also Assistant Secretaries Ryan (subsequently assigned to duty in this office for a period of five years as special assistant to the Secretary), Wilson, Pierce, and Adams, the assistant attorney general of the department, Mr. Woodruff, and other representatives, have visited and inspected the work and procedure of this office. Furthermore, reports to the department, with suggestions concerning the progress of the work, have always been forwarded through the Indian Office for consideration and indorsement, and this office has been guided in all matters by instructions received. Annual reports have also shown the status of tribal work, and, in compliance with instructions, I have in the past appeared before the Senate committee at different times with specific information. Tribal executives and attorneys have also from time to time been consulted, and the records will show that the department has approved of procedure and work accomplished in tribal affairs, including the sale of unallotted lands.

Concerning employees of this office, I beg to state that at the time I assumed charge there were 181 employees, as the records show. Although I had previously not inquired, I have recently ascertained that of this number there were 47 admitted Democrats, 61 Republicans, 56 women, 27 of whom were connected with families considered Democratic and 24 of Republican families. There were also 16 colored janitors or messengers. I was verbally directed by Secretary Garfield to make no changes except in the interest of the service. From that time to the present not a single appointment to positions in this office has been recommended by me outside of the civil-service list of eligibles or by transfer, with the exception of three temporary stenographers and a few temporary employees, lately authorized by Commissioner Sells and approved by the department. As the tribal work has approached completion persons employed have been relieved as circumstances warranted, until at present there are 50 persons employed, all of whom, with the exception of the two or three recent temporary appointees just mentioned, were employed in 1907 and have been retained because they were considered the most efficient, although a number of others who had rendered highly satisfactory service resigned to accept more desirable employment. Of those now connected with this office, 17 are and always have been considered Democrats, 12 are Republicans, 18 are women, 10 of whom are from Democratic and 8 from Republican families, and there are 3 colored messengers.

Of persons employed in connection with tribal work, including those engaged prior to July, 1907, are Hon. CHARLES CARTER, Congressman, former tribal coal trustee; Hon. H. M. JACOWAY, Congressman from Arkansas; and others have since been elected or have served in positions in Oklahoma as follows:

1 mayor of Muskogee, 1 mayor of Wilburton, 1 mayor of Ardmore, 1 mayor of Purcell (now postmaster), 2 county judges, 3 county surveyors, 1 deputy warden Oklahoma State Penitentiary, 2 district judges, 2 members of State legislature, 2 United States commissioners, 2 city attorneys, 1 master in chancery, 1 justice of the peace, 1 stenographer to Federal judge, 1 city councilman of Muskogee, the present private secretary to Senator OWEN, 1 private secretary to governor, 1 delegate to Oklahoma constitutional convention, 1 clerk United States court, 1 State bank examiner, 12 employees in various other official positions; total, 39.

In addition, 49 are now or have at different times after leaving the service practiced law, all of whom have been members of the Oklahoma bar in good standing.

Of those heretofore and still employed in this office, I venture to assert that there does not exist anywhere in the service a more efficient, faithful, or loyal corps of employees. When necessity required their being called upon to do so they have frequently and willingly worked overtime, and even into the night, to accomplish work in hand. In no instance has any employee been faithless to the department or involved in transactions with Indians while employed, or concerned in any scandal either in official or private life, so far as I am aware.

After an investigation of this office, Inspector James McLaughlin, in a report to the department under date of June 4, 1910, as embodied in a communication from Hon. Samuel Adams, Acting Secretary of the Interior, dated March 9, 1912, to Hon. CHARLES H. BURKE, House of Representatives, and subsequently printed as a public document, stated:

"I have inspected the different branches or divisions of both offices above mentioned and find that the work of the commissioner is confined to undivided property of these tribes up to and including allotment, while the Union Agency has supervision of the affairs of the individual Indian after allotment.

* * * * * * *

"There were no complaints offered against any officer or employee of the department, and in my judgment matters are being attended to and the work in hand pertaining to the winding up of the tribal affairs of the Five Tribes is being expedited as rapidly and promptly as the complicated and existing conditions will permit."

The work in connection with making agreements with the Five Tribes, receiving applications for enrollment, allotting the land, surveying, platting, and disposing of town lots, collecting tribal revenues from an approximate area of 19,000,000 acres of land, disposing of the remaining tribal property, involving the rights of over 101,000 Indians—practically one-third of the Indian population of the United States, intermingled with whom are over 1,000,000 white people—and the contests and litigation which have necessarily ensued, has been more complicated than any other work connected with the Indian Service in the history of the Government, and this the records will show.

The expense of all the work, covering the entire time to June 30, 1912, was $34.95 per capita. This included the making of the agreements from 1893, when the Dawes Commission was first created; receiving applications for citizenship from all parts of the country, aggregating some 250,000, about 101,000 of whom were enrolled; appraising the land and making allotments; the disposition of contests; issuing certificates of allotment and preparing the final allotment deeds, these deeds requiring to be executed by the proper tribal officer, approved by the department, and recorded. As shown by statements heretofore made by officials of the Indian Office in hearings before the House Indian Committee, this expense is less than the cost during the same period of allotments on Indian reservations where the same complications and conditions do not exist. The cost of the sale of tribal lands made since 1910, embracing 2,157,000 acres, on which $12,045,182.52 was realized, not including interest on deferred payments, which aggregates to the present time approximately $568,665.53, has been about 4 cents per acre, and this has included the cost of preparing data and maps, of advertising, attending sales, thereafter receiving remittances, computing interest on deferred payments, preparing records, deeds, etc.

In 1909 the Indian Committee of the House desired information before making further appropriations for the work of the Five Tribes as estimated for by the department, and in compliance with instructions I appeared before the full committee for three days, explaining what had been accomplished, the manner of procedure, and the work yet to be done in connection with tribal affairs. In a printed report of the hearings there appears in part the following:

"The CHAIRMAN [the late Hon. J. S. Sherman, Vice President]. We want to know all about the situation down in Oklahoma, so far as it has come under your control or observation, in reference to the affairs of the Five Civilized Tribes, and the necessity for future appropriations, as well as the condition of the work at the present time."

At the conclusion of the hearing appears the following:

"Mr. MARSHALL. You have given us more detailed information than I have ever heard before, and the result is that it leaves an impression upon my mind that it will be practically impossible to close this work up with the money that you now ask for. It looks to me as if the situation down there will call for more or less money and work of some sort of an organization for years to come.

"Mr. WRIGHT. That is true. I think the committee must realize that appropriations must be made in connection with the Five Civilized Tribes for a number of years.

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"Mr. CARTER. At intervals the Committee on Indian Affairs have been providing for this as far as it should be done at a certain time, with the hope of dispensing with the commission and enabling it to wind up its business. It does not seem that we have ever made appropriations whereby the commission could wind the matter up.

"Mr. WRIGHT. That has been the difficulty in getting through, and on account of the suits that are pending and the additional ones that come up."

Furthermore, the chairman at the same hearing publicly stated in substance that it was apparent from statements presented that the work was being expedited as rapidly as circumstances and complications would permit, considering the interests of the Indians, and the committee, including the present chairman, Mr. STEPHENS, and Congressman CARTER, voted unanimously, I was informed, to appropriate the amounts asked for.

Upon the recommendation of the department the committee also favorably considered and Congress subsequently authorized payments of money in lieu of land to citizens having $50 or less of appraised value of land due them to complete their allotments, there being 76,056 citizens to whom such remnants were due. These persons, although repeatedly requested, had declined to select or make application for such additional land, and the law prohibited the sale of unallotted lands until all allotments were completed. Immediately thereafter payments aggregating $523,849.34 to such Indians were commenced and steps also taken to tabulate and prepare data for the sale of the unallotted lands aggregating 1,787,972 acres, exclusive of 1,289,554 acres of timberlands directed by the department to be offered, and 432,000 acres of coal lands not then authorized by Congress to be sold. These unallotted lands to be sold were in 26,607 separate tracts, containing from 5 to 160 acres each, intermingled and scattered throughout the allotted lands. In 1910 the department authorized and directed that said lands be advertised and sold at not less than certain minimum prices, which were fixed by Secretary Ballinger after his personal visit here. At such sale 588,992 acres were sold, the minimum price required not being realized for the remainder. In 1911 Secretary Fisher directed that the remaining lands in the Choctaw and Chickasaw Nations, aggregating about 1,141,882 acres, be again offered at the same minimum price, although this office suggested that such price be reduced. At such sale 360,555 acres were disposed of. The remaining unallotted lands in the Cherokee, Creek, and Seminole Nations, aggregating about 57,000 acres, were also disposed of, with the exception of a few tracts containing about 2,910 acres, which remained unsold owing to various complications. In 1912 the remaining Choctaw and Chickasaw lands, aggregating 816,826 acres, were again offered at one-half the former minimum price, and 697,545 acres were sold. In 1913 practically all of the remaining lands

were offered and sold to the highest bidder without any minimum price, including 94,571 acres withdrawn from the timber area which were offered at a certain minimum price.

In 1912 under direction of the department the timber on 1,278,000 acres of timberlands previously reserved was appraised. This work was completed June 30, 1911, and the timber first advertised in February, 1912, for a period of 90 days. Sealed bids were received and opened on May 1, 1912, which were rejected by the department for the reason that it considered the prices offered were inadequate. Said lands were not authorized by the department to be again offered until October 1, 1913, when they were advertised for 90 days under regulations of the department and offered in January, 1914, at which time approximately 306,000 acres of such lands were sold, no offers being received for the remainder at the minimum prices required. Regulations have recently been approved by the department for the offering of the remaining 967,000 acres to be sold in November next, after which such lands as may no be disposed of at the minimum price required must again be offered at some subsequent date.

It must therefore be evident that these lands could not have been more rapidly disposed of without sacrificing the interests of the Indians and accepting lower prices. The result of these sales has been highly satisfactory to all concerned, and much more realized for the tribes than was anticipated.

The department has at different times favorably considered the numerous applications and earnest requests of Oklahoma Congressmen, and has granted extensions of time for deferred payments due for land sold, the last extension of one year for payments due from November, 1913, to March, 1914, having been authorized September 13, 1913, as recommended by Commissioner Sells. The wisdom of such action can not be questioned, for the reason that farmers and others, on account of repeated crop failures, have not been able to meet such payments.

The sale of the surface of the coal lands was not authorized by Congress until 1912, and immediately thereafter three men were appointed by the President, and who were unknown to me, to appraise same, but the work of these men was unsatisfactory, and they subsequently resigned. During nearly the entire time of their employment I was in Washington by direction of the department.

The reappraisement of these lands has recently been completed, but the delay in their sale is because of complications in connection with the coal operators relinquishing part of the surface covered by their leases. The preparation of these lands for sale at the earliest practicable date, however, has and is now having the earliest personal attention of Commissioner Sells.

During the progress of the sales above mentioned, important and necessary work in connection with disposing of other tribal properties, preparing pay rolls, and making payments of amounts to equalize allotments aggregating about $1,854,989.82 to 78,703 citizens, including Cherokees having over $50 due each, excepting $542,656.90, due to 1,017 restricted Indians, turned over to the superintendent of Union Agency for payment, and completing final office records in connection with allotments and other tribal work have been vigorously prosecuted.

Furthermore, the prolongation of the work pertaining to enrollment of and allotment of lands to the members of the Five Civilized Tribes, and the fact that such work was not long since completed, is due in the main to new legislation and to litigation affecting the lands.

Of the court decisions bearing on this work the most far-reaching are the decisions of the United States Supreme Court in the following cases:

The Red Bird case: Involved claims to enrollment of 3,600 persons as intermarried Cherokees, decided November 5, 1906. Of this number only 286 were finally enrolled. This necessitated the cancellation of all tentative selections made to those who had been denied under this decision and the allotment of land to other citizens; also the appraisement of improvements located thereon, and determination of the owners thereof, under the provisions of the act of Congress of March 2, 1907.

The Goldsby-Allison case: Wherein it was held that the Secretary was without authority to cancel the enrollment of any person without first giving due notice, decided November 30, 1908. This necessitated the restoring of the allotments of several hundred persons whose enrollment had been cancelled, and the cancellation of allotments of the lands involved which had been allotted to other persons.

The Whitmire case: Involved the rights of 1,720 Cherokee freedmen, decided January 29, 1912. This necessitated the adjustment of numerous allotments that had been made of the lands claimed by these Cherokee freedmen.

The Gritts-Muskrat case: Involved the right of minor Cherokees to enrollment under the provisions of the act of April 26, 1906; decided May 13, 1912. This decision affected the allotments of 5,600 newborn children, which could not be made regular and patents thereto issued until after its rendition.

The acts of Congress of March 3, 1905, and April 26, 1906, which provided for the enrollment of infant children, resulted in placing 13,032 new names upon the approved rolls of said nations, of which 5,610 are Cherokees, 3,210 are Choctaws, 909 are Chickasaws, 2,926 are Creeks, and 377 are Seminoles, to whom allotments had to be made.

The Choctaw-Chickasaw Citizenship Court, created under the act of July 1, 1902, to hear and determine the rights to enrollment of persons admitted to citizenship by decisions of the United States court in the Indian Territory under the act of June 10, 1906, was in session until December 31, 1904, and heard and determined the rights of 3,487 claimants to citizenship and rendered decisions holding that practically all such persons were not entitled to enrollment. This involved a vast amount of additional work upon this office.

The Indian appropriation act of April 30, 1908, made provision to investigate all conveyances made by citizens in violation of the terms of existing agreements in the Five Civilized Tribes, and under direction of the department data was compiled for the purpose of instituting suits to set aside conveyances of allotted lands made prior to the time that the Indians were authorized by law to convey. Examination of all conveyances recorded in each of the 40 counties covering a period of two years, or from date of statehood, was made and transcripts of over 300,000 transfers made and checked with the records of this office, with the result that 27,800 cases were reported to the department and subsequently referred to the Department of Justice with request that suits be instituted to set aside such illegal transactions.

On July 22, 1910, the Secretary of the Interior promulgated regulations governing the purchase of land by Choctaw and Chickasaw freedmen under the provisions of the act of Congress of April 26, 1906. Immediately thereafter all of such freedmen entitled to purchase land under said act were notified of their rights and 1,412 applications were received. This involved considerable extra work and required the services of several clerks for at least six months to complete it.

The act of Congress approved May 29, 1908, section 7, authorized the survey of additional town sites on segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, under which provision of law 8 towns and 14 additions to towns were surveyed, platted, and lots appraised and sold. In addition thereto 300 towns had previously been surveyed, platted, appraised, and the lots disposed of.

The act of Congress approved May 27, 1908, authorized the Secretary of the Interior to furnish the various counties in eastern Oklahoma certified copies of all allotment records as affected the title to lands in such counties. This data was prepared at this office and required the constant services of a large number of clerks for a period of five months.

The magnitude of the work originally provided for by Congress through its acts from the creation of the Commission to the Five Civilized Tribes was never fully realized until it was well under way, and Congress has deemed it necessary to enact new legislation from time to time pertaining thereto.

This office also supervises the work of collecting royalty from tribal coal and asphalt leases and the work of the mining trustees of the Choctaw and Chickasaw Nations. There are a total of 109 tribal coal leases, covering 99,800 acres, and 7 asphalt leases, covering 4,960 acres. Under said leases about 3,000,000 tons of coal are mined annually, the royalty amounting to about $240,000. This office also has charge of the work of collecting rentals for the surface of the segregated coal and asphalt lands from about 4,000 occupants, for grazing and farming purposes, amounting to about $80,000 annually.

The annual report of this office for the year ending June 30, 1913, shows that there were received 56,541 communications and mailed out 137,813 letters, circulars, and other papers, and $3,535,878.15 received, all pertaining to tribal matters.

The office of the superintendent, Union Agency, also received in connection with the affairs of individual Indians 148,274 communications, vouchers, remittances, circulars, etc., and mailed 215,944 letters, vouchers, circulars, etc., and received $4,984,181.95. A total of $8,520,080 was therefore received and handled and in turn disbursed or accounted for during the year by the two offices.

Since January 1, 1914, to date there have been received at this office 21,632 letters and 14,703 remittances of money, aggregating $1,018,485.54, pertaining to tribal affairs.

There is also at the present time $4,892,733.82 tribal funds on deposit in 246 banks in Oklahoma, in connection with which this office is required under instructions to receive and forward applications and bonds, and after moneys are forwarded direct to banks upon requisition from the Commissioner of Indian Affairs, the interest on which, aggregating $200,000 per annum, is remitted to and accounted for by this office.

I therefore contend that the settlement of tribal affairs has been and is being expedited as rapidly as possible, considering legislation, the continual litigation, and the interest of the Indians in the disposition of their tribal properties. Moreover, it can not be finally completed until further legislation is enacted. Under the circumstances it was impossible that the tribal affairs "should have been wound up several years ago," as intimated, nor has there been any delay on account of the appointment of incompetent and inefficient employees "appointed largely through the efforts of the officials now in charge of the work at Muskogee," as alleged.

In 1912 the department called a conference before the Commissioner of Indian Affairs to discuss the advisability of creating a separate agency for the Choctaws and Chickasaws or consolidating this office with that of the Union Agency. At that time there were present Mr. Meritt and Mr. Pollock, representing the department; the principal chief; governor and attorneys of the Choctaw and Chickasaw Nations; Mr. Kelsey, superintendent of the Union Agency; and myself. At such conference the subject was exhaustively discussed, and Mr. Meritt insisted that the superintendent of the Union Agency, by reason of the vast amount of detail, the number of Indians, and the extent of territory—which Commissioner Valentine stated was over 10 times more than any other superintendent in the service—was unable to properly supervise the details of his office, and for that reason strongly advocated a separate agency for the Choctaws and Chickasaws.

Mr. Meritt on page 364 of the hearing before the Senate committee makes a personal reference to myself, and states:

"Mr. Wright had no civil-service status until two years ago, when he was covered under by Executive order, and I hardly believe that a point can be made on his position along civil-service lines."

Mr. Meritt is again in error. I was covered into the civil service by Executive order of President Roosevelt in 1908, six years ago. I beg to refer also to my 31 years' continuous service among Indians, as shown by the records of the department, having been reappointed Indian agent among the Sioux in 1893 and promoted in 1896 to the position of inspector by President Cleveland upon the recommendation of Hon. HOKE SMITH, then Secretary of the Interior, now Senator from Georgia. The circumstances in connection with my original appointment in the service in 1883, or the promotions following, or the subsequent civil-service status, have been absolutely without political significance, as can be ascertained.

During all my service with the department I have never attended a political meeting or taken any active part in politics, but have given my entire time to the interest of the service, carrying out instructions of my superiors to the best of my ability.

In conclusion, Mr. Secretary, I desire to state that in this communication I am not seeking to justify conditions which have prevailed at Muskogee, according to Mr. Meritt; I have merely endeavored to submit a statement of facts concerning tribal matters for your consideration in view of those which have been made by Mr. Meritt.

Respectfully,

J. G. WRIGHT, *Commissioner.*

Mr. President, there are many things connected with this which throw some light upon the situation, and which I desire to present to the Senate, or to those Senators who care to hear. The assistant commissioner says that this provision was incorporated in the House bill by a Representative from Oklahoma and supported by the Oklahoma delegation. He further states that the affairs of the Five Civilized Tribes are about to be concluded, and that it will be economy to do away with these two officers and create a new one, that one to be nominated by the President and confirmed by the Senate. He says this is to

be done in the name of economy, yet he asks in the same bill that there be $50,000 additional appropriated for administrative purposes, a larger appropriation for administering affairs about to be closed up. Where is the economy of such a proposition? The department has also asked that an appropriation of $85,000 be made by the Government out of its Treasury for the purpose of assisting in administering Indian affairs in the courts of Oklahoma, and it has been allowed. I will refer to this item later.

We are proposing in this bill to distribute among the Choctaw and Chickasaw Nations or Tribes $100 per capita. There are about 41,000 Oklahoma Indians in these two tribes. This means a distribution from this source alone of over $4,000,000 in that State. We are distributing in Oklahoma among the Cherokees $15 per capita, and there are 41,690 of those Indians. This means $600,000 more money in that State.

This is a very large amount of money for distribution in one State. It seems especially large in a campaign year. It becomes a valuable political asset, or may become such. Even a crop failure in Oklahoma can not materially affect the prosperity of that State. This is a more certain crop than those of the field. It does not cost so much to harvest and it is more readily distributed.

There should be every care thrown around the Indian's property in order to protect him against fraud. What the Government owes him and pays to him should be his to enjoy. The political influences which surround the Oklahoma Indians are not right. As further proof of this statement I now desire to refer to another matter, which, while it is not directly and visibly connected with the provision of the bill under consideration, nevertheless it will throw light on the motive or scheme back of it.

Each of the Five Tribes employ a tribal attorney. He is selected by the chief or by a council of the tribe, who enters into a contract with the attorney to serve for a stated term at an agreed salary the Indians in their tribal relations. This contract must be approved by the Secretary of the Interior before it is of binding force. The Secretary may approve or disapprove it, as he chooses.

Some 10 years ago the Creek Nation entered into a contract with one M. L. Mott whereby he became attorney for that nation. He served his clients with great ability and fidelity. It was through his efforts that the frauds against Creek Indians, and especially against minor children, were unearthed. In the performance of his duty to his clients, the Creek Indians, he won their confidence and support, and by that course incurred the hostility of the Oklahoma politicians. When Mr. Mott's contract with the Creeks expired their chief, Moty Tiger, entered into a new contract with him and wrote a letter to the Commissioner of Indian Affairs, Mr. Sells, asking that the contract be approved and giving his reasons for such request. I will insert that letter in the RECORD. This contract was not approved. A Member of the Oklahoma delegation in the House of Representatives appeared before the Senate Committee on Indian Affairs and congratulated the Creek Nation upon the fact that Mott's contract had not been approved. He further stated that Mott had delayed certain payments to the Indians and insinuated that Mott might in some way be interested in certain contracts with the Indians. Mr. Mott, having heard of these statements, came before the committee and asked permission to be heard, which was granted to him. Inasmuch as his statement gives a full and complete history of the proposed contract, the reasons for its disapproval, and reveals the situation, as I believe, in its true light, I quote his testimony as given. I quote from pages 654 to 664, inclusive, of the hearings:

PERSONAL STATEMENT BY MR. M. L. MOTT.

Mr. MOTT. Mr. Chairman, I would like to ask the indulgence of the committee to make a personal statement.

The CHAIRMAN. You may proceed, Mr. Mott.

Mr. MOTT. I think when the gentleman appears before this committee, either at the instance or upon the courtesy of the committee, and when a statement is made by him that is to the discredit of any citizen of our country, that it will be the pleasure of the committee, not only as individuals but as a body collectively, to give that citizen so discredited an opportunity to be heard.

On last Thursday, during your sittings, a Member of Congress from the other end of the Capitol took occasion to make a personal reference to me. He made the statement that he congratulated the Creek Nation that it had been relieved of my services as its attorney. He congratulated the State of Oklahoma that it had been relieved of my services as attorney for the Creek Tribe of Indians. He further made the statement that the Creek equalization payment had been deferred and delayed because of an interest he believed I had in a contract depending upon a contingency in favor of Butler and Vale, and Kappler and Merillat. I want to give an answer to those things. I want the permission of the committee to do it freely. It is a personal matter, as I say, and with your consent I will proceed to make my statement.

I have been attorney for the Creek Tribe of Indians for a period of 10 years. I left their service satisfied in conscience that I had done my duty, and I left the service with the commendation and indorsement of the Secretary of the Interior. The statement that he congratulated the Creeks upon my elimination is an intimation that it was to the tribe's interest that I serve them no longer. My contract as attorney for the Creek Nation terminated on the 14th of January of this year. Prior to that time, on the 15th of January, 1909, I made a contract with the chief of the Creek Nation to represent the Creek Tribe of Indians for three years, not subject to termination for any cause and to continue after the expiration of that three years until the affairs of the tribe were finally closed.

I am a Republican. Upon the success of the last administration it was heralded by the Oklahoma delegation that Mr. Mott must be eliminated in Oklahoma as attorney for the Creek Tribe of Indians. As the time approached for the termination of my contract and the renewal of another, another was made between the chief of the tribe [and he sits over there] and myself. It was evident from the attitude of the department, assuming what the press of the State contained, that my contract would be approved. It was stated that if the Commissioner of Indian Affairs favored the approval of my contract they would go over his head to the Secretary of the Interior. If the Secretary was favorable to the approval of my contract they would go over his head to the President of the United States. If the President of the United States favored the approval of my contract they would come to Congress and enact legislation denying the President and the Secretary of the Interior authority to pay me. Not until two days after my former contract expired did I appear at the department and make any inquiry as to its approval. The commissioner had been in Oklahoma for a month or some time prior to the expiration of that contract. He had familiarized himself with the conditions in that locality. He had full knowledge of my work. He had full knowledge of my efforts on behalf of those people. I was content to leave the situation with the Commissioner of Indian Affairs, for whom and toward whom I have the kindest feelings and hold in the highest esteem. I regarded the relationship as attorney for the Creek Tribe as not a political matter. If it had been I would not have entered into a contract with the present Democratic chief for the continuation of my services. It is a contract between a party and an attorney for services rendered the tribe, paid for out of the tribal money. The demand was made that I be eliminated because I was a Republican. I took the position then that if the department regarded the place as a political one I would not ask for the approval of the contract. The demand of the delegation became so persistent for my elimination that the Commissioner of Indian Affairs passed up the whole question to the Secretary of the Interior. The Secretary of the Interior sent for me and asked me if I objected to an inquiry and a hearing before him affecting the matter of the approval of my contract. I told him I did not. Thereupon he notified the Oklahoma delegation that he would begin and have a hearing in his office on a certain day touching the question of the approval of Mr. Mott's contract.

Now, I want it understood here that in speaking of the Oklahoma delegation I do not speak of it as a whole. I think Senator OWEN and Mr. MURRAY and Mr. WEAVER simply contented themselves with indorsing some one else and did not enter into the controversy or make any fight on me in any other way than to make an indorsement of another on political grounds alone.

We had six days' hearings before the Secretary of the Interior and every minute of that time the commissioner sat by his side. The Oklahoma delegation presented every view possible against the approval of my contract as attorney for the Creek Tribe of Indians. They gleaned Oklahoma with a fine-toothed comb from the time I first went there, 10 years ago, and when that hearing closed it was admitted that they had offered nothing that reflected upon me as a man; that reflected upon me in my private life or in my official relation to this tribe. They admitted my ability. They conceded my integrity, and the only thing that they offered was that I was a Republican and that the courts of Oklahoma would not cooperate with the department in the protection of the Indians so long as I was retained as tribal attorney.

The hearing, as I say, lasted six days. Every Democratic member of the Oklahoma delegation, which included all except the three gentlemen I have mentioned, was given full opportunity to offer everything on earth they had and could get against me, and when it was over the Secretary of the Interior turned to them in my presence and stated that they had failed to present anything that reflected on me in any way as heretofore enumerated. Then, as a last desperate stand to defeat that contract, they stated that the Oklahoma courts would not cooperate in the policy of the department to correct the abuses in Oklahoma unless the man, meaning me, who had exposed them was eliminated. That declaration staggered that great Secretary of the Interior—that the sworn judicial officers of a State, vouched for by Members of Congress, would not enforce the law to protect babes in swaddling clothes unless the man who exposed the crime as having heretofore existed was eliminated.

I have made, in a modest, dignified, and conservative way, criticisms of conditions in Oklahoma, of things that have been done in the Oklahoma courts, but never in my life have I known of any instance where men made a charge against the judiciary of their own State that carried with it the putrified degradation that that charge did. I felt the force of it myself, but I repelled it in defense of the judiciary that these men condemned, and I do so now. I want it to go down on that record that if the Secretary of the Interior is called on he will make the statement that Mr. Mott's contract was disapproved solely on that one statement, and that alone.

The Secretary of the Interior, when these hearings closed, saw fit to address to the chief of the Creek Tribe, who had entered into a contract with me, a letter with the avowed statement that he could give it whatever publicity he saw fit. Not only did he give the chief a letter, but he also gave me a letter, my dear Senators. I have these letters at home in my office. I had not contemplated being on Capitol Hill this winter. After hearing what had been stated here on last Thursday I called Saturday morning at the Department of the Interior and secured a copy of the Secretary's letter to me. In his letter to the chief of the Creek Nation he says that the estates and interests of the Indians in Oklahoma have been preyed upon by bad lawyers and bad guardians like carrion birds, and the elimination of Mr. Mott is a test to their good faith. In that letter, speaking of me, he says to the chief: "Mr. Mott is an honest man, an able man, and a courageous man."

He likewise addressed a letter to me a few days after the contract with me was disposed of, and with the permission and authority to use it wherever I saw fit, and however I saw fit. He no doubt anticipated that there would be some effort to prejudice me in the matter of failure to approve the contract. He had seen me unsinged dragged through

the fire. He knew what was in the fight on me, and at its conclusion he sat down and wrote me the following letter:

WASHINGTON, *February 14, 1914.*

MY DEAR MR. MOTT: Chief Moty Tiger and myself have agreed upon Judge Allen as your successor as attorney for the Creek Nation. The reason for this change is set forth in my letter to the chief, a copy of which is inclosed.

I shall always take pleasure in contemplating the manner in which you conducted yourself during the inquiry here. That you have been honest under difficulties and fearless at all times in doing your duty seems to be admitted even by those to whom you have been most antipathetic.

I am glad to know that you are going to return to Oklahoma, and I trust that by mingling freely with those people they will come to see you as a man of ideals.

Cordially, yours, FRANKLIN K. LANE.

M. L. MOTT, Esq.,
Washington, D. C.

I hand that letter to the stenographer, and I want to accompany it, by permission of the committee, with a letter from the chief asking for the approval of my contract. Without taking up your time, this letter sets out my connection with the tribe as its attorney and my services and the estimate in which they are held by him. I will ask that the letter of the chief be made a part of my remarks.

The CHAIRMAN. Is there objection to the request of Mr. Mott that certain documents, which he has described, appear in the record of the committee? There being no objection, it is so ordered.

The letter referred to is as follows:

EXECUTIVE OFFICE OF THE CREEK NATION,
Muskogee, Okla., December 30, 1913.

Hon. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

SIR: Last fall, in November, I was in your office in Washington, where the other chiefs and their lawyers met, and we had a long talk about what should be done about taking care of the children of Indians in Oklahoma. After this talk was over you took me by the hand and told me, through my interpreter, that if I could not understand your language I could feel your hand and know that your heart was beating strong for my people. I believed then that it was settled what should be done to stop the wrongs that have been done to these children. My interpreter told me that you said things would be made right. I understood that it was the time to make a new contract with my lawyer, so that the work which he and his assistants had been doing could go on and not stop. I made a contract then with Mr. M. L. Mott, who has been the lawyer for my tribe since 1904, and left it with you. Thinking that everything was all settled, I left it with you without a letter, as I thought you would understand it. So much time has passed since then and I have heard nothing about it that I will write a letter to you about it.

You may not have got around to it because you are so busy. The papers say that the Oklahoma men in Congress will not let you approve my contract with Mr. Mott without walking over their dead bodies. I have always thought that when a man hires a lawyer he got one if he could find him who could do the work and who would be true to the man and the people who hired him and paid him. That is what I do when I hire one for myself.

I made a contract with Mr. Mott on January 15, 1913, for one year, and its ends on January 15, 1914. That is only a few days off now, and this new contract I speak about ought to be approved. Ever since early last spring, in planting time, and all through the summer and fall I have heard much talk about getting Mr. Mott out when his time is up and not hiring him again. Lots of people seem to want to get a new man for a lawyer for the tribe. Ever since I have been chief of the Creek people I have heard talk of this kind. But it almost always comes from some one who is also hoping that Congress will make a law to let the Indian sell his land. Such people are white men and part Indians, mostly. It is by these men that the Indians have been made to suffer much in the past, and they do not want the Indians to have anything. They are against him and are glad to see anything done that will make it easier for them to get what the Indian has. Most all the white people in Oklahoma feel that way about it, and many of the mixed bloods do, too. The full bloods and the children can not speak for themselves and do not know what is best for them, and are often misled into thinking that these people—grafters, I call them—are their friends. They get the full blood to say things he does not understand and in this way try to fool the Government at Washington and get more restrictions removed. The Government has always acted as though they thought the full blood could not take care of himself, and has tried to look after him, and this is right. But sometimes these grafters fool the Government, and then it is a sad day for the Indian.

Now, these people who want Mr. Mott to go out, they are the ones who have always been against my people. They have always done everything they could to get our property away from us and to make the Government believe that we are able to take care of ourselves. This they know is not true. Now, if these people are trying to fool you into thinking that it will be good for Mr. Mott to be put out and some one put in that they want, it is not right, and I think you ought to know about it. If one of my full-blood friends gets into trouble and needs a lawyer, I do not let him hire a lawyer that is picked out by the fellow who is fighting him, but tell him to get some man who will be his friend. It is the same with me when I hire a lawyer for my people. They are in trouble, and I do not hire a lawyer that is picked out by the ones who are doing so much to make them more trouble, but get one who has been a friend and who will fight for the Indians.

I know Mr. Mott will do this, because he has always done it for nine years. Here are some of the things he has done:

In 1904, just before Mr. Mott was hired the first time, Congress took the restrictions off of the surplus lands of all freedmen citizens of the tribe. In 60 days after this nearly every one of these people who could sell did not have any land or money either. Mr. Mott did not think this was a good thing and made a big fight against any more laws like that; and in 1906 Congress, after they learned the facts from Mr. Mott, passed a law so that full bloods could not sell their land for 25 years, and this law made a deed to lands of Indians who died, when the heir was a full blood, no good without the approval of the Secretary. That was a good law, and if it had not been passed not a full blood in the tribe would have had any land or home to-day, and it would not have been passed had it not been for Mr. Mott.

Then all the lawyers down here thought this law was unconstitutional, and lots of white people and mixed-blood grafters bought the full-blood lands anyway. Mr. Mott thought it was a good law, and after a long fight in the courts got the United States Supreme Court and every judge on it to say that it was constitutional. This saved many millions of dollars to the full blood and made the grafters give up lots of land that they had got deeds for without paying anything to the Indian. This case was Marchie Tiger, a full-blood Creek Indian.

The Supreme Court of Oklahoma said the law was no good. Maybe they thought it was not good for the State to have so much land owned by Indians, and if it had not been for Mr. Mott it would have been like they wanted it.

In 1908, after statehood, Congress listened to the men sent there by the people of Oklahoma and passed a law removing more restrictions and making a lot of the Indian lands subject to taxation by the State. Taxes are awful high in Oklahoma. It seems to cost a lot of money to run the State, and the white man who wanted statehood so much does not seem to be willing to pay what it costs, but wants the Indian to pay, too, after the Government had made a treaty with my people that they would not have to pay these taxes. Mr. Mott told Congress that it was in the Creek treaties that the Indians' homesteads should not be taxable, and tried to keep them from passing this law, but they passed the law anyway. Then right away he went into the courts and stopped the collection of the tax, and after a long time got the Supreme Court of the United States to say that the Indians' homesteads could not be taxed. The Supreme Court of Oklahoma in this case said the land should be taxed, but, like in the other case, they learned that they were wrong about this. The other of the Five Civilized Tribes followed along after the Creek suit was started, and they all profited by this decision. This has saved and will save for the Indians many millions of dollars.

In 1906 Mr. Mott got the department to look into the way town lots in the Creek Nation had been scheduled, and it was found that much trickery had been done and the tribe had been cheated out of much property of great value. He started many suits against a lot of people, and a great many were high up. A lot of these high-up people were indicted for this fraud and did not get out until they showed the court that what they had done was done more than three years before and they could not be punished for it. But Mr. Mott has already collected from these people and turned over for the tribe in money and property more than $200,000. This paid the tribe pretty good, but it made lots of people mad at Mr. Mott, and they have all the time been wanting to get him out where he could not do these things.

This law that was passed by Congress in 1908 said that the Indian children should have their property managed by the probate courts of Oklahoma. When Congress was passing this law Mr. Mott tried hard to get them not to do this and asked to have the Government do this business, and told them that the children would be robbed in the courts of Oklahoma. But they would not listen to him, and so the law was passed.

Then last year, when everybody thought Mr. Mott was through with these things and would not try to do any more for the Indian, he looked into the way the courts and guardians and lawyers handled the children's estates and made a report on it to Congress. The papers in Oklahoma made fun of this at first, but after a while they didn't say so much about it. Mr. Mott showed that it costs about one-fifth of what the estate is worth for the guardians and court to take care of it for the Indian minor, but it only costs about 3 per cent to take care of white folks' children's property. This one-fifth he showed them it cost didn't take in the big waste by stealing of money, buying land and things for more than what they were worth, lending money with nothing behind it to make it good pay, and many other ways to beat the children. He showed Congress that the children had been robbed just like he said they would be. The men from Oklahoma in Congress abused Mr. Mott and said it wasn't so. Then the governor of Oklahoma looked into it and said it was so. So that is why they didn't make so much fun of it afterwards. These men in Congress who had said so much against Mr. Mott and his report after a while sent word to the governor in a telegram and said it was so and asked him to have some laws passed to fix it so it would put them where they could get some more restrictions off. All this made some of the judges mad, and a good many lawyers and guardians, so they don't like him and would like to see him get out.

The reason they got so mad, too, was because everybody thought when the Democrats got in everything the Indian had would be turned loose and the grafters would then have a happy day. No one else had ever said anything much about it before, and Congress did not know, until he told them about it, what an awful stealing had been going on. And so when they heard about this they thought maybe it would not do to turn the Indian loose, like the people of Oklahoma wanted them to do. These people who do not want Mr. Mott any more are the ones who wanted this done. They thought it would be a good thing for the white people that voted for them. When this was stopped these white folks and grafters and the men they sent to Congress didn't any of them like Mr. Mott at all and they all got together to fight him, and are fighting him now.

Here lately he has been having a lot of lawyers and guardians indicted for stealing from Indian children, and is still working at it. So they want him stopped. They don't know what he will do next for the Indian, but seem to think that he will keep on doing something if he is left in. And it seems to me that that is what the Indian needs. There is much that should be done, and this guardianship work and these indictments have stopped a lot of grafting; and it makes these lawyers and guardians want to see Mr. Mott put where he can't go on with this work.

It ought to go on right away, and I want Mr. Mott to do this work. There has never been a man who has done as much for my people as he has. He is a good lawyer, a good man, and a good fighter, and is not afraid to do his duty. I do not think any other thing ought to have anything to do with his hiring than that, just like any other lawyer is hired. It is talked much that this is a political job. This is, of course, wrong. It is a contract for service to my people, and there can not be any reason why I should hire some one who is not a friend and who is wanted by those who are our enemies. I have been chief of the Creek Tribe since 1907 and have always been a Democrat. I can not see any difference in the way Democrats and Republicans try to rob the Indians. They do it all alike, and they all want to do it just as fast as they can. Mr. Mott is a Republican, but he is true to us and has done well for the Indian. I am a Democrat, and have tried to do what is right for my people. You see, then, we have both tried to do our best, and being of different parties has made no difference. He has fought Republicans just as hard as he has Democrats. If they are trying to rob the Indian, it has made no difference to him or to me whether they were Democrats or Republicans. Those who want him out and who want to put in some man friendly to them do not want him out because he is a Republican, but because they know he

will fight them. That is why I want to keep him in. A lot of both Republicans and Democrats want him out.

Some of these white grafters who have made lots of money out of the Indian are using some of this money now to pay the Indians who can be used this way to hold meetings to pass resolutions against Mr. Mott, so that Congress and the Government will think the Indians want him out. It is this way that they try to fool you.

Now, Mr. Commissioner, I will not say much more. You will know now why I write you. But one other thing I want to say. The full-blood Indian is not like other people. The Great Father has so made him that he can not become as the white man. From the beginning he has lived on from father to son in a simple way. The woods and streams and prairies have all been his to roam about upon. He does not know and can never learn that property has anything but a value for the moment of its use. The freedom of outdoor life has been his for so long that he can not change. He is not able to take on the ways of civilized life, and from a great and powerful people the Creek Tribe is fast going the way of its forefathers, with no increase to keep it up. The land has been divided and much of it has been taken from him. Most every man's hand where he lives is against him, and his real friends are few. Against the white man he is helpless. The younger members of the tribe have now their full inheritance. This is being wasted and destroyed. It may so be that I will be the last chief of this race which is soon to be no more. Before me have been many other chiefs, for so long a time that I do not know, who have served their people as best they could and have passed away. To my people in their last stand against the white man I owe the duty of doing what is right. When I do this I know that I will be doing my duty to my people, to myself, and to those chiefs who have gone before me. As the last of these, should this be, should I not do what will be a credit to them, too? I do not want to be known as the chief who showed that he was afraid to stand up for his people, but the man who had proved he was their friend.

For many years the Government has used the money of the people to help the Indian. This has been done and the Indians have not asked to have the right to say who should be hired by the Government and paid out of this money. All these years the Government, by the use of much money in this way, has not been able to stop the grafting by the white man in Oklahoma. From year to year and one by one the safeguards of the Government have been taken away from the Indian and he has been left alone to deal with his enemies. This has been done because the people of Oklahoma and the men they have sent to Congress have wanted it done and have made the other men in Congress believe that the Indians wanted it done. All this is what has made the Indian in such a bad way to-day. We now want to see if we can't do something for ourselves, and I can not understand why those who have always been against us and who have always fought for the things that have done us the most harm should have anything to say about who we shall hire and pay with our own money to protect us. It is not right, and as chief of my people I stand against it and insist that these men have no word in it.

Mr. Mott has had six contracts hiring him as lawyer for my tribe, and not one time has any Republican from Oklahoma or anywhere else been behind him, and so he has never owed anybody any duty but the people who hired him. He has always said it wasn't the business of any politician to say what lawyer we should hire, so long as the tribe was well served; and I have always felt that way about it, too.

When I ask that this probate work go on and that Mr. Mott, who has served us so long, so well, and so faithfully, be given the right to go on with it, I am doing what I know is right and what I know is for the best. I am a soldier, and fought for four years on the side of the South in the Civil War. I have been in many battles. Never have I run, and I will not run now. The war upon the Indians has been going on for years and years. It looks as though the Indian may get the worst of it in the end. There are few to fight for him. As their chief and their leader, I will not leave them now when they need me. You, as the representative of the chief of a great Government and people, are charged with the duty to help in this fight. I appeal to you for the help which you can give. With good will,

Yours, truly,

MOTY TIGER,
Principal Chief of the Creek Nation.

Interpreted into English by G. W. Grayson, official interpreter to the chief.

Mr. MOTT. Now, Mr. Chairman, the other reference to me was to the effect that the payment of the funds in the Treasury to the credit of the Creek Nation had been delayed because he, Mr. DAVENPORT, suspected that Mr. Mott had an interest in a contract that had been favorably recommended by the Creek council, and executed by the chief, looking to their employment in connection with the deficit to make up the $1,040 under the agreement to equalize the Creek allotments.

In 1908 Mr. Merrilat and Mr. Kappler appeared before a committee of the House on behalf of the individual members of the tribe relative to the equalization of the allotments. I appeared before the committee and heard their representations. After the committee meeting adjourned I made my protest there. I said to them that I thought if they were going to represent the tribe in the matter they ought to have some authority either from the tribe or from the department; that I had no objection to their employment; that I favored the Creek council passing resolutions looking to their employment contingent on their securing a judgment against the Government for the deficit. Senator Butler had been employed by the Creeks in connection with the loyal Creeks' claim, in which they had recently, or some time prior to that, been paid $600,000. Gen. Porter, before his death, went to Senator Butler in connection with this matter, and some of the tribe thought it would be well to include Senator Butler in that contract. So I myself am responsible for the resolution presented to the Creek council favoring the employment of Kappler and Merrilat and Butler and Valle, but I hedged it around with such safeguards that they were to get no compensation whatever except in the event they secured a judgment in favor of the tribe against the Government. They were to have no compensation whatever out of any funds that were in the Treasury, and in no sense were they to receive any compensation unless in the event of a judgment against the Government. If I were attorney for the tribe to-day I would favor a similar contract with anybody.

I want to state to you gentlemen that I have no special feeling and no special resentment in the references made to me.

As I say to you now, I am perfectly content with my situation in the matter. I only ask to be let alone. I bear no resentment toward anybody. I simply do not want and do not think that I should permit a statement to stand in the record of the committee that is prejudicial to me, and I want to say that I think you have accorded me an unusual courtesy in permitting me to make this statement. I appreciate that fully. I have no interest in anything that is on the Indian bill. I have not been in the Capitol this winter. I have not seen a Senator or Member of Congress until I spoke to Senator LA FOLLETTE and another Senator and told them I probably would make a statement here to-day. With that exception, I do not anticipate having any future interest in Indian matters.

Mr. Allen, my successor, is entirely agreeable to me, and if there is anything I can do to further the interest of the tribe or to give him any support I would be glad to do it. I hope the opportunity will not present itself again to make it necessary for me to be called on in connection with this matter, or any other matter. I simply do not want to be left in a light before the committee that is calculated to prejudice and wrong me.

Senator TOWNSEND. I want to ask you a question, Mr. Mott. You mentioned a little while ago in your statement that you had been instrumental in uncovering certain frauds affecting the Indians in Oklahoma. Will you tell us what you did in that respect, and what the situation is?

Mr. MOTT. I think the greatest opposition brought against me was because of a report that I filed here last December a year ago with the department, which the Secretary transmitted to Congress, affecting conditions in the probate courts of that State. The report has been printed in the CONGRESSIONAL RECORD and I think that contributed to the opposition to me and I think the men affected by that report were the ones who were most persistent in their demands on the delegation that I be eliminated. I have filed a great number of suits down there in connection with the Creek town-site frauds against a number of prominent citizens and individuals, and recovered a quarter of a million dollars in money and property, and that brought me much opposition. I filed the celebrated Manchie Tiger case, which resulted in an annulment of all deeds executed by full-blood heirs under a decision of the Supreme Court of the United States, the benefit of which has been the saving of millions in property to the Five Tribes.

I was also instrumental in litigation that nullified the act of Congress declaring certain lands of the Indians in Oklahoma nontaxable; and then, latterly, in the fall—Judge Allen being on the bench as district judge—called a grand jury and gave me an invitation to appear there and offer what testimony I might have against any parties affecting the maladministration of estates under the jurisdiction of the probate courts. I did so, and it resulted in the indictment of a number of prominent attorneys and business men, and I think that intensified the opposition. The chief's letter sets out in full all matters of detail in the way of my services to the tribe.

Senator TOWNSEND. Did you acquire any interest while you were there with the Indians in any of their property?

Mr. MOTT. None whatever. I never owned a foot of dirt in Oklahoma, a town lot, or anything of that kind during my service as their attorney. I never had any interest in any property there.

Senator TOWNSEND. Your contract was terminated with the Indians, was it, or was not approved, rather—the last one?

Mr. MOTT. I beg pardon?

Senator TOWNSEND. Your last contract was not approved by the department?

Mr. MOTT. No, sir; it was not, but since I have been asked that question I want to say this: I have never known a man in my life for whom I entertained a more profound regard than Secretary Lane.

As to the Secretary, I can understand his position about it. The Oklahoma courts had jurisdiction of unrestricted minors' lands and over the estates of lands of full-blood heirs. Certain members of the Oklahoma delegation stood up in my presence in the face of the Secretary and said that if I were not eliminated they, the courts, would not cooperate with the policy of the commissioner in the correction of those abuses that had theretofore existed. The department was powerless in the matter. In other words, the situation was simply this, from the standpoint of the delegation: We hold within our grasp the property rights and destiny of thousands of unrestricted babes in swaddling clothes and the property rights of restricted full-blood heirs. The price for their liberation was Mott's head. That was the question. That is what they meant when they said to the Secretary, "If you do not do this, we will not cooperate."

It was once said to a howling mob, "I find no fault in Him, but take Him out and crucify Him." The Secretary of the Interior felt that it was my head or a massacre of babes, and he said, "I find no fault in him; take him; I wash my hands," in the verbiage of this letter, and "commend him for his courage, his ability, and his faithfulness."

I think it will be admitted that an agreement was made by the Commissioner of Indian Affairs with the Oklahoma judges to the effect that those judges would perform the duty which the law imposed upon them in administering justice to the Indians, and especially to the Indian minors. Certain Oklahoma Representatives told the Secretary of the Interior that such agreement would not be carried out by the courts if Mott was retained as attorney for the Creeks. Had Mott been recreant to his duties as attorney for the Indians? The records do not so disclose. On the contrary, the only inference that can be drawn from the opposition to him was that he stood between the Indians and their despoilers. That the department still has some doubts about the ability of the Indians to get justice if left to the State control is evidenced by the provision of the bill which follows the one under discussion. It is this:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in connection with probate matters affecting individual allottees in the Five Civilized Tribes, $85,000.

I am informed that it is the intention of the department to hire probate attorneys for each of these separate tribes, who will handle matters that are properly under the jurisdiction of the courts of Oklahoma. Why should the Federal Government be compelled to hire and pay attorneys for looking after the interests of Indian children in Oklahoma courts more than they should to protect the interests of white children in that State? The very insertion of that item indicates—and I be-

lieve it is true—that the department believes that it is absolutely necessary to make an appropriation for this purpose in order to secure the rights of Indian minors.

Mr. President, the influences which secured the separation of Mr. Mott from Creek service is the same which has removed Mr. Wright and Mr. Kelsey. These gentlemen have been faithful, competent, and honest representatives of the Indians and of the Government. They have blocked, or at least impeded, the course of the spoilsman. The Congress has had no opportunity to speak on the Mott matter; but this provision is our business, and I had hoped the Senate might prevent the mistake now about to be made.

Mr. President, it has been very difficult for me to discuss this matter impassionately and without bitterness. If all the facts connected with Indian affairs could be disclosed, the already blotted record would be more offensive. Some day the truth may be fully disclosed. As for myself, I shall, as far as possible, do my duty to the Indian. I will not knowingly cast unjust reflections upon any man in public or private life; neither will I wink at or cover up any wrong known to me, whoever the offender may be. I realize very fully, I think, how readily false and malicious rumors float in the Indian atmosphere, and I shall not knowingly assist in embarking them; but the way to reward virtue is to punish wrong. This provision ought to be killed.

Mr. President, I realize that I should not occupy more time; but I have made this statement because I believe it was due to the Senate; certainly it was due to me that I should make it before we came to a vote. I ask that the words I have indicated be stricken from the bill.

Mr. NORRIS. Mr. President, before the Senator surrenders the floor, will he allow me to ask him a question?

Mr. TOWNSEND. Gladly.

Mr. NORRIS. I have listened to the latter part of the Senator's remarks with very great interest; and I should like to know, in reference to this board or these employees about whom the Senator has been talking, whether there is a provision in the bill changing conditions so that they will lose their places, and the places be given as a reward for political services?

Mr. TOWNSEND. There is no proposition in this amendment of which I have been speaking except to remove the Commissioner to the Five Civilized Tribes, Mr. Wright, and the superintendent of the Union Agency, Mr. Kelsey, and that those positions shall be consolidated into one, to be filled by some one to be nominated by the President, and confirmed by the Senate.

Mr. NORRIS. Does the Senator desire to convey the idea that the object of such legislation is to legislate these desirable men out of office?

Mr. TOWNSEND. I believe it is.

Mr. NORRIS. What is the proposition in the bill that involves that question?

Mr. TOWNSEND. The proviso, beginning in line 21, page 65, which I have moved to strike out.

Mr. NORRIS. I presume the object of the provision is claimed, at least, to be one of economy, is it not?

Mr. TOWNSEND. I have so stated. That is what the assistant commissioner claims, and I have attempted to show what the facts are in reference to that matter.

Mr. NORRIS. Would the change involve a discharge of the forty-odd employees or just the two principal ones?

Mr. TOWNSEND. Just the two principal ones who have charge of the work.

Mr. NORRIS. I am much obliged to the Senator.

Mr. OWEN. Mr. President, the item which the Senator from Michigan proposes to strike out was considered by the Committee on Indian Affairs of the House and also by the Senate Committee on Indian Affairs, and those committees refused to make the changes which the Senator now advocates, and the reason is very simple. Three of these tribes are about to have their affairs wound up. In the case of the Cherokees, the Creeks, and the Seminoles all that remains to be done is simply to distribute a balance which they have now per capita, so that the affairs of those tribes are practically concluded. There is no longer the need which heretofore existed for these two different offices, as one man can discharge the duties of the service there just as well as is necessary for the protection of the public business. The Senator himself states that this reorganization will make a difference of $25,000 a year, and I think $25,000 is worth saving to the Treasury.

The charge which the Senator makes that it will necessarily retire one of these two men is, of course, true, because if only one man is going to do the work one of the men will have to go out. Whether one of those who is now in office should be given the function which is to be put upon one would be determined by the attitude of the administrative branch of the Government; but I do not think that the Senator is justified in making it appear that this is merely a political matter with a view of giving somebody an office. The Indian Bureau estimates that there will be $25,000 saved.

I am not going to take the time of the Senate to go into a long answer defending Oklahoma and its administration. It was true that there was found a judge in one of the counties who was corrupt, but he was put out of office by the people of Oklahoma. Doubtless there was some corruption, more or less, in some of the other offices; but the judges have all come together and adopted a plan of mutual cooperation and a system of rules by which to prevent any injustice in the administration of the minors' estates. That has been done under the advice and counsel of the Indian Bureau. Oklahoma has done everything in its power to establish good order and justice toward these probate estates. The judges, as I have said, have all come together, and in common counsel with the Commissioner of Indian Affairs have agreed upon rules and regulations by which to prevent the attorneys taking any advantage in any way.

Mr. TOWNSEND. May I ask the Senator a question there? I referred to that fact, although I did not perhaps elaborate it. Mr. Sells, the commissioner, went out to Oklahoma to meet the judges, to see if they would cooperate with the department; and he had a working scheme with the courts whereby they would give proper care to the Indian cases. Does the Senator deny that it was charged before Mr. Lane by members of the Oklahoma delegation that that arrangement could not be carried out and would not be carried out if Mr. Mott was retained as attorney for the Creek Nation?

Mr. OWEN. I understand that there was a controversy over Mr. Mott. I understand that Mr. Mott was regarded with a good deal of hostility by some of the members of the Oklahoma delegation. I understand that; and I understand that they used every argument they could to defeat him. That, however, does not affect the central question that these courts did come together with the Commissioner of Indian Affairs and did what they could to bring about a good condition of administration, and that is all I was presenting. I am not going into Mr. Mott, nor am I going to discuss Mr. Mott's affairs. I care nothing about that. The only thing is that I do not want the Senator to leave the United States Senate under the impression that the probate courts of Oklahoma are worse than the probate courts of Michigan.

Mr. TOWNSEND. What does the Senator think of the proposition, if it be true, that the courts of Oklahoma have stated that unless a certain man is deposed they will not perform the duties that they have agreed with the Commissioner of Indian Affairs to perform and that under the law they were obligated to perform?

Mr. OWEN. I have no information upon the point suggested by the Senator, and I do not believe it is true.

Mr. TOWNSEND. I wish to say, further, that when Mr. Mott made that statement before the committee the Commissioner of Indian Affairs was sitting at the table in the committee room. Mr. Mott said that the Oklahoma delegation stated the same thing to Secretary Lane in the presence of the commissioner.

Mr. OWEN. By the courts?

Mr. TOWNSEND. No; by the delegation from Oklahoma.

Mr. OWEN. The Senator said the courts said that.

Mr. TOWNSEND. I say, suppose the delegates from Oklahoma told the truth about it, and the judges did say it? It was not denied that they did say it. The delegates stated it as a fact.

Mr. OWEN. I do not know what the testimony is to which the Senator refers; but I do know that the Commissioner of Indian Affairs went down, and these judges met him and agreed upon a plan to protect the interests of minors out there; and I believe they will do it just as well as the probate courts of any of the other States, including the State of Michigan.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to his colleague?

Mr. OWEN. I yield.

Mr. GORE. I think I ought to say here that it is my understanding that Secretary Lane wired the probate attorneys of the Creek Nation asking whether they would discharge their duties in the event that Mr. Mott was retained in office, and they answered back that they would, but that they thought the appointment of some one else would contribute to the improvement of the service. I understand that telegram was in the hands of the Secretary of the Interior, and I think that is the attitude taken by the delegation so far as I know. I was not

here when the hearings were had before the Secretary, but I think that is the attitude they took.

Mr. NORRIS. Mr. President, I should like to inquire from someone who knows—the Senator from Michigan, who has spoken on the subject, or the Senator from Oklahoma, or any other Senator—why it is that there seems to be this bitter opposition to Mr. Mott. What is the matter with Mr. Mott, if anything? What has he done? Has he a duty to perform that is unpleasant or has he failed to do his duty?

Mr. OWEN. Mr. President, the question of Mr. Mott's feuds in Oklahoma does not affect the question as to whether or not these two offices shall be merged into one, to be occupied by some one approved by the Senate of the United States. He never held either one of these offices. He was a probate attorney or, rather, an attorney for the Creek Nation, and in that way took an active interest in some of the probate proceedings.

Mr. NORRIS. I should like to say to the Senator from Oklahoma that it seems to me that this question of Mr. Mott is just as much involved in this amendment as this talk about the agreement of the courts to do or not to do a certain thing or to do something in a certain way.

Mr. OWEN. I agree to that. That is irrelevant. I spoke of that simply because the Senator spoke for an hour and a half, and in that speech he was commenting upon the probate courts of Oklahoma in such a way as to leave a bad impression with regard to those courts, and I felt it my duty to my State to make a comment upon it. That was all. I did it as mildly as I could.

Mr. NORRIS. I have no information whatever with regard to this controversy; but if there is such a condition somewhere that the performance by a judge of his duty is dependent upon some one else being appointed to office, either there is something wrong with the other party or with the judge, one or the other. It may be with Mr. Mott; I do not know. It may be with the court.

Mr. OWEN. Mr. President, the appointment or nonappointment of either one or two men in the positions now occupied by Mr. Kelsey and Mr. Wright has nothing to do with Mr. Mott.

Mr. NORRIS. It may be that it has not any direct connection with these two officials; but it does go to the administration of the laws, it seems to me, in a general way, and that is what we are dealing with to a great extent in this bill.

Mr. OWEN. I hope the Senate will sustain the committee and sustain the department in this matter.

Mr. TOWNSEND. In connection with what the Senator from Nebraska has said, if I have correctly stated the facts that have been disclosed in the record, I think there is a vital relation between the failure to confirm Mr. Mott's contract and the particular proposition which I have asked to strike from the bill. It all goes to the proper administration of the affairs of the Five Civilized Tribes.

If it is true that there was a concerted effort to remove Mr. Mott because he was enforcing the law, because he was bringing big and little criminals to justice; if it is true that the Creek Indians wanted Mr. Mott for their attorney because they knew he would look out for their interests and care for their orphan children; if it is true that the same influences which inserted this provision in the bill instigated the movement to get rid of Mr. Mott and to put in a man who, though he is nominated by the President and confirmed by the Senate, we all know is to be a political appointee; if it is true that there is enough influence out in Oklahoma to swerve the courts and induce them to suggest that a man of proven integrity and ability be set aside because he is too active in protecting the rights of his clients, the Indians, and they succeed, and it is known that the same influence is responsible for the provision in this bill which I am asking to have stricken out; if it is clear, as I think it is, that the motive for removing Mott is the same as the motive for removing the Commissioner of the Five Civilized Tribes, viz, the despoiling the Indian of his property, the relevance of the Mott matter to this amendment is clear and close.

The political influences which have been brought from outside to control the action of the Government's representatives in the administration of Indian affairs have been the curse of the Indian. I say that all of this, if I have read the testimony correctly, and if I heard the witnesses as they intended to be heard, is a part of the same scheme.

The Senator has stated that we are about to close up the affairs of three of these tribes. They are not yet closed up. When they are closed up this vast fund of money will be scattered out in driblets to those one hundred and one thousand Indians. I think it is of the utmost importance that that money shall be distributed properly. If what Moty Tiger says, and if what Mr. Meritt says, is true, namely, that the proposition to close up the affairs has always been delayed by the Oklahoma delegation, it is a suggestion to me that they do not want to kill the goose that lays the golden egg.

I do not object to this money going to the Indians if it belongs to them; not at all. But I want to know that it goes to the Indians. It will not reach them if it filters through political hands. The man whom it is proposed to supplant with a politician is an officer of tried and acknowledged courage, character, and ability. He should not be removed to give place to some political worker.

Mr. OWEN. Nobody has ever questioned the legality of the per capita payments made by these gentlemen. They are made on checks, and made directly, and they have the vouchers for them. No matter who makes the per capita payment, of course it was made under the safeguards of the law. The amount due to the Cherokees was $15 apiece. It is true that there were a large number of them, but I want to remind the Senate that they have been waiting now since 1902. They have been waiting 12 years. We sent the Dawes Commission down there in 1893. It has been 21 years since we sent the Dawes Commission down there to wind up the affairs of these tribes. Does it seem like undue haste on the part of the representatives of Oklahoma to ask for a conclusion of these matters?

Men do not live always. Thousands of these Indians have died without getting their proportionate part; but that has nothing to do with this case. The Senator simply moves to strike out a provision by which the House of Representatives proposed to drop one of these officials and have one man instead of two, at a saving of $25,000. The reasons which were given in the evidence before the committees have justified the committee in retaining it as it is, and I hope the Senate will stand by the committee and by the department.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GORE. Mr. President, on page 58, after line 8, I desire to offer an amendment, which I send to the desk, and I invite the attention of the chairman of the committee to it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 58, after line 8, it is proposed to insert:

> The Secretary of the Interior is authorized in his discretion to grant a further extension or extensions of time on the payments described in the act entitled "An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma," approved April 27, 1912: *Provided*, That accrued and unpaid interest shall be treated as principal: *Provided further*, That no payment shall be deferred beyond the time prescribed in the act herein cited, and no forfeiture of entry shall be declared except for fraud, and all entries heretofore canceled except for fraud may be reinstated without prejudice.

Mr. SMOOT. Mr. President, will the Senator please explain this amendment?

Mr. GORE. Yes, sir.

Some five or six years ago about four or five hundred thousand acres of land were sold in Oklahoma, which was then a Territory, comprising what was known as the Big Pasture, the Wood Reserve, and Pasture No. 3. The lands were appraised by the Government. The appraisement was made when crops were most promising in the surrounding country. The appraisements were high and the lands were sold through competitive bidding. They brought high and remunerative prices, in many instances more than the real value of the land.

The lands have been improved. We have had a series of unfortunate years in Oklahoma—some five dry years. Under the act of April 27, 1912, the Secretary was authorized to divide each of the outstanding payments into two payments. That carried some of the payments forward to 1920. Some of them were carried forward only one or two years.

In view of the short crops in that country, some of these farmers have been unable to make their payments. A great many have made final payments and final proof. Under the act of April 27, 1912, the Secretary must cancel these entries if the payments are not made. He is vested with no discretion whatever. The law is arbitrary and mandatory. Some of these entries have been canceled. Some of the best farmers in my State—and some of them are in my county—have had their entries canceled. Some of them have made as much as $600 or $800 of the payments required, and have constructed improvements worth from $600 to $1,000. Their entries are being canceled.

There is no reason why this amendment should not be adopted. It gives the Secretary discretion to extend the other payments, and allows the accumulated interest to be treated as principal so that it will also bear interest, and it authorizes him to reinstate the canceled entries. It is a meritorious measure that surely ought to be adopted.

Mr. TOWNSEND. Mr. President, may I ask the Senator if this matter was brought before the committee?

Mr. GORE. It was not. I will say to the Senator that two farmers came up here since the bill came in from the committee. The farmers took up a collection, and sent two of their number up here, and they called on me about a week or 10 days ago and presented the matter, and it was so meritorious that I felt that I ought to present it to the Senate. Of course I realize that it is subject to a point of order.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. GORE. I will.

Mr. ASHURST. The same situation obtains with respect to reservations that have been opened in the State of Arizona. I think the legislation is meritorious and proper, if the Senator will strike out lines 2 and 3, on page 2. I do not believe the legislation should go so far as to reinstate entries that have been canceled. I see no objection to granting extensions on those that are now pending.

Mr. GORE. I hope the Senator will not insist upon that, for the reason that if he does some of these farmers who have made the most payments will be hurt the worst. Some of these farmers have already paid from six to eight hundred dollars, and have made improvements valued at from five hundred to a thousand dollars. Their entries have been canceled, really through no fault of their own, but as a result of the unfortunate season. I believe the Secretary at least ought to have the discretion to reinstate these entrymen where there has been no fraud, where strict good faith has prevailed.

I hope the Senator will allow that part of the amendment to remain in, and he can consider it further in conference.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. GORE. I yield to the Senator from Utah; yes.

Mr. SMOOT. It is a very dangerous thing to legislate, without more information than we have, in the way of reinstating a man who has failed to pay for the lands purchased by him from the Government. I wish to ask the Senator if there are any adverse claimants to any of these lands?

Mr. GORE. No, sir; there are none at all. I will explain to the Senator that these were not entered as public lands. The lands really belonged to the Indians. The Government conducted the sale. There have been no contests whatever. There could not be under the act authorizing the sale.

Mr. SMOOT. I understood that they were Indian lands, and I understood that they were sold as such.

Mr. GORE. Yes. There have been no adverse claims.

Mr. SMOOT. But what I intended to ask the Senator was, Have any of these lands been resold by the Government?

Mr. GORE. No, sir; they have not. Of course that would give rise to a different situation.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. GORE. I yield; but I shou'd like to say, first, that while I feel the force of the observation of the Senator from Utah, this matter was called to my attention only about a week or 10 days ago, I should say. The date of the amendment will indicate the exact time. It was at the urgent solicitation of two actual farmers, who came to Washington in order to request what I believe to be just consideration at the hands of the Government, that I introduced the amendment.

Mr. TOWNSEND. I have noticed in considering the bill that has been before us heretofore there have been many things put into the bills which had not been properly considered. I recall two or three such instances that have a similar bearing upon the amendment proposed now. I do not want to do any injustice to anyone; I am perfectly willing to do what I can; but I feel it incumbent upon me, inasmuch as this is legislation brought up for the first time about which I have had some doubts at least in my own mind to make a point of order.

Mr. GORE. Mr. President, I wish to say to the Senator that if there is any further question which occurs to the Senator I should be glad to present it. This matter ought to have been introduced in regular form, and I have introduced a bill covering the same ground as the amendment, but at this late day in the session I feel that I would not be able to secure the enactment of the bill as an organic law. I may say, if the Secretary of the Interior had been given any discretion as to the cancellation of these entries, I should not insist upon the adoption of this amendment; but the Senator will realize that under the act of 1912 the Secretary has absolutely no discretion. These farmers who have gone upon these lands and converted the raw prairie into a civilized community have done as much for the General Government as the General Government can do for them, and in view of the extremely harsh law stripping the Secretary of all discretion I hope the Senator will not insist upon his point of order.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. GORE. Yes, sir; I do.

Mr. WHITE. Mr. President, I wish to make a suggestion to the Senator from Michigan. It is my desire and my disposition to protect these Indians in their just rights, but it seems to me that if the entrymen obtained what is sought by this amendment, the Government or the Indians can lose nothing; the debt will have to be paid that was contracted to be paid for these lands. I understand that that which has accrued and that which is to accrue will have to be paid before title will be divested from the Government. Therefore the Indian and the Government can not be injured and the entryman who has been subjected to unfortunate conditions in that territory might be saved a great hardship that would be inflicted upon him if the amendment does not prevail.

Mr. TOWNSEND. Mr. President, I would have no objection to that if I were quite clear that we had all the facts before us and that the Senator from Oklahoma had all the facts.

Mr. GORE. Mr. President——

Mr. TOWNSEND. I will yield in just a moment. I recall that just a few years ago we had a proposition to take care of some payments to make extensions. A very plausible case was made out on the floor of the Senate, but there were some conditions there which afterwards appealed to me, as I think they did to the majority, as being not entitled to the consideration of the Senate. It depends much upon the conditions of the sale. For instance, town lots were supposed to be sold at a cash price, and afterwards it was understood that bids were made by some with the understanding that they were to have time on the payment, and thus, perhaps, the bidding was not what it ought to have been. Now, I do not know anything about these cases.

Mr. GORE. Mr. President, I should like to make this suggestion to the Senator: If he will consent that the amendment may go in, I will request the chairman of the committee of conference to abide by the judgment of the Senator from Michigan after he has had an opportunity to investigate it. It is such a strong case, and there are so many reasons why the amendment should be made, I hope the Senator will take that course.

Mr. TOWNSEND. Has the Senator even asked the department about this matter?

Mr. GORE. I have not.

The PRESIDING OFFICER. Does the Senator from Michigan make the point of order?

Mr. WHITE. I wish to make a further suggestion to the Senator from Michigan, if he will yield for that purpose.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. Does he yield to the Senator from Alabama?

Mr. GORE. I do.

Mr. WHITE. Most of the public domain has either been given away or has been sold at a nominal price. The persons who will be affected by this amendment, I understand, bought their lands at a competitive sale, where the land was sold to the highest bidder, and in that way the lands must have brought a reasonably fair price.

Mr. TOWNSEND. The Senator assumes something, and I am going to take for granted that what he says is true; but I, as a member of the committee, feel as though when a matter of this character comes up we ought to know something about it. I do not like this way of legislating on the floor of the Senate, bringing in measures here to do things we do not understand and which may come up to plague us hereafter.

Inasmuch as the two Senators seem to understand it, or think they do at least, I withdraw the point of order.

Mr. GORE. I wish to express profound consideration for the action of the Senator from Michigan. I hope he will investigate it, and if he has the slightest objection after an investigation, that he will convey that to the chairman of the conference committee.

Mr. LANE. Mr. President, I think, so as to make it all right, I will make a point on this legislation. I do not know how far it reaches. I have not that amount of confidence in it which the Senator from Oklahoma has. Perhaps it is for the reason that I am ignorant of it; but it is a species of legislation which is very dangerous. There are lots of old claims down there of different kinds which have been questioned and upon which loans have been made, and the deferred payments have never been made. Whether this applies to them or not, I do not know.

It seems to me that this would reach them and confirm a species of doing business which is not what it ought to be.

Mr. GORE. I should like to say to the Senator that the lands embraced in this amendment were purchased from the Indians by the Government of the United States, but out of generosity the Government afterwards consented to sell these lands and give the Indians the proceeds. They have been sold in many instances at very high prices—at $15, $20, and $25 an acre. The sales were conducted at public bidding and the lands were awarded to the highest bidder. While they were not public lands, the purchasers had to conform to the homestead requirements, which, as the Senator knows, are more or less severe in a new country. They have been making improvements, they have been perfecting the title, but, unfortunately, their crops have not enabled them to meet the payments as they accrue. A great many of the payments have already been extended. This is to extend others, in the discretion of the Secretary. The Senator from Oregon has that safeguard and that discretion, at least.

Mr. LANE. How many cases are there to which it applies?

Mr. GORE. I could not state. Some of them have paid out and have made final proof.

Mr. LANE. That is what I thought.

Mr. GORE. Others have not.

Mr. LANE. In my view, this is loose legislation.

Mr. GORE. I know how intensely the Senator from Oregon is devoted to the interests of the Indians, and I am perfectly willing he should make an investigation of this matter.

Mr. LANE. I suggest to the Senator to let us put it out now on a point of order, and let him bring in a bill and have the committee investigate it. The committee can report upon it and it can be passed perhaps in 10 days.

Mr. GORE. I will say to the Senator that I am leaving this afternoon and I will not be back perhaps during the session, and I am afraid to follow that course. The Senator is undoubtedly correct in his contention that this ought to pass as an independent bill, but I do not believe that that could be done at this late stage of the session.

The PRESIDING OFFICER. Does the Senator from Oregon make a point of order against the amendment?

Mr. LANE. I will ask the Senator one question: Is he not willing to trust this legislation in our hands during his absence?

Mr. GORE. I am entirely willing to trust the Senator from Oregon.

Mr. LANE. I make the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. GORE. On page 68, line 20, before the word "Seminole"—one amendment has already been adopted in that line—I move to strike out "and" and after the word "Seminole" to insert the word "Osage."

The PRESIDING OFFICER. The Senator from Oklahoma proposes an amendment, which the Secretary will read.

The SECRETARY. On page 68, line 20, strike out the first word in the line, "and," and after the word "Seminole" insert the words "and Osage."

Mr. TOWNSEND. May I ask the senior Senator from Oklahoma, who has offered the amendment——

Mr. GORE. That appropriation in this place is for the benefit of certain schools in the Five Civilized Tribes. On account of the exemption of certain lands from taxation the same condition with respect to taxing lands exists in this Osage country, and it seems to me the benefits of the act ought to apply to that country as well as to the others.

I have here a letter from the Superintendent of Education giving the Osage Nation statistics, stating that there are 380,000 acres of homestead allotments in Osage County. These are exempt by law and by patent from taxation. There are 1,335,000 acres of surface allotments. The State contends that those lands are subject to taxation. The Indians contend that they are not subject to taxation. That question has been involved in the courts, I think, ever since statehood, or at least for some years. There are only 4,000 acres of land in Osage County subject to taxation. It simply gives the same benefit. I have a letter here from the assistant commissioner setting forth the facts. There is no reason why the provision of the act should not be extended for the benefit of the Osages.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. STERLING. Mr. President, referring to the committee amendment, beginning on line 3, page 67, to which a point of order was made and sustained, I ask unanimous consent that that amendment be resubmitted to the Senate.

The PRESIDING OFFICER. The Chair did not hear the request of the Senator from South Dakota.

Mr. STERLING. The request is that the amendment be resubmitted to the Senate. The point of order was sustained on the amendment, and I ask unanimous consent now that it be resubmitted.

The PRESIDING OFFICER. The present occupant of the chair does not think the Chair has power to submit an amendment which has been excluded on a point of order.

Mr. STERLING. I offer the following amendment.

The PRESIDING OFFICER. The Senator from South Dakota offers an amendment, which the Secretary will read.

The SECRETARY. On page 67, after line 2, insert the following:

That full legal and equitable jurisdiction, without regard to lapse of time, is hereby conferred upon the Court of Claims to hear, determine, and adjudicate, as justice and equity shall require, all claims against the Cherokee Nation by the estate of John W. West, deceased, or by the heirs or any heir of said John W. West, and particularly the claim of the said estate and the heirs thereof against the said Cherokee Nation for the deprivation of the said John W. West, deceased, his estate and his heirs, of the beneficial use of certain property, wherein it is alleged that the said John W. West was interested as owner; and any judgment rendered under this act against said nation shall be paid to the administrator of the estate of John W. West, deceased, out of any funds standing to the credit of said nation, and the amount necessary to pay any such judgment is hereby appropriated out of any money of the Cherokee Nation under control of, or held in trust by, the United States. Suit shall be begun within 30 days after the approval of this act by petition filed by the administrator of the estate and service thereof shall be made on the principal chief of the Cherokee Nation, who shall appear by attorney within 20 days after service of said suit is made upon him and defend said suit on behalf of the nation; the record heretofore made in the proceedings relating to the award made in favor of said heirs under said claim May 25, 1883, and approved by the Secretary of the Interior, together with any material evidence on file with the Department of the Interior pertaining to said claim, shall be considered by the court, and the Secretary of the Interior is directed to transmit to said court all such records in his department.

The PRESIDING OFFICER. The Chair desires to inquire of the Senator from South Dakota whether this is the same amendment that was excluded upon a point of order?

Mr. STERLING. I was just about to state before the inquiry made by the Presiding Officer that it is substantially the same amendment then offered. I have made some alterations in the amendment, but in substance the amendment is the same. The purpose is to refer the question to the Court of Claims for adjudication.

Mr. THOMAS. I should like to inquire of the Senator from South Dakota before he takes his seat when these claims accrued—how many years ago?

Mr. STERLING. There was an award made on this claim in 1883, in pursuance of a treaty made with the Cherokee Nation, between the Cherokee Nation and the United States. That award has been sustained by two successive decisions of Secretaries of the Interior. Secretary Teller and Secretary Lamar both have sustained it. A bill for a direct appropriation has passed the Senate five times appropriating $5,000. It has been favorably reported on by House committees, I think, four times, and it appeals to me as a most just and meritorious claim.

I will say to the Senator from Colorado, as I said the other day, there ought to be a direct appropriation for the payment of this money, and a bill was introduced for a direct appropriation, but the Committee on Indian Affairs concluded that it should be submitted to the Court of Claims and reported an amendment to that effect.

Mr. THOMAS. If the claim has been allowed and award made upon it and it has been recognized by two Secretaries of the Interior, what is there for the Court of Claims to pass upon and adjudicate?

Mr. STERLING. I hardly know. I will say to the Senator I think there is some little contention as to the identity of the John W. West whose heirs make this claim with the John W. West whose property was taken away back in 1843, when the claim originated.

Mr. THOMAS. The identity of the heir, then, is the only question that has to be reported on.

Mr. STERLING. That is the only question. I do not think there can be any question about that, I will say to the Senator; but surely there should be no objection to a submission of the whole matter to the Court of Claims.

The PRESIDING OFFICER. Unless there is objection, the Chair will submit the amendment to the Senate.

Mr. BRYAN. Mr. President, I feel compelled to raise a point of order that this amendment violates paragraph 4 of Rule XVI. It is a private claim on an appropriation bill. If there is any merit in it, it can as well be presented to the Committee on Claims, and by a resolution it can go from there to the Court of Claims without putting it in an appropriation bill.

Mr. STERLING. Mr. President, I trust the Senator from Florida will withhold his point of order. I would not have introduced the original bill nor now offered this amendment but for the fact that after thorough investigation I deemed it a most meritorious claim. There are other amendments to this same bill subject to the point of order that they are general legislation, but because they are meritorious no objections have been made to them, or if made have been withdrawn. I trust that the Senator will not insist upon his objection now to this amendment.

Mr. BRYAN. That is a pretty strong appeal, but I stand by my objection nevertheless.

The PRESIDING OFFICER. The Senator from Florida makes the point of order, and the Chair, following the precedent set by the regular occupant of the chair, sustains the point of order.

Mr. JONES. After the amendment last adopted on page 90, I desire to offer an amendment.

Mr. GORE. I desire to give notice, if necessary, that the amendment put out on a point of order I will submit in the Senate, and I give notice that I desire to contest the amendment adopted the other day offered by the Senator from Mississippi [Mr. WILLIAMS].

The PRESIDING OFFICER. The Senator from Oklahoma makes an announcement which the Senate will take notice of. The Secretary will report the amendment offered by the Senator from Washington [Mr. JONES].

The SECRETARY. On page 90, in the Washington items, line 18, after the amendment agreed to at that point, insert:

That the conveyance from John Teoul and his wife, Susan, to John Robinson of the west half of the southwest quarter of section 26, township 18 north, range 18 east of the Willamette meridian, Washington, made and executed on the 23d day of May, 1903, be, and the same hereby is, approved, ratified, and confirmed, and as an evidence of such conveyance the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple for the said described lands to the widow and heirs of John Robinson, deceased, the purchaser of said lands.

Mr. JONES. Mr. President, I will say: I know this amendment is subject to a point of order, but this matter has been referred to the committee and the committee has reported it favorably, and the department also was called upon for a report, and the department recommends it. So I hope that no point of order will be made under those circumstances.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES. In connection with the amendment I ask that the report of the committee be printed.

The PRESIDING OFFICER. Is there objection to the matter being inserted in the RECORD? The Chair hears none.

The report referred to is as follows:

[Senate Report No. 596, Sixty-third Congress, second session.]

HANNAH ROBINSON.

Mr. LEWIS, from the Committee on Indian Affairs, submitted the following report, to accompany S. 5674:

Your committee, having under investigation S. 5674, "A bill confirming the title of Hannah Robinson to certain lands, and authorizing and directing the issuance of patent therefor," reports the said bill favorably, with the following amendments: In line 12 of the bill strike out the words "Hannah Robinson" and insert after the word "widow," in said line 12, the words "and heirs," so that the proposed measure shall read as follows:

"Be it enacted, etc., That the conveyance from John Teopil and his wife, Susan, to John Robinson of the west half of the southwest quarter of section 26, township 18 north, range 18 east of the Willamette meridian, Washington, made and executed on the 23d day of May, 1903, be, and the same hereby is, approved, ratified, and confirmed, and as an evidence of such conveyance the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple for the said described lands to the widow and heirs of John Robinson, deceased, the purchaser of said lands."

The Secretary of the Interior, after a thorough investigation of the case, makes a report to the effect that the legislation proposed is necessary and indispensable to perfection of title in the present rightful owners thereof, and as error arose in the title many years ago the proposed act (S. 5674) is necessary to cure defect in title.

The report of the Interior Department is made a part of this report, and is as follows:

JUNE 9, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I have the honor to state that the Assistant Commissioner of Indian Affairs has invited my attention to your letter dated May 27, 1914, transmitting for special report thereon S. 5674 and an amendment intended to be proposed to H. R. 12579, the Indian appropriation bill for the year ending June 30, 1915.

The language of the bill and of the amendment are substantially the same, and have for their purpose the same object, which is that a conveyance made by an Indian, John Teopil, and his wife Susan, to one John Robinson, dated May 23, 1903, covering the west half of the southwest quarter of section 26, township 18 north, range 18 east, of the Willamette meridian, in the State of Washington, be approved, ratified, and confirmed; and as an evidence of such conveyance, that the Secretary of the Interior cause to be issued to Hannah Robinson, widow of John Robinson, deceased, a patent in fee for said land.

The facts in this case are that John Teopil, an Indian, on May 10, 1881, made homestead entry for certain lands in the State of Washington under the act of March 3, 1875 (18 Stat. L., 402–420), and a patent was issued to him on January 25, 1892, under the act of January 18, 1861 (21 Stat. L., 315). The latter act applies only to the Winnebago Indians in Wisconsin, and the issuance of a patent under this act to John Teopil for the homestead in Washington taken up by him was a mistake.

The United States Circuit Court of Appeals, eighth district, in the case of Louis Hemmer et al. *v.* United States of America, held, April 25, 1913, in effect that land taken up under the act of 1875, supra, was subject to the provisions of that act, i e., the land was nonalienable for a period of five years from the date of patent. This period of limitation in the case of John Teopil expired in 1897, a patent having issued under date of January 25, 1892. It is the contention of the Government, however, that an entry made under the act of 1875, for which a patent had not issued at the time of the act of July 4, 1884 (23 Stat. L., 76–96), was subject to the provisions of the latter act, in that a 25-year restricted trust patent should be issued, and an appeal has been taken in the case.

The act of 1875 provides for but one patent, which is a fee with restraint on alienation for a period of five years, whereas the act of 1884 cited provides for the issuance of two patents, a trust and a fee.

In view of the above there is doubt as to the validity of the conveyance made by John Teopil to John Robinson, in 1903, and for this reason the heirs of the purchaser, who is now deceased, have asked for the special legislation herein reported on.

I have caused an investigation to be made of this case, and have learned that the Indian actually received the consideration for the land he conveyed to Mr. Robinson, and that it was adequate at the time of sale. I am of opinion that the special legislation is necessary, and I have no objection, therefore, to the enactment of S. 5674, or to the insertion of the amendment in the Indian appropriation bill for the year ending June 30, 1915, provided, however, that the bill be so worded as to provide that the patent in fee be issued to the widow and heirs of John Robinson, deceased. It is respectfully recommended, therefore, that the words "Hannah Robinson," in line 12 of S. 5674, be eliminated and he words "and heirs" be inserted in the same line after the word "widow." If consideration is given to the proposed amendment to H. R. 12579, the same changes should be made in line 10 of the proposed amendment.

If the suggested changes are adopted, the department would be glad to see the legislation given favorable consideration at an early date.

For such use of it as you may desire to make, I am inclosing a copy of this report.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

Mr. OWEN. I wish to offer the following amendment:

That to carry into effect the agreement between the United States and the Muskogee Nation of Indians ratified by act of Congress approved March 1, 1901, and the supplemental agreement of June 30, 1902, providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of $1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of $1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred, upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of Creek allotments up to the treaty standard value of allotments of $1,040. Said suit shall be begun by petitions filed within six months after the approval of this act, be verified, and prosecuted by the national attorney for the Creek Nation.

There was an item of a similar character, but involving a number of other things, reported by the committee, and it went out on a point of order. I move this amendment now, omitting a number of names that were involved in it and abbreviating it very much, believing that it may meet the approval of the Senate.

The PRESIDING OFFICER. What is the amendment which the Senator offers?

Mr. OWEN. It is on page 73.

The PRESIDING OFFICER. The Senator from Oklahoma will send his amendment to the desk.

Mr. BRYAN. Let me inquire of the Senator from Oklahoma if it is not the purpose of the amendment to establish a private claim?

Mr. OWEN. No; I should not say it was to establish a private claim. It is to give an opportunity to the so-called allottees of the Creek Nation to go into the Court of Claims upon certificates which they have from the Dawes Commission.

Mr. BRYAN. Why does not the Senator——

The PRESIDING OFFICER. Will the Senator from Oklahoma send the proposed amendment to the Secretary's desk, so that the Secretary may report the amendment?

Mr. BRYAN. I am not jealous, as is the chairman of the Committee on Claims, of private claims, but——

Mr. OWEN. This is an Indian matter.

Mr. BRYAN. Such matters ought to go to the committee established by Congress to investigate claims.

Mr. OWEN. If it were really a private claim, I should agree with the Senator, but it is not.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 73, after line 10, insert:

That to carry into effect the agreement between the United States and the Muskogee Nation of Indians ratified by act of Congress approved

March 1, 1901, and the supplemental agreement of June 30, 1902, providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of $1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of $1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of Creek allotments up to the treaty standard value of allotments of $1,040. Said suits shall be begun by petitions filed within six months after the approval of this act and prosecuted by the national attorney for the Creek Nation.

The PRESIDING OFFICER. The Chair inquires of the Senator from Oklahoma whether this is substantially the same amendment that was disposed of this morning on a point of order?

Mr. OWEN. No; it strikes out a group in regard to the boundary line of the Creek Nation, and it also strikes out the matter relating to attorneys' fees.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LANE. I wish to say, with all due deference to the Senator from Oklahoma, that this is new matter and——

Mr. OWEN. I will withdraw the amendment if it is objectionable to the Senator from Oregon.

Mr. LANE. Very well.

The PRESIDING OFFICER. The Senator from Oklahoma withdraws the amendment.

Mr. OWEN. There is a suit pending in the Court of Claims affecting the rights of the Poncas of Oklahoma. It is a suit affecting the Omaha Tribe in Nebraska, and the Poncas of Oklahoma desire the right to intervene in the suit, which the Government authorized by law. I have here a letter of the Commissioner of Indian Affairs approving it. Unless there is given a right at this time it will be impossible for them to appear at all before the court has disposed of the matter. I send the amendment to the desk, with the suggestions of amendment proposed by the Indian Office interlined.

The PRESIDENT pro tempore. The amendment will be read.

Mr. ROBINSON. Mr. President, I desire to offer an amendment, and I should like to have the Senator from Montana [Mr. MYERS] present, as it is a matter, I am informed——

The PRESIDENT pro tempore. That will be presented to the Senate after the amendment offered by the Senator from Oklahoma has been disposed of. The Secretary will read the amendment of the Senator from Oklahoma.

Mr. ROBINSON. I thought the bill was about to be reported to the Senate.

The SECRETARY. Insert in the Oklahoma items the following:

That the Ponca Tribe of Indians, residing in Oklahoma and Nebraska, is hereby authorized and empowered to appear in and be made parties to any suit or suits in the Court of Claims, heretofore instituted, or which may hereafter be begun, under and by virtue of an act of Congress approved June 22, 1910, entitled "An act of Congress authorizing the Omaha Tribe of Indians to submit claims to the Court of Claims," with full rights of appeal as therein provided for other tribes; and the Court of Claims shall thereupon have full jurisdiction, legal and equitable, to hear and determine all rights of the Ponca Indians against the United States and against any other tribe or band of Indians parties thereto, and to decree the fees to be paid to the attorney chosen by the Ponca Indians, under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with existing law, to represent them therein, and his asociates, such fees to be paid out of any money which may be found to be due said Indians.

Mr. OWEN. I ask to submit letters from the Bureau of Indian Affairs in justification of this item, and I ask that they be inserted in the RECORD.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The letters referred to are as follows:

JUNE 13, 1914.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR: I have your letter of June 10, 1914, transmitting a copy of an amendment introduced on June 5 (calendar day, June 10), 1914, to the pending Indian appropriation bill (H. R. 12579), the purpose of which is to authorize the Ponca Indians to intervene in any suit now pending in the Court of Claims and filed by the Omaha Tribe. You request that an immediate report be made to the Committee on Indian Affairs on the proposed amendment.

There is inclosed a copy of an amendment introduced on February 21, 1914, which is identical with that of June 5, except as to the last five words in the amendment of June 5. There is also inclosed a copy of departmental report of March 27, 1914. Inasmuch as the department has already submitted a report on the amendment of February 21, I do not suppose you desire a formal report on the second amendment.

Cordially, yours,

CATO SELLS, *Commissioner.*

—

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I have your letter of March 17, 1914, transmitting a copy of a proposed amendment to the Indian appropriation bill for the fiscal year ending June 30, 1915, H. R. 12579.

The purpose of the amendment is to authorize the Ponca Tribe of Indians in Oklahoma and Nebraska to appear in and be made parties to any suit or suits pending in the Court of Claims filed by the Omaha Tribe of Indians under the act of June 22, 1910 (36 Stat. L., 580).

Senate bill 5169, having this purpose in view, was introduced in the Sixty-second Congress, second session, and a favorable report was submitted thereon by the department under date of February 26, 1912. The Senate Committee on Indian Affairs reported the bill favorably, recommending certain amendments suggested by the department in its letter of February 26, 1912. (See S. Rept. 621, 62d Cong., 2d sess., copy herewith.) The proposed amendment does not conform fully to the provisions of the bill, but would not be objectionable if amended so as to provide for the employment of attorneys with the approval of the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law. It is suggested that the proposed amendment be amended as follows:

"Page 2, line 4, after the word 'Indians,' insert 'under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior in accordance with existing law.'

"Page 2, lines 5 and 6, strike out the words 'funds of the tribe in the Treasury of the United States' and insert in lieu thereof the words 'money which may be found to be due said Indians: *Provided*, That the amount of the attorneys' fees shall not be greater than that named in the approved contract.'"

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

The PRESIDENT pro tempore. Unless there is objection, the amendment offered by the Senator from Oklahoma [Mr. OWEN] will be agreed to. The Chair hears none, and it is agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, transmitted resolutions of the House on the life and public services of Hon. TIMOTHY D. SULLIVAN, late a Representative from the State of New York.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortifications and coast-defense purposes, and it was thereupon signed by the President pro tempore.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. ROBINSON. Mr. President, I now ask that the Secretary state the amendment that I have sent to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Arkansas.

The SECRETARY. On page 43, line 20, after the word "expended," it is proposed to insert:

Provided, That except as to maintenance not more than one-third of this amount, nor of any money hereby appropriated for this project, shall be expended until the State of Montana shall have provided, by legislative enactment, that Indian water rights, or applications for State permits to appropriate water, or State permits to appropriate water for use on Indian lands, shall be incontestable for nonuse of water during the time said Indian land is held in trust by the United States, and that beneficial use of water on allotted land made during the time said land is held in trust shall perfect the priority of the water right as of the date of application for permit to appropriate.

Mr. ROBINSON. Mr. President, the subject matter of this proposed amendment was discussed at great length in the Senate on last Saturday. It was stated by some Senators that, under the prevailing conditions, large appropriations in some instances have been made out of Indian funds for the construction of irrigation works designed to reclaim Indian lands, and that on account of certain conditions and limitations as to the time when the water rights may be exercised by the Indians the benefits of those appropriations have, in some instances at least, accrued largely to white persons. This amendment is intended to prevent that occurring in connection with the irrigation work to which it applies on the Flathead Reservation, in the State of Montana.

The amendment is in the nature of a limitation upon the appropriation. The Senator from Montana [Mr. MYERS] is interested in this amendment. It is not my purpose now to review the discussion which we had here on last Saturday. I then contended, and presented some authorities to support the contention, that where the United States by treaty with Indians sets aside an Indian reservation for agricultural purposes, and water rights are necessary to carry out the purposes of the treaty, there is an implied reservation of water rights by the Government for the use and benefit of the Indians owning the reservation, and that the Indians could not be deprived of those rights under State laws or by any adversary action under State laws. The Senator from Idaho [Mr. BORAH], the Senators from Utah, and other Senators presented very forcibly and ably

a contrary contention, supported in some authorities, to the effect that the question of water rights is governed almost exclusively, if not exclusively, by State laws.

In this provision we are proposing to make an appropriation of $250,000 for the carrying forward of an Indian irrigation work. This appropriation is reimbursable. As has been disclosed, I think, and shown clearly by the debate which has heretofore taken place on subjects kindred to this, in all probability unless there is some precaution taken by Congress to safeguard the rights of these Indians to water, they will not avail themselves of them within a short time, and until after the water has been appropriated under State laws by white settlers in the State of Montana.

This limitation on the appropriation, I think, is a fair one. It contemplates that the reservation of water rights for the benefit of Indian lands under this irrigation project shall be continued until the expiration of the trust. It provides that not more than one-third of this $250,000 "appropriated for this project, shall be expended until the State of Montana shall have provided, by legislative enactment, that Indian water rights or applications for State permits to appropriate water, or State permits to appropriate water for use on Indian lands, shall be incontestable for nonuse of water during the time said Indian land is held in trust by the United States, and the beneficial use of water on allotted land made during the time said land is held in trust shall perfect the priority of the water right as of the date of application for a permit to appropriate."

This amendment was prepared by the Senator from Vermont [Mr. PAGE], myself, and a representative of the Bureau of Indian Affairs, who is familiar with irrigation laws and irrigation projects. I desire to state, however, that the department is not committed to this. The work that was done by the representative of the bureau was done at the request of the Senator from Vermont and at my request; and I did not mean to imply that the department is bound by this proposed amendment or by anything which it contains.

I hope that the Senator from Montana may, upon an examination of the amendment, find that it is consistent with his view, and that he will agree to it, or at least, raise no objection concerning it.

Mr. MYERS. I should like to ask the Senator from Arkansas a question.

Mr. ROBINSON. I yield to the Senator from Montana for that purpose.

Mr. MYERS. The Senator from Arkansas holds that under the Winters case all necessary water for the irrigation of Indian lands on Indian reservations is reserved. If that be the law, what is the use of this amendment? What good can it serve?

Mr. ROBINSON. If the Senator from Montana will permit me, he has stated entirely too broadly the contention which I made on last Saturday. I held that in the case of a certain reservation, which had been set aside by treaty stipulation between the Indians and the Government for an agricultural Indian reservation, there was an implied reservation of water rights; but the fact that able Senators who are familiar with irrigation laws and irrigation questions present forcibly a contrary contention leads me, from an abundance of caution and a sincere desire to safeguard the rights of the Indians, to present this amendment.

If this amendment is agreed to, then, whether my contention of last Saturday was correct or the contention of the Senator from Idaho [Mr. BORAH] and of the Senators from Utah was correct, the rights of the Indians to water will be conserved.

I take it that no Senator here believes that the Government ought to appropriate the Indians' money to construct irrigation works for the benefit of Indian lands and at the same time to permit such a condition to arise as will prevent the Indians from obtaining the water necessary to cultivate those lands when they get ready and able to cultivate them.

Mr. SUTHERLAND. Mr. President——

Mr. ROBINSON. Just one moment, please. The progress of agriculture among the Indians has been slow; and that has been due to many causes. It is due in part to the fact that the Indian is not naturally, as a race, devoted to the art and science of agriculture; it is due in part to the fact that while irrigation works have been established and the Indian lands have been watered, which could have been possibly cultivated, the Indians have not been supplied with the necessary implements and means of cultivating plots upon them. If now we are going to do a substantial work for the Indians, if we are going to try to make the Indians an agricultural people, we ought, while appropriating large sums of their money, to take such precautions as will preserve to them the necessary water rights. If we are not going to do that, we ought not to make the appropriations and to permit some one else to get the benefit of works constructed at the Indian's expense.

The fact that the Indian is not quick at availing himself of these rights, the fact that he is not a skillful agriculturist, makes it the more our duty, if we are going to try to make him such, when we expend his money for that purpose, to use that intelligence which has come to us from experience and observation during the history of works of this character; and that makes it our duty to see that when these moneys are expended the Indians get the primary benefit of the expenditure.

As I said in the beginning, I do not care to prolong this discussion. This measure has been under consideration for a long while. I regard this as a very important matter; and, as I said a moment ago, I hope that the Senators who feel an interest in it will find it consistent with their duty here to consent to the amendment.

Mr. SUTHERLAND. Mr. President, if I understand the amendment of the Senator from Arkansas [Mr. ROBINSON], it proposes to withhold two-thirds of this appropriation, unless the State shall pass such legislation?

Mr. ROBINSON. Yes.

Mr. SUTHERLAND. Suppose the State declines to do it?

Mr. ROBINSON. Then the appropriation would not be expended without additional legislation.

Mr. SUTHERLAND. Then these irrigation works would never be completed.

Mr. ROBINSON. It would leave it open to Congress, when the attitude of the State of Montana concerning the subject is known, to determine whether or not it will go ahead and expend the Indians' money to create an irrigation work for the benefit of white persons. It will still leave us with that right to withhold the remainder of the appropriation necessary to complete the work. That is the design of the amendment.

Mr. SUTHERLAND. Of course, we can only look at the legislation that is now proposed, and I do not suppose this matter ought to be considered in the light of what Congress may conclude to do at some time in the future. This proposed amendment is, in effect, that these irrigation enterprises shall never be completed unless the State of Montana shall pass the legislation which the Senator from Arkansas [Mr. ROBINSON] thinks it ought to pass.

Mr. ROBINSON. If the Senator will pardon me for an interruption—I believe I have yielded the floor and the Senator from Utah has the floor—I will say that I do not think that that is a correct statement of the proposition. Congress is expending Indian money presumably for Indian benefit, and Congress has the right to place upon the expenditure of that money such limitations as it believes are necessary to carry out the primary purpose of the original legislation.

Mr. SUTHERLAND. It does not help the Senator from Arkansas any if that be conceded. Of course, Congress has the right to put upon the expenditure——

Mr. ROBINSON. Let me ask the Senator from Utah a question.

Mr. SUTHERLAND. Let me finish the sentence. Of course, Congress has the right to put upon the expenditure of the money that it appropriates any limitation which it pleases, at least within proper limits; but that does not alter the situation as I have stated it, that, if this amendment be adopted, the effect of it will be to declare that unless the State of Montana does pass the legislation which the Senator from Arkansas thinks it ought to pass, then these Indian irrigation works will never be completed at all.

Mr. ROBINSON. No; that is not the design. The Senator from Utah is surely too good a lawyer and too clear a reasoner to make that contention. The only effect of that provision is that, if the State of Montana does not pass the legislation contemplated in the amendment, then two-thirds of this appropriation will not be expended for the purpose of completing this improvement.

Mr. SUTHERLAND. That is what I have said—that two-thirds of it would not be expended.

Mr. ROBINSON. It does not mean that the project will never be completed at all.

Mr. SUTHERLAND. Let us read it:

Provided, That, except as to maintenance, not more than one-third of this amount nor of any money hereby appropriated for this project shall be expended until the State of Montana shall have provided, by legislative enactment, that Indian water rights or applications for State permits to appropriate water or State permits to appropriate water for use on Indian lands shall be incontestible for nonuse of water during the time said Indian land is held in trust by the United States, and that beneficial use of water on allotted land made during the time said land is held in trust shall perfect the priority of the water right as of the date of application for permit to appropriate.

It expressly provides that two-thirds of this appropriation shall never be expended unless this thing be done by the State legislature.

Mr. ROBINSON. Certainly. Now, let me——

Mr. SUTHERLAND. Wait a moment. We are appropriating the whole amount on the theory that it is necessary to complete this work, and we shall appropriate money hereafter upon the theory that that shall be necessary. Now, we say that, notwithstanding the whole amount is necessary to complete the work, only one-third of it shall be expended, unless this thing is done by the Legislature of Montana.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. Suppose it should be brought to the notice of the Senator and to his knowledge that, as a matter of fact, unless some such legislation is enacted by the State of Montana, the benefits of this appropriation will not accrue to the Indians, but will be indirectly obtained by white persons, would be Senator think it fair to continue the improvement at the Indians' expense?

Mr. SUTHERLAND. If that is going to be the situation, do not make the appropriation at all.

Mr. ROBINSON. I do not concede the Senator's point at all. I concede that the improvement is a great and a beneficial one, and that it ought to be carried forward as speedily as is reasonably practicable, but that the primary consideration is that the benefits of the legislation shall accrue to the Indians. I am not willing to vote Indian money unless I am satisfied that it will be used for the benefit of the Indians.

The Senator has contended very forcefully that nothing the United States can do will preserve to these Indians any water rights whatever; that it all depends upon either the magnanimity or the generosity of the State of Montana in dealing with this subject. If the contention of the Senator from Utah in that particular is correct, it becomes more important to have this limitation upon this appropriation.

Mr. TOWNSEND. Mr. President, will the Senator yield to me for a moment?

Mr. SUTHERLAND. Certainly.

Mr. TOWNSEND. As I understood the suggestion of the Senator from Utah, it was that if two-thirds of this money is withheld this project will never be completed.

Mr. SUTHERLAND. If it is always withheld; yes.

Mr. TOWNSEND. This appropriation is for continuing an existing work. It does not state that it is for completing it. A portion of this irrigation system is already in use. Does the Senator contend that it would be necessarily an evil to maintain the portion of the irrigation system already constructed and withhold any further appropriation for continuing it until the condition provided for in the amendment is complied with? We will have accomplished something for the benefit of the Indians by maintaining the portion of the irrigation system already in use, even if we only expend a third of the amount appropriated in the paragraph, it being calculated that a third—and I think the calculation correct—would be sufficient to meet the present demands of the Indians. In every similar instance in this bill, if we had in mind simply the benefit of the Indians, a third of the amount appropriated would supply the needs of those particular Indians, if they took advantage of it.

Mr. SUTHERLAND. If the Senator from Michigan thinks that we ought not to complete more than a third of these contemplated works, or that portion which a third of the money appropriated under this provision will construct, of course he is right in also thinking that it ought to be limited. I do not know anything about the condition in Montana.

Mr. TOWNSEND. I think, if the Senator please, that in most of these projects—there may be some exceptions, of course—unless we can secure sufficient time to allow the Indians to make beneficial use of this water, a third of this money is all, and perhaps more, than we ought to expend.

Mr. SUTHERLAND. Then we ought to cut down the appropriation to a third.

Mr. TOWNSEND. I think that is true——

Mr. SUTHERLAND. But the legislative situation in this matter is this: We appropriate $250,000 to continue the work of building this irrigation enterprise. We do that, and we must do it, upon the theory that that amount of money is necessary; that ditches and reservoirs and dams which that amount of money will build are necessary. We make the appropriation upon this theory, and then we immediately turn around and say that unless the State of Montana shall enact certain legislation we shall only expend one-third of the amount.

Mr. TOWNSEND. But if the Senator please——

Mr. SUTHERLAND. Of course, the two things are utterly inconsistent. The appropriation is made upon the theory that it is all necessary, and then we put in a proviso which strikes out two-thirds of this necessary appropriation.

Mr. TOWNSEND. I do not believe the Senator is stating it correctly. We did not make an appropriation of $250,000 with the idea that under all conditions that amount is necessary. We increased the amount allowed by the House by $150,000, having in mind the fact that we are going to secure the adoption of a proviso that would allow the Indians to make beneficial use of this water. That proviso goes out on a point of order. The original appropriation was $100,000. We increased it by $150,000, having in mind, as I have said, the fact that we did make another provision, whereby the water could be used by the Indians.

Mr. SUTHERLAND. I did not rise——

Mr. PAGE. May I interrupt the Senator from Utah for just a moment upon the point which the Senator from Michigan makes?

Mr. SUTHERLAND. If the Senator will be brief, I will yield to him.

Mr. PAGE. I want to say to the Senator that the estimate for this appropriation was $100,000, and the House appropriated the amount estimated by the department. The Committee on Indian Affairs of the Senate have been for a long time insisting that these appropriations be cut down unless some proviso could be introduced into the bill to safeguard the rights of the Indians. The assistant commissioner says: "I have arranged that; I have made a proviso that protects the Indians, and with that proviso I am willing that the request of the Senator from Montana shall be agreed to and the appropriation increased from $100,000 to $250,000."

Mr. SUTHERLAND. Well, Mr. President, that is aside from anything that I have been discussing or intended to discuss. If $250,000 is not justified, the Senator from Vermont ought not to vote for it; if $100,000 is all we ought to appropriate, then the Senator from Vermont ought to move to strike out the excessive amount of $150,000.

What I rose primarily, however, to say was that, if I understand the constitution of the State of Montana—and I think it is the same as the constitution of my own State in that respect—this amendment calls upon the Legislature of Montana to enact legislation which the constitution of Montana forbids. The amendment submitted by the Senator from Arkansas [Mr. ROBINSON] provides:

> *Provided*, That except as to maintenance not more than one-third of this amount, nor of any money hereby appropriated for this project, shall be expended until the State of Montana shall have provided by legislative enactment that Indian water rights, or applications for State permits to appropriate water or State permits to appropriate water for use on Indian lands, shall be incontestable for nonuse of water during the time said Indian land is held in trust by the United States.

No matter how long it takes the Indians to make beneficial use of the water—50 years or 100 years—the State of Montana is asked to pass legislation which will tie that water up for the use of these Indians whenever they get ready to use it. The constitution of the State, I think, provides—the Senator from Montana can correct me if I am wrong—that no special legislation shall be passed. It is a very good rule; it is a rule which ought to be enforced with reference to Federal legislation as well, because if there is any kind of legislation that is generally objectionable it is special legislation, which carves out of the general rules special exceptions and makes favored classes under the law. That is precisely what this amendment proposes to do.

The State of Montana has a general law providing—and I am only quoting it because, I assume, it is the same as the law in my own State—that in order to secure a right to water for irrigation purposes there shall, first of all, be a notice given of the intended appropriation, specifying the quantity of water to be appropriated, the works to be erected in order to make the appropriation, the land on which the appropriation is to be utilized, and then, after the notice has been given, that must be followed by a construction of the necessary works within a reasonable time, and then the application of the water to the land within a reasonable time. That is the general law of the State of Montana. This amendment proposes that the State of Montana shall make a favored class of these Indians. They are citizens of the United States; their lands have been allotted to them, and they are citizens the same as the white men. The Legislature of the State of Montana has no more power under its constitution to pass an act of this kind than it would have to select a lot of white men in the State and say that their rights shall be incontestable for a hundred years or for 50 years.

Mr. TOWNSEND. Mr. President, I misunderstood the Senator the other day, then, when he was talking about Utah. I

understood him to say that the State of Utah had made special arrangements for the Indians.

Mr. SUTHERLAND. Yes.

Mr. TOWNSEND. That the State had extended their rights to 1919.

Mr. SUTHERLAND. But it did so by general law, which provided that anybody could make application to the State engineer, and upon showing a certain state of facts the time could be extended by the State engineer. It was not a law passed saying that Indians alone could do so.

Mr. TOWNSEND. I understood the Senator to say the other day that they paid particular attention to the Indians out there.

Mr. SUTHERLAND. It was passed primarily for the benefit of the Indians, but it was a general law. I read it to the Senator the other day. I am unable to put my hands upon it at this moment, but it was a general law. Of course, if we passed a law saying that everybody could have this right to have their water rights held in abeyance and their claims incontestable, then it would not be obnoxious to the provision of the Constitution.

Mr. LANE. Mr. President, I should like to have the Senator explain to me, if he kindly will, whether there is or is not a difference between a white voter or a citizen and the Indian in Montana? Is it not true that the Indian is restricted to the extent that the Government disposes of his land, acts as his guardian, and allows him no privilege in that respect to act for himself? If that is true, in that event is he not entitled to certain exemptions due to the fact that he has certain restrictions placed upon him?

Mr. SUTHERLAND. We thrashed that question out the other day. I think not, so far as water rights are concerned. I think the Indian stands upon exactly the same footing as the white citizen stands, and that there is no difference whatever when it comes to the appropriation of water.

Mr. LANE. I will say, then, for the Senator's information, that in Montana they do not stand on the same terms, for the reason that the Indian is only allowed a limited period of two years, whereas the white settler has been granted a greater length of time, and the Indian is deprived of the means of improving his land, and therefore there is a special injustice being done him.

Mr. SUTHERLAND. The Senator will not find any such statute in Montana as that.

Mr. LANE. We are assured that there is in the act of 1907.

Mr. SUTHERLAND. The Senator will not find, I think, a statute in Montana which provides or contemplates that the Indian shall have only two years to do a certain thing, and that the white man shall have more than two years in which to do it.

Mr. LANE. I refer to the Federal law, the act of 1907, which, I think, makes that provision.

Mr. SUTHERLAND. I do not know anything about the Federal law. All I am saying is that this is clearly special legislation. I think there can not be the slightest doubt about it, and we are by this proviso insisting that the Legislature of Montana shall pass an act which the constitution of Montana expressly forbids it from passing.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SUTHERLAND. I do.

Mr. PAGE. I should like to inquire of the Senator if he is certain that there is a provision in the constitution of the State of Montana which would make this legislation impossible? I have understood that there was none.

Mr. SUTHERLAND. Can the Senator from Montana answer that question?

Mr. MYERS. What is the question?

Mr. SUTHERLAND. Whether or not there is a provision in the constitution of Montana which forbids special legislation?

Mr. MYERS. There is; and I think it is precisely as the Senator from Utah has stated.

Mr. TOWNSEND. Does the Senator from Montana maintain that there are no special laws in his State with regard to the Indians—that no special legislation with reference to the Indians on any subject has been passed in Montana?

Mr. MYERS. I do not believe we have any law on the statute books of Montana which could be characterized to the least extent as special legislation, because it is forbidden by the constitution.

Mr. SHAFROTH. The Senator from Utah has said that there is a constitutional provision which prevents special legislation in the State of Montana. I will state that such a provision exists in the State of Colorado.

Mr. ROBINSON. Mr. President, will the Senator from Colorado yield to permit me to read the provision of the Montana constitution?

Mr. SHAFROTH. Yes, sir.

Mr. ROBINSON. And to make the observation that if it has any application to this controversy, I am unable to see it.

I read from section 26 of the constitution:

> The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering, or working roads or highways; vacating roads, town plats, streets, alleys—

And so forth.

The section then goes ahead and enumerates perhaps 100 specific cases in which special laws shall not be passed, and then it concludes with the following general declaration:

> In all other cases where a general law can be made applicable no special law shall be enacted.

Mr. President, that is exactly the same as the Arkansas constitution, word for word and letter for letter; and in a large number of cases the courts have held that the legislature itself is the sole judge as to whether a general law can be made applicable. Under this provision of the Arkansas constitution the general assembly of that State has enacted five times as many so-called special acts as it has so-called general acts, and not one of them has ever been declared invalid by any court on the theory that it was a violation of that constitutional provision.

Upon an examination of the enumerated cases in which special legislation shall not be enacted, it does not appear that this provision comes within any of those classes; and I think I have shown that it can not come within the general provision which I have read, namely:

> In all other cases where a general law can be made applicable no special law shall be enacted—

Because all the courts hold, upon a construction of exactly the same provision in other States, that the legislature itself is the sole judge as to when a general law can be made applicable.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. Yes, sir.

Mr. SUTHERLAND. What does the Senator from Arkansas himself say as to whether or not the general law of Montana with reference to the appropriation of water is applicable to the Indians? I am not asking whether it is burdensome or unjust, but is it applicable?

Mr. ROBINSON. I do not think it is applicable to the case of Indians, for the reasons that I have stated here this evening. I think the general law of Montana is not applicable and should not be applicable, and that a different rule should prevail, and that the rule set forth in the amendment ought to be applied.

Mr. SHAFROTH. Mr. President, the trouble with passing any law such as is contemplated by the Senator here is that it interferes with rights that other people have acquired by virtue of complying with the law, and not only rights given by statutes but rights guaranteed by the Constitution.

The Senator from Utah [Mr. SUTHERLAND] has argued that this is special legislation; but there must be contained within the constitution of Montana another provision, which provides, as in my State, that the right to appropriate water for beneficial purposes shall never be denied. That does not mean, as a matter of fact, that by declaring that water is appropriated for beneficial uses a person can hold it. It means that anybody can come in, and if there is any water that is not used for beneficial purposes, he acquires a right under the constitution to take it. Consequently, if you extend the time of one person who is entitled to that right, it must of necessity interfere with the rights of other persons who have acquired rights by appropriation for beneficial purposes.

I want to see, now, if there is not a provision in this constitution—I know there is in the constitution of Colorado—which says that the right to appropriate water for beneficial purposes shall never be denied; and that applies not only to Indians but to white people or any other people.

The situation with respect to the appropriation of water is simply this: It is necessary to have water upon those lands in order to raise crops. The law as propounded by the supreme court of my State, at least—and that has always been the law, irrespective of any constitutional amendment and irrespective of any statute; it is the law of necessity—is that the land can be put to the best use only by the appropriation of water for beneficial purposes. Consequently, it has been recognized by the Constitution; and you will find in this very constitution of

Montana a provision of similar import to that which I have referred to, namely, that the right to appropriate water for beneficial purposes shall never be denied to anybody—Indian, or white man, or anybody else.

The Western States, in order to carry out that constitutional provision, have enacted certain laws. They provide that when a man desires to take out water from a stream and lead it to higher ground, and thereby let the water flow upon the irrigable lands below, he must in my State file a plat of his irrigation scheme, together with a description of his right of way, a statement as to the quantity of water he proposes to appropriate, and the time in which he expects to complete his work. He files that in the State engineer's office. That is notice to the world. He gives the point of diversion on the stream, and not only the general course but the specific course of the irrigating ditch. Then, when he does that, he has initiated his right. He gets no right unless he follows it up. He has to follow it up within a reasonable time, in the first place; but if he does follow it up his right to water accrues and begins at the time of the filing with the State engineer. Consequently, there is the initiation of his right. Then he completes his work; he keeps on at it, and if it is a great, big enterprise it may take years for him to accomplish the end. In addition to that, it may be a long time before he can put the water on the land. The courts take all of that into consideration, and in some instances they have said that it is not unreasonable for them to take 10 years to have all the water under the irrigation system applied to the land. It is only by applying the water to the land that the appropriation is complete.

That is true as to Indians as well as to white people. You can not make a discrimination between them. If you do, you will interfere with the rights of somebody else who has started an irrigation scheme. If he goes to the records and finds that no irrigation project has been filed with the State engineer upon a certain stream, or, if a number have been filed, that they do not consume all the water, he then, under his right under the constitution, can file upon that water and can complete his work.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. SHAFROTH. In just a moment. When that occurs the right of a person becomes a vested right in him, and to say that somebody who has not filed or has abandoned his work can come in ahead of him, after he has spent perhaps hundreds of thousands of dollars, is saying something that would be a hardship and that would be wrong.

I now yield to the Senator from Vermont.

Mr. PAGE. I wish to ask the Senator from Colorado whether, conceding all that he says to be true, it is right for us, as the guardians of the Indian, to continue to appropriate this money, thereby placing upon his property mortgage upon mortgage, year after year, and for millions and millions of dollars, when it is practically conceded by the Senator that the Indian may lose the whole or the greater part of the amount appropriated by us and made a charge upon his property?

Mr. SHAFROTH. I will tell the Senator what I think ought to be done. I think there ought to be some officer of the Indian Bureau who will watch these irrigation enterprises and make an appropriation when he finds it is necessary to complete the enterprise, so that its rights may be preserved. The courts are not closed upon that matter in a year or two years. As a matter of fact, if there is good faith manifested, there can be no difficulty about it.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. Yes, sir.

Mr. WHITE. Can we not preserve in this bill the same right that we could preserve by having some agent to make an appropriation?

Mr. SHAFROTH. Why, certainly you can. The only trouble is that the complaint has been made that Congress has not been appropriating the money to do these things, and it ought to do it.

Mr. WHITE. Does not the amendment of the Senator from Vermont have exactly the same effect that the Senator says would be had if an officer were designated to make an appropriation for these Indians?

Mr. SHAFROTH. I do not know about that; but a law, you know, does not administer itself. There has to be some person who will see that it is needed, and report it, and get the necessary appropriation. I will say to the Senator that this same law of the appropriation of water and the abandonment of water applies to the States exactly as it does to the individuals and to the Indians.

Mr. WHITE. One further question, Mr. President.

Mr. SHAFROTH. The State of Colorado has passed laws under which the State itself may file upon the water. It has done so in a number of instances, and it has lost its right because in subsequent years the legislature would not provide the appropriation necessary to complete the work. You might as well say that there ought to be an exception; that the State of Colorado should have a right to do this. It could not interfere with the requirements of its constitution. It would lose its right, and has lost its right.

State Canal No. 2, in the State of Colorado, had an appropriation of $132,000, and every dollar of it went to naught, because the subsequent legislature said: "Well, it will not pay. We will not do it. This is a scheme that it was thought would be of great benefit, but we find that there are many objections to it," and they would not appropriate. Now, to say that subsequent appropriators, who invest hundreds of thousands of dollars, should not be permitted to take that water when the State has practically abandoned it, and that the State should try by some kind of a law to hold that right in perpetuity, would be a wrong to every investor in irrigation enterprises.

I now yield to the Senator from Alabama.

Mr. WHITE. The State of Colorado lost that right by its own law, did it not?

Mr. SHAFROTH. Certainly it did.

Mr. WHITE. As a sovereign the statute would not run against it or time would not run against the State. It would have to abandon it by its own legislation, would it not?

Mr. SHAFROTH. Oh, no, no. It abandons it because there is no compliance with its constitutional provision, and whenever a man does comply with a constitutional provision he acquires the right. Here is the provision which I thought was in this constitution.

Mr. WHITE. One other question before we go to that point. Whose water is this that we are dealing with?

Mr. SHAFROTH. The Supreme Court of the United States has said that it belongs to the States.

Mr. WHITE. Then how are we giving it to the Indians?

Mr. SHAFROTH. You can not give it to the Indians. All of this legislation would be of no avail.

Mr. WHITE. Then why should we appropriate the money?

Mr. SHAFROTH. I am not asking Congress to appropriate the money. I must say that I have as much interest in the Indians and want their rights preserved as much as any man; but it is absurd to say that we shall pass a law here which will recognize that the United States Government could interfere in the matter of appropriation, which is fixed by the constitution of each one of these Western States.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I do.

Mr. MYERS. I will answer the question of the Senator from Alabama by saying that the reason is because the United States Government has recognized the conditions and has already appropriated sufficient water to cover all the lands of both the Indians and the whites on this reservation, and they will all get water for their lands.

Mr. WHITE. One minute, now. Then what right has the United States to appropriate this water, which belongs to the State of Montana?

Mr. MYERS. The United States has just as much right to go into a State and appropriate water as an individual has. It is an individual when it comes to that, and it is done all the time. All the water for our reclamation projects is appropriated by the Government of the United States as it would be by an individual in the first instance.

Mr. SHAFROTH. It is appropriated by filing a plat with the State engineer and complying with the State laws. Every one of these reclamation projects has to do that before any rights can be obtained. That is the initiation of their rights.

Mr. PAGE. Mr. President, may I interrupt the Senator before he proceeds further?

Mr. SHAFROTH. Yes, sir.

Mr. PAGE. The amendment which was introduced this morning was introduced here over the protest rather than with the favor of the Indian Bureau. They insist that the United States already has the right, not only under the Winters case, but because there were treaties with the Indians, which gave them certain rights before the State of Montana was admitted to the Union, rights which can not now be disturbed by anything which Montana can do.

I want to read, if the Senator will allow me—it will take only a moment—what the department said on this point:

The purpose of this and other similar legislation in this bill is to protect the rights of Indians to water on Indian reservations and on allotted Indian lands held under trust or by other patents containing restrictions on alienation.

To establish more certainly and securely water rights of Indians is a matter of the greatest importance in administering satisfactorily their affairs. On a number of reservations where Indians have been allotted, the land is practically of no value for agricultural purposes without irrigation. Water on these reservations is a vital factor in developing the Indians living thereon so that they may become self-supporting and be raised to a higher standard of civilization.

The Supreme Court, in the case of Winters *v.* United States (207 U. S., 564), said that "The power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

Mr. SHAFROTH. That is a discussion of the same thing that we had here Saturday afternoon.

Mr. PAGE. Just one sentence more:

The Supreme Court further said in this case that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes which was not affected by the subsequent act of February 22, 1889 (25 Stat. L., 676), admitting Montana to the Union, and that the water of the Milk River can not be diverted so as to prejudice the rights of the Indians by settlers on the public lands and those claiming riparian rights on that river.

This is the attitude of the Indian Department. They objected to our referring this matter to the State, as we have proposed to do in this amendment, but we wanted to avoid, if possible, the conflict of law which we have been discussing for the last three or four days, and this amendment was consequently offered.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I yield.

Mr. WHITE. That decision is from the Supreme Court of the United States?

Mr. PAGE. Yes, sir.

Mr. WHITE. When it speaks of the Government impliedly reserving the right of water for Indian lands, it means the Government of the United States reserves it?

Mr. PAGE. Yes, sir.

Mr. WHITE. Then how can it belong to the State of Montana?

Mr. PAGE. The department insists that it does not belong to the State of Montana, and that the United States Government has full power to regulate it, because of certain rights held by the United States or the Indians prior to the admission of Montana to the Union.

Mr. MYERS. I should like to ask the Senator what is the use of this amendment, then?

Mr. SHAFROTH. Mr. President, the Senator from Alabama evidently was not here Saturday afternoon——

Mr. MYERS. I have asked the Senator from Vermont a question. Will the Senator from Colorado yield long enough for him to answer it?

Mr. SHAFROTH. Certainly; I am willing to have the answer given.

Mr. PAGE. Mr. President, I want to go back a moment, if I am to answer that question.

Mr. MYERS. I withdraw the question, then, because it is not fair for me to interrupt the Senator from Colorado for that purpose.

Mr. PAGE. I will take only a minute.

The Committee on Indian Affairs a year ago was asked by the Senator from Montana to increase this appropriation from $200,000 to some $600,000. We then questioned seriously whether the Indian money was not going to be wrongfully taken.

Mr. MYERS. Has any of it been wrongfully taken?

Mr. PAGE. I can not say. I only know that after a long discussion we raised the estimate last year to about $325,000. As the Senator will remember, the discussion last year was quite extended, but this year it was even more so, and the committee were of the belief, as it seemed to me, that a very strong sense of duty was resting upon them to see that no further large increase be permitted in this item unless it could be properly safeguarded. The department estimates for this item this year were $100,000. The House adopted this estimate. The Senator from Montana thereupon came before the Committee on Indian Affairs and asked that we treble the amount. I think he asked for $300,000. A long discussion ensued, in which we raised the question with the commissioner: "Can this money be safeguarded, so that the Indians will not suffer?" He said, "It can be"; and the way he proposed to do it was by adding the several provisos which have all gone out on points of order. In brief, we have destroyed the proposed safeguards but are continuing the very large additional appropriation, which I feel certain the Indian Committee would not have consented to but for the expectation or belief that the safeguards thrown around the appropriation by the proposed provisos would be effective to protect the Indians' rights. Let me repeat and again especially emphasize this very important point, namely, that upon the supposition that the Indians' rights could be safeguarded we raised the department estimates two and a half times to please the Senator from Montana. I think I know that this great increase would not have been agreed to by the Committee on Indian Affairs but for this proviso, which has been ruled out upon a point or order.

Mr. SHAFROTH. Mr. President, the question which is raised here by the Senator from Vermont is the one that was discussed so thoroughly and so long on Saturday. Nearly the entire day was taken up for that purpose. The Senator from Arkansas raised the question by reading a case from the Supreme Court of the United States, in Two hundred and seventh United States Reports. In the discussion of that case it developed that that was a case in which there were some vested rights, and it was claimed by the Senator from Idaho [Mr. BORAH] that it was determined upon that question as to the appropriation which had already been made, but which, it seemed, had not been made in exact compliance with the statute. At that time I cited a case from the State of Colorado to the effect that inasmuch as the right to water is a constitutional right, the legislature can not prevent any person from appropriating water by any legislative enactment. That case was one where, without regard to law, without regard to the statutory provisions as to filing in the State engineer's office, a person had made a head gate in a stream, opened it, conducted the water out, appropriated the water to beneficial uses, and had not even attempted to give notice to the world except by the actual construction of the ditch. The court held that notwithstanding it was not a statutory appropriation of water, yet it was an appropriation under the Constitution, and therefore that a subsequent appropriator could not acquire his rights.

Whether that is true or not, as the Senator from Montana has said—if that is true, as contended by the Senator from Vermont with relation to this decision, what is the use of having any enactment at all? You will find that when the decisions are finally made the people who honestly go and acquire rights to water under the constitutional provisions of these Western States will be entitled to that water; and it is right that they should be entitled to that water; and Congress should be alert to appropriate all the water that is necessary in order to give to the Indians the means of completing their works and appropriating the water to the land. Nobody has any objection to an Indian having this right; nobody has any objection to his getting the priority and preserving the priority; but there is such a thing as an abandonment under the principles of irrigation. I can not go and appropriate water to beneficial uses, and then, after removing the appropriation for beneficial uses, keep that water. If I could, you would not have any such thing as an irrigation system in your State. You would be doing a wrong to the development of the State. You would be doing a wrong to the persons who saw the water in the stream and acquired it, and had a right to take it out.

I want these Indians and all the Indians in every irrigation enterprise protected; but it can not be done by interfering with the general laws of a State. If you do that, you interfere with people who have a right to rely upon conditions, who have a right to appropriate water if they see it going to waste; and consequently, when they appropriate it under the laws of the State they become entitled to it, if the other parties have either abandoned their rights or have never preserved their rights.

That being the case, it seems to me that this amendment can do no good whatever. In the first place, it can not override a constitutional provision. The legislature itself would not have a right to interfere in a case of that kind and make a specific appropriation or reservation of water unless it were actually used for beneficial purposes. If you can do it in one year—or not one year, because they do give a reasonable time—but if you can do it beyond a reasonable time, you can do it for 100 or 200 years, and if you can do it in 1 case you can do it in 100 cases, and thereby you would have the irrigation laws of the Western States absolutely nullified.

Mr. PAGE. Mr. President——

Mr. SHAFROTH. It seems to me, Mr. President, that what we will have to do is to have some one watch the interests of the Indian, secure the money that is necessary to complete their works within the proper time, and thereby preserve their rights; and I for one am perfectly willing to assist in every way possible with respect to that.

In my State, when I first went to Colorado, it was said that the Platte River had been appropriated eight times over.

What I mean is that plats had been filed in the engineer's office and notices thereby given of constructing irrigation works with capacities that would exhaust the stream eight times over; and I do not believe at that time there were 150,000 acres of land in that valley that were being irrigated. Since that time, although the figures seemed to indicate that the number of cubic feet per second that the prior appropriators were claiming had more than exhausted the stream, yet, as a matter of fact, the appropriation grew. Whenever you appropriate water upon land it makes a more steady flow in the stream; it makes the water go much farther, by reason of the return flow, when you appropriate the water high up on the stream; and we have to-day on the Platte Valley no less than 800,000 acres under cultivation by means of irrigation. The very fact that these economical uses of the water have been improved upon has made the capacity for irrigation in that one valley alone from five to six times as much as it was supposed that it could be.

Now, I have not any doubt, as the Senator from Montana has said, that this stream is sufficient to accommodate all the land that is in that valley. The Platte Valley is a valley which widens out into a plain, and consequently there would not be enough water in the Platte Valley to irrigate everything in eastern Colorado, but in the Milk Valley I understand there is a very limited area. Consequently, if the Indians go and reappropriate it, notwithstanding the fact that they are not quick and avail themselves of the appropriation for beneficial uses, the chances are that there will be ample water for both. If there is not ample water for both, the Indians ought to have it, if they comply with their law, or the white man ought to have it, if he invested his money upon the faith of the fact that there was water there, and he had a right to assume it under the constitution and laws of the State.

Mr. PAGE. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. PAGE. The Senator says there is plenty of water there, and that nobody is going to have trouble. He understands, of course, that in the consideration of Indian matters we have to go largely to the department for the facts in regard to them. I should like to call attention to a paragraph in Assistant Commissioner Meritt's statement. It is found on page 379 of our hearings. He speaks of the especial proviso in the bill, prepared to protect the Indians—the proviso which has been thrown out on a point of order—and then concludes:

> This item, we believe, will protect the water rights of Indians on a number of reservations where large appropriations have been made—

Now, mark this—

> and where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Mr. SHAFROTH. The Senator understands that these irrigation rights are in the order of their priority, and if the Indian has the first right now and does not avail himself of it and does not complete his work and appropriate the water for beneficial purposes he has not lost his right when there is water in the stream. He becomes invested with a second right, and often a second right becomes nearly as valuable as the first right. For instance, you can see that whenever land has not been irrigated it takes an enormous quantity of water to bring it under cultivation; it takes a greater appropriation. When I went to Colorado 1 inch an acre was what everybody said we must have, and now nobody needs more than half an inch an acre, and in some parts of the State of Colorado it is said that one-fifth of an inch to the acre is sufficient.

Mr. PAGE. Does the Senator realize how much the department says we must hereafter appropriate to complete this irrigation scheme? On page 454 of our 1913 hearings the Senator will find this language:

> According to estimates of the Reclamation Service it will require nearly $3,000,000 to be further appropriated by Congress to complete this project, the money appropriated to be reimbursable out of the proceeds of the sale of land and timber of the Flathead Indians.

Mr. SHAFROTH. Well, if it is a good enterprise, it is all right; and if it is not a good enterprise, do not do it, that is all.

Mr. PAGE. But the Senator says we should safeguard it by some legislation.

Mr. SHAFROTH. I would safeguard them just like I would safeguard an individual. If I go and make a filing upon my land for the purpose of getting water for agricultural purposes, and I am diligent—that is, if within a reasonable time I begin the construction of my ditch, and I keep on with that—it does not do not say you have to do it one year or two years. The courts are pretty liberal. If there is an intention to complete the enterprise, then it is sufficient if in a reasonably fair time it is completed. A person in his individual affairs says, "Yes; I will do that; I will raise the money for this; I will raise the money for the next session; I will raise it for the next session"; and he goes along. What we mean is that there ought to be somebody who will take the place of the individual who owns a ditch or owns an irrigation enterprise, and then the appropriation ought to be made.

Now, if you pass that period and there is a shortage of water, that may be a different proposition.

Mr. PAGE. If I may be allowed a moment further——

Mr. SHAFROTH. Yes.

Mr. PAGE. The department only recommended $100,000 for this scheme.

Mr. SHAFROTH. I am not here to urge an appropriation of $100,000 or $500,000 or a million dollars. I think the appropriation should be sufficient. I know in the State of Colorado we lost a number of enterprises in just exactly the same way. Whenever the Government undertakes anything it should do it with diligence. That has been the experience in my State, at least.

Mr. PAGE. The Senator from Colorado——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. SHAFROTH. Certainly.

Mr. PAGE. I should like to have the Senator suggest what amendment to this bill he would make in order to meet the statement which Commissioner Meritt makes that unless we protect the Indians they will receive no benefit from these projects. I would like to have him state just what legislation he thinks we ought to have to safeguard the Indians, for unless we can protect them in some way I do not think it right to put another $250,000 mortgage upon their lands.

Mr. SHAFROTH. I do not think that a resolution or declaration in the form of an amendment that will go to the question of power of the Federal Government against the power of the State will do you any good. If your engineers say that this was begun in 1910, say, and that we did $100,000 worth of work on the enterprise that year, and two years after that Congress made an appropriation and put another hundred thousand dollars on it, I would say go on with the appropriation until the project is completed. But if you had begun it 40 years ago and did not do anything for 20 years, and then appropriated ten or fifteen thousand dollars, and in another 10 years' time appropriated another ten or fifteen thousand dollars, I do not think that would be reasonable diligence.

Mr. PAGE. I do not wish to criticize the action of my brother Senators, but I am constrained to say that, so far as my ears tell the story, the arguments of the Senator from Utah, of the Senator from Colorado, and of the Senator from Montana all seem to me to show great solicitude for the rights of the white man. I should like to have the Senators show some solicitude for the rights of the Indian and show us how we may safeguard his interests, for the Assistant Commissioner of Indian Affairs assures us that unless he is safeguarded he is going to lose his rights.

Mr. SHAFROTH. In my State if an Indian or a tribe of Indians had priority of right, the courts would protect them with as much diligence as anyone on earth. There is no doubt about that. If you want to substitute for something that is not diligent and say that periods of 10, 20, 30, or 40 years can elapse and the water can be wasted for that length of time, and that no white citizens can take up that water and apply it to beneficial uses, you are going contrary to the Constitution and you can not avail yourself to any extent of that.

What I want is some officer of the Indian Department to watch these things and say that an appropriation ought to be made; that it is necessary in order to preserve his priority of right. It may be that he will have a fair water right even if it is not preserved, just as I cited in the case of the Platte Valley in my State. A great many appropriations that were made are now considered first-class appropriations.

Mr. PAGE. I still ask the Senator what he would do in this bill to safeguard the Indians' rights, in view of the fact that the department says that something must be done?

Mr. SHAFROTH. I would take the department's word for it, unless you have evidence to the contrary. If the department says it is necessary to have this in order to comply with the laws of Montana and in order to secure this priority of right in the water, I would be in favor of it.

Mr. MYERS. Mr. President, I think this amendment is in every way objectionable. If those who uphold the doctrine of the Winters case are correct, then there is no need for this amendment whatever; it is simply useless legislation.

I firmly believe that any such legislation by the State of Montana as is contemplated by this amendment would be declared unconstitutional. Our constitution says that there shall be no special legislation enacted where there may be general legisla-

tion on the subject, or where general legislation would be sufficient, or words to that effect.

The Supreme Court of Montana has never held, as the Senator from Arkansas says the Supreme Court of Arkansas has held, that the legislature may be the one, and the exclusive, judge as to when there may be special legislation, and when under that clause an act of general legislation should apply. I know of no such decision by the Supreme Court of Montana. The Supreme Court of Montana passes upon questions of special legislation; it has always done so; and I believe this will be held to be unconstitutional.

Furthermore, our constitution, as the Senator from Colorado has said, provides that—

> The use of all water now appropriated or that may hereafter be appropriated, for sale, rental, distribution, or other beneficial use, and the right of way over the lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, as well as the sites for reservoirs necessary for collecting and storing the same, shall be held to be a public use.

Furthermore, I do not believe that the Legislature of Montana would enact any such legislation or tolerate for an instant the idea of the Federal Government dictating to it what irrigation legislation it should enact. The Legislature of Montana will not meet until next January, anyway, and this money is badly needed on that project between now and then. I do not believe the Legislature of Montana would ever enact any such legislation or submit to the Federal dictation in matters of that character. I for one never shall by my voice consent to it.

Mr. PAGE. Will the Senator yield to me for just a moment?

Mr. MYERS. Certainly.

Mr. PAGE. Does the Senator insist that the State of Montana, either by force of its constitution or by legal enactment, can deprive the United States or the Indians of rights which they possessed prior to the admission of Montana to the Union?

Mr. MYERS. No; I do not claim that. I claim——

Mr. PAGE. Then let me read this from our committee hearings:

> The Supreme Court further said in this case—
>
> That is, the Winters case—
>
> that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes which was not affected by the subsequent act of February 22, 1889 (25 Stat. L., 676), admitting Montana to the Union, and that the water of the Milk River can not be diverted so as to prejudice the rights of the Indians by settlers on the public lands and those claiming riparian rights on that river.

Mr. MYERS. If that applies to this case, then there is no legislation by the Legislature of Montana that is needed or that can have any effect or influence on the matter whatever. I want to say briefly——

Mr. PAGE. Does the Senator say that this does not apply?

Mr. MYERS. I do not admit that it applies to the Flathead Reservation. I would have to read the Flathead treaty before I passed judgment on that question.

Mr. SUTHERLAND. If the Senator from Montana will permit me, that water had already been appropriated. If the Senator will read the statement of facts in the Winters case he will see that the water had been appropriated and put to beneficial use, and so far as that part of the decision is concerned, it simply held that by their treaty, the Government ceding some of their lands, there was reserved this water which they had appropriated. There is a dictum in the case which goes beyond that, I grant you, but it is a dictum purely.

Mr. PAGE. This says the waters of the Milk River, the very project we have before us, can not be diverted so as to prejudice the rights of the Indians.

Mr. SUTHERLAND. Which they had acquired by appropriation.

Mr. MYERS. Mr. President, I wish to add a few more remarks, and then I am going to make a point of order. However, I have no desire to cut off the Senator from Utah [Mr. SUTHERLAND]. I want to hear all he has to say.

Mr. President, this reclamation project was started quite a number of years ago. There was a good deal of talk here about taking the money of the Indians without their consent. The opening of the Flathead Indian Reservation and the settlement and the allotment of these lands to the Indians and the inauguration of this reclamation project was consented to by the Flathead Indians. We are not taking any of their money without their consent. It was started a number of years ago, and it has progressed along nicely with such appropriations as Congress would give year by year up to this time, and I have never heard of any complaint from the Flathead Indians that they were not getting their rights in regard to getting water. None has been made to me.

Mr. ROBINSON. Will the Senator yield to me for a moment?

Mr. MYERS. With pleasure.

Mr. ROBINSON. A statement was made by a witness who lived upon the Blackfeet Reservation that in 21 cases of Indians who had sought to appropriate water rights under a Montana law the authorities held that they could not do that, because the rule in the Winters case applied; that they must get their rights from the Federal Government, and that as to the Flathead Reservation, the same rule had been applied there, and the Indians were unable to get any water to cultivate the land that they were ready to cultivate and wanted to cultivate principally for the reason that the State authorities would not recognize their rights.

Mr. SHAFROTH. Has the Senator a reference to the decision where the court so held?

Mr. ROBINSON. No; I did not refer to a decision. I referred to the statement of a witness who states that in 21 cases the local authorities held that the Indians could not acquire water rights under State laws and absolutely denied their applications. Those applications, however, were on the Blackfeet Reservation. But the witness also made the statement——

Mr. MYERS. The Blackfeet Indian was talking about water on the Flathead Reservation.

Mr. ROBINSON. Yes; but the witness makes the same statement that the same rule applies on the Flathead Reservation; that he personally knows of Indians there who are unable to obtain the water they need, who want to cultivate their land on the reservation. Of course, I have no personal knowledge of the facts stated, but I call them to the attention of the Senator in reply to his statement that there has been no complaint made.

Mr. MYERS. Mr. President, I say again that I have never heard of a complaint by a Flathead Indian that he was not getting his share of water on the Flathead Reservation reclamation project for any of his land. I have never heard of any complaint from them collectively, tribally, through their agents, individually, or in any other way. I know of none who have appeared before the Senate Committee on Indian Affairs nor the House committee. I have had no communications from any Flathead Indians making any such complaint. On the contrary, all the settlers on the Flathead project—the white settlers and the Indians alike—want larger appropriations and they want this rushed.

Now, as to the complaint made by some Blackfeet Indians, it is absurd; it is not in accordance with the law or the fact. He did not know what he was talking about, because you do not have to get any authority to appropriate water in Montana. Anybody—a white man, an Indian, an alien, the State of Montana, or the United States Government—can go and tap a stream in the State of Montana and put water on arid and irrigable land and it is appropriated. That act itself appropriates it, makes it a common-law appropriation, which the courts of the State have recognized.

Mr. ROBINSON. If the Senator will yield to me a moment further——

Mr. MYERS. Certainly.

Mr. ROBINSON. If the reclamation authorities refuse to turn the water upon the land or permit him to receive the water, practically the result to the Indian is the same; he has no water and can not cultivate his land.

Mr. MYERS. He can get his rights in court just the same as the white man, if some official who does not know the law and does not know his duty denies it to him.

Mr. PAGE. Mr. President, I wish to ask the Senator a question. If what he says is true, why is it that Mr. Meritt, the assistant commissioner, in asking for these provisos, of which there are five or six in the bill, closes by this statement:

> This item, we believe, will protect the water rights of Indians on a number of reservations where large appropriations have been made and where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Why does the assistant commissioner make this very important and very emphatic statement? He speaks as one who states what he knows.

Mr. MYERS. He states merely his opinion, and probably he was unacquainted with the conditions. I will say in regard to Mr. Meritt, while as a gentleman I highly esteem him, I feel in regard to his opinion a good deal like the Senator from Vermont expressed himself in the committee time and time again. When Mr. Meritt would recommend some things and the balance of us were inclined to take his word for it, the Senator from Vermont would say: "I would like to know more about it than I do. Are you going simply to take Mr. Meritt's word for this? Are you going to take Mr. Meritt's ipse dixit in everything he has said?" The Senator from Vermont called for

other information. I, like the Senator from Vermont, form my own opinion.

Mr. PAGE. I want to thank the Senator from Montana for giving me that praise. I wish, however, to state that I generally, probably always, accepted the word of the commissioner as to facts, but did not always accept his opinions and conclusions.

Mr. MYERS. Now, Mr. President, I shall take a very few minutes more. This project has been going on and Congress has appropriated from $200,000 to $400,000 each year since it started, in no year less than $200,000. I am here to say that the amount appropriated by the House this year—$100,000—was absolutely ridiculous and absurd. If we are not going to appropriate more than $100,000, we had better not appropriate any at all. I think the amount is entirely too small to be of any good effect, and it would simply delay the project. The project was started a number of years ago. It is estimated that it will take between five and six million dollars to complete it. About a million and a quarter or a million and a half have been appropriated. There are about $4,000,000 more necessary. That is my understanding.

If you are going to appropriate $100,000 a year, it will take 40 years to complete it, and the white settlers and the Indians on the project will be dead; and if not dead, they will have been starved out and gone away. It is just like building a house. If you are going to build a house worth $10,000, you might as well talk about spending $50 on it a year and extending the construction over a period of 40 years. The Indians and the white settlers want it completed, and the sooner the better. The sooner it is completed and the land sold the sooner the Indians will get their money back and the white settlers are going to *make a living* upon it.

Mr. PAGE. There is one further question I should like to ask the Senator: Is it not true that two-thirds of the appropriations of water on this reservation have been made by the whites and only one-third by the Indians, and is it not equally true that every dollar we appropriate becomes a mortgage upon Indian lands?

Mr. MYERS. The latter statement is true, but it will be reimbursed; the land and the timber are there; the Indians will get it back. If the whites have appropriated more water than the Indians, it is simply because there are more white settlers there ready to make farms and who have gone to farming; but I am here to say that there is plenty of water there for all. The Flathead Lake is back of this project, and they can take all the water in the Flathead Lake and all the water in the Flathead River. Here is one case where there is water for all.

Mr. PAGE. I should like to ask the Senator if it was not stated before our committee—I do not recall the name of the witness—that we might as well have dumped the Indian's money into the river as to appropriate it for some of the irrigation projects for which we have appropriated his money or mortgaged his lands?

Mr. MYERS. I do not know but some man said that. Some men would say anything.

Mr. PAGE. Is it not true?

Mr. MYERS. No; I am not that man. I deny it. I know the facts in this case, because I live close to this reclamation project.

I want to ask if you would quit appropriating money for this project? It was started in good faith, and the Indians and the whites supposed it would be prosecuted with reasonable diligence and completed in a few years. White people left their homes back in the old States expecting water to be put on this land in a reasonable time.

I am here to say that however much the white man may suffer, if this is stopped or virtually stopped on account of dribbling, insignificant appropriations, the Indian will be the worst sufferer. This land was allotted to the Indian in tracts of 80 acres, being sold as irrigable land. The Indians had first choice. They took the land along the watercourses, the richest and most fertile, and most accessible, and most easily irrigated. The Indians had 80-acre tracts.

Now, the greater part of the work has been done on this project, putting in the main canal and dams and reservoirs and gathering up the water for distribution. The laterals and community ditches have to be put in yet. Very little so far has been put upon the land, because they have been doing community work so far.

The Indians have 80 acres of land apiece. You virtually stop this appropriation because the State of Montana will not be dictated to by Congress. You either stop the appropriation altogether or just dribble it in insignificant amounts that do no good. There will be a long time in getting water on any of that land, and the Indians will have 80 acres apiece without any water on it, and it is of no account to the Indian; he can not make a living on it.

Mr. TOWNSEND. That will make it necessary for the State of Montana to look after its white citizens.

Mr. MYERS. I do not see how the State of Montana would have anything to look after.

Mr. TOWNSEND. Who would look after the white settlers?

Mr. MYERS. The Senator is certainly mistaken. I am no more interested in the white settlers than in the Indians. I am equally interested in both.

Mr. TOWNSEND. The white settler is getting a large part of the benefit.

Mr. MYERS. Because more of them have taken up land close to and under the ditches.

Mr. TOWNSEND. So in the case the Senator suggests, the cessation of the work of irrigation, it would fall on the white citizens of Montana.

Mr. MYERS. It would fall upon both.

Mr. TOWNSEND. I understood the Senator to say that water had been appropriated by the Government sufficient for all this land.

Mr. MYERS. For this reclamation project, but it can not be put on until ditches have been constructed.

Mr. TOWNSEND. Water has been appropriated by the Federal Government, according to the Senator's statement, sufficient in amount to irrigate that land and project. Now, the proposition here is to provide some way to make it available to the Indians. If it is all available there is no white settler who could be wronged by its use by the Indians.

Mr. MYERS. No.

Mr. TOWNSEND. Then they could not be wronged if they are in good faith proceeding to erect irrigation facilities if it is withheld for a sufficient length of time for the Indians to get it.

Mr. MYERS. The sooner the water is made available, the sooner the Indians will get it, and the sooner the whites will get it.

Mr. TOWNSEND. The Senator understands that this appropriation would never have been increased by the Senate committee, and there never would have been $150,000 more put on the appropriation if they had understood that this recommendation of the Department of the Interior or the Commissioner of Indian Affairs would not be carried out.

Mr. MYERS. I can not say what individual members of the committee were cognizant of. I was not there when the amendment was proposed.

Mr. THOMAS. Mr. President——

Mr. PAGE. Mr. President, I will only take just a moment more. The Senator from Montana will remember that at the time these provisos were added the Assistant Commissioner of Indian Affairs held the floor. He was telling us why he added these provisos. I wish to read just five lines from his statement to the Indian Committee, and I think I will then close what I have to say. Here is his statement:

> The Indian water-right situation is one of the most acute and important questions relating to Indian matters now before the Indian Bureau.

Evidently the matter is not as light and inconsequential as the Senator from Montana thinks.

The commissioner, then, makes the following most emphatic and important statement:

> There are dependent upon the solution of this question not only property rights involving millions of dollars, but the success or failure, prosperity or poverty, of thousands of Indians who are the wards of the Government and whose interests it is the duty of the Indian Bureau to protect.

I can not believe Senators ought to brush idly aside these words of the commissioner and say they are all nonsense.

Mr. MYERS. I have not said so.

Mr. PAGE. Perhaps the Senator thinks everything is coming out all right, but the commissioner stated substantially that he consented to the additional $150,000 because he had thrown around the appropriation the especial safeguard which has been thrown out on a point of order.

Mr. MYERS. Did he give one fact as to why that was necessary on the Flathead Reservation?

Mr. PAGE. He says, "This is one of the most critical things before the department." I use his language.

Mr. MYERS. Did he specify the Flathead Reservation or is that only his opinion as to its being one of the most important things?

Mr. PAGE. I simply give his answer.

Mr. MYERS. I yield to the Senator from Colorado.

Mr. THOMAS. I rose for the purpose of securing some information. From what the Senator from Michigan said just now, I get the idea that this appropriation is being made for the

purpose of constructing an irrigation system for the benefit of the white settlers.

Mr. MYERS. No; the Indians and the white settlers.

Mr. THOMAS. The Senator from Michigan said——

Mr. MYERS. For Indians and white settlers, both.

Mr. THOMAS. That raises the query in my mind as to whether an appropriation of Indian money should be made for the benefit of anybody but Indians. In other words, is it fair to take Indian funds and build irrigation systems with them?

Mr. WHITE. It is to be a mortgage on the Indian lands.

Mr. THOMAS. I suppose the mortgage will lie upon all the lands.

Mr. MYERS. The Indians on that project have made no objection, and this has been going on for several years. Now, it must either be completed or abandoned, and if abandoned the money invested practically will be wasted. There has been no complaint that I know of on that reservation.

Mr. THOMAS. It is a question of very great importance; if it be true that the Government is appropriating Indian money for the purpose of constructing a system of irrigation for the benefit of white settlers and mortgaging the Indian lands for it, it is not right.

Mr. MYERS. The white settlers must pay finally for the land and for the water, and the Indians get the money back, I will say to the Senator.

Mr. THOMAS. Yes; but who gets the water? The Indians may get their money back, but the white man gets the water.

Mr. MYERS. The Indian gets the water for his land; the white man must pay for what water he gets; and the Indian gets the money back when the white man pays for the water.

Mr. THOMAS. The Senator from Montana says that the white man pays for the water he gets. Does the Senator mean that the system is constructed with the Indian money sufficiently large for both the whites and the Indians?

Mr. MYERS. Yes.

Mr. THOMAS. And that the system is operated in such a way that the Indian gets his water free and the white man pays for his water?

Mr. MYERS. That is my understanding of the matter.

Mr. THOMAS. How is this fund afterwards covered back into the Treasury?

Mr. MYERS. The money is paid back into the tribal fund.

Mr. THOMAS. Yes; but where does it come from?

Mr. MYERS. The Indians sell the land and the water to the white people, and all that the white people pay goes back into the tribal fund.

Mr. WHITE. Does it go to liquidate the debt of the Indians?

Mr. MYERS. It does.

Mr. President, I believe I have said about all I care to say. This project has been going along nicely for a number of years, and there has been no local complaint about it or objection to it that I know of. All the complaint and objection I have heard has come from the Senate Committee on Indian Affairs, and that has been this year. There has been no complaint from the reservation nor from the Indians nor from the whites there. They want larger appropriations; they want the work rushed, and they want it completed. I see no necessity for encumbering this legislation in this manner.

Mr. WHITE. I should like to ask the Senator a question.

Mr. MYERS. Certainly.

Mr. WHITE. Does the amount which the white man pays go to the discharge of the original obligation, or is it simply appropriated for the purpose of maintenance?

Mr. MYERS. I would ask the Senator from Alabama to what original obligation does he refer?

Mr. WHITE. The obligation which we are now creating, as I understand.

Mr. MYERS. It does; it goes to the discharge of the obligation and to the maintenance of the system.

Mr. President, I make the point of order that the amendment is out of order in that it is general legislation on an appropriation bill, and I withhold it until the Senator from Utah [Mr. SUTHERLAND] has been heard.

Mr. SUTHERLAND. Mr. President, I wish merely to say a word in reply to the Senator from Arkansas [Mr. ROBINSON]. The Senator from Arkansas called attention to the constitution of Montana, which I had undertaken to state—I did not know the exact terms of it—but a reading of the provision entirely carries out what I said. It is:

SEC. 26. The legislative assembly shall not pass local or special laws in any of the following enumerated cases—that is to say—

Then a number of cases are enumerated, at the conclusion of which it is provided:

In all other cases where a general law can be made applicable no special law shall be enacted.

The Senator from Arkansas says that if the Legislature of Montana should pass a law such as this proposed amendment contemplates, its judgment that the law is not a special law but a general law will be conclusive, whether in fact it is or is not a special law. That would be true under at least some of the authorities if all the legislature did was to pass a special law; that is, if the Legislature of Montana were to pass a law which is apparently special upon its face and there was no general law in existence upon the same subject, then its determination that it was exercising its power properly, according to the decision of some of the courts, would be conclusive, but where there is already upon the statute books a general law which is applicable to the case, the general law itself is an answer to the position of the legislature in passing the special law. That is the rule that is recognized, I think, by all of the authorities. I call attention to the general statement of the doctrine contained in First Sutherland Statutory Construction, at section 191, where it is said:

If a general law exists which is applicable to a subject, the question whether such a law can be made applicable is resolved. The legislature has by the enactment of a general law practically decided the question. Hence if, while such a general law is in force, a special or local law is passed affecting the same subject and modifying the general law, the question of its validity is judicial; it will be held invalid in the case supposed, for an applicable general law being in existence, it is no longer a question whether such a law can be made applicable, therefore the special or local law is prohibited.

In other words, in that kind of a case it is precisely the same as if the legislature had first of all passed the general irrigation law which they have passed, and then had annexed to it a proviso that as to the Indians or as to any other class of people in Montana a different rule should apply—clearly in that case it would be a special law; and it is no less clearly a special law because it happened to be passed at a subsequent session of the legislature instead of in the form of a proviso to the very act itself at the same session of the legislature.

The Senator from Michigan [Mr. TOWNSEND], who seems to be out of the Chamber just at this moment, asked me, if my statement of the legal proposition was correct, how it happened that in the State of Utah, where we have a similar constitutional provision, we had passed a law for the benefit of these Indians. I answered him that the law of Utah was couched in general terms, but at the moment I could not put my hands upon the provision. I have it now. This provision of the law passed by the Legislature of Utah was passed, it is true, for the benefit of the Indians; it was in consideration of their situation that it was passed; but it, in terms, applies to everybody. This is the provision:

That the State engineer shall have power, for good cause shown, to extend the time for completion of construction or for application to a beneficial use, but in no case shall extensions of time be made that would place the date of proof of completion of construction and the proof of beneficial use more than 14 years from the date of approval, except that the State engineer shall allow extensions of time during which work was prevented by the operation of law beyond the power of said applicant to avoid.

Under that general law, under which an application could have been made by any white man or by any irrigation company just as well as by the Indians, the Secretary of the Interior, or the head of the Indian Bureau, made the application on behalf of these Indians, and the State engineer, under the law and in response to that application, extended the time within which these Indians could complete their works and appropriate their water until December 1, 1919, which gives them a full period of about 13 years.

So it seems to me, Mr. President, very clearly that this amendment calls upon the Legislature of Montana to pass a law which its constitution in express terms absolutely forbids it to pass.

Mr. MYERS. Mr. President, I urge my point of order.

The VICE PRESIDENT. The Chair is impressed from the statement of the Senator from Utah [Mr. SUTHERLAND] that the amendment does call upon the State of Montana to enact a law which, under its constitution, it has no power to enact; but the present occupant of the Chair has very frequently decided that it is not general legislation for the Senate of the United States to provide how an appropriation shall be expended, when it shall be expended, and under what circumstances it may not be expended. While the Chair believes that Montana can never enact this law, the Chair believes that the Senate of the United States has a perfect right to attach a provision to the appropriation that it shall not be spent until such law is enacted, which practically results, of course, in the appropriation not being expended. The Chair does not believe that the amendment is general legislation, but that it is simply a limitation upon the expenditure of the money. So the Chair overrules the point of order.

The question is on the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. WHITE. Let the amendment be read, Mr. President.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 43, line 20, after the words "remain available until expended," it is proposed to insert:

Provided, That, except as to maintenance, not more than one-third of this amount, nor of any money hereby appropriated for this project, shall be expended until the State of Montana shall have provided by legislative enactment that Indian water rights, or applications for State permits to appropriate water, or State permits to appropriate water for use on Indian land, shall be incontestable for nonuse of water during the time said Indian land is held in trust by the United States, and that beneficial use of water on allotted land made during the time said land is held in trust shall perfect the priority of the water right as of the date of application for permit to appropriate.

The VICE PRESIDENT. The question is on the amendment. [Putting the question.] The noes seem to have it. [A pause.] The noes have it, and the amendment is rejected.

Mr. PAGE. Mr. President, is it too late to ask for a count?

The VICE PRESIDENT. The Chair has announced the result of the vote. The Chair paused at the time for any objection to be made, and heard none.

Mr. ASHURST. Mr. President, I propose the amendment which I send to the desk, and I call the attention of the Senator from Utah [Mr. SUTHERLAND] to it.

The VICE PRESIDENT. The amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. On page 85, after line 16, it is proposed to insert:

That the Commissioner of Indian Affairs is hereby authorized to negotiate an agreement with the Confederated Bands of the Ute Indians for the final adjudication and settlement of all claims and demands of said Indians against the United States arising under the agreement between said Indians and the United States ratified by the act of June 15, 1880 (21 Stats., 199), or under any law, treaty, or agreement, and which has not heretofore been adjudicated, and the said commissioner shall report the result of such negotiations to Congress at the earliest practicable date, and there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, for said purpose.

Mr. SUTHERLAND. Mr. President, the Senator from Arizona directs my attention to this proposed amendment. I know very little about it. I know that some years ago we provided that the claims of the Ute Indians respecting their lands in Colorado should be submitted, I think, to the Court of Claims, and a judgment for a very large amount was rendered in favor of the Indians, which we are now in process of liquidating, at least to some extent. I will ask the Senator from Arizona if this amendment applies to other lands in Colorado?

Mr. ASHURST. The amendment, I should state, was prepared wholly by the Bureau of Indian Affairs. It was transmitted to me yesterday, with a letter addressed to me and signed by the Commissioner of Indian Affairs, which I read:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, June 20, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: I have the honor to transmit herewith, for your information and use, a copy of proposed amendment to the Indian appropriation bill, H. R. 12579, concerning the Confederated Bands of Ute Indians, and to respectfully inform you that since our talk this morning I have had a conference with Senators SHAFROTH and SMOOT, and that this amendment meets with their approval. Senator SMOOT has agreed to offer the amendment as here stated.

I also respectfully request that the proposed amendment submitted to you yesterday, authorizing the Commissioner of Indian Affairs to negotiate an agreement with the Confederated Bands of Ute Indians for the final adjudication and settlement of all claims and demands of said Indians against the United States arising under the agreement ratified by the act of June 15, 1880 (21 Stat., p. 199), to be introduced by Senator SHAFROTH, shall stand as submitted.

These two amendments not only meet with my hearty approval, but are so desirable that I want to indicate my special interest in same and desire that they shall be adopted.

Sincerely, yours,

CATO SELLS, *Commissioner.*

JUSTIFICATION.

The purpose of this item is to initiate an affirmative movement looking to the final adjustment and settlement of the claims of the Ute Indians growing out of the agreement between them and the United States entered into in the year 1880.

Under that agreement the Utes ceded approximately 15,000,000 acres of land to the United States in trust with power to dispose of the same. Certain charges against the Utes were to be deducted, and the balance due them was to be held in the Treasury as an interest-bearing trust fund.

By suit in the Court of Claims a partial settlement, covering about half of the ceded lands, was accomplished. The final decree of the court was rendered in 1911.

The remaining portion has not been disposed of and probably will not be for many years, as a considerable part of it is classed as coal lands or contains other valuable minerals. In view of the mineral character of this land exact compliance with the original agreement of 1880 is now impossible. Hence the necessity of some substituted mode of settlement.

The matter has been dragging along for many years, and the Indians are entitled to a settlement. It is also to the interest of the United States in this, as in similar cases, to bring the controversy to a close within a reasonable time to avoid the embarrassments incident to the lapse of time, death of witnesses, and loss of record evidence. Moreover, the work of solving the Indian problem must halt so far as the Utes are concerned until their property is ready to be individualized.

Settlement, through negotiation and agreement, is greatly to be preferred to further litigation, not only for the sake of simplicity and economy in procedure, but for the further reason that a suit at this time and under present laws would only serve to settle liabilities which have accrued since the decree of 1911.

I have not had an opportunity to investigate the treaty referred to, nor have I had an opportunity to examine closely the nature of the claims arising under the act of June 15, 1880. The amendment provides for an appropriation of $5,000, so that the Secretary of the Interior may make an investigation as to what claims, if any, the Confederated Bands of Utes may have.

Mr. SUTHERLAND. Mr. President, I will state to the Senator from Arizona that I shall not interpose any objection to the amendment. It can be dealt with in conference if there is any objection found to it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arizona.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Page	Smith, Mich.
Borah	James	Perkins	Smoot
Bristow	Jones	Poindexter	Sterling
Bryan	Lane	Ransdell	Sutherland
Camden	Martin, Va.	Reed	Swanson
Chamberlain	Martine, N. J.	Robinson	Thomas
Chilton	Myers	Shafroth	Thompson
Clarke, Ark.	Nelson	Sheppard	Thornton
Culberson	Newlands	Sherman	Townsend
Dillingham	Norris	Shields	Vardaman
Fletcher	Oliver	Smith, Ariz.	White
Gore	Overman	Smith, Ga.	Williams
Hollis	Owen	Smith, Md.	

Mr. MYERS. I wish to announce the necessary absence of my colleague [Mr. WALSH]. This announcement may stand for the day.

Mr. NORRIS. I desire to announce the unavoidable absence of the junior Senator from Iowa [Mr. KENYON]. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The question is on concurring in the amendments made as in Committee of the Whole. If there be no objection, the amendments will be concurred in. The bill is in the Senate and still open to amendment.

Mr. GORE. Mr. President, I give notice that I desire to reserve the amendment offered by the Senator from Mississippi [Mr. WILLIAMS] and agreed to as in Committee of the Whole and, if necessary, the amendment to which it was offered as an amendment.

Mr. CLARKE of Arkansas. I move that all amendments not specially reserved be concurred in en bloc.

Mr. GORE. I have no objection to that.

The VICE PRESIDENT. They have all been concurred in.

Mr. CLARKE of Arkansas. In the Senate?

The VICE PRESIDENT. In the Senate.

Mr. GORE. I gave notice of a reservation.

Mr. CLARKE of Arkansas. It was done very expeditiously.

The VICE PRESIDENT. We are trying to move along.

Mr. CLARKE of Arkansas. It was the intention of the Senator from Oklahoma [Mr. GORE]—and I think he gave notice while the bill was under consideration as in Committee of the Whole—that when the bill reached the Senate he would ask for a separate vote on the amendment relating to the Mississippi Choctaws.

The VICE PRESIDENT. The present occupant of the chair was not in the chair when that notice was given.

Mr. GORE. I think not.

Mr. CLARKE of Arkansas. I move to reconsider the vote by which the amendments were concurred in, for the purpose of allowing a separate vote on the amendment referred to by the Senator from Oklahoma.

The VICE PRESIDENT. Without objection, the vote whereby the amendments made as in Committee of the Whole were concurred in in the Senate will be reconsidered.

Mr. WILLIAMS. I understood the Chair to say "without objection." If it is put in that way, of course that involves unanimous consent, and I shall object.

The VICE PRESIDENT. Then the question is on the motion of the Senator from Arkansas to reconsider the vote whereby the amendments made as in Committee of the Whole were concurred in in the Senate.

The motion was agreed to.

The VICE PRESIDENT. The question now is on concurring in the amendments made as in Committee of the Whole, save the one reserved by the Senator from Oklahoma [Mr. GORE].

The amendments made as in Committee of the Whole, except the one reserved, were concurred in.

The VICE PRESIDENT. The Secretary will state the amendment reserved by the Senator from Oklahoma.

The SECRETARY. The amendment reserved is the amendment of the committee on page 77, beginning with line 18, down to line 10 on page 78, as amended on motion of Mr. WILLIAMS, as follows:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

The VICE PRESIDENT. The question is on concurring in the amendment.

Mr. CLARKE of Arkansas. Mr. President, it is a disputed question under our rules as to whether or not a substitute for that amendment would be considered an amendment in the third degree, and, in order to obviate the necessity of wasting any time discussing that parliamentary objection, I take it the proper course would be to vote down the amendment offered by the Senator from Mississippi, and to make it known that an independent provision in the nature of a substitute will be offered that will more equitably respond to the real merits of the controversy raised by that amendment.

This is a dispute between different classes of the Choctaw Indians with reference to their right to be entered upon a certain roll as a precedent condition to the right to participate in the distribution of a large fund now belonging to the Choctaw Nation. So far as the respective rights of the parties to that controversy are concerned, I have no disposition to interfere; but I think my friend from Mississippi has offered an amendment that goes very far beyond any rights that he is authorized at this time to assert. The remedy he proposes is altogether too wide for the mischief that he intends to deal with. The proposition is to appropriate to the Choctaws $100 per capita, so that the aggregate amount involved in the appropriation is about $3,500,000. As I understand, there are about 35,000 Indians——

Mr. GORE. It would amount to about $2,700,000.

Mr. CLARKE of Arkansas. Two million seven hundred thousand dollars, the Senator from Oklahoma says. The fund aggregates $35,000,000. The effect of the amendment offered by the Senator from Mississippi will be to prevent the distribution of any part of that fund until the controversy between the several classes of Choctaws has been settled. The controversy itself between the different classes of Choctaws has been so elaborately discussed here, and it can be so elaborately discussed at any time the senior Senator from Mississippi is present, that I would not care to say anything or do anything that would invite further discussion of it; but the amendment which I expect to offer and the interest which I intend to take in this controversy is due to the fact that a more equitable plan can be adopted, by which the rights of the particular persons in whose behalf the Senator from Mississippi speaks can be preserved without invading the substantial and obvious rights of another and larger class.

The proposition of the Senator is to tie up the entire fund of $35,000,000. Everything that is due to the Choctaws for whom he speaks can be accomplished by setting aside to them a large enough part of the $35,000,000 to answer any claims that they may hereafter be able to establish. By no sort of estimate that can be made will that sum exceed two or three million dollars; and yet the proposition involved in his amendment is that the entire $35,000,000 shall be withheld and rendered inactive, although 35,000 Indians have qualified as being entitled to have their names entered on that roll. They have not personally excluded from the rolls the Mississippi Choctaws, and the adoption of the amendment offered by the Senator from Mississippi will be to penalize that large class of deserving persons for no error, no crime, no wrong which they have perpetrated. The proposition which I intend to offer is a simple proposition to withhold from ultimate distribution a sufficient part of that sum to answer any demands that may hereafter be established in favor of the Mississippi Choctaws.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. CLARKE of Arkansas. I yield to the Senator.

Mr. VARDAMAN. I will ask the Senator from Arkansas if he would consent that his amendment might be so amended as to direct the Secretary of the Interior to proceed to ascertain what number of the Mississippi Choctaws were entitled to share in this fund?

Mr. CLARKE of Arkansas. I should be very glad to do anything of that kind, but it would require legislation hereafter to do it, because if that provision were added to the amendment which I intend to offer it would subject it to a point of order, and the whole thing would go out.

Mr. VARDAMAN. I would suggest to the Senator that if there is a disposition to deal justly with the Mississippi Choctaws I think the Senators would not raise the point of order.

Mr. CLARKE of Arkansas. The question of dealing justly with the Mississippi Choctaws is a very broad question, and one that is very elaborately argued. It is now claimed that justice has been done to them and tendered to them repeatedly in the past. That will open up a very wide question. What I seek to do now is to withhold from distribution a sufficient amount of money to satisfy any demands that may hereafter be established in favor of the Mississippi Choctaws, and then to permit these other 35,000 Choctaws to have a partial or potential distribution of the very large fund that has accumulated and is now idle.

I send to the desk the amendment which I will offer when the amendment of the Senator from Mississippi is voted down, as I hope it will be. I ask that it may be read.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The SECRETARY. As a substitute, or in lieu of the amendment offered, it is proposed to insert:

Provided, That in making the payments to the Choctaw Nation, provided for in this section, the Secretary of the Interior shall reserve from the gross fund belonging to said nation and under the control of the United States Government a sum sufficient to provide for the payment of such amount as may hereafter be ascertained to be due to the Mississippi Choctaws, in the event the said Choctaws shall be admitted to the citizenship roll of the Choctaw Nation under laws now in existence or hereafter to be enacted. The sum so estimated shall be withheld for distribution pending further action by Congress, and the several payments herein provided for shall be made from such part of said gross fund as may remain after the said sum has been segregated and set aside in accordance with this proviso.

Mr. WILLIAMS. Mr. President, in order to test the sincerity of those who are offering that amendment, I want to amend the amendment by adding to it the following language:

And provided further, That the Secretary of the Interior proceed to ascertain who is entitled to be enrolled as Mississippi Choctaws under article 14 of the treaty of 1830, and without reference to any limitation of time fixed by any statute of the United States.

In that connection I will say that there were 1,110 of these people, in the language of the senior Senator from Oklahoma [Mr. OWEN], whose claims were pigeonholed for eight years and then turned down because they had not complied with an eight months' proviso in the act.

Now, I will read the balance of the amendment which I am offering to the amendment:

If any Choctaw of the full or half blood—

I am confining it to them now. Any white man can tell an Indian of the full or half blood, and there are no Indians in Mississippi except Choctaws.

If any Choctaw of the full or half blood now residing in Mississippi shall fail or refuse to move to Oklahoma, his allotment shall be sold after 90 days' notice at public auction, and the proceeds of the sale shall be paid to him or his heirs as ascertained under the statutes of the State of Mississippi.

Mr. President, of course I am entirely aware of the fact that the point of order may be made to the amendment to the amendment, and that the point of order would be sustained if made, but I want to test the sincerity of the amendment to which I offer this amendment. I want to demonstrate to the Senate by the fact that the point of order is made, if it shall be made, that there is no desire to do justice to the Mississippi Choctaws.

The Senate of the United States a year ago, upon two or three votes, deliberately after full debate, determined that these people should have justice done to them before we began the work of distributing this Choctaw fund. Do not deceive yourselves a particle. If we once begin the work of distributing this fund those opposing justice to the Mississippi Choctaws will distribute it all before they will ever give the Mississippi Choctaws a chance to be heard in court or anywhere else. That is the resolution of the Oklahoma delegation announced upon the floor of the House of Representatives. Now, I say that Oklahoma ought to have a very large influence in determining Indian af-

fairs, but she ought not to have an exclusive influence in that respect, and I do not think the fact that Oklahoma Choctaws can vote while Mississippi Choctaws can not vote ought to have any influence in determining this question.

Here are property rights of men involved, and a local Oklahoma political situation ought not to affect them. It is not right, it is not honest, it is not straight that it should. Then, at this session we have already had either two or three votes upon this proposition, and the Senate has each time voted in favor of maintaining and asserting the rights of the Mississippi Choctaws.

In that connection I wish to say that that phrase has been used with a double meaning in this debate. I did not catch on to it until when I read the CONGRESSIONAL RECORD after the debate last week. The Senators from Oklahoma have used the phrase "Mississippi Choctaws" to cover very much more than the phrase covered when I used it. What I mean by "Mississippi Choctaws" is the Choctaw Indians living in the State of Mississippi, and what these gentlemen meant by it was the Mississippi Choctaws who moved to Oklahoma in 1855 and 1856 and 1857. The senior Senator from Oklahoma said that there were some 3,500 or 4,000 of them out there on the rolls. I said: "Why, at the time Capt. McKennon and I were counting these people to the best of our ability there were not that many of them in the State of Mississippi." It turned out later from the debate that what the Senator meant was a class of people who were classified in Oklahoma as being Mississippi Choctaws because they moved from Mississippi out to Oklahoma in 1855, 1856, and 1857.

Mr. GORE. Mr. President——

Mr. WILLIAMS. Just one moment. Under that clause you could classify every Choctaw in the Indian Territory as a Mississippi Choctaw, because they all moved from Mississippi at some year or other. I now yield to the Senator from Oklahoma.

Mr. GORE. Of course, there were two classes of Mississippi Choctaws.

Mr. WILLIAMS. There is only one class of Mississippi Choctaws, and that is Choctaws living in the State of Mississippi now.

Mr. GORE. I mean in 1830.

Mr. WILLIAMS. Oh, yes.

Mr. GORE. Those who went to Oklahoma at that time were, of course, not to be classified as Mississippi Choctaws in any instance. There were others who went after the first emigration, in 1855, but I do not characterize them as Mississippi Choctaws. Those whom I have in mind are the Indians who are in Mississippi now, and their alleged descendants in the State of Alabama, and extending as far west as California.

I had a letter from some gentleman in New York yesterday stating that his father was a Choctaw in 1830, or his grandfather, or his great-grandfather, and he thought he ought to come in under the Senator's amendment; and I understand there are some 40,000 claimants.

Mr. WILLIAMS. The Senator must pardon me if he is going to make a speech.

Mr. GORE. I thought the Senator was through. I beg his pardon.

Mr. WILLIAMS. I am not talking about those men, and those of you who heard my amendment to the amendment read a moment ago heard me distinctly say "full-blood and half-blood Choctaw Indians." Now, there are a whole lot of white men all over the United States who are willing to swear that they have any sort of blood in them to get a share in a Government largess. I am not talking about them. I am not trying to take care of them. I do not care a continental about them.

These Indians in Mississippi have not any vote. Mississippi has kept up the limitation on the suffrage expressed in the old phrase: "Indians not taxed. They can not vote in Mississippi." As far as I am concerned my political future and my personal interests are not concerned with the matter at all. They are a poor, illiterate people who might be left out of consideration by any politician in the world if he desired. They could not cast five votes in the entire State of Mississippi. They could not control nor influence five votes in the entire State of Mississippi.

The Senator from Arkansas [Mr. CLARKE] says that my amendment is "too wide." Now, let me read both amendments, and let us see if they are too wide.

The first one is in these words, Senators:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma.

Remember there are 1,110 of them, by the testimony of the senior Senator from Oklahoma.

Mr. OWEN. The senior Senator from Oklahoma has given no such testimony.

Mr. WILLIAMS. Oh, well, it was in a brief filed by the senior Senator from Oklahoma.

Mr. OWEN. No, sir; the senior Senator from Oklahoma filed no brief. The senior Senator from Oklahoma sits on this floor as a Senator.

Mr. WILLIAMS. Oh, well, I understand. I mean the man, Robert L. Owen, filed a brief then, and not the Senator.

Mr. OWEN. The Senator has kept referring to "the senior Senator from Oklahoma" in that connection, and it would appear that the Senator representing Oklahoma had made some remarks of that kind.

Mr. WILLIAMS. I did not mean that the Senator, as representing Oklahoma, filed that brief, and nobody so misunderstood me. I meant that the man Robert L. Owen filed it, and the man ROBERT L. OWEN, now a Senator from Oklahoma, made the statement that there are 1,110 of them whose names were pigeonholed here for eight months, and who, after they had gotten out of the pigeonhole, were, of course, barred by the statute of limitations on the eight months' period. There is only one Robert L. Owen.

Mr. OWEN. Mr. President, the Senator ought at the same time to state that the Dawes Commission, during the period from 1898 to 1907, for nine years, was considering the claim of any Mississippi Choctaw who was presented, and recognized all those who could come within the rule.

Mr. WILLIAMS. The Senator from Mississippi did not make that statement, because the Senator from Mississippi did not know that to be the fact. It may be, but the Senator from Mississippi does not know it to be a fact even now.

I understand that when those people went later to have their rights recognized they were met with the fact that they had slept upon their rights over and beyond the eight months that were given them in the original law, although the fact is that during that eight months their claims had been pigeonholed in the city of Washington, and they had never gotten any notice of the fact that they were entitled to be put upon the rolls, and therefore they had never gotten any notice of the fact that they ought to remove to Oklahoma, because the original law of 1902 provided that they were given, I believe it was, six months, or whatever it was—some period, at any rate—within which, after "the final approval of the roll," they could remove to Oklahoma. Here were these men with their claims pigeonholed and no notice given to them at all that their names had been approved, and therefore no opportunity to avail themselves of this condition subsequent, which was to remove to Oklahoma.

So much for that; but the Senator from Arkansas says that the amendment is too wide. I am sorry that he said it. Watch the amendment:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until—

Until when? Is this too wide?

Until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma, and until such of said Mississippi Choctaws as shall be found entitled—

I am putting nobody upon the roll. I am distributing nothing.

Until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

"Found entitled." Is that too wide?

Now let me come to my amendment now proposed to the amendment offered by the Senator from Arkansas. What is that?

And provided further, That the Secretary of the Interior proceed to ascertain who is entitled to be enrolled as Mississippi Choctaws under article 14 of the treaty of 1830—

That is the Dancing Rabbit treaty, negotiated by the second founder—the restorer—of the Democratic Party, Andrew Jackson—

and without reference to any limitation of time fixed by any statute.

Of course that is new legislation, because when you say "without reference to any limitation of time fixed by any statute" it is new legislation. It makes it amenable to the point of order; but the point is whether or not these gentlemen are going to make the point of order. Of course everybody knows that if they do not make it, it will go through all right, and everybody knows that the limitation of six or eight months, whichever it was, to which these people were subjected in the law of 1902, was a thing which was apples to the eye and ashes to the taste, because they never even got notice of the fact that they were entitled to be enrolled, and therefore got no time and no opportunity to remove to Oklahoma if they had wanted to.

Mr. OWEN. Mr. President, may I remind the Senator that the agreement of 1902 authorized them to be notified before they were required to remove, and they had six months after they got the notice.

Mr. WILLIAMS. Yes; but they were to be notified whenever they were entered upon the rolls, and were to have six months after "final approval of the roll:"; and then their names were pigeonholed for eight months, and still later they were never entered upon the rolls, but were denied this approval of the approval, and therefore could not be notified, and never were notified.

Now, I want to call attention to another thing in the act of 1902; and unless I am mistaken, as I may be—and if I am, the Senator from Oklahoma will correct me—he and I together drew up that amendment. I had the book here the other day, but it has been taken away. This is the language of it, however, and I can quote it literally:

Provided, That nothing herein contained shall affect the rights of the Mississippi Choctaws.

Mr. OWEN. That was 1898, Mr. President.

Mr. WILLIAMS. No; I beg the Senator's pardon. It was 1902.

Mr. OWEN. No; it was in the Curtis Act of 1898.

Mr. CLARKE of Arkansas. Mr. President, while the Senator from Mississippi is waiting for the book I believe I can make an announcement that will simplify this matter somewhat.

In view of the fact that he has offered that amendment and proposes to open up anew the discussion of the whole Mississippi Choctaw question, I believe I will just withdraw the amendment entirely and allow whatever vote is had in the Senate this afternoon to be upon the adoption or rejection of the amendment offered by him.

Just one word in explanation of why I did it. The Senator's original amendment did not propose any legislation at this time, but outlined a new procedure by which the Mississippi Choctaws should have adjudicated their right to be entered upon the Choctaw rolls. He simply proposed to hold up the entire payment of $100 per capita provided for in these acts. I modified his proposition only to the extent of setting aside a sufficient amount of the $35,000,000 to answer any judgment that might hereafter be established. I did not contemplate, and I do not want to detain the Senate now with any proposition that would precipitate a discussion of the entire Mississippi Choctaw question again, so I withdraw the amendment.

Mr. WILLIAMS. Then, Mr. President, I shall direct myself to the main question. I am very glad the Senator from Arkansas has withdrawn his amendment, and, of course, I will withdraw the amendment to the amendment, because there is left nothing to amend.

I want to settle this matter of dispute between the senior Senator from Oklahoma and myself though, if I can find the part of the act to which I referred, and I think I can. I had it marked here the other day in a copy of the law left upon my desk, but it has been removed.

I have it now. This is the language to which I referred, and this language was agreed upon by Mr. OWEN and myself at that time—

That nothing contained in this act—

This is the act of 1898:

Provided, however That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

That language I also had inserted and repeated verbally in the act of 1902.

Mr. OWEN. The Senator is mistaken about that, I think.

Mr. WILLIAMS. I am not mistaken. I will try to find it, but I know I am not. I had it here the other day and marked it, but the particular copy of the act which I marked has been taken away.

Here it is. I now read from the act of 1902:

Provided, That nothing in this section shall apply to any person or persons—

I said I had repeated it verbally. It seems now that I repeated only the substance of the act of 1898.

That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws for whom provision has herein otherwise been made.

This act contained other provisions referring to the Mississippi Choctaws.

Mr. OWEN. That is very different language, Mr. President, and has a very different meaning.

Mr. WILLIAMS. Oh, the language is slightly different, but it means exactly the same thing, and it was intended by me to mean the same thing. I recall now that I thought it was better than the original language, because the original language was involved in prepositions. One was "laws of and treaties with the United States," and I never liked to have two prepositions applying to one substantive. Otherwise the two clauses are precisely the same in meaning, and were intended to be.

The Senator from Arkansas says that I am trying to punish these Choctaws in Oklahoma for crimes which they have never perpetrated. Haven't they? Are they not refusing right now, and are not all the members of the Oklahoma delegation in the Senate and in the House refusing right now to permit these people in Mississippi to have a real day in court; and are they not pretending to represent the Oklahoma Choctaws when they do it? Was not this agreement entered into between the United States Government and the Choctaw Nation in Oklahoma, in which the Choctaws in Mississippi were left out of consideration entirely and never consulted, an injury done them by the Oklahoma Choctaws? Are you going to tell me that the Choctaws in Oklahoma were not responsible for that agreement? Are you going to tell me that their attorneys, one great firm of whom collected a fee of seven hundred and thirty-odd thousand dollars, I believe, and proudly swore afterwards that they were responsible for all the Indian legislation out there for several years, a firm employed by the Five Civilized Tribes, had nothing to do with it? Of course, they had something to do with it, and they have something to do with it.

My friend from Arkansas, for whom I have a higher personal affection than for almost any man in this body, and who has been kinder and nicer to me than anybody in this body, without exception, tells me that I am trying "to hold up these people." Yes; in a certain sense, of course, I am. I try to be the frankest of human beings, as far as I can be, with my limited intelligence, and what I mean is that I know if these people in Oklahoma and their congressional representatives take the first step to distribute this fund without any regard to the Mississippi Choctaws, they will take the second, and the third, and the fourth, and the fifth, and the sixth, and the tenth, until the fund is exhausted, and we will never have any rights at all.

My friend from Arkansas offered an amendment in which he says that we are to hold back a certain amount of it and estimate what will be needed. That will go this Congress; it might go next Congress, and then the next Congress; then what? The Congress after that, what? After a while we would not have enough to pay both, and then they would just dispense with the proposed provision, you see, and so the Mississippi Choctaws would be left where they were in the first place and are now.

I want the Senate to do these people justice. I hardly know how to express it. It is not exalted justice. It is plain, simple fairness that I am calling upon you to do. I am not calling upon you for any special favors for them. I am simply calling upon you to see to it that between them and their brethren in blood, the only bond of citizenship among uncivilized tribes—and this was a tribal affair when it started—there shall be a fair distribution. That is all. What does my amendment say?

The amendment does not call on you to give them anything. It simply says that this distribution shall not begin, "the provisions of this act shall not be applicable" to members of the Choctaw Nation in Oklahoma, "until Congress" has done what? "Until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls"; that is, the finally approved rolls.

Why, Senators, do you know that after that roll had been pigeonholed here for eight years, it was finally disapproved by the Secretary of the Interior, who at that time I believe was Mr. Hitchcock, without notice to a Mississippi Choctaw in the world, and disapproved upon what grounds? That they had not been able to prove who their grandfathers' grandfathers were; in many cases who their great-grandfathers' great-grandfathers were; and yet there were two classes of these Mississippi Choctaws, one of the full blood, claiming as full bloods and in all ways, and the other of these people claiming as descendants of these patentees who were required to prove who their great-grandfathers' great-grandfathers were; in other words, that their ancestors were patentees. How many of you could prove it?

Oh, the Senator from Oklahoma on yesterday said that the Dawes Commission had 30 days in which to pass upon these people's claims, and that "30 days was entirely too short a period." Too short a period to do what? Too short a period to determine who could prove who were their grandfathers' grandfathers? Maybe so. Yet that, I assert, is not too short a period to determine who were full-blooded Choctaws or were even half-blood Choctaws. There are no other Indians in the State of Mississippi, and there have not been for half a century, except Choctaws. The Pastagoulas have gone the way of the

lost tribes of Israel. The Mobiles moved away very early, and, like the wind, no one knows whither. Neither one of them was ever any great tribe. They were disconnected fragments of tribes and they gathered by the peaceful waters of the Gulf, fishermen for the most part, and when the time came for the clash with the white man they all went. But the Mississippi Choctaw tied himself to the white man's heartstrings by years of service and of friendship and of love, fighting with him side by side with Andrew Jackson and with "Mad Anthony" Wayne. These Mississippi Choctaws stayed, and there were no other Indians in Mississippi when the Dawes Commission sent the subcommittee there. Capt. McKennon knew that. The Dawes Commission knew it.

One other word, Mr. President, and then I shall conclude. Again and again in this debate it has been asserted that the Dawes Commission and the United States Supreme Court approved of the action of Judge Clayton and his decision. Judge Clayton ruled one way and Judge Townsend ruled another, the first that the Mississippi Choctaws must move to have right and the second that they need not. There were two judges of the Federal court out there, and the Supreme Court never did affirm the decision of Judge Clayton. What the Supreme Court said was, "Congress has vested in these Federal courts in the Indian Territory final jurisdiction upon this subject," and that it—the Supreme Court—had no jurisdiction to consider an appeal upon the merits, and therefore the case was dismissed, just as when you go to the Supreme Court from a decision of the Immigration Bureau deporting a Chinaman, the Supreme Court has said "We have no jurisdiction upon this question." Congress has erected an administrative and judicial tribunal having final jurisdiction.

There is a case, Senators—and, by the way, it ought to interest us for another reason, because we do not want tyranny in the United States—where a Chinaman was born in the United States, and left and went to China and came back and was arrested and ordered to be deported. That case was carried to the Supreme Court by a lawyer upon habeas corpus. I have put it in the RECORD once in the Fifty-ninth or Sixtieth Congress in a speech on "Federal usurpation." That court decided that they could not listen to the fact that this man had been born in America and that he had gone to China on a visit, but that because the Immigration Bureau had decided adversely to him—had ordered him deported—and Congress had erected that bureau as an administrative functionary to dispose of such questions, the Supreme Court had no jurisdiction on appeal or in review.

Now, one or the other thing is true. The Senator from Oklahome—not then Senator from Oklahoma, but plain Mr. OWEN—went on once to show that there had been "underground influences" exercised against these Mississippi Choctaws during the whole history of this procedure. One of the "underground influences" was this act that equipped the Federal court in Oklahoma with power of final decisions without appeal.

Subject to local influences of course these courts were, yet once they decided adversely and decided that the Mississippi Choctaws were compelled to remove, that was final. Subject to local interests and local influences it was given final jurisdiction, and neither the Dawes Commission nor the Supreme Court of the United States had any authority or right under law to sit in judgment upon what they once decided or determined right or wrong.

Now that was in no proper sense a decision on the merit of what had taken place. It was merely a denial of jurisdiction to reconsider or to rehear.

Mr. President, I hope that no argument, public or private, that has been made in connection with this case will blind the eyes of the Congress of the United States or the Senate of the United States to the fact that these poor, illiterate, unbefriended people have no representative here at all except voluntary representatives who help them out of sentiment, and that the Senate of the United States will not permit the beginning to be made of the distributing of these funds in which they have an undeniable interest until they have had a proper hearing in Congress, so that Congress may repeal those parts of past laws which have been unjust to them.

And with that I leave the case with the Senate.

Mr. OWEN. Mr. President, I shall detain the Senate but three minutes.

The Congress of the United States in 1896—18 years ago—directed the Dawes Commission to make up these rolls. That commission worked at the rolls for 11 years. Appeals were allowed from the Dawes Commission to Judge Clayton's court. Appeals were allowed from the Dawes Commission to the Commissioner of Indian Affairs and the Secretary of the Interior and the Attorney General of the United States, and case after case was heard and rereferred to the Dawes Commission. Sometimes as many as three times a case came back to the Interior Department. Finally, upon the prayer of the Five Civilized Tribes and their representatives, the Congress of the United States, after 10 long, tedious years of these hearings, directed the rolls to be permanently closed on the 4th day of March, 1907—seven years ago.

Special consideration was given to the Mississippi Choctaws. I was their attorney. They were permitted to be exempt from the rule of the Curtis Act of 1898, which laid down the rule that no person should be enrolled as a citizen of the Five Civilized Tribes who had not previously to that time established in good faith his residence there. A part of my family were cut off from the Cherokee rolls because they lived in Virginia. I had one brother of a common mother enrolled, while a brother and sister of the same mother were rejected under that rule. It was a just rule however; it was a common-sense rule. But the Mississippi Choctaws had the peculiar privilege of not being bound by that rule until they had a special opportunity to be heard.

This commission was directed by Congress in 1897 to examine into their claims and ascertain what their claims were. They found that unless they had moved to Oklahoma and been identified by a competent tribunal they were not entitled.

Judge Clayton, of the United States court, having special jurisdiction of that case, made the same decision, and the law of Congress, not the law of the Choctaws of the Indian Territory, but the law of Congress, made Judge Clayton's decision on appeal from the Dawes Commission final. The matter went up to the Supreme Court, and the Supreme Court said that under the law the decision was final.

The Dawes Commission was instructed to identify those claims and those rights, and they went to Mississippi in 1898, and on March 10, 1899, they reported out the 1,900 persons whom they had found in Mississippi who appeared of this blood, but they declared these persons could not prove their descent from the fourteenth-article claimants; that they could not prove who their ancestors were; that they could not prove themselves within the rule of the treaty, and upon that report the Secretary of the Interior declined to enroll them as entitled.

The Dawes Commission from 1899 up to 1907 had individual Mississippi Choctaws under consideration from time to time. When the Choctaws and Chickasaws tried to buy their peace with regard to the Mississippi Choctaw question in 1902 they agreed in articles 41, 42, 43, and 44 that they would waive the requirements of evidence as to the full-blood Mississippi Choctaws and would not require them to prove who their fathers were, would not require them to prove that they were entitled under the fourteenth article, because they could not, but would waive that evidence if they would agree that within six months they would remove and establish bona fide residences. Under that rule 1,642 moved from Mississippi into Oklahoma. Attorneys were busy during that period urging these people to move. The Dawes Commission sent runners all over Mississippi to notify them. The Dawes Commission had spent large amounts of money and much energy in trying to get this information to these people and getting them to remove. There are still a few of the Choctaws who love the squirrels of the Yiogehnougheny, of whom the Senator from Mississippi [Mr. WILLIAMS] so pathetically speaks, and I suppose they never will remove. Perhaps their attachment to the Senator from Mississippi is so great that they would not be willing to cross out of that State and leave it.

But, Mr. President and gentlemen of the Senate, there must come some time when a community of people shall be entitled to their peace. These people had from 1898 to 1907, eleven years, to present their claims, and they were fully heard and the case settled finally on March 4, 1907, and I appeal to the Senate to support the committee and support the Interior Department in not reopening these rolls or lay the foundation where it should be expected that the rolls would be opened hereafter.

Mr. GORE. Mr. President, I discussed this question at some length the other day. I do not intend to impose another tax on the patience or the time of the Senate. I may say that my own time is fleeting at this moment. It is my purpose, if possible, to take the 6 o'clock train if this can be brought to an issue. I do not know the status—whether a motion to disagree or whether a motion to table would be in order.

The VICE PRESIDENT. The Chair is of opinion and the Chair so understood the Senator from Oklahoma to state that the question which he had reserved for a special vote of the Senate is the question whereby the Senate as in Committee of the Whole adopted the amendment of the Senator from Mississippi, and the Chair was about to put the question.

Mr. WILLIAMS. In this connection I wish to make a parliamentary inquiry and possibly a point of order. The Senate in Committee of the Whole having adopted my amendment as an amendment to the committee amendment, and then having adopted the committee amendment as amended, can a motion be made to reconsider or have a separate vote upon my amendment to the amendment without making the motion apply to the entire amendment as amended?

Mr. GORE. If the motion to strike out the amendment of the Senator from Mississippi should be adopted, the Senate would be obliged to vote on a motion to ratify the amendment of the committee made as in Committee of the Whole.

Mr. WILLIAMS. The amendment as amended was subsequently adopted, and of course no one knows whether the Senate would have adopted the amendment of the committee if it had not been amended by my amendment. Therefore it seems to me logical, and I think it is good parliamentary law, that the question must be taken upon the entire amendment as amended, which was adopted. The chances are that the Senate never would have adopted the committee amendment standing by itself without my amendment to it.

Mr. GORE. Mr. President, I think there is no difference between the Senator from Mississippi and myself in regard to the parliamentary status, though we may both be wrong. If the motion to disagree to the Senator's amendment should prevail, it would of course be necessary to adopt the amendment of the committee without that amendment.

Mr. WILLIAMS. That is where the Senator is mistaken. The Senator has a right to a separate vote upon the amendment to the amendment. The amendment remains in the bill unless a separate vote has been demanded upon it.

The VICE PRESIDENT. The Chair is quite satisfied with itself at least.

Mr. WILLIAMS. If the Chair is satisfied with itself I am satisfied with the Chair.

The VICE PRESIDENT. This is the status: The vote will be first on the amendment of the Senator from Mississippi as to whether it shall be agreed to, and if it is not agreed to, then there must be a vote on the committee amendment.

Mr. GORE. That is undoubtedly correct.

Mr. WILLIAMS. As it was before it was amended.

The VICE PRESIDENT. As it was before it was amended.

Mr. WILLIAMS. I think the decision of the Chair is right. I merely made the parliamentary inquiry because I wanted to get the status.

The VICE PRESIDENT. The question will be put by the Chair, Will the Senate agree to the amendment of the Senator from Mississippi made as in Committee of the Whole?

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Lane	Perkins	Sterling
Bankhead	Lee, Md.	Poindexter	Sutherland
Bryan	Martin, Va.	Pomerene	Swanson
Camden	Martine, N. J.	Ransdell	Thomas
Chamberlain	Myers	Robinson	Thompson
Chilton	Nelson	Shafroth	Thornton
Clarke, Ark.	Newlands	Sheppard	Tillman
Dillingham	Norris	Sherman	Vardaman
Gore	Oliver	Shively	West
Hollis	Overman	Smith, Ariz.	White
Hughes	Owen	Smith, Ga.	Williams
James	Page	Smith, Md.	
Jones	Penrose	Smoot	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. GORE. If it be in order, I move to table the amendment of the Senator from Mississippi.

The VICE PRESIDENT. The Chair is of the opinion that it is not in order to table an amendment that has been agreed to as in Committee of the Whole.

Mr. GORE. I confess I was not advised.

Mr. CLARKE of Arkansas. I believe that the necessity for making a decision on that point at this time may be obviated by allowing the vote to come straight on the amendment. The precedents reported in Gilfry's text indicate that, after debate, the Senate decided that an amendment made as in Committee of the Whole can be tabled in the Senate.

Mr. GORE. To obviate any question of order, I withdraw the motion.

Mr. CLARKE of Arkansas. I am sure the Chair is familiar with the rule, but probably has made up his mind not to follow it. The question has arisen, however, several times in the Senate, and it has been decided that amendments made as in Committee of the Whole may be tabled in the Senate.

The VICE PRESIDENT. The Chair in this particular instance has been impressed with this condition of affairs: There was a committee amendment; the Senator from Mississippi moved an amendment to that amendment, which was adopted as in Committee of the Whole. The Chair has not any doubt that the entire amendment can be tabled, if that is what the Senator from Oklahoma wants to do; but the Chair, for the purpose of expediting matters and not as a universal rule to be followed, thought that a vote on this one question would settle the entire subject.

Mr. GORE. To obviate any question, I withdraw the motion.

Mr. CLARKE of Arkansas. With the explanation of the Chair, it is all right.

Mr. WILLIAMS. Mr. President, I very much prefer to have a full attendance of the Senate when this matter is voted upon, and I therefore move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi, that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. WILLIAMS. I call for a division.

The VICE PRESIDENT. All in favor of the motion of the Senator from Mississippi, that the Senate proceed to the consideration of executive business, will rise. [A pause.] Those opposed will rise. [A pause.] The ayes have it; and the motion is agreed to.

The Senate thereupon proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 24, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23, 1914.

CONSULS.

Wilbur T. Gracey to be consul at Seville, Spain.
Harry G. Seltzer to be consul at Breslau, Germany.

COLLECTOR OF CUSTOMS.

Thomas E. Stucky to be collector of customs for the district of Indiana.

COLLECTOR OF INTERNAL REVENUE.

Joshua W. Miles to be collector of internal revenue for the district of Maryland.

NAVAL OFFICER OF CUSTOMS.

W. Mitchell Digges to be naval officer of customs in the district of Maryland.

POSTMASTERS.

ARKANSAS.

A. P. Massey, Stamps.

COLORADO.

Clifford I. Parsons, Central City.
C. E. Spicer, Edgewater.

CONNECTICUT.

Stephen Charters, Ansonia.
Judson B. Griswold, Ivoryton.
Howard F. Spencer, Higganum.

IDAHO.

E. W. Colton, Malad City.

ILLINOIS.

Otto Bacmeister, Toulon.
John P. Harvey, Amboy.
J. O. McDowell, Sumner.
W. P. Stevens, Richmond.

KANSAS.

C. P. Fallis, Luray.
L. E. Waddell, Cottonwood Falls.

MICHIGAN.

Paul W. Segelstrom, Stambaugh.

MISSOURI.

Robert W. Corum, Boonville.
J. J. Thom, Neosho.

NEW JERSEY.

William B. Loudenslager, Atlantic City.

NEW MEXICO.

Jesse L. Turner, Santa Rita.

NORTH CAROLINA.

J. Otho Lunsford, Durham.

OHIO.

Frank C. Carey, Waynesville.
Mathew H. Darby, Deshler.
Charles B. Dechant, Lebanon.
William F. Gordon, Somerset.
Ambrose E. Hough, Hillsboro.
John S. Hummel, Wilmington.
Thomas Kyer, Jackson.
Isma H. Malick, Van Wert.
John L. Strange, Greenfield.
Charles A. Trinter, Vermilion.
George F. Zeller, Ottawa.

OKLAHOMA.

John H. Anderson, Snyder.
J. P. McLarty, Wilburton.

OREGON.

T. J. Tweedy, Pendleton.
Charles N. Wait, Canby.

PENNSYLVANIA.

B. N. De France, Ellwood City.
Robert M. Foster, State College.
John M. Graham, Volant.
Philip W. Miller, New Freedom.
M. D. Salyards, Pitcairn.
David B. Thomas, New Brighton.
William V. Wirtz, Albion.

TEXAS.

W. F. Juliff, Granbury.

UTAH.

Adelbert K. Huish, Payson.

VERMONT.

Patrick Mahoney, Poultney.
Maurice J. Walshe, White River Junction.

WASHINGTON.

Arthur A. Barnes, Pasco.
S. S. Moritz, Dayton.
Helen R. Whitney, Wapato.
James M. G. Wilson, Waterville.

WYOMING.

J. S. Van Doren, Casper.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 23, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With inexpressible gratitude we bow in Thy holy presence, Father in heaven, for all the blessings vouchsafed unto us, especially for the faith, hope, love, which Thou hast woven into our being; indissoluble ties which bind us to Thee and to all mankind. Strengthen these qualities of soul that all the world may move forward to the ideal civilization in Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, in looking over the conference report on the Agricultural appropriation bill, which is printed in the RECORD of June 22, 1914, I find that the clerks of the two committees have made some errors in reference to page numbers, and in order to save the House confusion, and to aid the enrolling clerk, I ask unanimous consent to withdraw the conference report and the papers in the case.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to withdraw the conference report on the Agricultural appropriation bill because of some arithmetical errors. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman yield for one moment?

Mr. LEVER. Certainly.

Mr. STAFFORD. Mr. Speaker, my attention was called to amendment No. 106, providing for the extension of the franking privilege. Does the gentleman contemplate having this report go back into conference?

Mr. LEVER. Not at all. Later I am going to present the report with the corrections made in it.

Mr. STAFFORD. I think that amendment is subject to a point of order, because the committee went beyond its province.

The SPEAKER. That is a question that will arise when the conference report is up for consideration. Is there objection to the request of the gentleman from South Carolina?

There was no objection, and it was so ordered.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I call up the conference report on the bill H. R. 14034, the naval appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee calls up the conference report on the naval appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 853).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 15, 16, 18, 39, 42, 43, 44, 50, 54, 66, 68, 70, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 41, 46, 47, 48, 49, 51, 52, 56, 58, 60, 61, 62, 63, 64, 65, 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "*Provided*, That the Secretary of the Navy is authorized to detail such naval officers, not exceeding four, as may be necessary to the Hydrographic Office"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee on conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000" and in lieu thereof insert "$180,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000) $200,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "For fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment, strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "men," insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the proviso in said amendment and in lieu thereof insert the following: "*Provided*, That such appointments shall be made in the order of merit from candidates who have in competition with each other passed the mental examination now or hereafter required by law for entrance to the Naval Academy, and who passed the physical examination required before entrance under existing law"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "type," insert the following: "to have a surface speed of not less than 20 knots"; in line 5 of said amendment, after the word "expended," strike out the comma, insert a period, and strike out the words "and the" and in lieu thereof insert "The"; in line 10 of said amendment, after the word "said," insert the words "eight or more"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu there of insert the following:

"Thereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 67, and the Senate agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 40, and 71 the committee of conference have been unable to agree.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

Amendments Nos. 1 and 2: Provide for an increase of $104,000 in the appropriation "Contingent, Navy," to provide a fund for entertaining the officers and crews of foreign fleets which may be sent to attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution approved February 15, 1911, and the House recedes.

Amendment No. 3: Provides that tolls shall not be assessed against or collected from any war vessel of any foreign nation which may pass through the Panama Canal en route to or returning from the Panama-Pacific International Exposition, provided such vessel has been sent by its Government to attend and participate in said exposition, and the House recedes.

Amendment No. 4: Provides that the Secretary of the Navy be authorized to define and establish suitable anchorage grounds in Hampton Roads and San Francisco Bay for the combined fleets of the United States and foreign Governments which may rendezvous in these waters during their attendance at the Panama-Pacific International Exposition, and the House recedes.

Amendment No. 5: Provides that officers who now perform engineering duty on shore only shall be eligible for any shore duty compatible with their rank and grade to which the Secretary of the Navy may assign them, and the House recedes with an amendment by which officers of the Construction Corps and the officers above named are eligible for any shore duty to which the Secretary of the Navy may assign them.

Amendment No. 6: Increases the appropriation for recruiting from $130,000 to $150 000, and the Senate recedes.

Amendment No. 7: Permits the employment of more than one advertising agency in advertising for recruits, and the House recedes.

Amendments Nos. 8, 9, and 10: Extend to the Revenue-Cutter Service the right of any alien of 21 years of age and upward who may, under existing law, become a citizen of the United States and has served or may hereafter serve for four years in the Revenue-Cutter Service and receive therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, to be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the House recedes.

Amendment No. 11: Increases the appropriation for gunnery exercises from $100,000 to $115,000, and the House recedes.

Amendment No. 12: Provides for the producing of American charts and sailing directions to replace those of foreign production, which now have to be purchased abroad, and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office, and the House recedes with an amendment by striking out said amendment and in lieu thereof providing for the detail of not exceeding four naval officers to the Hydrographic Office.

Amendment No. 13: Provides that the pensions of beneficiaries of the naval home shall be disposed of in the same manner as prescribed for inmates of the soldiers' home, except that in case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall escheat to the naval pension fund, subject to certain provisions, and the House recedes.

Amendments Nos. 14, 15, and 16: Make certain appropriations in the Bureau of Ordnance "available until expended," and the Senate recedes.

Amendment No. 17: Makes the appropriations for "torpedoes and appliances" "available until expended." The House recedes with an amendment making that appropriation available until June 30, 1917.

Amendment No. 18: Includes the Naval Observatory in the appropriation "Maintenance, Bureau of Yards and Docks," without increasing the appropriation, and the House recedes.

Amendments Nos. 19 and 20: Strike out the House provisions for building slips and equipment at navy yard, Boston, Mass., to cost $148,000, and the provision whereby the unexpended balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year 1914 is covered back into the Treasury, and provides that the unobligated balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year ending June 30, 1914, not exceeding $148,000, is made available for building slips and equipment at Boston, and the House recedes.

Amendment No. 21: Increases the appropriation to complete Pier D from $12,000 to $25,000, and the House recedes.

Amendment No. 22: Increases the limit of cost of Pier C from $130,000 to $150,000 with no increase in appropriation, and the House recedes.

Amendment No. 23: Provides an appropriation of $8,500 to extend the second floor mold loft in the navy yard, New York, and the House recedes.

Amendment No. 24: Is a change of total and an increase of $21,500.

Amendments Nos. 25 and 26: Provide for a "building slip and equipment" at the Philadelphia Navy Yard to cost $200,000, and the House recedes.

Amendment No. 27: Provides for a fireproof general storehouse, Washington Navy Yard, D. C., cost not to exceed $225,000, with an appropriation of $100,000, and the House recedes.

Amendment No. 30: Increases the appropriation for dredging at navy yard, Charleston, S. C., from $10,000 to $20,000, and the House recedes.

Amendment No. 31: Makes the sum of $207,000 for improvement of hydraulics, Mare Island Straits, "to be immediately available," and provides an appropriation of $20,000 for dredging and diking Mare Island Straits, and the House recedes with an amendment striking out the words "to be immediately available."

Amendment No. 32: Is a change of total.

Amendment No. 35: Provides for an appropriation of $500,000 toward the extension of the powder factory at the Naval

Proving Grounds, Indianhead, Md., and the House recedes with an amendment whereby an appropriation of $200,000 is made and a limit of cost of the extension to the powder factory is fixed at $500,000.

Amendment No. 36: Provides for a fuel-oil storage, San Francisco, Cal., to cost $100,000, and for a fuel-oil storage at some point accessible to the oil fields of Texas and Oklahoma, to cost $150,000, and the House recedes with an amendment striking out the provision for oil storage at a point accessible to Texas and Oklahoma.

Amendment No. 37: Is a change of total and makes the whole appropriation "available until expended," and the House recedes with an amendment striking out the words "to be available until expended."

Amendment No. 38: Provides an appropriation of $150,000 for naval disciplinary barracks at Puget Sound, Wash., and Port Royal, S. C., and the House recedes with an amendment reducing the appropriation to $75,000.

Amendment No. 39: Places the Naval Observatory in the appropriation "Repairs and preservation at navy yards and stations" without increasing the appropriation, and the Senate recedes.

Amendment No. 41: Allows the expenditure of $40,000 from the naval hospital fund for the erection of such temporary structures and equipment of the naval hospitals at Mare Island and Puget Sound as may be necessary to relieve the crowded condition of those institutions and make special preparation for the sick of the Navy and visiting fleets at the time of the Panama-Pacific International Exposition, and the House recedes.

Amendment No. 42: Makes appropriation for "Transportation of remains" available until expended, and the Senate recedes.

Amendment No. 43: Provides for an increase of pay of the dental surgeon at the Naval Academy, Annapolis, Md., of $200 per year based upon 15 years' service at this institution as a civilian dentist, and the Senate recedes.

Amendment No. 44: Excludes the men of the Navy that are detailed for duty with the naval militia in being counted in the enlisted strength of the Navy, and the Senate recedes.

Amendment No. 45: Provides that the number of enlisted men of the Navy shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year, and the House recedes with an amendment making the provision apply to the enlisted men of the Marine Corps as well as the Navy.

Amendments Nos. 46, 47, and 48: Provide for an increase in the corps of chaplains in the Navy by allowing 1 chaplain to each 1,250 of the total personnel of the Navy and Marine Corps, which increases the number now allowed by law from 24 to 52, and also provides for a probationary period in the grade of acting chaplain of three years' sea service on board ship before a commission is granted. The amendment provides for no increase in the pay of chaplains, but only increases the number, and the House recedes.

Amendment No. 49: Permits the accounting officers of the Treasury to allow the members of the Nurse Corps the amounts which have been checked against them for commutation of subsistence under the decisions of the comptroller dated December 21, 1912, and April 29, 1913, and the House recedes.

Amendment No. 50: Provides that the amounts credited to the naval supply account from stores, equipage, and supplies turned in from ships be "available until expended," and the Senate recedes.

Amendment No. 51: Provides that the Secretary of the Navy be authorized in his discretion to issue free of cost the national flag used for draping the coffin of any officer or enlisted man of the Navy or Marine Corps whose death occurs while in the service of the United States, upon request, to the relatives of the deceased officer or enlisted man, or, upon request, to the school, patriotic order, or society to which the deceased officer or man belonged, and the House recedes.

Amendment No. 52: Is a change of verbiage without any change of effect, and the House recedes.

Amendment No. 54: Provides that unobligated and unexpended balances of the appropriation "Steam machinery" shall be "available until expended," and the Senate recedes.

Amendment No. 55: Provides that there may be appointed annually, from the enlisted men of the Navy who are citizens of the United States and not more than 20 years of age and who have served not less than one year, 15 enlisted men to the United States Naval Academy, to be selected in the order of merit by competitive examinations prescribed by the Secretary of the Navy, and such men so selected are required to pass the physical and mental examination now required by law for entrance to the Naval Academy, and the House recedes with an amendment by which the candidates are selected in the order of merit as a result of competition in the examination now or hereafter required by law for entrance to the Naval Academy.

Amendment No. 56: Strikes out the provision which provides $200,000 for building slips and equipment in order to equip a navy yard for building a battleship, and the House recedes.

Amendment No. 57: Provides for the submarine boats by lumping the appropriations provided by the House and makes the appropriations available until expended, and the House recedes with an amendment which restricts the speed of the seagoing submarine to not less than 20 knots on the surface.

Amendment No. 58: Is a change of verbiage without any change of effect, and the House recedes.

Amendment No. 59: Provides that the Secretary of the Navy in estimating the actual cost of a ship built by the Government may deduct from the estimated cost of such ship as built under the appropriation therefor any sums which he deems not to be just to be charged thereto, and the House recedes, with an amendment whereby the various appropriations for the support of the naval establishments may be charged with the overhead charges incident to upkeep and industrial work at navy yards and stations, and the sums so charged to be distributed in accordance with the work done at the various yards and stations so that the cost of work may be determined.

Amendment No. 60: Is a change of verbiage, owing to a previous amendment, without any change in effect, and the House recedes.

Amendment No. 61: Strikes out building slips and equipment under the appropriation "Construction and machinery," and the House recedes.

Amendment No. 62: Strikes out the word "steam," making the appropriation apply to all kinds of machinery as well as steam machinery, and the House recedes.

Amendments Nos. 63, 64, and 65: Make appropriations under "Increase of the Navy" available until expended, and the House recedes.

Amendment No. 66: Provides an appropriation of $8,000 for an correction of acoustics of the United States Naval Academy chapel and auditorium, and the Senate recedes.

Amendment No. 67: Provides for a committee to investigate the cost of the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, and gives said committee authority to send for persons and papers and to administer oaths, and appropriates the sum of $5,000 for the expense of said committee, and the House agreed, with an amendment whereby the committee is to be composed of the chairmen of the Committee on Naval Affairs of the Senate and the House of Representatives, respectively, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant of both 20,000 and 10,000 tons capacity to enable the United States to manufacture its own armor plate and special-treatment steel. The committee is given authority to sit during the recess of Congress and to send for persons and papers and to administer oaths. The sum of $5,000 is appropriated to defray the expenses of the committee; and the Senate recedes from its disagreement to the amendment of the House.

Amendment No. 68: Makes a total "available until expended," and the Senate recedes.

Amendment No. 69: Is a change of total, and the House recedes.

Amendment No. 70: In the paragraph in the House bill which limited all appropriations for the procuring of any vessels, armament, articles, or materials which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply to procuring them from Government plants, the Senate struck out the requirement that Government plants be "operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants," and the Senate recedes.

Amendment No. 72: Makes all appropriations contained in the bill immediately available, and the Senate recedes.

The committee of conference has been unable to agree on the following amendments:

Amendment No. 28: Navy yard, Norfolk, Va., new dry dock (cost not to exceed $3,000,000), $200,000.

Amendment No. 29: In all, navy yard, Norfolk, Va., $225,000.

Amendment No. 33: Naval station, Key West, Fla.: toward construction of breakwater (limit of contract, $600,000), $100,000.

Amendment No. 40: Change of total.

Amendment No. 71: Provides that the President may, in his discretion, direct the sale in such manner, at such price, and upon such terms as he shall deem proper, of the battleships

Idaho and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for the purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1915: *Provided further*, That any vessel constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriation for the increase of the Navy; and the Senate recedes.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. The conference report was not read, but the statement was. On amendment No. 71, in reference to the sale of the battleships, the statement of the conferees is that the Senate recedes.

Mr. PADGETT. That is a mistake in the statement. I had not noticed it in the printed report. That is not in the conference report.

Mr. MANN. It might be a very serious mistake where the conference report is not read and the statement is, and the statement of the conferees is that the Senate recedes from the amendment which is in controversy and from which the Senate does not recede.

Mr. PADGETT. I do not know how that got into the statement of the conferees. I had not noticed it. It is a misprint in some way.

Mr. MANN. I would like to ask the gentleman another question. What is the purpose and what is the effect of amendment No. 5, that officers who now perform engineering duty on shore only shall be eligible for any shore duty compatible with their rank and grades to which the Secretary of the Navy may assign them? In that respect the conferees went beyond their jurisdiction, but I did not make the point of order. I would like to know what the effect of it is.

Mr. PADGETT. In the personnel bill of 1899 there were certain officers in the engineer corps when it was amalgamated with the line that were limited to shore duty only in engineering. These men have been working and developing, and the department recommended that they should be allowed to be assigned to any shore duty and not to any sea duty to which they would be capable of being assigned.

Mr. MANN. And it will keep a few more of them on shore?

Mr. PADGETT. These are limited to shore duty, anyway. They can not go to sea by the act of 1899. This is simply to broaden the work to which they can be assigned on shore duty.

Mr. MANN. I suppose it will make more of them if they have to do something else.

Mr. PADGETT. No. They are the same ones. This does not increase the number. The number is decreasing all the while as they get older and retire under the retirement law.

Mr. MANN. Is that true also of the construction corps?

Mr. PADGETT. No. This is to broaden the work of the construction corps. It was to allow the Secretary to use the members of the construction corps in the navy-yard work. Theirs is a shore duty anyway, and they are among the very best qualified men we have, and we inserted it for the purpose of giving the Secretary authority to assign these construction men to industrial work in the navy yards.

Mr. MANN. Do I understand that under the existing law they can not be put at work in reference to construction; that is, actual construction?

Mr. PADGETT. As I understand it, only in the hull department.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. PADGETT. Mr. Speaker, I move that the House do further insist upon its disagreement to the amendment of the Senate No. 28.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House further insist on its disagreement to amendment of the Senate No. 28.

The question was taken; and on a division (demanded by Mr. MANN) there were—yeas 54, noes 1.

So the motion was agreed to.

Mr. PADGETT. Mr. Speaker, amendment numbered 29 is a change of total. I move that the House further insist upon its disagreement to amendment numbered 29.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendment numbered 29.

The question was taken, and the motion was agreed to.

Mr. PADGETT. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment numbered 33, naval station, Key West, Fla.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendment numbered 33.

Mr. PADGETT. Mr. Speaker, the gentleman from Florida [Mr. SPARKMAN] wishes 10 minutes, and I yield that time to the gentleman.

Mr. SPARKMAN. Mr. Speaker, I had hoped that the distinguished chairman of the Committee on Naval Affairs and the House conferees could have seen their way clear ere this to accept the Senate amendment, for, in my judgment, that amendment provides for work very much needed and which ought to be done without any further, or at least without any great, delay. The answer to that statement may be that the Secretary of the Navy has not recommended this appropriation; that is, that the present Secretary has not done so. I wish to say, however, in response, if the claim is made, that Secretary Meyer just before his term of office expired—I think in December, 1912—recommended to the chairman of the House Committee on Naval Affairs in very strong language this very improvement, and since then I have seen nothing coming from the Navy Department recalling or superseding that recommendation. The recommendation of Secretary Meyer is contained in a letter to the chairman of the House Committee on Naval Affairs of December 7, 1912, in which, after stating several different kinds of work which he thought should be done at the naval station at Key West, work which he said was of very great importance, he goes on to say:

> Further developments of the naval station and adjacent water front will be of little value unless at least a semi-inclosed basin is provided, not only as a protection against heavy seas and hurricane winds, but to make it possible to retain the dredged depth at piers and along the water front. Under existing conditions storms from a southerly direction carry sand around Fort Taylor, rapidly filling in such areas as have already been dredged.

Now, this work for which the Senate amendment provides, and which the then Secretary thought of very great importance, must be done, he said, before the other necessary works can be undertaken. In other words, they must be held up until the breakwater is completed and the harbor finished. Further on in the same letter he says:

> With these harbor improvements assured, the department contemplates the systematic development of the navy yard at Key West for the purposes outlined in paragraph 1 of this letter.

Now, that letter is inserted in the hearings had before the committee last winter when that body was gathering material for the preparation of the naval bill, the one now under consideration. Admiral Stanford, then testifying before the committee, after this letter was produced, and I presume read, further said:

> The sea wall and pier has recently been completed by the Navy at a cost of nearly $200,000. Last March there was a depth of water off the face of the wall varying from 3 to 6 and 8 feet. The Navy has also recently completed the construction of marine ways; last March the outer end of the ways was embedded in sand, which made it impracticable to use the ways as expected. There is absolutely no protection at the station against storms from the south or from any western point of the compass, either against the direct force of the wind or from the sea which a storm would produce, and it is necessary for all small craft in time of storm to run for protection to an anchorage 2 or 3 miles distant, which requires that vessels shall constantly maintain steam pressure or that towing craft shall be available for the assistance of vessels which do not have their own steam. This adverse condition not only affects the navy yard, but also other departments of the Government which have property located in the immediate vicinity along a stretch of about 4,000 linear feet of sea front.
>
> There is the War Department (Fort Taylor); the Treasury Department, with its Marine-Hospital Service; the Department of Agriculture has a small area; a pier is used by the Department of Commerce and Labor for lighthouse service; and included in the Navy tract is an area utilized by the Post Office Department for post office and customhouse. All of these departments, with the exception, possibly, of the Weather Bureau, have their small craft that require protection in time of storm and a depth of from 20 to 22 feet of water along the frontage for most efficient service.

After this sea wall is constructed it is contemplated to do some dredging there which, it is said, will increase the depth to some 22 or 23 feet, the purpose being to make it a harbor for the protection not only of Government property but naval and other Government vessels assembling there. Further on the admiral said:

Breakwater protection is absolutely necessary for the good not only of the Navy Department, but for all the other departments of the Government which are interested in this bit of water front.

There was also a board appointed in the spring of last year for the purpose of inspecting the navy yard at Key West and four or five other southern stations and yards. That board made its report in August following its appointment.

On this report, after mentioning the different Government properties at Key West, the board says:

95. The entire water front of the naval station, including the naval piers already constructed, the Lighthouse Establishment pier, and the Army wharf at Fort Taylor, are entirely unprotected from heavy seas from a southerly direction. In fact, these berths are dangerous during heavy weather, except when the wind is blowing from the north to the southeast. During 1909 and 1910 there were two hurricanes when the velocity of the wind reached for a brief time 80 to 100 miles an hour from directions producing the most dangerous conditions to vessels moored or berthed in this locality.

Now, Mr. Speaker, if there could be stronger reasons given for an improvement in the interest of our Naval Establishment or for the improvement of a naval station, I am at a loss to know what they would be.

The SPEAKER. The time of the gentleman has expired.

Mr. PADGETT. I yield the gentleman five minutes additional.

Mr. SPARKMAN. I thank the gentleman. Perhaps I may not use all the time given me. This is a very important station from many viewpoints. Its strategic value is of the very highest. I risk nothing in saying that there is no naval station south of Hampton Roads on the Atlantic or on the entire Gulf coast of more importance, and I doubt if there is one in the whole country of greater value, everything considered, than the naval station at Key West. A fleet assembled there—it need not be battleships, either—could in time of war, by reason of its ability to control the Straits of Florida, protect not only the entire Gulf of Mexico but the Yucatan Channel, and, in connection with the naval station at Guantanamo, protect the Panama Canal as well.

Mr. Speaker, there are few vulnerable points in the United States, including all her possessions. But there are some, and one of them, perhaps the most vulnerable, at the same time one of the greatest importance, is the Panama Canal, costing nearly a half billion of dollars, and cheap enough at that. It is to be among the greatest maritime highways of the world, an important aid to commerce in time of peace, but a source of anxiety and solicitude in time of war. This waterway we must protect at all hazards, and we can not afford to neglect anything that will add to its security, certainly not as important a factor as a naval base, at which a fleet can be assembled with power to control one of the approaches to this canal. Key West furnishes such a station and should be improved, if for no other reason, because of that fact.

Another reason—one which I have just mentioned—is the element of protection this station affords to the commerce of the Gulf of Mexico and the long stretch of coast line from the Straits of Florida around to the Rio Grande, including the many harbors dotting that coast and the navigable rivers flowing into the Gulf, chief among which is that of the great Mississippi.

Mr. Speaker, I have had occasion before to present to this House the importance of the naval station at Key West. When the naval appropriation bill for 1910 was under consideration, speaking of certain other important improvements, the most of which have, I believe, since been made, I said, among other things:

There is no more important highway of commerce than the Straits of Florida. Through it passes nearly all the commerce that goes into or comes out of the Gulf of Mexico, and through it will go a large part of the commerce passing through the Panama Canal when that waterway is completed. Certainly it is important to protect this commerce in time of war, and this can easily be done by making Key West a first-class naval station and using it as a naval base when, if at all, war should come upon us. With an adequate fleet stationed there and scouting vessels patrolling the Straits of Florida it will be impossible for a hostile fleet to pass through without encountering and destroying ours, a thing not likely to happen if we keep on strengthening our Navy, as is proposed in this bill.

From this base we could also easily control the channel between Cuba and Yucatan, and thus protect the commerce of the entire Gulf. Assuredly, then, this strait should be improved as rapidly as possible, for while we hope war will not come, it may do so at any time.

The necessity for these improvements are fully set forth in documents from which I have quoted, and while the first is three years old the same reasons urged then in favor of Key West as a naval base are potent to-day. I therefore hope that, if not in this bill, at least in some measure passed at this session of Congress a substantial appropriation will be made to continue the work there. The station has already cost nearly $2,000,000, while the property secured and owned by the Government at that place is now worth a great deal more, but some of it is liable to depreciate and appropriations already made lost to the Government if something is not done at an early date. It would therefore be the height of folly to postpone further the making of the necessary appropriations to continue this work.

All this I now reiterate. Certainly few, if any, other places can make such a showing from a strategic standpoint, and yet in the face of all this and of the strong recommendation, yes, the urgent appeals of the experts of the Navy Department, the Committee on Naval Affairs hesitates to make the improvement greatly needed in time of peace, but which would be an absolute necessity in time of war.

Now, Mr. Speaker, I do not myself intend to ask for a separate vote on this proposition, because I doubt if it would carry. I do not know that by asking for a separate vote I would embarrass anyone here, but I do not care to do this. Certainly I would not like to embarrass my friend the chairman of the Committee on Naval Affairs. Besides, I always prefer to sustain the committee whenever I can. All I desire to do is to call the attention of the House with that of the committee on conference to the matter, to emphasize, if I may, the importance of this work, so that when the conferees get back into conference they may have my views with whatever of little value, if any, they possess. Mr. Speaker, I believe that is all I desire to say.

Mr. TRIBBLE. Mr. Speaker, will the gentleman from Tennessee yield me 10 minutes?

Mr. PADGETT. Yes, sir.

Mr. TRIBBLE. Mr. Chairman, I will concede that there are many naval stations that should be abolished, but I will not concede that all the naval stations on the Gulf coast should be wiped out by the Navy Department. Pensacola, the deepest-water station in the United States, has been wiped off of the map. Two months ago when it was thought that this country was going to become involved in war with Mexico, the gentleman from Tennessee, representing the Navy Department, came upon the floor of this House and asked that there be resurrected an old appropriation for the New Orleans Navy Yard that had been abandoned several years. New Orleans has been abandoned as a station. When war confronted us the necessity of the station was urgent. It is proposed to take the last station on the Gulf coast. Having wiped out Pensacola and New Orleans, now they propose to also abandon Key West. I do not know the merits of this particular project, but I do know that there is a movement on foot to cripple and destroy this yard.

Mr. Speaker, it is conceded by all naval experts that when we have war it will in all probability be on the Gulf of Mexico and the Caribbean Sea on account of the Panama Canal. And yet we wipe out all of the strategical places on the southern coast of the United States without any consideration of the future whatever, and I do not think it is right. When the American Navy is called upon to protect the southern coast and the Panama Canal there should be a station for repairs near the scene of action. Key West is a splendid navy yard, and, used as a torpedo station, the torpedo fleet can protect that section and can also in a measure protect the Panama Canal from attack through the Gulf route. The Navy Department places much stress on a station at Guantanamo. Did you ever think of the fact that Guantanamo is on foreign territory? Cuba does not belong to the United States. Besides, Guantanamo protects the southern end of Cuba and the southern side of the waters that lead to the Panama Canal. Now, suppose you wipe out Key West. Then the enemy would not undertake to go around the southern end of Cuba by way of Guantanamo, where there is a station being established, to attack the canal, but the enemy would go around the northern end of Cuba unmolested, there being no fleet and no station at Key West, Pensacola, New Orleans, or anywhere else to protect the southern coast and protect the Panama Canal by that route. We should think well before we wipe out all the stations on the southern coast. I am not willing to concede that the chairmen of the committees are always right. I am not willing to yield my convictions and surrender my rights on the floor of this House. Everybody must admit that all the navy yards in the South are being wiped out. None of them are being abandoned anywhere else, and yet, as I said in the beginning, those who are versed in naval affairs say that in case of war the enemy will most surely confront us on the Gulf coast and Caribbean Sea.

Mr. Chairman, I rose only for the purpose of voicing my protest against the policy of the Navy Department to abandon all the navy yards and stations on the Gulf and southern coasts. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. WITHERSPOON. Mr. Speaker, I just wanted to answer the protest of the gentleman from Georgia [Mr. TRIBBLE] and the remarks of the gentleman from Florida [Mr. SPARKMAN]. This idea that you must have a navy yard or naval station at a certain place in order that that territory may be protected is all nonsense. The ocean is so big that you can not put a fleet anywhere that there will not be plenty of room for a hostile fleet to go way around it and get around it without being seen. It is an impossibility to arrange things so that you will have a fleet at every point on the ocean where a hostile fleet can not pass. The truth is the naval experts have explained to the committee that under the conditions that now exist, if we should ever have war with any nation, the first thing the nation's fleet that is at war with us would do would be to hunt our fleet, and it would not make any difference where it was. It would not make any difference whether our fleet was on the Florida coast, at Galveston, on the New England coast, or where it was. The first thing the enemy's fleet would do, according to these naval experts, would be to search the ocean until it found our fleet. It would never try to take any particular port or city, because they are all defended by immense guns, and a hostile fleet attempting to take it would run the risk of having a number of its ships destroyed and others disabled, and therefore be compelled to fight our fleet in a crippled condition. That is the reason given by the experts why we need never have any fear of any naval assault on any part of our coast until the enemy has first destroyed our fleet. And that being so, it is all foolishness to talk about having naval stations and navy yards so thick along every part of the American coast that you could have a fleet ready there to defend that part of the coast against a hostile fleet.

Mr. SPARKMAN. Will the gentleman yield?

Mr. WITHERSPOON. Yes; I will yield.

Mr. SPARKMAN. Do you call naval stations very thick when there is a distance between Charleston, S. C., and Key West, of nearly 1,000 miles?

Mr. WITHERSPOON. Oh, yes; I recall that fact. That is just what ought to be the fact. The truth is we have too many navy yards and too many naval stations.

Mr. SPARKMAN. Possibly up North, but not down South, Mr. Speaker.

Mr. WITHERSPOON. Mr. Speaker, that is the reason we are squandering so many millions of the people's money without any reason. The truth is that this idea of having naval stations on the Mexican coast and the Florida coast, a truth that seems to have been discovered exclusively by my two colleagues from the South, is an erroneous one. Why do not some of these gentlemen from the Pacific coast, or gentlemen from the New England coast discover that? Why can they not see it?

Mr. TRIBBLE. Will the gentleman let me answer?

Mr. WITHERSPOON. Yes; I will yield.

Mr. TRIBBLE. The gentlemen from the other sections of the country are taking good care of the eastern coast and the western coast. We from the South propose to take care of the South.

Mr. WITHERSPOON. They are actuated by the same selfish motives.

Mr. TRIBBLE. I have no selfish motive in Florida whatever.

Mr. WITHERSPOON. I stand, Mr. Speaker, for the American Union, the whole country, and I have no patience with this sectional selfishness that is always trying to raid the Treasury for some section.

Now, I am a southern man, and the gentleman from Georgia [Mr. TRIBBLE] and the gentleman from Florida [Mr. SPARKMAN] have not got in their hearts any love for the South that is stronger and tenderer than the love within my own breast, and if you have got to waste millions of dollars somewhere I would prefer that you waste it down on the Mississippi coast, if it must be wasted. [Laughter.] But I protest against the selfishness that dominates the policy of the American Navy. There is no reason why you should have navy yards scattered from Frenchmans Bay to the Rio Grande, and the argument made here that you ought to have them so that you could have a fleet at every point, ready to defend that point against a hostile attack, has no reason in it.

I have no doubt my friends are sincere. I have no doubt they believe it. But there are a great many things that we believe honestly that we would not believe if it were not for the dominance of selfishness in our hearts. If it were not for the expenditure of money on the southern coast, you would not find southern men asking you to waste money on that coast. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. PADGETT. Mr. Speaker, I yield to the gentleman from Florida [Mr. SPARKMAN] three minutes.

The SPEAKER. The gentleman from Florida is recognized for three minutes.

Mr. SPARKMAN. Mr. Speaker, I wish to disclaim any spirit of selfishness whatever in the remarks I have made or in the position I have taken with reference to this matter. Certainly no political consideration can actuate me, for while Key West is now in my district it will not be in the district I shall represent in the next Congress if I am fortunate enough to be reelected to this body. The State has been redistricted and Key West has been taken out of the district which I have had the honor to represent heretofore, so that I will profit nothing politically or otherwise by the position I am taking. I am doing this in the interest of the whole country, and I trust solely from patriotic motives.

My friend from Mississippi [Mr. WITHERSPOON] seems never to have heard of naval bases, never to have known that there is a necessity for a naval base wherever naval operations are to be had. I have no sectional feeling, Mr. Speaker, but try to look at all matters from a national standpoint. Members of this House know that. For a number of years I have been a member of a committee having to do with the improvement of the rivers and harbors throughout the country, and I think those who have watched my course with reference to those matters will credit me with having been actuated by no feeling of selfishness or sectional considerations, but by a desire to help the whole country.

But, Mr. Speaker, the fact remains that there are many naval stations and navy yards other than that at Key West, some of which it seems to me might well be abolished. But if there is anything in the idea of naval bases, if there is any necessity for naval stations where naval vessels may go in time of stress, or when crippled in action, or in any other way, for the purpose of repair, for the purpose of coaling or taking on supplies, then Key West presents the ideal conditions for such a station, a fact that should be recognized by Congress, as it has been by the naval experts.

I believe, Mr. Speaker, that is all I have to say in reply.

Mr. MOORE. Mr. Speaker, will the gentleman from Florida yield to me for a question before he takes his seat?

Mr. SPARKMAN. I will.

Mr. MOORE. I believe, if there was a necessity for a naval base at Key West, it would be a matter of regret to all of us if, when we found that necessity existing, we had no naval base there. I do not regard this proposition as a sectional matter at all. I would like to ask the gentleman what is the opinion of the Navy Department concerning this particular project?

Mr. SPARKMAN. As I said at the outset, Secretary Meyer, in a letter addressed to the Senate Committee on Naval Affairs on December 7, 1912, very strongly recommended the work for which this amendment would provide. He went on in that letter to mention other classes of work which he proposed to do—other improvements which he proposed to make there—but he wanted this work done first, so as to protect the later improvements and other Government interests at that place.

Mr. MOORE. Where is the nearest naval base to that point?

Mr. SPARKMAN. At Charleston, S. C.

Mr. MOORE. Charleston, S. C., which is, perhaps, not one of the best on the Atlantic coast.

Mr. SPARKMAN. There is one also at Pensacola, of course, on the Gulf side.

Mr. MOORE. Then Pensacola is nearest on the Gulf side and Charleston nearest on the Atlantic side?

Mr. SPARKMAN. Yes.

Mr. MOORE. Now, may I ask whether the present Navy Department has expressed itself on this Key West project?

Mr. SPARKMAN. I understand that the present Secretary has not given expression to any views on this subject as yet.

Mr. MOORE. Then the matter really comes up without any special recommendation from the Navy Department as it stands to-day?

Mr. SPARKMAN. No; except the recommendation from Secretary Meyer, which, as I understand, is still pending before the committee. As I am advised, it has not been withdrawn or superseded by any other recommendation.

In addition to that, I wish to say that the Navy board, appointed especially for the purpose of investigating all such matters, recommended very strongly the work for which this amendment provides, and Admiral Stanford, when before the committee at the time it was having hearings for the purpose of

preparing this bill, spoke very strongly in favor of this particular work.

Mr. MOORE. How far is Pensacola from Key West?

Mr. SPARKMAN. About 450 or 500 miles.

Mr. MOORE. And how far is Charleston on the other side from Key West?

Mr. SPARKMAN. I should say about 800 miles.

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. TRIBBLE].

The SPEAKER. The gentleman from Georgia [Mr. TRIBBLE] is recognized for three minutes.

Mr. TRIBBLE. Mr. Speaker, the gentleman from Mississippi [Mr. WITHERSPOON] was very unfair to me in charging that I have selfish motives in this matter. I want to say to the gentleman from Mississippi that he lives 200 miles nearer to Key West than I do. I live about 600 miles from Key West station; and so far as sectionalism is concerned, I did not inject that issue into this question.

But I am here to say to you that when the interests of the Philadelphia Navy Yard at League Island are at stake you find present here and active Mr. MOORE and Mr. LEE and other Members from that section, and when the Norfolk Navy Yard is under discussion you find Mr. HOLLAND and Mr. JONES and other Members from Virginia and that section present and active, and when the navy yards on the Pacific coast are under discussion and their interests are at stake you find the Representatives from the Pacific coast here on guard and representing the interests of that section. I want to say to you on the floor of this House to-day that I am not ashamed of the fact that I am from the South, and I am not ashamed of the fact that I represent the interests of the South and the whole Union when I come here and tell you that the navy yard at Pensacola has been wiped out, that the navy yard at New Orleans has been wiped out, and that when the navy yard at Key West is wiped out the last vestige of this class of naval protection on the Gulf coast will be gone.

When the chairman of this committee came before this House two months since and requested that the navy yard at New Orleans be hastily put in order for emergency in case of war with Mexico my attitude on this question was thoroughly and completely vindicated.

I am not here to-day taking a new position. For three years, ever since I have been a member of the Naval Committee, I have stood on the floor of this House and advocated the same position which I take now. I think there is more coast line from Charleston to the Rio Grande than there is from Charleston to Maine. I may be mistaken in that statement, but I do not think I am, and in that whole territory there is not one efficient navy yard. I am not prepared to say how many there are between Charleston and Maine, but I am satisfied there are 10 or 12. I am not raising any sectional question. I am simply pleading for what is right, and pleading for the whole country.

Mr. MOORE. Is the gentleman familiar with the navy yard at New Orleans?

Mr. TRIBBLE. No; I am not, except from such information as I have received as a member of the Committee on Naval Affairs.

Mr. MOORE. The New Orleans Navy Yard is practically out of commission.

Mr. TRIBBLE. That is true, and has been for a number of years.

Mr. MOORE. No very great effort has been made to build up a yard there.

Mr. TRIBBLE. That is true.

Mr. MOORE. Has the gentleman been to Pensacola?

Mr. TRIBBLE. No.

Mr. MOORE. There is practically nothing there.

Mr. TRIBBLE. There is nothing there, so I am informed.

The SPEAKER. The time of the gentleman has expired.

Mr. TRIBBLE. I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE. I have been at New Orleans and Pensacola, and I want to confirm what the gentleman says. Having visited these stations, and being somewhat familiar with the southern Atlantic coast, it has seemed to me that that section of the country might properly ask to be protected. It has been suggested that in the event of a great naval war the West Indies would be a base of operations for foreign nations. Therefore it is not unreasonable that we should have an adequate naval base somewhere around the Florida coast. It is highly important that there should be a naval station somewhere about the Gulf or at the lower end of the south Atlantic coast line. I am trespassing upon the gentleman's time——

Mr. TRIBBLE. Oh, no; I gladly yield to the gentleman.

Mr. MOORE. The only question in my mind is whether the Navy Department itself has so indorsed or recommended this proposition that the House can act upon it to-day. It seems to me to be evident to any man who visits that section of the country that there ought to be protection there. New Orleans has been neglected. Pensacola is one of the most beautiful stations in the country, but it is now wiped out, so far as active operations are concerned, as the gentleman has said. Charleston is not one of the best equipped yards of the country. Hence there is very little south of Norfolk all the way around to the Mississippi.

Mr. TRIBBLE. As a matter of truth, Key West, Pensacola, and New Orleans have been practically wiped out.

I am not here representing any section of this Union. In a broad and patriotic sense the Representatives from Maine and California are as much interested to-day in the Gulf Coast States as they are in any other section of the Union. From a patriotic standpoint I am as much interested in other sections of the Union as I am in the South. I have never understood why these navy yards on the Gulf coast should be abandoned. I can give no justification for that recommendation of the Navy Department, nor can anyone else.

I do not feel justified in withholding my views simply because some of my colleagues on the committee from the South do not agree with my views on naval policy. No yards have been abandoned elsewhere, and I contend that the yards most needed are the ones selected for abandonment.

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used 25 minutes.

Mr. PADGETT. I yield two minutes to the gentleman from Virginia [Mr. HOLLAND].

Mr. HOLLAND. Mr. Speaker, I simply rise for the purpose of resenting the insinuation made by the distinguished gentleman from Mississippi [Mr. WITHERSPOON] that those of us who have advocated improvements for local yards are actuated by selfish motives. So far as I am concerned, I want nothing for the Virginia yard that is not best for the country and best for the Navy. I want to say to the gentleman from Mississippi that there are other men in this body just as patriotic as he is. There are other men in this body who are broad enough to see the necessity for improvements outside of the limits of their own particular States. [Applause.]

Mr. PADGETT. Mr. Speaker, I want to invite the attention of the House to the facts in this case just for a minute or two, and to get away from the sentimental questions that have been discussed.

In the first place, this matter is not asked for or estimated for by the department. In the second place, we are not abolishing Key West or depriving it of anything that it has. This is the beginning of a project for $1,690,000.

Mr. SPARKMAN. Will the gentleman yield a moment?

Mr. PADGETT. Yes.

Mr. SPARKMAN. When the gentleman says it is not asked for by the department, he means only to say that it has not been estimated for by the department for this bill.

Mr. PADGETT. Yes. It has not been estimated for, and there has been no request for it from the department at this time.

Mr. SPARKMAN. I dare say the gentleman means that there has been no request from the present Secretary of the Navy.

Mr. PADGETT. Yes; that is exactly what I mean.

Mr. SPARKMAN. But I wish to ask, further, if he has recommended against the improvement?

Mr. PADGETT. I will state that we had it up two years ago, when Mr. Meyer submitted it, and we did not favorably report it.

Mr. SPARKMAN. That is not an answer to the question I propounded.

Mr. PADGETT. I know. The gentleman has kept asking me questions——

Mr. SPARKMAN. I do not wish to embarrass my friend at all, but I wish to get the facts before the House.

Mr. PADGETT. I was just stating that fact.

Mr. SPARKMAN. I wished to find out whether there had been any recommendation which had superseded or taken the place of the recommendation made by Secretary Meyer two years ago.

Mr. PADGETT. No; he sent no official communication. I have talked with the Secretary personally, but I do not care to involve any other matter.

Now, this is only the beginning of this project. We are not taking away from Key West anything that they have. We are

declining to go into this project. Gentlemen talk about the fleet gathering at Key West, but the water is so shallow that a battleship or a cruiser can not get within 3 miles of the naval station at Key West. I have a plan showing the proposed breakwater, and the water runs from 5 to 10, 17, 20, and 15 feet, and 20 feet is the deepest water that is inside of the proposed breakwater or artificial harbor. A battleship requires from 33 to 35 feet to go in safety, and this proposition only gives them, at a cost of $1,690,000, a harbor to accommodate submarines and torpedo boats, which does not contemplate a fleet at all—only a proposed dredging to 20 or 22 feet where they can go.

Mr. SPARKMAN. I distinctly stated that I did not refer to battleships going into Key West.

Mr. PADGETT. I was referring to what the gentleman from Georgia said in regard to the fleet asembling there.

Mr. SPARKMAN. I referred mainly to the torpedo fleet and other small naval vessels, which would be of great value there in case of war.

Mr. PADGETT. So that we have before us a proposition to build an artificial harbor where the water runs from 5 to 20 feet and the bulk of it 10 or 15 feet deep, and the proposition is to dredge it, at a cost of $840,000 at least, and then we get only an artificial depth of 20 feet, and we could not get a battleship within 3 miles of it. I could not consent to it in conference, and I ask the House not to consent to it.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to further insist on the disagreement of the House to Senate amendment 33.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 91, noes none.

So the motion was agreed to.

Mr. PADGETT. Mr. Speaker, I ask the House to further insist on its disagreement to Senate amendment No. 40.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 27, line 20, by striking out the figures "$2,897,000" and inserting "$4,140,500."

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House further insist on its disagreement.

The motion was agreed to.

Mr. PADGETT. Now, Mr. Speaker, I move that the House recede and concur in Senate amendment No. 71, with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the Senate amendment and then report the amendment offered by the gentleman from Tennessee.

The Clerk read Senate amendment No. 71, as follows:

The President may, in his discretion, direct the sale, in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1915: *Provided further*, That any vessel or vessels constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriations for the increase of the Navy.

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Strike out the Senate amendment and in lieu thereof insert the following:

"The President may, in his discretion, direct the sale in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall be deposited by the Secretary of the Navy in the Treasury after said sale. In addition to the two battleships hereinbefore authorized the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000. Out of the money when so deposited in the Treasury there is hereby appropriated toward the construction of said battleship on account of increase of the Navy, construction and machinery, $2,000,000; armor and armament, $2,535,000; and equipment, $100,000: *Provided*, That no vessel shall be sold under this authorization unless such sale or agreement therefor shall have been made prior to July 1, 1915."

Mr. MANN. Mr. Speaker, I move to amend the motion by striking out of the substitute all after the word "Treasury" down to the proviso at the end of the amendment and insert in lieu thereof the words "as miscellaneous receipts."

Mr. PADGETT. That puts the parliamentary situation as it was the other night.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the amendment by striking out all after the word "Treasury" down to the proviso and insert the words "as miscellaneous receipts."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to the amendment of the gentleman from Tennessee.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Would a substitute for that be in order now? I desire to offer a substitute, if it is in order, providing that the money be appropriated for the construction of public roads.

The SPEAKER. As a substitute to the whole of it?

Mr. BURNETT. Yes; to recede and concur with an amendment providing for the sale of the ships and that the money be used for the construction of roads.

Mr. PADGETT. I would reserve a point of order on that. But the gentleman has not offered the amendment.

The SPEAKER. No; he asked if it would be in order to offer such a substitute.

Mr. MANN. It would be subject to a point of order.

The SPEAKER. Let us see what the parliamentary situation is. The Senate proposes an amendment and the gentleman from Tennessee moves to recede and concur with an amendment.

Mr. PADGETT. To recede and concur with an amendment.

The SPEAKER. Yes. That is step No. 1. The gentleman from Illinois then moved an amendment to the Padgett amendment. That is step No. 2. The gentleman from Alabama then proposes to offer a substitute for the whole thing.

Mr. MANN. A substitute for the amendment proposed by the gentleman from Tennessee.

Mr. BURNETT. My substitute would provide for the sale.

The SPEAKER. The Chair understands all three of these gentlemen agree down to a certain point. The Chair is inclined to think that it is in order, and the gentleman from Alabama may send his amendment to the desk.

Mr. MANN. That is, it is in order to offer it.

The SPEAKER. It is in order if it is germane. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Mr. BURNETT moves that the House recede and concur in amendment No. 71 with an amendment providing for the appropriation of the money the proceeds of the sale of said battleships to the construction and maintenance of the public roads of the country traversed by rural and star-route mail carriers of the United States.

Mr. PADGETT. Mr. Speaker, I make the point of order that the amendment is not germane. It deals with the subject of roads on the naval appropriation bill.

The SPEAKER. The Chair will hear the gentleman on the point of order. The gentleman from Tennessee, the gentleman from Illinois, and the gentleman from Alabama all agree down to a certain point in their various amendments. The amendment of the gentleman from Tennessee provides that we shall build a new battleship. The amendment of the gentleman from Illinois provides that the money obtained from the sale of the battleships shall be turned into miscellaneous receipts in the Treasury, and the gentleman from Alabama provides that we shall build roads with the money. The Chair will hear the gentleman from Tennessee.

Mr. PADGETT. Mr. Speaker, I do not think it is germane and appropriate on a naval appropriation bill to provide in any way, whether the money is in the Treasury or to go into the Treasury, to appropriate it for the construction of roads.

The SPEAKER. Why not?

Mr. PADGETT. Simply because it is not in order. It is an entirely different subject matter. We might as well provide for any other subject.

Mr. TALBOTT of Maryland. It is not in the bill.

Mr. PADGETT. It is not in this bill.

Mr. BARKLEY. Would it not be as germane to appropriate it for roads as to put it in the General Treasury?

Mr. PADGETT. Not at all. That is the place to put it, and then use it for the construction of battleships. That is the matter that is before us; that is pertinent to this bill. It is the construction of ships, and the use of money out of the Treasury for that purpose. We are not dealing in this bill directly or indirectly with the subject of roads.

Mr. RAGSDALE. This bill does not make it mandatory. This bill merely leaves it to the discretion of the President. The gentleman puts this House in the position that we are empowering the President to do a certain thing which he wishes to do and which he probably would not do if he thought the

sale of these ships would weaken the Navy without increasing its strength in the future.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARRETT of Texas. The title of the bill is making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

Mr. PADGETT. Yes; other germane and pertinent purposes, as it is ruled continually. If the purposes are not germane, they go out. "Other purposes" do not cover anything except pertinent and germane subjects.

Mr. GARRETT of Texas. And if the House should decide to sell these battleships, what objection can the gentleman have to the House also deciding what it shall do with the money, if it does not want to put it into the construction of a new battleship?

Mr. PADGETT. It would then go into the Treasury, and that would be proper; but it would not be pertinent to take up and deal with any question as to whether or not it would go as an addendum to the legislative bill or as an addition to the diplomatic and consular appropriation bill or the Indian appropriation bill. Those are matters that do not in any sense apply to this bill.

Mr. GARRETT of Texas. Would it jeopardize this bill in any way if that were done? Is it a matter of pride to the gentleman, or is it a constitutional question?

Mr. PADGETT. The parliamentary point is that it is not pertinent to this bill; it is not germane to this bill; but I will state to the gentleman and this House at this point that my position is to sell the ships and turn the money into another ship—to exchange these two ships for one that is far better than both of them combined. If that can not be done, I am not in favor of selling the two ships. That makes a clear-cut issue.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. And I will be glad to have the House determine the question upon that basis—to convert these two ships into one ship that has more fighting efficiency and military value than twice the combined military value of these two ships.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. I would like to find out if we are being enlightened on the point of order.

Mr. SAUNDERS. Mr. Speaker, I would like to say a word on the point of order.

The SPEAKER. There has not been any very great amount of illumination as yet. Does the gentleman from Virginia desire to be heard?

Mr. SAUNDERS. Mr. Speaker, it might very well be, that when the naval bill itself was before the House it might not be in order for a Member of this House to offer an amendment providing for the sale of battleships, and the use of the proceeds of that sale for the purpose of building roads. The point of order of the gentleman from Tennessee would be very properly directed against that proposition, and would be well taken, but the suggestion that the amendment of the gentleman from Alabama to use the money to be derived from the sale of these battleships, for the purpose of building roads, is not germane to the report of the conference committee, is not well taken. The propriety of this application may be challenged in debate, but it is for this House to determine whether the same should be made. The authority to make disposition of these proceeds, inherently attaches to this body, and once the proceeds are brought into court, so to say, by an amendment which in itself would not originally be in order, we can determine by a further amendment what we shall do with them.

The SPEAKER. Does the gentleman from Virginia think that any proposition to dispose of this matter would be germane?

Mr. SAUNDERS. Just as germane as the proposition to put it into battleships. The very proposition I am advancing is that it is a new matter of law to undertake to sell battleships, and apply the proceeds to the construction of other ships. There is no authority in present law to do this. As soon as this proposition is brought before the House by an amendment, then some other application of that money is entirely within the control of the House. This is substantially a new proposition, a proposition brought before the House by the report of the committee on conference. They propose to sell these battleships.

There is no authority in existing law for that proposition, but they propose to do it. Then they propose to couple with that proposition one to expend this money in some particular way. It is entirely competent for this House to control the application of that money. What authority of law has the gentleman from Tennessee to direct this particular application of these proceeds? He makes the sale in order, by his report. When he makes the sale in order, he is not justified in coming before the House to assert that he can control the application of these proceeds, or in seeking to eliminate by a point of order any effort on the part of this body to direct that application in some other direction. I submit that it is perfectly germane to take the money derived in the above way, and apply it as we see fit.

The SPEAKER. The Chair will ask the gentleman from Virginia this question: Has the Committee on Naval Affairs any sort of jurisdiction over roads?

Mr. SAUNDERS. None; but this House has. We are dealing with an unexpected windfall, so to speak. The committee proposes to secure a large sum of money, by the suggested sale, but they also propose to put their hooks into it, and see that it is applied to one particular purpose. Now, I deny that they can do this. There is no present authority of law for the construction of another battleship. There is no law providing for the sale of battleships, and much less putting the money thus derived, into more battleships. They not only propose to sell two battleships but undertake to deny to this House the authority to determine the application of the proceeds. It is the right of this body to do with that money as it chooses.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. GARRETT of Texas. I want to ask the gentleman if the House has not already, as far as the House is concerned, created a road fund, and would not it be just as well to pass this $15,000,000 to the road fund as to turn it into the Treasury?

Mr. SAUNDERS. Certainly, it would be as wise legislation to do this, as to return this money into the Treasury. I am speaking, however, purely on the parliamentary proposition.

The SPEAKER. The Chair understands that.

Mr. OGLESBY. Will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. OGLESBY. The committee having this bill under its jurisdiction could offer an amendment to provide for the building of a battleship and its payment out of the Treasury.

Mr. SAUNDERS. Yes.

Mr. OGLESBY. And a Member on this floor could not offer an amendment to the bill providing for the building of good roads, irrespective of the pending amendment.

Mr. SAUNDERS. Oh, no, not at all. That has nothing to do with the situation at all. We have never had an amendment to the naval bill providing for the sale of battleships, per se, and appropriating the proceeds for the building of more ships. This committee is undertaking to do a thing for which there is no authority in law, namely, to sell battleships, and then they propose to limit the application of the proceeds. I maintain that any application that the House chooses to make is germane to this particular proposition. We are not authorized to provide for the unlimited construction of battleships, through the sale of older ships, or if we undertake to sell them, to badge the proceeds of sale, so to say, with some preferred application. We are not proposing to enact a road bill, but providing that a certain fund unexpectedly derived, shall be used for the improvement and construction of highways. The fund is merely set apart, the machinery for its application must be provided hereafter.

Mr. TOWNER. Mr. Speaker, I desire to say a word on the point of order. Certainly the proposition of the gentleman from Virginia is illogical, to say the least. The Speaker very well stated a moment ago that down to a certain point the three propositions are uniform—that is, all of them provide for the disposition or sale of certain vessels of the Navy. The consideration of that question is certainly germane as an amendment to the naval bill. The first proposition for consideration brought in here by the chairman of the committee is for the sale of these vessels and the conversion of the fund into other vessels of the Navy. Both of those propositions are germane to the question which is brought here by the Committee on Naval Affairs. The second proposition arising on the amendment of the gentleman from Illinois consists of two propositions, one for the sale of these battleships and the other for the conversion of the money into the Treasury. Both of those propositions are certainly pertinent and germane to the bill we have now under consideration. Now, coming to the third proposition, what is that? It is for the sale of these battleships, and that far it is germane to the naval bill, but the other proposition is not to do anything connected with the Navy, not a question that is considered properly in the report from the Naval Committee in the bill as presented here, but another entire proposition that ought to be considered by the Committee on Good Roads.

That is entirely a different proposition that has not any reference whatever on the question of the Navy or any proposition in the naval bill. And for that reason it certainly can not be considered as germane to the question that we now have up for consideration.

Mr. BYRNES of South Carolina. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. I desire to know whether an amendment would be in order to the substitute offered by the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I desire to be heard just a moment.

The SPEAKER. The Chair will hear the gentleman.

Mr. BURNETT. Mr. Speaker, as an original proposition my amendment would not be in order, because it would be legislation on an appropriation bill. I think that would be clear. If a point of order had been made against the amendment adopted by the Senate, it would have been sustained. But this is a very different proposition. The committee of conference comes in with a disagreement on the proposition the Senate has put on the bill to sell two battleships and to provide for the expenditure of that money. That is perfectly legitimate without regard to the direction of the expenditure, it seems to me. How is the money to go? Suppose nothing had been said about it? I assume it would have been converted into the Treasury as miscellaneous receipts. But whenever they undertake to give it any direction, whenever they undertake to legislate on an appropriation bill on an amendment coming from the Senate, and we can not then make a point of order against it, it seems to me to be perfectly legitimate, as has been well stated by the gentleman from Virginia [Mr. SAUNDERS], that we have the right to direct the application or give direction to the proceeds of that sale.

It strikes me as a common-sense proposition that when we are proposing to sell Government property in the same law by which we propose to make that sale we can say how the proceeds of that sale are to be applied. That is the whole proposition in this case. Gentlemen have a right to say it shall be directed to the purchase of battleships. If that be true, it is a part of legislation, it is germane because it comes from the Senate as an amendment; and, then, why would not it be just as germane to say the proceeds of sale shall go to build public roads without regard to whether the committee has jurisdiction of the question of the importance of good roads or not? It is simply a plain, common-sense proposition that we order the sale of property and make the direction as to the proceeds of that sale. I do not think there can be any question about the germaneness of the substitute that I have offered.

Mr. SISSON. Mr. Speaker, the proposition as has been stated is as to whether or not the House will sell these battleships. Now, as has been admitted on all sides, this proposition as an original matter could not have been placed in the bill. It would have been subject to a point of order. But once in the bill the question as to how men may vote on the sale of the battleships might be determined absolutely by what disposition would be made of the proceeds. Now, one proposition is that the proceeds shall be put into one battleship. Members might not vote to sell two battleships in order to buy one, but they might vote for the proposition to sell two battleships and put the proceeds into roads, and others to put money into the Treasury to the credit of miscellaneous receipts. So that when the proposition is once in the bill it is Congress and not the committee that should determine what disposition will be made of the fund. Now, if the item had not been placed in the bill, it would have been subject to a point of order, and you would never have had an opportunity to vote on it in the naval bill; but once in the naval bill it is then in order for this House to appropriate that money for any purpose it may see fit to appropriate it.

Mr. SPARKMAN. Why would it not have been originally in order to have offered it as an amendment in the naval appropriation bill when it was in the House?

Mr. SISSON. Because it would have been legislation. There is no law now authorizing the sale of battleships.

Mr. SPARKMAN. Do we get anywhere now by assuming if it is once here we can deal with it in the naval appropriation bill?

Mr. SISSON. Absolutely, because you are not doing otherwise than disposing of the fund that we obtain by virtue of the sale of the ships. Now, the proposition is presented to each Member as to whether or not we sell the ships. One man will say, "Yes; we will sell the ships, because we want to build one." Another man will say, "We do not want to build a ship with it, but we want to put the money into the Treasury," and another man will say, "We want to put it on roads." The whole proposition now is, When you sell the ships, what will you do with the fund?

Mr. SAUNDERS. Will the gentleman yield to me for a brief question?

Mr. SISSON. Yes.

Mr. SAUNDERS. The proposition is whether this is germane to the sale, and not a question of what is germane to the original bill.

Mr. SISSON. Absolutely. That is what I had in mind all the while. It is not a question of whether or not as an original proposition it will be germane on the naval bill. It is on the naval bill now and is germane here, and the only question is whether or not the amendment of the gentleman from Alabama [Mr. BURNETT] is germane to the proposition now in the naval bill. And if it is germane to that item, it is now in order, placed in the bill in the Senate, and now here for the consideration of the House, and it is not a question of whether it would or it would not be in order on the naval bill. It is a question of whether or not this amendment of the gentleman from Alabama is germane and in order on this item. It has become in order by virtue of the fact that it was put on in the Senate and it comes here for the consideration of the House. And the Naval Committee can not now, since they have it in the bill, limit the direction which this money shall go or control the direction which the money shall go. It is for the House to determine what it will do with this fund.

I am extremely anxious that the House should have an opportunity to vote on this proposition. I want the issue to be made fairly and squarely between the improvement of our public roads and the enlargement of the Navy. The American Navy is now one of the strongest and largest in the world, except that of Great Britain. It is costing the American people $140,000,000 annually. If these two battleships—*Mississippi* and *Idaho*—both new, are to be sold, I should be delighted to see this money expended on the public roads of the country. I would like to see the House tested as to whether it wishes to continue to squander millions of dollars on the Navy, or whether it wishes to do the country a real service by expending this money in the building and improvement of country roads.

If this amendment of the gentleman from Alabama [Mr. BURNETT] is in order under the rules in the opinion of the Chair, then this will be the issue presented to the House.

Mr. PADGETT. Mr. Speaker, it occurs to me that the only question that is involved here is whether or not on the naval appropriation bill it is in order to legislate in reference to building roads. Now, an amendment to sell battleships and to use the money is germane upon the naval bill, for it relates to the Navy. It pertains to the increase of the Navy, and the appropriation of the money to build another ship is an increase of the Navy. And it seems to me that the only matter that would be pertinent would be whether the money should go into the Treasury, and remain in the Treasury, or whether it can be appropriated out on the naval bill for naval purposes. To appropriate it for any other purpose would not be germane or pertinent.

Mr. SAUNDERS. Will my friend yield to me a minute?

Mr. PADGETT. In just a moment. The Speaker the other day ruled it was not germane on the naval appropriation bill to provide for the construction of an armor-plate factory. Now, why would it be more germane to appropriate for the building of roads? This is the Government's money; it is a Government ship. We are dealing with the Government's money, and the appropriation is simply a method provided by the Constitution and by the Congress for the disposition of that money, and on the naval bill it is only in order to provide for matters that are germane to the naval bill.

Mr. SAUNDERS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. SAUNDERS. Is it in order on the Naval bill to provide for selling battleships?

Mr. PADGETT. It would not be in the House. It was in the Senate.

Mr. SAUNDERS. It is not in the House, so that when the question is asked whether it is in order on that proposition in this House the answer is it would not be in order.

Mr. PADGETT. In the House it would be a new proposition of legislation, but when it comes back to the House from the Senate it would be in order.

Mr. SAUNDERS. Is not this true as a proposition of parliamentary law, that a proposition that is not in order is now before the House, and it becomes in order to perfect that by a germane amendment?

Mr. PADGETT. If the point of order is waived in the House, it would be in order to perfect it by a germane amendment; but

that is not the case when it comes back on a Senate amendment

Mr. SAUNDERS. It is precisely the same.

Mr. PADGETT. If the Senate amendment comes in on a bill, then it must be germane to that amendment.

Mr. TALBOTT of Maryland. Mr. Speaker, these gentlemen that debate this question lose sight of one thing and forget one thing, and that is that this all pertains to the increase of the Navy. No matter how you get to it, one dreadnaught is worth these two vessels and more, and the Senate attempted by legislation to dispose of two vessels and get one that will be worth more than both of them.

The SPEAKER. *Is not* this a proposition to diminish the Navy?

Mr. TALBOTT of Maryland. No, sir; not if you provide that this money shall be a Navy fund and shall be used, as this amendment says, for the building of another vessel, indicating the character of it; and the whole amendment looks toward an increase to the Navy. You might just as well ask us to put the money into the Mississippi River. You might just as well ask—and if you had done so nobody would have said it was in order—that the proceeds be used for a public building. You might just as well have asked for a thousand things in this bill, and every one of them would have been out of order, and the Chair would have to so decide.

But not one of them would be more out of order than this proposition of the gentleman from Alabama [Mr. BURNETT]. The money belongs to the Government and is at the disposition of Congress, and if the Congress wanted to do so it could appropriate on some other day for roads. But you are attempting something now that can not be done under the rules of this House. [Applause.]

The SPEAKER. The Chair is ready to rule. There are three propositions pending here. All of them would have been out of order originally in the House. Part of them are in order by reason of this Senate amendment. They all agree to sell these battleships. When we get through selling them, then there is a dispute about what we are going to do with the money.

There are three propositions on that. The gentleman from Tennessee [Mr. PADGETT] wants to build a new battleship, a dreadnaught, or superdreadnaught, or something of the sort. The proposition of the gentleman from Illinois [Mr. MANN] is really to strike out. That is always in order—to strike anything out of anything. Now comes the gentleman from Alabama [Mr. BURNETT] and wants to build wagon roads with this money. It does not make any difference whether building roads by the Government is a good thing or not. It might be a very meritorious proposition—the most meritorious that was ever offered in the House—but it has nothing on earth to do with a naval appropriation bill.

Whether you happen to like a particular ruling or not—that is, a ruling on a particular item—it is very much to be desired that the business of the House be conducted in order. Now, let us see where we are on the road question. The pressure for an appropriation from the Federal Government to build wagon roads became so strong that the House created a Roads Committee. That is how it came to be created—because the pressure for Government aid in building wagon roads was so strong that the House could not resist it. The House created a special committee to take charge of this public wagon-road business, and under the lead of that committee the House authorized an appropriation of $25,000,000 at the beginning of this session, or near the beginning of it. The Chair understands in a roundabout sort of way that the Senate has cut down the amount to $5,000,000, but that does not make any difference. It will have to go to conference.

Now, if you can build roads on the naval appropriation bill, you can take charge of the entire business of the Government under the naval appropriation bill. The point of order is sustained against the substitute of the gentleman from Alabama [Mr. BURNETT], and the question is on the motion of the gentleman from Illinois [Mr. MANN] to strike out.

Mr. MANN. Mr. Speaker, can we have an agreement about the time?

Mr. PADGETT. I think so. What is the suggestion of the gentleman from Illinois as to time? I would like to expedite these proceedings, so far as I am concerned.

Mr. MANN. We might make an agreement such as we made the other day.

Mr. PADGETT. I am willing to stand for an agreement such as we had the other night—that my time be extended to two hours and that I yield one hour of that time to the gentleman from Mississippi [Mr. WITHERSPOON], a member of the committee, and that at the end of that time we vote upon the amendments.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks that his time of one hour be extended to two hours, with the agreement that he yield one hour to the gentleman from Mississippi [Mr. WITHERSPOON], and at the end of two hours the vote shall be taken; that is, unless the debate is closed in less than the two hours. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee [Mr. PADGETT] is recognized for one hour.

Mr. PADGETT. Mr. Speaker, I shall not detain the House very long. This seems to me to be a very clear business proposition when the facts are understood.

I stated the other night, in answer to a question, that these two ships that we are proposing to sell—the *Mississippi* and the *Idaho*—are not worthless or no-account ships. They are good ships of their class, but the class of ships to which they belong is a misfit in our Navy. They are ships of 13,000 tons displacement. They are undersized. They are of slow speed and in maneuvering with the fleet they can not keep up with the rest of the fleet, with the result that in attempting to keep these two ships maneuvering with our fleet we must slow down the whole fleet, and to that extent impair and destroy the efficiency of our whole fleet in order to accommodate and adjust the other ships of the fleet to the capabilities of these two ships. Already in our experience heretofore in trying to make these two ships keep up with the fleet they have broken the main shafts four different times, entailing a great cost to the Government.

I wish to call attention to the further fact that these ships have, each of them, four 12-inch guns, besides smaller guns; but the fighting efficiency of every battleship is determined by its big guns. These ships have, each of them, four 12-inch guns.

On a modern dreadnaught such as the *New York*, the *Texas*, the *Pennsylvania*, or the two that have been authorized at the present session, we would have twelve 14-inch guns. I called attention the other night to the statement that was submitted by Admiral Dewey in reply to some questions I submitted, and which are in the RECORD. Taking the *Delaware*, one of our dreadnaughts, as a standard of 100, the *Idaho* and *Mississippi* combined have a percentage of 35 and a fraction. The *New York* and the *Texas* have a value of 157 and a fraction. Nos. 39, 40, and 41 are more efficient and with better improvements than the *New York* or the *Texas;* so that a ship that would be built with the proceeds of these two ships would have more than double the combined efficiency of the two ships we sell. I have here a memorandum which was sent to me this morning by the Secretary of the Navy, from Admiral Fiske, in which he states that the new ship would have three times the military value of the combined ships, the *Idaho* and the *Mississippi*.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FITZGERALD. Is the gentleman of the opinion that these ships are or are not desirable as a part of our fleet?

Mr. PADGETT. I will state that they are not desirable to maintain if we can substitute better ones in their place.

Mr. FITZGERALD. If we can not substitute them?

Mr. PADGETT. I would not advocate selling them and not replacing the ships.

Mr. FITZGERALD. So that in the opinion of the gentleman from Tennessee these two ships, in spite of all he has said in condemnation of them, are at the present time important factors in our fleet?

Mr. PADGETT. They are of some importance.

Mr. FITZGERALD. Sufficiently important not to be discarded.

Mr. PADGETT. I would not discard them. I have said before, and I repeat now, that they are not useless ships. They are not worthless ships. But let me submit to the gentleman——

Mr. FITZGERALD. The gentleman has answered that question. I want to ask him another. The gentleman's motion authorizes the President to sell these ships on such terms as he may decide?

Mr. PADGETT. At a price not less than the original cost.

Mr. FITZGERALD. And the sale not to be before the 1st of July, 1915——

Mr. PADGETT. Not later than July, 1915.

Mr. FITZGERALD. And after the money is paid into the Treasury there is appropriated out of it by this amendment $4,600,000.

Mr. PADGETT. Four million six hundred and thirty-five thousand dollars.

Mr. FITZGERALD. Now, if we sell these ships upon terms other than for cash, even under the gentleman's amendment, we would have parted with the ships two or three years before

they could be replaced by the ship which is to be built, and we would still be in the position of having given up what the gentleman deems to be essential and desirable portions of our fleet for a ship that is to be added to our fleet three years thereafter.

Mr. PADGETT. It would take practically three years. They run from 32 to 36 months.

Mr. FITZGERALD. Then in the meantime, if unfortunately we should get into a difficulty with any foreign nation where our fleet would be essential, we would have given up two ships that would be of service, and by the time we got this ship that is authorized in this amendment the war might be ended, very much to our disaster.

Mr. PADGETT. Well, the gentleman can go down the road and scare up any number of imaginary difficulties of that kind.

Mr. FITZGERALD. I am asking if that is a fact.

Mr. PADGETT. Of course it is a fact that if we should sell the ships we would not have them.

Mr. FITZGERALD. You propose to sell them, so we would not have them.

Mr. PADGETT. But having two ships that are misfits, that do not serve a desirable purpose in our Navy, if we sell them now we can get the original cost for them; but if we keep them, in the natural course of events in a few years they will pass out, and we shall get nothing for them. So I say if we can sell them at the original cost of about $12,000,000 and use that money to replace them with another ship of more than double the combined military value of the two with which we part it is an opportunity that we ought not to lose.

Mr. FITZGERALD. We will put ourselves in a position where for two or three years we shall have disposed of those ships, and will not have them, and we will be waiting for the ship which is to replace them. If that is good policy, it might be a wise thing to negotiate the sale of our entire Navy and provide for better ships to be built in the future.

Mr. PADGETT. No.

Mr. FITZGERALD. So that we might not lose anything by keeping any of them too long. The gentleman would not sell these ships, except to replace them at some time in the future; but under his motion we shall get rid of these ships and wait three years before they can be replaced.

Mr. PADGETT. I do not accept the gentleman's argumentum ad absurdum.

Mr. FITZGERALD. I am asking the gentleman if his own motion does not work out in just that way?

Mr. PADGETT. No; my motion is to sell the ships and build another one.

Mr. FITZGERALD. Yes; but it will be three years before that ship can be built to replace the two which you want to get rid of at once.

Mr. PADGETT. That is true.

Mr. SAUNDERS. I understand, then, the gentleman from Tennessee feels this way about this matter, that world conditions to-day are so satisfactory, and the likelihood of any attack upon us by any nation is so little that we can safely reduce our naval strength by parting with these two ships, and be rid of them for the next three years without any peril or danger to the security of the United States.

Mr. PADGETT. I think we are safe in selling them and taking advantage of this opportunity.

Mr. SAUNDERS. And taking the chances without them for the next three years.

Mr. PADGETT. I think so.

Mr. ALEXANDER. What additional sum is it proposed to put into this new ship, in addition to the proceeds of the sale of the two?

Mr. PADGETT. The new ship would cost between $14,000,000 and $15,000,000, and these two ships would sell in round numbers for $12,000,000.

Mr. ALEXANDER. A difference of about $3,000,000?

Mr. PADGETT. Less than $3,000,000; about $2,500,000, I should say.

Mr. GOULDEN. I should like to ask the distinguished chairman of the Committee on Naval Affairs what was the influencing factor causing the committee to bring in this recommendation, aside from the question of getting rid of two ships that are perhaps somewhat lacking in speed and not up to date as to armament, and so forth? Was there anything else? I might add, if permitted, that I am in favor of the committee's action.

Mr. PADGETT. Nothing that I know of. The matter was submitted by the department to the Senate and the Senate put this on as an amendment.

Mr. GOULDEN. What is the speed of these ships?

Mr. PADGETT. The original speed was 17 knots, but they have depreciated until they are much below that.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BYRNES of South Carolina. Does the proposition of the gentleman from Tennessee include specific authority for the construction of this new battleship?

Mr. PADGETT. It does; specific authority.

Mr. BYRNES of South Carolina. In other words, it can be constructed without any further authority from Congress?

Mr. PADGETT. Yes.

Mr. SIMS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SIMS. Is it a fact that there is a market for obsolete and misfit ships?

Mr. PADGETT. I understand there is an opportunity to sell these ships at a price not less than their original cost.

Mr. SIMS. Are they to be used for warships by the purchasers?

Mr. PADGETT. I suppose they would be used for that purpose.

Mr. SIMS. Then, does the gentleman think that he can get that price for these ships if they are obsolete and useless?

Mr. PADGETT. I have not said that they were obsolete or useless, but I stated that because of the size and the speed they do not fit into or adjust themselves with the other ships in the Navy.

Mr. SIMS. Why not say they are obsolete and useless and get rid of them?

Mr. PADGETT. To say that they were obsolete and useless would not be the fact. I have stated that they are good ships of their class, but their class does not compare with the classes we have in the Navy at the present time. We can convert them into a ship that will fit into our Navy and be two or three times more efficient and valuable than the two ships would be.

Mr. RAGSDALE. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. RAGSDALE. Is it not a fact that last year or next year we could not find a market to sell these ships on the terms that we can now sell them for?

Mr. PADGETT. That is my information.

Mr. RAGSDALE. Is it not a fact that, as was suggested by the gentleman from Virginia [Mr. SAUNDERS], it is the opinion of the President and the Secretary of the Navy that we should sell these vessels, as we do not need them?

Mr. PADGETT. I am informed that the President heartily recommends and favors this proposition, and he states that there are no international reasons why it should not be done.

Mr. SMITH of New York. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. SMITH of New York. With reference to the question asked by the gentleman from New York [Mr. FITZGERALD], I want to ask whether these two ships would be specially valuable in a conflict with a first-class power?

Mr. PADGETT. They would not. They could be used for port ships around the home ports, but they would not do to go out into the first line.

Mr. SMITH of New York. Therefore the sale of them would not produce a deterioration in our Navy in case of trouble with a first-class power?

Mr. PADGETT. They are classed to-day in the second line and not in the first line.

Mr. HARRISON. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. HARRISON. The gentleman has just stated that the President, as reported, urges this proposition, and says that there are no international questions that would prevent it.

Mr. PADGETT. I did not get this from the President, but from a reliable source.

Mr. HARRISON. I saw in this morning's paper that one foreign Government had protested against the sale of these two vessels. May I ask if there is any truth in that statement?

Mr. PADGETT. I am not prepared to answer that yes or no. I do not know as to the correctness or incorrectness of the statement in the paper. I saw it, and it was upon that statement that I made the inquiry and received the information that I have just stated.

Mr. HARRISON. I noticed in the paper also that the sale of these vessels might promote peace among certain nations. Is there any truth in that statement?

Mr. PADGETT. I assume that there is.

Mr. BURNETT. That is on the same theory that we build battleships to secure peace between us and other nations.

Mr. PADGETT. To keep other people from breaking the peace with us.

Mr. STAFFORD. Will the gentleman yield?
Mr. PADGETT. I will.
Mr. STAFFORD. Will the gentleman inform the committee, if it does not violate any confidence, from whom he received the authoritative information that he speaks about?
Mr. PADGETT. The Secretary of the Navy.
Mr. FESS. Will the gentleman yield?
Mr. PADGETT. I will yield to the gentleman from Ohio.
Mr. FESS. I am interested in whether there is a possibility of any foreign complication. I would like to ask the gentleman whether there is any violation of international law when countries are at peace for a country to sell a war vessel to another nation?
Mr. PADGETT. It would not be a violation of international law in time of peace. This places it within the discretion of the President, and the President would not violate international law.
Mr. FESS. And consequently the protest which I read of in the paper would simply be a mere matter of opinion?
Mr. PADGETT. Yes.
Mr. BYRNES of South Carolina. Will the gentleman yield?
Mr. PADGETT. Yes.
Mr. BYRNES of South Carolina. The gentleman stated that these two ships are misfits, and he thinks there is an opportunity to sell them. What is the gentleman's objection to taking the proceeds of the sale and turning them into the Treasury of the United States instead of putting them into another ship?
Mr. PADGETT. The Navy has been charged with these ships in appropriations, and I do not want to take these ships out of the Navy without replacing them with a more valuable ship.
Mr. BYRNES of South Carolina. Is it not equivalent, then, to building three dreadnaughts?
Mr. PADGETT. Yes; but the third one would be built by taking out two and converting them into a better one.
Mr. BYRNES of South Carolina. What is the objection to turning the proceeds into the Treasury and then coming back here and asking Congress whether it wants to build a third dreadnaught?
Mr. PADGETT. That direct question is now before Congress.
Mr. BARTON. Will the gentleman yield?
Mr. PADGETT. I will yield to the gentleman.
Mr. BARTON. As one who does not understand the ships in the Navy as well as members of the committee, I would like to know more in detail as to what is meant by the statement that these two ships are misfits?
Mr. PADGETT. I stated that in the outset. These two ships are 13,000 tons displacement. The dreadnaughts we are now building are 31,000 tons. These two ships have four 12-inch guns. Ships we are now building have twelve 14-inch guns. These ships have an actual speed of somewhere between 15 and 16 knots. The ships we are building now have a speed of more than 20 knots.
These ships can not keep up with the fleet, they can not go along, and if they go by themselves they will be destroyed if they come up with the enemy. To try and carry them with the fleet is to hold the fleet back with them. Then there is another thing: These ships were built with the low free board aft. They are 12 feet lower in the free board than the ships that were built along at the same time and much more than that when compared with the modern ships. The result is that in a rough sea they wash over, and the aft turrets are useless, largely, in a rough sea.
Mr. BARTON. And their fighting efficiency would not be as great as the battleship that it is proposed to build?
Mr. PADGETT. As I stated a moment ago, the dreadnaught that we propose to build is much more efficient. Take 100 as the standard. These two ships have a percentage of 35 and a fraction. The New York has a percentage of 157 and a fraction, and this new ship would be more improved and of better fighting value than the New York. In other words, it would have more than four times the fighting value of either one of these two ships.
Mr. BYRNES of South Carolina. Are there any other misfits that the gentleman knows of in the Navy that we could get rid of while we are in the selling business?
Mr. PADGETT. None that I know of that you would call misfits, but we have some that if we could sell to the same advantage I would advocate selling.
Mr. BYRNES of South Carolina. Has any investigation been made to discover whether we have any more misfits that we could sell?
Mr. PADGETT. There are some that we might sell, but we could not get any purchaser for them.
Mr. BYRNES of South Carolina. What is the objection to allowing the amount that will be obtained from the sale of these ships to remain in the Treasury?
Mr. PADGETT. Simply because we want to build another ship.
Mr. BYRNES of South Carolina. That is the truth?
Mr. PADGETT. That is the plain, unvarnished truth. We want to build another ship and we want to use this money for that purpose. The whole thing is this: If we can swap two old ships for one good ship that is worth four times as much as either one of the old ones, why not make the swap? That is the whole proposition.
Mr. SIMS. Why not build the ship now, regardless of the trade?
Mr. PADGETT. Merely because we have already appropriated for two such ships, and we would have these on our hands, and we have now an opportunity to dispose of them.
Mr. SIMS. That is true; but you have another year in which to appropriate for this, or before this becomes available.
Mr. PADGETT. Yes; but we may not wait that long. Mr. Speaker, how much time have I consumed?
The SPEAKER pro tempore. Twenty-three minutes.
Mr. MANN. That is a deadly number.
Mr. PADGETT. I know it is; and I am going to use a few minutes more, and then yield the floor. I want to call attention to the further fact that to man these two ships, the *Idaho* and the *Mississippi*, 755 men each are required, or a total of 1,510 men. On the new ship 970 men would be required. In other words, there would be a saving of 540 men. You have one ship with a fighting value double that of the other two, and you save 540 men to go upon other ships in the Navy. Those men cost at an average of about $31 a month each, and for the year that would amount to something like $180,000. Then, the maintenance of these two ships would exceed the maintenance of the one ship, I am informed by the department, by something like $300,000 a year, so that we would have in addition to these military advantages I have spoken of, with reference to the ships themselves, a saving of over $400,000 a year in the maintenance of the one ship, as compared with the maintenance and upkeep of the two.
Mr. CULLOP. Mr. Speaker, will the gentleman yield?
Mr. PADGETT. Yes.
Mr. CULLOP. How many ships have we that are smaller than those, and how many that are larger?
Mr. PADGETT. I could not tell the gentleman offhand.
Mr. CULLOP. Approximately?
Mr. PADGETT. I do not remember; but we have several. The *Indiana*, the *Oregon*, and the *Massachusetts* are smaller. I will hand the gentleman the list.
Mr. CULLOP. When were these two ships constructed?
Mr. PADGETT. They were authorized in 1903, and were completed in 1908.
Mr. RAGSDALE. Mr. Speaker, then along the line of the gentleman's argument, there being a saving in the number of men per vessel, and the average cost of the men being some $31 a month each, together with the saving in the maintenance, for the period of time it would take to construct the new ship, in salary and maintenance alone, we would save half the money that is necessary to pay the difference between what we will receive for these obsolete ships and what we will have to pay for the construction of the new modern dreadnaught that it is proposed to construct.
Mr. PADGETT. I have not figured that out. It would save something over $400,000 a year, and there would be a saving of the three years of something over $1,000,000.
Mr. BOOHER. Mr. Speaker, I understood the gentleman to say that these two vessels that we are offering for sale are larger than the *Oregon* and the *Indiana*?
Mr. PADGETT. Yes.
Mr. BOOHER. Why not sell the smaller vessels and keep these two?
Mr. PADGETT. Simply because we could not get a purchaser for them.
Mr. BOOHER. Then, you have tried to sell the smaller ones, and could not do it?
Mr. PADGETT. Unofficially—and I am not speaking officially—I will say that we have tried to get them to take some of the older and smaller ones in lieu of these two, and we are making the best trade we can make, and I think one that will not come to us again in a quarter of a century.
Mr. BOOHER. Would it not be a good thing for our Navy if it did not?
Mr. PADGETT. No; I think not. If I could swap an old suit of clothes that I have worn for the year for a new suit of clothes that was four times better——
Mr. BOOHER. Yes; but you would not wait three years to get the new suit. If you did, what would be your condition during the three years? [Laughter.]

Mr. PADGETT. Oh, I would do as we are doing in the Navy. I would use the other suits. We have an abundance of other suits, and I would use those suits, and I would be willing to wait three years if I could get a new suit that was worth four times as much as the old one.

Mr. METZ. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. METZ. Has the United States Government ever sold a naval vessel before?

Mr. PADGETT. Oh, yes; we have sold a good many of the condemned vessels at public sale, and we have obtained very little for them.

Mr. METZ. But they never sold a vessel to another power to use it as a warship?

Mr. PADGETT. Not that I recall.

Mr. METZ. In other words, the American flag has not gone down and the foreign flag gone up on the same ship.

Mr. PADGETT. We have sold other ships, but what was done after we got rid of them I do not know.

Mr. METZ. We have gone so far in our economy that we have no further sympathy or sentiment in connection with them.

Mr. PADGETT. I now yield the floor and reserve the remainder of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, had further insisted upon its amendments numbered 1, 20, 78, 79, 85, 101, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 212, 218, 219, 220, and 234, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate amendment numbered 33.

The SPEAKER pro tempore (Mr. GARRETT of Texas). The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. WITHERSPOON. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

[Mr. BURNETT addressed the House. See Appendix.]

Mr. WITHERSPOON. Mr. Speaker, I yield eight minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, since the consideration of this proposition last week the atmosphere has cleared considerably. Then it was a matter of vague doubt as to which nation these ships were to be sold. Now it is admitted that the Government intends to sell them to the Government of Greece. A new policy is about to be inaugurated; the Government of the United States is to become a party to entangling alliances abroad; by this act we undertake here to-day to take part in the policy of European affairs. Never before in the history of our Government have we ever so attempted to interfere with the differences between foreign nations as we are in the present instance. It is well recognized that Greece and Turkey are near belligerents. They are on the brink of war, and it is proposed to furnish one of them succor and assistance. If they were actually engaged in war, there would be no question but what it would be regarded as an act of war on the part of our Government to sell ships to either of the contending parties. I have here a well-recognized authority on international law, that by W. E. Hall, and I wish to read to you just a brief sentence that states the essential obligations of a neutral Government in dealing with belligerents.

The general principle that a mercantile act is not a violation of a state neutrality is pressed too far when it is made to cover the sale of munitions or vessels of war by a state. Trade is not one of the common functions of a government, and an extraordinary motive must be supposed to stimulate an extraordinary act. The nation is exceptionally unfortunate which is forced to get rid of surplus stores precisely at the moment when their purchase is useful to a belligerent.

If it would not be an act of war in selling these war vessels to Greece, then I say certainly it would be an unfriendly act. And because Turkey may be a despised nation in the group of European nations, it is no reason why our Government should tinge its own policy with disrepute by becoming a party to the difficulties existing between Turkey and Greece.

Suppose there existed to-day between China and Japan the same strained relations as between Turkey and Greece, would it for a moment be thought that the Washington administration would think of selling the battleships to China and cast its lot with China in order to give China the balance of equilibrium in the control of the Pacific? Do you not realize that as soon as this Government would undertake that step it would be regarded as an unfriendly act by Japan? Yea, more: it would result in the withdrawal of the ambassadorial representatives of Japan from Washington, and might be considered an act of war by Japan. If it could in that case be considered as an unfriendly act, an act of war, then, I say, why should we, under the existing circumstances, just because Greece and Turkey happen to be insignificant nations and not to be feared, cast our lot with either one of them?

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. FESS. I have read a statement that is supposed to come from the President that this is an act of peace rather than war. Suppose we make the agreement to sell these vessels to Greece, and Turkey declares war, then could we deliver the vessels afterwards?

Mr. STAFFORD. That statement is predicated upon the idea that we are entering upon a determination of foreign questions to ascertain whether the sale of these ships will give to one of the contending nations a preponderating influence in the Aegean Sea. What concern is it to our Government to sell our ships in order to determine the weight of the balance in the determination of the difficulties between Turkey and Greece? Would we consider selling our battleships to either France or Germany if they were in near difficulties, and where it might give an advantage to one nation or the other? The other Government would have the right to consider that an unfriendly act. Better far to keep aloof from participation in the difficulties that confront the Balkan States than to make a good bargain with a nation hard pressed for ships of war. No matter what our feelings are—and personally I believe in the destiny of Greece as the dominating influence in the Aegean—we should maintain that policy of aloofness that even despised Turkey will have no cause for complaint.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, I would like two minutes more.

Mr. WITHERSPOON. I can not yield any more time to the gentleman. I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, I do not think there is any great occasion for the alarm that is expressed by the gentleman from Wisconsin [Mr. STAFFORD] concerning the sale of these ships. This Government has the right to sell its battleships to any country in time of peace wherever it may see fit to do so and can get a suitable price; and that act alone is no declaration of war, and could not be considered as encouraging such nation to declare war. Now, Mr. Speaker, here is a pertinent illustration of the great navy fad which this Government has been indulging in for a number of years. I am in favor of the amendment of the gentleman from Illinois and shall vote for it. I hope to see it adopted, in order that we may sell these two battleships and pay the money into the Public Treasury. I trust we all stand for an adequate Navy. For one I do, and the question hard for me to determine is what is an adequate Navy? It seems that each Member is left to solve the problem without much light to aid him. The term is a broad one, and men radically differ about its meaning.

In this House we have two Members who doubtless represent each extreme on this great question. The distinguished gentleman from Alabama [Mr. HOBSON], who advocates the building of four or five big dreadnaughts every year, and the other, my good friend from Mississippi [Mr. WITHERSPOON], who contends one is sufficient, and each of them claim they stand for an adequate Navy. These two clearly illustrate the diversity of opinion over what should be considered as an adequate Navy. There are no better-informed men on this subject in this House, and the opinion of each is worthy of earnest consideration. The advocates of a large Navy say if some country builds four big dreadnaughts we must go it one better and build five. It seems that with them numbers alone is the controlling consideration and requirements are unworthy of consideration. In this view rivalry is the controlling idea alone. Their position reminds one of the ambitious rivalry of two social leaders in the same neighborhood, if one for the social season provides herself with five new gowns the other must get six, for she must not be out-

done by her rival. It is not a question with them of need, but of number. The other side contends that an adequate Navy means only such ships as our necessities require. If we need one, we should build but one; if we need none, we should build none. Economy should in this respect supplant extravagance, and by following this policy we will better serve the people and abundantly safeguard our country from any foreign or domestic foe. It should not be a question, as it seems to have been and is now with some, how many somebody else has or is building, but how many do we need. That seems to me the better and more logical policy and the one which the people of this country will more readily approve. We can not and should not ignore the voice of the people on this subject. They are deeply interested and must pay every dollar of the cost.

That is the proposition that is involved in this big Navy question. Here are two battleships now we propose to sell, constructed recently, authorized in 1903 and completed in 1908, and already they say they are not fit for service in the Navy at all. What is the reason? Does not this appeal for a better policy, a sounder and more economical policy, in the building of our battleships? Here it is proposed to sell two vessels, two of the naval fleet, and with the proceeds build one. In so doing it is proposed to expend $12,400,000 for the great dreadnaught. True, we are to receive for the two just what they cost and pay out no more for the new one. These two battleships, practically new, are now useless in our fleet, it is asserted. Who is to blame for this? Some one. A great blunder has been made, no doubt about that, and we should know who is responsible for it. Some one has made a mistake in this matter and ought to be held responsible for it. The guilty in this matter should be made to suffer. It will not do to say that improvements have been so great that they have put these great battleships out of commission and they are now obsolete for these reasons. If that argument be true, then it is the strongest reason that could be presented for the adoption of this amendment requiring the sale of the battleships and paying the money into the Treasury, to remain there for future action and perhaps a more profitable use. Twelve million four hundred thousand dollars is a large sum, and one representing much to the people of this Republic. The reason given for the selling of these two battleships at this time should receive the thoughtful consideration of every Member of this House, and that is they are not sufficiently modern to meet the requirements of our great naval fleet. They were completed in 1908, six years ago, and are now out of date. Progress is rapidly working its way in our Navy. The combined cost of the two was about $12,000,000—six millions each. This was a large expenditure, and care should be exercised in expending the people's money—much more, I am compelled to say, than was exercised in this transaction. We should be careful that we do not duplicate the stupendous blunder. That is what it should be called.

Now, Mr. Speaker, if it should be decided that the sum realized from the sale of these two ships, just the amount of the cost to construct them, is to be invested in the construction of a new dreadnaught, when could it be built and ready for use? True, the contract could and doubtless would be let at once, but when would it be built? Not in five years. It is a well-known fact that many great battleships authorized have not been commenced, and will not be for some time yet. Then why authorize what we know can not be built now and not for some time? Where would we build it? The docks and shipyards now have all of this kind of work they can do. Why not wait until it can be built at some yard where they are prepared to build it, and it may be the same can then be constructed on better terms and secure the advantage of improvements, if any are made, in battleship construction? Advantage in prices may be secured. The people should have this advantage. They must pay the bills, and should have every consideration in this regard. Why should it be hurried through now? Haste sometimes makes waste; and from what we already know, our experience in this matter now clearly proves it has occurred here, and may be repeated. Let us not be swept off of our feet by this big Navy propaganda. Much is done to popularize it, but usually by interested parties, who expect to profit thereby. Such persons are most industrious in this regard.

But the proposition of the big Navy, and the only reason, says the chairman of this committee, for the sale of these two vessels is that we want to build another dreadnaught. Why build the dreadnaught? What are we going to do with it? Let it rot at the docks, as a number of others are doing now? Where are we going to use it? When are we going to commence work upon it? Why appropriate the people's money and enter upon this contract until we know the cost of the material and the necessity and the time for building it? If the only reason for the sale of these two ships is to get an excuse to build a new dreadnaught, I do not indorse it, and I do not believe the people of the country will do so. There should be a better reason than that, and I therefore hope the proposition to build the new one will be voted down.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. PADGETT. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, this trade delights my Yankee soul. How anyone can haggle over it for a minute I do not know. For two battleships which do not fit into our naval plans we are offered nearly enough money to build a superdreadnaught which will exactly meet our requirements. In other words, we are giving something we can not use in return for something which we need.

I know well enough that it is true, as the gentleman says, that the *Idaho* and the *Mississippi* are fine vessels, but they do not fit into our squadrons and we can not use them to advantage. We are mighty lucky to find a customer who will take them off our hands at cost.

Of course it is an open secret that Greece is our customer, and I am exceedingly glad that she is getting two such splendid ships. What a change has come over the spirit of that nation since Byron wrote:

> You have the Pyrrhic dance as yet,
> Where is the Pyrrhic phalanx gone?
> Of two such lessons, why forget
> The nobler and the manlier one?
> You have the letters Cadmus gave—
> Think ye he meant them for a slave?

No; Greece has amply proved that she has not lost her martial spirit. Nobly she broke the chains which galled her, and never again will she be subjugated to that foreign yoke which she threw off in 1821. Perhaps these very battleships may aid her against her former tyrants. Who knows? In any event, the world now knows that the letters Cadmus gave are inherited by a race of freemen.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, it appears to me that the sale of these two ships should be considered from a purely economic standpoint. I do not think there is a Member of this House who would not vote to increase the efficiency and strength of our Navy if it did not cost our Government a dollar, and that is practically the proposition we have before us. We are increasing the efficiency and strength of our Navy, so far as the *Mississippi* and the *Idaho* are concerned, by 300 per cent, and it will require no additional appropriation by this House. I say "no additional appropriation" advisedly, because there is a difference between the amount of money we are going to get for these two ships and a superdreadnaught costing some $15,000,000. I am told by the Navy Department it is their intention to use guns that have already been manufactured and paid for and are in reserve in our various storehouses for this superdreadnaught when completed, so that it will, in fact, require no additional appropriation.

In other words, we are increasing the efficiency of the Navy, so far as these two ships are concerned, more than 300 per cent at some one's else expense, and that condition is brought about merely through a psychological situation existing in Europe. If it were not for that fact, we could not get $4,000,000 for these ships. Nobody wants them. They would not be any more apt to buy those two ships than they would be to buy our *Indiana* or *Massachusetts* or *Oregon*. In 10 years from now the Navy would be shooting at these two ships in target practice and sinking them out in the ocean.

The complement of these two ships, the *Idaho* and the *Mississippi*, is about 700 men per ship. The complement of a new superdreadnaught, oil-burning, will be about 800 men. We are saving 600 men and a set of officers by an exchange of this kind. That is what it means.

In gun power one superdreadnaught carries twelve 14-inch guns. Both the *Mississippi* and the *Idaho* combined carry only eight big 12-inch guns, so that there is no question about the superiority so far as guns are concerned. In armor a superdreadnaught carries 12 and 14 inch armor, as against 8 and 9 inch armor on the smaller boats. In the matter of speed the smaller boats will average from 15 to 16 knots per hour. A superdreadnaught will average 21 knots per hour. On a rough sea it is doubtful if the guns on the small boats could be used at all, whereas the great tonnage of the superdreadnaught will travel in any sea and give better target practice and better results in firing upon an enemy.

Slow ships can not possibly be assigned to the first line of battle. While I do not agree with some gentlemen on this side of the House in saying that these ships are obsolete—because

they are not obsolete; they are merely misfits in our first line of battle—yet these ships were the last to be appropriated for after we had launched into our policy of building dreadnaughts.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. SMALL] is recognized for five minutes.

Mr. SMALL. Mr. Speaker, it seems to me that this proposition, taken as a whole, is meritorious and ought to be adopted. I refer to the motion of the gentleman from Tennessee [Mr. PADGETT].

The proposition may be divided into two parts. The first is the proposition whether we should sell these ships, the *Idaho* and the *Mississippi*. The reasons that have been stated so clearly by the gentleman from Tennessee [Mr. PADGETT] and the gentleman from Illinois [Mr. BRITTEN], who has just spoken, make the argument for their sale unanswerable. The fact that we are able at all to sell these ships, and at such an advantageous price, arises from an exigency of a foreign power, and may never occur again. There is an opportunity now to sell two ships for their original cost—ships that are not obsolete, and yet for the particular purposes for which they were built they are misfits.

The only argument which I have heard against this sale is that made by the gentleman from Wisconsin [Mr. STAFFORD], who argued that some international complication might result from our giving authority to sell these two ships. In answer to that it may be said that the amendment simply vests discretion in the Chief Executive. Who is there who is unwilling to place entire confidence in the wisdom and in the discretion of the President? He will not violate any of the rules of neutrality or in any way involve this Government in any complication with any foreign Government. If this discretion is vested in him, we may safely rely upon the proposition that such discretion will be exercised wisely and well.

I understand unofficially that it is proposed to sell these ships to the Government of Greece. Some suggestion is made that it will involve us in complications with the Government of Turkey. So far as I am concerned, I am not only willing, but I am glad if this Government, without inviting international complications, can help Greece in maintaining peace and aid her in the struggle which she is making to maintain her independence and her autonomy and her rights.

Mr. Speaker, on the other proposition it is simply contended that if we are to sell these ships and the opportunity is given that we ought to embrace, then what shall we do with the proceeds? Some gentlemen say we should deposit the money in the Treasury to the credit of miscellaneous receipts. The chairman of the Committee on Naval Affairs [Mr. PADGETT] and a large majority of the committee, I understand, say that it ought to be invested in a powerful superdreadnaught. If business can be injected into a discussion of this kind, then, as was well said by the gentleman from Massachusetts [Mr. GARDNER], it is a business proposition which ought not to be ignored.

Mr. WITHERSPOON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from North Carolina yield to the gentleman from Mississippi?

Mr. SMALL. Yes.

Mr. WITHERSPOON. I understood the gentleman to say that a large majority of the members of the Committee on Naval Affairs agreed with the chairman. How can the gentleman say that when the Committee on Naval Affairs has never had a meeting on this proposition and when this matter was never submitted to it?

Mr. SMALL. Does the gentleman state the contrary?

Mr. WITHERSPOON. I do not know. I do not state anything.

Mr. SMALL. Then I simply repeat what I have heard unofficially. It may or may not be true.

Now, Mr. Chairman, I say if business can be injected into this proposition, it is wise to take this money and invest it in a superdreadnaught. Such a reinvestment fortifies the wisdom of selling them, because if we are to diminish our naval force by the sale of these two ships, then it is wise that we should take the money and invest it in a dreadnaught which would have an efficiency, not alone equal to those two vessels, but three or four times their efficiency.

Mr. WITHERSPOON. Mr. Speaker, this proposition to sell the *Idaho* and the *Mississippi* and to construct another dreadnaught was discussed in part by me when this conference report was up before the House a few days ago. I had just proceeded to demonstrate that the effect of that proposition, if carried out as a policy until we disposed of all the 25 battleships that we have, would be to reduce the number of our ships from 39 to 27. I had also shown that the result of it would be to reduce the number of guns on our armored vessels from 926 to 587, and in those two respects put our Navy in a condition of inferiority to that of the German Navy, whereas now in both of these respects it is largely superior to it.

One of the tests laid down by these naval experts that my friends on the other side profess to go by in all other things is that superiority in a navy is determined by the weight of the metal in a broadside. Now, I want to call the attention of the House to the effect that this policy will have upon our Navy according to that test; and in order that I may give the exact figures I will read the facts in that regard, as you will find them stated in the RECORD of to-day, where I extended my remarks.

If we were to make the proposed exchange, we would, as already suggested, gain four 12-inch guns, and the weight of the metal in a broadside from these four guns is 3,480 pounds; but we would lose sixteen 8-inch guns, whose projectiles weigh 260 pounds each, making 4,160 pounds, and sixteen 7-inch guns, whose projectiles weigh 165 pounds, making 2,640 pounds. In other words, the weight of the metal in a broadside from the thirty-two 8-inch and 7-inch guns which we will lose by the exchange would be 8,800 pounds, or 5,320 pounds more than the weight of the metal in a broadside from the four 12-inch guns which we would gain. And if we were to continue this policy until we shall have sold all of our 25 battleships, and with the proceeds of each two built a dreadnaught, the total weight of the metal in a broadside from all our armored vessels would be reduced 63,840 pounds. The total weight of the metal of a broadside from all our armored vessels is now 45,954 pounds greater than that of the German armored ships; but if this new policy is carried out it will be 17,886 pounds less than that of the German armored vessels. If, therefore, the weight of the metal in a broadside is any measure of naval power, the inevitable effect of the proposed policy will be to transfer the relative superiority of our fleet over the Germans to a condition of decided inferiority.

Mr. BRITTEN. Will the gentleman yield for an inquiry right there, to refresh my memory?

Mr. WITHERSPOON. No, sir; I have not time to yield, and I want to present my views.

Mr. BRITTEN. I merely want to inquire——

Mr. WITHERSPOON. Mr. Speaker, I hope the gentleman will respect my rights when I tell him I decline to yield.

The SPEAKER pro tempore (Mr. GARRETT of Texas). The gentleman declines to yield.

Mr. WITHERSPOON. That comparison is based on the assumption that with the proceeds of these two ships we could build a dreadnaught that would have upon it twelve 12-inch guns, and I make that assumption.

Mr. BRITTEN. The gentleman is in error there.

Mr. WITHERSPOON. Mr. Speaker, I hope the irrepressible gentleman from Illinois will respect my rights on this floor when I tell him I decline to yield.

Mr. BRITTEN. The gentleman wants to be correct about it.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. WITHERSPOON. And if I did want to be corrected, I would never go to such a man as he is.

Mr. BRITTEN. I did not say corrected. I said correct.

The SPEAKER pro tempore. The gentleman from Illinois is out of order.

Mr. WITHERSPOON. I base this comparison upon the assumption that with the proceeds of this sale we could build a dreadnaught with twelve 12-inch guns on it. I make that assumption for the reason that a dreadnaught upon which you could put 12 such guns has exactly the same tonnage as the tonnage of these two ships combined. The tonnage of a ship depends upon its size and the weight of the material in it. That is what determines how much water it will displace, and I feel sure that you could not with the proceeds of the sale of these ships build any dreadnaught that would have a tonnage superior to the combined tonnage of these two.

Now, of course, it is easy to assert, as the gentleman from Tennessee [Mr. PADGETT] has asserted here repeatedly, that you could build a battleship or dreadnaught like the *Pennsylvania*, that has a tonnage of 31,400 tons, or 5,400 tons more than the combined tonnage of these two ships. Anybody can assert that, but I tell you that, in my judgment, it is an impossibility. And this illustrates forcibly the folly of this House undertaking to decide a matter of naval policy, a matter that involves the efficiency and power of the Navy, upon state-

ments made here on the floor of this House by gentlemen. The gentleman from Tennessee asserts one thing, and I assert that it is not true. How do you know which of us is telling the truth? How can you tell who is mistaken? You have no way to tell, and it just shows what I contend—that this matter ought to be referred to the Naval Affairs Committee, who ought to investigate it and report to this House the real facts before you act upon it.

There is another test of the effect that this would have upon our Navy, and this test is said by the experts to be more accurate than the test of the weight of the metal in a broadside. That is the muzzle energy of the guns. As I have said repeatedly, the effect of this proposition would be to exchange eight 12-inch guns on these two ships for twelve 12-inch guns on the dreadnaught we propose to build with the proceeds. In other words, we will gain four 12-inch guns. But these two ships have upon them sixteen 8-inch guns and sixteen 7-inch guns which you would lose. Now, the muzzle energy of those 32 guns is far superior to the muzzle energy of the four 12-inch guns which you would gain.

Mr. Speaker, I will ask you to notify me when I have used all my time except five minutes.

The SPEAKER. The Chair will do that.

Mr. WITHERSPOON. Now, these are the facts with regard to that proposition:

"The fourth effect of the change proposed in the Senate amendment is to greatly lessen the muzzle energy of our fleet; and our naval experts tell us that this is the better test.

"The four 12-inch guns which we would gain by the exchange each have a muzzle energy of 48,984 foot-tons, or a total muzzle energy for the four 195,936 foot-tons; while the sixteen 8-inch guns which we lose each have a muzzle energy of 13,715 foot-tons and the sixteen have a total muzzle energy of 209,440 foot-tons, and the sixteen 7-inch guns, each having a muzzle energy of 8,338 foot-tons, have a total of 133,408, which makes a total muzzle energy for the thirty-two 8 and 7 inch guns of 342,849 foot-tons which we would lose, against the 195,936 foot-tons we would gain. In other words, the proposed change would lessen the muzzle energy of our guns 146,912 foot-tons."

At present the muzzle energy of the entire armored vessels in our fleet is 441,000 foot-tons more than the muzzle energy of the German navy. If you carry out this foolish, silly policy, when you get to the end of it the muzzle energy of our fleet will be 1,722,000 tons less than that of the German navy.

Why do you want to make our Navy so inferior to that of Germany? Can any of you suggest any reason for it? If you can not, I can. I can tell you the reason why they would like to have our Navy inferior to that of Germany. One of the strongest pleas they have made in this whole fight to waste the money of the people on more battleships is that our Navy is inferior to that of Germany. We have shown conclusively that it is superior, and have overthrown that argument. Now, if they can adopt a policy that will make it inferior to that of Germany, you have supplied them with an argument that they have been contending for to waste the people's money.

In number of ships, in number of guns, in weight of metal, in muzzle energy, in every other respect this foolish policy will lessen and decrease the efficiency and power of the American Navy. These are the facts which I have ascertained and which I can prove by any expert in the Navy if you will bring him before the Naval Affairs Committee and let me cross-examine him. How can you reconcile those facts with the contention that we ought to do this thing? There is only one way to reconcile it in accordance with common honesty and patriotism, and that is upon the idea that has been repeated so often, until a great many good people believe it, that the dreadnaught is for some unexplained reason so superior to a battleship that any amount of sacrifice would be justifiable in order to get a dreadnaught.

I want to call your attention to the facts about that. It is a discarded idea, an idea that has been overthrown by naval experts and disproved by facts, as I can show you by the highest authority. The idea of the dreadnaught is that having superior speed it has the power to select the range of the battle at which it will fight, and that it can select a range of battle so distant as to put it out of the reach of the smaller guns of the battleship. So it could destroy a battleship before it could ever get close enough to do it any harm.

Now, there are several facts that I want you to consider in regard to this proposition. In the first place, that is an impossibility, because when the dreadnaught begins to fight at a range of battle beyond the reach of the smaller guns of the battleship it is so far away that it is impossible for it to hit. The experience of war is, the only wars we have had where battleships were engaged, that they had to shoot 100 times in order to hit 7. All these battles from which that fact has been developed were battles fought at such close range that the small guns were effective. Now, if you select the battle range so distant that the small guns can not reach the dreadnaughts, you are going to make the number of hits less than they would be if they fought at close range, as they did in all these battles.

According to the experience of war a dreadnaught would have to shoot 1,400 times to make 100 hits, and it takes 100 hits on an average to destroy a battleship, according to the authorities. The reason why it takes so many hits to destroy a battleship is because the points that the shell must strike in order to destroy it are very small—about 8 per cent of the battleship. The experience is that it takes 100 hits on an average before one of these big shells will hit in the point that will destroy the ship.

Now, take these two facts into consideration—that it must on an average hit 100 times and that it has to shoot 1,400 times to make 100 hits, and the dreadnaught could not do it, because the life of its guns are such that every one would be worn out and useless before it could fire that many shots. The life of one of these big guns is 175 shots. We use them in target practice 12 times a year, and when you have shot them 75 times they are relined, which makes them as good as new. So if we had a war every gun in our Navy would have 100 shots. Now, you take a dreadnaught with 12 guns on it and let them shoot 100 times, and that is all they could shoot if you give them necessary target practice, and that would make 1,200 shots, 200 less than, according to the authorities, is necessary to destroy a ship.

Of course, that will increase with the distance. That would be the effect if there was fighting at close range, but when you put them farther away that would enhance it.

The dreadnaught idea is impossible on account of the human vision. You can not shoot with any kind of a gun and hit a thing unless you can see it, and that makes the dreadnaught idea impossible. A naval battle is apt to occur at night when it is dark when you can not see a battleship a mile. What, then, becomes of the theory of the dreadnaught that it can stand off 8 or 9 miles and destroy a battleship? How could it do that at night when you can not see it? Not only at night but in the daytime the fog on the ocean is frequently so dense that a man on a battleship could not see another ship at all until it had got so close to it that there was danger of collision, which frequently happens. Even when there is no fog there is a mist most of the time which makes it impossible to see a battleship at any such distance as this dreadnaught idea assumes. I have spent seven days on the ocean watching the target practice of our Navy and they were shooting at a target 7 miles away.

And I feel perfectly safe in saying that nine-tenths of that time in the daytime they were not able to see the target or the battleship, and had to suspend the shooting on that account. The dreadnaught idea could have no force or place except in those rare periods of time when the atmospheric conditions happen to be such as to enable those on board to take a long range and fight at that distance if their guns were sufficient to carry out that theory. There is the greatest difference of opinion among the highest authorities on this question, and that difference grows out of these two ideas. The idea of the dreadnaught is to strike an enemy's ship near the water line, where, if it perforates the ship and makes a big hole in it, the water will be let in and sink the ship. The idea of the dreadnaught is to destroy the enemy's ship; but there is another way to overcome the enemy without destroying his ship, and it is just as effective as the destruction of the ship, and that is to kill the men, to put his guns out of action, to disorganize his communications, and destroy his firing stations. It is a fact that in every naval battle both in the Russo-Japanese War and in the Spanish-American War every ship that was overcome was defeated in this latter way, and not one of them was destroyed according to the dreadnaught idea. In that war you had no dreadnaughts, but you had battleships, and every battleship had four of these big guns and a much larger number of smaller guns, and you had them side by side to show which was the most effective. In none of those battles did one of the shells from the big guns ever strike the ship at the water line and perforate it so as to let the water in and sink the ship; but every single one that was overcome was overcome by the smaller guns, by killing the men, putting the guns out of action, destroying their communications and firing stations; and the very highest authorities, writing on this subject, as you will see from those I will cite in my speech in the RECORD, say that the easiest way to overcome an enemy is not by destroying the ship, but that it is by killing his men with these small guns and putting the big guns out of action.

Mr. Speaker, how much more time have I remaining?

The SPEAKER pro tempore (Mr. ANSBERRY). Fifteen minutes.

Mr. WITHERSPOON. Mr. Speaker, I wish the Chair would notify me when I have only 5 minutes left. I desire to call attention now to the facts which have convinced the best authorities on this subject that a battleship, armed with a few big guns and a great number of small guns is more effective than the dreadnaught. One of those facts is that there are very few points in a ship where you can so disable it or destroy it. You have either to hit it at the water line where it will let the water in and sink it, or you have to strike the barrels of its guns, or you have to strike a firing station, or destroy its communication, or kill the men. You have got to hit it in some of those points. Those points are very few in a battleship or dreadnaught. The consequence is that you have to fire a great many shells before you can count on hitting it in a vital point. To show the difference between these two ships that we have, the *Idaho* and the *Mississippi*, and the one that we propose to get, these two ships have 40 guns and your dreadnaught will have 12. They have 28 more guns than your dreadnaught. The big guns on your dreadnaught will shoot twice a minute. In other words, these four 12-inch guns that we will gain would shoot 8 times a minute. The 8-inch guns will shoot 6 times a minute, and the 7-inch guns will shoot 8 times a minute, and the thirty-two 7 and 8-inch guns will shoot 224 times in a minute. In other words, they will shoot just 28 shells every time these four guns that you will gain will shoot 1. Therefore, the chance of one of those shells hitting the ship in a vital point is 28 times as great as the chance of the four guns that you are going to gain hitting at a point that will destroy the ship.

If the Members of the House will take the British Navy Annual and read an article from Reginald Custance, on this very question as to whether the dreadnaught or the battleship is the more effective, if you will just take the trouble to read that through, and before you read it you will not make up your mind that you are not going to be convinced, you will be convinced by it. His argument is unanswerable. It is based on facts, and this proposition of ours to dispose of our battleships and convert them into dreadnaughts will be a great mistake. I want to submit this to you. This is not just a matter of argument, it is not just a matter of reason, but it is substantiated by history. Naval warfare shows that in every battle every ship that has been overcome has been overcome by the small guns, and the whole world has now recognized that this dreadnaught idea was a mistake. At the time we began to build dreadnaughts England had 41 battleships armed each with four large guns and a much larger number of small guns. Germany had 20 and we had 25. England has built, I believe, 17 dreadnaughts that are completed. Every one of those dreadnaughts that England has completed was built on this dreadnaught idea of all big guns, and they are armed exclusively with big guns, but every single ship that Great Britain is building to-day is being built on the old battleship idea of having each vessel armed partly with big guns and partly with a much larger number of small guns. Great Britain is not building a single ship on this dreadnaught idea. Take the *Rio de Janciro*, which is perhaps the most heavily armed ship under construction except the *Pennsylvania*.

That ship has fourteen 12-inch guns and twenty 6-inch guns, and you may get the books and read the description of all the modern ships, and you will find that the world has abandoned this old-fashioned idea of the all-big-gun ship; and yet we are asleep, unconscious of what the world is doing, and we propose to take our battleships and convert them into dreadnaughts, when the world acknowledges that that is a mistake.

Of course we could sell these two battleships, and we could add enough money to what we get to build a battleship that would perhaps be more powerful than both of these that we are going to sell. We can do that. We can do that without selling them. We have plenty of money, and we can build any kind of a ship that we want; but the proposition to sell these two battleships and add enough money to what we get, as the chairman of the committee says, to build a dreadnaught that will be four times as great as these reminds me of the fellow that swapped the $100 horse for a $50 horse even, and then contended that he had made a good trade because he took $100 out of his pocket and with this money and the $50 horse got a better one than he had at first. That is the proposition you have here.

I hope this House will consider this fact, that it is a new proposition which never has been investigated. The committee has never had it up before it. It is a proposition that affects the very vitals of our Navy, and before any such proposition is adopted, I appeal to the Members of this House to give the Committee on Naval Affairs an opportunity to examine into it and find out whether the object of it is to improve our Navy or not, or whether it is to provide a contract for another corporation. [Applause.]

The SPEAKER. Forty minutes of the gentleman's time has expired.

Mr. WITHERSPOON. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I would like to inquire how many speeches there are to be on the other side?

Mr. PADGETT. I promised to yield to the gentleman from Iowa [Mr. TOWNER,], and I have had a page looking for him, but I can not find him on the floor at present.

Mr. MANN. He was here a moment ago.

Mr. PADGETT. I yield to the gentleman from Illinois [Mr. BRITTEN] one minute.

Mr. BRITTEN. Mr. Speaker, my distinguished friend from Mississippi [Mr. WITHERSPOON] refused to yield to me for a question a few minutes ago. I merely wanted to call the attention of the House to the fact that his entire argument and his entire comparison is based on a ship we do not expect to build. His entire argument is based on a 26,000-ton ship, carrying as its heaviest armament twelve 12-inch guns, which the Navy Department has no intention whatever of building. I wanted to correct the gentleman in regard to that, but he would not permit it.

The SPEAKER. The gentleman from Tennessee has 23 minutes left.

Mr. PADGETT. I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, the proposition that the House has to consider to-day is a very simple one, and, in my judgment, the House ought not to hesitate to act upon it, and act favorably on the recommendation of the chairman of the committee, and therefore I shall favor and support the amendment which is offered by him. We have the administration saying to the Congress, having considered the matter carefully, that this change ought to be made. It is declared and believed that this is a great opportunity, that a chance is offered us now to materially improve and strengthen the Navy, and why should we hesitate to do this? Is it because we do not want an efficient navy? Is it because we would rather see it weakened than strengthened? I can well understand the attitude of the gentleman from Mississippi; he is not anxious for a strong navy; he is opposed to it, and there are other gentlemen who are opposed to any proposition to strengthen the Navy. I can very easily understand that point of view; but for those of us who believe that this country ought to maintain an adequate navy there ought to be no question regarding it. Are we sufficient in information and in judgment to say that this change ought not to be made?

The gentleman from Mississippi alleges that as a matter of technical policy it is not a good thing to have dreadnaughts; that it is better to have a large number of smaller battleships; but the judgment of the world is otherwise. He says that experts differ. It may be that some experts agree with the position that he takes, but the nations of the world do not so agree. They are building large ships, effective battleships, dreadnaught battleships, because they believe that by that means they can best strengthen their navies. We would be going against the admitted judgment of the world if we would change our policy. If dreadnaughts are a bad policy, we ought not to follow this bad system; if it is a good policy, we ought to strengthen our Navy on this line if we can do so by this action. The Secretary of the Navy says this ought to be done. The naval experts say that this ought to be done. They say this because we will thus obtain one battleship that, in efficiency, as they believe, in the point of strengthening the Navy will make the Navy three times as effective and strong as it will to retain the two battleships. We are told that to this extent it will make our Navy a better and stronger one, and why ought not we to do it? There is no question in my mind but what it is our duty, if we believe that our Navy ought to be strengthened and can be strengthened thus advantageously and cheaply, that we should do it now. Here we have two small battleships that they say are not in consonance with the upbuilding of a harmonious Navy, that we can advantageously dispose of them, that we can thus strengthen it as a whole, and this opportunity comes to us now when we can sell those two old ships for all that they cost us and build a new and better and stronger battleship than any we have now by the expenditure of a very small amount in addition to what we will receive from them. Why should not we do it? You gentlemen in a business of your own would be glad of such a chance, if it were offered, and such an opportunity will not likely occur again. Circumstances such as these do not arise every day.

We have a chance now to do that which will not come to us again probably in the history of the life of any man who is now

here present. So I am in favor of this proposition. I am not in favor of selling these battleships and putting the money into the Treasury, because that would be weakening the Navy, and I am not in favor of weakening it. I am not in favor of any proposition that will make the Navy of the United States less effective than it is now. I am not a big Navy advocate, but I do believe that the United States is compelled, in view of existing conditions, to maintain a fairly adequate Navy, and it should be made just as efficacious, just as strong as we possibly can with the means and with the policy we have now with regard to how much money we should expend in the development of our Navy.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. ADAIR. If these two ships should be sold, how long would it be before a dreadnaught could be built?

Mr. TOWNER. I think about three years.

Mr. ADAIR. Then, for at least three years it would weaken the Navy just that much, would it not?

Mr. TOWNER. The gentleman is entirely correct about that. And if there were such conditions existing as made it unwise for us to weaken our Navy, I would not be in favor of this charge or of disposing of the vessels at all.

Mr. FESS. Will the gentleman yield?

Mr. TOWNER. I yield.

Mr. FESS. What is the incident in your mind where you say, if we do not do it now, probably the opportunity will not come to us again?

Mr. TOWNER. For the reason that there is a nation now ready and willing to take these ships at the price that we paid for them. Certainly those circumstances do not ordinarily arise.

Mr. FESS. What is the presumption on the part of Greece, that wants them?

Mr. TOWNER. Because of the fact that she is engaged, or probably soon will be engaged, in war with a nation that has a stronger navy than she has.

Mr. FESS. Is there any danger, with that point of view in our mind, in our transferring these ships to that country?

Mr. TOWNER. Oh, no.

Mr. FESS. Does the protest from Turkey mean anything to you at all?

Mr. TOWNER. The protest from Turkey, as we understand it, is made merely upon the ordinary ground that might exist when any nation would not desire to see a rival nation strengthened. But we have a perfect right to sell to Greece, as we would have a perfect right to sell to Turkey, under existing conditions. We are not violating any international agreement or international right. And certainly the gentleman does not believe for a moment that we are in any danger of any offensive demonstrations against this country by Turkey?

Mr. FESS. No. My point is, Are we undignified by selling at this time, when we know that the reason for the purchase is the acute situation between Turkey and Greece?

Mr. TOWNER. No, I will say to the gentleman; because it is done often, and has been done always. At the commencement of the Spanish-American War we did it. Other nations have frequently done it. They buy ships when they need them, when they think they ought to do so.

Mr. FESS. Will the gentleman yield again?

Mr. TOWNER. Certainly.

Mr. FESS. Suppose that the sale, or the proposition to sell, would be taken as an occasion for Turkey to declare war against Greece, and this is done before we have delivered the ships; can we complete the contract under international law if war has been declared by Turkey?

Mr. TOWNER. Certainly; if the agreement is made prior to the declaration of war.

Mr. FESS. I would say to the gentleman that I am up in the air on this question. I do not know how to vote.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. TOWNER. Yes.

Mr. SAUNDERS. I understood from what you said to the gentleman from Ohio that you think this country with perfect safety can do without these two ships for three years?

Mr. TOWNER. I certainly think so.

Mr. SAUNDERS. Why do you think that at the end of three years we will have need of an equivalent of these two ships? Why look that far into the future? Where is there any danger to our self-defense that will make it impossible for us to dispense with them for three years?

The SPEAKER. The time of the gentleman has expired.

Mr. WITHERSPOON. Mr. Speaker, I would like to ask the gentleman from Tennessee [Mr. PADGETT] how many more speeches he has on his side?

Mr. PADGETT. I understand you have only one, and I expect to have only one.

Mr. WITHERSPOON. You have only one more?

Mr. PADGETT. Yes, sir.

Mr. WITHERSPOON. Then, Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I am disposed, so far as I am concerned, to take the discretion of the President in regard to the sale of these battleships, though I think it were better for the United States not to become engaged in any entangling alliances or to interfere for the purpose of bringing about or preventing war between two European powers. But with me that is not the question involved here.

Ever since I have been a Member of this House I have sought to uphold the dignity and power of the House as against the constant assaults upon it both from the Senate and from the Government departments. [Applause.] If we have two battleships which are now merely old junk, so far as business is concerned, it would be advisable to sell them if we can get a high price for them. If we can sell 50 cents' worth of battleship for $2, as far as the business is concerned it would be advisable to sell. But what I object to in the matter is the lack of confidence on the part of the Navy officers in Congress. If we ought to sell the battleships both as a matter of business and diplomacy, let us sell them and put the money into the Treasury, where it belongs, and then let Congress in its power determine whether that money shall be used to build another battleship or be used for some other purpose. In no other way can we uphold either the dignity or the power of the House of Representatives. We are the body which proposes appropriations, and if we permit a department of the Government to come to us and say, "I have something in my department which I do not need, which I have not much use for, which I will dispose of if you will let me trade it for something else," we have lost our power and degraded our dignity. Why, if this money when deposited ought to be used for the construction of a new battleship—and I do not say it ought not to be so used—allow Congress to determine that fact when it has the money. Why should the department so lack confidence in the House of Representatives that it will not make the sale unless it knows in advance what it can do with that money, and that it can not trust Congress to properly appropriate the money? I think we still have knowledge and wisdom enough in the House of Representatives to know, when the proper time comes, whether we wish to appropriate money for one purpose or to use the same money for another purpose. And unless we uphold our power and our dignity, we might as well resign and be wiped off the face of the map. The amendment which I have proposed would permit, so far as the rest of it is concerned, the sale of these battleships in the discretion of the President and provide that the proceeds of the sale should be paid into the Treasury as miscellaneous receipts, like the proceeds of the sale of everything else which the Government sells.

If we sell Panama Canal material, it is paid into the Treasury as miscellaneous receipts. We may appropriate the money next year for new construction on the canal, but if Col. Goethals had come to Congress and said, "I would like to sell some of these old French machines as junk provided you will let me have the money to buy something else," we would have said to him what we ought to say now to the Navy Department, "You may sell the material and turn the money into the Treasury, and we shall determine what will be done with that money." [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired. The gentleman from Tennessee [Mr. PADGETT] is recognized for 13 minutes.

Mr. PADGETT. Mr. Speaker, I want to say in behalf of the Navy Department that there is no intention on the part of the department to dicker with Congress. The department has simply submitted, as was its duty and its prerogative to do, a plain business proposition, and has asked the approval and the authority of the Congress. They have simply said, "We have an opportunity to sell two ships that are not serviceable to us. They are not adapted to our conditions; they do not fit in with the remainder of our fleet; they are an impediment to the fleet. We can sell them at the original cost, and we ask authority to sell them and to use this money to build another ship."

Now, that is a plain proposition without any dickering or anything of the kind; and the criticism of the gentleman from Illinois [Mr. MANN], I think, grows out of his habit of hunting and finding an opportunity to try to criticize the administration at every opportunity he gets. [Applause on the Democratic side.]

I wish to call attention also to some of the statements of the gentleman from Mississippi [Mr. WITHERSPOON], who can make more peculiar arguments than any man that I have ever seen. [Laughter.] He has argued here before you, time and again and to-day, seriously that a little ship with little guns is better than a big ship with big guns, and he goes on to say that the nations of the world are adopting that policy. I have here the building programs of the nations. Let me call your attention to them. Great Britain is building 14 dreadnaughts, and not a single one of the old-type battleships that the gentleman was talking about. Germany is building 6 dreadnaughts, and not a single one of the battleships.

Mr. WITHERSPOON. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Mississippi?

Mr. PADGETT. Yes; I will yield for a question.

Mr. WITHERSPOON. Will the gentleman state to this House, for instance, that the *Queen Elizabeth*, one of those ships that England is building, has not gotten on her sixteen 6-inch guns?

Mr. PADGETT. Yes; and all of ours have got more than that. I will take up this question with you in a minute.

Mr. WITHERSPOON. We have not any such thing.

Mr. PADGETT. Let us take up one thing at a time. The United States is building five dreadnaughts, and not a single one of the old-type battleships. Japan is building four dreadnaughts, and not one of the old-type battleships. Italy is building seven dreadnaughts, and not one of the old-type battleships. And yet the gentleman from Mississippi comes here before us and argues that the policy of the nations of the world is to build little ships with little guns instead of big ships with big guns. Here are the facts.

Then the gentleman said here that these two ships had four 12-inch guns, and I have forgotten how many—28, I believe it was, he said—of the small guns, and that the dreadnaughts had 12 big guns and no little guns. The gentleman does not investigate. He simply looks at first impressions. Take the *Oklahoma*. That has ten 14-inch guns. It has also twenty-one 5-inch guns. The *Pennsylvania* has twelve 14-inch guns and twenty-two 5-inch guns. The *Texas* has ten 14-inch guns and twenty-one 5-inch guns. And then, besides, the *Oklahoma* has four 3-pounders, the *Pennsylvania* has four 3-pounders, and the *Texas* has four 3-pounders.

Here is a table which shows that every dreadnaught that we have not only has a main battery of big guns but every one of them has a subordinate battery of small guns. Yet the gentleman from Mississippi comes here and states to you and seriously argues that a dreadnaught could fire about so many guns a minute—two, I believe he said, a minute with the big guns—and it would be swamped with the little guns from the other ship. Each one of these dreadnaughts has more little guns, I think, than any of these old-type battleships. They have simply two batteries—first the main battery, and then the subordinate battery for torpedo attacks.

Mr. WITHERSPOON. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Mississippi?

Mr. PADGETT. Yes; certainly.

Mr. WITHERSPOON. I do not deny the fact that all our battleships, dreadnaughts and every other kind, have a lot of small guns; but do not you know as a fact that these little guns that you are talking about are guns that are put on all the ships for the purpose of saluting the Committee on Naval Affairs when its members go aboard? [Laughter.]

Mr. PADGETT. Mr. Speaker, I can only answer that question by saying that that statement of the gentleman has as much accuracy in it as any other statement he has made about the Navy. [Renewed laughter.]

Now, Mr. Speaker, I shall detain the House but little longer. Here is a plain business proposition that comes to us at this time, and it is simply this: That we have two ships that do not fit in our program of the Navy. Our dreadnaughts are of 20,000 to 30,000 tons displacement, each carrying 14-inch guns, and here are ships of 13,000 tons, each carrying four 12-inch guns. Our dreadnaughts have a speed of 20 or more knots. These smaller ships are down to between 15 and 16 knots. Here is a proposition to convert these two ships into money, without the loss of a single cent, and get the original cost, and convert the proceeds into a ship up to date, that has more than four times the military and fighting value of either one of those ships, or more than twice the value of both of them combined. [Applause.]

Now, then, the simple question is, we can make this trade now. If we let it go by, the opportunity will not come again, and in a few years the gentleman will be complaining that these ships go into the junk pile. Let us be business men. Let us deal with a business proposition in a business way and sell these ships and get the money and replace them. They say it will take three years yet to build another ship. The sooner we begin building it, the sooner we will have it completed.

The gentleman from Illinois [Mr. MANN] said, "Put the money into the Treasury and then come back next year and authorize the proposition." Here is a proposition to do both in the same amendment—sell the two ships and build a new one.

Mr. Speaker, there is only one other thing to which I wish to call attention. The amendment of the gentleman from Illinois [Mr. MANN] is simply a shrewd proposition designed to kill this whole provision. I ask that his amendment be voted down and that the House concur in the Senate amendment with the amendment which I have sent to the desk, which is simply to sell these ships and use the money to build another one; in other words, to convert these two ships into one that is worth four times as much as either one of them. I ask for a vote.

Mr. HARDY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. PADGETT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 64, noes 66.

Mr. WITHERSPOON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 153, answered "present" 7, not voting 169, as follows:

YEAS—104.

Abercrombie	Cullop	Helgesen	Plumley
Aiken	Danforth	Helm	Prouty
Aswell	Davis	Hensley	Quin
Bailey	Dickinson	Hinebaugh	Rainey
Barton	Difenderfer	Howard	Rauch
Beall, Tex.	Dillon	Howell	Rayburn
Booher	Donovan	Igoe	Reilly, Wis.
Buchanan, Ill.	Doolittle	Jacoway	Rubey
Buchanan, Tex.	Doughton	Johnson, S. C.	Rucker
Burgess	Edmonds	Johnson, Utah	Russell
Burnett	Faison	Keating	Saunders
Byrnes, S. C.	Ferris	Kelly, Pa.	Shreve
Byrns, Tenn.	Fitzgerald	Kennedy, Iowa	Sisson
Candler, Miss.	FitzHenry	Kindel	Smith, Saml. W.
Caraway	Floyd, Ark.	Kreider	Stafford
Carter	Foster	Lesher	Stephens, Miss.
Casey	Garrett, Tex.	Lever	Stephens, Nebr.
Cary	Good	Lewis, Md.	Stephens, Tex.
Clark, Fla.	Goodwin, Ark.	Lindbergh	Sumners
Claypool	Graham, Pa.	Maguire, Nebr.	Tavenner
Cline	Gray	Mann	Thompson, Okla.
Collier	Green, Iowa	Morgan, Okla.	Treadway
Connelly, Kans.	Gregg	Morrison	Vollmer
Cox	Hamlin	Moss, Ind.	Volstead
Cramton	Hardy	Page, N. C.	Wingo
Crosser	Haugen	Peterson	Witherspoon

NAYS—153.

Adair	Dixon	Hawley	McCoy
Alexander	Donohoe	Hayes	McDermott
Allen	Dupré	Hedin	McGillicuddy
Ansberry	Eagle	Helvering	McKellar
Ashbrook	Elder	Hill	McLaughlin
Baker	Esch	Holland	Mapes
Baltz	Estopinal	Houston	Mitchell
Barkley	Evans	Hughes, Ga.	Montague
Bathrick	Falconer	Hulings	Moore
Beakes	Farr	Hull	Murdock
Bell, Cal.	Fergusson	Humphrey, Wash	Murray, Mass.
Blackmon	Fess	Johnson, Ky.	Murray, Okla.
Borchers	Finley	Johnson, Wash.	Nolan, J. I.
Bowdle	Flood, Va.	Jones	O'Hair
Britten	Francis	Kahn	Oldfield
Brodbeck	French	Kelley, Mich.	O'Leary
Broussard	Gallagher	Kettner	Padgett
Brown, N. Y.	Gardner	Key, Ohio	Park
Bryan	Garner	Kinkaid, Nebr.	Parker
Bulkley	Garrett, Tenn.	Kirkpatrick	Payne
Campbell	Gill	Korbly	Post
Coady	Godwin, N. C.	La Follette	Pou
Connolly, Iowa	Goeke	Lazaro	Ragsdale
Conry	Goulden	Lee, Ga.	Raker
Cooper	Graham, Ill.	Lee, Pa.	Reilly, Conn.
Covington	Greene, Mass.	Linthicum	Roberts, Mass.
Curry	Gudger	Lloyd	Roberts, Nev.
Deitrick	Hamill	Logue	Rouse
Dent	Hamilton, Mich.	Lonergan	Rupley
Dershem	Harris	McClellan	Scott

Seldomridge	Stout	Thacher	Watson
Sinnott	Sutherland	Towner	Webb
Small	Taggart	Tribble	Whaley
Smith, Md.	Talbott, Md.	Tuttle	Williams
Smith, N. Y.	Talcott, N. Y.	Underhill	Wilson, N. Y.
Sparkman	Taylor, Ark.	Underwood	Woodruff
Steenerson	Taylor, Colo.	Walker	
Stephens, Cal.	Temple	Walters	
Stone	Ten Eyck	Watkins	

ANSWERED "PRESENT"—7.

Adamson	Burke, S. Dak.	Metz	Sloan
Bartlett	Burke, Wis.	Slemp	

NOT VOTING—169.

Ainey	Fordney	L'Engle	Riordan
Anderson	Fowler	Lenroot	Rogers
Anthony	Frear	Levy	Rothermel
Austin	Gallivan	Lewis, Pa.	Sabath
Avis	Gard	Lieb	Scully
Barchfeld	George	Lindquist	Sells
Barnhart	Gerry	Lobeck	Shackleford
Bartholdt	Gillett	Loft	Sharp
Bell, Ga.	Gilmore	McAndrews	Sherley
Borland	Gittins	McGuire, Okla.	Sherwood
Brockson	Glass	McKenzie	Sims
Brown, W. Va.	Goldfogle	MacDonald	Slayden
Browne, Wis.	Gordon	Madden	Smith, Idaho
Browning	Gorman	Mahan	Smith, J. M. C.
Bruckner	Greene, Vt.	Maher	Smith, Minn.
Brumbaugh	Griest	Manahan	Smith, Tex.
Burke, Pa.	Griffin	Martin	Stanley
Butler	Guernsey	Merritt	Stedman
Calder	Hamilton, N. Y.	Miller	Stevens, Minn.
Callaway	Hammond	Mondell	Stevens, N. H.
Cantor	Hardwick	Moon	Stringer
Cantrill	Harrison	Morgan, La.	Switzer
Carew	Hart	Morin	Taylor, Ala.
Carlin	Hay	Moss, W. Va.	Taylor, N. Y.
Carr	Hayden	Mott	Thomas
Chandler, N. Y.	Henry	Neeley, Kans.	Thomson, Ill.
Church	Hinds	Neely, W. Va.	Townsend
Clancy	Hobson	Nelson	Vare
Copley	Hoxworth	Norton	Vaughan
Crisp	Hughes, W. Va.	O'Brien	Wallin
Dale	Humphreys, Miss.	Oglesby	Walsh
Davenport	Keister	O'Shaunessy	Weaver
Decker	Kennedy, Conn.	Paige, Mass.	Whitacre
Dies	Kennedy, R. I.	Palmer	White
Dooling	Kent	Patten, N. Y.	Willis
Doremus	Kiess, Pa.	Patton, Pa.	Wilson, Fla.
Driscoll	Kinkead, N. J.	Peters, Mass.	Winslow
Drukker	Kitchin	Peters, Me.	Woods
Dunn	Knowland, J. R.	Phelan	Young, N. Dak.
Eagan	Konop	Platt	Young, Tex.
Edwards	Lafferty	Porter	
Fairchild	Langham	Powers	
Fields	Langley	Reed	

So the amendment of Mr. MANN was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FIELDS with Mr. LANGLEY.

Mr. BARTLETT with Mr. BUTLER.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BROCKSON with Mr. YOUNG of North Dakota.

Mr. YOUNG of Texas with Mr. WOODS.

Mr. WILSON of Florida with Mr. WINSLOW.

Mr. VAUGHAN with Mr. THOMSON of Illinois.

Mr. TOWNSEND with Mr. SWITZER.

Mr. THOMAS with Mr. SMITH of Minnesota.

Mr. STRINGER with Mr. SELLS.

Mr. SMITH of Texas with Mr. WILLIS.

Mr. SIMS with Mr. SMITH of Idaho.

Mr. SHERWOOD with Mr. ROGERS.

Mr. SHACKLEFORD with Mr. PLATT.

Mr. ROTHERMEL with Mr. PORTER.

Mr. REED with Mr. PATTON of Pennsylvania.

Mr. PHELAN with Mr. PAIGE of Massachusetts.

Mr. PATTEN of New York with Mr. NORTON.

Mr. PALMER with Mr. VARE.

Mr. NEELEY of Kansas with Mr. MOTT.

Mr. MOON with Mr. NELSON.

Mr. LOBECK with Mr. MOSS of West Virginia.

Mr. KONOP with Mr. MONDELL.

Mr. LIEB with Mr. MORIN.

Mr. LEVY with Mr. POWERS.

Mr. KINKEAD of New Jersey with Mr. MILLER.

Mr. KENNEDY of Connecticut with Mr. MERRITT.

Mr. HUMPHREYS of Mississippi with Mr. MCKENZIE.

Mr. HAYDEN with Mr. MCGUIRE of Oklahoma.

Mr. HAY with Mr. LINDQUIST.

Mr. GORMAN with Mr. LEWIS of Pennsylvania.

Mr. GORDON with Mr. LAFFERTY.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. GILMORE with Mr. KIESS of Pennsylvania.

Mr. GEORGE with Mr. DUNN.

Mr. GARD with Mr. KEISTER.

Mr. GALLIVAN with Mr. GUERNSEY.

Mr. EDWARDS with Mr. GRIEST.

Mr. DRISCOLL with Mr. CHANDLER of New York.

Mr. DOREMUS with Mr. FORDNEY.

Mr. DIES with Mr. CALDER.

Mr. HARRISON with Mr. BROWNE of Wisconsin.

Mr. DECKER with Mr. BARTHOLDT.

Mr. GERRY with Mr. KENNEDY of Rhode Island.

Mr. CARR with Mr. BARCHFELD.

Mr. CARLIN with Mr. AVIS.

Mr. CANTRILL with Mr. AUSTIN.

Mr. CALLAWAY with Mr. ANDERSON.

Mr. BROWN of West Virginia with Mr. ANTHONY.

Mr. BORLAND with Mr. AINEY.

Mr. RIORDAN with Mr. FAIRCHILD.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GLASS with Mr. SLEMP.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. KITCHIN with Mr. MADDEN.

Mr. HARDWICK with Mr. MANAHAN.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. HENRY with Mr. HINDS.

Mr. SHERLEY with Mr. GILLETT.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. BARNHART with Mr. DRUKKER.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

On this vote:

Mr. BURKE of Wisconsin (against Mann amendment) with Mr. FREAR (for Mann amendment).

Mr. BURKE of Wisconsin. Mr. Speaker, I desire to be recorded present.

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. BURKE of Wisconsin. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BURKE of South Dakota. I desire to inquire if the gentleman from Georgia, Mr. BELL, voted?

The SPEAKER. He is not recorded.

Mr. BURKE of South Dakota. I voted "aye," but I wish to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from Tennessee [Mr. PADGETT] to concur in Senate amendment 71, with an amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 124 ayes and 81 noes.

Mr. HENSLEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 89, answered "present" 5, not voting 164, as follows:

YEAS—175.

Abercrombie	Deitrick	Hamill	McCoy
Adamson	Dent	Hamilton, Mich.	McDermott
Aiken	Dershem	Harris	McGillicuddy
Allen	Dixon	Harrison	McKellar
Ansberry	Donohoe	Hawley	McLaughlin
Ashbrook	Donovan	Hayden	Mann
Aswell	Doolittle	Hayes	Mitchell
Baker	Dupré	Heflin	Montague
Barkley	Eagle	Hinebaugh	Moore
Bathrick	Elder	Holland	Morgan, Okla.
Beakes	Esch	Houston	Murdock
Bell, Cal.	Estopinal	Hulings	Murray, Mass.
Blackmon	Evans	Hull	Murray, Okla.
Borchers	Faison	Humphrey, Wash.	Nolan, J. I.
Bowdle	Falconer	Johnson, Ky.	O'Hair
Britten	Farr	Johnson, Wash.	Oldfield
Brodbeck	Fergusson	Jones	O'Leary
Broussard	Flood, Va.	Kahn	Padgett
Brown, N. Y.	Finley	Kelly, Pa.	Park
Bryan	Francis	Kettner	Parker
Buchanan, Tex.	French	Key, Ohio	Payne
Bulkley	Gallagher	Kinkaid, Nebr.	Plumley
Burgess	Gardner	Kirkpatrick	Post
Campbell	Garner	Korbly	Pou
Cary	Garrett, Tenn.	Kreider	Ragsdale
Casey	Gill	La Follette	Raker
Church	Godwin, N. C.	Lazaro	Reilly, Conn.
Coady	Goeke	Lee, Ga.	Roberts, Mass.
Connolly, Iowa	Goulden	Lee, Pa.	Roberts, Nev.
Conry	Graham, Ill.	Lesher	Rouse
Cooper	Graham, Pa.	Linthicum	Rupley
Cullop	Green, Iowa	Logue	Scott
Curry	Greene, Mass.	Lonergan	Seldomridge
Danforth	Gudger	McClellan	Shreve

Sinnott	Stout	Ten Eyck	Walsh
Small	Sutherland	Thacher	Walters
Smith, Md.	Switzer	Towner	Watkins
Smith, N. Y.	Taggart	Treadway	Watson
Smith, Saml. W.	Talbott, Md.	Tribble	Webb
Sparkman	Talcott, N. Y.	Tuttle	Whaley
Steenerson	Tavenner	Underhill	Williams
Stephens, Cal.	Taylor, Ark.	Underwood	Wilson, N. Y.
Stevens, Minn.	Taylor, Colo.	Vollmer	Woodruff
Stone	Temple	Walker	

NAYS—89.

Adair	Difenderfer	Hill	Prouty
Bailey	Dillon	Howard	Quin
Baltz	Doughton	Hughes, Ga.	Rainey
Barton	Drukker	Igoe	Rauch
Beall, Tex.	Edmonds	Jacoway	Rayburn
Booher	Ferris	Johnson, S. C.	Reilly, Wis
Brumbaugh	Fess	Johnson, Utah	Rubey
Buchanan, Ill.	Fitzgerald	Keating	Rucker
Burnett	FitzHenry	Kelley, Mich.	Russell
Byrnes, S. C.	Floyd, Ark.	Kennedy, Iowa	Sims
Byrns, Tenn.	Foster	Kindel	Sisson
Candler, Miss.	Garrett, Tex.	Lenroot	Stafford
Caraway	Good	Lever	Stephens, Miss.
Carter	Goodwin, Ark.	Lewis, Md.	Stephens, Nebr.
Claypool	Gray	Lindbergh	Stephens, Tex.
Cline	Gregg	Maguire, Nebr.	Sumners
Collier	Hamlin	Mapes	Thompson, Okla.
Connelly, Kans.	Hardy	Miller	Volstead
Cox	Haugen	Mondell	Wingo
Cramton	Helgesen	Morrison	Witherspoon
Crosser	Helm	Moss, Ind.	
Davis	Helvering	Page, N. C.	
Dickinson	Hensley	Peterson	

ANSWERED "PRESENT"—5.

Bartlett	Burke, Wis.	Metz	Sloan
Burke, S. Dak.			

NOT VOTING—164.

Ainey	Fairchild	Lafferty	Porter
Alexander	Fields	Langham	Powers
Anderson	Fordney	Langley	Reed
Anthony	Fowler	L'Engle	Riordan
Austin	Frear	Levy	Rogers
Avis	Gallivan	Lewis, Pa.	Rothermel
Barchfeld	Gard	Lieb	Sabath
Barnhart	George	Lindquist	Saunders
Bartholdt	Gerry	Lloyd	Scully
Bell, Ga.	Gillett	Lobeck	Sells
Borland	Gilmore	Loft	Shackleford
Brockson	Gittins	McAndrews	Sharp
Brown, W. Va.	Glass	McGuire, Okla.	Sherley
Browne, Wis.	Goldfogle	McKenzie	Sherwood
Browning	Gordon	MacDonald	Slayden
Bruckner	Gorman	Madden	Slemp
Burke, Pa.	Greene, Vt.	Mahan	Smith, Idaho
Butler	Griest	Maher	Smith, J. M. C.
Calder	Griffin	Manahan	Smith, Minn.
Callaway	Guernsey	Martin	Smith, Tex.
Cantor	Hamilton, N. Y.	Merritt	Stanley
Cantrill	Hammond	Moon	Stedman
Carew	Hardwick	Morgan, La.	Stevens, N. H.
Carlin	Hart	Morin	Stringer
Carr	Hay	Moss, W. Va.	Taylor, Ala.
Chandler, N. Y.	Henry	Mott	Taylor, N. Y.
Clancy	Hinds	Neeley, Kans.	Thomas
Clark, Fla.	Hobson	Neely, W. Va.	Thomson, Ill.
Copley	Howell	Nelson	Townsend
Covington	Hoxworth	Norton	Vare
Crisp	Hughes, W. Va.	O'Brien	Vaughan
Dale	Humphreys, Miss.	Oglesby	Wallin
Davenport	Keister	O'Shaunessy	Weaver
Decker	Kennedy, Conn.	Paige, Mass.	Whitacre
Dies	Kennedy, R. I.	Palmer	White
Dooling	Kent	Patten, N. Y.	Willis
Doremus	Kiess, Pa.	Patton, Pa.	Wilson, Fla.
Driscoll	Kinkead, N. J.	Peters, Mass.	Winslow
Dunn	Kitchin	Peters, Me.	Woods
Fagan	Knowland, J. R.	Phelan	Young, N. Dak.
Edwards	Konop	Platt	Young, Tex.

So the motion of Mr. PADGETT to concur with an amendment was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. MCANDREWS with Mr. SUTHERLAND.

Mr. BARNHART with Mr. HOWELL.

Mr. CLARK of Florida with Mr. BROWNE of Wisconsin.

Mr. BURKE of Wisconsin with Mr. FREAR.

On this vote:

Mr. ALEXANDER (for Padgett motion) with Mr. SAUNDERS (against).

The result of the vote was then announced as above recorded.

Mr. PADGETT. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. PADGETT, Mr. TALCOTT of Maryland, and Mr. BUTLER.

SUSPENSION DAY.

Mr. UNDERWOOD. Mr. Speaker, next Monday is the fifth Monday in the month. It belongs neither to the District Committee nor to the Unanimous Consent Calendar. There are a number of bills where applications have been made to suspend the rules and pass them. I ask unanimous consent that motions to suspend the rules and pass bills may be in order next Monday.

The SPEAKER. The gentleman from Alabama asks unanimous consent that on next Monday motions to suspend the rules shall be in order.

Mr. BURNETT. Reserving the right to object, is not that unanimous-consent day?

Mr. UNDERWOOD. No; it does not belong to anybody.

Mr. MURDOCK. Reserving the right to object, have we had any suspension days this session?

Mr. UNDERWOOD. There have been a good many suspension days, but no suspensions.

Mr. MURDOCK. What are these bills?

Mr. UNDERWOOD. The Speaker has the power of recognition for suspension of the rules, and I am not proposing anybody's bill. I am merely proposing an opportunity for gentlemen who desire to be recognized for suspension of the rules to get a chance to get those bills up.

Mr. MURDOCK. How does recognition come on suspension day?

Mr. UNDERWOOD. That is entirely in the hands of the Speaker.

Mr. MURDOCK. Members who have bills on the calendar who desire to move to suspend the rules to pass those bills must see the Speaker and arrange for recognition?

Mr. UNDERWOOD. That has always been the custom.

Mr. BUCHANAN of Illinois. Does that apply to any bill that is on the calendar?

Mr. UNDERWOOD. Yes.

Mr. FITZGERALD. Mr. Speaker, I will ask the gentleman to couple with his request a proviso that the sundry civil bill be disposed of.

The SPEAKER. What does the gentleman from Alabama say to that?

Mr. UNDERWOOD. Mr. Speaker, I have no desire in the world to interfere with the sundry civil appropriation bill, because I recognize that it is more important than the other bills, and ought to go through. I equally have no doubt that the sundry civil bill will be disposed of by that time, but I will modify my request to that extent that next Monday it may be in order for the Speaker to recognize gentlemen to pass bills under suspension of the rules, not to interfere with the consideration of the sundry civil appropriation bill.

Mr. MURDOCK. Mr. Speaker, the gentleman from Alabama will remember that the rule on suspension is something like this, that suspension of the rules shall be in order twice a month, on the first and third Mondays, preference to be given to committees on one Monday and to membership on the other.

Mr. UNDERWOOD. Yes.

Mr. MURDOCK. How will that rule operate on this fifth Monday?

Mr. UNDERWOOD. Mr. Speaker, my request was not to consider committees or individuals, but to allow the Speaker to recognize either committee or individual suspensions. It takes a two-thirds vote to pass the bills that will come up, and those that will come up will not be partisan measures.

The SPEAKER. The gentleman from Alabama asks unanimous consent that on next Monday, being the fifth Monday in the month and not being claimed especially by either the Committee on the District of Columbia or the Unanimous Consent Calendar, motions to suspend the rules shall be in order, not to interfere with the sundry civil appropriation bill.

Mr. COOPER. Mr. Speaker, reserving the right to object, there will not be notice to the House, will there, of what bills will be called up on that day? There will be no calendar?

Mr. UNDERWOOD. There never is. The Unanimous Consent Calendar has grown so large that it has crowded out motions to suspend the rules. The Speaker has recognized the Unanimous Consent Calendar over motions to suspend the rules, although I believe that it is within the power of the Speaker to recognize motions to suspend the rules in preference to the Unanimous Consent Calendar, if he so desires. The Unanimous Consent Calendar, however, has shoved suspension out of the way, and this will be an opportunity to let Members call up bills that are not of a partisan nature, but are of public moment. Of course, it will require a two-thirds vote to pass any of them.

Mr. COOPER. Is it proposed on Monday to bring up the water-power bill that has been made a special order?

Mr. GARNER. That is with the Speaker.

Mr. UNDERWOOD. I am personally very much interested in the passage of that bill, I will say to the gentleman——

Mr. MANN. But that will not come up under suspension of the rules.

Mr. UNDERWOOD. No.

The SPEAKER. The Chair will state for the information of Members that no one has ever applied to the Chair to suspend the rules on that bill.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Wisconsin that there is an order of the House now in existence giving privilege to that water-power bill, and if this request be objected to, the water-power bill would come up on that day, but this would give suspension a preference to the water-power bill. I am in hopes that that bill will come up before that time.

Mr. MURDOCK. The gentleman will remember that the Moon bill has preference.

Mr. UNDERWOOD. Oh, no.

Mr. FALCONER. Mr. Speaker, I would like to ask with reference to the reclamation extension bill. Would there be any objection to its coming up if the other Land Department bills came up?

Mr. UNDERWOOD. I think there is a possibility of the reclamation extension bill coming up before that time.

Mr. BRYAN. That bill may come up to-morrow on the regular call of committees.

Mr. UNDERWOOD. It might. I am not attempting to make any order in reference to what bills shall come up.

Mr. ADAMSON. Mr. Speaker, if the gentleman from Alabama will permit me, I would state that there is no intention at all, if this consent be given, to attempt to call up the bill to amend the general dam act.

Mr. UNDERWOOD. The gentleman means under suspension of the rules?

Mr. ADAMSON. Yes; because it already has been made privileged by consent of the House.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. What will be the regular order of business on Monday next without this special order?

The SPEAKER. It would be an ordinary legislative day; and the gentleman from New York [Mr. FITZGERALD] would have the right of way with his appropriation bill. It is the fifth Monday of the month.

Mr. COOPER. But suppose that bill were passed before Monday, what would be the regular order?

The SPEAKER. The bill the gentleman from Georgia [Mr. ADAMSON] refers to—the dam bill—because that, by unanimous consent, has been made a privileged matter.

Mr. ADAMSON. And some folks have damned it; but I think we will turn it loose when we can get it on the floor.

The SPEAKER. And when this appropriation bill is out of the way, and no conference report or privileged matter is called up, the Chair will recognize the gentleman from Georgia, or some one for him, to call that bill up, because the House gave it a privileged status by unanimous consent three or four weeks ago, and it would have been disposed of long ago if it had not been for that special order that was brought in by the Committee on Rules.

Mr. COOPER. I understood the gentleman from Georgia to say it is not his purpose to take up that bill on next Monday.

Mr. MANN. He could not pass one end of it.

Mr. ADAMSON. I expect to call it up as soon as the sundry civil bill is out of the way.

Mr. COOPER. I understood the gentleman from Georgia to say, a few moments ago, he would not take it up.

Mr. ADAMSON. I will not ask recognition to suspend the rules; no, sir. I will not do that. I have a much better chance the other way.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, I want to ask something easy, and that is to lay two bills on the table, because identical bills have already passed the House.

The SPEAKER. What are the numbers?

Mr. ADAMSON. One is H. R. 1922, on the Union Calendar, and the other is H. R. 16133, on the House Calendar. Identical bills have already passed and these ought to be laid on the table.

The SPEAKER. The Clerk will report the bills by title.

The Clerk read as follows:

H. R. 16133. A bill to amend section 20 of an act to regulate commerce.

H. R. 1922. A bill to repeal that part of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, which exempts vessels engaged in the coastwise trade from tolls at the Panama Canal.

Mr. ADAMSON. One of those is the canal tolls repeal and the other is the stocks and bonds bill, both of which have passed the House.

Mr. MANN. Has the gentleman got through with the canal tolls repeal now?

Mr. ADAMSON. I do not think the gentleman will ever be able to resurrect that iniquity in the world any more.

Mr. MANN. The next Congress will repeal what has been done this time.

The SPEAKER. Without objection, these two bills will be laid on the table.

There was no objection.

EXTENSION OF REMARKS IN THE RECORD.

Mr. STEPHENS of Nebraska. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. STEPHENS of Nebraska. I rise to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CARY. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MANN. Mr. Speaker, I object.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval bill we had under discussion a short time ago.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks on the naval bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker——

Mr. CONNOLLY of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. MANN. On what? I shall object if gentlemen do not state the subject.

Mr. CONNOLLY of Iowa. On the naval bill, on the battleship question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CARY. Mr. Speaker, the gentleman from Illinois did not know I wanted to extend my remarks on the naval bill, and that is why he objected.

The SPEAKER. Each gentleman ought to state on what subject he desires to extend his remarks, and it would save a great deal of trouble. The gentleman from Wisconsin asks unanimous consent to extend his remarks on the naval bill. Is there objection?

Mr. DONOVAN. Mr. Speaker, I ask the privilege of making an announcement of about two sentences. I want to call attention——

Mr. MANN. Mr. Speaker, I object.

Mr. DONOVAN (continuing). To the fact that the gentleman from Ohio [Mr. FESS] is present——

The SPEAKER. The gentleman objects.

Mr. DONOVAN. Who?

The SPEAKER. The gentleman from Illinois. While there is a good membership present the Chair wants to remind Members of two or three of the minor rules. One is that when a gentleman has the floor and another gentleman wants to interrupt him he ought to address the Chair. The reasons for that rule are good. Another one is that Members must not crowd around this desk when the roll is being called. It pesters the clerks and fuddles them so they do not know what they are doing; and the third rule, that is being violated right straight along, is that Members sitting in their seats should not inject remarks into a gentleman's speech. It is not fair or conducive to order. And the fourth, that is violated constantly, is that Members address each other as "you," and so forth, which is prohibited by the rule.

Mr. DONOVAN. Mr. Speaker, what became of my request?

The SPEAKER. The gentleman from Illinois [Mr. MANN] objected to the gentleman's request.

Mr. DONOVAN. The minority leader.

Mr. MANN. The request was not submitted to the House.

The SPEAKER. Is there objection to the request?

Mr. MANN. I objected to the gentleman talking without any attention being paid to his request.

The SPEAKER. Is there objection to the gentleman from Connecticut speaking for two minutes?

Mr. CARY. Mr. Speaker, reserving the right to object, what became of my request?

The SPEAKER. Why, it was granted.

Mr. MANN. No.

The SPEAKER. That is true; it was not.

Mr. MURDOCK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURDOCK. I want to make a statement to the Speaker. The Speaker made a very essential statement here a few minutes ago to the effect that men who interrupt should address the Speaker, and that is true, and yet no man since has addressed the Speaker.

Mr. MANN. The gentleman himself is speaking out of order.

Mr. MURDOCK. Of course I am; I am trying to get in order.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin to extend his remarks on the naval appropriation bill? [After a pause.] The Chair hears none.

Is there objection to the gentleman from Connecticut [Mr. DONOVAN] addressing the House for two minutes? [After a pause.] The Chair hears none. [Applause.]

Mr. DONOVAN. Mr. Speaker, I only wanted to call attention to this fact, that one of the most intellectual Members of this body has put in an appearance to-day at this session. I refer to the college president from Ohio [Mr. FESS]. He very kindly called attention to the attendance of this body before he departed, and after doing it we have not been able to look upon his face until to-day. [Applause.] We hope he will continue to perform the duties pertaining to a Representative in Congress and will not set such a bad example as to hie himself away three weeks at a time, as he has of late. [Laughter.]

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 22.

Whereas the Government of the United States has erected a monument in Hollywood Cemetery at Richmond, Va., over the grave of President John Tyler; and

Whereas exercises will be held very soon to unveil the said monument and it being considered very appropriate that the Senate and House of Representatives should be properly represented on this occasion: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10 members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies, and authority is hereby given to expend $250 from the contingent fund of the Senate and $250 from the contingent fund of the House of Representatives to defray the expenses of said committee, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively—

to the Committee on the Library.

FORTIFICATIONS.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill H. R. 12235—the fortifications appropriation bill—and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] calls up the conference report on the fortifications bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 551).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 9, 10, 11, 12, and 13, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

SWAGAR SHERLEY,
GEO. WHITE,
WM. M. CALDER,
Managers on the part of the House.
N. P. BRYAN,
GEO. C. PERKINS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: Appropriates $450,000, as proposed by the House, instead of $900,000, as proposed by the Senate, for purchase, manufacture, and test of mountain, field, and siege cannon.

On amendment No. 2: Appropriates $1,200,000, instead of $2,000,000 as proposed by the Senate and $900,000 as proposed by the House, for ammunition for mountain, field, and siege cannon.

On amendment No. 3: Appropriates $45,000, as proposed by the House, instead of $55,000, as proposed by the Senate, for alteration and maintenance of mobile artillery in the United States.

On amendments Nos. 4 and 5, relating to protection, preservation, and repair of fortification in the insular possessions: Appropriates $1,000, instead of $1,500 as proposed by the Senate and $500 as proposed by the House, for the Hawaiian Islands and strikes out the appropriation of $7,000 for the Philippine Islands.

On amendments Nos. 6, 7, and 8, relating to preservation and repair of torpedo structures in the insular possessions: Appropriates $2,000, as proposed by the Senate, instead of $500, as proposed by the House, for the Hawaiian Islands and $1,000, as proposed by the Senate, instead of $750, as proposed by the House, for the Philippine Islands.

On amendments Nos. 9, 10, and 11, relating to reserve equipment in the insular possessions: Appropriates, as proposed by the Senate, $50,000 for the Hawaiian Islands and $100,000 for the Philippine Islands.

On amendments Nos. 12 and 13: Appropriates $1,000, as proposed by the Senate, instead of $750, as proposed by the House, for tools and appliances for maintaining and operating searchlights and electric light and power plants in the Hawaiian Islands.

The bill as passed by the Senate appropriated $6,895,200, which sum exceeded the bill as passed by the House by $1,720,000. In conference the Senate receded from $1,267,500, which makes the bill as agreed upon carry a total of $5,627,700.

SWAGAR SHERLEY,
GEO. WHITE,
WM. M. CALDER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 12045—the omnibus pension bill.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill H. R. 12045, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will read the report.
The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 843).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 8, 16, 18, 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 24, 25, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
Managers on the part of the House.
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill——

Mr. FITZGERALD. Mr. Speaker, pending that motion, I wish to give notice that I will ask the House to sit the same as last night.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] gives notice that he will ask the House to sit to-night until 11 o'clock p. m., or somewhere along there.

Mr. MANN. Not as late as that.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil bill, with Mr. GARRETT of Tennessee in the chair.

Mr. FITZGERALD. Mr. Chairman, I think under the agreement we made the other day that we now revert to the Frankford Arsenal item, on page 52.

The CHAIRMAN. There is pending a point of order made by the gentleman from Illinois [Mr. MANN], which the Chair is ready to dispose of and rule upon, unless some gentlemen desire to be heard upon it. The Chair will indicate now before anyone is heard, in order that they may have full knowledge, that he is inclined to think this vote should be taken over again.

Mr. DONOHOE. I would ask the Chair what would be the situation in case we had reached the end of a paragraph without any opposition being offered to that paragraph and a Member then made the point of no quorum? Would we have to go back over that paragraph again?

The CHAIRMAN. Not under the practice of the House.

Mr. DONOHOE. Now, Mr. Chairman, this particular item was disposed of by the ruling of the Chair:

The committee divided; and on a division there were—ayes 35, noes 31.

The Chairman said:

On this question the ayes are 35, the noes are 31. The amendment is agreed to.

After that the point of order was made.

The CHAIRMAN. The situation was this: The gentleman from Pennsylvania [Mr. DONOHOE] offered the amendment, and it was voted upon first by a viva voce vote, and then a division was demanded, and it was voted upon by the committee by a division. Upon that vote less than a quorum voted. The Chair announced the result in accordance with the custom which usually prevails in the Committee of the Whole, and immediately after the announcement of the result the gentleman from Illinois [Mr. MANN] made the point that there was no quorum present. A count was immediately taken, which developed that there was no quorum present. Now, the Constitution provides that a majority of each House shall constitute a quorum to do business. The rules of the House provide that 100 shall constitute a quorum in the Committee of the Whole. The Chair believes that either in the House or in the Committee of the Whole where that point is made within a reasonable time, and it develops within a reasonable time, without any effort at filibustering, that there is not a quorum present, there ought to be a quorum pass upon that question of business before the House. The Chair may be wrong about it. The Chair, of course, will entertain an appeal. The Chair does sustain the point of order made by the gentleman from Illinois [Mr. MANN], and the question is on the amendment.

Mr. DONOHOE. Mr. Chairman, before the amendment is voted upon, I think it would be fair that gentlemen who are present now and who were not here when the motion was offered should know something of the circumstances and conditions of the case. I have here, Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, may we have the amendment reported before the gentleman proceeds?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Page 52, after line 17, insert the following:
"For extension of metal storehouse, $13,500."

Mr. DONOHOE. Mr. Chairman, this appropriation provides for the extension of a metal storehouse at Frankford Arsenal. I have here some photographs that were taken within the last 10 days showing the congested condition with regard to the storage of metals and other materials at the arsenal. I feel that there is scarcely a gentleman present who, if he will look over these photographs, would be unwilling to vote for this amendment, especially when he considers that the Frankford Arsenal saved to the Government last year in the manufacture of small-arms and artillery ammunition almost $2,000,000, considering what the Government would have to pay if they had bought the ammunition on the outside. I have here one view of a loading platform, showing the congestion due to the storage of valuable brass and german-silver scrap. Here is another photograph showing an accumulation of scrap on the platform which should be stored under cover, and hundreds of boxes on the outside exposed to the elements. Another photograph shows the interior of the tin shop, where most of these boxes are made.

The box linings and boxes should be stored in a proper storehouse instead of being stored in the shop where they are made and where there is not room for them. Another view here is the small-arms ammunition boxes, for which there is no room on the inside. Thousands of these boxes, made of metal, are exposed to the elements because of the fact that there is no storage room for them.

Now, the department estimated for two storerooms, but the committee in their wisdom failed to put them in the bill. I am now appealing to the committee to put them in. Here are valuable boxes, costing the Government 60 cents each, stored in the open because of lack of room in the metal ammunition storehouse. Here is also a photograph showing thousands of these boxes outside, exposed to the weather, perhaps rusting.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. DONOHOE. I do.

Mr. GOULDEN. What is the size of the present storehouse?

Mr. DONOHOE. I have not the dimensions.

Mr. GOULDEN. Approximately what is the length and breadth of it?

Mr. DONOHOE. I can not say.

Mr. GOULDEN. It is comparatively small, however?

Mr. DONOHOE. Yes; it is comparatively small. Here are views of the interior of the metal storehouse, showing the present crowded condition, with boxes of valuable material, brass and german silver and other metals, piled up almost to the rafters. Here is another view of the metal storehouse showing very much the same thing.

Now, Mr. Chairman and gentlemen, I trust the members of the committee will consider that Frankford Arsenal is one of the most economical workshops of the Government and provide for this small storehouse that the arsenal urgently and absolutely needs for the protection of the valuable material that is now on the outside exposed to the weather.

Mr. SMALL. Mr. Chairman, will the gentleman yield for a question?

Mr. DONOHOE. Yes.

Mr. SMALL. This is urgently recommended by the department?

Mr. DONOHOE. Yes; it is urgently recommended by the department.

Mr. HOWARD. But it is not recommended by the committee?

Mr. DONOHOE. Mr. Chairman, on June 12, when these items were first reached, several Members of the House pointed out the urgent necessity of acquiring for Frankford Arsenal some 25 acres of adjoining land. Eloquent and, to my mind, convincing arguments were presented by several Representatives in support of my amendment providing $100,000 for the purchase of the land in question. Compared with the Government arsenals at Rock Island, Watervliet, Springfield, and Watertown, it was pointed out that in proportion to the size of its working force, the amount of its annual disbursements, or the value of its manufactured product, Frankford Arsenal is badly hampered for room and has far outgrown in these respects its present area of 63 acres. In short, it was clearly shown that in the interest of the safety of the employees of the arsenal, as well as in the interest of economy and good business policy, the additional land—the last piece available—should be purchased before it is too late.

But a majority of the gentlemen who were present were evidently carried away by the statements of Chairman FITZGERALD, of the Appropriations Committee, who said in substance, first, that the item has not been estimated for by the War Department; second, that it is not necessary to enlarge the facilities of Frankford Arsenal; and, third, that we should not buy land at Frankford when we have unlimited land and abundant water power at Rock Island.

While it is true that the War Department has not recently estimated for the purchase of this land, it is also true that the department did heretofore estimate for it, that it still favors the proposition, and that the item has been left out of the estimates this year, not because it is not deemed advantageous, but "because other needs of the department have been so immediately pressing." Under date of April 14, 1914, Hon. Lindley M. Garrison, Secretary of War, wrote to Senator SWANSON, the chairman of the Committee on Public Buildings and Grounds of the United States Senate, as follows:

DEAR SENATOR: I return herewith the bill (S. 5055) to provide for the acquirement of about 25 acres of land adjoining the Frankford Arsenal, Philadelphia.

The principal reasons for the purchase of this property by the Government are as follows:

1. To avoid the serious situation which would arise if this property should be purchased by parties who would desire to utilize it for dwellings or factory purposes, since there is no doubt that in case such buildings should be erected upon the property the occupants would object to the experimental firings and other tests involving the use of high explosives which are conducted at the Frankford Arsenal.

2. The utilization of the property for the storage of explosives so as to remove them a safe distance from the present shop buildings.

3. To utilize the property for the construction of certain storehouses and shop buildings, which will undoubtedly be necessary in the expansion of the manufacturing plant at the Frankford Arsenal in the future and for which it would be impossible to secure grounds if this piece of property shall irrevocably pass to other uses.

The War Department has in the past submitted estimates for the purchase of this property, but I have not repeated the estimate; not because the purchase would not be advantageous and such as would be made by any efficient corporation in a similar position, but because other needs of the War Department have been so immediately pressing that I have been obliged to let this particular matter rest, although I recognize that in doing so the danger is incurred of the passage of the opportunity to make the purchase advantageously.

I believe that the land is now practically owned by the University of Pennsylvania, having been left to it as a part of an estate. I think a fair price would be somewhere between $140,000 to $150,000, so that the amount carried in the bill—$154,000—should be sufficient to include the cost of condemnation proceedings should such be necessary, as contemplated by the bill.

Sincerely, yours, LINDLEY M. GARRISON,
Secretary of War.

This letter indicates how the Secretary of War feels regarding the necessity of purchasing this land and the advisability of increasing the facilities of the Frankford Arsenal. And I have personal knowledge that similar views on the subject are entertained by Gen. Crozier, the Chief of Ordnance, and by other prominent officials of the War Department. Gen. Crozier knows and admits that Frankford Arsenal is one of the most profitable of the Government's manufacturing establishments. In his last annual report the general says of it:

In the manufacture of artillery ammunition and small-arms ammunition at that arsenal a saving of over $1,500,000 was made during the year as compared with what the same ammunition would have cost if procured from private establishments at the best prices which were offered. Also, in the manufacture under contract of these same two classes of ammunition, $400,000 more were paid than it would have cost to make it at the arsenal.

Gen. Crozier, with his long experience in the Ordnance Department, realizes that the economies at Frankford Arsenal are due in large measure to its ideal location within the limits of a great manufacturing city, whose population is now 1,600,000. On January 29 of this year, during the debate on the fortifications bill, I said on this point:

Its location as a manufacturing plant is most favorable. This fact was recognized as far back as 1875, when a board of ordnance officers recommended that the plant be enlarged and that 75 acres of additional land be purchased for that purpose.

Being within the city of Philadelphia, it is easily accessible for 250,000 skilled workmen. It is within 275 miles of the soft-coal fields of Pennsylvania, the source of its fuel supply; within 150 miles of Connecticut, from which it draws its brass for manufacturing; within 57 miles of Bethlehem, Pa., 58 miles of Reading, Pa., and 350 miles of Pittsburgh, Pa., from which points, as well as from Philadelphia, it procures its steel; within 30 miles of Carneys Point, N. J., and 136 miles of Picatinny Arsenal, N. J., from which it gets its explosives for the manufacture of ammunition.

Its shipping facilities are unsurpassed. It has direct railroad connection with the Pennsylvania Railroad, while the other railway lines that enter Philadelphia, the Reading and the Baltimore & Ohio, are within easy reach. In that great railroad center a supply of suitable cars for all purposes is procurable at all times on short notice. * * *

These advantages of location—unrivaled labor market, proximity to supplies, and adequate transportation facilities—are the main factors in the development of the remarkable economies of Frankford Arsenal.

Members of this House who have inspected the plant, including some members of the Committee on Appropriations, are of one mind in favor of the purchase of the adjoining 25 acres of land. On the other hand, the chairman and some other members of the Committee on Appropriations seem to think that it would be unwise to enlarge the Frankford Arsenal while we have plenty of unused land and an abundance of cheap water power at the Rock Island Arsenal. But free land and cheap power would not be sufficient inducement for a sensible manufacturer to abandon a plant that has been paying for itself in profits every 30 months. Almost every argument that has been advanced in support of the proposition that the Government shall manufacture all of its requirements in ammunition is based on economies that have been effected at Frankford Arsenal.

We have heard much about the wonderful water power at Rock Island and how cheaply it is produced. We have also been told that the Government sells to the Moline Water Power Co. surplus power at four-tenths of a cent per kilowatt hour. I find that the Government sells just $150 worth of that power annually, and that when the water is low it buys from the Moline Water Power Co. about $2,000 worth per annum. This latter power is generated by steam and costs 1 cent per kilowatt hour.

The assumption that because we sell power at an unusually low price it is produced cheaply is a false one. I can show from facts and figures that have been carefully gathered from the War Department that it costs the Government much more than four-tenths of a cent per kilowatt hour to produce the power at Rock Island. Indeed, I can show that it costs less per kilowatt hour for power generated by steam at Frankford Arsenal than for power generated by water at Rock Island.

Let us see what the Rock Island water-power plant has cost the Government. On March 2, 1867, Congress authorized the purchase from the Moline Water Power Co. of its title to the water power which it had acquired two years previously. The condition of purchase was that the United States would develop the water power and furnish one-fourth of it to the Moline Water Power Co. free of charge.

Congress has already appropriated for the development of this power $1,624,750; for extraordinary repairs, $246,150, and annually for maintenance, $12,500. The interest at 3 per cent on the cost of development is $48,742, which, with the maintenance charge of $12,500, makes a total annual charge of $61,242.

The maximum power that can be developed by the Rock Island Dam is 1,450 horsepower. I understand that the arsenal requires 1,400 horsepower. Assuming that 1,400 horsepower is taken daily throughout the year, it follows that 2,590,000 kilowatt hours in electrical energy are taken annually from the Rock Island water-power plant. The annual charge for this amount of energy being $61,242, then the cost of a kilowatt hour at Rock Island is over 2.4 cents. At Frankford Arsenal the power is generated by steam at a cost of slightly more than 1 cent, or, to be accurate, 1.008 cents, per kilowatt hour.

There is a general impression that because there is no charge for the water in a water-power plant the cost of the electrical energy derived from such a plant is merely nominal. Some Members of this House are evidently not free from that erroneous notion. As a matter of fact, an up-to-date steam plant having a capacity of 2,000 kilowatts can be installed complete for $200,000. If these figures are correct, as I believe them to be, then it must be admitted that a steam-power plant of 2,000 kilowatt capacity at a cost of $200,000 would have been a much better investment at Rock Island Arsenal than the water-power plant of 1,450 kilowatt capacity that has cost the Government $1,624,750.

We must remember, too, that the shop buildings at Rock Island Arsenal are heated not by electricity but by a steam plant which requires about 5,000 tons of coal annually at a cost of $12,500. Then there are bridges leading to Rock Island for which Congress has made appropriations since 1869 amounting to over $800,000, besides annual appropriations in recent years of $12,500 for the maintenance of these bridges.

From this it is clear that the alleged advantages of the so-called free water power at Rock Island are largely mythical. In fact, Rock Island Arsenal possesses no economical advantages by reason of its water power when the cost and maintenance charges of that power are considered. And if Rock Island really possessed economical advantages in its water-power plant, which I can not admit, such advantages would be more than offset by its inaccessibility to a large number of skilled artisans, its long distance from the sources of its supplies, and the delay and expense involved in having its products tested at the Government proving grounds at Sandy Hook.

But, Mr. Chairman, I have no desire to minimize the importance or injure the prospects of the Rock Island Arsenal. My aim is merely to correct or remove the misimpressions that gentlemen may have received from the statements of the chairman of the great Committee on Appropriations, Mr. FITZGERALD, whose remarks are always eloquent, always impressive, and usually accurate.

While admitting that the Rock Island plant is well equipped to produce its present lines of manufacture, I still contend that Frankford Arsenal possesses many superior advantages, that those advantages have already resulted in large savings to the Government, and that still greater economies can be effected by the expenditure of a comparatively small sum in the enlargement and improvement of its manufacturing and storage facilities. The failure to further develop this great arsenal on the poor plea that development should be made only where the Government owns land and water power is at least starving, if not killing, the goose that lays the golden eggs.

In the past 10 years the Rock Island Arsenal has received appropriations for repairs and improvements aggregating $975,000, while during the same period the total appropriations for Frankford Arsenal amounted to only $350,000.

Why this difference in the appropriations for two plants the value of whose annual output is practically equal? I do not know; but I might suggest that it was an advantage to the Rock Island Arsenal to have both Democrats and Republicans fighting its battles in Congress, while our arsenal had until recently only one brand of champions. It can not be denied that the claims of Frankford Arsenal have of late been kept well to the front, and I am confident that the efforts now being put forth will soon bear fruit.

Acts of Congress making appropriations for the development of the water power at the Rock Island Arsenal.

Act of June 27, 1866	$100,000
Act of June 8, 1868	80,000
Act of Mar. 3, 1869	150,000
Act of July 15, 1870	200,000
Act of Mar. 3, 1871	200,000
Act of June 10, 1872	110,000
Act of Mar. 3, 1873	18,000
Act of June 23, 1874	5,400
Act of Mar. 3, 1881	50,000
Act of Aug. 7, 1882	100,000
Act of Mar. 3, 1883	20,000
Act of July 7, 1884	18,506
Act of Oct. 2, 1888	275,000
Act of Aug. 30, 1890	101,000
Act of July 1, 1898	45,000
Act of Mar. 3, 1899	21,350
Act of Mar. 3, 1901	130,500
Total	1,624,750

Acts of Congress making appropriations for extraordinary repairs to the Rock Island Arsenal water power.

Act of Oct. 2, 1888	$25,000
Act of Aug. 18, 1894	30,000
Act of Mar. 2, 1895	37,500
Act of June 4, 1897	28,150
Act of June 6, 1900	97,000
Act of May 27, 1908	28,500
Total	246,150

Acts of Congress making appropriations on account of the bridges at the Rock Island Arsenal.

Act of Mar. 2, 1867	$200,000
Act of July 25, 1868	100,000
Act of Mar. 3, 1869	500,000
Act of July 15, 1870	300,000
Act of Mar. 2, 1889	35,000
Act of Mar. 28, 1898	96,000
Act of June 11, 1896	10,200
Act of May 27, 1908	9,350
Act of Mar. 4, 1909	60,000
Total	1,310,550

Mr. FITZGERALD. Mr. Chairman, the department estimated for improvements at Frankford Arsenal aggregating about $72,000. The committee recommended items carrying $57,000. One of the items carried upon the recommendation of the committee is for a high-explosive loading shop and its equipment, to cost $32,000.

This metal storehouse, which has been discussed by the gentleman from Pennsylvania [Mr. DONOHOE], was erected originally for the storage of scrap, but has been utilized for the storage of metals in an unmanufactured shape. Gen. Crozier was asked why he could not use the building that would be abandoned when the high-explosive loading shop provided in this bill should be erected as a storage house, and he said that that could be done. That building will be abandoned, and it should be utilized for some purpose.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. FITZGERALD. In a second. The committee believed that for the present that building could be utilized for these storage purposes.

Now I yield to the gentleman from Pennsylvania.

Mr. MOORE. Gen. Crozier, in his testimony before the committee, was asked by the chairman, the gentleman from New York [Mr. FITZGERALD]—

Why could not you use this building which you are going to abandon? Gen. CROZIER. Maybe we shall—that is possible—for scrap.

Mr. FITZGERALD. Well, it is possible for brass or iron or other material.

Mr. MOORE. The gentleman from New York then asked:

For either?

And Gen. Crozier replied:

One objection would be that it is not in such a place where a car can come alongside of it, though we have a railroad track running past the end of it. Of course its inflammable character would not make so much difference then.

Mr. FITZGERALD. Of course.

Mr. MOORE. The gentleman will appreciate that these high explosives are out in the open air. I do not know what the effect of the sun's rays are upon them.

Mr. FITZGERALD. This shop is to be put in an entirely different location. The railroad track runs past the building that is to be abandoned. A car can be brought there and unloaded. There is no siding there, but there is a track that runs through the yard, and the committee believed that it was proper to utilize the building for some purpose rather than simply to destroy it. The committee believed that after it had been abandoned for one use it could be utilized for a storehouse for these materials.

Mr. DONOHOE. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DONOHOE. I would call the gentleman's attention to these photographs.

Mr. FITZGERALD. I have seen them.

Mr. DONOHOE. I do not know how the chairman arrives at the conclusion that these additional storage facilities are not needed immediately. Several Members of this House have been up there and have seen the crowded condition of this place.

Mr. FITZGERALD. You are going to have a new building there.

Mr. DONOHOE. As a matter of fact, they are going to be called upon to manufacture three times as much material this year as heretofore.

Mr. FITZGERALD. But this storehouse would not be built in time for use this year. That is a high-explosive shop, and those things can be moved out from the present shop to the other shop for storage purposes.

Mr. DONOHOE. It has been widely advertised that more room is urgently needed.

Mr. FITZGERALD. They assumed that this recommendation would become law.

Mr. DONOHOE. Well, the chairman's recommendation is almost equivalent to a law with us.

Mr. FITZGERALD. I would say, Mr. Chairman, that the committee in going over the recommendations for these various arsenals undertook to select those items that were imperatively required and recommended.

For the Frankford Arsenal they provided a high-explosive loading shop and its equipment, magazine protection, and increased facilities for fire protection, including the installation of a motor-driven pump and the construction of a building to contain the same.

If the committee were to recommend every improvement at every place suggested by the department, it would require the appropriation of a sum of money that would stagger the House; and if the committee were to bring in a bill containing all such recommendations, this House itself would promptly eliminate

many of them from the bill. We have recommended those things that are essential at this time for the proper development of the Frankford Arsenal. This abandoned building will be available for storage, and the committee believe they have done all they are justified in doing at this time. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE].

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. FITZGERALD. I ask for a division.

The committee divided; and there were—ayes 43, noes 15.

Mr. FITZGERALD. I ask for tellers.

Tellers were refused, 12 Members, not a sufficient number, seconding the demand.

Mr. FITZGERALD. I make the point of order that there is no quorum present.

Mr. MONDELL. Mr. Chairman, I suggest that that is dilatory.

Mr. DONOHOE. I suggest that that is not in order.

Mr. FITZGERALD. I suggest that it is in order.

The CHAIRMAN. The point of order has not been made before. The gentleman from New York [Mr. FITZGERALD] makes the point of order that there is no quorum present.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FITZGERALD. I make the point. The gentleman need not argue about it.

Mr. MONDELL. Very well; I will not argue with the gentleman; but I suggest that the gentleman is delaying the passage of the bill.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-nine Members in their seats, and the Chairman is present, making 100. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE]. As many as favor the amendment will rise and stand until they are counted.

The committee divided; and there were—ayes 51, noes 26.

Mr. FITZGERALD. I ask for tellers, Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. FITZGERALD and Mr. DONOHOE.

The committee again divided; and the tellers reported—ayes 54, noes 35.

Accordingly the amendment was agreed to.

Mr. DONOHOE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DONOHOE:
Page 52, after line 17, insert the following:
"For extension of artillery storehouse, $17,500."

Mr. DONOHOE. Mr. Chairman, I offered an amendment the other day for this matter, but it was ruled out on a point of order because it provided for a new building. This is for an extension of the artillery ammunition storehouse. I could say nothing on this that I have not said on the proposition for a metal storehouse, and I have said nothing on the latter that I could not say on this. It is urgently needed for the protection of the high-explosive materials at the Frankford Arsenal. If we do not appropriate this small amount, it will be a serious mistake.

Mr. FITZGERALD. Mr. Chairman, there is no such building at the Frankford Arsenal. The gentleman has put his amendment in a form so that even if the money were appropriated it could not be utilized. The other day he offered an amendment to provide for a new building for that purpose. Now, he hopes to get an amendment adopted which, even if adopted, would be of no value, because the money could not be spent. I repeat that the Committee on Appropriations in making recommendations for this arsenal and for the other arsenals picked out the items that were important; that were essential for the proper conduct of the business at these places at this time, and recommended them. I hope that the committee will not adopt this amendment.

Mr. DONOHOE. Will the gentleman yield for one question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. DONOHOE. Does the gentleman contend that there are no facilities for the storage of ammunition?

Mr. FITZGERALD. I contend that there is no such building as that for which the gentleman proposes to appropriate $17,000 for an extension. This House would put itself in a ridiculous position to vote money to extend a building that does not exist. I hope the amendment will not be adopted.

Mr. MOORE. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

Mr. MOORE. Mr. Chairman, I desire to speak on this amendment. I suggest to my colleague from Pennsylvania that he move to strike out the words "for the extension of."

Mr. DONOHOE. I could not do that because it would then be subject to a point of order.

Mr. MOORE. I think the gentleman has a right to offer an amendment for a building.

Mr. DONOHOE. No; my other amendment was ruled out on that ground. This is for the extension of facilities for the storage of ammunition. If the chairman of the committee says there are no facilities at the arsenal for the storage of ammunition, I must be wrong, but I understand there are some limited facilities for such a purpose, and my amendment provides for an extension of those facilities.

Mr. MOORE. We have a statement from the Chief of Ordnance on that point, and if the gentleman insists on the amendment going up as it is, we will have to argue it out on that line. However, Mr. Chairman, we have to have Artillery ammunition at that arsenal. It is stored there in the best way that it can be stored. We have a perfect right to extend the storage facilities as proposed in the amendment, if it is to be considered in its present form. That there is a necessity for the present extension is made clear by the statement of the Chief of Ordnance in advocating the estimate submitted to the committee. The matter came up before the committee in regular order, and the Chief of Ordnance testified that there was great necessity for this extension of facilities. Now, what did the Chief of Ordnance say about it?

Gen. CROZIER. Here [exhibiting] is a plan of the building which it is proposed to erect under this estimate. The dimensions are about 133 by 45 feet. It is also a one-story brick building. As explained by the note, it is intended to be utilized for storing portions of ammunition under manufacture; that is, components of the ammunition under manufacture, ready for assembling in complete rounds, and we also have use for it in storing ammunition which is oftentimes turned in from the service for overhauling. I will not say oftentimes, but once in a while something deteriorates about it, and it is sent back to the arsenal to be overhauled and made anew, and we need a place to put it while it is awaiting overhauling.

The CHAIRMAN. What building do you use for that purpose now?

Gen. CROZIER. There is no building. The components are scattered all around the place, not in any special building. These components oftentimes stand on the floor, where they should not stand—it is not very safe—and oftentimes they are gathered into this little frame loading shop, which is already too small, and where they increase the danger from any accidental explosion which might occur in there. It would be located quite near the new loading shop, so as to form a convenient portion of the artillery manufacturing plant—the site I just pointed out to you as the new position for this artillery loading shop—and across the end here [indicating] will be placed this storage building which I am speaking of now. These buildings [indicating] constitute the artillery ammunition plant of the arsenal, these buildings [indicating] the small-arms manufacturing plant, and this group [indicating] the fire-control instruments plant.

Mr. Chairman, there is a little frame loading shop in existence in which this artillery ammunition is stored. There are other buildings in which it is stored and there is ground upon which it is stored, and it would seem that if there are buildings and grounds upon which this ammunition is stored it is fair to assume that we have the right to extend the storage facilities; that is what the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE] proposes to do. It seems to me the amendment would be in order, taking it as it is, because there is this little frame loading shop, in which artillery ammunition is stored, and also there are other buildings. It is proposed to extend the storage facilities by erecting another building in the nature of an extension, and that brings us under the rule.

Mr. LOGUE. Mr. Chairman, this is a manufacturing plant for artillery ammunition which is not shipped out of the place at once. It is a notorious fact that the product of that arsenal lies around temporarily stored, as stated by my colleague, either in rooms or outside. Storage is a necessary incident to the conduct of this arsenal, and therefore I contend that without the additional words and not arguing against the wording of the amendment we have it substantially established as an existing condition, and providing for it is within the spirit of legislation that we are now considering. Regarding the existing needs of it, I think the argument by the gentleman from Pennsylvania as to the other amendments well establishes this. The photograph that he has exhibited establishes it, and gentlemen who have visited the Frankford Arsenal know the inadequacy of the buildings and the absolute necessity for the one at present in question.

The present amendment, offered by my colleague [Mr. MOORE], is directed toward the acquisition of additional land adjacent to the present Frankford Arsenal.

There are many reasons why this amendment should prevail and the opportunity embraced to acquire additional land for the further development of the arsenal. That there will be need for extension in future none will deny, and it may be stated that the acquisition of the land at the present time is absolutely necessary to provide in the near future for the extension of the Frankford Arsenal plans which must necessarily follow.

This arsenal is fortunately located. The acquirement of additional land would give it greater river frontage on the Delaware, affording the Government opportunity for shipment either by rail or water. Located in Philadelphia it has the best labor in the United States to draw from. The transportation facilities assure economy not only in procuring supplies and material, but in the shipment of manufactured goods. Much of its supplies can be obtained from Philadelphia, a great commercial center, and for those that are needed from more distant points excellent railroad and water facilities insure cheap handling.

I have considered to this point only the question of the advantages arising from the location and the necessity for the extension of the tract of land for future development. There are other considerations that come into play, and that show the need for the extension of the arsenal. A very important one is the economy maintained at this arsenal and the great saving to the Government in the manufacture of ammunition. Between July 1, 1912, and April 25, 1913, the cost of manufacture of the output at Frankford Arsenal was $1,900,000, and the same output purchased by the Government under contracts would have cost $2,879,000, showing a saving to the Government of $979,000.

What has been saved between the periods stated has been done in other years and will be accomplished again in future and to a greater extent, if the arsenal is further developed. And an additional and most potent reason for the extension of the Frankford Arsenal is one that should appeal to all. It is the great aid these improvements will be to the safety of the employees. The work carried on is to a degree hazardous and dangerous. There are large buildings in which many people are employed. Near them are located high-explosive shops, and no matter to what degree human skill may go in work such as this accidents will occur, and while misfortune must necessarily follow to the people engaged directly in this dangerous work, the lives of many men and women not so engaged should not be put in danger.

The additional tract of land would furnish sites to a degree isolated from the large shops where the high-explosive work could be carried on with greater safety to the general employees of the arsenal and a lessening of the dangers that exist at the present time.

Therefore, the extension of the plant in question will be for the benefit of the Government on the score of economy. This extension makes necessary the purchase of additional land and associated with the saving to the Government is assured the safety of employees by the removal to a more distant point of the very dangerous and hazardous work now carried on in close proximity to buildings housing hundreds of employees.

I contend, therefore, Mr. Chairman, that the interests of the Government and the welfare and safety of its employees will be furthered and assured by the present acquisition of additional land, and I trust, therefore, that the amendment offered by my colleague will be adopted.

Mr. MONDELL. Mr. Chairman, I have endeavored to be consistent and entirely fair in the matter of these appropriations. I did not vote for the amendment voted on a moment ago because, from the impression that I gained at the hearing, it was not an item that was of immediate and absolute necessity. But I did gain the impression during the hearings that this artillery ammunition storehouse was needed, and needed badly. I think the statement made by Gen. Crozier makes it very clear that there is a condition there that is dangerous, and a condition under which the property of the Government deteriorates, by reason of the fact that there is no storehouse for a certain class of material, and that a condition exists with regard to this material that should not exist, but should be remedied at the earliest possible moment.

This item is for an extension of this arsenal that is badly needed. I regret that the gentleman did not put his amendment in a little different form, and yet there is a little frame building now used to a certain extent for this storage purpose. Therefore I support his amendment, although I do not believe it would have been subject to a point of order and would have been in better form if he had provided absolutely for a new building. That is what would be constructed if this amendment is adopted. It ought to be provided for the safety of the employees and for the preservation and protection of the Government property.

Mr. VARE. Mr. Chairman, it seems to me that if it were possible for the committee to visit the Frankford Arsenal further objection to these appropriations would be withdrawn. Those in our delegation who have had the opportunity of going over this institution, with its three shifts working continuously through the 24 hours, working in a frame building, I am sure are convinced that if the members of this committee had the opportunity to visit the institution and to compare the efficiency of the service there with that in other institutions of similar size, whether private or part of the Government, then the opposition to these great public improvements for the Frankford Arsenal would be withdrawn. This amendment is in order. It simply means to extend existing buildings, and it is for the general benefit of the Government, and tends toward insuring the lives of the employees and the property of the Government. I trust the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE].

The question was taken; and on a division (demanded by Mr. DONOHOE and Mr. MOORE) there were—ayes 41, noes 25.

Mr. FITZGERALD. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed the gentleman from New York [Mr. FITZGERALD] and the gentleman from Pennsylvania [Mr. DONOHOE] to act as tellers.

The committee again divided; and the tellers reported—ayes 43, noes 23.

So the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 52, after line 17, insert a new paragraph, as follows:
"For the purchase of land adjoining the Frankford Arsenal, for the extension of the facilities thereof, Philadelphia, Pa., $100,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the committee has already disposed of that amendment, and it is not in order to pass upon it at this time. The same amendment was offered and voted down.

Mr. MOORE. Mr. Chairman, the amendment was not offered in this form. The amendment that was offered was in an entirely different form. The gentleman from Pennsylvania [Mr. DONOHOE] offered an amendment against which the point of order was made.

Mr. FITZGERALD. Oh, no.

Mr. MOORE. I beg the gentleman's pardon.

Mr. FITZGERALD. We voted on the question of the purchase of this land.

Mr. MOORE. The amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE] contained a provision for condemnation, and the point of order was made against that, and the point of order was sustained.

Mr. FITZGERALD. Mr. Chairman, the committee voted down this amendment to purchase $100,000 worth of this land.

Mr. DONOHOE. Mr. Chairman, I will say to my colleague from Pennsylvania [Mr. MOORE] that I had my amendment modified by unanimous consent, striking out the condemnatory provisions.

Mr. MOORE. I recall the gentleman did; but his amendment did not provide for the extension of the facilities of the arsenal which this amendment does. I have no pride of authorship in this, and I would be very glad to have the gentleman from Pennsylvania [Mr. DONOHOE] offer this amendment, if he cared to do so.

The CHAIRMAN. Has the gentleman from Pennsylvania the RECORD of Friday, June 12, before him?

Mr. MOORE. I do not have it before me, but my recollection is very clear as to the form the amendment took. The gentleman from Pennsylvania [Mr. DONOHOE] offered an amendment which contemplated condemnation. The point of order was made against that, and the gentleman then asked unanimous consent to strike out the provision for condemnation and the amendment went back to a direct appropriation for the purchase of land; but there was no provision in his amendment for the extension of the facilities of the arsenal, which there is in the one I now present.

The CHAIRMAN. On page 10351 of the RECORD of June 12 there appears the following:

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DONOHOE] asks unanimous consent to modify his amendment. The Clerk will report it.

The Clerk read as follows:

"Strike out the words 'for acquirement by condemnation proceedings' and add, on line 17, page 52, the following as a new paragraph:

"'For the purchase of about 25 acres of land adjoining the arsenal grounds on the northeast side thereof, $100,000.'"

The CHAIRMAN. Is there objection to the amendment being modified as requested by the gentleman from Pennsylvania?
There was no objection.
The CHAIRMAN. The question is on agreeing to the amendment.
The question was taken, and the Chairman announced that the ayes seemed to have it.
Mr. FITZGERALD. Mr. Chairman, I demand a division.
The committee divided; and there were—ayes 27, noes 32.
Accordingly the amendment was rejected.

The amendment which was rejected was in this form:

For the purchase of about 25 acres of land adjoining the arsenal grounds on the northeast side thereof, $100,000.

The amendment which is proposed by the gentleman from Pennsylvania [Mr. MOORE] is for the acquiring of land adjoining the existing arsenal property, $100,000.

Mr. MOORE. Mr. Chairman, will the Chair permit me to interrupt him for a moment?

The CHAIRMAN. Certainly.

Mr. MOORE. The Chair has read the amendment as modified by the gentleman from Pennsylvania [Mr. DONOHOE], providing for the purchase of 25 acres of land adjoining the arsenal grounds. That is a provision that is not contained in the amendment I have offered. I have not indicated the quantity of land to be purchased. Objection was made to the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE] by the gentleman from New York [Mr. FITZGERALD] upon the ground that the price was not satisfactory.

The CHAIRMAN. Will the gentleman from Pennsylvania permit the Chair in the interest of expedition——

Mr. MOORE. Yes.

The CHAIRMAN. The Chair is with the gentleman from Pennsylvania as to the point of order. The amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE] was specific as to where the land should be taken. This amendment offered by the gentleman from Pennsylvania [Mr. MOORE] is not, and the Chair has no possible way of determining where it would be, and so he overrules the point of order made by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I wish to make this point of order, that such an amendment as this was not contemplated in the agreement made at the time these items were passed over. The question of land was settled and determined by the committee. Then it was said that gentlemen wished to offer amendments for other purposes.

If the gentleman thinks he can have a rehearing of the question at this time, it seems to me it is not within the agreement. It is certainly a breach of faith. The question of this purchase of land was disposed of. This amendment will not be passed on by a slim House.

Mr. MOORE. The gentleman charges a breach of faith when there is no breach of faith. When the amendment of the gentleman from Pennsylvania [Mr. DONOHOE] failed because of its specific character and because of the objection of the gentleman from New York, then I devised another amendment which did not specify any particular land except land adjoining the arsenal, which did not specify any particular quantity of land but such land as might be purchased for $100,000. I tried to offer the amendment at the time and it was clearly part of the understanding to permit this matter to go over until Saturday last, and then again to the first day on which the sundry civil bill should be taken up. There was absolutely no breach of faith or of understanding, and the gentleman from New York is entirely in error in that respect.

Mr. LOGUE. Will my colleague yield?

Mr. MOORE. Yes.

Mr. LOGUE. Does the gentleman mean the amendment he is now offering is the same one that was sent up by him to the Clerk's desk when the point of order was made?

Mr. MOORE. Yes; it is the same amendment.

Mr. LOGUE. So it was offered on that day?

Mr. MOORE. Of course, and if the RECORD is consulted it will be found I was on my feet several times. Subsequently the gentleman from Illinois [Mr. MANN], who had indulged in the colloquy, specially stipulated in the understanding with the gentleman from New York—and those two gentlemen frequently have understandings——

Mr. FITZGERALD. There was no such understanding——

Mr. MOORE. And that understanding should be maintained.

Mr. FITZGERALD. There was no understanding that the gentleman's amendment should be offered. The amendments were in reference to items for which estimates had been submitted and which were not recommended by the committee. This matter was discussed and decided unfavorably to the gentleman from Pennsylvania.

The CHAIRMAN. The Chair will state, and the Chair desires to make himself perfectly clear, if the amendment offered by the gentleman from Pennsylvania had shown that it was the same proposition offered by the gentleman from Pennsylvania, Mr. DONOHOE, on a former day, he would without hesitation have sustained the point of order made by the gentleman from New York; but it does not so show, and the Chair has no way of determining how that is. Now, in reference to the other point of order made by the gentleman from New York, the Chair has been trying to find the record of that, and the Chair's recollection is that in its final settlement the request was that the Frankford Arsenal item be passed without prejudice. Now, the Chair's recollection may be at fault about that. It must be in Saturday's RECORD. On the question of fact the Chair is in doubt.

Mr. FITZGERALD. There is no doubt it is the identical amendment, because there is only one tract adjacent to the arsenal that can be purchased.

The CHAIRMAN. That, of course, it is impossible for the Chair, with his limited knowledge, to know.

Mr. MOORE. I make the declaration, to which I hope the gentleman from New York will listen, that I do not know whether $100,000 will buy the 25 acres of land specified in the defeated Donohoe amendment. The gentleman from New York seems to indicate it would be sufficient——

Mr. FITZGERALD. No; I did not; I think that is extravagant.

Mr. MOORE. Well, then, he seemed to indicate it would be extravagant, and some others to think it would not be enough. It might be we could purchase only 10 acres with $100,000. Everyone knows we need more land adjoining that arsenal. We ought to have land adjoining that arsenal, and I have framed this amendment so it will not be specific, as the other amendment was, and so they may have this same money to buy such land as the department wants adjoining the arsenal for the extension of the facilities of that arsenal.

The CHAIRMAN. There is a point of order pending, made by the gentleman from New York [Mr. FITZGERALD]. The agreement which was entered into was on Saturday, June 13, beginning on page 10437 of the RECORD.

Mr. MOORE. I think it was Saturday's RECORD, but I do not have it before me.

The CHAIRMAN. The Chair thinks that it will probably expedite matters more to rule without waiting to look up the RECORD. The Chair, from his recollection of what occurred, overrules the last motion of the gentleman from New York, and the question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I should like to discuss the amendment.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry. Has not the debate on this amendment been exhausted under the five-minute rule?

The CHAIRMAN. It has not. The gentleman from Pennsylvania [Mr. MOORE] has been addressing himself to the point of order.

Mr. MOORE. Mr. Chairman, there is no good excuse for not authorizing the purchase of this land. The Frankford Arsenal is one of the profit-making establishments of the Government. It has proven that Government manufacture can be done much cheaper than it can be done privately. It is shown that within a year it can save upward of a million dollars over and above what would have been paid by the Government for goods purchased from outside manufacturers. It is an institution that ought to be encouraged. It is limited to 62 acres of ground. The other day the gentleman from Illinois [Mr. TAVENNER] offered an amendment on which there was much discussion to increase the appropriation for the manufacture of ammunition at Rock Island to the extent of $225,000. They have over 800 acres out at that arsenal, with plenty of room for expansion and plenty of room for ordnance tests. In this bill the Frankford Arsenal, with its splendid record for service and its splendid record for money-saving, is allotted only $57,000, as against $127,322 for the Rock Island Arsenal. Two hundred and fifty thousand dollars was voted for that arsenal last year, as against $4,000 to the arsenal at Philadelphia. Now we are cramped for room. We have the labor and raw material and cheap fuel cost, and we conclude that our fuel cost is less than that of Rock Island, and I think less than that of any other arsenal in the country. It needs encouragement not only for the protection of the lives of the men who are employed there, but for the expeditious movement of the business of the Government.

The gentleman from New York [Mr. FITZGERALD] indicated that we did not come before the committee in the regular way, with an estimate from the department. I inquired of the gentleman when the matter was up before if Gen. Crozier had not frequently made estimates for the purchase of this land at Frank-

ford Arsenal, and the gentleman from New York indicated that he had not done so.

Now, I have conversed with Gen. Crozier frequently, and I know he desires this land to be purchased. I am informed that estimates have gone to the Committee on Appropriations time and time again for the purchase of that land, and in proof of it I submit a letter from the Secretary of War, Mr. Lindley M. Garrison, to one of the Senators, chairman of the Committee on Public Buildings and Grounds on the other side of the Capitol, in which it is clearly stated that this land ought to be acquired for reasons which I shall read. The Secretary of War says the acquisition of the land is advisable because—

1. To avoid the serious situation which would arise if this property should be purchased by parties who would desire to utilize it for dwellings or factory purposes, since there is no doubt that in case such buildings should be erected upon the property the occupants would object to the experimental firings and other tests involving the use of high explosives which are conducted at the Frankford Arsenal.

2. The utilization of the property for the storage of explosives, so as to remove them a safe distance from the present shop buildings.

3. To utilize the property for the construction of certain storehouses and shop buildings which will undoubtedly be necessary in the expansion of the manufacturing plant at the Frankford Arsenal in the future and for which it would be impossible to secure ground if this piece of property shall irrevocably pass to other uses.

The War Department—

Says the Secretary—

has in the past submitted estimates for the purchase of this property, but I have not repeated the estimate, not because the purchase would not be advantageous, and such as would be made by any efficient corporation in a similar position, but because other needs of the War Department have been so immediately pressing that I have been obliged to let this particular matter rest, although I recognize that in doing so the danger is incurred of the passage of the opportunity to make the purchase advantageously.

The gentleman from New York [Mr. FITZGERALD] seems to have the notion that the value of that land is going to decrease. Why, gradually New York and Philadelphia are getting together; they are building up toward each other; and the Frankford Arsenal is in between. Is land going to become less valuable between those two great cities? Is land going to become less valuable when there are hundreds and thousands of homes and factories in the vicinity?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. The Secretary of War indicates that it would be to the advantage of the Government to buy now. He indicates what most business men would suggest with reference to matters like this—that to wait would mean simply to increase the price that the Government will have to pay some day when it takes that property over. Now, here is an opportunity to take what we can get of it for $100,000. It does not specify that we shall take 25 acres or any particular piece of land, except that it shall adjoin the arsenal, but it does give direction to the Secretary of War to take as much land as he can get advantageously and relieve this situation, at a cost of $100,000. It seems to me that this is a vital amendment to this whole arsenal proposition. We have been treated unfairly at the Frankford Arsenal. The Rock Island Arsenal has been built up, while the appropriations at the Frankford Arsenal have been cut, and the time has come now when the House, in fairness to one of its best institutions and in response to the direct suggestion and recommendations of the Secretary of War, should pass this amendment and put this great profit-making institution of the Government on a solid and a safe basis.

Mr. Chairman, I ask leave to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DONOHOE. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DONOHOE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LOGUE. Mr. Chairman, I make the same request, to save time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. LOGUE]?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, this matter was before the committee on the 12th of June, and the letter of the Secretary of War, referred to by the gentleman from Pennsylvania [Mr. MOORE] was read at that time. I stated then, and I repeat now—and my recollection has since been refreshed by a very careful search by a very accurate man—that there has been no formal estimate submitted for the purchase of this land by the War Department during the 15 years that I have been a Member of Congress, and the Secretary of War, when he makes the statement that such an estimate has been submitted is making a statement that is inaccurate.

This proposition first came to my attention, as I have already stated, in 1909, when a bill was introduced to appropriate $181,000 to purchase 31½ acres of land and 2½ acres of land outside the bulkhead on the Delaware River. The following year a bill was introduced to appropriate $175,000 to buy the same land. This year a bill was introduced to appropriate $154,000 to purchase 25½ acres of land; 12½ acres have already been taken up in some other way.

In the letter to which the gentleman from Pennsylvania has referred, and which he has just read, the Secretary of War stated that, in his opinion, from $145,000 to $150,000 would be a fair price for the land.

I have a letter in my possession, written by the gentleman from Pennsylvania [Mr. EDMONDS], dated within the last few weeks, in which he said that after conferring with those who now control the land, they would take $125,000 for it; so that the Secretary of War could not have been very well informed, or could not have made very much inquiry when he said that $145,000 would be a fair price.

Now, the department has never formally requested that this land be purchased. We have 896 acres of land at the Rock Island Arsenal. We have two buildings there, each of them practically as large as the House Office Building, utilized for storage purposes alone. We get power there from a water power at about four-tenths of a cent per kilowatt hour.

Mr. MOORE and Mr. DONOHOE rose.

Mr. FITZGERALD. I can not yield.

Mr. MOORE. We are ready for you on that proposition.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. FITZGERALD. I will not yield to either.

Mr. DONOHOE. Yield to one.

Mr. FITZGERALD. No; I will not yield to either. Perhaps I should be permitted to make a consecutive statement without being jumped at—yes; jumped at—from both sides before I can get a sentence out of my mouth. [Applause.] We can develop power from water power at the Rock Island Arsenal at about four-tenths of a cent per kilowatt hour, and when we have an excess we can sell it.

Mr. MOORE. Mr. Chairman, will the gentleman yield there?

Mr. FITZGERALD. No; I decline to yield.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. MOORE. The gentleman will not tell the history of that.

Mr. FITZGERALD. I knew, and the gentleman from Pennsylvania [Mr. EDMONDS] knew, and other gentlemen from Pennsylvania knew, that this corporation would desire to turn this unremunerative land into money, so that it can invest the money and get some return upon it, and would turn this property over to the Government for $125,000; and now they desire to get $100,000 from the Government and surrender just as little of the 25½ acres as they can do.

This property can not be utilized for residential purposes. It is property that should be utilized for manufacturing purposes. There is great fear on the part of these gentlemen that unless the Government takes this land now, it will lose this great opportunity to enlarge this arsenal. Yet since 1875 the owners of this property have been endeavoring to induce the Government to purchase it and to take it off their hands—not because the Government requires it, not because the Government needs it, but because it is so much easier to dispose of worthless property to the Government than to dispose of it to anyone else when there is no market for it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I will ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FITZGERALD. The Secretary of War said, "I think a fair price would be somewhere between $140,000 and $150,000," so that the amount carried in the bill which is pending should be sufficient to include the cost of condemnation proceedings. And yet the owners of the property—the Pennsylvania Co. of Philadelphia, executor of the estate of Charles Levy—wrote a letter to the gentleman from Pennsylvania [Mr. EDMONDS] that they would take $125,000 for it.

If we were to accept the recommendation of the War Department, we would have appropriated $145,000 to purchase property the owners of which are anxious to dispose of for $125,000. Why should we buy additional land at Philadelphia? We have in our arsenals ample facilities to do what the Government requires. We have Frankford, Springfield, Watertown,

Watervliet, and Rock Island. Rock Island is situated between the two rivers, isolated from great centers of population, at a place where the dangers in manufacturing high explosives can be minimized.

Mr. DONOHOE. Will the gentleman yield for one question there?

Mr. FITZGERALD. Just a minute. The gentleman desires to extend and to build up a plant for the manufacture of high explosives almost in the heart of the city of Philadelphia, where, if unfortunately there should be an accident, the danger to large numbers of innocent persons would be very great. There is no excuse for carrying on these highly dangerous manufacturing operations in such a place. There is no justification to add this land to this place merely so that this institution, the beneficiary of the will of this deceased person, may turn an unremunerative property into a paying investment, and let the Government carry property costing from $100,000 to $125,000 upon the theory that it is needed to enlarge the facilities of this arsenal. Now I yield to the gentleman from Pennsylvania for a question.

Mr. DONOHOE. I know the gentleman does not contend that the Frankford Arsenal is not an economical workshop of the Government.

Mr. FITZGERALD. I have not contended that it is not an economical workshop, because I am one of those who have forced into the appropriation bills provisions that make it possible to utilize the Frankford Arsenal to its full capacity.

Mr. DONOHOE. Three shifts a day?

Mr. FITZGERALD. Yes; three shifts a day, but that is no reason why it should be so enlarged, with this growing population around it, that it will endanger the lives of people in the vicinity. What is the fact? We carry in the fortification bill an appropriation of $1,200,000 for the manufacture of ammunition, and in the Army bill we carry an appropriation of $3,000,000 for the manufacture of ammunition, or $4,200,000 in all. At the same ratio for four years more the reserve ammunition required for the Army will be up to its full amount, and thereafter, instead of appropriating $4,200,000 a year, it will only be necessary to appropriate half a million dollars a year to manufacture ammunition. Then these plants that we now have and that will be busy and fully occupied for the next four years will no longer be required, because we will have gotten up and have kept up to the requirement of the Government.

I have no prejudice in favor of or against any of these arsenals, but if it be necessary to expand our facilities in these arsenals unduly, as a common-sense business proposition, the place to develop and extend and enlarge is not at Watervliet, which is in my State, not at Springfield or Watertown, in Massachusetts, not at Frankford, in the city of Philadelphia, but at Rock Island, a place which is naturally fitted for the manufacturing of these high explosives and dangerous materials. [Applause.] It is naturally fitted for the manufacture of high explosives not only because isolated from centers of population, but because geographically so situated that the shipment of this material east, west, north, or south will be the most economical shipments that can be made. We manufacture now at Frankford Arsenal to ship to San Francisco. Mr. Chairman, this amendment should not be adopted, and I hope it will not be adopted.

Mr. DONOHOE. Mr. Chairman, I move to strike out the last word. I dislike to disagree with the chairman of the Committee on Appropriations, who is usually very accurate, but I want to take exception to some statements that he has made in connection with these two arsenals. The fact that Frankford Arsenal is within the limits of Philadelphia, a city of 1,600,000 inhabitants, should not be regarded as a disadvantage to it. On the other hand, we contend that it is one of its greatest advantages, because it brings the arsenal within the reach of 250,000 skilled mechanics. Again, we hear of water power being produced at four-tenths of a cent per kilowatt hour. That is the price at which the Government sells its surplus water power. And how much surplus water power does our Government sell per annum? It sells $150 worth. What does it cost the Government to produce water power at Rock Island?

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. MOORE. I just want the gentleman to bring out the water-power facts.

Mr. DONOHOE. Yes; I will do so. The fact that we have free water does not mean that we have cheap water power. The fact that water costs nothing does not prove that we can generate water power at a low price. As a matter of fact, when you consider the investment at Rock Island for the development of water power, all that it cost the Government to develop it and to maintain it since, it is costing us to-day 2.4 cents per kilowatt hour for power at that arsenal.

At Frankford Arsenal it is costing a small fraction over 1 cent a kilowatt-hour to develop power by steam. We can install to-day for $200,000 a steam plant that will develop 2,000 electrical horsepower while Rock Island is getting only 1,600 horsepower from the power plant which cost the Government over a million and a half dollars to develop. Two hundred thousand dollars will cover the installation of a 2,000-horsepower plant.

Mr. FITZGERALD. Will the gentleman yield?

Mr. DONOHOE. Certainly.

Mr. FITZGERALD. Is it the gentleman's contention that we can develop electric power more economically by steam than by water power at Rock Island?

Mr. DONOHOE. I contend that we are doing it at Frankford. I contend that the water power at Rock Island costs 2.4 cents per kilowatt-hour considering the investment made for its development, whereas we develop power at Frankford for 1.008 cents.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. DONOHOE. I get my figures from the War Department. Mr. Chairman, I will not take up the time of the committee on this point any further, as I have already covered the ground rather fully.

Mr. MOORE. Now will the gentleman yield?

Mr. DONOHOE. Certainly.

Mr. MOORE. Does the gentleman recall the estimated value of the property at the Frankford Arsenal?

Mr. DONOHOE. Three and a half million dollars.

Mr. MOORE. And the appropriations for Rock Island up to date, buildings, bridges, water power, and so forth, and from the plant of a defunct dam company—does not that run up to about $9,000,000?

Mr. DONOHOE. It does; yes.

Mr. MOORE. That is the situation; and the Government, which is getting water power so "cheaply" at Rock Island, is actually paying 2½ cents per kilowatt hour.

Mr. DONOHOE. Yes; it costs five times as much per kilowatt hour as we get for the surplus.

Mr. MOORE. And the Government has made appropriations aggregating $9,000,000 at Rock Island as against the total valuation of $3,500,000 at the Frankford Arsenal for the most productive manufacturing plant of the United States.

Mr. DONOHOE. Yes. Now, one other point—as to the shipping of the goods. Goods can be shipped from the Frankford Arsenal along the coast by water around to Seattle at a lower rate than the freight from Rock Island to the seaboard.

Mr. MOORE. Will the gentleman yield again?

Mr. DONOHOE. Certainly.

Mr. MOORE. Does the gentleman know that the appropriations made for the development of water power at Rock Island since 1866 amount to $1,624,750?

Mr. DONOHOE. I believe the gentleman is correct.

Mr. MOORE. And for extraordinary repairs for the preservation of water power, which sometimes runs out, so that they have to buy it elsewhere, $246,150 since 1888?

Mr. DONOHOE. Yes.

Mr. MOORE. And $1,310,550 has been appropriated by Congress on account of bridges and roads to Rock Island, which totals over $3,000,000 for the purpose of getting this cheap water power that we hear so much about?

Mr. DONOHOE. My colleague is usually very accurate, and I think he is quite so to-day.

Mr. EDMONDS. Mr. Chairman, I would like to have three minutes to answer the remarks of the gentleman from New York. This land belonged to a man by the name of Lennig. It had no connection with his manufactory; it is a piece of ground that he bought that does not touch the ground that he uses for the manufacturing plant. Mr. Lennig intended to leave it to the University of Pennsylvania as part of his residuary estate. He always held the price at $150,000 when anybody asked him about it. He died. The gentlemen who examined the land were connected with the Pennsylvania company for insuring lives. The Pennsylvania company in taking their appraisement of his estate made the price of the ground $150,000, but one of the appraisers objected, and said it was worth less—$125,000. When I called upon them they agreed with me that they would take $125,000 for the land. The estate is in this shape: When the last heir dies, if this land is not sold it goes to the University of Pennsylvania. It is a simple case of necessity that this land should be taken for the benefit of the Frankford Arsenal in accordance with this amendment.

Mr. MOORE. Mr. Chairman, I would like to ask my colleague to yield to me for a moment.

Mr. EDMONDS. I yield to the gentleman.

Mr. MOORE. Is it not a fact that the present tract of the Frankford Arsenal is very much of a triangle and makes the river front of practically no service?

Mr. EDMONDS. That is true.

Mr. MOORE. And is it not a fact that the ground that adjoins the arsenal which the gentleman from New York thinks so valueless runs along the river front for a quarter of a mile?

Mr. EDMONDS. Yes. That tract would give the arsenal a water frontage so that they could load ships that might go to the Philippine Islands or anywhere else—the safest kind of transportation.

Mr. TAVENNER. Mr. Chairman, I move to strike out the last word. I am not opposed to needed improvements and extensions at the Frankford Arsenal—I just voted for two of them—but, on the other hand, am enthusiastically in favor of the Government manufacturing its own munitions of war, all of them, including armor plate and battleships, regardless of whether it is done at the Rock Island Arsenal or the Frankford Arsenal or in the Hawaiian Islands, so long as the Government does it itself and takes the profit out of war and the preparation for war.

If I did not have to run for reelection this fall I would surely go to Stockholm, Sweden, to attend the meeting of the Interparliamentary Union for International Peace, to be held in August, and advocate the principle that all nations manufacture their own munitions of war as the most practical step that can be taken in the interest of reduction of armament and international peace. When all profit is taken out of war, the amounts to be carried in the Army and Navy appropriation bills will be decided on the merits of the question as to the needs of the Government from a military standpoint, instead of by the greed of the armor ring, the ammunition ring, and the Shipbuilding Trust.

As to the question of the ability of the Government to manufacture economically at Rock Island Arsenal, I went down to the War Department one day and inquired at which arsenal the Government could do its manufacturing the cheapest, and I was informed that there was no question about it, that the Government can manufacture more cheaply at Rock Island Arsenal than at any other place.

I do not know where the gentlemen who have spoken get their figures as to the cost of power at Rock Island, but in reaching their conclusions they have evidently added all the sums ever spent on the power plant and charged interest on these sums, and they make it appear that the power developed there is very expensive. I may be wrong about it, but I contend the Government does not pay interest on this investment. But even if this power plant has been very costly in the past, I submit that that is no reason, now that the Government has the plant, why it should not take advantage of it.

There are at Rock Island two large stone buildings originally erected for manufacturing purposes at a cost of approximately $400,000 each, which are not now being used except for storage purposes. If Congress will equip these two buildings for manufacturing, it will not cost any additional money for power, because, with the small-arms plant closed down, there is sufficient power not being used to operate plants in these buildings. While I have no objection to the Frankford Arsenal being enlarged, I can hardly see as a business proposition why the Government should buy land in Philadelphia, when it has 896 acres of land at Rock Island and two large stone buildings already there. There is plenty of room to expand there.

Mr. DONOHOE. Mr. Chairman, will the gentleman yield?

Mr. TAVENNER. Yes.

Mr. DONOHOE. I want to ask the gentleman, in his argument in favor of the Government manufacturing its own ammunition, where he got his figures?

Mr. TAVENNER. I got them from the Rock Island Arsenal and from the Frankford Arsenal, and I will say that in every Government arsenal the Government is manufacturing at from 20 to 60 per cent below the prices of the private manufacturers. This is only partly due to the efficiency of the arsenals. The real explanation is that the ammunition ring has been gouging the Government; both Army and Navy officers have been permitting private manufacturers to overcharge the Government for munitions of war. The Frankford Arsenal and every Government arsenal is doing work at from 20 to 60 per cent below the prices of the private manufacturers.

The chairman of the great Appropriations Committee, Mr. FITZGERALD, has just stated that when the Government gets ready to centralize the manufacture of its war munitions in one great national military manufacturing plant it will not select Frankford Arsenal; it will not select Springfield Arsenal; it will not select Watertown Arsenal; but that it will select Rock Island Arsenal, where the Government can do its manufacturing the cheapest.

I only wish every Member of this body could come to Rock Island and see what a magnificent property the Government owns there. The tract covers 896 acres of a beautiful rock island in the Mississippi River, every acre a natural park, with beautiful shade trees and stately drives in evidence on every side.

The island is adjacent to the enterprising and thriving cities of Rock Island, Moline, East Moline, and Davenport, which cities have a combined population in excess of 100,000 and in the very heart of one of the most promising manufacturing cities in the Middle West.

The arsenal plant, including buildings, machinery, and so forth, is worth $9,492,329. Approximately $2,500,000 worth of work was turned out of the arsenal last year. On November 30 last 1,369 men were being employed.

I am firmly convinced that this piece of property offers the best site that can be found for the proposed $7,000,000 Government armor-plate factory, and I have introduced a resolution (H. Res. 306) requiring the Secretary of the Navy to carefully consider the advantages of Rock Island before determining upon any other site. I wish to extend an invitation to Members of Congress who may be passing through the fourteenth congressional district, "the garden spot of Illinois," to stop off at Rock Island and meet the commandant, Col. George W. Burr, who will be glad to show you what a magnificent and advantageous site Uncle Sam already has for a great central military manufacturing plant without going to the unnecessary expense of purchasing additional ground elsewhere for this purpose.

I have prepared for the consideration of Chairman PADGETT, of the Naval Affairs Committee, who is to be one of a committee of three to investigate and report on the question of a suitable site for the proposed armor plant, the following rough draft of the principal advantages of Rock Island Arsenal:

"First. Cheap water-power possibilities, the Government owning its own plant in the Mississippi River.

"Second. Its central location geographically, making it convenient to ship the finished product to either the Pacific, Atlantic, or Gulf coast with economy in both time and transportation costs.

"Third. Its strategic location from a military standpoint. Being well in the interior of the country, it would be much safer from attack and possible capture by an enemy in time of war than would a site on or near either coast.

"Fourth. Should coal be needed, there is a great abundance of excellent coal being mined almost at the very door of Rock Island, and it is at the same time convenient to the ore fields of the north.

"Fifth. By utilizing a part of the 896 acres in the Rock Island military tract several hundred thousand dollars which would probably be necessary to purchase site elsewhere would be saved to the Government.

"Sixth. The advantages of Rock Island as a manufacturing center, as demonstrated by the fact that at the Rock Island Arsenal shops the Government is now manufacturing rifles, field artillery gun carriages, and other war equipment at from 20 to 30 per cent below the prices of private manufacturers. For instance, 3-inch caissons, consisting of a wagon for carrying ammunition chests, are being produced at Rock Island for $1,081, as against a cost of $1,708 when purchased from private manufacturers; 3-inch gun carriages proper—the vehicle on which the gun rests and from which it is fired—are being produced for $2,341, as against the private contractors' price of $3,268, and so forth.

"Seventh. The location of the military tract in the heart of a great manufacturing center, being within 2 miles of Rock Island, Moline, and East Moline, Ill., and Davenport, Iowa, all of which are essentially manufacturing cities, embracing a combined population of more than 100,000 people, affording employment to thousands of mechanics and furnishing an ideal field from which the Government may draw its skilled labor and other help, a very important consideration in such an industrial enterprise as a Government armor plant."

Mr. VARE. Mr. Chairman, as a member of the Committee on Appropriations, I was present a short time ago when a delegation of Philadelphians appeared before that committee and explained in detail the many reasons why the Government should purchase this land. I am very sorry that the chairman of the committee does not seem to be in the Chamber at this time.

Mr. FITZGERALD. Oh, I am here.

Mr. VARE. A few moments ago the gentleman referred to the great University of Pennsylvania in a tone that did not

appear to be that of commending what we regard as one of the greatest educational institutions in the country.

Mr. FITZGERALD. I agree with the gentleman.

Mr. VARE. I want the gentlemen of this House to know that the management of that institution has never at any time taken advantage of our city, State, or National Government. I want the gentlemen to know that that management is comprised of men who have devoted their lives and have given their means to help educational purposes in our section. Under the will of the late Charles Tennig, that institution seems to have control over this land. I want this committee to understand that the great University of Pennsylvania will cooperate with the Government and do its part toward building up the Frankford Arsenal, without any excessive charge for the land, but with a desire to help that great institution. There are two things that ought to govern the minds of this committee in passing upon this question: First, is it necessary; and, second, have you confidence in Secretary Garrison, the Secretary of War? In my opinion, and I believe in the opinion of the committee, the necessity for this extension has been shown, and if that be true, there is only one question left for us to decide and that is, Have we confidence in the business judgment and ability of the Secretary of War? And I believe that the answer of this committee will be that we have.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and the Chairman announced the noes appeared to have it.

Mr. MOORE. Division, Mr. Chairman.

The committee divided; and there were—ayes 22, noes 44.

Mr. MOORE. Mr. Chairman, it is evident there is no quorum present.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MOORE. I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order there is no quorum present. The Chair will count.

Mr. MOORE. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the point of order.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, a point of order is pending to the last paragraph that was read the other night, at the top of page 128. It was not disposed of.

The CHAIRMAN. What was the point of order?

Mr. MANN. The point of order was reserved to the paragraph at the top of page 128. May I ask the gentleman what is the reason for fixing the rate to be paid for the per capita cost of persons committed from the District of Columbia and maintained at the National Training School for Boys at $4.50 per week?

Mr. FITZGERALD. It developed in the examination that while it was costing $4.50 a week to maintain these boys in the institution, that those committed from the District of Columbia were being charged for at the rate of $3, I think it was.

Mr. MANN. What constitutes the cost of $4.50 a week—what does that cover?

Mr. FITZGERALD. They take everything going into the cost of maintaining the institution and average the per capita cost from that. The average is $234 per year. All overhead expenses are included in the charge, and this is to compel the District boys to be paid for at the actual cost to the institution.

Mr. MANN. Well, this institution is not maintained for the benefit of the District of Columbia, is it?

Mr. FITZGERALD. No; it is not.

Mr. MANN. Is the cost of $4.50 per capita for the boys committed from the District of Columbia?

Mr. FITZGERALD. They say that the per capita cost is $4.50 a week, and they are paid for the District boys $3, I think it is, a week.

Mr. MANN. It seemed to me that $4.50 a week was a rather high cost.

Mr. FITZGERALD. I think so. It is $234 a year, and it includes the maintenance of some stock, school, upkeep of the grounds, and everything else. The only object the committee had in view was that the actual cost of maintaining a boy in that institution should be paid for out of the appropriation for the purpose for the District of Columbia. We pay for the District boys' half, and if they charge less than the actual cost the Federal Government pays a much larger proportion than half.

Mr. MANN. I think they ought to pay the actual cost. I am not so sure we ought to pay the per capita cost figured upon the number of people there, figuring in all sorts of expenses which will be given there by the Government anyhow.

Mr. FITZGERALD. For instance, we made some inquiries as to what they included in the figures that make up the per capita cost. We inquired whether if there were special appropriations for improvements they were included, and they said they were not, but merely the ordinary maintenance charges.

Mr. MANN. How are the boys admitted or committed to this institution?

Mr. FITZGERALD. They are committed by the courts, I understand.

Mr. STAFFORD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. Are there any boys committed from outside the District of Columbia to this institution?

Mr. FITZGERALD. I think so.

Mr. STAFFORD. I think there was something in the hearings disclosing that there were some from the outside.

Mr. FITZGERALD. I understand that the Federal courts can commit to this institution. That is mostly for violations, I am informed, of the postal laws that the Federal courts commit young boys to this institution.

Mr. STAFFORD. As I understand, this is a reformatory school for youths and it is not limited to the District only, but is for youths that are committed for offending any of the Federal laws.

Mr. FITZGERALD. It is a Federal institution and boys committed in the District are sent there.

Mr. STAFFORD. As to the support of those boys sent from outside, who pays for their sustenance?

Mr. FITZGERALD. The United States. They are committed by the Federal courts the same as we provide for Federal prisoners.

Mr. STAFFORD. Why would it not be better if it provides that we should charge the actual cost instead of fixing a certain amount?

Mr. FITZGERALD. The difficulty of it is this, that it would be necessary to wait until the end of the fiscal year to determine what the cost had been. They say from their books it figures $4.50 a week.

Mr. STAFFORD. It is more to charge the District a proportionate part of the expense for maintaining the youths committed from the District?

Mr. FITZGERALD. That is all. For instance, in the District of Columbia bill appropriations have been made for this purpose, half out of the Federal Treasury and half out of the District revenues. Unless they pay what it actually cost we supplement from the Federal Treasury the difference.

Mr. GOULDEN. Will the gentleman from New York yield?

Mr. FITZGERALD. I yield.

Mr. GOULDEN. How many boys are in this institution?

Mr. FITZGERALD. There are 371 there, I think.

Mr. GOULDEN. The figures for maintenance are certainly high, gauged by an institution of which I happen to be connected as a manager in the city of New York. It costs $135 a year there. It is known as the Catholic Protectory, with which the gentleman is familiar, one of our best institutions.

Mr. FITZGERALD. The New York protectory is an institution conducted by Brothers of the Christian Schools, and there are 1,500 boys there, and none of the instructors receive compensation.

Mr. GOULDEN. They receive $200 a year, a mere bagatelle, for the splendid services rendered.

Mr. FITZGERALD. Well, under the new arrangement they can manage an institution of that character for a less amount.

Mr. GOULDEN. I believe that the expense of this institution, of nearly twice the amount, is too expensive and should be reduced. However, I will trust the judgment of the committee, and do not believe they would authorize a matter of this character if it was not somewhere near right.

Mr. FITZGERALD. I recall that in the past I thought that 52 or 53 cents a day was somewhat high, but they seemed to need the money they got, and they seemed to use it.

Mr. GOULDEN. Public institutions always can use it, I will say to the gentleman, no matter how large it may be. There is no trouble about that. Now, in the State Soldiers' and Sailors' Home at Bath, N. Y., the cost is about $147 per year for each member, which includes clothing. Of course that does not include schools, as that is not required.

Mr. FITZGERALD. Here they have both schools and shops, and the number of inmates is not so large as to make it most economical to utilize these shops. For instance, in the Catholic

Protectory the different shops are highly productive. And there is a very considerable revenue from the output of the shops.

Mr. GOULDEN. Is there no net revenue from the output of these shops? Or are they an actual expense?

Mr. FITZGERALD. There is not a great deal of revenue. They utilize these boys, as I recall, largely in extending the institution itself, for erecting the small buildings, or any buildings they have to erect there. They utilize this boy labor in that way.

Mr. GOULDEN. They have no trade schools in the sense that we have them in the Catholic Protectory?

Mr. FITZGERALD. Not in the sense they have them there.

Mr. GOULDEN. We have bricklaying, plumbing, printing, harness and shoe making, and other trades at the protectory. The boys are equipped and fitted to go out into the world and take care of themselves. In addition to the trade schools we have 250 boys at the Lincolndale Agricultural School, where they become practical farmers, gardeners, and dairymen.

Mr. FITZGERALD. The boys in this institution are small boys, of 12 or 13 years of age. Not many of them are employed in the shops.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNDER THE DEPARTMENT OF COMMERCE.

LIGHTHOUSES, BEACONS, FOG SIGNALS, LIGHT VESSELS, AND OTHER WORKS UNDER THE LIGHTHOUSE SERVICE.

Staten Island (N. Y.) Lighthouse Depot: To erect a carpenter shop at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., $23,000.

Mr. MOORE. Mr. Chairman——

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves the point of order.

Mr. MANN. I would like to ask the gentleman from New York if all of these three items under the Lighthouse Bureau are provided for by law?

Mr. FITZGERALD. Yes. My recollection is that all the items in the bill under the Lighthouse Department are authorized. There is a great list of estimates, where items were not included because they were not authorized.

Mr. MANN. I withdraw the point of order.

Mr. FITZGERALD. This item is to take the place of the carpenter shop that has already existed.

Mr. MANN. I hold the point of order for a moment, then. Is this carpenter shop authorized by law?

Mr. FITZGERALD. There is a carpenter shop there at present.

Mr. MANN. That is not what I asked the gentleman.

Mr. MONDELL. There is an old carpenter shop, and it is proposed to tear that down and erect a new building.

Mr. FITZGERALD. I do not know that there is any specific provision in any of these bills that authorizes the erection of a new carpenter shop.

Mr. MANN. The gentleman knows that for years they have been seeking to obtain additional buildings at this depot and various other buildings elsewhere, and those matters have been up before the Committee on Interstate and Foreign Commerce, which has jurisdiction of the matter, and that that committee has reported bills and the bills were passed not very long ago making additions to the Lighthouse Service. Now, why does the Committee on Appropriations undertake to stick in an item for an appropriation that is not authorized by law?

Mr. FITZGERALD. The committee is not doing that. This shop is authorized. The first item is No. 1, Staten Island, N. Y., lighthouse depot: To erect a carpenter shop at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., $23,000; and when asked whether this was authorized, Secretary Redfield answered, "Yes, sir." My recollection is that this item was authorized by one of the bills reported from the Committee on Interstate and Foreign Commerce, and was not included last year.

Mr. MANN. On that statement I will withdraw the point of order that I reserved.

Mr. FITZGERALD. The policy of the committee has been not to include any items for the Lighthouse Service for new projects unless they have been specifically authorized by law.

Mr. MANN. That is what I understood.

Mr. FITZGERALD. The Secretary said this was authorized by statute.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE. I would like to ask the chairman of the Committee on Appropriations if he has any special rule for determining the propriety of making appropriations for the construction of buildings? What is the standard fixed which induces the committee to report an item for the construction of a building?

Mr. FITZGERALD. Speaking for myself, with reference to these items that are estimated for, I undertake to get as much information as I can about them and then I exercise my own judgment as to the desirability of recommending appropriations for them. For instance, there were three or four items estimated for the Frankford Arsenal which I deemed necessary and in recommending which I joined with the rest of the committee. There were other items for which we did not join in recommending appropriations.

Mr. MOORE. I was about to refer to those items. I will say to the gentleman from New York, and to contrast them with——

Mr. FITZGERALD. The committee recommended improvements at Frankford Arsenal aggregating $57,000 out of a total estimate of $88,000. That is a large percentage, as a rule.

Mr. MOORE. Did not the committee have before it a statement that there was great danger of explosions, due to the congestion and character of buildings at Frankford Arsenal, and yet did it feel warranted in making recommendations for appropriations for Frankford Arsenal? The appropriations were denied, but when we come to Staten Island, close to New York, it appears that another standard is set up by which we view appropriations favorably. That is to say, the word of Secretary Garrison, the Secretary of War, to the effect that buildings are necessary at Frankford Arsenal because of danger to life and property is not as strong with the committee as Secretary Redfield's opinion appears to be with regard to a carpenter shop on Staten Island, N. Y. We can not seem to get these buildings in Philadelphia, but you can get them in New York. I was just wondering what sort of argument the Secretary of Commerce used in order to make so favorable an impression on the committee. [Laughter.]

Mr. FITZGERALD. The gentleman can get the argument that Secretary Redfield made in the hearings.

Mr. MOORE. The Secretary of War made such recommendations because of the danger to life in Frankford Arsenal—recommendations which the committee did not seem to approve; but——

Mr. FITZGERALD. In this case Secretary Redfield personally visited this depot and made a personal examination, and then came before the Committee on Appropriations and gave the committee the benefit of the information he had obtained. In the instance of the recommendation of the Secretary of War relative to Frankford Arsenal, to which the gentleman refers, there is no information that the Secretary of War ever visited the arsenal or ever made any personal investigation, and he certainly never came before the Committee on Appropriations and suggested the desirability of the buildings about which he wrote letters to somebody else.

Mr. MOORE. When he is at home the Secretary of War lives just across the river from the Frankford Arsenal, and he probably knows all about it.

Mr. FITZGERALD. Let me suggest to the gentleman that, having some knowledge as to the manner in which heads of departments sign letters to be sent to some persons, I do not place quite as much weight upon such communications as do gentlemen who are vitally interested in obtaining appropriations for the things so recommended.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to say this about the item: The requests for this carpenter shop were made for four or five years on the ground that the conditions there were highly dangerous. The committee refused to recommend the appropriation.

Mr. MOORE. Was it the danger of explosion or because the element of danger of fire entered?

Mr. FITZGERALD. Let me finish this statement. The committee refused to recommend the appropriation because there was no authority for the shop; and then after the law was passed authorizing the construction of this shop, the committee still refused to include the item to construct it, and it was not until the head of the department personally visited the depot and ascertained the conditions at first hand and gave the committee the benefit of that information that the committee could be induced to incorporate it in the bill. The chairman of the committee does not come from the vicinity of this depot—neither is it in his district or his county.

Mr. MOORE. I withdraw that suggestion. Now, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MOORE. Inasmuch as Secretary Redfield has visited Staten Island and has inspected this carpenter shop, and has reported that there is danger of fire and that it would be well to have an appropriation for a new building, would it now be in order for us to induce Secretary Garrison to go to Frankford Arsenal and report that there is danger of an explosion, in order to get a new building?

Mr. FITZGERALD. No; the first thing for the Secretary of War to do would be to submit an estimate in accordance with the law for additional facilities for land at the Frankford Arsenal. The law requires that those estimates shall be included in the annual Book of Estimates, unless they are submitted to carry out some law subsequently enacted by Congress or by reason of the happening of some unusual emergency that could not have been anticipated at the time the annual estimates were submitted. I do not think at this time, at this session, the Secretary of War can bring himself within the law.

Mr. MOORE. It was decidedly to the advantage of Staten Island station to have the Secretary of Commerce visit it and then report to the committee that there was danger of fire because there were shavings in the carpenter shop there.

Mr. FITZGERALD. I think the committee had more confidence in a statement of that kind after a personal visit than it would have when the information was based on the statement of a person who had communicated to an official who had brought it to the attention of some one else.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. REILLY of Connecticut. On what subject?

Mr. HUMPHREY of Washington. On the tariff—on the state of the Union.

Mr. REILLY of Connecticut. I object.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. McGILLICUDDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 11, page 128, add the following paragraph:
"Monhegan Island (Me.) light vessel: To erect and equip a light vessel to be placed near Monhegan Island, entrance Penobscot Bay, Me., $125,000."

Mr. MANN. I reserve a point of order on that.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. McGILLICUDDY. Mr. Chairman, there is no man in this House who is more in sympathy with the purposes of the Committee on Appropriations to keep these appropriations down to the lowest possible point consistent with the safe and practical transaction of the public business than I am. If this amendment had reference to matters of dollars and cents or property alone, I certainly should not offer it in face of the failure of the committee to insert it in the original bill. But the purpose of this amendment is not dollars and cents or property. The purpose of this amendment is to save human life, and not money alone. The purpose of it is to prevent another of the terrible sea disasters that have so recently shocked the civilized world.

I desire to present very briefly to the committee the facts which make this appropriation an absolute necessity for the purpose of saving the lives of innocent people who travel at sea. Monhegan Island is practically a huge rock rising out of the ocean about 9 miles off the Maine coast. The very nature of its coast makes it absolutely a danger to navigation; but that is not its worst danger. In this section of the North Atlantic coast we have at certain seasons of the year very great banks of fog that rest upon and absolutely envelop this island and the surrounding country. I doubt if there is another place on the Atlantic coast where they have such banks of fog prevalent at certain seasons of the year, of such density, and so absolutely impenetrable. This island is directly in the pathway of navigation, between Boston and Maine and Nova Scotia and all that northeastern country. Now, the only protection to travel and navigation by way of signals is, first, the lighthouse on Monhegan Island. It is a good lighthouse, properly equipped, but the trouble is that in certain months of the year, particularly July, August, and September, the fog banks are so dense that they completely envelop this island, and it is absolutely impossible to see this light.

For that reason the lighthouse in these months is practically useless to navigation. Now, outside of that, and made necessary because of that condition, the only other signal is about 2 or 3 miles out, near a small island called Manana—a buoy and submarine bell. You gentlemen know that a signal of that character is operated by the motion of the ocean. In rough water it operates fairly well, and the buoy and submarine bell, which is about 20 or 25 feet below the surface, operates with pretty fair satisfaction. But the time of dense fog is also the time of calm on that coast, and when it is calm the sea does not move as it does in rough condition, and there are no conditions which cause the bell to ring. The calm always accompanies the fog. If there was wind enough to stir up the sea and cause the bell to ring, it would drive the fog away, but the very fact that the fog is there is almost positive proof of calm weather, and when it is calm there is no sea to cause the bell to ring so that it can be heard.

In many vessels they have an apparatus to receive the sound from the submarine bell. In this particular vicinity the boats are light draft, only about 9 or 9½ feet in depth, and they do not satisfactorily receive, even on the receiving apparatus, the sound from the submarine bell. The result is that as a matter of practical experience the navigator is in a worse condition with the bell during a fog and in the calm than he would be if it was not there at all, because he relies upon it to ring and it does not ring. He does not get the signal and he is misled into the very danger that he is trying to avoid.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. SELDOMRIDGE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. McGILLICUDDY. Now, Mr. Chairman, I have said that this island, with its unusual conditions, is right in the pathway of navigation between Boston and our whole northeastern country. There are 300,000 people every year taken up by that dangerous point in these vessels. The main part of that travel is in the summer months—July, August, and September—and those are the exact months when fog most prevails on that coast.

I know and appreciate the condition in which the Committee on Appropriations finds itself. I believe that the committee realizes this danger that exists there, because already there have been three vessels run onto this coast, and one of them was a steamer containing between 500 and 600 passengers. The vessel was wrecked, but providentially no lives were lost in that disaster.

Now, as I say, the committee is I know somewhat embarrassed with reference to this situation, because the commissioner of lighthouses, as I understand, has opposed the adoption of this amendment or this appropriation for the building of a light vessel which would overcome all this difficulty and make the place safe. Ordinarily it is natural and proper, of course, that the committee should receive recommendation of the heads of departments, but the trouble in this case is the heads of the department have completely and absolutely changed ground. The last time this measure was up and these dangerous conditions were brought before the committee the Commissioner of Lighthouses and the Secretary of Commerce both agreed with our recommendation and they themselves recommended that this appropriation ought to pass.

Here are their letters:

WASHINGTON, D. C., *May 2, 1912.*

Hon. S. W. GOULD,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the question of the establishment of a light vessel at Monhegan Island, Me.

I beg to state that the bureau has this day recommended to the department that in view of the urgent representations which have been made by shipping interests the department withdraw its recommendation to Congress that House bill 20422 and Senate bill 5387 be not passed.

It is understood that the department will communicate with the chairmen of the Senate Committee on Commerce and the House Committee on Interstate and Foreign Commerce recommending that these two bills be passed.

Yours, very truly,

G. R. PUTNAM, *Commissioner.*

DEPARTMENT OF COMMERCE AND LABOR.
Washington, May 3, 1912.

DEAR SIR: Referring to previous correspondence relative to the establishment of a light vessel at Monhegan Island, Me.

In view of the urgent representations which have been made by shipping interests the department has this day addressed letters to the chairmen of the Senate Committee on Commerce and the House Committee on Interstate and Foreign Commerce withdrawing its recommendation that Senate bill 5387 and House bill 20422 of the present session of Congress be not passed.

After further investigation of the matter, the department concludes that the establishment of a light vessel off Monhegan Island would be of material benefit to navigation, and it has, therefore, recommended to the two committees mentioned that the bills be passed.

Respectfully,

B. S. CABLE, *Assistant Secretary.*

Hon. O. GARDNER,
United States Senate, Washington, D. C.

MY DEAR CONGRESSMAN: On my return from Maine the 12th instant, I found your favor of August 24, to which by message of the 11th you kindly direct my attention. Instructions have been given to the Bureau of Lighthouses to include in their estimates for the fiscal year ending June 30, 1915, $125,000 for the construction of the lightship which was authorized as stated in your favor.

Yours, truly, WILLIAM C. REDFIELD.

So at that time the department through its head recommended as a proper piece of legislation this appropriation which we now ask. At the present time I understand the attitude of the gentlemen to be this: They do not deny the existence of the danger to innocent travelers, they do not deny but that a lightship would overcome this danger; but they say that there are some other projects that they have in mind that are more urgent than this. I know nothing about what those other projects are, but if there are any projects that are more urgent than this, where there are more dangers than there are at this point, it is the duty of the committee not only to pass this appropriation and take care of these dangers, but also to take care of all these other dangers, so that the innocent traveling public can be assured at least of their lives.

Mr. Chairman, I understand they want to try it as it is a little longer. They say they have put this submarine bell there, and they want to see how it will work another year. Suppose in the meantime another steamer, with innocent, precious lives upon it, runs upon that coast and goes to the bottom while you are experimenting with a submarine bell? Remember three vessels have already gone ashore at this point. Do you want to wait for another one to go there to save a paltry $125,000? That is all there is to this proposition. It is a question of life. It is a question of safety for the innocent traveling public. We can not afford to experiment with life and death. I say that you and I can not afford to take that responsibility. When the dangers have been brought home to us and we have full knowledge of them we can not, with our eyes open, fail to exercise this precaution for the safety of the public.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. FITZGERALD. Mr. Chairman, this lightship was authorized in the act approved March 4, 1913. When the Secretary of Commerce and the Commissioner of Lighthouses were before the Committee on Appropriations they said that, although they had submitted the estimates for the money to provide the lightship in accordance with the law, they had done so because it was authorized and had been strongly recommended by the Senators and Representatives from that section of the country, but they were not in favor of the appropriation being made. Monhegan Island has upon it a lighthouse. Two or three miles off from this island is a gas buoy, with a whistle and a submarine bell. In the fall of 1913 an improved gas buoy was placed at this point. The department believes that the aids to navigation now at this point are sufficient. They say that unquestionably a light vessel would be superior to the aids now located there, but that, everything considered, in their opinion, the existing aids are sufficient for the safe navigation of the sea; and they did not recommend the light vessel.

Three vessels were lost in this vicinity, as stated by the gentleman from Maine, but they are not recent disasters. One occurred in 1886 and one in 1902 and one in 1905.

Mr. MONDELL. But there was only one vessel lost.

Mr. FITZGERALD. There were three disasters.

Mr. MONDELL. And the other two went ashore.

Mr. FITZGERALD. My recollection is that one was a total loss. The committee gave a hearing to a former Member of the House—Mr. Littlefield—and the Representative from Maine, Mr. MCGILLICUDDY; to Mr. Gilbert Austin, president of the Eastern Steamship Corporation, of Boston; to Capt. Rawley; and to Capt. Crowley, the general manager and treasurer of the Coastwise Transportation Co. These gentlemen very strongly contended that as a matter of safety the lightship should be built and placed at this point. They contend, for instance, that they can not approach Monhegan Island and locate the buoy as they might at some other point.

The island has precipitous shores, and there is deep water right up to it, and so they can not tell by soundings or by the shoals on the bottom that they are approaching the island. They insist that the submarine bell is of no benefit to them. The chief reason why it is of no benefit is that the vessels which they navigate are not equipped with the apparatus required in order to obtain the warning of the submarine bell. Then, they contend, in addition, that even if their vessels were equipped with this apparatus, still the bell would be very unsatisfactory and unreliable, and that, as stated by the gentleman from Maine, their vessels are not deep-draft vessels and draw only from 9 to 12 feet of water, and one of these captains stated that in his experience satisfactory results have not been so far obtained with the apparatus installed for the purpose of receiving the warnings from the submarine bells upon vessels of light draft; that unless the receiving apparatus be placed quite low, some 20 or 22 feet below the surface of the water, very frequently the warnings were not received.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MCGILLICUDDY. Mr. Chairman, is it not true that they can not use the deep-draft vessels for the reason that they have to run up the rivers where the waters are shoal?

Mr. FITZGERALD. I will make that plain. I ask unanimous consent that my time may be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his time for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. It was further stated that the company was preparing apparatus or endeavoring to perfect apparatus which, if installed on light-draft vessels, would detect the warning of the submarine bell. Now, as the gentleman from Maine [Mr. MCGILLICUDDY] stated, the representatives of these corporations said that they could not use deep-draft vessels because they visited places where the depth of water was such that the vessel drawing more than 9, 10, or 12 feet could not be taken. I have endeavored, Mr. Chairman, to state comprehensively that which was presented to the committee. The responsible officials of the Government in charge of the Lighthouse Service stated that they were now expending $800,000 a year for the maintenance of light vessels; that it is not desirable to increase the number of these vessels unless it be imperatively demanded; that it costs about $15,000 a year to maintain them; without further knowledge of the situation, that with the existing aids to navigation all the reasonable precautions have been taken by the Government to make navigation of these waters safe. The committee discussed the matter somewhat at length, and finally reached the conclusion that it was compelled at least to place some reliance upon the officials responsible for the administration of this service, and if they were of the opinion that, under all the circumstances, the existing aids were adequate, until they were tried further it would be unwise and unjustifiable to incur the expenditure necessary for building a lightship. The committee therefore acquiesced in the recommendation of the department, and did not include the item in the bill. The committee has all the information in its possession. For the reason stated, I voted in the committee not to make the appropriation for this ship at this time.

Mr. MONDELL. Mr. Chairman, the Members of Congress from the State of Maine and the people interested in shipping there have been very earnest and very anxious in support of the proposition for a lightship off Monhegan Island. Quite a number of gentlemen interested in shipping appeared before the committee and made very complete statements with regard to the matter. Messrs. GUERNSEY and PETERS, of the Maine delegation, have been greatly interested in it and have urged the committee to support it. It is one of that sort of appropriations that we would like to support, and certainly would support if we believed under all the circumstances and conditions we were justified in doing so. Monhegan Island is on the steamer route from Portland to Nova Scotia, from Boston to all Maine points. It is a point of departure. Off Monhegan Island vessels take their course to the north when they are going north and in the other direction going down the coast. There is a first-class lighthouse on Monhegan, and on the island of Manana, immediately adjacent, is a first-class air siren. Some two and a half miles off the island of Manana is a gas buoy, with whistle and submarine bell. The coast and the sea about the island is subject to fogs, as the gentleman from Maine has stated, and those fogs are so dense that it is impossible to get the flash of the lighthouse on Monhegan Island; hence the air siren on Manana and the gas buoy two miles and a half farther out in the direction from which steamers approach coming from the south. There has been some difficulty there. Steamers frequently have to lay by in certain weather. There have been in the last 25 years three serious accidents in that vicinity. I do not recall that any lives were lost, but a good deal of property was destroyed in each case. Within the last year three improvements have been made in the situation.

First, the lighthouse on Monhegan Island has been very greatly improved. Second, the air siren on the island of Manana has been greatly improved and in place of the old buoy 2½ miles out there is a first-class light of 700 candlepower, with a submarine bell. There is a lightship off the port of Portland, I believe. That lightship does not carry a stronger light than

this gas buoy does. Of course the lightship could be equipped with a stronger light, but the new light of this gas buoy is as strong a light as is now carried on the lightship off the port of Portland.

Mr. McGILLICUDDY. May I interrupt the gentleman there?

Mr. MONDELL. Yes.

Mr. McGILLICUDDY. It is not altogether the light on the lightship that would be of aid to navigation, but also the lightship locates the sound signals of the bell and it is not dependent upon the motion of the ocean, but is regulated by the crew and consequently would be reliable.

Mr. MONDELL. I realize the fact on a lightship the sound signals would be stronger.

Mr. MANN. They do not have bells on lightships.

Mr. McGILLICUDDY. Yes; they do.

Mr. MANN. And they are not rung by the crew, either.

Mr. McGILLICUDDY. They certainly have them.

Mr. MONDELL. A lightship would carry an air siren. This buoy carries a whistle, and it would be possible with a first-class lightship to afford better aid to navigation than they have there now.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. It costs $125,000 to build a lightship. It costs $15,000 a year to maintain it. The aids to navigation we now have on that coast and in the vicinity of that island are better than we have on our coasts generally, and the committee, much as it is inclined to make the best possible provision for our coasts, hardly felt justified, anxious as they were to meet the views of the gentleman from Maine, in providing for a lightship until we shall have had a longer period of experience and trial of the very excellent aids to navigation which have been recently installed there.

Mr. McGILLICUDDY. Just a word to the gentleman. This is not so much a matter of interest to the people of Maine as it is to the traveling public from other parts of the country to and from Maine.

Mr. MONDELL. I understand that, and I understand that when the gentleman from Maine is speaking for this project he is speaking in the interests of the people who travel the Maine coast, large numbers of whom come from all up and down the coast and from all over the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. McGILLICUDDY].

Mr. MANN. Mr. Chairman, I served for a good many years on the committee that had jurisdiction over aids to navigation, and for a good many years reported to the House all the bills that carried authorization for aids to navigation, which is the only excuse I have for knowing anything about the subject. I think there is no coast anywhere in the world that is better supplied with aids to navigation than the coast of Maine, that State having for many years enjoyed the distinction of having Senator Frye represent them in the Senate, and Senator Frye was chairman of the Senate committee which had jurisdiction over aids to navigation.

We ought to be a little careful about providing a lightship anywhere. The original cost of a lightship upon the ocean is in the neighborhood of $125,000. Probably it will soon be $150,000. If it were only the original cost it would not make so much difference, but the cost of maintenance of a lightship is from $15,000 to $18,000 a year. In most of the places where they now have lightships an acetylene-gas buoy with a bell would answer the purpose just as well as the lightship, and the cost is merely nominal as compared with the cost of a lightship. It may be cheaper now, but you could buy such a gas buoy at from $8,000 to $10,000 a few years ago. I think we used to provide not to exceed $15,000 for two. A few years ago Congress decided, so far as committees could decide, that they would be very chary about providing new lightships on account of the cost of maintenance. Of course, it goes without saying that everywhere the mariners—the men who navigate the ships—would like to have an additional aid to navigation here and there and elsewhere. They pay no taxes, they make no contribution toward the support of the aids to navigation, and practically not anything toward the support of the Government.

Mr. McGILLICUDDY. But they pay tolls.

Mr. MANN. Through the Panama Canal they pay tolls, or will, much to my regret, so far as the legislation is concerned. But that has nothing to do with this matter. Of course, they want these aids to navigation. And I have repeatedly known it to happen that where the mariners had never thought of an aid to navigation being needed, some of them would start a petition or a letter, urging that an aid to navigation be placed at some particular place, and out of courtesy to the one all the others would insist that it was unsafe to navigate in that locality without the particular aid to navigation being provided, although they had been navigating there practically a lifetime and never dreamed of it before. And I think we ought to be a little cautious before we entail upon the Government a permanent expense of $15,000 to $18,000 a year, when the chances are that a proper buoy at this place would answer all the purposes of a lightship, even if they need anything at all.

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ADAMSON. I know it will be a comfort to him to remind him, after his just tribute to the late Senator Frye, that the interests of Maine have by no means suffered by the death of that distinguished statesman, but that a multitude have arisen in his stead, and every Representative and Senator is wholly alive in securing everything possible in the way of authorization, and getting it.

Mr. MANN. I have no doubt they are still alive and active in urging these things. You can pass the word to any State delegation in this House with reference to anything that some one wants in the State and get every one of them active in favor of the proposition, swearing that the State can not exist and the Government will fall if they do not get them, and yet they never heard of it before.

Mr. McGILLICUDDY. In answer to that proposition, I want to say that I have been here for three years, and our delegation has never done anything of the kind, and has never asked for anything up to to-night.

Mr. MANN. The gentleman is mistaken. This particular item has been before the House since the gentleman came here.

Mr. McGILLICUDDY. I say outside of this item.

Mr. MANN. And if he does not know it, he has forgotten.

Mr. McGILLICUDDY. I say outside of this item.

Mr. MANN. This is not the only item that the gentleman from Maine has been for since he has come here.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. McGILLICUDDY. A division, Mr. Chairman.

The committee divided; and there were—ayes 6, noes 21.

So the amendment was rejected.

The Clerk read as follows:

Alaska, aids to navigation: For the establishment of aids to navigation and improvement of existing aids in Alaska, $60,000.

Mr. FALCONER. Mr. Chairman, I would like to ask the chairman of the committee what consideration was given to the recommendation of the Department of Commerce for a lighthouse tender for Alaska? I understand the Department of Commerce recommended an appropriation of $325,000 for a lighthouse tender for Alaskan waters.

Mr. FITZGERALD. We have no jurisdiction over that. Unless the vessel is authorized by law, we have no right to recommend an appropriation.

Mr. FALCONER. There is an authorization for this lighthouse tender to the extent of $250,000.

Mr. FITZGERALD. The Department of Commerce wants to have the limit of cost increased to $325,000, but this committee has no authority to recommend appropriations for any of these vessels in the absence of legislation previously enacted authorizing them, which legislation belongs to the jurisdiction of the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, if the gentleman will permit, I will say that the committee which has jurisdiction voted to increase that authorization and put the bill on the Calendar for Unanimous Consent. It was objected to, and we then put the bill passed by the Senate for the same purpose on the Calendar for Unanimous Consent, and now we have been notified that it will be objected to when next called up. I thought I was going to get recognition to move to suspend the rules on next Monday, but I am now notified that I did get it on the list. I want the chairman of the Committee on Appropriations to understand that, notwithstanding the fact that I earnestly favor the appropriation, I am chairman of one of the great committees of the House, and as such will not move to amend the pending bill, but I suggest to the chairman of the Committee on Appropriations that he has authority to make a motion to increase it.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Georgia can not lead me into offering amendments to this bill for matters not authorized and over which his committee has

jurisdiction and in which he may be interested, while insisting that under no circumstances shall I carry in this bill items over which his committee has jurisdiction unless they are authorized by law.

Now, if the bars are to be taken down and the chairman of the Committee on Interstate and Foreign Commerce can exercise discretion regarding the matters which he will recommend, regardless of the jurisdiction of the Committee on Interstate and Foreign Commerce, that is one thing; but I think that the wisest and best and most orderly way to conduct the business of the House is to let the gentleman's committee exercise its jurisdiction and let the Committee on Appropriations recommend appropriations in accordance with the law. Then we shall have much better results.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Georgia?

Mr. FALCONER. I yield.

Mr. ADAMSON. I wish to say, Mr. Chairman, that I am not trying to lead the gentleman from New York. I would not offer any amendment to his bill so long as I am one of the chairmen of the great Democratic committees of this House; but, Mr. Chairman, the gentleman can not plead around an item in that way, because the committee of which I am chairman has done its best to make that authorization. It has reported its own bill, which was objected to on the floor, and it has reported the Senate bill and tried to get consideration of it. We thought we would have consideration for it next Monday, but I find upon inquiry that we are not to have it. I request, inasmuch as we have not been able under the parliamentary situation to get consideration of a bill that ought to pass, that the gentleman from New York recognize the fact that the Senate has passed the bill and the House committee has recommended both bills, and that he is at liberty to offer an amendment to put that item in the bill.

Mr. FITZGERALD. The gentleman must realize that I merely represent our committee. I have no authority to assume the right to offer amendments to this bill that would be subject to points of order, and then, in carrying out the instructions of the committee, raise points of order against amendments that other gentlemen would offer.

Mr. ADAMSON. I only wanted the gentleman to understand that he would not be tramping on anybody's toes if he offers such an amendment.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Washington be extended for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FALCONER. I thank the gentleman. Mr. Chairman, I ask that the amendment I offer be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington [Mr. FALCONER].

The Clerk read as follows:

Amend, page 128, after line 18, by inserting the following: "For lighthouse tender for Alaskan waters, $325,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. FITZGERALD. I reserve a point of order, Mr. Chairman, until I hear what it is.

The CHAIRMAN. A point of order is reserved.

Mr. FALCONER. Mr. Chairman, the gentleman from the State of Maine [Mr. MCGILLICUDDY] a few moments ago gave something of the history of wrecks on the coast of Maine. I want to say to the Members of the House that Alaskan waters, since the United States Government bought Alaska, have presented a string of wrecks and sea horrors that is very extraordinary.

I have in my hand a list of ships that have been lost since Alaska came into the possession of the United States. Eighty-three ships have been entirely destroyed and wrecked in Alaskan waters in that time, and the value reaches to something like $7,500,000.

The Department of Commerce, having had the matter under consideration, and having had the data presented to it by the chambers of commerce and by the seafaring men of the Pacific coast, recommended an appropriation of $325,000 for a lighthouse tender ship to replace the *America*.

Mr. ESCH. Will the gentleman yield?

Mr. FALCONER. Yes; I yield.

Mr. ESCH. The vessel to which the gentleman refers was wrecked off the Alaska coast in May, 1912, and this tender is to supplant the one that was lost.

Mr. FALCONER. Mr. Chairman, I desire to place before Congress some facts bearing on the amendment, and also call the attention of the House to the necessity for this and other appropriations in order that some of the dangers now existing may be eliminated.

In 1913 three ships were lost. I am not speaking of those that were partially wrecked, and repaired at an expense of from $5,000 to $25,000 for each ship, but lost in 1913. The *Yukon* sank off Sanak Island. She was worth $170,000. The *State of California* sank in Gambier Bay in 1913, with a loss of 34 lives. The value of that ship was $225,000. The *Curacao* was lost in 1913 off Warm Chuck. She was worth $225,000. I could go on back to the year 1878 and include some 80 ships. It seems to me that the committee having this matter in charge ought to have given more consideration to the dangerous conditions obtaining out there, and have made an appropriation for this lighthouse tender. Anyone who knows anything about the Pacific coast—and I am sure there are many gentlemen on the floor who know as much about it as Pacific coast members—must appreciate the fact that something ought to be done at this session of Congress, and I hope no objection will be raised to the amendment, but that we may have this appropriation.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. FALCONER. Yes; I yield.

Mr. SELDOMRIDGE. I notice in the hearings conducted before the committee that when this matter was presented the Secretary of Commerce inserted in the record a letter which he had written to the gentleman from Illinois with reference to this matter, in which the statement is made that the Government has paid out during the last four years something like $84,000 in the way of charters for vessels to carry supplies to and from the Pribilof Islands, which supplies could be carried on this tender, and that the Government is now paying at the rate of $200 a day as a charter for a private steamer to do work that could be performed by this vessel.

Mr. MANN. Will the gentleman permit me to ask him who is the gentleman from Illinois referred to?

Mr. SELDOMRIDGE. The gentleman from Illinois [Mr. MANN] who is now addressing me.

Mr. MANN. Is that the way the Secretary manufactures evidence, to write a letter to somebody and then get it published in the hearings?

Mr. SELDOMRIDGE. It is published in the hearings.

Mr. MANN. I do not think it adds anything to it. It is news to me.

Mr. FALCONER. As regards this matter, and bearing directly upon it, Secretary Redfield has urged this appropriation; and as the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Georgia [Mr. ADAMSON], has just said, it is the opinion of the men who have given most consideration to the question that the ship ought to be built and that the appropriation should be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELDOMRIDGE. I ask unanimous consent that the gentleman be given five minutes more time.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the time of the gentleman from Washington [Mr. FALCONER] be extended five minutes. Is there objection?

There was no objection.

Mr. FALCONER. The people of the country generally, and particularly those who are in direct touch with this question, fail to understand why this great loss of life and property should be continued, when it is due, as is suggested, to the indifference of the Congress.

A most extraordinary seacoast formation obtains in the inside passage to Alaska. And I wish here to read a communication received from the Seattle Commercial Club reciting facts relative to the necessity for some action:

Whereas the club has already gone on record as advocating the plan of immediately sweeping the rocky channel of the coast of Alaska to discover and locate uncharted obstructions to navigation; and

Whereas Congress is asked to appropriate money for a number of new survey boats needed to satisfactorily and completely chart the waters of the Alaska coast.

Five times Congress has been asked to make these appropriations. Four times the request has been ignored. Some action by Congress is expected this year. It would be well to consider the facts in the situation and have them properly placed before Congress, so that whatever action is taken it may be taken intelligently.

The rocky formation of the coast line and the great depth of water in most of the channels and approaches, together with numerous underwater peaks of hills projecting upward sometimes nearly to the surface without showing above, makes it necessary that the position of these underwater peaks be accurately determined and charted for safety to navigation.

The old-time and usual method of learning the depth of water has been to attach a sinker to a long line and by lowering the sinker to the bottom of the water determine the depth by measuring the distance from top of the water to bottom. This method only discloses the depth at the point where the measurement is taken, which may be within 50 feet of the perpendicular side of a rocky peak extending upward to within a few feet of the surface of the water and yet not be discernible, although it be a most dangerous menace to

the safety of ships navigating the sea in that vicinity. All such underwater peaks can be discovered by drawing a long line at a graduated depth below the surface of the water along the channels and approaches frequented by shipping, say, 40 feet deep at low water.

The nature of this service is such that a small wire cable, probably one-half inch in diameter and one or more miles in length, suspended from buoys or small boats, with one or two occupants in each, would seem to be most suitable; drawn through the channels and along the routes frequented by shipping, all obstructions rising near enough to the surface of the water would be discovered and promptly marked by buoys placed in the boats for the purpose, and the continuation of the search would be kept up without delay, thus making it possible to cover a space 20 to 50 square miles daily in ordinary summer weather.

The class of shipping best adapted to this service is the 75 to 100 foot power fishing craft, because their power is not sufficient to break the cable if obstructions are met suddenly; they can proceed at a speed of 3 to 5 miles per hour, which is ample; they can carry all the boats and men required to perform the service efficiently under the supervision of officers of the United States Coast and Geodetic Survey or naval officers.

They can easily cover 500 square miles of ocean service monthly, or 3,000 square miles per season of six months yearly; five outfits of two power craft to each could be working at once, making it possible to survey 15,000 square miles of surface waters of the coast yearly for less expense to the Nation than it would cost to build two specially designed crafts, which might, after all, be poorly adapted to the purpose.

The cost for charter of suitable boats and crews would be less than $3,000 per month for each craft, or $18,000 for six months' service of each vessel and crew; 10 vessels (5 outfits) would cost the Nation less than $180,000 for the 3,000 square miles of estimated area of survey.

When the survey for the location of all undiscovered projections into the path of navigation is completed and their position discovered and marked the hydrographic officer can complete the service by placing the positions on the charts accurately. Any appropriations for the purpose exceeding in amount the above-named estimates are excessive, since there is plenty of material, both vessels and men, at present available for the purpose: Therefore be it

Resolved, That a letter embodying the terms of this communication be forwarded to Members of Congress from this coast.

OTTE CASE, *Secretary*.

Mr. Chairman, I want to insert an article, inspired by the wreck of the *State of California*, from the Railway and Marine News:

CONGRESS ALONE TO BLAME FOR LATEST ALASKA WRECK—INSUFFICIENT AIDS TO NAVIGATION AND LACK OF PROPER CHARTING RESPONSIBLE FOR LOSS OF 32 PEOPLE—VALUE OF TOTAL LOSSES IN ALASKA WATERS MORE THAN $7,000,000.

The loss of the steamship *State of California* in Gambier Bay on the early morning of August 17, in which 32 lives were lost, has again called the attention of the public to the deplorable condition of Alaska as regards aids to navigation and insufficient charting. At intervals during the past 10 years agitations have been started and the attention of Congress has been called to this very important matter. Congress has been petitioned for appropriations for more and better aids in the district of Alaska, extending from Portland Canal, where the British Columbia coast line terminates, to different ports of call to the eastward as far as Nome and St. Michael. This agitation, made at different times, has borne fruit in a small way, and while Alaskan waters are much better lighted and marked than they were 10 years ago, the increase in these much-needed aids to navigation has not by any means kept pace with the growth in commerce.

A short time ago a separate lighthouse district was established in Alaska, and a lighthouse tender detailed for that duty. This was a step in the right direction, and it was hoped at the time the change was made that Congress would appropriate sufficient money for the establishment of needed lighthouses and other aids. The Lighthouse Board appreciates the needs of Alaska, and the men in charge of the work would like nothing better than to have plenty of funds with which to make needed improvements. The same is true of the Coast and Geodetic Survey. Considering the stretch of coast line in Alaska and the many routes of steamship travel, the equipment for this department of the Government service is woefully inadequate. Instead of operating two or three small survey steamers, the Government should supply a sufficient number to prosecute this work as the commerce of that district demands. If the Coast and Geodetic Survey is short of available talent to carry on this work, the Government could very well afford to send north each summer cadets out of the Naval Academy, who would thus be given some real work and who would gain some very valuable experience. During the summer season many naval vessels are in reserve at Mare Island and at Bremerton, and the young officers attached to these ships could very well be spared to serve in Alaska.

Gambier Bay, the scene of the recent deplorable wreck, was first charted in 1889, and the latest charts were compiled from figures obtained at that time. In the charts a long reef is shown, but not a single buoy marks the location of this dangerous line of rocks. In the case of the *State of California*, it can be stated that the vessel was on her regular course at 8.27 in the morning, and at 8.29 she struck the uncharted rock which ripped out her bottom plates, and at 8.32 the ship disappeared from sight. The oldest Indian living on Gambier Bay never heard of the rock which caused the *State of California* to sink, and snuffing out 32 precious lives.

In Canadian waters, whenever a new cannery is located or a new village grows to the importance of demanding steamship service, that Government's survey boats immediately repair to the scene and secure data for reliable charts. After the survey work is done, the lighthouse department gets busy and places wherever necessary aids to navigation. True, the coast line of Alaska is very much more extensive than that of British Columbia, but, nevertheless, the Coast and Geodetic Survey and the Lighthouse Departments should be given sufficient funds to prosecute work wherever vessels are navigated in these waters.

In an examination of the list of vessels lost in Alaskan waters during a period of years extending from 1878 to date, it is found that the stupendous total of $7,340,000 has been paid out by underwriters for total losses, and a sum nearly as great has been paid out for vessels that have met with disaster, been salved, and restored to their owners.

Railway and Marine News is able to publish in this issue a practically complete list of vessels totally lost in Alaskan waters, the year, where lost, and the value of hull and cargo. This paper published the greater portion of this list in its issue of October 1, 1911, that being the first time such a list had ever been published. This list is republished in this issue and brought up to date, and a perusal of the same should satisfy Members of Congress of the urgent need of assistance and the establishment of lighthouses and other aids to navigation and in a systematic charting of the waters of Alaska.

Name of vessel.	Rig.	Year lost.	Where lost.	Value of hull and cargo.
St. George	Schooner	1878	Kodiak Island	$25,000
Kodiak	do	1878	Geese Island	25,000
Mt. Waliaston	Bark	1879	Arctic	100,000
Vigilant	do	1879	do	100,000
Henrietta	Schooner	1881	St. Lawrence Island.	25,000
Sapho	do	1882	Arctic	25,000
Amethyst	Bark	1885	do	50,000
Montana	do	1885	Bristol Bay	50,000
Gazelle	do	1885	Arctic	50,000
Rainier	do	1885	do	50,000
George and Susan	do	1885	do	50,000
Mabel	do	1885	do	50,000
Napoleon	do	1885	Bering Sea	50,000
Clara Light	Schooner	1886	Arctic	10,000
John Carver	Bark	1886	do	50,000
Western Shore	Sloop	1886	Bristol Bay	100,000
Young Phoenix	Bark	1888	Point Barrow	50,000
Jula Ford	do	1888	Karluk	100,000
Ohio	do	1888	Point Hope	25,000
Lucretia	Steamship	1889	Herold Island	50,000
Jas. A. Hamilton	Schooner	1889	Bering Sea	50,000
Ancon	Steamship	1889	Loring	100,000
Silver Wave	Schooner	1890	Point Barrow	10,000
Thomas Pope	Bark	1890	Point Hope	50,000
Korea	Barkentine	1890	Kalgin Island	75,000
Lizzie Williams	do	1890	Tugidak Island	100,000
Orizaba	Steamship	1890	St. Michael	100,000
Oneida	Barkentine	1890	Alaska Gulf	75,000
Wm. Lewis	Steamship	1891	Point Barrow	150,000
Abraham Barker	Bark	1892	Arctic	50,000
Ohio	do	1893	Nunivak Island	25,000
Jacob Howland	do	1895	Strong Island	50,000
Raphael	Sloop	1895	Karluk	40,000
Jas. A. Boreland	Bark	1896	Tugudak Island	100,000
Hidalgo	Brig	1896	Arctic	30,000
Mexico	Steamship	1897	Dixons Entrance	100,000
Jessie Freeman	Barkentine	1897	Point Barrow	50,000
Orca	Steamship	1897	do	100,000
Rosario	Schooner	1897	do	40,000
Navarch	Steamship	1897	Arctic	100,000
Sterling	Sloop	1898	Bristol Bay	100,000
Clara Nevada	Steamship	1898	Lynn Canal	50,000
Brixam	do	1898	Clarence Straits	100,000
Laurada	do	1899	Bering Sea	150,000
Wildwood	Bark	1899	Bristol Bay	100,000
Mermon	Sloop	1900	Karluk	40,000
Colorado	Brig	1900	Wrangell Narrows	50,000
Hunter	Bark	1900	Bering Sea	50,000
Catherine Sudden	Barkentine	1900	do	50,000
Alaska	Bark	1900	do	25,000
Balaena	Steamship	1902	do	100,000
Chas. D. Lane	do	1902	Nunivak Island	100,000
Discovery	do	1902	Yakutat	50,000
Islander	do	1902	Gastineaux Channel.	225,000
Cleveland	do	1903	Bering Sea	75,000
Sadie	do	1903	do	500,000
Star of Russia	Sloop	1905	Chichagoff Island	150,000
Balclutha	Schooner	1904	Geese Island	45,000
Servia	Sloop	1905	Kodiak Island	100,000
Nicholas Thayer	Bark	1906	do	20,000
Oregon	Steamship	1906	Cape Hinchinbrook.	200,000
Mariechen	do	1906	Chatham Straits	300,000
Themis	do	1906	Hardigan Reef	120,000
John Currier	Ship	1907	Bristol Bay	190,000
St. Paul	Schooner	1907	Sukhlish Island	25,000
Wm. Bayliss	Bark	1907	Arctic	50,000
Lucile	Ship	1908	Ugashik	250,000
Star of Bengal	do	1908	Coronation Island	250,000
Saratoga	Steamship	1908	Bushby Island	175,000
Columbia	Ship	1909	Unimak Pass	100,000
Ohio	Steamship	1909	Heikish Narrows	300,000
Quatsino	Brig	1909	Dixons Entrance	30,000
Charger	do	1909	Kartar Bay	25,000
Farallon	Steamship	1910	Iliamna Bay	80,000
Portland	do	1910	Katalla	55,000
Olympia	do	1910	Bligh Island	150,000
Cottage City	do	1911	Seymour Narrows	100,000
Ramona	do	1911	Cape Decision	150,000
Jabez Howes	Ship	1911	Chignik Bay	100,000
Hayden Brown	Bark	1912	Montague Island	10,000
Yukon	Steamship	1913	Sanak Island	170,000
State of California	do	1913	Gambier Bay	225,000
Curacao	do	1913	Warm Chuck	225,000
Total losses				7,340,000

The above list of total losses contains the names of many vessels well known on the Pacific coast. If we were to publish a list of all the vessels that have met with disaster of different kinds in Alaskan waters—vessels that have been repaired and restored to their owners—it would include nearly all the vessels engaged in the Alaskan trade.

While many of the losses in Alaskan waters can be attributed to mistakes of mariners, and from other causes, by far the greater percentage can be charged against the United States Government for failing to

provide sufficient aids to navigation. Not only is our Government responsible to a great degree for all this loss of property, and with the great losses of underwriters, but it is also responsible for the loss of many lives during the period mentioned in the above list.

Surely the people who travel to and from the great northland, which is occupying so important a place in the public prints at the present time, are entitled to the protection of their home Government. And the men who have invested their money in floating property that the great Alaskan country might be opened up and developed are surely entitled to all the assistance they can possibly get from the Government which gives them the right to engage in this coastwise traffic. Similar protection should be given the insurance people, who make it possible for the transportation men to operate their vessels. Insurance rates on Alaskan hulls would now appear to be as high as the traffic will bear, and yet, notwithstanding the insurance rates charged, it does not require very much figuring to show anyone that underwriters have lost money on Alaska business. The question is a serious one.

Mr. Chairman, the press generally of the West urges action on the Congress, and tends to place the responsibility for future safety upon Congress. I quote from the Morning Tribune, Everett, Wash.:

GOVERNMENT HELD RESPONSIBLE FOR WRECK OF STEAMER "CALIFORNIA"—UNITED STATES GOVERNMENT FAILED TO CHART CORRECTLY ROCK IN GAMBIER BAY—34 LIVES LOST WHEN ILL-FATED SHIP SINKS—DISASTER DECLARED TO HAVE BEEN UNAVOIDABLE UNDER THE CIRCUMSTANCES.

SEATTLE, *September 6.*

Finding that the failure of the Government to chart correctly a portion of Gambier Bay, Alaska, was the direct and only cause of the wreck of the steamship *State of California* in those waters Sunday, August 17; completely exonerating Capt. T. H. Cann, jr., and his associates from any blame in connection with the disaster, and highly complimenting the performance of the officers and the equipment of the ill-fated vessel, the official report of the board of inquiry which, in this city, investigated the wreck, was forwarded yesterday to the Department of Commerce at Washington, D. C.

DISASTER UNAVOIDABLE.

Included in the report was a transcript of all the testimony taken, as well as the findings of the board. Capt. Bion B. Whitney and Capt. Robert A. Turner, Federal marine inspectors, with headquarters in this city, who comprised the board of investigation, united in the final decision on the disaster.

The disaster, as well as the loss of 34 lives, was declared, in their opinion, to have been unavoidable under existing circumstances. Led by the chart to believe that there were 72 feet, or 12 fathoms, of water beneath his vessel, Capt. Cann was entirely justified in assuming that the course was safe, the inspectors decreed.

—

NEW SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash., April 7, 1914.

Hon. J. A. FALCONER,
House of Representatives, Washington, D. C.

DEAR SIR: Appropriations have been asked in Congress by the Department of Commerce for the construction of vessels and for increase in the facilities for making a proper survey of the Alaska coast and for wire-drag operations to locate pinnacle rocks, which have in the past caused numerous accidents and the loss of many lives.

Unless the department is enabled to carry out the work proposed, the menace to life and property and to uninterrupted communication will be greater than has been the case in the past, owing to the increase in travel, in the number and size of the vessels employed, and in the quantity of freight coming with the era of railroad development and the opening up of the Territory.

This chamber respectfully appeals to you to use every available opportunity of urging the granting in full of the appropriations recommended. The attached copies of correspondence interchanged between the steamship companies operating in Alaskan waters and the Department of Commerce present details of the situation and its requirements.

Such accidents as that to the *State of California* in Gambier Bay last August, causing the loss of 32 lives, would have been avoided if thorough surveys had been made to locate pinnacle rocks in the main ship channels, where the charts showed great depth of water.

While improvement in the last two years has been made in the way of safeguarding navigation in Alaskan waters, much yet remains to be done. This can only be accomplished by providing the means called for by the Department of Commerce, including, among other things, appropriation of $525,000 for Coast and Geodetic Survey vessels, three of which are intended solely for Alaska and three for economical operation of the wire-drag expeditions in exposed regions.

As pointed out by Secretary Redfield on his recent visit, the Government is about to expend $35,000,000 in building an Alaskan railroad, to begin at tidewater at some port from 1,000 to 1,500 miles north of here. Properly marked navigation courses really constitute the initial link in this great transportation system for the northern Territory.

Furthermore, proper provision for the Geodetic Survey will make it possible to continue crews, which work in northern waters during the summer, at work on necessary surveys on the Sound and along the coast States during the winter, thus overcoming the present rather costly practice of disbanding them in the fall and recruiting new crews in the spring.

We realize that you recognize the vital importance of this subject, but we write this letter for the purpose of bringing it directly to your attention and of placing before you the information herewith transmitted.

Yours, very truly, C. B. YANDELL, *Secretary.*

—

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, December 20, 1913.

DEAR SIR: I am in receipt of your favor of the 26th of November, forwarded through Capt. J. F. Pratt, inspector in Seattle of the United States Coast and Geodetic Survey, transmitted to me by the superintendent of that bureau of this department.

The subject of the communication, which is signed not only by you but by four other steamship companies, is one of the deepest interest to me, and one which, I think you will agree, when the facts are before you, has already had active attention at our hands.

On November 17 I wrote the President thus:

"The need of safeguarding the Alaskan coast is enforced by the loss this season of two important vessels, the *Curacao* and the *State of California*, with serious loss of life. Our estimates call for vessels to finish promptly the survey of the coast and for funds to light it better. The Northwest is greatly concerned, and properly, about it."

To this the President replied, November 18:

"I also hope sincerely that the Congress may be able to afford us the means which we lack of safeguarding the Alaskan coast."

I am sending you separately a copy of my annual report, issued on the 16th instant. Your attention is especially invited to page 11, from which you will see that the matter has been formally placed before Congress.

I quote below so much of a communication dated December 16 from the Superintendent of the Coast and Geodetic Survey as refers to Alaskan matters:

"This bureau is in full accord with the letter of the steamship companies interested in the Alaska trade, dated November 26, 1913, which was forwarded to you with my note of December 13, 1913, in regard to the necessity of examining by the wire drag the lanes of travel followed by the steamships in Alaska. The letter discloses, as was to be expected from such authorities, an appreciation of the difficulties in locating submerged pinnacles.

"For some time this survey had had in mind the urgency of such examinations and the need of accelerating the work in Alaska and increasing the means of rapid chart publication.

"The form of the appropriation for the survey is such that the sum total of the appropriations is divided among separate items. Increases have therefore been approved by you in various scattered items of the appropriation bill which bear directly on increased activity of the survey in Alaska.

"It is perhaps not necessary to mention the items for additional small buildings and extensions and for new lithographic charts.

"The other items involving increases directly or indirectly for the Alaska surveys are as follows:

"Under 'Party expenses, Pacific,' an increase of $60,000 has been submitted. Of this amount the following is intended for the Alaska field work:

For one wire-drag party	$18,000
Additional to increase the efficiency of the 6 Alaska vessels	7,000
Total	25,000

"Of the remaining $35,000, $32,000 is intended for surveys and resurveys on the coasts of California, Oregon, and Washington, including wire-drag work, three vessels in full commission during the winter months, extension of the coast triangulation and chart-revision parties, all of which are matters that should receive immediate attention and are closely related to the maritime commercial necessities of Alaska.

"Under 'Continuing researches in physical hydrography,' etc., an increase of $5,600 has been requested. This amount will be used in increasing the activities for securing better tidal and current information along the coasts. There is an urgent demand for information of this character from mariners on the Pacific coast of the United States and in Alaska.

"Under 'Offshore soundings,' etc., an increase of $5,000 has been submitted. This is about the amount that will be required for the field revision of the Alaska Coast Pilot, including the employment of the necessary experts.

"Under 'For continuing magnetic observations,' etc., an increase of $25,000 has been requested. This is intended to start the work of carrying the triangulation from the Bering Sea, across Alaska to the one hundred and forty-first meridian, and is work that should no longer be delayed. Its completion will be necessary before accurate maps of Alaska can be made, and it will be most valuable in the development of the resources of Alaska.

"Under 'Objects not named,' etc., an increase of $1,000 has been estimated. This is intended to provide funds for plans and specifications for the new vessels for Alaska surveys. Some new language has been inserted in this item making it available for emergency relief in cases of distress in remote regions, such as in the case of the Katmai volcano in 1912, the smallpox epidemic near Fort Yukon, and the more recent case of the shipwrecked passengers and crew of the steamship *Curacao*, sunk off the coast of Prince of Wales Island.

"Under 'Pay of necessary employees to man and equip the vessels,' an increase of $22,800 has been requested. This will provide the necessary additional employees for the wire-drag party on the Pacific coast and Alaska, and will enable this survey to keep three of the Alaska vessels at work during the winter on much-needed surveys and resurveys on the Pacific coast.

"Under 'Salaries,' an increase of six additional assistants at $2,400 has been submitted. These trained officers are urgently required, and will hardly meet the demands for the wire-drag work, the Yukon triangulation, and for the new vessels estimated for under another head.

"You have approved estimates for six new vessels for the Coast and Geodetic Survey, $525,000, three of which are intended solely for the Alaska surveys and three smaller ones for the more efficient and economical operation of wire-drag operations in the more exposed regions."

In addition to the above the sum of $60,000 is included in our estimates now pending before Congress for additional aids to navigation to be established by the Bureau of Lighthouses, and you will notice on page 114 of the annual report that Congress has already made an appropriation for a light and fog signal at or near Cape St. Elias, Alaska, of $115,000. A bill is now pending in Congress authorizing a lighthouse tender for Alaska at $325,000. This vessel is already authorized at a cost of $250,000, but the service requires a larger ship and we are asking that this amount be increased by $75,000 to $325,000. No appropriation for this is yet made.

We are furthermore requesting of Congress funds sufficient to provide vessels for transporting our salmon agents along the Alaska coast, of which you will find a note at the bottom of page 17.

It is our intention also to strengthen the work of the Steamboat-Inspection Service and that of the Bureau of Navigation in Alaska.

The subject of giving assistance to Alaska commerce, so far as it lies within the power of this department to do it, is one which we regard as of high importance, and the department will be glad to take any proper steps to push the matter to a successful conclusion.

I shall take the liberty of placing your letter within the knowledge of the proper committee of Congress, and I have no doubt they will give same thoughtful consideration.

Yours, truly, WILLIAM C. REDFIELD,
Secretary.

SEATTLE, *November 26, 1913.*

Hon WILLIAM C. REDFIELD,
Secretary of Commerce, Washington, D. C.

SIR: On July 14, 1909, the steamship *Ohio*, en route from Seattle to ports in Alaska, struck an uncharted rock in Tongass Narrows, just north of Ketchikan. The charts showed no soundings where she struck under 30 fathoms (180 feet).

On August 13, 1912, the steamship *Mariposa*, while en route from Alaska ports to Seattle, struck an uncharted rock off Point Baker, in Sumner Straits, just west of where the chart shows 111 fathoms (666 feet).

On August 17, 1913, the steamship *State of California*, while leaving Gambier Bay, Alaska, struck an uncharted rock where the chart showed 12½ fathoms (75 feet).

In the cases of both the *Ohio* and *Mariposa* there was no serious damage to the vessels, and they were able to proceed on their voyage, but in the case of the *State of California* the ship sank within a few moments after striking and 32 lives were lost.

These rocks are what are known as pinnacle formations, which are peculiar to the waters of southeastern Alaska, and lead where the usual method of survey is followed. Tongass Narrows and Sumner Straits are stretches of water which have been used by vessels since the inception of trade to Alaska. Gambier Bay has been used for the past two years, since a canning industry was started therein. The *State of California* had made 16 trips in and out of the harbor during that time, and there had been several other vessels employed in the trade as well.

These accidents show the prevalence of uncharted rocks in regular channels and the necessity for resurvey work in order to discover these hidden dangers and to better safeguard not only the value of property, but, what is more important, human life. Persons competent to judge, including the local officers of the Coast Survey, express the opinion that the only way in which the presence of pinnacle rocks in the main ship channels can be ascertained is to drag the channels, and this can only be done at a large expense. However, we believe that the large increase in the number of vessels employed and in the number of passengers traveling between the ports of Puget Sound, British Columbia, and southeastern Alaska justify the Government in incurring whatever expense may be necessary to locate these hidden pinnacles. It is the desire of the steamship companies operating to Alaska to urge in every way possible the granting of sufficient appropriation to give the Coast Survey sufficient equipment and funds with which to prosecute this work, and it has arranged, among other things, to send each Congressman a letter showing the larger number of vessels employed in the trade, the increase in their size, the increase in the number of passengers traveling, and setting forth the danger to which ships, their passengers and cargo are subjected, and urging the necessity of appropriations in such amounts as the department may consider necessary for the proper execution of this work.

The purpose of this letter is to explain to you what the steamship companies have in mind and to respectfully solicit from you suggestions as to what further action we can take toward bringing about the desired result.

Respectfully submitted.

ALASKA STEAMSHIP CO.,
By R. W. BAXTER, *Vice President.*
ALASKA COAST CO.,
By H. F. ALEXANDER, *President.*
HUMBOLDT STEAMSHIP CO.,
By M. KALISH, *Vice President.*
NORTHLAND STEAMSHIP CO.,
By H. C. BRADFORD, *President.*
PACIFIC COAST STEAMSHIP CO.
By J. C. FORD, *President.*

Mr. Chairman, the President urges an adequate appropriation for coast and geodetic surveys here.

The Secretary of Commerce, Mr. Redfield, has a fine appreciation of the benefits to be derived by a thorough submarine charting of Alaska waters, and he recommends the wire-drag device be used to locate the pinnacle peaks that characterize these waters.

While the point of order raised against the pending amendment may be insisted upon, it is to be hoped that this Congress may pass the bill reported out and favorably recommended by the Interstate and Foreign Commerce Committee, of which the distinguished gentleman from Georgia [Mr. ADAMSON] is chairman.

Mr. FITZGERALD. I wish to say this much in reference to this matter: There is a boat authorized, to cost, I think, $250,000. There is no authority for a boat to cost $325,000. Whatever may be the merits of the controversy as to whether a larger or a smaller boat should be built, I am obliged in my capacity as chairman and representing the committee to protect the bill from such amendments.

Mr. BRYAN. Will not the gentleman, when he is aware that there is the chairman of another committee before the House who explains the situation and waives the jurisdiction of his committee, and that every reason of economy and justice and fairness requires this boat to be built—will he not yield an ordinary technical point and permit this amendment to go in?

Mr. FITZGERALD. No. If I did, somebody else is ready to make the point, and I think I had better exercise it myself.

Mr. BRYAN. I think the gentleman from Illinois would waive it.

Mr. FITZGERALD. If the gentleman persuades the gentleman from Illinois to waive it, I would not be surprised if it had some influence on me.

Mr. BRYAN. Then it is up to the gentleman from Illinois. Surely he will not object.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, this appropriation ought not to be made on its merits. A few years ago we were building lighthouse tenders for $150,000 apiece. Then we increased the amount until we got up to $200,000. I made some investigations myself, and concluded that it would take $225,000; and we provided $225,000 for a lighthouse tender. Then we afterwards authorized a lighthouse tender for the Pacific coast for $250,000.

They can build all they need in the way of lighthouse tenders for the Pacific coast and for the Alaskan coast for $250,000, to attend to the lighthouse work and to take care of the aids to navigation on the Alaska coast. But some brilliant gentleman, connected somewhere with the Department of Commerce, concluded that they would like to have a little better boat to sail in—one where there would be less likelihood of turbulence and seasickness from the elements—and so they conceived the idea that they ought to add $75,000 to the $250,000 and build what they call a lighthouse tender for $325,000, under the excuse that they needed it to go to the Pribilof Islands to carry supplies there.

Anyone thoroughly familiar with the duties of a lighthouse tender, outside of the Department of Commerce, ought to know that the lighthouse tender attending to work regularly could not well be used for trips to the Pribilof Islands. Originally the excuse was given that they ought to have a tender to carry supplies from the western coast up to the Pribilof Islands, and also to carry coal down the Yukon River—if that is the name of the river—from the coal fields of Alaska to the Pribilof Islands. A more absurd proposition, as far as the practical use of the lighthouse tender is concerned, I never heard.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SELDOMRIDGE. Does not the gentleman recognize that there might be a demand for a vessel to carry a certain amount of freight for the Government in Alaskan waters that would not be required of a lighthouse tender on the Atlantic coast? The Government has paid $83,000 during the past four years for this purpose.

Mr. MANN. The Government pays out large sums to carry supplies to the Philippine Islands. Perhaps the gentleman from Colorado thinks we ought to build a lighthouse tender to carry freight to the Philippines. There is no connection between a lighthouse tender for taking care of the aids to navigation on the Alaskan coast and carrying coal and other supplies to the Pribilof Islands.

Mr. SELDOMRIDGE. If by the addition of $75,000 to the cost of the vessel we could secure a vessel that would do this work, does not the gentleman think it would be advisable?

Mr. MANN. You can not secure a vessel to do that work. The result would be that you would have a vessel costing $325,000, and instead of doing lighthouse work it would be carrying officials and supplies, mostly officials, between here and the Pribilof Islands and back again. I might get a sail in it, and it might be that my friend from Colorado would get one. But for lighthouse service the $250,000 vessel engaged in attending to the aids of navigation would be worth two of these vessels used a part of their time in going to the Pribilof Islands.

Mr. SELDOMRIDGE. Mr. Chairman, I would like to ask the chairman of the Committee on Interstate and Foreign Commerce, who has looked into this matter, if his committee has not recommended the construction of this vessel?

Mr. ADAMSON. Mr. Chairman, I so stated two or three times a few moments ago on the floor. It appears to be a question of judgment entirely between the distinguished gentleman from Illinois [Mr. MANN] and the Secretary of Commerce. I could readily concede that up to two years ago the gentleman from Illinois knew more about it than the Secretary of Commerce, but for the past 18 months the Secretary of Commerce has been giving exclusive study to these subjects. If the gentleman from Illinois were the Secretary of Commerce, I believe I would lean to his judgment, rather than to another, if the other was a Member of Congress and the leader of the minority, charged with opposition to all measures that come before Congress, which must necessarily divide his attention.

As I understand the Secretary of Commerce, he thinks it would be economical in building a vessel to replace one that was lost a few years ago to build it a little larger, so he could dispense with the necessity for still another vessel; that it might be that one vessel for $325,000 would serve two purposes, instead of having two vessels, to cost in the aggregate $500,000. I have no doubt in the world of the absolute necessity—not only propriety, but necessity—for increasing this authorization to $325,000, but I do not intend to vote for it here.

I hope that gentlemen will not make the point of order, but will let us vote it down here, so far as that is concerned, because the Committee on Appropriations is charged with the fiscal responsibility for this House. That committee gives careful and painstaking consideration to all of these questions, and I do not believe it is the fault of that committee that we have failed to secure this increase in the authorization. But there is a place where it is in order to put this item in this bill. After a bill has been passed by the other body it is in order over there to place it as an amendment on an appropriation bill, and it will come up in an orderly and proper manner, and I hope the distinguished gentlemen who will be the conferees and managers on the part of the House will permit this item to remain in the bill, if the Senate, in its wisdom, sees proper to put it in.

Mr. RAUCH. Mr. Chairman, under the circumstances I feel that we are justified in making a point of order. Therefore, I make the point of order.

The CHAIRMAN (Mr. RUBEY). The Chair sustains the point of order.

The Clerk read as follows:

LIGHTHOUSE SERVICE.

General expenses: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals, and fog signals, the establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That no oil or carbide house erected hereunder shall exceed $550 in cost; construction of necessary outbuildings at a cost not exceeding $200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees and field force while engaged on works of general repair and maintenance, and pay of laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses, including per diem in lieu of subsistence under rules prescribed by the Secretary of Commerce not to exceed $4 per day, and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,775,000.

Mr. BROWN of New York. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of line 13, page 130, the following:

"*Provided*, That hereafter employees of the Lighthouse Service who are not now entitled to leave of absence with pay, and who have served 12 consecutive months, shall be given 15 days leave of absence with pay each year: *Provided*, That pro rata leave shall be allowed those serving fractional parts of a year: *Provided further*, That heads of divisions shall have discretion as to the time when the leave shall be granted."

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. BROWN of New York. Mr. Chairman, there are only about 300 men who would be affected—more or less—by this amendment. They are the mechanics in the employ of the Bureau of Lighthouses, and they do the mechanical work that may be necessary from time to time. I think they are the only mechanics in the employ of the United States Government who do general work of this kind for whom vacation allowance is not made. I think in ordinary justice they ought to be included with all of the other mechanics in the navy yards and elsewhere, and receive their pro rata of 15 days' vacation allowance with pay. The Senate has recently passed Senate bill 1262, which so provides. The Secretary of Commerce is strongly in favor of this legislation. I would urge the crowded condition of the calendar as being the chief reason for adopting this amendment at this time.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I insist upon the point of order. There is a legislative committee that attends to that, presided over by the able gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I thank the gentleman for his compliment, but the infirmity of that distinguished chairman, which I admit, is that he can not get consideration for as many good bills as he would like.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States, $165,000.

Mr. BRYAN. Mr. Chairman, I move to strike out "$165,000," in line 5, page 132, and insert in lieu thereof "$225,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 132, line 5, strike out "$165,000" and insert "$225,000."

Mr. BRYAN. Mr. Chairman, Secretary Redfield, to whom the Pacific coast owes a very great obligation for the efficient way in which he has taken up the work of the Government on the Pacific coast and has taken up the matter of the proper development of these matters under his department, has especially attempted to impress upon the Appropriation Committee the necessity of an appropriation of $225,000 under this particular item for charting these Alaskan coasts and for wire-dragging these waters in the way suggested by my colleague [Mr. FALCONER], who proceded me a few moments ago, and affording some kind of an assurance to vessels that sail and steam along those coasts against rocks that are uncharted and are menaces to navigation that can not be seen or discovered except by such survey.

If you go on the Atlantic coast you have bells on your towers and bells on your shores and you have buoys on the top of the water and buoys underneath, aids in every direction of every conceivable kind sufficient, it would seem, to protect the ships from all the dangers that menace navigation; but over on the coast of Alaska, where the United States Government owns practically the whole domain, where we are now expending $35,000,000 to build a railroad in order to develop our own property, we have a great deal of trouble in obtaining the right kind of allowance for these necessary purposes. It is true enough that it is necessary to economize, but I believe here is a place where every cent that is put into this development is really retained by the Government in a more emphatic way than on other coasts, and I do not think it is right for Congress to allow these ships to go down continually and repeatedly, and when the Representatives from that section of the country come and tell you about it and tell you what the conditions are, still you hold back on the appropriations that are shown to be so necessary.

The Secretary of Commerce has shown great diligence and great care, and, as I said before, the Pacific coast owes to him a great obligation. When you go to the commercial bodies, the chambers of commerce, and among the people you find that Secretary of Commerce Redfield and his work have the confidence of the people who live out there, for they know that he is trying to do the right thing by the Government's interests in that section, and we think that the Committee on Appropriations ought to have granted the request that he made for the $225,000 allowance in this case. These vessels that make these charts or at least make these surveys are, of course, more or less expensive to keep up, and in the hearings the Secretary has shown that it is simply impossible for him to do the things that ought to be done without such an appropriation. I think that the chairman of the Committee on Appropriations ought for one time to yield to the demands of the department in view of the fact that the Government is undertaking these extra lines of activity in Alaska. Under all the circumstances that section ought to have this necessary appropriation. We have already called the attention of the committee to the fact that vessels are wrecked out there simply because they do not know where it is safe to go; they do not know the rocks or the dangers or where the dangers to navigation exist, and all we want to do is to have the necessary provision and equipment to discover those points and have them charted so the mariner, as he looks at the chart, when he is going up or down that coast, can tell where it is safe to go and where it is not safe to go. Here is an excerpt from the hearings which shows how plainly and earnestly Secretary Redfield presented the matter to the committee:

Secretary REDFIELD. Mr. Chairman, I would like to make a preliminary statement, and Mr. Tittmann will supplement it. The situation in which the Coast and Geodetic Survey finds itself in Alaska is a very unfortunate one. It is called upon to survey a coast which we have spoken of this morning as having 26,000 miles outlying, very dangerous, in which there have been serious disasters within the last five years, involving serious loss of life, with an equipment which is totally inadequate for the purpose and without the apparatus to do the work. I want to be very specific about that, in order that we may lay before you what we had in mind when this estimate was prepared and anticipate a number of questions which should appear here. If there had been provided for Alaska several years ago the wire-drag apparatus, which appears on page 478, and which is included in the $225,000 there appearing—if that apparatus had been used in Gambier Bay, Alaska, we should have saved the steamship *State of California*, with her 32 people. There is no way known of detecting what are known

as pinnacle rocks except by the wire drag, and the coast of Alaska is full of them. It is a formation, I may say, which provides them particularly. The charts show, at the point where the *State of California* struck, ample depth of water. She had been in and out there many times, but this sharp pinnacle rock was entirely unknown and could not be found by any apparatus we then had or have now, and she finally hit it and went to the bottom in a few minutes with 32 people. So that we have not the physical apparatus to make useful there in the best sense the force of men we have.

Within a month I have personally been on board two of the vessels we have, and have examined them from end to end, and have seen a third vessel. Of the two vessels which we are using on that coast for this work one of them is 38 years old and the other 39 years old. Another one is 32 years old and another one is 27 years. They have earned an honorable rest.

The CHAIRMAN. Are they wooden or steel ships?

Secretary REDFIELD. Wooden ships One of them is a composite, wood over an iron hull. They are most badly equipped; that is to say, specifically, they have no electric-light apparatus of any kind. They are without steering engines and their power is a single-cylinder condensing engine of a type which has been discarded for over a quarter of a century. I personally examined the apparatus, went into the engine room, talked to the engineers, went into the officers' accommodations, and I will say to you that they are not such accommodations as you would yourself be willing to provide if you saw them. They are what was customary 38 years ago. Now, those vessels which are small, one of them 115 feet long and another one 140 feet long, are sent into the roughest seas that we have to survey and are engaged in a service where they must be kept at sea continuously. They are, of course, without wireless apparatus, because they have no electric power. They are very slow. The *Gedney* and the *McArthur* when they are driven hard only make 9 knots an hour.

There is a great waste of time and therefore a waste of money. In the mere going back and forth upon their duty they take a lot more time than they should. In short, the whole service, with one exception or with two exceptions, is equipped in a way which can only warrant the highest praise for the officers of that service who have made it last as long as it has, and I have rather reproved my friend and associate, Mr. Tittmann, for not having been a little more aggressive in respect of pushing for this longer. I want to say that before the new vessels and the added equipment we ask for can be provided I greatly fear that there may be serious accidents and loss of life on the coast from lack of apparatus, and, secondly, that these vessels will be out of repair before their successors can be built, so that they will be unsafe. If we assume that new ships could be had in two years, at that time the *McArthur* will be 40 years old and the *Gedney* 41 and out of all fitness for the work they are charged with doing. Therefore we have put in, at my request, equipment for wire drag apparatus for the Pacific coast such as we have on the Atlantic and which is far—I was going to say far worse needed there, although it is needed in both places—and I have put in a request for the vessels which we require to do this work which is of greater urgency than ever before.

I have received the following from the Seattle Commercial Club, which I commend to the consideration of Congress:

The English-speaking world has again been called upon to shudder at the recital of a disastrous wreck in Alaskan waters. For years petition after petition has been presented to the proper authorities requesting aids to navigation, better facilities, and more thorough survey of the inland waters of this the most valuable outside territory of the United States, but with little effect. Each passing year witnesses some disastrous wreck on this coast, which in almost every case is due to the absence of aids to navigation or the fact that the waters have been improperly charted.

Whereas on the morning of August 17 the steamship *State of California* struck a reef in Gambier Bay, southwestern Alaska, and in three minutes went to the bottom, but with the awful death toll of 32 souls as a relic of the direful event; and

Whereas this steamship was traveling over a route not usually covered by steamships, owing to the fact that it was engaged in aiding the industrial development of a frontier section of Alaska, specifically the development of fishing and other industries on Prince of Wales and other important islands of the western coast, whose waters are almost wholly uncharted and where practically no aids to navigation exist; and

Whereas for years past wrecks of all kinds, amounting to millions of dollars, have occurred in the Alaskan Archipelago, resulting in a tremendous financial loss as well as a large number of human lives: Therefore be it

Resolved, That the attention of the Congress of the United States be drawn to this condition and that Senators, Members of Congress representing the State of Washington, and the Delegate in Congress from the Territory of Alaska be requested to bring this matter directly before the House of Representatives, and that they be urged to introduce a bill in those bodies calling for a full investigation; and be it further

Resolved, That the Senators and Representatives and Delegate mentioned above be requested to procure, or have procured, for such investigation full facts regarding the uncharted waters of Alaska from the United States Coast and Geodetic Survey and the Hydrographic Office of the United States Navy, as well as a report covering the need of further aids to navigation from the Bureau of Navigation and the United States Lighthouse Board; and be it further

Resolved, That the Commercial Club of the city of Seattle respectfully request immediate action on the part of the Representatives of the State of Washington in the matter of the above, owing to the urgency of the case and growing importance of Alaska and the steady increase in its shipping and commerce relations.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. The request made for this money was not accompanied by information which would enable the committee to grant it. Some of the vessels that are utilized up in Alaskan waters a portion of the year must be laid up for repairs when they come back. They can not be utilized the entire year. Various estimates have been presented as to the cost of certain things, but the entire information furnished the committee was so unsatisfactory that we could not justify an increase of this appropriation at this time, and I hope the amendment will not prevail.

Mr. FALCONER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FALCONER. Did not the Commerce Department present an argument showing that these boats used up in Alaskan waters in the summer months could be used on the California and Oregon coasts?

Mr. FITZGERALD. The unfortunate part of that is that two years ago the committee went into the matter very fully, and after these vessels have finished their work in Alaskan waters and returned to the Pacific coast it is necessary to overhaul them and they are laid up and can not be used on other parts of the Pacific coast during the winter months. The thought of using them on the southern coast of California was an afterthought. It is not possible to take those vessels from Alaska, overhaul them, and send them away south to work during the winter months and then bring them back and send them up to Alaska. It would be a very unprofitable undertaking, and they can not work on the north Pacific coast in the winter months any more than they can in the Alaskan waters.

Mr. FALCONER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. FALCONER. By what methods are you going to survey these coasts?

Mr. FITZGERALD. They are being surveyed. It has been carried on satisfactorily for some years. We appropriate $165,000 a year for this particular work. Of course I know that all of these departments wish to enlarge their activities very much and ask for an increase of almost 50 per cent on this particular appropriation. If that rate were retained throughout all this service the result would be that the cost to the Government would be so great that it would not be justified.

Mr. FALCONER. The United States Coast and Geodetic Survey shows that in 12½ fathoms (75 feet) of water the *California* struck and went down; in 111 fathoms (666 feet) of water the *Mariposa* struck, and the whole bottom of the ship was torn out. The ship *California* had been over that direct route some 16 times. Of course it was a little out of the way. There was nothing there to indicate shallow water.

Mr. FITZGERALD. There is no guarantee that if more extensive surveys had been made in that particular direction they would have discovered these pinnacle rocks at those points. The committee went very exhaustively into the manner in which these surveys are made, and even with the utmost care they are not always likely to discover these pinnacle rocks in the water. But this work is being carried on as expeditiously as it can be justified, in my opinion.

Mr. FALCONER. The dragnet theory suggested by the department would certainly catch these pinnacles. On a stretch of 500 feet of net they will survey something like, if I remember, 3,000 square miles a season.

Mr. FITZGERALD. By the time they cover the Alaska coast in that survey a great many years will go by. We have been working on the Atlantic coast and Gulf coast a great many years. And the result is that we have fairly good results, but no guaranty at all that there are not pinnacle rocks in places that are unknown. Of course, the formation of the coast makes it somewhat dangerous even with a sandy shore and beach, but there is a likelihood of these pinnacle rocks on the shores where there is a rock formation of volcanic origin.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. There is no necessity for increasing the appropriation. I hope it will not be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. BRYAN].

Mr. MANN. Mr. Chairman, I sometimes think that all of us ought to at least occasionally remember that no money can be paid out by the General Government until it has first been paid in, and that while we are making special pleas for the expenditures of money it is very seldom any of them make a special plea in behalf of the fellow who has to pay the bill.

Here is a proposition where we are now appropriating for the Coast and Geodetic Survey along the entire Atlantic and Gulf coasts, including the Panama Canal, $65,000 a year, and we appropriate for the Pacific coast $165,000 a year. And yet our enthusiastic friends from the Pacific coast are not satisfied. They want to make the world over in a minute. We now appropriate in one year more money for the Pacific coast than we had appropriated altogether for these purposes up to 100 years ago. And we had sailors on the sea and ships on the sea in much greater numbers and importance than we now have them on the Pacific coast. They were real sailors

and real ships and did a real business. If they could have heard my distinguished friend from Washington, I think if they had stopped at the gentleman's port they would have been afraid to sail out for fear of going to the bottom. We are doing prettty well for the Pacific coast now with $165,000 for those purposes as against $65,000 for the Atlantic and Gulf coasts. I do not think that the constant complaints that come to us about the care of Alaska are well founded. We are doing more for Alaska than any other nation of the world does for any territory which it possesses, and we are doing more for Alaska than this country has ever done at any time for any other Territory that it ever possessed.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Washington [Mr. BRYAN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Alaska Service: Pribilof Islands—2 agents and caretakers at $2,000 each, janitor service $480, 2 physicians at $1,500 each, 3 school-teachers at $1,200 each (1 formerly paid from the appropriation "Protecting sea and salmon fisheries of Alaska"), storekeeper $1,800; agent, $2,500; assistant agents—1, $2,000; 1, $1,800; inspector, $1,800; wardens—1, $1,200; 6 at $900 each; in all, $27,580.

Mr. ALEXANDER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 138, after line 6, insert the following:

"For the purchase or construction of such vessels and boats as are necessary for use in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, including 1 seagoing vessel, 1 light-draft tug, and 6 motor boats, $100,000."

Mr. FITZGERALD. I reserve a point of order against that, Mr. Chairman.

The CHAIRMAN. The gentleman from New York reserves the point of order against the amendment.

Mr. ALEXANDER. Mr. Chairman, this item was called to my attention by the Secretary of Commerce. He regards it as a very necessary appropriation. It was estimated, as I understand, by the Treasury Department, and is included in the estimates submitted to the Committee on Appropriations.

The Secretary of Commerce is charged, under section 14 of the act of June 26, 1906, an act entitled "An act for the protection and regulation of the fisheries of Alaska," and under section 5 of the act of June 14, 1906, entitled "An act to prohibit aliens from fishing in the waters of Alaska," with the duty of enforcing the provisions of those acts. It is also the duty of the Secretary of Commerce to carry out the provisions of the act of April 21, 1910, for the protection of the fur seals and all other fur-bearing animals of Alaska.

The Secretary of Commerce states:

The salmon, halibut, cod, herring, and other fisheries of Alaska yield an annual product valued at more than $18,000,000. The fur industry of Alaska, exclusive of the fur seal, yields more than half a million dollars annually, and is susceptible of great development. A few details of the salmon fishery of Alaska for the year 1912 illustrate the importance of the industry.

Capital invested	$33,759,295
Persons employed	17,705
Salmon canneries operated	87
Salmon caught	60,938,945
Cases canned (48 1-pound tins to the case)	4,056,021
Initial value of pack	$16,295,420

The tax on the output of the Alaska fisheries in 1912 under the present law yielded $168,888.86. Under the schedule contained in a draft of a proposed law based on hearings recently held by the Senate Committee on Fisheries, these same products, together with a proposed tax on fishing apparatus, would have yielded $218,130.87 in revenue to the Government.

The 87 salmon canneries and the hundreds of fisheries upon which they depend are distributed along several thousand miles of coast from Dixon Entrance on the south to Kotzebue Sound, in the Arctic Ocean, on the north. The fishing season covers a period of two to six months, depending on locality and species.

To enforce the laws and regulations regarding the fisheries the law provides only four fishery agents to cover over 15,000 miles of coast. There are no regular means of transportation or travel in the region where most of the canneries and fisheries are, and for that reason the salmon agents are compelled to use the cannery boats in getting from one cannery or fishery to another. That is to say, when a Government official has to visit any cannery or fishery to see that the law is being properly observed, his only means of transportation is a boat owned and run by the very company or person that may be violating the law. This is clearly wrong, for it places the department under the necessity of asking favors from those against whom it is called upon to enforce the law. I feel sure Congress will recognize that it is improper for either the department or the fishing companies to be subjected to this embarrassment or to the criticism which such a course will certainly call forth and, in fact, has already elicited.

Moreover, the department has no vessel which it can use in patrolling the coasts for the enforcement of the alien fishing law. Recently there has been much complaint of alien halibut fishermen invading the Territorial waters of southeast Alaska, and the Legislature of Alaska has already memorialized Congress on this matter.

The inadequacy of the personnel provided to enable the department to comply with the laws which Congress has enacted for the protection and conservation of the fisheries and fur-bearing animals of Alaska has been long realized. In the report of the Alaska Salmon Commission (H. Doc. No. 477, 58th Cong., 2d sess.) this matter was discussed, and a specific recommendation was made not only for a material increase in the personnel, but also for vessels to be provided for the agents so that their inspection of the fisheries, canneries, and hatcheries might be effective.

An adequate patrol, inspection, and enforcement of the law in all the vast extent of fishery waters in Alaska from a force of only four men, with no regular means of transportation, or without vessels under their control, is impossible. At best the department can now cover only a limited portion of the field; the majority of the fisheries can either not be visited at all or only for a brief period in any one season.

Without going into details, the coast line of Alaska is about 5,000 miles, and these canneries are scattered along the coast. The inspectors provided for by law are expected to inspect those canneries. There is no provision made by law by which the inspectors can go from place to place. They have no boats. They have no means of transportation. They are dependent upon the canneries for the means of transportation from one to the other, and under existing conditions the enforcement of the law is little more than a farce, because if these inspectors are intended to enforce the law they can not depend upon those who may violate the law for the facilities to go from one place to another. If it is their duty—and it is—to inspect these canneries, they should go by Government conveyance, and without notice to the canneries.

They are also required to do certain work in the Pribilof Islands in connection with our seal fisheries there.

The Secretary of Commerce wants Congress to understand that he fully appreciates his duties under the law and the necessity for efficient service, but it will be impossible for him to render this service under existing conditions unless he is provided with the facilities for getting from the mainland to the Pribilof Islands and from point to point on the coast of Alaska.

On yesterday I received a telegram from Dr. E. Lester Jones, Deputy Commissioner of Fisheries, who is now at Juneau, Alaska, on his way to the Pribilof Islands and on an inspection tour in Alaska, as follows:

JUNEAU, ALASKA, *June 21, 1914.*

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.:

The inadequate personnel and lack of transportation facilities for the Alaska fisheries service is forcibly brought home to me. Conditions surprise me, and there is no need more evident than for the new boats and the new men to help protect this vast industry, which to-day is being neglected almost entirely on this account.

E. LESTER JONES.

Now, I should think that this amendment is in order. The law provides that this service shall be performed, and it is necessary for the Secretary of Commerce to be provided with these facilities in order to perform the service.

This matter was called to my attention perhaps because I am chairman of the Committee on the Merchant Marine and Fisheries, and it was called to the attention of the Committee on Appropriations by the Secretary of Commerce and also by myself at his request. I have given it careful investigation, and I feel that this is an appropriation that ought to be made. Provision ought to be made by the Congress for the efficient discharge of the duties enjoined on the Secretary by the law. The fishery and game laws are to be enforced under his supervision. The deputy commissioner of the Bureau of Fisheries is now on his way to the Pribilof Islands, as I have stated, and to get there he must charter a boat to take him from the mainland to the Pribilof Islands. I think we will all agree that the present conditions are not such as should obtain if the Secretary of Commerce is expected to enforce the law.

Mr. FITZGERALD. Mr. Chairman, in the investigations made by the Committee on Appropriations it frequently happens that information is disclosed which furnishes reason for the belief that much legislation if enacted would be very desirable. That committee, however, has jurisdiction only to recommend appropriations in accordance with existing law. The Committee on Appropriations has no jurisdiction to authorize vessels for Government service. It can not recommend that a fleet of vessels be provided for some service in order that it may more adequately perform its duties than if it had no fleet at all. The Committee on the Merchant Marine and Fisheries may have jurisdiction to report legislation to provide facilities for the Bureau of Fisheries. Very likely, if the Committee on Appropriations undertook to assume to recommend appropriations for vessels not authorized, the members of the committee having jurisdiction over that subject would severely criticize the Committee on Appropriations for intruding on their jurisdiction.

I believe that best results are obtained by the Committee on Appropriations not encroaching upon the jurisdiction of other committees. Frequently the committee recommends legislation designed to protect the Treasury, to prevent expenditures of money, to safeguard the public interest against loose methods of expenditure. It rarely recommends, and it should rarely

recommend, legislation designed to open up the channels through which money is more expeditiously sent from the Treasury. Very little consideration was given to this estimate, because the Secretary was informed that if these vessels were not authorized the Committee on Appropriations had no authority to recommend appropriations for them. For this reason they made no inquiry as to the various vessels desired or their cost, or the cost of their operation after they were acquired, or the necessity for the number and character of vessels contemplated in the expenditure of $100,000.

The heads of many departments press upon this committee for appropriations for the extension of services or the enlargement of activities for which there is no authority; and if this committee were to attempt to assume jurisdiction to pass upon all of those questions it would very quickly be engaged in controlling and recommending most of the legislation that could come before Congress. I believe that it is not desirable; and so far as I am able, I do my part to prevent these appropriation bills being made the vehicles for legislation that should originate with some other committee and be enacted upon proper and mature consideration by the House. For that reason I am compelled to insist upon the point of order, on the ground that there is no authority for the acquisition of the vessels proposed.

The CHAIRMAN. Has the gentleman from Missouri [Mr. ALEXANDER] anything to say on the point of order?

Mr. ALEXANDER. No more than this: The law expressly enjoins on the Secretary of Commerce the duty to make these inspections; and I assume that, this being true, the Committee on Appropriations have ample authority to make provision for that service. To say that the Department of Commerce shall inspect the fisheries in Alaska, shall protect the wild game in Alaska, shall protect the seals on the Pribilof Islands, shall provide food for them and transport supplies, and at the same time shall be denied the means by which to discharge that duty without some express authority of law, is something which I can not understand. I think the authority is ample under the existing law.

Mr. FITZGERALD. Suppose the Committee on Appropriations decided that some of these investigations could best be made by means of an aeroplane; does the committee think we could authorize the acquisition and maintenance of an aeroplane?

Mr. ALEXANDER. If the gentleman and his committee thought that was the better means, I think they would.

Mr. FITZGERALD. If that rule were to be adopted, then the Committee on Appropriations would have power that nobody ever contemplated when the rules of this House were prepared. For instance, the customs service must collect the customs revenue; yet a revenue cutter can not be built unless it is specifically authorized. The Department of Commerce has control of the Lighthouse Service, yet a lighthouse tender can not be built or acquired unless it be specifically authorized.

Mr. MANN. How about a customhouse?

Mr. FITZGERALD. Under what plea can it be said that under the rules of the House the Bureau of Fisheries could have an appropriation incorporated in this bill for a vessel to enable the functions of that bureau to be performed if it were not authorized?

The gentleman spoke about telegrams from the deputy commissioner of fisheries. I do not know just how he got up to Juneau, but within a week or two a vessel, chartered by the Department of Commerce to carry supplies to the Pribilof Islands, left Seattle. He probably went on that vessel, and if he did not he was guilty of gross extravagance in engaging passage on some more preferable vessel. If he had gone on that vessel he would have gone directly to the Pribilof Islands with the other employees of the department and have been able to make whatever inspection he believed necessary at that point, and he could return on that vessel when he came back. We are paying about $9,000 or $10,000——

Mr. ALEXANDER. About $20,000.

Mr. FITZGERALD. No; we got this particular vessel for about $9,000 or $10,000. We used to pay $20,000, but we got that one for $9,000 or $10,000.

Mr. ALEXANDER. My information is to the effect that this vessel was chartered at an expense of $20,000.

Mr. FITZGERALD. The gentleman is mistaken. They used to pay $20,000, but they made a special arrangement this year and they got it for $9,000 or $10,000.

There can hardly be any justification for this deputy commissioner of fisheries to go to Alaska for the purpose of going to the Pribilof Islands at this particular time, unless he went on that vessel. If he has gone on some other vessel and paid first-class passage, the department is more careless in the expenditure of some of its appropriations than I believe it to be.

Mr. ALEXANDER. The gentleman has no authority for saying that the deputy commissioner went to Juneau in any other vessel.

Mr. FITZGERALD. I did not. I understood the gentleman to say that he found the need there now in going to the Pribilof Islands. This vessel is chartered to carry supplies to the Pribilof Islands.

Mr. ALEXANDER. I do not know the usual route from Seattle to the Pribilof Islands—whether they would touch at Juneau or not. The telegram was received at Juneau, Alaska, and he is on his way to the Pribilof Islands, and in this chartered vessel, as I understand. I further understand that it was chartered at an expense of $20,000, and that only emphasizes the need of a vessel for the inspection service, without having to charter vessels at such a price.

The CHAIRMAN. The Chair is ready to rule. If this amendment which is offered by the gentleman from Missouri were held in order, it would throw the appropriation bills open to amendment that would be startling almost in their character. The Chair does not think it is in order under the rules of the House, and the Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Edenton (N. C.) Station: Superintendent, $1,500; fish-culturist, $900; two laborers, at $600 each; in all, $3,600.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 140, line 3, after the figures "$3,600," insert "for construction and repair of buildings, to be available until expended, $3,500."

Mr. FITZGERALD. I reserve a point of order to that. I suggest that such amendments as this properly come in on page 148. If the gentleman is going to offer it, I ask him to offer it there.

Mr. SMALL. Very well; Mr. Chairman, I will withdraw the amendment.

The Clerk read as follows:

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, temporary labor, and for the propagation and distribution of fresh-water mussels, and the necessary expenses connected therewith, not to exceed $10,000, $350,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I wish to inquire whether the Government has heretofore been engaged in the propagation of mussels.

Mr. FITZGERALD. Yes; this is authorized. It is to take care of the situation at Fairport, Iowa, where these fresh-water mussels are utilized.

Mr. STAFFORD. The gentleman says there is present authorization for this character of work?

Mr. FITZGERALD. Yes.

Mr. ALEXANDER. There was a bill reported from the Committee on the Merchant Marine and Fisheries, Sixtieth Congress, under which this work is being done.

Mr. STAFFORD. I recall that there was some inquiry in regard to that.

Mr. FITZGERALD. This is to propagate the fresh-water mussels which are used in the button industry.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

None of the foregoing amount shall be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes, nor in any State in which the United States Commissioner of Fisheries and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said commissioner or his agents: *And provided further*, That before any final steps shall have been taken for the construction of any fish-cultural stations that may hereafter be established by Congress, the respective States, through appropriate legislative action, shall accord the United States Commissioner of Fisheries and his duly authorized agents the right to conduct the fish-cultural operations and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding.

Mr. HOWARD. Mr. Chairman, I reserve a point of order to the paragraph. Is not this a new provision?

Mr. FITZGERALD. It is; it is legislation.

Mr. HOWARD. Mr. Chairman, I expect to make a point of order against this provision.

Mr. FITZGERALD. Why not do it now?

Mr. HOWARD. This provision will turn over the supervision of the water, game, and fish laws, especially the fish laws,

to the Federal Government, and no matter what disposition Congress might have toward the distribution of fish throughout the country, we have to delegate the power to the Department of Commerce to say whether or not our laws are sufficient for them to go down and deposit a few fish or bullfrog eggs in a lake or stream in our States. Therefore I make a point of order against it.

Mr. FITZGERALD. Mr. Chairman, I wish to say this to the gentleman from Georgia: This has no reference to any existing situation. There have been times when the Department of Commerce, in attempting to carry on the fish-culture operations, was prevented from doing so by the laws of some of the States or by inspectors. This was intended to accomplish two purposes: First, to prevent interference with the Federal officers in maintaining fish-culture stations; and, secondly, to induce States to pass laws that would result in the protection of fish.

This provision reads:

None of the foregoing amounts shall be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes.

The first condition of the provision is a clear limitation. The second part is legislation, but I do not care to offer part of it. I do not know that it is of a great deal of importance at this time.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SMALL. I would suggest, if the gentleman will concede it, that the only part of this paragraph which is objectionable is this language:

In which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes.

It seems to me that if that were stricken out there would be no objection to it.

Mr. FITZGERALD. I do not know that it is of enough importance.

Mr. HOWARD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Cold Spring (Ga.) Station: For purchase of land and construction of ponds, to be available until expended, $6,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 147, line 17, after line 17, insert the following:
"Fish-cultural station, Clackamas, Oreg.: For construction, equipment, and repair of buildings and increasing and improving the water supply, to be available until used, $15,000."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. HAWLEY. Mr. Chairman, this is a fish-cultural station now in operation and duly authorized. It came into the possession of the Government of the United States from two sources. A private corporation turned over some 16 acres of land on which they had a station and were hatching fish, and the State of Oregon transferred to the Government for a consideration some plant they had. The original location was not well chosen. It did not have adequate water supply or other facilities, so a new location was acquired in another place on the river, and the buildings and equipment of that station were transferred to the new location. They never have had adequate money to equip the station.

At this station they rear the royal Chinook salmon, which is the best of the food fishes, I think, on the Pacific coast; at least it is one of the very best. They raise about 60,000,000 a year to the finger-length stage, which is about 3½ inches, and then turn them loose into the river. They go down the Clackamas into the Willamette and down the Willamette to the Columbia and out into the sea.

The cost of these fishes is very small to the finger-length stage. There is no cheaper food supply than fishes. It costs the Government about 2 cents a hundred to raise these fishes, and they are worth when they return, from three to five years afterwards, on the average about $1 apiece. They have been no charge on the land, no charge on the food supply raised on the land, like cattle or sheep or hogs would be, but are entirely fed and grown in the sea, and when they come back with this increased value, that has been added to them at no expense or burden to the Government or individual owners of land.

This fish-cultural station is not adequate in its present capacity to keep up the supply of these fish. The chinook salmon has a peculiar habit of life. It goes out to the sea when it reaches the stage I have stated, and is gone for from three to five years. It comes back usually to the river from which it went, on which it was hatched. They go up the river for spawning purposes. The Columbia River basin is a very large basin and the river itself is over 1,000 miles long. The fish distribute themselves along that river, seeking gravel beds on which to spawn. Most fishes after they have spawned return to the sea, but this particular fish, when it spawns, if not consumed for food, does not return to the sea and is not available as a food fish for another season, but it is extremely valuable. I think it brings the highest price of all of the food fishes on the Pacific coast. The 60,000,000 fishes raised at present, after the natural casualties they suffer after leaving the hatchery and on their way to and in the ocean, do not come in sufficient numbers to keep up the supply for canning and other purposes. The canneries are extending their operations. The product is sold all over the United States at a reasonable price.

This amount of $15,000 was in the estimate and was submitted to the Committee on Appropriations, and I presume it had their careful consideration. Secretary Redfield was in Oregon last year and visited this station, and in the hearings he speaks very strongly and earnestly in behalf of the station and for this appropriation. Commissioner Smith of the bureau at my request made a statement for me so that I might have it accurately from his own knowledge. He said:

The Clackamas station is one of the most important in point of output, and should be maintained at the highest point of efficiency. The buildings, which were originally constructed of old material used in one of the State hatchery buildings, are inadequate, inconvenient, and dilapidated, and require renewal or expensive repairs.

Now, the fish when they are growing are kept in long boxes as you probably have seen them, and are fed in them. They require a constant influx of fresh water. The present water supply from a spring is not adequate. It must be increased for the use even of the 60,000,000 fishes now raised in each season, and the commissioner says:

The present water supply should be supplemented by water taken from the Clackamas River.

The Clackamas River is a river of pure water coming down from the Cascade Mountains, whose waters are not contaminated and consequently is sufficiently clean and pure for the fish. He further says:

In order that facilities may be provided for raising a larger number of salmon fry to the fingerling stage before they are liberated in the open waters, in accordance with the policy which the department has adopted with reference to this branch of fish culture. It is also desired to construct a superintendent's residence, this being needed on account of the remote location of the station.

The station being about 12 miles from Portland.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Without objection, it is so ordered. [After a pause.] The Chair hears none.

Mr. HAWLEY. The station is about 12 miles from Portland and about 7 or 8 miles from Oregon City and about 4 or 5 or 6 miles from the nearest little town—Gladstone, so that it requires the presence on the ground of a man in charge of the hatchery, and he ought to have suitable quarters. He further says:

The original station, located on the Clackamas River, came into the possession of the United States by a donation from the Oregon & Washington Fish Propagating Co., and the buildings and other improvements by purchase from the Oregon fish commission. The physical changes of the Clackamas River in the vicinity of this station have made it impossible to successfully operate in this locality. The old tract of land is now overgrown with brush and is of no present or prospective value to this bureau. It is therefore proposed to condemn and sell this property.

That is, the Government received a gift of the old hatchery from the private corporation, with some buildings that they possessed, with 16 acres of valuable land, which has possibilities of water power and for other purposes. Now they propose to sell that. How much it will bring I am not ready to state, but it will bring some considerable sum of money. If that money were available, it would aid in the improvement of this station, but when that is sold it will naturally go into the Treasury as miscellaneous receipts. We are asking now that this old dilapidated building, made out of old buildings, where such a very valuable product is being raised, be repaired and be put in condition, and that the facilities there be somewhat increased, so larger numbers of salmon fry may be hatched, and that part of the money, a little more than the old location would bring, a little larger sum, be appropriated for that purpose.

I think there is no doubt from the hearings had before the Committee on Appropriations and the statement of the commissioner and Mr. Secretary Redfield, and from the statements made to me by the men engaged in the salmon-fishing business out there, that it is a very valuable and important work and its extension necessary. Now, they catch salmon at the moment they enter the Columbia River with nets, seines, and gill nets

and fish traps up the Columbia River from its mouth for 1,000 miles; and a very large number of people at the mouth of the river—about 1,000 fishermen, if I remember correctly—and thousands of fishermen and their families on the river are largely dependent on this fish and make a very good living in the catching of fish in the spring and fall run; and I appeal to the committee and to the chairman of the Committee on Appropriations to let this matter come before the committee on its mertis and that we may adopt it. I hope the committee will grant this very modest and very necessary request.

Mr. FITZGERALD. Mr. Chairman, there is at the Clackamas station, according to the Secretary of Commerce, a very fine fish-hatchery station. There is an old station on the river some distance from it, and the committee was requested to authorize the sale of the old station. It was suggested that the property might bring $15,000. Regardless of what the property might bring, the request was made that $15,000 be appropriated to improve the existing station. The committee was anxious to ascertain just how much there was invested now in the present station. What was said of it is this, that it is one of the most valuable stations that the Government has, and upon inquiry it was ascertained that Congress had appropriated $5,000 for the purchase of a site.

Four thousand dollars was expended for that purpose; $1,000 reverted to the Treasury, and some of the buildings were removed and erected there, and then that station has been developed and improved and maintained as all other fish-cultural stations are maintained. We carry in this bill for maintenance, equipment, and operation of the fish-cultural stations of the bureau the sum of $350,000. We increase the appropriation in this bill $10,000 over the appropriation made for the current year. And out of this $350,000 the Bureau of Fisheries can make improvements and furnish equipments at those stations where it is deemed in the opinion of the department to be desirable to do so. Now, this year, although this appropriation is larger, the department submitted a large number of requests for special appropriations for various numbers of these stations. Now, a peculiar condition existed at one of them. At Woods Hole Station, Mass., there was a very extensive wharf, where considerable sums are expended for repairs. It was necessary to make some very extensive repairs, and so as to relieve this general appropriation of $350,000 of the very great demand that would be made upon it if the repairs necessary at Woods Hole Station were made from it, a specific appropriation of $40,000 was made to repair the wharf at that place. If the department is to continue to have this general appropriation, out of which, in its discretion, it can equip, maintain, and improve these stations, it should not ask for specific appropriations for each of the many stations that are maintained, and if it refers to specific appropriations for the improvement and equipment of the stations, then the proper thing to do would be to very materially reduce the lump appropriation of $350,000. The department has ample funds to do whatever is necessary. The committee has not attempted to curtail it. It has built up the Clackamas Station out of the general appropriation. We carry in that appropriation for the next year more than has been carried at any time in its history.

The appropriation for this year is $335,000, and the appropriation is increased $15,000. Before that it was $300,000, and in 1910 it was $275,000. So the committee has liberally increased this general fund out of which the department, with the information before it, could expend the money where most desirable.

I have no sympathy with these suggestions, where some one has a piece of property and has asked to be authorized to sell it and to spend the money for something else. This was one of those instances, and the committee did not recommend it. I do not think we should make these specific appropriations in this way, while responding so liberally to the request of the department for the fund out of which these stations are maintained and equipped. And for that reason I can not favor the amendment and am compelled to press the point of order.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. Does the gentleman from Oregon wish to be heard on the point of order?

Mr. HAWLEY. I do not. I wish to offer an amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 147, after line 17, insert the following:
"Clackamas (Oreg.) Station: For equipment and repair of buildings and for increasing and improving the water supply, to be available until expended, $10,000."

Mr. FITZGERALD. Mr. Chairman, I renew the point of order.

Mr. HAWLEY. Mr. Chairman——

Mr. FITZGERALD. Well, I will reserve the point of order.

Mr. HAWLEY. In reply to the gentleman's statement a moment ago, when the bill was reported I took the matter of the equipment of this station and its improvement out of the lump-fund appropriation up with the Director of the Bureau of Fisheries, supposing in that lump-fund appropriation the estimate of the Treasury Department of $15,000 had been taken care of. He informed me over the phone that the amount appropriated in the lump fund would afford him no funds at all to make the necessary improvement and the necessary extension.

Mr. FITZGERALD. What are they going to do with all that money?

Mr. HAWLEY. That I can not answer, Mr. Chairman.

Mr. FITZGERALD. Of course, the gentleman knows that all of these departments will encourage Members by such information, in trying to add to the money appropriated for the departments.

Mr. HAWLEY. I can not agree with the gentleman, Mr. Chairman, in impugning the good faith of the Commissioner of Fisheries.

Mr. FITZGERALD. I am not impugning him. I am stating what is a notorious and acknowledged fact.

Mr. HAWLEY. I can not agree to it. I would not impugn his good faith.

Mr. FITZGERALD. I am not asking the gentleman to agree to it.

Mr. HAWLEY. I have no reason to believe he would misstate it to me over the phone. He says it is a valuable fish-hatchery in the work it does and the equipment is not valuable itself.

Mr. FITZGERALD. Why does not he equip it? That is what we give him this $350,000 for. What is he doing with that money? We give it to him to provide these fisheries with equipment, and if he does not do it, we will find out what he does with it.

Mr. HAWLEY. I can not answer the question; I can only state what he said to me when he wrote me the letter at my request.

Now, Mr. Chairman, on the point of order: This is an authorized station. As the chairman has just stated, the construction has been authorized, the purchase of the site has been authorized, and there is maintenance already provided for it in one way in the lump fund and in another way in the appropriation for the statutory roll at the fish-cultural stations. And to increase the expenditure of money does not make the matter subject to a point of order.

Mr. FITZGERALD. It is clearly subject to a point of order. It repeals the covering-in act.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] says it is according to existing law.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to modify the amendment by eliminating those words "to be available until used."

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent to modify his amendment by eliminating the words "to be available until expended." Without objection, it will be so modified.

Mr. FITZGERALD. Let us vote.

The CHAIRMAN. In that form it is not subject to a point of order. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HAWLEY. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Oregon demands a division.

The committee divided; and there were—ayes 18, noes 35.

So the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to extend my remarks by printing the entire letter.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF COMMERCE,
BUREAU OF FISHERIES,
Washington, April 22, 1914.

Hon. W. C. HAWLEY,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to invite your attention to an item of $15,000 submitted to Congress with the estimates of appropriations for the Bureau

of Fisheries for the fiscal year 1915. The item in question is in the estimates of appropriations for the fiscal year 1915 under the heading "Department of Commerce Bureau of Fisheries," page 612, and is entitled Fish-Cultural Station, Clackamas, Oreg.—For construction of buildings and improvements to water supply, to be available until used, $15,000.

It is the policy of the bureau to extend the scope and magnitude of its Pacific coast salmon operations. The Clackamas station is one of the most important in point of output, and should be maintained at the highest point of efficiency. The buildings, which were originally constructed of old material used in one of the State hatchery buildings, are inadequate, inconvenient, and dilapidated, and require renewal or extensive repairs. The present spring-water supply should be supplemented by water taken from the Clackamas River, in order that facilities may be provided for rearing a larger number of salmon fry to the fingerling stage before they are liberated in the open waters, in accordance with the policy which the department has adopted with reference to this branch of fish culture. It is also desired to construct a superintendent's residence, this being needed on account of the remote location of the station.

The original station, located on the Clackamas River, came into possession of the United States by donation from the Oregon and Washington Fish Propagating Co., and the buildings and other improvements by purchase from the Oregon fish commission. The physical changes in the Clackamas River in the vicinity of this station have made it impossible to successfully operate in this locality. The old tract of land is now overgrown with brush and is of no present or prospective value to this bureau. It is therefore proposed to condemn and sell this property.

Very truly, yours,

H. M. SMITH, *Commissioner.*

Mr. O'HAIR. Mr. Chairman, at this point the gentleman from South Carolina [Mr. LEVER] has an amendment which he desires to offer. He was called away and has not yet returned, and I want to ask unanimous consent that his amendment may be offered and considered when he returns.

The CHAIRMAN. The gentleman from Illinois [Mr. O'HAIR] asks unanimous consent that the paragraph on page 147, including lines 16 and 17, may be passed over temporarily, in order that the gentleman from South Carolina [Mr. LEVER] may offer an amendment.

Mr. FITZGERALD. The gentleman from South Carolina spoke to me about that; and if we are to have an understanding to the effect that gentlemen are to have the right to offer amendments, I want to know what they are. I do not want any such misunderstanding as we had to-day.

Mr. O'HAIR. I do not know what it is. I am doing it as a friend of his.

Mr. MANN. I understand the gentleman from South Carolina desires to offer an amendment to the item covering lines 10 and 11, on page 148, in reference to a fish hatchery in his State.

Mr. FITZGERALD. When will the gentleman from South Carolina be back?

Mr. O'HAIR. In a short time.

Mr. FITZGERALD. I have no objection to the gentleman from South Carolina having the right to offer an amendment at that point.

Mr. MANN. It is not an amendment to that paragraph, but an amendment which is to be offered at that point.

Mr. O'HAIR. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. LEVER] may have permission to offer an amendment at the end of line 17, on page 147.

The CHAIRMAN. The gentleman from Illinois [Mr. O'HAIR] asks unanimous consent that the gentleman from South Carolina may have permission to offer an amendment at the end of line 17, on page 147. Is there objection?

There was no objection.

Mr. TAVENNER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the arsenal item. I spoke on that item this afternoon, and I neglected to ask permission to revise and extend my remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. TAVENNER] asks unanimous consent to revise and extend his remarks in connection with the arsenal item. Is there objection?

There was no objection.

Mr. BRYAN. I make the same request, Mr. Chairman, with respect to the Alaska item.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks in connection with the debate on the Alaska item. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Louisville (Ky.) fish hatchery: The Secretary of Commerce is authorized to convey to the board of park commissioners of the city of Louisville, Ky., a right of way 120 feet wide through the property of the United States in Jefferson County, Ky., used as a fish-cultural station and hatchery: *Provided*, That such conveyance of right of way shall not be construed as affecting the right or title of the United States in said property or as in violation of any stipulation or condition in the conveyance of the same to the United States, and on the further condition that the land or right of way to be conveyed hereunder shall be constructed and maintained as a parkway free of any expense to the United States, and that all work thereon shall be such as not to interfere with the operations and efficiency of said fish-cultural station and in a manner satisfactory to the Secretary of Commerce.

Mr. BRYAN. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] reserves a point of order on the paragraph.

Mr. BRYAN. There is nothing in this section to show that the land to be conveyed is to be used as a street, and there is no clause requiring it to revert to the Government again if it is not used as a street. There is nothing here that I have been able to find to show that it is a continuation of a street that is 125 feet wide, or whether it is desired to use 40 or 50 feet of it as a street and the rest of it for some other purpose.

I will state to the gentleman that this matter first came up, so far as I have knowledge of it, before the Committee on the Merchant Marine and Fisheries, and the bill was referred to me by the committee to look into, and I saw the gentleman from Kentucky [Mr. SHERLEY]. He had unfortunately been sick and he did not give me much information, but said that he intended to bring it in, perhaps on this bill. I think we ought to have a little information about it.

Mr. FITZGERALD. The committee of which the gentleman is a member reported this identical provision in a bill. They reported it after it had been referred to the Department of Commerce and after it had been favorably reported upon by the Secretary of Commerce.

The situation is this: Three years ago Congress appropriated $25,000 for the establishment of a fish-cultural station in the county of Jefferson, in the State of Kentucky. The State of Kentucky donated the land upon which the station is located. The city of Louisville or the State of Kentucky is building a boulevard running along the river, and it wishes to continue this boulevard through the property donated heretofore by the State to the Federal Government for a fish-cultural station. The provision on page 148 requires, if the gentleman will notice, "that the land or right of way to be conveyed hereunder shall be constructed and maintained as a parkway free of any expense to the United States." The gentleman from Kentucky [Mr. SHERLEY] unfortunately was taken ill, and was compelled to leave the city.

It is a matter in which the people of his district are very keenly interested. The State donated the land. They wish to make this parkway. The committee believe it will improve and enhance the property that has been donated by the Government. It is to be maintained in such a way as will not interfere with the operations of the hatchery and in a manner satisfactory to the Secretary of Commerce; and it was because the Committee on the Merchant Marine and Fisheries, upon the favorable recommendation of the department, had reported this identical language in a bill that the Committee on Appropriations, because of the absence of the gentleman from Kentucky [Mr. SHERLEY], incorporated this provision.

Mr. BRYAN. Is this the identical language of that bill?

Mr. FITZGERALD. That is my recollection.

Mr. BRYAN. Then the bill was evidently amended after I left the committee meeting. It is made better by the amendment.

Mr. FITZGERALD. It is my recollection that we compared the language with the item in the bill reported from that committee.

Mr. BRYAN. Of course, it seems to me this land ought to revert to the Government if it is not used as a street; but it is more safely protected in this language than it was in the bill before the Committee on the Merchant Marine and Fisheries. If no one else cares to make the point of order, I will withdraw it.

Mr. MANN. I reserve the point of order.

Mr. FITZGERALD. As a matter of fact, the provision is not mandatory, and the Secretary of Commerce can require any conditions that he believes to be desirable from the standpoint of the Government.

Mr. MANN. The language used here is—

Authorized to convey * * * a right of way 120 feet wide.

What does that mean? Does it mean to convey the land?

Mr. FITZGERALD. A right of way.

Mr. MANN. To convey an easement?

Mr. FITZGERALD. To convey an easement. A right of way is an easement.

Mr. MANN. Ordinarily a right of way is a mere easement.

Mr. FITZGERALD. I believe that is the intention. The city or county is constructing a boulevard along the river. This is

be a continuation of it. Otherwise it can not go through the property, but will have to be diverted and go around it.

Mr. MANN. I understand. I have no objection to the purpose of it. Under the law of Kentucky, where the Government obtains land like this, does it not have exclusive jurisdiction over the land? Who would have the jurisdiction?

Mr. FITZGERALD. I do not know. There is a provision in the Revised Statutes which prohibits expenditure by the Government upon any property acquired for any designated purpose unless the State has ceded jurisdiction over it. Whether that applies to fish-cultural stations I am not certain.

Mr. MANN. Does the gentleman know who would have jurisdiction of a criminal act or some other act committed on this right of way? Would it be the State or the Federal Government?

Mr. FITZGERALD. I do not know.

Mr. BRYAN. Can the gentleman explain why it is that he was so particular not to invade the jurisdiction of the Committee on Interstate and Foreign Commerce, represented by the gentleman from Georgia [Mr. ADAMSON] a while ago, while he is willing to waive the question of jurisdiction on a matter of this kind? He does not mind invading the jurisdiction of this other committee.

Mr. FITZGERALD. The gentleman from Kentucky [Mr. SHERLEY] spent probably six months in the preparation of the bill from which this language is taken. He had a favorable recommendation on the bill affecting the hatchery referred to here. Unfortunately, he was taken very seriously ill, and has been compelled to absent himself from the House.

Mr. BRYAN. Of course, the House could go on and pass the bill reported from the Committee on the Merchant Marine and Fisheries, just as the House must pass the bill reported from the Committee on Interstate and Foreign Commerce, or else Alaska will not get the service recommended in that bill.

Mr. FITZGERALD. There is a little difference. This does not take any money out of the Federal Treasury.

Mr. BRYAN. It takes land.

Mr. BYRNS of Tennessee. No; it does not.

Mr. FITZGERALD. There is a difference. This land was donated to the Federal Government by the State of Kentucky. Now they wish to put a beautiful boulevard through it, and it will really be an improvement of our own property. Instead of giving up something, we probably are getting something.

Mr. BRYAN. Then there is the matter of courtesy to the very able and distinguished gentleman from Kentucky [Mr. SHERLEY], who is a member of the Committee on Appropriations and one whom all of us are glad to favor. That is a very imposing feature of the matter.

Mr. FITZGERALD. The gentleman can understand the embarrassments of the chairman of the committee.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. FITZGERALD. I ask unanimous consent that in line 7, page 147, the word "seasons" be changed to "season." It should be in the singular instead of in the plural.

The CHAIRMAN. The gentleman from New York asks unanimous consent to agree to an amendment, which the Clerk will report.

The Clerk read as follows:

Page 147, line 7, strike out the word "seasons" and insert the word "season."

The CHAIRMAN. Is there objection?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

Woods Hole (Mass.) Station: For repairs to wharfs and for retaining bulkheads, $40,000.

Mr. SMALL. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 148, after line 11, insert as a new paragraph the following:
"Edenton (S. C.) Station: For construction and repair of buildings, $3,500."

Mr. SMALL. Mr. Chairman, this amendment seeks this small appropriation exclusively for the construction and repair of buildings at this fish station. I would not disparage other stations by saying that this is the most important station in the country, but in one respect it admittedly is. It is the most important station for the propagation of shad in the whole country. This station is located on a tributary of Albemarle Sound, which is the largest body of fresh water along the Atlantic seaboard. In fact, I think I may safely say that it is the largest body of fresh water in the United States except the Great Lakes. It has the greatest water area for the catch of shad along the Atlantic seaboard. Substantially the bulk of the shad that comes to Washington and the large northern cities during the months of February and March come from this sound and its tributaries of fresh water, and the value of the station has been amply demonstrated within the last six years.

Mr. CLARK of Florida. Do I understand the gentleman to say that this is the largest body of fresh water along the Atlantic seaboard? How large an area is it?

Mr. SMALL. I can not give the number of square miles, but it is 30 miles wide and 40 miles long.

Mr. CLARK of Florida. Lake Okechobee, in Florida, is 40 miles wide and 60 miles long.

Mr. SMALL. Oh, yes; but that is full of stump and cypress.

Mr. CLARK of Florida. No, it is not; it is the greatest lake in the world outside of the Great Lakes.

Mr. BRYAN. Neither of them can compare with Lake Washington.

Mr. SMALL. I am speaking of navigable waters.

Mr. CLARK of Florida. And it is 40 feet deep.

Mr. SMALL. Mr. Chairman, I did not intend to raise any rivalry in regard to which is the largest body of fresh water, and if the gentleman can demonstrate that they have larger bodies of fresh water they are welcome to the honor. But I do stand by the proposition that no body of fresh water in the United States yields so abundantly of the luscious shad as does this. I stand by that and I stand by the value of this station.

About 10 years ago the quantity of shad appreciably diminished, as shown by the catch and shipments. By reason of some wise State legislation, which gave a freer ingress and egress for the migratory fish coming in and out of the ocean inlets giving them a better opportunity to reach these waters for spawning, but primarily on account of the excellent work done by this fish hatchery, the supply of fish in that great section and tributaries has just about reached normal. So that for two seasons millions and millions of shad have been shipped out. As the Commissioner of Fisheries stated in the hearings, it amounts annually to much more than $1,000,000.

Now, Mr. Chairman, I happen to know the conditions at this hatchery. There is only one dwelling there occupied by the superintendent and his family. During the height of the season a large temporary force is employed, and that house is converted substantially into a mess house; not only to the inconvenience of the family, but to the inconvenience of the men there employed. This station is very much in need of a plain, but substantial and commodious mess house.

Then, in addition, about four or five times during recent seasons the capacity of the hatchery has been reached, so that they had to decline eggs for hatching the young shad. In other words, their work was retarded, and this hatchery ought to be enlarged. This appropriation is for two purposes—primarily to enlarge the hatchery; and, secondly, for the construction of a mess house for the men there.

As the learned gentleman from Mississippi [Mr. HARRISON], who is absolutely conversant on the subject, says, it is an important element in the reduction of the cost of living. So that those who love shad or who want them abundant and fresh from these waters in North Carolina, which are maintained largely by this hatchery, ought to vote for this amendment carrying this trifling appropriation. The chairman of the committee can not make the argument against it that it is covered by the much-quoted paragraph in this bill.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was on objection.

Mr. SMALL. Mr. Chairman, the gentleman from New York can not make an argument against this proposition by citing this paragraph of $350,000, because this paragraph provides for "maintenance, equipment, and operation," and I am asking for the construction of one building and for the enlargement of the fish hatchery itself which is a work of construction, so that whatever difference of opinion may exist as to the expenditure of this $350,000 between the chairman of the committee and the Commissioner of Fisheries, about which I am not able to express an opinion, there can be no question that this appropriation of $350,000 in another paragraph which has been referred to is not available for the construction of this building.

Mr. FITZGERALD. Oh, the gentleman is mistaken. This mess hall is a part of the equipment of the hatchery. They have never found it necessary to have one as yet, but they are getting a little particular down there and want to eat under a shed.

Mr. SMALL. Mr. Chairman, if the gentleman will pardon me, and I know his knowledge of the subject, I think it is quite a stretch in the interpretation of language to say that the equipment of a building includes the construction of a new building, and having such confidence in the gentleman's knowledge I still maintain that it would be a stretch of interpretation to contend that the $350,000 appropriation in another paragraph could be expended for new construction. We would like to penetrate the heretofore impenetrable armor of the chairman of this committee when an amendment is sought carrying such a modest appropriation as this, and while I can not hope to get his consent, I do hope that he will, as I know he will if he discusses it at all, discuss it upon its merits and not attempt to argue to the committee that it is covered by any lump-sum or existing appropriation already included in the bill.

Mr. Chairman, I hope I have demonstrated to the satisfaction of some of the members of the committee, and I hope to a majority, that this is an important fish station, that it is located in an area which furnishes the largest supply of shad along the Atlantic seaboard, that most valuable food fish, and that any appropriation within reasonable limitation which is intended to increase the efficiency of that station is worthy of the consideration of the committee and of the approval of the Committee of the Whole. [Applause.]

Mr. FITZGERALD. Mr. Chairman, this item is in the same situation as a number of others submitted by the commissioner. Special items are requested for Beaufort, Clackamas, Louisville, Orangeburg, Duluth, Edenton, and Fairport. The committee increased by $15,000 the general appropriation for maintenance, equipment, and operation of these stations. We left it in the discretion of the Commissioner of Fisheries as to how this money should be expended. We have between 30 and 40 fish-cultural stations in the United States. Thirty-five hundred dollars, requested specifically for this particular station, is 1 per cent of the amount placed at the disposal of the commissioner to maintain and equip and operate all of the stations. Surely much more than 1 per cent is to be expended at Edenton. It unquestionably is an important station. I have come to the conclusion that the fish-cultural stations maintained by the Government perhaps do more real valuable service for the country than anything else maintained by the Federal Government at anything like the same expense. This is merely a question as to whether we should unnecessarily increase the amount to be appropriated. We have treated the bureau very liberally in the general appropriation, and have given it all that we think is necessary. It is hardly fair to select out particular places, some half dozen of these stations, and specifically appropriate sums to be expended at them, to the discrimination of the others. I think the best administration is to treat them all alike and let the department, in the exercise of its discretion, expend the money where it is most imperatively required. For that reason I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 18, noes 40.

Mr. SMALL. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from North Carolina demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Eight Members, not a sufficient number, and tellers are denied.

So the amendment was rejected.

Mr. McGILLICUDDY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 148, after line 11, insert a new paragraph as follows:
"For the purchase or construction of a vessel for the fish-cultural station at Booth Bay Harbor, Me., to be available until expended, $4,500."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. McGILLICUDDY. Mr. Chairman, I offer this amendment not only because of my personal knowledge of the condition of the vessel which is now in the service of the Government, but because this vessel has been absolutely condemned by the officials of our own Government.

Not only did the Secretary of Commerce absolutely condemn this vessel before the committee, but two United States inspectors from the Inspection Service have also condemned it after a special examination as being absolutely unseaworthy and unsafe. I simply want to ask the Members of this House how they can ask Government officials and employees to board a steamboat and go out to sea in it when the heads of their own department have condemned it as unseaworthy and unsafe? It seems to me to do such a thing is to be in utter disregard, almost reckless disregard, of the lives of our officials and the employees in this service. I will not take up the time in observations of my own, because this has been very clearly stated by persons in authority, so that there can be no doubt about it. Secretary Redfield appeared before the committee, and in answer to the chairman's question here is what he said about this vessel:

Secretary REDFIELD. Three years ago, or nearly so, I was invited by one of my colleagues to take a trip on the steamer *Gannet* from my own summer home to a point near Boothbay Harbor where this vessel is centered. I took that trip, and immediately asked the Commissioner of Fisheries to put in an estimate for the construction of a new vessel on the ground that from my knowledge of this vessel and of the waters she navigates that it was unsafe to continue her in navigation longer. I say very candidly to you that this vessel is not fit for the sea she has to navigate, and that we operate her with danger. She may be at any time caught where she ought not to be. She is an old secondhand yacht. Her former owner has now replaced her by two later vessels. She is too narrow and sharp and too small for the work and is not the type of vessel to be used for that purpose. She has to navigate waters very likely to become extremely dangerous suddenly. I know the vessel, and I can assure you that she is not safe.

Now, there were two inspectors detailed to inspect and examine this very vessel, and without reading all of their report, I will read a part of it. They say:

She has carried away her rudder frequently and on one or two occasions rudder post split down through stern timber, ripping her open, and she was forced to run through the breakers into York Harbor to escape foundering. We believe this brief account of her work may be of value to you, and when it is remembered that she is of the very lightest construction and so sharp as to be almost wedge-shaped forward and cut away aft—having been built for a yacht to be used in summer only—the fact that she is still on top of the water, after the winters spent on this coast, running as we know she has run, is not an evidence of her seaworthiness, but is rather a compliment to the seamanship of her master.

Now, that is the kind of vessel, gentlemen, that you are asking the officials and employees of this Government to go out to sea in, and every time you do it you are unnecessarily asking men to take their lives in their hands by going out in a vessel that is condemned by the heads of your own department. Is there any regard whatever for the lives of our employees in this department?

Mr. FITZGERALD. Well, Mr. Chairman, I do not think the case is as bad as is made out by the gentleman from Maine. The Secretary of Commerce stated that three years ago, on the invitation of one of his colleagues, he had made a trip upon this vessel and it was that experience upon that ship that induced him to recommend the Commissioner of Fisheries at that time to immediately send in estimates for a new vessel. Well, about three years ago this vessel was completely overhauled, a new boiler was put into her, extensive repairs were made to her, and it does not appear whether the Secretary made his trip before or after this extensive overhauling of the vessel. It perhaps might be wise for me to read some more of the report of these inspectors which has been overlooked by the gentleman from Maine:

The *Gannett* was built in 1890 at Boston, Mass., to be used as a pleasure yacht on inland waters, being afterwards bought by the United States for the Bureau of Fisheries.

This vessel was bought by the bureau after an inspection and examination and determination that it was a suitable vessel for the work of the bureau.

She is 61 feet on the water line, 12 feet 4 inches beam, and draws, with her coal and water aboard, 6 feet 7 inches; gross tonnage 32, net 16.

So she is a fairly respectable sized secondhand yacht. [Reading:]

Her timbers are 2½ inches square, of white oak, spaced 18 inches centers; hull planking of hard pine 1¼ inches thick, copper fastened; house is a trunk, forming cabin and engine room and including pilot house, as is usual in small yachts of this type, built of ⅞-inch stuff, and it was noticed in the cabin that a waterway of tin had been tacked up over one berth to carry the leakage away, as sills and deck are so light they will not hold calking.

In 1911 she had a new boiler, and extensive repairs were made to the hull, which included new stem, and for 12 feet abaft stem was retimbered and planked. There is no question as to the soundness of her hull.

But the inspector states that he does not think she is a desirable type of vessel to use in this particular kind of work. Well, at different times people are inclined to think vessels are not very seaworthy. I remember some years ago I crossed the Bay of Fundy from Digby in Nova Scotia to St. John in New Brunswick, and after four hours I had a violent conviction that I was on an unseaworthy boat. I expected to see her founder every minute, and the first officer told me it was the worst storm they had had for 10 years. That same old, decrepit, cranky vessel I was certain would founder every minute in the four hours I was compelled to remain on it in crossing the Bay of Fundy is still making two trips daily across that bay.

This yacht, with 2-inch square white oak, copper fastened, well built, a pleasure boat, was acquired by the Bureau of

Fisheries. It can not be possible that they made an investment in a vessel that was absolutely worthless for the work of the bureau. It has been going along and doing its work. Every once in a while the prediction is made that it is very unseaworthy and likely to founder. But that is possible about any boat. And while this may not be a particularly desirable boat upon which any of you gentlemen would make a trip at the invitation of one of your colleagues, the men who navigate the New England coast for a livelihood would not go upon this vessel if it were not seaworthy.

I have never seen this vessel, and I have never been upon it, and it may be it should not be utilized for the purpose for which it is utilized. The Bureau of Fisheries selected this vessel itself. The Committee on Appropriations did not pick it out for the bureau. And only three years ago they spent a very large sum putting a new boiler in it and overhauling it, so as to continue to utilize it in the service. And while I would not urge anybody to take a trip upon it, I can not withdraw the point of order I made against this proposition to appropriate $45,000 to purchase a tug to take its place. I regret it, Mr. Chairman, but in view of my position I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 11, on page 148, insert the following:
"For completion of the Orangeburg, S. C., Fisheries Station, including the construction of buildings and ponds, and for equipment, to remain until expended, $20,000."

Mr. FITZGERALD. I reserve a point of order against the amendment.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. It is in order at this point.

Mr. MANN. Is this amendment being offered here the same amendment that the gentleman wished to offer at another place?

The CHAIRMAN. While the gentleman from South Carolina [Mr. LEVER] was out for the moment unanimous consent was given that the gentleman might have opportunity to offer the amendment after line 17.

Mr. MANN. Then the gentleman does not intend to return to offer the amendment at the other place?

Mr. LEVER. No.

The CHAIRMAN. The gentleman is offering this amendment now at this point, instead of after line 17, on page 147.

Mr. LEVER. Yes. And I would like to ask unanimous consent to modify the amendment by striking out the words "to remain until expended."

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to modify the amendment by striking out the words "to remain until expended." Is there objection?

Mr. FITZGERALD. I still reserve a point of order on it.

Mr. LEVER. Mr. Chairman, in 1911 an act of Congress was passed authorizing a fish hatchery in South Carolina. That hatchery was located in Orangeburg County, in my district. Twenty-five thousand dollars was appropriated for it. I learn from conversations with officials of the bureau that that $25,000 has been exhausted absolutely. They have gone to the extent of laying the pipes, constructing the drainage, constructing the superintendent's house, and have excavated a great amount of dirt. The hatchery is in condition now to be completed and to be made available for use to the people of the country. It can not be completed, however, unless sufficient money is given to complete it. The Secretary of Commerce estimates that it will cost $20,000 to complete the hatchery. The amendment that I am proposing seeks to make $20,000 available for that purpose. I do not think that this proposition rests upon the same ground as if it were a new proposition.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. I yield.

Mr. MANN. Was the limit of cost in the original act $25,000?

Mr. LEVER. I am not sure about that, I will say to the gentleman from Illinois, but $25,000 was all that was appropriated, and I do not know whether there was any limit as to the cost or not. The proposition was put on in the Senate and not in the House.

Mr. MANN. The gentleman knows that for many years we appropriated $25,000 for a fish hatchery. Does the gentleman know why they can not establish these fish hatcheries for that amount?

Mr. LEVER. I understand in conversations with gentlemen in the Bureau of Fisheries that while what the gentleman says is true, as a matter of fact they have always made their estimates on the basis of $50,000 for this purpose. They tell me that they would need $30,000 really instead of $20,000 to complete this proposition, if it were of the ordinary kind; but conditions at Orangeburg are good, labor is relatively cheap, and they hope to be able to complete it with $20,000, and they have estimated for that amount.

The bill under consideration carries an appropriation of $3,600 to provide the salaries of one fish culturist, one superintendent of buildings, and two laborers at the fish hatchery at Orangeburg. Now, it seems to me, that if you are going to provide salaries for employees to be used at the fish hatchery at Orangeburg, it would be good business and a good investment if you would complete the fish hatchery and give those people something to do. If they are permitted to stay at Orangeburg, as I presume they will be under the language of this bill, we shall be placed in the ridiculous position of providing $3,600 to pay the salaries of men to sit on the bank of a hole and watch the hole, because that is all they have there now.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I do.

Mr. HOWARD. Is there any output from this hatchery at all now?

Mr. LEVER. In what respect?

Mr. HOWARD. Are they shipping any fry from this hatchery?

Mr. LEVER. None whatever. There has been nothing done whatever except to lay the foundation of this fish hatchery, to construct the superintendent's building, to prepare the trenches, and lay pipes at the bottom of this hatchery to be covered over with water when completed.

Now, gentlemen of the committee, it seems to me that this is not a proposition for an extravagant expenditure of money. If I thought so I would not be supporting the proposition. I am supporting it in earnest, because we have appropriated $25,000. We have dug out a hole in the ground, and we shall be ready now for business if you will give us just a little bit more money to complete the work, on which we have thus far expended $25,000.

It seems to me that it can not be charged that this is out of line with our policy of economy, because I believe I can see a difference between false economy and real economy or a genuine investment. The people of the United States must be taught to eat fish. Our streams are absolutely filled with fish, and as a people we eat as little fish as any people on the face of the earth.

Now, here is a proposition to encourage this business, and I feel that the circumstances and the facts involved in the case justify the committee in allowing this small appropriation of $20,000.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. CANDLER of Mississippi. You have already expended $25,000 at this place, and unless an additional sum is appropriated this $25,000 that has been expended is absolutely useless?

Mr. LEVER. Yes. If the proposition is not completed by an appropriation now or in the future, we shall have for the $25,000 a few pipes, a few ditches, a $3,000 superintendent's house, and a hole in the ground; that is all.

Mr. CANDLER of Mississippi. Then you have another expense connected with it each year of $3,600 for employees, without having anything for them to do?

Mr. LEVER. Yes; that is what I understand from the item in the bill. This is a good proposition on its merits.

Mr. FITZGERALD. Mr. Chairman, from time to time Congress authorizes the establishment of fish hatcheries and makes appropriations of $25,000 for that purpose. This hatchery was authorized three and one-half years ago, and a fish hatchery can be established at Orangeburg or at any other place for $25,000.

This hatchery has now reached a point where they are practically ready to commence operations. The gentleman from South Carolina [Mr. LEVER] shakes his head. He should read what the Commissioner of Fisheries says. The residence building and the workshops have been completed, tools and appliances have been bought, drains have been laid, ponds have been partly constructed, and to some extent are ready for operation. They will be ready for operation as soon as they have expended what money they have.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. In a moment. This was to be what is known as a pond hatchery. We were to propagate and raise

fry in ponds. Now, some distance from where this hatchery was located it has occurred to the Commissioner of Fisheries to operate in connection with it this station on the Edisto River. Is that the name of it?

Mr. LEVER. Yes; Edisto River.

Mr. FITZGERALD. To operate in connection with the Orangeburg hatchery a river station, so as to have a combination station, propagating some of the fry in ponds and some of them in the river station. The Commissioner of Fisheries was somewhat embarrassed when it was suggested to him that there was no authority to start off on this new undertaking under the guise of building this station at Orangeburg, S. C., and establishing ostensibly as a part of it, but in fact independent of it, this auxiliary station on the Edisto River. That is so, whatever the name of the river is?

Mr. LEVER. It is.

Mr. FITZGERALD. Now, if they wish to have at that place a type or character of station designed as intended originally, they can do it within the $25,000 appropriated plus such money as may be necessary to be taken from these other appropriations which are made for the benefit of the fisheries service.

Just think what happens. Congress authorizes at Orangeburg the establishment of a fish-hatchery station and appropriates $25,000. After they have been there three years and a half they ask for $20,000 more. Then we found that under the guise of operating under this original authorization they are going off to another place to establish an auxiliary station, under what they claim is their general authority. We have another station where the land was donated and $25,000 appropriated, and they ask $30,000 to complete that station. The committee treated them all alike. They were given $25,000 apiece to build these stations. In the past they always did build them for that sum, but now they have more exaggerated notions of just what is necessary. Of course, if we place the money at their disposal, they will spend all we can give them. I believe the department should finish this station at Orangeburg and commence the work of propagating fish in these ponds, and then, if it be deemed desirable to establish an auxiliary station on the Edisto River in connection with it, they can make that request. But they ought to finish one job before they start in on another.

Mr. LEVER. Let me say to the gentleman from New York that I have seen the station, and they have three ponds connecting with each other. Now, I presume this auxiliary station to which the gentleman refers is one of these ponds.

Mr. FITZGERALD. Oh, no. It is on the river. It is to be used for the purpose of propagating fish that would not be propagated in these ponds at all. They said they were going to have a combination station. Well, a combination station is built sometimes, where the station is on a river.

Mr. LEVER. Linking the ponds together, as these ponds are linked together, because this station is right on the river.

Mr. FITZGERALD. They propagate some fish in the river and some in the ponds. But you might suggest that we establish a station in Washington, and as an auxiliary of that station somebody might go to Baltimore and want to make some expenditures over there under the guise that they were going to have a combination station, one part here and one part there. Now, is this not a little too much to ask the committee to do, until they finish the job they started to do three years ago?

Mr. LEVER. Mr. Chairman, if the gentleman will permit me, I will say that I have seen these three ponds to which the gentleman is evidently referring.

Mr. FITZGERALD. I am talking about the river.

Mr. LEVER. The pond farthest away from the river can not be over half a mile, and I think the one nearest the river is not over a few hundred yards. So that, as far as I have been able to ascertain from a personal inspection of the station, there is not intended to be any station in connection with the river, except possibly that one right on the river, connecting up the three ponds.

Mr. FITZGERALD. They ought to finish this station that has been authorized.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York insist on his point of order?

Mr. FITZGERALD. Yes; I insist on it.

The CHAIRMAN. Has the gentleman from South Carolina anything to say on the point of order?

Mr. LEVER. Mr. Chairman, I did not consider that the amendment was subject to a point of order, for the reason that it was for the completion of a work already in progress.

The CHAIRMAN. What is the original provision of the law?

Mr. LEVER. I have not got it in my hand. The gentleman from New York probably has.

Mr. FITZGERALD. It reads:

For the establishment of a fish-cultural station, including purchase of site, construction of buildings, ponds, and equipments, at a point in the State of South Carolina to be selected by the Secretary of Commerce and Labor, $25,000.

It is for the establishment, purchase of a site, equipment, and everything else.

Mr. LEVER. Mr. Chairman, I submit to the committee that the language read by the gentleman from New York establishes the fact that there is no limit of cost fixed; and the amendment proposed by me is for the completion of a work in progress, already under way, and therefore not subject to the point of order.

Mr. FITZGERALD. But this is for the purpose of establishing it. It included everything—the site, construction of buildings, ponds, and equipment. I do not know of anything else——

The CHAIRMAN. Has the gentleman from New York the title of that act?

Mr. FITZGERALD. It is in the sundry civil act approved March 4, 1911.

The CHAIRMAN. It is a part of the sundry civil bill?

Mr. FITZGERALD. Oh, yes. It was one of the amendments put on this bill by the Senate from time to time, and agreed to under pressure. That is the way they get most of these things. They ought to finish this job before they go further.

Mr. LEVER. That is what I want them to do.

Mr. FITZGERALD. No; the gentleman wants them to start in on a new project.

The CHAIRMAN. The Chair thinks the point of order is well taken, and the Chair sustains the point of order.

The Clerk read as follows:

Chemical laboratory: Toward the construction of a suitable fireproof chemical laboratory, to provide additional space, to cost not exceeding $200,000 under a contract which is hereby authorized therefor, $25,000.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman from New York if this is not an authorization to provide a new building for the Bureau of Standards?

Mr. FITZGERALD. It is a building for a chemical laboratory for the Bureau of Standards, and it has been held that buildings for this institution are in order on the bill.

Mr. FOSTER. Has the gentleman that decision?

Mr. FITZGERALD. No; but I can get it for the gentleman. Perhaps the gentleman from Illinois may recall the ruling holding a somewhat similar building in order for the Bureau of Standards. However, Mr. Chairman, I will ask that this item be passed over with the point of order pending.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the item be passed over with the point of order pending. Is there objection?

There was no objection.

The Clerk read as follows:

Philadelphia, Pa.: For completion of inspection house on pier, according to plans prepared for that purpose, $15,000; for installation of elevator in detention building, including structural changes incident thereto, $4,000; for construction of sea wall on river front and dirt fill behind same, $5,500; for boring artesian well and installing necessary piping and fittings to connect with station buildings, $3,100; for disinfecting apparatus and installation thereof, $5,400; for installing laundry facilities and remodeling of plumbing and heating apparatus connected therewith, $2,700; in all, $35,700.

Mr. PAGE of North Carolina. Mr. Chairman, I move to strike out the last word. I do so for the purpose of asking the gentleman from Pennsylvania [Mr. MOORE] if he has any particular objection to this particular appropriation going into the bill?

Mr. MOORE. Mr. Chairman, replying to the inquiry of the gentleman from North Carolina, I will say that we have gone over this very carefully and find that all these items have been approved by the department, being necessary for the furtherance of the service, and that they ought to be passed. They have the indorsement of the department and have been approved by it in the regular way. Such testimony as the committee desired was heard, and I believe the committee itself found that all the items were meritorious. I should say that they have been long deferred and long hoped for, and of course those of us who are interested in this particular immigration station make our acknowledgment to the committee for its prompt and intelligent action in this matter.

Mr. PAGE of North Carolina. Mr. Chairman, I asked the question for the reason that on a previous item in the bill this afternoon the gentleman from Pennsylvania made some inquiry as to the theory that was followed by the Committee on Ap-

propriations in allowing these buildings. He was unkind enough, in my judgment, to insinuate that there was in the committee an inclination on the part of the chairman of this committee to allow appropriations for buildings in the locality in which the gentleman from New York lives, to the exclusion of those in some other locality. I felt it my duty, Mr. Chairman, not that I think that the gentleman from New York needs anybody to come to his defense in this House, but as a member of the Committee on Appropriations I felt it was my duty to say that no man can truthfully charge the chairman of the Appropriations Committee with favoring items in the locality in which he lives to the exclusion of the district of any other gentleman in this House. [Applause.]

Further than that, Mr. Chairman, the gentleman from Pennsylvania, just prior to the criticism of the gentleman from New York, had on the floor of the House insisted on placing in this bill amendments making appropriations that were not authorized or were not estimated for in the locality in which he lived. It was perfectly apparent to any man who observed the procedure at that time that there was on the floor of the House a cohesion of gentlemen for the purpose of public plunder. There was a combination that had been formed for the purpose of overriding the Committee on Appropriations and it was successful. Two gentlemen from Pennsylvania were engaged in this, and there was some rivalry, as one could see, between them as to who should occupy the most space in the Philadelphia papers to-morrow morning because of the effort to get the appropriation for the Frankford Arsenal. It was an appropriation which the committee felt was not justified.

My whole purpose, Mr. Chairman, however, was to say to this House, and to every man in it who knows the chairman of the Committee on Appropriations, that if other gentlemen in the House, and other gentlemen on this side of the House, had the courage to resist the effort that is brought to bear upon them when pressed for appropriations in their district, not warranted or justified, we would write appropriation bills in vastly smaller amounts than we are going to at this session of Congress. [Applause.]

Mr. MOORE. Mr. Chairman, I rise to oppose the motion of the gentleman from North Carolina [Mr. PAGE]. Of course, I accept in good humor the chastisement he has just administered. I esteem him highly and know full well that his sudden coming to the rescue of his friend and colleague, the chairman of the Committee on Appropriations, is born of a desire to hold together the strength of that committee and to have the House and country understand that there is no division in the ranks, and that when the committee speaks it speaks effectively, speaks as one man, and as if by the unit rule. There have been several breaks, however, in the recommendations of the committee since this bill has been under consideration, and on several occasions gentlemen from various parts of the country have undertaken to question the recommendations, and even the wisdom of the committee, and have succeeded on more than one occasion in establishing a principle that the committee itself had not indorsed.

I understand the value of being upon an important committee like that on Appropriations, but I have observed that sometimes those of us on the outside have had to knock at the door of the committee for anything we may be able to obtain; that sometimes when we have struggled for years to obtain that which our people send us here to obtain, we have had to kneel a little bit as well as to knock a little bit. We have had to appeal a little bit, and we have had to yield a little bit, in order to get from the Committee on Appropriations that which we believed we deserved. While I do not say that the gentleman from New York [Mr. FITZGERALD] takes advantage of his position as chairman of this committee to obtain for his district that which he would not obtain in the open, or that the gentleman from North Carolina [Mr. PAGE] would be guilty of any such conduct, yet I observed a little while ago an effort to break through the lines to obtain a fish hatchery for North Carolina, and I observed that a little further back, in the consideration of this bill, when we came to the appropriations respecting the rivers and harbors, without word or comment, there went to the harbor of New York for the removal of injurious deposits within the harbors and adjacent waters of New York City $94,000, an item which is not provided or considered for any other section of this country. I also observed with regard to this very matter of immigration, upon which the gentleman has raised this question, that whereas we have been striving for years and years to obtain a fair and just recognition for the increasing immigration business for the port of Philadelphia, the port of New York never has any trouble. It walks right in and takes away exactly what it wants.

I observe that the gentleman from North Carolina [Mr. PAGE] was keen enough before he made his criticism of the gentleman from Philadelphia to see that the items concerning the immigration service in the city of New York were safely passed, and that no question was raised until the city of Philadelphia was reached.

Mr. PAGE of North Carolina. Oh, the gentleman should be fair. I made no criticism of the appropriations made for Philadelphia.

Mr. MOORE. The gentleman from North Carolina was not altogether fair to me, because he just drew me over the coals in a nice roughshod way, and he dressed me down in the presence of even the galleries, who have come to listen to his eloquence. And I observe that after all of these years of effort, of appeal, of knocking at the door of the committee, we have finally been given $35,000 to properly equip the immigration station at Philadelphia, but that that was done only after we had appropriated $135,000 for the port of New York, many of the items of which would have been subject to a point of order. Nothing was said about this, but it moved along as swiftly and smoothly into this bill as if the gentleman from New York and the gentleman from North Carolina had no influence in the committee or with the membership of the House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD rose.

Mr. MOORE. Oh, the gentleman from New York [Mr. FITZGERALD] is not a party to this controversy. The issue is between the gentleman from North Carolina [Mr. PAGE] and myself, and the gentleman from New York is an innocent bystander—a spectator who has nothing to do with it at all.

Mr. FITZGERALD. Mr. Chairman, I do not intend to intrude, but if I do, I will not be the one that is licked. But for the information of the gentleman from Pennsylvania [Mr. MOORE] I will state that the items regarding Ellis Island, all of them, are within the authority of the committee on this bill. The appropriation for the immigration station at Philadelphia is subject to a point of order. It is in excess of the limit of cost specifically fixed for this station, but the committee recommended the appropriation in order to complete the station, because upon investigation it believed that this was an appropriation that should be made, and it did it, regardless of whether the gentleman from Pennsylvania would be pleased or displeased. It did not let any desire either to favor him or to antagonize him interfere with it in the discharge of its duty. There was a limit of cost fixed on the Philadelphia station. They hacked it all around and finally located it in New Jersey, at Gloucester. They could not find a suitable place in the State of Pennsylvania for the immigration station authorized [applause], and if it had not been for the efforts of the gentleman from New York to help properly provide and equip an immigration station at Philadelphia, the gentleman's constituents would have been up in arms in antagonizing his failure to get the appropriations that were thought necessary.

Mr. MOORE. Will the gentleman yield?

Mr. FITZGERALD. I ventured my assistance in this matter without any hope of future reward or any guaranty of indemnity from attack from the gentleman from Pennsylvania or his associates.

Mr. MOORE. The gentleman, as I say, is not a party to the controversy; it was between the gentleman from North Carolina and myself.

Mr. FITZGERALD. I am not interfering with that controversy. I am quite satisfied that the gentleman from North Carolina will effectively and completely take care of the gentleman from Pennsylvania.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. FITZGERALD. Mr. Chairman, let us read the last paragraph.

Mr. FOSTER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield?

Mr. FOSTER. Mr. Chairman, I reserved a point of order a little while ago on the paragraph on page 148, and I desire to withdraw the point of order.

Mr. PAGE of North Carolina. Mr. Chairman, I withdraw my pro forma amendment.

Mr. FOSTER. Mr. Chairman, I reserved a point of order on page 148, and I desire to withdraw it.

The CHAIRMAN. Without objection, the paragraph will be returned to.

Mr. FOSTER. It has been read, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word in the other paragraph that has been disposed of.

Mr. FITZGERALD. Mr. Chairman, the gentleman from North Carolina wishes to be heard for a moment, and I yield the floor.

Mr. SMALL. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I listened to my colleague from North Carolina [Mr. PAGE] with much interest a moment ago, and I approve of all he said in commendation of the disinterested services of the distinguished gentleman from New York [Mr. FITZGERALD], but he made one suggestion that was quite surprising, and that was that there had been a combination between two gentlemen from Pennsylvania, Mr. DONOHOE on this side and Mr. MOORE on the other side, for the purpose of unjustifiably extracting money out of the Treasury for Frankford Arsenal. Now, I do not disparage in the slightest the activities of the gentleman from Pennsylvania [Mr. DONOHOE]. He has been faithful and efficient. But I do wish to commend unreservedly the moderation and the conscientious motives which actuate the service of my friend the gentleman from Pennsylvania [Mr. MOORE].

Whoever heard of his asking an appropriation in any bill or for any purpose except it was meritorious? And who has not on more than one occasion observed the scrupulous care and intelligence which he has exercised in the discussion of items for the appropriation of public money? It is because he has in such large degree earned the confidence of his colleagues that he has been so successful in securing legislation for his city and the country. I wished to give an expression of commendation for the modesty and ability with which my friend from Pennsylvania [Mr. MOORE] approaches any effort upon his part to extract money out of the Treasury [applause] and to absolve him at any rate from any combination for that purpose. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, Mr. AUSTIN was granted leave of absence for two days, on account of sickness.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 11 minutes p. m.) the House adjourned, to meet to-morrow, Wednesday, June 24, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, calling attention to an item in the sundry civil appropriation act of June 23, 1913, as follows: "Swamp Lands, Fort Washington, Md.: For the purchase of about 6.6 acres of swamp land adjoining the military reservation of Fort Washington, Md., $350," and requesting that the same be included in the sundry civil appropriation bill now pending (H. Doc. No. 1075); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting for incorporation in the sundry civil appropriation bill an estimate of appropriation for the acquisition of a site for a post-office building at Andalusia, Ala. (H. Doc. No. 1076); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOYD of Arkansas, from the Committee on the Judiciary, to which was referred the bill (S. 5574) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, reported the same with amendment, accompanied by a report (No. 891), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. PETERS of Maine, from the Committee on Claims, to which was referred the bill (H. R. 13728) for the relief of Richard Riggles, reported the same with amendment, accompanied by a report (No. 877), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13591) for the relief of John P. Ehrmann, reported the same with amendment, accompanied by a report (No. 878), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11394) for the relief of James A. Powers, reported the same with amendment, accompanied by a report (No. 879), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill H. R. 1049, reported in lieu thereof a resolution (H. Res. 551) referring to the Court of Claims the papers in the case for the relief of H. E. Johnson, John F. Shelley, Jane M. Johnson, and Duff Quinn, accompanied by a report (No. 880), which said resolution and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 16717) authorizing and directing the Secretary of the Treasury to pay certain moneys to the officers and crew of the steamer *Hancock* or their legal representatives, reported the same with amendment, accompanied by a report (No. 881), which said bill and report were referred to the Private Calendar.

Mr. PETERS of Maine, from the Committee on Claims, to which was referred the bill (H. R. 13350) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased, reported the same with amendment, accompanied by a report (No. 882), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11158) for the relief of Thomas C. Hyde, reported the same with amendment, accompanied by a report (No. 883), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 305) for the relief of George T. Larkin, reported the same with amendment, accompanied by a report (No. 884), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10025) for the relief of Wickliff Fry, for horse lost while hired by the United States Geological Survey, reported the same with amendment, accompanied by a report (No. 885), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 6530) for the relief of Michael F. O'Hare, reported the same with amendment, accompanied by a report (No. 886), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13483) for the relief of Louis Jones, reported the same with amendment, accompanied by a report (No. 887), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13482) for the relief of Fred Henderson, reported the same with amendment, accompanied by a report (No. 888), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 1052, reported in lieu thereof a resolution (H. Res. 552) referring to the Court of Claims the papers in the case of Fred Larsen, accompanied by a report (No. 889), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 1051, reported in lieu thereof a resolution (H. Res. 553) referring to the Court of Claims the papers in the case of Peter W. Anderson, accompanied by a report (No. 890), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17111) granting a pension to Lucy Ord Mason; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17348) granting a pension to John J. Coughlan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16927) granting a pension to Mary A. Keller; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11722) granting a pension to Frederick P. Houston; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14724) granting a pension to Harry D. Hogan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15668) granting a pension to Nathan H. Williams; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MURRAY of Oklahoma: A bill (H. R. 17441) for the relief of the Iowa Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. SHREVE: A bill (H. R. 17442) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of Congress approved March 3, 1913, and June 6, 1914; to the Committee on the Judiciary.

By Mr. LENROOT: A bill (H. R. 17443) to establish ports of entry at Superior, Wis., and Duluth, Minn., in the customs collection district of Duluth and Superior; to the Committee on Ways and Means.

By Mr. CLANCY: A bill (H. R. 17444) to provide for the purchase of a site and the erection thereon of a public building at Baldwinsville, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. FRENCH: A bill (H. R. 17445) to amend section 5 of the act of Congress of June 25, 1910, entitled "An act to authorize advances to the reclamation fund, and for other purposes"; to the Committee on Irrigation of Arid Lands.

By Mr. ANSBERRY: A bill (H. R. 17446) amending section 2 of an act approved April 19, 1908, entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the Civil War"; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: Joint resolution (H. J. Res. 282) providing for action by Congress to determine the priority of discovery of the North Pole; to the Committee on Naval Affairs.

By Mr. CARY: Joint resolution (H. J. Res. 283) for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. BROUSSARD: Joint resolution (H. J. Res. 284) giving the consent of the United States for the State of Louisiana to institute suit against the United States in the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. LEE of Georgia: Resolution (H. Res. 550) authorizing the continuance of employment of 14 messengers in the House post office during the remainder of the present session; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 17447) granting an increase of pension to Rebecca Proctor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17448) granting an increase of pension to Doris Schroeder; to the Committee on Invalid Pensions.

By Mr. BELL of California: A bill (H. R. 17449) granting an increase of pension to Lottie Tanner; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17450) granting a pension to Alfred W. Perry; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 17451) granting a pension to Tressie Bratton; to the Committee on Pensions.

By Mr. BROUSSARD: A bill (H. R. 17452) for the relief of John Burrows; to the Committee on Claims.

By Mr. CLANCY: A bill (H. R. 17453) granting an increase of pension to John Walsh; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 17454) granting an increase of pension to Henry B. Stone; to the Committee on Invalid Pensions.

By Mr. ELDER: A bill (H. R. 17455) granting an increase of pension to Mary E. Wilson; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17456) granting an increase of pension to Jonathan C. Oylear; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 17457) granting a pension to Catharine A. Smith; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 17458) for the relief of John A. Mellon; to the Committee on Claims.

Also, a bill (H. R. 17459) for the relief of Richard Prendergast; to the Committee on Military Affairs.

By Mr. KREIDER: A bill (H. R. 17460) granting a pension to Mary E. Weller; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 17461) granting a pension to Charles J. McFadden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17462) granting an increase of pension to James Van Riper; to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 17463) granting an increase of pension to Daniel L. Watson; to the Committee on Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 17464) for the relief of Fred Graff; to the Committee on Military Affairs.

By Mr. UNDERHILL: A bill (H. R. 17465) granting a pension to Anna Cross; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 17466) granting a pension to Lois D. Ballentine; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 17467) granting an increase of pension to Louise P. Freelon; to the Committee on Pensions.

By Mr. PETERS of Maine: Resolution (H. Res. 551) to refer H. R. 1049, a bill for the relief of H. E. Johnson, John F. Shelley, Jane M. Johnson, and Duff Quinn to the Court of Claims; to the Committee of the Whole House.

By Mr. McCLELLAN: Resolution (H. Res. 552) to refer H. R. 1052, a bill for the relief of Fred Larsen, to the Court of Claims; to the Committee of the Whole House.

Also, resolution (H. Res. 553) to refer H. R. 1051, a bill for the relief of Peter W. Anderson, to the Court of Claims; to the Committee of the Whole House.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by pastors of certain churches in Brownsville, Oreg., and Rochester, N. Y., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition signed by Jos. A. Anderson, of Boxholm, Iowa, favoring national prohibition; to the Committee on Rules.

Also (by request), petition of the Omaha Christian Endeavor Union, favoring national prohibition amendment, Mondell suffrage amendment, Smith-Hughes motion-picture censorship bill, prohibition of polygamy in the United States, and bill for proper observance of Sunday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. AIKEN: Petition of the Church of the Redeemer, Newberry, S. C., favoring national prohibition; to the Committee on Rules.

By Mr. ASHBROOK: Petition of W. W. Alspach and 22 others of Newark, Ohio, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. BROWN of West Virginia: Petition of 607 citizens of West Virginia, favoring national prohibition; to the Committee on Rules.

By Mr. BURKE of South Dakota: Memorial of the Minnesota District of the German Evangelical Synod of North America, protesting against national prohibition; to the Committee on Rules.

By Mr CLANCY: Petition of sundry citizens of Preble, N. Y., favoring national picture commission; to the Committee on Education.

Also, petition of 155 citizens of Minoa, N. Y., and sundry citizens of Preble, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petition of the Loyal Workers of the Wesley Adult Bible Class of the Methodist Church of Ocala, Fla., and George Riggin and many other citizens of the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. COOPER: Petition of the Beloit (Wis.) Business Men's Association, favoring postponement of legislation affecting business; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of 24 citizens of the sixth district of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. DIFENDERFER: Petitions of 400 and more citizens of Lansdale, 40 citizens of Rosemont, 210 citizens of Hatboro, sundry voters of Abington Township and Pottstown, 40 citizens of Pleasant Valley, 750 citizens of Newton, 20 citizens of Yardly, 18 citizens of Dolington, 350 citizens of New Hope, 120 citizens of Richboro, 100 citizens of New Britain, sundry citizens of Bucks County, various Baptist, Methodist, and Presbyterian churches of Bristol, 400 citizens of Edgewood Park, and 52 citizens of Fallsington, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of Bucks County, Pa., citizens, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also petition of sundry citizens of Montgomery County, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of the Minnesota district of the German Evangelical Synod of North America against national prohibition; to the Committee on Rules.

By Mr. FALCONER: Memorial of 7,000 clubwomen of the State of Virginia relative to indorsement of President Wilson's Mobile speech relating to acquisition of land by conquest; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of 34 voters of the State of New York protesting against national prohibition; to the Committee on Rules.

By Mr. FOSTER: Petition of sundry citizens of Mount Carmel, Wabash County, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petition of sundry citizens of Coeur d'Alene and Wallace, Idaho, against national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition of the secretary-treasurer of the building trades department, American Federation of Labor, favoring House bill 8593, for protection of workingmen engaged in building erection in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GERRY: Petitions of Sam. L. Irwin, principal East Greenwich Academy, of East Greenwich; the Roger Williams Association and 29 residents of Rockville; 22 residents of Providence; and Arthur L. Reed, of Oak Lawn, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of the Providence (R. I.) Christian Endeavor Union, urging the passage of a bill prohibiting the sale of intoxicating liquors to minors and Indians; to the Committee on Alcoholic Liquor Traffic.

Also, petitions of Henry J. Eltz, Conrad Oinsel, Richard Wischnowsky, Hermann Eckert, and Joseph Fojth all of Cranston, R. I., and Michael Lukowski, Jacob Wartjes, John Grosslin, and Michael J. Kelly, all of Providence, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of the Rhode Island Chapter of the American Institute of Architects, protesting against the passage of House bill 13870, making appropriation for a building for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Pennsylvania: Petitions of G. Hauffman and others, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Thurston and Chehalis Counties, Wash., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Aberdeen, Tacoma, and Olympia, all in the State of Washington, protesting against national prohibition; to the Committee on Rules.

By Mr. LAFFERTY: Petition of Local No. 28, International Alliance of Theatrical Stage Employees, and Local Union No. 202, Cigar Makers' Union, of Portland Oreg., against national prohibition; to the Committee on Rules.

By Mr. LANCHAM: Petition of the Alaska Woman's Christian Temperance Union, favoring House bill 15430, for prohibition in Alaska; to the Committee on the Territories.

Also, petition of the First Baptist Church of Topeka, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: A petition by Mrs. Fannie D. Chase and 29 other citizens of Takoma Park, D. C., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, a petition by George R. Apsley and 38 other citizens of Cumberland, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. McCLELLAN: Petition of 60 citizens of Milton, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MORGAN of Oklahoma: Resolution of the Christian churches of Oklahoma, representing a membership of 45,000 residents of the State in convention assembled, indorsing Congressman Hobson's amendment for national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union and others of Tonkawa, Okla., indorsing the amendment for national prohibition; to the Committee on Rules.

Also, petition for censorship of motion pictures so far as Federal jurisdiction extends, from B. Colegrove, president Gospel Team, Arapaho, Okla.; to the Committee on Education.

By Mr. O'HAIR: Petitions of sundry citizens of the State of Illinois, protesting against national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Memorial of the Presbytery of St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petition of Camden (N. Y.) Grange, No. 354, favoring postal ownership of telephones and telegraphs; to the Committee on the Post Office and Post Roads.

Also, petition of the New York Psychiatrical Society, favoring establishment of a department of mental hygiene in the United States Public Health Service (H. R. 16637); to the Committee on Interstate and Foreign Commerce.

By Mr. TAVENNER: Petition of Mr. A. W. Walty, Colchester, Ill., favoring the early adjournment of Congress; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Elmira, Peruville, and Waverly, N. Y., favoring national prohibition; to the Committee on Rules.

SENATE.

WEDNESDAY, *June 24, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy servants in this great Senate have been called in the order of Thy providence to help administer the affairs of a great nation, to seek out ways to bring properity, to establish order, to execute justice. Paths which lead to the heights where the eternal truth abides are not easy to find amid the conflict of interests. Only by Thine own guidance shall they be enabled to attain to these heights of human justice and of universal right. Grant that this day Thy blessing may abide upon these Thy servants, that they may be in thought and conscience amenable to the Divine influence, and may be led by Thy spirit into such an appreciation of the grave responsibilities and of the high honor of their position that they may find out what is best for all and that which will glorify Thy name in us as a people. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, recedes from its disagreement to the amendment of the

Senate No. 71 and agrees to the same, with an amendment, in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 28, 29, 33, and 40; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the further conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill, H. R. 12235, an act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CRAWFORD presented resolutions adopted by the Conference of the Minnesota District of the German-Evangelical Synod of North America, favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Sioux Falls Brewing Co., of South Dakota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a memorial from the Yankton Commercial Association, signed by J. M. Lloyd, secretary, of Yankton, S. Dak., remonstrating against the enactment of discriminatory antitrust legislation, which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a petition of officials of the John Crerar Library, of Chicago, Ill., praying for a congressional investigation of the claims in connection with the discovery of the North Pole, which was referred to the Committee on the Library.

He also presented memorials of sundry citizens of Illinois, remonstrating against any change in the American flag, which were referred to the Committee on the Judiciary.

Mr. WHITE presented a petition of sundry citizens of Alabama, praying for the enactment of legislation to regulate interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of the California Bankers' Association, in convention at Oakland, Cal., praying for the enactment of legislation reducing the rate on first-class postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Brotherhood of Blacksmiths of Riverside, Cal., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a telegram in the nature of a memorial from I. Magnin & Co., of San Francisco, Cal., remonstrating against the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LEWIS presented memorials of sundry citizens of Illinois, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation making lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of William Kuhlbach, of Fort Wayne; Fred W. Thomas and Lee Alberr, of Indianapolis; Andrew Sock, Charles Calloway, John C. A. Rockatoh, of South Bend; George McAdams, Louis Spurgeon, John Childlers, and 17 other citizens, of Lawrenceburg, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 5204) for the relief of Alice H. Gilson, reported it with amendments and submitted a report (No. 609) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2705) for the relief of David C. McGee, submitted an adverse report (No. 610) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 3041) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell, reported it without amendment and submitted a report (No. 611) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 14685) to satisfy certain claims against the Government arising under the Navy Department, reported it with amendments and submitted a report (No. 612) thereon.

Mr. LANE, from the Committee on Claims, to which was referred the bill (S. 770) for the relief of Thomas Coyle and Bridget Coyle and their legal representatives, reported it with an amendment and submitted a report (No. 613) thereon.

Mr. LANE. From the Committee on Claims I report back adversely the bill (S. 489) for the relief of Ellen B. Monahan, and I submit a report (No. 614) thereon. I ask that the bill be placed on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

ADDRESS BY HON. WILLIAM JENNINGS BRYAN (S. DOC. NO. 523).

Mr. FLETCHER. From the Committee on Printing, to which was referred a copy of an address by Hon. William Jennings Bryan, delivered at Columbus, Ohio, March 12, 1912, upon invitation of the constitutional convention held in that State, I report back favorably a resolution, for which I ask present consideration.

The resolution (S. Res. 400) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the pamphlet submitted by Mr. OWEN on June 15, 1914, entitled "The People's Law," an address by Hon. William Jennings Bryan, delivered at Columbus, Ohio, March 12, 1912, upon invitation of the constitutional convention, be printed as a Senate document.

DAUGHTERS OF THE AMERICAN REVOLUTION (S. DOC. NO. 524).

Mr. FLETCHER. From the Committee on Printing, to which was referred the annual report of the National Society of Daughters of the American Revolution for the year ended October 11, 1913, I report back favorably a resolution, for which I ask present consideration.

The resolution (S. Res. 401) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sixteenth Report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1913, transmitted to Congress, pursuant to law, by the Secretary of the Smithsonian Institution, be printed as a Senate document, together with the accompanying illustrations.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 5972) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate Commerce.

By Mr. WORKS:

A bill (S. 5974) to prohibit the giving or receiving of tips or other gratuities; to the Committee on Interstate Commerce.

By Mr. CRAWFORD:

A bill (S. 5975) granting an increase of pension to Frank Benoit (with accompanying papers); and

A bill (S. 5976) granting an increase of pension to John S. Perriton (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across a slough which is a part of the Tennessee River, near Guntersville, Ala.; to the Committee on Commerce.

By Mr. JAMES:

A bill (S. 5978) to refund to the American Surety Co., of New York, an amount, with interest, paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States; to the Committee on Claims.

By Mr. GORE:

A bill (S. 5979) to provide for the acquisition of a site and the erection of a public building thereon at Cleveland, Okla.;

A bill (S. 5980) to provide for the acquisition of a site and the erection of a public building thereon at Norman, Okla.;

A bill (S. 5981) to provide for the acquisition of a site and the erection of a public building thereon at Alva, Okla.; and

A bill (S. 5982) to provide for the acquisition of a site and the erection of a public building thereon at Sulphur, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 5983) granting an increase of pension to Samuel L. Cole (with accompanying papers); and

A bill (S. 5984) granting a pension to Margaretha Matthes (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5985) to authorize the Choctaw and Chickasaw Nations to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. THOMPSON:

A joint resolution (S. J. Res. 165) authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914; to the Committee on Foreign Relations.

PROHIBITION IN THE DISTRICT.

Mr. WORKS. I introduce a bill which I ask may be read. It is a short bill, and I ask that it may be referred to the Committee on the District of Columbia.

The bill (S. 5973) to prohibit the manufacture or sale of intoxicating liquors within the District of Columbia was read the first time by its title, the second time at length, and referred to the Committee on the District of Columbia, as follows:

Be it enacted, etc., That from and after one year after this act takes effect it shall be unlawful to manufacture, barter, sell, or give away any spirituous, vinous, malt, or other intoxicating liquor of any kind within the District of Columbia, or to import the same into said District.

SEC. 2. Any person who shall manufacture, barter, sell, give away, or import any such intoxicating liquors or otherwise violate the provisions of this act shall be guilty of a misdemeanor and be fined not less than fifty nor more than five thousand dollars, or be imprisoned for not less than one nor more than twelve months, or be both fined and imprisoned for each offense, and for a second or subsequent offense such person shall be both fined and imprisoned, and each act of manufacturing, bartering, selling, giving away, or importing such liquors shall, for the purposes of this act, constitute a separate offense.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WORKS submitted an amendment proposing to appropriate $100,000 to install and maintain an outdoor exhibit at the Panama-California Exposition to be held at San Diego, Cal., in 1915, to illustrate the function and administrative faculty of the Government pertaining to irrigation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

STATUE OF GEORGE WASHINGTON GLICK.

Mr. THOMPSON. I desire to offer a resolution, and I should like to have unanimous consent for its immediate adoption.

Mr. President, there is being placed in Statuary Hall to-day the statue of George Washington Glick. Under the law each State is entitled to place two statues of its distinguished men or women in that famous Hall. About 10 years ago Kansas selected from her citizens as one of the recipients of this honor John James Ingalls, who was formerly a celebrated Member of this body. About one year ago Kansas chose another of her citizens, George Washington Glick, the only Democratic governor the State ever had until the present administration, to receive the same high honor.

As everyone knows, Senator Ingalls was an uncompromising Republican. As is equally well known, Gov. Glick was an uncompromising Democrat. These men lived and died in the same town, Atchison, Kans., and are buried in the same cemetery. It is therefore very fitting that the statues of these eminent sons of Kansas, representing, respectively, two branches of political thought and the two great political parties of this country, should stand side by side in the Hall of Fame.

A prominent place immediately at the right of the entrance leading from Statuary Hall to the House of Representatives has been selected for the statue of Gov. Glick. A place equally important has been selected for the statue of Senator Ingalls, immediately at the left of the same entrance.

Mr. President, I offer the following resolution and ask for its immediate consideration.

The resolution (S. Res. 402) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, to-day erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, after the conclusion of the routine business.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

Mr. NORRIS submitted the following resolution (S. Res. 403), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the evidence taken by the Interstate Commerce Commission pursuant to Senate resolution No. 260, concerning the financial transactions of the New York, New Haven & Hartford Railroad Co., together with the report of the Interstate Commerce Commission thereon, be printed as a Senate document.

GOVERNMENT PRINTING OFFICE—CIVIL-SERVICE LAWS.

Mr. STONE. Mr. President, some days ago the senior Senator from Ohio [Mr. BURTON], while discussing an item in the legislative, executive, and judicial appropriation bill, made some rather violent criticisms of the administration of the Government Printing Office while Mr. Benedict was at the head of it. This was during the administration of Mr. Cleveland. I had a colloquy with the Senator from Ohio at that time, and I suppose by reason of that both Mr. Benedict and Mr. Albert Baker, who was his secretary, have written me commenting on the statements made by the Senator from Ohio.

The two letters are of the same general tenor and in substance the same. I wish to ask consent to have the letter of Mr. Baker printed in the RECORD. I will not take the time to read it unless some one prefers to have that course taken, but merely ask to have it printed in the RECORD. I will not ask to have the letter of Mr. Benedict printed, for it would be practically a duplication. I selected Mr. Baker's letter for the reason that he was the private secretary, and it was the memorandum book said to have been made by Mr. Baker, from which the Senator from Ohio read, and about which the colloquy I had with him occurred.

I should like to have printed the letter of Mr. Baker, together with some extracts from a speech delivered in the House of Representatives January 11, 1898, by Hon. James G. Maguire, a Representative from the State of California. The extracts are referred to in the letter of Mr. Baker, and I have marked the part I should like to have inserted immediately following Mr. Baker's letter. If there be no objection, I will be glad to have that done.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

NEW YORK, *June 19, 1914.*

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

DEAR SIR: My attention has been called to remarks made by you, on page 10400 of the CONGRESSIONAL RECORD of June 13, during the course of Senator BURTON'S speech. You question the accuracy of some of the statements made by the Senator from Ohio in reference to the past Democratic administration of the Government Printing Office.

I had the honor to be the private secretary to whom Mr. BURTON refers, and your characterization of his information as "trash" was well-warranted; in fact, it was the resurrection of a deliberate misrepresentation of facts and records of the Government Printing Office during the last Cleveland administration made in a speech by Congressman Landis, of Indiana, on the floor of the House January 5, 1898. It proved a boomerang for Landis at that time, and if the true facts were now known in the Senate it would show that Senator BURTON'S source of information was very inaccurate, to say the least.

At the time of the Landis speech I placed in the hands of Hon. James G. Maguire, who was a Congressman at that time from California, the data and facts, and on January 11, 1898, he having obtained the "books" from the Printing Office, replied to the attack made on the former Public Printer and me. Mr. Maguire's speech was eminently satisfactory from a Democratic standpoint, but very discomforting to Landis, who was shown to have deliberately garbled and misread memoranda purporting to have been made by me.

I am inclosing copy of Mr. Maguire's speech, and have marked that part which refers especially to the list of names read by Senator BURTON; also marked my communication, which was read on the floor of the House during the course of his speech. This letter and the books which Mr. Maguire obtained disclosed that some 15 of the persons named were reinstated by Public Printer Benedict, who had discharged

them; that the notations "G. A. R.," "Veteran," "Old soldier," "Soldier's widow," etc., were for the purpose of reinstatement; and that the name, date of discharge, reason for discharge, and reason for reinstatement and date of same were all written on the same line in the books, and could not have been overlooked by Landis except for the purpose of deliberate misrepresentation to the House. All these discharges and reinstatements took place when the civil service did not apply to the Printing Office. The office was classified about one year before the close of President Cleveland's administration.

At the time of the large discharge (some 700), referred to by Senator BURTON as "Bloody Monday," the office was outside of the classified service, and the vacancies caused by this discharge were never filled by the appointment of Democrats, as Mr. Benedict found he was able to run the office and turn out more work with nearly 1,000 less employees than his Republican predecessor. These two large discharges were caused by an error of judgment on the part of President Cleveland in leaving Mr. Palmer, the Republican Public Printer, in office nearly a year and a half under his administration. Mr. Palmer, in order to hang on and curry favor with the dominant party, made during this time some 1,300 appointments when the needs of the service did not require any appointments, which was a direct violation of the law. Many Democrats were included in the large discharges, owing to the fact that the quota from some congressional districts and States was far in excess of any equitable basis.

I assert without fear of contradiction that after the office was placed in the classified service the spirit and letter of the law was strictly enforced during the remainder of the Democratic administration.

Perhaps Senator BURTON would be surprised to know that his own party is the greatest offender against the civil service. I have in my possession a list of 75 names, sent to me on October 27, 1899, by the then president of the Civil Service Commission, Mr. Proctor, with the information that all of these persons were returned to the Printing Office, from June 27, 1899, to October 25, 1899, under third proviso of rule 9, presidential order of May 29, 1899, which provided "that any person dismissed from the service upon charges of delinquency or misconduct may be reinstated * * * without regard to the one-year limit of this rule upon the certification of the proper appointing officer that he has thoroughly investigated the case and found that the charges upon which the dismissal was based were not true." In the case of each of these 75 persons the then Republican Public Printer stated in his requisition to the Civil Service Commission for reinstatement, "I have thoroughly investigated the case and found that the charges upon which the dismissal was based were not true." The facts are that several of these persons voluntarily resigned from the office in 1894 to take up other occupations or employment—in the case of one man who I note has been reduced by the present Public Printer, and which seems to aggrieve the Senator from Ohio, there could have been no inadvertence in making such certification to the Civil Service Commission, for this man voluntarily resigned to go with the retiring Public Printer, who had taken up the editorship of a Syracuse newspaper. Then when reappointed Public Printer under President McKinley's first term a deliberate falsification of the records is made in order to get this man back in the office, some four years after his resignation. In most of the remaining 75 names they were removed from the office in a necessary reduction of force and their places not filled during the succeeding years. They were not let out through any misconduct or delinquency, and there was nothing to "thoroughly investigate" along these lines. The 75 names sent me only cover a short period of time. How many in all were juggled into the classified service in this manner?

In conclusion let me state that an examination of the records of the Printing Office will show that most of the employees reduced by Public Printer Ford displaced Democrats when they were promoted, all done at a time when civil service was supposed to govern, and for no other reason than the natural desire of Republican Public Printers to give the better places to their own kind and faith.

I regret the length of this letter, but I desired that you be fully informed of the facts. You might wish to use some of the data that I have furnished, or at some future time these old lies may crop up again.

I am, with sincere respect,

Very truly, yours, ALBERT BAKER.

SOME "LUCKY HITS."

In the course of his speech, the gentleman from Indiana [Mr. Landis] produced a memorandum book, kept by Mr. Albert Baker as clerk under the Public Printer during Mr. Benedict's administration, and read from that, and from two other similar books kept by Mr. Baker, certain memoranda which he told the House were sample reasons for the discharge of employees by Mr. Baker and Mr. Benedict. Some of the memoranda read by the gentleman did undoubtedly represent reasons for the discharge of persons named. For example, after some of the names the word "drunk" occurs, and after some of the names memoranda of discreditable transactions on the part of the employees occur. In such cases the memoranda undoubtedly advised the Public Printer concerning the characters of the employees to whom it referred and aided him in selecting among the employees those whose services could best be spared.

The propriety of dragging such harmless memoranda, made for the advice of the Public Printer alone, from the vaults of the Government Printing Office and publishing them in the CONGRESSIONAL RECORD as permanent and public brands of disgrace upon the unfortunate discharged employees is a question of taste and propriety that must forever rest with the gentleman from Indiana [Mr. Landis] and the present Public Printer, by whom the records were given to the public. I have upon my desk here the three volumes containing the memoranda to which the gentleman from Indiana [Mr. Landis] referred in the course of his speech. I have gone over them carefully. I find that the gentleman has selected some 31 names among many hundreds in these volumes, and I find that he has selected every name after which there was any memoranda that could be, by distortion or perversion, used in this debate to discredit the former Public Printer.

Yet I find upon examination that even that portion of the record published by the gentleman from Indiana in the course of his speech bears upon its face evidence that it can not properly be construed to the meaning given it by the gentleman from Indiana. I find that the gentleman from Indiana in 11 of the cases stated by him has suppressed a part of the memoranda made by Mr. Baker after the names to which he referred and in connection with the memoranda to which he called attention of the House for the purpose of condemning Mr. Benedict. The memoranda that was suppressed shows that Mr. Benedict was extremely liberal in his treatment of old soldiers who were dismissed from the Public Printing Office, even where the cause of dismissal was bitter offensive partisanship. For example, the gentleman read the name of "W. R. Burgess, compositor, discharged June 13, 1894. Trimmer. Joined the Old Dominion Republican Club."

He read that memorandum for the purpose of showing the bitter partisanship of the Public Printer and for the purpose of winning the applause of the Republican place hunters, but it would have spoiled both of his purposes to have read the remainder of the memorandum, which is: "Reappointed June 17, 1895." He read also the name of "Richard M. Calhoun, watchman, discharged June 13, 1894. Active and offensive in politics." But he failed to read the following portion of the same memorandum: "Reinstated July 22, 1896." He read: "Mamie E. Fisher, discharged July 14, 1894. All her folks are solid Republicans." How he came to make the mistake I do not know, unless he was reading from a purported transcript made by some other person whose handwriting was not familiar to him, for in the record the memorandum, very plainly written, is: "All her folks are rabid Republicans."

He also read: "John Green, jr., discharged June 1, 1894. Bitter Republican." In all fairness to this House he should have read the remainder of the memorandum: "Reinstated March 23, 1895." He also read: "James C. Toy, wagon messenger, discharged September 17, 1894. Not willing. Causes trouble. G. A. R." By stopping at that point he elicited the enthusiastic applause of certain Republicans whose patriotism consists always in hatred of Democrats and in eagerness to fasten upon them some charge of prejudice against veteran Union soldiers. They greeted his reading of this memorandum with cries of "Ah!" He read the cabalistic letters with an intonation and expression that reminded me most forcibly of the renowned detective called Foxy Quiller.

In the suggestive manner of his reading of the memorandum I imagined I could hear the creaking voice of that renowned sleuthhound crying, "Ah, ha! says Foxy Quiller, always suspect the meaning of the letters 'G. A. R.' when written by a Democrat." He preserved the popularity of that memorandum on the Republican side by suppressing the remainder of it, namely: "Reinstated September 15, 1896. Helper."

I am not prepared to say why he omitted these words, but it does seem to me that, even at the expense of sacrificing some of the Republican applause and of dampening some of the Republican enthusiasm, he should have had the frankness to read the whole of the memorandum or none of it.

He read: "Joan W. Usilton, discharged April 1, 1895. Agitator; charges P. P. dishonest and tyrant." But he did not read the remainder of the memorandum, showing that Mr. Usilton had been previously discharged and reinstated. He read: "Bertie K. Peters, folder, discharged April 3, 1895. Charged to Texas." But he did not read the remainder of the memorandum: "Reappointed June 17, 1895." He read: 'George P. Silence, laborer, discharged March 13, 1895. Anti-Democratic." That was a good place to stop, considering the purposes of the gentleman from Indiana; but in common frankness, even though it might have militated against his purposes, he should have read the remainder of the memorandum: "Reappointed December 2, 1895."

He read: "George McCutcheon discharged April 3, 1895. Veteran and vindictive." That is Mr. Landis's construction of the memorandum, but it is not the memorandum as it is written in the book. The memorandum is, "Veteran (Pa.)—vindictive partisan," a memorandum very different in meaning and containing none of the suggestion of animosity toward the veterans involved in the form adopted and substituted for the language of the memorandum itself by the gentleman from Indiana.

He read: "Mary B. Dunbar, feeder, discharged April 18, 1895; boarding house; father discharged before when I was here," but he did not deem it necessary to read the remainder of the memorandum: "Reinstated January 26, 1896."

He read: "Alice Daly, discharged June 9, 1894. Not needed; daughter in department; soldier's widow." In the memorandum as it appears in the book the words are "Not needy."

Upon concluding the reading, or more properly misreading, of this memorandum, the gentleman from Indiana burst into a flood of superheated eloquence, crying out in the agony of his soul:

"Soldier's widow! Hurled from public place because she was the widow of a soldier. * * * It remained for a hyena, preparing a great Government bureau for a baptism of civil-service reform, to cast aspersion and brand with condemnation those whom honest men, brave men, and generous men the world over regard as the sainted legion of this Republic."

The statement that Alice Daly was discharged from the Government Printing Office because she was a soldier's widow is not only absolutely unwarranted by anything appearing in the book, but is shown by an examination of the record to be absolutely untrue, and without a shadow of foundation to justify such an inference. The memorandum was made up by Mr. Baker, in accordance with the instructions given him by the Public Printer, to show who the lady was; what her circumstances were; what, if any, relatives belonging to her immediate family were employed in the same or in other departments of the Government service.

In selecting those whom the imperative demands of the law and the interests of the Government required to be discharged in order to reduce the force to the requirements of the service, he preferred to discharge a woman who was not needy and who had a daughter in another department of the public service, drawing a salary from the Government, rather than to discharge an equally good and equally deserving woman who was needy, who depended for the support of herself and perhaps of dependent relatives upon the wages which she received in the Government Printing Office, and who had no daughter or other relative in any department of the Government service.

The gentleman from Indiana may not have understood this, and he may have frankly given us the benefit of his honest judgment when he said that in his opinion, from an examination of this memorandum and an examination of the three books to which he referred, he made the deduction and fully believed that Alice Daly was discharged from the Government Printing Office because she was a soldier's widow. If indeed that was his judgment, he must be acquitted of any motive of injustice to Mr. Benedict in making the statement on the floor, and of any motive to deceive ex-Union soldiers by the publication of that statement in his speech; but if that be his honest judgment from the memorandum and from an examination of the books to which he has referred, his mental sagacity will never interfere with his soul's salvation, for he must then be admitted to come clearly within the well-known exception made by the churchmen to the rule that those who do not embrace and retain the true faith can not enter the kingdom of heaven.

The gentleman from Indiana amused the House and encouraged his fellow partisans by reading the following memorandum:

"John F. Atkinson, discharged July 1, 1894. N. G.; lives in Indiana."

He seemed to think that Mr. Atkinson was discharged because he lived in Indiana and not because of anything that might be indicated by the letters "N. G." Probably for the purpose of strengthening his rhetoric, he made the statement that when Mr. Atkinson was discharged "he was instructing three tyros in the printer's art appointed by Mr. Benedict, one of them hailing from Georgia, another from Louisiana, and the third from Texas."

My information is that no printer was appointed by Mr. Benedict in the division in which Mr. Atkinson was serving prior to July 1, 1894, and that no printer was ever appointed by Mr. Benedict who was not a member of a regularly organized typographical union, at least as expert in the printer's art as was Mr. Atkinson, and probably less disposed to impose upon the credulity of Representatives in Congress.

Mr. CUMMINGS. Will my friend allow me right there——

Mr. MAGUIRE. My time is very short, and I have much yet to say, but I will be pleased to hear the question of the gentleman from New York.

Mr. CUMMINGS. I want to know if the gentleman does not think that a card from a printer's union is better evidence of competency than a civil-service examination?

Mr. MAGUIRE. No man can become a member of a regular printers' union without being a practical printer; his examination for admission to the union consists of practical tests of his skill in the art of printing; his card is evidence of all that, and is, in my opinion, as satisfactory evidence of his capacity as the certificate of any civil-service board.

The gentleman from Indiana will confer a favor upon the great body of printers who belong to the typographical unions if he will give the names of the three tyros in the printer's art appointed by Mr. Benedict who were being instructed by Mr. Atkinson prior to July 1, 1894. Upon authority which I believe to be absolutely reliable I am authorized to say that the statement is untrue and that the gentleman from Indiana has been imposed upon and grossly deceived by his informant.

The gentleman tells us that Mary E. Gorman was discharged from the Printing Office because she was a plutocrat, and that she was regarded as a plutocrat because, as shown by the memorandum following her name, she was represented as owning two houses and having money at interest. It is quite true that, in reducing the force of employees at the Printing Office, under the imperative necessity imposed by the law and by the outrageous condition in which he found the office, Mr. Benedict did consider the fact that Mary Gorman owned two houses and had money at interest in determining whether she or some equally worthy woman who had no means of support other than her wages as an employee in the Printing Office should be discharged, and that he did give preference to an equally worthy but more needy woman in reducing the force.

Of course the gentleman from Indiana would have discharged the needy woman as unworthy of consideration and would have retained in her stead the woman who owned houses and had money at interest. It is quite probable that no woman would have stood any chance of preferment over Mary Gorman in the gentleman's estimation unless she owned more houses than Mary Gorman owned and had more money at interest.

THE CHARITY THEORY—"HE NEEDED THE PLACE."

The gentleman from Iowa [Mr. Henderson], interrupting the gentleman from Indiana, read from one of these books an entry stating that B. P. Entriken had resigned June 30, 1894. The gentleman from Iowa pronounced the statement that Mr. Entriken had resigned to be false, but I venture to say that Mr. Entriken's resignation was duly filed in the office of the Public Printer.

I say that without investigation, because I can imagine no possible reason for making the entry unless Mr. Entriken had in fact filed his resignation. The call for his resignation was, at that time, a mere courtesy to which Mr. Entriken was not legally entitled. The Public Printer then had absolute power to discharge whomsoever he would without giving any reason for so doing. The civil-service rules were not at that time in force in the Printing Office, and it is quite immaterial whether Mr. Entriken severed his connection with the office by resignation or by discharge. In either case his removal amounted to a discharge, because the call for his resignation was equivalent to a notice of dismissal.

But I call attention to the statement of the gentleman from Iowa, in his behalf, for quite another purpose. In discussing this case the gentleman from Iowa said:

"This man was appointed by Mr. Palmer on my recommendation and promoted until he got $1,400. His wife died, leaving young children on his hands, and he came to me when I was on my back, and I wrote an appeal to the Government Printer and tried to save him. He had been ordered to resign. I told him not to leave his place until he was driven out. Senator Gear, at my request, went personally to see the Government Printer and was insulted and told to 'mind his own business.'"

I am bound to assume, since the gentleman from Iowa states it to be a fact, that when Senator Gear attempted to interfere with his management of the force of the Government Printing Office, and attempted to dictate to him concerning the appointment of employees to serve the Government under him in that department, and attempted to insist upon the retention or reappointment of an employee, not upon any consideration of the interests of the public service, not because the employee was skillful or efficient or industrious or faithful, but because the employee was a friend of a Representative in Congress and was in circumstances entitling him to the charitable consideration of generous-minded people, who had probably told the Public Printer, in accordance with the advice given him by "his influence," that he would "not leave his place until he was driven out," that he—Mr. Benedict—told Senator Gear "to mind his own business."

Of course, I do not approve of the rudeness of that reply, but it seems to me that, under those circumstances, Mr. Benedict was entirely justified in mildly and considerately making that suggestion to the Senator, and that his courage in protecting the interests of the United States Government against the interference and domination of Members of the legislative department of the Government was highly commendable.

* * * * * * *

UNJUST ATTACK ON MR. BAKER.

So much for the assaults made upon Public Printer Benedict. The record of his public service is and will ever be a complete and invincible defense against all partisan assaults. The gentleman from Indiana [Mr. Landis], in the course of his denunciation of Mr. Benedict's administration of the Government Printing Office, made an attack upon Mr. Albert Baker, a clerk in that office under Mr. Benedict, which, in my opinion was utterly and absolutely unwarranted and inexcusable. He called him a "hyena" and an "official headsman" in charge of decapitations in the Printing Office, and held him up to ridicule and scorn as a malignant enemy of Republicans in general and of veteran soldiers and soldiers' widows in particular.

Mr. Baker was not an official headsman. He was not in charge of political decapitations in the Printing Office; he had nothing to do with removals or appointments; he had nothing to do with the recommendation or suggestion of removals or appointments. He was assigned to duty as a clerk in Mr. Benedict's office, to do what he was told to do by his superior; to keep such records as he was told to keep. He had neither power nor responsibility beyond this. Mr. Benedict was responsible for all removals and appointments, and when he sought advice concerning removals he sought it from the heads of the different divisions of the Printing Office, and not from the clerks, whose duty began and ended with keeping such records and doing such clerical work as he directed.

Immediately after the assault upon Mr. Baker was made by the gentleman from Indiana, and knowing that the statement made on this floor concerning him, if allowed to pass unchallenged, might be unjustly used to the prejudice of his standing and rights in the service of the Government, I wrote him, asking for a statement of his version of the matters referred to by the gentleman from Indiana, and, in particular, for a full statement of the facts concerning his connection with the dismissal of employees from the Government Printing Office.

On Saturday last I received a letter from Mr. Baker, in which, in a straightforward, manly way, he shows the absolute injustice of the attack made upon him. The letter is as follows:

WASHINGTON, D. C., *January 8, 1898.*

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, in which you request the facts in connection with certain statements and deductions made in a speech by Mr. Landis, of Indiana, from records kept by me during Mr. Benedict's administration of the Government Printing Office, and I reply as follows:

Upon Mr. Benedict assuming the duties of Public Printer in May, 1894, he designated me to act as secretary, which position I held until the close of his administration. My services in the Printing Office were continuous from April, 1887, to July 16, 1897, at which time I was transferred from the above-named office to a position in the Treasury Department.

Mr. Landis, in the course of his remarks, states that Mr. Benedict brought me with him; that upon Mr. Palmer's taking charge of the office I was promptly kicked out; that the Civil Service Commission procured my reinstatement for the purpose of transfer to the Treasury Department, where I had a brother, who was chief of a division. The facts are that Mr. Benedict did not bring me with him; that I served three and one-half months under the present administration of the Printing Office; that the records do not show that I was discharged and reinstated for the purpose of transfer; that the Civil Service Commission did not procure my transfer to the Treasury Department, and I never had a brother chief of division in that department.

My duties as secretary did not require me to make discharges or recommendations for discharges, and I deny that part of Mr. Landis's speech wherein he refers to my being the official headsman and making discharges. I will go further: If he can substantiate his statement in a single instance, I will relieve his distress over the fact of my now occupying a position in the classified service by promptly resigning.

In regard to the books kept by me, one of which was produced by Mr. Landis, I will state that they contain the names of every person employed in the Government Printing Office at the time they were made up. The deaths, resignations, discharges, and reinstatements were entered in them from time to time as the reports of the same came on my desk. They are in no sense my personal records, and are only private in so far as the Public Printer desires to keep them. I made very few memorandums in these books, principally in reference to other papers on file in the office. Every notation placed therein of "soldier," "soldier's widow," or "G. A. R." was there not as an indication of a reason for the discharge, but for the benefit of the person opposite whose name placed, and these notations were used by the Public Printer subsequently when making reinstatements.

Of the names read by Mr. Landis, which were gleaned from the three books, I recall 15 of these persons were reinstated by Mr. Benedict, among them being "soldiers" and "soldiers' widows." I am at loss to understand how this fact could have escaped Mr. Landis when looking over the books, as my rule was to record the reinstatement on the same line with the discharge. We will take, for instance, the citation: "James C. Toy, wagon messenger; discharged September 17, 1894; not willing; causes trouble; G. A. R." If I remember right, the Grand Army of the Republic had him reinstated in the office; certainly Mr. Benedict reinstated him because he was a "soldier."

Mr. Benedict, when he took charge of the office, deemed the force of employees in excess of the demands of the service and made reductions. In making dismissals in the divisions in which women were employed I know that it was his desire to retain, all things being equal, the needy women and to dismiss those who were best fitted and able to relinquish their positions.

It would seem that humane action would require that the Public Printer keep the woman who had no means of support other than her position in the office and discharge the woman whose husband was a lawyer and engaged in active practice or the woman who was living with her husband and he able to support her or the woman who was well to do and worked simply as a matter of choice and not of necessity.

In conclusion I wish to say that I have endeavored to give you a correct and impartial statement.

I am, with respect, very truly, yours, ALBERT BAKER.

Hon. JAMES G. MAGUIRE,
House of Representatives,

After receiving the letter from Mr. Baker which I have just read I called upon the present Public Printer for the three books to which the gentleman from Indiana [Mr. Landis] referred and from which he quoted in the course of his speech. The Public Printer very courteously and promptly sent the books to me, and I have them before me. I have carefully examined the three books and all the entries contained in them. I have gone through them thoroughly, and I say now that the gentleman from Indiana made a most unwarranted use of them.

They do not in the least tend to show any discrimination whatever against old soldiers or soldiers' widows by Mr. Benedict as Public Printer. On the contrary, an examination of the books shows conclusively that Mr. Benedict discriminated in favor of the old soldiers regardless of their political affiliations, and these very books show violent Republican partisans who were discharged by Mr. Benedict

in reducing the force in the Government Printing Office were reinstated by Mr. Benedict because they were veteran soldiers and in spite of the fact that they were bitter and vindictive Republican partisans.

The records of the Government Printing Office will show that when Mr. Benedict went out of office the last time there was a greater proportion of Union soldiers and soldiers' widows employed in the Government Printing Office than there had ever been before under any previous administration.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On June 22, 1914:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.

On June 23, 1914:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

On June 24, 1914:

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.;

S. 4377. An act to provide for the construction of two revenue cutters; and

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 8, 16, 18, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 24, and 25, and agree to the same.

CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

JOE J. RUSSELL,
J. A. M. ADAIR,
Managers on the part of the House.

The report was agreed to.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that House bill 12579, the unfinished business, be laid before the Senate and proceeded with.

There being no objection, the Senate resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Page	Smoot
Borah	James	Penrose	Sterling
Bristow	Jones	Perkins	Stone
Bryan	Lane	Pittman	Sutherland
Burleigh	Lee, Md.	Poindexter	Thomas
Camden	McCumber	Pomerene	Thompson
Chamberlain	Martine, N. J.	Reed	Thornton
Chilton	Myers	Saulsbury	Tillman
Clapp	Nelson	Shafroth	Vardaman
Clarke, Ark.	Newlands	Sheppard	Warren
Crawford	Norris	Shields	White
Culberson	O'Gorman	Simmons	Williams
Cummins	Oliver	Smith, Ariz.	Works
Dillingham	Overman	Smith, Ga.	
Gore	Owen	Smith, Mich.	

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. NORRIS. I desire to announce the necessary absence of the junior Senator from Iowa [Mr. KENYON]. I should like to have this announcement stand for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The bill is in the Senate, and the pending question will be stated.

The SECRETARY. The pending question is on the amendment of the committee on page 77, beginning in line 18, as amended by the amendment of Mr. WILLIAMS and the amendment of Mr. ASHURST on behalf of the Committee on Indian Affairs.

Mr. VARDAMAN. Mr. President, this question has been very thoroughly discussed. I am sure the Senate is anxious for a vote. I am going to consume but a very few moments. The question in a nutshell is this: Shall the Mississippi Choctaw Indians be permitted by Congress to share in the fund that has been accumulated by the sale of their lands—in other words, shall these people be given a square deal in the distribution of their own property?

Mr. President, the white man's inhumanity to the red man has been the subject of song and story and sermon since the first pale face put foot upon the Western Hemisphere. The Indian has been plundered; he has been exploited; his interest has been the sport of the speculator and the rapacious lawyer, and his rights have at all times been subordinate to the interests of everybody else. "Perfidious wrongs and immedicable woes" have been his portion since the white man became the ruler of this continent.

The distinguished Senator from Oklahoma [Mr. GORE] a few days ago animadverted upon the great wrong which the Indians had suffered at the hands of the lawyers, referring to the fact that they had paid as high as 33⅓ per cent to lawyers for the protection of their property rights. That is just treatment, Mr. President, compared with the treatment which is being accorded to the Mississippi Choctaws in this instance; that is at least two-thirds better treatment than these people are here to receive, for it is now proposed to take from them 100 per cent.

I am not going to speak of the genealogy of these people; I do not know whether or not they can prove their claims; but I do know, Mr. President, that they are Choctaw Indians; they are of the bone and flesh and blood of the Indians who are to share in the distribution of this fund in the State of Oklahoma. Nor am I asking the Senate to interpret a law; but, on the contrary, I am asking the Senate to write a law which will vouchsafe to these unfortunate people the enjoyment of their rights. As has been well said upon the floor of this Chamber, they have been neglected; they are ignorant; they are illiterate; they are thriftless; they know not their rights; they are not capable of maintaining them if they did; and if their rights are not protected here, they will go on as they have in the past, uncomplaining, and these silent, long-suffering stoics of the woods will never be heard from except through the voice of some one else. They are here now through myself and other Senators asking Congress to give them a square deal. Let the law be written so that the interests of these people may be looked after, so that the Secretary of the Interior or agencies to be created by this Government may go and ascertain the facts as to whether or not these are Choctaw Indians, and entitled to share in this benefaction which is awaiting them at the hands of Congress.

I sincerely hope, Mr. President, that when this question shall be voted on Senators will think of the helplessness of these people, and that they will realize that it is only through their action, their votes, that the rights of the Mississippi Choctaws are to be protected.

The Mississippi Choctaw as I know him personally is one of the genuine autochthons of America. He has been changed very little by the white man's civilization. He is practically the same creature described by Pope when he said:

> Lo, the poor Indian! Whose untutor'd mind
> Sees God in clouds, or hears him in the wind;
> His soul proud Science never taught to stray
> Far as the solar walk or milky way;
> Yet simple Nature to his hope has giv'n,
> Behind the cloud-topt hill, an humbler heav'n;
> Some safer world in depth of woods embrac'd,
> Some happier island in the wat'ry waste,
> Where slaves once more their native land behold,
> No fiends torment, no Christians thirst for gold.
> To be, contents his natural desire.
> He asks no angel's wing, no seraph's fire;
> But thinks, admitted to that equal sky,
> His faithful dog shall bear him company.

Unless the policy of the Government shall be changed, unless by the vote of the Senate to-day the rights of the Choctaw shall be protected in this bill, his happiness must necessarily be deferred until with his faithful dog he crosses the "cloud-topt hill" and enters the happy hunting ground. I can not believe that your sense of right will permit you to deny these wards of the Nation simple justice.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. As I understand—the Chair will correct me if I am wrong—the

question comes up now upon the committee amendment as amended by my amendment and as amended by a subsequent amendment, so the question comes up upon the entire amendment as twice amended?

The VICE PRESIDENT. The Chair last night, in the hope of expediting business, made a ruling that was perhaps not correct. The Chair announced last night that the vote would be on the amendment of the Senator from Mississippi, and not on the entire amendment, but it is immaterial to the Chair how the vote may be taken. If it is desirable to vote on the entire amendment, the Chair has no interest in it.

Mr. WILLIAMS. I understand that perfectly. I merely wanted to get the status correct. Then, those of us who favor the committee amendment, as amended by my amendment, will, of course, vote "yea."

Mr. OWEN. Mr. President, we desire that the amendment to the committee amendment proposed by the Senator from Mississippi shall be voted on on its own merits, and not that the vote shall come on the committee amendment as amended on the motion of the Senator from Mississippi. That would give us no opportunity at all of passing upon the merits of this proposal to reopen the Choctaw rolls, which the department has opposed reopening for seven years. We want to vote upon the proposition of the Senator from Mississippi, and not upon the joint proposition. I should like to ask the parliamentary status.

The VICE PRESIDENT. The Chair ruled last night that the question was on the amendment of the Senator from Mississippi, not that the Chair ruled correctly, but for the purpose of expediting the business of the Senate. The Chair understood that that was the only question that was in real controversy.

Mr. OWEN. Then, those who wish to support the contention of the Senator from Mississippi should vote "yea," and those desiring to support the Committee on Indian Affairs should vote "nay." Is that correct?

The VICE PRESIDENT. That is the view of the Chair. The Chair thinks, however, that a far better situation would arise if a motion were made to reconsider the vote whereby the amendment of the Senator from Mississippi to the amendment of the committee was agreed to as in Committee of the Whole.

Mr. OWEN. Then, the question now is on the adoption of the amendment proposed by the Senator from Mississippi?

The VICE PRESIDENT. The Chair has stated that the Chair believes that he made an incorrect ruling last night on the motion to lay on the table, but no Senator seemed to object; and the Chair is going to put the question now, Will the Senate concur in the amendment of the Senator from Mississippi to the committee amendment?

Mr. GORE. Mr. President, it is not my purpose to thrash this straw again. I wish to say merely one word in response to the very eloquent and the very pathetic appeal just made by the junior Senator from Mississippi [Mr. VARDAMAN].

I share the sympathy which he expresses for the Mississippi Choctaws, and I feel an equal sympathy and consideration for the Oklahoma Choctaws. It is not necessary to subject the Oklahoma Choctaws to delay or to privation or to suffering on account of any real or imaginary rights which might be alleged in behalf of the Mississippi Choctaws.

I suggested a few days ago that in 1820 and 1830 the white people were moving in large numbers into the State of Mississippi. It was their desire, and it was the desire of the General Government, that the Indians should be removed from the State of Mississippi to some region west of the Mississippi River. In order to consummate that design, in order to get rid of the Indians, a treaty was entered into in 1820 and another one in 1830. The Choctaws ceded a large tract of their land to the United States Government and received in return therefor the territory which they now occupy in the State of Oklahoma. The policy and design of the Government, be it remembered, were to get these Choctaws to leave Mississippi and to remove to the Far West. There were some Indians who would not go West. In order to make provision for them, the treaty stipulated that those who desired to remain in Mississippi and become citizens of the States should receive certain lands—a section of land to the head of a family, a half section to children over 10 years, and a quarter section to children under 10 years.

A number of the Indians qualified under that provision and received the land. More than a million acres of land were given to the Indians who qualified under that provision. Land scrip was issued, capitalized, and afterwards paid in the amount of $872,000 to the Choctaws who remained in Mississippi. In 1889 the Choctaws who neither received land nor scrip nor money in 1852 were given an opportunity to qualify in a court provided for the purpose, and $417,000 was distributed among those Choctaws. Three efforts have been made by the Government of the United States to satisfy any claim and any right on the part of the Choctaw Indians who remained in the State of Mississippi.

On the other hand, a number of Choctaws, subsequent to the first migration, removed to the State of Oklahoma between 1836 and 1892. They were encouraged to go by their brethren in Oklahoma; they were admitted to membership in the tribe; they were allowed to share the property of the tribe; every privilege was accorded to them. But in 1893 the Dawes Commission was created. Now, let it be remembered again that bona fide residence in Oklahoma has always been a condition precedent to membership in that tribe. The treaty itself, the patent itself, conveyed those lands to the Choctaws on condition that they should remove there; in other words, it stipulated that they should have and hold the lands so long as they existed as a nation and lived on the land.

In 1893, as I have said, the Dawes Commission was created with a view to winding up the affairs of these Indians. The Dawes Commission decided that the Mississippi Choctaws who had remained in Mississippi had no right to share in the tribal property of the Oklahoma Choctaws. An appeal was prosecuted from that decision of the commission to the Federal court in Oklahoma, and the Federal court decided that the Mississippi Choctaws remaining in Mississippi had no right to membership in the Oklahoma tribe and had no right to share in their property. An appeal was prosecuted to the Supreme Court of the United States, and the Supreme Court of the United States held that the Choctaws remaining in Mississippi had no right to share in the tribal property in Oklahoma.

Now, two decisions of the Federal court stand here in opposition to the pending amendment; but, Mr. President, notwithstanding those court decisions, in order that they might have their peace, in order that they might come into their own, out of an abounding generosity, the Oklahoma Choctaws in 1902 reopened their rolls and allowed 1,440 and odd Mississippi Choctaws who had removed to the State to be enrolled in the Oklahoma tribe and to share in the tribal property. That act of generosity cost the Oklahoma Choctaws $1,400,000.

But, Mr. President, this matter ought to be closed at some time. It has been pending for 84 years. Thrice has our Government tried to satisfy the Choctaws who remained in Mississippi; the Oklahoma Choctaws have repeatedly opened their doors and encouraged their kinsmen to come to Oklahoma; they encouraged them to come at the cost of $1,400,000. To-day they have $7,500,000 in cash in the Treasury, uncollected balances of $7,100,000, and unsold properties aggregating some $25,000,000 or $30,000,000.

Many of these Indians are, of course, amongst our most intelligent, enlightened, and successful citizens, but there are many full bloods. I had a letter yesterday from a full-blood Choctaw, appealing to Congress and appealing to the Senate to pass this per capita payment of $100. They have had five lean years, five dry years in Oklahoma. It has been a severe time upon many of the whites; imagine the severity upon the Indians, and particularly upon the full bloods. For three years they have had no per capita payment. Last year this proposition went out on account of the opposition of the senior Senator from Mississippi [Mr. WILLIAMS].

Now, since they are asking but for $2,700,000, which would leave $4,800,000 in the Treasury, and a large estate in addition to that, why subject the Oklahoma Choctaws, why subject the full bloods to privation, to hardship, and to actual suffering merely in order to speculate about the rights which, if ever determined in favor of the Mississippi Choctaws, there will be a superabundance of property to liquidate any claim they may possibly establish?

Mr. VARDAMAN. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. VARDAMAN. We were perfectly willing on yesterday and made the proposition to go on and pay the $100 per capita under the terms of the bill provided any disposition whatever was shown to deal fairly with the Mississippi Choctaws, and to ascertain what number of the Mississippi Choctaws were entitled to share in this benefaction. We do not want to delay the payment; I do not at any rate; I should be very glad to have the matter compromised and to let the Choctaws in Oklahoma, who are suffering from five lean years, have the $100 per capita if the Senator from Oklahoma will consent that the law may be so amended that the Secretary of the Interior may institute proceedings to ascertain who of the Mississippi Choctaws are entitled to share in the fund.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. GORE. I do.

Mr. POMERENE. I rose to ask a question of the junior Senator from Mississippi.

Mr. VARDAMAN. I shall be glad to answer it if the Senator from Oklahoma will permit me to do so at this time.

Mr. GORE. With pleasure; yes, sir.

Mr. POMERENE. The Senator from Oklahoma has just given a recital of the various settlements which were made with the Mississippi Choctaws by the United States Government. Does the Senator from Mississippi concede the correctness of that statement?

Mr. VARDAMAN. I concede the correctness of the statement that an effort has been made several times to ascertain who are entitled to share in this fund; but I also concede, and it will not be denied, that when the rolls were closed in 1907 the Indian Commissioner said that he had not had time to complete the investigation; and I also know that there are something like 1,100 Choctaws in Mississippi who stand in relation to this fund equally with those who were permitted to go to Oklahoma and participate in it. Now, we know they are there. We know they are entitled to it in morals. That they have failed to take advantage of the opportunities I confess, but they did so because they did not know their rights, and they had nobody to instruct them as to their rights. I am simply asking now that the Congress give them an opportunity; and if they are not entitled to it under the law and under the treaty, then of course they will not share it.

Mr. POMERENE. Mr. President, as I understood the statement of the Senator from Oklahoma, there was first a grant of land to those Choctaws.

Mr. WILLIAMS. If the Senator will pardon me, there was a promise of land.

Mr. POMERENE. Just let me finish my question.

Mr. WILLIAMS. There was a promise of land, but no land.

Mr. VARDAMAN. No; the Mississippi Choctaws got nothing.

Mr. GORE They got a million acres of land.

Mr. POMERENE. As I understood, the Senator said that they got either land or land scrip.

Mr. GORE. Yes, sir; over a million acres.

Mr. POMERENE. Then, secondly, I infer that there was some other dissatisfaction, and a certain sum of money was granted to the Mississippi Choctaws. I am simply interested in knowing what the facts are about the matter, and I wanted to know what was the difference between the two propositions.

Mr. VARDAMAN. These people there have all the moral rights that the Mississippi Choctaws had who went to Oklahome in 1907. They just failed to take advantage of this privilege; that is all. They are there. They deserve it. They are entitled to it. It is theirs.

Mr. POMERENE. Mr. President, do the records show who were the recipients of this land scrip and of this money so that we can ascertain?

Mr. VARDAMAN. I do not think the record shows that any of the Mississippi Choctaws in Mississippi now have ever shared in it at all.

Mr. POMERENE. Is there any way of showing whether or not these Mississippi claimants or their ancestors received this scrip or this money?

Mr. VARDAMAN. I suppose so.

Mr. OWEN. Mr. President, may I answer the Senator from Ohio?

Mr. GORE. I yield to my colleague.

Mr. OWEN. Under the treaty of 1830 a number of Choctaws received lands in Mississippi, estimated by my colleague—and he has recently hunted it up—at a million acres of land. After that Murray & Vroom made a list of those who ought to have been enrolled as fourteenth-article claimants in 1830. There were 4,100 Choctaws who were on the Murray & Vroom roll, and between 1838 and 1855, 3,400 of them moved from Mississippi to Oklahoma. Afterwards, before the Curtis Act of 1898 was passed, 700 more moved, according to the records. Those lists are shown on the muster rolls in the Indian Office. So that of the 4,100 found entitled by Murray & Vroom 4,100 moved.

Since that time, and when the Congress determined to break up the Five Tribes and their government, Congress in 1896 ordered the Dawes Commission to make up these rolls. I represented the Mississippi Choctaws and applied for their enrollment in 1896. The Dawes Commission refused to enroll them, because they had not moved to Oklahoma. I took the matter on appeal to the United States court presided over by Judge Clayton. He decided in the Jack Amos case that because they had not removed he would not enroll them. The matter was then appealed to the Supreme Court, and they held that the decision of Judge Clayton was final under the law.

From 1898 up to 1907, nine years, the Dawes Commission were considering various individual Mississippi Choctaws. They went down to Mississippi in 1898 and made a tentative list of those who appeared to be of Indian blood—a list of 1,900 people, some of them full bloods, some of them half bloods, and some of less degree—but the Dawes Commission reported at the same time that these people could not prove their rights under the fourteenth article of the treaty of 1830, because they could not prove who their ancestors were, and they could not prove that their ancestors had complied with that agreement. That was the roll referred to by the Senator, who said that 1,100 of those never were finally admitted; but after March 10, 1899, when this list was made, the Dawes Commission sent expedition after expedition into Mississippi and elsewhere to consider the individual claims of anyone who could prove himself entitled; and in addition to that the Choctaws and the Chickasaws agreed that they would waive the matter of evidence and would not require them to prove their descent from an ancestor who had complied with the treaty of 1830, but if they could show themselves to be full-blooded Choctaws, and if they would, after being notified that they were so recognized, within six months remove to Oklahoma and live there for three years, they should be enrolled.

Mr. POMERENE. What year was that?

Mr. OWEN. It was in 1902 that this compromise was made of this question. Under that agreement with the Choctaws and the Chickasaws, made an act of Congress and approved by the vote of the Choctaw people and approved by the vote of the Chickasaw people, 1,642 of these people from Mississippi were brought into Oklahoma to divide this property of the Western Choctaws, estimated by my colleague at $1,400,000. Now, after 18 years of effort to close these rolls, after 7 years since the Congress of the United States by an act did close these rolls, the Senators from Mississippi, moved by the activity of some of their citizens, are urging the reopening of these rolls. It means the opening of Pandora's box. The Interior Department has reported against it time and again. We are entitled to our peace, and the committee ought to be supported in this matter.

I hope my colleague will pardon me. I did not know I was going to make a speech.

Mr. GORE. Yes, sir; with pleasure.

I wish to say further to the Senator from Ohio that in 1852 an appropriation was made by Congress of $872,000 to pay the Indians for the latter half of the land scrip which had not been issued. In 1889 the Mississippi Choctaws who had received neither land nor scrip nor money under the act of 1852 were given $417,000. It was distributed among them, some 192 families, I suppose representing a thousand individuals.

Mr. WILLIAMS. May I ask the Senator where those so-called Mississippi Choctaws were at that time?

Mr. GORE. I think the 192 families were in Oklahoma.

Mr. WILLIAMS. Yes; and, as a matter of fact, all of these distributions the Senator is referring to were made to Choctaws in Oklahoma.

Mr. GORE. Oh, no.

Mr. WILLIAMS. Every one of them.

Mr. GORE. The distribution of 1852 was made to Choctaws in Mississippi. It was the land scrip which was given to them on the very condition that they did remain in the State of Mississippi.

This matter has been pending now for 84 years. The General Government has thrice made an effort to satisfy the Mississippi Choctaws who remained in that State. If they have any claim against anybody it is a moral claim only against the Government of the United States.

Mr. OWEN. They have not any claim against the Government.

Mr. GORE. So far as that is concerned, they have no claim against the Government. Twice the courts have decided that they have no right to share in the Oklahoma property. I do not know how many efforts or how many cases there must be, or how long this is to be continued. There have been three efforts by the General Government and two decisions by the court. If it is to be pursued until ultimately they get a decision in their favor, if that policy should be pursued in litigation, there never would be an end to judicial controversies or to controversies of any character.

It would seem that these three efforts on the part of the General Government and these two court decisions, and even subsequently to that the voluntary opening of their roll to the Choctaws at such an enormous expense, ought to show that at least the Oklahoma Choctaws have acted in good faith. To

penalize them now, to subject them to privation and in many instances to want, is an instance of man's inhumanity to man which no one can justify, least of all to the involuntary wards of this great and generous Government.

Mr. WILLIAMS. Mr. President, once upon a time somebody came to Benjamin Franklin, I believe, and asked him why he did not reply to a certain argument which had just been delivered. He said: "To reply is easy; to silence is impossible."

I have already replied to every point that has just been made by the two Senators from Oklahoma. I have called the attention of the Senate to the fact that they have been using the phrase "Mississippi Choctaws" in an ambiguous sense, calculated to mislead; that when I use the term "Mississippi Choctaws" I am referring to the Choctaws who are now residing in Mississippi; and they get up here and give you a long list of things that have been done for so-called Mississippi Choctaws who are residing in Oklahoma and who are not known by me as Mississippi Choctaws at all. Of course all Choctaws were at one time Mississippi Choctaws, except those who went from Alabama.

Mr. OWEN. The law describes them.

Mr. WILLIAMS. The law describes the Mississippi Choctaws, as far as it describes them in the act of 1902 at all, as I have defined them, to wit, the Choctaws who are in Mississippi. We undertook in 1902 to make provision for those Choctaws who are now in Mississippi, and the Senators keep going back historically to all the legislation that ever was enacted concerning Choctaws who originally lived in Mississippi but afterwards moved to Oklahoma and are living there now. They are there to-day.

Mr. OWEN. We have taken good care of one group after another until we are worn out.

Mr. WILLIAMS. If you have taken good care of one group after another until you are worn out, it would have been better for you to have taken care of all the groups at once. At any rate, the fact is not disputed that a number of them are there now, and they are very much more Indian than the Senator from Oklahoma is, and very much more Indian than anybody here is. They are full-blood Indians, they are half-blood Indians, they are quarter-blood Indians; and I offered yesterday to take care of the full bloods and the half bloods only and let the balance go in an amendment I offered to an amendment offered by the Senator from Arkansas [Mr. CLARKE].

All that we are trying to do is to see to it that the distribution of this fund is not begun—and if it once begins, it will be finished before they are through with it—until these people have had a proper chance. Why, there is nobody who will deny, because the argument of the senior Senator from Oklahoma would stare them in the face if they did, that there were 1,110 of them on the roll pigeonholed down here for eight years; and yet you come up and say they did not move to Oklahoma. Why, they never got any notice that they could move to Oklahoma. They were to be given six months after the final approval of the rolls, and the rolls were not finally approved. Then the bar of the statute of limitations was pleaded against them.

Again and again and again it has been said upon the floor that the Supreme Court of the United States decided that these Choctaws in Mississippi had no rights in Oklahoma unless they had moved there, and yet the fact is that the Supreme Court never decided anything of the sort. The Supreme Court of the United States decided, under the peculiar jurisdiction granted to the Federal courts in the Indian Territory at that time, that Congress had intended to give those courts the final say upon the question, and therefore that the Supreme Court of the United States had no jurisdiction by way of review or on appeal, and the case was sent out because of the lack of jurisdiction. There was a peculiarly constructed act in which the Federal courts were given the final say without right of appeal from those Federal courts.

It is not even true that all the Federal courts in Oklahoma decided that way. One of those Federal courts decided that the Mississippi Choctaws—and when I say "Mississippi Choctaws" I mean Choctaws living in Mississippi—had a right independently of removal to the Choctaw Nation; and another, presided over by Judge Clayton, decided that they had none except founded upon their removal. It was from Judge Clayton's decision that the then citizen of Oklahoma, now a Senator from Oklahoma, Mr. ROBERT L. OWEN, took the appeal in the Jack Amos case; and there it was that the Supreme Court decided that under the peculiar wording of that act it had jurisdiction; that no appeal lay to it; that the decision of Judge Clayton was final, and settled the question, on the ground that Congress had vested that authority in the Federal court, just as I explained the other day that when Congress vests a certain authority in the Bureau of Immigration or the Immigration Commissioner to deal with the matter or immigration, or when it vests a certain authority in the Postmaster General to stop the delivery of fraudlent mail, for example, the courts refuse to consider the matter any further because the legislative branch seems to have determined that the consideration should stop there.

All that we are asking is just what I have asked before. Reference has been made to a compromise. Why, you would think from that that the Mississippi Choctaws—meaning the Choctaws living in Mississippi—had something to do with some agreement. They never had anything to do with it. It was a compromise between the Government of the United States and the Choctaws living in Oklahoma. The Mississippi Choctaws were left out of consideration and literally cut off.

Now, Mr. President, I am going to earn as far as I can the unbounded gratitude of the Senate by not repeating over and over again what I have already said in answer to arguments which this morning are a mere repetition of what had also previously been said.

Mr. LANE. Mr. President, I wish to say for the information of the Senate that I was acting chairman of the Committee on Indian Affairs when this matter was presented by the junior Senator from Oklahoma [Mr. GORE]. I was not in favor of it then, nor am I now, and I shall vote against it for the reason that it has struck me that here is a payment which if we make, as we are requested to do, will perhaps be building up another one of the claims against the Government, on the ground that there are rights belonging to unrepresented people, just rights which have been ignored, upon which they may hereafter be entitled to found a claim, and the Government and the people of the United States will have to pay this money over again. The fair thing to do will be to first ascertain the standing of all these people, without prejudice to anyone, and pay them what belongs to them.

These great claims which the Government is having to pay and these large attorneys' fees which are being collected are all founded upon mistakes in legislation, due to the fact that Congress passes measures without knowledge of the circumstances.

I may be mistaken, and it may be that the Mississippi Choctaws are not entitled to a cent of this money, yet that has not been clearly demonstrated; and until it is, it seems to me, it is our duty, as independent, unprejudiced representatives of both classes of these claimants, to refrain from making appropriations out of a fund which will be diminished and thereby perhaps deprive honest claimants of their share in the same.

I felt that, in justice to myself and the Senate, I should say that much.

Mr. GORE. Mr. President, I shall impose on the patience of the Senate but one moment longer. I appreciate the importance of those who are engaged in a controversy of this sort to use the same word in the same sense. Otherwise no discussion can proceed intelligently. When I use the term "Mississippi Choctaws" generally, I mean the Choctaw Indians who did not remove to Oklahoma under the treaty of 1830, but who remained in the State of Mississippi and whose descendants are in Mississippi to-day, or in some other State than the State of Oklahoma.

Now, that is what I mean when I use the term "Mississippi Choctaw." When I allude to the allotment of lands to the head of a family under the treaty of 1830, I mean the Mississippi Choctaws who remained in the State of Mississippi. When I speak of the issuance of land scrip to the Mississippi Choctaws, I mean to the Choctaws who remained in the State of Mississippi. When I speak of the distribution of these moneys under the act of 1852 to the Mississippi Choctaws, I mean the red men of that tribe who remained in the State of Mississippi.

Now, then, there is one use of the term which is rather misleading. Under judgments liquidated and distributed in 1889, $417,000 went to the Mississippi Choctaws. Those Mississippi Choctaws did live in the State of Oklahoma, but they received $417,000 on the ground that they were Mississippi Choctaws, and it was money that the Oklahoma Choctaws otherwise would have received.

That is my definition of the term "Mississippi Choctaws." I received a letter yesterday from a man in New York stating that his father was a Choctaw, living in Mississippi in 1830, and that he ought to be allowed to head in on Senator WILLIAMS'S amendment. I have been told, though I can not vouch for the statement, that some 40,000 claimants would protest, if this amendment were passed, that they ought to be allowed to share in the tribal estates of the Oklahoma Choctaws.

There is one other point. The Senator from Mississippi says that the treaties were made and these laws were passed with reference to the Oklahoma Choctaws, and that the Mississippi Choctaws remaining in Mississippi were never consulted. That is entirely true. The Government of the United States never has since 1830 treated the Mississippi Choctaws living in Mississippi as members of the Choctaw Tribe. The Government of the United States negotiated a treaty with the Choctaw Tribe of Indians in 1855. That was with the Choctaw Nation living in Oklahoma. Of course, the Mississippi Choctaws were not taken into account, because the Government did not treat them as Choctaws until and unless they removed. The Government of the United States negotiated a treaty in 1866 with the Choctaw Tribe living in Oklahoma. The General Government took no account of the Choctaws living in Mississippi. It did not consider them as members of the tribe. They are Choctaw Indians, but they are not citizens of the tribe.

Mr. WILLIAMS. If the Senator will pardon me a moment, how can he say that, in view of the fact that the fourteenth article of the Dancing Rabbit treaty of 1830 expressly provided that they should have the privilege of citizenship of the Choctaw Nation?

Mr. GORE. That is true; but plainly that they should remove to Oklahoma in order to enjoy those privileges.

Mr. WILLIAMS. On the contrary, the fourteenth article refers only to those Choctaws remaining in Mississippi, and it is to them that the privileges of Choctaw citizenship are guaranteed.

Mr. GORE. It says these particular Choctaw citizens shall not be deprived; but if they remove, they shall not be allowed to share in the annuities.

Mr. WILLIAMS. That is right.

Mr. GORE. The annuities accrued to those who went at the time, and if these Mississippi Choctaws decided to go later and avail themselves of the privileges of Choctaw citizens they could not have the annuities; but, of course, they should have the land and the other rights which accrued to the citizenship of the tribe.

Mr. WILLIAMS. In other words, the fourteenth article gave them all the privileges of Choctaw citizenship, with this proviso, that if afterwards any of the Indians so designated desired to remove to Oklahoma, then they should not get their share of the annuities; it was to be payable only to those who had removed.

Mr. GORE. Who went at the time.

Mr. WILLIAMS. In every other respect they were citizens of the Choctaw Tribe.

Mr. GORE. Certainly. If they should go to the Oklahoma country, they were denied the right to share in the annuities; but they should have a share of the land and the other property. The purpose was to urge them out of Mississippi. It was a lure held up before their eyes, to get them to leave Mississippi, notwithstanding they should also in the first instance take land, and that in case they did subsequently go they should share all the rights, privileges, and property of the Choctaw Tribe.

Mr. WILLIAMS. If the Senator will pardon one more interruption, I will not bother him any more. The Senator himself is a Mississippian and he knows that, although these people were promised a certain section of land and all that sort of thing, under Ward's administration and subsequent administration, except as to those who went to Oklahoma, very few, indeed, of them ever received anything. Certain chiefs and subchiefs were mentioned in the treaty.

Mr. GORE. There were 1,142 families, I think, if the Senator will pardon me.

Mr. WILLIAMS. I was going to say that certain chiefs and subchiefs were mentioned in the treaty. We know how that always occurs. The chiefs and subchiefs have influence with the tribe to get them to agree to a treaty. Those mentioned in that treaty did receive their land. I have forgotten how many Ward issued patents to, but only a little over 100.

Mr. GORE. I think less than 100.

Mr. WILLIAMS. Although the treaty did say they should receive the land in Mississippi, as a matter of fact they did not receive it, except a few people, less than a hundred in number; that is, those named in the treaty—the chiefs and subchiefs to whom the douceur went.

Mr. GORE. It is true that under Mr. Ward's superintendency, I think, less than 100 received land. That was in 1836 and 1837; but in 1842, in order to rectify his misconduct, a commission went down and enrolled 1,142, representing some 4,000 Indians, who received either land or land scrip or money, representing in all a million acres of land.

Mr. WILLIAMS. They did not stay in Mississippi.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the Senator from Georgia [Mr. WEST] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. Unless I can secure a transfer I shall refrain from voting.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED], and withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the affirmative). I voted, but I neglected to announce my general pair with the senior Senator from Tennessee [Mr. LEA] and the transfer of that pair to the junor Senator from Michigan [Mr. TOWNSEND].

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. THOMAS. I am informed that the Senator from New York [Mr. ROOT], with whom I am paired, and myself are in accord on this question. I will therefore vote. I vote "yea."

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. POMERENE. The senior Senator from West Virginia [Mr. CHILTON] is detained from the Chamber on official business. I was requested to announce that he is paired with the Senator from New Mexico [Mr. FALL].

Mr. OWEN (after having voted in the negative). I wish to inquire whether the Senator from Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I then transfer my pair with that Senator to the Senator from Indiana [Mr. SHIVELY] and allow my vote to stand.

Mr. BANKHEAD. I wish to transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

The result was announced—yeas 33, nays 21, as follows:

YEAS—33.

Bankhead	Martin, Va.	Ransdell	Thornton
Borah	Martine, N. J.	Sherman	Tillman
Bristow	Nelson	Shields	Vardaman
Chamberlain	Norris	Smith, Ariz.	Weeks
Crawford	Oliver	Smoot	Williams
Cummins	Overman	Sterling	Works
Dillingham	Page	Sutherland	
Jones	Penrose	Swanson	
Lane	Perkins	Thomas	

NAYS—21.

Ashurst	James	Owen	Simmons
Bryan	Lee, Md.	Poindexter	Thompson
Camden	Lewis	Pomerene	White
Clarke, Ark.	McCumber	Robinson	
Gore	Myers	Shafroth	
Hughes	Newlands	Sheppard	

NOT VOTING—42.

Brady	Fall	Lea, Tenn.	Smith, Md.
Brandegee	Fletcher	Lippitt	Smith, Mich.
Burleigh	Gallinger	Lodge	Smith, S. C.
Burton	Goff	McLean	Stephenson
Catron	Gronna	O'Gorman	Stone
Chilton	Hitchcock	Pittman	Townsend
Clapp	Hollis	Reed	Walsh
Clark, Wyo.	Johnson	Root	Warren
Colt	Kenyon	Saulsbury	West
Culberson	Kern	Shively	
du Pont	La Follette	Smith, Ga.	

So the amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on concurring in the amendment as amended.

Mr. OWEN. I move to strike out from the committee amendment the Choctaw Indians, and with it the amendment proposed by the Senator from Mississippi. This is now far more embarrassing to the State of Oklahoma. It will result in very great disorder. I make that motion with a view to eliminating these controverted questions at this time. That will omit the payment to the Choctaws and omit, therefore, the amendment of the Senator from Mississippi.

Mr. WILLIAMS. My amendment as it is worded does not embarrass the Chickasaws at all.

Mr. OWEN. The Senator misunderstood my observation. I move to strike out the term "Choctaws," so as to omit the Choctaws entirely, and with it to omit the amendment of the Senator from Mississippi, which the Senator from Mississippi thought necessary. That would leave the Chickasaws and Cherokees who were not in this controversy to receive the per capita and leave the Choctaws without any action. It is much better to do that, because this matter may involve the United States in very great loss.

Mr. WILLIAMS. If the committee amendment as it was adopted stands, and if my amendment to the committee amendment as adopted stands, it does not interfere at all with the distribution to the Chickasaws, because the amendment reads:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined—

And so forth.

The Chickasaws will receive their distribution under it as amended, and it is useless to try to make the point that they will be in any degree embarrassed. My amendment does not refer to them in the slightest degree. It says only that the distribution shall not be made to the Choctaws until Congress shall have had, and so forth. The Senator, in other words, would rather get rid of the distribution to the Choctaws in Oklahoma of $100 per capita than to see an opportunity given to the Mississippi Choctaws to have Congress right their wrongs. I am not going that far. I want the Choctaws in Oklahoma to have their distribution, and I want them to have it whenever Congress shall have determined the rights of the Mississippi Choctaws. I am not willing to see adopted the motion now made by the Senator from Oklahoma to strike out the Choctaws in Oklahoma, because I have secured an amendment squinting at giving rights to the Choctaws in Mississippi, and thereby punish the Choctaws in Oklahoma because the Senate has adopted my amendment. The amendment as passed does not affect the Chickasaws at all; it does not affect any tribe of the Five Civilized Tribes except the Choctaws in Oklahoma.

Mr. OWEN. That is why I have moved to strike it out, Mr. President.

Mr. WILLIAMS. Yes; but the Senator, in saying that, went on to say something about leaving it free to be distributed to the Chickasaws. It is free to be distributed to the Chickasaws now, but I do not want the Choctaws in Oklahoma punished because the Senator has seen fit to try to do justice to the Choctaws in Mississippi. I hope the amendment offered by the Senator from Oklahoma will not be adopted.

Mr. OWEN. Mr. President, I insist upon the amendment to strike out of this per capita payment the Choctaws, and to strike out with it all the amendment which the Senator from Mississippi seems to insist upon so urgently. In that way it will leave the payment to the Chickasaws and Cherokees unembarrassed by this controversy over the Choctaw question.

Mr. WILLIAMS. There I want to make a point of order that, in so far as the Senator's amendment is to strike out my amendment to the amendment, it is not in order, because it is precisely the same question which was voted upon by the Senate a moment ago.

The VICE PRESIDENT. As to that part of the amendment the Chair would be compelled to sustain the point of order. There is no way now known to parliamentary law to get rid of this amendment except to reconsider the vote whereby it was adopted.

Mr. OWEN. Mr. President, I move that the Senate reconsider the vote whereby the amendment to the amendment was adopted.

The VICE PRESIDENT. The question is on the reconsideration of the vote whereby what the Chair calls the Williams amendment was adopted.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Is that in order at this stage? It was moved to reconsider the vote by which the amendment was agreed to in Committee of the Whole and a separate vote was called for upon it in the Senate. That presents the same question over again. I merely put that inquiry to the Chair.

The VICE PRESIDENT. The Chair holds that a motion to reconsider the vote whereby the amendment was adopted is in order.

Mr. WILLIAMS. Very well.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. WILLIAMS. In order to have a full Senate present, I suggest the absence of a quorum. A good many Senators have left the Chamber.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Lane	Perkins	Smoot
Bankhead	Lee, Md.	Pittman	Sterling
Bryan	McCumber	Poindexter	Sutherland
Burleigh	Martine, N. J.	Ransdell	Thomas
Camden	Myers	Robinson	Thompson
Chamberlain	Nelson	Shafroth	Thornton
Clapp	Newlands	Sheppard	Vardaman
Clarke, Ark.	Norris	Sherman	Weeks
Crawford	Oliver	Shields	White
Gore	Overman	Simmons	Williams
Hughes	Owen	Smith, Ariz.	Works
James	Page	Smith, Ga.	
Jones	Penrose	Smith, Mich.	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. OWEN. I only ask for a viva voce vote, and will not detain the Senate.

Mr. WILLIAMS. I make the point of order that the Senator from Oklahoma having voted against the proposition on the last roll call can not now move to reconsider.

Mr. OWEN. I withdraw my motion.

The VICE PRESIDENT. The question is, then, Will the Senate concur in the amendment as amended in Committee of the Whole?

The amendment as amended was concurred in.

Mr. GORE. Mr. President, following the amendment of the Senator from Mississippi I send to the desk an amendment, the adoption of which I now move. I think it will be accepted by the chairman of the committee and also by the Senator from Mississippi.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Following the amendment of Mr. WILLIAMS it is proposed to insert the following:

Unless the consent of the United States shall have previously been given, all contracts made with any person, or persons, now or hereafter applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto, are hereby declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall comprise an offense against the laws of the United States, punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both, and lands allotted to such applicants, whether Indians or freedmen, shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under the laws of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. WHITE. Mr. President, I notice from the reading of the amendment that it says certain acts shall "comprise an offense." I suggest that the word "constitute" be substituted for the word "comprise."

Mr. GORE. I ask that the amendment be modified in that way.

The VICE PRESIDENT. Without objection, the amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The VICE PRESIDENT. The bill is in the Senate and open to further amendment.

Mr. GORE. I gave notice of another amendment which I would present. It is an amendment which I tendered, as in Committee of the Whole, in relation to the extension of certain payments. I now move the adoption of the amendment in the Senate.

Mr. WILLIAMS. Let us hear the amendment, Mr. President.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. At the proper place in the bill it is proposed to insert:

The Secretary of the Interior is authorized in his discretion to grant a further extension or extensions of time on the payments described in the act entitled "An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma," approved April 27, 1912: *Provided*, That accrued and unpaid interest shall be treated as principal: *Provided further*, That no payment shall be deferred beyond the time prescribed in the act herein cited and no forfeiture of entry shall be declared except for fraud, and all entries heretofore canceled except for fraud may be reinstated without prejudice.

Mr. ASHURST. Mr. President, so far as I am concerned as the chairman of the committee, I have no objection to the amendment, provided the last sentence is stricken therefrom, following the word "fraud." I do not think it would be fit and proper for the Senate at this time, without further consideration, to revive any claim that has been canceled. I do not know what my future judgment on the question might be, but at this particular time I must insist that lines 2 and 3 on page 2 of the printed amendment be eliminated. I move, therefore, to strike

out the words "and all entries heretofore canceled except for fraud may be reinstated without prejudice."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona to the amendment of the Senator from Oklahoma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OWEN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert in the proper place in the bill the following:

That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and the supplemental agreement of June 30, 1902, and other laws and treaties providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of $1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of $1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred, upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of such allotments up to the treaty standard value of allotments of $1,040. Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified and prosecuted by the national attorney for the Creek Nation.

Mr. LANE. Mr. President, I should like to ask the Senator if this matter has been considered by the committee or whether it is a new proposition?

Mr. OWEN. Yes; it was considered by the committee and was favorably reported; but as reported it involved some other things. I have a right to offer it in the Senate. I have stricken out the latter part of it and so modified it as to still give the right to these people to be heard in court.

Mr. SMOOT. I notice that this is virtually an amendment that was considered when the bill was before the Senate as in Committee of the Whole. I want to ask the Senator if he reserved the right to offer this amendment in the Senate?

Mr. OWEN. I do not remember as to what the RECORD shows as to that.

Mr. SMOOT. I hardly think the Senator made the reservation.

Mr. OWEN. It is not the same amendment. The amendment that was considered as in Committee of the Whole involved a boundary line of the Creek Nation. That is not in this amendment at all. It also involved certain fees to attorneys, and that is stricken out.

Mr. SMOOT. I noticed the amendment and followed it and I see that all that was in this amendment was in the amendment that was considered when the bill was in Committee of the Whole.

Mr. OWEN. Yes; it is a part——

Mr. SMOOT. And therefore the Senator, to be well within his rights, should have reserved the amendment to offer in the Senate; and if he did not reserve that right then, it is out of order to offer it at this time.

Mr. OWEN. I do not recall whether I did reserve the right or not, but it is not the same amendment. It strikes out the question relating to the boundary line and deals only with the right of these individuals to the equalization of funds; that is all.

Mr. SMOOT. But the amendment is not offered as an amendment to any part of the House bill. Of course the Senator would have a perfect right to do that. This is an amendment of itself, a new subject matter entirely; and, as I state, unless the Senator reserved the right to offer it when the bill was in the Senate, it is clearly out of order at this time, and, as I remember, there was no reservation made by the Senator from Oklahoma.

The VICE PRESIDENT. The Chair understands that this went out on a point of order.

Mr. OWEN. This was involved in that which did go out on a point of order.

The VICE PRESIDENT. Yes; on a point of order. If it went out in the Committee of the Whole on a point of order, the Chair does not well see how it could be reserved for consideration in the Senate, and the Chair thinks that the bill is open to amendment in the Senate.

Mr. OWEN. I offered this form of the amendment in the Committee of the Whole, and withdrew it because I thought the Senator from Oregon [Mr. LANE] was going to make a point of order on it. I afterwards learned that I was mistaken as to his purpose, and he did not make the point of order on it; but I withdrew it, thinking he was going to do so.

Mr. LANE. I do not remember it that way, Mr. President. If my memory serves me right, I did make the point of order against this particular item, and the Senator refers to another item which followed afterwards. If this is just, I have no objection at all to it.

The VICE PRESIDENT. This amendment is now offered to the House text of the bill.

Mr. OWEN. I think it is open to a point of order, if any Senator desires to make it. I hope it will not be made, because these people ought to be allowed to have their day, which they have not had.

Mr. LANE. Not knowing what the circumstances are, and yet having become rather gun shy of a good many of these amendments, I will not make any objection to it, but will give it an opportunity.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBINSON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 43, line 20, after the word "expended," it is proposed to insert:

Provided, That not to exceed $100,000 shall be expended under this appropriation unless the Attorney General of the United States shall, after submission to him by the Secretary of the Interior of a request for an opinion, hold affirmatively that in his opinion the Indians, under existing law, are protected and confirmed in their water rights.

Mr. ROBINSON. Mr. President, the amendment is intended to safeguard the water rights of the Indians on this reservation. The Committee on Indian Affairs of the Senate reported a provision which was also intended for that purpose, but the provision went out on a point of order. After much discussion an amendment which I offered on a previous occasion was defeated. That amendment contemplated that the State of Montana should be called upon to protect the water rights of these Indians before this appropriation was fully expended. That amendment was defeated on yesterday.

This amendment merely requires that before the total appropriation shall be expended the opinion of the Attorney General must be obtained by the Secretary of the Interior to the effect that the water rights of these Indians are confirmed and protected. It contemplates that $100,000 of the appropriation may be expended before that requirement is met.

I do not know that I can add anything to what has been said heretofore concerning the necessity of taking some precaution to prevent the benefits of these expenditures of Indian money accruing in the end to white persons. This is certainly an amendment which anyone who wants the rights of the Indians protected might agree to. It merely contemplates that before the greater part of the appropriation shall be expended the opinion of the Attorney General shall be obtained that the benefits will accrue to the Indians.

I submit the matter to the Senate now for such action as it desires to take. I wish to say to the Senate, however, that there is a day of reckoning coming. We can not continue to expend Indian moneys for the benefit of white settlers, and we can not wisely continue to construct these irrigation works without safeguarding the rights of the Indians and seeing that they secure at least a reasonable part of the benefits arising from the appropriations which are made out of their funds.

Mr. MYERS. Mr. President, I think the amendment is unreasonable, illogical, and inconsistent. This is another onslaught on the Flathead reclamation project, which was authorized by this Government 8 or 10 years ago, and no objection was ever made to it until this year. No complaint has ever been made. According to the amendment, if the Attorney General should decide that the rights of the Indians are not properly safeguarded, we are going to throw away $100,000 and spend it without warrant or justification.

Mr. ROBINSON. Yes; but we are going to save the balance of the $4,000,000 which the Senator said yesterday would be necessary to complete the construction of these works.

Mr. MYERS. If this is wrong, then the $100,000 should not be expended.

Mr. ROBINSON. If the Senator objects to that feature of the amendment, I will strike out the provision in regard to the $100,000 and modify it so that it will provide that no part of the appropriation shall be expended until the opinion of the Attorney General has been obtained.

Mr. MYERS. The Senator may modify it in any way he wishes, but I am opposed to it as an onslaught on this reclamation project, which has been authorized by the Government, which has been prosecuted in good faith, which is for the benefit of the Indians as well as the whites; and the Indians are getting their benefits out of it. They were allotted their lands first. They had the choice of the land, and they took the best land. That land, in 80-acre tracts, is of no value to the Indians

unless they can get water on it. The allotment has already taken place. The Indians have given up their tribal rights to the land willingly and voluntarily, and have taken 80-acre allotments. As long as water is not put on those 80-acre allotments they are of no benefit to the Indians. The sooner this project is completed, and the more money that is appropriated for it, and the more rapidly it is prosecuted, the sooner the Indians will get water on their lands and be where they can be self-sustaining. If this is cut off now, they are simply up in the air. They can not get their land back, and they can not get their water, and they will be where they will have nothing.

If this is not a good project, it should have been determined long ago; and if they want to stop it now, they will have to throw away over a million dollars which has been already spent on it. This should be an outright appropriation, as has always been the case, or none at all. I want to say that this is a project where there never has been a complaint lodged by a Flathead Indian that he was not getting his right.

Mr. ROBINSON. Mr. President——

Mr. MYERS. I have never had any complaint, and the committee has never had any, so far as I know.

Mr. ROBINSON. Will the Senator from Montana yield to me?

Mr. MYERS. Certainly.

Mr. ROBINSON. I stated yesterday, in reply to a similar statement from the Senator from Montana, that a number of complaints had been made to the Joint Commission to Investigate Indian Affairs. My memory as to the testimony that has been already submitted is not perhaps entirely complete, but I do recall that some testimony was submitted to the effect that the Indians are deprived of any water under this reclamation project until about the 1st of July; that they never get water for their crops until the white settlers have had all the water they want; and that complaint is quite general among the Indians.

That statement was made to me by an Indian who is in the gallery now. It was made to me on yesterday. The testimony, I think, was offered before the joint commission some months ago. The Senator from Oregon [Mr. LANE] is present now and was present when that testimony was offered. The condition which exists on the Flathead Reservation is not different from the condition that prevails on many other reservations where large amounts of monev have been already expended, and where much larger amounts must be expended before the works are complete.

I do not like to introduce any amendment here which is objectionable to my friend from Montana; but I am discharging what I believe to be a duty as a Member of this body, and a duty to the Indians of the United States, and that is to see that when we expend large sums of their money we take some precaution to require that the expenditures shall result in benefits to them.

Mr. MYERS. Mr. President, I never heard of any such complaint. At any rate, it has not been made to the Senate Committee on Indian Affairs. If there is any complaint, however, that the Indians do not get their water until the 1st of July, neither this amendment nor any other amendment like it would remedy the situation. That is a matter of which complaint should be made to the Interior Department, to the authorities of the Reclamation Service in charge of this project.

If that is the case, it is in the power of the Secretary of the Interior or the Commissioner of Indian Affairs or the engineer in charge of the Reclamation Service to remedy it. It is something that Congress can not remedy. This amendment would not reach that. If they do not get their water before the 1st of July this amendment would not touch any such complaint. That would be the fault of the Reclamation Service; and if proper complaint is shown and proper proof is made, I believe the chief engineer or the Indian Commissioner, or even the Secretary of the Interior, would investigate and give attention to it and cause it to be remedied.

This amendment, however, is radically wrong. There is no justification for it. No complaint has ever been lodged before Congress or before the Committee on Indian Affairs that would justify it, and I hope it will be defeated.

Mr. SUTHERLAND. Mr. President, of the series of amendments that have been proposed with reference to these water projects, I think perhaps this is the most remarkable of all.

Under the law of Montana, as under the law of all the arid-land States, before anybody can acquire a right to water certain things must be done. There must, first of all, be notice of appropriation. That, I understand, has been given by the Interior Department in these cases. Following the notice, the works which are intended to divert the water must be constructed, and following the construction of the works there must be an application of the water to the land for a beneficial use.

Every one of those steps must be taken before these Indians or anybody else can acquire any right to the water for irrigation purposes in the State of Montana or in any of these other States; so it would be an impossible thing for the Attorney General to find that these Indians have any present right. Whatever rights they have are inchoate in character. They have simply given notice and have begun the preliminary work of constructing these irrigation works. If this appropriation is withheld, or subsequent appropriations are withheld, and the works are never completed, of course the Indians can never acquire a right at all; so the Senator might as well move to strike the appropriation out of the bill altogether. The Attorney General can only reply, as I understand the law, that these Indians have taken the preliminary steps to acquire a water right, and that in order to protect their rights they must have the very appropriation which the Senator's amendment would withhold.

Mr. ROBINSON. Mr. President, will the Senator from Utah yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. Has the Senator read the testimony appearing on page 227 of the hearings before the Senate committee on the present bill? I will address the same question to the Senator from Montana.

Mr. SUTHERLAND. I have read some parts of the hearings. I have not read them all, by any means.

Mr. ROBINSON. Does the Senator know that these lands on the Flathead irrigation project are appraised at from four to seven dollars per acre, and that the white people are purchasing them at that amount? Does the Senator know that?

Mr. SUTHERLAND. I have not read that.

Mr. ROBINSON. I will state to the Senator that that is the undisputed fact, according to Mr. Newell. I want to read a little of the testimony that relates to this subject, to show the Senators just what will be the result of this appropriation if some provision is not made in the bill safeguarding the rights of the Indians.

Mr. SUTHERLAND. Mr. President, I am perfectly willing that the Senator shall read whatever he pleases to read, but no testimony could alter the situation. We are dealing not with a question of fact but with a question of law. If these Indians must comply with a State law in order to secure water rights, we can not alter that situation, whatever the facts may be, by any legislation on the part of Congress.

Mr. ROBINSON. Mr. President, if the situation is such that the Indians can not confirm their water rights, I do not think any Senator will want to go ahead and appropriate $4,000,000 of money to complete this irrigation project, especially if it is known in advance that the benefits of it can not redound to the interest of the Indians. I think we ought to provide some safeguards, and that it is a part of the duty of the Senator from Utah, if he will permit me, as well as part of my duty, to see that while we are incurring all of these expenses on the part of the Indians they shall have some benefit out of this appropriation.

What is going to happen here is what has happened on a great many other reservations where these irrigation projects have been constructed and are being constructed. The circumstances under which the appropriations are made, and the character and condition of the Indians themselves, are such that they lose all rights to the lands; that after the project has been constructed the white people acquire them with the water rights, and the Indians go off of the reservation, and they have paid for substantial benefits which have in this way accrued to white persons.

What is there that is unreasonable about asking the Attorney General of the United States whether he thinks, if we go ahead and spend this Indian money, the Indians will get their water rights? Do you want to make the Indians pay $4,000,000 more if you know in advance, or can ascertain in advance, that the white people are going to get all the benefit of it?

Mr. MYERS. No; I will say that I do not. They will get the water rights, however, and they are getting them, and there never has been a complaint that they were not getting them.

Mr. SUTHERLAND. Mr. President, I think I have the floor.

The VICE PRESIDENT. Yes; the Senator from Utah is entitled to the floor.

Mr. SUTHERLAND. I yielded to the Senator because I thought he desired to propound some interrogatory to me. Has the Senator something he desires to ask me?

Mr. ROBINSON. Yes. What is the objection of the Senator to providing that this appropriation shall not be expended if the Attorney General of the United States declares that in his opinion it will not accrue to the benefit of the Indians?

Mr. SUTHERLAND. Mr. President, the Senator evidently was not listening when I stated the objection a moment ago. It is that we know in advance what the Attorney General must say if he states the law, namely, that these Indians have no present right any more than a like number of white men similarly situated would have a present right. If a number of white men were expending this amount of money for the purpose of finally appropriating water under the laws of Montana, they would have to go ahead and make their investment of money and complete their appropriation under the law; and that is all the Attorney General can say. We know in advance what these Indians have to do in order to acquire this water right. They must complete this work, and if they complete the work and put the water which they have already taken the preliminary steps to appropriate to a beneficial use, then they have a prior right. If they do not do that, then they have no right. We can not give the Indians of Montana by some act of Congress a right to acquire water under the laws of Montana that the ordinary citizens of Montana would not have.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. We have the right to place any limitation we think is reasonable and right on the expenditure of the Indians' money?

Mr. SUTHERLAND. Yes, Mr. President.

Mr. ROBINSON. Does not the Senator from Utah think we ought to place such a limitation on the use of this money as will guarantee that the benefits of it shall accrue to the Indians?

Mr. SUTHERLAND. The Senator from Arkansas is wasting his time in asking me that question. If I thought we ought to pass this amendment, I would not be opposing it; I would be speaking in favor of it. I am saying all the time it is an amendment which ought not to be adopted, because it is an utterly meaningless and futile provision to put into the bill. It can not advance the cause of these Indians one bit.

If it be true that these Indians can not acquire any water rights in Montana, then of course we ought to make no appropriation for them; but we are proceeding upon the theory that the notice has been given; that all the preliminary steps which, if followed up, will ripen into a right have been taken; and in view of that we are making the appropriation. If we are mistaken about that, if they never can acquire any water right at all, then it follows we ought not to make the appropriation.

Mr. LANE. Mr. President, I am informed that these Indians never asked for this irrigation scheme and that they have protested against the expenditure of their money for this purpose; that they have been pressed into it by their guardians, and their land is being held for all of it, while they will receive but a fraction of the benefit. It is a great wrong that is being perpetrated on them. This may not be the way of correcting it, but it ought to be corrected, for the reason that if there is any justice this Government will have to repay these Indians for the money of which they are being defrauded.

Mr. SUTHERLAND. If the Senator feels that way about it he ought to be against this appropriation altogether.

Mr. LANE. I am going to vote against it.

Mr. SUTHERLAND. But it is proposed to attach to it a perfectly absurd and meaningless proviso, and that is what I am complaining about. I do not quarrel with the Senator if he thinks this is an unwise appropriation to make and chooses to vote against it.

Mr. LANE. It is wicked.

Mr. SUTHERLAND. Then the Senator ought to vote against it.

Mr. LANE. I am going to vote against it.

Mr. SUTHERLAND. I understood that the Senator had been in favor of it all the time.

The Attorney General can do no more than report that these Indians at the present moment have an inchoate right to this water, something which the Senate of the United States knows quite as well as the Attorney General, and that if they want to perfect the right and obtain the water for use upon their lands they must expend the money, complete the work, and put the water to a beneficial use. We know all that in advance just as well as if the Attorney General tells us.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I yield to the Senator.

Mr. WORKS. I am not familiar with the conditions supposed to be affected by this amendment. What does the Senator from Utah understand to be the present status of the Indian right, of his claim to this water?

Mr. SUTHERLAND. I understand it to be this, and I ask the Senator from Montana to correct me if I am not stating it accurately: I understand that the Interior Department, complying with the laws of the State of Montana, has posted the requisite notice that they intend to appropriate for the benefit of these Indian lands certain waters from certain streams; that following that notice they have begun the work of constructing whatever reservoirs or dams or canals are necessary in order to make the appropriation effectual. We have already expended some money in the way of doing that work. About $1,000,000 I think has been appropriated. Now we propose by this item to appropriate additional money to go on with that work. The right of the Indians is the same as the right of the white men would be in that country.

Mr. WORKS. Has there been an actual diversion of the water?

Mr. SUTHERLAND. There has not yet been an actual diversion of the water, but when the works are completed and the water is applied to the land, then, in accordance with the universally recognized law of the arid region, their rights will relate back to the preliminary steps.

Mr. WORKS. Subject to any prior claims.

Mr. SUTHERLAND. Subject to any prior claims, but not subject to any intervening claims. If when this notice was given there was unappropriated water in these streams, the Indian rights will attach whenever they put the water to a beneficial use, provided it is done within a reasonable time.

Mr. WORKS. How are we going to determine whether their money ought to be expended for the purpose of prosecuting that work by any reference to the Attorney General?

Mr. SUTHERLAND. We can not. The Attorney General can reflect no light upon it. The Attorney General can tell us exactly what we know, that they must go ahead and complete their appropriations. We know that. If the Senate thinks it is unwise to expend money because the final appropriation and acquirement of right to the water is doubtful, then we would be justified in refusing the appropriation altogether. We are not justified in making the appropriation and asking the Attorney General for an opinion upon a matter of law which Senators from the arid-land States understand quite as well as the Attorney General.

Mr. ROBINSON. May I ask the Senator a question?

Mr. SUTHERLAND. I was about to yield the floor, but if the Senator desires to ask me a question I yield for that purpose.

Mr. ROBINSON. I will make a statement, and perhaps the Senator from Utah will either confirm it or correct me if it is erroneous.

This is a so-called Indian reclamation project; that is to say, it is being constructed at the expense of the Indians on the Flathead Reservation. The estimated cost of this improvement is $6,000,000. The Assistant Commissioner of Indian Affairs testified before the House committee that in his opinion it ought not to be constructed as an Indian reclamation project at all, but it ought to be constructed as an ordinary reclamation project, and that the Indians ought to be required or permitted to pay their pro rata share of the cost of the project.

I refer to page 233 of the hearings already mentioned—the hearings before the House committee on this bill.

In the same testimony it appears that these lands belonging to the Indians sell for from $4 to $7 an acre, and after they are irrigated they are worth, according to the testimony of Mr. Newell, from $100 to $500 an acre. What is actually going on out there is this: The Indians are building a reclamation project; the lands which they own and which are embraced within the project are being sold at from $4 to $7 an acre; and their money is making these lands which are so sold worth, according to the testimony of Mr. Newell, $100 to $500 an acre, and they are getting practically no benefit from it.

Mr. MYERS. I should like to be permitted to remark at this point, if the Senator please, that from $4 to $7 an acre is all the lands are worth without any water. The water is all that makes the lands worth anything. Before water is put on them they are wholly unproductive to the Indian or anybody else. If it was not for this reclamation project they would all be worth but from $4 to $7 an acre.

Mr. ROBINSON. That is probably true; but here is a reclamation project being constructed against the protest of the Indians.

Mr. MYERS. I should like to ask the Senator where he got that statement. What proof has he of that?

Mr. ROBINSON. The statement was made by the Senator from Vermont [Mr. PAGE] in the hearings I have referred to before the Senate committee, that these Indians had objected, and the statement was repeated by other members of the committee.

Mr. MYERS. It is simply a statement of the Senator from Vermont; but what Indians have ever objected?

Mr. ROBINSON. The statement of any Senator is good for the Senator from Arkansas—the statement of the Senator from Vermont, as the statement of the Senator from Montana—but——

Mr. MYERS. If the Senator is informed of the fact, that is different; but if he merely renders an opinion, it may or may not be good.

Mr. LANE. I have heard that statement by Indians who lived near there, and I have heard that statement made before the committee. I understand that this suit which has been brought by the Conrad Investment Co. for taking the waters——

Mr. MYERS. I want to say, just to show how near right the Senator from Oregon is, that the Conrad Investment Co. is not on the Flathead Reservation; it is not within 400 miles. That is the Blackfeet Reservation.

Mr. LANE. It is the Blackfeet, I know.

Mr. MYERS. We are not discussing the Blackfeet; and now let us have the facts about the Flatheads.

Mr. LANE. That is what I am talking about. I am informed that some complaint exists among the Blackfeet.

Mr. MYERS. If the Blackfeet Indians are stating the troubles on the Flathead Reservation, all right.

Mr. LANE. Anyway, the fact remains that the Indian money is being expended and they are not receiving the benefits.

Mr. MYERS. They are getting all the money back.

Mr. LANE. He is not getting a proper hearing in the case, for the reason that the time is limited and we are giving him no means to buy implements to farm.

Mr. MYERS. There has never been a Flathead Indian who made a complaint that I am aware of. The Flathead Indians write me and send word here that they want this reclamation project hurried up and finished.

Mr. LANE. Then you have the Indians before the commissioner that was here. The Commissioner of Indian Affairs is sustained by the superintendent of the reclamation fund.

Mr. MYERS. If there are any Indians finding fault with this, I should like to have it read.

Mr. ROBINSON. Now, I will read some of the testimony to which I have referred on page 228 of the hearings. This question was asked by Senator LANE.

Mr. MYERS. Of whom?

Mr. ROBINSON. Of Mr. Newell:

Senator LANE. What is that appraised value?
Mr. NEWELL. Four dollars to $7 an acre, I think. They did that with the knowledge and belief that those lands were to be irrigated in the way proposed by Congress. There are literally hundreds, if not thousands, of settlers living there believing thoroughly that Congress will construct a complete irrigation system, not only to the Indian lands, but to their lands, and we have had most pitiable requests, and such requests have doubtless come to you, to expedite the extension of those lands to take in more of the white lands.

Omitting part of the testimony:

Mr. NEWELL. My impression is, Senator, that the water appraisement becomes subject to the land—the cost of the water is appraised to the land irrigated.
Senator FALL. Then this appropriation should read: "One-half to be reimbursable," instead of all reimbursable out of the Indian funds?
Mr. NEWELL. That is technical.
Senator FALL. That would be correct, would it not? It would relieve the Indians of the burden.

* * * * * * *

Senator LANE. What is this land worth after irrigation?
Mr. NEWELL. I would hardly dare to say. I suppose that irrigated and cultivated it is worth in alfalfa at least $100 to $150 an acre, and in fruit, $500 an acre.
Senator LANE. And the Indians get $4 an acre?
Mr. NEWELL. Raw land, before anything is done with it, $4 to $7 an acre.
Senator LANE. How much is raw land under a project like that worth, subject to irrigation?
Mr. NEWELL. With a reasonable certainty of getting water it is worth its full appraised value.
Senator LANE. $4 an acre?
Mr. NEWELL. $7 an acre. If you can not get water it will be worth practically nothing.
Senator LANE. But where you can get water?
Mr. NEWELL. If there is a reasonable certainty, or if contiguous to lands to which water has been supplied, I suppose the raw lands would be worth $40 to $50 an acre. I do not think you could buy them to-day for that.

On page 231:

Senator PAGE. Do you say to us that you fully justify the project or the methods under which it is conducted, the taking of the Indians' money for this great project and letting him take a chance of loss or gain hereafter?
Mr. NEWELL. I think he is taking no more chances——
Senator FALL. He is taking chances of loss and not of gain?
Senator MYERS. How is he taking any chance?
Senator PAGE. He has often protested against it.
Mr. NEWELL. I beg pardon, I never heard of any protest.

Mr. MYERS. I should like to know just where that comes from that the Flathead Indians have often protested. I should like to see one protest.

Mr. ROBINSON. I am reading the statement of Senators.

Mr. MYERS. The Senator from Vermont says it.

Mr. ROBINSON (reading):

Senator LANE. Oh, yes.
Senator PAGE. We have heard protests here within a week.
Mr. NEWELL. Was he really a representative of his people?
Senator PAGE. He said they do not like to have their property there encumbered by these large mortgages without being conferred with; without being consulted. It seems to me they ought to be consulted at least before we mortgage their lands as heavily as they are mortgaged now.

Mr. MYERS. I should like to say at this point, if the Senator will permit me, that there were a lot of Blackfeet Indians down here this spring hanging around the committee rooms all the time, but if there was a Flathead Indian in the city of Washington this year I never heard of it and I never met him.

Mr. ROBINSON. It does not mattter whether there was a Flathead Indian in the city of Washington or not.

Mr. MYERS. I think they were Blackfeet Indians who were making these complaints.

Mr. ROBINSON. A great many delegations of Indians have come here, some regularly authorized representatives and some not, but the fact of the matter is that in view of this record it is difficult to justify the construction of this reclamation project at the expense of the Indians. It means the expenditure before it is completed of $6,000,000.

Now, supporting that statement, I take the testimony of Assistant Commissioner Meritt on page 232 and following:

Mr. MERITT. This Flathead irrigation project is a very large project that is being constructed by the Reclamation Service under contract with the Secretary of the Interior. This project, when completed, will irrigate about 150,000 acres of land.
Senator FALL. That is, the Reclamation Service does the work and the Indian Service pays for it?
Mr. MERITT. Yes, sir; out of appropriations provided by Congress. When this project is completed it will irrigate about 75,000 acres of Indian land and about 75,000 acres of white land.

Now, listen:

The method of financing this project is as follows: Congress makes appropriations out of the Treasury for the construction of this project to be reimbursed out of the funds of the Indians.

Listen. Seventy-five thousand acres of the white man's land and 75,000 acres of the Indians' land, and every dollar that is being expended to construct this work, both for the whites and for the Indians, is being reimbursed in the first instance out of the Indians' fund. Of course, if it proves profitable, it will be reimbursed to the Indians in the end, in so far as the white lands are concerned.

Mr. MYERS. I will say to the Senator there can be no doubt about its being profitable. According to the testimony produced there, water put on the land makes it worth from $100 to $150 an acre. There can not be any doubt about its being profitable.

Mr. ROBINSON. Yes; but the Indians do not get the water.

Mr. MYERS. There is nothing to prevent them from getting their share of water.

Mr. ROBINSON. Just a minute. Under this process of constructing at the expense of the Indians an irrigation project to water the white land and the Indian land, I make the statement that it is my conviction that, while the Indians are paying the entire expense of it, the whites are getting practically the entire benefit of it.

Now, that is not a new condition. It has occurred time and time again before. I expect to submit hereafter some further statements——

Mr. MYERS. Allow me just to submit this statement.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from California?

Mr. ROBINSON. I take great pleasure in yielding to the Senator from California.

Mr. WORKS. As I understand this amendment, it simply allows the Government to expend $100,000 without determining whether the Indians have any rights or not, and after that amount of money is expended we should stop there and get an opinion from the Attorney General as to whether the Indians have any rights or not. What I should like to ask the Senator is whether the inquiry should not be made before we spend the $100,000?

Mr. ROBINSON. I think it should, Mr. President. The same suggestion was made by the Senator from Montana. I shall ask leave to so modify my amendment that no part of this appropriation shall be expended until the chief law officer of the Government says that in his opinion it will accrue to the benefit of the people who pay for it. It is a question of honesty; a question of fairness. I accept the suggestion of the Senator from California.

The PRESIDENT pro tempore. The Senator from Arkansas modifies the amendment proposed by him by striking out the limitation.

Mr. ROBINSON. So as to read as follows: "That no part of this appropriation shall be expended," and so forth, "until," and so forth.

Mr. WORKS. I am quite anxious myself to protect any rights that the Indians have in this water. In that respect I sympathize entirely with the Senator from Arkansas. I think it is going to be a very difficult matter, however, I suggest to the Senator, for the Attorney General to determine the rights of these Indians in waters of the stream in advance, as has been suggested by the Senator from Utah [Mr. SUTHERLAND]. Certainly the authorities dealing with this question should have determined that matter at the time of the initiation of these proceedings, and unless there was water there to be appropriated and proper steps were being taken to that end, the Government should never have expended any money at all. I do not know how much money has been expended there.

Mr. SUTHERLAND. A million dollars.

Mr. WORKS. The Senator from Utah says there has been a million dollars expended on that project. Now that we have spent a million dollars we are talking about stopping here to inquire whether the Indians have any rights in the stream. That is rather a singular condition of things as suggested to my mind.

Mr. ROBINSON. Of course, when that is disclosed it seems to anyone unaccountable that Congress should contemplate spending approximately $5,000,000 more on this project; and it occurs to me, even if we did begin this project without due consideration, before we expend this $5,000,000 of somebody else's money that we are trustees for, and under a sacred obligation to spend for their benefit, we ought to first find out that they are going to get the benefit of it.

Now, then, to show you that this is not a mere fancy upon my part, this is the opinion of representatives of the Bureau of Indian Affairs. The assistant commissioner testified on page 233 as follows:

> Senator MYERS. At this point I will ask, was $4 or $5 an acre all the raw land without any water on it was worth? What do you think about that?
>
> Mr. MERITT. If the project is to be financed entirely out of Indian funds I believe it is an injustice to the Indians; that they should get the benefit of the increased value that their money adds to this land, because their money is providing the funds with which to construct the irrigation project and the irrigation project increases the value of the raw lands from $4 to $5 an acre to something like $50 an acre. This situation can not be justified from the Indian standpoint for another reason.

I ask the attention of the Senator from Utah to this statement:

> This situation can not be justified from the Indian standpoint for another reason. The Government is advancing the Indian funds to construct an irrigation project and absorbing all the money that they derive from the sale of their land and timber to reimburse the Government for the money advanced. These Indians have been allotted irrigable land; they are without funds with which to make use of the land that has already been allotted to them simply because those funds have to go back into the Treasury to reimburse the Government for the construction of this irrigation project.
>
> This project will cost, when completed, approximately $6,000,000. The Indians of that reservation have ample resources to guarantee to the Government this amount. It is estimated they have resources amounting to more than $13,000,000, but those resources should not be used, in our judgment, in this way.
>
> I believe, and I think the Commissioner of Indian Affairs believes, that this project should be constructed not as an Indian project, but as a reclamation project and permit the Indians to pay their pro rata share of the cost of this project.

Now, we have the case of a doubtful project, according to this testimony, constructed entirely at the Indian's expense, that is reimbursable out of the Indian fund, watering in equal amounts Indian lands and lands belonging to white settlers, 75,000 acres of each class. Why not at least require that one-half of the expense of the construction work shall be paid for out of the reclamation fund and the half which is required to water the Indian lands out of the Indian funds, to be reimbursable?

Mr. MYERS. I should like to answer the Senator's question at this juncture.

Mr. ROBINSON. I take pleasure in yielding to the Senator.

Mr. MYERS. It is because the demand on the reclamation fund for projects now under way is so very great and so pressing that the Reclamation Service claims that it has need for all the money in the reclamation fund and more for projects already started and now under headway, and because, in the opinion of everybody who has investigated this proposition, except Mr. Meritt, this project on the present basis is absolutely safe to the Indians, and they take no chances whatever. The land is there as security for the money. The land is worth all that it is necessary to bring to reimburse the Indians. It would be hard to get the Government to put this under the expenditures of the Reclamation Service, when the Reclamation Service is already hard pressed for funds and when, in the opinion of everybody else who has ever investigated it, it is a sound and safe business proposition on a legitimate basis. The land is worth the money, and if we just go ahead with the project, instead of abandoning it, the Indians will get their money; and they are not complaining. That answers the question.

Mr. LANE. I should like to make just one interjection right there.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from Arkansas yield?

Mr. ROBINSON. I yield first to the Senator from Oregon.

Mr. LANE. You can get at the outside $7 an acre for the land, and it will be resold for about $40.

Mr. ROBINSON. But when you take into consideration the fact that the Indian is advancing the funds which according to the undisputed testimony of Mr. Newell will make the land worth from $50 to $500 an acre, why should not the Indian be entitled to the increase in value which the use of his funds brings to the lands?

Mr. MYERS. Then, when a man buys a raw product and pays all the raw product is worth and it is manufactured into a superior article, he should also pay for the increased value of the manufacture.

Mr. ROBINSON. I think the illustration of the Senator from Montana is an unfortunate one for him. If the owner of the raw product furnishes the factory and the labor to manufacture the raw material into the manufactured product, I insist that he ought to have the benefits of the increased value of the manufactured product.

Mr. MYERS. The Government of the United States is furnishing to the Indians the raw land. The Indian furnishes nothing.

Mr. ROBINSON. That statement is technically right. The Government first advances the fund and the Indian reimburses it.

Mr. MYERS. The Government of the United States is furnishing the water, and that is what makes the increased value.

Mr. ROBINSON. But the Government of the United States can not furnish water, unless the Senator from Montana has come to my contention that under some circumstances the Government furnishes water.

Mr. MYERS. By appropriation.

Mr. ROBINSON. I now yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to say, Mr. President, in view of the explanation given by the Senator from Montana [Mr. MYERS] of the reason why the reclamation fund should not be used for the purpose of paying the white man's share of this reservoir construction, that the embarrassments are largely due to what I consider the unlawful diversion of $10,000,000 of money from the reclamation fund for the purpose of constructing a dam and reservoir in the southern part of New Mexico with which to reclaim less than 14,000 acres of public land and 180,000 acres of land in all, a large portion of which is for the citizens of the Republic of Mexico.

Mr. MYERS. Of course I can not help that, Mr. President.

Mr. ROBINSON. Supplementing what the Senator from Colorado [Mr. THOMAS] has suggested, I will say that I do not think the Indians on the Flathead Reservation or on any other reservation should be the victims of a mistake in our general reclamation policy.

Mr. THOMAS. I fully concur with that opinion of the Senator from Arkansas.

Mr. ROBINSON. Now, Mr. President, I think it is entirely competent and proper before expending this sum, since there is a dispute about it, that Congress ascertain in the best way that it can whether this will redound to the benefit of the people who are to pay for it. There can be no objection to this amendment on the part of anybody who wants to make certain that the Indian will get the benefits which arise from the expenditure of his funds. I submit this question, Mr. President, for the action of the Senate.

Mr. WORKS. I should like to ask the Senator from Arkansas, before he takes his seat, whether he has investigated or knows in any way to what extent the Indians take advantage of the right they have to use water for irrigation purposes; that is to say, to what extent they have become farmers or husbandmen and really use the water that is at hand and belongs to them?

Mr. ROBINSON. Mr. President, that is a very important question, and it has been my duty, in connection with others, to look into that somewhat extensively. The Indian is very slow to avail himself of the privilege of using water for irrigation purposes. The Indian is not naturally an agriculturist. The Government, however, has declared its policy in more ways than one of converting the Indians into an agricultural people. If

we are to do that, it is a part of my general argument that we must provide on their reservations a sufficient amount of water to make the reservations reasonably productive in an agricultural way. The subject which arises under the question of the Senator from California presents one of the broader aspects of the problem connected with the Indian Service, one of the great difficulties that is confronting the Indian race.

Mr. WORKS. The question suggested itself to my mind because if the Indians are not going to use this water for beneficial purposes, we may be making another great mistake in the expenditure of millions of dollars for the purpose of storing and appropriating this water for the use of the Indians, who will not use it when they have the privilege of doing so.

Mr. ROBINSON. That is true, Mr. President.

Mr. THOMAS. Mr. President, I am in hearty sympathy with the sentiments which have been so well expressed here upon this subject by the junior Senator from Arkansas [Mr. ROBINSON], but I am unable to agree with him as to the importance or even the expediency of this amendment. If I understand the amendment correctly, it will impose upon the Department of Justice of the Government the duty of reporting not upon a question of law, but upon a question of fact. The amendment seeks to obtain an opinion from the Attorney General of the United States as to whether this appropriation, if expended, is going to inure to the benefit of the Indians. That is purely a question of fact, and not a question of law.

The legal aspects of the situation are, to my mind, perfectly clear, and consequently I am unable to perceive in what way this amendment, even if adopted, can be of any benefit to the Indians or to anybody else.

Mr. WORKS. Mr. President——

Mr. THOMAS. I yield to the Senator from California.

Mr. WORKS. I suppose that if the Attorney General is called upon to give an opinion on this question he will be compelled to investigate the prior appropriations from the beginning to determine, in the first instance, whether there is any surplus water there to be appropriated. It would be an immense undertaking.

Mr. THOMAS. Mr. President, the Senator from California is exactly right. Not only that, but the Attorney General would also have to determine the extent to which flood-water appropriations have been made for the purpose of building this reservoir and the system of irrigation after it shall have been completed.

Mr. PAGE. I wish, before the Senator passes final judgment on this matter, as this is purely a question of fact, he would consider for a moment the attitude of the department with reference to it. It is claimed here in the Senate that under State laws the man who first appropriates has the first and best right to the water. That, I think, is the view of the Senator from Colorado.

Mr. THOMAS. The man who first appropriates to a beneficial use.

Mr. PAGE. Yes: who appropriates to a beneficial use.

Mr. THOMAS. Yes.

Mr. PAGE. The department takes a different view of the matter. They claim that under the Winters case there was an implied reservation of the waters of the Milk River to the extent necessary to irrigate this particular project. I will read the identical language of the Supreme Court. It is found on page 378 of the House hearings:

> The Supreme Court, in the case of Winters *v.* United States (207 U. S., 564), said that "The power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

That, I understand, was the ruling of the entire court, with the exception of one member.

Mr. THOMAS. Under the State law, certainly. Under the State law there is no possible doubt about the correctness of that opinion. If the Senator will read it again, he will discover that there is a recognition of the very principle for which the Senator from Utah was just contending.

Mr. PAGE. I should like to read it again, because I can not see the matter in the light the Senator has suggested.

> The Supreme Court, in the case of Winters *v.* United States (207 U. S., 564), said that "The power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

Note the language of the decision:

> The power of the Government to reserve the water can not be denied.

Mr. THOMAS. I misapprehended the meaning of the Senator.

Mr. PAGE. Let me go a little further, because this particular case has another important feature connected with it, which is, that before Montana was admitted to the Union certain rights existed. I want to read the statement of the Supreme Court upon that point:

> The Supreme Court further said in this case that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes which was not affected by the subsequent act of February 22, 1889 (25 Stat. L., 676), admitting Montana to the Union, and that the water of the Milk River can not be diverted so as to prejudice the rights of the Indians by settlers on the public lands and those claiming riparian rights on that river.

I am not going to try to be more wise than the Supreme Court and say that the court ruled wrongly. I am giving you what the Supreme Court said on this case.

Mr. THOMAS. Mr. President, I am reasonably familiar with that decision, although I have not read it for a good while. That decision does recognize in the Government the right to make a reservation of water from that particular stream for the benefit of the Indians. If that were the only decision of the Supreme Court upon the general subject, there could be no doubt about the effect of it in its application to enterprises of this sort; but, Mr. President, I think I can say without exaggerating that this opinion is an exception to the general line of decisions of the Supreme Court of the United States upon this very important subject which have been made by that court both before and since that decision was handed down.

It is a general principle, and I think it has been fully recognized by all the courts from the earliest days of settlement in the arid regions and in the mining sections of the Union in the West, that rights to water and to the use of water depend upon appropriation and diversion to a beneficial use. That principle has been crystallized into national legislation for many years—ever since the act of 1866—a section relating to the subject being found in the Revised Statutes as early as 1872. Since the decision in the case to which the Senator from Vermont has called my attention, which has been read here during the course of this discussion, and in the two hundred and thirteenth United States, as I remember, the Supreme Court has denied even to the Government itself the right to the use of water needed for general governmental purposes unless that right is acquired by compliance with the laws of the particular State where that decision originated, my general recollection of that case being that the Government had a certain appropriation of water for a military post and needed a greater supply, which it assumed to take by virtue of the sovereign power of the Government. That interfered with the rights of others, and the Supreme Court of the United States went so far as to hold, and to hold properly, that even the Government could not utilize the waters of that stream except by complying with the requirements of the statutes of the State where public ownership of water independent of riparian rights is one of the absolute essentials to settlement, and consequently to community life.

In the case of Kansas against Colorado, a case involving a controversy over water rights between the citizens of those States along the line of the Arkansas Valley and watered by the stream of that name, the United States Government sought to interfere, and based its right of interference upon its ownership of vast stretches of public domain through which the tributaries of the Arkansas River and the river itself in certain parts ran, but the Supreme Court of the United States held that the title to those waters was in the State, subject to appropriation by its citizens for beneficial uses, and that as a consequence the Government could not upon that ground or any other ground assert any interest that gave it the right to intervene in and become a party to that controversy.

Mr. PAGE. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. PAGE. Mr. President, I should like to ask the Senator this question: If by a treaty with the Indians the waters of the Milk River had been especially reserved for them by name, by description, and by boundaries, and to an extent sufficient to irrigate their reservation, and if that treaty was made before Montana was admitted to the Union as a State, does the Senator say that the rights of the State of Montana would be paramount?

Mr. THOMAS. As to that particular treaty and that particular reservation I should hardly say that if it were done before the State was admitted into the Union——

Mr. PAGE. That is the case here.

Mr. THOMAS. Because in the case to which I have referred, the Kansas and Colorado case, the right of the Government in the Territories concerning this question is conceded to be much more extensive and general than in the States of the Union, but the effect——

Mr. PAGE. Mr. President——

Mr. THOMAS. If the Senator will pardon me—the effect would be to limit that decision and the principle announced by the treaty upon which it is founded.

Mr. PAGE. But as I understand, Mr. President, that is the case here. The treaties, as I understand it, referred to one particular river, the Milk River, which supplies the water for the Indians' use on the Flathead Reservation. The court did not say that this reservation was made in terms, but it said that:

> There was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes.

Mr. THOMAS. Yes; the Supreme Court decided in that case that the treaty established that reservation.

Mr. PAGE. Then, does not that take this particular case about which we are talking to-day out of the general law?

Mr. THOMAS. Yes; the particular case here might be taken out of the general law—the general law upon the subject.

Mr. PAGE. That is the point I make, Mr. President.

Mr. THOMAS. But that is not the amendment offered by the Senator from Arkansas. That amendment, as I understand, imposes upon the Attorney General the duty of informing Congress or the Department of the Interior, or both, whether this money, if expended as this bill provides, will inure to the benefit of the Indians. That is merely a question of fact.

Mr. PAGE. May I interrupt the Senator upon that point for a moment?

Mr. THOMAS. Certainly; I am always glad to yield to the Senator.

Mr. PAGE. We have had a long discussion upon this matter in the Senate, in which the most distinguished lawyers in the body have held that this particular decision was wrong.

Mr. THOMAS. As a general proposition, it certainly is wrong, in my humble opinion. As applied to the specific facts in the Milk River case it may not be wrong.

Mr. PAGE. If the Supreme Court has held in the case of the Milk River Reservation that the water rights were, by an implied reservation, held for the benefit of the Flathead Indians, and if the best lawyers in this Senate insist that the Supreme Court has wrongly held, then is there not presented a question of law, as well as of fact?

If the law as interpreted by the Senator from Colorado and other Senators differs from the decisions of the Supreme Court touching the Indians' rights in this matter, then it seems to me the Indian Department, under this amendment, will properly say to the Attorney General: "We want you to study the decisions of the courts carefully and determine whether, under these decisions and purely as a matter of law, the rights of the Indians are or are not sufficiently and properly safeguarded in this matter. We do not want this money spent until we know whether they are or are not protected, and if they are not protected we want their money withheld and covered back into the Treasury."

Mr. THOMAS. Mr. President, the Supreme Court of the United States has already determined the law, according to the Senator's own statement, in so far as it can be determined in that particular case. It is the application of this water after the system has been constructed, and that alone, that can be made the basis for any opinion as to whether the Indian is going to get any benefit from it. It is a matter of fact.

Mr. PAGE. I am not going to debate a legal proposition with the Senator from Colorado; he knows that very well.

Mr. THOMAS. I think the Senator is capable of holding his own with any of us here on a legal proposition.

Mr. PAGE. I simply say that here is a decision of the Supreme Court which the Senator's colleague and other Senators here have criticized, if I remember correctly—if I am wrong, he will correct me—and have intimated was not good law.

Mr. THOMAS. My colleague is a most excellent lawyer, and if he said that, I would be inclined to doubt the wisdom of my own conclusions.

Mr. PAGE. I may be wrong about it; it may have been some other Senator who expressed this opinion; but, be that as it may, some of our learned Senators have declared upon the floor of the Senate during this discussion that, in their judgment, the view of the Supreme Court which I have quoted was not good law. Does it not therefore become a proper matter for the Attorney General to investigate in order that the Indian Department may know whether it can or can not properly go ahead and spend three, four, or five million dollars more of the Indians' money upon this irrigation project?

Mr. THOMAS. There are many decisions which are poor law, but they are nevertheless stare decisis. The decision to which the Senator from Vermont refers may be poor law, but at the same time it may be conclusive of the particular controversy to which it relates, irrespective of whether it appeals to the reasoning powers of the profession generally.

Mr. President, so far as the last statement of the Senator is concerned, I do not think that we are very far apart. I do not believe that it is right—and I am expressing no new opinion upon the subject—to take the money of the Indians for the purpose of building reservoirs for white people. The Senator can not get up any controversy with me on that proposition, and if this were a new question I should hesitate very long before even consenting to consider it; but, if I understand the situation, under previous legislation the water system for this particular tract of land has been provided for and is partially completed, and that other and further appropriations are necessary in order to make it effective. If that is so, that presents a very different proposition to my mind, because I know of no more useless thing in the world, Mr. President, than an uncompleted irrigation system in the arid West.

Mr. PAGE. May I interrupt the Senator?

Mr. THOMAS. Certainly.

Mr. PAGE. It is true, is it not, that here is an irrigation project which has been entered upon and upon which there has been expended, of the Indians' money or of money for which the Indians' lands are mortgaged, more than $1,000,000. The testimony also is that the project will require four or five or six million dollars more.

Mr. MYERS. Mr. President, I should like the Senator to get that correct. There have been a million and a half dollars approximately expended, and it will take about $4,500,000 more to complete the work.

Mr. PAGE. I accept the correction; I stated it as nearly as I could from memory and without looking up the testimony upon this point.

Mr. THOMAS. I may state that these projects always cost from 25 to 100 per cent more than the original estimate.

Mr. PAGE. The matter has been the subject of much debate on the part of the Indian Affairs Committee. They had reasoned like this: "Have we any right to continue with this project and expend three or four or five million dollars more upon it, if the Indian, being unable to make beneficial use of the water, is going to lose his rights? The Indian is taking all the risk. The facts are I believe that up to this date the Indian has only been able to appropriate water on about half as much land as the white man. We have mortgaged the Indians' property for an immense sum, a sum so large that it almost staggers us, and yet we are now proposing to place further mortgages on his lands—mortgages aggregating five or six million dollars. In view of that fact the Commissioner of Indian Affairs was asked, "Can not something be done to safeguard the Indians' rights?" He said, "Yes; there can be something done"; and he prepared amendments to safeguard the Indians' rights in all these propositions. The moment the bill got into the Committee of the Whole those amendments in the form of provisos prepared by the Indian Bureau were all thrown out on points of order.

It is true as to the amendment proposed by the Senator from Arkansas that we asked the Indian Bureau if they could not propose some amendment to safeguard the Indian which would not be obnoxious to a point of order, and the amendment offered by the Senator from Arkansas was hurriedly prepared by officials of the Indian Bureau in response to this suggestion. I do not think they thought it was the best that could be prepared, but they thought that it was not open to a point of order, and therefore was perhaps the best that could be done on the spur of the moment. I sincerely hope that those Senators who believe that it is wrong to spend the Indians' moneys in this way without properly safeguarding his rights will not stand back and say to every proposal we make here for the protection of the Indian, "This way is wrong and that way is wrong." I want positive suggestions offered as to some way to safeguard the Indians' rights; and if no way can be found, then, so far as I am concerned, I prefer that no appropriation be made at this time.

Mr. THOMAS. Mr. President, I had no idea when I took the floor that I would take as much time of the Senate as I have consumed thus far. When last interrupted by the Senator from Vermont, I was about to state that on yesterday the Senator from Montana, in response to a question of mine, said that these water rights, or some water rights for the benefit of the Indians and of the Indian lands, had been secured by the Government through its compliance with the requirements and machinery of the State laws upon that subject.

Mr. MYERS. They have, Mr. President.

Mr. THOMAS. Now, I assume that the Government has so acted that the appropriations by it were sufficient in quantity

for the amount of lands to be supplied. The Senator also said that of the lands to be benefited by this scheme, occupied by the whites who purchased their lands, the purchase money, together with the price to be charged to them for their water and water rights, would constitute a fund that would go back into the Treasury to recoup and reimburse the amount of these appropriations. That being the case, and a million and half dollars having been appropriated which will be absolutely lost and worthless if this enterprise is not completed, and in view of the further fact that the decision of the Supreme Court of the United States does in that particular case, according to the Senator's own statement, make a reservation of all waters that are necessary for the Indians, I am unable to perceive why, even if this were a question of law—which I can not for a moment admit—that this amendment would be of any importance whatever.

Mr. PAGE. Mr. President——

Mr. THOMAS. Does the Senator desire to interrupt me?

Mr. PAGE. I rose to say to the Senator that I have not yet heard any reliable authority say that this would be an entire loss of money if we should stop now. The entire project, of course, would not be completed, but $100,000 or $50,000 would probably be sufficient to keep the project going until we can ascertain what may be done to protect the Indians.

Mr. MYERS. I should like to interject a remark at that point and shed a little light upon the subject. The greater part of the million and a half dollars would be lost because the greater part of it has been spent in preliminary work, some in fundamental work, such as foundation work, putting in dams and reservoirs, and simply getting ready to put the water on the land.

Mr. THOMAS. If it be true that this enterprise is going to cost four or five million dollars more—and I do not doubt it—it seems to me that the Government is indulging in a system of false economy in making such a small appropriation as $200,000 for the continuance of the work. It is something that ought to be completed, and completed as soon as possible.

Mr. MYERS. I should like to say at this juncture that both the Indians and the whites are clamoring for larger appropriations and a speedy completion of the project. Mr. Newell, chief engineer of the Reclamation Service, testified that $600,000 a year could be profitably handled and ought to be appropriated to rush the work to completion.

Mr. THOMAS. Now, as a matter of fact, the Reclamation Service and the reclamation fund ought to have been used, in part at least, for the construction of this reservoir.

Mr. MYERS. Certainly.

Mr. THOMAS. To that I fully agree; but, Mr. President, the reclamation fund has been treated very much as the Senator thinks the Indian fund has been treated in the administration of all these reclamation projects. The very heart and core of the reclamation law is involved in the purpose and effort of reclaiming and making cultivable the lands which belong to the Government of the United States, the public domain, in order that citizens may avail themselves of their changed condition to settle upon them and make homes upon them; and yet in what is called the Engle project, down in the southern part of New Mexico, a vast amount of money—the project will cost, before it is completed, $10,000,000—has been deliberately misappropriated—I do not use the term in any offensive or criminal sense—misdirected from its original purpose and diverted to the completion of that huge enterprise, which, when completed, will only reclaim an aggregate of 180,000 acres of land, less than 14,000 acres of which, as I said before, is on the public domain. I presume that it is because of those things, or, rather, because of that particular instance—I can not name any others, although there may be others—that recourse is had upon the Indian funds for the purpose of completing some of these other projects.

Mr. PAGE. Mr. President——

Mr. THOMAS. I yield to the Senator from Vermont.

Mr. PAGE. I think there are a great many things about this matter that I do not know. In fact, they would fill a very large book.

Mr. THOMAS. The things I do not know about it would probably fill another volume.

Mr. PAGE. But, Mr. President, when we want information—and I speak now with reference to the Committee on Indian Affairs—the most natural place in the world for us to go is to the Interior Department, the Bureau of Indian Affairs, the Indian Commissioner. I want to read just two or three quotations from the statements made by the Assistant Commissioner of Indian Affairs to the Committee on Indian Affairs touching this particular appropriation. Here is one:

These items—

Speaking of the several amendments which were thrown out on points of order, the commissioner, or assistant commissioner, said:

These items, we believe, will protect the water rights of Indians on a number of reservations where large appropriations have been made—

Bear in mind that these provisos were added to half a dozen items.

Mr. THOMAS. Yes.

Mr. PAGE. Now, mark this:

And where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Again:

According to estimates of the Reclamation Service, it will require nearly $3,000,000 to be further appropriated by Congress to complete this project.

Here is another suggestion from the assistant commissioner:

The Indian water-right situation is one of the most acute and important questions relating to Indian matters now before the Indian Bureau.

I believe that statement is absolutely correct.

Mr. THOMAS. He might have extended it, with perfect truth, and said that it is one of the most acute problems that all people, red and white, are confronted with in the arid regions of the United States.

Mr. PAGE. He then proceeds to say:

There are dependent upon the solution of this question not only property rights involving millions of dollars but the success or failure, prosperity or poverty, of thousands of Indians who are the wards of the Government and whose interests it is the duty of the Indian Bureau to protect.

The Indian Bureau has been seeking to protect them in the way I have suggested, but unfortunately their suggestions have gone out upon points of order; and that leaves us with the urgent necessity of providing some other relief, and the best we are at this time able to suggest is provided by this amendment offered by the Senator from Arkansas.

Mr. THOMAS. I have the highest opinion of the good purposes and the zeal and the efforts to properly discharge the duties of the position which the present Commissioner of Indian Affairs and his assistants have at all times shown; but I am unable to see how this amendment which has been stricken out on a point of order can in the slightest degree benefit the Indians, whether it is agreed to or not. I regard it as so much waste paper, because you can not initiate a water right in that way for an Indian or for a white man or at all, unless it may be in the particular case to which that decision relates; and there it is needless, because the decision, if it is good law, as it is claimed to be, makes the amendment even there unnecessary.

I do not want to see the Indian funds squandered and misused any more than anyone else does; and I will join the Senator from Vermont at any time and at all times, as long as I am here, in any effort that he sees fit to make toward husbanding the resources of the Indian and seeing to it that they are expended for the Indian and for him alone; but I am unwilling to bring this enterprise to a halt in view of all the information I have been able to obtain concerning it.

Mr. WORKS. Mr. President, the Senator from Vermont [Mr. PAGE] has called attention to the case of Winters *v.* The United States (207 U. S., 564) as bearing upon this question. I think it is only necessary to disclose the facts upon which the suit was based and the opinion rendered to determine that it has no effect upon the question now before the Senate.

It is said in the statement of the case:

This suit was brought by the United States to restrain appellants and others from constructing or maintaining dams or reservoirs on the Milk River, in the State of Montana, or in any other manner preventing the water of the river or its tributaries from flowing to the Fort Belknap Indian Reservation.

So it appears that the action was one between the United States and private individuals who were claiming rights in the waters of the stream.

It is said further in the statement:

In 1889 the United States constructed houses and buildings upon the reservation for the occupancy and residence of the officers in charge of it, and such officers depend entirely for their domestic, culinary, and irrigation purposes upon the water of the river. In the year 1889, and long prior to the acts of the defendants complained of, the United States, through its officers and agents at the reservation, appropriated and took from the river a flow of 1,000 miner's inches, and conducted it to the buildings and premises, used the same for domestic purposes and also for the irrigation of land adjacent to the buildings and premises, and by the use thereof raised crops of grain, grass, and vegetables. Afterwards, but long prior to the acts of the defendants complained of, to wit, on the 5th of July, 1898, the Indians residing on the reservation diverted from the river for the purpose of irrigation a flow of 10,000 miner's inches of water to and upon divers and extensive tracts of land, aggregating in amount about 30,000 acres, and raised upon said lands crops of grain, grass, and vegetables.

So it appears that in this case, before Montana became a State, the Government and the Indians had actually appropriated to a beneficial use a large part of the waters of the stream; and it was upon that condition of things that the decision of the court was rendered.

The court, speaking of that condition and the rights of the parties, has this to say:

Another contention of appellants is that if it be conceded that there was a reservation of the waters of Milk River by the agreement of 1888, yet the reservation was repealed by the admission of Montana into the Union, February 22, 1889 (ch. 180, 25 Stat., 676), "upon an equal footing with the original States." The language of counsel is that "any reservation in the agreement with the Indians, expressed or implied, whereby the waters of Milk River were not to be subject of appropriation by the citizens and inhabitants of said State, was repealed by the act of admission." But to establish the repeal counsel rely substantially upon the same argument that they advance against the intention of the agreement to reserve the waters. The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be.

That is the particular clause in the decision to which the Senator from Vermont refers and upon which he relies.

That the Government did reserve them we have decided, and for a use which would be necessarily continued through years. This was done May 1, 1888, and it would be extreme to believe that within a year Congress destroyed the reservation and took from the Indians the consideration of their grant, leaving them a barren waste—took from them the means of continuing their old habits, yet did not leave them the power to change to new ones.

The only question there was whether the Government had actually reserved these waters to the use of itself and the Indians by actual appropriation and use of the water, putting it to a beneficial use, and whether, if that reservation had been made, it would be repealed by the mere act of admitting Montana into the Union. The court concludes that the reservation was actually made, and that the admission of the State would not have the effect of setting aside the contract of reservation made with the Indians.

I think there can be no doubt of the correctness of the decision based upon the facts as they are stated in the statement of the case; but that does not reach the question of the rights in the waters of a stream as between the States and the United States. Nobody at the present time will question the fact that as a matter of law the States, and not the United States, are the owners of the water that flows in the streams passing through the States, and that the State has the right and jurisdiction to determine upon what terms and conditions the water shall be taken out of the streams and used by private individuals or others; so that there is really nothing in this decision that affects this question or affects the question of the rights of the States in the water.

Mr. SHAFROTH. Mr. President——

Mr. WORKS. I yield to the Senator from Colorado.

Mr. SHAFROTH. I desire to ask the Senator from California whether that decision is not somewhat similar, at least, to the decisions that have been rendered in my State as to what has been conveyed when a man conveys 160 acres of land without any reference to the water rights upon it. Under the laws of Colorado, if there has been a water right attached to the land, the water right passes as appurtenant to the land by the deed itself. You do not have to mention the water right.

Mr. WORKS. Oh, there is no question about that.

Mr. SHAFROTH. If, however, your water rights are obtained by stock in a company, and it is represented that by virtue of those shares you are entitled to so much water, the conveyance of the land conveys nothing whatever of the water.

Mr. WORKS. No; not unless the water has been actually applied to the land.

Mr. SHAFROTH. In the case of its application to the land there is a difference between the States. In our State, however, you have a right to transfer water. Consequently, they have held in those cases that where the owner of land owns stock in a company, if he conveys the land without referring at all to the water right or to the stock the water does not go; but where he conveys the land to which the water right has attached by reason of appropriation without the intervention of some stock of his own in a company, the water right goes as a part of the conveyance, as appurtenant to the land.

This decision seems to me to be following out that same view, namely, that here was an agreement by which the Indians conveyed this land to the United States, and it was to be held as an Indian reservation; and the question arose there whether, in that conveyance, because of the fact that no water right was mentioned, the Indians did not intend not to reserve any water rights, notwithstanding they had already constructed the ditch, and notwithstanding they were using water. It would naturally, under the laws of the State of Colorado, at least, go as appurtenant to the land, and consequently they would not be deprived of it. It seems to me that distinction is clearly presented in that opinion.

Mr. PAGE. Mr. President, may I interrupt the Senator?

Mr. SHAFROTH. Yes, sir.

Mr. PAGE. I have listened to the debate upon this law point with very great interest for several days, and I do not want to prolong the session of the Senate by going further, but I should like to have just one point settled in my mind, and that is, does the Senator believe that this decision as it reads is good law?

Mr. SHAFROTH. No; I am not prepared to say that it is good law or that it is poor law, because, from the facts that the Senator from California has read, the opinion is not contrary to the general principles that were announced in the discussion of this question on Saturday. It is like this: The Government, by reason of its contract with the Indians, made a conveyance to the Indians, as it were; and the question was whether a water right that had already attached went with the conveyance or whether it was excluded by the conveyance. It seems to me that when you consider that they had constructed it for that purpose, and that the land was useless without the water, the court naturally would hold that it was appurtenant to the land, and therefore it would go with the land, just as in the decisions to which I have referred in the State of Colorado, where a man conveys a piece of property upon which there is a ditch constructed, and he has been using water continually, the courts would say to any person who attempted to attack that water right, "You can not do it, because it was conveyed to that party, although it was not expressly mentioned."

Mr. PAGE. Does not the Senator think the Supreme Court attempted to say that water from the Milk River sufficient for the irrigation of these Indian lands was, by an implied reservation, reserved for the benefit of the Indians?

Mr. SHAFROTH. Why, certainly. It does not say all the water; whatever had been appropriated there. You might just as well ask, when I make a conveyance of 160 acres upon which there is an irrigating ditch and I have been drawing water from a regular irrigating ditch and paying for it each year whether or not when I convey that land there is reserved by me the water which goes by that land. The court would say, "No; you could not have done that. You could not have intended that. You must have intended, as a matter of fact, that the water should be conveyed, because the land is not worth much without the water."

Mr. PAGE. But it seems to me the trouble with the Senator's reasoning is that the Supreme Court's decision does not limit the water to whatever may be appropriated, but it says "for the benefit of the Indians of a sufficient amount of water," and so forth.

Mr. SHAFROTH. But when, according to the statement of facts there, 10,000 inches have been used, it does seem to me that it would be naturally implied that it was a part of the agreement that it should go.

Mr. WORKS. Mr. President, there can be no doubt of the correctness of the first proposition advanced by the Senator from Colorado, that where water is actually appropriated and applied to a beneficial use in the irrigation of land it becomes appurtenant to the land, and passes with it upon a conveyance of the land without any reference to the water right.

As to the rights of one holding stock in a water corporation, that is entirely controlled by the State statutes, and the rule differs in the different States.

The Senator from Vermont, however, asks whether this opinion correctly states the law. It does, undoubtedly, as applied to the facts as they are disclosed in the case; but the general statement made by the court that—

The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be—

Must be confined to the facts of this particular case. As a general proposition, it is not good law at all, because the National Government has no right to reserve any of the waters of a stream flowing within a State. This, however, was a case where the waters were flowing through a Territory, under the control and jurisdiction of the National Government; and such a contract was made as entitled the Indians to appropriate the waters, and they were actually appropriated and applied to the lands. Under those conditions, of course, the statement of the court is entirely correct, in my judgment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. PAGE. I should like to ask one more question, and then I will discontinue my remarks. Does the court design to say that the United States has reserved the water of which the Indians made beneficial use at that particular time, or does it

design to say that the reservation is made of enough water to irrigate the lands? There is the whole question, in my mind.

Mr. WORKS. The court does not say, but simply states the facts, and then the conclusion that the Government had the right to reserve the water; but I assume that the Government was dealing with the water actually appropriated and applied to a beneficial use.

Mr. PAGE. Then the language of the court is very misleading, because it says that the court holds that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation and other specified purposes.

Mr. WORKS. Mr. President, I suppose the quantity of water that had already been appropriated by the Indians was regarded by the court as a sufficient quantity. Of course, I am not able to say what was in the mind of the justice who delivered this opinion; but undoubtedly the language used by the court must be confined to the actual conditions that were disclosed in this particular case.

Mr. JONES. Mr. President, I am not going to discuss the legal features of this matter; and while I have tried to pay attention to this debate, and probably ought to know the facts with reference to the lands affected, I confess that I do not know very much about them. If the Senator from Montana will permit me, however, I should like to ask him a few questions, not in a catechising way at all, but simply to get some information.

Mr. MYERS. I shall answer them with great pleasure. I have been stating facts, and had intended to state some more, but I shall be glad to answer any questions that I can.

Mr. JONES. How many acres of land are supposed to be reclaimed by this project for which we are making provision?

Mr. MYERS. I can not tell that right now without taking a good while and going into the testimony before the committee. Perhaps the chairman of the committee or the Senator from Arkansas [Mr. ROBINSON] might be able to tell that. I have not the figures at hand.

Mr. JONES. Do the lands to be reclaimed constitute an Indian reservation?

Mr. MYERS. They do not now.

The PRESIDENT pro tempore. The Chair can inform the Senator from Washington that the Senator from Arkansas [Mr. ROBINSON] stated that the irrigable part of the reservation consisted of about 150,000 acres, one half of which belonged to white people and the other half to the Indians.

Mr. MYERS. I have not yet answered the other question. This land is not now an Indian reservation. It was the Flathead Indian Reservation, on which the Flathead Tribe of Indians resided; but by an agreement with the tribe, into which the tribe entered, and to which it consented, the reservation was thrown open to allotment and settlement. Each Indian was allotted so much land—80 acres of irrigable farming land and a larger quantity of grazing land. The Indians took their allotments first, got the first choice, and got the land they wanted. Then the balance of it was thrown open to settlement by whites upon its purchase at the appraised price of from $4 to $7 an acre, and by legislation of Congress this reclamation project was started in order to put water on the land.

Mr. JONES. The lands that continued Indian lands have all been allotted to the individual Indians, as I understand?

Mr. MYERS. They have all taken their allotments, I think.

Mr. JONES. And the remainder that was formerly part of the reservation has been disposed of to white people?

Mr. MYERS. It is open to disposal. Most of it has been disposed of; not all.

Mr. JONES. But the remainder, then, is still Indian land, to be disposed of to settlers upon their paying the appraised value and complying with the homestead law, I suppose?

Mr. MYERS. Yes; to be disposed of.

Mr. JONES. About half of it has been allotted to the Indians and the other half——

Mr. PAGE. One-third.

Mr. JONES. One-third, the Senator from Vermont tells me.

Mr. MYERS. The Senator from Vermont, I think, is thinking of the amount of land which the Indians have had water put upon. They have had about one-third of the water put upon their lands, as I understand; but from the statement of the Chair, which I now recall to be substantially correct, the Indians got half of the land, and the better half.

Mr. JONES. As I understand, then, Congress some time ago made an appropriation to provide irrigation works to reclaim the lands that had been allotted to the Indians, and also the surplus lands?

Mr. MYERS. It began about six years ago, and has been appropriating from $200,000 to $400,000 each year for that purpose.

Mr. JONES. What is the plan of these irrigation works? Do they consist of reservoirs, or simply diverting canals?

Mr. MYERS. Reservoirs, principally, as a foundation for the storage of water.

Mr. JONES. That is, the water has to be stored in order to make the supply available for these lands?

Mr. MYERS. Yes; for most of them.

Mr. JONES. Most of it has to be stored?

Mr. MYERS. Yes.

Mr. JONES. We have appropriated the money, or part of it, to start this project, but have provided that it should be reimbursable out of the Indian funds. Is that true?

Mr. MYERS. That is true.

Mr. JONES. And all that we have appropriated thus far has been reimbursable out of the Indian funds?

Mr. MYERS. Yes, sir.

Mr. JONES. Of course, it is probably useless to inquire why we did that; but I can see no particular justice in requiring the Indian to put up money to reclaim any land excepting his own, and I do not see the justice of our continuing that.

Mr. MYERS. I will ask the Senator a question. If it is necessary to construct these reservoirs and use the Indians' money for the purpose of storing water to put on the Indians' lands, had they not just as well make it a little larger and store water to put on the lands of the white settlers, when the money which comes in from the sale of the land to white settlers goes to pay for the whole thing?

Mr. JONES. Yes; but why should we say that the money that is expended to reclaim the lands in private ownership shall be a lien upon the funds of the Indians? Why do we not say that we are going to appropriate that money out of the Treasury of the United States, and then, when a private individual gets title to his land, that he has to repay to the Government the amount it cost?

Mr. MYERS. Because the appropriation would have to come out of the reclamation fund.

Mr. JONES. No; it would come out of the Treasury of the United States.

Mr. MYERS. I have never heard anybody advocate that theory before. I have heard all sorts of complaints——

Mr. JONES. I think it is about time it was advocated in a case like this.

Mr. MYERS. I should like to finish my statement. I have heard all sorts of critical comments and complaints and fault-finding with this system, and people have told us a hundred different ways in which it ought to be done, and the only thing they seem to agree about is that they do not want it done in the present way; but I never before heard anybody suggest that the money ought to come or could come directly out of the Treasury of the United States.

I should like to ask the Senator a question. He says he does not know why that was done. Was the Senator in this body six years ago?

Mr. JONES. No; I did not ask why that was done. I know why it was done. I was not in this body six years ago, but I was in the House.

Mr. MYERS. The Senator was in the House six years ago?

Mr. JONES. I was.

Mr. MYERS. Then the Senator ought to know why it was done. I was not here.

Mr. JONES. I do know why it was done. It was done just for the reason, I suppose, that we are continuing it now—because in a way it evades taking it out of the Treasury of the United States and puts it in a sort of way as though Congress was not appropriating any money. That is the reason it was put in that way.

Mr. MYERS. We are appropriating the money now, however, and it goes into the sum total of the appropriations of Congress.

Mr. JONES. I know it; but why not say that it comes out of the Treasury and shall be reimbursable by the white people instead of out of the Indians' money? The Indian is under no obligation to reclaim that land.

I do not blame the Senator for trying to carry on this proposition. I do not criticize him in the least.

Mr. MYERS. The Indians are getting the benefit by getting water on their land. They get the benefit as well as the others.

Mr. JONES. It is all right to let their lands be burdened with the cost of their own reclamation, but do not burden them with the cost of reclaiming the white man's lands. Let the United States Government put up that money out of the Treasury, as we are doing, and instead of saying that it is reimbursable out of Indian funds let us say that the white man shall pay the cost which he ought to pay.

If I had my way about it, I would put in a provision here simply appropriating this money, and require that whatever part

ought to be put against the Indian land should be reimbursed out of the Indian fund and require the white owners to pay the other half.

Mr. MYERS. You can not do that now, because it would be a general appropriation, and it has not been estimated for.

Mr. JONES. We could do it if we would.

Mr. MYERS. I do not believe we could do it this year.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. Certainly.

Mr. ROBINSON. I wish to say that the Senator from Washington, to use a proverbial expression, has struck the keynote. By a reference to the hearings before the Senate committee on pages 234 and 235 it will be seen that the exact policy which he is suggesting was agreed on in the committee; that is, that the matter of financing this reclamation project should be changed so that the Indians should reimburse only one-half of it, and the whites the remaining half, and in this way the increase from $100,000 to $250,000 was made.

Mr. MYERS. Does the Senator say that such an amendment was offered in committee?

Mr. ROBINSON. Yes. It was discussed.

Mr. MYERS. What became of it?

Mr. ROBINSON. I will read the record. I did not want to prolong this debate by further injecting my views into this controversy, but it is an important matter, and it is not by any means terminated with the adoption or rejection of this amendment, because there is involved in this legislation a principle which Congress will be compelled to recognize in the early future. I read from page 234:

Mr. MERITT. This matter has been in my mind for a number of years. Soon after I became the law clerk of the Indian Bureau and had charge of the legislative work of that bureau, I recognized that an injustice was being done to the Flathead Indians. On January 12, 1912, I prepared a memorandum for the then commissioner and set out this condition. That memorandum is found on page 453 of the hearings, and I made a specific recommendation as to what should be done in this case in order that the rights of the Flathead Indians might be protected.

One paragraph of that memorandum reads as follows:

"I wish to call your attention to the fact that under the proposed arrangement the property of the Indians is required to be held as security for the reimbursement of appropriations made by Congress to construct the Flathead irrigation project, which will benefit the white settlers as much as it will benefit the Indians, and the project when completed will irrigate as much land in the ownership of white settlers as allotted to the Indians. In view of this fact, I want to suggest the advisability of Congress making direct appropriations for the construction of this project as a regular irrigation project under the supervision of the Reclamation Service rather than an Indian irrigation project, the Indians to pay their proportionate share of the cost per acre for irrigation, and the money heretofore appropriated by Congress and made reimbursable by the Indians could be considered as part payment of the cost of the irrigation of the Indians' land."

Mr. Chairman, I think that is the equitable solution of this question.

Senator FALL. I want to congratulate you, sir.

Senator GRONNA. So, instead of making it a reimbursable fund, you want it appropriated direct, the same as any other irrigation project?

Mr. MERITT. Yes, sir; and let the money which shall hereafter be reimbursed be credited to the Indians as part payment of this construction charge.

Senator TOWNSEND afterwards took part in that discussion, and I make the statement, from reading the testimony of the hearings before the committee on that subject, that it was agreed by the committee that the method of financing this reclamation project should be changed, so that the Indians should reimburse only for their proportionate share and the whites should reimburse for their proportionate share. If that is not a fair proposition, I am unable to perceive one when it is presented.

Mr. SUTHERLAND. Will the Senator from Washington permit me to ask a question of the Senator from Arkansas?

Mr. JONES. Certainly.

Mr. SUTHERLAND. Do I understand from what the Senator from Arkansas has said that the money that is used to build this irrigation project will be paid entirely out of Indian funds, and that white settlers will get the water without paying anything for the water?

Mr. ROBINSON. Oh, no; that is not it at all.

Mr. SUTHERLAND. What is the situation about that? Of course I think——

Mr. ROBINSON. I do not say——

Mr. MYERS. Just let me interject a remark here. The white settlers pay the cost of putting water upon their land—thirty or forty dollars an acre.

Mr. SUTHERLAND. The white settlers pay their proportionate cost of the irrigation work?

Mr. MYERS. They do; certainly.

Mr. SUTHERLAND. Of course that ought to be so.

Mr. MYERS. They do.

Mr. SUTHERLAND. The Indians ought not to be compelled to pay money for building irrigation work to irrigate the lands of white settlers.

Mr. MYERS. The white settlers have to pay their share before they get title to the land. They must not only pay for the land, but pay the cost of putting water on the land before they can get a patent to the land.

Mr. SUTHERLAND. What becomes of the money which the white settlers pay?

Mr. MYERS. It goes back into the Indian fund from which the money was taken to pay for the work.

Mr. SUTHERLAND. So the white settlers, to the extent of land which they irrigate, pay a just measure?

Mr. MYERS. They do.

Mr. ROBINSON. That is not an entirely correct statement. The correct statement is——

The PRESIDENT pro tempore. The Senator from Washington has the floor. Does he continue to yield?

Mr. JONES. I yield. I am just trying to get the facts in the matter.

Mr. ROBINSON. The correct statement as disclosed in the record is this: The Indians are financing this reclamation project. The Government advances the money out of the Treasury, approximately $6,000,000. While the whites already own half the lands that are to be reclaimed under the project, the Indians are required to reimburse every dollar of it. The whites, of course, if the reclamation project proves profitable, reimburse the Indians.

Mr. MYERS. I should like to answer the Senator right there. The white settler goes up there and buys from the Government a certain quantity of land, say, 80 acres of irrigable land. He signs the papers and enters into a contract with the Government to pay the appraised value of that land, which is from four to seven dollars an acre. We will say that the appraised value in this case is $5 per acre. For 80 acres of land that is $400 he agrees to pay, and also he signs papers to pay the Government the cost of putting water on that land, of which at present the running amount is $40 per acre. We will say it costs $40 per acre. He pays not only for the land, but he pays the Government $40 per acre for putting water on the land. He pays for the land and he pays for the water. I want to ask the Senator where does that money go? I should like——

Mr. ROBINSON. It is reimbursed to the Indian fund, and I have never contended anything else; but I will further answer that by reading the testimony of the assistant commissioner, together with the question the Senator from Montana asked him, on page 234.

Senator MYERS. No; I think it ought to be completed long before the 20 years is up and get back the principal.

Senator FALL. Under the act of Congress they—

Meaning the white settlers—

have 20 years, these white people, to pay it back after it is completed. Let me ask you this question and see if I get this right. We will say this 77,000 acres of land, which goes to the white people, is sold for the maximum, $7 an acre. I understand it is appraised at $4 to $7 an acre. Now, as I understand the proceeds of that $7 an acre go back into this fund to reimburse; is that not it?

Mr. MERITT. Yes, sir.

Senator FALL. Then as a matter of fact, that is Indian land, is it not?

Mr. MERITT. Yes, sir.

Senator FALL. Instead of getting $7 the Indians get only $3.50, because one-half goes to reimburse his cost and one-half goes to the white man to reimburse his cost, so he is really getting $3.50?

Mr. MERITT. The white man ultimately will pay back to the Indian his pro rata share.

Senator FALL. I thought he was going to pay it back to the Reclamation Service or to this fund we appropriated. If we appropriate $500,000 now, one-half of that will be for the benefit of the white man and one-half for the Indian?

Mr. MERITT. And the Indian will have to reimburse the entire $500,000.

Mr. MYERS. If the Senator will permit me, he will have to reimburse the Indian fund.

Mr. ROBINSON. I have already stated that ultimately he will have to reimburse the Indian fund.

Senator FALL. And he takes the chance of the white man doing anything?

Mr. MERITT. Yes, sir.

Senator FALL. And then the proceeds of this $7 an acre which the white man pays, one-half of that will be applied in repaying his $250,000 and one-half the Indian's $250,000, so the Indian gets $3.50 an acre instead of $4 to $7 an acre?

Senator LANE. There is another point I wish to bring out, that the majority of the allotments on the Flathead Reservation have been made, and the Indians are held responsible, on dry land which never can be irrigated at all. I should like to call on these gentlemen to explain in regard to that.

Senator MYERS. I should like Mr. Meritt to finish all he has to say.

Now, the fact of the matter is that many of the Indians' allotments are on the dry lands that can not be irrigated. Nevertheless, these lands which can never receive any benefit from the project whatever are hypothecated against the chance

that the Indian takes of this being made a successful reclamation project, and the white man takes no chances whatever.

Mr. MYERS. I should like to interrupt the Senator just there. Every Indian has the opportunity to select 80 acres of good irrigable, arable land and an additional amount of grazing land, I think 320 acres. If that is not giving him just as good a chance as the white man I do not know what is. If they do not select 80 acres of bottom land, good farm land, it is their fault.

Mr. ROBINSON. Most of the allotments have already been made, and while the Indians did have such an opportunity, in the course of events it resulted that the Indians in many instances got dry lands that can not be irrigated, and now they are required to hypothecate that land, which can not be benefited, to make good the establishment of this project.

Mr. MYERS. With 80 acres of bottom land, irrigable land——

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington has the floor. The Chair does not know to whom he is farming it out.

Mr. ROBINSON. I yield to the Senator from California.

Mr. WORKS. Mr. President, it seems to me that the Senator from Arkansas is not quite correct when he says this project is being financed by the United States Government. It seems to be financed by the Indians. They are required to furnish the security and repay the total amount of this money to the Government.

Mr. ROBINSON. I have stated that the Government first pays it.

Mr. WORKS. You have so stated, but I think the conclusion drawn from the statement is not correct, for I think really the Indian is financing this whole scheme.

Mr. ROBINSON. Undoubtedly; that was the very basis of my contention, that the scheme is not fair and that the system of financing it ought to be changed. It is true the Government first advances the money, and in that sense of the word the Government is financing it. Nevertheless, every dollar of it is reimbursable out of the Indian funds. It means that the entire property of the Flathead Indians, whether it is benefited by this reclamation project or not, stands pledged as a guarantee of the success of the reclamation project. The system is wrong. You would not get a white man standing in the place of these Indians to go into a scheme of this sort as long as time runs.

Mr. WORKS. The Senator says that an agreement was reached by the committee that was entirely inconsistent, as I understand, with the bill as reported from the committee. What became of that agreement?

Mr. ROBINSON. The committee inserted in the bill a provision which sought to protect the rights of the Indians, and that provision went out on a point of order. Then, after conferring with some of my colleagues on the committee, as the Senator will remember, I offered an amendment which took the other horn of the dilemma and sought to have the Indians' rights protected under the laws of Montana. That amendment was defeated. Now I have offered this amendment as the last recourse. It simply provides that before you further commit Congress to the expenditure of Indian moneys to construct this irrigation project, you shall get the advice and opinion of the chief law officer of the Government that the Indians are going to be benefited by it.

Mr. WORKS. That does not relieve the objectionable features of the provision, even if that amendment may be adopted.

Mr. ROBINSON. That is entirely true.

Mr. WORKS. They are still left burdened with the obligation of constructing this whole work.

Mr. ROBINSON. I agree with the Senator from California, but it will require affirmative legislation to change the method of financing this irrigation project, and you can not secure that in this appropriation bill. You must have separate legislation.

Mr. WORKS. Does the Senator mean to say that it is necessary in this appropriation bill to make this amount of money a lien upon the lands of the Indians and compel them to obligate themselves for the total amount in an appropriation bill?

Mr. ROBINSON. Whether I say that or not, when we make this appropriation it does become a lien on the lands of the Indians.

Mr. WORKS. Certainly; but the Senator says that no substantive legislation can go into the bill. Is not that substantive legislation?

Mr. ROBINSON. No; it is not.

Mr. WORKS. Outside of the mere appropriation?

Mr. ROBINSON. This appropriation is made under authority of law heretofore enacted authorizing the construction of this irrigation project, and the appropriation itself is not subject to a point of order. If it were, I unhesitatingly say that in the light that has come to me during this discussion I should make the point of order.

Mr. WORKS. It is perfectly evident that the Senator from Arkansas is right, that this whole proceeding is unjust to the Indians, and that something ought to be done to protect the Indians from that injustice.

Mr. CLAPP. Will the Senator from Washington yield to me for a moment?

Mr. JONES. Certainly.

Mr. CLAPP. Calling the attention of the Senator from Arkansas, it rather strikes me that his amendment does not go to the root of the trouble here.

Mr. ROBINSON. I agree with the Senator that it does not.

Mr. CLAPP. While we perhaps could not on this bill, and it might be difficult at this time to get a provision that would readjust what has gone before, could we not at this time amend this by inserting after the figures "$250,000" on line 18 the words "one-half," so as to read "$250,000, one-half reimbursable in accordance with the provisions of the act of April 4, 1910"; and then after the figures "1910" on line 20 to insert "and the other half to remain and be a lien upon the land not allotted to or taken by Indians," or perhaps some other expression may be used as to the other half, so that as to this particular appropriation we would make one-half of it reimbursable and the other half not reimbursable out of the Indian fund, and to that extent relieve the Indians of insuring the final payment for the work?

The position of the Senator, I think, is right. While it is true that we use this money, and while it is undoubtedly true that this project will probably work out and be successful, and, of course, in that event if it proved successful it would be immaterial, I quite agree with the Senator that as to the half that is taken by white settlers we should advance the money directly and not hold the Indian fund responsible for it.

While I would be glad if we had the time to join with anyone and reach back and readjust the matter up to this point, in the absence of time to do that, this suggestion of mine, beginning with this appropriation, would at least meet the objection as to the amount appropriated against taking out the entire appropriation.

Mr. JONES. That would throw it into conference.

Mr. CLAPP. That would throw it into conference, and I think perhaps in conference the matter could be worked out in detail.

Mr. ROBINSON. The Senator has suggested an amendment which contemplates a change of method of financing this reclamation project?

Mr. CLAPP. Yes.

Mr. ROBINSON. That amendment, like the amendment reported by the Committee on Indian Affairs, would be subject to a point of order.

Mr. CLAPP. I realize, of course, that that amendment would be subject to a point of order; and still I do not know whether it would, either, because it is simply a limitation. We appropriate $250,000 and add to that appropriation a limitation. On the other hand, I rather think, on reflection, that being a mere limitation upon that appropriation, it would not be subject to a point of order. But my suggestion was based on the thought that, it being the general desire here to put the matter in proper shape, there certainly would be no point made against what is manifestly desired by everyone, and that is to begin as soon as we can, at least, to put one-half of this burden upon the land taken by the white settlers.

Mr. ROBINSON. The suggestion offered by the Assistant Commissioner of Indian Affairs, which I read a few moments ago, could be easily framed into an amendment that would change the entire method of financing this irrigation project. There would be but very little trouble about it. We could provide not only that future appropriations which may be made should be reimbursable one half from the Indians and the remaining half from the white settlers, but we could also provide that the funds which have heretofore been charged as reimbursable against the Indians should be credited on their pro rata share of the payments. But the difficulty about that is that it is all subject to a point of order.

Mr. JONES. I think no one would make a point of order against it.

Mr. CLAPP. No one would make the point of order.

Mr. JONES. It would solve the problem. I suggest to the Senator from Arkansas to frame an amendment that would cover that.

Mr. ROBINSON. I shall be very glad to do so if the opportunity is offered. The amendment which I have offered, and it was not submitted until after consultation with some authorities

of the Government, who, while they do not stand sponsor for changing the method of financing this reclamation project, realize that an injustice is being done to the Indians under the present system. My thought is that if we put a limitation upon the appropriation so that we must have the approval of the Attorney General in so far as the rights of the Indians are concerned, if he has any doubt that the Indians are being properly protected he might suggest a way out of the difficulty which would enable us hereafter to provide an adequate remedy.

Mr. CLAPP. Will the Senator from Washington pardon me?

Mr. JONES. Certainly.

Mr. CLAPP. Calling the attention of the Senator from Arkansas to the matter, it seems to me the difficulty with his plan is this: Here we have made large appropriations for this work. While I am not familiar with the details of the work, I am rather inclined to think that there should be made appropriations at this time to carry the work forward.

Mr. ROBINSON. Has the Senator prepared an amendment which he thinks would cover the proposition?

Mr. CLAPP. I want to finish the suggestion. I think it would be unfortunate to delay this work if we can allow the work to go on under a provision that will make a just application of the cost of it, because I do know that it often happens in these works that if you delay them you lose a great deal of that which has been invested in the work.

I may be mistaken, but I do not believe a point of order would be made against it if we could frame an amendment here that would allow the work to go right on and at the same time protect the Indian fund from the burden of an assurance of the success of the work. As to the land taken by the white men, it seems to me it would not be better, with all due deference to the Senator, to refer the matter to the department and possibly hold up this entire work.

Mr. ROBINSON. Mr. President, I am entirely willing to accept that suggestion, and I shall be very glad, if I am assured that no point of order will be made, to submit the amendment.

Mr. CLAPP. I can not assure that, of course, but it is my suggestion to the Senator from Arkansas.

Mr. ROBINSON. I offer this amendment, Mr. President.

The VICE PRESIDENT. There is already one amendment pending.

Mr. CLAPP. I have not offered it. It is more of a suggestion.

Mr. ROBINSON. I suggest to the Senator that he put the amendment which he has suggested in form to be presented to the Senate. I can then——

Mr. CLAPP. I have it here in form, and I will submit it to the consideration of the Senator. As I said, it only begins now. It does not reach back and adjust matters. After the figures "$250,000," page 43, line 18, insert the words "one half," so that it will read:

Two hundred and fifty thousand dollars, one half reimbursable in accordance with the provisions of the act of April 4, 1910—

That is the old law. Then, after the figures "1910," on line 20, insert the words:

And the other half to be and remain a lien upon the land not allotted to or taken by Indians.

It might be worded better than that, and in view of the evident acquiescense of the Senator, I suggest that we pass over the amendment for a few moments.

Mr. ROBINSON. I have no objection to that suggestion.

Mr. JONES. Mr. President, I want to make just one or two other suggestions, and then I will be through. I have not read the hearings in reference to this matter. This proposition has been suggested, and the plan which we have just been discussing occurred to me as I heard it discussed as being a proper and fair way to deal with this matter.

Now, in reference to the water-right proposition, from the statement made by the Senator from Montana [Mr. MYERS], it seems to me there really is no question of interference with State laws, or anything of that sort. I should like the attention of the Senator from Utah [Mr. SUTHERLAND] to this particular proposition, because he has given it much more thought than I have. It seems to me, I say, from the statement of the Senator from Montana [Mr. MYERS], that there is no question of interference with State laws here, because he said that the water secured by this work was secured largely by storage or in reservoirs. In other words, the Government, or the Indians, or whoever pays for the work of storing surplus water, and as long as it keeps that in storage—and it can hold it in storage as long as it wants—it is the owner of it, just the same as a man owns a piece of land; and it can distribute the stored-up water just as it sees fit, to whomsoever it sees fit, and upon what terms it sees fit. There is, it seems to me, no interference with State laws or regulations. If the statement is correct that the Government shall furnish water that is largely stored water, that simplifies the matter very much and takes out the suggested interference with the State law.

Mr. CLARKE of Arkansas. Mr. President, I will say to the Senator from Minnesota [Mr. CLAPP] the amendment which he proposes is fundamental. It goes to the entire irrigation movement in the West. Nobody has ever yet heretofore sought a direct appropriation from the United States Treasury for the purpose of constructing these irrigation works. They have what is known as the Reclamation Service out there, made up of contributions by the General Government. That serves as a sort of limitation upon the amount.

If you set a precedent in this particular case of allowing the United States Government to construct these improvements and look to an indefinite time and to an indefinite source when it is utilized and it will be reimbursed, it opens up a phase of it that has not heretofore been discussed. It is too late in the consideration of the bill to do so intelligently and effectively now. There is a great desire that this particular bill should be out of the way, so that some important matters standing behind it may receive consideration, and if no one else makes the point of order against the amendment I will do it myself.

Mr. SUTHERLAND. Mr. President, of course, none of us want to do these Indians any injustice; and it would be a very great injustice if their moneys were used to build an irrigation plant, and the benefit of it should go to the white settlers without any payment on the part of the white settlers for it. But the white settlers will pay for whatever water they use. They are to pay for it, I understand, at the rate of about $40 an acre, the Indians, of course, in one sense, advancing the funds which are necessary to build the irrigation plant to begin with. In other words——

Mr. CLARKE of Arkansas. The Senator is mistaken about that. My colleague says the United States Government furnishes the money.

Mr. SUTHERLAND. That is true. I did not begin quite far enough back. In the first place, the United States Government advances the money. Then it looks, first of all, to the Indians to reimburse the Government for the funds which it has utilized for that purpose. Then, in turn, to the extent of the water that is used by the white settlers, the Indian fund looks to the white settlers for reimbursement. So ultimately the white settlers will pay for the water they get and the Indians will pay for the water they get. The only question is whether in the meantime the Indians will really get any benefit for their advancements. These lands are sold at from four to seven dollars per acre; and I assume that they would not be sold for as much if it were not for the fact that the lands have a prospective water right. That being so, the Indians do get a benefit, and a very great benefit, for their advancements. The Government first advances the money, then the Indians reimburse the Government; and the benefit which the Indians get for the advancement, which is ultimately repaid to them, is that they obtain a bigger price for the land they sell.

Mr. LANE. Mr. President, I should like to call the Senator's attention to the fact that that proposition is very much questioned; in fact, we are informed that as to those lands or similar lands in other reservations of the hilly country which never can be irrigated the price is from $10 to $12 an acre. Four dollars to $7 an acre is no price for land, as everybody knows who has ever been in that portion of the country.

Mr. SUTHERLAND. Of course the price paid for public lands depends upon a variety of circumstances.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I will do so in a moment. My understanding is that as to those lands which are now sold at from $4 to $7 an acre that price is obtained because there is provision made for the building of irrigation works. Therefore the white man who purchases the land at that price pays that much because he has a prospective water right for the land. If this irrigation plant were not built at all and were not arranged for, then the lands would not sell for anything like the price for which they have sold. Now I yield to the Senator from California.

Mr. WORKS. But suppose under the terms and the conditions of this appropriation this project should fail, who would be the loser?

Mr. SUTHERLAND. I presume that the Indians would ultimately be the losers.

Mr. WORKS. Certainly. They are required to take upon themselves a responsibility that is not imposed upon the white man. There is not any justice at all in that, Mr. President.

Mr. SUTHERLAND. But the Indians are selling their lands, I repeat, at from $4 to $7 an acre, because the white man who buys them relies upon this project not being a failure.

Mr. WORKS. That may be so as to a part of the land, but the ultimate outcome of it is that the Indian will be the loser and the white man will get off scot free.

Mr. MYERS. I should like to interject the suggestion that if it were not for the prospects of getting water, the land would not be worth 50 cents an acre.

Mr. SUTHERLAND. I know that lands have been sold in the Uintah Reservation, Utah, where there is no prospect of irrigation, for as little as 50 cents an acre. They are sold at public auction; they can not be sold even for the Government price of $1.25 an acre; but they are sold at auction at 50 cents an acre. I imagine that the same thing would be the case in this instance. The Indians are engaged in the enterprise in that view of it, and it really puts them in a better financial situation than if they did not advance the money to build these irrigation works.

Mr. CLAPP. Mr. President——

Mr. JONES. I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, I call the attention of the senior Senator from Arkansas [Mr. CLARKE] to the fact—which also accords with our general experience, I think, in irrigation projects—that you go along to a certain point with one of them, and if you then stop you necessarily entail a great deal of loss. I think that will be admitted by everyone. This expenditure which would be imposed upon the Government outside of the Indian fund would amount to only $125,000.

Mr. CLARKE of Arkansas. It is the precedent which it would establish which makes it objectionable.

Mr. CLAPP. I know it is the precedent to which the Senator objects; but it is not necessarily a precedent, because we are in such a situation that if this is delayed and this appropriation fails, it is going to be an injustice to the Indians; it is going to entail a loss; and it would seem to me that under those circumstances——

Mr. CLARKE of Arkansas. How can it fail? It has passed the House of Representatives and it has passed the Senate. Who is talking about any course of conduct that will ultimately create a condition where it will fail? Who is talking about making it fail?

Mr. CLAPP. If the amendment proposed by the junior Senator from Arkansas [Mr. ROBINSON] prevails, it would then leave this matter to be referred to the Attorney General upon a question involving largely, I take it, the right of the Federal Government with reference to controlling the waters in view of the State laws. The Attorney General might hold that legally the Federal Government could not exercise that jurisdiction over those waters.

Mr. CLARKE of Arkansas. If there is any legitimate doubt about the powers of the Federal Government in dealing with waters on Indian reservations, it ought to be settled.

Mr. CLAPP. That is not the doubt at all; no one will question the right of the Federal Government under the law to provide for irrigation projects upon Indian reservations; but whether in connection with such projects the Federal Government can successfully attempt to give to the Indian beneficiary any right which would not under the State law be vested in a white citizen is a question.

Mr. CLARKE of Arkansas. I take it the right to divert water from Milk River, this very reservation, is res adjudicata. The Supreme Court of the United States has decided that that right exists. Whether or not it is right as a general principle, it is right in that case.

Mr. CLAPP. I know the Supreme Court has made that decision.

Mr. CLARKE of Arkansas. Then why does the Senator inject into this discussion all these doubts which he now enumerates?

Mr. CLAPP. The Attorney General might render a technical opinion in this case that probably under the amendment proposed by the junior Senator from Arkansas would postpone this appropriation.

Mr. CLARKE of Arkansas. All those matters can be worked out in conference.

Mr. CLAPP. Or defeated entirely; and I believe that would be a very great misfortune.

Mr. CLARKE of Arkansas. I do not regard it as any misfortune, because I do not regard it as at all probable. What the amendment requires the Attorney General to determine is as to whether or not the Indian, whose land furnishes the security for this lien, will be benefited by this project. I do not know just exactly what evidence the Attorney General would take into consideration in rendering his opinion. Therefore I do not know what he will decide.

Mr. CLAPP. I think the Senator from Arkansas will find that the amendment goes further than that if he will have it again stated.

Mr. CLARKE of Arkansas. The objection to the amendment proposed by the Senator is that it changes the contract with the white man who purchases Indian lands. You can not make a new contract for a person in his own right; you can do it for a ward, but you can not do it for a person sui juris, as the lawyers call it, without consulting him, without his consent.

Mr. CLAPP. This would not change the contract between the Government and the white settlers at all.

Mr. CLARKE of Arkansas. You intend to impose a lien upon his land that he has not contracted shall go there.

Mr. CLAPP. I beg the Senator's pardon. He has contracted that it shall go there. Every foot of that land is subject to this lien.

Mr. CLARKE of Arkansas. Then you do not need any more legislation.

Mr. CLAPP. If the Senator will bear with me, I wish to say that if the project works out successfully and the land is sold and the lien is enforced, then the Indians will not lose anything.

Mr. MYERS. Mr. President——

Mr. CLAPP. Just a moment. The only change the amendment proposes to make is that, instead of leaving the Indian fund as the insurance for the success of this project, the Federal Government would assume one-half of the risk of the contract. That is the effect of the amendment. It does not change the contract relation with the men upon the lands.

Mr. MYERS. I should merely like to interject a remark here. I am glad to hear the Senator from Minnesota [Mr. CLAPP] make the statement, and make it clear, that there is a lien on the land of these white settlers for the money for carrying out this project, because there has been much said here to lead Senators who are not informed on the subject to believe that the lien was only on the Indian land, and that the white settler was incurring no obligation at all.

Mr. CLARKE of Arkansas The Senator from Montana [Mr. MYERS] made a very clear, lucid, and satisfactory explanation of that when he occupied the floor some time since. In the last analysis the real security for the money that is being advanced is the land. The Indians are not advancing the money now; they are not immediately the sureties for the repayment of the money; they have no credit; they have no assets outside of the reservation and the fund raised from the sale of surplus lands. It is a mere play upon words to talk about their being the ultimate security for anybody. The actual security for the lien is the land itself, and the actual lender will be the United States Government.

The scheme proposed by the amendment offered by the Senator from Minnesota is an entirely new one. It is objectionable because it will form a precedent in a great number of projects, and it will furnish the basis of appeals that will be constantly made here to make more liberal provision for every other project in the country. We have not discussed it; we do not understand it; we have not time to work it all out in equity and justice this afternoon, and I object to it on that score.

Then, it raises a very serious question as to whether, after a contract has been made and its ultimate limits have been defined by the parties to it acting in their own right, it can be changed by an act of Congress without their consent. I know it can not be. For that reason I think it is best to let this partial appropriation be made just as others have been made. It seems that it will require $4,000,000 more to complete the project; that much of the work necessary to consummate that great undertaking remains to be done hereafter; and it seems to me that if the million and a half already spent is properly safeguarded the additional $250,000 which is sought to be appropriated by this bill can share the same fate; and if it shall hereafter become necessary to modify the laws on this subject of irrigation, we ought to do so systematically and after a full understanding of what we are doing.

Mr. CLAPP. If the Senator from Arkansas will pause a moment, the Senator's first objection, of course, is a valid one if it is persisted in. The amendment does change the policy as to the appropriation itself, but I have no hesitation in saying that it does not change the contract rights of the man upon the land.

Mr. SMITH of Arizona. Mr. President, I ask the Senator from Arkansas, from his long experience and from the almost endless debate on the proposed amendment, if it is not the only way out of it for the Senate now to pass this bill?

Mr. CLARKE of Arkansas. Yes; right now.

Mr. SMITH of Arizona. And then to take up this other great question in its regular way and dispose of it with justice to both the white man and the Indian in a separate bill?

Mr. CLARKE of Arkansas. Yes.

Mr. SMITH of Arizona. Why not pass the bill now? We have been talking upon these amendments for four or five or six days and making points of order on them at the end of a four-hour debate. I suggest that we proceed with the bill.

Mr. CLARKE of Arkansas. I am entirely agreeable to the suggestion of the Senator from Arizona and will sit down.

Mr. ROBINSON. So far as I am concerned I am entirely ready for a vote upon the amendment.

SEVERAL SENATORS. Vote!

Mr. SUTHERLAND. Mr. President, I think we have been borrowing a great deal of unnecessary trouble about the whole Indian situation in Montana and in these other States. The fact about it is that six years ago we provided for the building of this particular enterprise, and because we provided for it, because we were going to expend upwards of $6,000,000 in building a great irrigation enterprise, white settlers out there were induced to buy lands of the Indians and to pay for those lands a larger sum of money than they would have paid if it had not been for the irrigation project. These white settlers have some rights to be considered. I venture to say that if we had not provided for these irrigation works those lands would not have sold for one-half what they are now selling for. Some of them probably would not have sold, as the Senator from Montana [Mr. MYERS] has said, for more than 50 cents or a dollar an acre.

Now, having brought about that situation, these Indians are benefited, and they will in the end get a very large sum of money in the enhanced price of the lands which they would not have obtained except for the building of this irrigation plant. So that it does not seem to me that they are going to suffer or that we are doing any injustice to them. I think we ought to continue the policy which we have entered upon and make this appropriation of $250,000—and it really ought to be half a million dollars; it would be more economical to appropriate that much and finish this work—but we at least ought to make this appropriation of $250,000 without any restriction or limitation upon it.

Mr. MYERS. Mr. President, I deny that the plan on which this project is being constructed is an unfair one or that it is unjust to the Indians. It was studied out by the Interior Department and the Indian Bureau and adopted by Congress in the beginning, and it has been bowling along smoothly without anyone ever questioning its wisdom or raising any doubt about it. The Indians have never complained, and no complaint was made from other sources until this year. For three years I have sat in the Indian Committee and they have recommended an appropriation of from $250,000 to $400,000 for this project each year, and nobody ever raised any question about the wisdom of the project or suggested any doubt about justice being done to the Indians. Former Senator Curtis, of Kansas, when a Member of the Senate, was a leading and active member of that committee and never opposed liberal appropriations for this project. He never raised any question about justice being done to the Indians, and I reaffirm that there has been no complaint from the Flathead Indians about their not getting their rights under this project.

This is the one project in the West where the Indians and the whites both want large appropriations; they want the work hurried along and prosecuted to a speedy completion. The sooner it is completed and the sooner water is put upon the lands, both of the Indians and the whites, the sooner the whites can pay for their lands and water and the sooner the Indian tribal funds will be reimbursed this money. To adopt any such amendment as is suggested here would cause a cessation of the work which is going on now. The supervising engineer would certainly not permit any more work to go on under this appropriation without waiting to see what the Attorney General is going to do; and if it is stopped at all, it will doubtless be stopped for this year. It costs much money to stop and start again a work like this, and if any hampering amendment is put on the work will doubtless be stopped for one year and not be resumed until next year, if, indeed, it is resumed then.

As I have said, it remained for Mr. Meritt, the Assistant Indian Commissioner, to raise doubt about this project and to instill fear into the minds of some members of the Indian Committee about the wisdom of this course; and yet, notwithstanding that, although Mr. Meritt condemns the system under which the project is being carried on, he went before the Indian Committee of the House and recommended that $100,000 be appropriated for this year under the old system. If he thinks that it is a wrong and vicious system and that the Indians are not getting their rights, then he recommended that $100,000 be spent without the Indians getting their rights. The House committee appropriated $100,000, that being the estimate for this year.

There has been a good deal said about the House only appropriating $100,000. I want to tell something more about that. The Indian Committee did take his estimate and his word and appropriated only $100,000, a mere driblet, the least that has ever been appropriated for this project. When the item was reported out of the committee and before the bill passed the House, my colleague [Mr. WALSH] and our associates in the House, Representatives EVANS and STOUT, were astounded that only $100,000 should be recommended for this project, and all four of us went in a body to the Indian Commissioner to protest against such a small amount being allowed. The Indian Commissioner agreed then to let it go through the House in that way and to recommend to the Senate committee an increase, so as to make the amount $250,000. It is true that he found some fault with the method of procedure, but he said that this year he would recommend to the Senate committee an appropriation of $250,000, and that next year he would try to bring about some changes in the system under which the irrigation work was being constructed, and we agreed to help him in that effort. Then he agreed, as I have said, to recommend an appropriation of $250,000 this year without any restriction or any proviso being attached to it. We left satisfied that $250,000 straight, without any strings attached, would be recommended for this year.

Then, when it came up in the Senate committee and the paragraph was put on which has provoked—and I think justly—such strong objection from Senators from the arid States of the West, I was in the hospital. I went to the hospital feeling sure that $250,000, without qualification, would be recommended by the Indian Commissioner this year and that the committee would take his advice, and I never heard about the proviso which was attached until after the bill had come out of committee into the Senate.

My colleague [Mr. WALSH] was unalterably opposed to that proviso, and expressed himself so to me in unqualified terms, and I have no doubt that if he were here he would be opposed to the pending amendment. My colleague was never invited to appear before the committee, nor to have anything to say about the appropriation, nor about this proviso attached to the appropriation, so that the first that we knew about it, as I have said, was when it came out of the committee.

I claim that it would be unjust and unfair to this project and to the Montana delegation in Congress to incorporate any such handicapping amendment in this bill as is now proposed. I believe such an amendment is likely to halt the work. I believe that a straight appropriation ought to be made this year, and then, as the Senator from Arizona [Mr. SMITH], I think, has suggested, if we want to enact a general law to change the basis of conducting irrigation enterprises in the future, and it can be done without any injustice to anybody, let us go at it in that way.

Mr. PAGE. Mr. President, may I interrupt the Senator?

Mr. MYERS. I yield, as usual, to the Senator from Vermont.

Mr. PAGE. I simply wish to have the Senator's mind refreshed in regard to the view of former Senator Curtis in regard to some of these Montana appropriations.

Mr. MYERS. I will be very glad to hear the Senator. I never heard Senator Curtis say a word against this item:

Mr. PAGE. Here is the record:

Senator MYERS. I would like to ask the gentlemen of the committee a question or two about this—

Referring to this identical project—

Do any of you doubt that the land is worth this money and that it will be reimbursed to the Government? Do you doubt that the security is sufficient?

Senator CURTIS. I do not know anything about this particular tract. I have tried to find your last year's hearing, but did not have time. There is one of these reservations in your State where the property owned by the Indians is not sufficient to reimburse the Government.

Mr. MYERS. Did he say which one it was?

Mr. PAGE. He said:

I do not know which one it is, but there is one of them, because——

Senator MYERS. This certainly is not it.

Senator CURTIS. Because they showed that if you got all the money that the land was appraised at it would not then pay back the amount of money that we had advanced for irrigation.

Mr. MYERS. There is nothing to show that that refers to the Flathead Reservation; and, as a matter of fact, Senator Curtis joined me that year in voting for an appropriation for irrigation work on that reservation of $400,000 without any qualification.

Mr. ROBINSON. Mr. President, if the Senator will yield to me for a moment——

Mr. MYERS. I yield to the Senator.

Mr. ROBINSON. I thought when the Senator from Vermont rose that he was about to read a statement on page 240 of the hearings before the Senate committee on this irrigation project, in which this colloquy occurred between the two Senators from Montana.

Mr. MYERS. The junior Senator from Montana [Mr. WALSH] was there as a spectator.

Mr. ROBINSON. He made a very illuminating statement, which I am about to read, with the Senator's permission.

Mr. MYERS. I am always glad to hear anything my colleague says.

Mr. ROBINSON. I read from the hearings:

Senator MYERS. There is a good deal of dissatisfaction expressed with the method of financing the plan on which it has been worked.

Mr. MYERS. That was this year.

Mr. ROBINSON (continuing):

What have you to say about that to the committee?

Senator WALSH. I am not very familiar with the plan that has heretofore been pursued. Of course there is only one plan that can in fairness, as it seems to me, be operated. It is not right at all to make the entire amount that is expended for this work reimbursable out of Indian funds; and, obviously, if all that portion is devoted to the improvement of land of the settlers, it ought to be made reimbursable out of the fund contributed by them, and some equitable basis of distribution ought to be arrived at as between the Indians' land and the settlers' land. So much as is properly assessable to the allotted lands of the Indians may very properly be made reimbursable out of the Indians' funds. As a matter of course it should be. Then so much of it as is properly assessable to the improvement of the lands of the settlers should be charged up against the lands of the settlers and be reimbursable in exactly the same way as the general reclamation fund is reimbursable.

Mr. MYERS. I will say, in answer to that, Mr. President, that I do not deny that it might have been just as well and perhaps better in the beginning to have started this work by taking one-half the money from the reclamation fund or from the General Treasury, if Congress would consent to any such procedure. As the senior Senator from Arkansas [Mr. CLARKE] has stated, Congress never has consented, and he doubts if it ever will consent, to such a plan, but if you could get Congress into a frame of mind to consent to it, I would not dissent from it; but the project has been carried on thus far on the present plan.

My colleague, just before he left here, expressed to me the strongest possible objection to the proviso that was put in by the committee. He said that he knew nothing about it, and that if he had he would have appeared before the committee and protested against it. He said he thought it ought to go out on a point of order or be defeated on a vote, and he hoped it would be. He was in accord with me about it.

As I have said, the Montana delegation was assured that the Indian Bureau would recommend a straight appropriation for this year of $250,000, and we had no idea that any strings would be attached to it. Next year, if any way could be devised to switch it around to meet the objections which have been suggested by the senior Senator from Arkansas [Mr. CLARKE] and Congress could be induced to accept such a plan, we were willing to see if it could be done and to aid in bringing it about; but we think that there ought to be a straight appropriation this year.

This is the one project in the Northwest that everybody is satisfied with and wants pushed. As I have said, there has been no objection and no complaint from the Flathead Indians. Delegations of the Flathead Indians have come down here—not this year, but last year—and urged me to procure larger appropriations to push the prosecution of this work to a speedy conclusion. I have never had a line nor a scratch of a pen nor a letter from a Flathead Indian objecting to this project.

Mr. JONES. Mr. President, I should like to ask the Senator if he does not think the work could be done very much more economically if we would make much larger appropriations?

Mr. MYERS. Yes. Mr. Newell says that at least $600,000 a year ought to be appropriated.

Mr. JONES. All work of that character can be prosecuted more economically if ample appropriations are made as needed.

Mr. MYERS. As I have said, the Indians and the whites are both clamoring to have this work completed. If you halt this work, you do the greatest possible injustice to the Indian, because the Indian has got to get his money back out of the sale of land to the white man; and if the white man does not get water on his land, he can not make his payments. Therefore if you halt this work, the Indian will be the chief sufferer. It is to the interest of both the Indians and the whites to prosecute this work as speedily as possible, and I think this appropriation of $250,000, in all fairness, ought to be made without any handicapping amendment, such as would be likely to halt the work and break it off for this year. Then, if you want, after consulting the Indian Bureau and the Indian Committee, to see if a different scheme can be devised in order that the objection suggested by the senior Senator from Arkansas [Mr. CLARKE] can be overcome, why let us undertake that labor and take plenty of time to it, but this is no time to halt the work on the Flathead Reservation to engage in experiments.

I say that the land is amply good to secure the money, and all the testimony goes to show that. Testimony has been read here by the Senator from Arkansas [Mr. ROBINSON], which he offered himself, showing that the land with water on it is worth from $100 to $500 per acre. Do you have any doubt that land of that character, or land worth from $50 to $100 per acre, is going to fail to bring enough to pay back to the Indians from $4 to $7 an acre and about $30 or $40 an acre, the cost of putting water on the land? I say that there can be no manner of doubt about it. They talk about the white man making a failure. Now, I will tell you why that can not affect the Indian in any way whatever. Let the white man go on the land; let him prove shiftless and thriftless and not able to make his payments; say that he makes two or three payments on the land and two or three payments for the water, but he is always trifling and not much of a farmer; his crops fail; he does not meet his payments. Do you not know that the Government retains as a forfeit the money that he paid, and, if he fails or lapses in any of his payments, the Government keeps what he has paid as a forfeit, and that same land is sold to other purchasers at the full price; so that the Government gets its money for the land, and then it goes into the Indian funds? So there can be no chance of the Government losing, and there can be no chance of the Indian funds losing.

This matter was carefully studied out by men who are careful, conscientious, and scrupulous, and who, I believe, wanted to do what was right. The work has been going along nicely, although with inadequate appropriations, it is true. Everybody wants it hurried along; there has been no complaint in regard to this particular project; and, I say, the sooner it is completed the better for the Indians and for all concerned. I think that the amendment ought to be rejected and that a straight appropriation of $250,000 ought to be made. If there is nobody else who particularly desires to discuss the matter——

Mr. LANE. Mr. President——

Mr. MYERS. I will move that the amendment be laid on the table. I will withhold that motion, if the Senator from Oregon wishes to be heard.

Mr. LANE. Mr. President, I wish to say just a word. The general subject was brought up in the committee, and what attracted my attention to it was that there was said to be a provision in the law of 1907 which restricted the time in which the Indian was allowed to make his improvements upon the land. If he did not make them within a certain time, which was only a few years, I think, he lost his water rights. In the meantime he was furnished no tools and given no means with which to make improvements; so the inevitable result would be that he would lose his water rights. Then this series of questions of the department representatives came about. They recommended the appropriation of $100,000, for the reason, as I understand, that they feared that that was what would happen; and they did not care to go on and spend more money than this, and they offered another proviso by which they would not lose their rights through lack of usage under the State law.

The white man, under the new law which we passed this year, has been granted an extension of time, which makes it a period of 20 years in which to make his payments on the land, and he is allowed from 5 to 7 years to make his improvements. It seemed to me and to the committee that if the Indian's lands were being mortgaged—his dry lands, his hill lands, as well as the bottom lands—and tied up for the cost of this expenditure of money in order to reclaim the land of the whites as well as his own land, he ought to be allowed a reasonable time in which to make his improvements and given an opportunity to do so.

I can quite understand how the Commissioner of Indian Affairs and the Indian Bureau would feel when the entire Montana delegation descended upon them, but when we questioned them they did say that it was unfair to put the whole cost upon the Indians.

Mr. MYERS. Now I make my motion to lay the amendment on the table.

Mr. TOWNSEND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Ransdell	Sutherland
Bristow	Lane	Reed	Thomas
Bryan	McCumber	Robinson	Thompson
Chamberlain	Martine N. J.	Shafroth	Thornton
Chilton	Myers	Sheppard	Tillman
Clapp	Nelson	Shields	Townsend
Clarke, Ark.	Newlands	Shively	Vardaman
Cummins	Norris	Simmons	White
Dillingham	Overman	Smith, Ariz.	Williams
Fletcher	Owen	Smith, Ga.	Works
Gore	Page	Smith, Md.	
Hitchcock	Perkins	Sterling	
James	Pomerene	Stone	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

The question is on the motion of the Senator from Montana [Mr. MYERS] to lay on the table the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. PAGE. On this question I should like to have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the senior Senator from New Mexico [Mr. FALL]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber. He is paired with the senior Senator from Ohio [Mr. BURTON].

Mr. SHIELDS (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the junior Senator from Georgia [Mr. WEST] and will vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from New Hampshire [Mr. HOLLIS] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is temporarily detained from the Chamber on important business. I understand he is paired with the junior Senator from Missouri [Mr. REED].

Mr. STONE (when his name was called). I transfer the pair I have with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Virginia [Mr. SWANSON] and will vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the negative). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I transfer that pair to the junior Senator from Maryland [Mr. LEE] and will allow my vote to stand.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. Not having any transfer, I will withhold my vote.

Mr. WILLIAMS (after having voted in the negative). I inquire whether the senior Senator from Pennsylvania [Mr. PENROSE] has voted?

The VICE PRESIDENT. He has not.

Mr. WILLIAMS. I have a pair with that Senator, and therefore must withdraw my vote.

Mr. JAMES (after having voted in the affirmative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the junior Senator from Nevada [Mr. PITTMAN], and will allow my vote to stand.

The result was announced—yeas 18, nays 25, as follows:

YEAS—18.

Camden	McCumber	Reed	Sutherland
Chilton	Martine, N. J.	Shafroth	Thornton
Clarke, Ark.	Myers	Simmons	Tillman
Gore	Newlands	Smith, Ariz.	
James	Overman	Smith, Ga.	

NAYS—25.

Ashurst	Jones	Pomerene	Thompson
Bristow	Lane	Robinson	Townsend
Bryan	Nelson	Sheppard	White
Chamberlain	Norris	Shields	Works
Clapp	Page	Shively	
Cummins	Perkins	Sterling	
Dillingham	Poindexter	Stone	

NOT VOTING—53.

Bankhead	Burton	Culberson	Goff
Borah	Catron	du Pont	Gronna
Brady	Clark, Wyo.	Fall	Hitchcock
Brandegee	Colt	Fletcher	Hollis
Burleigh	Crawford	Gallinger	Hughes
Johnson	McLean	Saulsbury	Vardaman
Kenyon	Martin, Va.	Sherman	Walsh
Kern	O'Gorman	Smith, Md.	Warren
La Follette	Oliver	Smith, Mich.	Weeks
Lea, Tenn.	Owen	Smith, S. C.	West
Lee, Md.	Penrose	Smoot	Williams
Lewis	Pittman	Stephenson	
Lippitt	Ransdell	Swanson	
Lodge	Root	Thomas	

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Pittman	Stone
Bankhead	James	Poindexter	Sutherland
Bristow	Jones	Ransdell	Thomas
Bryan	Lane	Reed	Thompson
Camden	McCumber	Robinson	Thornton
Chamberlain	Martine, N. J.	Shafroth	Townsend
Chilton	Myers	Sheppard	Vardaman
Clapp	Nelson	Shields	White
Clarke, Ark.	Newlands	Shively	Williams
Crawford	Norris	Smith, Ariz.	Works
Cummins	Overman	Smith, Ga.	
Dillingham	Page	Smith, Md.	
Gore	Perkins	Sterling	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

The question is, Shall the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] be laid on the table? Upon that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I announce my pair as on a former vote, and vote "yea."

Mr. CHAMBERLAIN (when his name was called). Again announcing my pair, I transfer it to the junior Senator from Maryland [Mr. LEE], and will vote. I vote "nay."

Mr. CHILTON (when his name was called). Announcing my pair as on the former vote—on which, I believe, I voted wrongly, not understanding the question—I vote "nay."

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA]. Not knowing how he would vote if present, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. STONE (when his name was called). Announcing my pair and its transfer as on the previous vote, I vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair, and withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

The roll call was concluded.

Mr. McCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA], and to say that he is paired with the senior Senator from Maine [Mr. JOHNSON].

Mr. JAMES (after having voted in the affirmative). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from South Carolina [Mr. TILLMAN] and will allow my vote to stand.

Mr. CLAPP (after having voted in the negative). I inquire whether the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. He has not.

Mr. CLAPP. Having a general pair with him, and not knowing how he would vote if present, I withdraw my vote, unless a transfer can be arranged in order to make a quorum.

Mr. HOLLIS. I wish to announce the unavoidable absence of the senior Senator from Maine [Mr. JOHNSON], and to state that he is paired with the junior Senator from North Dakota [Mr. GRONNA].

Mr. CLAPP. In order to make a quorum, notwithstanding my pair, I vote "nay."

Mr. THOMAS. I am informed that my vote is necessary to make a quorum. For that reason I vote "yea."

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

The result was announced—yeas 19, nays 31, as follows:

YEAS—19.

Bankhead	McCumber	Reed	Sutherland
Borah	Myers	Shafroth	Thomas
Clarke, Ark.	Newlands	Smith, Ariz.	Thornton
Gore	Overman	Smith, Ga.	Williams
James	Pittman	Smith, Md.	

NAYS—31.

Ashurst	Cummins	Page	Sterling
Bristow	Dillingham	Perkins	Stone
Bryan	Hitchcock	Poindexter	Thompson
Camden	Jones	Pomerene	Townsend
Chamberlain	Lane	Ransdell	Vardaman
Chilton	Martine, N. J.	Robinson	White
Clapp	Nelson	Sheppard	Works
Crawford	Norris	Shively	

NOT VOTING—46.

Brady	Goff	Lodge	Smith, Mich.
Brandegee	Gronna	McLean	Smith, S. C.
Burleigh	Hollis	Martin, Va.	Smoot
Burton	Hughes	O'Gorman	Stephenson
Catron	Johnson	Oliver	Swanson
Clark, Wyo.	Kenyon	Owen	Tillman
Colt	Kern	Penrose	Walsh
Culberson	La Follette	Root	Warren
du Pont	Lea, Tenn.	Saulsbury	Weeks
Fall	Lee, Md.	Sherman	West
Fletcher	Lewis	Shields	
Gallinger	Lippitt	Simmons	

So the Senate refused to lay Mr. ROBINSON's amendment on the table.

Mr. MYERS. Mr. President, I will simply say, on this main question, that I think this amendment is useless, unfair, unjust, and unreasonable; that it will merely halt work on a great reclamation project in Montana for an indefinite length of time; and do that project incalculable damage, as it can not be halted and resumed again except at a great cost of money.

I hope that the amendment will be defeated.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. MYERS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote on this question, I withhold my vote unless it becomes necessary to make a quorum.

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and the transfer of that pair to the Senator from Illinois [Mr. SHERMAN]. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire again to announce the necessary absence of my colleague [Mr. SMITH] and his pair with the junior Senator from Missouri [Mr. REED].

Mr. STONE (when his name was called). I announce my pair with the Senator from Wyoming [Mr. CLARK] and the transfer as on the last vote. I vote "nay."

Mr. WILLIAMS. Announcing my pair with the senior Senator from Pennsylvania [Mr. PENROSE], I withhold my vote.

The roll call was concluded.

Mr. CHILTON. I announce my pair and transfer as before and vote "yea."

Mr. THOMAS. I again announce my pair with the Senator from New York [Mr. ROOT], and withhold my vote.

Mr. CHAMBERLAIN. Again transferring my pair to the junior Senator from Maryland [Mr. LEE], I vote "yea."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. REED. I am paired with the Senator from Michigan [Mr. SMITH].

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. OWEN. I am paired with the Senator from New Mexico [Mr. CATRON].

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from North Carolina [Mr. SIMMONS] and vote "nay."

Mr. OWEN. I understand that if my vote is necessary to make a quorum I have a right to vote. I should like to be informed as to that. I vote "yea."

The VICE PRESIDENT. There is a quorum without the Senator's vote.

Mr. OWEN. Then I withdraw my vote.

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Delaware [Mr. SAULSBURY] is paired with the Senator from Rhode Island [Mr. COLT]; that the Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT]; that the Senator from New York [Mr. O'GORMAN] is paired with the Senator from New Hampshire [Mr. GALLINGER]; that the Senator from Montana [Mr. WALSH] is paired with the Senator from Rhode Island [Mr. LIPPITT]; and that the Senator from South Carolina [Mr. SMITH] is paired with the Senator from Wisconsin [Mr. STEPHENSON].

The result was announced—yeas 29, nays 20, as follows:

YEAS—29.

Ashurst	Cummins	Norris	Sterling
Bankhead	Dillingham	Page	Thompson
Bristow	Hitchcock	Perkins	Townsend
Bryan	Hollis	Poindexter	Vardaman
Chamberlain	Jones	Pomerene	White
Chilton	Lane	Ransdell	
Clapp	Martine, N. J.	Robinson	
Crawford	Nelson	Sheppard	

NAYS—20.

Borah	Myers	Shively	Sutherland
Clarke, Ark.	Newlands	Smith, Ariz.	Thornton
Gore	Overman	Smith, Ga.	Tillman
James	Pittman	Smith, Md.	Williams
McCumber	Shafroth	Stone	Works

NOT VOTING—47.

Brady	Gallinger	Lodge	Simmons
Brandegee	Goff	McLean	Smith, Mich.
Burleigh	Gronna	Martin, Va.	Smith, S. C.
Burton	Hughes	O'Gorman	Smoot
Camden	Johnson	Oliver	Stephenson
Catron	Kenyon	Owen	Swanson
Clark, Wyo.	Kern	Penrose	Thomas
Colt	La Follette	Reed	Walsh
Culberson	Lea, Tenn.	Root	Warren
du Pont	Lee, Md.	Saulsbury	Weeks
Fall	Lewis	Sherman	West
Fletcher	Lippitt	Shields	

So Mr. ROBINSON's amendment was agreed to.

Mr. GORE. On page 78, following the last amendment adopted this morning, and in relation to the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], I submit an amendment.

The VICE PRESIDENT. To what part of the bill does the Senator from Oklahoma offer the amendment?

Mr. GORE. Following the amendment adopted early in the day in relation to attorneys' fees. The amendment bore relation to the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], which was adopted. I think it ought to follow the amendment in relation to attorneys' fees. It is not a part of that amendment; it is an independent amendment. I offer it to come in at the appropriate place. It is not necessary to indicate the exact line.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment heretofore adopted on page 78:

The Choctaw and Chickasaw Nations are hereby authorized to file a suit in the Court of Claims by their tribal attorneys against the United States within 60 days after the passage of this act for the purpose of ascertaining the amount due said nations from the United States for the land embraced in the "leased district" lying between the ninety-eighth and one hundredth meridians of west longitude and the Canadian and Red Rivers, and the Court of Claims is hereby authorized to ascertain the amount due the Choctaw and Chickasaw Nations upon the principles of justice and regardless of treaty technicalities and to render judgment therefor in favor of the Choctaw and Chickasaw Nations: *Provided*, That judgment shall not be rendered in favor of the Choctaw and Chickasaw Nations for an amount to exceeed $1.25 per acre for the land embraced in said "leased district" exclusive of the Cheyenne and Arapahoe country and exclusive of lands allotted to other Indians, and there is hereby appropriated out of any money in the Treasury not otherwise appropriated a sum sufficient to pay the award of the Court of Claims in said suit.

Mr. WILLIAMS. Mr. President, I should like to have some information from the Senator from Oklahoma——

Mr. ASHURST. If the Senator from Mississippi will pardon me a moment——

Mr. WILLIAMS. Certainly.

Mr. ASHURST. I regret that my duty leads me to make a point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. STERLING. I offer the amendment which I send to the desk and ask that it be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. After line 2, on page 67, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000 and interest thereon at the rate of 5 per cent per annum from May 25, 1883, in full payment of the award made on said date by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees of August 6, 1846, and which award was approved by the Secretary of the Interior August 29, 1883, reaffirmed by decision dated September 16, 1884, and again reaffirmed by decision dated April 26, 1886.

Mr. ASHURST. Mr. President, my duty requires me to make a point of order against this amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. STERLING. May I ask with all due deference to the ruling of the Chair as to the ground on which the point of order is made and sustained?

The VICE PRESIDENT. It has been made three times, I believe, during the progress of this bill under the fourth clause of Rule XVI, namely, that it is a private claim offered to a general appropriation bill.

Mr. STERLING. The same point was made when the bill was before the Senate at the last session and as against the point of order the statement was made that it was for the purpose of carrying out the provisions of a treaty and the presiding officer, being the same presiding officer now occupying the chair, overruled the point of order.

The VICE PRESIDENT. There is no question of doubt about that; but the presiding officer rules on the point made by the Senator who raises it, and not on the rules of the Senate. The point then was that it was general legislation, and no attention was called at that time to the fact that it was a private claim. At this time, however, the fourth clause of Rule XVI is invoked, which presents an entirely different question. It is not the business of the presiding officer to hunt reasons for sustaining points of order; it is the business of the Senator making a point of order to state the ground upon which he rests it. The bill is in the Senate and open to further amendment. The question is, Shall the amendments be engrossed, and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. LANE. Mr. President, there are some facts which pertain to the Indian question which I think, in a general way, are of interest, and to which I wish to call attention briefly.

The Indians are a different type of people from the whites. They have always held their property in common; they are communists, in a way; they are socialists; and for that reason it is hard to teach them to be thrifty. I do not suppose that we shall ever accomplish that.

The Indians of the far west coast have a sort of religion—or a custom, at least—which has been practiced for generations, to this effect: If an Indian succeeded in becoming what was known as a rich man, if he became wealthy, if he acquired a large number of horses or blankets or furs, he held what was called a potlatch. He called together all the Indians from all over the country to meet at his camp on a certain day. At that time he gave away everything he had; he stripped himself to his breechcloth, and he went out into the world flat broke and to begin all over again.

As a physician for 40 years I have tried to find the potlatch germ, the potlatch bug. I wanted to secure it in order to inoculate it into the systems of some of the wealthier class of the white people of this country. I think it would be good if we could instill into them some idea of such a distribution. The Indian will never perhaps become a thrifty man; but, under the system by which we, as his guardians, conduct his affairs, it is absolutely impossible for him to get ahead in this world.

For instance, under the items of support and civilization of the Indians which have been carried for years and years and for which hundreds of thousands and millions of dollars have been expended there has been but a modicum, a mere trifle of that money expended either for the support or the civilization of the Indian. It has been used to pay salaries for a lot of gentlemen appointed to administer his affairs. We appropriate money to employ farmers to teach the Indian how to farm, but we give him no lands upon which to farm and no implements with which to farm. That is the general rule, though there are exceptional cases. If you go upon the majority of the reservations of this country you will find a dozen or 20 Indians using the same plow, borrowing one from another. Farming can not be successfully conducted in that way. A white man can not do it, and an Indian can not be justly censured if he does not succeed.

To begin with, the Indian is not a farmer; he never was a farmer. I have been among Indians who still wore their hair to their waists and traveled about in breechcloth and leggins. I never knew an Indian who could farm. He would send his wife out to dig camas and wapato for vegetables, but he lived upon game and fish. The Indian is naturally a hunter and a fisherman. It is hard to make a farmer of him, and with the methods we use we never shall make a farmer of him. The Indian is a good horseman, and I think he would make a good stockman. If we would spend our money in supplying some of the Indians who are fitted for it, such as the Blackfeet and the Indians of the Plains, with horses, he would be very likely to make a success of that or of stock raising. But, above all things, the Indian was a warrior; he liked to hunt and to fight. Here was a great opportunity that this Government has missed for all these years and is missing to-day.

The Indian upon the reservations, through the change in their method of living, by which they have gone out of the tepee and into the house with bad ventilation, is dying of tuberculosis at a rate that is four times as great as the percentage of deaths from that disease among the whites. It is a pitiable condition, for he was a healthy, outdoor human being before he was confined to a house, and if he lived in the old tepee tent to-day he would again be healthy, for the reason that it was the best-devised human habitation that the mind of man ever invented so far as ventilation is concerned. It was built on the plan of the old cupola furnace, by means of which every bit of iron in the world was smelted before the blast furnace was invented, all the circulation of air being out through the top. When he lived in that way he was healthy, also he was a man who loved to hunt and fight; and if this Government had taken advantage of his natural disposition and requisitioned him as a cavalryman, had given him a horse, and made him live as the Arab does, out of doors and in his tepee, and allowed him to carry his family with him, or those who wished to do so—and the majority of them do—we would have had a magnificent body of cavalrymen, the finest in the world, who would be true to the country and who would have loved to fight for it and who would have been particularly adapted to the work. We would have employed him in a service in which he would be useful. I repeat we shall never make a farmer of him.

The Indian is a good pilot. He is a good swift-water man, the best swift-water pilot in the world; whether on the Yukon or Stikine River, the swiftest water that we have in America, he is the best man that you can put in the pilot house. They read water as they read all other signs of nature, with an intuition that they have inherited from generations down; they read it as no white man can. They have a better eye than a white man has. It has been developed in their centuries of experience, but we do not give him a chance or opportunity to use any of these gifts which God has given him to a degree far in excess of any which we possess, but we pinch him down and place him under restrictions and try to make a farmer of him. It is a mistake.

I am not going to say anything more than that. I merely wished to impress upon the Senate if I could that I think the whole scheme of our management of the affairs of the Indian is a mistake. It is wrong; it is expensive to the Government; it is fatal to the Indians, and we in the Senate through ignorance, not knowing the conditions which prevail among them, are passing much bad legislation, which, in my opinion, later along will come back to vex us in the way of just claims against the Government. A horde of hungry attorneys, who are now trying to get legislation through for some personal benefit, will after a while be here again as the attorneys against the Government to recover claims because of the legislation which they did all they could to secure the passage of at the hands of this body.

I wish to call your attention to some of the facts as they exist—it is pitiful; it is awful; it is almost too bad even to tell—there is, for instance, one tribe which has $900,000 in cash on deposit with the Government, for which I presume—I do not know—they are entitled to some sort of interest; they have $90,000, or something like that amount, which is paid in their behalf to their agent, to employees of the Indian Bureau for rental of their lands; they have an annuity of some $20 a year due to each individual, and yet last year with all of this income some of those Indians are said to have starved to death; they and their children, poor little consumptive children, dying with that horrible disease, compelled to live on a mixture of flour and potatoes ground up and boiled down in water. One Indian of that tribe wrote an appealing letter to a stockman, which was sent to me, asking his permission and telling him, "You know I am an honest man, for I have never defrauded you, and I ask your permission to allow me to go upon the plains and eat such dead cattle of yours as have died of disease and starvation." These Indians possess property worth millions upon millions of dollars.

There is something wrong, gentlemen, in our administration of these affairs. The fault lies in the scheme, in the plan. It is not due to individual crime or sin, but there is a collective blame upon this Government; and until we purge ourselves of this condition and look into it and give the Indian the employment to which he is adapted and shut off the wretched, dishonest, petty grafting that he is subjected to, I do not see how it can lie in our mouths to go before the world and say that we have a civilization or a lesson to teach to the people of the

Philippine Islands or a whisper of information to transmit to the unfortunate people of Mexico.

The VICE PRESIDENT. The question is, Shall the bill pass? The bill was passed.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I give notice that to-morrow, at the close of the morning business, I will address the Senate on the bill for the creation of a Federal trade commission.

I now move that the Senate take up for consideration the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. JONES. I hope the Senator will not make that motion this afternoon. Very few Senators are present at this time. He can make the motion to-morrow. I do not want to have to suggest the absence of a quorum, but I shall feel disposed to do it if the Senator now insists on the motion. I have no objection to the bill being made the unfinished business to-morrow.

Mr. NEWLANDS. Very well, Mr. President. As there is no probability of a quorum being secured, I will renew the motion to-morrow morning.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 25, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 24, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Civil Engineer Frank T. Chambers, with rank of commander, to be a civil engineer in the Navy with rank of captain from the 13th day of June, 1914.

Lieut. Commander John C. Fremont to be a lieutenant commander in the Navy from the 1st day of July, 1913, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Edward E. Spafford to be a lieutenant commander in the Navy from the 20th day of December, 1913, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Walter N. Vernou to be a lieutenant commander in the Navy from the 11th day of January, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Lewis Coxe to be a lieutenant commander in the Navy from the 13th day of February, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Frank R. McCrary to be a lieutenant commander in the Navy from the 21st day of February, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Percy W. Foote to be a lieutenant commander in the Navy from the 10th day of March, 1914, to change the date from which he takes rank as previously confirmed.

Capt. Edward B. Cole to be a captain in the Marine Corps from the 1st day of May, 1914, to change the date from which he takes rank as previously confirmed.

First Lieut. Frederick A. Barker to be a captain in the Marine Corps from the 25th day of February, 1914.

Second Lieut. Allen E. Simon to be a first lieutenant in the Marine Corps from the 17th day of March, 1914.

Ernest F. Slater, a citizen of South Carolina, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 19th day of June, 1914.

Passed Asst. Surg. James S. Woodward to be a surgeon in the Navy from the 20th day of October, 1913.

Passed Asst. Surg. James A. Randall to be a surgeon in the Navy from the 20th day of November, 1913.

Passed Asst. Surg. Charles E. Ryder to be a surgeon in the Navy from the 21st day of January, 1914.

Penn-Gaskell Skillern, jr., a citizen of Pennsylvania, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of June, 1914.

Clarence W. Ross, a citizen of Oregon, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 16th day of June, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 24, 1914.

SECRETARIES OF LEGATIONS.

Sheldon Whitehouse to be secretary of the legation to Greece and Montenegro.

Cyrus F. Wicker to be secretary of the legation at Managua, Nicaragua.

CONSUL GENERAL.

Julius G. Lay to be consul general at Berlin, Germany.

Alfred L. M. Gottschalk to be consul general at Rio de Janeiro, Brazil.

CONSULS.

Charles K. Moser to be consul at Harbin, China.

William L. Jenkins to be consul at Guadeloupe, West Indies.

Charles S. Winans to be consul at Nuremberg, Bavaria.

SURVEYOR GENERAL.

Henry Gerharz to be surveyor general of Montana.

POSTMASTERS.

GEORGIA.

Thomas E. Brown, Bremen.
R. D. Moore, Jefferson.

ILLINOIS.

S. E. Avey, Mount Morris.
Frank W. Meisenheimer, Ava.

IOWA.

A. R. Miller, Washington.

KANSAS.

John B. Kay, St. John.

TENNESSEE.

E. F. Allen, Ashland City.
Addie D. Bell, Springfield.

VERMONT.

Cornelius Buckley, Barton.
John J. Rock, Ludlow.

APPOINTMENTS IN THE ARMY.

To be second lieutenants.

CORPS OF ENGINEERS.

Cadet William Henry Holcombe.
Cadet James Bell Cress.
Cadet Charles Philip Gross.
Cadet Bernard August Miller.
Cadet Peter Cleary Bullard.
Cadet Brehon Burke Somervell.
Cadet Xenophon Herbert Price.
Cadet Robert Walter Crawford.
Cadet Frederick Snowden Skinner.
Cadet Dabney Otey Elliott.
Cadet Allen Parker Cowgill.
Cadet George Fenn Lewis.
Cadet Harrison Brand, jr.
Cadet Frederick William Herman.
Cadet John Hill Carruth.

CAVALRY ARM.

Cadet Arthur Dow Newman.
Cadet John William Butts.
Cadet Cedric Watterson Lewis.
Cadet Edward Leuffer Nevin Glass.
Cadet Charles Watson Foster.
Cadet Cuyler Llewellyn Clark.
Cadet Clarence Corinth Benson.
Cadet Thomas Henry Rees, jr.
Cadet John Henry Woodberry.
Cadet Walter Woolf Wynne.
Cadet William Abbott Robertson.
Cadet Joseph Bradford Treat.
Cadet Joseph Wilson Byron.
Cadet Warren Philip Jernigan.
Cadet Walter Cyrus Gullion.
Cadet Sylvester De Witt Downs, jr.
Cadet Robert Dyer McDonald.
Cadet Orlando Ward.
Cadet John Prince Markoe.

FIELD ARTILLERY ARM.

Cadet Philip Loomis Thurber.
Cadet William Chester Houghton.

COAST ARTILLERY CORPS.

Cadet Lester Earl Moreton.
Cadet La Rhett Livingston Stuart.
Cadet Alfred Earl Larabee.
Cadet John Adams Brooks, jr.
Cadet Albion Ray Rockwood.
Cadet Frank Lawrence Hoskins.
Cadet John Hamilton Jouett.

INFANTRY ARM.

Cadet Roy Melvin Smyth.
Cadet Cleveland Hill Bandholtz.
Cadet Fritz Philip Lindh.
Cadet Harry Clyde Ingles.
Cadet James Lester Bradley.
Cadet Willis James Tack.
Cadet Floyd Randall Waltz.
Cadet Carl Eugene Fosnes.
Cadet Weldon Williamson Doe.
Cadet Carl Spatz.
Cadet Harold Roe Bull.
Cadet Charles Morton Milliken.
Cadet James Fred Byrom.
Cadet Woodfin Grady Jones.
Cadet Paul Clarence Paschal.
Cadet John Leo Parkinson.
Cadet Rudolph Gwinn Whitten.
Cadet Louis Thomas Byrne.
Cadet Francis Rusher Kerr.
Cadet Francis Marion Brannan.
Cadet William Rutledge Orton.
Cadet Francis Henry Forbes.
Cadet Rufus Sumter Bratton.
Cadet Thomas George Lanphier.
Cadet Jefferson Reese Davenport.
Cadet Benjamin Grant Weir.
Cadet Ralph Royce.
Cadet Harry Milford Brown.
Cadet Thomas Huntington Monroe.
Cadet Roger Burnett Harrison.
Cadet Joseph Webster Allison, jr.

To be additional second lieutenants.

CAVALRY ARM.

Cadet William Ord Ryan.
Cadet Benjamin Fiery Hoge.

FIELD ARTILLERY ARM.

Cadet John Churchill Wyeth.
Cadet Arthur Ringland Harris.
Cadet John Green Burr.
Cadet John Benjamin Anderson.
Cadet William Edward Burr.

COAST ARTILLERY CORPS.

Cadet Joseph De Moss McCain.
Cadet Eugene Villaret.
Cadet Reiff Hesser Hannum.
Cadet Harold Francis Loomis.
Cadet Leland Harold Stanford.
Cadet James Cooper Waddell.
Cadet Richard Bolles Paddock, jr.
Cadet Charles Carleton Griffith.
Cadet James Byron Haskell.
Cadet James Patrick Hogan.
Cadet Gooding Packard.
Cadet Glenn Preston Anderson.
Cadet Adam Empie Potts.

INFANTRY ARM.

Cadet Frederick Herr.
Cadet Clifford James Mathews.
Cadet Howard Prescott Milligan.
Cadet Frank William Milburn.
Cadet John Warren Weissheimer.
Cadet Isaac Gill, jr.
Cadet John Kennard.
Cadet John Bellinger Thompson.
Cadet Hamner Huston.
Cadet Jens Anderson Doe.
Cadet Sheldon Harley Wheeler.
Cadet Lester Leland Lampert.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 24, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful God, the same yesterday, to-day, and forever, we thank Thee for all the blessings of the past and turn to Thee with renewed confidence for the outpouring of Thy spirit which shall enlighten, uphold, and guide us through all the changing scenes of this newborn day. May we hear, receive, and obey in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with the business in order to-day under the rules.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves to dispense with business in order to-day under the rules.

Mr. FITZGERALD. Mr. Speaker, a week from to-day is the 1st of July, the beginning of the next fiscal year. There are still 53 pages of the sundry civil appropriation bill to be considered. I think if we were to consider the bill to-day and sit at some length, and one or two days more, we could dispose of it before the end of this week. I hope that because of the importance of passing the bill in the House the motion will prevail.

Mr. HAWLEY. Mr. Speaker, I desire to correct the RECORD.

Mr. MANN. Will the gentleman from New York yield?

The SPEAKER. The Chair will attend to the motion of the gentleman from Oregon in a minute, as soon as we get through with this motion.

Mr. MANN. Would it be practicable to substitute next Tuesday for to-day, and then have two Calendar Wednesdays next week?

Mr. FITZGERALD. I could not agree to that.

Mr. MANN. Why not?

Mr. LLOYD. Would it not be better to make it next Thursday instead of next Tuesday?

Mr. MANN. That would be satisfactory to me.

Mr. FITZGERALD. One objection to two days next week is that probably we will want to attempt to commence consideration of the general deficiency bill if we can get this bill finished early enough this week.

Mr. MURDOCK. Is not the House now on Calendar Wednesday and in the midst of the consideration of a measure?

Mr. FITZGERALD. It is; but disposition of that bill to-day is not nearly so important as finishing the consideration of the sundry civil bill at the earliest possible moment.

Mr. STAFFORD. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. STAFFORD. Supplementing the view of the gentleman from New York [Mr. FITZGERALD], I wish to say that the bill under consideration on Calendar Wednesday is largely a codification of existing law, that there is very little new law embodied in the bill as it is presented to the House, and could very well be postponed to some time next week for consideration. I hope the gentleman from Missouri [Mr. RUCKER] will see his way clear to postpone the consideration of the bill.

Mr. RUCKER. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. RUCKER. Mr. Speaker, realizing the importance of action on the sundry civil bill, I have no disposition to oppose the request of the gentleman from New York [Mr. FITZGERALD], provided some fair arrangement can be made. If it could be agreed that the House will set apart next Thursday, as well as next Wednesday, for business that is in order on Calendar Wednesday, so that these little bills may be disposed of, I would have no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that proceedings under Calendar Wednesday for to-day be dispensed with and that next Thursday be treated as a Calendar Wednesday day in addition to Wednesday.

Mr. ADAMSON. You mean Thursday week?

Mr. MANN. Thursday of next week.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that Thursday of next week be substituted for to-day.

Mr. MURDOCK. Mr. Speaker, I object.

The SPEAKER. The Chair did not understand the gentleman from Kansas.

Mr. MURDOCK. I reserve the right to object. If Calendar Wednesday is going to be dispensed with, I would like to have it done by a vote.

Mr. MANN. This will not dispose of Calendar Wednesday. This preserves Calendar Wednesday.

Mr. MURDOCK. It disposes of it for the day, and the rule says that Calendar Wednesday shall be disposed of after 10 minutes of debate by a motion.

Mr. MANN. But the trouble about making the motion is that you can not substitute another day for to-day. There would be two Calendar Wednesdays next week, and the bill under consideration to-day would come up next Wednesday. Following that would be the reclamation bill, I would take it. We would not lose any time.

Mr. MURDOCK. It is in the power of the House to dispose of Calendar Wednesday.

Mr. MANN. Oh, yes; but it is not in the power of the House this morning to substitute another Calendar Wednesday.

Mr. FITZGERALD. Let me call the gentleman's attention to the fact that next Wednesday is the 1st of July, and there is still undisposed of differences between the two Houses on both the District and the legislative appropriation bills.

Mr. MANN. It is still within the power of the House to dispense with proceedings on Calendar Wednesday if there was sufficient reason for it.

Mr. FITZGERALD. It would take two-thirds vote to dispense with business on both those days.

Mr. MONDELL. Mr. Speaker, reserving the right to object——

Mr. MURDOCK. I still reserve my right.

Mr. MONDELL. In reply to the suggestion of the gentleman from Kansas, some of us who are here are very much interested in the bill which will be taken up to-day relative to campaign expenditures. I want to see it become a law, and the sooner the better. We are also very much interested in the reclamation bill which follows, for the extension of the period of payments, and we can not take any position that could possibly delay or jeopardize the enactment of either of those bills.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, just a moment.

Mr. MURDOCK. Mr. Speaker, I reserve the right to object.

Mr. MONDELL. If the gentleman from Kansas [Mr. MURDOCK] insists on a vote on a motion which does not substitute another day for the day lost, he would put us in a position where we must vote against dispensing with Calendar Wednesday, because by that vote we do not get the other day. If the request of the gentleman from Illinois [Mr. MANN] were granted, we would secure two consecutive days; that would be better than one day now and one day next week.

Mr. MURDOCK. With the Speaker's permission, will the gentleman yield? If the House votes to dispense with Calendar Wednesday, is there any reason why we can not go on with the consideration, as the gentleman from Illinois [Mr. MANN] proposed?

Mr. MONDELL. If anyone can assure us we will get that other day.

Mr. MURDOCK. The gentleman knows that nearly everybody here in the House is to-day in favor of dispensing with Calendar Wednesday, but I would like to see it dispensed with regularly under the rules; that is, by a vote.

Mr. MONDELL. I am not in favor of dispensing with it unless we get an extra day next week—Thursday, as well as Wednesday.

Mr. MURDOCK. If we are going to dispose of it, let it be done regularly and by unanimous consent.

Mr. GARNER. Does the gentleman want to dispense with Calendar Wednesday?

Mr. MURDOCK. Yes.

Mr. GARNER. And the only object is that he wants to establish a record?

Mr. MURDOCK. We had a great deal of trouble in providing for a Calendar Wednesday rule, and finally established the day, and provided that we could dispense with it by a motion after limited debate. The gentleman from Texas [Mr. GARNER] certainly does not mean to say that I was trying to do anything in the line of a "grand-stand play"?

Mr. GARNER. I do not mean to say that, but the gentleman from Kansas [Mr. MURDOCK] seems to have such a respect for Calendar Wednesday that he is not even willing at this stage of the procedure, in order to relieve the country, to dispense with Calendar Wednesday, in order to make his record consistent.

Mr. MURDOCK. No; it is not a matter of consistency. It is a very simple process for the gentleman from New York to move to dispense with Calendar Wednesday, and then, after the vote is taken and Calendar Wednesday is disposed of to-day by a majority vote——

Mr. FITZGERALD. It takes a two-thirds vote——

Mr. MURDOCK (continuing). Yes; by a two-thirds vote, then we can go on with the consideration of the bill. But I would like to see the motion made and voted on and not have it done by unanimous consent.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. If Calendar Wednesday is disposed of to-day by unanimous consent, and next Thursday is recognized as Calendar Wednesday, we will then have next Wednesday and Thursday for all the business that otherwise would be taken up on to-day and on next Wednesday?

The SPEAKER. Yes.

Mr. RAKER. In the same order and condition?

The SPEAKER. Yes.

Mr. RAKER. So that when we shall have gotten through with the so-called Rucker bill, the reclamation bill could be taken up as if the Rucker bill had been disposed of to-day?

The SPEAKER. Yes.

Mr. ADAMSON. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. Would it not be competent to get out of the trouble if the gentleman from Illinois [Mr. MANN] would modify his request and say that if the House should dispense with Calendar Wednesday to-day, in that event Wednesday and Thursday of next week be substituted?

Mr. MANN. I will not substitute it that way.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to substitute to-morrow week for to-day.

Mr. MURDOCK. Mr. Speaker, reserving the right to object——

Mr. UNDERWOOD. Reserving the right to object, Mr. Speaker, speaking in the time of the gentleman from Kansas [Mr. MURDOCK] in his reservation, I do not think it wise to make any other special order for next week or to set aside a special day for next week. Next Monday we have set apart as a suspension day. That will aid more Members and facilitate the passage of more bills than a calendar day can possibly do, because it brings the bills to the immediate consideration of the House. Next week we have a Calendar Wednesday. That makes two days set apart, and I do not suppose we can get all the appropriation bills through, but those that are in conference and can be considered ought to be passed, every one of them that is possible, next week before the 1st day of July, because——

Mr. MANN. Next Thursday is after the 1st day of July.

Mr. UNDERWOOD. Yes.

The SPEAKER. Wednesday is the 1st day of July.

Mr. UNDERWOOD. They may not be finished then. I do not think it wise to set apart another Calendar Wednesday to interfere with the business of the calendar.

The SPEAKER. Is there objection?

Mr. MURDOCK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kansas objects, and the question is on the motion of the gentleman from New York [Mr. FITZGERALD] to dispense with Calendar Wednesday to-day.

The question was taken.

The SPEAKER. In the opinion of the Chair——

Mr. WINGO. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] demands a division. Those in favor of dispensing with Calendar Wednesday to-day will rise and stand until they are counted. [After counting.] Sixty-one gentlemen have arisen in the affirmative. The "ayes" will take their seats, and those opposed will rise. [After counting.] Thirty-eight gentleman have arisen in the negative. On this vote the ayes are 61 and the noes are 38.

Mr. FITZGERALD. I ask for tellers, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands tellers.

Mr. WINGO rose.

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. WINGO. To make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of dispensing with Calendar

Wednesday to-day will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 175, nays 72, answered "present" 6, not voting 180, as follows:

YEAS—175.

Abercrombie	Dent	Holland	Rainey
Adair	Dershem	Houston	Raker
Adamson	Dickinson	Howard	Rauch
Aiken	Difenderfer	Hughes, Ga.	Rayburn
Alexander	Dixon	Hull	Reilly, Conn.
Allen	Donohoe	Igoe	Rothermel
Ashbrook	Donovan	Jacoway	Rouse
Aswell	Doolittle	Johnson, Ky.	Rubey
Bailey	Doughton	Johnson, S. C.	Rucker
Baker	Dupré	Keating	Russell
Baltz	Elder	Kettner	Seldomridge
Barkley	Evans	Kindel	Sims
Bathrick	Faison	Kirkpatrick	Sisson
Beakes	Fergusson	Korbly	Small
Beall, Tex.	Ferris	Lazaro	Smith, Md.
Blackmon	Fess	Lever	Smith, N. Y.
Booher	Finley	Lewis, Pa.	Sparkman
Borchers	Fitzgerald	Lloyd	Stafford
Bowdle	FitzHenry	Lonergan	Stephens, Miss.
Brockson	Flood, Va.	McClellan	Stephens, Tex.
Broussard	Floyd, Ark.	McCoy	Stone
Brown, N. Y.	Foster	McDermott	Sumners
Brumbaugh	Fowler	McGillicuddy	Taggart
Buchanan, Tex.	Francis	McKellar	Talbott, Md.
Bulkley	Gallagher	Maguire, Nebr.	Talcott, N. Y.
Burnett	Garner	Metz	Tavenner
Byrnes, S. C.	Garrett, Tenn.	Mitchell	Taylor, Ark.
Byrns, Tenn.	Garrett, Tex.	Montague	Taylor, Colo.
Candler, Miss.	Gill	Moon	Ten Eyck
Caraway	Gilmore	Morrison	Thacher
Carter	Godwin, N. C.	Murray, Mass.	Thompson, Okla.
Casey	Goeke	Murray, Okla.	Townsend
Church	Goodwin, Ark.	Oglesby	Tribble
Clancy	Graham, Ill.	O'Hair	Underhill
Claypool	Gray	Oldfield	Underwood
Cline	Gregg	O'Leary	Vollmer
Coady	Hamlin	Padgett	Walker
Collier	Hardy	Page, N. C.	Walsh
Connelly, Kans.	Harris	Park	Watson
Connolly, Iowa	Harrison	Peterson	Webb
Conry	Hayden	Post	Williams
Crosser	Heflin	Pou	Wingo
Cullop	Hensley	Quin	Witherspoon
Deitrick	Hill	Ragsdale	

NAYS—72.

Bartholdt	Falconer	Kennedy, Iowa	Plumley
Barton	Farr	Kinkaid, Nebr.	Roberts, Nev.
Bell, Cal.	French	La Follette	Rupley
Britten	Good	Lee, Ga.	Scott
Browne, Wis.	Green, Iowa	Lee, Pa.	Sinnott
Bryan	Greene, Mass.	Lindbergh	Smith, Idaho
Buchanan, Ill.	Hamilton, Mich.	Logue	Steenerson
Campbell	Haugen	McLaughlin	Stephens, Cal.
Cary	Hawley	Mann	Stevens, Minn.
Cooper	Hayes	Mapes	Sutherland
Cox	Helgesen	Mondell	Temple
Cramton	Hinebaugh	Moore	Towner
Curry	Howell	Morgan, Okla.	Treadway
Danforth	Humphrey, Wash.	Moss, W. Va.	Volstead
Dillon	Johnson, Utah	Murdock	Walters
Drukker	Johnson, Wash.	Nolan, J. I.	Watkins
Edmonds	Kelley, Mich.	Parker	Wooodruff
Esch	Kelly, Pa.	Payne	Woods

ANSWERED "PRESENT"—6.

Burke, S. Dak.	Glass	Slemp	Sloan
Burke, Wis.	Prouty		

NOT VOTING—180.

Ainey	Dooling	Helm	McAndrews
Anderson	Doremus	Helvering	McGuire, Okla.
Ansberry	Driscoll	Henry	McKenzie
Anthony	Dunn	Hinds	MacDonald
Austin	Eagan	Hobson	Madden
Avis	Eagle	Hoxworth	Mahan
Barchfeld	Edwards	Hughes, W. Va.	Maher
Barnhart	Estopinal	Hulings	Manahan
Bartlett	Fairchild	Humphreys, Miss.	Martin
Bell, Ga.	Fields	Jones	Merritt
Borland	Fordney	Kahn	Miller
Brodbeck	Frear	Keister	Morgan, La.
Brown, W. Va.	Gallivan	Kennedy, Conn.	Morin
Browning	Gard	Kennedy, R. I.	Moss, Ind.
Buckner	Gardner	Kent	Mott
Burgess	George	Key, Ohio	Neeley, Kans.
Burke, Pa.	Gerry	Kiess, Pa.	Neely, W. Va.
Butler	Gillett	Kinkead, N. J.	Nelson
Calder	Gittins	Kitchin	Norton
Callaway	Goldfogle	Knowland, J. R.	O'Brien
Cantor	Gordon	Konop	O'Shaunessy
Cantrill	Gorman	Kreider	Paige, Mass.
Carew	Goulden	Lafferty	Palmer
Carlin	Graham, Pa.	Langham	Patten, N. Y.
Carr	Greene, Vt.	Langley	Patton, Pa.
Chandler, N. Y.	Griest	L'Engle	Peters, Me.
Clark, Fla.	Griffin	Lenroot	Peters, Mass.
Copley	Gudger	Lesher	Phelan
Covington	Guernsey	Levy	Platt
Crisp	Hamill	Lewis, Md.	Porter
Dale	Hamilton, N. Y.	Lieb	Powers
Davenport	Hammond	Lindquist	Reed
Davis	Hardwick	Linthicum	Reilly, Wis.
Decker	Hart	Lobeck	Riordan
Dies	Hay	Loft	Roberts, Mass.
Rogers	Slayden	Stringer	Weaver
Sabath	Smith, J. M. C.	Switzer	Whaley
Saunders	Smith, Minn.	Taylor, Ala.	Whitacre
Scully	Smith, Saml. W.	Taylor, N. Y.	White
Sells	Smith, Tex.	Thomas	Willis
Shackleford	Stanley	Thomson, Ill.	Wilson, Fla.
Sharp	Stedman	Tuttle	Wilson, N. Y.
Sherley	Stephens, Nebr.	Vare	Winslow
Sherwood	Stevens, N. H.	Vaughan	Young, N. Dak.
Shreve	Stout	Wallin	Young, Tex.

So, two-thirds having voted in favor thereof, the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. FIELDS with Mr. LANGLEY.

Mr. BURKE of Wisconsin with Mr. FREAR.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SHERLEY with Mr. GILLETT.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. KITCHIN with Mr. MADDEN.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. GLASS with Mr. SLEMP.

Mr. BARNHART with Mr. ANDERSON.

Mr. BORLAND with Mr. ANTHONY.

Mr. BROWN of West Virginia with Mr. AUSTIN.

Mr. BURGESS with Mr. AVIS.

Mr. CALLAWAY with Mr. BARCHFELD.

Mr. CARLIN with Mr. DAVIS.

Mr. CARR with Mr. CHANDLER of New York.

Mr. DECKER with Mr. GUERNSEY.

Mr. DIES with Mr. CALDER.

Mr. DOREMUS with Mr. FORDNEY.

Mr. DRISCOLL with Mr. FAIRCHILD.

Mr. EAGAN with Mr. GRIEST.

Mr. EDWARDS with Mr. HAMILTON of New York.

Mr. ESTOPINAL with Mr. GRAHAM of Pennsylvania.

Mr. GALLIVAN with Mr. HULINGS.

Mr. GARD with Mr. KAHN.

Mr. GOLDFOGLE with Mr. KENNEDY of Rhode Island.

Mr. GORDON with Mr. KIESS of Pennsylvania.

Mr. GORMAN with Mr. KREIDER.

Mr. GEORGE with Mr. KEISTER.

Mr. HARDWICK with Mr. MANAHAN.

Mr. HAY with Mr. LANGHAM.

Mr. HELM with Mr. LEWIS of Pennsylvania.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. KENNEDY of Connecticut with Mr. LAFFERTY.

Mr. KONOP with Mr. MCGUIRE of Oklahoma.

Mr. LESHER with Mr. MCKENZIE.

Mr. LEVY with Mr. POWERS.

Mr. LIEB with Mr. MERRITT.

Mr. LINTHICUM with Mr. MILLER.

Mr. LOBECK with Mr. MORIN.

Mr. MOSS of Indiana with Mr. MOTT.

Mr. NEELEY of Kansas with Mr. NELSON.

Mr. PATTEN of New York with Mr. NORTON.

Mr. PHELAN with Mr. ROBERTS of Massachusetts.

Mr. REED with Mr. PAIGE of Massachusetts.

Mr. RIORDAN with Mr. PATTON of Pennsylvania.

Mr. SAUNDERS with Mr. PLATT.

Mr. SHACKLEFORD with Mr. PORTER.

Mr. SHERWOOD with Mr. ROGERS.

Mr. SMITH of Texas with Mr. SHREVE.

Mr. STEPHENS of Nebraska with Mr. SELLS.

Mr. STRINGER with Mr. SAMUEL W. SMITH.

Mr. THOMAS with Mr. SWITZER.

Mr. TUTTLE with Mr. THOMSON of Illinois.

Mr. PALMER with Mr. VARE.

Mr. VAUGHAN with Mr. WINSLOW.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. WILSON of Florida with Mr. YOUNG of North Dakota.

Mr. WILSON of New York with Mr. SMITH of Minnesota.

Mr. WEAVER with Mr. SLOAN (ending August 4).

The result of the vote was then announced as above recorded.

The Doorkeeper was directed to open the doors.

DIPLOMATIC AND CONSULAR BILL.

The SPEAKER. The Hon. WILLIAM G. SHARP, of Ohio, was appointed as one of the conferees on the Diplomatic and Consular appropriation bill. He can not be here, and the Chair appoints Mr. CLINE in his place.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the Clerk will read.

The Clerk read as follows:

IMMIGRATION SERVICE.

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $2,650,000.

Mr. DUPRÉ. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 150, at the end of line 21, strike out "$2,650,000" and insert "$2,649,500: *Provided, however*, That the commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at the respective ports of the United States, shall be appointed in the same manner and for the same term as said other commissioners, and shall have the same official status as they; and that section 34 of the immigration act approved February 20, 1907, is hereby repealed in so far as it conflicts with the foregoing provision: *Provided further, however*, That the salary of the said commissioner of immigration at New Orleans, La., shall be reduced the sum of $2,900 per annum."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. DUPRÉ. Mr. Chairman, I will frankly state to the House that the object of this amendment is to put the commissioner of immigration at the port of New Orleans on the same basis as the other commissioners of immigration at other ports of this country. At other ports where immigration stations are located, except at the port of New Orleans, the commissioner is appointed by the President for a term of four years and confirmed by the Senate. In the one case in my home city it is held that this officer comes under the Civil Service Commission and must be named from the classified list. That happens for this reason: That the other commissioners of immigration are provided for in the sundry civil bill of 1894, while the commissioner of immigration at New Orleans was provided for by the act of 1907 for the first time. Under section 34 of that act it provides:

SEC. 34. That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may appoint a commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at their respective ports.

The Civil Service Commission has ruled that the verbiage of section 34, which I have just read, means that this man must be named from the civil-service list. Now, it is not time at this juncture to discuss the question why there should be any difference in the manner of naming this officer at one port from another. The same duties that are discharged at Baltimore or Seattle are discharged at New Orleans, and there is no reason why the one at New Orleans should not be appointed by the President, as the others are. But that does not go to the point of order. I was simply mentioning this as preliminary to the issue.

I take it, Mr. Chairman, that this provision comes under the Holman rule. I do not hold myself out to be a parliamentarian, and I am not here armed with any elaborate precedents on the subject, but I understand the Holman rule to mean that an amendment is in order in the consideration of an appropriation bill if that amendment is germane and if it looks to the retrenchment of public expenditures. In this case I respectfully submit that it does both. The salaries of commissioners of immigration at the respective ports are not set forth in detail by law. A lump sum is appropriated for payment of their salaries, and it is this lump appropriation which I am amending that makes provision in this bill for payment of the salaries of all these officials. Congress, instead of saying that the commissioner of immigration at New York or Philadelphia shall receive a fixed compensation, has seen fit to leave that to the discretion of the Department of Labor. The Department of Labor has in the instant case—the case at New Orleans—according to a letter that I hold in my hand of date June 17, advised me that the salary of the commissioner of immigration at the port of New Orleans is fixed by it at $3,000 per annum. I shall submit the letter to the chairman, if he so desires, though I do not care to incorporate it in the RECORD unless it is insisted on. However, it is subject to the inspection of any Member who desires to look at it.

I propose first, then, in this amendment to reduce the lump sum from $2,650,000, which is appropriated for the immigration service, to $2,649,500; and I further propose to reduce the salary of the man himself, who is to be paid out of this reduced appropriation, from $3,000 to $2,900. There is undoubtedly a retrenchment in the expenditure of the public money. It has frequently been held that it makes no difference how little the proposed amendment undertakes to reduce expenses as long as there is a substantial reduction, a reduction shown on the face of the amendment, then it is in order. In this case, I repeat, I propose a reduction of the lump sum allowed to this service, and out of abundant caution I propose a reduction of the salary to be paid to this particular official.

Now, what remains, then, to bring this amendment within the purview of the Holman rule, except germaneness? It occurs to me that it is essentially germane. It is an amendment offered to the provision for the Immigration Service. It relates to one of the commissioners of that service. It provides for a reduction of his salary. It is true that it makes a change in existing law, but it makes a change in existing law along the line of germaneness. It has been held in a decision here, for instance, that where an appropriation of $500,000 was sought to be made for completion of the park between the Capitol and the Union Station an amendment was in order which provided for the repeal of that law. The gentleman from New York [Mr. FITZGERALD] in charge of the bill made the point of order that the amendment proposed by his colleague [Mr. SISSON] repealing that law was not in order, and the Chairman of the Committee of the Whole, the gentleman from Kentucky [Mr. JOHNSON] held that it came under the Holman rule, because if the law were repealed it would be a reduction in that respect.

Now, what is the difference in this case? If you can repeal a law, if an amendment repealing a law is germane, because it reduces the amount to be expended from the Public Treasury, why is not an amendment germane that proposes to change any such law, not by repealing it but by modifying it in some other way, as long as there is a consequent and necessary reduction if the amendment is agreed to? I trust that the gentleman from New York [Mr. FITZGERALD] will view the matter in that light, but I prefer that the Chair should see the matter in that light, and I respectfully submit it to his consideration. [Applause.]

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] care to discuss the point of order?

Mr. FITZGERALD. If the Chair will rule on it, I do not care to discuss it.

The CHAIRMAN. The Chair has reexamined the rule commonly known as the Holman rule, and he will read the following portion of it:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, the amendment proposed by the gentleman from Louisiana [Mr. DUPRÉ] reduces the amount carried in the bill. It also reduces the compensation of a person paid out of the Treasury of the United States. So that there is left to the Chair only the question whether or not it is germane.

Mr. MANN. I should like to ask the Chair a question. In reference to the amendment reducing the compensation of the person, of course the amendment goes away beyond that, and, as I understand it, repeals a provision of law.

The CHAIRMAN. It does.

Mr. MANN. May we have that amendment reported again? I think this is a very important ruling.

The CHAIRMAN. If there be no objection, the amendment will be read again.

The Clerk read as follows:

Page 150, at the end of line 21, strike out "$2,650,000" and insert "$2,649,500: *Provided, however*, That the commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at the respective ports of the United States shall be appointed in the same manner and for the same term as said other commissioners, and shall have the same official status as they; and that section 34 of the immigration act approved February 20, 1907, is hereby repealed in so far as it conflicts with the foregoing provision: *Provided further, however*, That the salary of the said commissioner of immigration at New Orleans, La., shall be reduced the sum of $2,900 per annum."

The CHAIRMAN. The decisions upon this particular rule, as is well known to gentlemen who have examined them with care, are somewhat conflicting. It is easily possible to find precedents to sustain different contentions. It seems to the Chair, however, that the legislation which is proposed in the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] is germane to the section of this bill that is under consideration. It meets the requirements of the rule in other respects in that it provides a reduction of the amount carried in the bill and a reduction of the compensation of a person paid out of the Treasury of the United States. Entertaining that view, the Chair overrules the point of order. The question is on the amendment.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MANN. Mr. Chairman, I do not make any controversy with the decision of the Chair. I am very sorry that there are two aspects to the case. I would like to have a ruling of the committee upon the question of whether a reduction of the amount carried by the bill in an amendment is sufficient authority to attach to it a provision repealing a portion of the statute. As the Chair has indicated that in his opinion that is sufficient, I have respectfully taken an appeal in order that the committee might have an opportunity to vote on the proposition.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken.

The committee divided; and there were—ayes 65, noes 5.

So the decision of the Chair stands as the judgment of the committee.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, there seems to be some question as to the language in the concluding portion of the paragraph. The intention was to reduce the salary to the sum of $2,900 per annum. Some gentlemen seem to think that I desire to reduce the salary of $3,000 by the sum of $2,900 per annum.

The CHAIRMAN. The Chair will state that that is the way the amendment reads.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent to modify the amendment so as to make it read that it shall reduce the salary to the sum of $2,900 per annum.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to modify his amendment by inserting the word "to" after the word "reduce" in the next to the last line. Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Chairman, I now move to amend the amendment by striking out the latter part of it which proposes a reduction in the salary.

The CHAIRMAN. The gentleman from Illinois offers an amendment striking out the last proviso, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out the proviso which reads as follows:
"*Provided further, however*, That the salary of such commissioner of immigration at New Orleans, La., shall be reduced to the sum of $2,900 per annum."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. The gentleman can not offer an amendment that is in order under the rule and then by a further amendment so change it that it would not be in order if offered originally in that form.

Mr. ELDER. Mr. Chairman, my understanding is that it is the universal rule that after an amendment is once declared in order it is then in order to offer any amendment to that amendment. Within the last two months there have been two or three rulings of the Chair to exactly that effect—that, after an amendment was once declared to be in order by the Chair, any amendment, whatever it might be, to that amendment was then in order.

The CHAIRMAN. Will the gentleman permit an interruption?

Mr. ELDER. Certainly.

The CHAIRMAN. The Chair has not the precedents on the point before him; but, approaching it purely as a matter of reason, would not the effect of holding in order the amendment proposed by the gentleman from Illinois be to really destroy, logically, the effect of the Holman rule?

Mr. ELDER. Unquestionably.

Mr. MANN. Oh, no.

Mr. ELDER. But I am answering my own view, and the gentleman from Illinois may present his view to the Chair after I am through. In my opinion it does to that extent destroy the rule, because the amendment is held to be in order because it is a reduction of salary. Within the short time that I have been in the House, on other appropriation bills, it has been held that, once an amendment is declared in order by the Chair, it is in order then to offer any amendment to that amendment. To be frank with the Chair, my opinion is that to that extent it does destroy the Holman rule.

The CHAIRMAN. Will the gentleman permit an inquiry?

Mr. ELDER. Certainly.

The CHAIRMAN. If the Chair understands the gentleman correctly, the Chair thinks perhaps the gentleman has a different precedent in mind. It is the rule of the House that if an amendment be proposed which is not in order, but the point of order be not made to it and it remains in to be voted on, that then any amendment which is germane, whether it be in order or not, may be offered to that proposition. That is the rule of the House; but this is a somewhat different proposition.

Mr. MANN. Before the Chair decides, I would like to be heard on the point of order.

The CHAIRMAN. Certainly. Assuming, if we may so assume, it would not be in order without the proviso, can you destroy the effect of the Holman rule by that decision? The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, there is no doubt whatever about the rule—that where an amendment is offered to strike out something which would make the whole matter out of order, the motion to strike out is not in order—and if this amendment had been held in order by the Chair solely because it proposes a reduction in salary, it would not be in order after the amendment was pending to entertain a motion to strike out that part, because that would be the part that gave it the privilege of being presented to the House; but the Chair has just ruled that the other part of the amendment which proposes a reduction in the amount of the appropriation carried by the bill made this amendment in order. From that ruling I respectfully appealed to the committee. The committee sustained the decision of the Chair. That was the issue which was presented by the appeal which I took. I voted to sustain the decision of the Chair. I think I should have voted to sustain the decision of the Chair if the Chair had decided the other way. I asked for an appeal because I thought it was desirable to have the House or the Committee of the Whole pass upon this controverted question in order that we might know in the future what the ruling was to be. But the Chair does not hold that this amendment was in order on that ground, and the Committee of the Whole House on the state of the Union does not sustain the decision of the Chair on that ground. It is not necessary now to say it was necessary to reduce the amount of salary in order to make the amendment in order. That being the case, it is in order to strike out the provision reducing the amount of the salary because the amendment was put in order on the ground it reduces the amount carried in the bill.

The CHAIRMAN. Will the gentleman permit a question?

Mr. MANN. Certainly.

The CHAIRMAN. The gentleman from Illinois is correct. The Chair rested his decision upon two points—that it reduced the amount carried in the bill and reduced the amount of salary——

Mr. JOHNSON of Kentucky. And also that it is germane.

The CHAIRMAN. Of course it would not have been in order in any event if it had not been germane, and, being germane, it would not have been in order except by the other two conditions, or at least one of the other two conditions. Now, as a practical proposition, we want to get the common sense of this matter, and I will ask the gentleman from Illinois if the reduction in the amount carried in the bill and the amount of reduction of the amount in salary are not so intimately interwoven that they substantially constitute one single thing?

Mr. MANN. I think not.

The CHAIRMAN. For instance, the reduction of the amount carried in the bill is exactly that amount which the salary is proposed to be reduced. If the amendment of the gentleman from Illinois should prevail, then there would not be in this a sufficient appropriation.

Mr. MANN. Well, this is a lump-sum appropriation of two or three million dollars, as far as that is concerned. Now, I shall not have any controversy with the Chair; I would not, anyhow, if the Chair should hold that the reduction of the amount carried by the bill is not sufficient of itself to make the amendment in order unless the amendment itself shows on its face that it does reduce the amount of expenditure. But if the Chair holds, as the Chair intimated a while ago, that an amendment which reduced the amount carried in the bill made the amendment in order repealing a portion of the statute, why, then, the rest is not anything; but if the Chair modifies his opinion and holds that, the amount carried in the bill being reduced the amendment itself further on must show that there is an actual reduction in the expenditures, it is quite a different holding and quite a different proposition. I respect the very clear-headed Member of Congress who now presides over the Committee of the Whole House on the state of the Union, and I would like to have this question, if possible, settled, to the extent that Members may know in the future on a ruling whether, if you reduce $5,000 to $4,999, that there is a legislative provision making or repealing law, or whether to do that you have got to show in the balance of the amendment where you save the $1.

Mr. FITZGERALD. If the Chairman will permit, the ruling of the Chair was not stated as the gentleman from Illinois has been arguing. The Chair stated the amendment was in order because it reduced the amount carried in the bill—reduced the salary of the official—and that the language of the amendment doing such a thing was germane to the bill. An appeal was taken from that ruling and the decision of the Chair was sustained, and the decision that was sustained was as announced by the Chair. The committee did not sustain that ruling that this amendment was in order for only the reason given by the Chair. It sustained the decision the Chair had made. Now, if this practice should be followed, and amendments could be offered in order under the rule and then an amendment offered which would modify that in such a way that an amendment would be before the House that would not be in order as an original amendment, that practice would be to break down the rule. The most notable instance we had was the time when the gentleman from Massachusetts asked to call up a privileged resolution providing, if I recall, for the appointment of a committee for the investigation of the procedure of other parliamentary bodies, and when the resolution was called up he moved to strike out part of it, which left it so that it provided for a committee, if I recall correctly, to revise the rules of the House. It was held that that motion destroyed the privileged character of the resolution and such resolutions would not be privileged, and the point of order was sustained against it.

Mr. MONDELL. Mr. Chairman, the Holman rule is a peculiar and unusual rule, and, in a way, out of harmony with the general legislative practice and with other rules relating to amendments. It was adopted for the purpose of making it easy to reduce expenditures. It was adopted in the interest of economy. It was adopted for the purpose of making it possible for anyone to offer an amendment which would actually reduce expenditures and have them in order. Now, having a rule of that character, it should be construed in view of carrying out the object and purposes of the rule. As it is, the rule is subject to abuses. Under the ruling just made by the Chair, which is in harmony with former rulings, any reduction in an amount carried in the bill, if the amendment is germane, makes it in order. That makes it possible to offer amendments within the rule that are really not in harmony with its spirit. Therefore the Chair, following the spirit of the rule, should be very careful not to hold that an amendment that barely comes within the rule may be immediately modified so that it is in a form that would be contrary both to the spirit and to the letter of the rule if it were offered as an original proposition. It seems to me nothing could be clearer than that the Holman rule would be subject to endless abuses if the Chair should hold that an amendment properly coming within the rule may be immediately amended so that the proposition presented, if so presented originally, could not be brought within the rule.

Mr. TALCOTT of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TALCOTT of New York. If the amendment offered by the gentleman from Illinois should prevail, would that render the amendment of the gentleman from Louisiana as amended out of order?

Mr. MANN. Oh, no; it has gone beyond that.

The CHAIRMAN. No; that has already been held in order. A year or two ago—I think during the Sixty-second Congress—the present occupant of the chair presided while the Post Office appropriation bill was being considered in Committee of the Whole, and an amendment was proposed by Mr. Jackson, of Kansas, reducing the amount appropriated for the transportation of mails, as I now remember it, and then adding a proviso that a certain character of mail matter should not be transported through the mails. The Chair, after the matter had been argued and after an examination of the precedents, overruled a point of order made by the gentleman from Tennessee [Mr. MOON], chairman of the Committee on the Post Office and Post Roads, and held that that amendment was in order. It was defeated, however, in the Committee of the Whole, and when the bill came into the House the gentleman from Kansas [Mr. MURDOCK] offered a motion to recommit the bill with instructions to the Post Office Committee to report the same amendment that had been offered in the Committee of the Whole, and the matter then came before the Speaker. It was then more elaborately argued, if anything, than it was before the Committee of the Whole, and the Speaker sustained the point of order, taking a different view than that taken by the chairman, on the ground that while there was technically a reduction in the amount carried by the bill, yet it was so involved—and the Chair is not undertaking now to use the Speaker's words, but simply the reasoning of the Speaker as he remembers it—that the language was so involved that it did not appear from the face of it that it was in fact a real reduction.

So under that ruling by Mr. Speaker CLARK it would seem that there should be a more rigid interpretation of the Holman rule than had been made by the present Chairman or had been made by one or two Speakers previous to the action of the Chair, notably Mr. Speaker Carlisle.

Now, the Chair is hardly prepared to say what he would have held had there been nothing offered except a proposition to reduce the amount, and all this legislation had followed without the final proviso. The Chair is inclined to believe that the safest course on this bill would be to hold that so far as this particular amendment is concerned, anyway, and of course the reasoning would apply to any amendment of similar character, that both those elements had better be present, and the Chair sustains the point of order made by the gentleman from New York [Mr. FITZGERALD].

Mr. JOHNSON of Kentucky. The question is on the motion made by the gentleman from Louisiana?

The CHAIRMAN. Yes; the other has already been disposed of.

Mr. FITZGERALD. I wish to say a word, Mr. Chairman, about the amendment. The purpose of the amendment is to remove the position of commissioner of immigration at New Orleans from the classified service. That is the whole purpose of it. Under the civil-service law the President, by Executive order, can take this position out of the classified service, if he so desires. So far as I am concerned, I am not in favor of changing or modifying the civil-service law in this manner. If it be desirable to take this place out of the classified service, I think it should be done in accordance with law.

Mr. DUPRÉ. Mr. Chairman, this matter is in no sense an assault on the civil-service system. It does not even make a dent in it. It merely undertakes to settle an uncertainty in the rulings of the Civil Service Commission. There have been two decisions rendered by the Civil Service Commission on this point, one to the effect that this position at New Orleans was not within the classified service and another to the effect that it is. Now, with those two differing decisions before us, it is the duty of Congress to settle this matter and to put the commissioners at this port on a parity with commissioners at other ports. There is no reason why there should not be uniformity of administration in this matter, and I trust the amendment will be adopted.

Mr. HARRISON. Mr. Chairman, Mississippi is in the district over which this commissioner of immigration presides. That district is made up of Arkansas, Tennessee, Louisiana, and Mississippi. The intention of the law doubtless was that no exception should be made toward the commissioner of immigration at New Orleans over commissioners at other places. This is the only place where they have construed the law that the commissioner was under the civil service. I recall last year, when the Democrats came into control of the country, various good people applied for the good offices throughout the country, and I had a constituent, like other fellows who have constitu-

ents, who wanted the place, and this party was going to be appointed when the Civil Service Commission ruled that it was under the civil service. They then reversed themselves and held that it was not under the civil service, and about the time the appointment was to be made they reversed themselves again and held it was under the civil service. So, evidently the intention of the law was not to put this place, as in every other place of like character throughout the United States, under the civil service, and for this reason I do not think any discrimination should be made against this particular place by holding it under the civil service and making these other places appointive. I hope the amendment will prevail. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ].

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. MURDOCK. Division, Mr. Chairman.

The committee divided; and there were—ayes 54, noes 24.

So the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is announced in the newspapers that the Department of State is quite likely to submit to arbitration the Japanese question, which has troubled Congress and the Senators and Representatives from the Pacific coast for some time. This, I assume, would tend to relieve somewhat the necessity for appropriations for inspection with the view of suppressing Japanese immigration. I notice in the item we now have before us, which carries an appropriation of $2,650,000, that provision is made for a variety of inspectors to be engaged in various lines of employment, with a view of ascertaining whether aliens are in this country without warrant of law, and providing for the cost of their arrest, their detention, and their deportation. Now, I would like to know from the chairman of the committee whether the Department of Labor has asked for any more money this year than it received last year for this purpose?

Mr. FITZGERALD. It has.

Mr. MOORE. Has it asked for approximately $100,000 more than it had last year?

Mr. FITZGERALD. Oh, no. They asked for about $360,000 more than we carried in the sundry civil bill.

Mr. MOORE. How much?

Mr. FITZGERALD. Three hundred and sixty thousand dollars more.

Mr. MOORE. For this particular service of enforcing the immigration laws?

Mr. FITZGERALD. For regulating immigration, and all of the service.

Mr. MOORE. More than $360,000 this year over the expenses of that service last year?

Mr. FITZGERALD. No. The appropriation that was carried in the sundry civil bill was $2,550,000, and the estimates submitted for next year were $2,910,000, and an addition of $95,000 was provided in the deficiency bill for this year.

Mr. MOORE. Was any excess the result of a deficiency in the expenditures of the bureau?

Mr. FITZGERALD. Ninety-five thousand dollars was carried in the deficiency bill, and was claimed to be necessary, and was voted by the House.

Mr. MOORE. Will the gentleman explain why that deficiency existed? What was the cause of it?

Mr. FITZGERALD. I can not explain that. I did not believe it was necessary; but the House voted the item in. You can not expect me to explain something I do not know.

Mr. MOORE. Was it due to the construction of buildings that were necessary to protect the property of the Government, upon which Secretaries and departments have reported favorably to the committee, or was it for the employment of men to go out and do work for the Government?

Mr. FITZGERALD. It was for a good many reasons.

Mr. MOORE. I think the House is entitled to know.

Mr. FITZGERALD. I do not just recall now the reasons given for the deficiency item which the Committee on Appropriations did not recommend, but for which the gentleman from Pennsylvania [Mr. MOORE] voted, and he must have had information upon which he voted.

Mr. MOORE. I think the gentleman from New York is entirely mistaken about my vote.

Mr. FITZGERALD. I think not.

Mr. MOORE. I think I voted with the gentleman on that occasion, if he stood by his committee. I call the attention of the gentleman to the fact that he is extremely particular about certain items that go into the bill and has funds of information about all phases of most questions, but when we come to an appropriation carrying a $95,000 deficiency, he does not have very much information to give to the House concerning it.

Mr. FITZGERALD. I had at the time the deficiency bill was before the House. I think it is unreasonable to expect me to furnish the gentleman, during the consideration of this bill, with all the information that he demands of me to furnish during the consideration of other appropriation bills.

Mr. MOORE. May I ask the gentleman if the Secretary of the Department of Labor appeared before his committee to advocate this increase of appropriation?

Mr. FITZGERALD. No; the Secretary of Labor did not appear before us.

Mr. MOORE. Then the rule which applies to the War Department, which requires that the Secretary of War shall appear to justify a request for the expenditure of money, does not hold with regard to the Secretary of Labor, and the Secretary of Labor need not appear before the Committee on Appropriations?

Mr. FITZGERALD. The conditions, of course, are entirely different. In the first place, there was no estimate for the item about which the gentleman is harping with reference to the Secretary of War, and, in the second place, there was an estimate of the amount required for this particular service. I do not know why the Secretary of Labor did not appear before the committee, but those immediately in charge of the service did appear before the committee.

Mr. MOORE. I have a rather distinct recollection that the gentleman from New York himself said upon the floor when the deficiency bill was up that the Secretary of Labor had authorized certain expenditures without warrant of law. Now, those expenditures apparently have been made up or are to be made up out of this appropriation.

Mr. FITZGERALD I do not think the gentleman's recollection is accurate, either with regard to the statement I made in reference to this particular appropriation or with regard to the statement I made in reference to any appropriation carried in this bill.

Mr. MOORE. Am I entirely in error when I say that a representative of the Department of Labor did appear before the Committee on Appropriations and did suggest that a part of this appropriation of $2,650,000 should be made to include the deficiency referred to?

Mr. FITZGERALD. Nothing in here has anything to do with any deficiency. This bill is for the service of the fiscal year commencing on the 1st of July, 1914. It is for a future service, not for the service of the past or for the service in the current year. It is only for past and current services that deficiencies are incurred or asked for.

Mr. MOORE. Was it Mr. O'Donnell that appeared before the Committee on Appropriations in behalf of the deficiency? I do not want to harry the gentleman from New York.

Mr. FITZGERALD. Oh, the gentleman is not harrying me. The gentleman is talking to no point. If the gentleman wishes to speak, he can move to strike out the last word. I can not be put on exhibition simply because the gentleman from Pennsylvania wishes to discuss something in the bill or out of it.

Mr. MOORE. I would not seek to embarrass the gentleman in his relations with the Secretary of Labor, nor would I wish to embarrass any other gentleman on this floor in that respect.

Mr. FITZGERALD. The department has asked for $2,910,000 for the next year, and the committee has recommended $2,650,000.

Mr. MOORE. A part of this item is to be used for the purpose of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation. Now, a part of this appropriation is to be spent for that purpose. Can the gentleman tell me how much is to be expended for the deportation of Chinese? I am a member of the Committee on Immigration and Naturalization, and I would like to know.

Mr. FITZGERALD. I can explain that. A few years ago the appropriation for the deportation of Chinese and for the enforcement of the Chinese exclusion act was carried in a separate item. It amounted to $500,000. Then, as all of that money was not expended, if I recall correctly; for a year or two it aggregated about $450,000; and then, at the suggestion of the immigration officials, to the effect that it was not good and economical and efficient administration to maintain a force of inspectors exclusively for Chinese exclusion work, but that the inspectors of the department should be utilized wherever possible in that work, and that better results could thereby be obtained, the appropriation of half a million dollars for the enforcement of the Chinese exclusion act was consolidated with

this particular appropriation. It has never been reduced, and there is still available for expenditure that half a million dollars, together with the compensation of all the other inspectors and employees paid for out of this appropriation. [Cries of "Vote!" "Vote!"]

Mr. MOORE. Well, apart from the expenses for the enforcement of the immigration laws—and I ask gentlemen not to call for a vote, because, if they do, this business will not go forward expeditiously——

Mr. FITZGERALD. Does the gentleman ask me a question?

Mr. MOORE. I propose to ask the gentleman certain questions for information.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. If the gentleman wishes information, I shall be glad to give it to him.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GARDNER. Now will the gentleman yield?

Mr. MOORE. Yes.

Mr. GARDNER. The gentleman from Pennsylvania is not the only one who wishes information as to why you have cut the immigration appropriation $260,000.

Mr. FITZGERALD. There has been no cut in the appropriation. There has been an increase in the appropriation. Gentlemen do not distinguish between appropriations and estimates.

Mr. GARDNER. How can the gentleman expect us to distinguish when the gentleman talks about the amount carried in the sundry civil bill last year, and points out that it is $260,000 more this year and does not point to the fact that you had to appropriate $95,000 more?

Mr. FITZGERALD. I have said it three times, and if the gentleman had paid attention he would know that I stated that $95,000 was voted in the deficiency bill that had not been recommended by the Committee on Appropriations, and I charge the gentleman from Pennsylvania [Mr. MOORE] with having voted for it.

Mr. GARDNER. But when you give the figures——

Mr. FITZGERALD. I have given the complete figures. I said that there was carried $2,550,000 in the sundry civil bill and $95,000 in the urgent deficiency bill.

Mr. MOORE. I assure the gentleman from New York that I try to stand by him in not voting against expenditures for things that are not authorized by law, but I challenge the gentleman to find the RECORD showing where I voted as the gentleman charges.

Mr. FITZGERALD. The gentleman yesterday voted for a building that did not exist. That is as near to coming to a challenge as I can cite offhand.

Mr. MOORE. The gentleman gets testy. The gentleman from Pennsylvania rose to ask about a lump-sum appropriation of $2,650,000, upon which the gentleman's committee has not got more than four or five pages of testimony in his thousands of pages of hearings, and then the gentleman from New York finds fault when the gentleman from Pennsylvania comes forward and asks for $17,500 for a building to save lives and property. I challenge the gentleman from New York to show me where the Secretary of Labor appeared before his committee, or where the Commissioner of Immigration appeared before his committee, to justify this enormous expenditure of $2,650,000.

Mr. FITZGERALD. The officials that the gentleman refers to did not appear before our committee, and perhaps that was the reason why the committee was not so hasty in granting the increase requested.

Mr. MOORE. Now, getting down to brass tacks, may I ask the gentleman how much money out of this $2,650,000 is to be spent for inspectors who are to visit the various localities of this country on the comparatively new business of discovering alien procurers and alien prostitutes?

Mr. FITZGERALD. That is a matter of administration. I can not answer that.

Mr. RAKER. The gentleman just made the charge that the Commissioner of Labor and the Commissioner General of Immigration did not appear before the Committee on Appropriations. I want to state to him that the officers who have been appearing for a long time did appear——

Mr. MOORE. Who were they?

Mr. RAKER. Just a moment.

Mr. MOORE. The gentleman has come to the relief of the chairman of the committee. Who were they?

Mr. RAKER. I saw the Commissioner General yesterday, and day before yesterday also, and he said he thought he made a mistake in that he did not personally appear with the Secretary of Labor, and that they would possibly have obtained the full amount on this appropriation bill.

Mr. MOORE. What official is the gentleman talking about?

Mr. RAKER. I am talking about the Commissioner General of Immigration, whom the gentleman says did not see fit to appear.

Mr. MOORE. Then, since the gentleman from New York [Mr. FITZGERALD] does not answer, perhaps the gentleman from California can tell me how many inspectors are to be engaged at this new work.

Mr. RAKER. That is a matter for the chairman of the committee, and I am speaking on another matter.

Mr. MOORE. Upward of $300,000 additional is to be appropriated for additional inspectors. I should like to know how many are to be employed and what the nature of the work is. The gentleman ought to know that.

Mr. FITZGERALD. I stated that I did not know.

Mr. MOORE. I think it is a fair proposition.

Mr. FITZGERALD. I do not know. I can not say any more than that. I am not going to volunteer information when I have not got it, even to satisfy the gentleman from Pennsylvania.

Mr. MOORE. Then the gentleman votes the money of the people in this way because somebody comes from the Department of Labor and asks for it.

Mr. FITZGERALD. No; not exactly.

Mr. MOORE. And the gentleman makes no justification of it; yet when we ask for a building for an arsenal to save money for the Government, the gentleman wants full details.

Mr. FITZGERALD. It is so easy to determine that some things ought not to be granted that it is unnecessary to take up much time with them, particularly the ones advocated by the gentleman from Pennsylvania.

Mr. GARDNER. Mr. Chairman, I desire to oppose the amendment to strike out the last word.

The gentleman says the estimates of the Bureau of Immigration were for $360,000 more than the amount of the last sundry civil bill. That is true; but if he had said that they were $265,000 more than what was actually appropriated last year, he would have made the statement in better form.

Mr. FITZGERALD. I made it in practically that form, but I was not given a chance to do the arithmetic. I said that, in addition to what was carried in the sundry civil bill, $95,000 was carried in the deficiency bill. I did not get a chance to make the subtraction, because nobody can do much talking with the gentleman from Pennsylvania occupying the floor.

Mr. GARDNER. Mr. Chairman, the reason for that deficiency appropriation, which was opposed by the gentleman from New York [Mr. FITZGERALD], who for some reason always opposes appropriations referring to the Immigration Service—the reasons for that appropriation which, he says, he has forgotten were that at New Orleans they had a new immigration station, and at Galveston, Tex., another. Moreover, the Philadelphia station was opened in 1912, in August. All these stations entailed new expenses, and the same is partially true as to Chicago. Then for general Immigration Service they put on a force in the last fiscal year on the Canadian border, with additional employees drawing $14,720, and so on. That was the reason for that $95,000 extra which we gave the Bureau of Immigration in the deficiency bill.

Here is a great, growing service. Congress is appropriating for new stations everywhere, making new requirements all the time, and the gentleman proposes to give that service a beggarly $5,000 more than it had last year.

Mr. O'Donnell, the special immigration inspector, appeared before the Committee on Appropriations. He is very familiar with the details of the service, and he told the committee why the bureau needs $2,910,000. Mr. O'Donnell asked for an increase so that they can raise the pay of watchmen, laborers, and charwomen. Why? Because the watchmen are receiving only $720 to $840 a year, while the customs guards, doing pretty much the same work in another service, are getting from $840 to $1,080 a year. The charwomen get $660 a year, and it is proposed to give them $720.

Mr. O'Donnell says that they have been forced to suspend the payment of hospital expenses to the States for the maintenance of aliens, and so forth. You do not propose to give them enough money to do it. Then the time has come for another census of penal and reformatory and penal institutions as required by the immigration act of 1907. Furthermore, Mr.

O'Donnell declares that the bureau is hampered by lack of funds requisite for the investigations incident to the deportation of persons under the white-slave act. Likewise, the ever-increasing force of inspectors will be cramped in the matter of salaries. I shall not move to raise this amount by $260,000 so as to meet the conservative estimate of the Bureau of Immigration, for the reason that I realize the strength that the gentleman from New York [Mr. FITZGERALD] deservedly has in this committee. I know there are very few Members present. I know there are a number of gentlemen who have not heard the discussion who will come out of the catacombs yonder and pass down the aisle and view the remains and defeat this extra appropriation. Therefore I propose to let the thing go by to the other end of the Capitol and see what may be done there.

Mr. MOORE. I have just found what I desired to find a while ago; and if the gentleman will permit me, I will say now that on page 1541 of the hearings it appears that the number of these inspectors in 1913 was 95, and that it is proposed to increase the number to 199, an increase of 104 in 1915.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER:

"Page 150, line 21, strike out the figures '$2,650,000' and insert in lieu thereof '$2,907,100.'"

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the committee having already stricken out the figures "2,650,000" and inserted "2,649,000," it is not now in order to strike out that sum and insert some other sum. If the Chair wishes a decision, I have it at hand.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. RAKER. Now, Mr. Chairman, on the question of a point of order——

Mr. FITZGERALD. If the gentleman from California wants five minutes to discuss the matter, I am willing to reserve the point of order, but I am not willing to let the discussion run on for a considerable period and fritter away time uselessly on this point of order.

The CHAIRMAN. Will the gentleman from New York furnish the Chair with the ruling? Does the gentleman from California desire to discuss the point of order?

Mr. RAKER. I would like to have the point of order reserved.

Mr. FITZGERALD. I want to make some progress with this bill. I will reserve it. I know the point of order is good. If the gentleman wants five minutes to discuss the matter, I have no objection, but I do not want a long discussion.

Mr. RAKER. If such a decision was rendered, it seems that it was weak and inefficient.

Mr. FITZGERALD. Oh, no; the rule is well settled in Jefferson's Manual and by a ruling and determination of the House—that after an amendment striking out and inserting words you can not move to have those inserted words stricken out and something else put in.

Mr. MONDELL. What is the gentleman's point of order?

Mr. FITZGERALD. The committee having already stricken out a sum and inserted another, it is not now in order to strike out what was inserted by the committee and insert something else.

The CHAIRMAN. That the amendment came too late.

Mr. RAKER. Mr. Chairman, I will take the five minutes.

Mr. FITZGERALD. I will reserve the point of order.

Mr. MONDELL. If the point of order is going to be pressed, I should like to be heard on it.

Mr. FITZGERALD. I am not only going to press it but I will furnish the Chair with the ruling and save time in discussing it.

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. RAKER. Mr. Chairman, this is a very important amendment. There are many important matters under the Department of Labor, and the Bureau of Immigration in particular, that ought to be done. While the number of men in the service are not enough in the department at the present time, that is a minor question. One has but to go to the department to-day to see the want of men, not only as electricians but actual assistants, in that department. A man that is acting as engineer, chief electrician, has to act as a night watch. I know that because I have seen it with my own eyes. He has to act as elevator boy, and when men are going and coming from work they have to wait. As I say, these are minor matters. The important matter is furnishing a sufficient amount of money to the Immigration Service to enforce the immigration laws; to thoroughly run down and determine those who are illegally here, those who have entered the country in violation of law; and, second, those who are illegally here under the Chinese-exclusion law, who have come over the border from Canada; and we know they are coming right along. The record shows that they pay from $500 to $1,500 to get across. Some of the smugglers are arrested and convicted. It is the same way with those who come from Old Mexico, and the same is true in regard to the white-slave trade. There ought not to be any parsimony in appropriations to supply a sufficient amount of money to enforce this law properly and legitimately in all of its phases and at all times.

Mr. MOORE. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MOORE. I think my colleague will bear me out when I say that I have said publicly in the House and before the committee that I favor a proper inspection system and that I favor stopping this unlawful immigration at the source.

Mr. RAKER. Yes; stop it at the ports, make the best inspection you can, and after you have made the inspection there are those that will come in surreptitiously, those that violate the law and are smuggled in; and we certainly ought not to allow the law to be disregarded and let those people stay here. They ought to be found out and run down, arrested, and deported.

Mr. MOORE. That is all right. Does the gentleman know any reason why those of us who are Members of Congress and members of the Immigration Committee should not ask for information regarding a lump-sum appropriation involving the administration of so large a fund?

Mr. RAKER. The gentleman has full information on the matter, or he can obtain it from the record of the Committee on Appropriations, and he can obtain it from the Bureau of Immigration.

The misfortune about this item is that if the committee had had the full information before it undoubtedly it would have given the $210,000 additional for this work, and the Commissioner General of Immigration realizes now that instead of holding so close to his office and writing some decision and looking over important matters on his files he should have come personally before the committee on this important subject, as he told me yesterday, and says it never will occur again. But this does not justify the refusal of the appropriation. These people under him are good young fellows, but they have not had the experience and do not understand the situation as does the Commissioner General as to all these important subjects involving immigration, and so forth, and the enforcement of the laws on all of these subjects.

Now, we are not taking anything out of the Treasury; we are taking no money from anybody that has been paid in. This Government, in its small charge to those who come into the country, is paying many times the entire expense of the whole Immigration Service, and sufficient money should be appropriated to carry the service with a full force so all the work can be done and the laws fully and properly enforced. And we ought to have enough inspectors, enough money, and enough men at all places to see that every word and letter of our statute, which is certainly insufficient enough as it is, is enforced and to keep those out who are trying to come to this country and take the place of those who are entitled to be here, to take the bread out of the mouths of the men and women and children who are trying to live in this country. They are willing to pay from $500 to $1,500 each to get in on the western coast, and I want to say to you that this Congress ought not to hold back one minute, but it ought to give enough money to see that those people are kept out and that they are sent back home where they belong. It is hard enough to make a living here as it is. Money is hard enough to get without bringing people from other countries who will not even assimilate with our own people, who will not become a part and parcel of the community in which they live, and we ought not to permit them to continue to come in and take the place of our American men and women, to go into the various laundries and hotels and homes and drive the young girls from their employment and from opportunities to make legitimate and honest wages, so that they may hold up their heads and be a part and parcel of this great country. The provisions of the exclusion laws and the immigration laws prohibiting the entering or remaining here are most wholesome, and the only way to make them effective is to have money enough to employ a sufficient number of men all along the line.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FITZGERALD. Mr. Chairman, just one moment before the Chair rules on the point of order. I desire to make a brief statement in reference to some of the remarks made about this item. This estimate did include, I think it was, $28,000 for the purpose of increasing compensation of certain employees of the Immigration Service. If the money were appropriated, the department could not increase the compensation, because it is prohibited from doing so under the law, so that the mere fact that money is asked to increase compensation is not always a sufficient reason for giving it. In 1913 the appropriation for the Immigration Service was $2,525,000. An unexpended balance of $30,000 was on hand at the end of that fiscal year, and for that year, 1912, the appropriation was $2,525,000. The estimates were $2,600,000. For 1913 the appropriation was $2,225,000, and the estimate was $2,575,000, and yet although the appropriation was less than the amount requested, there was an unexpended balance of $30,000.

Mr. J. I. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Just one moment.

Mr. GARDNER. Mr. Chairman, will the gentleman yield to me on the question of the unexpended balance?

Mr. FITZGERALD. I yield to the gentleman.

Mr. GARDNER. That was on the 1st day of May, was it not?

Mr. FITZGERALD. I am talking about the fiscal year 1913.

Mr. GARDNER. Oh. I was reading the evidence of Mr. O'Donnell. "The unexpended balance ascertained this morning was approximately $30,000." That statement appears in the hearing of May 1, 1914; but there were then two months left of the present fiscal year.

Mr. FITZGERALD. The unexpended balance for 1913.

Mr. GARDNER. Beginning June 30, 1912?

Mr. FITZGERALD. Yes. For the current year the estimate of $2,626,000, and the committee recommended $2,550,000. I believed when the sundry civil bill was prepared and enacted in the last Congress it was ample to properly perform the work of this service. This House provided in the deficiency bill $95,000 additional, which was $19,000 in excess of the original estimate of the department. For the next year the committee recommended $2,650,000, which is $5,000 more than is given for the current year. Among the estimates presented for the current year there was included the employees in some of these new stations, including the one at Charleston, S. C. I have been to Charleston, S. C. I have seen the station. It is built and finished. It is boarded up, and never had an immigrant in it and it probably never will. No immigrants come there, and yet we have requests for a certain force of men to man and operate that station. I am interested in the Immigration Service——

Mr. GARDNER. Mr. Chairman, will the gentleman yield on that Charleston station?

Mr. FITZGERALD. Yes.

Mr. GARDNER. Was not that at the time when the State of South Carolina was herself importing immigrants into Charleston that that force was asked for there?

Mr. FITZGERALD. A station was established, and I think there was one boatload came over.

Mr. GARDNER. The gentleman is mistaken.

Mr. FITZGERALD. I am not mistaken as to the facts that I have recited. That station was erected, equipped, completed, and it never had an immigrant in it, and it is now actually boarded up, so that nobody can get into it, and it stands out, isolated, a monument——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GARDNER. How many years ago was that that it was authorized?

Mr. FITZGERALD. Not a great many years ago. It was a provision put on in the Senate in my time and in the gentleman's time.

Mr. GARDNER. It was before the passage of the act of February 20, 1907, which stopped the State of South Carolina from importing immigrants.

Mr. FITZGERALD. It has been completed within two or three years. This committee recommended what I consider to be ample. I do not think that anyone could justify making the appropriation as requested for this service.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURNETT. Does not the gentleman think if more appropriations were made, especially for the inspection service, you would get more and better physicians and surgeons and that there would be better inspections at Ellis Island, and fewer insane go into the asylums of the gentleman's own State?

Mr. FITZGERALD. No; because we provide for that inspection, to prevent the insane coming in, in the Public Health Service. The physicians in the Public Health Service make those examinations, and we have provided amply, and in a manner that has been highly satisfactory to the Public Health Service, for the increase of their force last year.

Mr. BURNETT. During the present session of Congress?

Mr. FITZGERALD. Yes; we made an increase in this bill——

Mr. BURNETT. In this bill?

Mr. FITZGERALD. In this bill.

Mr. BURNETT. I wanted to know, because there is great complaint, and the gentleman knows there have been great complaints along that line.

Mr. FITZGERALD. Not only that, but the Committee on Appropriations, in the attempt to secure men who would be competent to detect these mental defectives, put a provision in last year requiring them to select a certain number of physicians who have been specially trained for that purpose, and we had a provision in this year, but it was taken out on the point of order. There is no more important question to the community in which I reside than an efficient inspection in order to eliminate and keep out, as they should be kept out of this country, mental defectives who come from other countries.

Mr. BURNETT. That is not embraced in this appropriation?

Mr. FITZGERALD. It is not out of this appropriation. That service is separate; and I will go as far as anybody would suggest within limits.

Mr. GARDNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. The gentleman knows that the certificate of the examining medical officer is supposed to be conclusive, and yet the law has been construed in such way that an appeal is taken to the Secretary of Labor in all except extreme cases. Consequently, reports of the medical examiners of the Public Health Service, as a matter of fact, are passed on not merely by a board of inspectors but also often by the Department of Labor itself.

Mr. FITZGERALD. My experience has been that the certificate of the physician is conclusive.

Mr. GARDNER. Excuse me. If the gentleman will allow me to explain exactly what happens, section 10 of the immigration act provides that the certificate of the medical examining officer shall be binding on the board of special inquiry, but in one of the rules of the Bureau of Immigration is inserted the word "solely," construing that word into that particular section of the act. Only in the cases of insanity and certain other mental defectives is the surgeon's certificate binding. As a matter of fact, in the month of October, of which month we have some figures, there were nearly 4,000 persons certified as defective, mentally or physically, by the medical examiner. On appeal a good many more than half of those people were, as a matter of fact, admitted to this country, so that the gentleman will observe that the surgeon's certificate is not binding.

Mr. FITZGERALD. I think most Members have knowledge that persons are certified as physically defective, and it turns out that they are suffering from some ailment that an ordinary slight course of treatment cures, and friends or relatives have them detained at the hospital at their expense, and when they are cured they are admitted. I doubt if the law ever intended that persons of that class should be excluded, but if they had a dangerous or an incurable disease, they should be excluded.

Mr. MOORE. The gentleman from Alabama [Mr. BURNETT] raises a question that is uppermost in the minds of some of us in regard to that kind of immigration. A better inspection at ports of entry, perhaps, would remedy a good deal of this evil of which we complain. I call the attention of the gentleman to the testimony of Mr. O'Donnell, page 1537 of the hearings, in which he explains the need for an appropriation of $172,000 to enforce the white-slave act, and suggests that it would not begin to cover the work that ought to be done in this country. Thus arises the proposition whether we should not put some limitation on the number of inspectors who do this home-guard work elsewhere than at the ports. If these aliens are admitted—aliens who are criminals or unlawfully here—they ought to be stopped at the port. The best inspection work is to be done there. Mr. O'Donnell says in his testimony:

There are probably thousands of them in this country—

Indicating the kind of people they are—

but you could easily spend half a million dollars a year in going after them, and we do not contemplate doing that. It would be too stupendous an undertaking to do it all at once.

Now, we ought to consider to what extent we are going to permit inspectors to go from city to city, and from house of ill fame to house of ill fame, perhaps, to find out whether such people are in this country or not. A great many of them could be apprehended at the ports of entry. It would be better to stop them there rather than go round searching for them after they have been admitted. The question is largely one of administration at the borders and at the ports, and as to this we are entitled to the judgment of the department.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that my amendment be modified by inserting $2,907,100 instead of, as it was before, $2,010,000.

Mr. MANN. The gentleman can not amend it with the point of order pending. If the gentleman would ask to withdraw the amendment, he can do so.

Mr. RAKER. I will not withdraw it, but I thought this might have some bearing on the point of order; and that being the case, I wanted to be sure and relieve the situation, and that then the point of order might be decided.

Mr. MANN. The gentleman could hardly amend an amendment while the point of order is pending.

The CHAIRMAN. Except by unanimous consent.

Mr. RAKER. I see there is no objection to it.

The CHAIRMAN. The gentleman from California asks unanimous consent to modify his amendment——

Mr. RAKER. That is my request.

The CHAIRMAN. By inserting the figures $2,907,100 instead of $2,910,000. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears no objection to its being so modified, and to that amendment as amended the gentleman from New York [Mr. FITZGERALD] makes the point of order.

Mr. MONDELL. Mr. Chairman, I did not understand the amendment. Does the amendment simply reduce the amount?

The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

The Clerk read as follows:

Page 150, line 21, strike out the figures "$2,650,000" and insert in lieu thereof "$2,907,100."

Mr. MONDELL. Mr. Chairman, I do not now understand the change in the gentleman's amendment.

Mr. RAKER. The change in the amendment eliminates from that lump sum the $2,900 which was provided for in the Dupré amendment.

Mr. MONDELL. As I understand it, Mr. Chairman, the point of order made by the gentleman from New York is that this amount having been modified by the committee another motion to still further modify and change the amount is not in order?

The CHAIRMAN. That is the point of order as the Chair understands it. To state it more explicitly, perhaps, the point of order made by the gentleman from New York [Mr. FITZGERALD] is that the committee having voted to strike out and insert, it is now in order to strike out that which was inserted.

Mr. MONDELL. Well, that is a rather technical statement of the point of order, it seems to me; but, assuming that to be the gentleman's point of order, my notion is that it is not well taken. Now, if there is any logic in that point of order at all, it is on the proposition that there should be an end to amendments affecting a certain feature of the bill. The theory is that the House having taken up and discussed and amended a certain item or feature of the bill, that ought to be the end of it; otherwise amendment after amendment could be offered indefinitely, modifying the language, changing the amounts in an unimportant or trifling way, and much time would thereby be consumed. There can be no other theory as the basis for the gentleman's point of order except that it would prevent delay and filibuster to sustain it. However, the rules of the House should never be so interpreted as to prevent the House from carrying out its will. If amendments are offered which simply consume time and delay business without greatly affecting legislation, they may very properly and should be held out of order. But this is what an adherence to the point of order offered by the gentleman from New York [Mr. FITZGERALD] would lead us to. Let us take the case before the committee.

The gentleman from Louisiana [Mr. DUPRÉ] offered an amendment which, in fact, was not, so far as its main purpose went, intended to affect the amount of the appropriation. He used the Holman rule as a handle to secure a change of existing law. That was the first amendment offered. He was the first gentleman recognized. That was the first opportunity there was to offer an amendment to this item. He made his motion. It is true a motion could then have been made to substitute for the amendment offered by the gentleman from Louisiana an amendment simply increasing the amount of the appropriation. But an amendment offered at that time, of that character, under the circumstances could not in the nature of things have fair consideration before the House, because if the substitute were adopted under the rule now invoked by the gentleman from New York, then the change of law contemplated by the amendment of the gentleman from Louisiana could not have been secured. The House might wish to both increase the appropriation and make the change of law. But if the point of order made by the gentleman from New York is good, there is no possible way in which that could be done.

Now, I grant you, Mr. Chairman, that if any gentleman had offered an amendment simply changing the amount carried in the bill, and that had been debated and voted on, it would have settled that proposition, because that would be the judgment of the House as to the amount carried in the bill. It would be a waste of time, it would simply be giving an opportunity to delay and filibuster to allow other amendments directly on that point. But if a gentleman can be recognized to reduce an appropriation by 1 cent or to increase an appropriation by 1 cent, more or less, coupled with a legislative proposition, and by so doing he can prevent the House, if favorable to the legislative provision, from increasing or decreasing the amount of the appropriation—if that is to be the rule here—it would be very easy, indeed, by offering such amendments to prevent the House from carrying out its will relative to the amount of appropriations.

I have hurriedly glanced at the cases cited by the gentleman from New York. I do not think any of them bear directly on this point. They all of them relate to amendments covering practically the ground of prior amendments, either adopted or rejected. They were perhaps very properly held out of order, because their consideration would simply be thrashing old straw, going over the same old ground again, with possibly some very slight and probably immaterial change.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. MANN. What line would the gentleman draw between the amendments which the Chair would recognize in order and those which the Chair would not recognize in order, to amend an amendment which had already been agreed to—the arbitrary will of the Chair?

Mr. MONDELL. The rule of reason.

Mr. MANN. I am asking the gentleman now, being a very reasonable man, if he can draw that rule of reason? I am sure nobody else in the House can do so.

Mr. MONDELL. I am sure the gentleman from Illinois would have no trouble at all in doing it. I am sure that the present occupant of the chair would have no difficulty in immediately recognizing the difference.

Mr. MANN. Well, the gentleman from Wyoming said that the amendment which reduces an amount 1 cent, if that was agreed to, ought not to prevent further amendments. Now, what would the gentleman say if the amount was reduced $10, or $100,000, or $1,000,000?

Mr. MONDELL. Possibly the gentleman did not clearly understand me. I believe an amendment that either reduced or increased the amount by a single penny, if that was all there was to the amendment or was the important feature of the amendment, would express the will of the House with regard to that proposition. Thereafter there should be no further opportunity to consume time in a discussion of that matter which the House had settled. But when such an amendment, slightly increasing, slightly reducing, carries a substantive legislative proposition, the matter of reduction or increase is incidental; almost immaterial. The gentleman from Louisiana, as a matter of fact, had no real desire, I assume, to reduce this appropriation, but it became essential to reduce it in order to secure the legislation he favored. He secured his legislation. That should not preclude the House from expressing its will as to the amount of appropriation. I again beg to call the Chair's attention to the fact that if that can be done it would be very easy indeed for the Committee on Appropriations to offer amendments carrying legislative provisions acceptable to the House, reducing an appropriation by a few pennies, in order to clinch the matter so as to prevent the House from expressing its will on the main issue of how much we shall appropriate for a given object. Why, the amendment of the gentleman from

Louisiana related to one official. It did not take into consideration this service in all its wide reach at all.

The CHAIRMAN. Will the gentleman from Wyoming permit the Chair to ask a question? There could have been an amendment offered to the amendment proposed by the gentleman from Louisiana [Mr. DUPRÉ]?

Mr. MONDELL. I do not understand.

The CHAIRMAN. There could have been an amendment proposed to the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] changing the amount?

Mr. MONDELL. Not by increasing it, because the Chair ruled that the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment offered by the gentleman from Louisiana was not in order. The amendment offered by the gentleman from Louisiana came within the rule because it reduced this appropriation. The Chair very properly held that a modification which did not bring the original amendment as thus amended within the Holman rule was out of order, so that there would have been no possible way in which a proposition to increase this appropriation could have been presented to the House as an amendment to the amendment of the gentleman from Louisiana, and considered on its merits.

Mr. MANN. If the gentleman will yield, so that that statement will not go uncontroverted in the RECORD——

Mr. MONDELL. I shall be glad to——

Mr. MANN. I wish to say that the Chair did not rule as the gentleman stated—that the amendment changing the amendment would not be in order. What the Chair ruled was that the amendment must show on its face that there would be a reduction in the expenditure.

Mr. MONDELL. What I meant to say was that the Chair did hold that an amendment modifying the motion of the gentleman from Louisiana in such a way that, had it been offered as an original proposition, it would not have come within the Holman rule, was not in order.

Now, the amendment of the gentleman from California, if offered as an amendment to the motion of the gentleman from Louisiana, would have been held by the Chair to be out of order, because then there would have been no reduction in the amount carried in the bill; and it was by reason of the fact that there was a reduction in the amount carried in the bill involved in the motion of the gentleman from Louisiana that the Chair held that motion to be in order under the Holman rule.

It is true that the motion also reduced the salary of a public official; but I take it that the Chair held that the two things, the two features of the amendment, taken together, brought it within the rule. One was that the amount carried in the bill was reduced. The other was that the salary of an official was reduced. I think if the amount carried in the bill had not been reduced, the Chair would undoubtedly have held that it did not come within the Holman rule.

Now, the gentleman from California proposes to increase the appropriation. Had he offered that as an amendment to the motion of the gentleman from Louisiana, it would have been held out of order, and properly. The proposition therefore is simply this, that while any motion which simply brings the House into a condition of thrashing over old straw, which simply consumes time in discussing a matter that has been discussed and settled, is out of order——

Mr. MANN. Will the gentleman yield for just another question?

Mr. MONDELL. In a moment. It can not, and does not, follow that because a word or a figure, among others, in a bill has been changed by action of the House, having a certain object in view, that word or figure can not be changed when the House proceeds to seriously consider the matter from a different angle for a different purpose.

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. Yes.

Mr. MANN. I understand that the gentleman is contending that the amendment that the House agreed to can now be further amended. Does that proposition apply to all of the amendment, or simply to one part of it? Does the gentleman think that the Chair should agree that an amendment to one word is in order, but an amendment to another word is not in order?

Mr. MONDELL. I do not think that an amendment which attempted to undo what the House did on the real point at issue would be in order, but the real point at issue was not the reduction of the appropriation.

Mr. MANN. Certainly, that was the point at issue.

Mr. MONDELL. The point at issue was the status of a public official. That was the point at issue, and that was the point on which the House voted. That was the point discussed by the gentleman from Louisiana. He did not discuss the question of the reduction of the appropriation for a moment. The House did not consider it for a moment. There was not a Member who voted for the amendment because it reduced the appropriation and there was not a Member who voted against it because it reduced the appropriation.

The CHAIRMAN. So far as the rules of the House were concerned, however, it was only the question of the amount that served as the basis for the ruling.

Mr. MONDELL. Yes; the amount; and the Chair also took into consideration the fact that it reduced the compensation of an official, because the Chair held that when a motion was made that restored that compensation, then the amendment was so modified that it did not come within the rule. The Chair decided that it was in order on the two propositions combined.

The CHAIRMAN. That was the ruling of the Chair.

Mr. MONDELL. I think the Chair was right about it. But the present condition is that the House can not express its judgment with regard to appropriations. If we have that sort of a rule, we ought to amend it. If there is such a ruling, it ought to be overturned.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. MANN. Have we any rules of the House under which I can offer an amendment on page 34, changing the amount that has been agreed to?

Mr. MONDELL. I think not.

Mr. MANN. The gentleman's proposition is that we ought at all times to have a method by which the House can express its will.

Mr. MONDELL. Oh, at the time. I grant you that the House, or Members of the House composing the Committee of the Whole at various times, might have modified their views or changed their views or altered their views in regard to a matter, and it would not be proper to go back; otherwise we never would get through with the business.

So far as the point of order made by the gentleman from New York has any force at all, or is in any way founded on logic, it is in the fact that it seeks to prevent the taking up of the time of the House uselessly. But when it is invoked to a point where it prevents the House from expressing its will at the time when a matter is under consideration, it certainly is not logical and it certainly is not consistent with good legislative procedure. The House ought to have an opportunity to express its views on the amounts carried in the bill, and the House has not had an opportunity to do that, and in fact has not attempted to do it until now.

Mr. PETERSON. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. The Chair is prepared to rule.

Mr. GARDNER. Will the Chair indulge me? I do not want to exhaust his patience.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. If the Chair rules in favor of the point of order made by the gentleman from New York, will the Chair comment on this possible situation? At the time the gentleman from Louisiana was offering his amendment, which incidentally reduced the amount carried in the bill, suppose that I had sought to amend that amendment by a clause relating to some entirely different subject germane to the whole Immigration Service subdivision, and yet not germane to the amendment of the gentleman from Louisiana—let us suppose that my amendment would have raised the total amount carried—obviously my amendment could not have been entertained as an amendment to the amendment of the gentleman from Louisiana, because it would not be germane. How could this committee ever express its opinion on the amendment which I was seeking to offer unless the amendment of the gentleman from Louisiana was voted down?

The CHAIRMAN. The question presented by the gentleman from Massachusetts [Mr. GARDNER] is a very difficult one. The matter is not at all free from difficulty. If it were an entirely original proposition, the Chair is not sure how he should feel constrained to rule. But there are certain precedents here that seem to be in line.

On page 388 of volume 5 of Hinds' Precedents it is stated that—

> Words embodying a distinct substantive proposition being agreed to as an amendment, it is not in order to amend by striking out a part of those words with other words.

Mr. MONDELL. Will the Chairman allow me to suggest that we do not do that in this case?

The CHAIRMAN. The matter under consideration, apparently, at the time that ruling was made, was the Philippine tariff bill. An amendment was agreed to, and shortly there-

after—on January 16, 1906, the proceeding took place—Mr. Parker, of New Jersey, proposed an amendment to strike out the latter portion of an amendment already agreed to, and a succeeding portion of the text, and to insert other words.

The gentleman from Pennsylvania, Mr. Olmsted, whom we all remember as a very clear reasoner and a most excellent presiding officer, ruled as follows:

The Chair finds that the amendment proposed is to strike out the words, beginning in line 5, page 3, "wholly the growth and product of the United States shall be admitted to the Philippine Islands from the United States free of duty." These words form a part of the amendment to which the committee has already agreed. While the question is not entirely free from doubt, the Chair is of the opinion that the amendment proposing to strike out what the committee has once voted in is not in order.

In February, 1913, at the conclusion of the District of Columbia appropriation bill, Mr. MARTIN, of South Dakota, moved to recommit the bill to the Committee on Appropriations with instructions to strike out a certain amendment agreed to in committee and insert a sinking-fund provision. The gentleman from New York [Mr. FITZGERALD] made the point of order that the House, having just adopted the amendment described, the motion to strike out and insert another was not in order, and the present Speaker of the House sustained that point of order.

Those two decisions are cited here as being in line.

If there had been an amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] simply to reduce the amount, say, $50, and that had carried, the Chair does not presume that it would be insisted by any gentleman that you could now strike that out and insert another set of figures. But simply because the Holman rule was invoked, and in addition to a reduction there was legislation, it is insisted that therefore there ought to be a differentiation in this instance, and that any other ruling will work a hardship. Now, that may be. It may work a hardship. The Chair can see where it may render procedure somewhat cumbersome. Nevertheless that is not the fault of the Chair; but, if there be a fault, it is a fault of the rule itself.

The Chair thinks that to hold otherwise than in accordance with the precedents that have been cited, and the plain reasoning which was suggested by the gentleman from Wyoming that some time there must be an end to these propositions, would be to throw the whole matter over to the arbitrary will of the Chair, and the judgment of the Chair would be appealed to as to what amendment might be offered, rather than a consistent line of rulings. The Chair thinks the safe ruling is to sustain the point of order, notwithstanding the fact that it may work some embarrassment. Accordingly the Chair sustains the point of order made by the gentleman from New York.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GARDNER:
Page 150, line 21, after the figures "$2,650,000" as amended, add the words "plus $260,000."

Mr. FITZGERALD. I make a point of order against the amendment.

Mr. GARDNER. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. Of course, this amendment accomplishes the object of the gentleman from California [Mr. RAKER], only in an entirely different way. It takes advantage of a technicality in the rulings, just as the point of order made by the gentleman from New York [Mr. FITZGERALD] takes advantage of a technicality in the rulings. I refer the Chair to page 387 of volume 5 of Hinds' Precedents, section 5764, which reads as follows:

While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment.

That is precisely what I propose to do. Now, the Chairman knows very well that parliamentary rules are purely questions of form. It is the vortex of form into which amendments are drawn. Under parliamentary law it is not so much what you do as how you do it. It is perfectly obvious that the reduction of the amount carried in the amendment of the gentleman from Louisiana [Mr. DUPRÉ] was simply a device to bring the amendment under the Holman rule. This result was accomplished, and in consequence of the success of that device the Chairman held that a legitimate amendment was out of order, and I think held so properly under the rulings; but I think the decisions are wrong. I think the decisions are contrary to common sense. And the question I put to the Chair is this: When the gentleman from Louisiana nominally reduced the sum of $2,650,000 and then proceeded to tack on legislation, if any gentleman in this House had desired to offer an amendment to the amendment proposing quite different legislation and increasing the amount carried in the paragraph, the Chairman would very properly have ruled such motion to be out of order. After the Chairman ruled the gentleman from Louisiana to be in order, if the ruling on the Raker amendment is to hold, it ceased to be possible to offer any amendment not germane to the Dupré amendment. In other words, the moment the gentleman from Louisiana was recognized, if his amendment were agreed to, it would be impossible to consider any proposal, no matter whether in accordance with existing law or not, which affected the amount carried in this paragraph, unless such proposal was germane to the Dupré amendment. So I—trying, as we always do when there seems to be a parliamentary tangle in which common sense is in conflict with the rule—have offered an amendment which I think technically is in order, although by all the laws of common sense, if the amendment of the gentleman from California [Mr. RAKER] ought to have been declared out of order, then my amendment ought to be declared out of order.

Mr. FITZGERALD. Mr. Chairman, I submit that it should be declared out of order and that it is out of order. What is the effect of the amendment? The gentleman from Louisiana offered and had held in order an amendment, because one of its essential features was a reduction of the amount carried by the bill. Any amendment proposed after that was adopted which increased that amount—increased the amount carried by the bill—can not possibly be in order, because the two are inconsistent.

The rulings cited by the gentleman from Massachusetts are not similar to this—a new paragraph and proviso were held in order and amendment adopted. The language that made possible the consideration of the amendment of the gentleman from Louisiana was the fact that it did two things—one to reduce the amount carried by the bill, and the other to reduce the compensation of an official. If this amendment of the gentleman from Massachusetts is to be held in order, an item of the bill will carry a certain amount; the gentleman in order to amend the bill makes the plea that he has reduced the amount carried by the bill and gets the amendment considered in order. Thereafter he immediately strikes out the reduced amount and increases it and adds additional money to increase the amount; and the whole theory, the whole philosophy, of the rules that have been adopted for the protection of the House is completely upset. I think this amendment, if by any possibility it could be held in order, would completely destroy the effectiveness of the rule to protect the House against legislation on appropriation bills.

It must be remembered, too, that the Holman rule is a drastic rule, and it is designed for the purpose of enabling the House to enact legislation, to effect economy, and bring about retrenchment in the public service. If such a procedure as this can be adopted, the effect of the Holman rule will be not to permit consideration of amendments that will effect economies but will bring about a procedure that simply opens the way to legislating upon appropriation bills without any attempt whatever at economy.

Mr. GARDNER. Mr. Chairman, in answer to the statement of the gentleman from New York that the decision I cited is not parallel, I want to say that it is a great deal more parallel than the decision which the Chair cited—I mean the decision of Chairman Olmsted. Mr. Olmsted decided that a certain amendment to the Philippine tariff bill was out of order. He decided that it was out of order because it proposed to strike out an essential part of an amendment already adopted by the House.

The amendment of the gentleman from California [Mr. RAKER] proposes to strike out an unessential part of the amendment adopted. Now, let me comment upon what the gentleman from New York says about the working of the Holman rule. The working of the Holman rule may or may not have been designed to maintain the barrier against general legislation on appropriation bills. I refer the Chair to a decision which I do not think appears in Hinds' Precedents; at least, if it does, I have not found it. It is on page 268 of the Manual for the Fifty-third Congress, first session, one of the Crisp Congresses:

To an item appropriating for free-delivery service $10,450,000 an amendment was submitted striking out that sum and inserting $10,449,000, to be disbursed in a manner prescribed by a new provision of law.

In other words, the technicality of the reduction of $1,000 was resorted to so as to bring the amendment under the Holman rule, and in that way substantive legislation was made in order. It was held that the amendment was germane; that while it

changed existing law it reduced the amount appropriated by the bill and was therefore in order.

Mr. MANN. Mr. Chairman, the decision just quoted by the gentleman from Massachusetts has been overruled in the last Congress and in this Congress. I cited not merely the decision in the manual, but I cited the complete proceedings on another occasion, where a similar ruling was made by a previous Chairman, and in the last Congress the Speaker held, after these matters had been discussed at length, that it was not sufficient to merely reduce the amount under the Holman rule, but that the amendment itself had to show on its face that there would be a substantial reduction in the expenditure of the Government. So that ruling is out of date.

What is the proposition now pending? An amendment was offered making a slight reduction in the amount carried in the bill and providing some substantive legislation. I do not undertake to say that after that amendment had been held in order it would have been proper to have offered an amendment changing the amount carried by the amendment, but if it would have been in order to offer an amendment changing the amount, then the House clearly had the opportunity to make that change.

Mr. GARDNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARDNER. Would the House have had an opportunity to change the substantive legislation carried in the amendment?

Mr. MANN. Certainly.

Mr. GARDNER. By a nongermane amendment?

Mr. MANN. No; I assume that the gentleman's amendment would be germane.

Mr. GARDNER. I was trying to find out when the House could have passed another proposition after the gentleman from Louisiana was once recognized on a proposition not germane to his.

Mr. MANN. I may be thickheaded, but I do not know what the gentleman is driving at.

Mr. GARDNER. It is the same question I asked the Chair. The gentleman from Louisiana introduces an amendment containing a substantive proposition of legislation and reducing the amount carried in the bill. Suppose I had wished to introduce a substantive proposition which would affect the amount carried in the paragraph, a proposal in accordance with existing law, but not germane to the proposition offered by the gentleman from Louisiana—at what point could it have been done?

Mr. MANN. Clearly it would have been in order to offer a substitute to the motion of the gentleman from Louisiana and increasing the amount. I still have not understood the gentleman's question. The gentleman talks about offering a nongermane amendment.

Mr. GARDNER. Not germane to the amendment offered by the gentleman from Louisiana.

Mr. MANN. Then it has nothing to do with the bill, because such an amendment would have been germane. The gentleman might offer an amendment declaring that the moon was made of green cheese.

Mr. GARDNER. Is the gentleman from Illinois trying to discuss the question or to confuse the issue?

Mr. MANN. Well, that is in accordance with the assumption that no one uses common sense unless he argues on the side of the gentleman. I do not agree with that proposition either. What is this proposition? If it were in order on that motion, the gentleman from Louisiana could have moved to increase the amount. That was within the control of the House. That is a very plain proposition. If it was not in order at that time to move to increase the amount, then the gentleman's amendment would not have been in order as an amendment to the motion of the gentleman from Louisiana. That is perfectly plain. The gentleman now offers an amendment which is not in order technically, because it proposes to change the amount, $2,650,000, carried in the bill, when there is no such amount carried in the bill at this time.

Mr. GARDNER. Mr. Chairman, will the gentleman yield? I am sure the gentleman does not want to misstate the amendment.

Mr. MANN. I am not misstating it.

Mr. GARDNER. But the gentleman has misstated it.

Mr. MANN. I know the gentleman said "as amended." If the gentleman would not go off half cock, but would wait until he heard a discussion, we would get along better. I did not interrupt either one of these gentlemen, although both talked until I was very tired; and I will not, if they will not interrupt me. The gentleman proposes to insert in place of the amendment, the sum named in the bill—$2,650,000—although there is no such sum named in the bill, and saying "$2,650,000, as amended," means nothing, because that sum is not amended. The bill is amended. If the gentleman's amendment be agreed to, no clerk on earth would know what it meant or how to enroll the bill. Where would the plus-sum amount come in? I would like to ask the gentleman from Massachusetts, if both of these amendments were agreed to, where would it come in? The gentleman did not even propose to insert his proposition at the end of the amendment already agreed to. Where would the amount come in?

Mr. GARDNER. After the figures "$2,650,000," as amended, wherever they were found.

Mr. MANN. But $2,650,000 is not amended. That amount has been stricken out and a new sum has been inserted. Where would the gentleman's amendment come in—at the end of the amendment already agreed to or in the middle of the amendment already agreed to?

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER. At the end of the figures which now replace $2,650,000. The amendment is clear enough, and I think the engrossing clerk would be intelligent enough to know what it meant.

Mr. MANN. I think the engrossing clerk would not be intelligent enough, because the gentleman himself has now offered an amendment to the amendment already agreed to—to insert in the middle of that amendment a provision—and the gentleman can not find a rule or a ruling anywhere in any book which authorizes him to insert in the middle of an amendment already agreed to a new amendment. The citation which the gentleman gave was that having agreed to an amendment you might provide another amendment to come in at the end of that amendment, and I said when I heard the amendment read that I could not tell where it would come in. The gentleman says he proposes to insert this proposition in the middle of the other amendment. So it is precisely the same thing over again as proposing to change the amount already agreed to and make it a greater amount.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. The Chair is prepared to rule.

Mr. MONDELL. If the Chair will permit me, I am sure the Chair does not get tired listening to gentlemen, even if he does not agree with them, although some gentlemen may. I want to make one suggestion to the Chair. The Chair sustained the point of order made by the gentleman from New York [Mr. FITZGERALD], as he said, from a strictly technical viewpoint. The Chair admitted that such a holding would undoubtedly lead to embarrassment and would render it difficult for the House at times to express its will. I have no quarrel with the decision of the Chair on the strictly technical view that the Chair must have a fixed rule to follow and must not be left to exercise his judgment in every case as to whether or not a rule applies which is somewhat indefinite. Taking that strictly technical view of it, the Chair held good the point of order made by the gentleman from New York. If that be true, it seems to me the Chair must follow the same line of reasoning in further passing on this question.

If he felt that it was necessary to be technical, even though to do so would prevent the House from expressing its view in carrying out its will, certainly it is the duty of the Chair to hold technically when to do so will give the House an opportunity to express its will. There is no question but that the point of order raised by the gentleman from New York prevented the House from passing on the size of this appropriation, for that question was never clearly raised by the amendment offered by the gentleman from Louisiana. The gentleman from California attempted to raise it. The Chair held his amendment out of order on technical grounds. The gentleman from Massachusetts now offers an amendment to increase the amount of the appropriation, but it does not increase it in a way which conflicts with any rule of the House. The gentleman from Illinois [Mr. MANN] did not discuss the question at issue. He discussed the question of the form of the gentleman's amendment. No one has raised the question in regard to its form. There may be some difference of opinion as to where the amendment could be inserted, if adopted, but that is not the point at issue. The question is whether an amendment to increase this appropriation or to amend it be in order, and if the House is ever to have an opportunity to express its will on the amount of this appropriation it must be held in order, although I grant you that it is getting around, plowing around, the former ruling, just as the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] plowed around the ordinary rules of the House by invoking the Holman rule. He did it not with a view of affecting the amount, but with a view of changing a statute. If the House is to have an opportunity to vote on this question at all at any time it must be done in this way.

The CHAIRMAN. As the Chair pointed out before, if there be trouble here, it is the trouble of the rule and not the fault of the Chair. The Holman rule does render it more difficult to reach a particular end perchance under a situation such as has arisen now than would be the case if we had no Holman rule. But we have the Holman rule. That is a part of the rules of the House. It has as much force and vitality as any other rule of the House, and it is the duty of the Chair, whatever his private opinion may be about the Holman rule and its efficacy, to enforce that rule as much as any other. The Chair is not prepared to say that you could not get at the result in any way even with the Holman rule, but if you could not, still that is the rule, and it is the duty of the Chair to enforce the rule.

Now, the amendment proposed by the gentleman from Massachusetts [Mr. GARDNER] is, of course, simply doing by indirection that which admittedly can not be done by direction. It is a very novel form in which to present an amendment of figures, but the Chair thinks clearly it is not in order and therefore sustains the point of order.

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. Suppose while the amendment of the gentleman from Louisiana [Mr. DUPRÉ] was pending, I had moved to amend his amendment by providing that there should be an increased appropriation, the excess amount to be spent for deporting Chinese under the law, would that have been admissible at that time or any other?

The CHAIRMAN. The Chair will suggest that he prefer not to pass upon that.

Mr. GARDNER. The Chair is not prepared——

The CHAIRMAN. That would be obiter at any rate.

Mr. RAKER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 150, line 21, after the word "labor," insert "$260,000 and the further and additional sum and amount of."

Mr. FITZGERALD. Mr. Chairman, I make a point of order, and I ask for a ruling.

The CHAIRMAN. To what point does the gentleman offer the amendment?

Mr. FITZGERALD. It is adding $260,000——

The CHAIRMAN. This is the same proposition, and the Chair sustains the point of order.

The Clerk read as follows:

For refund to the Toyo Kisen Kaisha (Oriental Steamship Co.) of amount overpaid to the United States for hospital treatment of two aliens in the Angel Island immigration hospital for the period from July 10 to 24, 1912, $35.

Mr. GARDNER. Mr. Chairman, I desire to offer an amendment, on page 151, line 16, after the word "thirty-five," the following, which I offer as a new paragraph:

For an additional appropriation for the miscellaneous objects of the Department of Labor, $260,000.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not germane at this point. We have passed the paragraph to which that appropriation would apply.

Mr. GARDNER. Mr. Chairman, I would like to be heard on the point of order. We have not passed the paragraph; I stopped the Chair as the reading was proceeding to the next paragraph.

Mr. FITZGERALD. An amendment germane to a particular paragraph must be offered at that paragraph. We have passed that point, and the gentleman is too late.

Mr. GARDNER. I ask the Chair's attention to the fact that the subdivisions on page 149 begin "Immigration station." Then comes "Immigration Service." Then comes "Naturalization Service." At the end of the provisions for the Immigration Service and before the beginning of the provision for the Naturalization Service I offered my amendment.

Mr. FITZGERALD. The paragraph to which I called the attention of the Chair contains this language:

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States—

And so on.

Now, lines 10 and 11, page 150, say:

And for all other expenses authorized by said act.

Now, this is the paragraph to which any amendment for the expenses in the enforcement of the immigration laws and the expenses of the Immigration Service are germane, and it is a well-settled matter of procedure in the House that amendments that are germane to a particular part of a bill must be offered to that paragraph and can not be offered at any other place in the bill. The amendment proposed by the gentleman is germane to the paragraph which has been passed by the committee, and not having offered his amendment at that point it is not in order at any other point.

Mr. GARDNER. Mr. Chairman, these subdivisions are perfectly clear. First comes "Immigration stations." The next subdivision reads, "Immigration Service," and at the end of "Immigration Service," if this amendment is held out of order because it does not apply to this particular paragraph, I am going to offer an amendment, as follows:

For additional appropriation, Immigration Service, $260,000.

Now, clearly, if the committee itself in this bill includes all these items under "Immigration Service" it can not possibly be held that such an amendment is not germane to the portion of the bill to which it is offered. That is the rule.

Mr. FITZGERALD. There is no subdivision at all.

Mr. GARDNER. The gentleman is mistaken.

Mr. FITZGERALD. I am not mistaken.

Mr. MANN. While there is the heading "Immigration Service" and another heading "Naturalization Service," we passed some time ago the paragraph beginning at the bottom of page 149, which reads:

For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States.

Now, there was the paragraph which carries the expenses of the Immigration Service, less a specific appropriation in the way of a claim, but that is the only place where an amendment relating to the expenses of the Immigration Service or the enforcement of the immigration laws was in order. After that paragraph had been passed we passed a paragraph having legislation authorizing the execution of a lease. Then we passed three paragraphs to pay claims, all four of which, by the way, were subject to the point of order as being claims. Now, the gentleman offers an amendment which is germane to the paragraph under the Immigration Service, but is not germane to any one of the four paragraphs which have been passed by the committee, and the gentleman now seeks to have it come in after these paragraphs. We might just as well say because the Immigration Service is contained in this bill you can offer an amendment at any place in the bill relating to the Immigration Service. The rule is that an amendment, to make it germane to a bill, must be germane to the part of the bill to which it is offered, and the only place where the amendment is germane in this bill, or to the language to enforce the laws regulating the immigration of aliens, is here immediately following the paragraph on that subject.

Mr. GARDNER. I call the Chair's attention to the fact that the rule is that a new paragraph must be germane to that portion of the bill to which it is offered, not to any particular paragraph. Now, the mere fact——

Mr. FITZGERALD. The gentleman is mistaken.

Mr. GARDNER. If the gentleman will read the rule——

Mr. FITZGERALD. I will read the note, page 385 of the Manual:

Under the later practice, an amendment should be germane to the particular paragraph or section to which it is offered.

Mr. GARDNER. It is offered as a new paragraph.

Mr. FITZGERALD. Ah, but there is a paragraph in the bill referring to that subject matter.

The CHAIRMAN. Will the gentleman give the Chair the section rather than the page?

Mr. FITZGERALD. It is section 777. This is the bill which is considered by paragraphs. Some bills are considered by sections. Now, we have in this bill a paragraph carrying the appropriations for all of the expenses incident to enforcing the immigration laws. That paragraph has been passed by.

Mr. GARDNER. This is an additional paragraph, and the gentleman has pointed out the fact that the word "section" is to be taken as the equivalent of the word "paragraph." That is well known. And if the gentleman will read the very next section, it says:

An amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

Now, that is perfectly clear. It has been decided over and over again.

Mr. FITZGERALD. Some bills are considered by paragraphs and some are considered by sections. The gentleman is offering an additional paragraph, not an additional section. We are now on section 1 of the bill, composed of an innumerable number of paragraphs. Now, then, his particular amendment must be offered to the particular paragraph to which it would be germane.

Mr. GARDNER. The gentleman knows very well that is not the case. That word "section," in the ruling, has always been

construed to mean "paragraph" when the bill is being read by paragraphs.

Mr. FITZGERALD. The gentleman has not refreshed his memory on these questions for some time.

The CHAIRMAN. Under general parliamentary law, as the Chair understands it, an amendment does not necessarily have to be germane, but the rule of the House, adopted very early, perhaps at the very beginning, did provide for germaneness, and there is very good reason for it. It is in the interest of orderly procedure not only that they should be germane to the subject matter, but that the amendments proposed should be germane to that portion of the bill to which they are offered. The Chair thinks the amendment is subject to the point of order made by the gentleman from New York [Mr. FITZGERALD], and sustains the point of order.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. FITZGERALD. For what purpose?

Mr. MOORE. I wish to discuss the paragraph—the naturalization paragraph.

Mr. MANN. We have not read that yet.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Have we not reached page 152?

The CHAIRMAN. We have not.

Mr. MOORE. Then I withdraw my motion.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L., vol. 37, p. 736), and for their actual necessary traveling expenses while absent from their official stations, including street-car fare on official business at official stations, subject to such rules and regulations as the Secretary of Labor may prescribe; actual necessary traveling expenses of the officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications to legal papers, telephone service in offices outside of the District of Columbia; not to exceed $3,800 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stats., p. 600), as amended by the act approved June 25, 1910, including an allowance to the clerk of the supreme court for Bronx County, N. Y., for clerical assistance, to be made in the discretion of the Secretary of Labor for the fiscal year 1915; the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $250,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. What is the point of order?

Mr. MANN. He reserved it.

Mr. MOORE. Mr. Chairman, last night the distinguished Representative from North Carolina, a member of the Appropriations Committee [Mr. PAGE], made reference to the efforts of some of us to obtain appropriations for the Frankford Arsenal; and in the course of his remarks, assuming that an attack had been made upon the chairman of the committee, the gentleman from New York [Mr. FITZGERALD], he said:

I felt it my duty, Mr. Chairman, not that I think that the gentleman from New York needs anybody to come to his defense in this House, but as a member of the Committee on Appropriations, I felt it was my duty to say that no man can truthfully charge the chairman of the Appropriations Committee with favoring items in the locality in which he lives to the exclusion of the district of any other gentleman in this House.

Whereat there was applause. Later on the gentleman from North Carolina, extolling the gentleman from New York [Mr. FITZGERALD] for abstaining from obtaining any appropriations for the locality near by which he lived, condemned in severe terms those Members of the House who undertook to obtain appropriations for any public work near the districts or within the districts represented by them, and said that during the efforts to obtain appropriations in the earlier part of the day:

It was perfectly apparent to any man who observed the procedure at that time that there was on the floor of the House a cohesion of gentlemen for the purpose of public plunder.

Now, the term "public plunder" might be regarded as a very offensive term, and might, as applied to individual Members of the House, be accepted as a fair subject for a personal explanation. If the gentleman from North Carolina had indicated that Members of the House evidenced a cohesiveness here with a view to private plunder, of course, it would have called immediately for a personal explanation. But the term "public plunder" as used by the gentleman from North Carolina, in the sense that he applied it, may also be interpreted, in a sense, as complimentary. Representatives who in their public capacity here undertake to get what is coming to be known as "public plunder"—that is to say, the securing of appropriations for public works for the districts in which they live, as well as for the general welfare of the country—are not generally to be despised.

Now, I have a very great deal of pride in my acquaintanceship with the gentleman from North Carolina, and I know his public spirit, and I know how he would gladly say a good word for the chairman of the Appropriations Committee if it were necessary. We have evidence of it in the statement made by him last night, when he rose, without suggestion from the chairman, to make his very able defense of him as one Member of this House who would not use his official position to obtain unduly an appropriation for the community in which he lived. Now, it happens that in the bill which we have before us, and in this particular paragraph relating to the naturalization service, tucked away most delightfully on lines 14, 15, and 16, on page 152, close to the bottom of the page, where the ordinary reader might not see it, is this paragraph:

Including an allowance to the clerk of the supreme court for Bronx County, N. Y., for clerical assistance, to be made in the discretion of the Secretary of Labor for the fiscal year 1915.

Here is a case in point. I absolve the gentleman from New York [Mr. FITZGERALD], the chairman of this committee, in deference to the statement of the gentleman from North Carolina [Mr. PAGE], from any personal interest in this paragraph at all. I do not believe the gentleman from New York had anything whatever to do with the inclusion of it in this paragraph relating to the naturalization service. I suspect he knew absolutely nothing about it, because no department chief came before the committee to urge its admission. No Secretary from the President's Cabinet appeared before the committee to ask that allowance should be made in this paragraph for the clerk of the Supreme Court for Bronx County, N. Y., for clerical assistance, even though it be something not conceded to any other clerk of any other supreme court. I assume, therefore, that this provision was put in this bill without the knowledge of the gentleman from New York [Mr. FITZGERALD]. It is subject to a point of order as new legislation, but I shall not make the point. I merely bring the matter to the attention of the committee with the view of showing how it is possible on the great Appropriations Committee for these little items to slip in without the knowledge of the chairman. It may be that his next friend and colleague, the gentleman from North Carolina [Mr. PAGE], may have had some knowledge of the manner in which the supreme court clerk of Bronx County, N. Y., was thus provided for, but not the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, there is nothing in this bill that was put in there without my knowledge. If I found anything in there that I did not know anything about, there would be trouble when we reached it. Under the law this appropriation is to make an allowance to certain State courts to enable them to obtain clerical assistance in naturalization work.

The city of New York is divided into boroughs. Four of the boroughs are coterminous with the counties. The Borough of Brooklyn is coterminous with the county of Kings. The Borough of Richmond is identical with the county of Richmond. The Borough of Queens is identical with the county of Queens. The Borough of Manhattan was formerly coterminous with the county of New York. The Borough of Manhattan and the Borough of The Bronx were included within the county of New York. By legislation the county of New York was subdivided so that the county of New York should consist of the territory within the Borough of Manhattan, and a new county was erected, designated as the county of the Bronx and consisting of the territory within the Borough of The Bronx. It has a population of 600,000.

Under the law the county clerk is the clerk of the supreme court within the county. The allowance for assistants for these naturalization purposes made to the clerk of the county of New York—the supreme court sitting in the county of the Bronx—is independent of that for the office force in New York, and after this year under the existing law it will be possible to make an allowance.

Now, the county of the Bronx was erected and came into existence on the 1st of January. They are collecting fees for naturalizations in the supreme court in Bronx County at the rate of from $12,000 to $14,000 a year. If an entire year has passed during which this had been done, the department could make an allowance of one-half of the collections in excess of $6,000, which would amount to one-half of from $6,000 to $8,000. But the county will have been in existence only six months by the 1st of July, and the collections up to that time are estimated to be $6,800. The department has authority to allow one-half

of $800, or $400, which means that it can make practically no allowance for clerical assistance.

The purpose of this amendment was to permit the department during this fiscal year to make an allowance which would be equivalent to one-half of the estimated receipts above $6,000 a year, and after that it will come under the general law.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MOORE. I think I understand the situation. The gentleman's explanation is perfectly satisfactory to me. I know the growth of business in that district. But I should like to ask the gentleman whether Philadelphia, being coterminous with some other community, just as he says Bronx County is, and the same argument applying, desired to have this same provision made with reference to the Supreme Court in our section; we would have to get a secretary of a department to come before the Committee on Appropriations; or could we have it done merely by going to the chairman and having him do it in this way?

Mr. FITZGERALD. Under the law the gentleman could have it done if he were sufficiently active.

Mr. MOORE. It may be possible that we shall have to have that done.

Mr. FITZGERALD. While, as a matter of fact, it is only about 6 miles from where I live to the county of Bronx, yet there are about 14 Members of Congress with districts between my residence and that county, so that the gentleman can see that this is not vital to me or particularly affects me or my district.

Mr. MOORE. I wish the gentleman to know that that same congestion of naturalization business exists in my State and the same question with regard to the compensation of clerks may arise.

Mr. FITZGERALD. The department has authority to allow the clerk of the court in Philadelphia which has jurisdiction of naturalization cases an amount for clerk hire equal to one-half of the receipts in excess of $6,000.

Mr. MOORE. Is this provision for extra compensation over and above that one-half now authorized by law?

Mr. FITZGERALD. The county has been in existence for only six months. There is no yearly basis on which it can be computed at this time.

Mr. STAFFORD. Mr. Chairman, in reserving the point of order I do not wish to be considered as being a party to the contest or the rivalry between the distinguished gentleman from Pennsylvania [Mr. MOORE] and the distinguished gentleman from New York [Mr. FITZGERALD]. I reserved the point of order to that part of the paragraph which the gentleman from New York has just explained. I understand that it is an emergency provision, and that it will not be continued in the next appropriation bill; that it is merely to tide over existing conditions, because the court has not continued more than a few months.

Now, responding to the suggestion of my friend from Philadelphia [Mr. MOORE], I would say to him, Mr. Chairman, that I consider the courts at Philadelphia very derelict. Unlike the State courts in most other parts of the country, they absolutely refuse to undertake this work of naturalization.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I shall be glad to.

Mr. MOORE. The common pleas courts have refused to do that work, and for a very good reason: The Federal courts were there to do it; and the Federal courts have been doing it to the best of their ability. But the illness and death of a judge and the delay in appointing his successor caused a very great congestion of business.

The gentleman asked me this question before. I believe the common pleas judges of Philadelphia are now considering whether they shall not take up this naturalization business, and I shall certainly help them to do it if possible.

Mr. STAFFORD. In view of the exigencies of the approaching election, does not the gentleman believe it is a public duty on the part of the judges of the courts of common pleas to attempt to relieve the great number of aliens seeking naturalization and awaiting the final disposition of their petitions?

Mr. MOORE. I will answer the gentleman by saying this: I know of certain civil causes which have been pending over there for a long time in which the litigants have been waiting for a decision. They deserve to have their causes decided, and it may be that if this naturalization business were taken over into the business of the common pleas courts it would further delay that business. The litigants in the civil courts are entitled to have their cases adjudicated.

Mr. MANN rose.

Mr. STAFFORD. I yield to the gentleman from Illinois.

Mr. MANN. Under the law and practice is it not true that it is just as much the duty of the State courts to naturalize as it is the duty of the Federal courts?

Mr. STAFFORD. It has always been considered the province of the State courts to do this work, and before we passed this naturalization law the work was done almost exclusively, so far as my State is concerned, in the State courts. In my city to-day more of that work is being done in the State courts than in the Federal courts.

Mr. MANN. Does the gentleman know any other large city in the country where the local courts are so selfish that they will not perform this necessary service to the people?

Mr. STAFFORD. Unless it might be in some other burg in Pennsylvania. Perhaps Pittsburgh may adopt a like policy, but I can not say whether it does or not.

Mr. MOORE. Does the gentleman from Wisconsin know any city in the Union where the naturalization of aliens is so much encouraged as in the city of Chicago?

Mr. STAFFORD. I know that no city in the country has been doing more work in the way of naturalization, as was disclosed in the consideration of the codification bill, than in the State courts in the city of Chicago.

Mr. MANN. Except in the city of New York, which is the largest city in the country. Chicago is the next. Philadelphia at one time was the rival of Chicago, but we have forgotten it.

Mr. STAFFORD. I am speaking of naturalization work performed in the State courts.

Mr. BRYAN. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The Clerk will read.

The Clerk read as follows:

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Copyright and patent branch office, Panama-Pacific International Exposition: To defray all the expenses connected with the establishment, equipment, and maintenance (including necessary printing) of the branch office at San Francisco, Cal., provided for in section 2 of the act approved September 18, 1913 (Public, No. 14), $30,000, of which sum $15,000, or so much thereof as may be necessary, shall be expended under the direction of the Commissioner of Patents, and $15,000, or so much thereof as may be necessary, shall be expended under the direction of the Register of Copyrights, each of whom is authorized to pay to the Public Printer the cost of any portion of such printing and binding required for the said branch office which may be ordered by him from the Government Printing Office; to designate from among the employees of the Patent Office and Copyright Office, respectively, such employees as may be actually necessary for the service of the respective divisions of the said branch office, one of the employees so designated from each of said bureaus to act as his disbursing officer; and to select and employ from time to time at San Francisco such additional persons as the exigencies of the work there may require. All persons from the Patent Office and Copyright Office thus designated for service at San Francisco shall receive no compensation other than their regular salaries, but while absent from Washington, D. C., and engaged upon the business of the aforesaid branch office shall be allowed their actual and necessary traveling expenses, together with a per diem allowance in lieu of the cost of subsistence to be fixed by the commissioner or register designating such persons, not to exceed $3 per day.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 153, in line 5, strike out the words "Commissioner of Patents" and insert the words "Secretary of the Interior."

In line 7, strike out the words "Register of Copyrights" and insert the words "Librarian of Congress."

On page 154, in lines 1 and 2, strike out the words "Commissioner or Register" and insert the words "Secretary of the Interior or Librarian of Congress."

The CHAIRMAN. If there be no objection, the vote will be taken on all these amendments at once.

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

For the public printing, for the public binding, and for paper for the public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures; bicycles, horses, wagons, harness, electrical vehicles, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not exceeding $500; adding and numbering machines, time stamps, and other machines of similar character;

machinery (not exceeding $100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, $4,463,820.

Mr. HOWARD. Mr. Chairman, I offer an amendment, on page 157, line 16, after the word "care," to insert the words "for the carriage of printing and printing supplies only."

Mr. FITZGERALD. Let the amendment be reported.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HOWARD:
Page 157, in line 16, amend by inserting, after the word "care," the words "for the carriage of printing and printing supplies only."

Mr. HOWARD. Mr. Chairman, I think this amendment reaches an evil that is being practiced by certain subordinate officials in Washington that ought to be stopped, and that evil is this: I understand that the present Public Printer has at his disposal two magnificent $4,000 electric passenger coupés. One of them is a brand new one, and the other, I think, was handed down to him by the former Public Printer, Mr. Donnelly.

In a former Congress I had occasion to say something about this abuse under the former administration. Lo and behold, it develops that under this administration the Public Printer, not a member of the Cabinet, not having the high official position that members of the Cabinet have, instead of having one magnificent electric vehicle to carry him around he has two; and how he can ride in both of them at the same time I do not know. It is an abuse that the people of the country, my constituents and your constituents, ought not to be made to pay for. He is nothing in the world but the head of a printing establishment; and this Public Printer has no more right to a passenger vehicle to carry him around at Government expense than the Clerk of this House or any other official.

Mr. MONDELL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MONDELL. How did the Public Printer come to get this second $4,000 electric automobile, and out of what appropriation was it paid for?

Mr. HOWARD. The Lord only knows how the Public Printer got it. I should like to know how they all get them; but they do get them, and it is a diversion of the funds from some source or other, as I know there is no direct appropriation made for them. One of the most flagrant and palpable abuses of this privilege is in the War Department; and when I had occasion to say something about it before the Committee on Military Affairs, and it got out here and it was in the RECORD that we knew how flagrantly they were abusing this privilege, whereas they used to have the letters "Q. M. D." on these depot wagons, since this agitation has taken place they have put a little black paint over the red letters "Q. M. D." on these magnificent depot wagons, and now you can no longer identify them.

Now, why has the Public Printer two magnificent electric vehicles for his private convenience at the public expense? Talk about official convenience. He can go anywhere he wants to go or has any business on a street car, and I think the time has arrived when if the Speaker of this House thinks this practice is such an abuse that he refuses to use an automobile other public officials ought not. The Speaker of this House does not use an automobile, although he has a right to do it and there was one handed down to him from Speaker Cannon—he has never used it, and he never will, because he believes, as I believe, that it is not right to use the people's money for such purposes.

Mr. MANN. He has a right to do it, but he has not the automobile.

Mr. HOWARD. That is true. He has not the automobile; but he could have had it and used it, because there was one left him, as I have stated.

Mr. MANN. The gentleman from Georgia and I have a right to ride in automobiles.

Mr. HOWARD. Yes, that is true; but we have not a right to do it at the public expense. Now, I know a little something about electric vehicles, and I know something about what they cost; and I have seen one of these vehicles going around with this gentleman, not on official business, but on purely private and pleasant affairs, and it is unwarranted and it ought to be stopped; and I hope that the gentlemen present will vote for this amendment, so that we can stop the abuse of this privilege. These officials have these vehicles, and they are riding around in them when they have no authority in the world to do it and it is not fair to my constituents or your constituents. Now, what has made the Public Printer so great, the head of the Government Printing Office, that he has got to have two $4,000 automobiles at his beck and call day and night, and two great big buck chauffeurs at his command day and night? I think it is time to stop it. I think it is time to use emphatic language in describing these abuses as they exist. I know this abuse exists, because I have seen it with my own eyes. He has got the coat of arms of the Government Printing Office on these automobiles as big as a soda biscuit, a great big coat of arms of the Government Printing Office on the doors in magnificent colors.

I think the gentleman from New York [Mr. FITZGERALD] will agree with me that this privilege is being abused in this city by officials, not only the higher officials but the little fellows as well. Why, even the veterinary surgeons will be getting to the point where they will want $4,000 or $5,000 automobiles to go out here to see a sick cow at the Soldiers' Home. They have all got to ride. The Cabinet officers, the generals, the captains, the lieutenants, the chiefs of divisions, and all; but, Mr. Chairman, the people who pay for all this show and extravagance have to walk. If you were to kill off all Washington by automobiles, 50 per cent would probably be killed by Government officials driving cars paid for with the people's money.

Now, Mr. Chairman, I have no more criticism for the Public Printer than for any other official. I am simply consistent. I fought this extravagance under the Republican administration, and it is just as reprehensible and subject to criticism under a Democratic administration. I shall continue to pursue this sort of foolish waste of the people's money so long as I remain here, and I hope that a Democratic Congress will have the courage to put a stop to it in every department of the Government.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. There are two electric vehicles for this office. There was one prior to the advent of the present Public Printer, and he has purchased a new machine, the list price of which is $4,000, but it was bought for $2,800, because the owner died shortly after buying it.

These machines are used for a number of purposes. One of them is to carry a sum of between $75,000 and $100,000 from the Treasury Department to the Printing Office to meet the weekly pay roll. These machines are used by a number of employees in connection with the distribution and collection of manuscripts. Whether there is any abuse in connection with the use of them I am not prepared to say. There is pending in the legislative appropriation bill a provision which it is hoped will very largely eliminate the abuse which has resulted from the use of automobiles in the Government service. It has not yet been perfected. It was put on the legislative bill in the Senate. It has not been agreed to because they are at work attempting to perfect it so that it will effectively do its work.

If the amendment of the gentleman from Georgia is adopted, it is difficult to say what its effect will be. I know that they have 4,000 employees there, and it is a serious question to handle the currency from the Treasury Department for the Printing Office on the weekly pay roll.

Mr. HOWARD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HOWARD. That is done four times a month. The taxicab fare, if the disbursing agent would take the trip by cab, would be $1.30. If he has to bring it in an automobile, why could he not hire a cab?

Mr. FITZGERALD. Under the law they are entitled to utilize horses and carriages for strictly official purposes. All the horse-drawn vehicles were dropped from the Government Printing Office service because they had a place where they could put in electrically operated vehicles and charge and store them at a cost insignificant compared to the cost of maintaining horses. I do not know whether there is any abuse connected with the use of these automobiles or not.

Mr. HOWARD. Does the gentleman think, as the economist that he is and guardian of the Treasury as he is shown to be, that there is any justification on the face of the earth for the Public Printer to have two $4,000 electric automobiles at his disposal? Does not the gentleman think he is stretching it powerfully when he gets two? Does not the gentleman think he ought to be modest about it?

Mr. FITZGERALD. My own opinion has been that there is no necessity for two passenger motor vehicles for the Public Printing Office.

Mr. FOSTER. Let me ask the gentleman from New York. The Government Printing Office is a machine shop, where there is a great deal of machinery. They have two physicians regularly employed in that office, and there are a great many casualties which occur there in the course of the year, and

quite a number are taken to the dispensary or to their homes or to a hospital. If they did not have some vehicle to transport them, it would be necessary to hire vehicles outside.

Mr. HOWARD. If the gentleman will yield, I venture the assertion that the new machine they have got is never used for that purpose. In the first place, it is not a rapid machine; it is an electrical machine. It is not a machine that you could put a cot into or anything of that kind. It is a coupé, with the most magnificent trimmings and trappings of any car in Washington except one, and that belongs to the Russian Legation.

Mr. FITZGERALD. As far as the trimmings and trappings are concerned, the car described by the gentleman was bought from an estate at a large discount, because of the sudden decease of the person who had purchased it. I think the character of the car is not a proper subject for criticism.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Under the law, if the Public Printer or any of his subordinates ride in a street car or in a taxicab, that can not be charged up against the Government or the District of Columbia. Am I right?

Mr. FITZGERALD. I think they can. I think those are legitimate disbursements.

Mr. MANN. My opinion is that officials in the District may not employ vehicles for hire and charge it to the Government. Hence, we buy them where we need to use them, even if only once a month, when we might get a taxicab for $2. It is cheaper for the individual but not for the Government; but we buy the automobile and employ the chauffeur.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from New York a question. Out of what fund has the Public Printer paid for this automobile?

Mr. FITZGERALD. Out of this appropriation; and it was approved by the Joint Committee on Printing of the two Houses which supervised it.

Mr. HAWLEY. When the appropriation was made there was no intention on the part of the committee that an automobile for the Public Printer should be purchased out of it.

Mr. FITZGERALD. No; they have a number of automobiles; they have several trucks. They have more motor vehicles than any other branch of the public service in Washington.

Mr. HAWLEY. The gentleman does not answer my question. I say it was not intended by the Committee on Appropriations, when they made the appropriation out of which this automobile was paid for, that any part of it should be used for such a purpose.

Mr. FITZGERALD. I can not say that myself.

Mr. HAWLEY. The gentleman would know if such was the intention.

Mr. FITZGERALD. My information is that automobiles have been purchased as the result of a decision that was made. The Committee on Appropriations in providing appropriations did not intend that they should be automobiles for official passengers, except where there was such specific and unquestioned language. In the Government Printing Office there was one. They had several teams of horses and wagons.

The Public Printer, I understand, with the approval of the Committee on Printing, sold these driving horses and carriages and purchased this Rauch-Lang car for $2,800, because as they generate their own electrical power at the Printing Office and have the space to store the car, and also have a number of electric trucks, he deemed it more economical to buy that car and keep it in that way than to maintain the horses and carriages.

Mr. HAWLEY. The gentleman knows, and he has so contended for many years, that the control of the expenditure of funds should be in the hands of Congress, and the approval of those expenditures should be made by Congress. I would like to ask the gentleman further if when this appropriation was made out of which this automobile was paid for and the matter was pending before his committee any departmental chief told the gentleman or his committee that part of the money was to be used for the purchase of this automobile?

Mr. FITZGERALD. Mr. Chairman, I do not remember. There was a different man at the head of the Public Printing Office when the appropriation was investigated and when the purchase was made, so that you could not hold one official responsible for the failure of another to call attention to it.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the committee—and particularly the attention of the gentleman from Georgia [Mr. HOWARD] to this paragraph which has been inserted in the legislative appropriation bill in the Senate, and which will be enacted into law in some form. It is intended to eliminate the abuses in connection with the use of motor vehicles in the Government service. That provision is as follows:

No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sum required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used.

This is a provision which it is believed, with perhaps some modifications, will so regulate these matters as to eliminate the abuses.

Mr. HOWARD. That provision has in it the language "or any other act." I do not see how they can extend it to any other act.

Mr. FITZGERALD. Oh, yes; we can do that. That is why it was put in, so as to apply not only to the appropriations carried in the legislative bill, out of which the heads of the departments are reached, but also to appropriations made in any other bill. For instance, there is one bill reported by a committee, for field service, and an automobile has been purchased out of that, and is being used by the head of a department in this city, and that is an abuse. I think the gentleman and myself are in thorough accord in respect to the matter.

Mr. HOWARD. I want to say to my good friend that I will be perfectly willing to withdraw my amendment or anything of that sort affecting this abuse; but I am as confident as that I am living that that provision which he has just read will never be agreed to, and that some sort of a loophole will be left by which these men can continue this abuse.

Mr. FITZGERALD. The gentleman understands that this is not a provision that was put in by the House?

Mr. HOWARD. It was put in by the Senate?

Mr. FITZGERALD. Yes; and is now being examined by the gentleman from South Carolina [Mr. JOHNSON] and the gentleman from Tennessee [Mr. BYRNS], so that they may be sure that it is so worded that it will not have a loophole in it. This amendment will be adopted in some form, without any question, because we are very glad of this opportunity to adopt it.

Mr. HOWARD. Mr. Chairman, the gentleman from New York I know is heartily in favor of that provision, and as a forerunner of this great reform that ought to have been inaugurated years ago I hope that, in view of the fact that this particular officer, the head of the printing office, has been so immodest as to get two of these $4,000 automobiles, he will accept this amendment striking at him as an indication of what is going to come later for these other men who are guilty of these abuses. I ask unanimous consent to so modify my amendment that it will come in after the word "vehicle," in line 15, in place of after the word "cars," in line 16.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I have no doubt but that the gentleman from New York [Mr. FITZGERALD] is perfectly sincere in trying to legislate so as to prevent abuses; but it looks to me that providing for a $4,000 automobile for the Public Printer is in itself an abuse and misuse of public funds. I do not see any need of encouraging any such useless and unnecessary extravagance. I am absolutely surprised to hear it put forth as an argument in favor of an automobile for the Public Printer that they have to carry money out there to pay off the employees once a week, and need a $4,000 automobile to carry it in; just as if the employees would strike if they did not have their pay brought to them in a $4,000 automobile. My opinion is that they will accept their money in any way they can get it. What did they do before they had automobiles in order to pay off the employees? What do you gentlemen do? How is the money brought to the office of the Sergeant at Arms by which the Members of the House are paid? I do not think any of you would resign your seats if you had to accept money that was brought here in something besides an electrically driven machine.

The very fact of authorizing such an instrumentality is an abuse in itself, and I think that the Democratic simplicity that we talk so much about ought to be put in practice. You might

just as well get an automobile to carry Members backward and forward from the departments to this Capitol, where they are compelled to go, as to give an automobile to the Public Printer to go where he is compelled to go. We would not vote for such a thing for ourselves, and why should we vote for it for subordinate officials in the executive departments? Why is it incumbent upon us to carry the head of a bureau from his home to his office, when we have to walk or ride on a street car and pay our own expenses? Now, I do certainly think when we refuse to appropriate for an automobile for the Speaker of the House, and he heartily approved our course, and yet it seems we are quite content to authorize one or two for a chief of a bureau—I am seriously contending that such an authorization is an abuse within itself, even though it is used only for official purposes, and I hope that the amendment will be adopted, and that never again will we provide these high-power expensive machines, which tend to encourage these gentlemen to think that because they are favored by legislation that they are a preferred class of public servants. I hope, in the interest of Democratic simplicity, we will vote to strike this item from the bill.

Mr. MONDELL. Mr. Chairman, I am very much surprised the gentleman from Georgia and the gentleman from Tennessee should make such a vicious attack upon the chief headsman of the Democratic Party. These gentlemen certainly can not realize the good work this official has done for the Democratic Party——

Mr. HOWARD. I thought the gentleman said "herdsman"; I beg the gentleman's pardon.

Mr. MONDELL. Well, that would apply also. The gentlemen evidently have not heard of the splendid service this gentleman has rendered to the Democratic Party down here in the Printing Office. But before I refer to that I want to talk about this matter of automobiles for a moment.

Mr. COOPER. Two of them.

Mr. MONDELL. There are two electric automobiles. There was an electric when the present Public Printer came into the office which he calls an electric cab. It was old and somewhat out of date, and the Public Printer is not a cheap guy; he is no piker, and he bought one of the best electrics that could be found on the market. It is a $4,000 machine, but the Public Printer got it at a bargain; he paid $2,800 for it.

But, mark you, this Public Printer is an official mindful of the law, and in that he differs from some other public officials who buy automobiles. He bought this automobile, after consulting people high in authority in the administration, out of an appropriation for "electric appliances." [Laughter on the Republican side.] And is not an electric automobile an electric appliance, even though it is likely to be used partly for private purposes? Now, there is another way in which the Public Printer differs from some other public officials. The Public Printer is an honest man, and I do not think that he would deny that this is, to a certain extent, a vehicle used for private and family purposes. It is a swell rig, and the gentleman from Georgia knows, as he says he has seen it recently. It is beautiful, and it is beautifully kept at public expense. I am of the opinion, however, that the Public Printer does have quite a bit of use for an automobile for official business. If we are to deprive officials of automobiles, we should begin with some official having less real official need of a machine than the Public Printer. This Public Printer is a good official, and in addition to being a good official he is a good Democrat. The gentleman from Tennessee [Mr. SIMS] talks about Democratic simplicity. The Public Printer is a Democrat, but he is not so simple as some people might imagine. He was interrogated by members of the committee as to the manner of making promotions down in the Government Printing Office, and he said in reply to a question propounded by the gentleman from Massachusetts [Mr. GILLETT] as to what his method was—

> Why, if a vacancy exists, the preference would be given to a Democrat if he were equally competent.
>
> Mr. GILLETT. In saying that, did you understand that you were representing the administration?
>
> Mr. FORD. No, sir; I was representing the Public Printer.
>
> Mr. GILLETT. And that was your personal view?

And Mr. Ford answered—

> Yes, sir.
>
> Mr. GILLETT. You think that is obedient to the civil-service law, do you?
>
> Mr. FORD. I think so, because the Civil Service Commission does not recognize Republicans or Democrats, and neither do I, but I have a sort of preference for the Democrat if he can fill the bill and there is a vacancy existing. If there is no vacancy, then, of course, it is all off.

Of course, it is a matter of judgment with the Public Printer as to whether two or more candidates are equally competent, and with his views, as expressed with regard to his preference for Democrats, it is fairly possible, honest man as is the Public Printer, that a Democrat always gets the benefit of the doubt, and I am surprised at my friend from Georgia, good Democrat as he is, believing in the faithful securing all the jobs, should pick out this one man who has been conspicuous in this respect and complain of him.

Mr. QUIN and Mr. FOWLER rose.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] is recognized.

Mr. QUIN. Mr. Chairman, I noticed what the distinguished gentleman from Wyoming [Mr. MONDELL] had to say about the Democracy of the Public Printer. I am glad we have a Democrat in that office. I am a plain, simple Democrat. I believe the party that is in power ought to hold what jobs there are. I know if I were a Republican and the administration were Republican, I should want to kick the Democrats out, and if I had my way about it there would be a lot of Republicans packing their baggage and getting out of these departments around here. In fact, every postmaster of the United States would be a Democrat. But I do not happen to have my way.

This Public Printer is a Democrat, and a good one. He is a good man, a straight man, and an honest official, who is running that department in a nice way, but I am against this automobile business. I think it is time for this Congress to stop all this tomfoolery of our public officials riding around in great, big automobiles, at the expense of the taxpayers. In fact, sometimes I think you would have two-thousand-dollar men riding in four-thousand-dollar automobiles. The people of this country have to pay the taxes, and if we propose to set the example of extravagance by permitting the officials here to ride at the Government expense in these extravagant automobiles, you will be setting an example that will come up like Banquo's ghost to haunt us.

It is true that a few thousand dollars for this official and that official do not amount to much, but by the time you aggregate it all it will run up into the hundreds of thousands of dollars. There is where the trouble is; and this talk about it being necessary to transfer a little pay roll over here is worse than tomfoolishness. The idea of a few employees of this Government having to have money carried to them in an automobile! I am glad to walk in order to get mine. I think the people of my district are glad to walk up to the desk and get their money. What business have we got to have two automobiles for a public official to transport a little money over to certain employees? I think it is a reflection on the Democracy; and, as one Democrat, I will vote to take the automobiles away from all of them. The Congressmen do not have automobiles furnished to them by the Government, and they ought not to ever want such things at the expense of the people. You pay a street car fare to get to the departments, and when you get there you have to wait an hour sometimes to see anybody. Since I am a Democrat, I want to see men in these positions bearing the manners and methods of Democrats. I want to see the Democrat in Congress, the democrat in nature, the democrat in life, exercise all the functions of his office in a democratic manner. That is the type of Democrat, if the gentleman from Wyoming [Mr. MONDELL] will yield to me, that I want to see in office. And I love to see that type of Republican and Bull Mooser in office; and if your party, sir, ever comes back into power again, I hope that you will have good Republicans who will run their departments economically, wherever they may be. I consider it, when we let these two battleships we sold here yesterday, one of them bearing the name of my own State, the grand old State of Mississippi, go to a foreign Government, perhaps at 30 per cent of their value, as a serious reflection on the economy of this House. It was a scheme to sell these two battleships and put the money into a big dreadnaught and give the Armor Plate Trust some more money out of the pockets of the people of this country. That is what the scheme is. I am afraid that a great many men who voted for it voted for it on sentiment instead of knowing the real issue that is involved. You talk around here about the need for a big Navy, and yet you sell two of your battleships; and a lot of men fell into the trap and let the trusts proceed to plunder the toiling masses of America out of $51,000,000.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FOWLER. Mr. Chairman, I desire to speak in opposition to the amendment now pending; that is, to strike out the last two words.

Mr. Chairman, as a Democrat, I can not see any use for an automobile for a Democrat. Now, a Republican may see some use for an automobile for a Republican, but the Republican agrees with me that he can see no reason for an automobile for a Democrat. That far we go together as brothers. The only

thing I desire to see is the Republicans get far enough along to see no use for an automobile for a Republican. Now, I do not know just what kind of fiber our Public Printer is made of. It is said he is made of good Democratic fiber. If he is, he stands with me against extravagance and against the purchase of an automobile with public funds. I can not see any reason for the Public Printer having an automobile any more than for the Representative of the twenty-fourth congressional district of Illinois having an automobile.

Mr. BRYAN. Two.

Mr. FOWLER. My good Bull Moose friend from Washington [Mr. BRYAN] says two. And he is a friend of mine, because he is going to vote against this allowance, and I will vote against it, and I want every Member to vote against it.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FOWLER. Just for a simple question.

Mr. BURKE of South Dakota. Has not the gentleman been here long enough so that he knows that if this item is stricken out of the bill now it will be in the bill when it becomes a law? Does not the gentleman know that?

Mr. FOWLER. I have been a student of that character of legislation for some time, and I am surprised that in America we sometimes have legislation that has not been enacted by a majority of Congress, but put in the bills while in the hands of the conference committee, a committee which had its origin in the necessity of the occasion undoubtedly, but, in my opinion, which has sadly abused the privileges that were originally conferred upon it.

Now, Mr. Chairman, I understand that this good Public Printer has been rendering most valuable services to his country, but I understand also he has been rendering good services to himself and his family by using that magnificent electrical automobile to carry himself, his family, and friends and others to the ball games—a place where no man has a right to go during the hours his Government has a claim upon him for service and duty.

Mr. MANN. Will my colleague yield for a question?

Mr. FOWLER. Yes; for a short, civil question.

Mr. MANN. Does the gentleman know what kind of automobiles these are? Are they Ford machines?

Mr. FOWLER. Oh, no. I understand that the Ford machine is made for common people.

Mr. MANN. I understood that the Public Printer had a number of Ford machines. [Laughter.]

Mr. FOWLER. Oh, yes; that may be. But the machine we are discussing is the cream of machines.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. HOWARD].

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in two minutes.

Mr. MANN. Oh, if the gentleman is going to stay here, we have already had time enough wasted.

Mr. JOHNSON of South Carolina rose.

Mr. FITZGERALD. I am not trying to foreclose anybody, but——

Mr. MANN. If the gentleman is going to stay here to-night, I think we have wasted enough time in talk like this. I am not willing to stay here all night for the purpose of hearing such talk.

Mr. FITZGERALD. I ask unanimous consent, Mr. Chairman, that all debate close in two minutes. I wish to yield two minutes to the gentleman from South Carolina [Mr. JOHNSON].

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that all debate close in two minutes. Is there objection?

Mr. HOWARD. Mr. Chairman——

Mr. FITZGERALD. Then, Mr. Chairman, I move that all debate on the pending amendment close in two minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment close in two minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] is recognized for two minutes.

Mr. JOHNSON of South Carolina. Mr. Chairman, I merely want to state to the committee that section 5 of the legislative bill deals with automobiles in all the governmental departments here in Washington. I promised when the legislative bill went to conference that that amendment would be brought back so that the House could have an opportunity to discuss it, to amend it, and to vote on it. I expect to call up the conference report on the legislative bill to-morrow morning, and that will give the membership of the House an opportunity to pass such legislation as may be desirable touching automobiles in all departments of the Government.

Mr. MANN. If we strike this out now?

Mr. JOHNSON of South Carolina. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

Mr. BARTON. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Smithsonian Institution: For printing and binding the annual reports of the Board of Regents, with general appendixes, $10,000; under the Smithsonian Institution: For the annual reports of the National Museum with general appendixes, and for printing labels and blanks, and for the bulletins and proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, $37,500; for the annual reports and bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, $21,000; for miscellaneous printing and binding for the international exchanges, $200; the International Catalogue of Scientific Literature, $100; the National Zoological Park, $200; the Astrophysical Observatory, $200; and for the annual report of the American Historical Association, $7,000; in all, $76,200.

Mr. FESS rose.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN (Mr. JOHNSON of Kentucky). The gentleman from Illinois [Mr. FOWLER] reserves a point of order on the paragraph.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] moves to strike out the last word. Does the gentleman from Illinois make the point of order or reserve it?

Mr. FOWLER. I have reserved it.

Mr. FITZGERALD. On what page?

Mr. FOWLER. On page 160.

Mr. FESS. Mr. Chairman, may I proceed?

Mr. FITZGERALD. What does the gentleman want? Is a point of order reserved?

Mr. FESS. Yes.

Mr. FITZGERALD. What is it? Who reserved it?

Mr. FOWLER. I reserved the point of order.

Mr. FITZGERALD. I would like to know what the situation is.

The CHAIRMAN. The Chair does not know what it is that the gentleman from Illinois has reserved his point of order for.

Mr. FOWLER. The gentleman from Ohio [Mr. FESS] undoubtedly rose before I did. I wanted to reserve a point of order, and at the same time I wanted to show my respect for the gentleman from Ohio, and for that purpose I was willing to yield the floor to him. The Chair recognized him, and for that reason I have not pressed my desire to be heard.

Mr. FITZGERALD. I demand the regular order, Mr. Chairman. The regular order is the disposition of the point of order. What is the point of order?

The CHAIRMAN. Will the gentleman from Illinois state for the benefit of the Chair what his point of order is?

Mr. FOWLER. Mr. Chairman, I do not desire to take the gentleman from Ohio [Mr. FESS] off the floor at all. I desired to reserve the point of order, in order that I might get some information as to whether there is a duplication in this paragraph as to certain items.

My position is——

Mr. FITZGERALD. Mr. Chairman, I object to the gentleman speaking until the Chair has disposed of the matter. What is the point of order?

Mr. FOWLER. I do not have to answer the gentleman from New York.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserves the point of order. The gentleman from Ohio [Mr. FESS] does not wish to speak to the point of order, but to the pro forma amendment of striking out the last word. The regular order is to determine whether or not the paragraph is subject to a point of order. The Chair will hear the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, in line 16 the paragraph carries an appropriation for the Astrophysical Observatory of $200. I understand that this is for the benefit of the Smithsonian Institution. Am I correct about that? I will ask the

chairman of the committee. Is this for the aid of the Smithsonian Institute?

Mr. FITZGERALD. No. This is for the Astrophysical Observatory.

Mr. FOWLER. It is in connection with the Smithsonian? Is that true? I understand it is under the supervision of the Smithsonian Institute.

Mr. FITZGERALD. Yes.

Mr. GARDNER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. GARDNER. To insist on the regular order. The regular order has already been called for. The gentleman must either make his point of order or drop it. He has not made his point of order.

The CHAIRMAN. So far the gentleman has reserved his point of order. Does he make the point of order?

Mr. FOWLER. I am trying to get information.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. FOWLER. If I be required to answer, I do.

The CHAIRMAN. The gentleman from Illinois makes a point of order?

Mr. FOWLER. Yes.

The CHAIRMAN. The Chair desires the gentleman to address himself to the point of order.

Mr. GARDNER. Mr. Chairman, I ask that the gentleman tell what his point of order is, so that we can understand it.

The CHAIRMAN. The Chair has asked the gentleman to state his point of order.

Mr. FOWLER. Mr. Chairman, I will do so. The paragraph carries an appropriation for the Astrophysical Observatory. The same work that is done by the Astrophysical Observatory is done by the Weather Bureau, and an appropriation has been made therefor.

Mr. GARDNER. Mr. Chairman, I raise the point of order that the gentleman has made no point of order.

The CHAIRMAN. The Chair thinks he has.

Mr. GARDNER. I respectfully ask the Chairman what is the point of order made by the gentleman?

The CHAIRMAN. The gentleman has made a point of order against the item which is contained in lines 16 and 17, amounting to $200.

Mr. MURDOCK. The gentleman from Illinois has not stated the ground of his point of order.

Mr. GARDNER. What point of order has the gentleman made? Why is the item out of order?

The CHAIRMAN. The Chair believes the gentleman is endeavoring to state it.

Mr. GARDNER. But he has made no point of order.

The CHAIRMAN. The Chair differs with the gentleman from Massachusetts, and the Chair will hear the gentleman from Illinois.

Mr. GARDNER. Will the Chair state for the benefit of the committee what the point of order is?

The CHAIRMAN. The gentleman from Illinois will please state his point of order, and the Chair will hear him.

Mr. FOWLER. The point of order I am making against this appropriation is that it is a double appropriation for one and the same purpose, whereas there ought not to be carried in any appropriation bill a doubling up of appropriations.

The CHAIRMAN. Is it the contention of the gentleman from Illinois that this appropriation is carried in another part of the bill?

Mr. FOWLER. Yes.

The CHAIRMAN. Does the other item precede or follow the item to which the gentleman now addresses himself?

Mr. FOWLER. I am not so sure that it is carried in this bill, Mr. Chairman; but I am sure that it has been appropriated for.

The CHAIRMAN. Is the gentleman making the point of order that this item is not authorized by law?

Mr. FOWLER. It is not authorized by law, but I was trying to get at a reason for not allowing this appropriation to be carried in this bill; and that reason is because there has already been an appropriation made, under another bureau, for the same purpose, and to make the appropriation here is to make a double appropriation, which ought not to be tolerated by Congress. The only purpose that can be served by this duplicate method of appropriation is to get more money out of the Treasury of the United States, at the whim and caprice of certain designing men, who think they know more about the heavens than the ordinary man ought to know about the earth.

The CHAIRMAN. The Chair is inclined to the opinion that the gentleman's procedure should be by a motion to strike out, rather than by a point of order.

Mr. FOWLER. While there is no authorization for this appropriation, yet I am trying to show another reason whereby it should not be carried in this bill; that is, that it is a duplicate of what has already been provided for.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FITZGERALD. This is the only place where appropriations for printing are carried for any establishment of the Government. This $200 that these "designing men" are trying to get out of the Treasury is for certain printing for the Astrophysical Observatory, and this is the only place in any bill where appropriations are carried for printing for this institution. The gentleman is mistaken. It is for printing. There is no other item, no other manner, and no other place where money is carried for printing of reports in detail as to the results of the observations.

Mr. FOWLER. Mr. Chairman, there is a lump sum carried for this same purpose in two other appropriation bills. One is for the Smithsonian Institute, a lump sum, and the other is for the Weather Bureau, another lump sum.

The CHAIRMAN. The Chair is of the opinion that the point of order that it is a duplicate appropriation is insufficient.

Mr. FOWLER. Mr. Chairman, there is no authorization under the law, as I understand, for this item.

The CHAIRMAN. It is incumbent upon those who have charge of the bill to produce the law; but the Chair feels, without the act itself being produced, that he is sufficiently familiar with the Smithsonian Institution act to be of the opinion that this is authorized.

Mr. FOWLER. If a lump sum has been appropriated for this work in another bill, then it is not proper to keep this sum in this bill. There has been such a diversity of the use of funds under the "lump-sum" appropriations that it would take the greatest philosopher that ever lived on earth to figure out what was intended by an item in an appropriation bill under the "lump-sum" clause, and I am trying to save my Government the humiliation of such misappropriations.

The CHAIRMAN. The recollection of the Chair is that the blanket appropriation in the Smithsonian [illegible]stitution act is unlimited. The Chair sympathizes with the object which the gentleman from Illinois has in view, but the Chair is of the opinion that the legal situation is as the Chair has stated it.

Mr. FOWLER. Does the Chair rule that the appropriation here provided for can not be paid out of the original lump-sum appropriation?

The CHAIRMAN. The present occupant of the chair will undertake to decide such matters as come before him in this appropriation bill and will not undertake to go back and revise the rulings on other appropriation bills.

Mr. MANN. If the Chair will permit, the fact is there is no other appropriation which carries a lump-sum appropriation of any kind for the Smithsonian Institution out of which printing is allowed. The gentleman from Illinois is proceeding under an erroneous assumption.

The CHAIRMAN. The Chair will overrule the point of order.

Mr. FOWLER. Mr. Chairman, my colleague is always ready with information, whether it be correct or incorrect; he is familiar, by a long experience of 16 years, with the fact that a system of diverting money from the purpose for which it is appropriated, even in the purchase of automobiles without authority, has been in practice for a long time. Why he should say that I am proceeding under an erroneous idea, with such custom staring him in the face for 16 years, I am led to the mountain of doubt as to the sincerity and purpose of the gentleman in making the criticism. Mr. Chairman, I withdraw the point of order.

Mr. FESS. Mr. Chairman, I did not rise to speak upon the point of order. The appropriation for this item last year was $74,900 and this year $76,200. I think it is perfectly clear that this item for printing is in order, and that the other sum, referred to by the gentleman from Illinois [Mr. FOWLER], is for an entirely different purpose. What I want to call attention to is the work that the Smithsonian Institution is doing. I think it is one of the best, if not the finest, examples of what can be done in the way of research by any single institution in the United States, if not in the world. For years I have been interested in the character of work done by this organization.

I have casually looked over the work of the Smithsonian Institution within the last few years and I find that it has an official connection or affiliation with at least 60,000 people

scattered the world over. I think it has an official connection with every learned society on earth. Its work of research has reached to various parts of the world, in which it initiated investigations. I think through the Smithsonian Institution, largely, Washington has become the greatest scientific center over and beyond any other city in the world, not even excluding Berlin and Paris, both of which are noted as centers of scientific research.

I notice that through the Smithsonian Institution we have had more than 10,000 titles of original research in the time it has existed, from 1846, when, as I remember from reading history, Mr. Smithson made this great bequest. Financially it is one of the most splendid examples of the growth of a fund so bequeathed and protected, for the original gift was only $515,000. To-day it amounts to within $2,500 of $1,000,000, and yet there has been no effort to add to the fund.

Besides that, through the mere matter of governmental exchange, which is practically without expense, there is property in the way of collections that would amount to more than a million dollars. I would have no way of measuring the money value of such collections as are housed there. Besides, there are buildings to house these splendid collections, which probably approach very near a million dollars. The original gift by this Englishman of a half million dollars has grown into one of the most valuable treasures in the world.

The Museum alone in the Smithsonian Institution added to its rare collection over 300,000 specimens last year. The matter handled in the way of books, pamphlets, specimens, and so forth, in the international exchanges alone amounted last year to 600,000 pounds. It seems to me that here is an expenditure of money for the work that is being done, when ganged by its national significance, that is not duplicated in any other single center of scientific activity in this country or in any other. The complete publications, including the contributions to knowledge, the miscellaneous collections, and the annual reports, constitute the best body of knowledge extant. I think largely under the influence of the Smithsonian Institution we have gathered here a group of scholars that no other center has. We need but recall Henry, Baird, Powell, Newcomb, Goode, Langley, and others to realize the stamp of investigator attracted here to the Capital by this opportunity. I think when you recall that the Weather Department, now so prominent and important, was started in the Smithsonian Institution as a mere incident of investigations in the subject of climate, that it has grown into the proportions of a magnificent governmental department, it gives us an idea of what it does. Who can fully measure the work of the Nautical Almanac Office of the Government, inaugurated by Newcomb, or who can estimate the worth of the investigations in geology conducted by Powell? The most recent work of research was that of Langley in demonstrating aerial navigation.

When we remember that splendid Fish Commission, that has attracted attention the world over, the work accomplished there being observed by the biologists of all the world—when we remember that that Fish Commission started as a mere division in the Smithsonian Institution some years ago and now has been turned over to the Government as a special department, it gives us some idea of what the Institution is doing. One of the earliest activities of the Institution was the collection of scientific books for the use of collaborators and the public. These books became useful to legislators, and the work was soon transferred to the Government and became the germ of our Library of Congress. Naturally, next to books, objects illustrating human progress are most important. Henry began the collection, which was carried on by Goode and matured in the Museum.

It seems to me that while we are interested in economy, and are justified in keeping down appropriations for needless luxuries as emphasized by the expenditures for automobiles for Government departments, and so on, all of which I am in sympathy with, yet while we talk enthusiastically and almost indignantly, as if the destiny of the Nation hung upon our denial of such accessories, we ought not to pass without notice this splendid institution of research, which comes in this bill immediately after the item for automobiles. This item is for printing the results of investigation of this group of scientific scholars. This item looks to the publication of the annual reports; the publications and bulletins of the National Museum; the publications of the Bureau of American Ethnology, one of the most valuable works of research under the Government; the publications of the Astrophysical Observatory; of the International Exchanges of the International Catalogue of Scientific Literature; of the National Zoological Park; and the publications of the American Historical Association.

Here is a piece of constructive work. I do not believe that there is any other like it in this country. Its nearest approach is the Carnegie Institution for Research. I rose to call attention to it, and to commend the committee for the recognition of the noted work that this splendid center is doing in the way of research.

You are carrying one item of $7,000 for the American Historical Association, that was organized in 1884, and which has given an annual report ever since. To-day those reports constitute a splendid library. Among other most valuable contributions of this association of history students there are certain documents in the American Historical Association publications that are simply beyond estimate, such, for example, as the letters and writing of James K. Polk and the letters and writing of John C. Calhoun and others that would have been totally lost to the scholarship of this country and the students of United States history had it not been for an organization like the American Historical Association. Such valuable writings could not possibly be preserved any other way than by Government assistance, and I desire here and now to compliment the committee for its position in making it possible to continue this good work. [Applause.]

Mr. HAWLEY. Mr. Chairman, may I be permitted to ask the gentleman from New York a question? What is his purpose in respect to continuing the session during the evening?

Mr. FITZGERALD. We are going to try and finish the bill, and I think we can do it without any trouble.

Mr. HAWLEY. It is the intention to continue in session until late to-night?

Mr. FITZGERALD. I think we can finish the bill shortly. I hope so.

The Clerk read as follows:

For the Supreme Court of the United States, $15,000; and the printing for the Supreme Court shall be done by the printer it may employ unless it shall otherwise order.

Mr. BRYAN. Mr. Chairman, I would like to ask the Chairman of the committee why the provision is carried that the printing for the Supreme Court shall be done by the printer that it may employ. Why is not that printing done by the Public Printer?

Mr. FITZGERALD. Mr. Chairman, for a number of years the United States Supreme Court has had a special printer who prints its decisions. The value of advance information of these decisions would be such that they have to take every precaution to prevent any leaks.

Mr. MURDOCK. Did not this provision follow some very important leaks?

Mr. FITZGERALD. Some years ago there were some leaks, and then the Chief Justice requested that this authority be given; and since that time, I understand, there has been no premature information furnished.

Mr. BRYAN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

That no more than an allotment of one-half of the sum hereby appropriated for the public printing and for the public binding shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters the unexpended balances of allotments for preceding quarters may be expended; and no department or Government establishment shall consume in any such period a greater percentage of its allotment than can be lawfully expended during the same period of the whole appropriation.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. Would the chairman of the committee be kind enough to tell us what is meant by the provision commencing on line 16, after the word "expended"—

And no department or Government establishment shall consume in any such period a greater percentage of its allotments than can be lawfully expended during the same period of the whole appropriation?

Mr. FITZGERALD. Mr. Chairman, the whole purpose of this paragraph has been to require the apportionment of the appropriation for printing in the various governmental services so as to prevent appropriations for printing being all used up in the first part of the fiscal year and large deficiencies created and pressure exerted for additional sums because important printing had to be done for which there was no money. This plan has been worked out, and it has been found that under its operation the departments, being compelled to make allotment of their work and distributed over the entire year, that it is one of the most corrective provisions in the prevention of waste and useless expenditure that public printing ever devised.

Mr. COX. It is new, is it not?

Mr. FOSTER. No; it is not new. It simply provides that these executive departments having charge of these appropriations must apportion them to the different periods and that no

more than the apportionment for a particular period can be used in that period.

Mr. FITZGERALD. That is all; and then if there is any unexpended balance from any one period, it may be used in the next period.

Mr. FOSTER. I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARRISON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5861. An act to amend the postal and civil-service laws, and for other purposes; and

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes.

The message also announced that the President had approved and signed bills of the following titles:

June 19, 1914:

S. 55. An act for the relief of Daniel Hampton;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; and

S. 2226. An act for the relief of Joel J. Parker.

June 16, 1914:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

June 18, 1914:

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes; to the Committee on Public Buildings and Grounds.

S. 5861. An act to amend the postal and civil-service laws, and for other purposes; to the Committee on the Post Office and Post Roads.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

No money appropriated by this or any other act shall be used for maintaining more than one branch of the Government Printing Office in any one building occupied by any executive department or departments of the Government, nor shall any branch of the Government Printing Office be established hereafter unless specifically authorized by law.

Mr. HOWARD. Mr. Chairman, I reserve the point of order against this paragraph. First, I desire to offer an amendment to it.

Mr. MANN. But the gentleman can not do both. I reserve the point of order on the paragraph.

Mr. HOWARD. I desire to offer an amendment.

Mr. FOWLER. I demand the regular order.

The CHAIRMAN. A point of order is reserved.

Mr. HOWARD. I intended to reserve the point of order myself.

Mr. FITZGERALD. The gentleman can not do both.

Mr. HOWARD. Then I offer the amendment, as the gentleman from Illinois has reserved the point of order, if I may be permitted to do so.

The CHAIRMAN. While the point of order is pending nothing else can be done except to dispose of it.

Mr. MANN. What is the purpose of this provision?

Mr. FITZGERALD. It was ascertained that employees were detailed from the Public Printing Office to the various departments of the Government——

Mr. FOWLER. I demand the regular order.

The CHAIRMAN. The regular order is, Is the point of order made?

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 163, after line 8, insert the following: "No part of any money appropriated by this act shall be paid to any person employed in the Government Printing Office while detailed for or performing services in any other branch of the public service of the United States unless such detail be authorized by law.

Mr. MANN. Mr. Chairman, I do not know just what effect that would have even upon Andy Smith.

Mr. FITZGERALD. He is not detailed here.

Mr. MANN. He is detailed here; that is exactly what he is. He is detailed to the Capitol; he is not in the Government Printing Office, but he is detailed to the Capitol.

Mr. FITZGERALD. He is the CONGRESSIONAL RECORD clerk, both by title and appropriation, and this does not affect him.

Mr. MANN. That is all true enough; he is CONGRESSIONAL RECORD clerk, but he is detailed to the Capitol, paid by the Government Printing Office, and I think that amendment will cut him out. He is not the only one.

Mr. FITZGERALD. He is the only one in the category.

Mr. MANN. In the beginning of the last Congress the Democratic side of the House, in a moment of hysterical reform, cut off a number of employees who they said were useless; among them was the printing clerk. Ever since that time we have had, or shortly after that time, we have had a man detailed from the Government Printing Office to do work in part that the printing clerk used to do. I do not know just how we would get along; I suppose it is possible you might get the Democratic side to reverse its action; but it would be with great chagrin on their part if they had to do it. You can not run the House without somebody who has charge of the printing. That is not all. I only give these illustrations because I am familiar with this; I do not know how many others there are in the Government service. Usually at the close of a session of Congress the Committee on Accounts brings in a resolution providing for the employment of additional clerks by the chairman of the Committee on Enrolled Bills, and we allow them, on the supposition that those clerks when employed temporarily are the ones who really make comparisons of enrolled bills; but what they do in fact is usually to employ somebody who does not know proofreading or an enrolled bill from an original copy; and the Public Printing Office details some men, who come up here and read the proof of the enrolled bills so that they may be correctly enrolled. Now, this amendment prohibits all that. In the last Congress there did slip through and was presented to the Speaker, to be signed as enrolled, the public-buildings bill, although it never passed. There were 100 Senate amendments never agreed to by this body. Now, what will happen when it comes to enrolling the sundry civil bill and the legislative bill and various other appropriation bills in the next few days before the 1st of July with nobody permitted to read proof who knows how. Why, what is the purpose of cutting off the right——

Mr. FITZGERALD. These people read proof where they are employed, and——

Mr. MANN. Oh, no; the gentleman is mistaken.

Mr. FITZGERALD. The purpose is to cut off the detail of employees as was disclosed in the departments where they should not be.

Mr. MANN. Well, that is all right; I do not know as to that practice or not, but I know what the effect of this will be. The Public Printing Office people read the proof and make a comparison with the original copy and engrossed bill and conference reports and Senate amendments.

Mr. FITZGERALD. We provide by legislation every year for additional clerks for the Committee on Enrolled Bills.

Mr. MANN. I have said that; but they are not the ones who read the proof and make the comparisons.

Mr. FITZGERALD. Well, they should do it; and if that practice were broken up this money would have to be paid to the people who do the work and not to the men who do nothing.

Mr. MANN. The gentleman again is somewhat in error. We have a very excellent engrossing and enrolling clerk under the present administration of the House.

Mr. FITZGERALD. I am not criticizing him.

Mr. MANN. But, after all, there is a limit to what one or two men can do. Proof is supposed to be read by the Committee on Enrolled Bills, and the same comparison is supposed to be made by the clerk in charge of enrolled bills. But they have to have a detail sometimes from the Printing Office. The gentleman's amendment would prohibit that, and I do not think they ought to do it.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. HOWARD. I read the hearings on this particular item, and is it not a fact that all of these men that are detailed at these departments are paid out of the fund of that department?

Mr. FITZGERALD. Mr. Chairman, I would like the attention of the gentleman from Illinois [Mr. MANN]. It would obviate the objection of the gentleman if we would modify the amendment so it would provide that during the last two weeks of the session——

Mr. MANN. Why does not the gentleman put in his amendment the executive departments?

Mr. FITZGERALD. Well, I think it ought to go further than that.

Mr. MANN. Of course, the gentleman knows that you never can tell the last two weeks of a long session of Congress. Now, the situation is right here, that we will have the sundry civil bill, the legislative bill, the Agricultural bill, the naval appropriation bill, and probably the Diplomatic bill, all to be enrolled within possibly 48 hours' time, if they get them along far enough so that these bills become laws by the 1st of July. But you could not say it is the last two weeks of the session, and we could not if we were morally certain now that we were going to adjourn on the 1st of July.

Mr. FITZGERALD. I ask to modify the amendment by inserting the word "executive," so as to make it read "executive branch of the public service."

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to modify his amendment by inserting the word——

Mr. FITZGERALD. Inserting the word "executive" before the word "branch."

The CHAIRMAN. Insert the word "executive" before the word "branch."

Mr. BRYAN. I ask that it be reported.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GARDNER. Reserving the right to object, I would like to have the amendment reported as it would read if modified.

The CHAIRMAN. The Clerk will report the amendment as it will read if modified.

The Clerk read as follows:

No part of any money appropriated by this act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in any other executive branch of the public service of the United States unless such detail be authorized by law.

The CHAIRMAN. Is there objection to the amendment being so modified? [After a pause.] The Chair hears none.

The question now is on the amendment as modified.

Mr. BRYAN. Mr. Chairman, on this matter I want to ask a question of the chairman of the committee. In some of these executive departments is it not a fact that details are now transferred to help out in emergencies, and that in such cases the expense is borne by the particular department to which such employees are temporarily transferred?

Mr. FITZGERALD. They are charged to the allotment of the printing fund of the department.

Mr. BRYAN. I am not sure, but I think some employees are at times transferred from the Printing Office to the office of the Auditor for the Post Office Department.

Mr. FITZGERALD. They have been in a number of the departments. An investigation was made by the committee, and the committee reached the conclusion that they were merely obtaining clerical service at the expense of their printing allotment instead of value in printing for the service rendered. We want to stop that. All of the departments are given ample clerical service.

Mr. BRYAN. If there were a lot of extra clerks in the Printing Office, it seems to me there would be only economy to permit them to work in other departments in case of an emergency.

Mr. FITZGERALD. Most of the employees aimed at here are not per annum employees. They are paid by the hour. If there is no work, the pay ceases. This is a desirable reform.

Mr. BRYAN. Would it not require also each department to keep the employees of the department up to the maximum number all the time, and tend to increase expenditures on account of keeping the roll up to the maximum?

Mr. FITZGERALD. No.

Mr. BRYAN. I think it would, and I hope you have fully considered the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

Mail-carrying system: To enable the Public Printer to install mechanical mail-conveying apparatus for conveying mail from the mailing section within the Government Printing Office to and through a tunnel from the Government Printing Office to the new city post-office building and to connect with the mail-conveying system of that building, including all necessary appliances and tunneling in the street, $30,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose that is subject to a point of order. It looks to me a little bit queer that the Public Printer is the one to have charge of the installation of mail-carrying devices to connect with mail-carrying machinery in the new post office. I supposed the Secretary of the Treasury, probably, or the Supervising Architect, had jurisdiction of the mail-carrying machinery in the new Post Office Building.

Mr. FITZGERALD. This tunnel was under the control of the Public Printer, and an appropriation was given to him, if I recall correctly. This apparatus is to be utilized in the transfer of the public documents from the superintendent of documents to the cars and loading stations, and its installation reduces very perceptibly the force——

Mr. MANN. I am not objecting to the installation of the machinery, but it seemed queer to me that the Public Printer was the one to be authorized to go into the new post office and interfere there with mail-carrying machinery, or even to determine where this should end in the new Post Office Building.

Mr. FITZGERALD. The apparatus starts at the Government Printing Office and goes through the tunnel to the new building, and then they have these carriers in the Post Office Building. The intention is that these will be so built that they will deposit on the other carriers in the Post Office Building. It is not to give any authority to interfere there at all. I think the thing is to be worked out between the two services.

Mr. MANN. I have no doubt that it will be worked out between the two services; yet it would be better to have some one in control in the new Post Office Building, to determine how it would be worked out.

Mr. FITZGERALD. This is the new city Post Office Building.

Mr. MONDELL. This is really an adjunct of the Government Printing Office. It is furnishing them with the means of reaching the post office.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, $150,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is the gentleman's amendment?

Mr. FITZGERALD. To change the name of the Panama Canal Commission.

Mr. MANN. To strike out "the Isthmian Canal Commission"?

Mr. FITZGERALD. Yes.

Mr. MANN. I withdraw the point of order. I did not know but that the committee wanted to continue that commission.

The CHAIRMAN. The point of order is withdrawn. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 166, in lines 3 and 4, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Fifth. For the purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Panama Canal, and such expenses as are incurred in assembling, sorting, storing, repairing, and selling material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal, which are unserviceable or no longer needed, including the amount necessary to continue the construction of the two colliers provided for under the act approved June 23, 1913, subject to the limit of cost therein fixed, and including the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February 26, 1904, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, whether compromised by agreement between the claimant and the chairman of the commission or allowed by a joint commission, and the payment for land and land under water as authorized in section 3 of the Panama Canal act, for the departments of construction and engineering, quartermaster's, subsistence, disbursements, and examination of accounts, and including also payment to the Wheeling Mold & Foundry Co., of Wheeling, W. Va., of the sum of $9,076.21, to carry into effect an equitable settlement with that com-

pany, which could not be made by reason of the ruling of the Comptroller of the Treasury, this sum having been deducted as liquidated damages on the various contracts, and being in excess of the actual damages to the commission, $9,000,000.

Mr. BARTON. Mr. Chairman, I want to inquire about the item of $9,076.21.

Mr. FITZGERALD. The Wheeling Mold & Foundry Co. had some very extensive contracts on the Isthmus; and under the contracts it was provided that there should be certain deductions if the work was not completed within the time fixed. That, I think, was the form in which the first contract was made. The others provided that there should be certain deductions if the work was not completed within the time fixed, provided the Government was put to any expense or suffered any damages as the result of the failure to complete. There was over $100,000 involved in the adjustments, because the first contract was worded a trifle differently from the others. The sum of $9,076.21, which would have been waived because the Government has suffered no damage on account of the delay if the additional provision had been in the first contract, could not be waived; and the officials in charge of the work recommend that these allowances be made, because there was no damage sustained.

Mr. BARTON. That is the point I wanted to make, that it was recommended by the officials there that this reimbursement be made.

Mr. FITZGERALD. Yes; it was recommended by Col. Goethals, and that is the amount that he fixed. I have a letter here that I will ask leave to insert in the RECORD. It will explain the item so that there can be no question about it. I ask unanimous consent, Mr. Chairman, to insert the letter in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the letter referred to:

PANAMA CANAL, WASHINGTON OFFICE,
Washington, D. C., May 20, 1914.

Mr. JOHN J. FITZGERALD,
Chairman of the Appropriation Committee,
House of Representatives, United States., Washington, D. C.

SIR: I inclose herewith copy of letter from Col. Goethals, the governor of the Panama Canal, in connection with a request made to you by the Wheeling Mold & Foundry Co., of Wheeling, W. Va., for the insertion in the sundry civil bill of a clause permitting payment to them of approximately $9,000. It is noted that this letter from Col. Goethals commences with quoting a cablegram from the Wheeling Mold & Foundry Co. indicating that the clause was not included in the sundry civil bill, which cable, of course, was incorrect in view of the fact that the sundry civil bill had not yet been reported out of your committee.

In brief, the amount which the governor feels should be paid to the Wheeling Mold & Foundry Co. is $9,076.21, but under the present contracts this amount can not be paid. It is thought that a brief clause could be inserted in the bill to the following effect:

"For payment to the Wheeling Mold & Foundry Co., of Wheeling, W. Va. of the sum of $9,076.21, to carry into effect an equitable settlement with that company, which could not be made by reason of the ruling of the Comptroller of the Treasury, this sum having been deducted as liquidated damages on the various contracts and being in excess of the actual damages to the commission."

Very respectfully,

F. C. BOGGS,
Major, Corps of Engineers, United States Army,
Chief of Office.

P. S.—It is noted that I am addressing this letter to you instead of to the chairman of the Senate Appropriation Committee, in view of the fact that it was apparently Col. Goethals's impression that the sundry civil bill had already been reported out of your committee.

—

W. O. 2403S, 2650S, 2660S-A, 2660S-B, 27467, AND 27467-B. RELIEF FROM LIQUIDATED DAMAGES.

CULEBRA, CANAL ZONE, *May 8, 1914.*

Maj. F. C. BOGGS,
United States Army, General Purchasing Officer,
Washington, D. C.

SIR: I am in receipt of the following cablegram from the Wheeling Mold & Foundry Co.:

"Item nine thousand not included sundry bill. We explained Fitzgerald according your instructions. Would you cable him our behalf?"

The matter referred to is set forth in my letter of October 3, 1913, and subsequent correspondence. Briefly reviewed, it is as follows:

The Wheeling Mold & Foundry Co. had six contracts with the Isthmian Canal Commission for fixed irons and machines for moving gates and valves in the locks of the Panama Canal, the total consideration of these contracts amounting to $1,699,208.68. All of these contracts provided for payment of liquidated damages in case of delinquency in time of delivery on the part of the contractor. One of these contracts—for 90 gate-moving machines—provided that any delay which did not cause damage or inconvenience to the Government might be waived by the commission in computing the liquidated damages. The remaining contracts would have contained such a provision had it not been for a ruling of the Comptroller of the Treasury in force at the time such contracts were drawn to the effect that such waiver provision would vitiate the entire liquidated-damage clause and render it impossible to collect damages for delays which did actually cause damage or inconvenience to the Government. This ruling was reversed before the contract for the 90 gate-moving machines was made, and the optional waiver clause was therefore inserted in that contract.

A tabulated statement of the contracts is below:

W. O.	Subject.	Circular No.	Liquidated damages deducted.	Release signed.	Remarks.
2403S	Fixed irons for valves, etc.	594	$12,204.46	No.	No waiver clause.
2660S	2 cylindrical and Stoney valve machines.	614	2,905.29	No.	Do.
2660S-A	118 cylindrical valve machines.	614	3,215.15	No.	Do.
2660S-B	114 Stoney valve machine	614	23,058.48	No.	Do.
27467	2 gate-moving machines..	627	2,407.96	No.	Do.
27467-B	90 gate-moving machines.	627	55,427.95	No.	Optional waiver clause.

The quotations of the Wheeling Mold & Foundry Co. in all of these contracts were reasonable, and it is especially to be noted that the contracts under W. O. 2660S, 2660S-A, and 2660S-B, which aggregate $795,950.01, were less by a total of about $500,000 than the cost of the same work based on offers made for about one-third of it at a letting attempted some few months earlier. The early bids were rejected, the work readvertised, and given to the Wheeling Mold & Foundry Co. at the above-stated very large saving.

The Wheeling Mold & Foundry Co. was delinquent in time of completion of the different contracts and liquidated damages were assessed against the company, as tabulated above. It protested against the deductions, the principal grounds being that the Government had not suffered damage by reason of delay in completing delivery, and that the Wheeling Mold & Foundry Co. had suffered damage by reason of the Government not making final payment for the machines as promptly as the contract called for. In point of fact, much of the delay in delivery had caused no damage or inconvenience to the Government, and liquidated damages for such delay would have been waived had the contract permitted it. Further, the Government had been necessarily slow in making final inspection and payment for the machines after they arrived on the Isthmus, for reasons beyond its control; and the company had a just and unliquidated claim on that score.

Nevertheless, the Government had suffered to a certain extent by reason of the delay. Taking all circumstances into consideration, and offsetting the contractor's counterclaim on account of delayed payments, it was estimated that out of a total of $102,857.48 assessed as liquidated damages all but an amount of, say, $22,500 could properly be remitted. Had the contracts been drawn in the usual form, giving the Government authority to waive delays from which no damage had resulted, settlement would have been effected with the contractors on this basis. There being no such authority in the contracts, however, except in the case of the one for 90 miter gate-moving machines, a supplemental contract was prepared along these lines and submitted to the Comptroller of the Treasury, who, under date of October 9, 1913, ruled against its legality. Through subsequent action by your office, set forth especially in your letters of January 16 and February 4, 1914, and in a decision of the Comptroller of the Treasury dated January 27, 1914, sent under cover of your letter of February 3, 1914, payments were made to the Wheeling Mold & Foundry Co. until the sum remaining withheld from them was reduced from $102,857.48 to $31,576.21, or to a sum greater by $9,076.21 than the sum in which it was estimated that the Isthmian Canal Commission had suffered damage or inconvenience through the delinquency of the contractor.

For relief from payment of this sum of $9,076.21 the Wheeling Mold & Foundry Co. has sought aid from Congress. From the tenor of the cable dispatch quoted in the first paragraph of this letter it appears that the sundry civil bill does not contain the item which the company desired to have included. The company asks that I cable Mr. FITZGERALD on this subject. Such action would, I think, be too late to serve its intended purpose. I believe, however, that this sum should be remitted to the company, and, as heretofore stated, I should have remitted it had it been legally in my power to do so. I therefore request that you take the matter up with the chairman of the Senate committee, which has the bill in charge, in order that during consideration of the bill the committee may have its facts at hand and may be in a position to introduce the item in the bill, should it concur in my opinion that the allowance of this sum to the Wheeling Mold & Foundry Co. is just and reasonable.

Respectfully,

GEO. W. GOETHALS,
Governor.

Mr. FITZGERALD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

On page 167, in line 13, after the word "elsewhere," insert ": purchase, maintenance, and repair of motor cars, fire-fighting apparatus, towing locomotives, and other motor-propelled vehicles"; and in line 14 strike out the word "Commission" and insert the word "Canal."

The CHAIRMAN. Without objection, the vote on the two amendments will be taken together.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Seventh. For pay of officers and employees of the department of civil administration, including foremen, subforemen, skilled and unskilled labor, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus, $500,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 169, in line 14, after the word "Isthmus," insert "and for expenses of the official representation of Congress attending the formal opening of the canal."

Mr. FITZGERALD. Mr. Chairman, the canal is to be formally opened some time in March after the adjournment of Congress. It is assumed that some arrangement will be made so that there will be official representation of Congress on that occasion. This will enable whatever expense is connected with it to be paid out of this particular appropriation, which is the one out of which it should be paid.

Mr. MOORE. That would come out of the $500,000 provided for here?

Mr. FITZGERALD. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

Twelfth. For material, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane and of indigent persons permanently disabled while in line of duty and in the employ of the Isthmian Canal Commission from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, including not exceeding $75,000 for removal of quarantine station from Culebra Island to the vicinity of Balboa and for converting the hospital at Colon into a quarantine station and for new equipment for both, $375,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 170, lines 14 and 15, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

Mr. MANN. Mr. Chairman, in connection with that amendment may I ask the gentleman is there any specific appropriation made, or necessary if not made, for the payment of compensation to employees who are injured on the canal work?

Mr. FITZGERALD. The gentleman will find that in lines 4 and 5, on the next page, the paragraph commencing—

The foregoing sums so far as necessary shall be available for * * * payment of claims arising out of injuries or death of employees.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

In all, $20,718,000, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. MANN. I make a point of order against the proviso.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the proviso. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Except in cases of emergency or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal act there shall not be employed at any time during the fiscal year 1915 under any of the foregoing appropriations for the Panama Canal any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any of such persons during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the 1st day of July, 1913; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the chairman of the commission in his report for the fiscal year 1915.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 173, line 3, strike out the words "chairman of the commission" and insert the word "governor."

The amendment was agreed to.

The Clerk read as follows:

Obstacles—
Two thousand five hundred coils of barbed wire, at $3 each, $7,500.

Mr. HAWLEY. Mr. Chairman, I should like to ask the gentleman in charge of the bill what is the purpose to be served by this barbed wire?

Mr. FITZGERALD. It is to be used for obstacles to prevent the rapid advance of Infantry.

Mr. HAWLEY. Like the famous trochas in Cuba during the Spanish War.

Mr. FITZGERALD. To make obstructions to passage.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June 30, 1915, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding $10,000, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; and for the expenses of the subdivisions of the Canal Zone after they are established under section 7 of the Panama Canal act; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission; and to the maintenance of administrative district prisoners: *Provided*, That if the revenues of the Canal Zone government are not sufficient for the purposes herein specified, the necessary part of the amounts appropriated for the departments of civil administration and law, under items 7 and 9, may be used therefor. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year 1915.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 176, in lines 6 and 7, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What was the amount expended for these purposes at the last date that the gentleman has? Here we make a definite appropriation out of certain receipts, and then say that if those receipts are not enough for the purposes we are authorized to take out of two other items any amount that they may see proper to take. What is the total of these expenditures, if the gentleman has them?

Mr. FITZGERALD. I will state the amount in a moment.

Mr. MANN. The gentleman will recall that there have been efforts made down there to construct some very expensive and unnecessary roads, which progressed at one time far enough to require Col. Goethals, now Gov. Goethals, to set his foot down pretty hard. Of course there is no limitation to the amount they may expend in that way, if they get the head of the government there to approve it.

Mr. FITZGERALD. They actually expended in the civil government in 1913 $81,000. The receipts for 1913 were $212,266.83. The estimated receipts for 1915 are $86,075. They expect a very material falling off next year.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 3. That during the fiscal year 1915 all moneys received by the governor of the Panama Canal from any services rendered or materials and supplies furnished to employees of the United States or of the Panama Railroad Co., to the Panama Railroad Co., to the Canal Zone government, to the Panama Government, and to other departments of the United States Government from hotel and hospital supplies and services; from rentals, wharfage, etc.; from labor, materials, and supplies and other services furnished to vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable material, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and from exchanges of typewriting, adding, and other machines, shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made. Moneys heretofore or hereafter received from the sale of material, supplies, and equipment purchased or acquired for the construction of the Panama Canal, after deducting all expenses of assembling, sorting, storing, repairing, and selling such material, supplies, and equipment, which deductions shall be credited to the appropriations from which such expenses are paid, and the moneys received as a reimbursement for the expenditures incurred in constructing waterworks, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such waterworks, sewers, and pavements incurred under agreement with the Panama Government, and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts. After the canal is opened for use and operation the net profits accruing during the fiscal year 1915 from the operations herein authorized shall be

covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section 6 of the Panama Canal act.

Mr. MANN. Mr. Chairman, I reserve a point of order on section 3. I see that it is proposed to credit to some appropriation, whatever it may be, the proceeds of the sale of all the scrap and also the proceeds of the sale of obsolete and unserviceable supplies and equipment. Why should not that go into miscellaneous receipts?

Mr. FITZGERALD. I think it should ordinarily, but the gentleman from Illinois will remember that a different policy was adopted in regard to the canal. As these materials were all purchased out of the different appropriations, the proceeds from the sale of them is credited back, so that the total appropriations for the canal will not be more than it actually cost.

Mr. MANN. That is all very well, but the canal construction work is done. The locks are finished. Suppose they sell some obsolete material there, and they have a large amount of both material and machinery, what good does it do to credit that in the Treasury to this fund? They have more or less material down there purchased from the French Government, not very much.

Mr. FITZGERALD. Yes; they have considerable.

Mr. MANN. What are you going to credit that to, the original purchase of $40,000,000? There it is in the Treasury, and there is no way to get it out without an appropriation. I understand they expect to sell a very large amount of this material.

Mr. FITZGERALD. They do. The cost of all this material is charged to the cost of the canal.

Mr. MANN. Undoubtedly.

Mr. FITZGERALD. And if they sell a part of it, they have saved that much from the total cost.

Mr. MANN. They are entitled when they sell any of it, or transfer it to the Alaska Railroad Commission, to a credit of that amount. They get the benefit of that credit, but you say "credited to the account."

Mr. FITZGERALD. Under this they get the benefit of the proceeds also. They are in the finishing-up stage there.

Mr. MANN. We have machinery there that ought to sell for millions of dollars.

Mr. FITZGERALD. I think not, but it may, however.

Mr. MANN. Of course I do not mean hundreds of millions but millions. Now, does the committee propose to have that brought in and credited to the different items in the appropriation bill?

Mr. FITZGERALD. It has been a continuing appropriation. These appropriations are not affected by the covering-in act.

Mr. MANN. I understand that.

Mr. FITZGERALD. In one way it is a sort of protection for these funds against the possibility of not having sufficient money when Congress is not in session. We have done this on the other material that was sold.

Mr. MANN. That material was sold down there, but I do not think I shall be arbitrary about it. Here is a large amount of material to be sold, and there comes a great temptation, perhaps, to some officer to sell it for a lower price than he would otherwise get in order to credit it to some fund under his control.

Mr. FITZGERALD. This only applies to this year. We have been urged to give them authority to extend it over a period of years and permit the employment of a business concern to handle all this material, but the committee refused to do that.

Mr. MANN. The same people have been to me about that part of it. While this only applies to this year, it may make it more urgent upon some one to sell it this year at a low price, because during this year they get the credit for it. But I do not wish to have anyone think I am in the attitude of criticizing these officials down there, for whom I have the utmost respect and in whom I have the greatest confidence, but I do not think it is a good business proposition.

Mr. FITZGERALD. In the next fiscal year we will practically complete the construction period. Beyond that the uniform policy that has been adopted for the canal I believe should be changed.

Mr. MANN. I feel a little modest on this subject, because yesterday when I took exception to some sort of a proposition I was not able to lead by own side of the House. They voted in favor of gentlemen who gave me nothing but personal abuse, so I feel a little modest about making a point of order against the gentleman's proposition when I can not even take care of my own people.

Mr. FITZGERALD. I heard the gentleman's speech and I knew what was in the bill.

Mr. MANN. So did I. I made the speech and I knew what was in the bill. I withdraw the point of order.

The Clerk read as follows:

SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the functions of receiving, disbursing, and accounting for the funds appropriated for the Panama Canal shall be and is hereby authorized in so far as may be practicable: *Provided*, That separate accounts shall be kept of the transactions under each fund.

Mr. BARTON. Mr. Chairman, I reserve the point of order on the paragraph. I desire to ask the chairman of the committee some questions in respect to it. It seems to me that the following language is ambiguous:

That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government, etc.

"Functions of accounting" is the language that I desire to direct attention to. In the accounting there are practically two divisions of the government, the administrative accounting, which is done by regular bookkeeping processes in the various administrative offices, by which they may at all times be acquainted with the debits, credits, and balances and of all the moneys under their jurisdiction, and then there is the Treasury accounting, which is done by the Treasury Department here, and, as I understand, a committee of three was sent from the Treasury Department to make a report, and the report was accepted by the Treasury Department, embodying the ideas of the department and of that committee, setting out forms that they would advocate and approve, and this, it seems to me, would put the functions of auditing in the hands of the men who have the disbursement of the money, and take it out of the power of others.

Mr. FITZGERALD. This particular paragraph has reference to this situation. We have at present on the Isthmus two separate organizations, one in connection with the Panama Railroad——

Mr. BARTON. I understand that.

Mr. FITZGERALD. And one in connection with the canal. This is to consolidate those functions as much as possible.

Mr. BARTON. Yes.

Mr. FITZGERALD. And to make one organization. The next paragraph is the one which I think perhaps the gentleman from Nebraska has in mind.

Mr. BARTON. I have some points on the next paragraph, and unless it is amended I expect to make a point of order to it. I think the functions of receiving, disbursing, and accounting mean the Treasury Department of the United States.

Mr. FITZGERALD. That is true; but it is to abolish the two organizations and just have one organization.

Mr. BARTON. Yes. To make this a matter of record, will the gentleman say that this does not in any manner conflict with the authority of the Treasury Department in auditing?

Mr. FITZGERALD. This has nothing whatever to do with it.

Mr. BARTON. That is all I want. I withdraw the point of order.

Mr. MANN. There is a typographic error in the paragraph which should be corrected.

The CHAIRMAN. Yes; that will be corrected, without objection.

There was no objection.

The Clerk read as follows:

SEC. 5. That the collecting officers of the Panama Canal shall render their accounts in such detail, and shall transmit with their accounts to the accounting officers charged with the settlement thereof all such papers, records, and copies relating to their transactions as collectors as shall be prescribed in regulations approved by the President.

Mr. BARTON. Mr. Chairman, I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, let me say to the gentleman from Nebraska that the Comptroller of the Treasury raised the question suggested by the gentleman from Nebraska about this paragraph.

Mr. BARTON. Yes.

Mr. FITZGERALD. After a conference it was suggested that an amendment, which I intend to present, be offered, which obviates the objection that he has. It is to add after the word "President" the following:

And in his judgment not incompatible with the methods of accounting prescribed in the so-called Dockery Act, approved July 31, 1894.

The Dockery Act prescribes certain forms of accounting and puts the methods under the comptroller. I understand that the so-called Warwick committee, which the gentleman has in mind, and the canal officials are working in harmony, and this proposed amendment meets the objections of the Comptroller of the Treasury upon whom, under the law, would fall the duty generally of prescribing forms and methods of accounting.

Mr. BARTON. There is another ambiguous proposition in the language in this section:

Accounting officers charged with the settlement thereof—

And so forth.

What accounting officers? Would the gentleman object to saying "of the Treasury"?

Mr. FITZGERALD. The accounting officers charged with the settlement thereof.

Mr. BARTON. Yes; that is the question.

Mr. FITZGERALD. That is satisfactory—of the Treasury.

Mr. BARTON. If the gentleman will say that, that will satisfy me.

Mr. FITZGERALD. That is what was intended, and I will offer that amendment and also offer the following amendment. I will ask first to offer an amendment to insert after the word "officers," in line 17, the words "of the Treasury."

The CHAIRMAN. The point of order is withdrawn, and the gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 178, line 17, after the word "officers," insert the words "of the Treasury."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Now, I offer the other amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 178, at the end of line 20, after the word "President," strike out the period and insert the following: "and in his judgment not incompatible with the methods of accounting prescribed in the so-called Dockery Act approved July 31, 1894."

Mr. MANN. Is there a comma after the word "judgment"?

The CHAIRMAN. There is not.

Mr. MANN. There ought to be. I move to insert a comma after the word "judgment."

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 7. That the appropriations herein made for the Panama Canal, other than those for fortifications, or balances thereof, may be available, during the last half of the fiscal year 1915, for expenditure for the purposes indicated by the several titles enumerated in the foregoing section, namely, construction, maintenance, operation, sanitation, and civil government, and be accounted for at the end of that year in such detail or classification, respectively, thereunder as may be determined by the Governor of the Panama Canal, or hereafter required by Congress; and such balances may, on and after January 1, 1915, constitute one fund for expenditure under said respective titles.

Mr. BARTON. Mr. Chairman, I reserve a point of order on this section. The law—Statutes at Large, volume 26, page 413—provides:

SEC. 4. That hereafter all disbursing officers of the United States shall render their accounts quarterly, and the Secretary of the Senate shall render his accounts as heretofore, but the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when, in his judgment, the public interests require.

Why should this section provide for an annual statement rather than comply with the present law and render the statements quarterly, or oftener if called for by the Treasury Department?

Mr. FITZGERALD. The object of this is——

Mr. BARTON. This section says the funds are to be accounted for at the end of the year, when in every other department they have to make these statements quarterly.

Mr. FITZGERALD. On the completion of the work of construction there will be a balance in the various funds, and the purpose of the language of this provision is that in the last half of the fiscal year 1915 one lumped-sum appropriation may be expended for these purposes. It is to clean up a great construction job, and it does not change in any way the final settlements of account by the auditor, but it is to be consolidated in one fund at the finish of scattered and various funds, so that the work may be cleaned up and ended expeditiously.

Mr. BARTON. Can the gentleman state any reason why that should not be accounted for at the end of each quarter the same as all other Government funds are accounted for?

Mr. FITZGERALD. This does not affect the accounting at the end of each quarter at all.

Mr. BARTON. It does not?

Mr. FITZGERALD. Oh, no; but instead of maintaining these eight funds separately after half the fiscal year they are all made one fund.

Mr. BARTON. And those in authority in the zone are supposed to make quarterly statements the same as the others?

Mr. FITZGERALD. We do not take away any limitation in respect to the quarterly accounting. There is no intention in any way to remove the limitation for accounting.

Mr. BARTON. With that statement, Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. But if there should be any question of that, I will be very glad to make that as specific as it can be made.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 9. That section 196 of the Revised Statutes is amended to read as follows:

"SEC. 196. The head of each executive department or other branch of the public service and the Commissioners of the District of Columbia shall furnish to the Public Printer copies of the documents accompanying their annual reports on or before the 15th day of October of each year and copies of their annual reports on or before the 15th day of November of each year. Complete revised proofs of the accompanying documents and the annual reports shall be returned to the Public Printer on or before the 10th and 20th days of November of each year, respectively. Annual reports which do not conform to the provisions of this section shall be transmitted in manuscript to Congress, accompanied by a full statement explanatory of such failure, and shall not be printed except upon the express authority of Congress."

Mr. MANN. Mr. Chairman, I reserve a point of order upon that section. What does the gentleman expect to accomplish by this?

Mr. FITZGERALD. The purpose is to enable Members of Congress to obtain copies of the annual reports of the various heads of departments some time before the adjournment of Congress.

Mr. MANN. Well, but suppose a head of a department does not furnish a report within the time? He has no penalty put upon him. The Government may be put to the expense of getting out of the Government Printing Office a proof and having it copied in longhand in order to send it to Congress in manuscript, or he may have the printed copy of these documents in his possession, and he can not even use the printed copy he has got, but he must have that reduced in longhand again after it has been reduced from longhand to type.

Mr. FITZGERALD. It does not say that.

Mr. MANN. I do not know what a manuscript copy is, possibly, but it certainly is not a proof. They send the manuscript copy to the Printing Office; it is set up in type, and the manuscript copy is cut up for the benefit of the typesetters. That is gone. They furnish proof copies of it. But that will not do. He has to reduce it to manuscript before he can send it to Congress.

Mr. FITZGERALD. That proof is manuscript.

Mr. MANN. That is not manuscript. Everybody knows the difference.

Mr. FITZGERALD. Oh, no.

Mr. MANN. Everybody knows the difference between manuscript and a proof copy.

Mr. FITZGERALD. I am not a printer.

Mr. MANN. Well, I have been.

Mr. FITZGERALD. I think it will be effective. In short sessions of Congress, as the gentleman from Illinois is aware, by the time the committees preparing appropriation bills have finished their work, the annual reports commence coming in.

Mr. MANN. I am one of the numerous Members of Congress who have these annual reports laid on their desks. I want to say that I go through them all, and I suppose the rest of the Members do. And I cited here that not long ago the law required the Interstate Commerce Commission to present its annual report to Congress on the first Monday of December of each year, and that they never had done it, although it criticized severely in its last annual report other people because they did not furnish their reports in the time required. But it is not done and it is not likely to be done.

Mr. FITZGERALD. But it will be done.

Mr. MANN. Oh, no. Here are a lot of documents to come with the reports. It is not feasible always to have them in at the proper time, and if they were all presented at the Government Printing Office at one time the office could not print them all.

Mr. FITZGERALD. We know these reports do not come in on time, and that they do not come in because the departments do not prepare the manuscripts in time. We got a statement from the Public Printer as to the date when he received his manuscripts and when he sent his proofs back. We got an annual report some time the latter part of May that should have been out in December or earlier.

Mr. MANN. The custom has been in the past where the department sent the manuscripts to the Printing Office, and after they got to the proof reading a man from the Government Printing Office went to the department to assist and read the proof so as to expedite the thing.

Mr. FITZGERALD. That is not what they were there for.

Mr. MANN. And you cut that out.

Mr. FITZGERALD. They went up there ostensibly to arrange these matters. Some of the men of these departments who are preparing manuscripts for printers have such peculiar notions as to how material should be arranged that the Public Printer said he thought it was an advantage to send a man

who knew something about the printing establishment to arrange their copy for them.

Mr. MANN. Certainly; and you cut that out.

Mr. FITZGERALD. That was a wise thing to cut out. I would like to try this once. I have been criticizing these departments——

Mr. MANN. I would like to know more about it before we try it.

Mr. FITZGERALD. You never will know any more about this item than the gentleman does now if we do not change it.

Mr. MANN. But put in a provision providing some other penalty upon them in some way, without fixing it so they have got to do an impossible thing.

Mr. FITZGERALD. The biggest penalty to these men is not to give publicity to their reports. The report is the one thing they look forward to. One of the reasons these reports are not sent to Congress in time is that the department makes the suggestion of the date on which the report of the heads of the departments will be given to the public, and you can not get a copy of their report in advance of the day the newspapers of the country are to carry in blazing headlines the astounding record of the accomplishments and the expression of the hopes of the head of the bureau for the ensuing year.

Mr. MANN. I would say to the gentleman that if I were the head of one of these departments I would be greatly tempted to follow the provisions of this proposition and send my manuscript to the House of Representatives, where it would be ordered printed, as a matter of course, and paid for out of the congressional printing fund, and have that much more money in that department to spend for something else.

Mr. FITZGERALD. But Congress might not print the report.

Mr. MANN. It goes as a matter of course.

Mr. FITZGERALD. It does not go as a matter of course.

Mr. MANN. Every document of that sort that comes here is ordered printed. It does not take the action of the House, even.

Mr. FITZGERALD. It provides it shall not be printed except by express authority of Congress.

Mr. MANN. Certainly. All these things are printed by the express authority of Congress.

I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. This is merely a limitation, not to print them.

The Clerk read as follows:

SEC. 9. Appropriations herein for printing and binding shall not be used for any annual report or the accompanying documents unless the head of each executive department, or other branch of the public service, or the Commissioners of the District of Columbia making such a report shall furnish copy to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the 15th day of October of each year; copies of the annual reports on or before the 15th day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the 10th and 20th days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution.

Mr. FITZGERALD. Mr. Chairman, I understand that the Regents do not meet prior to the first Monday in December.

Mr. MANN. That has nothing to do with it.

Mr. FITZGERALD. I say the Regents of the Smithsonian Institution represent that they do not meet before the first Monday in December, and it would be impossible for them to comply with the provision.

Mr. MANN. That has nothing to do with it. They have nothing to do with the printing of the annual report. However, I do not think it ought to be done. If you are going to put it in, you ought to put it in as section 9. Is that the idea?

Mr. FITZGERALD. Yes. Make it section 9.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That it shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump-sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employments.

Mr. MANN. Mr. Chairman, I reserve a point of order on the section. What does it mean?

Mr. FITZGERALD. We have discovered a situation like this: Where there is a vacancy at the head of an office and the assistant is designated as the acting head he has been paid the compensation of the head of the office.

Mr. MANN. I do not quite get it.

Mr. FITZGERALD. I will give a specific instance. The commissioner of immigration in the city of New York receives compensation of $6,500 a year. The deputy receives $4,500 a year. The deputy is in the classified service. The commissionership has been vacant since the 1st of last July. An order was signed by the head of the department designating the deputy commissioner of immigration as the acting commissioner of immigration, and he is paid at the rate of $6,500 per year.

Mr. MANN. He performs the duties, does he not?

Mr. FITZGERALD. He is performing the duties that would devolve upon him naturally as deputy, but this is the only branch in the entire Government service where anything like that could be done.

Mr. MANN. My recollection is that in the Diplomatic Service it is provided for by law in that very way.

Mr. FITZGERALD. There is a specific provision of law for that purpose. That is where a minister or an ambassador is absent from his post of duty.

Mr. MANN. Would not this provision repeal that law?

Mr. FITZGERALD. No, sir.

Mr. MANN. Why not?

Mr. FITZGERALD. Because the statute specifically provides for that in the Diplomatic Service.

Mr. MANN. For the salary, you mean?

Mr. FITZGERALD. This is only to apply to general lump-sum appropriations. It is only out of such appropriations that the prohibition is made against paying to the deputy the salary of the chief. A short time ago, as the gentleman will recall, there was a vacancy in the office of the Comptroller of the Currency.

Mr. MANN. Yes.

Mr. FITZGERALD. And the deputy acted as Comptroller. He could not receive the compensation.

Mr. MANN. He has not received it, you mean? The gentleman said "he could not."

Mr. FITZGERALD. He has not.

Mr. MANN. But he is trying very hard to.

Mr. FITZGERALD. If he had been in the Immigration Service, paid out of this lump-sum appropriation, he would have received it.

Now, I have received information that there are some other lump appropriations in which, according to the statute, these designations were made, but I have not information sufficiently accurate to state the instances.

Mr. MANN. If the committee has been over this subject carefully, I will withdraw my point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws his point of order.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the report on the bill amending the general dam act.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD by printing the report referred to. Is there objection?

There was no objection.

Following is the report referred to:

[House Report No. 592, Sixty-third Congress, second session.]

"CONSTRUCTION OF DAMS ACROSS NAVIGABLE WATERS.

"Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report, to accompany H. R. 16053:

"The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 16053) to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by the act approved June 23, 1910, having considered the same, report thereon with a recommendation that it pass.

"Before acting on the subject, as per the bill herewith reported, your committee gave long, thorough, and patient attention to every phase of the subject, considered all the different views and shades of opinion entertained and advanced by many people, who have discussed the question from various angles and viewpoints. Your committee has endeavored to find a true basis or common ground on which those entertaining various and divergent views on minor details might agree, in order that legislation might be secured and progress promoted toward the accomplishment of the purposes of the bill.

"It was not the original intent of those who conceived and framed the general dam act to deal with all water power, nor

all questions affecting water powers, nor was it originally intended to deal with questions affecting water-power sites on the Government public lands, nor with projects promoted by the Government at the expense of the Treasury for the promotion of navigation solely, though incidentally providing in many cases magnificent heads of water for the generation of power and hydroelectricity. There were many thousands of miles of shoally streams affording sufficient water to maintain navigation if the water could be controlled, canalized, and thrown into slack-water pools. The cost of such work, if undertaken by the Government, to promote navigation only would obviously be prohibitive. No commerce was borne upon the streams or the parts thereof to be affected by such legislation; they were not in condition for navigation, yet the resources of the contiguous country were so abundant as to call for transportation facilities, and those offered by railroads, if any at all, were totally inadequate.

"Many communities needed light, fuel, and power for manufacturing purposes and the electric force and heat to extract from the air elements for fertilizers realized in the manufacture of calcium cyanamid or atmospheric nitrogen. Many other possibilities of profitable commerce appealed to private capital to develop power on those shoally streams. The lands belonged to private individuals; they were located in States which could charter corporations, authorize development of water power, tax them, and regulate their practices and charges, but those streams were all under the jurisdiction of the United States Government in so far as the right of navigation was concerned. The owners of the land were prohibited by law from obstructing those streams without the consent of Congress. It was to the interest of the public to secure navigation, which the Government could not, or would not, furnish on account of the high cost, and the owners of the property could not develop the water power and promote navigation without the consent of the Government, and would not do so unless the consent of the Government was granted on terms sufficiently attractive to invite capital to invest under the hope of reasonable profit. So the original legislation was framed to accomplish two objects: First and primarily to promote navigation on streams which otherwise would never be navigable. The navigation could be secured by inducing private capital to construct locks and dams in the same manner under the approval and direction of the War Department as they would be constructed by the Government if the Government would do the work at all; and, secondly, to permit the development of the resources and the progress of the industries of the countries through which those streams ran by encouraging the development of possible water power on those streams. Possibly the smallest use to which the water power would be devoted would be the generation and transmission of hydroelectricity, but even the value of that to the public would be incalculable. It is in every respect a successful competitor of all kinds of fuel, as it affords heat for warmth, cooking, and culinary purposes, and light more cheaply, more cleanly, more conveniently, and more safely than can be done by means of any other known element or method.

"Certain patriotic and benevolent persons, whose motives were no doubt good, obviously misunderstood the purposes of the general dam act, confounded it with the interests of the General Government in other respects, confused it with propositions connected with the public domain, and raised objections which have retarded progress and perhaps for many years banished capital from the country which, if encouraged in accordance with the purposes of the general dam act, would have secured the completion of many projects valuable to our people. In fact, a great many of the projects authorized by law have entirely failed on account of opposition, misguided and ill grounded, as we believe. Other projects on which the investors have struggled against a rising tide of criticism and opposition, although in a measure completed, have proven unprofitable because markets have not been found for their light and power. In some cases when the investors sought to create a market by enlarging their plants through other developments they have been defeated in the effort and have thus failed to realize on their investments.

"In reporting this bill to amend the general dam act we have tried faithfully to protect all the interests of the Government in every project for which the consent of Congress may be granted, at the same time imposing such fair and moderate terms and conditions of the consent of Congress as may induce capital to relieve the Government of the expense of promoting navigation by furnishing the capital and constructing the works in the hope of reasonable returns on investments. We conceive the prime consideration of the Government to be the promotion of navigation, and we believe there are streams on which several thousands of miles of navigation can be promoted under the terms of this bill without any expense to the Government. Next to that our care has been to provide that the public shall be treated fairly by the grantees, and we have provided, therefore, for prompt and certain as well as just and reasonable regulation as to rates and practices; and to this end it is provided that if any State in which a project is chartered fails to protect the public by such regulation the Secretary of War shall do so.

"We have not provided for any specific tax upon the business of the enterprise. If the Federal Government should conclude that it is necessary to take away from the States the matter of water power as an object of taxation, we consider that a proper and safe way to do that is for the Ways and Means Committee to report a bill for levying a uniform excise tax upon all water power or hydroelectric development, or upon water-power sites developed or undeveloped. We have deemed that course proper in order to secure a bill that will promise development, which would be entirely prevented by adopting the other course. We have also provided against monopolies and combinations, and provided every precaution to protect not only the Government but the people of the United States in any possible contingency arising from operation of projects under this bill.

"Yielding to the pressure from many directions we have included in the present bill authority for the Secretary of War to accommodate communities and derive some revenue for the Government from projects constructed wholly at the expense of the Government by leasing on satisfactory terms, with proper safeguards, the surplus water not needed for navigation at such projects. For the same reason we have also included a provision permitting the use of public lands for dam projects on terms to be prescribed by the Secretary of War where the structure proposed is to be in a navigable stream, for be it remembered that this bill deals only with portions of streams which are only theoretically navigable, but which could be made navigable, as we believe, under the operation of the legislation proposed.

"Your committee has deemed it proper to print the bill, for convenience of examination and ready understanding, so marked and distinguished as to show the existing law brought forward and the new law proposed by the amendment.

"Your committee will briefly analyze and state, as follows, the new provisions of this bill:

"The bill reforms existing law by collocating and paragraphing all provisions relating to particular parts of the subject, so that it may be more conveniently examined and understood. The changes in existing law are substantially as follows:

"Section 2 provides that at the time of original approval the Secretary of War and the Chief of Engineers shall determine whether or not they shall require the owner, at his expense, to construct a lock as a part of that original project. If not then required, Congress may direct afterwards that a lock shall be installed at public expense, in which case title to land required for construction and power for building, operation, and maintenance may be required to be furnished by the owner of the dam.

"Section 3 changes existing law so that the comprehensive plan required by the Secretary of War and the Chief of Engineers shall consider the use of water for all beneficial purposes, and that plan shall be adopted which best utilizes the water resources of the region.

"Section 4, paragraph (b), changes existing law by providing that the compensation required from the owner of the dam on account of benefits accruing because of headwater improvements, the erection of reservoirs, etc., shall be collected to an amount not exceeding 5 per cent per annum upon the total investment cost of such improvements to the United States, in addition to the annual expenses of maintenance of the headwater improvements, all of which shall be divided among all the dams on the stream receiving benefits from the increased flow, and shall be equitably apportioned among all the beneficiaries.

"Paragraph (c) provides for payment to the United States for the use of any of its lands or property to an amount not exceeding 5 per cent of the value of the lands, as may be fixed by the Secretary of War and the Chief of Engineers. In fixing such charges there shall be considered the benefits to the interests of navigation as well as to the business of the owners of the project.

"Paragraph (d) changes existing law by providing that the United States may exact security for payment of such sums as may be required to restore the condition of the stream as to navigability as existed at the time of the approval of dam proposed, but that as a basis for action the Secretary of War and the Chief of Engineers must determine that navigation is injured by reason of the construction and operation of the dam.

"Section 5 changes existing law in providing that in the use of the navigation facilities afforded by the construction of any dam the interests of navigation shall be paramount to the use of the dam for power.

"Section 7 changes existing law in limiting the fine allowed to be imposed to not exceed $1,000; and if the unlawful maintenance and operation shall be such as to require a revocation, the court shall so provide in its decree and may determine the sale of the dam and its appurtenances to persons who must then operate it under the provisions of this act.

"Section 8 is a new paragraph and provides that no dam constructed under this act shall be assigned or transferred except upon the written consent of the Secretary of War unless by a trust deed or a mortgage for financing the business, but that any successor or assignee, through foreclosure of such security, must hold the property subject to all the provisions of this act.

"Section 9 changes existing law in providing that after the expiration of the term of 50 years that such term shall continue until compensation shall be paid to the owner for the fair value of his property.

"Section 10 is new and provides that after the expiration of the term of 50 years the Secretary of War may terminate all rights by giving the owner one year's notice in writing and by taking over the property by the United States or by any person authorized by Congress. In taking over the property the United States or any person authorized by Congress must pay the fair value of the property, including the costs of the works required by the United States, and must assume the contracts for service entered into prior to the receipt of notice of termination, which shall have the approval of the duly constituted public authorities having jurisdiction of public utilities in that territory, provided that these contracts were entered into in good faith and at a reasonable rate. The fair value of the property and the reasonableness and good faith of the contracts shall be determined by an agreement between the Secretary of War and the owners of the property, and in the event of disagreement by proceedings in the district court of the United States having jurisdiction. In determining the value of the property no value shall be allowed for the consent of Congress granted according to this act nor for good will, profit in pending contracts, nor other conditions of current or prospective business.

"Secton 11 is a new section, and provides that all rates for public service shall be just and reasonable and that discriminatory practices shall not be allowed. The bill provides that every rate and practice must be just and reasonable, and every unjust or discriminatory charge is declared to be illegal. Whenever the Secretary of War shall be of the opinion that the rates or services are unjust, upon complaint and hearing he is authorized to prescribe maximum rates and charges, and in case of the violation of the order of the Secretary of War the provisions as to forfeiture apply. For the purpose of rate making the value of the property may be considered in connection with the requirements for the expenditures required by the authorities of the United States. The Secretary of War is further authorized to fix these same conditions as part of his approval of the plans of any other project. This section provides that when any State in which a project is situated provides adequate regulation as to rates, charges, and service, and whenever such shall be established to the satisfaction of the Secretary of War, then the provisions of this section shall not apply. Any State may control the subject, if it will only do its duty. If it fails to regulate, the Secretary of War will regulate.

"Section 12 provides that the grantee shall commence the construction of the dam and accessory works within one year from the date of the approval of his plans, and shall within a further period of three years complete and put into commercial operation such part of the development as the Secretary of War and the Chief of Engineers shall deem necessary to supply the available market. If the dam and accessory works can not be completed within the further period of three years, the Secretary of War and the Chief of Engineers may, if the public interests will be promoted thereby, grant a further extension not exceeding two years; but as to the ultimate development for the service of the public, aside from the dam and accessory works, the Secretary of War and the Chief of Engineers may regulate such ultimate development and require facilities installed within such time as they may prescribe, and the orders of the Secretary of War and the Chief of Engineers shall be complied with in the time specified therein until such ultimate development shall be completed.

"Section 13 provides that the right to alter, amend, or repeal is reserved whenever Congress determines the conditions of consent have been violated.

"Section 14 is a new section authorizing the Secretary of War, with the approval of the Chief of Engineers, to lease to any applicant who has complied with the laws of the State in which the dam may be located any surplus power developed by a dam that is constructed or owned by the United States for the purposes of navigation. In making these leases preference shall be given to the applicant whose plan is approved by any act of Congress or by the Secretary of War and Chief of Engineers as best adapted to the interest of navigation or to conserve the water-power resources of the region. All such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress.

"Section 15 is new, and prohibits any dam constructed under this act becoming a part of any trust or combination or entering into any contract to limit the output or distribution of electric power, but provides that current and power may be interchanged with other power companies, so as to facilitate the giving of efficient service. Such interchange to be made under rules and regulations to be prescribed by the Secretary of War.

"Section 17 provides that all requirements of this act shall apply to dams already constructed and in operation."

Mr. MONDELL. Mr. Chairman, I want to assure the gentleman from Illinois that the committee have gone over this matter very carefully. Here is a perfectly good job that might properly be filled by some good, loyal Democrat which is being filled by a civil-service employee. Now, if that is not an outrage, I do not know how you could conjure up or imagine one. Here are the unterrified in countless numbers seeking jobs, hungering for places at the public crib, and a good job that pays well is being filled by a civil-service employee.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. FITZGERALD. Now, just to be honest among ourselves, does not the gentleman from Wyoming really believe, as I believe, that these exempt positions under the Federal Government ought, under a Democratic administration, to have Democrats placed in them?

Mr. MONDELL. Of course, and I am trying to explain that I do.

Mr. FITZGERALD. And under a Republican administration they ought to be filled by Republicans. We agree on that.

Mr. MONDELL. I never disagreed with the gentleman on that proposition at all.

Mr. FITZGERALD. And if we had our way we would put them in.

Mr. MONDELL. I am only pointing out what an outrage it is that the administration refuses to take advantage of this splendid opportunity to give some good, patriotic Democrat, desirous of serving his Government and the people, an opportunity to do it at a good salary.

Mr. FITZGERALD. If this situation continues much longer, my health will be seriously impaired.

Mr. MONDELL. We do not want it to continue. In the interest of the Democratic Party and the public service we ought to put an end to it as soon as possible. [Laughter.]

Mr. MANN. Mr. Chairman, I do not agree with either the gentleman from New York [Mr. FITZGERALD] or the gentleman from Wyoming [Mr. MONDELL] that all places in the Government service not covered by the classification service should be filled by Democrats.

Mr. FITZGERALD. I do not mean all.

Mr. MANN. What I rose for was to commend the President of the United States for some of his appointments. I see the gentleman from Maryland [Mr. COVINGTON] is about to leave the Hall, and I should like to have him wait a moment. I have noticed that from time to time the President has robbed the majority of the present House of some of its brightest lights, and he recently made an appointment which I am sure meets with the hearty approval of every person in this House, including Bull Moose, Republicans, Democrats, Independents, and I believe of everybody in this District.

I desire to express my appreciation of the appointment which the President made when he appointed the gentleman from Maryland [Mr. COVINGTON] to be chief justice of the Supreme Court of the District of Columbia. [Applause.] He might have searched the world over, but could not have found a better man for the place, or any other good place. [Applause.]

Mr. FITZGERALD. And do not forget there are a number of others almost if not quite as good.

Mr. ADAMSON. If there are any more good places, tell him to pass them around, and we will brag on him every time he does it. [Laughter and applause.]

The Clerk resumed and completed the reading of the bill.

The CHAIRMAN. The Clerk will return to the part of the bill which was passed over.

The Clerk read as follows:

UNDER THE TREASURY DEPARTMENT.

PUBLIC BUILDINGS, CONSTRUCTION AND SITES.

For sites, commencement, continuation, or completion of public buildings within the respective limits of cost authorized by law, including rent and removal expenses in cities pending extension and remodeling of buildings, as follows:

Mr. FITZGERALD. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, in line 5, strike out the word "including"; and in line 6, after the word "buildings," insert the word "severally."

The amendment was agreed to.

The Clerk read as follows:

Alliance, Ohio, post office: For completion, $25,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Are all of the items in this bill in relation to public buildings to carry out authorizations heretofore made?

Mr. FITZGERALD. Yes; and all estimated for, and for the amounts stated to be necessary by the department for work during the ensuing fiscal year.

Mr. MANN. So that the committee has performed nothing more than the ordinary function of making appropriations where estimates have been made under authorization.

Mr. FITZGERALD. Except in two cases, where we did not make the appropriations requested.

Mr. MANN. The committee have done nothing more.

Mr. FITZGERALD. We have simply carried the amounts that the department said were required to carry on the work during the ensuing fiscal year on authorized buildings.

Mr. MANN. When we passed over these items the gentleman suggested that they be passed over because there might be items come in from the department.

Mr. FITZGERALD. I have a number of amendments to offer for estimates which have come in.

Mr. MANN. And in each of those cases the authorization has been made?

Mr. FITZGERALD. Yes; and the department states that it requires for the ensuing fiscal year the sums proposed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amarillo, Tex., post office and courthouse: For continuation, $15,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, after line 12, insert the following:
"Andalusia Ala. post office: For site, $5,000."

The amendment was agreed to.

The Clerk read as follows:

Chanute, Kans., post office: For commencement, $18,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, after line 15, insert the following:
"Chariton, Iowa, post office: For site, $5,800."

The amendment was agreed to.

The Clerk read as follows:

Delavan, Wis., post office: For completion $14,500.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 7, after line 2, insert the following:
"Denver, Colo., post office: The appropriations heretofore or that may hereafter be made for construction shall be available for installation of mailing devices in said building within the present limit of cost therefor."

The amendment was agreed to.

The Clerk read as follows:

Edwardsville, Ill., post office: For completion, $31,000.

Mr. BALTZ. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, after line 15, insert the following:
"For an addition to the Federal building at East St. Louis, Ill., $240,000."

Mr. FITZGERALD. To that I reserve a point of order.

Mr. BALTZ. Mr. Chairman, I do not desire to take up the time of the House at any great length in discussing the merits of this amendment. The omnibus public-building bill, which passed March 4, 1913, carried an item of $125,000 for building an addition to the Federal building at East St. Louis, Ill. The Senate raised the amount to $240,000.

The city of East St. Louis is one of the fast-growing cities of this country. The population of that city has quadrupled in the last 20 years. The population in 1890 was a little over 15,000; in 1900 it was nearly 30,000; and in 1910 it was nearly 60,000. At that ratio, in 1920 the city will contain a population of 120,000.

The hearings had upon that proposition disclose the fact that the building was not large enough to carry on the business of the city. I will read from the hearings had upon that proposition, in which the Supervising Architect testifies to this fact.

Mr. WENDEROTH. Mr. Chairman, perhaps it would be well for me to read a letter from the postmaster at East St. Louis, Mr. Merrick, addressed to the First Assistant Postmaster General, under date of January 4, 1913.

Mr. ASHBROOK. Is that the same letter you read yesterday, Mr. COPLEY?

Mr. COPLEY. Yes.

Mr. ASHBROOK. Then, I would think there would be no necessity for reading it.

Mr. WENDEROTH. The department is advised that the following desire space in the building: Civil Service Commission, 1,500 square feet; Department of Commerce and Labor, 500 square feet; Bureau of Animal Industry, 2,000 square feet. The Department of Agriculture states that if the last-named bureau can secure accommodations it will effect a saving of approximately $1,500 per annum in rental. In addition to the above, the following, now located in the building, desire additional space, as noted: Post office, 2,536 square feet; United States courts, 1,028 square feet.

The total additional space desired is, therefore, 7,564 square feet; but the postmaster estimates that in 10 years' time the business will have grown so that he will require nearly double the amount stated in his report as now available—namely, 15,000 square feet instead of 8,314 square feet.

The department's report to the committee of January 18, 1913, was based on additional space of, roughly, 12,000 square feet, to be provided in the extension, at a cost, including changes in and remodeling of present building, etc., of $240,000. This allowance of space provides for the necessary corridors, stairways, etc., and for a reasonable future growth.

The CHAIRMAN. Does not the Bureau of Animal Industry occupy a building down near the stockyards, where they are paying rental? Is that not a branch office?

Mr. WENDEROTH. It is a branch station, or substation, as I understand it.

The CHAIRMAN. Is that down near the stockyards?

Mr. WENDEROTH. Yes, sir.

The CHAIRMAN. And that will be retained?

Mr. WENDEROTH. I understand not.

The CHAIRMAN. Is it not true that the animal-industry business ought to be conducted as near to the stockyards as possible?

Mr. WENDEROTH. According to the letter from the postmaster of East St. Louis, the St. Louis National Stockyards are just across the street from the post office.

The CHAIRMAN. But the stockyards themselves are not?

Mr. WENDEROTH. That I do not know. I could not answer that, Mr. Chairman; I take it from the postmaster's letter that they are. He says the post office at the St. Louis National Stockyards is just across the street. The total additional space desired is 7,564 square feet, but the postmaster estimates that in 10 years' time the business will have grown so that he will require nearly double the amount stated in his report as now occupied, namely, 15,000 square feet.

The CHAIRMAN. In what time?

Mr. WENDEROTH. In 10 years the space required would be nearly double the space now occupied. We have arranged, or suggested, that the building be extended 4,000 square feet, which will relieve the congestion in the post office on the first floor and will furnish the necessary additional space on the second and third floors.

I will not read all the hearings. It seems that the Supervising Architect in his testimony before the Committee on Public Buildings and Grounds says that that building is entirely too small to do the public business.

Now, Mr. Trotter, of the Post Office Department, also testified before the committee, and he said, in answer to a question put by Mr. BARNHART, as follows:

Mr. BARNHART. Did those plans contemplate any contingency for growth in that office?

Mr. TROTTER. I presume they did. They usually plan for a 10 years' growth, but the growth of that office has been abnormal in 10 years. The receipts of that office have increased from $51,261 to $122,621, and in the same period the number of employees, including clerks and carriers, has increased from 36 to 64.

It seems to me that this is conclusive evidence that this appropriation should be made at this time. I know it is the policy of the chairman of the Committee on Appropriations to hold down the appropriation. I stand for economy, but here is a case where it is an urgent necessity to build this addition. The city of East St. Louis is one of the largest railroad centers in this country. It is a great city; it has the largest horse and mule market in the world. It is also a manufacturing city, and within its district is located the St. Louis National Stock Yards. There is nothing to stop its growth, and I hope the chairman of the committee will accept this amendment.

Mr. FITZGERALD. Mr. Chairman, I understand that this item is authorized by law. The committee recommended every appropriation where it would be possible for the Treasury Department to use the money between now and the 4th of next March when the next bill will become a law. Before any money can be used for these buildings it is necessary to prepare the plans. As soon as the plans for the addition are prepared, and the Treasury Department says it is ready for

the money, the money will be appropriated. If the money was appropriated now, it would not help the gentleman.

Mr. BALTZ. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BALTZ. How long would it take the Architect's Office to complete these plans?

Mr. FITZGERALD. I do not know. I did not inquire particularly about this building, but we inquired very carefully into the matter, and in every instance where they stated they would require money and stated the sum that would be required, the committee included that amount in the bill. I understand the number of the gentleman's project is 221, and they must be near it, I would imagine, because I notice in the bill that Duquoin just above it alphabetically is included in the bill, although the site for Duquoin was authorized in 1908 and the building in 1910. There is no question about the need for additional facilities in East St. Louis, and just as soon as the Treasury Department is ready for the money the committee will do its share in furnishing it.

Mr. BALTZ. Mr. Chairman, I am a new Member of the House. I do not know what the purpose of this House is in making authorizations four and five years before plans can be drawn up by the Architect's Office.

Mr. FITZGERALD. That has been the subject of controversy here for a long time. The gentleman has an addition which he desires which they seem to differentiate from a new project. If I were in the gentleman's place, I would insist that the Treasury Department treat the matter as an emergency case; that it ought to be taken up out of its order and plans prepared at once. Then the money would be appropriated.

Mr. BALTZ. Mr Chairman, I want to say to the gentleman that I saw the Supervising Architect, and he told me that those plans could not be reached for the next three years. It seems very strange to me that these authorizations are made so long in advance of the time when the plans can be prepared. It seems to me that some of those authorizations are made for political purposes.

Mr. FITZGERALD. I would not say that; but Members this next year will get authorizations, and before those buildings can be constructed a new crop of Congressmen comes in, and they can not wait until those other buildings are out of the way, but have to look after the needs of their districts, and they get authorizations, and they keep getting authorizations and authorizations until we get alarmed; but as the plans could not be prepared and the money could not be utilized, I hope the amendment will not be agreed to. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

Fargo, N. Dak., post office and courthouse: For site, $23,500.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 8, after line 2, insert the following:
"Farmville, Va., post office: For site, $5,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Holland, Mich., post office: For continuation, $24,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, after line 7, insert:
"Hobart, Okla., post office: For site, $10,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, after line 9, insert:
"Honey Grove, Tex., post office: For site, $300."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Morristown, Tenn., post office: For completion, $20,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 12, after line 24, insert:
"Moultrie, Ga., post office: For site, $7,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Moundsville, W. Va., post office: For continuation, $56,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 2, insert the following:
"Mount Carmel Ill., post office: For site, $20,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

New Haven, Conn., post office and courthouse: For continuation, $150,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 18, insert the following:
"New Orleans, La., customhouse: Toward remodeling, repair, or improvement of the old customhouse and post-office building, including new roof, at a total cost not exceeding $350,000, to provide quarters for customs officials and other Government officers, $100,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Perry, Iowa, post office: For completion, $23,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, after line 21, insert the following: "Phoenixville, Pa., post office: For site, $15,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

West Point, Va., post office: For site, $5,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, after line 9, insert "West Plains, Mo., post office: For site, $5,000."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 102 for the purpose of offering an amendment which was overlooked in the heat of battle.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 102 for the purpose of offering an amendment. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, what is the amendment? Let us have the amendment read for information.

Mr. FITZGERALD. I will say to the gentleman from Illinois that the gentleman from Illinois [Mr. FOSTER] and Dr. Holmes, of the Bureau of Mines are vitally interested in it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 102, after line 8, insert the following: "Not exceeding 20 per cent of the foregoing sum and not exceeding 20 per cent of the sum for investigation as to causes of mine explosions may be used during the fiscal year 1915 for personal services in the District of Columbia, and for the fiscal year 1916, and annually thereafter estimates shall be submitted specifically for all personal services required permanently and entirely in the Bureau of Mines at Washington, D. C., and previously paid from lump sum or general appropriations."

The CHAIRMAN. Is there objection to returning to page 102 for the purpose of offering the amendment read?

Mr. MANN. I would like to know from some gentleman interested in this. I see my colleague here, the chairman of the Committee on Mines and Mining. Can he tell us why he wants this?

Mr. FOSTER. Yes; certainly, I will do so.

Mr. FITZGERALD. I do not think this is what he wants, but this is what he has taken.

Mr. FOSTER. This is for the purpose of permitting that part of the Bureau of Mines which does experimental work in the District of Columbia—that is, laboratory work to be done here—and under some decision of the Comptroller of the Treasury it has been decided these men had to go out of the city of Washington——

Mr. MANN. That is, that out of the lump-sum appropriation you could not pay for personal services in the District of Columbia unless specified otherwise.

Mr. FOSTER. That is it.

Mr. MANN. Will they need these men in the District?

Mr. FOSTER. They can not get along without them.

Mr. MANN. I remember when we passed an appropriation for the enforcement of the white-slave act in the first place we were in that position here, and they moved their offices over to Baltimore. Could not they do the same thing with the Bureau of Mines?

Mr. FOSTER. They could move over to Pittsburgh.

Mr. FITZGERALD. But that would not be as convenient to the doctor.

Mr. FOSTER. And would not be as economical as having it here, convenient to the other branches of the Government.

Mr. MANN. Considering that if these personal services are had in the District, it will be more convenient for our colleague, Dr. FOSTER, to come in contact with these gentlemen, I will raise no opposition.

Mr. FITZGERALD. There is another reason we expect as a result of this amendment, that hereafter the gentleman from Illinois will conduct himself along those well-known and highly appreciated lines——

Mr. MANN. As he has heretofore. I recognize the gentleman from Illinois, my colleague, Dr. FOSTER, as one of the ablest, most efficient, useful, and valuable Members of the House. I am perfectly willing to give $150,000, if necessary, out of my own pocket. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to; and Mr. UNDERWOOD, having assumed the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17041) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendations that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and the amendments thereto to final passage.

The previous question was ordered.

Mr. FITZGERALD. Mr. Speaker, I ask for a separate vote on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS], adding $100,000 to the appropriation for the Geological Survey.

The SPEAKER pro tempore. The gentleman from New York asks a separate vote on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

Is a separate vote demanded on other amendments? [After a pause.] If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

ADJOURNMENT OVER JULY 4.

Mr. MANN. Mr. Speaker, I ask unanimous consent that when the House adjourns on July 3 next, that it adjourn to meet on the following Monday, July 6.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12235. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 12235. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 34 minutes p. m.) the House adjourned until Thursday, June 25, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas, reported the same without amendment, accompanied by a report (No. 898), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor, reported the same with amendment, accompanied by a report (No. 897), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 10475) for the relief of Eugene A. Freund and Alfred F. Roemmich, reported the same with amendment, accompanied by a report (No. 894), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 5058) for the relief of Gattlieb Schlect and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch, reported the same with amendment, accompanied by a report (No. 895), which said bill and report were referred to the Private Calendar.

Mr. O'HAIR, from the Committee on Military Affairs, to which was referred the bill (S. 3761) for the relief of Matthew Logan, reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONTAGUE: A bill (H. R. 17468) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the District of Columbia.

By Mr. LEWIS of Maryland: A bill (H. R. 17469) to appropriate a sum of money for the restoration of the first American monument to George Washington; to the Committee on the Library.

By Mr. DEITRICK: A bill (H. R. 17470) to extend the regulation governing second-class mail matter to include State bulletins relating to candidates for public office; to the Committee on the Post Office and Post Roads.

By Mr. MURRAY of Oklahoma: Resolution (H. Res. 554) referring the bill (H. R. 16618) for the relief of the Iowa Indians of Oklahoma to the Court of Claims for a finding of fact and conclusions of law; to the Committee on Indian Affairs.

By Mr. FRANCIS: Resolution (H. Res. 555) authorizing the Committee on Revision of the Laws of the House of Representatives to employ a competent person to assist the committee in codifying, revising, and compiling the Statutes of the United States, and providing compensation therefor; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 17471) granting a pension to Maude Nevers Landis; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17472) granting an increase of pension to Nora M. Costine; to the Committee on Pensions.

Also, a bill (H. R. 17473) granting a pension to Kate Carroll; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 17474) granting an increase of pension to Charles W. Brown; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 17475) for the relief of Arthur Eckerson; to the Committee on Claims.

By Mr. LONERGAN: A bill (H. R. 17476) for the relief of John G. Barnard; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 17477) granting an increase of pension to James N. Routh; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17478) granting an increase of pension to Annie M. Fallihee; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 17479) for the relief of John Martin; to the Committee on Military Affairs.

By Mr. J. I. NOLAN: A bill (H. R. 17480) for the relief of Bernhard Bolen; to the Committee on Claims.

By Mr. TAYLOR of Alabama: A bill (H. R. 17481) for the relief of the St. Louis & Cairo Railroad Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Seattle Chamber of Commerce, concerning certain provisions in the Clayton antitrust bill relating to labor unions and agricultural combinations; to the Committee on the Judiciary.

Also (by request), resolutions of the board of directors of the Merchants' Association of New York, protesting against the enactment of certain legislation which would result in creating class distinction, etc.; to the Committee on the Judiciary.

Also (by request), petition of the Philadelphia Board of Trade, against the adoption of certain provisions in the sundry civil appropriation bill, etc., having to do with exceptions made in favor of any class or classes; to the Committee on Appropriations.

Also (by request), petition signed by H. L. Ayres and others, of McDonald, Pa., urging the passage of the Gillette anti-polygamy amendment; to the Committee on the Judiciary.

Also (by request), resolutions signed by pastors of certain churches in Pittsburgh, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution of the Seattle Commercial Club, urging the necessity of passing water-power legislation at this session; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of California: Memorial of the California Bankers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Brotherhood of Blacksmiths of Riverside, Cal., favoring the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, petition of Joseph Hambleton and 60 others, of Pasadena, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petition of sundry citizens of Jacksonville and of the State of Florida, protesting against national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of 50 citizens of Philadelphia, protesting against the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

By Mr. DOUGHTON: Petitions of 350 citizens of Spencer and 86 citizens of Mooresville, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Memorial of Manila Merchants' Association, on trade relations between Philippine Islands and the United States and relative to reduction of duty on sugar; to the Committee on Ways and Means.

Also, petition of Philadelphia Board of Trade and the Merchants' Association of New York, protesting against clause in the sundry civil appropriation bill (H. R. 17041) relative to prosecution of labor, etc., organizations under Sherman antitrust law; to the Committee on Appropriations.

By Mr. KELLY of Pennsylvania: Petitions of Second United Presbyterian Church of Wilkinsburg; Homewood United Presbyterian Church and Verona United Presbyterian Church; Calvary Presbyterian Church, of Wilkinsburg; and First United Presbyterian Church of McKeesport, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of W. H. Grothe and others, of Burlington, Iowa, protesting against national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Thirty-five protests against the passage of the prohibition measures now pending in Congress from residents of Oakland, Berkeley, Alameda, Hayward, Richmond, San Francisco, Los Angeles, and Colma, all in the State of California; to the Committee on Rules.

Also, 20 postals from residents of Los Angeles, Long Beach, Bishop, Vallejo, Corona, Hollister, Wallace, and Pacific Grove, all in the State of California, favoring early submission of the prohibition constitutional amendment; to the Committee on Rules.

By Mr. LANGHAM: Petition of Woman's Christian Temperance Union of Miola, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Memorial of Philadelphia Board of Trade, relative to exemption of labor organizations from prosecution under Sherman antitrust law; to the Committee on Appropriations.

Also, memorial of Manila Merchants' Association, protesting against reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. LIEB: Petitions of Ernest Senfer, sr., Charles Mitchell, Edwin Powell, Henry J. Dillman, John Burch, Robert Lake, A. Wilzbaches, G. C. Powell, Anton Riedy, W. L. Becker, William Moore, Joseph A. Mandel, John Buchanan, William Wirtz, George Smith, John Bitsch, W. H. Moore, Pete Bauer, Harry Martin, Henry Magre, Frank J. Dillman, Joseph Strehl, William H. Stock, Arthur H. Yaser, Theodore Wiggers, Chester Bickel, John Rider, Johnie Linzy, Ferd Sauer, Fred Schmitt, Fred Hammerstein, William Thomas Judd, Benjamin C. Sachs, George Buchanan, William Wemkener, William R. Lake, W. A. Golden, William M. Smith, Joseph A. Beach, S. T. Barr, Frank K. Rehermann, Clarence Fehrenbach, Paul Pensohn, E. M. Mack, C. R. Green, Benjamin F. Schreiber, Walter Foster, James Smith, G. J. Lindenschmidt, John W. Holmes, Edward F. Boesche, Clifton Wilshire, William Wheatley, P. J. Kelly, J. J. Kyle, William Sorell, Joseph Bisk, James H. Whitlow, George J. Hisch, Edward Schmidt, John H. Frunck, Leonard Bickel, Jerome Schaefer, Jim Corbitt, Julius A. Schmidt, Floyd B. Meadows, Fred Klusmeier, Buford Watson, Jacob Winder, George Leach, Clinton Powell, James Littrell, Jake Matz, Raymond Bell, Perry Lampton, Peter Schmitz, Elmer Dannenberg, Clinton Powell, Nathaniel Moxley, Ed Greek, George J. Mutschler, John Baer, Richard Peva, Charles Reutter, John Zuber, J. W. Schmitt, Tom Metcalf, Adolph Wingert, Fred Ringwald, Fred King, Harrie Goedde, Charles Maes, Theodore Verges, Louis Rahm, Warner R. Failing, Edward Egl, J. K. Taylor, Henry C. Miller, Herman Gruen, P. F. Duber, Lyle Metcalf, Jefferson Tevault Howard Berson, and Otto Hohl, all of Evansville, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of 40 citizens of Keeseville and citizens of Clinton County, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of William McMahan and others, of St Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOORE: Petitions of sundry citizens and Brewery Engineers' Unions, No. 289 and No. 5, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of Philadelphia Board of Trade, protesting against House bill 16586, to amend section 20 of act to regulate commerce, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY of Oklahoma: Petitions of citizens of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. OGLESBY: Petitions of John H. Cordu, Peter Collins, and about 1,200 other citizens of the twenty-fourth district of New York, favoring the passage of House bill 5139; to the Committee on Reform in the Civil Service.

By Mr. O'LEARY: Petition of citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PADGETT: Petitions of business men of the seventh congressional district of Tennessee, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of T. Walker Davis, of Franklin, Tenn., against national prohibition; to the Committee on Rules.

Also, petitions of citizens of White Bluff and Columbia, Tenn., and Maury and Williamson Counties, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petition of citizens of New York, favoring House bill 5139, the Hamill civil service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. PETERSON: Petitions of citizens of La Fayette and other towns in Indiana, protesting against national prohibition; to the Committee on Rules.

By Mr. RAINEY: Petitions of citizens of the twentieth congressional district and of Menard County, Ill., protesting against national prohibition; to the Committee on Rules.

Also, petition of 87 citizens of the twentieth congressional district of Illinois, favoring the pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Christian Endeavor Union of Pike County and citizens of the twentieth congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petition of 103 citizens of Hillsdale, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Petition of the Minnesota District of German Evangelical Synod of North America, against national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petitions of citizens of Utica and the Ministerial Association of Rome, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against national prohibition; to the Committee on Rules.

By Mr. THACHER: Petitions of New Bedford (Mass.) Ministerial Union; Quarterly Conference of Allen Street Methodist Episcopal Church of New Bedford, Mass.; Methodist Episcopal Church of Provincetown, Mass.; Women's Home Missionary Society of New Bedford, Mass.; and Christian churches of New England, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of New Bedford, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. WICKERSHAM: Petition of 18 citizens of Skagway and 51 of Juneau, Alaska, favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *June 25, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we make mention of Thy name in recognition of Thy supreme right to rule in all our lives. The action of this day, with its thoughts, plans, and purposes, will be the expression of our sense of gratitude to Thee and of our dependence upon Thee. Grant us Thy grace that we may walk uprightly, holding sacred the trust that has been committed to us, and above all living to honor the name of the great God, from whom every good and perfect gift cometh. We ask for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

PETITIONS AND MEMORIALS.

Mr. THOMAS. I present a petition from the Good Citizenship League of Canon City, Colo., and a resolution by the members and friends of the First Methodist Church of Canon City, Colo., which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CANON CITY, COLO., *June 20, 1914.*

To the Members of the United States Senate:

By a unanimous vote the Good Citizenship League of Canon City, Colo., an organization composed of 100 men whose object is to aid in the enforcement of law, the suppression of vice, the encouragement of Sabbath observance, and the maintaining of generally accepted moral and religious standards, respectfully petition your honorable body to vote for the adoption of the joint resolution known as the Hobson-Sheppard proposed constitutional amendment to prohibit the manufacture, sale, or importation of intoxicating liquors.

J. R. KENNEDY,
Chairman of the Committee.

Attest:

WILLIAM E. SPENCER,
Acting Secretary.

This is to certify that at the conclusion of the morning service at the Methodist Episcopal Church on Sunday, June 21, 1914, the congregation resolved itself into a mass meeting by the election of Mr. J. P. McMillen as chairman and Mr. William E. Spencer as secretary, whereupon the Rev. Louis J. Hole, D. D., introduced the following resolution, which was unanimously adopted by a rising vote:

Memorial to the Congress.

"*Resolved*, That we, the members and friends of the First Methodist Church of Canon City, Colo., assembled in our usual place of worship on Sunday, June 21, A. D. 1914, do solemnly and respectfully petition the Congress of the United States, now in session in Washington, D. C., to adopt the measure now before it known as the Hobson-Sheppard joint resolution, proposing an amendment to the Constitution of the United States to prohibit the manufacture, sale, and importation of intoxicating liquors.

"And we especially and particularly request that our Colorado representatives in Congress, Senator CHARLES S. THOMAS, Senator JOHN F. SHAFROTH, and Representatives EDWARD T. TAYLOR, H. H. SELDOMRIDGE, EDWARD KEATING, and GEORGE J. KINDEL, vote and use their influence for the adoption of the said measure."

The above resolution represents the sentiment of the 839 members of the church. The secretary was directed to forward a copy of the resolutions to each member of the Colorado congressional delegation.

J. P. MCMILLEN, *Chairman.*

Attest:

WILLIAM E. SPENCER, *Secretary.*

CANON CITY, COLO., *June 21, 1914.*

Mr. CUMMINS presented a petition from the Ottumwa District Epworth League Agency of Iowa, representing a membership of 1,600, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Marquette Court, No. 811, of Dubuque, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, or importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Common Council of Everett, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Dayton, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Saco and Freeport, in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of the Philadelphia Board of Trade of Pennsylvania, remonstrating against the provisions contained in the sundry civil appropriation bill, the so-called Clayton omnibus trust bill, or any other measure in which exceptions are made in favor of any class or classes, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (S. 3895) to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges, reported it with amendments and submitted a report (No. 618) thereon.

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 5079) for the relief of Mary Abel (Rept. No. 619); and

A bill (H. R. 2540) for the relief of the estate of Philip Felix Herwig, deceased (Rept. No. 620).

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (H. R. 16192) to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west, of the sixth principal meridian, reported it without amendment and submitted a report (No. 622) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, reported it with an amendment and submitted a report (No. 621) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (H. R. 6260) for the relief of Hyacinthe Villeneuve, reported it without amendment and submitted a report (No. 623) thereon.

LANDS AT MYTON, UTAH.

Mr. SMOOT. From the Committee on Public Lands I report back favorably with an amendment the bill (S. 5324) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, and I submit a report (No. 615) thereon. I ask unanimous consent for its immediate consideration. I will simply say that the bill proposes to au-

thorize the Secretary of the Interior to issue patents to certain lands to the town of Myton for cemetery purposes and a water reserve, and the town authorities would like to have these improvements made this summer if possible. It is for that reason I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 10, after the word "station," to insert "the south half of the northwest quarter, section 30, township 3 south, range 1 west, for cemetery purposes"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents to the town of Myton, Utah, for the following-described lands, as shown by the plats and records on file with the Commissioner of the General Land Office, for the use and benefit of the inhabitants of said town: The southwest quarter of the southwest quarter, section 19, township 3 south, range 1 west, to be used as the site of a pumping station; the south half of the northwest quarter, section 30, township 3 south, range 1 west, for cemetery purposes; the north half of the northwest quarter, section 30, township 3 south, range 1 west, Uinta base meridian, to be used as a reservoir site and for other purposes incidental thereto in the distribution of water to the inhabitants of said town; blocks 36 and 46 of the town site of Myton, to be used and held for the benefit of the public schools of said town; all that portion of unsubdivided block 1 which lies west of the Duchesne River, to be used as a public common; and all those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10 which lie east and north of the Duchesne River, to be used as a public park: *Provided*, That if the said town shall at any time permit the said lands hereby granted to be used for any purposes not contemplated by this act the said lands shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. THOMAS G. PRIOLEAU.

Mr. OVERMAN. From the Committee on Claims I report back favorably without amendment the bill (H. R. 12792) for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau, and I submit a report (No. 616) thereon. I call the attention of the Senator from South Carolina [Mr. TILLMAN] to the report.

Mr. TILLMAN. I ask for the immediate consideration of the bill. It is a House bill, and it should be passed at once.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. JONES. I ask the Senator from North Carolina if the bill gives one year's salary?

Mr. OVERMAN. One year's salary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETE JELOVAC.

Mr. OVERMAN. From the Committee on Claims I report back favorably without amendment the bill (H. R. 13153) for the relief of Pete Jelovac, another bill of the same kind and in the same form. I submit a report (No. 617) thereon.

Mr. SHAFROTH. This bill is of a similar character to the one which has just been passed, and I ask unanimous consent for its immediate consideration. It has passed the House. It simply pays one year's salary for the injury which was occasioned to the party while working in the Gunnison Tunnel, one of the reclamation projects in the State of Colorado. It proposes to pay him $1,460.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. BURTON. Mr. President, in pursuance of the notice given, I file as a member of the Committee on Commerce a minority report (Rept. No. 599, pt. 2) on House bill 13811, the river and harbor bill. I ask that it be printed.

The VICE PRESIDENT. That action will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Georgia:

A bill (S. 5986) to prescribe a method of procedure in the condemnation of lands; to the Committee on the Judiciary.

By Mr. CUMMINS:

A bill (S. 5987) granting an increase of pension to G. H. French; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5988) for the relief of the heirs of S. H. Wilds; to the Committee on Claims.

By Mr. STONE:

A joint resolution (S. J. Res. 166) authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes; to the Committee on Foreign Relations.

FEDERAL TRADE COMMISSION.

Mr. CUMMINS. I present five amendments which I intend to propose to House bill 15613, being the trade-commission bill, and I ask that they be referred to the Committee on the Judiciary. I make this request because the Committee on the Judiciary has under consideration a bill which covers the general subject of these amendments, and I think it is in harmony with the wish of all the members of both committees that these amendments be referred now to the Judiciary Committee.

The VICE PRESIDENT. That action will be taken.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $5,000 for forestry protection, to be expended in cooperation with the State of Oregon, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $207,000 for improving Tillamook Bay and Bar, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. POINDEXTER submitted an amendment authorizing the Secretary of Agriculture to enter into a contract for the lease for a period not to exceed 10 years of modern fireproof office accommodations for Government uses, etc., for the purpose of providing adequate space for those bureaus and branches of the Department of Agriculture, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in 1899–1900, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PENROSE submitted an amendment proposing to appropriate $100,000 for the purchase of additional ground for the Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WEEKS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

Mr. JAMES submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

AMENDMENT OF ANTITRUST LAW.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

THE CARLISLE INDIAN SCHOOL.

Mr. PENROSE. Mr. President, the joint commission of the Congress of the United States to investigate Indian affairs have completed their investigation and it is published in the form of hearings in connection with an investigation of the Carlisle Indian School in Pennsylvania. The matter is closed, the superintendent has been deposed, and the school reorganized; but I have here a statement by the superintendent explaining many matters from his point of view, and in justice to this gentleman and his many friends in Pennsylvania I would ask to have it

printed in some form. I now present it to the Senate and ask that it be referred to the Committee on Printing. I invite the attention of the Senator from Utah [Mr. SMOOT] to the matter and ask him to see that it is brought up for early consideration, so that it may be printed in some form as an act of partial justice to this gentleman, and that his side of the case may have equal publicity with the matter contained in the hearings.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

TESTIMONY OF THEODORE ROOSEVELT.

Mr. REED. Mr. President, I ask unanimous consent to have printed in the RECORD the testimony of Theodore Roosevelt, given on May 27, 1914, in the case of Alexander D. Wales, plaintiff, against John P. White, as president of the United Mine Workers of America. The testimony discloses very interesting historical data relating to that strike. It is an exact transcript.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. TOWNSEND. I did not understand what the Senator from Missouri was asking to have done.

Mr. REED. I asked unanimous consent to have printed in the RECORD the testimony of Theodore Roosevelt in the case named.

Mr. TOWNSEND. I did not hear the case.

The SECRETARY. In the case of Alexander D. Wales, plaintiff, against John P. White, as president of the United Mine Workers of America.

Mr. TOWNSEND. I do not know what relevancy that has to anything that is pending.

The VICE PRESIDENT. Without objection, it will be printed.

The matter referred to is as follows:

SUPREME COURT, BROOME COUNTY.

Alexander D. Wales, plaintiff, against John P. White, as president of the United Mine Workers of America, defendant, before E. Day Clark, Esq., referee.

NEW YORK, *May 27, 1914—11 a. m.*

Hearing held at the office of the Outlook Co., 287 Fourth Avenue, New York City.

Examination of Hon. Theodore Roosevelt, under order of Albert H. Sewall, Esq., dated April 7, 1914.

Appearances: E. Day Clark, referee; Alexander D. Wales in person. John J. Irving, attorney for United Mine Workers of America, with Senator H. D. Hinman and Roger P. Clark of counsel.

It is stipulated that the oath of the witness be waived.

Theodore Roosevelt, a witness called on behalf of the defendant, testified as follows:

Direct examination by Mr. HINMAN:

Q. Col. Roosevelt, in 1902, at the time when you were President of the United States, the anthracite coal strike, so called, in Pennsylvania was on and was settled in October of that year. What do you know about the causes which lead up to the settlement of that and what part did you take in the settlement of that strike?

Mr. WALES. I have not a particle of objection to the colonel's stating just what happened between him and other parties, giving, if he can, the date of the transactions. The colonel himself probably understands that any conclusion that he may draw would be improper, and require me to draw out on cross-examination facts that he ought to testify to before.

Col. ROOSEVELT. Facts that I ought to—what, sir?

The REFEREE. You go ahead and answer the question in whatever form you wish to, and if he wishes to question you in detail he can.

Mr. WALES. Therefore I can say, if you see fit to give a conclusion, which would not be evidence in court, you would be playing into the hands of the distinguished gentlemen on the other side, who desires conclusions and not facts, and I leave that to you. You have a right to answer just what you please so far as legal rules are observed.

The REFEREE. Have you any further objections to the question?

Mr. WALES. I object to the question as it calls for a conclusion—I have no objection whatever—on the contrary, I greatly desire to have the Colonel's detailed statement of what occurred, but I object to any conclusion in the question as improper in form and calls for a conclusion with the hope——

The REFEREE (interrupting). I am not going to take any of these things.

Mr. WALES. I suppose you will take what I say in an objection.

The REFEREE. I will take your legal objection and nothing more.

Mr. WALES. My legal objection is——

The REFEREE. I have it——

Mr. WALES. I have got more—that it calls for a conclusion on transactions that the Senator himself knows that it is improper, and it is an effort to use prestige instead of the facts.

The REFEREE. You go ahead and answer the question in what form you see fit, and then the court will rule on it. You will understand that I can not rule.

Col. ROOSEVELT. I understand in the spring of 1902 a coal strike—a strike came on in the anthracite coal regions. A very little time convinced me that it was a serious strike and full of menace to the country—certainly to all the country east of the Mississippi and north of the Ohio and Potomac.

I began to get into touch with the situation by ordering Carroll D. Wright, who was then the Commissioner of Labor, and possibly one or two other of my subordinates to make investigations and from time to time report to me. I can not give you the dates as to such reports, but I——

Mr. WALES (interrupting). I object to anything based upon these reports; that the reports are the best evidence and should be produced.

Col. ROOSEVELT. One or two of the reports, if I remember, were in writing, and they may have been put into the Anthracite Strike Commission. Four or five of them were verbal and can not be produced.

Mr. WALES. I object to anything but the verbal reports.

Col. ROOSEVELT. We will strike out the written reports, then.

The REFEREE. Answer the questions and I will take the objections.

Col. ROOSEVELT (continuing). These reports showed the seriousness of the situation, both because of the seemingly irreconcilable hostility of the two parties and of the threat of the welfare of the people of the Northeastern States, especially the Seaboard States, in the event of a coal famine occurring in the winter. In consequence I, throughout the summer and early fall, was carefully considering and making plans in my mind as to what I should do in the matter.

In September the situation began to grow acute. Men as conservative as the governor of Massachusetts, the mayor of New York, Seth Low, came to me or wrote to me—I can't tell you which.

I think they came to me to say that action had to be taken or we would be faced with a fuel-and-famine riot, and with untold misery and untold disaster throughout the winter.

I summoned or asked to appear before me—summoned is not the word, really—I asked to appear before me two or three representatives of the railroads and Mr. Mitchell and two or three of his lieutenants.

Mr. WALES. Now, if that summons was in writing I object that the writing is the best evidence, and if you allude——

Col. ROOSEVELT (interrupting). It must have been in writing, because I could not have made the summons in any other way, but I have not the vaguest idea where the writing is.

Mr. WALES. I can give you the New York Tribune of October 4, when I think all the conferences to which you are referring occurred.

Col. ROOSEVELT. I can not give you the exact date, but I should say it was early in October, but I can not give you the exact date. It is possible Mr. Mitchell may remember the exact date.

Mr. HINMAN. The 3d of October.

Col. ROOSEVELT. At that meeting I regarded Mr. Mitchell's attitude as entirely reasonable. I regarded the attitude of the representatives of the coal operators as entirely unreasonable, not only unreasonable but offensive. We parted. The coal operators made public themselves what their attitude had been. It excited much indignation in the country. That is not a conclusion. I am saying that——

Mr. WALES. I have no objection to it whatever.

Col. ROOSEVELT. Because I received countless letters about it, among others a letter from ex-President Cleveland, who was very strong in his denunciation and in his indignation against the attitude taken by the coal operators.

Mr. WALES. I object to that letter. If you can produce the letter—I would be glad to have that letter produced so as to be sure of the date.

Col. ROOSEVELT. Mr. Wales, I will try, if you wish, I will try to learn if that letter can be found.

Mr. WALES. I would like to have that letter produced.

Col. ROOSEVELT. I received hundreds of those letters while I was President, and I can not be sure that I have it.

Mr. WALES. As you can not be sure of the date, I would like to have the letter. I do not doubt but that it corresponds to your statement.

Col. ROOSEVELT. If you will write to Mrs. Cleveland, she will have a copy of the letter or my reply to it, it is possible.

Mr. WALES. Have you got Mrs. Cleveland's address?

Col. ROOSEVELT. I haven't an idea. I wrote him in response expressing my great pleasure, and asking him to become the head of the commission of arbitration, and be accepted. I at that time was very doubtful whether I would call another meeting of the operators and miners. Dozens of plans of action had been suggested to me. They, none of them, in my judgment, met the situation, and I had made up my mind that I would have to take very drastic action unless the operators and miners agreed themselves to individual action that I felt would meet the situation.

I intended to send in the United States Army to take possession of the coal fields. I only wanted a method of getting the Army in and then I would have run the situation as I thought it ought to be run.

I spoke accordingly to Senator Quay and told him that I did not wish him—to give even to him the details of my plan, but that I was going to take drastic action, and I would guarantee that the people of the eastern seaboard would have coal and have it right away, and I think I also told him that he would help in the action, and that he was perfectly welcome later to vote to impeach me if he ever chose, but that all I wanted him to do was to arrange with the then governor of Pennsylvania, whose name I think was Stone, who, when I gave the signal, would notify me that he was unable to keep order and asking the Federal Government to assist him to maintain order. I told Mr. Quay substantially that, but not the details of what I intended to do.

I then went to Maj. Gen. Scofield and told him that I thought the situation had become such that I might have to interfere to prevent a social war. That in that case I intended and I had the concurrence from the governor of Pennsylvania to send in the Regular Army to notify the miners on the one hand that work was to be resumed, and that I would go to any length necessary to prevent any violations that would interfere with the resumption of the work; and on the other hand to dispossess the operators and run the mines with Gen. Scofield practically as a receiver, having meanwhile this commission with the ex-President, Grover Cleveland, at its head to act as the commission actually appointed to act and decide on the rights of the case, and I said to Gen. Scofield, "You have got to know just what my ideas are," and I sailed in, and I said, "I am not going to send in any general unless he understands that this will be equivalent to action taken in time of war, and I bid you to pay no heed to any other authority, no heed to a writ from a judge, or anything else excepting my commands," and he said, "I will go in and I will do what you say and I will pay no heed to anything except your orders," and I said, "All right, that is enough."

I was meanwhile being called up by hundreds of people with all kinds of plans. I do not remember one in fifty of the people who were calling me up—sometimes it was over the phone and sometimes it was by letter and sometimes it was by personal interview. Among the people who came to me were naturally men of my own Cabinet. I remember Mr. Root, Mr. Knox, and Mr. Payne were three of the members of the Cabinet who were in close communication with me; although I did not tell any of them my plan, because a council of war never fights, and I thought it a great deal better, if I had to take such action, the Cabinet should not know until I took it. Also, Mr. Bacon came down several times to see me, to speak of the trouble—of the terrible nature of the situation. There were several other men; I have forgotten what men they were. I do not remember whether there were any labor representatives who came to see me or not. I do not remember any of them coming to see me at that time. All of these men had plans.

None of their plans commended themselves to my judgment. Specifically, Mr. Wales, if it is proper, I may say that nobody suggested to me the plan that you are said to have offered.

Mr. WALES. I haven't a doubt, Colonel—I never had—and I expected to prove it out of your lips if I had the chance.

Col. ROOSEVELT. Nobody suggested your plan to me—nobody at all, so far as I know, ever mentioned your name.

Mr. WALES. That is just exactly what I proved by Gov. Odell.

Col. ROOSEVELT. Neither Mr. Mitchell nor any other labor man ever suggested to me a plan to act upon. All of the Cabinet members of whom I have spoken here at different times informed me that they saw at different times other people mostly directly or indirectly connected with the operators' side, to talk with them and see if they could get them to take any action. I was often asked by them and by other men who came what they might say from me. I always said to them I hope that action will be taken between the miners and operators which will excuse my having to take drastic action, but understand, if action is not speedily taken, I will act myself, and I will settle this business.

Finally both sides showed a willingness to come to an agreement to have a commission of arbitration. The operators showed considerable temper toward me. That is not a conclusion. I can not give you the exact method that they showed it, but they showed considerable temper toward me.

Mr. WALES. I do not care how you say it, Colonel.

Col. ROOSEVELT. When they accepted the proposition for the arbitration they insisted that they would not object to any of the personnel which up to that time was leaking out, who would be on the commission, if I had to name it without regard to their wishes. To my great amazement, it was the operators who objected to Grover Cleveland. My memory is, Mr. Mitchell, although I can not be positive, that the labor people were content with Mr. Cleveland, but the operators objected to Mr. Cleveland, and I remember I had intended to put on Judge Buffington, and they then insisted that they would not have Judge Buffington. They wanted a judge from another district, and I appointed Judge Grey. I had intended to put on Mr. Kernan, of Utica—John D. Kernan—and they objected to him. I think they objected simply because I put them on the commission and, of course, it was perfectly——

Mr. WALES (interrupting). That is a conclusion.

Col. ROOSEVELT. That is a conclusion that I withdraw—that is a conclusion perfectly, and I had no business to put it in, although it is my opinion.

Mr. WALES. An opinion is a conclusion.

Col. ROOSEVELT. Yes; at any rate they did each object to all these men. I did not care. All I wanted was to get the right type of men, and all that hitch came to was that they did not want me to put on Archbishop Spaulding or a labor man. They wanted a commission of five. The commission finally was of seven. On the other hand, Mr. Gompers and the miners said that as the other men really represented or were in close connection with the capitalists' class (I think I am saying substantially your objection), that they both thought that they ought to have on one labor man.

Mr. HINMAN. You said "Mr. Gompers."

Col. ROOSEVELT. I beg your pardon. I should have said "Mitchell." That would be objected to as an "irrelevant conclusion."

Mr. WALES. You do not want to assume, Colonel, that I shall object.

Col. ROOSEVELT. Mr. Mitchell and the other miners' representatives stated that they felt that they were entitled to have a labor man on. I thought that they were entitled also. I believe I told them, and I certaintly told the other men at the time, that whoever I put on, labor man or capitalist, would be put on because I thought he was such a man that he would decide wholly without reference to his affiliations, if they are labor or capital.

However, I felt that it was a matter of common justice, and not so much with reference to the decision, but with reference to the feeling of confidence that would be engendered in the commission to have a representative of labor on; and I insisted upon having him.

I can not give you the night or the day of the night on which this decision was finally reached, but it came to somewhere about the 10th of October. I can not tell you the exact date. I remember that Mr. Bacon was there, and I think Mr. George Perkins, and probably several members of my cabinet, as coming from the operators; and the operators had said "no"; they would rather break up the whole business than have a labor man put on; and I explained then I was very sorry for it, but I thought it would be a very bad thing for everybody; and I thought it would be an especially bad thing for them, and they would reduce me to the necessity of acting at once on my own initiative—not telling them what I was going to do, however. It was after midnight, and after we had repeated the same conversations for hours and hours, that I finally found that they did not care a rap whether I put on a labor man, provided I did not call him a labor man. They had asked me to put on an eminent sociologist, and I then said to them—I can give you substantially what I said. I said: "Good Heavens; then you are sticking on the mere question of name! Well, if by merely committing an absurdity in name I can bring about the right result, I will bring it about at once. I will put on as 'eminent sociologist' the head of the conductors' union—Mr. Clark. I am also going to ask Archbishop Spaulding and announce that I had added him; and if you choose to break it up on the ground that you do not like Archbishop Spaulding, you go ahead and do it." I was not very sure that they would not object to it, and so, accordingly, I put on Mr. Clark, head of the conductors' union, as "eminent sociologist" and Archbishop Spaulding, and that made up a commission of six; and then their feelings got soothed down a little. But a few days afterwards, without asking anybody's permission, I increased it to seven, and put on Carroll Wright, who, of course, was the "eminent sociologist" that I originally intended to put on. So we have got the "eminent sociologist" in another name—I did not know why—and we have got the labor man on as an "eminent sociologist," and everything was pleasant and smooth and went fine. The commission met, the miners went back to work, and everything went fine.

Mr. WALES. I am perfectly willing to stipulate right here that the proceedings of the commission as printed either by the Senate or any of the departments—I guess the Department of Labor has it—may be considered in evidence. Mr. Irving has agreed to that.

Mr. HINMAN. We do not need to bother the colonel with that. That is a matter for the trial.

Col. ROOSEVELT. Now, Mr. Hinman, as well as I remember, I have given you the essential facts.

Mr. HINMAN. I think it covers the ground, Colonel, of the case.

Just one question. You have referred to a conversation that you had with Senator Quay. State whether or not that was before you had received word from the operators that they were willing to part, or anything of that kind.

Col. ROOSEVELT. It was before I had received word. It was shortly after the first interview, that broke up without any result.

Mr. HINMAN. Nothing further.

Cross-examination by Mr. WALES:

Q. Was there anybody—I ought to say that this is the same question I asked Gov. Odell, who was examined as a witness for me; I think you have already said it, and I desire to have it perfectly clear—you did not hear of me in the matter at all?—A. I beg your pardon; I did not hear of you.

Q. You did not hear of me at all?—A. I did not.

Q. You did not hear of my plan?—A. As far as I know, I never heard of your plan.

Q. You had no communication from me?—A. No.

Q. This is the first time you ever had the pleasure of meeting me?—A. This is the first time I ever had the pleasure of meeting you.

Q. You know what my plan was?—A. I have seen it stated that your plan was to summon the Legislatures of New York and Pennsylvania and get laws passed by them about this situation.

Q. Now——A. Just wait a second; you are refreshing my memory. I believe that some one suggested to me substantially that plan and that I rejected it at once.

Q. You can call these legislatures together?—A. I did not want to call them. I said I can not call them, because I did not want to and I would not pay any heed. It was a proposition like getting Congress together and putting coal on the free list.

Q. You propose that whatever action you took should be legal in accordance with the Constitution?—A. I proposed that every action I took should be in accordance with the Constitution as Abraham Lincoln construed it.

Q. Abraham Lincoln what?—A. As Abraham Lincoln construed it.

Q. Well, you were aware that before you could intervene in a domestic broil in a State the Constitution required an application from the governor of that State?—A. I have testified that for that reason I spoke to Senator Quay, so that we might be sure to get them.

Q. Did you ever meet Gov. Stone?—A. Will you let me finish? So that I could get Gov. Stone's application whenever I wished it, and Senator Quay said I should have it whenever I called for it.

Q. You had met him when?—A. I can not tell you.

Q. You did not meet him during the strike at all?—A. I did not meet him during the strike.

Q. Did you have any communication by letter or telegram from him?—A. No.

Q. You had no such communication from him?—A. No such application from him. I knew the political system that prevailed in Pennsylvania at that time.

Q. I would be glad to hear that, because I knew the situation, too.—A. You did? In that case you knew that—if you knew the situation or knew anything about it, you knew that when I spoke to Senator Quay that was enough. I would not have given you my conclusion, but you asked for it.

Q. I am perfectly willing to take it. It might not have been enough?—A. It would have been.

Q. To that I object.—A. Well, we did not.

Q. As a conclusion?—A. If you mean was intended as a question, it has given me the right to answer.

Q. Now, who represented the miners in all these conferences?—A. Mr. Mitchell was the spokesman. There were present also, I think, a Mr. Nichols and one or two other gentlemen, whose names I forget.

Q. E. D. Nichols?—A. He was a Congressman, I think.

Q. He was at that time next in authority, as I understand it, in the miners' union, after Mr. Mitchell?—A. That I can not say. I know he was an officer, but what officer I do not know.

Q. Mr. Mitchell probably did all the talking for the miners and announced the decision, did he not?—A. He probably did; and when the others tried to talk I endeavored to prevent them from talking, because I thought that Mr. Mitchell talked very sanely and wisely.

Q. Did you learn the number of miners that Mr. Mitchell represented?—A. I did know substantially the numbers from conversations with Carroll Wright and Charles P. Neil and others, whom I have now forgotten, the number that he represented.

Q. Was it in the neighborhood of 150,000 that were on strike?—A. I can not give you that.

Q. Who represented the operators in the conferences?—A. Different people. I can not remember the names of the gentlemen that came to see me first. I think one of them was Mr. Truesdale; then there was a man who talked a great deal.

Mr. HINMAN. Mr. Baer?

A. It was not Mr. Baer that I am thinking of. Some one told me that he was an independent operator.

Mr. HINMAN. Mr. Markle?

A. Mr. Markle; that was it. It would be a conclusion if I said he seemed to have a prejudice against me.

Mr. WALES. You think you have given all the men of prominence who took a prominent part in the settlement of the strike?

A. I am confident that I have not. You did not ask me to give the names of the prominent men who took part in the settlement of the strike. I am giving you the men who talked to me. You are asking for my conclusion in a case like that?

Q. I mean who took part, in talking to you?—A. I understood that Mr. Bacon and Mr. Perkins both came as a sequence of conversations with Mr. Pierpont Morgan. I understood that Mr. Root and perhaps Senator Quay had seen Mr. Morgan, but I can not tell you that for certain. I know Senator Quay had seen a number of these men. I know Mr. Root, Mr. Knox, and Mr. Payne saw a number of the big financial men here in New York, and besides Mr. Markle and Mr. Truesdale there were certainly three other coal operators or railroad men whom they saw.

Mr. HINMAN. Thomas and Fowler—Mr. Thomas, of the Erie.

A. I remember Mr. Thomas was there and two others—Mr. Fowler.

Mr. HINMAN. Fowler was the Ontario & Western man.

A. Fowler was; yes.

Q. Mr. Oliphant?—A. Oliphant was there.

Q. Was Underwood there?—A. I do not know, but there were five or six of them there. I do not remember all of them now, and I haven't a doubt, Mr. Wales, that other men called upon me whom I do not remember.

Q. Didn't Mr. Morgan come down with Mr. Bacon?—A. I do not think so.

Q. The papers announced at the time that he did?—A. I think I would remember if Mr. Morgan was there, but that I am not certain of.

Q. Mr. Morgan at that time was regarded as a leading financier of the country?—A. He was.

Q. And that his influence was as powerful in finance as yours was in politics?—A. I think he would have objected to the comparison.

Q. You have a right to object to the comparison now, but I did not intend it in any such sense.—A. If you will put it in this way—that in financial circles he was, in my judgment, as a conclusion of mine——

Q. (Interrupting.) I take it.—A. As a conclusion of mine I should say that Mr. Morgan was regarded in financial circles as the greatest financial power of that time.

Q. And that in any important financial matter his word would go further than that of any other man?—A. That was my understanding.

Q. And you understood he was taking an active interest in the strike?—A. Now, Mr. Wales, I have got to answer that purely from information that I got secondhand. The information that I had at secondhand was that he was taking an active interest in the strike; that he was very much discontented with the attitude of the coal operators, and was also uneasy as to what I was going to do if the coal operators did not act. Now, that may be an entirely erroneous impression on my part, and I would not have given that in answer to any question from Mr. Hinman, but that is as near as I can answer with correctness your question.

Q. I have no doubt but that information in that form—I do not mean in that literal form, but something in that line was given you?—A. Yes.

Q. And wasn't it your impression it was given you by Mr. Bacon?—A. My impression is it was not given by Mr. Bacon, but by a member of my Cabinet, but I would rather not say a member of my Cabinet—well, I have the man in my mind, but I can not be sure. I might say there were several different men.

Q. Isn't it your impression it was Mr. Root?—A. As I told you, sir, I would rather not give the name.

Q. I am only asking your impression.—A. I won't give you my impression, because I am not sure of it.

Q. Have you got the impression that Mr. Root was one of these men?—A. I would not say that he was not and I won't say that he was.

Q. All the way through from the beginning you were more or less in touch with Mr. Mitchell or with your men after October?—A. I talked with Mr. Carroll Wright and the others and saw Mr. Mitchell, but I had no direct communication with Mr. Mitchell as far as I remember until about the 1st of October. I may not be correct, but that is my memory.

Q. Well, throughout the entire matter—I do not want to misstate it—Mr. Mitchell, with the operators, was perfectly willing to arbitrate these terms before any fair tribunal, as you understood it?—A. Before what?

Q. Before any fair tribunal?—A. I believe that was his attitude, although, I think, specifically—now I have got to state my memory, and it may not be correct—Mr. Mitchell is, fortunately, here and can himself correct if I am misstating.

Q. I object to Mr. Mitchell's corrections of the questions. If he wants to testify let him come on the trial.—A. He has not made any correction.

Q. I do not object to his correction on any grounds with regard to you——A. I am not concerned with the grounds on which you object. I believe that Mr. Mitchell said that they would give me entirely—that they would abide by an arbitration commission which I name, without any qualifications as to who should go on.

Mr. HINMAN. Mr. Mitchell gave you that in writing.

Mr. WALES. If he gave that to you in writing, I would like to have that writing.

Col. ROOSEVELT. I do not think you can have it, Mr. Wales, because I do not think it is in existence. It is a public document and you can get it.

Q. Was it published in the press at that time?—A. I will say that, at any rate, it was a part of the Government reports.

Q. Was it your impression that it was after the 1st of October?—A. My impression was it was about the 1st of October. I believe it was afterwards, but I am not sure.

Q. Now, this conference between the operators and yourself and Mr. Mitchell was called by you?—A. Yes.

Q. You published a written call at that time?—A. Yes.

Q. And what purported to be an official statement from the White House was published in the Tribune; unfortunately, a portion of this paper is worn off, being handled the length of time since it occurred; this is the Tribune of October, sixteenth page?—A. You may be able to find it. Mr. Loeb used to keep a scrapbook.

Q. I think probably you can remember this. This has already been marked Exhibit G. I am perfectly willing a more perfect copy should be used.—A. Mr. Wales, I will tell you I am a tolerably busy man. Of course, be as long as you have to, but be as quick as you can. Go on as quickly as possible, and ask me the question if you can.

Q. Do you remember the official statement of your position, how you called the attention of the operators to the terrible state of affairs, which was published in the press almost universally at that time—October 4?—A. It was given out for universal publication.

Q. And, it appears by the press at that time, the night that occurred at the White House was on a Friday, October 3, 1902?—A. I do not remember surely, but I know it was about that time.

Q. Well, now, in that, all the way through, until quite late in these matters, the coal operators took the stubborn position, did they not?—A. They did.

Q. And that they would not submit these matters to arbitration?—A. They did.

Q. And they took that position before you on the 3d of October?—A. With great emphasis.

Q. Not only with great emphasis, but their position was insulting to the office you held and to you personally, was it not?—A. I felt that that attitude was offensive.

Q. I think so, sir.—A. I did not care a rap; but what I wanted to do was to get the thing done.

Q. Now, did you at the time look through what the papers published as the official statement coming from the White House to know whether they were correct or not?—A. No.

Mr. WALES. Are you willing——

Mr. HINMAN. Get right through with the colonel.

Mr. WALES. I propose to get the facts and the dates.

Col. ROOSEVELT. Do go on and ask me the question.

Mr. WALES. I ask him if he will answer that these statements as published officially from the White House may go as evidence? I will not ask anything about it. You can see there is your statement right below there [indicating].

Col. ROOSEVELT. Official statement from the White House. Without being able to answer directly as to that statement, I would myself in any action that I was to state assume that that was a correct official statement.

Mr. WALES. Are you going to raise any objection to that?

Mr. HINMAN. What the colonel has identified there.

Mr. WALES. This is Exhibit D, and I am perfectly willing to have you get a Tribune of that date in perfect preservation.

Col. ROOSEVELT. Mr. Wales, these statements are given out to the newspapers officially from the White House, and published in a large number of reputable papers, and I do not recall an instance where it was not correctly given. That is all I can say.

Q. Mr. Mitchell at that time was perfectly willing to arbitrate?—A. He was.

Q. And do you recall what the subjects were that he wanted submitted to arbitration?—A. No; the particular subjects I do not recall.

Q. Do you recall?—A. I could tell you what my demand was.

Q. What?—A. What my demand was, that the miners should go to work at once at the old wages, and that the wages and other matters in dispute between the parties should be settled by this commission, the findings of which the members should agree in advance to accept.

Q. I am speaking as to what his demands were before you got down to arbitration.—A. They referred to wages. They referred to the methods of weighing coal. There were, I think, questions of the miners' laborers that came in. I do not remember. I know the question of weighing came in; wages and methods of weighing coal, etc.

Q. Calculated to benefit the miners?—A. Calculated to benefit the miners.

Q. Now, do you remember sending out on the 6th of October a statement by yourself that you sent to Mr. Mitchell, proposing that the miners go to work and you would endeavor to get the operators to fix these matters? I have got it, if you will give me the time to look—if the other side will consent.—A. I remember it.

Q. Published either the 7th or 8th of October?—A. I do not remember that. I asked, either by letter or in person, of Mr. Mitchell that the miners go to work, stating that I would then endeavor to get action for them. I can not say whether I then said that I would act through this commission with Grover Cleveland at the head or not; but I know that that was the commission through which I intended to act.

Q. You said it was an official document that was sent out from the White House and published in the papers at the time—if the other side consents to that?

Mr. HINMAN. There may have been a statement issued. There was no official document.

Mr. WALES. It was a communication from Col. Roosevelt to John Mitchell.

Mr. HINMAN. You won't have any difficulty in proving what was in the papers.

A. My memory is that the thing came up in a conversation between Mr. Mitchell and myself. My memory is that it came up in a conversation.

Q. Your memory—if the papers published this—and I may be mistaken as to whether Carroll D. Wright took it, but the papers stated that it was sent by you to Mr. Mitchell through Carroll D. Wright; but I may be mistaken in the name—it may have been some other member?—A. I remember that there was such a proposal from me to Mr. Mitchell.

Q. Did you get a telegram from Mr. Mitchell in reply on or about the 8th of October?—A. I do not know. I know that Mr. Mitchell refused.

Q. Well, now, up to that time, had the operators changed their attitude, so far as you know?—A. Not as far as I know.

Q. And up to the time that you got this reply from Mr. Mitchell, had you made any threats to call out the military?—A. Not threats; I never made any threats except exactly as I described them; no public threats of any kind.

Q. They were not public, but did you state to anybody connected with that movement before you got this reply from Mr. Mitchell?—A. Before I got the reply from Mr. Mitchell I had been in consultation with Senator Quay, as I have described it, and I had been in consultation with others——

Q. (Interrupting.) At the time——A. (Interrupting.) Wait a moment, I was continually thinking of alternative plans with the view to meet the shifting needs of the situation as its developments might require. I was thinking of several plans, not any one of which might have to be adopted as the needs of the situation developed.

Q. Did you send out this communication to Mr. Mitchell that I have referred to which, according to the press, was dated October 6, and, if I recall it rightly, the Tribune stated on the 9th that he replied and refused. Did you hope to have him consent when you sent it up?—A. I thought it very unlikely that he would.

Q. I ask to strike that out. I asked you if you hoped he would?—A. And I answer that I thought it very unlikely that he would, but I thought he might, and I answered it that way.

Q. You undoubtedly hoped that he would?—A. I have answered you.

Q. Now, I call your attention to the article in the Tribune of October 9, which states what the demands of Mitchell were that he desired to have arbitrators and ask you if that corresponds to your recollection?—A. I do not remember enough to say yes or no.

Q. Down below here it states "Williamsport, Pa., October 8. Hardly had John Mitchell to-day sent his reply to President Roosevelt in regard to the proposition that the miners return to work while a commission investigates conditions than he received from New York a telegram"—now I simply read this to call your attention to the date—"received a telegram from you and that your proposition was that the miners return to work while a commission investigated conditions." That is correctly stated, is it not?—A. That is correctly stated.

Q. Then your proposition at that time was simply that the miners return to work and that you would appoint a commission or a body to investigate—it was not an arbitration board—it was a body to investigate?—A. It was not an arbitration board. It was the same commission that I have spoken of with Mr. Cleveland at the head, Mr. Kernan, Judge Buffington, Archbishop Spaulding, and two or three others.

Q. Now, it appears that Senator Quay was in New York pretty much all the time from the 1st of October—that is my recollection of it—until after October 9, these transactions between Gov. Odell and Quay and Penrose and Platt on the one side and the operators on the other occurred in New York, and ran along three different days or more, and they finally ended on the 9th, and Senator Quay was in New York most of that time. Now, have you seen Senator Quay during that time?

Mr. HINMAN. I object to that on the ground that the newspapers show Senator Quay during that time was in Washington.

Col. ROOSEVELT. In any event, I can recall he was in Washington more than once during that time. I saw him more than once. I understood that he was returning to see the operators and other men through whom he was trying to bring influence on the operators in New York, and that it was done with the view of getting in touch with the situation in New York.

Q. How many interviews with Mr. Quay did you have after the 3d of October and before the strike was finally settled?—A. I had certainly two or three.

Q. You do not remember more than two or three?—A. I do not remember more than two or three. There may have been more. I certainly had two or three.

Q. Now, there was a marked tremendous change in the attitude of the operators after their interview with you on the 3d of October, was there not?—A. There was.

Q. What was the first official notice that you had of that attitude?—A. I do not remember. I do not know that I ever had an official notice. I took judicial notice.

Q. Well, judicial notice is a mighty uncertain thing.—A. I took it and my action was attended with much certainty.

Q. Can you tell in which one, either first, second, or third of the conversations you had with Mr. Quay during this time, you spoke of calling out the military?—A. I never spoke to him about calling out the military at all. That is what I intended to do with the matter, but I said to him that I wanted Stone when I deemed it necessary. I wanted Stone to ask me to send in the Army. I can not remember at which meeting it was.

Q. Have you any impression as to whether it was the first, second, or third?—A. No; I have not. My impression is that I spoke of it at the one meeting, and that I referred to it at another meeting, but that is only an impression.

Q. Was it your impression that that occurred during these negotiations over this arbitration board?—A. Between the 3d and 10th?

Q. Well——A. What do you mean by negotiation board?

Q. Wasn't there more or less negotiation over arbitrators' interests to both sides?—A. Yes; I should say that was how the question came of the negotiations over the arbitrators. My impression is that these meetings took place, roughly, between the 3d and 10th—wait a moment, I can not tell you exactly, but I can tell you this; they took place at the time that Mr. Quay was on here in New York speaking to these different men. He would come from New York and he would see me, and would say he was going to see the operators, and he was going back to New York, and so it was during that time.

Q. Now, do you remember that the operators made a written offer to arbitrate?—A. I believe it was in writing.

Q. Have you got any copy of that?—A. I have not. I think it was published.

Q. When is it your recollection of that was?—A. I can not tell you. I can not tell you. My memory is that in that they said they would accept a judge of such and such a district. A man versed in engineering, a man versed in the science of coal operating, an eminent sociologist, and five others.

Q. Didn't they also wish or say they would not recognize the miners' union at all?—A. Whether they said it in that communication I do not know; but we told it to him that they would not accept a member of a labor organization.

Q. What was your impression as to when that regular offer came?—A. My impression is strong that it was before the night—I knew it was before the night on which I saw Mr. Bacon and Mr. Perkins and the others, and finally appointed the commission. I should say that—I can not tell you—it was some days, I should say, before that.

Q. Was it before or after the 10th of October?—A. I believe the 10th of October was the day on which I saw Mr. Perkins and Mr. Bacon. Can you tell me what day was it that I announced the commission?

Q. I prefer to have your recollection.—A. I can not give you my recollection. I do not know.

Q. You may have been mistaken on account of your not remembering the days, but I prefer to have your mind just as it is.—A. I am not mistaken as to the relative sequence of things. I can not tell you what was the tariff as to copper, but I can tell you it was before I announced my decision and before Mr. Bacon and Mr. Perkins and members of my Cabinet were in at the night I made the announcement.

Q. Was this offer published at the time?—A. I can not tell you.

Q. Were these arrangements, these negotiations to which you have alluded, after that offer?—A. They were both after and before all these negotiations. They went on all the time. Mr. Wales, I was continually testing out the situation to find where and how I could bring about a solution. I was prepared to take any steps necessary to solve the difficulty and to bring the crisis to an end. I infinitely preferred to take it by the miner, acting with justice and generosity; and while I am not going to say that because they did not act justly I would have been—next to that I would have liked to have the miners yield and go to work and trust my action and with the force of public opinion and to make the arbitrators accept the conclusions of the commission. I would have felt then that if the arbitrators declined to accede to what a commission headed by the ex-President of the United States, a Democrat, and backed by me, a Republican, approved; that if they declined to accede to that, either by public opinion or in any other way that we found necessary, I could force them to act. But, of course, I can not guarantee that, and I felt that Mr. Mitchell was entirely within his rights in refusing; and from the beginning I thought he probably would refuse and, although, he might accept that proposition. I did not have to ask on my own responsibility if I could possibly avoid it, but I intended to act in that way if there was no other way. All the time I was considering the different plans.

Q. You were ready to take any legal action that was most likely to bring a strike to hand?—A. I was.

Q. If putting the coal on the free list and calling Congress together for that purpose would have done it, you would have done that, wouldn't you?—A. If I had thought that it would have accomplished the object, I should have done it; but I do not think that it would have accomplished the object, and I did not do it.

Q. But if the others were persuaded the other way, and you were persuaded that they would heed the operators in their tender, do you say that you would call Congress together for that purpose?—A. You are asking a hypothetical question.

Q. I have had a hypothetical history.—A. You have not had it from me.

Q. It will show——A. It will show you have asked me hypothetical questions.

Q. You have answered yourself voluntarily the proposition that you were ready to take any action that would bring about the settlement of the strike?—A. Yes.

Q. And you were not at all technical if you got down to this point where all those efforts had failed in letting the newspapers know that that was your position?—A. Not at all.

Q. Now, there is a little document that I will present to you and you can take it with you. It was one of the preliminary motions in this matter, and you can see from it that my claim is no joke. I also have here the motion papers on which I made the motion before Judge Forbes for a commission to examine Platt—I had already examined Platt. I had already examined him. You need not take this if you do not want it. I am giving this to Mr. Roosevelt. I do not want him to go off with a wrong impression. You can take it with you and read it at your leisure. I also before I questioned you told him that I had this decision in my favor from Judge Forbes, and in my motion papers before Judge Forbes I quoted extensively from the testimony of Platt, etc.—A. I do not remember that Platt had anything to do with the settlement of the case so far as I know.

Q. You can find out from this more than you know about it.—A. I think I know most of it.

Q. I think you don't.—A. Now, look here, you are stating your views; are you asking my opinion of your case?

Q. No.—A. Exactly; and I do not suppose you want it.

Q. Because you do not know anything about it.—A. Mr. Wales, you have been telling me what your views are and what your case is. I have not the vaguest interest in it. The only object in your telling me is that you want some opinion from me about it.

Q. There is another reason. The whole press will be loaded with the position of my distinguished friend over there, as he has done with the Binghamton Press.

The REFEREE. Ask the question.

Col. ROOSEVELT. What question is it?

The REFEREE. Ask the questions; that is all I want.

Mr. WALES. I was about to say——

The REFEREE. I won't permit any more statements so far as my proceedings are concerned. Ask questions and I will take them.

Mr. WALES. I want to conclude what I was going to say. I would recommend to you before you give an opinion——

The REFEREE. Just ask questions.

Col. ROOSEVELT. I have not given an opinion. I am not giving opinions unless you ask for them.

Q. You were ready to take any legal action most likely to bring a termination of the strike?—A. How many times have I been asked that question?

The REFEREE. Twice that I remember.

A. I tell you three times it is true. Yes.

Q. Didn't you have any talk with Gov. Odell about this matter?—A. I do not remember distinctly. I have a very vague impression that he called me up on the telephone, but it is only a vague impression. I had no talk with him of any importance.

Q. Now, did you have a talk the latter part of the week—Wednesday, October 1—over the phone with Gov. Odell?—A. I can not tell you. I have given you my knowledge.

Q. I will read from the testimony of Gov. Odell and ask you a question about it:

"A. I talked with Mr. Harriman in his office but had no telephone conversation.

"Q. Was it that day or the next day on which you talked to Harriman that you had the telephone talk with Roosevelt?—A. It must have been the next day, the day after—I would not be certain.

"Q. Don't you recall this, that it got to be the last of the week, either Friday or Saturday, you had the talk with Roosevelt?—A. Assuming it was Wednesday, it must have been the latter part of the week.

"Q. You remember it was the latter part of the week?—A. I do not remember, because I do not remember the beginning. You say it was Wednesday, and I am assuming it was.

"Q. I am asking if you remember that fact?—A. No; I do not, now.

"Q. Did you say you called up Roosevelt or he called you up?—A. I called him up.

"Q. Will you just state what you said to Roosevelt?—A. I told him of the failure to secure an agreement and of the suggestion made by Mr. Harriman that it was necessary to get Mr. Mitchell to agree to it, and that he was the only man that we knew of that could secure that consent; and I asked him to send for Mr. Mitchell to come over to Washington and talk the thing over with him; and he replied that he did not want to do it because he had already done whatever he thought he could do to produce the result, and without any effect; and I urged him as strongly as I could to send for Mitchell, and that Mitchell could not refuse to come and there would be no harm if he should refuse. He acceded to this proposition after some further objections, and consented to it, and he sent for Mitchell."

Q. Is there anything in that that you wish to contradict?—A. I do not remember about it. I do not remember what time it was.

Q. He says the latter part of the week, assuming that Wednesday was the 8th.—A. What date of the month was that?

Q. Wednesday was the 8th.—A. I do not remember. I have a very vague memory that Mr. Odell called me up and talked over the telephone; but I know that I did not act on any suggestion that he made.

Q. Did you state in that talk with Gov. Odell——A. I tell you I do not remember anything about it.

Q. I have a right to ask whether you remember it or not. You did not want to do that, just send for Mitchell, because you had already done whatever you thought you could do to produce the result, and with no effect?—A. I do not remember the conversation. I am confident I did not make any such statement in any such form.

Q. Will you state that you did not?—A. I can only give you the answer that I have already given, Mr. Wales, if you want to get at the exact facts yourself, that if I remember still the conversations that I had with relation to anything that made an impression on me or the opinion which I secured. Scores of men, as I have said, communicated with me by telephone, by writing, by word of mouth, with suggestions that I disregarded. As for this, though, it is out of my mind. I took no action on anything suggested to me by Gov. Odell.

Q. Well, you do not remember what you did state to Gov. Odell?—A. I do not remember; but I am confident that I did not state it as that sentence you have read to me states.

Q. Now, is it a fact that that first session on the 3d was a complete failure, and you so understood it when they treated you so contemptuously?—A. I did, as regarded immediate results. It paved the way for future results.

Q. Rather whether it would come, but you had no actual knowledge?—A. I am answering your question. You asked me whether I

understood it to be an absolute failure, and my answer is no; that I regarded it as paving the way for good results later. I am answering your question.

Q. When you wrote that letter to Mr. Mitchell suggesting that the miners go to work, and you appoint a commission to examine, you had not had any offer to arbitrate?

Mr. HINMAN. I object to that on the ground that it does not appear that the President wr te any letter to Mr. Mitchell.

Col. ROOSEVELT. At the time of the communication to which you allude I do not believe I had had any advice from the operators. It is possible I had had some from any perfectly inadmissible terms, but I do not think so.

Q. You do not recall?—A. I do not recall.

Q So far as you recollect, their attitude was still as stubborn as before?—A. Still as stubborn as before.

Q. Wasn't their attitude professedly in that offer that they would not arbitrate with Mr. Mitchell—A. I do not understand the question.

Q Well, I will waive it. Did you learn of Mr. Harriman's change of attitude in this matter?—A. I do not remember of ever hearing of Harriman's attitude. I may have heard of Mr. Harriman's attitude, but I do not remember. It certainly did not affect my action in any case, anything that Mr. Harriman did.

Q. Well, the calling out of the military depended upon a call from Gov. Stone. You would not have acted without that call?—A. I won't say that.

Q. Would you defy the Constitution?—A. I do not accept your interpretation of the Constitution.

Q. I think it is fully as good as your interpretation.

The REFEREE. Don't argue. Finish the question.

Mr. WALES. I will repeat the question, then.

Col. ROOSEVELT. I have answered it.

Q. I do not think you have. Would you without the call of Gov. Stone, in violation of the Constitution, call out the troops to settle a domestic broil in a State?

Mr. HINMAN. Objected to as incompetent, improper, and assumed as facts not proven.

A. I won't answer that.

Q. Would you, without the call from Gov. Stone, have called out the troops to settle this strike?

Mr. HINMAN. Objected to as incompetent, irrelevant, and immaterial.

A. I do not know.

Q. You do not know?

Mr. HINMAN. Objected to as incompetent, irrelevant, and immaterial.

A. I do not know. I would have settled the strike.

Q. Law or no law?—A. I would have settled the strike. I would have found a law. That strike was going to be settled.

Q. That is what Mr. Hinman said, and told me all the way through, and I have got the record for it.—A. That will settle the strike and the Panama Canal question.

Q. I lay no claim to the Panama Canal. The World has said that you said something to that effect, but I disclaimed them.

Mr. WALES. Do I understand that to prove the dates and what these various efforts were I can quote from what purported to be the copy of the statements as published in the press generally at the time?

Mr. HINMAN. Only the official statements which came from the White House. The colonel has stated these statements are correct.

Mr. WALES. You said a little while ago you would let in all these papers.

Mr. HINMAN. I said nothing of the kind.

Mr. WALES. Very well; then I have got to go into a minute examination.

Q. Now, Colonel, wasn't it over Sunday, the 12th, and possibly late at night on the 11th, that you first learned of the change of attitude of the operators?—A. I do not know.

Q This offer of the arbitrators to arbitrate?—A. I do not know.

Q. Didn't that appear for the first time in the papers on the 14th of October; that was Tuesday?—A. I do not know. I do not know anything about the matter.

Q. As having been signed on the 13th?—A. I do not know.

Q. And weren't all the negotiations fixing who the arbitrators would be after that Sunday?—A. I do not know.

Q. The 12th?—A. I do not know.

Mr. WALES. That is all.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had, on June 25, 1914, approved and signed the following acts:

S. 2576. An act for the relief of John Q. Adams; and

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning business is closed.

Mr. NEWLANDS. Mr. President, at the close of my remarks it is my purpose to move that the Senate proceed to the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes. I desire to be very brief, and I shall ask at the commencement permission to print certain quotations and references which I shall make.

The VICE PRESIDENT. Without objection, that may be done.

Mr. NEWLANDS. I will also ask that there be no interruption until the close of my remarks.

SPEEDY ACTION DESIRED.

I am exceedingly desirous, Mr. President, to expedite action upon this bill. All the Members of the Senate, I am sure, unite with me in the desire for an early adjournment. There ought not, in my judgment, to be any protracted discussion over the bill. A measure of this kind has been the subject of prolonged consideration in the Senate of the United States through its Interstate Commerce Committee for several years and has been thoroughly debated in the committee and measurably debated on the floor of the Senate.

It has been the subject of concentrated attention by the Interstate Commerce Committee during the last five or six months. It has been also the subject of concentrated consideration by the other House and its committees during the same period. At the very commencement of the session the chairman of the Interstate Commerce Committee of the Senate and the chairman of the Interstate Commerce Committee of the House, which was supposed at that time to have jurisdiction over all trust legislation, came into communication with each other regarding tentative bills, one covering a trade commission, another supplementary legislation to the antitrust law, and the other a bill providing for the control of the issue of railway securities. Tentative bills were prepared and were submitted after the Christmas holidays to the consideration of the Senate committee and the House committees.

THE TENTATIVE ANTITRUST BILLS.

In January last the President of the United States delivered a message upon this subject, and still later on an interstate trade-commission bill was introduced, on the same day, by the chairman of the Judiciary Committee of the House and the chairman of the Interstate Commerce Committee of the Senate.

With reference to this bill, Mr. Clayton caused to be published in the CONGRESSIONAL RECORD on the 22d day of January, 1914, the following press dispatch:

Representative Clayton this afternoon gave to the press the full text of the tentative bill as agreed upon by a subcommittee of the Judiciary Committee of the House (Messrs. Clayton, Carlin, and Floyd of Arkansas) and the majority members of the Senate Committee on Interstate Commerce, and said:

"The bill will be introduced at the same time by Representative Clayton and Senator Newlands. This bill is modeled after the lines of what is commonly known as the Newlands bill, which was introduced in the Senate by Senator Newlands, and involves the fundamental idea that a trade commission shall be created, consisting of five members, with full inquisitorial powers into the operation and organization of all corporations engaged in interstate commerce, other than common carriers. It provides for a commission of five members, makes the Commissioner of Corporations chairman of the board and transfers all the existing powers of that bureau to the commission. Its relation to the Attorney General's office and to the courts is advisory. Its principal and most important duty besides conducting investigations will be to aid the courts when requested in the formation of decrees of dissolution, and with this end in view it empowers the courts to refer any part of pending litigation to the commission, including the proposed decree, for information and advice."

Senator NEWLANDS, being interviewed, said:

"The trade-commission bill and several other bills limiting the debatable ground of the Sherman Act have been the subject of laborious consideration by a subcommittee of the Judiciary Committee of the House (consisting of Mr. Clayton, chairman, and Messrs. Carlin, and Floyd of Arkansas) during the holidays and before. The majority members of the Interstate Commerce Committee of the Senate have been brought into consultation with them of late.

"The trade-commission bill preserves the essential features of the bill which I have been urging for some time, but contains amendments and additions of value and is, in my judgment, an improvement upon the bill as it was considered and improved by the Interstate Commerce Committee of the Senate during the last Congress. As a whole, I should say that the trade-commission bill ought to be satisfactory to members of all parties, for it is distinctively progressive, and we have endeavored to frame it in harmony with the President's views, presented in an admirable message, which has received the approval of the entire country regardless of party. While these bills represent at present the best thought of the participants in the shaping of this legislation, they are presented simply as tentative measures, upon which the judgment of the proper committees of the House and Senate and of the country is invoked."

The House bill, introduced by Mr. Clayton, was not, however, referred to the Judiciary Committee, but to the Interstate Commerce Committee of that body. Later on, Mr. COVINGTON, of the latter committee, introduced a bill covering substantially the same lines as the so-called Clayton bill, which was considered, amended, and finally reported, and passed.

Contemporaneously the Senate Committee on Interstate Commerce had under consideration Senate bill 4160, the bill introduced by myself, and, after considering and reporting favorably this bill as amended, took up the House bill which was referred to it, and substituted for it the Senate bill with two amendments—one relating to the investigation of foreign trade practices and the other relating to unfair competition. The question now before the Senate is whether the substituted Senate bill shall pass.

PUBLIC OPINION IN FAVOR OF A TRADE COMMISSION.

During these six months all these questions have been the subject of discussion by the country generally, by public men, by chambers of commerce, and by boards of trade. The result is an overwhelming public opinion in favor of the adoption of an interstate trade commission bill. That public opinion was demonstrated by a referendum made by the Chamber of Commerce of the United States, a large national organization having member bodies in every section of the country. The result of that poll was to show a decisive majority in favor of a trade-commission bill. Public opinion was so pronounced upon the subject that when the bill in the other House came to a

vote it passed, I believe, without a roll call, both sides of the House being in favor of the bill.

I may say that in both the House and the Senate the consideration of this legislation has been nonpartisan, prominent members of the minority party joining actively with those of the majority party in the shaping of an effective measure, and the proposal of a trade commission received the approval of the entire committee of the House of Representatives, with perhaps one dissent, and the almost unanimous judgment of the Senate Committee on Interstate Commerce. I may say further, so far as the action of the Senate is concerned, that under the preceding administration of Mr. Taft a resolution was offered by the Senator from Minnesota [Mr. CLAPP] for an investigation as to whether any further trust legislation was desirable. Under that resolution over 100 persons appeared before the committee—public men, economists, and business men, representatives of boards of trade and chambers of commerce—and gave their views, which extended to nearly 3,000 pages. Upon the very first day of the hearing of that committee under the resolution a bill introduced by myself some time previously for the creation of a trade commission was considered. That bill went through a process of tentative amendment by the committee, but no final action was taken upon it, and no final action was taken upon any of the many bills then pending upon this subject before the Interstate Commerce Committee, but a report was made by the committee.

ACTION ON BILL THUS FAR NONPARTISAN.

The Senator from Iowa [Mr. CUMMINS] made that report, and the additional views of many of the committee accompanied it. After reviewing the various decisions of the Supreme Court relating to the Sherman antitrust law, that report declared it to be the opinion of the committee that a trade commission was desirable. The report filed with this bill contains in the appendix extracts from the Cummins report, and also extracts from the additional views of the members of the Interstate Commerce Committee. I refer to this in order to show that under two administrations the creation of an interstate trade commission has been regarded as a necessary and essential thing in all legislation relating to the trust question. I shall insert the entire report at the conclusion of my remarks.

Mr. President, the practical question is whether upon a subject concerning which the mind of the country is made up, the mind of the chambers of commerce and of the boards of trade of the country is made up, the business mind of the country is made up, the mind of the committees having jurisdiction is made up, the mind of Congress itself is made up—whether we shall have a protracted discussion of this bill embracing the prolonged conversations which have characterized of late years the debates in the Senate, and which have brought them under discredit. The country does not listen to us, and we do not listen to each other. I believe there is an opportunity here and now for the Senate to reestablish its old repute for clear and concise debate.

Mr. President, I am aware that I am one of those who perhaps may be charged in the past with an overindulgence in speech. All that I can say is that I have reformed. [Laughter.] When I came into this body, after 10 years' service in the House of Representatives, I flattered myself that I had the faculty of saying everything that I desired to say within an hour's speech. That was the result of the training of the House, and of my legal training, which imposed restraints upon prolonged discussion. I found myself, however, yielding gradually to the indulgence of the Senate, and, to my surprise, I discovered that one day I had made a three hours' speech. I determined from that hour to reform, and I do not think my associates have had occasion to complain of late of any excess of oratory upon my part.

Now we are nearing the close of the session, or what ought to be the close of the session, and the question is whether the Senate will put restraint upon itself. Has it the power of self-restraint, or will we have to subject the Senate later on to the power of coercion through a cloture rule? We have been in pretty nearly continuous session for four years, much to our own discomfort and much to the discomfort of the Nation, and I think that every Senator on this floor will bear me out in the assertion that we could have dispatched the business in one-half the time.

We had recently an example of how quickly the Senate can dispatch business in the adoption of the conciliation bill reported from the Committee on Interstate Commerce. A great strike was threatening; a tie-up of the eastern railroads was impending; the country was apprehensive regarding the financial and industrial consequences of such a strike; the then existing machinery for conciliation between employers and employees was not satisfactory, and neither side was willing to resort to it. The result was that a bill was framed and presented by the Interstate Commerce Committee to this body. That bill offered a most tempting field for discussion. All the questions relating to labor, to the relations of employers to employees, and all the related social and economic questions afforded enticing opportunities for debate; but the patriotic sense of the members of the Interstate Commerce Committee of the Senate controlled them, the patriotic sense of this body controlled it, and that bill was put through almost without debate, in less than an hour, I think—an instance of how the Senate can do business when it chooses to do business, and how it can do business without the coercion of a cloture.

THE TRUST PROGRAM.

Mr. President, there are three measures pending embraced in the so-called trust program. It is admitted by all that this measure should pass first. Some of the subsequent legislation intrusted to the Judiciary Committee may involve the enforcement of the law through this very trade commission. How important it is, therefore, that we should avoid unnecessary discussion, so far as this bill is concerned, and put it upon the statute books, so that the legislation which comes from the Judiciary Committee may have reference to the legislation that has been already adopted.

Mr. President, this is a very simple bill. I think the entire Senate is convinced that if contemporaneously with the passage of the Sherman antitrust law we had created a trade commission similar in its organization to the Interstate Commerce Commission, which was created about the time that law passed, by this time the questions relating to trade regulation would have been as completely settled as have been those relating to transportation.

In transportation we have practically only two things remaining unadjusted—though always, of course, there will be minor matters of legislation—one, the valuation of the railroads, for which provision has been made by law; and the other, control of stock and bond issues. All other legislative questions relating to rates, rebates, unjust discriminations, and so forth, have been practically adjusted—a body of administrative law has been established which is a definite guide to the business and transportation interests of the country.

The Sherman law was passed about the same time as the interstate-commerce act; and its administration was intrusted to the shifting incumbency of the Attorney General's Office, that incumbency changing frequently, having changed in one administration three or four times. The result was that instead of having an established system of administrative law the administration of that law was intrusted to the shifting officials with the varying policies and varying views of the respective Attorneys General; and it is only recently that we have obtained from the courts a full exposition, declaration, and interpretation of the law itself. Had this commission been in existence during all the years of the Sherman antitrust law it is clear that the organization of these great trusts, since accomplished, would have been prevented, and all of the trusts then existing would have been brought under the steady, purposeful, continuous administration of the law, and without violent wrenches in the business of the country readjustments would have been made that would have resulted in the dissolution of these corporations and their reintegration in harmony with the law. We are taking up very late what ought to have been taken up 20 years ago. If that is apparent, why should we take a month in debating this bill?

PROVISIONS OF THE BILL; THE COMMISSION.

What does this bill provide for?

It provides for a commission of five members, whose term is seven years, the incumbency being so arranged that only one commissioner changes at a time, so that you have practically a continuous body considering these great questions. The bill provides for the merger in this commission of all the powers, duties, and functions, as well as the force of the Bureau of Corporations, a bureau which has been in existence for about 10 years, which has done much good work of investigation, and which has a trained band of experts whose experience and efficiency should, of course, be availed of.

POWERS OF THE COMMISSION.

The next thing is the powers of this commission. Almost all these powers—I may say all the powers—are contained in sections 3 and 5. The first three subdivisions of section 3 provide for powers of investigation and report as to corporations engaged in interstate commerce and corporate combinations and trade associations, excepting banks and carriers. Those powers are somewhat enlarged over those of the Bureau of Corporations, but they are not materially enlarged. The Bureau of Corporations did not find it necessary to use coercive

powers with the corporations of the country. It used its powers wisely and discreetly, and usually succeeded in getting all the information that it required. We heard of no abuse of personal rights under that organization, and I take it that the outcry raised against the so-called inquisitorial powers of this commission will be found in practical experience to have been unnecessary.

INVESTIGATION.

The powers to investigate, the powers to call for reports, must be general, and they must be so general as that they can be exercised against every one of perhaps 350,000 State corporations which are engaged in greater or less degree in interstate commerce; but whilst the powers are great, the application of the powers will necessarily be limited. We know that the business and trade corporations of this country are as a rule conducted in conformity with law. We know that the outlaws are few; but we must shape the powers of this commission so that we can reach that outlaw whether it be a corporation with a capital stock of ten million or a hundred million or a billion dollars, or whether it be a corporation with a capital stock of only $100,000; for oftentimes a small corporation may be made the instrumentality through which great monopolistic powers can be exercised. Therefore it will not do to classify in such a way as to eliminate the small corporations, for if you do you may eliminate from the operation of the law the most outrageous outlaws. The powers must be great; the application of the powers will necessarily be limited.

PUBLICITY.

And so as to publicity. The commission is to make public such matters involved in their investigations and reports as they deem advisable, except so far as their information relates to trade processes, names of customers, and things of that kind. They are to have full power of publicity, but it is not to be expected that they will publish everything that comes within their observation. Those matters that are material in the public interest alone will be published, and ought to be published. Here let me say that the sentiment is growing, not only in the country at large but in the legal fraternity itself, that the strict limitations that relate to private business organizations should not be applied to corporations which are public instrumentalities, created by law, artificial beings, owing their life and their existence to the Government itself, and the law of whose life should be exposed to that Government at every step in their procedure.

Mr. President, there are three other provisions in section 3. One relates to the aid which this commission is to give the courts; another to the aid it is to give to the Attorney General in enforcing decrees; another relates to reporting to the Attorney General any infractions of the Sherman antitrust law which come under its observation.

NO INTERFERENCE WITH ATTORNEY GENERAL.

This bill does not interfere with the Attorney General in the administration of the antitrust law. There has been a great indisposition to change in any way the Sherman antitrust law, in which the country has confidence, or to change the agency through which that law is to be administered, so that this bill leaves the powers of the Attorney General as complete as ever with reference to the enforcement of the antitrust law. So far as my individual opinion is concerned, I would favor an entire turning over of the administration of the antitrust law to this commission, as contributing to greater precision, greater certainty, greater consecutiveness in the prosecution of corporate outlaws; but public sentiment is not yet prepared for that step, and so I yield to the judgment of the committee in that particular.

All the powers of this commission are in aid of the courts and in aid of the Attorney General, and are not intended to interfere with his control over the enforcement of the Sherman law. We all know, so far as the courts are concerned, that both the Attorney General and the courts have realized that they lack the administrative machinery and experience necessary to enable them to form proper judgment as to the method of dissolution and the method of reintegrating the component parts of these great industrial combinations. No one can complain of any of the decisions of the Supreme Court upon this subject, with the exception perhaps of the decision in the Knight case. They have uniformly upheld the law and have applied it wherever it ought justly to be applied, but they have not been so successful in the form or the effect of their decrees; and this difficulty arises from the fact that the Attorney General who prosecutes and the judges who sit in judgment belong to the legal profession, and have not, as a rule, experience or training in either economics or industry; and they have been exploring unknown fields when they reached out into the great fields of industry and sought to make such a readjustment of the subsidiary companies and component parts of these great combinations as to bring them all in harmony with the law. The result has been a serious disappointment on the part of the people of the United States in the results arising from these victories of the Government in its contest with these great combinations.

It is expected that the trade commission will be composed not only of eminent lawyers but of eminent economists, business men of large experience, and publicists, and that their knowledge and information and experience will be of such a varied nature as to make them more competent to deal with the practical question of the dissolution of these combinations than any court or Attorney General could be. It is also expected that as a result of investigation and as the result of long experience they will build up a body of information and of administrative law that will be of service not only to them but to the country itself, and that gradually standards will be established that will be accepted and will constitute our code of business morals.

POWER TO AID THE COURTS.

The power, therefore, is given to this interstate trade commission to act, upon the suggestion of the court, in shaping the decree, making a report as a master in chancery would to the court, and having its recommendations stand the test of the arguments of counsel upon both sides. It is also given the power, after the decree is entered, to investigate as to whether the decree is being carried out, and to make report to the Attorney General. It is also authorized, whenever in its investigations it finds any infraction of the Sherman antitrust law, to report that delinquency, with its findings, to the Attorney General. The power is also given to the commission to inquire into trade practices abroad, and to inquire whether American corporate combinations are joining with foreign producers in an endeavor to control prices.

There has been some difference of opinion, I believe, between Attorneys General as to whether the Sherman antitrust law applies to exports. This bill does not determine that question, but simply gives the commission power to inquire as to whether there is any control effected by American exporters in conjunction with foreign producers with a view to controlling prices, and also the power to inquire into trade practices abroad; and here comes the subject of a very general complaint.

It is contended amongst American exporters that if in their export business they are subject to the Sherman antitrust law, it prevents them from having any understanding with other exporters with reference to the practical conduct of their business abroad with a view to getting a good price for American exports. Their contention is that other countries have not such stringent laws as we have with reference to trusts and monopolies, while England has a common law regarding trusts upon which our Sherman antitrust law is based, England does not endeavor at all to pursue people criminally, but leaves the suit to be prosecuted by individuals instead of by the Government. We all know how ineffective that is. The suit of an individual against a strong combination is the contest of a lilliputian against a giant. So, though the law of England may be the same as our law, there is a difference in the manner and the method of enforcement, and there are understandings between great business concerns there that would invite active prosecution in this country.

EXPORT TRADE.

In Germany, through their cartel arrangements, as they are called, great combinations are organized with a view to controlling prices; and not only combinations, but associations in trade, and so forth. These things are regulated by the Government; but the combination itself is not unlawful. Germany has made great advance on the social side of such legislation. The tendencies of England and of America have always been toward intensely individualized action. The tendency of Germany has been toward collective action, embracing something of the character of State socialism. So the things that are under condemnation here are approved by the Government there, but are subject to regulation.

One of the things which the purchasers of American exports do is to combine together to mark down and knock down the price of American exports. They resort to numerous devices on this line, one of them being an association of the buyers operating through one purchaser, who, dealing with a number of American exporters forbidden by law to have concerted action, is, of course, at a great advantage in securing a lower price. So many of our law-abiding American concerns engaged in large operations in the export trade, and perfectly ready to respond to every domestic requirement of the Sherman antitrust law, declare that in their business contests with the world they should not be put in a strait-jacket while the foreign purchasers have unlimited freedom of action.

That is one of the subjects this commission is to inquire into. It will be an inquiry of great importance, involving a study of the industrial and economic systems of all the principal nations of the world, and particularly with reference to the just treatment of American exports.

UNFAIR COMPETITION.

One of the most important provisions in this bill, Mr. President, is that which relates to unfair competition. Unfair competition is made unlawful, and the commission is authorized, when any case of unfair practice or unfair method is brought to its attention, to summon the party charged and to have a hearing, and if it decides that the practice or method is unfair, to issue an order compelling its discontinuance, and if that order is not obeyed it can carry the matter into court and secure a judgment of the court compelling obedience to the commission's order.

Now, objections are made to this as the creation of a new offense against trade. Unfair competition, it is claimed by many, has no legal significance, and Congress in giving this power to the commission practically delegates the power to legislate as to what practices are under the condemnation of law. It is not questioned that Congress can by law specifically describe the practices which come under the condemnation of the law and make them unlawful, and submit the enforcement of the law to the commission, but it is claimed that Congress has no power to evade that duty of legislation and to turn it over practically to the commission itself by declaring unfair competition to be unlawful and then leaving it to the commission to determine what practice constitutes unfair competition.

Mr. President, our answer to that is that it would be utterly impossible for Congress to define the numerous practices which constitute unfair competition and which are against good morals in trade, for we are beginning to realize that there is a standard of morals in trade or that there ought to be. Germany does not hesitate by law to condemn practices in business that are contra bonos mores. It leaves their tribunals to determine what practices are against good morals.

We have gone a great way in that direction ourselves. I was saying it is utterly impossible for such a commission to define all the practices that are against good morals in trade and that tend to give competitors unfair advantage and dishonest advantage.

When the representatives of the Illinois Manufacturers' Association, the Ohio Manufacturers' Association, and the American Vehicle Association were before our committee urging the adoption of an interstate trade commission, I questioned them with reference to this provision relating to unfair competition, and the expression was that they thought it desirable. When I asked one of the members of the Illinois association whether he thought it best to attempt to define these practices or simply to declare them unlawful under the general terms of unfair competition he declared that the latter was the only course; that if there were 20 bad trade practices to-day and you were to name them in the law and condemn, there would be others established to-morrow. It is the illusive character of the trade practice that makes it though condemned to-day appear in some other form to-morrow. If we should attempt to define all the trade practices that can be devised, that would create dishonest advantage in competition, we would undertake a hopeless task.

Mr. President, I contend that the words "unfair competition" have a legal significance, and that if they have not Congress can give them a legal significance. We refer to the legislation with reference to the railroads, where Congress gave the power finally to fix a reasonable rate. There the determination of what the word "reasonable" meant was submitted to the Interstate Commerce Commission, just as the meaning of the term "unfair competition" is here submitted to the trade commission. Congress condemned unjust discrimination and gave to that commission the enforcement of the condemnation. Read through the act to regulate commerce and you will find it bristling with just such phrases.

And it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto; and to provide reasonable facilities for operating such through routes and to make reasonable rules and regulations with respect to the exchange, interchange, and return of cars used therein, and for the operation of such through routes, and providing for reasonable compensation to those entitled thereto.

All charges made for any service rendered or to be rendered in the transportation of passengers or property and for the transmission of messages by telegraph, telephone, or cable, as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

No refinements in this act are entered into at all defining what is unreasonable or unjust.

I will not weary the Senate with quoting these phrases by reading at length.

The Supreme Court upon passing on these terms does not hesitate to sustain them, and declares that the enactment does not in any way constitute a delegation of legislative authority. You will find thus the court sustaining rules enacted by the Forestry Service, rules the infraction of which may create a criminal offense.

I will not weary the Senate by referring to these decisions in detail, but will insert them in my remarks.

The list of authorities is as follows:

AUTHORITIES—UNFAIR COMPETITION.

Congress would not delegate legislative power to the interstate trade commission by requiring it to apply a general rule against unfair competition to particular facts, conditions, and circumstances. (Field *v.* Clark, 143 U. S., 649; in re Kollock, 165 U. S., 526; Buttfield *v.* Stranahan, 192 U. S., 470; Union Bridge Co. *v.* United States, 204 U. S., 364; St. Louis & Iron Mountain Railway *v.* Taylor, 210 U. S., 281, 287; Monongahela Bridge Co. *v.* United States, 216 U. S., 177; United States *v.* Grimand, 220 U. S., 506; Interstate Commerce Commission *v.* Goodrich Transit Co., 224 U. S., 194; Kansas City Southern Railway Co. *v.* United States, 231 U. S., 423.)

The prohibition of unfair competition is sufficiently definite and certain. (Nash *v.* United States, 229 U. S., 373; United States *v.* Grimand, 220 U. S., 506.)

ACT TO REGULATE COMMERCE.

SEC. 3. It shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

BUTTFIELD V. STRANAHAN (192 U. S., 470).

Section 1 of act of Congress makes it unlawful "to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited."

Section 2 provides for appointment by the Secretary of the Treasury of a board of tea experts "who shall prepare and submit to him standard samples of tea."

Section 3 provides that the Secretary of the Treasury, upon the recommendation of such board, "shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States," and that all teas inferior to such standards shall be deemed to be within the prohibition of the first section hereof.

White, J., page 496:

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore in effect vests that official with legislative power, is without merit. We are of opinion that the statute, when properly construed, as said by the circuit court of appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity, or unfit for consumption, or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard, and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. * * * Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. (Accord. Field *v.* Clark, 143 U. S., 649; St. Louis & Iron Mountain Ry. *v.* Taylor, 210 U. S., 281, 287.) 287.)

UNION BRIDGE CO. V. UNITED STATES (204 U. S., 364).

Section 18 of the river and harbor act of March 3, 1899, provides that whenever the Secretary of War shall have reason to believe that any bridge over any navigable waterway of the United States is an unreasonable obstruction to the free navigation of such waters, it shall be his duty, after hearing, to order alteration of the bridge so as to render navigation unobstructed, specifying changes to be made, and prescribing reasonable time in which to make them. Willful failure to obey the order is made criminal misdemeanor.

This statute does not delegate legislative power. Harlan, J., page 385:

It would seem too clear to admit of serious doubt that the statute under which the Secretary of War proceeded is in entire harmony with the principles announced in former cases. In no substantial, just sense does it confer upon that officer as head of an executive department powers strictly legislative or judicial in their nature, or which must be exclusively exercised by Congress or by the courts. * * * As appropriate to the object to be accomplished, as a means to an end within the power of the National Government, Congress, in execution of a declared policy, committed to the Secretary of War the duty of ascertaining all the facts essential in any inquiry whether particular bridges over the waterways of the United States were unreasonably obstructions to free navigation.

Congress could have determined the fact itself, but this was impracticable because Congress has so much else to do. The court further said:

By the statute in question Congress declared in effect that navigation should be freed from unreasonable obstructions arising from bridges of insufficient height, width of span, or other defects. It stopped, however, with this declaration of a general rule and imposed upon the Secretary of War the duty of ascertaining what particular cases came within the rule prescribed by Congress, as well as the duty of enforcing the rule in such cases. In performing that duty the Secretary of War will only execute the clearly expressed will of Congress, and will not, in any true sense, exert legislative or judicial power.

UNITED STATES v. GRIMAND (220 U. S., 506).

The acts relating to forest reservations show that they were intended 'to improve and protect the forest and to secure favorable conditions of water flows." It was declared that the acts should not be "construed to prohibit the egress and ingress of actual settlers" residing therein nor "to prohibit any person from entering the reservation for all proper and lawful purposes, provided that such persons comply with the rules and regulations covering such forest reservation." It was also declared that the Secretary of Agriculture "may make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished," as provided in Senate bill 5388. (Ch. 3, p. 1044, Rev. Stats., as amended.)

This case arose on indictment for grazing sheep on reservation without having obtained permission required by the regulations adopted by the Secretary of Agriculture. Demurrer was sustained, and Government sued out writ of error to Supreme Court. Defendants in error argued (1) that the law was unconstitutional, because it did not sufficiently define or define at all what acts done or omitted to be done within the supposed purview of the said act should constitute an offense or offenses against the United States; (2) the law is unconstitutional, as it is not within the power of Congress to delegate to the Secretary of Agriculture authority or power to determine what acts shall be criminal; and the act in question is a delegation of legislative power to an executive officer to define and establish what shall constitute the essential elements of a crime against the United States.

The Supreme Court reversed the judgment of the court below (Lamar, 585):

Under these acts, therefore, any use of the reservation for grazing or other lawful purpose was required to be subject to the rules and regulations established by the Secretary of Agriculture. To pasture sheep and cattle on the reservation at will and without restraint might interfere seriously with the accomplishment of the purposes for which they were established. But a limited and regulated use for pasturage might not be inconsistent with the object sought to be attained by the statute. The determination of such questions, however, was a matter of administrative detail. What might be harmless in one forest might be harmful to another. What might be injurious at one stage of timber growth, or at one season of the year, might not be so at another. In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features; and in authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power."

Page 517:

From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations; not for the government of their departments, but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will, it could give to those who were to act under such general provisions "power to fill up the details" by the establishment of administrative rules and regulations the violation of which could be punished by fine or imprisonment fixed by Congress, or by penalties fixed by Congress, or measured by the injury done.

Thus it is unlawful to charge unreasonable rates or to discriminate between shippers; and the Interstate Commerce Commission has been given authority to make reasonable rates and to administer the law against discrimination. (Int. Com. Comn. v. I. C. R. R., 215 U. S., 452; Int. Com. Comn. v. C. R. I., etc. R. R., 218 U. S., 88.) Congress provides that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the administrative duty of fixing a uniform standard. (St. L. & I. M. R. R. v. Taylor, 210 U. S., 281, 287; In Union Bridge Co. v. U. S., 204 U. S., 364; In re Kollock, 165 U. S., 526; Buttfield v. Stranahan, 192 U. S., 470.) It appeared from the statutes involved that Congress had either expressly or by necessary implication made it unlawful, if not criminal, to obstruct navigable streams, to sell unbranded oleomargarine, or to import unwholesome teas. With this unlawfulness as a predicate, the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules was then made an offense punishable as prescribed by Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of that which the act itself had affirmatively required to be done or treated as unlawful if done. But, confining themselves within the field covered by the statute, they could adopt regulations of the nature they had thus been generally authorized to make in order to administer the law and carry the statute into effect.

INTERSTATE COMMERCE COMMISSION V. GOODRICH TRANSIT CO. (224 U. S., 194).

One of the questions in the case was whether the power conferred upon the commission in its discretion to prescribe a period of time within which common carriers should have a uniform system of accounts and the manner in which such accounts should be kept, was void by reason of its being an unlawful delegation of legislative power.

Counsel for appellees argues as follows, page 201:

Section 20 of the act to regulate commerce is void because it is an unlawful delegation of legislative power. The law gives the commission discretion to determine whether it will legislate or not; the law also confers discretionary power upon the commission to determine what (if any) the legislation shall be.

The court (Day) said, page 214:

We can not agree to this contention. The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of the action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress. This rule has been frequently stated and illustrated in recent cases in this court, and needs no amplification here. (Buttfield v. Stranahan, 192 U. S., 470; Union Bridge Co. v. United States, 204 U. S., 364; United States v. Grimand, 220 U. S., 506.)

In section 20 Congress has authorized the commission to require annual reports. The act itself prescribes in detail what those reports shall contain. The commission is permitted, in its discretion, to require a uniform system of accounting, and to prohibit other methods of accounting than those which the commission may prescribe. In other words, Congress has laid down general rules for the guidance of the commission, leaving to it merely the carrying out of the details in the exercise of the powers so conferred. This, we think, is not a delegation of legislative authority

KANSAS CITY SOUTHERN CO. V. UNITED STATES (231 U. S., 423).

Interstate Commerce Commission against Goodrich Transit Co. affirmed as to constitutionality of provision of section 20 of act to regulate commerce, giving commission power to prescribe the forms of accounts, and so forth.

Pitney, page 443:

There is here no unconstitutional delegation of legislative powers. The reasoning adopted in Interstate Commerce Commission v. Goodrich Transit Co. (224 U. S., 194, 210, etc.), is controlling. And since, as just shown, uniformity in accounting is dependent upon the adoption and enforcement of precise classification, the authority to define the terms of the classification necessarily follows. It amounts, after all, to no more than laying down the general rules of action under which the commission shall proceed and leaving it to the commission to apply those rules to particular situations and circumstances by the establishment and enforcement of administrative regulations.

STETTLER V. O'HARA (139 PAC. REV. (OREG.), 743, 749).

The act creating the industrial welfare commission provides that—

it shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women and minors in any occupation within the State of Oregon under such surroundings or conditions, sanitary or otherwise, as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonably low wages.

The commission is authorized to ascertain and declare standards and to enforce the law by order after report to it by a conference of representatives of employers, employees, and public. The court held that this law does not delegate legislative power to the commission. "It (the commission) is authorized only to ascertain facts that will determine the localities, business, hours, and wages to which the law shall apply." (Act of Feb. 17, 1913. See Const. Law. Cent. Dig., secs. 94–102; Dec. Dig., sec. 62.)

NASH V. UNITED STATES (229 U. S., 373).

Held that the Sherman Act is not invalid on its criminal side because too vague.

The court (Holmes) said, page 376:

And thereupon it is said that the crime thus defined by the statute contains in its definition an element of degree as to which estimates may differ, with the result that a man might find himself in prison because his honest judgment did not anticipate that of a jury of less competent men. The kindred proposition that the criminality of an act can not depend upon whether a jury may think it reasonable or unreasonable. There must be some definiteness and certainty, as cited from the late Mr. Justice Brewer, sitting in the circuit court, Tozer v. U. S. (52 Fed. Rep., 917, 919).

But apart from the common law as to restraint of trade thus taken up by the statute, the law is full of instances where a man's fate depends on his estimating rightly—that is, as the jury subsequently estimates it—some matter of degree. If his judgment is wrong, not only may he incur a fine or a short imprisonment, as here; he may incur the penalty of death. An act causing death may be murder, manslaughter, or misadventure, according to the degree of danger attending it by common experience in the circumstances known to the actor. "The very meaning of the fiction of implied malice in such cases at common law was that a man might have to answer with his life for consequences which he neither intended nor foresaw." Com. v. Pierce (138 Mass., 165, 178); Com. v. Chance (174 Mass., 245, 252). "The criterion in such cases is to examine whether common social duty would, under the circumstances, have suggested a more circumspect

conduct." I East P. C., 262. If a man should kill another by driving an automobile furiously into a crowd, he might be convicted of murder, however little he expected the result. See Reg. *v.* Desmond and other illustrations in Stephen, Dig. Crim. Law (art. 223, 1st ed., p. 146). If did no more than drive negligently through a street he might get off with manslaughter or less. Reg. *v.* Swindall (2 C. & R., 230); Rex *v.* Burton (1 Strange, 481). And in the last case he might be held, although he himself thought that he was acting as a prudent man should. See The Germanic (196 U. S., 589, 596). But, without further argument, the case is very nearly disposed of by Waters-Pierce Oil Co. *v.* Texas (No. 1) (212 U. S., 86, 109), where Mr. Justice Brewer's decision and other similar ones were cited in vain. We are of the opinion that there is no constitutional difficulty in the way of enforcing the criminal part of the act.

The words "unfair competition" have received a judicial construction. In South Dakota we have the decision of the supreme court in the case of the State against Central Lumber Co.

UNFAIR COMPETITION—STATE *v.* CENTRAL LUMBER CO. (24 S. D., 136).

This decision refers to legislation as having been first aimed at monopolies brought about through combination. But referring to local price cutting as another means of securing monopoly and to the legislation making such price cutting unlawful, the court said:

Again human experience, recognizing the laws of God and nature, controlled and guided by an aroused public conscience, evolved a new law and placed it upon the statute books of this and many other States, a law aimed at monopolies obtained through unfair competition.

With reference to forest regulations the Supreme Court held, in the case of the United States *v.* Grimand (220 U. S., 506), that Congress in authorizing the Secretary of Agriculture to meet the local conditions by rules was merely conferring administrative functions upon an agent and not delegating legislative power.

In the case of the Interstate Commerce Commission *v.* Goodrich Transit Co. (224 U. S., 194) Congress gave the Interstate Commerce Commission power to prescribe a uniform system of accounts; claimed to be an unlawful delegation. The court said:

We can not agree to this contention. The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of the action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress.

So here we have a rule that unfair competition is unlawful, and it is the duty of the commission to apply that rule to the particular situation upon an investigation of the facts, and to condemn a practice which, in its judgment, is unfair.

Mr. President, I believe that if this act is passed there will be a marvelous change in the business conditions of the country for the better. We have thus far endeavored, rather feebly I must admit, to enforce the Sherman antitrust law through the criminal courts. We have not succeeded, and we have not succeeded because the evidence establishing a monopoly is oftentimes of the most minute and intricate character, requiring months of presentation, as in the Beef Trust cases in Chicago, to a weary jury, a jury composed mainly of business men unwilling to punish other business men for practices they knew were general in the community. The business standards of the country have been lowered, and it has been difficult, and I say this upon the authority of numerous prosecutors, to bring these matters to the attention of a jury in such a way as to secure conviction.

We will build up through this commission a system of administrative law that will be as well and thoroughly accepted as to trade as are the decisions of our Interstate Commerce Commission regarding transportation, and we will bring peace and security to the business world. I know it is often said that any business man can read the Sherman antitrust law and determine whether or not the methods and practices which he is pursuing are forbidden by that law. That is true only with qualifications. Many men are doing business under apprehension of the law when, with safe guidance, they need have no apprehension of it. A commission of this kind will be instructive rather than punitive, helpful rather than prejudicial, and will be of immense advantage to the business world.

But, Mr. President, I am proceeding beyond the time which I allotted to myself. Later on I may take up in more detail some of the questions I have touched upon. For the present I will content myself with this general statement. I now move that the Senate take up for consideration House bill 15613, to create an interstate-trade commission, and so forth.

The report of the Interstate Commerce Committee referred to by Mr. NEWLANDS is as follows:

[Senate Report No. 597, Sixty-third Congress, second session.]

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS, from the Committee on Interstate Commerce, submitted the following report to accompany House bill 15613.

The Senate Committee on Interstate Commerce, to which was referred H. R. 15613, a bill to create an interstate trade commission, etc., passed by the House of Representatives on the 5th day of June, 1914, reports as a substitute therefor Senate bill No. 4160, reported favorably to the Senate on the 5th day of June (calendar day, June 6), 1914, to which latter bill have been added provisions regarding unfair competition and the investigation of foreign trade practices.

The substituted bill is as follows:

[Senate substitute for H. R. 15613.]

Be it enacted, etc., That a commission is hereby created and established, to be known as the Federal trade commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal trade commission is referred to hereinafter as "the commission."

The words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

The term "corporation" or "corporations" shall include joint stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913.

ORGANIZATION.

SEC. 2. Upon the organization of the commission the Bureau of Corporations and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist, and the employees of said bureau shall become employees of the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau may be continued by the commission free from the direction or control of the Secretary of Commerce. All appropriations heretofore made for the support and maintenance of the bureau and its work are hereby authorized to be expended by the commission for said purposes.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed, all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices or connection with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of a vacancy in the office of any commissioner during his term, an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may at its pleasure meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, and for the purposes thereof to exercise the powers herein given the commission.

The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may from time to time be appropriated for by Congress and shall have authority to audit their bills and fix their compensation. With the exception of the secretary and assistant secretary and one clerk to each of the commissioners and such attorneys and experts as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

POWERS OF COMMISSION.

SEC. 3. The commission shall have power among others—

(a) To investigate from time to time and as often as the commission may deem advisable the organization, business, financial condition, conduct, practices, and management of any corporation engaged in commerce and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corporations or to individuals, associations, or partnerships and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the commerce in which such corporation under inquiry is engaged or concerning its relations to any individual, association, or partnership, and to make copies of the same.

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act, as the commission may designate, and to fix the time for the filing of such reports, and to require such reports or any special report, to be made under oath or otherwise, in the discretion of the commission.

(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation.

(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

(f) Whenever a restraning order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated, and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable and the report shall be made public in the discretion of the commission.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

UNFAIR COMPETITION.

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce it shall issue and serve upon such corporation a written order at least 30 days in advance of the time set therein for hearing directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith the commission may petition the district court of the United States within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authoried to issue such injunction.

SEC. 6. That if any corporation subject to this act shall fail to file any annual or special report, as provided in subdivision (b) of section 3 hereof, within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

PENALTIES.

SEC. 7. Any person who shall willfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States or authorize, assist in, or be privy to the willful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, the production of which the commission may require under this act, or who shall willfully make any false entry relating to commerce in any book of accounts or record of any trade association, corporate combination, or corporation, subject to the provisions of this act, or who shall willfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

TESTIMONY AND IMMUNITY.

SEC. 8. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

SEC. 9. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish the disobedience thereof.

SEC. 10. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any trade association, corporate combination, or corporation subject to any of the provisions of this act.

Amend the title so as to read: "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

THE TAFT ADMINISTRATION.

The Senate Committee on Interstate Commerce has had under consideration for many years the organization of a trade commission, with powers over trade analogous to those exercised by the Interstate Commerce Commission over transportation.

Under President Taft's administration, Senate resolution No. 98, Sixty-second Congress, first session, authorizing the Senate Committee on Interstate Commerce to report to the Senate what changes were necessary or desirable in the laws relating to the control of corporations, persons, or firms engaged in interstate commerce, was presented by Mr. Clapp, the chairman of the committee, and was adopted by the Senate on the 26th day of July, 1911. Under this resolution exhaustive hearings were held, during which 103 persons gave their views on every phase of suggested trust legislation, filling nearly 3,000 pages of hearings.

At the first hearing, on the 4th day of August, 1911, the Senate Committee on Interstate Commerce took up Senate bill 2941, introduced by Mr. NEWLANDS, for the organization of a trade commission, and Mr. NEWLANDS made a statement regarding it. The bill and statement appear in the appendix to this report, at pages 15 to 33.

Later on, as a result of the additional light shed upon this subject by the hearings, Mr. NEWLANDS introduced in the Senate, on February 26, 1912, Senate bill 5485, Sixty-second Congress, second session, entitled "A bill to create an interstate trade commission." This bill was tentatively taken up by the committee and amended in many particulars, but the committee took no final action upon it. The bill as tentatively amended by the Senate Committee on Interstate Commerce (appendix, p. 39) was reintroduced by Mr. NEWLANDS on the 12th day of April, 1913, as Senate bill 829.

THE CUMMINS REPORT.

The Senate committee, after long-continued hearings under Senate resolution 98, made a report, through Mr. CUMMINS, on the 26th day of February, 1913 (S. Rept. 1326, 62d Cong., 3d sess.), in which were included the additional views of Messrs. Pomerene, Tillman, Gore, Newlands, Crane, Brandegee, Oliver, and Lippitt.

The report of Mr. CUMMINS consisted mainly of a discussion of the decisions of the Supreme Court in the various trust cases, from the Knight case down to and including the Standard Oil and Tobacco cases; but it also took up the question of the desirability of legislation supplementary to the Sherman Act and considered the question, among others, of a trade commission, declaring "that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred, and when the difficulty of awarding reparation for the wrong is almost insurmountable"; and also, with reference to the disintegration of combinations and the reconstruction of the associated corporations upon lawful lines, "it can not be gainsaid that a commission, the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required adjustment."

In the additional views of Mr. NEWLANDS, appended to the Cummins report, Mr. NEWLANDS declared himself in favor of

the immediate organization of a trade commission and urged the passage of the trade commission bill which he appended to his views. He quoted from previous utterances in the Senate, on January 11, 1911, as follows:

Mr. NEWLANDS. The railroad-commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding the trusts that we followed regarding railroads we would have made much better progress in trust regulation. The antitrust act was passed 23 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi judicial tribunal similar to the Interstate Commerce Commission instead of to the Attorney General's Office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts through the quasi judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's Office, oftentimes purely political in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption.

No bill was reported under the Clapp resolution and no additional action was taken by the Senate under President Taft's administration regarding trust legislation.

PRESIDENT WILSON'S ADMINISTRATION.

Under President Wilson's administration, after the passage of the tariff and banking laws at the extra session, the question of trust legislation came up at the regular session commencing in December, 1913. President Wilson, assuming that the Judiciary Committee of the House and the Interstate Commerce Committee of the Senate had jurisdiction over the entire subject, conferred with the chairmen of these two committes, Mr. Clayton and Mr. NEWLANDS, with reference to framing the tentative measures which would be submitted to the committees for consideration. Meanwhile the President delivered his message of January 20, 1914, regarding antitrust legislation, in which, after recommending legislation as to interlocking directorates, holding companies, and other matters, he took up the question of a trade commission, as follows:

The business of the country awaits also, has long waited, and has suffered because it could not obtain, further and more explicit legislative definition of the policy and meaning of the existing antitrust law. Nothing hampers business like uncertainty. Nothing daunts or discourages it like the necessity to take chances, to run the risk of failing under the condemnation of the law before it can make sure just what the law is. Surely we are sufficiently familiar with the actual processes and methods of monopoly and of the many hurtful restraints of trade to make definition possible, at any rate up to the limits of what experience has disclosed. These practices, being now abundantly disclosed, can be explicitly and item by item forbidden by statute in such terms as will practically eliminate uncertainty, the law itself and the penalty being made equally plain.

And the business men of the country desire something more than that the menace of legal process in these matters be made explicit and intelligible. They desire the advice, the definite guidance and information which can be supplied by an administrative body, an interstate trade commission.

The opinion of the country would instantly approve of such a commission. It would not wish to see it empowered to make terms with monopoly or in any sort to assume control of business, as if the Government made itself responsible. It demands such a commission only as an indispensable instrument of information and publicity, as a clearing house for the facts by which both the public mind and the managers of great business undertakings should be guided, and as an instrumentality for doing justice to business where the processes of the courts or the natural forces of correction outside the courts are inadequate to adjust the remedy to the wrong in a way that will meet all the equities and circumstances of the case.

Producing industries, for example, which have passed the point up to which combination may be consistent with the public interest and the freedom of trade, can not always be dissected into their component units as readily as railroad companies or similar organizations can be. Their dissolution by ordinary legal process may oftentimes involve financial consequences likely to overwhelm the security market and bring upon it breakdown and confusion. There ought to be an administrative commission capable of directing and shaping such corrective processes, not only in aid of the courts but also by independent suggestion, if necessary.

TENTATIVE BILLS.

Later on, as the result of an understanding between Mr. Clayton, chairman of the House Committee on the Judiciary, and Mr. NEWLANDS, chairman of the Senate Committee on Interstate Commerce, a bill was introduced on the same day, by Mr. Clayton in the House and Mr. NEWLANDS in the Senate—H. R. 12120 and S. 4160.

With reference to this bill, Mr. Clayton caused to be published in the CONGRESSIONAL RECORD on the 22d day of January, 1914, the following press dispatch:

Representative Clayton this afternoon gave to the press the full text of the tentative bill as agreed upon by a subcommittee of the Judiciary Committee of the House (Messrs. Clayton, CARLIN, and FLOYD of Arkansas) and the majority members of the Senate Committee on Interstate Commerce, and said:

"The bill will be introduced at the same time by Representative Clayton and Senator NEWLANDS. The bill is modeled after the lines of what is commonly known as the Newlands bill, which was introduced in the Senate by Senator NEWLANDS, and involves the fundamental idea that a trade commission shall be created, consisting of five members, with full inquisitorial powers into the operation and organization of all corporations engaged in interstate commerce, other than common carriers. It provides for a commission of five members, makes the Commissioner of Corporations chairman of the board, and transfers all the existing powers of that bureau to the commission. Its relation to the Attorney General's office and to the courts is advisory. Its principal and most important duty, besides conducting investigations, will be to aid the courts, when requested, in the formation of decrees of dissolution, and with this end in view it empowers the courts to refer any part of pending litigation to the commission, including the proposed decree, for information and advice."

Senator NEWLANDS, being interviewed, said:

"The trade-commission bill and several other bills limiting the debatable ground of the Sherman Act have been the subject of laborious consideration by a subcommittee of the Judiciary Committee of the House (consisting of Mr. Clayton, chairman, and Messrs. CARLIN, and FLOYD of Arkansas) during the holidays and before. The majority members of the Interstate Commerce Committee of the Senate have been brought into consultation with them of late.

"The trade-commission bill preserves the essential features of the bill which I have been urging for some time, but contains amendments and additions of value and is, in my judgment, an improvement upon the bill as it was considered and improved by the Interstate Commerce Committee of the Senate during the last Congress. As a whole, I should say that the trade-commission bill ought to be satisfactory to members of all parties, for it is distinctively progressive, and we have endeavored to frame it in harmony with the President's views, presented in an admirable message, which has received the approval of the entire country, regardless of party. While these bills represent at present the best thought of the participants in the shaping of this legislation they are presented simply as tentative measures, upon which the judgment of the proper committees of the House and Senate and of the country is invoked."

THE HOUSE BILL.

The House bill H. R. 12120, introduced by Mr. Clayton, was not referred, however, to the Judiciary Committee, but to the Committee on Interstate and Foreign Commerce. The Senate bill S. 4160, introduced by Mr. NEWLANDS, was referred to the Interstate Commerce Committee of the Senate.

Later on a bill was introduced by Mr. COVINGTON, of the House Committee on Interstate and Foreign Commerce (H. R. 15613) for the creation of an interstate trade commission, on the 13th day of April, 1914, covering in substance the same lines as the Clayton bill, but differing in detail and method. This bill was taken up for consideration by the House Committee on Interstate and Foreign Commerce, and after amendment by the committee was reported favorably and passed by the House on the 5th day of June, 1914.

THE SENATE BILL.

Meanwhile, however, the Senate Committee on Interstate Commerce had been considering Senate bill 4160, introduced by Mr. NEWLANDS, and had, on the 5th day of June (calendar day June 6), 1914, after amending this measure, reported it favorably to the Senate. Later on the House bill H. R. 15613 came over to the Senate, and was referred to the Committee on Interstate Commerce.

The Senate committee reports the House bill, with the recommendation that Senate bill 4160 as amended be substituted for it, adding thereto amendments regarding the investigation of foreign-trade practices and unfair competition.

AN ADMINISTRATIVE TRIBUNAL NEEDED.

Recent decisions of the Supreme Court make clear that all combinations in restraint of trade and monopolies are contrary to the law. All agree that while the Sherman law is the foundation stone of our policy on this question, additional legislation is necessary.

Experience in the execution of the law, however, as shown in the Standard Oil and American Tobacco decrees of dissolution, and in the frequent efforts of combinations to make voluntary adjustment with the Department of Justice, establishes that the question involved is administrative as well as legislative and judicial.

It is generally conceded that the peculiar character and importance of this question make it indispensable that some of the administrative functions should be lodged in a body specially competent to deal with them, by reason of information, experience, and careful study of the business and economic conditions of the industry affected. The knowledge of the law and the information as to the facts which are essential to prove that a combination is repugnant to the law are not likely to be entirely adequate for the determination of the best form of dissolution, and this has been recognized both by the Supreme Court and by the Department of Justice. Preliminary to the judicial determination of such questions as arise, for example, in the examination of proposals for a voluntary dissolution of a combination or in testing the lawfulness of existing business arrangements, a vast mass of information in numerous branches of industry, as well as expert knowledge, is indispensable. The proper enforcement of the Sherman law also requires vigilant supervision, which is most effectively obtained by a body in continual touch with the business organizations in the various industries.

The value of such administrative oversight and control has been recognized in the banking and transportation business, and we have in the Comptroller of the Currency, the newly created Federal Reserve Board, and the Interstate Commerce Commission practical illustrations of the operation of such organizations and frequent examples of the beneficial effects of their activity. As the general realization of these facts is widespread and confined to no one particular party, the introduction of this bill for a trade commission simply responds to a general need.

THE BUREAU OF CORPORATIONS.

While the Bureau of Corporations, which was established by an act of February 14, 1903, provided in some measure for the needs now generally recognized and has been of great value and public benefit in describing in detail the conditions in particular industries, and the organization, operation, and conduct of particular companies, the field which has been covered has necessarily been restricted and its organization as a division of an executive department under a single head, reporting only to the President, has not given to it either the authority or prestige which attaches to an independent commission, such as the Interstate Commerce Commission. Yet the need of such a position is quite as necessary in the governmental supervision of industrial activities as of railroads.

The establishment of a trade commission at the same time that the Interstate Commerce Commission was established would have prevented the extraordinary development of monopolistic organizations in industry. If this commission had been in existence during this period, we would not now have to deal with such organizations as the United States Steel Corporation, the International Harvester Co., or the American Sugar Refining Co.; the American Tobacco Co. would never have been organized, and even the Standard Oil Co. would not have survived the dissolution of the original Standard Oil Trust in 1892. Such a commission would have at least kept within limited bounds the activities of a multitude of price-fixing associations in different branches of business, which, together with the great trusts, have been potent causes of the present high cost of living.

OPPOSING THEORIES REGARDING A TRADE COMMISSION.

With the development of public sentiment on the subject of a trade commission, points of view have naturally changed with respect to particular provisions, and differences have also appeared with respect to the extent of the power to be lodged with such a commission. Some would found such a commission upon the theory that monopolistic industry is the ultimate result of economic evolution and that it should be so recognized and declared to be vested with a public interest, and as such regulated by a commission. This contemplates even the regulation of prices. Others hold that private monopoly is intolerable, unscientific, and abnormal, but recognize that a commission is a necessary adjunct to the preservation of competition and to the practical enforcement of the law. The functions of such commissions would be as distinct and different as the ideas upon which they are founded.

The commission which is proposed by your committee in the bill submitted is founded upon the latter purpose and idea. It certainly would appear to be the part of wisdom in so important a situation to proceed carefully, and with that end in view the committee has aimed to provide a body which will have sufficient power ancillary to the Department of Justice to aid materially and practically in the enforcement of the Sherman law and to aid the business public as well, and, incidentally, to build up a comprehensive body of information for the use and advantage of the Government and the business world. Its subsequent recommendations to Congress will be fortified with actual knowledge of practical conditions, both from the point of view of business desirability and economic tendency, and will furnish to Congress an analysis of conditions that will give other and further legislation the certainty and security of foundation commensurate with the vast interests of the public and of the business world which are at stake. If conditions demonstrate and warrant, there will be a natural growth in the power of this body. At the same time, the bill clothes it with sufficient power to be, we believe, of material assistance to the Department of Justice in the enforcement of the Sherman law and of material aid to the business world in building up a body of precedent in the matter of business practices.

Proceeding now to a brief consideration of the principal provisions of the present bill and some of the more important considerations which have determined its form, it is necessary to consider the constitution of the commission; the corporations, and so forth, placed under its jurisdiction; the powers of inquiry, and so forth, of the commission, and other powers.

CONSTITUTION OF COMMISSION.

It is provided that the commission shall be composed of five commissioners with a regular term of seven years, but the terms are so arranged that the whole membership will not be subject to a complete change at any one time. The work of this commission will be of a most exacting and difficult character, demanding persons who have experience in the problems to be met—that is, a proper knowledge of both the public requirements and the practical affairs of industry. It is manifestly desirable that the terms of the commissioners shall be long enough to give them an opportunity to acquire the expertness in dealing with these special questions concerning industry that comes from experience. The terms of the commissioners should expire in different years, in order that such changes as may be made from time to time shall not leave the commission deprived of men of experience in such questions.

One of the chief advantages of the proposed commission over the Bureau of Corporations lies in the fact that it will have greater prestige and independence, and its decisions, coming from a board of several persons, will be more readily accepted as impartial and well considered. For this reason also it is essential that it should not be open to the suspicion of partisan direction, and this bill provides, therefore, that not more than three members of the commission shall belong to any one political party.

The salary proposed for each commissioner is $10,000 per annum, which is the same salary as is provided for the Interstate Commerce Commission, and $2,000 per annum less than that of the members of the Federal Reserve Board under the currency law recently enacted. It would seem desirable that the salaries of the two commissions should be made equal to those of the reserve board. It is of paramount importance that men of the first order of ability should be attracted to these positions, and that service on this body should not entail too great a sacrifice to those who would serve thereon. A commission of this kind requires an unusual combination of qualifications. It requires not only a conversant knowledge with finance and transportation, but also a very comprehensive knowledge of the practical economic and legal aspects of the whole field of industry of the country, and exceptional experience, training, and judgment.

The absorption of the Bureau of Corporations by the commission, already alluded to, is a matter of such obvious desirability that it does not require any extended discussion. The work done by that bureau has demonstrated the ability of its staff, while its 10 years' experience in work along this line will be of great value to the proposed commission.

POWERS OF INVESTIGATION AND REPORTS.

Specifically subject to the jurisdiction of this commission are all corporations, trade associations, and corporate combinations engaged in interstate and foreign commerce, excepting banks and common carriers.

The commission has power to investigate the organization, business, financial condition, conduct, practices, and management of any corporation subject to the act which it may designate, and its relation to other corporations and to individuals, associations, and partnerships, and in aid thereof to require the production of information, statements, and records and the examination of books, documents, correspondence, contracts, etc., affecting the commerce in which such corporation is engaged, and to require annual or special reports from such corporations or classes of corporations as the commission may designate. The commission may make public any information obtained by it except as to trade processes, names of customers, and other matters not deemed to be of public importance; and may also make annual and special reports to Congress, including recommendations for additional legislation.

It will be seen that while large powers of investigation are given, they are not greatly in excess of those possessed and for years exercised by the Bureau of Corporations. Reports are required only from such corporations or classes of corporations as may be designated by the commission. There are over 350,000 corporations in this country, of which perhaps a large proportion may be engaged in interstate trade, but it must be realized that the number affected by the proposed legislation will not exceed 1,000. The powers, of course, must be large, but the exercise of the powers will not be against law-abiding business, but against lawless business. It will be persuasive and corrective rather than punitive so far as well-intentioned business is concerned. Although the commission is given a wide discretion, experience has proved that governmental administrative bodies seldom abuse such authority. To attempt to make precise limits between what they may and what they may not do would often seriously hamper their successful adminis-

tration. To almost every inquiry it might be possible to make specious objections which, while lacking any real merit, might effectually clog the conduct of the inquiry. The committee carefully considered the question as to whether it should limit the powers of the commission to the conduct of the large corporations, but it was deemed important that the commission should be able to get information from the small concerns as well as from the large ones, inasmuch as a corporation of small capital might be made the instrumentality of large monopolistic control.

POWER TO AID THE COURTS.

The commission is also authorized to aid the courts in the form of the decree to be entered in suits under the antitrust acts and to make investigation as to the manner in which such decrees are being carried out, as to whether they are being violated, and what, if any, further order, decree, or relief is advisable, reporting its findings on these subjects to the Attorney General. It is also authorized, if it believes from its inquiries that any corporation has violated any law of the United States regulating commerce, to report its findings and the evidence relating thereto to the Attorney General.

These powers, partly administrative and partly quasi judicial, are of great importance and will bring both to the Attorney General and to the court the aid of special expert experience and training in matters regarding which neither the Department of Justice nor the courts may be expected to be proficient.

With the exception of the Knight case, the Supreme Court has never failed to condemn and to break up any organization formed in violation of the Sherman law which has been brought to its attention; but the decrees of the court, while declaring the law satisfactorily as to the dissolution of the combinations, have apparently failed in many instances in their accomplishment simply because the courts and the Department of Justice have lacked the expert knowledge and experience necessary to be applied to the dissolution of the combinations and the reassembling of the divided elements in harmony with the spirit of the law.

TRADE CONDITIONS ABROAD.

The commission is also authorized to investigate trade conditions in foreign countries injuriously affecting the export trade of the United States, as well as whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad.

UNFAIR COMPETITION.

One of the most important provisions of the bill is that which declares unfair competition in commerce to be unlawful, and empowers the commission to prevent corporations from using unfair methods of competition in commerce by orders issued after hearing, restraining, and prohibiting unfair methods of competition, which orders are enforceable in the courts.

The committee gave careful consideration to the question as to whether it would attempt to define the many and variable unfair practices which prevail in commerce and to forbid their continuance, or whether it would, by a general declaration condemning unfair practices, leave it to the commission to determine what practices were unfair. It concluded that the latter course would be the better, for the reason, as stated by one of the representatives of the Illinois Manufacturers' Association, that there were too many unfair practices to define, and after writing 20 of them into the law it would be quite possible to invent others.

It may be stated that representatives of the National Implement and Vehicle Manufacturers' Association, the Ohio Manufacturers' Association, and the Illinois Manufacturers' Association approved the passage of a trade commission bill and a provision regarding the inquiry into and condemnation of unfair practices in trade.

It is believed that the term "unfair competition" has a legal significance which can be enforced by the commission and the courts, and that it is no more difficult to determine what is unfair competition than it is to determine what is a reasonable rate or what is an unjust discrimination. The committee was of the opinion that it would be better to put in a general provision condemning unfair competition than to attempt to define the numerous unfair practices, such as local price cutting, interlocking directorates, and holding companies intended to restrain substantial competition.

SUBPŒNA AND IMMUNITY.

In verifying the returns made by a corporation or in the conduct of such special investigations as the commission may deem necessary, it is indispensable that it should have extensive powers of inquiry, with the right to subpœna witnesses and to require the production of books and papers. The powers which, according to this bill, are granted to the commission, are practically the same as those now granted to the Interstate Commerce Commission or the Bureau of Corporations, while the same constitutional protection is given to witnesses who testify as to matters which might incriminate them.

The history of this legislation is given with particularity, so that Members of the Senate may have before them the gradual evolution of the measure and may consult the records referred to at any stage of the proceedings.

It demonstrates that legislation regarding the organization of a trade commission has been the subject of consideration in the Senate Committee on Interstate Commerce for over three years, and in two important committees of the House for a period of over six months, during which period exhaustive hearings were had.

The legislation proposed is in line with the constantly increasing popular sentiment, as is demonstrated by the recent poll of the Chamber of Commerce of the United States, which declared overwhelmingly for such action. No contention can be made that the work of Congress on this subject has been hasty or immature. It has not been in advance of public sentiment, but rather has lagged behind.

APPENDIX.

HEARING BEFORE THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

[Friday, August 4, 1911.]

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE COMMERCE,
Washington, D. C.

A TRADE COMMISSION—MR. NEWLANDS'S STATEMENT.

The committee met at 10 o'clock a. m. for the purpose of considering Senate bill No. 2941, Sixty-second Congress, second session, introduced by Mr. NEWLANDS on the 5th day of July, 1911, entitled "A bill to create an interstate trade commission, to define its powers and duties, and for other purposes."

Present: Senators Clapp (chairman), Crane, Cummins, Brandegee, Oliver, Lippitt, Townsend, Newlands, Clarke of Arkansas, Watson, and Pomerene.

The CHAIRMAN. The Secretary will read the authority under which the committee acts.

The Secretary read as follows:

IN THE SENATE OF THE UNITED STATES,
July 26, 1911.

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce, and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce, and for this purpose they are authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Attest:

CHARLES G. BENNETT, *Secretary.*

The CHAIRMAN. You may proceed, Senator NEWLANDS. What is the number of your original bill?

Mr. NEWLANDS. No. 2941, introduced July 5, 1911.

NOTE.—Since the date of this hearing Mr. NEWLANDS withdrew the bill in its original form, and on August 21, 1911, introduced a substitute therefor, bearing the same number (S. 2941), with the same title and purpose. The said substitute bill is as follows:

[S. 2941, Sixty-second Congress, first session.]

"A bill to create an interstate trade commission, to define its powers and duties, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be referred to and cited as the interstate trade commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of sections 4 or 16 of this act are referred to herein as subsidiaries of such holding or owning corporation.

"SEC. 2. That on and after day of , 1912, the Bureau of Corporations shall be separated from the Department of Commerce and Labor, and shall be thereafter known as the Interstate Trade Commission; and all of the powers, duties, and funds belonging or pertaining to the Bureau of Corporations shall thereafter belong and pertain to the Interstate Trade Commission. And all the officials and employees of said bureau shall be thereupon transferred to the Interstate Trade Commission. The said commission shall also have a secretary, a chief clerk, and such other and additional employees as shall be provided by law.

"SEC. 3. That the Interstate Trade Commission shall consist of five members, of whom no more than three shall belong to the same political party. The Commissioner of Corporations holding the office on the said day of , 1912, shall be ex officio a member of the commission for the first two years of its existence, and shall also be chairman of the commission for the first year of its existence, and thereafter the chairman shall be selected annually by the commission from its membership; and the then Deputy Commissioner of Corporations shall be the secretary of the commission for the first year of its existence, and thereafter the secretary shall be selected by the commission; and after the

organization of the commission the titles and offices of Commissioner of Corporations and Deputy Commissioner of Corporations, respectively, shall cease to exist. The remaining four members of the commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissioners so first appointed shall be 4, 6, 8, and 10 years, respectively, and shall be so designated by the President in making such appointments; and thereafter all the commissioners shall hold office for the term of 10 years, and shall be appointed by the President, by and with the advice and consent of the Senate. Each member of said commission shall receive a salary of $10,000 a year. The secretary shall receive a salary of thousand dollars a year.

"SEC. 4. That every corporation heretofore or hereafter organized within the United States or doing business therein whose annual gross receipts, inclusive of the annual gross receipts of its subsidiaries, if any, exceed $5,000,000, and engaged in commerce among the several States or with foreign nations, excepting corporations subject to the act to regulate commerce, approved February 4, 1887, as amended, but including pipe-line companies, shall within four months after this act takes effect, or, if organized or otherwise becoming subject to this act subsequent to such taking effect hereof, then within two months after so becoming subject to this act, furnish to the commission, in writing, statements showing such facts as to its organization, financial condition, and operations as may be prescribed by regulations to be made in pursuance of this act. Similar statements shall be made by its subsidiaries. Such statements shall be made as of such date as may be prescribed by such regulations and shall be verified under oath by such officers of such corporation as may be prescribed by the said regulations. Failure or neglect on the part of any corporation subject to this section to comply with the terms hereof within 60 days after written demand shall have been made upon such corporation by the commission, requiring such compliance, shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than $1,000 for every day of such failure or neglect.

"SEC. 5. That the said commission, upon finding that said statements comply with such regulations so far as applicable to such statements, shall enter such corporation for United States registration upon books to be kept by it for that purpose, and shall also record the statements so filed.

"SEC. 6. That all corporations so admitted to registration shall be known as 'United States registered' companies, and shall have the sole and exclusive right to use, in connection with their corporate title, their securities, their operations, and, by way of advertisement of their business, the title 'United States registered,' or any convenient abbreviation thereof, so long as such registration shall remain in force.

"SEC. 7. That any person, corporation, or company willfully using or publishing such title of 'United States registered,' or any title or form of words or letters reasonably indicative thereof, in connection with the business or securities or name of any corporation, with intent to represent thereby that such corporation is at that time registered as provided in this act, shall, unless such corporation be at that time duly registered under the terms of this act, be guilty of a misdemeanor, and upon the conviction thereof shall be subject to a fine of not more than $1,000, and each day of such use or publication shall constitute a separate offense.

"SEC. 8. That all corporations subject to this act and their respective subsidiaries shall from time to time furnish to the commission such information, statements, and records of their organization, business, financial condition, conduct, and management, at such times, to such degree and extent, and in such form as may be prescribed by the said regulations to be made under this act, and shall at all reasonable times grant to the commission, or its duly authorized agent or agents, complete access to all their records, accounts, minutes, books, and papers, including the records of any of their executive or other committees.

"SEC. 9. That the commission shall from time to time make public the information received under this act, in such form and to such extent as shall be prescribed by the said regulations: *Provided, however*, That said regulations shall, so far as possible, distinguish between information which is purely private, and the publication of which can serve no public interest, and such information as is not so private and is of importance to the public.

"SEC. 10. The said commission may at any time, upon complaint of any person, corporation, or body, or upon its own initiative, revoke and cancel the registration of any corporation registered under this act upon the ground of either violation of any operative judicial decree rendered under an act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, or under sections 73 to 77, inclusive, of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 27, 1894, or of the use of materially unfair or oppressive methods of competition, or of the acceptance of discriminations, rebates, and concessions from the lawful tariff rates of common carriers, or on the ground of refusal or neglect to allow the commission access to its records or papers as provided in section 8 thereof. The commission shall also carefully investigate the capitalization and assets of the corporations registered under this act, and after due consideration of the information so obtained and otherwise secured, and after allowing reasonable time for the readjustment of corporate organization and security issues in any given case or class of cases, may revoke the registration of any such corporation upon the ground of overcapitalization; that is to say, upon the ground that the par value of the total securities, including shares of stock and all obligations running for a term of years or more, of such corporation, issued and outstanding at any time clearly exceeds the true value of the property of the corporation at that time. In determining such true value the said commission shall consider the original cost of such property, its present replacement cost, its present market value, including the good will of the corporation's business and the market value of the said securities issued by the corporation, and the fair value of the services rendered in the organization of such corporation, but the said commission shall also, as far as possible, segregate and disallow from such determination all value attaching to such property or business due solely to monopolistic power (other than patent rights or other legal franchises, the true value of which shall be considered by the commission). The said commission in considering revocation of registration under this section shall give such notice and have power to take such evidence and hold such hearings as may be prescribed by the regulations issued under this act: *Provided*, That if any subsidiary of a corporation so registered shall be guilty of conduct hereinbefore specified in this section as ground for cancellation of registration, such conduct on the part of such subsidiary shall be ground for canceling the registration of the corporation to which it is so subsidiary.

"SEC. 11. That in case of revocation of the registration of any corporation the commission may also order that such corporation thereafter shall not engage in interstate commerce. For every day's continuance in such commerce contrary to such order such corporation shall be subject to a fine of not more than $1,000. The district courts of the United States, upon the application of said commission, alleging a failure to comply with such order of the commission, or alleging a failure to comply with or a violation of any of the provisions of this act, by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction, or other order enforcing such order of the commission or commanding such corporation to comply with the provisions of this act.

"SEC. 12. That the said commission may at any time, upon application by a corporation whose registration has been previously canceled, reinstate said corporation for registration and grant it registration anew: *Provided*, That the said commission is satisfied that the cause or causes for which registration was revoked no longer exist, and that the commission shall find that all the requirements for registration as set forth in section 4 shall have been complied with anew as of the date of the new application for registration.

"SEC. 13. That the said commission may at any time, if in the opinion of the commission public necessity requires such action, order and require any corporation engaged in commerce among the several States or with foreign nations, except corporations subject to the act to regulate commerce, approved February 4, 1887, as amended, but including pipe-line companies, to make such statements and give such information as is prescribed in sections 4 and 8 of this act, which information shall be published in accordance with the provisions of section 9 hereof. The commission may also obtain from any such corporation, through the powers granted in section 14 hereof, such information as shall enable said commission to determine whether such corporation is subject to the terms of this act. The decisions of the said commission made under the powers conferred upon it in this act shall be final except as to matters involving the taking of private property without due process of law and involving the extent and character of the said powers so conferred herein: *Provided, however*, That an appeal may be taken in equity to any district court of the United States from any order or decision of the said commission made under section 11 of this act.

"SEC. 14. That in order to accomplish the purposes declared in sections 8 and 13 of this act the said commission shall have and exercise the same power and authority in respect to corporations subject to this act as is conferred on the Interstate Commerce Commission in said act to regulate commerce and the amendments thereto in respect to common carriers, so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce and by an act in relation to testimony before the Interstate Commerce Commission, etc., approved February 11, 1893, supplementary to said act to regulate commerce, and the act defining immunity, approved June 30, 1906, shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by sections 8 and 13 hereof.

"SEC. 15. That the said commission shall, on or before the day of in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

"SEC. 16. That any corporation engaged in commerce among the several States or with foreign nations the amount of whose gross annual receipts, inclusive of those of its subsidiaries, shall be less than $5,000,000 and more than $1,000,000 may also, by complying and continuing to comply with the terms of sections 4, 8, and 9 hereof, acquire and maintain United States registration as provided in sections 5 and 6, subject to the provision for cancellation thereof prescribed in section 10; and the information furnished by such corporation shall be subject to the provisions of section 9.

"SEC. 17. That the said commission shall have power to make any and all regulations necessary and proper to carry out the purposes of this act, and at any time to alter, amend, or repeal the same or any part thereof.

"SEC. 18. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or imprisoned not more than one year, or both."

Mr. NEWLANDS. Gentlemen of the committee, for some years I have been giving consideration to this particular question and have frequently expressed the conviction that it was imperatively necessary to create an administrative tribunal vested with the powers of investigation, publicity, correction, and recommendation in the case of large industrial corporations similar to those exercised by the Interstate Commerce Commission over railroads. On several occasions I have spoken upon this subject on the floor of the Senate, particularly just before the decision in the Standard Oil case was rendered. The decisions in the Standard Oil and American Tobacco Co. cases were handed down May 15 and May 29, 1911, respectively.

In a speech in the Senate on January 11, 1911, upon the Tariff Commission I outlined my views as to an interstate trade commission. With the permission of the committee, I will insert these remarks in the printed hearing. (See Mr. NEWLANDS's views in CUMMINS's report, appendix, p. 35.)

After the call of the extra session, but before its convening, I wrote to the Hon. CHAMP CLARK, who was destined to be the Speaker of the House of Representatives at the extra session, a letter, which appears in the Senate proceedings—CONGRESSIONAL RECORD—of May 15, 1911, and in which I outlined a legislative program for the extra session.

The purpose of the program and the necessity for thorough legislation upon the question of interstate transportation, or the

railroads; interstate trade, or the trusts; and interstate exchange, or banking—all of them interrelated as parts of interstate commerce—were referred to in this letter; but I will insert in the record simply that part which is relevant to this present discussion and to interstate trade:

UNITED STATES SENATE,
Washington, D. C., March 15, 1911.

Hon. CHAMP CLARK,
House of Representatives, Washington, D. C.

MY DEAR MR. CLARK: The extra session is now approaching; the House is Democratic, the Senate and the Executive department are Republican. Under this condition of divided responsibility the question arises as to what policy the Democratic Party shall pursue. It has already been practically determined that the House will take up, in addition to the reciprocity treaty, the tariff; and the question is whether it will take up other matters of reform and constructive legislation, and, with a view thereto, select the committees necessary to the consideration of such measures. The Senate will probably follow the lead of the House in this particular.

I hope, therefore, that it will not be regarded as intrusive if I, in common with other Democrats, venture a few suggestions on this score, as the question is of the highest importance to Democracy generally. * * *

INTERSTATE TRADE, OR THE TRUSTS.

The interstate commerce act for the regulation of railroads and the antitrust act for the prohibition of trusts were passed about the same time. The administration of the former was given to a quasi judicial board; the administration of the latter was given to the Attorney General's Office. After about 23 years of operation, through a gradual process of evolution, the regulation of railroads engaged in interstate commerce has practically been accomplished. * * *

The administration of the antitrust act, on the contrary, has been lame and halting, changing with the shifting incumbents of the Attorney General's Office, and according to requirements of political exigencies. As a result, practically no progress has been made in the control of the trusts, and whilst a few suits have been prosecuted to a successful result and others are now in process of prosecution, there exist to-day over 800 trust organizations of enormous capitalization practically without regulation or control. Experience should teach us that with reference to interstate trade a commission or board should be organized similar to the Interstate Commerce Commission, with powers of investigation, of condemnation, and of recommendation, and with a view, whilst preserving the good arising from commercial combination, to curing the pernicious practices connected therewith. Such legislation should include among the powers of the commission the power, upon complaint or its own initiative, to inquire into the organization of all corporations engaged in interstate trade, and upon finding that any such organization is unlawful under the terms of the antitrust act, to call upon the Attorney General to prosecute the same.

The interstate trade commission should have a power similar to that of the Interstate Commerce Commission of appearing in litigation by its own counsel. * * *

Such legislation will be necessary, whatever may be the action of the Supreme Court upon the pending cases. If such combinations are held to be legal, the regulation of their prices and practices becomes a public necessity; if they are held to be illegal, then there should be some law which, while permitting large capitalization and the ownership of many plants by a single corporation engaged in interstate trade, will protect the public from the abuses attendant upon such large capitalization and the oppression exercised by it. * * *

Sincerely, yours,

FRANCIS G. NEWLANDS.

During the extra session, on May 11, 1911, I presented in the Senate a program of legislation to be enacted or considered during the extra session. This program provided for nine questions upon which legislative action should be taken before adjournment and for seven questions upon which the action of committees was desirable, with a view to early action during the next regular session.

Under this latter heading—namely, committee consideration, in the second subdivision—I suggested the consideration of legislation as follows:

(2) Providing, in connection with the Bureau of Corporations, for a board of interstate trade, with powers of examination, condemnation, and recommendation regarding interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation.

Later, on May 15, 1911, on the very day that the Standard Oil decision was being delivered in the Supreme Court, I spoke in the Senate upon the question of a legislative program for the extra session, and shall insert in the printed hearings an extract from this speech. For matter referred to see Appendix, page 37.

On May 16, after the Supreme Court had rendered its decision in the Standard Oil case, I continued my remarks of the day previous. Addressing myself to the decision of the court, I urged still further the necessity for organizing an administrative tribunal for the regulation of corporations engaged in interstate trade. I shall quote quite freely from this speech, as it contains quotations from the President, and his opinion that to leave the courts to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly, would be "to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our judicial system in disaster."

I concur emphatically in this view that the courts are not the proper medium for exercising such a function. Because, therefore, we have clearly reached a point where some branch of the Government must do this sort of work, and because, as the President correctly states, the courts are not the proper place for it, I am advocating the establishment, as in this interstate trade commission bill, of an administrative agency that can perform this duty.

Again, in a speech upon the subject of a self-governing Senate, delivered in the Senate on June 22, 1911, in alluding to the program of legislation which I had been urging, I spoke regarding a board of interstate trade, and shall insert an excerpt in the record. See Appendix, page 38.

Later I drew up this bill and introduced the original on the 5th day of July, 1911. During the time I had this bill under consideration I discussed the matter with various persons whom I regarded as experts, particularly with members of the Interstate Commerce Commission, the Attorney General, the Commissioner of Corporations, the Solicitor General, and lawyers who were engaged in the trust prosecutions. I have also talked with men connected with these industrial corporations and with eminent economists, and I have found everywhere a general acquiescence in the view that something in the way of supplemental legislation was required.

It will be impossible to administer this great and necessary system of regulation through the courts. We all know that just as soon as these corporations are reorganized under these decisions they will, for a time at least, take the form of a large number of corporations, limited either in the character of the commodity with which they deal or in the area over which they operate. The management of these corporations is generally satisfactory to the stockholders; they have confidence in the existing management, and in the great financial interests and institutions that usually control that management. These stockholders will, by their proxies, practically give to those controlling interests their votes on anything they desire. So that we will eventually have, in these industrial corporations, just as we have with railroads, the practical control of all these subdivided corporations in the hands of a few great financial institutions or groups in New York, and they will dictate the membership of the boards and the general policy of all these corporations. There will be an effective unity of policy, and it will take such a form as to defeat the law officers in reaching it as a combination in restraint of trade. A mere nod, a mere suggestion, will accomplish what is desired.

The question is, Shall we wait until the courts shall go through their slow processes in the existing cases and re-create and reorganize these corporations and others against which undecided suits are now pending, and also in the numerous suits that will be brought? Or shall we organize an administrative tribunal which, vested with the powers of investigation, publicity, and correction, will, by continuous supervision, prevent the growth of these abuses which the courts are now called upon sporadically and intermittently to correct by their slow processes?

Certain fundamental considerations are thus raised, which I will present seriatim.

(1) The first question is: Shall an interstate trade commission of some kind be organized? I imagine that there can hardly be any difference of opinion on the point that there should be an administrative tribunal of high character, nonpartisan, or, rather, bipartisan, and independent of any department of the Government. I assume also that there should be a commission rather than one executive official, because there are powers of judgment and powers of discretion to be exercised. The organization should be quasi judicial in character. We want traditions; we want a fixed policy; we want trained experts; we want precedents; we want a body of administrative law built up. This can not be well done by the single occupant of an office, subject to constant changes in its incumbency and subject to higher executive authority. Such work must be done by a board or commission of dignity, permanence, and ability, independent of executive authority except in its selection, and independent in character.

Of course, in performing any purely executive work one man is preferable to a commission. If only powers of investigation and publicity are given a single-headed organization, like the Bureau of Corporations, might be the best for the work; but if judgment and discretion are to be exercised, or if we have in contemplation the exercise of any corrective power hereafter, or if the broad ends above outlined are to be attained, it seems to me that a commission is required.

(2) The next question is, What shall be done with the Bureau of Corporations, with its 120 experts who are full of interest in their duties, who have had long training in just this sort of work, and who have shown their capacity to do good work? Shall that bureau be entirely done away with, or shall it be merged in this new organization? And then what

shall become of the chief of that bureau and his deputy, both of whom have acquired a large experience and both of whom have the confidence of the country? The Bureau of Corporations would hardly be necessary, as a separate organization, if such a commission should be created. But shall we lose the momentum, the long experience, and trained personnel that this bureau has acquired?

To avoid this loss it is obviously desirable that we merge the Bureau of Corporations—as this bill does—with all its officials, funds, and powers, in this commission, and that we make, for the first two years, the Commissioner of Corporations one of the new commissioners, and make him, for the first year, the chairman of the commission, afterwards giving the power to the commission to select its own chairman. Thus the executive work as at present organized would go on without a break, and the difficulties usual to the period of early organization would be largely obviated. My idea, also, is to utilize the Deputy Commissioner of Corporations as the secretary of the commission.

(3) The term of office of the commissioners is to be 10 years. The salary is to be $10,000. I should favor a much larger salary than that, but I do not know whether Congress would look with favor upon it.

(4) The next question is, What shall be the test of the applicability of the act to corporations engaged in interstate trade? Shall it be size, as indicated, say, by its capital or its gross annual receipts, or shall it be the character of the business in which the corporations are engaged, namely, the production of certain great staple articles?

I have inquired with great particularity of the Commissioner of Corporations and of the Solicitor General regarding this, and they say that they think the best test would be, for the present, the gross receipts of the corporations. If this test, provided in the bill, were applied the jurisdiction of the commission would be probably confined to between 300 and 500 corporations.

Both the Solicitor General and the Commissioner of Corporations have very carefully considered this question of a test based on the character of the production of the corporation, or of the commerce or commodity in which it deals, and they came to the conclusion that it would be very difficult to do that; that it would necessitate refinements and subrefinements with reference to the different articles.

One suggestion was made which I think would improve the bill, that all corporations whose gross receipts exceed $1,000,000 should make certain reports to be called for by the commission, which reports can be classified by the commission for the purpose of statistical information, and that these reports shall be given with a view largely to determining what are the corporations that have $5,000,000 of gross receipts; but that only the corporations that have $5,000,000 of gross receipts or above that shall be subject to the general provisions of the bill.

(5) The next question is, What shall be the powers of the commission? Shall they be confined to investigation, requirement of statements, publicity, and recommendation to the President and to Congress, or shall they go further?

I would deem it very beneficial even if we could get a bill that would go no further than that, because we would then have five men of high ability and character who would immediately start upon this as their life work—not the kind of work that we do, broken up by thousands of other considerations and by other duties, but whose specialty it would be to ascertain the facts and the abuses requiring correction, and to give publicity regarding them and then to make their recommendation to Congress.

(6) The next question is: Shall we provide the additional requirement of registration, granting to the commission the accompanying power of denying or canceling registration for certain prescribed offenses or for violation of the regulations of the commission? And shall the punishment of a recalcitrant corporation be confined simply to a cancellation of registration?

I had a provision in the bill which I originally drew that for disobeying the law or the regulations made in pursuance thereof a recalcitrant corporation could be prevented from engaging in interstate commerce. I am inclined to think that this is a rather extreme power and had better be left out for the present.

We must also consider as to the preciseness with which the grounds for denial or cancellation should be stated in the law and whether the commission shall have the power to make regulations, lack of compliance with which will result either in a denial of registration or a cancellation. Registration being compulsory, the denial of registration or the cancellation of registration would have simply a moral effect. The Solicitor General and the Commissioner of Corporations insist that that moral effect would be very great, though it involves no substantial right of property, but that all these corporations will be able to secure public confidence by securing the confidence of the commission itself.

Senator CUMMINS. You do not propose any rules. The thing would have simply a moral effect if the board or commission did not have the power to determine how the corporation should be organized and how it should carry on its business.

Senator NEWLANDS. That raises the next question. If you desire to provide for registration of corporations, how far will you wish to define the powers?

As the power to regulate interstate commerce is a legislative power, the fundamental law requires that an act turning over the administration of such power to a commission or board shall prescribe the rules or standards under which the power is to be exercised. Would this apply to a mere registration in which no substantial property right is involved? For instance, would it be necessary for the law to define what are "unfair or oppressive methods of competition," what constitutes "overcapitalization" or "improper financial organization"; or could these matters be left to the judgment and discretion of the commissioners without precise legal definition?

Senator CUMMINS. What do you say about that?

Senator NEWLANDS. I am inclined to think that any general phrase intended to give them such powers as will prevent excessive capitalization or unfair or oppressive methods of competition would be upheld by the courts, particularly with reference to the denial or cancellation of the mere privilege of registration, which affects no substantial property right.

Senator CUMMINS. Without taking up the question of the constitutional power of Congress to do the thing that is suggested here, you know that there is the widest difference among Members of the Senate with regard to what constitutes proper capitalization. We debated that at some length in the railroad bill, and we could not agree even upon the subject as limited to the railways.

Senator NEWLANDS. For that very reason, it seems to me, the suggestion of our chairman, Senator CLAPP, is a very reasonable one, that we should confine our present exercise of legislation at this extra session to the appointment of an interstate trade commission and the merger in such commission of the Bureau of Corporations, such commission to have simply powers of publicity, inquest, and recommendation; particularly in view of the fact that the Bureau of Corporations is not a bureau of complete publicity at present. On the contrary, it is instructed by the law to withhold from the public facts ascertained by public officers unless the President gives his assent to publication.

Senator CUMMINS. I agree with you regarding the weakness in the organization of the Bureau of Corporations. But publicity is of no value unless the facts that are discovered can be compared with some rule of conduct which the law has laid down for the government of the corporations. It is bringing the force of public opinion to bear upon corporations to induce them or compel them to obey the law, and if you have no law, publicity is of minor importance. The facts which must underlie all this legislation are perfectly well known—well known to every student of the subject or observer of the subject; that is, the facts that are necessary to declare the law or rule of conduct. A great many facts can be collected, as we have seen here all around, that are very curious and interesting; but they are not fundamental; they are not material, really, to the organization of the law. And it occurs to me—that is my view only—that your plan, while it leads in the right direction, and we must have eventually, I think, some such tribunal, it would seem to me before we organize a commission we should be able to determine what kind of law it shall administer. You know the facts just as well now as you will then. You want to know just how every company is capitalized, how it is organized, and just how its business is done or has been done. These things are merely interesting as history; they are not essential to the conclusion that you want to reach as to how corporations should be organized and how they should conduct themselves.

Senator NEWLANDS. I agree with you as to that, that it is unnecessary in order to shape the law to have further investigation. We know to-day all the abuses that exist in corporate management. * * * But I will not pursue the question of immediate action further. I want to get through. I shall complete my statement in a very few minutes, and then I shall be very glad to take up this discussion with you; but I would like to get my statement in the record in a compact form as the basis for further hearings at the next session.

(7) In considering the powers which should be covered by this bill we shall have to take up the question as to whether the power to condemn unreasonable and extortionate prices should be included; and if so, what should be the form of the rule or standard fixed. Shall it be analogous to that applied to the

railroad companies, namely, that prices shall be reasonable and the same to all? And shall the power be given, as originally in the railroad act, to condemn only an unfair or unreasonable price, or, as was later done with the railroad act, shall the power now also include that of fixing a reasonable price? Personally I am opposed to any attempt at present to fix prices.

(8) Next, shall the provisions regarding registration be simply persuasive or compulsory, and if compulsory as to the large corporations, shall permissive registration be granted to the smaller corporations? I incline to the view that it is better to make them compulsory, at least for the large corporations, in order to insure the effective operation of the system.

(9) Shall the commission, in case of revocation of registration, have power to order that the offending corporation shall not engage in interstate commerce? My own view is that such power should not at present be granted. Therefore I would not urge the retention of section 11, which gives the commission power, in case of revocation of registration, to forbid the offending corporation to engage in interstate commerce.

I do not think it advisable to overload the commission at this time, and yet we must bear in mind that our experience with the interstate-commerce act shows the great difficulty of adding needed amendments later on. We all know what obstructions needed amendments of the interstate-commerce act met with, and it took nearly 20 years to get that act into really workable shape.

The Commissioner of Corporations attaches great importance to registration, to the moral effect of refusing or canceling registration. He has since modified also his views somewhat as to the desirability of a commission, an idea which he at first opposed, and I think that he is now substantially in accord with this bill. The Solicitor General has expressed himself very emphatically in favor of legislation on these lines.

I shall append to my remarks quotations from a letter from Mr. Herbert Knox Smith, in response to a series of questions which I put to him and after he had consulted with the Solicitor General.

I have consulted the Secretary of Commerce and Labor. I have also consulted the Attorney General. Both the Secretary of Commerce and Labor and the Attorney General were strong advocates of a national incorporation act, believing that national incorporation should cover interstate commerce, and that the act itself should contain all the necessary restrictions upon these corporations as to capitalization, the area of their operations, etc.

Senator BRANDEGEE. I want to understand clearly whether in favoring a national incorporation act they meant to favor that and to pass what you propose.

Senator NEWLANDS. No. In my discussions with them I stated that, so far as I was individually concerned, I had tested the sentiment of Congress regarding a national incorporation act, and particularly the sentiment of my own party; that whilst I had advocated national incorporation with reference to great transportation companies whose functions are largely national, and with a view to taking away from such States as New Jersey the jurisdiction which they had usurped over interstate commerce in the organization of corporations national in scope, I was never able to make much headway with my own party, clinging, as it does, to the exercise of State functions and guarding against Federal encroachment. Therefore my argument was addressed to them, not in opposition to their view as to national incorporation, but as to the possibility of passing a national incorporation bill, and particularly in view of the present political status, the administration having drifted from one of powerful Republican control, a control entirely in sympathy with the broad exercise of national powers, to one of divided control. I think both of them, whilst they adhere to the view that a national incorporation act would be the best method, acquiesce in the view that at present it is difficult, if not impossible, to secure the passage of such a bill. I have heard no expression from Secretary Nagel as to whether, that being the situation, he would be willing to favor a bill for an administrative commission such as this is, but the Attorney General has expressed himself regarding it, and he has indicated a disposition even to go further. I will append quotations to this effect from his recent speech at Duluth.

Finally, I wish to point out one broad consideration. In the present status of our public policy as to the great corporate problem we have at least two leading and divergent schools of thought, two tendencies, each toward a different method of procedure. The one desires to maintain by governmental action if need be, the full competitive system and to rely chiefly on competition as the regulator of corporate business. The Sherman antitrust law strongly presents this principle.

The other schoool inclines rather—to state the extremes—toward freely allowing combinations, both present and future, applying thereto governmental supervision and direction as the prime regulator.

In my opinion it is too early to say which of these opposing tendencies should or will ultimately prevail.

Holding such a view, I am urging this bill because the system it embodies is exactly adapted to the undeveloped situation I have just described. It is available for either tendency; it can be made to serve either principle; it will help to show which is the correct one; and it does not commit us permanently to either of these two main lines of action.

Its primary result will be to furnish both to Congress and to the public the accurate and broad information on corporate conditions that is necessary to determine the line of further advance. It neither legalizes nor forbids combination; it in no way affects the operation of the Sherman law; its work of publicity and supervision will tend strongly to promote fair competition and keep equally open to all the highways of commerce.

On the other hand, it takes the situation as it is; it recognizes that there is a large degree of combination already existing, and it makes that condition a subject for supervision, study, and report to Congress.

In short, it is a step upon which all can unite, as eminently fitted by its moderation and, indeed, by its own frankly tentative character to do what is imperatively needed for the present without prejudicing the future.

(The quotations from the address of Attorney General Wickersham, delivered at Duluth, Minn., July 19, 1911, above referred to, are as follows:)

The gradual interpretation of the act of July 2, 1890, resulting in the decisions and decrees rendered by the Supreme Court at its last term, has at last clearly demonstrated the effectiveness of that law to destroy existing combinations in restraint of interstate or international commerce and attempts to monopolize any part of it and to prevent renewed combination or monopolistic effort. * * *

But the question remains, Can the great end and object of the Sherman law—namely, that the normal course of trade and commerce among the States shall not be impeded by undue restraints and monopolies—be realized through the operation of that law alone?

In dealing with transportation, Congress was not content to rely simply on the process of injunction to restrain and indictment to punish violations of the antitrust law. It also established an administrative commission clothed with powers—greatly enlarged from time to time—over those engaged in the transportation business. * * *

Within what limits is legislation to regulate corporations engaged in interstate commerce other than transportation expedient and practicable? Should the analogy of the interstate commerce law and commission be followed? * * *

That some further regulation over corporations carrying on commerce among the States may be necessary is a matter of current comment. * * *

The Federal Department of Justice is not organized or equipped to maintain constant supervision and control over business organizations. It deals only with cases of violation of law. The activities of an administrative board or commission would be directed to preventing such violations and in aiding business men to maintain a continued status of harmony with the requirements of law.

Moreover, unless Congress shall provide for the establishment of corporations drawing their life and powers only from the National Government and subject only to its control, or shall confer specific powers on State corporations which will enable them to carry on commerce away from the State of their creation without the interference of States into which they go, the present unsatisfactory condition of carrying on business in the different States by means of many different corporations owned or controlled through stock ownership by a parent company created by some one State will continue, and, in the natural, normal, healthy, and legitimate growth of such business, questions of the application of the Sherman law must arise which can not be properly settled with the district attorney or the Department of Justice, but which should be dealt with by an administrative body having appropriate jurisdiction.

(The letter from the Commissioner of Corporations, Mr. Herbert Knox Smith, above referred to, follows:)

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington.

DEAR SENATOR: Your letter of the 2d instant was received, raising certain questions on the bill for an interstate trade commission (S. 2941) introduced by you. * * *

Taking up your questions in order:

(1) "Shall an interstate trade commission be organized?"

If the work is to be simply that of investigation and publicity, my experience would indicate that an organization under a single head would be decidedly more efficient. For purely executive or administrative action, such form of organization is preferable. If, however, judicial or semijudicial powers are to be exercised, the commission form has important advantages; it is better adapted for judicial decision, its judicial rulings would probably carry more weight, and, in any event, it tends to secure stability, continuity of policy, and greater independence of action.

(2) "Shall the Bureau of Corporations be merged in the commission?"

If the interstate trade commission is to exercise substantially the powers now used by the Bureau of Corporations it seems almost necessary that the bureau should be merged in that commission, as the bureau would have little reason for further separate existence. There is also, however, the very important consideration that the bureau is very necessary to the commission; the bureau is the one unit in the Government service which can immediately supply the experience, trained force, knowledge, and traditions which the commission must have for its work.

(3) "Shall the test of the applicability of the acts to corporations engaged in interstate trade be the annual gross receipts or the character of the business in which the corporations are engaged, namely, the production of great staple articles?"

The question here is a debatable one; but experience with corporate business leads me to doubt the feasibility of a classification based on kinds of business or staple commodities. Such lines of demarcation are too vague. For example, certain companies deal wholly in the manufacture of lumber, others in its sale, others in the manufacture of goods primarily made out of other materials but having a certain proportion of lumber. Similarly with the steel industry and many others. It would be almost impossible to draw the line in many cases so as to say whether a corporation was engaged in a given industry or not. Many great wholesale houses sell a large amount of hardware. Would they be included, for example, as engaged in the steel industry?

(4) "Shall the power of the commission be confined to investigation and inquest, requirement of statements and publicity, and recommendation to the President and to Congress?

"If not, shall the additional requirement of registration be made with the accompanying power of denying or canceling registration for certain prescribed offenses or for violation of the regulations of the commission; and shall the punishment of a recalcitrant corporation be confined simply to a cancellation of registration?"

Investigation, publicity, and recommendation should be in any event parts of the system. Personally I favor strongly registration of corporation with power of cancellation. This gives a very practical means of control, which at the same time has the great advantage that it does not actually attempt the positive regulation of business. It allows credit for proper business conduct and imposes discredit for the reverse, but assumes no power of direction, and simply leaves the public to apply corrective pressure through public opinion and the investment of the public's money.

Answering, also, the last part of the question, it is probably better for the present to provide cancellation of registration as the only penalty for improper business conduct. I feel entirely satisfied that such United States registration would shortly become a valuable business and financial privilege for any large corporation. The standing of the company with that public opinion that underlies legislative action and the financial status of its securities with the investing public would be affected in a very practical way by the possession or cancellation of such registry. The approval now granted to corporate transactions through existing State public-service commissions has already a very definite market effect on the price of securities and on the attitude of public opinion.

(5) "The preciseness with which the grounds for denial or cancellation should be stated in the law, and whether the commission shall have the power to make regulations, lack of compliance with which will result either in a denial or cancellation."

The grounds of cancellation should be broadly stated, leaving the commission to apply in specific cases the general rules prescribed by Congress. If power of making regulations be conferred on the commission, it should be simply for such regulations as will carry out the terms of the act and make effective the rules laid down therein.

(6) "As the power to regulate interstate commerce is a legislative power, it has been held that the law turning over the administration of such power to a commission or board shall prescribe the rules or standards under which the power is to be exercised. Would this apply to a mere registration in which no substantial property right is involved?"

The question of whether the delegation of a power is constitutional depends wholly on the nature of the power. Legislative power, strictly speaking, can not be delegated, but executive power can, of course, be conferred by legislation, and there can also be given quite broad power of executive administration in ascertaining facts and applying to them the rule established by legislation. It seems probable that the powers granted in this bill come under the latter head and are constitutional.

An excellent case on the subject is Union Bridge Co. *v.* United States (204 U. S., 364), where the earlier cases are reviewed in detail. The case itself involved the question of whether an act of Congress granting to the Secretary of War power to order the removal of the bridge over a navigable stream "whenever the Secretary of War shall have reason to believe that any * * * bridge * * * over any of the navigable waters * * * is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise," was a delegation of legislative power.

The court held that this was not an objectionable delegation of power, and quoted, with approval from Lock's appeal (72 Pa. St., 491), as follows:

"The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend."

See also other cases cited in this decision.

An excellent legislative precedent is in the steamboat-inspection law, where, by section 4405, Revised Statutes, a board is given power to "establish all necessary regulations required to carry out in the most effective manner the provisions of this title." These regulations now cover over 100 pages.

In the same law, also, the inspectors are given broad power over the licenses of steamboat officers, as follows: "But such license shall be suspended or revoked upon satisfactory proof of bad conduct * * *," a power obviously closely analogous to the power of cancellation provided in your bill.

It should be noted also that the only power delegated is the mere revocation of registration. Registration is not a property right. It is simply a privilege granted through the commission and revocable by it.

Thus, as stated in paragraph 5 above, rules of action and grounds for cancellation of registration should be set forth in the bill itself, with sufficient definition to make clear the intention of Congress as to the class of acts to be covered thereby. For example, the word "overcapitalization" is perhaps sufficiently definite in itself, while "unfair or oppressive methods of competition" would perhaps be too indefinite.

(7) "In case the power to fix prices should be included," etc.

I would prefer not to discuss the form of such power, as I personally believe it unwise to confer any such power on the commission, and do not consider myself competent to treat the subject properly.

In considering any such treatment of our commercial problem as is attempted in this bill, it seems to me, at least, that the Government should not, at present, commit itself, by way of general policy, either to the theory of "unlimited competition" or of "unlimited combination." We are not, I feel, sufficiently advanced to justify us in taking a definite position in favor of either one of these opposing ideas. Any system we adopt now should be so framed as to be alike available for either development. To give the power to fix prices would tend to commit us to a policy of industrial combination.

(8) "Shall the provision regarding registration be simply persuasive, or compulsory; and if compulsory as to the large corporations, shall permissive registration be granted to the smaller corporations?"

I believe that the system would be entirely workable, if the publicity, etc., were simply permissive, and that some complications would thus be avoided. But a compulsory system for large corporations should also bring much the same results, especially if coupled with permissive registration for smaller concerns. The permissive feature for smaller companies seems decidedly desirable.

(9) "Shall the commission, in case of revocation of registration, have power to order that the offending corporation shall not engage in interstate commerce?"

This power is a peculiarly drastic one, and would require rather elaborate machinery for its enforcement. I doubt both the wisdom and the necessity here.

I take the liberty of adding some general considerations, which may be relevant to the discussion of such a system as is proposed by your bill. These views are based on an experience of eight years in the Bureau of Corporations.

(10) The one imperative change now required in our policy toward the "corporate problem" is a change from our present system of treating that problem through occasional prosecution to a system which will treat it with continuous administrative action. We should advance from a negative policy to a positive constructive policy, from mere occasional prohibition to permanent regulation and prevention.

(11) One of the primary objects of the commission is the providing of proper publicity. This should not be combined with the administration of the Sherman law. It is probably true that efficient publicity is inconsistent with prosecution, at least as administered by the same office. The Bureau of Corporations, the present agent of corporate publicity, secures now at least nine-tenths of its information by voluntary cooperation. The interstate trade commission would continue this work, but should the function of prosecution under the Sherman law be combined with publicity it is obvious that the present voluntary cooperation of corporations, the main source of information, will very largely be destroyed.

There are of course exceptions to this general principle. At times it would be necessary for the information obtained by the commission and indicating a clear and flagrant violation of law to be turned over to the Department of Justice. The Bureau of Corporations has in this manner given much assistance to the Department of Justice. The numerous prosecutions of the Standard Oil Co. since 1906 for railway-rate discriminations were all based on the report of that bureau, and the agents of the bureau furnished much of the evidence and assisted largely in the preparation of the cases.

Similarly, in the recent prosecution of that company under the Sherman law, the case was instituted as a result of the investigations of the bureau, was largely prepared by its agents, and, I venture to say, would not have been successfully presented without their aid. Some of the ablest men in the bureau gave over a year of their time to this case.

But in general such connection with prosecution should be wholly incidental and secondary, and the publicity work of the commission should be directed primarily at furnishing reliable economic and financial information for the general public and not at securing evidence for prosecution.

(12) One of the most important features of such an administrative system of corporate regulation is its provision, as above referred to, for broad corporate publicity. The effects of such publicity have been well shown by the past work of the Bureau of Corporations, as set forth in the Annual Report of the Commissioner of Corporations for 1910.

The report of the bureau on the transportation of petroleum, published in May, 1906, effected a sweeping decrease in the granting of railway rebates throughout the country. Practically every railroad involved in the railway discriminations described in this report canceled the objectionable rates within six months after the issuance of the report.

The report of the bureau on cotton exchanges resulted within a few months in a marked improvement in the regulations of the New Orleans Cotton Exchange, and while the New York Cotton Exchange has not yet made any changes in its system, that exchange, on March 23, 1911, voted "that it is the sense of this meeting that since * * * the Department of Commerce and Labor has made an exhaustive investigation of the business methods of the cotton exchanges and has criticized the methods and by-laws of the New York Cotton Exchange * * * it will be good judgment on the part of this exchange to, * * * so far as possible, adopt the suggestions made by the Government"

In the tobacco industry the independent manufacturers have in many instances stated that the work of the bureau has caused the cessation of various objectionable methods of competition.

In the problem of waterways, the reports of the bureau, three in number, have very widely influenced public opinion by showing the real questions to be solved and the real advantages to be attained in waterway transportation.

A Federal administrative system of publicity and registration should develop both strength and elasticity. The administration of such a system should result in a definite and broadening policy, based on exact information, establishing definite standards of business action, of public economics, and of Government regulation, in themselves highly effective, and valuable also as the raw material for further statutory enactment.

We may fairly hope to get from it a gradual rise in the standard of business conduct, closer relationship between large business and public authorities, marked improvement in corporate accounting and in the standing of our industrial securities, and the elimination of unfair practice and business privilege. All of this without any disturbance of properly conducted business.

The time seems ripe for such action. It has been obvious since the Supreme Court decisions on the Standard Oil and Tobacco Co. cases that the public is ready and anxious for an advance to some such administrative system of regulation by the Federal Government. It seems to be true that corporate managers concede more and more the necessity for such regulation and publicity, recognizing both its public necessity and its advantage to fair business.

Very sincerely, yours,

HERBERT KNOX SMITH, *Commissioner.*

EXTRACTS FROM REPORT OF THE SENATE COMMITTEE ON INTERSTATE COMMERCE ON SENATE RESOLUTION NO. 98, FEBRUARY 26, 1913.

[Senate Report 1326, Sixty-second Congress, third session.]

FROM MR. CUMMINS'S REPORT.

On the 26th day of July, 1911, the Senate adopted the foregoing resolution, and acting under the authority and in pursuance thereof the Committee on Interstate Commerce provided for open hearings upon the subject matter of the resolution. The hearings began on the 15th day of November, 1911, and were continued from day to day for more than three months, during which time 103 men appeared before the committee, and their statements, together with the exhibits and documents submitted by them, fill 2,799 printed pages. A printed copy of these statements, exhibits, and documents, including an index, laws and reference concerning industrial combinations in foreign countries, and a collection of judicial decisions touching the power of Congress in the regulation of commerce among the States, in all, five volumes, is herewith presented to the Senate.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further regulation.

The committee is of the opinion:

First. That the statute should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

Second. That whatever may be our views respecting the power of Congress to enact a general Federal incorporation law, it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to impose upon corporations now or hereafter organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon persons, copartnerships, and other associations now engaged, or hereafter engaging, in such commerce, the general character of such regulation to be the same as those laid upon corporations, except such conditions or regulations as are in their very nature peculiar to the corporate form of commercial activity.

* * * * * * *

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

First. If the Bureau of Corporations were converted into an independent commission, composed of trained, skillful men, and clothed with adequate authority, there could be gathered more complete and accurate knowledge of the organization, management, and practices of the corporations and associations engaged in national and international commerce than we now have. In saying this the committee does not mean to disparage the work of the Bureau of Corporations as hitherto carried on, but, valuable as the work has been, it is believed that a greater service could be rendered by a commission with a distinct organization with adequate appropriations and added authority. Moreover, it is clear that the constant inquiry into and investigation of interstate commerce in order to ascertain whether the law is being violated should be more closely connected with prosecutions for violations, when found to exist, than at the present time.

Second. When the conditions upon the fulfillment of which persons and corporations may engage in commerce among the States and with foreign nations are imposed, as the committee has heretofore recommended, there will be some of them upon which the Government must act with administrative promptness rather than with judicial deliberation and delay. For instance, suppose Congress were to declare, as the committee thinks it ought to declare, that no corporation should be permitted to engage in interstate or international commerce unless it be honestly capitalized, and that when anything but money is accepted for its stock that the value at which the property is so taken must be its fair, reasonable value. It seems clear that a corporation proposing to enter business should have an opportunity to come to some governmental tribunal and say, here is the property purposed to be taken for stock, and here is the price at which it is to be taken, and thereupon ask for approval or disapproval of the proposition. It would be most unjust in such a case to allow the corporation to go on for years and then be told that it must cease to do business because the value of the property was less than the par value of the stock issued for it.

And, again, suppose that 10 out of 20 manufacturing establishments heretofore in competition with each other desire to consolidate into one enterprise. There ought to be a way in which the men in such a venture could submit their plan to the Government and an inquiry made as to the legality of such a transaction, and if the Government was of the opinion that competitive conditions would not be substantially impaired there should be an approval, and in so far as the lawfulness of the exact thing proposed is concerned there should be a decision, and if favorable to the proposal there should be an end of that particular controversy for all time. Such results as these can be attained in no other way than through a commission which, though administrative in its character, would, in some instances, exercise quasi judicial functions. It is believed that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred and when the difficulty of awarding reparation for the wrong is almost insurmountable.

The committee has not attempted to be comprehensive as to the usefulness of the commission in this field, and has made these suggestions only to indicate in the most general way the assistance that could be rendered in the enforcement of the law.

Third. One of the most serious problems in connection with suits brought under the antitrust act is to find the proper method of disintegrating combinations that have been adjudged unlawful. The dissolution of a corporation or a series of associated corporations must often involve the consideration of plans for reorganization in order that the property which has been unlawfully employed may thereafter be lawfully used in commerce. The courts are not fitted for the work of reconstruction, and whatever jurisdiction they now have, or that may hereafter be conferred upon them with respect to such matters, it can not be gainsaid that a commission, the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required readjustment.

Respectfully submitted.

ADDITIONAL VIEWS OF MR. POMERENE.

With the report in general I am in accord. But there is one feature of it about which I desire to be more explicit, and that is the paragraph discussing the certainty of the provisions of the Sherman law as applicable to certain cases and its uncertainty as applicable to others.

I approve the view that—

> There are many forms of combination and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful.

There are other forms of organization and acts which seriously interfere with competition, such as interlocking directories, watering of stock, selling of merchandise in one locality at a less price than in another, and other practices which are so contrary to sound business principles and good morals that they can and should be specifically controlled or prohibited by statute. As to these, in the interest of certainty there should be other and further legislation. But whatever may be the additional legislation, there will be many other contracts, combinations, and practices in "undue and unreasonable restraint of trade," which it is impossible for Congress to define by statute, because any attempt to so define them will, in practice, be found to exclude many other contracts, combinations, and practices which are equally inimical to the public good. As to these, we

must always depend upon the sound wisdom and discretion of courts and juries for relief, just as in the past we have been obliged to trust to their judicial administration.

To illustrate: We know that legislatures and courts have constantly refused to define fraud, because the multiplicity of acts and circumstances involved in human affairs make it impossible of definition.

The same may be said with equal truth as to what constitutes "undue or unreasonable restraint of trade."

It is said with a great deal of force that men are not always able to tell in advance whether certain acts are in "undue or unreasonable restraint of trade." But however difficult this may be, it is no reason why they should be left for decision to the selfishness of interested parties uncontrolled by judicial decision under the principles of the common law or under the broad provisions of the Sherman law.

In criminal cases it is often difficult to say in advance whether a given state of facts constitutes a reasonable doubt. But is that a reason why courts and juries should not attempt to say in a specific case whether there was, in fact, a reasonable doubt or not?

In negligence cases it is equally difficult to say whether a given state of facts constitutes contributory negligence on the part of the plaintiff or reasonable care on the part of the defendant. But can this be urged as a reason for not leaving special cases to the judgment of the court and jury?

In my judgment, what is "undue or unreasonable restraint of trade" must, in many cases if not in most cases, be left largely for judicial determination, and sound judgment and good morals will be a sufficient guide for those who are actuated by a proper public spirit rather than by selfish motives.

While I believe there can be some additional legislation along the lines indicated, I am firmly of the opinion that the Sherman law is a clear and certain guide for reasonable men who desire to comply with the law and do not exert themselves to evade its provisions.

ATLEE POMERENE.

ADDITIONAL VIEWS OF MR. TILLMAN.

The undersigned is not now prepared to say that a new national commission should be established for the better administration of the antitrust law. He is inclined to believe that we have too many commissions now, composed largely of so-called "lame ducks," both Democrats and Republicans, who have been defeated at the polls and are given these places mainly as a compensation and means of support. He thinks Congress ought to perform its own functions rather than surrender them to commissions thus created by Executive appointment.

He does not assent to the particular language used on any point in the report of the committee, except where he has specifically so stated.

As the committee is not now ready to propose specific measures of legislation, he prefers to wait and to listen to the recommendations of the incoming President of the United States.

B. R. TILLMAN.

ADDITIONAL VIEWS OF MR. GORE.

I concur in the main body of the report and in the conclusions arrived at, except as to the specific recommendation looking to the establishment of a commission. Upon that recommendation I reserve my judgment for the present. I could not yield my assent to this proposition without first considering both the principles and details of any measure proposing such a commission. My ultimate assent would depend upon the constitution and character of the commission and upon the extent and limitation of its powers and purposes. It may be possible that a commission could with propriety be vested with power to pass upon the form of a proposed organization, but no commission should have authority to grant indulgences as to the methods, conduct, and operations of any such organization.

T. P. GORE.

Mr. NEWLANDS confined himself entirely to the question of a trade commission bill, and included in his observations his original interstate trade commission bill as tentatively amended and approved by the Interstate Commerce Committee. His views are as follows:

ADDITIONAL VIEWS OF MR. NEWLANDS.

Whilst I agree with the general conclusion reached by Mr. CUMMINS in his report, I have not been able to study with sufficient care the decisions of the Supreme Court relating to the trusts to enable me to form an independent opinion as to his analysis of them. For years I have contended that if at the time the Sherman Act was passed—the date of its passage being almost contemporaneous with that of the interstate-commerce act regarding the railroads—we had organized an interstate trade commission similar to the Interstate Commerce Commission, and with somewhat similar powers of investigation and correction, we would have prevented or remedied many of the abuses which have since grown up, and that we would have gradually evolved a system of commercial law, through administrative process, as complete as that which has been built up regarding our system of transportation.

I presented my views relating to this matter at the first hearing of this committee regarding the control of corporations on the 4th day of August, 1911, and on the 16th day of November, 1911 (hearings, pp. 1 to 26, inclusive). I then discussed a bill for the organization of an interstate trade commission (Senate bill No. 2941), which was introduced by me on the 5th of July, 1911, and a substitute bill of the same number, introduced by me August 21, 1911.

As a result of the additional light shed upon this subject by the hearings, I introduced in the Senate, on February 26, 1912, a bill (S. 5485, 62d Cong., 2d sess.) entitled "A bill to create an interstate trade commission," etc.

Later on, as a result of subsequent consideration, this bill has been amended, and I present it with alterations as a tentative proposal for criticism and suggestion. The bill as amended is annexed hereto.

Whilst I believe that the Sherman Antitrust Act should not be altered, I believe that it should be supplemented by such legislation as is shown to be necessary by the experience of the time. Such variety of views exists as to what this supplementary legislation shall be that I do not believe early legislation on this line is practicable. But I do believe that all can agree upon an interstate trade commission with powers of investigation and correction, and with the power to aid the courts in the administration of the Sherman Act and other supplementary legislation; and I believe that such a commission should be organized immediately, so that Congress can soon have the benefit of the recommendations which it will make as the result of its experience.

I shall not enter into any labored argument upon this question. I shall simply content myself with quoting from previous utterances in the Senate.

In the Senate, January 11, 1911:

Mr. NEWLANDS. * * * The railroad-commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding trusts that we followed regarding railroads, we would have made much better progress in trust regulation. The antitrust act was passed 21 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi judicial tribunal similar to the Interstate Commerce Commission instead of to the Attorney General's office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts, through the quasi judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's office, oftentimes purely political in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption.

In the Senate, May 16, 1911:

Mr. NEWLANDS. Mr. President, whilst I was addressing the Senate yesterday upon the importance of taking up immediately certain questions upon which public opinion has been formed and crystallizing them into legislation, I referred, among others, to the great questions of the combinations of capital called trusts which have assumed of late years so powerful and menacing an aspect. * * *

The Supreme Court yesterday acted upon this matter with reference to one of the great trusts in a decision which applies to them all, and, as the result probably of the inertia and the inaction of Congress, has taken upon itself what the dissenting member of that court, Mr. Justice Harlan, declared to be judicial legislation, and has written into the statute words which Congress never put there; and so to-day we have a decision upholding the antitrust act so far as it applies to unreasonable restraint of trade.

The question, therefore, presents itself to us whether we are to permit in the future the administration regarding these great combinations to drift practically into the hands of the courts and subject the question as to the reasonableness or unreasonableness of any restraint upon trade imposed by these corporations now existing and to be brought into existence in the future to the varying judgments of different courts upon the facts and the law, or whether we will organize, as the servant of Congress, an administrative tribunal similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission over interstate transportation.

* * * * * * * * *

* * * What has been our experience regarding that branch of interstate commerce which covers transportation? Our experience has been that 20 years ago, just about the time the antitrust act was passed, Congress passed the interstate-commerce act, creating a commission as its servant to attend to its duties under rules prescribed by Congress. The regulation of interstate commerce belonged to Congress. Congress wisely saw that it could not undertake that regulation in all its details; that it could not pass rate bills which would be satisfactory to every section of the country; that it could not reduce rates that were claimed to be excessive and increase rates that were claimed to be

too low; that it could not correct the varying abuses which creep into the administration of every great enterprise. Therefore it created this commission as its servant, to carry out its will under rules established by it.

The history of the last 23 years proves the wisdom of our action. By a gradual process of evolution this commission, as the result of gradual improvements in legislation and as the result of constantly increasing powers recommended by it and affirmed by Congress, has become a tribunal second in importance only to the Supreme Court of the land. It has made transportation a science. It has studied all the intricate questions relating to it, and in a recent illuminating decision has formulated a great state paper that has impressed the country and the world with its wisdom.

Now, contrast that action with other action taken by Congress regarding the trusts. It would have been possible 23 years ago, when the interstate commerce act was passed, with reference to interstate trade, to have established an industrial or trade commission or board similar to the Interstate Commerce Commission with reference to transportation. If we had done so and had put upon that commission the same class of men who have been appointed upon the Interstate Commerce Commission, we would have had the constant corrective power of that commission applied both to the existing trade corporations and to the trade corporation afterwards created. Many abuses would have been prevented. Many abuses would have been corrected. As a result of the constant study and inquiry of a competent board engaged in this work as a specialization recommendations would have been made to Congress which would have been accepted, as were those recommendations made with reference to interstate transportation, and a great body of administrative law would have been built up and combinations of capital would have been effected without the abuses which have existed during the past 23 years. * * *

In the Senate, June 22, 1911:

Mr. NEWLANDS. What is the second one which I suggested? I suggested legislation providing, in connection with the Bureau of Corporations, for a board of interstate trade, with powers of examination, correction, and recommendation with regard to interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation. This resolution was offered before the recent decision of the Supreme Court regarding the trusts, and I then declared that, whatever might be the decision of that court, the creation of such a commission was essential. Interstate trade is just as much a part of interstate commerce as interstate transportation. The abuses of interstate trade have become just as great as the abuses of interstate transportation in the past have been. Obviously the teachings of experience lead us to the organization of a commission or board similar to the Interstate Commerce Commission, with a view of taking hold of the great combinations of capital and making them obedient to the law, giving such a commission powers of examination, recommendation, and condemnation similar to those enjoyed by the Interstate Commerce Commission.

Since that decision the trust managers themselves have seen a great light, and in public examinations have stated that in their judgment the time has come for as complete regulation of corporations engaged in interstate trade as of corporations engaged in interstate transportation. Whether that regulation will ever extend so far as the regulation of the price itself is a matter to be determined in the future, for Congress will be called upon to decide how great these corporations shall be, what the extent of their capital shall be, what number of plants they shall own, and what shall be the extent of their operations. If they conclude to maintain the principle of competition, even though it leads to destruction, there will then, of course, be no necessity of regulating prices. But if they recognize the principle of helpful cooperation instead of destructive competition, then it will be necessary for them in extreme cases to face the question of the regulation of prices just as the prices of any public utility are regulated.

I do not venture to express an opinion now as to what course should be pursued with reference to this great question, but it is time that the Interstate Commerce Committee of the Senate were entering upon an inquiry of the most important question in economics that has engaged the attention of the country since the railroad question was first presented to it.

Quotation from Mr. NEWLANDS's statement before the committee on the 15th day of November, 1911 (hearings, p. 25):

Senator NEWLANDS. Mr. Chairman, during the late extra session I introduced Senate bill 2941, for the creation of an interstate trade commission with powers over corporations engaged in interstate trade similar in many respects to those possessed by the Interstate Commerce Commission over interstate transportation. On the 4th of August, toward the close of the extra session, this committee, of which I am a member, gave me a hearing on the bill, and I made a preliminary statement, explaining its terms and the conditions it was intended to meet. That statement, together with quotations from the President, the Attorney General, and the Commissioner of Corporations, has been printed as the first part of the hearings under the resolution introduced by the chairman.

The bill provides that all interstate corporations (except railroads) whose gross annual receipts exceed $5,000,000 shall make regular reports to the commission as to their business transactions, shall be subject at will to the examination of the commission, and shall, upon complying with such requirements, have the exclusive right to use the title "United States registered." The bill also provides that for violation of the Sherman law, improper capitalization, unfair methods of competition, acceptance of railway rebates, or other improper business transactions the commission may at will cancel such registration. It is recognized that the right of a corporation to publish the fact of such registration will shortly become a valuable financial privilege, and that the fear of cancellation of such right will be a strong restraining influence against improper transactions.

The bill provides a permanent administrative body of trained experts, who shall have as their sole specialty the supervision and registration of large corporations and supply accurate information thereon to the public, and shall make recommendations to Congress for any further legislation that may seem necessary.

I may later on have something further to say before this committee regarding this bill; but I wish to state at present that since the bill was introduced there has been a wide discussion throughout the country upon two divergent lines of thought, one insisting on absolutely free and unrestricted competition as the regulator of corporate business, and the other inclining toward allowing large combinations of capital and applying thereto Government supervision and direction as the prime regulator. It is difficult to say now which of these opposing tendencies should or will ultimately prevail. The bill which I have introduced is, in my judgment, adapted to this undeveloped situation. It will help us to determine which of these theories is the correct one: it will furnish to Congress and to the public the accurate and broad information on corporate conditions that is necessary to determine the line of further advance. It does not affect the operation or the enforcement of the Sherman law; its work of publicity and supervision will tend to promote fair competition and keep equally open to all the highways of commerce. On the other hand, it takes the situation as it is, recognizes that there is a large degree of combination already existing, and makes that condition a subject for supervision, study, and report to Congress. Its frankly tentative character and its moderation recommend it as a step upon which all can unite in doing what is imperatively needed for the present without prejudicing the future.

I trust that the committee will see the wisdom, without waiting for the end of this investigation, of recommending this tentative measure, which will be an aid in the final solution of all the pressing questions relating to trade corporations.

The following is the interstate trade commission bill introduced by Mr. NEWLANDS as tentatively amended by the Senate Committee on Interstate Commerce.

The committee took no final action upon it.

[S. 5485, Sixty-second Congress, second session.]

A bill to create an interstate trade commission, to define its powers and duties, and for other purposes.

Be it enacted, etc., That this act shall be referred to and cited as the interstate trade commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of this act are referred to herein as subsidiaries of such holding or owning corporation.

SEC. 2. That there is hereby created a body to be known as the Interstate Trade Commission, which shall consist of three members, of whom no more than two shall belong to the same political party. The commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissioners so first appointed shall be three, six, and nine years, respectively, and shall be so designated by the President in making such appointments; and thereafter all the commissioners shall hold office for the term of nine years and shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies shall be filled by like appointment and confirmation for the unexpired term. Each member of said commission shall receive a salary of $10,000 a year. The office of the commission shall be at Washington, in the District of Columbia, but the commission may hold meetings elsewhere when necessary and convenient.

SEC. 3. That the Bureau of Corporations is hereby transferred to and merged in said commission, and all of the powers, duties, records, papers, and funds belonging or pertaining to the Bureau of Corporations shall hereafter belong and pertain to the Interstate Trade Commission, and all the officers and employees of said bureau shall thereupon be officers and employees of the Interstate Trade Commission. The said commission shall also have a secretary, a chief clerk, and such clerks, inspectors, examiners, experts, messengers, and other assistants as from time to time may be necessary and as may be appropriated for by Congress.

SEC. 4. That all corporations engaged in commerce among the several States or with foreign nations, excepting common carriers, shall from time to time furnish to the commission such information, statement, and records of their organization, business, financial condition, conduct, and management and the organization, business, financial condition, conduct, and management of their subsidiaries at such time, to such degree and extent and in such form as may be prescribed by the commission; and the commission at all reasonable times, or its duly authorized agent or agents, shall have complete access to all records, accounts, minutes, books, and papers of such corporations and their subsidiaries, including the records of any of their executive or other committees. Failure or neglect on the part of any corporation subject to this act or of any of its subsidiaries to comply with the terms of this section within such time after written demand shall have been made upon such corporation by the commission requiring such compliance, as shall be fixed by the commission shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than $1,000 for every day of such failure or neglect.

SEC. 5. The information so obtained shall be public records, and the commission shall from time to time make public such information in such form and to such extent as it may deem necessary.

SEC. 6. That the district courts of the United States, upon the application of the commission alleging a failure to comply with any order of the commission or alleging a failure to comply with or a violation of any of the provisions of this act by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction or other order enforcing such order of the commission or commanding such corporation, its officers and employees, to comply with the provisions of this act.

SEC. 7. That for the purposes of this act the commission shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, documents, or other things of every kind and nature whatsoever relating to any matter under investigation by the commission. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation, or other person, to appear before said commission (and produce books, documents, and papers, if so ordered) and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. This claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying.

The testimony of any witness may be taken at the instance of a party in any proceeding or investigation pending before the commission by deposition at any time after the inquiry is instituted. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such deposition may be taken before any person authorized so to do by the commission and who has power to administer oaths.

Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided. Such testimony shall be reduced to writing.

Witnesses whose testimony is taken under the provisions of this act shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

No person shall be excused from attending and testifying, or from producing books, papers, documents, or other things before this commission or in obedience to the subpœna of the commission whether such subpœna be signed or issued by one or more of the commissioners on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify under oath or produce evidence, documentary or otherwise, before said commission in obedience to a subpœna issued by it in a proceeding instituted upon its own initiative: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The purpose of this provision is to give immunity only to natural persons who under oath testify in response to a subpœna of the commission in an inquiry instituted by the commission.

SEC. 8. That the said commission shall, on or before the 1st day of January in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 9. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 10. That in case a final decree shall be issued against any corporation under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, the court entering such decree may, in its discretion, refer to the commission its decree, with instructions to take evidence, consider such facts, and report to the court the findings as to method of dissolution or reorganization as the commission shall consider best fitted to carry out such decree; if a reorganization takes place under a decree the commission shall inform itself respecting the reorganization, and if it is of the opinion that it is not in harmony with the decree it shall, through counsel, inform the court for such action as the court may take.

SEC. 11. That the said commission may at any time, upon complaint of any person or corporation, or upon its own initiative, or upon the request of the Attorney General, or of the corporation affected, investigate any corporation subject to the provisions of this act for the purpose of determining whether such corporation has been guilty of a violation of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of "An act to reduce taxation," etc., which became a law August 27, 1894, or of any of the provisions of this act, and may hold such hearings and take such evidence as it may deem necessary; and in case the commission shall find that such corporation has been guilty of a violation of the provisions of said acts or of this act it shall make a finding, stating the facts, and prescribing the acts, transactions, and readjustments necessary in order that said corporation may thereafter comply with the terms of said acts and of this act, and shall transmit a copy of the said finding in full to such corporation. If within 60 days after transmitting said finding, or such extension thereof as shall be given by the commission, the corporation shall not have complied with the terms of the finding, and shall not have performed the acts prescribed as necessary to make it comply with the said acts or with this act, the commission shall report the fact of noncompliance to the Attorney General, together with a copy of such finding, for his action under the said acts or of this act. But the commission may, if it deems it proper, report the facts to the Attorney General without calling upon such corporation for compliance with said acts or with this act.

Nothing contained in this act shall be construed to prevent or interfere with the Attorney General in enforcing the provisions of the act to protect commerce, etc., approved July 2, 1890.

Messrs. Crane, Brandegee, Oliver, and Lippitt expressed themselves as follows:

MINORITY VIEWS.

The undersigned members of the Senate Committee on Interstate Commerce are unable to agree to the report of the majority of the committee on Senate resolution 98, as to "what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce."

While certain features of the report are commendable, there are several conclusions therein which do not accord with our views, and therefore we are prevented from approving the report as a whole.

W. M. CRANE.
FRANK B. BRANDEGEE.
GEORGE T. OLIVER.
HENRY F. LIPPITT.

Mr. SIMMONS. Mr. President, I desire to make a motion which, I think, under the rules has precedence of the motion made by the Senator from Nevada [Mr. NEWLANDS]. I move that the Senate proceed with the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NEWLANDS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Newlands	Simmons
Bankhead	Goff	Norris	Smoot
Borah	Hitchcock	Overman	Thomas
Brady	Hollis	Page	Thompson
Bristow	James	Perkins	Thornton
Bryan	Jones	Pittman	Tillman
Burton	Kern	Poindexter	Townsend
Camden	Lea, Tenn.	Pomerene	Vardaman
Chamberlain	Lee, Md.	Ransdell	Warren
Chilton	Lewis	Root	Wecks
Clapp	Lippitt	Saulsbury	White
Clarke, Ark.	McCumber	Shafroth	Williams
Crawford	Martin, Va.	Sheppard	Works
Cummins	Martine, N. J.	Sherman	

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. BRISTOW. Mr. President, a parliamentary inquiry. As I understand, the Senator from Nevada [Mr. NEWLANDS] has moved to take up the trade commission bill and the Senator from North Carolina [Mr. SIMMONS] has moved as a substitute to take up the river and harbor bill. Is that the parliamentary status?

The VICE PRESIDENT. The Chair understands that to be the parliamentary status at the present time.

Mr. BORAH. There may be a different situation when the caucus adjourns.

Mr. BRISTOW. The inquiry I want to make is whether it is now in order for me to move as a substitute for either or both motions which have been made to take up Senate bill 392, the officers' retirement bill?

Mr. NEWLANDS. Mr. President, what is the motion of the Senator from Kansas?

Mr. BRISTOW. If in order, I move as a substitute for the pending motions that the Senate proceed to the consideration of Senate bill 392, which is the officers' retirement bill.

The VICE PRESIDENT. The Chair is of opinion that it is the duty of the Chair to first put the question on the motion of the Senator from Nevada [Mr. NEWLANDS], and then, if that be rejected by the Senate, to put the question on the motion of the Senator from North Carolina [Mr. SIMMONS].

Mr. SMOOT. I will ask the Chair if the motion made by the Senator from North Carolina is not a privileged motion, it being to consider an appropriation bill?

The VICE PRESIDENT. It is not, in the opinion of the Chair, at the present hour.

Mr. SMOOT. It is not 2 o'clock.

The VICE PRESIDENT. It is not 2 o'clock; and in the opinion of the Chair the motion made by the Senator from North Carolina is not a privileged motion.

Mr. SIMMONS. Mr. President, of course Senators will understand that I dislike very much to antagonize the motion for the consideration of the interstate trade commission bill, but I am anxious that some arrangement may be made by which we may go on with the river and harbor bill after to-day. If the Senator from Nevada will give us some assurance that he will lay his bill aside for a few days, when there is no Senator

ready to speak, until we can get through with the river and harbor bill, I will not press the motion now or at any other time.

Mr. NEWLANDS. Mr. President, I have no objection to giving that assurance. I wish to say that I hope that this bill will be passed quickly, and I believe it will be passed quickly. I believe that the good sense of the Senate will insist upon its rapid disposal; and I do not believe at all that this measure will be in the way of the river and harbor bill; but I am quite willing, of course, to yield from time to time, as the Senator from North Carolina suggests, for the consideration of the river and harbor bill.

Mr. JONES. Mr. President, a parliamentary inquiry. I want to ask, if this bill is made the unfinished business, whether it can be laid aside except by unanimous consent?

Mr. NEWLANDS. I understand it can.

The VICE PRESIDENT. The Chair will rule when that question arises.

Mr. JONES. I hope the Senator will take that into consideration.

Mr. CUMMINS. Mr. President, of course I have nothing to say with regard to any arrangement which may be made between the Senator from North Carolina and the Senator from Nevada; but I want it distinctly understood that some of us are not parties to any understanding of that kind, and that we will insist upon the business of the Senate being done in the ordinary and usual way. I fear that the Senator from Nevada is cherishing a false hope if he believes that the trade commission bill can be disposed of in a brief time. I think it will require considerable discussion.

I now make a parliamentary inquiry. If the trade commission bill is taken up on motion at this time and continued after 2 o'clock, would it become the unfinished business?

The VICE PRESIDENT. If it be continued until after 2 o'clock and be not displaced by some other bill prior to the adjournment of the Senate, it will be the unfinished business.

Mr. SIMMONS. Mr. President, of course Senators will understand that the anxiety I have about passing the river and harbor bill grows out of the fact that the fiscal year will end in a few days. I shall, so far as I am concerned, take my chances. I have no doubt, if the Senate makes the trade commission bill the unfinished business, when that is laid aside the Senate will go on with the consideration of the river and harbor bill.

Mr. FLETCHER. Mr. President, I should like to submit this: I am agreeable to the motion made by the Senator from Nevada, but my understanding is that when a bill like that becomes the unfinished business of the Senate, it is entirely regular and in order to move to take up an appropriation bill, and that a majority vote of the Senate can so determine, even after a bill of this kind becomes the unfinished business by reason of not having been disposed of before the Senate adjourns to-day. It is with that understanding that I shall make no objection to the motion of the Senator from Nevada.

Mr. WARREN. Mr. President, what the Senator from Florida says is, of course, true. It is, however, usual at this time in a session to except appropriation bills from unanimous-consent agreements and other arrangement that proposes to consume the time of the Senate, as very naturally they must be taken care of if we are ever going to adjourn. I would consider that an appropriation bill should come up at any time, whether or not it was in the morning hour; and I certainly should move, if I had charge of one, to proceed to its consideration, even as against the unfinished business. Of course, other matters can be taken up in the morning before 2 o'clock, before the unfinished business is taken up; and there are a good many matters on the calendar that ought to have our attention. There are matters there that have been neglected longer than probably any Congress has ever neglected the pending business of the country. The Senate calendar is clearly in worse condition now, so far as tardiness in the consideration of bills is concerned, than perhaps has ever been the case in the history of the Senate, and, for that matter, I think the same is true as to the House. So I hope that whatever measure may be taken up now we shall understand very fully that the time of the Senate is not foreclosed against the regular calendar business of the Senate. If trust matters are to be taken up, such legislation may be finished in a month or it may be finished in six months; but certainly I do not propose, if I can prevent it, to permit them to absorb completely the attention of the Senate as against other legitimate business that ought to be transacted.

Mr. NEWLANDS. Mr. President, I wish to say, in response to the Senator from Wyoming, that in case this motion is adopted, I shall ask for the reading of the bill, and then, if there is no Senator who wishes to speak upon the subject, I shall ask that the unfinished business be temporarily laid aside. That will give an opportunity for the consideration of the calendar, to which the Senator has referred.

Mr. BRISTOW. Mr. President, I want to see if I have the correct idea as to the Chair's ruling. Do I understand the Chair to rule that a motion to substitute one bill for another is not in order, and that the original motion must be put before the other is made?

The VICE PRESIDENT. The ruling of the Chair was, that during the morning hour, when there is a motion to take up a bill, that is the question to be put. It accomplishes exactly the same purpose to vote it down as it would to substitute some other bill for it. If the motion is voted down, thereupon a motion may be made that the other bill be taken up.

Mr. BRISTOW. I beg to suggest to the Chair that voting it down would not accomplish the same purpose as a vote to substitute another bill. Such a vote in the affirmative would make the bill substituted the business of the Senate, while the other motion would simply be a negative vote against the original motion.

The VICE PRESIDENT. The Chair may be wrong, but the Chair is ruling that when there is a motion to take up a bill the motion is not amendable. It is a question for the Senate to settle whether it will take that bill up or not.

Mr. LIPPITT. I understand the Senator from Nevada and the Senator from North Carolina have entered into some sort of an agreement in regard to the procedure that shall go on with the trade commission bill. I just wondered whether or not I had the right idea about it. I understand that the Senator from Nevada has no intention of trying to obtain an immediate vote upon the trade commission bill, but that there will be ample and reasonable time for its discussion and consideration from day to day, and that the mere fact that somebody may not be ready to speak to-morrow or the day after will not be taken advantage of to obtain a vote on the bill. Is that the understanding?

Mr. NEWLANDS. There has been no understanding at all regarding that. Of course, I am anxious to have an early vote upon this bill and shall press an early vote, but that, of course, will be done with proper consideration and courteous consideration for those who desire to speak.

Mr. LIPPITT. I understood the Senator to say to the Senator from North Carolina that while this would be the unfinished business, if nobody is ready to speak, he would move to lay it aside and take up the other business of the Senate.

Mr. NEWLANDS. I will rest upon what I have already said. I do not wish to get myself into a strait-jacket with reference to this matter.

Mr. LIPPITT. I am not asking that. I only wanted to know what the Senator's idea was.

Mr. NEWLANDS. The Senator can rest assured that so far as the Senator from Nevada is concerned he will preserve the traditional character of courtesy in this body.

Mr. LIPPITT. I have always found him ready to do that.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. We are proceeding under Rule VIII. For 10 minutes we have been discussing a question which by Rule VIII is not debatable. It provides that motions made to proceed to the consideration of any matter shall be determined without debate.

The question is upon the motion of the Senator from Nevada [Mr. NEWLANDS] that the Senate proceed to the consideration of House bill 15613.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The Secretary read the bill, which had been reported from the Committee on Interstate Commerce with an amendment, to strike out all after the enacting clause and insert:

That a commission is hereby created and established, to be known as the Federal trade commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal trade commission is referred to hereinafter as "the commission."

The words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

The term "corporation" or "corporations" shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled

'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' " approved February 12, 1913.

SEC. 2. Upon the organization of the commission, the Bureau of Corporations, and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist, and the employees of said bureau shall become employees of the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau may be continued by the commission free from the direction or control of the Secretary of Commerce. All appropriations heretofore made for the support and maintenance of the bureau and its work are hereby authorized to be expended by the commission for said purposes.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices or connection with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of a vacancy in the office of any commissioner during his term, an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy, for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may at its pleasure meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, and for the purposes thereof to exercise the powers herein given the commission.

The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may from time to time be appropriated for by Congress, and shall have authority to audit their bills and fix their compensation. With the exception of the secretary and assistant secretary and one clerk to each of the commissioners, and such attorneys and experts as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the commission.

The Auditor for the State and other Departments shall receive and examine all accounts of expenditures of the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 3. The commission shall have power, among others—

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management of any corporation engaged in commerce, and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corporations, or to individuals, associations, or partnerships, and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the commerce in which such corporation under inquiry is engaged or concerning its relations to any individual, association, or partnership, and to make copies of the same.

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise, in the discretion of the commission.

(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress, and to submit therewith recommendations for additional legislation.

(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, if the court finds for the complainant, it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery, whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

(f) Wherever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable and the report shall be made public in the discretion of the commission.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order, at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

SEC. 6. That if any corporation subject to this act shall fail to file any annual or special report, as provided in subdivision (b) of section 3 hereof, within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 7. Any person who shall willfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States, or authorize, assist in, or be privy to the willful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, the production of which the commission may require under this act, or who shall willfully make any false entry relating to commerce in any book of accounts or record of any trade association, corporate combination, or corporation subject to the provisions of this act, or who shall willfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

SEC. 9. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish the disobedience thereof.

SEC. 10. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any trade association, corporate combination, or corporation subject to any of the provisions of this act.

Mr. BORAH. Mr. President, I wish to ask the Senator in charge of the bill a question in regard to the measure before we vote on it. I should like to ask the Senator what are the estimated salaries and official expenses connected with this commission?

Mr. NEWLANDS. We have not entered into that question. I presume it would——

Mr. BORAH. I thought perhaps the Senator could not state it accurately, but——

Mr. NEWLANDS. I presume it will be in excess of the expenditures of the Bureau of Corporations, and considerably in excess. I do not recall what the actual expenditure for the Bureau of Corporations is.

Mr. BORAH. I understand, first, we have five commissioners at $10,000 each. Has there been any effort to arrive at an intelligent conclusion as to the probable expense connected with the operation of the committee?

Mr. NEWLANDS. There has been none by the committee.

Mr. BORAH. I should like to ask further, in what respect, then, will this commission differ from the Bureau of Corporations with reference to the power of investigation and the gathering of facts, and so forth, concerning the business of the country or any particular business which it might be desired to have investigated?

Mr. NEWLANDS. The Senator can easily ascertain that by reading the corresponding section of the two acts.

Mr. BORAH. Yes; I suppose so.

I rather suspected, Mr. President, that that was the information which accompanied this bill to the Senate.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. If the report of the committee is adopted, will the bill then be open to amendment?

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Will the Senator state his question again? The Chair was not giving attention.

Mr. CUMMINS. This bill came to the Senate, was referred to the Interstate Commerce Committee, and that committee now reports, recommending that all after the enacting clause be stricken out, and that the sections which have just been read be substituted instead of the bill as passed by the House. If the report of the committee is adopted and that substitution is made, will the matter that we have adopted for the House text be open to amendment?

The PRESIDING OFFICER. The Chair would say that that is a matter which the Chair thinks ought not to be ruled upon in advance. The bill is now before the Senate as in Committee of the Whole and open to amendment, and the Chair is of the opinion that the ordinary procedure with reference to the matter of which the Senator from Iowa inquires would be that such amendments as are to be proposed to the amendment of the committee ought to be proposed at this time.

Mr. CUMMINS. I feared that was the parliamentary rule, and that if the report of the committee is adopted, which is an amendment of the House bill, then there could be no change in the matter so substituted. In that situation, Mr. President——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. Do I understand the Senator to be of the opinion that if the substitute is adopted then we can not, as in Committee of the Whole, amend the substitute?

Mr. CUMMINS. The Presiding Officer just indicated that that was the view of the Chair, and I simply accepted it.

Mr. BORAH. I did not so understand the Chair.

The PRESIDING OFFICER. The Senator from Iowa misunderstood the Chair.

Mr. CUMMINS. Possibly.

The PRESIDING OFFICER. The Chair expressly reserved any statement or ruling upon that question until that point shall have been reached. The Chair stated in that connection, however, that in the opinion of the Chair the substitution of the amendment of the committee now pending is at this time open for amendment as in Committee of the Whole.

Mr. CUMMINS. Undoubtedly I did misunderstand the statement of the Chair; but I think we have a right to be advised with regard to that matter, because it is a vital matter. I do not pretend to be a skilled parliamentarian, and some one who makes such a claim, or who has established such a title, ought to say something at this juncture.

Mr. CLARKE of Arkansas. I do not think that description would fit many of us, but if the Senator will allow me——

Mr. CUMMINS. I yield to the Senator.

Mr. CLARKE of Arkansas. The inquiry propounded by the Senator from Iowa is completely answered by Rule XVIII. The pending question is to strike out and insert. That presents two questions. The motion to strike out is subject to amendment. Then the new matter to be inserted in lieu of it is subject to amendment. When both have been amended to the entire satisfaction of the body the proposition is submitted as a single question whether the motion to strike out and insert shall prevail. The rule says:

> But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Motions to amend the original text of the House bill are first in order, and when the proposition to amend has been exhausted then motions to amend the substitute are in order, and when both have been amended to the satisfaction of the Senate then there is submitted the single question to strike out and insert.

Mr. CUMMINS. The effect of the suggestion just made by the Senator from Arkansas is this: The committee has moved to strike out certain parts of the House bill and insert in lieu of those parts certain other matter. The text of the House bill is now open to amendment.

Mr. CLARKE of Arkansas. Yes.

Mr. CUMMINS. And the text of the matter sought to be inserted is open to amendment.

Mr. CLARKE of Arkansas. That is right.

Mr. CUMMINS. But if neither is amended and a vote is had on the recommendation of the committee and the matter is stricken out, the matter proposed by the committee is inserted, it is not then open to amendment.

Mr. CLARKE of Arkansas. Under the precedents of the Senate it is not. It has passed the stage when it may be amendable after it has been adopted.

Mr. CUMMINS. Precisely. That indicates a very unfortunate parliamentary situation, because we have here practically an entire bill surrounded and hampered by the rule that has just been read by the Senator from Arkansas. There is no logic in the rule, and in this case it is an exceedingly unfair and unjust rule; but, however, we can not avoid it now.

I ask the Senator from Nevada whether he proposes to press the matter to a vote at this moment.

Mr. NEWLANDS. The Senator inquires whether I intend to press it to a vote at this moment?

Mr. CUMMINS. Does the Senator from Nevada ask for a vote upon the amendment of the committee at this time?

Mr. NEWLANDS. I do not. I intended to ask whether there were any Senators who wish to speak on the bill this afternoon.

Mr. CUMMINS. The Senator is talking too low.

Mr. NEWLANDS. It was my intention to ask whether any Senator wishes to address the Senate on the bill this afternoon, and if not it was my purpose to ask that it be temporarily laid aside.

Mr. CUMMINS. That would be very considerate on the part of the Senator from Nevada, and I think that is the proper course to be pursued.

I desire to say, Mr. President, that I am thoroughly in favor of the institution or creation of a trade commission. I am thoroughly in favor of the greater part, the most important part, of the bill which has been reported by the committee of which I am a member. But there are certain other powers that ought to be given to the trade commission more essential, more vital to the welfare of the people of this country than any which are given in the bill as it is now before us.

I have had grave doubt whether it would be worth while to create so dignified and expensive and formal a tribunal simply to do the things that it is here authorized and required to do; I think there are things which the commission should do and which it could do to the very great advantage of the people. Those things are represented in certain sections which were originally a part of the bill as reported by the subcommittee of the Interstate Commerce Committee to the full committee. They are, speaking generally, regulations concerning interlocking directorates of competitive corporations, of intercorporate stockholding in competitive corporations, and of holding companies who own and control the stock of two or more corporations which are or ought to be competitive.

These are the subjects which I think the commission could supervise to greater advantage than any other subjects that could be committed to it, and it has been my desire, and it has been the desire, I know, of certain other members of the Interstate Commerce Committee, that in the establishment of the commission we should add these powers precisely as we have given it one power in the bill, and but one power, namely, the power of preventing unfair competition. The sections to which I have referred have a very peculiar history.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. The Senator says that the commission has been given the power to prevent unfair competition. There are no certain prescribed limits at all. Under the powers of the commission to prevent unfair competition, what possible industrial condition would it not be within the power of the commission to examine, interlocking directorates and everything else?

Mr. CUMMINS. No; I can not quite agree with the Senator from Idaho.

Mr. BORAH. In what?

Mr. CUMMINS. The vice of a community of directors in two corporations doing the same kind of business is that their presence may suppress, overcome, and prevent all competition. The holding of the stock of one corporation by another, its competitor in business, destroys competition entirely.

Mr. BORAH. Let me ask the Senator another question. Section 5 says:

> That unfair competition in interstate commerce is hereby declared unlawful. The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

The whole covers every subdivision of the whole, and anything which would result in unfair competition in combinations, holding stocks of corporations, interlocking directorates, and every conceivable industrial condition which would result in unfair competition, would be subject to the investigation of this commission.

Mr. CUMMINS. It might be subject to the investigation of the commission, but it is not subject to the correction of the commission, and that is the main thing. I do not believe, Mr. President, that unfair competition is the synonym of no competition or of imperfect and inadequate competition. The unfair competition that is sought to be reached in the section to which reference has been made——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. In just a moment. The unfair competition that is sought to be reached in the section to which the Senator from Idaho has referred is that violence of competition conducted through unfair practices and methods which must ultimately result in the extinction of the rival and the establishment of a monopoly. I yield to the Senator from Colorado.

Mr. THOMAS. I should like to ask the Senator from Iowa whether, under the first sentence of section 5, everything is unfair competition which a majority of the commission shall determine?

Mr. CUMMINS. I had hoped that the Senator from Nevada [Mr. NEWLANDS], the distinguished chairman of our committee and the leader of its thought and its purpose, would explain the meaning of section 5.

Mr. THOMAS. I am seeking for light in every direction.

Mr. CUMMINS. I do not mean to say that I will not be willing to enter upon an explanation, if it becomes necessary; but my view of it might be a little different from that of the Senator from Nevada. I would rather that he would express his views in advance of mine, and I gladly yield to him to answer the Senator from Colorado.

Mr. THOMAS. The Senator from Nevada has already addressed the Senate this morning upon that and other topics. I am seeking light from every source, and I always feel that I can apply to the Senator from Iowa very successfully as to all matters relating to interstate commerce.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. In just a moment. My construction of this term is that if we enact this measure into a law the commission to be appointed afterwards will have the absolute power, subject only, of course, to the ultimate determination of the legality of the act by the courts, of arbitrarily determining whether any act submitted to it is or is not unfair competition, whether that act is one which involves no competition or one which involves actual competition, and that as a consequence we are imposing upon the business world a condition almost similar to that which resulted during the Middle Ages in a declaration that all unbelief should be heresy.

Mr. CUMMINS. Mr. President, I have no hesitation in answering the Senator from Colorado, though I would naturally have preferred the Senator from Nevada should first have expressed his view with regard to unfair competition.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho, who addressed the Chair?

Mr. CUMMINS. Is it upon the same subject?

Mr. BORAH. Yes; it is upon the same subject. I want to say, however, that, of course, we will be anxious to have the view of the Senator from Nevada as well as the Senator from Iowa; but upon this side of the Chamber we rather defer to the Senator from Iowa on matters of interstate commerce. We all know the Senator from Nevada has given a vast amount of attention to this subject, and we are always instructed by his view of a subject. But the Senator from Colorado asked the simple proposition, not what is unfair competition, necessarily, but is not that unfair competition which the majority of this commission under the terms of this bill determine to be unfair competition? Is there any limitation upon their power except the constitutional inhibition which might be invaded against the confiscation of property, or something of that kind? But, within any conceivable range of what anyone conceives to be unfair competition, what limitation is there to the jurisdiction of this commission to determine it to be unfair competition?

Mr. CUMMINS. I intend to answer those questions now.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. If the Senator will permit me——

Mr. WORKS. If the Senator will allow me just to add a question, he can probably answer both in one.

Mr. CUMMINS. I shall be very glad to answer the two at the same time.

Mr. WORKS. The Senator from Iowa said, in reply to the Senator from Idaho, that the bill authorizes the commission to investigate but not to adjudicate the question as to the fairness of competition.

Mr. CUMMINS. The Senator from California entirely misunderstood me.

Mr. WORKS. Then the Senator misunderstood the inquiry.

Mr. CUMMINS. No; I said that the bill gave the commission the power to investigate the absence of competition if by interlocking directorates or by intercorporate stockholding between two corporations, but it did not give any power to correct that condition as it did give power to correct the condition of unfair competition.

Mr. WORKS. I think the section itself answers the inquiry made by the Senator from Colorado and the Senator from Idaho. It provides, in the first instance, that unfair competition is unlawful. Then follows the statement that the commission is empowered and directed to prevent corporations from using unfair methods of competition in commerce. Then follows the provision authorizing the necessary investigation and then it is provided that thereupon the commission shall "issue an order restraining and prohibiting the use of the same"; that is to say, the unfair means of competition.

Now, it is given over absolutely to the commission to determine whether it is unfair, and then to issue an order or resort to a court or any other judicial tribunal that it is unfair. It is proposed to adjudicate the whole question.

Mr. CUMMINS. Of course, I am very much obliged to the Senator from California for answering the question for me. I ask whether the Senator from Colorado [Mr. THOMAS] is satisfied with that answer. If so, I need not bother myself to express my own view.

Mr. THOMAS. Until I can get further light on the subject I am satisfied.

Mr. CUMMINS. How is it with the Senator from Idaho? Does he regard the answer as entirely satisfactory?

Mr. BORAH. I regard the answer as satisfactory, but I should like to have the commentary of the Senator from Iowa.

Mr. CUMMINS. Mr. President, the Senator from California is only partially right. Every lawyer understands that we can not delegate to a commission legislative power; that when we give to an administrative body the execution of a law of Congress we must at the same time give it a standard, a guide and rule which it is to apply to the particular case and determine whether that particular case falls under the prohibition of the law.

Mr. WORKS. Mr. President——

Mr. CUMMINS. I do not yield just at this moment. I want to complete my answer.

Thus in the interstate-commerce act we have declared that a common carrier shall not charge an unreasonable rate for the transportation of persons or property. What is an unreasonable rate Congress has not attempted to determine, but has vested the Interstate Commerce Commission with the authority to examine and then to determine whether a particular rate is or is not a reasonable and just rate. It might be at once said that the Interstate Commerce Commission has the authority by a majority vote to declare any rate that it may see fit to declare a just and reasonable rate or otherwise. But that is not expressing it in the form of the law. The office of the Interstate Commerce Commission is to ascertain through an inves-

tigation and hearing whether a particular rate is a reasonable charge for the service rendered by the common carrier. Just so, here we have given in this section to the trade commission a standard, a rule which is just as well understood in the law as were the words "reasonable rate." It is just as easy to turn either to the civilized sense of mankind or to the law of the land and ascertain what unfair competition is as to ascertain what a reasonable rate is.

Therefore, I answer the Senator from Colorado by saying that we do not give to the trade commission an unlimited, unbridled license or authority to declare anything unfair competition. We say that if you find that unfair competition exists then *you must prevent it*, but in order to ascertain what unfair competition is you must go to the courts and to the common sense of mankind, and there are many adjudications upon the subject. The words "unfair competition" are not new in the law, and in my opinion they will become just as understandable as any other rule that we have given to any administrative commission that has hitherto been created. I am of the opinion——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator.

Mr. BORAH. Suppose the order of this commission establishing the fact that there was unfair competition should be reviewed by a court, what rule would the court invoke to set aside the commission other than the fact that the rule which the commission had established resulted or would result in the confiscation of the property?

Mr. CUMMINS. It ought not to invoke any other. The purpose here is not to permit a broad review of the work of the commission by the courts. That was proposed in 1906 when we were amending the interstate-commerce law. If I understand the section correctly, when the commission issues its order restraining such a practice or method, then if the person against whom it is issued refuses to obey it, the commission appeals to the court through a petition, and the jurisdiction of the court is not to review the merits of the controversy. It is not to substitute its own judgment as to unfair competition for the judgment of the commission any more than it is the province of a court to substitute its own judgment as to what constitutes a reasonable rate for the judgment of the Interstate Commerce Commission; but the jurisdiction and power of the court has been limited with respect to the trade commission exactly as it is limited with respect to the Interstate Commerce Commission to the ascertainment of these questions. Has the trade commission arbitrarily issued the order? Has it exceeded its jurisdiction?

Mr. BORAH. Mr. President, how would the court determine whether or not the trade commission had acted arbitrarily or had exceeded its jurisdiction except by determining the fact that its order would result in an interference with the constitutional rights of property?

Mr. CUMMINS. I hope that is the only event in which the court could interfere with the power of the commission.

Mr. BORAH. That is the question which I asked a while ago—what limitation is there upon this commission to determine what shall be and what shall not be unfair competition other than this power of the court to interfere when it results in the confiscation of property?

Mr. CUMMINS. The question is very easily divisible. If you ask me whether there is any power of review, I answer instantly "no"; but if you ask me, is there any limitation upon the commission, I answer "yes; the limitation of the statute."

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. In just a moment I will do so.

The trade commission is as much bound to obey the law as is any court which is established to administer justice. The trade commission becomes bound to declare what is or what is not unfair competition according to the law of the land, according to the improving and the developing sense of the country with respect to matters of commerce. I now yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, I am impressed with the suggestion of the able Senator from Idaho [Mr. BORAH] to the point that there are possibilities in the construction of the word "unfair," which leaves the matter wholly to the discretion of the tribunal which is designated as the commission, and I now ask the Senator from Iowa [Mr. CUMMINS] does the Senator from Iowa see any more danger in allowing the exercise of discretion to the commission to decide what would be "unfair" in the matter of competition in trade than that which the Supreme Court of the United States intruded into the Sherman antitrust act when it introduced the words "undue" to the phrase "restraint of trade," making the prohibition of restraint of trade depend on it being "undue" before it can be denounced by the Sherman antitrust law? Is there any greater discretion vested in the commission to ascertain and determine the meaning of "unfair" or any more arbitrary discretion than that vested in the board of directors of different companies or in the lower courts to decide as to what is "undue" restraint of trade as decided by the Supreme Court of the United States?

Mr. CUMMINS. I think there would be no greater difficulty. When one undertakes to say what is an undue restraint of trade or commerce he is at once plunged into as much confusion, certainly, as he is when he undertakes to say what is or what is not unfair competition.

Mr. BORAH. But, Mr. President, may I suggest the fact that you have put into this proposed statute the word "unfair," which obligates the commission to enter that domain which has no circumscribed limits at all? We are not saying here that this commission shall determine, for instance, that competition in commerce is hereby declared unlawful, but that unfair competition which necessarily invites the tribunals to the field of speculation as to what they consider unfair is unlawful.

I have not suggested that it is a dangerous proposition; I do not know but that we must rest that discretion somewhere; but I was anxious to know what limitation there was upon the commission in the exercise of that discretion. Suppose the commission should say that "this is unfair competition," who will review their judgment? Who will review their discretion? When you get a tribunal to arbitrate on that judgment and discretion, what can that tribunal do?

Mr. LEWIS. My answer, Mr. President——

Mr. CUMMINS. Mr. President——

Mr. LEWIS. I beg pardon, I thought the Senator from Idaho was addressing his observations to me. If I am not intruding upon the Senator from Iowa now——

Mr. CUMMINS. I am very glad to yield, but I simply want to advise the Senate that I have not yet been permitted to even suggest what I rose to say.

Mr. LEWIS. I will not interrupt the Senator from Iowa from his continuing course. Not speaking as the chairman of the committee, for the able Senator from Nevada [Mr. NEWLANDS] is the chairman, and I am but speaking as an humble aid of his, this would be my answer: If any commission or any body of men constituted in this Government should render an opinion based on discretion that was so apparently arbitrary and unjust it would be reviewed by a court of equity upon the facts being properly set forth and under the definition by laws heretofore prescribed upon the question, touching the general meaning of "unfair competition," there we would have the reviewing power. In a court of equity is the review. Such is my judgment.

Mr. CUMMINS. Mr. President, the whole policy of our regulation of commerce is based upon our faith and confidence in the administrative tribunals. If we are not willing to entrust the commercial fortunes of the United States to the honor, the learning, and the integrity of administrative tribunals, we had better suspend and cease any attempted regulation of commerce. I look upon this application of power to the trade commission as no greater, as involving no graver consequences, no more danger to vested rights, than the discretion that we have necessarily reposed in the Interstate Commerce Commission and that we have reposed in the courts when we ask them to apply the rule announced in the antitrust law. If anything can be more indefinite or vague than the prohibition against the restraint of trade or commerce, it has yet to be brought to my attention. What is a restraint of trade or commerce depends entirely upon one's economic and sociological view of industrial society.

Mr. LIPPITT. Psychological.

Mr. CUMMINS. No; I will not include psychological; I do not believe it involves that element in our affairs. We are here endeavoring to sustain competition; that is the primary purpose of the antitrust law; it is the chief object of all these laws that we are now proposing; it is the only justification for the establishment of a trade commission; for if we do not desire to maintain the competitive force as a part of our industrial commercial life, then all these things are unnecessary.

We have chosen to report a rule for the trade commission in the language which has been suggested, namely, "unfair competition." It is that competition which is resorted to for the purpose of destroying competition, of eliminating a competitor, and of introducing monopoly. That is the "unfair competition," in its broad sense, which this bill endeavors to prevent.

If any Member of the Senate can suggest a better rule than that, can suggest more understandable words for that standard,

I have no doubt that the chairman of the committee, and I know that I, as a member of the committee, will be very glad to substitute that better definition; and I think it is the duty of every Senator here who believes that we ought to keep competition as a part of the protection of American commerce to devote his mind for the next few hours or few days to the ascertainment of that one thing. Can you furnish the Senate a better definition than "unfair competition"? If you can I am sure that those of us who believe in the general policy of this section of the proposed law will welcome its adoption in the bill.

Mr. STERLING. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield.

Mr. STERLING. I should like to ask the Senator from Iowa a question as to whether or not he is in favor of conferring upon this commission the power to determine absolutely, and without appeal or review upon appeal, the question of unfair competition in any given case?

Mr. CUMMINS. I am. I have the same confidence in the commission—or I shall have—that I have in the court. I believe it will do justice in a greater number of cases than will be done in the courts. Neither am I disparaging the courts, for I think no man excels me in reverence and admiration for our judicial system; but whenever you attempt to regulate commerce in this way through the medium of lawsuits, you have a miserable failure. If you are to submit to a court the question of what constitutes unfair competition, you have submitted the rights of the citizen to the judgment of a fellow citizen; and I shall feel just as safe in the hands of a trade commission as in the hands of a court. Aside from that, whenever you submit a regulation of commerce to the review of the courts through the tedious processes of lawsuits, through the ordinary way of taking testimony, you have destroyed the efficiency of the statute. Therefore I answer the Senator from South Dakota very frankly and plainly that I am in favor of excluding courts from the review of the discretion or judgment of a trade commission.

Mr. STERLING. Mr. President, I should like to ask the Senator one further question. Does the Senator from Iowa understand the bill to so exclude the courts from reviewing and rendering a decision on the question?

Mr. CUMMINS. In helping to prepare this legislation I tried to make it so that the courts would not have the power to review the discretion and the judgment exercised or the facts passed upon by the trade commission.

Mr. STERLING. Well, Mr. President, without agreeing with the contention of the Senator from Iowa upon that proposition I will say that, in my judgment, the bill, in the paragraph found on page 21, does exclude, by plain implication and meaning, any review upon the part of the courts.

Mr. CUMMINS. I am sure it was my purpose, and I think it was the purpose of the other members of the committee, to so arrange the phraseology of this section that it would accomplish that very object.

Mr. SUTHERLAND. Mr. President, I was not here during the first part of the remarks of the Senator from Iowa with reference to the provision now being discussed. I should like to ask the Senator where would the trade commission go in order to find out what was meant by "unfair competition"? Would they go to the decisions of the courts and to the common law?

Mr. CUMMINS. Partly.

Mr. SUTHERLAND. Well, where else? To their own inner consciousness?

Mr. CUMMINS. No, sir; no more than the courts would go to their inner consciousness.

Mr. SUTHERLAND. What I am trying to get at is this: Is there a definite meaning to the expression "unfair competition" which has been laid down either under common-law rules or by decisions of the courts?

Mr. CUMMINS. There is.

Mr. SUTHERLAND. And that is precise, so that any man with the requisite amount of intelligence and familiarity with the decisions could determine exactly what it was?

Mr. CUMMINS. It is much more precise than the meaning of the words "restraint of trade or commerce" were.

Mr. SUTHERLAND. It would not depend——

Mr. CUMMINS. It is much more precise than the meaning of the words "a reasonable rate" in connection with the transportation charges of common carriers were.

Mr. SUTHERLAND. Of course the word "unfair," in common understanding, has a pretty flexible meaning. Would the Senator understand, for example, in the case of two railroads engaged in interstate commerce, if one of the railroads misrepresented the facilities of the other and in that manner diverted trade to itself, that that would be unfair competition?

Mr. CUMMINS. I do not.

Mr. SUTHERLAND. Well, it would be unfair.

Mr. CUMMINS. I will be very glad to answer the Senator, but I do not want to commit anybody else to my views as to the application of the proposed law to individual instances.

Mr. SUTHERLAND. I may be wrong about it, and further study may convince me that the Senator from Iowa is right; but it occurs to me that we are using a term that will be very difficult of application. It seems to me that it would depend upon the point of view, and I mean by "the point of view" the personal point of view of each member of the proposed commission as to what constitutes "unfair competition."

Mr. CUMMINS. I do not think it would depend upon the personal point of view, although I do agree that it would be difficult to apply the standard. That is unquestionably true; that is true of every law that we pass.

Mr. SUTHERLAND. Oh, yes; that is true. The Senator seemed to think that I was attempting to cross-examine him. I am not. I am asking these questions in absolute good faith. I wanted to get the Senator's view with reference to the case which I presented where two railroads are competing with one another. Certainly if one railroad company misrepresents the facilities or the service which the other railroad company is furnishing, that is an unfair thing; we would all concede that. I wanted to know whether or not, in the Senator's view, that kind of a practice would be included in the term used?

Mr. CUMMINS. I do not think so.

Mr. SUTHERLAND. Then I hope the Senator will not think I am cross-examining him if I ask him why not? If it is unfair, and everybody will agree that it is unfair, why does it not come within the provisions of this proposed law?

Mr. CUMMINS. The unfairness must be tinctured with unfairness to the public; not merely with unfairness to the rival or competitor. I put now to the Senator from Utah a question. I will give him a case, one of the last cases I tried when I was at the bar. A company was manufacturing soap, and it had taken the trade name of "White Laundry" soap; it had built up a business; and the people were in the habit of calling for this commodity by the name of "White Laundry." A rival sprang up and called its soap "Crystal White Laundry Soap," and it began to occupy the territory formerly held by the first producer, and was making its way pretty rapidly when the first producer filed a bill in equity, claiming that it was unfair competition, because the people who called for the particular article in the ordinary course of trade did not discriminate between the two; that when they called for "White Laundry" and were supplied with "Crystal White Laundry" soap, they did not detect the difference; and that, therefore, the competition was unfair. The meaning of the words "unfair competition" has been laid down in cases of that kind a hundred times. That is one class of cases to which this standard would apply.

Mr. SUTHERLAND. Of course, Mr. President, I can quite well understand that everybody would agree that in the case which the Senator cites that would be unfair competition.

Mr. CUMMINS. If we can apply it only to one case, let us take that one.

Mr. SUTHERLAND. But we have not confined it to one case; we have used the term broadly.

Mr. CUMMINS. If that is the only thing that "unfair competition" means, we have confined it.

Mr. SUTHERLAND. The Senator says that it must involve unfairness to the public as distinguished from unfairness to a rival.

Mr. CUMMINS. I do not say that is so in every instance, but that is the thought in all. We are not simply trying to protect one man against another; we are trying to protect the people of the United States, and, of course, there must be in the imposture or in the vicious practice or method something that has a tendency to affect the people of the country or be injurious to their welfare.

Mr. LIPPITT. Mr. President, I should like to ask the Senator what the decision was in the case stated by him?

Mr. CUMMINS. The decision was an injunction restraining the second producer from using the words at all.

Mr. LIPPITT. That is, the company using the name "Crystal White Laundry?"

Mr. CUMMINS. Yes.

Mr. LIPPITT. I should like to ask whether the "Crystal White Laundry Soap" was sold at a less price?

Mr. CUMMINS. I do not remember. I can bring in a few cakes of the soap, if the Senator from Rhode Island would like to enter into the details.

Mr. LIPPITT. I should be very glad to have them, for I have no doubt it is a very good article, or the Senator would not have been engaged in the litigation.

Mr. CUMMINS. Certainly, my client was a very responsible litigant.

Mr. LIPPITT. But the Senator was talking about unfair competition involving an element of unfairness to the public. I was wondering, in this very case, if the party who made the "crystal white laundry" soap had sold it at a price, say, of 75 cents, while the other party sold his soap at $1, whether the public was injured.

Mr. CUMMINS. The court thought so.

Mr. LIPPITT. I wanted to get that information about it, because it seems to me that when you come to the question of what is "unfair competition" and such unfair competition must involve an element of unfairness to the public, if the competition is of such high character as to reduce the price to the public, it is going to be a very difficult question to say that it is injurious to the public. I presume that is what the Senator means by saying "unfair"; I presume he means if it is unfair to the public, it is injurious; and that because in some way it will ultimately result in higher prices to them, but if the competition results in lower prices to the public, it is fair to them?

Mr. CUMMINS. Not always.

Mr. LIPPITT. The proposition is so mixed up with that idea that I scarcely see how one can be separated from the other.

Mr. CUMMINS. I do not think it is mixed up with that at all. If one goes into a store and desires a certain thing and through a misrepresentation, such as I have indicated, he takes another thing he is injured, and the people generally are injured if the same thing is practiced on them, without regard to the price, without regard to the quality of the goods involved.

Mr. LIPPITT. I can see where the practice in the case the Senator cites might be very unfair competition, so far as the original owner of the brand is concerned, if this other brand induced customers to take another article when they might have taken his; but when you begin talking about whether or not it is fair or unfair to the public, if the article is equally good and sold at a lower price and by the use of it the customer is introduced, at a saving in dollars and cents, to a new article much to his advantage, it seems to me you are getting on ground where it will be very difficult for the commission to decide. I think the case the Senator has cited, if you carry it a little further than he did, is illustrative of the extraordinary difficulty cases of this kind are going to present to the commission.

Mr. CUMMINS. I have not a bit of doubt, Mr. President, of the difficulty of the cases. We have never accomplished anything good yet without great difficulty. If those who passed the antitrust law and those who passed the interstate commerce law had been appalled because they were difficult of administration, we would have yet been without any regulation of interstate commerce.

Mr. BORAH. Mr. President, if I understand aright, the Interstate Trade Commission is designed to be somewhat of an aid to the enforcement of the Sherman antitrust law?

Mr. CUMMINS. I do not say so.

Mr. BORAH. Well, I understood a statement to that effect was made the other day.

Mr. CUMMINS. Mr. President, will the Senator from Idaho permit me to go on and state what I rose to state? I have not in my remarks gone over the provisions of this bill nor have I become their sponsor or their defender in all their parts.

Mr. BORAH. I simply desire to say that when this bill was brought into the Senate, the Senator from Nevada stated that he wanted speedy action. I asked the Senator from Nevada a couple of questions which I thought were pertinent, and I received no answer. I supposed that somebody connected with the bill was willing to inform the Senate in view of the fact that we are to proceed speedily to vote upon it.

Mr. CUMMINS. I am willing to respond to any question with regard to the bill, but I hope that I will not be led at this time to review all its provisions.

I rose, Mr. President, to indicate that there ought not to be any vote upon this bill this afternoon. That was my only purpose. I am not the author of section 5, which has excited so much dispute in the last hour. I believe in section 5, but I do not believe it is important at all as compared with certain other sections which ought to go into the bill, conferring other powers upon the trade commission. I have been defending section 5 because I have been led into it by one inquiry after another. I was entirely sincere when I said that I would have much preferred that the Senator from Nevada [Mr. NEWLANDS] should defend and explain this section before I attempted to give my views upon it.

When I was diverted into this discussion I was just suggesting that there were certain sections reported by the subcommittee to the full committee relating to interlocking directors and to intercorporate stock holdings and to holding companies. They were afterwards segregated from the bill, for the reason, I assume, among other things, that a bill known as the Clayton bill had passed the House, had come to the Senate, and had been referred to the Judiciary Committee, and that certain sections of that bill covered interlocking directors and intercorporate stock holdings. That embarrassed us somewhat, and it was difficult to determine just what ought to be done in order that the subject might be considered in an intelligent way. The Judiciary Committee has been debating in that field for two days now; and this morning, at the suggestion of members of the Judiciary Committee, I offered the sections to which I have referred as amendments to the bill now before the Senate, and asked that they be referred to the Judiciary Committee for its consideration and report. These proposed amendments have been referred to the Judiciary Committee, and that committee will have them under consideration; and I do not want any vote taken upon this bill that will preclude amendment to the matter sought to be substituted for the House bill until the report of the Judiciary Committee comes in.

Really, that was the only purpose I had in mind when I rose. I had no thought of discussing the bill generally, except to express my general approval of it, provided we clothe the commission with sufficient power to warrant the establishment of such a tribunal.

INTERLOCKING DIRECTORATES AND INTERCORPORATE STOCKHOLDINGS.

Mr. NEWLANDS. Mr. President, in reply to the question of the Senator from Iowa regarding interlocking directorates and intercorporate stockholdings, I have to say that I have known for a long time that the Senator was quite desirous of having legislation upon that subject incorporated in the trade commission bill. At one time I was disposed to consider it very favorably myself; so much so that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Iowa [Mr. CUMMINS] were made a subcommittee to study that question, and I am sure the full committee is exceedingly indebted to these gentlemen for the thorough study which they gave the subject. I realize, however, and the committee realize, that the danger of running outside of the strict lines of a trade commission bill would be that we would perhaps arouse the opposition of those who would otherwise be the friends of the bill, and that that opposition would produce delay in the consideration of and action upon the bill. We thought it, therefore, much more logical, with a view to immediate achievement, to confine the bill simply to the organization of a trade commission.

It is true, as the Senator said, that we wandered slightly outside of the lines of a purely trade commission bill by inserting this provision with reference to unfair competition; but so far as I was concerned—and I think that was the judgment of the committee—the section itself was so unobjectionable that we felt sure it would arouse but little opposition and that it would strengthen rather than weaken the bill.

My individual opinion is that an interlocking directorate would come under this provision with reference to unfair competition if an interlocking directorate were used for the purpose of creating a community of interest between two or three or four corporations that would make them more powerful in their competition with an individual competitor; and I wished the test to be not simply the fact that there were common directors in numerous corporations, but the fact that the creation of that common directorate involved oppression to the independent concern, and thus involved unfair competition.

We all know that these so-called interlocking directorates are organized under the laws of the various States. We have very few national corporations, so we are acting, recollect, with reference to the organization and business of purely State corporations which are engaged, in greater or less degree, in interstate commerce. If the States permit common directors, I do not think the United States should interfere with that practice unless it involves a restraint of interstate commerce; and an undue restraint of competition does constitute a restraint of interstate commerce.

So I have been opposed to wholesale legislation regarding both interlocking directorates and intercorporate holdings. I think those matters may be wisely left to the legislation of the States, except where the existence of an interlocking directorate or the existence of an intercorporate holding constitutes in itself a restraint upon interstate commerce.

We all know that there is great apprehension, also, among numerous corporations throughout the country that have com-

mon directors. Those corporations may not be in competition at all, though they may be engaged in the same kind of business, or the competition may be so slight as to be absolutely inappreciable; and yet we do know that in various States and communities there are men who are regarded as commercial and business leaders whose position on the directorate of any corporation adds strength to it and gives security to the stockholders. To limit unnecessarily the utilization of the services of such men in common directorates of corporations, unless such common directorates have the effect of restraining trade, would be, in my judgment, very unwise.

Besides that, so far as I am individually concerned, I have had some regard for psychological conditions, to which the President has referred. I believe the country can get into a state of mind. I believe it has gotten into a state of mind. I believe that the economic readjustments necessarily following any change in the tariff contributed something to that state of mind. I believe the antagonism of the great banking institutions of the country in the creation of our banking law created a state of mind in many men throughout the country engaged in banking who simply followed the great leaders in New York and the other big financial centers and followed their thought without thinking for themselves. We all know that the ultimate effect of that act will be beneficial and not prejudicial; and yet the agitation regarding it has had the immediate effect of tying up the credits of the country and the transactions of the country and to that extent crippling production and trade.

I believe with reference to this trust legislation that whilst we have in view only the outlaws in business and are going to create large powers only for the purpose of paralyzing their efforts to monopolize trade, we are likely in general legislation to alarm men who are not engaged in monopolistic practices and who have no reason for apprehension, and yet who are under apprehension and who beg Congress to adjourn in order that business may have a chance. So far as I am concerned I do not want to add to this anxiety, to this state of mind, to this psychological condition which exists in a greater or less degree, and which, in my judgment, will disappear just as soon as Congress adjourns. I want to see Congress adjourn, however, as the result of honorable achievement and not simply because of fear to act upon things upon which we ought to act. I believe in acting upon those things, however, in such a just and reasonable way as to reassure the public mind and to allay apprehension.

So far as these interlocking directorates and intercorporate holdings are concerned, I believe they will come within the provisions of section 5 regarding unfair competition, and will thus accomplish the purposes which the Senator from Iowa has in view. If at any time I could feel that the addition of these sections to the bill itself could be properly guarded, so as not to alarm these common directors in small corporations throughout the country and add to this state of mind, I would acquiesce in it, provided it would speed the passage of the bill; but if it is going to enlarge the field of contention and delay the consideration of and action upon this bill I should feel that I would not be discharging a public duty by acquiescing.

LEGAL DEFINITION OF UNFAIR COMPETITION.

Now, regarding the question of unfair competition. I did not say much upon that subject in my opening remarks, simply because I did not think it required much discussion. I suppose it will be apparent to every mind that if a commission could be called upon by Congress to determine what was unjust discrimination, what was a reasonable rate, if a great public service, the Forest Service, could be called upon under a general rule of legislation to prescribe rules and regulations the violations of which would involve criminal liability, it would not be held for a moment that the declaration by Congress that unfair competition was unlawful, and the reference to a commission to determine, according to the facts and circumstances of the case, whether this provision had been violated, was a delegation of legislative power.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. If the courts had for years used the term "unfair competition," and had by a long line of decisions given it a legal interpretation and significance, no one would make that contention for a moment; but must there not always be a starting point, where the courts give a term a legal significance? There must be a first case in all the law that has been built up at common law.

Mr. McCUMBER. Mr. President——

Mr. NEWLANDS. Just one moment, and then I will yield. The trade-mark was upheld at common law, and the trade name, not because statutes gave a proprietary right in it—I believe the trade-mark legislation was subsequent to these decisions—but because it is practically a violation of a property right of a man to take up and utilize a trade-mark or a trade name with which he has built up a business. It is against good morals and good conscience for his competitor to do it, and the court would intervene, either through injunction or by damages in a suit for injury. I imagine there must have been a first case there, as there must be a first case everywhere.

Mr. McCUMBER. Mr. President——

Mr. NEWLANDS. These conditions of unfair competition, if the Senator will permit me to complete logically what I was going to say——

Mr. McCUMBER. I was going to ask the Senator if he would define what he understands the court to have defined unfair competition to be, not in trade-mark cases, because they are between individuals, but what does the court say unfair competition consists of?

Mr. NEWLANDS. My attention has not yet been drawn to more than one case where the court has upheld this doctrine.

Mr. ROBINSON. Mr. President——

Mr. McCUMBER. Was that a trade-mark case?

Mr. NEWLANDS. No; it was not. It has used the term "unfair competition" there, and I will refer to that case in a moment.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Arkansas?

Mr. ROBINSON. Will the Senator yield to me in order that I may make a brief statement in connection with the question that has been asked by the Senator from North Dakota?

Mr. NEWLANDS. Certainly.

Mr. ROBINSON. The term "unfair competition" has a more or less fixed meaning in law. It is a term that is known to the law, and has been defined in part by the courts. It is defined in some of the law dictionaries as "unjust, inequitable, or dishonest competition." Those words, of course, are of generally well-understood meaning.

By reference to what is now, I believe, a pretty well-recognized standard authority on the meaning of terms, namely, "Words and Phrases," volume 8, we find that the words "unfair competition" have received definition by the courts in quite a number of cases. Like any other term, this one has not received such a definition as would include all of the practices that might come within it.

I quote from the volume just referred to:

> With respect to articles placed upon the market for sale, it is only when the one article is dressed so as to represent the other, and to deceive a proposing purchaser as being that other, that there can be said to be a case of "unfair trade." (Sterling Remedy Co. *v.* Eureka Chemical & Manufacturing Co. (U. S.), 80 Fed., 105, 108; 25 C. C. A., 314.)

Another case:

> The doctrine of unfair competition in trade rests on the proposition that equity will not permit anyone to palm off his goods on the public as those of another. Unfair competition in trade, as distinguished from infringement of trade-marks, does not involve the violation of any exclusive right to the use of trade-marks or symbols. The word may be purely descriptive, and the mark or symbol indicative only of style, size, shape, or quality, and as such open to the public. Yet there may be unfair competition in trade by an improper use of such mark or symbol. (Dennison Manufacturing Co. *v.* Thomas Manufacturing Co. (U. S.), 94 Fed., 651, 656.)

Further cases are cited in the volume that I have already designated.

> The term "unfair competition in trade" includes the simulation by defendant of the packages of plaintiff, putting up and selling packages of the same general appearance as those of the plaintiff. The court will only interfere to protect the plaintiff and the public, and for the suppression of unfair and dishonest competition, when "the resemblance is such that it is calculated to deceive, and does in fact deceive, the ordinary buyer, making his purchases under the ordinary conditions which prevail in the conduct of the particular traffic to which the controversy relates." (T. B. Dunn Co. *v.* Trix Manufacturing Co., 63 N. Y. Supp., 333, 335; 50 App. Div., 75.)

As I stated a moment ago, while the courts, so far as I am informed, have not gone so far as to define every case or every practice in trade which might constitute unfair competition, still the words "unfair competition" have a recognized meaning in law.

Mr. BORAH. Mr. President——

Mr. ROBINSON. And it is better to use this term, which has come to have a more or less definite meaning in law, than to single out one or two of the large number of practices which are unfair and place an inhibition against them. The term "unfair competition" in trade will embrace every practice which may be held by a court to be unjust, inequitable, or dishonest; and when Congress legislates on this subject I can see no reason for limiting the statute to one or two practices, when there are many which are equally objectionable.

Mr. McCUMBER. Mr. President——

Mr. ROBINSON. I yield to the Senator.

Mr. McCUMBER. With the permission of the Senator from Nevada——

Mr. NEWLANDS. I wish to say that I am exceedingly indebted to the Senator from Arkansas for his interruption, and I should be glad to yield to others; but I wish to conclude my remarks, which I will do in a few moments, and yield the floor.

Mr. President, the citations which the Senator from Arkansas has just given were unfamiliar to me. When he interrupted me I was about to remark that I knew of but one case where the term "unfair competition" has been used; but I was urging that there must always be a commencement for a legal term in the administration of the law, and that certainly in the evolution of the law we are not always confined to the terms that have existed in the past. The law itself at any time can create a standard and can call upon an inferior tribunal to administer it.

VARIETIES OF UNFAIR TRADE PRACTICES.

I was curious to know how many unfair practices there were that were generally recognized, and I found these:

Local price cutting; that is to say, the cutting of prices by a competitor in a locality where competition existed whilst upholding prices in the field of monopoly, the cutting of prices being with a view to injuring and destroying the business of the competitor.

The operation of bogus independent concerns, where a corporation having a large business of monopolistic character, unwilling to reduce prices in order to meet the prices of a competitor, organizes an independent concern having independent administration for the purpose of entering the field of the adversary and cutting prices with a view to his destruction.

In transportation, the maintenance of "fighting ships," where a great steamship monopoly organizes fighting ships to operate against an independent concern, these fighting ships making rates below cost with a view to the destruction of the adversary.

Then, there are fighting brands used, I believe, in the tobacco business and other businesses—brands that are not generally utilized at all in general sale, but are brought into play and operation wherever a rival appears and wherever the field of monopoly is invaded.

Then there is the lease, sale, purchase, or use of certain articles as a condition of the lease, sale, purchase, or use of other required articles, making use of a patented article as a means of monopolistic control over other articles that were not patented; exclusive sale and purchase arrangements; rebates and preferential contracts; espionage and the use of detectives—a method quite frequently pursued, a method proved to have been employed in the case of the National Cash Register Co. It was proved there that they had men in the employ of their rivals, that they had every form of espionage and detection, and that they even resorted to bribery of the employees of the rival concerns.

Then come coercion, threats, and intimidation.

The peculiarity of these practices is that just as soon as one is brought under the direct condemnation of the law another is invented, so that if you should attempt by direct legislation to cover every one of these, and you should secure judgment against those practices, the very day after the judgment was rendered new practices would be invented that would not come within the wording of the law. I questioned the representative of the Ohio Manufacturers' Association who appeared before us upon this question, and let me say here that the Ohio Manufactuers' Association, the Illinois Manufacturers' Association, and the General Vehicle Association, representing an enormous capitalization, all, as I understood them, declared themselves before our committee as being in favor of a trade commission. When I addressed one of the representatives of the Ohio Manufacturers' Association——

Mr. LIPPITT. Will the Senator yield to me?

Mr. NEWLANDS. Yes.

Mr. LIPPITT. I should like to ask the Senator if the trade commission that those people indorsed was not one entirely different from this, and if it did not have an entirely different purpose?

Mr. NEWLANDS. I think if the Senator will look over the report of the proceedings he will find that their attention was directed to this kind of a commission, and my recollection is that it was to section 5. I do not recollect whether it had been inserted in the bill then or whether we simply had it in contemplation, but I questioned the representative of the Ohio Manufacturers' Association and the Illinois Association with reference to unfair competition, if they would object to such a provision, and the answer came from one of them that it was better to cover all unfair practices by a general phrase, for he said if there are 20 to-day and all are condemned expressly by law, another will be invented to-morrow. Our object is simply to maintain by law good morals in business as in other matters.

Mr. LIPPITT. Mr. President——

Mr. NEWLANDS. I must decline to yield for the moment.

Mr. LIPPITT. I had not finished my question, but, of course, if the Senator prefers not to yield——

Mr. NEWLANDS. I am going to close in a moment, and then I will be glad to answer any questions.

COMMISSION TO HAVE LARGE DISCRETION.

Mr. President, there is no reason why there should not be good morals in business as there is in any matter. You can not take a body of five men, intelligent men, composed as this body will be of lawyers, economists, publicists, and men experienced in industry, who will not be able to determine justly whether the practice is contrary to good morals or not.

Mr. President, the objection was made that this commission may arbitrarily determine. I do not know how a man can determine anything without perhaps arbitrarily determining it. That objection does not have, in my judgment, very much strength unless the idea is conveyed by an arbitrary determination that the tribunal determines without listening, without a hearing. The bill provides for a hearing. It opens up every avenue of information, investigation, and inquiry, and calls upon this commission to determine only after hearing both sides. Then the matter goes to the court, and the court is to determine whether the commission has acted within its authority and has also acted in obedience to the Constitution. If its action involves the confiscation of property, if its action involves something not within the authority conferred, the court can act, but within the authority granted, the action of the commission is, and ought to be, final and conclusive.

I would rather have the opinion of such a commission upon a question of good morals in business than to have the opinion of the court upon such a question.

Mr. McCUMBER. Mr. President, I had supposed after several years of very earnest study on the part of the Senator from Nevada [Mr. NEWLANDS] that he would not only be capable, but would also be very anxious and willing and, in fact, would court the opportunity to make his pet measure just as clear as possible to the Senate. I confess I was a little surprised to find that the Senator rather sought to avoid or did not wish to be troubled by answering the numerous questions by those who do not see clearly what is intended by the words "unfair competition," which he has used in the bill.

Mr. NEWLANDS. I would be glad to answer any question the Senator chooses to put to me, but I rose to address the Senate on the subject brought up by the Senator from Iowa [Mr. CUMMINS] and I wished to conduct my remarks in an orderly way. I may say here that, individually, I for a long time have regarded the practice in the Senate of carrying on a conversational debate as one tending to a tremendous prolongation of discussion. But I certainly would not expect to institute a reform in this particular bill which I am presenting here, and I will be very glad to answer any question the Senator may choose to ask me.

Mr. McCUMBER. Section 5 reads:

> That unfair competition in commerce is hereby declared unlawful.
> The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.
> Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order—

To cease such methods.

This is certainly a very important step and a very advanced step toward the field of paternalism in putting every business under the strict supervision of the Government. When we take a step of that character we ought to understand just where we are going and exactly what the step means to us.

I confess I can not agree with the Senator from Iowa [Mr. CUMMINS] that the term here used would be applicable only to those cases in which the public itself might be interested. If I understand the clear provision in this case, it is a question as between corporations or between manufacturers or between commercial bodies, because it speaks of unfair competition between those bodies or those persons.

We understand, of course, that anything that is not fair must be unfair, and everything that is not honest, that is not straightforward, that is not sincere in trade must necessarily be unfair.

What I wish to arrive at is whether you contemplate that the Government of the United States is to go into the business of controlling the commercial morals of every individual in the country and enforce a standard, and if it is to enforce a standard what that standard is to be. The case cited by the Senator from Iowa is simply a case as between two corporations, one selling soap and the other selling soap. The court did not in-

quire whether the public was benefited by one or the other. It simply inquired into the question as to whether the competitor was injured. It did not consider the public interest at all, but inquired whether there was any character of deception imposed upon the other manufacturer.

Now, is that to be applied in the cases under this "unfair competition" provision in the bill? We can only understand a matter of this kind by considering it in the light of a concrete case. I may have before me, for instance, an advertisement concerning automobile tires. That is a business which has grown wonderfully in the last 20 years, and there is considerable competition in order to obtain business. Here is a manufacturer, in one column he gives the price of his tires of a certain size; he gives the standard prices of other manufacturers of tires of the same size; then he has a column showing that his particular tire is sold in the market 30 per cent cheaper than the other; then this manufacturer follows that up with a declaration that his particular kind of tire is the very best known, and that his tire is equivalent to the best tire manufactured in the country.

Now, suppose one of the other companies appear before this commission and make the declaration that the competitor who is selling his tires 20 or 30 per cent cheaper is guilty of unfair competition, and they set out the fact that the tire is not up to their standard of manufacture, will this commission have to go into that question, and will it decide that question and call the other manufacturer before it and try out the case? If that is true, then every manufacturer of cotton or silk or woolen cloth who claims that his fabric is as good as the best can also go before the same commission. It seems to me, after reading the provision, that it is absolutely without limit; that there is no standard to go by except the standard which may be in the mind of the individual

I am sure that I agree with the Senator; I would like to see all business carried on honestly and fairly and eliminate all deceptions in every kind of trade; but I want to know whether that is really to be accomplished in this bill and whether it is to be made a governmental function to enforce upon every individual doing business in the country a code of morality concerning his commercial transactions.

Now, let me ask the Senator a concrete question upon the supposition which I have made. Under this bill would the commission be compelled to try the case as between these two tire manufacturers?

Mr. NEWLANDS. Of course, it is possible in criticizing this bill to state extreme cases that apparently reduce the bill to an absurdity, though I am not inclined to admit that the case to which the Senator has referred would have that effect. I presume that this tribunal will act as the courts do according to the legal maxim de minimis lex non curat. I imagine that a tribunal of this kind will not concern itself about trifling affairs. A complaint may be presented to it and the whole matter be conducted by correspondence. The attention of the recalcitrant party, or the alleged recalcitrant party, may be called to the alleged practice and the whole matter disappear by correspondence. But I assume that whenever the commission feels that the matter is of sufficient importance, both between the parties and with reference to the public interest, to call the parties before them and have a hearing it will be done.

Now, recollect, that in all the cases that I have referred to as involving unfair practice there would be a remedy to the individual, either at law or in equity. The difficulty that we find, however, is that owing to the growth of these enormous corporations, which no one wishes to destroy—I am not speaking of monopolistic combinations, I refer to large aggregations of wealth in corporate form—it is very hard for the individual to maintain his ground. If you say to him, "Well, you have a right at law or a right in equity which will be enforced," it means very little to him, because it means the employment of a lawyer against lawyers of great skill and repute. It means the collection of evidence. It means a large expenditure.

Now, the society has an interest in these questions. It not only has the interest of protecting an individual against oppression and wrong, but it also has the general interest in the maintenance of good morals. So we concluded when we passed the interstate-commerce act to relieve every shipper of the responsibility and the burdens of individual litigation with a great railroad, because we knew that the mere possession of an abstract right at law meant nothing to him. We placed society between him and the corporation with which he dealt, and we organized a tribunal conducted at the expense of society with a view to seeing that injustice to the individual was not accomplished.

We are simply carrying out that rule now with reference to trade. Either you have to break up these great combinations of capital, perhaps forbid the organization of corporations at all, or you must adopt some social machinery which will protect the individual from oppression and wrong. This tribunal is simply for the purpose of economically giving to each individual, at the lowest cost of effort and money, the power of asserting his right which exists in law or in equity.

Mr. McCUMBER. Mr. President, I asked a question of the Senator. It may be that I am a little dull, but I must admit that I do not know yet whether the Senator holds that in the case I have mentioned the parties in dispute over auto tires could go before the commission and have their cases adjudicated if this bill becomes a law.

Mr. NEWLANDS. Anyone who felt himself injured by such a condition as the Senator refers to could, of course, apply to this commission. It would then be in its discretion as to whether it would grant a hearing. I would not expect it to take hold of every trivial matter.

Mr. McCUMBER. Would the Senator regard a matter of this kind as trivial?

Mr. NEWLANDS. If it is not trivial in its significance, and could be corrected by correspondence, I would expect that to be done. When I say "trivial" I do not mean in the amount involved but I mean trivial in the sense that it is so near the dividing line between good and bad morals that people would differ with reference to it.

Mr. McCUMBER. Mr. President, there were 400,000 autos manufactured in the United States this year, without taking into consideration the number that have been manufactured in the last 10 years, a portion of which are still running. Each of those autos will, on the average, take three sets of tires a year, so the Senator can understand that the bill is somewhat important in such a case as I put.

I was looking a very short time ago at an advertisement which compared a certain manufacture with that of the United States, taking, for instance, 4½ by 36, price $52—and here is something else to be purchased of exactly the same make at $36—and it declares that its manufacture is equivalent to the very best United States tires. This advertisement goes out to the purchasers, and, of course, if the tire is just as good, the other manufacturer must be imposing upon people to the extent of hundreds upon hundreds of thousands of dollars yearly. It can not be a trivial case. A difference of some $15 or $20 per tire is not a trivial matter when you consider the enormous quantity that are sold in the United States.

Therefore in the case that I have given I selected one that I thought would be very important on account of the enormous sums that are expended by the American people in that line alone. If the commission would take cognizance of that matter, they must also consider any other matters that are brought before them to determine whether or not a competitor in any line of trade is honest and fair and sincere in his advertising, in his declarations and statements, and that would involve an investigation into the merits wherever a complaint was lodged.

Mr. NEWLANDS. Did the Senator understand me to assert that the case to which he referred was trivial? I did not so state. I made a generalization.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Nevada a question before he takes his seat. I may have misunderstood the Senator, but I gathered from what he said that no business concern of the country will be affected by the provisions of the bill unless there is complaint of unfair competition between the one or the other of the parties undertaking a prosecution. Did I understand that to be the Senator's position?

Mr. NEWLANDS. I do not know whether I said that. I think the Senator states the fact as to section 5; that is, if I understand his statement properly.

UNIFORM SYSTEM OF ANNUAL REPORTS.

Mr. SMOOT. Then I should like to ask the Senator what this provision means. The bill first provides for a commission of five members, to be appointed by the President, and then in section 3 the bill provides that the commission shall have certain powers, and, among other powers, I notice in subsection (c) the following:

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise, in the discretion of the commission.

From the reading of that power imposed upon the commission it seems to me that the commission will have to prescribe a uniform system of annual reports—from whom; from what business?—and to inquire whether it is unfair competition or not. The bill provides that it shall be "from such corporations or classes of corporations subject to the provisions of this act."

Mr. President, evidently it means that there are whole classes of business in this country directly competing unfairly with each other, and whole classes of corporations in this country that shall be required to make annual reports to this commission.

It seems to me that that is a pretty broad provision, and I wish to know what the Senator really understands that provision to mean. If it means that the requirement of annual reports shall be made under the powers given the commission, for instance, what class of corporations in this country would be compelled to make those reports annually?

Mr. NEWLANDS. Mr. President, it is very clear as to corporations that only those corporations are to make reports which the commission designates. The commission could designate one; it could designate a hundred; it could designate a thousand. I presume the commission would exercise that power with reference to some corporation that was under suspicion.

Mr. SMOOT. It says here:

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations.

Mr. NEWLANDS. Yes; I was going to refer to that. At first the question was considered as to whether it might be well to call upon all corporations subject to this act to make reports, just as all the railroad companies of the country are compelled to do; but the committee was of the opinion that such a system would be bulky, that it would be unwieldy, would be troublesome to a great many corporations that were conducting their business fairly with regard to the law; and so they determined that those corporations which the commission designated should make annual reports or special reports.

It was the assumption that the commission would have discretion, just as the Bureau of Corporations has. The Bureau of Corporations has had large powers, and yet I know of no case where it has been alleged that they have been used oppressively or to the inconvenience of business men generally. Enormous powers are given to the Internal-Revenue Bureau as to the income tax, and so forth. All those powers can be, of course, exercised in a most unreasonable and oppressive way, but it is our experience that they are not.

Mr. SMOOT. That only applies to corporations that are actually under investigation, but this goes further than that, and it says, "Such corporations or classes of corporations."

Mr. NEWLANDS. I admit that there is little more difficulty with reference to classes of corporations. I am not prepared to say how these corporations shall be classified. I assume that if they can not be classified the commission will not classify them; but there may be a case where it is important, with a view to securing information as is required under this act and with a view to controlling and covering an entire industrial situation, to call upon certain classes of corporations for their reports for a considerable time. I can understand, for instance, how it might be necessary to require corporations against which a decree of dissolution had been ordered to require that they should make reports, either annual or special, for a considerable time so as to keep them under the observation of the law and to make the decree itself effective.

I assume that the power will not be exercised unless there is necessity for it.

Mr. SMOOT. I notice also another peculiarity in the wording of this subsection.

Mr. POMERENE. Mr. President——

Mr. SMOOT. Just a moment. The Senator will notice it says "to prescribe as near as may be a uniform system."

The Senator does not believe that a uniform system of annual reports from all kinds of corporations and all classes of corporations and all varieties of business can be made? It seems to me that it would be impossible to have a uniform annual report from all the different organizations and business concerns of the country.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. POMERENE. Mr. President, if I may be permitted, I wish to say that the committee realized the difficulty which the Senator has suggested. For that reason we did not feel that there could be one uniform blank applied to all corporations. There were other matters which were under consideration. Suggestions were made that we should only apply the provisions of the bill to corporations of a given capital stock or of given gross earnings. That suggestion was met by the further thought that many corporations which perhaps might be subject to criticism would be among those of a smaller capitalization.

We also realized that it would be next to impossible to require reports from all corporations in the country, and that it was necessary to have this commission clothed with powers which would enable it to get information from corporations which were under suspicion or ought to be investigated. It might be, for instance, that corporations which were engaged in manufacturing a given line, as, for example, harvesting machinery, ought to be inquired into, because there might come to the commission's knowledge such a state of facts that it would necessitate immediate investigation along a particular line. For that reason it was thought best to provide that the commission might classify corporations, and say that all engaged in the manufacture of harvesting machinery should be required to make reports; and as to them a substantially uniform kind of report could be required; that a report which might be required of a harvesting machine company would not be applicable to a manufacturer of cereal products, or of iron products, or of chemical products, or something of that kind.

Mr. SMOOT. But that is what the provision specifically states.

Mr. POMERENE. No; I think not.

Mr. SMOOT. That is what I am objecting to.

Mr. POMERENE. I think the Senator from Utah misconstrues it.

Mr. SMOOT. I can not read it in any other way. This section says so specifically. I can not see how the Senator can construe the language in any other way than that the commission under that power is—

to prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act.

That is not modified in any way. It does not classify such corporations by saying that one class of corporations shall make one uniform report and that another class of corporations shall make another uniform report.

Mr. POMERENE. If the Senator will permit me, I will say I think he has not read the entire paragraph. It says:

Corporations or classes of corporations * * * as the commission may designate.

Mr. SMOOT. Certainly; I understand.

Mr. POMERENE. Now, then, what is wrong in having this commission designate, for instance, the manufacturers of harvesting machinery, and say that class shall make a report of a given kind; that manufacturers of jewelry shall make reports of a given kind, and so forth?

Mr. SMOOT. That would be perfectly true if the commission only designated one class of business, but under this same provision they have the power to designate 50 classes of business.

Mr. POMERENE. They may do so; that is true.

Mr. SMOOT. And under the provision all 50 of those must have a uniform system of annual reports.

Mr. POMERENE. Now, if the Senator will pardon me again, he does not have in mind the complete language of the section, which says:

As near as may be a uniform system.

Of course if one line of business is entirely different from another line of business and the kind of information which the commission would require was different in the one line of business from what it was in the other line of business, clearly, it seems to me, under a fair construction of this language, they can determine that there shall be a blank of a given kind in the one line of manufacture and a blank of another kind for another line of manufacture.

Mr. SMOOT. Mr. President, the very argument of the Senator from Nevada [Mr. NEWLANDS] and also that of the Senator from Ohio [Mr. POMERENE] proves beyond question, to my mind, that there are words in this provision which should not be there. To make it perfectly clear and to follow out the practice of the Bureau of Corporations as it exists to-day and as referred to by the Senator from Nevada the provision should read in this way, and I believe it would meet every case that could possibly be thought of by the trade commission:

To prescribe as nearly as possible a system of annual reports from such corporations subject to the provisions of this act as the commission may designate.

Then, of course, it would mean that the commission would begin an investigation; that the commission would call for the annual reports of that particular business which they had under investigation or as to which they anticipated making an investigation. There would be no question, then, as to just exactly what was meant.

Mr. NEWLANDS. If the Senator from Utah will put his amendment in form, it will be brought to the attention of the committee.

Mr. THOMAS. I wish to ask the Senator from Utah before he takes his seat whether the provisions of subsection (b) of section 3 are not sufficiently extensive to produce the results that are sought to be obtained or intended to be secured by subsection (c)?

Mr. SMOOT. It seems to me that the provisions of subsection (b) are even broader than those of subsection (c); and that was one point that I was subsequently going to take up with the Senator and ask him to explain the difference between the two.

Mr. THOMAS. Perhaps I have anticipated.

Mr. LIPPITT. Mr. President, if I might intrude just at this point, I wish to say that I was rather surprised to hear the Senator from Nevada [Mr. NEWLANDS], in referring to subsection (c), say that that was intended simply to apply to corporations under suspicion or under investigation. I think just the opposite is the case. I think the whole intent of subsection (c) was to provide a uniform system of annual reports from all corporations that were subject to the provisions of this act, and the only explanation of the language that is used there must be that it is in contemplation that all the corporations that are subject to this commission shall annually make certain reports of their business, such reports as the commission may designate; that those corporations may, for the purpose of convenience, be divided into classes, and that there may be a different report for each class that may fit the particular requirements of that particular class; but there is no possible use, there is no possible meaning to subsection (c) in reference to the other parts of the bill, unless the purpose of that is to have all corporations file certain reports. In all the discussions of the committee, as I remember them, that is what was then had in view.

In addition to that the commission is also empowered to ask for certain special reports under certain special circumstances. The distinguished Senator from Nevada will well remember that one of the witnesses before the committee, in discussing this subsection (c) and in considering the effect of it, took up the question of the expense of providing these reports; he went into it very elaborately, and, assuming that there were 350,000 corporations subject to the authority of the commission, assuming that perhaps 150,000 of them were of comparative insignificance, there were at least 200,000 corporations of consequence subject to the commission that would be obliged to make these annual reports. According to his estimate it would cost those business corporations $20,000,000 a year to make those annual reports.

That is all in the testimony. I do not remember that when that testimony was given or when that statement was made there was any idea in the mind of any member of the committee except that subsection (c) provided that every corporation should in some way, by the means of this commission and through the authority of subsection (c), be compelled to through the authority of subsection (c), be compelled to reveal to the public certain general items in regard to their affairs.

Then in other parts of the bill the commission is authorized to ask for all sorts of special reports from corporations under suspicion, and so forth—correspondence and various other matters. I should like to ask the Senator from Nevada if he did not speak a little unadvisedly perhaps when he assumed that subsection (c) was meant to apply only to a corporation under suspicion?

Mr. NEWLANDS. Mr. President, my impression is that I did not use that language. My impression is that the language I used——

Mr. LIPPITT. I understood the Senator to use that language, and I think the Senator from Utah so understood him.

Mr. NEWLANDS. My impression is that I used that case as an illustration of what might be done under this bill; that the commission could call upon corporations under suspicion to make special reports.

Mr. LIPPITT. Certainly the gist of the Senator's remarks was that the commission was not going to exercise all of its powers; that it only possessed those powers, but it was not expected that it would exercise them except in special cases. Still, if the Senator agrees with my interpretation of it, there is nothing more to be said.

Mr. NEWLANDS. Mr. President, the Senator from Utah [Mr. SMOOT] wished me to give an illustration of cases in which classes of corporations would be called upon for reports, and I instanced that as a case. I told him that I could not at the time think of others, though perhaps I mentioned another class. I do not recall. I will say, however, that a class has come to my consideration since I yielded the floor, and that is of corporations that are engaged in the export trade. I could understand very readily how the commission might deem it wise to call upon corporations engaged in the export trade to make either annual or special reports with a view to discharging their duty. Under this section of the bill, subsection (h), it is provided:

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

I can understand how it might call upon that class of corporations. I can not, however, understand how there can be any very general exercise of these powers that would apply to every corporation that is engaged in the export trade. As a matter of practical judgment I have been unable to think of such a necessity, though some such necessity might arise in a limited way. Of course, one of the witnesses before the committee conjured up all kinds of cases in which corporations could be called upon for both annual and special reports, and he figured that these reports might be of such a general and comprehensive as well as specific character as to require the services of a lawyer, the services of an accountant, and so forth; and he figured that there was a very large expense to each corporation. He multiplied it, I think, by one hundred and fifty or two hundred thousand, which made it a very large sum; but, of course, it was a fanciful statement which did not impress the committee, and I am sure did not impress the good judgment of the Senator from Rhode Island.

Mr. LIPPITT. Mr. President, on the contrary, if the Senator will allow me to say so, it impressed my judgment so much that I think his figures are too small. I have no doubt that it will cost the corporations of this country that amount, and I have contemplated as a very important addition that ought to be made to this bill that in the case of every investigation made by this commission they ought to be instructed to ascertain the cost of the investigation to the party investigated and make that cost a part of their report, so that it might be known. I think to-day that the Interstate Commerce Commission in relation to railroads ought in some way to let us know what it cost the railroads to respond to the demands that they have made upon them.

Mr. POMERENE. Mr. President——

Mr. LIPPITT. I yield to the Senator.

Mr. POMERENE. Does the Senator mean the cost to the company or the cost to the commission?

Mr. LIPPITT. The cost to the company. I think that the cost to the people investigated is of the most serious consequence. An instance was called to my mind only a few days ago of two or three corporations in one of the Western States that were accused of having violated in some way the anti-trust law. A suit was brought against them, and they were found not guilty; they were found not to have violated any law. Nevertheless, not counting the interruption to their business which occurred in consequence of that suit, the direct cost to those corporations was $40,000. They were penalized $40,000; which is a very considerable sum for having committed no guilty act, for they were declared absolutely innocent. I am sure that in the case of the railroads to-day, if we knew the figures, if we could get at the cost involved in responding to the demands of the Interstate Commerce Commission, we should have some very valuable information in arriving at an estimate of its value to the public.

I think if we are going to create a commission of this kind we ought to put ourselves in such a position that we will be in possession of the facts about its operations, the benefit it produces, and the injury it may commit, for ultimately, it is not necessary to argue, the community will have to pay every single dollar of cost that the business of the country is put to by the establishment of a commission of this kind. I think it is one of the elements that ought to make us hesitate a long time before we rush blindly into the establishment of such an agency of the Government as this, the ultimate limit of the expenditures of which it is absolutely impossible for any man to foresee.

So that when the Senator from Nevada says that I was not impressed with the statement of that witness that the cost to the business of this country—and that means to the people of the country—would be $20,000,000, I want to say to him that there was no piece of evidence that was given by any witness before the committee that impressed me so much. I have thought of it over and over again, and the more I have thought of it and the more I have considered it with reference to specific instances that have come to my knowledge from time to time as the result of these investigations the more I believe that it is a very moderate figure indeed.

Mr. President, if the Senator from Utah [Mr. SMOOT] has finished, I should like to ask the Senator from Nevada for his views on another question which occurred to me in connection with section 5, particularly in regard to the penalty that is provided in that section for unfair competition. It has occurred to me on reading it over that section 5 is simply a section to give immunity for acts of unfair competition, that the whole effect

is to enable acts of unfair competition to be committed practically without penalty and for an indefinite time.

The course of procedure provided for there is that where unfair competition is suspected, it is to be investigated by the commission. If the parties are found guilty, they are to be ordered to stop, and if they fail to stop, the matter is to be brought to the attention of a court, and the court is to issue an injunction. So that the only time at which they would be obliged to cease unfair competition would be after a court had issued an injunction; and unless they should violate the injunction and should therefore be guilty of contempt of court, I can not see that there is provided any punishment or any penalty of any kind for unfair competition.

Acts of unfair competition of various sorts and of a very complicated nature have been enumerated here to-day, any one of which brought before this commission would mean an investigation that might reasonably take six months to complete. Such acts of unfair competition may be committed by something like 350,000 different corporations. It is perfectly evident that the commission would be overrun with complaints of that kind; it is perfectly apparent that it would be utterly beyond their power to attempt to decide more than a very small proportion of the complaints of acts of unfair competition that might be brought to their attention, and the only penalty provided is that after a court has issued an injunction and the practices are continued the offender might be guilty of contempt of court.

I am not a lawyer, and I am making these suggestions largely to secure information, because this feature of the section has struck me as I have gone over it; but it seems to me that section 5 takes the place of any provision there may be in the present law regarding unfair competition; it is the last word of legislation on that subject; it shows how unfair competition is to be treated in the future. What would happen practically if that section should be enacted into law would simply be that parties engaging in acts of unfair competition would be perfectly free to go on indefinitely until such time as some court may issue an injunction, and then they would have to stop. As the Senator himself has well said, there are innumerable forms and different devices for practicing the same unfair competition. A corporation which may perhaps be found guilty of some particular form of unfair competition could immediately engage in some similar form of unfair competition, and then that case would have to take its turn on the calendar, and perhaps not be decided for years following. I do not know whether I am right in this interpretation of the section, but I should be glad to hear the chairman's views in regard to it.

Mr. NEWLANDS. Mr. President, I will state that there is no other penalty in this act with reference to unfair competition than the one which the Senator suggests, and that is, if the order of the court is disobeyed, the court will then deal with the offender; but proceedings under this act will not, of course, interfere with the private right of any man who is injured by a competitor by practices such as have been referred to to bring a suit either at law or in equity for the enforcement of his rights. This bill itself constitutes the extent to which society itself, in its collective capacity, will move in the direction of protecting a man against unfair competition.

Now, I will state that throughout this bill, so far as I am individually concerned, I have not been disposed to suggest extreme penalties. I thought it only fair that, inasmuch as this was a new provision of law, to be tested through this tribunal, the parties brought before it, at all events in the earlier stages, should have the opportunity, without facing the penitentiary, to assert their rights, or what they claim to be their rights, either before the commission or before the courts, and that the penalty should be imposed only in case of disobedience to the order of the courts. Of course we could have put a provision in the bill that after an order was made by the commission every day's failure to comply with it would involve a fine of a thousand dollars a day or a hundred dollars a day, or whatever else we might make it, or perhaps imprisonment.

Mr. LIPPITT. I only wanted to see whether the Senator and I understood the section alike. I think we do. From what the Senator says, I infer that my interpretation of it is substantially in accordance with his.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

Mr. REED. I want to ask the Senator from Nevada whether the committee has considered the constitutionality of the following provision of section 5:

> SEC. 5. That unfair competition is hereby declared unlawful.
>
> The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Observe there is not a single line in the bill defining what, as a matter of law, constitutes unfair competition. By the language of the bill just quoted, there is conferred upon a board of five men the power to determine, in accordance with their own standards and their own lights, their own opinions, what is fair and what is unfair competition.

Does the Senator think that such arbitrary, all-embracing power can be conferred upon a mere board of men without violating the provisions of the Constitution, which insure to every citizen the equal protection of the law, the right to own property and to not be deprived thereof except by due process of law, the right to be governed by the rules of law and not by the decree or mandate or caprice of a man or set of men, and which guarantee to every man the right to conduct his business himself under the rules of law and not under the decrees of individuals or boards? Has the Senator's committee considered these questions?

Mr. NEWLANDS. I will state to the Senator from Missouri that he probably has not been in the Chamber——

Mr. REED. I have been serving on a committee, and have not heard the speech of the Senator.

Mr. NEWLANDS. This matter has come up for discussion during the afternoon in the Senator's absence, and it has been pretty thoroughly gone over by a number of Senators. Briefly speaking, the only contention which can be made regarding the constitutionality of section 5 is that it is a delegation of legislative power; that Congress, instead of defining explicitly the offense that is unlawful, has left it to a commission to determine what acts come within the general phrase, and has thereby turned over to it one of its own powers of legislation.

Mr. KERN. The same as in the case of the Interstate Commerce Commission.

Mr. NEWLANDS. Yes. Now, with reference to that, we have to say that it is impossible, of course, to define in the law every phase of what is termed "unfair competition." If we should in the law attempt to do so, practices covered by the definition might be discontinued to-morrow and other practices equally effective substituted in their place. It was therefore necessary to put in some general phrase that would cover the practices which in common parlance are covered by the term "unfair competition," an enumeration of the practices of which I gave.

The first question was whether "unfair competition" had a legal significance. The Senator from Arkansas [Mr. ROBINSON] read citations from a number of authorities showing that that term had a legal significance. Of course, the term has probably been used more in America in the past 10 or 15 years of trust organization than during any other period, and it is now receiving, not only in the courts, but generally among economists, a fixed significance. I read from one decision in South Dakota, where the courts condemned a certain practice as constituting unfair competition.

The committee is of the opinion that this term is capable of interpretation by a commission just as thoroughly as the term "reasonable rate" by the Interstate Commerce Commission or the term "unjust discrimination" by the Interstate Commerce Commission. The Senator will, of course, understand that the power to regulate commerce is a legislative power vested in Congress. Congress could not take hold of all the various phases of commerce, and therefore it created the Interstate Commerce Commission, an administrative tribunal, as its servant to carry out that power under a rule fixed by it, and that rule was that it should fix reasonable rates and prevent unjust discrimination.

It is true, perhaps, that those words, "reasonable rates" and "unjust discrimination," have been used through the authorities for centuries, possibly, and had a fixed significance, which, perhaps, the term "unfair competition" has not yet gained. I mean to say, the term "unfair competition" has not been used so frequently as conveying an idea as these other terms, but there must always be a time when the use of a phrase shall commence as indicating at law a certain thing.

Now, then, the question is what unfair competition covers. It covers every practice and method between competitors upon the part of one against the other that is against public morals, in my judgment, or is an offense for which a remedy lies either at law or in equity.

Mr. REED. These things, however, are not embraced within the terms of the bill under consideration.

Mr. NEWLANDS. I gave an enumeration, which I will repeat briefly, of some of the practices which constitute unfair competition. You will find them treated under that head in the works of economists upon this new phase of industrial organization.

Mr. REED. Is the Senator now going to quote from the opinions of economists or from the law?

Mr. NEWLANDS. No; I am not going to quote at all. I am simply going to refer to practices as I have already given them.

Mr. REED. Pardon me, I just want to get this clear. The Senator said that these practices were referred to in the works of economists as unfair. I wanted to know if they were specified and defined in the decisions of the courts as unfair and illegal or if they are simply commented upon in the works of economists.

Mr. NEWLANDS. Yes; while I can not speak with definiteness, you will find the words "unfair" and "oppressive" used in the decisions of the courts in reference to certain practices.

Mr. REED. Oh, yes.

Mr. NEWLANDS. Such expressions are used with reference to local price cutting, with reference to the operation of bogus independent concerns that are intended to help out a monopoly in competition with its antagonist, the maintenance of "fighting ships," rebates, preferential contracts, espionage, and the use of detectives, coercion, threats, intimidation, and the bribery of employees. I imagine that possibly there would be remedies for all those things either at law or in equity; but society, as I remarked a few moments ago, is taking hold of this thing and doing away with the necessity of the individual dealing with a great organization and resorting at great expense to the courts. This tribunal, composed of economists and lawyers and men experienced in industry, is called upon to apply this standard of the law, namely, that unfair competition is illegal to the varying facts, situations, and conditions affecting interstate trade.

Mr. REED. Mr. President, I do not intend to discuss this legal question to-night. I want to make just one or two statements.

In the first place, I think there are many good things in this bill. In so far as the bill undertakes to create a board which shall ascertain facts, make investigations, and report the facts thus found to the proper tribunal or to the public, the objects of the bill are wholesome. The bill is, in the main, soundly constructed. I do not say that without qualification, although at the moment nothing occurs to my mind that can be regarded as a substantial criticism of the chief phases of the bill.

There are, however, two propositions embraced within this bill which, to my mind, can not be accepted without great danger to the public and without jeopardizing the entire bill.

In the first place, I would regard it as of great danger to the public if we were to enact any statute having for its purpose the creation of a commission to act as a buffer between trusts, pools, and combinations and the strong arm of the courts. If there is a crying necessity in this country to-day, it is that the administration of justice shall be more speedy. Surely nothing in the nature of additional impediments should be desired.

If, then, it is any part of the purpose of this bill to create a tribunal which is to hold a sort of preliminary examination and to determine whether it thinks a law has been violated, and that examination must be had as a condition precedent to the enforcement of the provisions of the antitrust statutes, I have this to say, that such a law is the kind of law, such a scheme as that is the kind of scheme, which would naturally be concocted and recommended by those engaged in combinations in restraint of trade. Naturally trust magnates will acclaim a law of that kind, because they will thereby gain delay; they will thus secure two trials where they now have one; they will gain the opportunity to throw numerous legal obstructions in the way of the officer of the law who undertakes a prosecution, civil or criminal, under the antitrust statutes.

The scheme I am discussing was advanced a few years ago upon the theory that it was a very bad and wicked thing to take a lot of poor, innocent, and unsuspecting gentlemen who had created a trust and did not know they had created a trust, who had engaged in a conspiracy unwittingly and unintentionally, who were restraining trade without being aware of the fact that they were restraining trade, and suddenly confront them with the statute and with an indictment or a petition in equity. It was claimed that there was a twilight zone, and that those who groped within that shadow land ought to have a kindly hand to guide them out of it and into the realm of honesty and fair dealing and legality.

Mr. President, I have never had any patience with that claim. If one dollar had been expended for the purpose of keeping clear of any trenchment upon the antitrust laws of this country where ten thousand dollars have been expended to devise plans to violate their spirit and yet escape their letter, not a single man would ever have unintentionally violated the trust laws.

I am not in favor of any law that creates a buffer between the courts and the criminal who has violated the laws of his land.

I have been serving upon the Judiciary Committee most of the afternoon and have missed the debate. Possibly what I am about to suggest has already been brought forward. I shall this evening content myself with a mere statement of my second objection, which is that this bill in plain terms undertakes to confer upon five men a power that is more arbitrary than that possessed by any king or potentate of earth. It is a power not to govern according to the common law, not to govern according to the acts of Congress or the Constitution, but to govern according to their own will and pleasure.

The Federal Government has the power to declare what is unfair trade so far as interstate commerce is concerned, to lay down rules of conduct, to denounce certain acts as unfair, and to fix the penalty for the violation of its laws; but all this can only be accomplished by the acts of Congress. A law of the land is required. The people must, through their representatives in the Congress, lay down the law which defines what is legal and what is illegal. Having enacted such a law, Congress may then take a further step and provide for the tribunals to enforce that law. But Congress can not create a tribunal and authorize it to create laws. Congress can not create a board and empower it to govern by its own reason, to rule by its own discretion, to do that which to it seems proper, and penalize the citizen for refusing to render obedience. Accordingly, we may provide what is unfair trade and we may confer upon a board certain powers with reference to the enforcement of that law; but even then we can not confer upon any board such rights as will deny to the citizen a full and fair trial upon the fact in court as to whether he has violated the law.

Why, Mr. President, think of saying in this land of the free—and there is still a presumption that it is a land of the free—that five men can sit down in a room and say: "We think, Mr. Jones, that what you are doing with your property is not fair. We have no rule to guide us. We have no law to blaze the way. Nobody has told us what is unfair. Congress has enacted no statute; the courts have registered no precedents; but we do not think your method of doing business is fair; anyhow it does not meet with our approval, and therefore you shall not do it." Will anyone pretend that such a decree is due process of law? Will anyone claim that the man against whom such an arbitrary decree has been leveled has been accorded the equal protection of the law? The old Constitution still exists, and while it lives you can not lay your hands on a penny's worth of a man's property except pursuant to a law, nor even then until he has had his day in court.

Mr. President, this is a most astounding proposition. You might just as well pass a statute providing: The President of the United States is hereafter authorized to do whatsoever shall to him seem best and proper with reference to the goods, wares, and chattels of the people of the United States, and having determined what is best and proper the people shall obey, and if they do not obey the courts of the land shall enforce the decree of the President by mandatory injunctions or by levying a fine upon recalcitrant citizens.

What would be left of constitutional liberty? What would be left of the law of the land? What difference would there be between this country, under those circumstances, and France under Louis XIV?

But you exclaim it is a commission that is to exercise these beneficent prerogatives. The word "commission" has become a holy term upon the lips of the reformer. "Commission!" Ah, here we have the magic word which opens all doors, sets aside all constitutions, annihilates all laws, unlocks all riddles. It is the star that is to lead us from the labyrinth of constitutional difficulties into those sunlit fields where the Constitution ceases from troubling and government by law is laid quietly to rest.

But, sir, you can no more confer arbitrary power upon a commission than you can upon the President of the United States, or upon a constable in Jones Township, in Hickory County, in the State of Nowhere.

Why, Mr. President, things of this kind, not half so radical, have been attempted, and they have been stricken down with absolute universality. I call attention to just one instance, the case of Louisville & Nashville Railroad Co. against McChord, decided by Judge Evans, of the United States court of Kentucky. (103 Fed. Rep., 216.)

The action was brought to enjoin a State board of railroad commissioners from even making a preliminary order under the following statute of Kentucky:

An act to prevent railroad companies or corporations owning and operating a line or lines of railroad, and its officers, agents, and employees,

from charging, collecting, or receiving extortionate freight or passenger rates in this Commonwealth, and to further increase and define the duties and powers of the railroad commission in reference thereto, and prescribing the manner of enforcing the provisions of this act and penalties for the violation of its provisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. When complaint shall be made to the railroad commission, accusing any railroad company or corporation of charging, collecting, or receiving extortionate freight or passenger rates over its line or lines of railroad in this Commonwealth, or when said commission shall receive information or have reason to believe that such rate or rates are being charged, collected, or received, it shall be the duty of said commission to hear and determine the matter as speedily as possible. They shall give the company or corporation complained of not less than 10 days' notice, by letter mailed to an officer or employee of said company or corporation, stating the time and place of the hearing of same; also the nature of the complaint or matter to be investigated, and shall hear such statements, arguments, or evidence offered by the parties as the commission may deem relevant; and should the commission determine that the company or corporation is, or has been, guilty of extortion, said commission shall make and fix a just and reasonable rate, toll, or compensation which said railroad company or corporation may charge, collect, or receive for like services thereafter rendered. The rate, tolls, or compensation so fixed by the commission shall be entered and be an order on the record book of their office and signed by the commission, and a copy thereof mailed to an officer, agent, or employee of the railroad company or corporation affected thereby, and shall be in full force and effect at the expiration of 10 days thereafter, and may be revoked or modified by an order likewise entered of record. And should said railroad company or corporation, or any officer, agent, or employee thereof, charge, collect, or receive a greater or higher rate, toll, or compensation for like services thereafter rendered than that made and fixed by said commission as herein provided, said company or corporation, and said officer, agent, or employee, shall each be deemed guilty of extortion, and upon conviction shall be fined for the first offense in any sum of not less than $500 nor more than $1,000, and upon a second conviction in any sum not less than $1,000 nor more than $2,000, and for the third and succeeding convictions in any sum not less than $2,000 nor more than $5,000.

SEC. 2. The circuit court of any county into or through which the line or lines of road carrying such passenger or freight, owned or operated by said railroad, and the Franklin circuit court shall have jurisdicton of the offense against the railroad company or corporation offending, and the circuit court of county where such offense may be committed by said officer, agent, or employee shall have jurisdiction in all prosecutions against said officer, agent, or employee.

SEC. 3. Prosecutions under this act shall be by indictment.

SEC. 4. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

SEC. 5. In making said investigation said commission may, when deemed necessary, take the depositions of witnesses before an examiner or notary public, whose fee shall be paid by the State, and upon the certificate of the chairman of the commission, approved by the governor, the auditor shall draw his warrant upon the treasurer for its payment.

Briefly, this act provided that a complaint could be filed before the railroad commission charging any common carrier with being guilty of extortion by charging freight or passenger rates which were unjust; that the commission should notify the company; that it should hear argument and evidence; that if it found the company had been guilty of extortion it could then fix a rate; that when the rate had been so fixed, if the road charged a higher rate it should be guilty of extortion, and thereupon it could be brought into court and the fact shown that the board had made the order to which I have referred, and that if the company had violated this order it should be held guilty and fined.

That law is in many respects paralleled by this bill. The law of Kentucky, however, did not attempt to go nearly so far as this bill. Besides, this bill deals with all those kinds of businesses which have never been held to be subject to public regulation in the same manner that railroads and other common carriers have been. The court held the Kentucky statute unconstitutional.

Mr. LEE of Maryland. In what year was this?

Mr. REED. In 1900. The act was challenged upon the following grounds:

First, in authorizing the commission to fix rates in certain instances upon interstate commerce.

That is immaterial here, because the case did not go up on that point.

Second, in authorizing the commission to deprive them of their property without due process of law; third, in authorizing the commission to take from them the equal protection of the law; fourth, in authorizing the commission to take their property for public use without just compensation; fifth, in authorizing all of these things to be done by a body of executive officers who are not a court, and who are without judicial powers

The court has this to say:

The Supreme Court of the United States in many cases has announced certain fundamental principles which have a more or less direct bearing upon the questions involved in these cases.

Citing especially Chicago, Milwaukee & St. Paul Railway Co. against Minnesota (134 U. S.), where the court says:

The question of the reasonableness of a rate of charge for transportation by a railroad company, involving as it does the element of reasonableness, both as regards the company and as regards the public, is eminently a question for judicial investigation requiring due process of law for its determination. If the company is deprived of the power of charging reasonable rates for the use of its property, and thus, in substance and effect, of the property itself, without due process of law, and in violation of the Constitution of the United States, in so far as it is thus deprived, while other persons are permitted to receive reasonable profits upon their invested capital, the company is deprived of the equal protection of the laws.

Citing some cases. Among other authorities, the court quotes this language from Mr. Justice Brewer, which I read because I think it is a good thing to occasionally go back to fundamentals:

These cases all support the proposition that, while it is not the province of the courts to enter upon the merely administrative duty of framing a tariff of rates for carriage, it is within the scope of judicial power and a part of judicial duty to restrain anything which, in the form of regulation of rates, operates to deny to the owners of property invested in the business of transportation that equal protection which is the constitutional right of all owners of other property. There is nothing new or strange in this. It has always been a part of the judicial function to determine whether the act of one party (whether that party be a single individual, an organized body, or the public as a whole) operates to divest the other party of any rights of person or property. In every constitution is the guaranty against the taking of private property for public purposes without just compensation. The equal protection of the laws, which, by the fourteenth amendment, no State can deny to the individual, forbids legislation, in whatever form it may be enacted, by which the property of one individual is without compensation wrested from him for the benefit of another or for the public. This, as has been often observed, is a government of law and not a government of men—

I hope the sentence last read will be applied by Senators to the remarkable section of this bill which seeks to substitute for a government of law the government of a board of five men.

Justice Brewer, proceeding, said:

And it must never be forgotten that under such a government, with its constitutional limitations and guaranties, the forms of law and the machinery of government, with all their reach and power, must, in their actual workings, stop on the hither side of the unnecessary and uncompensated taking or destruction of any private property legally acquired and legally held.

Mr. President, that declaration is founded on the old rock of the Constitution. Starting with it as a premise, the United States district court says:

It will be observed that there is no general power delegated to the commission to fix rates, nor does the statute creating the commission give it any such right. Its sole authority in the premises is stated in the act above set forth, and must be based upon its conviction of the railroad of extortion. It can not move until what we may call this jurisdictional fact has been ascertained to exist; and then, having proceeded to determine that the railroad has been guilty of extortion, although it has been furnished with no unmistakable statutory standard as to what is to be held to be extortion, it lowers the rate of that road for that particular service. Its own opinion—its own judgment—is the sole guide upon both questions.

"Its own opinion" and "its own judgment" is to be the sole guide of the commission sought to be created by this bill.

If the law only conferred on the commission power to fix a schedule of rates for all railroads in the State generally, it would be the duty of the court to await its action in that regard and then permit those rates, if called in question, to stand or fall as they might, in the court's judgment, be just and reasonable, or the reverse. It might be conceded that, in case a railroad commission was given general power to establish a schedule of rates, a failure on the part of a carrier to conform to those rates when established might be made punishable. (Reagan v. Trust Co., 154 U. S., 362; 14 Sup. Ct., 1055; 38 L. Ed., 1024.) But this does not yet reach the cases before us. Here the power given is to be exercised only where the commission has "determined" that the railroad company has been "guilty of extortion" in a given instance or instances complained of, and then apparently only by way of punishment therefor, or as an occasion for laying a foundation for other punishment, although the legislature has established no definite test—

Always the court comes back to the fatal defect, namely, that the law failed to furnish any definite test.

The court continues:

When the commission has "determined" that the company is "guilty of extortion," it shall then fix the rate thereafter to be charged in similar cases by that company only, and not by carriers generally. This shall be entered upon the records of the commission. Afterwards, if the company thus found "guilty of extortion" shall in a like case charge or collect a rate greater than the one thus fixed, or if any of its employees shall do so, it shall be guilty of the crime of extortion. These matters all bear the marks of a judicial proceeding.

What about this commission that without any guide of law, without any statute to follow, is to sit down and say, "We think this transaction is fair, we think this other transaction is unfair; we think Jones treats his competitors fairly; we think Smith treats his competitors unfairly"? Who is to determine what is fair and what is unfair? The commission. How will it determine the all-important question? Will it proceed according to the precedents of the courts, or will it examine dissertations upon ethics? Will it accept the western code of honor, or will it go down East for its rules of business fairness? Will it adopt the morals of the stock exchange or the Sunday school? No man can say, no man dare hazard a guess.

I quote again from the opinion:

But the act goes further and provides that if, after the rate is thus fixed—after this possible punishment is thus inflicted—that company charges a higher rate for similar services, however reasonable it in fact might be in the judgment of a court, the real judicial tribunals of the State are then given the power to punish it or its employees therefor though the power is apparently withheld from those courts of judi-

cially inquiring whether the rate thus fixed under these circumstances by the commission was just or reasonable.

And that very objection lies to this bill.

Mr. POMERENE. If I may interrupt the Senator, does he construe the pending bill as giving the commission arbitrary power to determine what unfair competition is?

Mr. REED. Unquestionably I do.

Mr. POMERENE. Irrespective of what may be recognized as unfair competition under the decision of the courts?

Mr. REED. Mr. President, I undertake to say that there are no decisions of courts that amount to a rule of law as to what constitutes unfair competition. There is no guide, and the chairman of this committee said a moment ago there was no guide when he said to us, "You can not write a description of what is unfair competition into the law." Manifestly if there was a guide it could be written into the law; if there was a rule it could be embraced in this bill.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield.

Mr. SMOOT. I was simply going to suggest to the Senator from Ohio that if the commission does not determine what is unjust competition, who will determine it under the bill?

Mr. POMERENE. Of course the committee determines it, but it is under well-defined principles of law as to what is unfair competition.

Mr. SMOOT. Mr. President——

Mr. POMERENE. Just a moment, please. Let me illustrate. If we were to follow the logic of my friend from Missouri, a statute which would declare it unlawful to obtain by any false pretense any property of value would be unconstitutional because there was no statute on this subject. Everyone knows that a false pretense has not been defined as a general proposition, but the law is being enforced and courts and juries are obliged to rely upon the particular circumstances of each particular case. So, also, when it comes to the question of fraud generally, we have never attempted to define fraud. Courts do not attempt it, legislatures have not attempted it, because the affairs of mankind are so multitudinous and in such great variety that it is utterly impossible of definition. It is just so, as the Senator from Nevada suggested during the afternoon's debate—unfair competition is not susceptible of a general definition which would embrace all kinds of unfair competition. That is impossible.

There are certain decisions, certain principles of common law which form landmarks which may guide us. Of course, this commission could not declare a thing to be unfair competition which was not unfair competition under the well-defined principles of the law. If they were to attempt to do that it is quite clear that any court would interfere.

Mr. SMOOT. I simply wish to say to the Senator that among the powers conferred upon this commission is the power to determine what is unfair competition. Section 4 of the bill says:

> The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

Then the very next section says:

> That unfair competition in commerce is hereby declared unlawful.

And it is for them to determine what is unfair competition under the provisions of the bill.

Mr. POMERENE. This act does not attempt to declare what is unfair competition. It assumes that that is defined under the general principles of the law. Now, as to whether a given state of facts shall be determined by the commission as unfair competition, of course it is up to the commission to decide.

Mr. REED. Mr. President, I was reading the decision of the court, but the remarks of both the Senators, while very illuminating, have carried us away from the decision.

Mr. POMERENE. I apologize to the Senator.

Mr. REED. Oh, no; that is all right; I am simply making that statement so that my failure to at this moment reply will not be misunderstood. I prefer to go on with the decision.

I, however, at this time will apply this much of it to a part of the statement of the Senator from Ohio. One of the very reasons why the court struck down this attempted legislation was that it did not lay down a general rule; that the board did not act under a general rule either adopted by itself or adopted by the legislature; and that the court's order did not apply universally to all trade conditions and to all concerns engaged in transportation; but that it applied in a particular case. The court calls attention very sharply in its reasoning to the distinction between applying a rule of law generally to all of a business class and the mere arbitrary declaration that a particular act done by a particular man was just or unjust, reasonable or unreasonable. You must first have the rule of law and it must be applicable to all of a class. And so the court says:

> Third. The most prominent feature of this legislation is the manifest purpose, if possible, to regulate rates by severe punishments for single offenses, rather than by means of real attempts to solve the immense problem of fair and reasonable freight and passenger charges, by industrious and earnest efforts to ascertain what they should be. But even if the spirit of the statute be extreme and harsh rather than moderate and fair, this would be unavailing to the complainants if the provisions of the act had been kept within constitutional bounds. As already indicated, the act does not fix nor attempt to fix, nor requiring the fixing of, rates equally and generally for all.

Neither does this act provide for the establishment of a rule or decision equal to all, but allows a different rule for each individual, the solitary limitation being the discretion of the board.

"It aims alone at single instances, and as a condition precedent to the right of the commission to make any change in any existing rate it requires that the commission shall find the railroad guilty of extortion without defining in any precise sense what that is. On the hearing upon the charge before the non-judicial administrative body, a species of notice and an opportunity to be heard as to the reasonableness and justness of the rates is given. But all that is thus done is preliminary to having a justification for the further step, if the railroad charges an excess rate over that thus fixed, of having it convicted of another and further extortion, without any provision in the act that the judicial tribunal which shall try the accused for that offense may investigate and decide whether the rate fixed in this extraordinary preliminary proceeding before the administrative body was reasonable or just."

And that is true as a criticism of this bill.

> No opportunity for such an investigation is afforded by the statute when the courts are given jurisdiction of the cases, and it is by no means certain that those courts would feel constrained to give the relief in the absence of an express statutory requirement. These considerations, therefore, seem to bring this case within the principle first above quoted from the opinion of the Supreme Court in the Minnesota case. If it had been the intention of the legislature to recognize the right to a judicial investigation of the reasonableness of the rates fixed under the provisions of the act, and to afford an opportunity therefor before a conviction upon an indictment for extortion, it would have said so in unmistakable terms, etc.

The fourth division of the opinion is:

> Fourth. And it may be that the principles announced by the court of appeals in Louisville & Nashville Railroad Co. *v.* Commonwealth (99 Ky., 132; 35 S. W., 129; 33 L. R. A., 209), by which section 816 of the Kentucky Statutes, which made it an offense for a carrier to charge more than a "just and reasonable rate," was held to be void for uncertainty, would apply in this connection.
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> * * * * * * *
>
> Sixth. * * * and the court is of the opinion that the act violates the constitution of the State in attempting to confer upon the commission what are judicial powers and functions, to wit, the power, after complaint and notice given, to "hear and determine" that the railroad has been "guilty of extortion."

That is exactly what you do here. You confer that judicial power expressly here—

> and as a consequence after that finding to further decide that the freight rate of that road for similar services shall be a lower figure. These steps, as they apply only to individual instances and are not a method of fixing rates generally, constitute the very essence of a judicial proceeding and judgment. Indeed, this ground of relief may possibly broaden out so as, per se, to aid all the others.
>
> The court is always reluctant to interfere with the exercise by any State officer of his official functions; but in the most eminent degree the safety of the property and the rights of the citizens of the community depend upon the supremacy of the Constitution. The value of these safeguards is not diminished because individuals associate as a body corporate. They are citizens none the less, and the court must not shrink in clear cases from discharging its plain duty to uphold the dominant authority. If, as before intimated, the act in question only empowered the commision to fix rates generally and for all alike, which would be a mere administrative work, the court would not interfere until that power had been exercised and the propriety of the result called in question; but here not only may a rate in a single instance be fixed by a process plainly unconstitutional, but the most serious, not to say excessive, punitive consequences may be visited not only upon the railroad but also upon the individual citizen whom it may employ.

The court upon all of these grounds and for all of these reasons held this act to be absolutely unconstitutional, and so clearly unconstitutional that they would arrest an attempt to enforce it before even the board had acted.

Mr. President, Senators tell us that "fraud" has not been defined. Oh, yes, it has been defined a thousand times. The definition is written on almost every page of every law book. Nobody has undertaken to say what particular collation of facts shall be necessary to constitute fraud, because the facts which may be employed are as multitudinous as the leaves upon the trees; but the rules by which we are to determine whether a transaction is fraudulent have been laid down for centuries; and whenever the combination of facts in a given case comes within the purview of those rules, fraud exists. But the rules are there; and when a statute is passed denouncing fraud it

deals with a subject which has been clearly defined in the common law, in equity jurisprudence, and in previous statutory enactments. So you do not escape at all by the fraud argument.

Fraud has been defined; false pretenses have been defined; tricks and devices have been defined by a general rule, both in the statute law and in the decisions of the courts. Of course, we have not undertaken in any law to specify all of the things which may constitute a fraud. You have, however, laid down well-known rules as to what constitutes fraud.

This bill leaves us as much in the dark as would a bill declaring that "whoever shall do anything which is wrong shall be punished." If such a bill were presented, I presume the wise lawyers would get on their feet and illuminate the situation in this manner: "Why, many courts have said that this thing is wrong; therefore we have a definition of wrong." You have just exactly the same kind of definition of what is "unfair trade" in the decisions as you have of what is "wrong" in the decisions, namely, a court in describing some particular act has said it was an unfair act of trade, or in describing some particular act has said it was a wrongful act; but no statute merely declaring that "whoever shall do wrong shall be punished" would be a valid statute, because, instead of giving the citizen a guide as to that which is wrong, a guide that is written in the law which he can observe, he is relegated, not to the law, but to the opinion of an individual as to what is wrong.

You can not say to me that I shall be tried, fined, and imprisoned, or that my property shall be taken because five gentlemen think I have been doing wrong. Under the Constitution of the United States you must, by law, inhibit conduct before there can be an offense. In this country you can not pass a law providing that whenever five or six eminently respectable gentlemen, jurists, wise men, and economists (as the Senator from Nevada assures us they shall be) get together and say that they think something is wrong, that that shall be wrong, because that is putting the Government of the United States into the hands of those four or five men, and giving them the power to say what is lawful and what is unlawful, whereas, under the Constitution of the United States, that power is reserved to all the people of the United States, not to five people of the United States. That will of all the people of the United States must be engraven in the law, and that law must be passed by the House of Representatives and by the Senate, and it must be signed by the President.

You are substituting the decree of five men here for a law of Congress. If you can delegate this great power to this little commission, you can create a commission and turn over to it every power of the Federal Government, and if you ever embark upon a crusade of that kind, and if it be sustained by the courts, it will not be long until the Constitution shall have become a rope of sand. Instead of this being a government of constitution and of law it will be a government of men ruling over the people. That, sir, is a monarchy, not a republic.

Mr. President, I rose to talk but two or three minutes, intending merely to formally state some objections to one clause of the bill. I have been led to extend my remarks beyond the original intent.

In the future I expect to submit some additional authorities upon the legal questions I have referred to.

Mr. STONE obtained the floor.

REGULATION OF STOCK EXCHANGES.

Mr. HITCHCOCK. Will the Senator from Missouri yield to me for a moment on a matter of privilege, as to which I have been waiting to speak for a good while?

The VICE PRESIDENT. The Chair assumed that when the Senator from Missouri [Mr. STONE] rose it was for the purpose of interrupting his colleague. The Chair desires to recognize the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. President, this morning upon the convening of the Senate the chairman of the Committee on Banking and Currency [Mr. OWEN] filed a report on a bill to regulate the stock exchanges through the Post Office Department. I entered the Chamber a few moments later, and therefore was not here in time to challenge the report. The fact is the report was adopted at a meeting of the committee at which a quorum was not present. Concerning the facts there is really no dispute.

There are 12 members of that committee, and the Senators present at the meeting to which I refer were Mr. OWEN, Mr. LEE of Maryland, Mr. SHAFROTH, Mr. BRISTOW, and Mr. CRAWFORD. The Senators absent were Mr. WEEKS, Mr. REED, Mr. MCLEAN, Mr. NELSON, Mr. HITCHCOCK, Mr. POMERENE, and Mr. HOLLIS. The Senator from Ohio [Mr. POMERENE] was in attendance at a meeting of the Committee on Foreign Relations, as indeed I was; the Senator from Missouri [Mr. REED] was engaged in the Committee on the Judiciary; the Senator from Minnesota [Mr. NELSON], I understand, was also engaged in the Committee on the Judiciary; the Senator from New Hampshire [Mr. HOLLIS] was engaged on the business of the Senate elsewhere. It is fair to say that the Senator from New Hampshire [Mr. HOLLIS] and the Senator from Ohio [Mr. POMERENE] had indicated to the chairman a willingness to be counted present to constitute a quorum, and the Senator from New Hampshire [Mr. HOLLIS] authorized himself to be counted as in favor of the bill; but under the rules of the Senate a constructive quorum is not sufficient where objection is made. I therefore ask that the bill be taken from the calendar and that it be recommitted to the committee.

Mr. SHAFROTH. Mr. President, in answer to the statement of the Senator, I will say that the Senator from Oklahoma [Mr. OWEN] is not in the city and will not be in the city for some two or three weeks, and any ruling which the Chair might make upon this matter I would prefer go over until the Senator from Oklahoma returns.

I want to say to the Senate that the chairman of the committee has been exceedingly anxious for a number of weeks to get a report upon the bill. In the first instance, there was a vote taken some three or four weeks ago. There were present, including one or two members who requested that they be counted to make a quorum, a sufficient number. While the question was up it was suggested that the Senator from Oklahoma make the report. The Senator from Massachusetts [Mr. WEEKS] was present upon that occasion and stated that he should like to have time to file the views of the minority. That seemed to be satisfactory, and it was supposed that the report on the bill would be made. Some question arose concerning the matter, and the Senator from Oklahoma felt that there ought to be some confirmation of that action upon the part of the committee. He sent out notices several times, but no quorum appeared. He sent out notices again for a meeting this morning. The notice was for 10 o'clock. I was there in person at 10. We had some other business to transact. This matter was brought up about half past 11 o'clock, and the vote was taken on the matter about 25 minutes of 12 o'clock.

It then appeared that the Senator from Oklahoma [Mr. OWEN] was present, the Senator from New Hampshire [Mr. HOLLIS] was present, the Senator from Maryland [Mr. LEE] was present, the Senator from Kansas [Mr. BRISTOW] was present, and the Senator from South Dakota [Mr. CRAWFORD] was present. The Senator from New Hampshire [Mr. HOLLIS] retired from the room, saying that he had an engagement at one of the executive departments, and it would be necessary for him to go, but he wanted his vote counted to constitute a quorum and also in favor of the bill. The Senator from Ohio [Mr. POMERENE] had sent word or had seen the Senator from Oklahoma and had stated that he would like to be counted to make a quorum, so that made seven members, according to the procedure in such cases in the committees of the Senate. A motion was made to report the bill; there was a vote taken. Three or four members voted in favor of it, and there seemed to be none who voted directly against it, although there were some expressions of doubt as to whether we ought not to have another meeting of the committee.

The Senator from Oklahoma stated that he would like to have another meeting of the committee, but expected to leave the city to-day to be absent for three weeks, and that he wanted the bill reported so that any discussion or criticism of the bill might take place while the Senate was considering other measures.

It seems to me, Mr. President, in view of the custom in the committees of the Senate of allowing Senators to ask that they be counted present to make a quorum, that this bill has been reported in the usual way. It is true that we tried to get a quorum in the committee on several occasions. Day before yesterday, as I have said, there was a call for a meeting, and to-day there was a call for a meeting, and we waited until half past 11 o'clock before any motions were made. It seems to me, in view of that, and the custom of the Senate being as I have indicated, that a motion ought not to be made, and ought not to be sustained if made, that this bill be taken from the calendar until at least the chairman of the committee is here to present his view of the matter.

Mr. HITCHCOCK. Mr. President, if the chairman were here a delay of a day or two would be all right, but the chairman has gone to Europe. He left immediately after this action was secured. No possible harm can come from recommitting the bill to the committee, where it properly belongs, until a majority

of the committee or a majority of a legal quorum present vote it out. The bill can not be taken up during the absence of the chairman, and the placing of it upon the calendar is simply a violation of the proprieties and rules of the Senate. I ask, therefore, that the bill be recommitted to the committee. It will then be there for consideration in a proper and legitimate way when the committee is called together.

Mr. HOLLIS. Mr. President, I rise to a parliamentary inquiry. Do I understand that there is a motion to recommit or a request for a ruling by the Chair that the report was improperly made?

The VICE PRESIDENT. No; there is no request for the Chair to decide whether or not the report was improperly made. The Chair would refuse to decide any such question as that if it were presented to the Chair, believing that the question as to whether a report has been made properly or improperly is one for the Senate of the United States to settle.

The Chair understands the motion to be one which is sometimes made, though not frequently, but one which is properly made, to take the bill from the calendar and re-refer it to the committee; but under the rules of the Senate, unless unanimous consent is given, that motion must lie over for one day and come up regularly under the rules of the Senate to-morrow. If there is objection to taking the bill from the calendar and re-referring it to the committee, it will go over. Is there objection?

Mr. STONE. Mr. President, I hope it will go over, for I fear it will lead to debate and perhaps a call for the yeas and nays.

Mr. HITCHCOCK. I am willing to have a vote without any debate.

Mr. STONE. The motion of the Senator from Nebraska can be pending. I move that the Senate proceed to the consideration of executive business.

Mr. HITCHCOCK. I ask the Senator if he will not allow a vote to be taken as a matter of courtesy to members of the committee who were not present.

The VICE PRESIDENT. Is there objection to the bill being taken from the calendar and referred to the Committee on Banking and Currency?

Mr. HOLLIS. I object.

The VICE PRESIDENT. There is objection, and the motion of the Senator from Nebraska will go over until to-morrow.

Mr. POMERENE and Mr. KERN addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri [Mr. STONE] has been recognized. To whom does he yield?

Mr. STONE. I yield to the Senator from Indiana.

COMMITTEE ON EXPENDITURES IN DEPARTMENT OF LABOR.

Mr. KERN. I submit the following order, for which I ask present consideration.

The order was read and agreed to, as follows:

Ordered, That a standing committee of the Senate, to be known as the Committee on Expenditures in the Department of Labor, is hereby created, said committee to consist of five members, as follows:

Senator JOHNSON N. CAMDEN, of Kentucky, chairman.
Senator WHITE, of Alabama.
Senator LANE, of Oregon.
Senator CATRON, of New Mexico.
Senator GOFF, of West Virginia.

That the standing committee heretofore and now known as the Committee on Expenditures in the Departments of Commerce and Labor shall be hereafter known and designated as the Committee on Expenditures in the Department of Commerce.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 26, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 25, 1914.

MEMBERS OF THE BOARD OF CHARITIES.

Emile Berliner, of the District of Columbia, for a term of three years from July 1, 1913, in place of George W. Cook, whose term expired June 30, 1913.

George E. Hamilton, of the District of Columbia, for a term of three years from July 1, 1914. (A reappointment; term expires June 30, 1914.)

Walter A. Clephane, of the District of Columbia, for a term of three years from July 1, 1914, in place of Myer Cohen, whose term would have expired June 30, 1914, but who has resigned.

UNITED STATES ATTORNEY.

Fred H. Brown, of Somersworth, N. H., to be United States attorney for the district of New Hampshire, vice Charles W. Hoitt, resigned.

UNITED STATES MARSHAL.

Charles J. O'Neill, of Walpole, N. H., to be United States marshal for the district of New Hampshire, vice Eugene P. Nute, resigned.

PUBLIC HEALTH SERVICE.

Asst. Surg. David C. Turnipseed, to be passed assistant surgeon in the Public Health Service, to rank as such from March 18, 1914.

This officer has served the required time in his present grade and has passed the necessary examination for promotion.

POSTMASTERS.

CALIFORNIA.

Ernest Martin to be postmaster at San Bernardino, Cal., in place of Stephen F. Kelley. Incumbent's commission expired April 1, 1914.

COLORADO.

William F. Ordway to be postmaster at Dolores, Colo., in place of William F. Ordway. Incumbent's commission expired April 19, 1913.

FLORIDA.

Peter A. Dignan to be postmaster at Jacksonville, Fla., in place of Daniel T. Gerow. Incumbent's commission expired February 18, 1914.

William C. McLean to be postmaster at Orlando, Fla., in place of William R. O'Neal. Incumbent's commission expired June 13, 1914.

IDAHO.

James W. Anderson to be postmaster at Nezperce, Idaho, in place of Chancey Wallace, resigned.

ILLINOIS.

Ernest L. Benson to be postmaster at Galva, Ill., in place of George D. Palmer. Incumbent's commission expired June 6, 1914.

F. B. Bock to be postmaster at Girard, Ill., in place of John J. Stowe. Incumbent's commission expired June 21, 1914.

Robert D. Bolen to be postmaster at Maroa, Ill., in place of James R. Morgan. Incumbent's commission expired June 2, 1914.

Addie M. Chenoweth to be postmaster at Tiskilwa, Ill., in place of George E. Dexter. Incumbent's commission expired June 21, 1914.

David M. Flynn to be postmaster at Geneva, Ill., in place of Ernest G. Howell. Incumbent's commission expired January 26, 1914.

George H. Franzen to be postmaster at Fairbury, Ill., in place of Emory Gregg. Incumbent's commission expired January 26, 1914.

Robert T. Ross to be postmaster at Palmyra, Ill., in place of William T. Grimmett, resigned.

IOWA.

John J. McAreavy to be postmaster at Coggon, Iowa, in place of Francis W. Allison, resigned.

Elisha D. Roberts to be postmaster at Reinbeck, Iowa, in place of J. D. Morrison. Incumbent's commission expired April 21, 1914.

KANSAS.

W. C. White to be postmaster at Osage City, Kans., in place of B. A. Rosenquist. Incumbent's commission expired March 8, 1914.

MAINE.

John P. Coughlin to be postmaster at Saco, Me., in place of Charles H. Innes, removed.

MARYLAND.

James T. Truitt to be postmaster at Salisbury, Md., in place of Marion A. Humphreys. Incumbent's commission expired June 24, 1914.

MASSACHUSETTS.

Douglas H. Knowlton to be postmaster at South Hamilton, Mass., in place of Lester E. Libby, resigned.

John F. Shea to be postmaster at Bondsville, Mass., in place of Lewis R. Holden. Incumbent's commission expired April 13, 1914.

MICHIGAN.

Leo C. Campeau to be postmaster at River Rouge, Mich., in place of Theophilus Belanger, declined.

John Noll to be postmaster at Cheboygan, Mich., in place of Frank McIntyre, removed.

MINNESOTA.

J. M. Blake to be postmaster at Pierz, Minn. Office became presidential January 1, 1914.

Agnes H. Christenson to be postmaster at Beardsley, Minn., in place of Roy A. Smith. Incumbent's commission expired January 11, 1914.

MISSOURI.

Alfred T. Cornwell to be postmaster at Spickard, Mo., in place of Philip G. Wild, resigned.

NEBRASKA.

Mark W. Murray to be postmaster at Pender, Nebr., in place of Charles S. Hughes, resigned.

George D. Thomas to be postmaster at Seward, Nebr., in place of William Royer. Incumbent's commission expired April 24, 1912.

NEVADA.

Charles C. Corkhill to be postmaster at Las Vegas, Nev., in place of Walter R. Bracken, resigned.

NEW JERSEY.

Charles W. Simonson to be postmaster at Spring Lake Beach, N. J., in place of Peter C. Brown. Incumbent's commission expired December 21, 1913.

NEW HAMPSHIRE.

Alonzo L. Chamberlin to be postmaster at Lebanon, N. H., in place of George H. Kelley. Incumbent's commission expired June 2, 1914.

NORTH DAKOTA.

John H. Fallon to be postmaster at Alexander, N. Dak. Office became presidential January 1, 1914.

J. P. Shahanc to be postmaster at Souris, N. Dak., in place of John E. Jenks, resigned.

R. B. Stewart to be postmaster at Bottineau, N. Dak., in place of A. S. Nero. Incumbent's commission expired May 2, 1914.

Ben H. Wilkins to be postmaster at Plaza, N. Dak., in place of Anna E. Shaw. Incumbent's commission expired March 11, 1914.

Frank E. Winmill to be postmaster at Stanton, N. Dak., in place of J. Alfred Berdahl, resigned.

R. R. Zirkle to be postmaster at Westhope, N. Dak., in place of E. A. Borsheim. Incumbent's commission expired May 2, 1914.

OHIO.

D. D. Granger to be postmaster at New London, Ohio, in place of A. B. Pond. Incumbent's commission expired April 15, 1914.

Emmet W. Peoples to be postmaster at Pomeroy, Ohio, in place of Ralston Russell. Incumbent's commission expired June 24, 1914.

Benjamin F. Reineck to be postmaster at Gibsonburg, Ohio, in place of John W. Blackman. Incumbent's commission expired April 21, 1914.

Alexander J. Shenk to be postmaster at Delphos, Ohio, in place of Edward E. Truesdale. Incumbent's commission expired June 24, 1914.

D. C. Van Voorhis to be postmaster at Bowling Green, Ohio, in place of J. E. Baird. Incumbent's commission expired April 7, 1914.

OREGON.

Alice E. Weatherson to be postmaster at Florence, Oreg. Office became presidential April 1, 1914.

PENNSYLVANIA.

Charles L. Fox to be postmaster at Daisytown, Pa. Office became presidential April 1, 1913.

Victor E. Gill to be postmaster at Latrobe, Pa., in place of Clayton O. Slater. Incumbent's commission expired February 1, 1914.

A. F. Hess to be postmaster at Clarion, Pa., in place of W. Day Wilson. Incumbent's commission expired January 17, 1914.

John A. Hughes to be postmaster at Lyndora, Pa., in place of Bernard Wendell. Incumbent's commission expired March 23, 1914.

J. F. Johnston to be postmaster at Strasburg, Pa., in place of Isaac N. Bachman. Incumbent's commission expired April 25, 1914.

Michael J. O'Connor to be postmaster at Trevorton, Pa. Office became presidential April 1, 1914.

Granville L. Rettew to be postmaster at West Chester, Pa., in place of Harry G. Smith. Incumbent's commission expired June 7, 1914.

Henry George Schleiter to be postmaster at Freedom, Pa., in place of H. D. Jackson, deceased.

Thomas G. Vincent to be postmaster at Danville, Pa., in place of William L. Gouger. Incumbent's commission expired March 28, 1914.

RHODE ISLAND.

Thomas F. Cavanaugh to be postmaster at Woonsocket, R. I., in place of Moses R. Newell. Incumbent's commission expired June 24, 1914.

SOUTH CAROLINA.

T. P. McLeod to be postmaster at Hartsville, S. C., in place of T. P. McLeod. Incumbent's commission expired April 11, 1914.

Robinson P. Searson to be postmaster at Allendale, S. C., in place of Robinson P. Searson. Incumbent's commission expired January 25, 1914.

TEXAS.

H. A. Anderson to be postmaster at Onalaska, Tex. Office became presidential April 1, 1914.

Claudine Barnes to be postmaster at Pampa, Tex., in place of V. E. Brunow. Incumbent's commission expired February 18, 1914.

E. R. Cheesborough to be postmaster at Galveston, Tex., in place of Harry A. Griffin. Incumbent's commission expired June 13, 1914.

H. M. Coats to be postmaster at Texas City, Tex., in place of George E. Whitney, resigned.

George C. Williams to be postmaster at Wills Point, Tex., in place of William Pilley. Incumbent's commission expired May 4, 1914.

VERMONT.

Anna M. Allen to be postmaster at West Pawlet, Vt., in place of William O. Williams. Incumbent's commission expired May 15, 1912.

John U. Baxter to be postmaster at Derby Line, Vt., in place of Mary W. Chase, resigned.

Prentiss C. Dodge to be postmaster at Randolph, Vt., in place of Joseph B. Eldredge. Incumbent's commission expired January 24, 1914.

Edward Dunn to be postmaster at Castleton, Vt., in place of R. C. Ransom. Incumbent's commission expired January 17, 1914.

Rodger Dwyer to be postmaster at West Rutland, Vt., in place of Charles A. Parker. Incumbent's commission expired May 19, 1914.

Emory S. Harris to be postmaster at Bennington, Vt., in place of Collins M. Graves. Incumbent's commission expired January 10, 1914.

George F. Hubbell to be postmaster at Northfield, Vt., in place of George H. Richmond. Incumbent's commission expired March 17, 1914.

C. W. Locke to be postmaster at Springfield, Vt., in place of F. G. Ellison. Incumbent's commission expired April 13, 1914.

George E. Randall to be postmaster at Wells River, Vt., in place of Sidney A. Leavitt. Incumbent's commission expired March 30, 1914.

John H. Wood to be postmaster at Wallingford, Vt., in place of Herbert G. Savery. Incumbent's commission expired December 13, 1913.

VIRGINIA.

Samuel T. Montague to be postmaster at Portsmouth, Va., in place of Holt F. Butt, jr. Incumbent's commission expired June 7, 1914.

WASHINGTON.

F. M. Charlton to be postmaster at Harrington, Wash., in place of Jasper J. Cameron, resigned.

John W. Miller to be postmaster at Snohomish, Wash., in place of Arthur M. Blackman. Incumbent's commission expired April 20, 1914.

Eleanor Staser to be postmaster at Kennewick, Wash., in place of Arthur H. Wheaton. Incumbent's commission expired June 13, 1914.

C. W. McClure to be postmaster at Washougal, Wash., in place of D. W. Hutchinson, resigned.

WISCONSIN.

William L. Evans to be postmaster at Green Bay, Wis., in place of James H. Elmore, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 25, 1914.

CONSUL.

George S. Messersmith to be consul at Fort Erie, Ontario, Canada.

RECEIVERS OF PUBLIC MONEYS.

Francis H. Selhorst to be receiver of public moneys at Glenwood Springs, Colo.

Albert T. Forse to be receiver of public moneys at Independence, Cal.

Alexander Mitchell to be receiver of public moneys at Los Angeles, Cal.

Mrs. Grace B. Caukin to be receiver of public moneys at San Francisco, Cal.

REGISTERS OF THE LAND OFFICE.

John D. Roche to be register of the land office at Los Angeles, Cal.

John B. Sanford to be register of the land office at San Francisco, Cal.

Frank S. Heer, to be register of the land office at Boise, Idaho.

UNITED STATES MARSHAL.

Otho T. Wood to be United States marshal, district of Kansas.

POSTMASTERS.

CALIFORNIA.

Ernest Martin, San Bernardino.

NEW JERSEY.

Charles W. Simonson, Spring Lake Beach.

NEW YORK.

Augusta H. Tilden, New Lebanon.

PENNSYLVANIA.

M. E. Brown, Blairsville.
J. F. Kurtz, Lewisburg.
Blake W. McCracken, Mahaffey.
John M. Zimmerman, Greensburg.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 25, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, let Thy blessing descend copiously upon these Thy servants. Keep them and theirs in health, strength, vigor during the heated and enervating season through which we are passing, that they may hallow Thy name in thought and purpose, that the interests of our Republic may be subserved and advanced in all that makes a nation great; that peace, prosperity, justice, mercy, truth, and righteousness may obtain throughout our borders. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE—PLAZA AWARDS.

Mr. POU. Mr. Speaker, I ask unanimous consent that the Committee on Claims be discharged from further consideration of Senate bills numbered 11, 23, 31, and 2245, and that they be referred to the Committee on the District of Columbia under Rule XXI. The engrossed bills, with the accompanying papers, I send to the Clerk's desk.

The SPEAKER. They are private bills, are they not?

Mr. POU. I think they are, Mr. Speaker. They belong to the Committee on the District of Columbia; I know that.

Mr. MANN. What do they relate to, may I inquire?

The SPEAKER. To Plaza awards. Without objection, the change of reference will be made.

There was no objection.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal reserve act and to incorporate therein the instructive utterance by the Comptroller of the Currency, Hon. John Skelton Williams, on May 13, 1914, before the annual convention of the North Carolina Bankers' Association at Raleigh, N. C.

The SPEAKER. The gentleman from Georgia [Mr. PARK] asks unanimous consent to extend his remarks in the RECORD by inserting the speech that the Hon. John Skelton Williams made before the convention of the North Carolina Bankers' Association at Raleigh, N. C. Is there objection?

There was no objection.

ELECTRICAL PROTECTION TO VAULTS OF GOVERNMENT BUILDINGS.

Mr. RAKER. Mr. Speaker, while the sundry civil bill was under consideration there was a matter under discussion in regard to an appropriation for electrical protection of Government buildings, including that at San Francisco, Cal. I did not get the telegrams I have now in time to submit to the House and offer an amendment to the bill. I got the telegrams last night. I now ask unanimous consent that I may insert these telegrams in relation to that appropriation.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD by the insertion of certain telegrams. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, what do they relate to?

Mr. RAKER. There has been an appropriation carried of something like $19,000, providing for electrical devices for Government buildings at San Francisco and elsewhere. The present bill did not carry that item, and I would like to have these telegrams go into the RECORD.

Mr. FITZGERALD. I object, Mr. Speaker. There are 5,000 of these telegrams in the House to-day.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. When the House adjourned yesterday the previous question was ordered on the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and all amendments had been agreed to except what is known as the Ferris amendment. The question is on agreeing to that amendment.

Mr. MANN. Mr. Speaker, I ask that it be reported.

The SPEAKER. The Clerk will report the bill and amendments.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Amendment offered by Mr. FERRIS:

"Amend, page 99, line 18, by striking out the figures '$300,000' and inserting in lieu thereof the figures '$400,000.'"

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FITZGERALD. A division, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands a division.

The House divided; and there were—ayes 51, noes 22.

Mr. FITZGERALD. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the Ferris amendment will, when their names are called, answer "yea," those opposed will answer "nay."

The question was taken; and there were—yeas 154, nays 90, answered "present" 7, not voting 182, as follows:

YEAS—154.

Abercrombie	Buchanan, Ill.	Cramton	Falconer
Aiken	Buchanan, Tex.	Cullop	Farr
Ashbrook	Bulkley	Curry	Fergusson
Aswell	Burke, Wis.	Danforth	Ferris
Baker	Burnett	Deitrick	Fess
Barchfeld	Campbell	Difenderfer	FitzHenry
Barton	Cantor	Dillon	Floyd, Ark.
Bell, Cal.	Carter	Donovan	Frear
Britten	Cary	Drukker	French
Brodbeck	Chandler, N. Y.	Dupré	Gallagher
Broussard	Church	Esch	Gard
Brown, N. Y.	Clark, Fla.	Estopinal	Gardner
Bryan	Cooper	Evans	Gill

Gilmore	Kettner	Murdock	Sparkman
Goeke	Kindel	Murray, Mass.	Steenerson
Graham, Ill.	Kinkaid, Nebr.	Murray, Okla.	Stephens, Cal.
Green, Iowa	Korbly	Nolan, J. I.	Stevens, Minn.
Greene, Mass.	La Follette	O'Hair	Stevens, N. H.
Gregg	Lazaro	Padgett	Stone
Hamilton, Mich.	Lee, Ga.	Park	Stout
Hardy	Lee, Pa.	Payne	Sutherland
Harris	Lenroot	Plumley	Taggart
Hawley	Lesher	Pou	Talbott, Md.
Hayden	Lindbergh	Prouty	Taylor, Ark.
Hayes	Linthicum	Raker	Taylor, Colo.
Heflin	Lonergan	Reed	Temple
Helgesen	McCoy	Reilly, Wis.	Thompson, Okla.
Hill	McDermott	Roberts, Nev.	Towner
Hughes, Ga.	McGillicuddy	Rupley	Treadway
Humphrey, Wash.	McLaughlin	Russell	Vollmer
Johnson, Utah	Mann	Scott	Volstead
Johnson, Wash.	Mapes	Seldomridge	Walters
Kahn	Miller	Sinnott	Watkins
Keating	Mitchell	Sloan	Willis
Keister	Montague	Small	Wingo
Kelley, Mich.	Moon	Smith, Idaho	Woodruff
Kelly, Pa.	Moore	Smith, Md.	Woods
Kennedy, Iowa	Morgan, Okla.	Smith, Saml. W.	
Kent	Moss, W. Va.	Smith, N. Y.	

NAYS—90.

Adair	Conry	Hensley	Reilly, Conn.
Adamson	Cox	Hinebaugh	Rouse
Alexander	Crosser	Holland	Rubey
Allen	Dent	Howard	Sims
Bailey	Dickinson	Igoe	Sisson
Baltz	Doolittle	Jacoway	Stafford
Barkley	Doughton	Johnson, Ky.	Stephens, Miss.
Bathrick	Elder	Johnson, S. C.	Stephens, Tex.
Beakes	Faison	Kirkpatrick	Sumners
Beall, Tex.	Fitzgerald	Lewis, Md.	Talcott, N. Y.
Booher	Flood, Va.	McClellan	Ten Eyck
Borchers	Foster	McKellar	Thacher
Bowdle	Fowler	Maguire, Nebr.	Townsend
Brumbaugh	Francis	Morrison	Tribble
Burgess	Garrett, Tenn.	Nelson	Underwood
Byrnes, S. C.	Garrett, Tex.	Oldfield	Walker
Byrns, Tenn.	Good	Page, N. C.	Walsh
Candler, Miss.	Gray	Peterson	Watson
Caraway	Hamlin	Post	Webb
Claypool	Harrison	Quin	Whaley
Cline	Haugen	Ragsdale	Witherspoon
Collier	Helm	Rainey	
Connelly, Kans.	Helvering	Rauch	

ANSWERED "PRESENT"—7.

Blackmon	Clancy	Garner	Slemp
Burke, S. Dak.	Finley	Mondell	

NOT VOTING—182.

Ainey	Fairchild	Kreider	Powers
Anderson	Fields	Lafferty	Rayburn
Ansberry	Fordney	Langham	Riordan
Anthony	Gallivan	Langley	Roberts, Mass.
Austin	George	L'Engle	Rogers
Avis	Gerry	Lever	Rothermel
Barnhart	Gillett	Levy	Rucker
Bartholdt	Gittins	Lewis, Pa.	Sabath
Bartlett	Glass	Lieb	Saunders
Bell, Ga.	Godwin, N. C.	Lindquist	Scully
Borland	Goldfogle	Lloyd	Sells
Brockson	Goodwin, Ark.	Lobeck	Shackleford
Brown, W. Va.	Gordon	Loft	Sharp
Browne, Wis.	Gorman	Logue	Sherley
Browning	Goulden	McAndrews	Sherwood
Bruckner	Graham, Pa.	McGuire, Okla.	Shreve
Burke, Pa.	Greene, Vt.	McKenzie	Slayden
Butler	Griest	MacDonald	Smith, J. M. C.
Calder	Griffin	Madden	Smith, Minn.
Callaway	Gudger	Mahan	Smith, Tex.
Cantrill	Guernsey	Maher	Stanley
Carew	Hamill	Manahan	Stedman
Carlin	Hamilton, N. Y.	Martin	Stephens, Nebr.
Carr	Hammond	Merritt	Stringer
Casey	Hardwick	Metz	Switzer
Coady	Hart	Morgan, La.	Tavenner
Connolly, Iowa	Hay	Morin	Taylor, Ala.
Copley	Henry	Moss, Ind.	Taylor, N. Y.
Covington	Hinds	Mott	Thomas
Crisp	Hobson	Neeley, Kans.	Thomson, Ill.
Dale	Houston	Neely, W. Va.	Tuttle
Davenport	Howell	Norton	Underhill
Davis	Hoxworth	O'Brien	Vare
Decker	Hughes, W. Va.	Oglesby	Vaughan
Dershem	Hulings	O'Leary	Wallin
Dies	Hull	O'Shaunessy	Weaver
Dixon	Humphreys, Miss.	Paige, Mass.	Whitacre
Donohoe	Jones	Palmer	White
Dooling	Kennedy, Conn.	Parker	Williams
Doremus	Kennedy, R. I.	Patten, N. Y.	Wilson, Fla.
Driscoll	Key, Ohio	Patton, Pa.	Wilson, N. Y.
Dunn	Kiess, Pa.	Peters, Mass.	Winslow
Eagan	Kinkead, N. J.	Peters, Me.	Young, N. Dak.
Eagle	Kitchin	Phelan	Young, Tex.
Edmonds	Knowland, J. R.	Platt	
Edwards	Konop	Porter	

So the amendment of Mr. FERRIS was agreed to.

During the roll call Mr. REED took the chair as Speaker pro tempore.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. VAUGHAN with Mr. THOMSON of Illinois.

Mr. WILSON of New York with Mr. CALDER.

Mr. STEPHENS of Nebraska with Mr. WINSLOW.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. SHACKLEFORD with Mr. SWITZER.

Mr. SAUNDERS with Mr. SMITH of Minnesota.

Mr. RUCKER with Mr. SHREVE.

Mr. RIORDAN with Mr. SELLS.

Mr. PATTEN of New York with Mr. MCGUIRE of Oklahoma.

Mr. PALMER with Mr. VARE.

Mr. NEELEY of Kansas with Mr. PLATT.

Mr. MOSS of Indiana with Mr. LEWIS of Pennsylvania.

Mr. CONNOLLY of Iowa with Mr. PATTON of Pennsylvania.

Mr. LOBECK with Mr. PARKER.

Mr. LLOYD with Mr. PAIGE of Massachusetts.

Mr. LIEB with Mr. LAFFERTY.

Mr. LEVY with Mr. POWERS.

Mr. LEVER with Mr. NORTON.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. HULL with Mr. MERRITT.

Mr. BORLAND with Mr. CALDER.

Mr. HAY with Mr. MCKENZIE.

Mr. DIXON with Mr. LANGHAM.

Mr. GORMAN with Mr. KREIDER.

Mr. GORDON with Mr. KIESS of Pennsylvania.

Mr. GOODWIN of Arkansas with Mr. KENNEDY of Rhode Island.

Mr. GOLDFOGLE with Mr. HULINGS.

Mr. GEORGE with Mr. HOWELL.

Mr. GALLIVAN with Mr. GUERNSEY.

Mr. EDWARDS with Mr. GRIEST.

Mr. DOREMUS with Mr. FORDNEY.

Mr. DONOHOE with Mr. GRAHAM of Pennsylvania.

Mr. DERSHEM with Mr. FAIRCHILD.

Mr. DECKER with Mr. EDMONDS.

Mr. COADY with Mr. DUNN.

Mr. CASEY with Mr. BROWNE of Wisconsin.

Mr. CARLIN with Mr. BARTHOLDT.

Mr. CALLAWAY with Mr. AVIS.

Mr. BROWN of West Virginia with Mr. ANTHONY.

Mr. BARNHART with Mr. ANDERSON.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. BLACKMON with Mr. AUSTIN.

Mr. WILSON of Florida with Mr. DAVIS.

Mr. WEAVER with Mr. MOTT.

Mr. GLASS with Mr. SLEMP.

Mr. GARNER with Mr. ROBERTS of Massachusetts.

Mr. FINLEY with Mr. ROGERS.

Mr. HARDWICK with Mr. MANAHAN.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. FIELDS with Mr. LANGLEY.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SHERLEY with Mr. GILLETT.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. KITCHIN with Mr. MADDEN.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. BLACKMON. Mr. Speaker, is the gentleman from Tennessee, Mr. AUSTIN, recorded?

The SPEAKER. He is not recorded.

Mr. BLACKMON. Then I desire to be recorded present.

The result of the vote was announced as above recorded.

The SPEAKER. The amendment is agreed to. A quorum is present. The Doorkeeper will unlock the doors.

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. GARDNER. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with instructions to strike out the figures "$2,649,500" in the Dupré amendment and insert the figures "$2,909,500."

The SPEAKER. The gentleman from Massachusetts moves to recommit the bill with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. GARDNER moves to recommit the bill to the Committee on Appropriations with instructions to strike out the figures "$2,649,500" in the Dupré amendment and insert the figures "$2,909,500."

Mr. FITZGERALD. I make the point of order that that motion to recommit is not in order, because the House has adopted an amendment which struck out of the bill the sum of of $2,650,000 and inserted the figures $2,649,500; and having stricken out and inserted certain language, it is not now in order to strike out what was so inserted and to substitute something else.

The SPEAKER. Does the gentleman from Massachusetts [Mr. GARDNER] desire to be heard on the point of order?

Mr. GARDNER. I desire to be heard on the point of order. Does the gentleman from New York desire to go ahead, or shall I go ahead?

Mr. FITZGERALD. The matter was liberally argued yesterday and determined, and the entire matter is before the Chair. If the gentleman wishes to discuss the point of order, that is one thing. I hope the Speaker will not permit the House to waste time in discussion of the amendment.

The SPEAKER. The Chair will hear the gentleman from Massachusetts, and will not hear anybody else on this point of order.

Mr. GARDNER. Mr. Speaker, when the gentleman from Tennessee [Mr. GARRETT], Chairman of the Committee of the Whole House on the state of the Union, held this motion to be out of order yesterday he cited two precedents—first, a decision made by Mr. Chairman Olmsted in the case of the Philippine tariff bill, and, second, a decision made by the present Speaker in 1913, on a motion to recommit the District of Columbia appropriation bill, made by the gentleman from South Dakota [Mr. MARTIN]. Now, what is it proposed to do? The gentleman from Louisiana [Mr. DUPRÉ] offered an amendment yesterday reducing by a nominal amount the appropriation for the Immigration Service and simultaneously enacting certain substantive legislation. To make the substantive legislation in order he was obliged to make a nominal reduction of the amount carried for the Immigration Service. Now, in this particular case it is true that I propose to alter the amount which the House adopted by the Dupré amendment——

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. GARDNER. Yes.

Mr. MANN. While the gentleman's motion as offered is to change the amount in the amendment, is it not a fact that there is no amendment now before the House? The engrossed bill has been read. Amendments have disappeared, and the gentleman's motion is simply to direct the committee to change certain figures in an engrossed bill, which are just like any other figures in the engrossed bill.

Mr. GARDNER. I thank the gentleman for his suggestion, which I understand, of course, is in aid of my proposition; but I am afraid that I shall be met by the point of order that you may not in a motion to recommit include an amendment which would have been out of order if offered while the bill was being considered for amendment.

The SPEAKER. The Chair will inquire of the gentleman if that is not sound doctrine?

Mr. GARDNER. That is absolutely sound doctrine, but I am asking the chairman to overrule the decision of the Chairman of the Committee of the Whole.

Mr. MANN. If the gentleman will yield, I do not think it is accomplishing indirectly what you could not accomplish directly. There is no Dupré amendment now. That has been disposed of. The bill is engrossed. The Speaker has no knowledge as to amendments now. You have an engrossed copy of the bill before the Speaker. What difference does it make how the amount got into the bill? Here is the engrossed bill. The amendments are lost sight of, disposed of.

Mr. FITZGERALD. The Speaker has notice of the amendments which were reported from the Committee of the Whole House on the state of the Union, and he has knowledge of the amendment which was agreed to by the House.

Mr. MANN. But the House has adopted every part of the bill, whether it be by amendment or without amendment. A paragraph that is read and passed over without objection or amendment is adopted by the House. But it is all right now to increase the amounts in the bill; any part of it is subject to amendment by a motion to recommit.

Mr. GARDNER. Now, Mr. Speaker, I would like to proceed for a few minutes consecutively, because I think this is one of the most important rulings that has been before the House for some time. If the ruling of the gentleman from Tennessee [Mr. GARRETT] should stand, I say without hesitation that it will be possible in the future, by means of a blocking motion, to prevent amendments to a paragraph increasing amounts carried in a bill above the amounts desired by the Committee on Appropriations.

Now, what the gentleman held was this: You may not amend a bill by altering words which the House has already adopted in an amendment. That is sound doctrine if the bill is on the same reading or the same stage and if the proposition is an identical proposition, but it is not sound if the amendment proposed is an entirely different proposition, as it is in this case.

The whole principle is admirably argued in Hinds' Precedents by Speaker John W. Taylor, from the State of New York, page 385, fifth volume. I call the attention of the Speaker to this merely as history. Speaker Taylor points out that the reason for holding that the House ought not to be called upon to amend or alter an amendment which it has adopted is because the House ought not to be called upon to pass twice on the same proposition. That is good, sound common sense. The House ought not to be called on to pass twice on the same proposition, unless in different stages of the bill; but this is an entirely different matter.

Here is the situation: The gentleman from Louisiana offered an amendment, which was adopted. Pending the adoption of that amendment the gentleman from Illinois [Mr. MANN] tried to amend the Dupré amendment in such a way as to increase the amount carried in the bill. The Chair held that motion out of order, because if the Mann amendment were adopted, then the Dupré amendment would no longer fit the Holman rule. Therefore, during the pendency of the Dupré amendment there was no way under the sun by which the Committee of the Whole, if it objected to this laying of the cold hand of death on the immigration bill and the Immigration Service which is going on, there was no way on earth that they could consider the question pending the disposition of the Dupré amendment.

The moment the Dupré amendment was adopted, then, when we tried to put vitality into the Immigration Service in compliance with the demands of the bureau, we were met by the point of order that, the Dupré amendment having been adopted, there was no way to get our amendment in, because any increase in the appropriation would alter the words just adopted by the Committee of the Whole.

If the Chair holds my pending amendment out of order, I shall make another trial to get it in, because I consider it a question of vast importance to prevent the Immigration Service from being cramped, even if we are forced to allow the cold hand of death to be laid by order of the President on the immigration bill. There must still be some way in which the House can express itself.

I want to call attention to the essential difference between the precedent cited by the gentleman from Tennessee and this present proposition. When Mr. Parker of New Jersey sought to amend the Philippine tariff bill in the Committee of the Whole, his proposition was to undo that which the committee had just done. Last year Mr. Burleson proposed an amendment to the District appropriation bill dealing with the half-and-half principle. The House settled the question by a vote in favor of Mr. Burleson's proposal. Thereupon the gentleman from South Dakota [Mr. MARTIN] tried, by a motion to recommit, to get the House to undo that which it had just done. It is true that Mr. MARTIN inserted other words. It was not a square repeal; but the motion to recommit included the undoing of that which the House had just done. In this case I do not propose that we undo one jot or one tittle of that which the House ordained when it adopted the Dupré amendment. I contend that we must not be estopped from offering the House an opportunity to increase the appropriation for the Immigration Service merely because of this technical intrusion on that particular part of the Dupré amendment which was adopted as a pure technicality solely in order to bring that amendment within the Holman rule.

If such an interpretation of parliamentary laws is to obtain, you have added another to the very many shackles which prevent the House from exercising its right of amendment. I deplore the forging of a new shackle. One of the greatest difficulties about parliamentary law in this House is this: There are already too many devices making it difficult to obtain votes on proposals which do not conform with the will of committees in charge of bills. Here is the situation: From the moment Mr. DUPRÉ was recognized there has never been a time

when the House, if it so desired, could secure an opportunity to raise the amount accorded the Immigration Service; that is, so far as appears from the result of my efforts.

Mr. MANN. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I agree with the ruling which was made by the distinguished gentleman from Tennessee, who was in the chair yesterday. After the amendment was agreed to in Committee of the Whole, it was not in order at that time under the consideration of that paragraph to amend the amendment which had been agreed to. There was a way by which the Committee of the Whole might have amended that, in my opinion. If, when the Committee of the Whole had finished the consideration of the bill, and the motion to rise and report the bill favorably to the House was made—if the committee had defeated that motion, it was then in order to amend any part of the bill, including any amendment which had been agreed to. The Speaker may remember that that has been done in the House while he and I have been Members of the House. Probably the most celebrated case was that of the Cleveland public building, where an item having been passed, it was proposed to amend after the item had been passed. That was held to be out of order. When the Committee of the Whole had concluded the consideration of the bill, the chairman of the committee having the bill in charge moved to rise and report the bill favorably to the House, and the Committee of the Whole House voted down the motion. The Chair then held that it was in order for the committee to do something, and the committee having declined to report the bill favorably as it stood, it was in order to offer a motion to amend any part of the bill. Such a motion was made and was agreed to.

Mr. FITZGERALD. Was not that the case where the gentleman from Ohio [Mr. BURTON] was absent from the Chamber temporarily, and the item was passed in his absence, and he could not get back to that portion of the bill to offer an amendment without unanimous consent, which he could not obtain, and it was not the case of where something had already been adopted by amendment?

Mr. MANN. There is no distinction between a portion of the bill which has been passed without objection or amendment and an amendment which has been agreed to. After a paragraph of a bill has been read in Committee of the Whole and the committee has passed to another paragraph it is not in order to offer a motion to amend the paragraph that has been agreed to. That has been agreed to just as much as the motion to amend has been agreed to after it has been passed over. The ruling of the Chair was that it was in order, the committee having refused to rise and report the bill favorably, to then amend any part of the bill.

We come now to the point of whether it is in order on a motion to recommit. All of the amendments have been merged in the engrossed bill. It is in order on a motion to recommit, and has been so held, to move to strike out the very language which has been inserted by an amendment. It is for the House to determine on the motion to recommit whether it may strike out any portion of the engrossed bill. The bill as an engrossed bill is an entirety. The gentleman might offer a motion to strike out any paragraph in the bill or to amend with a germane amendment any paragraph in the bill. The gentleman now moves to recommit to amend an amount in the bill. There is no sacredness about the fact that that amount has been inserted by amendment. That has no more effect than any other amount that is in the bill which has been passed without change. All that has been agreed to by the committee, all that has been agreed to by the House, to the extent of ordering the bill to be engrossed and read a third time, and any amendment which is germane to the bill may now be offered as a motion to recommit.

Mr. FITZGERALD. Mr. Speaker, I call the attention of the Chair to section 948 of the Manual:

> It is not in order to move to recommit with instructions to eliminate amendment adopted by House.

That was elaborately argued and decided by the Speaker on May 22, 1912.

The SPEAKER. The Chair is ready to rule. The Chair, of course, is always very careful to listen to any arguments on parliamentary points that are made by the gentleman from Massachusetts [Mr. GARDNER] or the gentleman from Illinois [Mr. MANN], because they have studied these matters a great deal.

A brief statement of this case is that the gentleman from Louisiana [Mr. DUPRÉ] offered an amendment striking out and inserting. That was agreed to. The Committee of the Whole had a perfect right to vote down the Dupré amendment if it wanted to. There was no constraint upon it to vote for Mr. DUPRÉ's amendment unless it so desired, and the CONGRESSIONAL RECORD shows that it was very elaborately argued by able men. The only question is whether after that has been done you can do it over again. That is a question that has been decided, not very frequently, but still ever since the days of Thomas Jefferson. On page 194 of Jefferson's Manual, section 466, there is the following:

> But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

The rule to recommit which is pertinent here is this: That you can not do anything by a motion to recommit that you could not do in the committee by way of amendment. The gentleman from Massachusetts was shut out in the Committee of the Whole.

One of the best presiding officers who was not a Speaker who has been in this House since the gentleman from Illinois [Mr. MANN], the gentleman from Massachusetts [Mr. GARDNER], or the present occupant of the chair has been here, was the gentleman from Pennsylvania, Mr. Marlin E. Olmsted. In section 5766 of Hinds' Precedents, volume 5, the case is well stated by that gentleman, and this is about 40 years after the decision by Mr. Speaker Taylor, of New York, cited by the gentleman from Massachusetts [Mr. GARDNER]:

> Words embodying a distinct substantive proposition being agreed to as an amendment, it is not in order to amend by striking out a part of those words with other words.

That is a decision by Mr. Olmsted.

The present Speaker ruled to the same effect, without giving any reasons for it, on February 6, 1913, on the District appropriation bill. So far as one of the propositions of the gentleman from Illinois [Mr. MANN] is concerned, the present Speaker, in section 948 of the Manual, after a very thorough study—because the matter came up on a Wednesday and went over until the next Wednesday—rendered an elaborate opinion about doing by indirection what one can not do by direction. It can not be done.

The motion to recommit is ruled out of order.

Mr. GARDNER. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. The gentleman from Massachusetts offers a motion to recommit, which the Clerk will report.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. FITZGERALD. To offer a motion to recommit.

The SPEAKER. The Chair has already recognized the gentleman from Massachusetts.

Mr. FITZGERALD. I was attempting to get recognition, and unless the gentleman from Massachusetts is opposed to the bill I am entitled to preferential recognition.

The SPEAKER. The Chair understands the gentleman from Massachusetts to be opposed to the bill.

Mr. FITZGERALD. I do not know whether he is or not.

Mr. GARDNER. Mr. Speaker, I am in favor of the bill.

Mr. FITZGERALD. I am entitled to preferential recognition on a motion to recommit.

Mr. GARDNER. I think not. I am opposed to the bill as it stands, I will say.

Mr. FITZGERALD. The gentleman must be opposed to the bill without any qualification.

The SPEAKER. Oh, no. If the gentleman from New York will state that he is opposed to the bill without qualification——

Mr. FITZGERALD. I am not. I am in favor of the bill, and so is the gentleman.

The SPEAKER. The gentleman says he is opposed to it as it stands.

Mr. GARDNER. I will correct that, Mr. Speaker, and say that I am more opposed to it than the gentleman from New York is. [Laughter.]

Mr. FITZGERALD. Well, I do not know, after what was done a few moments ago, but I would be opposed——

The SPEAKER. There is no use in arguing this thing. The Chair held, touching the mode and practice here three years ago, that where the gentleman from Illinois made a motion to recommit and the Chair ruled it out as being not germane, that he would give him another chance to offer another motion, and the Chair recognized the gentleman from Illinois to make two motions to recommit; but, of course, there ought to be a limit to it somewhere.

Mr. FITZGERALD. Unless the gentleman is opposed to the bill, then, under the rules, the gentleman in charge of the bill is entitled to recognition for a motion to recommit.

The SPEAKER. But the gentleman qualifies——

Mr. FITZGERALD. He must be opposed; there is no qualification in the rule. It says preference shall be given to those opposed to the bill. Well, the gentleman can not say he is somewhat opposed to it or is opposed to it. He must be so opposed to the bill in its present form that when it comes to a vote he will not vote for it. That is opposition to the bill.

Mr. GARDNER. But, Mr. Speaker, there is another rule the gentleman overlooks, which the Speaker suggested just now. The gentleman from New York did not invoke his right to offer to recommit until he offered two motions. Now, the Speaker has just stated that about three years ago when one gentleman had an opportunity to make a motion to recommit and that was held out of order, he said he would give him another opportunity.

The SPEAKER. That was a case arising on a tariff bill, as the Chair remembers now the ruling on it, and the gentleman from Illinois himself had some sort of suspicion that part of the motion that he had to recommit was not in order. That is, the Chair assumes that from his subsequent conduct.

Mr. MANN. The suspicion was that through partisan motives it might be held out of order.

The SPEAKER. Anyhow, he came with two motions to recommit in his pocket and he offered the first one and the Chair ruled him out, and then he immediately offered the second one, and somebody raised the objection that he had already offered a motion to recommit.

Mr. FITZGERALD. But he was opposed to the tariff bill, and there was no qualified opposition to it.

The SPEAKER. The Chair has already recognized the gentleman from Massachusetts.

Mr. FITZGERALD. Will the Chair allow another statement?

The SPEAKER. The Chair would like to finish his own statement. Now, being opposed to a bill has various degrees. You may be opposed to it absolutely and essentially; and, of course, if a man in that frame of mind were asked the question if he is opposed to the bill and if he says he is he says he is without any hesitancy; but suppose a man is only opposed to part of a bill, he has a right to recognition in preference to a man in favor of the bill.

Mr. FITZGERALD. Mr. Speaker, that is not a correct ruling in that I am opposed to part of this bill, but I am for the bill, and the test is I will vote for the bill in its present shape, and I apply that test to the gentleman from Massachusetts——

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Did not the Speaker recognize the gentleman from Massachusetts?

The SPEAKER. The Speaker had recognized the gentleman, and he had started his amendment or motion to the Clerk's desk under the order of the Speaker before the gentleman from New York [Mr. FITZGERALD] addressed the Chair.

Mr. MANN. That settles it.

Mr. GARDNER. Will the Chair permit a word there?

The SPEAKER. Yes.

Mr. GARDNER. I want to call the attention of the Chair, in case I should be obliged to offer another of these motions, to the fact that a similar situation arose in the case of the convict-made goods bill, a short time ago. I have a right, so long as it is not dilatory, to go on offering motions to recommit in a bona fide attempt to get one which the Chair will hold in order. To speak accurately, there has been no motion to recommit before the House to-day, because the Chair has ruled adversely. Now, if the Chair holds this motion out of order, I maintain that I have the right to offer another one.

The SPEAKER. The Clerk will report the motion of the gentleman from Massachusetts.

The Clerk read as follows:

Mr. GARDNER moves to recommit the bill to the Committee on Appropriations, with instructions to insert a new item, on page 150, at the end of line 21, as follows:

"For additional expenses of the Immigration Service in enforcing the Chinese-exclusion act and the immigration act of February 20, 1907, $260,000."

Mr. FITZGERALD. Mr. Speaker, I make the point of order that a paragraph in the bill deals with this subject, and any amendment to appropriate additional money must be made to that paragraph. This amendment is a separate paragraph and is not in order.

The SPEAKER. The Chair will hear the gentleman.

Mr. FITZGERALD. On appropriation bills amendments must be germane to the paragraph to which they are offered. Now, the paragraph in the bill after which the gentleman proposes to insert as a new paragraph this provision contains an appropriation for all the services enumerated in that paragraph. If such a practice as this were to be permitted, we would then have this procedure: We would have motions to reduce the amount carried in a particular paragraph in order to let in legislation, and then an additional paragraph to increase the amount carried in the paragraph carrying the amount for the particular service. The rule is well and definitely settled that amendments must be to the paragraph, if there be a paragraph in the bill to which it is germane.

The SPEAKER. Will the gentleman read the language?

Mr. FITZGERALD. The language is:

IMMIGRATION SERVICE.

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; enforcement of the provisions of the act of February 20, 1907 entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $2,650,000.

Now, that is in the most comprehensive language in which it can be stated as to all the expenses of enforcing the laws relative to the regulation of immigration, the exclusion of Chinese or other persons excluded under the law.

Mr. GARDNER. Mr. Speaker, I should like to be heard on that. I call the attention of the Speaker, in the first place, to the ruling where it has been held that the fact that a proposed amendment is inconsistent with the text or embodies a proposition already voted upon presents no question of order. It is a matter to be passed on by the House, rather than by the Speaker. Whether or not this proposed amendment is inconsistent with the first part of the paragraph is of no importance. But it is not inconsistent——

The SPEAKER. From where is the gentleman reading?

Mr. GARDNER. From page 190 of the Manual.

Now, I start to read at the top of the page:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order.

Mr. Speaker, the gentleman is mistaken in saying there is any inconsistency. I drew that amendment to cover the expenses of enforcing the act of 1907 and the Chinese-exclusion act. The rest of the paragraph covers all immigration acts. It covers, for instance, the provision of law which prevents the sale of intoxicating liquors in the Capitol. That is in the immigration act of 1903. It covers all sorts of things. It covers the white-slave act; that is, the act aimed against the importation of white slaves. My amendment refers to the enforcement of two specific acts. I offer my amendment as a new paragraph. Now, the rules say:

An amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

It has been frequently ruled that when a bill is being read paragraph by paragraph instead of section by section that the same meaning is to apply to the word "paragraph" as ordinarily is applied to the word "section." Now, then, I say the whole question is this: Is the section or paragraph which I propose germane to the part of the bill to which it is offered? Now, if the Chair will look on the previous page of the bill, page 149, he will see the words "Immigration Service." Now, if he will turn over to page 151 of the bill, he will see the next subdivision; and it is in between those two, under the subdivision headed "Immigration Service," that I offer my new section or paragraph.

The SPEAKER. Has the gentleman from New York [Mr. FITZGERALD] anything further to submit?

Mr. FITZGERALD. In section 5818, volume 5, of Hinds' Precedents, it says:

On March 10, 1902, while the Committee of the Whole House on the state of the Union was considering the bill (H. R. 11728) relating to the Rural Free Delivery Service in the Post Office Department, Mr. George W. Smith, of Illinois, offered an amendment to a certain paragraph of the bill.

Mr. CLAUDE A. SWANSON, of Virginia, made the point of order that the amendment was not germane to this portion of the bill but would be germane to the fourth paragraph.

The Chairman said:

"The Chair is clearly of the opinion that inasmuch as the bill is now being considered by paragraphs, and inasmuch as the amendment offered by the gentleman is expressly covered by paragraph 4, toward the close

of the bill, this amendment is germane to that paragraph and not to the paragraph now under consideration. * * * It seems to the Chair that the admission which the gentleman has made would indicate quite clearly that this amendment is in order, not to the pending paragraph but to paragraph 4, because the gentleman says that paragraph would have to be stricken out if this were adopted. The Chair rules that it is not now in order, but that it would be in order when paragraph 4 is reached."

The Chair held it was not in order at that point. Here is in this bill the paragraph covering the matter covered by a motion to recommit, and that is the only paragraph to which an amendment providing additional money would be germane. The offering of an amendment proposed as a new paragraph is, in effect, offering it at some point not germane, because it is not the identical part of the bill in which the service referred to is covered.

The SPEAKER. What is the section the gentleman was reading?

Mr. FITZGERALD. Number 5818.

Mr. GARDNER. I should like to be heard on the citation. It refers to a proposition to amend a particular paragraph, made by Mr. George W. Smith, of Illinois. The question raised was not as to whether the proposition would be in order as a new paragraph. The question was, Was Mr. Smith's amendment in order on that particular paragraph? The Chairman, Mr. GILLETT, of Massachusetts, held that it was not in order on that particular paragraph.

Mr. FITZGERALD. In section 5820 the Chair points out where the amendment is offered that there is a paragraph in the bill in which the amendment is germane, to which it should be offered, and therefore holds it out of order unless offered to the particular paragraph. He says:

On March 25, 1904, the Post Office appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. Marlin E. Olmsted, of Pennsylvania, proposed an amendment relating to the duties of carriers in the Rural Free Delivery Service.

Mr. Jesse Overstreet made the point of order that the amendment was not germane.

The Chairman held:

"The Chair thinks that on the question of germaneness the question of comparison as arising in the arrangement of a bill comes in; that if an amendment is more appropriate to one paragraph than to another, it is not to be considered germane to the paragraph to which it is less appropriate. Section 3 relates to securing revenue from the Rural Delivery Service. The amendment offered by the gentleman from Pennsylvania [Mr. Olmsted] refers to soliciting which may be done by the carrier. The Chair feels quite clear that this amendment would more properly come in as an amendment to the paragraph relating to the privileges of free-delivery carriers. Therefore the point of order is sustained."

My position, Mr. Speaker, is that the paragraph in the bill provides an appropriation for the service mentioned by the proposed amendment. Therefore amendments proposing to add additional moneys for the purpose of carrying out that service are germane only as amendments to that particular paragraph.

The SPEAKER. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Speaker, I move to——

Mr. GARDNER. Mr. Speaker, I offer another motion.

The SPEAKER. The Chair thinks that two are enough.

Mr. GARDNER. Mr. Speaker, I make the point of order that I have not made a motion to recommit.

Mr. FITZGERALD. I make the point of order that the gentleman's motion is dilatory.

Mr. GARDNER. It is not intended to be dilatory, by any means.

The SPEAKER. The Chair thinks it is. The Chair likes to give every gentleman a chance, but he thinks the third motion to recommit in this case is dilatory.

Mr. GARDNER. Mr. Speaker, will the Speaker hear me?

The SPEAKER. Yes.

Mr. GARDNER. The question of dilatoriness is a question of the motive of the man who offers the motion.

Mr. FITZGERALD. Mr. Speaker, if I can get recognition I will move to recommit the bill.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. I rise to ask for the regular order. We have had two decisions, and is not that sufficient?

The SPEAKER. The regular order is to hear the gentleman from Massachusetts [Mr. GARDNER] on the point of order.

Mr. DONOVAN. Mr. Speaker, have we not had a decision?

The SPEAKER. You have had a decision on two different propositions.

Mr. GARDNER. I make the point of order, Mr. Speaker, that I have the right to offer a motion to recommit, and that I have the right to be heard.

The SPEAKER. There is no use for the gentleman from Massachusetts to be heard on that proposition. The Chair thoroughly agrees with him that he has the right to make a motion to recommit, and the Chair recognized him twice to make another motion to recommit along the same lines. The Chair thinks the present motion is dilatory, with all due respect to the gentleman from Massachusetts. [Applause.]

Mr. GARDNER. Mr. Speaker, will the Chair hear me on the point of order?

The SPEAKER. The Chair said he would, if the gentleman has anything to submit.

Mr. GARDNER. But the Chair permitted an interruption.

The SPEAKER. The Chair could not prevent the interruption. [Laughter.]

Mr. MANN. Mr. Speaker, I am sure the Chair does not think it is dilatory. It is not offered for the purpose of delay. That is what dilatory means.

The SPEAKER. Of course; but the gentleman has already offered two motions.

Mr. GARDNER. I assure the Chair it is for the purpose of getting a vote of the House, and not for the purpose of delay. I am sure the Chair must understand my motive. To say that this is dilatory means that I am trying to filibuster, instead of which I am trying to get a record vote in the House.

Mr. FITZGERALD. Mr. Speaker, was I recognized to move to recommit?

The SPEAKER. Not yet.

Mr. GARDNER. This motion, Mr. Speaker, is not dilatory. I am desirous of getting a vote. I believe I have a proposition that is in order. I deny that I have made a motion to recommit. A motion to recommit means a motion to recommit which is in order, not a motion to recommit which is not in order.

The SPEAKER. The Chair will ask the gentleman this question: Is the proposition he has on hand now the same as those others?

Mr. GARDNER. It is to accomplish the same purpose.

Mr. DONOVAN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. The gentleman's position is to appeal from the Speaker's decision. The Speaker has decided this matter, and the only recourse for him is to appeal from the Speaker's decision to the House.

Mr. GARDNER. Mr. Speaker, the gentleman from Connecticut is confusing that. The Speaker decided against the motion that I made. He then proceeded to recognize somebody else, and I made the point of order that I am entitled to make a motion to recommit; and if the gentleman from Connecticut, whose knowledge of parliamentary law is——

The SPEAKER. The gentleman from Illinois [Mr. MANN] states the question of dilatoriness correctly; that is, every man must come to his own conclusion, and the Speaker has to come to his, and that is as to whether or not the motion to recommit is a proposition that is dilatory. Now, the gentleman from Massachusetts has been ruled out of order twice, and if he has another proposition of the same character——

Mr. MANN. But, Mr. Speaker, he may wish to accomplish the same purpose, and should be given an opportunity to offer an amendment which the Speaker may hold to be in order. Now, we have had two motions made. The Speaker has ruled them both out. I think in each case the Speaker was wrong. But the Speaker's decision stands until he changes his mind hereafter, as he probably will. [Laughter.] But in good faith the gentleman from Massachusetts is seeking to get a proposition before the House. Certainly that can not be called dilatory.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Suppose this is ruled out?

Mr. GARDNER. It is a question of my motive entirely.

Mr. MANN. If the Speaker gets to the point where he thinks the gentleman is simply trying to delay, all right. Of course the Speaker has the right at any time to recognize anyone else to make the motion to recommit. But in fairness to the gentleman, as long as he is endeavoring to present a proposition that is distinct, I think the Speaker ought to recognize him.

Mr. GARRETT of Tennessee rose.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman from Massachusetts will permit, I would like to submit this question to the Chair, that the question as to whether it is dilatory or not is not necessary to be passed upon at this time. After all, it is merely a question of exercise of the right of recognition, a power that lies with the Speaker.

Now, the Speaker has twice recognized the gentleman from Massachusetts to offer a motion to recommit. The motion has been offered in good faith and has been held to be out of order. The gentleman from New York [Mr. FITZGERALD] then rose and asked recognition for the purpose of making a motion to recommit. The gentleman from New York and the gentleman

from Massachusetts are in very much the same attitude with respect to this bill. According to statements made by each of them from the floor, they are both for the bill, although opposed to some features in the bill. It is merely a question of recognition, and I submit that the gentleman from Massachusetts having been twice recognized, it is now in order to recognize the gentleman from New York, without any reference to the question whether the motion of the gentleman from Massachusetts is dilatory or not. He has had his opportunity.

Mr. MANN. Mr. Speaker, I suggest that you will find 20 men opposed to the bill, and to other bills, if the Speaker is going to be arbitrary about it.

Mr. GARDNER. Mr. Speaker, when two Members offer motions to recommit, I have always understood that when both men say they are in favor of the bill and one man really wishes to recommit it and the other does not, the Chair would recognize the one who really wanted to recommit. I think the Chair has recognized that principle heretofore.

The SPEAKER. The gentleman from Massachusetts will send up his motion, and the Clerk will report it.

The Clerk read as follows:

Mr. GARDNER moves to recommit the bill to the Committee on Appropriations with instructions to insert, on page 150, line 21, at the end of the line, the following: "*Provided further*, That the following additional amount be, and the same is hereby, appropriated for the expenses of the Immigration Service in the enforcement of all immigration laws, $260,000."

Mr. FITZGERALD. Mr. Speaker, I make the point of order that that is an amendment to an amendment already adopted.

Mr. GARDNER. Mr. Speaker, I should like to be heard.

The SPEAKER. The Chair will hear the gentleman briefly.

Mr. FITZGERALD. The amendment should have been perfected.

Mr. GARDNER. The decision from which the chairman has quoted expressly says that words may be added to an amendment already adopted. I call the attention of the Speaker to section 5764, on page 387, volume 5, of Hinds' Precedents, and to section 5759, on page 385. I read the syllabus:

Words once inserted in a paragraph by way of amendment may not be stricken out by another motion to amend.

The SPEAKER. The Chair has sustained that.

Mr. GARDNER. Then it says:

But words on the same subject, even though inconsistent, may be added to the paragraph.

That is in section 5759, on page 385.

The SPEAKER. That is the Taylor decision.

Mr. GARDNER. That is the Taylor decision. Now, in section 5764, page 387:

While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment.

There never has been a decision contrary to that recorded in Hinds' Precedents or elsewhere, so far as I know.

Mr. FITZGERALD. Mr. Speaker, the situation presented by the gentleman is entirely different. The amendment which he wished to add to the words was an amendment which struck out a particular sum in the bill and inserted another sum. Now, it is not in order to change the sum of money that was fixed in the paragraph. The gentleman insists that it is in order to add to these words other words which increase the amount that was fixed by the adoption of the amendment.

Mr. GARDNER. Mr. Speaker, a very small part of the preceding paragraph——

Mr. FITZGERALD. The committee struck out $2,650,000 and inserted $2,649,500, and provided for the manner in which the commissioner of immigration at New Orleans should be appointed. That language was inserted in the bill. Now, the gentleman says that he can offer an amendment adding to that amendment, in effect, a proviso which increases the amount in that amendment. If that is not doing by indirection what he could not do directly, I do not know the meaning of the words.

Mr. GARDNER. Why does the gentleman say I am adding in effect to the amendment of the gentleman from Louisiana?

Mr. FITZGERALD. Because that is what the gentleman is doing.

Mr. GARDNER. No; it is adding to the whole paragraph, to which the Chair has ruled that my amendment must be germane.

Mr. FITZGERALD. It is increasing the amount that the committee fixed in the bill.

Mr. GARDNER. And there is nothing in the rules to prevent it.

Mr. FITZGERALD. Oh, yes. The Speaker has already ruled that you could not do indirectly what you can not do directly by a motion to recommit. If that ruling be not sustained, then our whole system is broken down in attempting to protect these bills under the Holman rule. For instance, the gentleman's proposition is that you can first strike out of a bill a sum of money, and insert a smaller sum by one dollar, in order to make legislation in order, and that then you can immediately add a proviso, naming an additional sum which increases the original amount in the bill.

The SPEAKER. Evidently that can not be done under the rule.

Mr. FITZGERALD. That is what this amendment proposes to do.

The SPEAKER. If the Holman rule could be worked that way, it would be the most remarkable trap that was ever prepared for a legislative body. If you could do that, the proposition would be that after cutting down an amount you could come along with an amendment to that to increase the amount. How does the gentleman from Massachusetts claim this is germane?

Mr. GARDNER. The paragraph which it seeks to amend is the paragraph on the Immigration Service. It has just been contended by the gentleman from New York [Mr. FITZGERALD] that my proposal was not in order as a separate paragraph, and the Chair so ruled.

The SPEAKER. The Committee of the Whole deliberately reduced the amount. Of course, the Chair does not know how many Members were here, or anything about that. Now the gentleman comes along with his proposition and undertakes to increase the amount. The Chair rules it out of order.

Mr. FITZGERALD. Mr. Speaker, I move to recommit; and upon that motion I demand the previous question.

The SPEAKER. The gentleman from New York moves to recommit the bill, and on that he demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit.

The motion was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12792. An act for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau; and

H. R. 13153. An act for the relief of Pete Jelovac.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I call up the conference report on the Agricultural appropriation bill and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] calls up the conference report on the Agricultural appropriation bill (H. R. 13679) and asks unanimous consent to have the statement read in lieu of the report.

Mr. MANN. Reserving the right to object, what is the object in having the statement read instead of the report?

Mr. LEVER. As a matter of fact, I believe the statement is longer than the report.

Mr. MANN. I think it is the best statement on an appropriation conference report that I have ever seen. I have no objection to its being read.

Mr. LEVER. I am much obliged to the gentleman. I withdraw the request because the statement is longer than the report.

Mr. MANN. I do not object to the request. It is such a good statement that I think it really ought to be read.

Mr. LEVER. Very well.

The conference report is as follows:

CONFERENCE REPORT (NO. 892).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915 having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 15, 23, 25, 26, 27, 28, 33, 34, 35, 44, 45, 46, 48, 58, 59, 60, 61, 65, 67, 71, 72, 79, 82, 100, 101, 103, 114, 123, and 132.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 18, 19, 21, 22, 24, 30, 32, 36, 37, 39, 42, 43, 52, 54, 55, 56, 57, 63, 64, 66, 68, 70, 75, 76, 80, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 104, 105, 112, 113, 121, 122, 125, 126, 127, 130, 133, and 135, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$339,880"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 7 of the bill, line 2, after the word "that" at the end of the line, insert the following: ", in the judgment of the Secretary of Agriculture,"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of the amendment strike out the words "this appropriation" and in lieu thereof insert the following: "the appropriation made herein for necessary expenses of the Weather Bureau outside of the city of Washington"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$478,170"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$91,000: *Provided*, That of this sum $10,000 may be used for furnishing the official grades as standardized by the Government and samples of the bleached and unbleached yarns made from such grades, showing the waste, tensile strength, and bleaching quality thereof, to such primary cotton markets as organize associations for the purpose of receiving and caring for them under such rules and regulations as the Secretary of Agriculture may prescribe, such official grades and samples of yarns to be furnished upon the request of any such association at not to exceed the actual cost of the preparation of such official grades and samples of yarns"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$240,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For farmers' cooperative demonstration work outside of the cotton belt, $400,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$673,240: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,880,875"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,616,045"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and to extend the work to the Niobrara division thereof, $5,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,243,096"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,548,256"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,077,581"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,050"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$310,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$829,420"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "wolves, prairie dogs, and other animals injurious to agriculture and animal husbandry"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: On the second line of the amendment, in lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$248,500"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$281,290"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000," and strike out the rest of said amendment; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: On the first line of the amendment strike out the word "hereafter"; and strike out the words "but such designation shall not extend at the same time to more than one person for each college"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,000"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,633,500"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,930,780"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sume proposed insert "$52,500"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$352,560"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,098,832"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of Agriculture to cooperate with those States in the inspection of Irish potatoes where a quarantine has been or hereafter shall be established by the Secretary of Agriculture, prohibiting the movement of such potatoes from any State into any other State, District, or Territory of the United States except under such rules and regulations as he may prescribe, and for the enforcement of such rules and regulations, and for the employment of persons and means necessary in the city of Washington and elsewhere there is hereby appropriated the sum of $50,000."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In the tenth line of said amendment, after the word "twenty-five," strike out all down to the period in the last line of the amendment; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hereafter employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional and meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year."

And the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: On the first line of said amendment, before the word "The," insert the words "To enable"; in the same line strike out the words "is authorized"; in lieu of the sum proposed by said amendment insert "$40,000"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: On the first line of the amendment, after the word "Secretary," insert the words "of Agriculture"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the lump-sum appropriations now available or herein made for the work of the Department of Agriculture shall be available for the purchase of motor vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture: *Provided*, That the amount to be expended under the provisions of this paragraph for such motor vehicles and motor boats shall not exceed the sum of $10,000, and that said vehicles and boats shall be used only for official service: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph for the purchase of such vehicles and boats during the preceding fiscal year."

And the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,865,832"; and the Senate agree to the same.

A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.
T. P. GORE,
F. E. WARREN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendment No. 1: This amendment creates the office of one executive assistant in the Secretary's office at a salary of $2,250. The Senate recedes.

Amendments Nos. 2, 3, 4, 5, and 6: These amendments create a new position, one law clerk at a salary of $3,250. The amendments provide for the promotion of the lower-salaried law clerks, and at the same time make an addition of one law clerk to the force of the office. This additional man is rendered necessary by the increasing work of the Solicitor's office. The House recedes.

Amendments Nos. 7, 8, and 9: These amendments provide for the transfer of two clerks of class 3, one clerk class 2, and one auditor at a salary of $2,000 from the Division of Accounts and Disbursements to the Secretary's roll. Within the past year the fiscal affairs of the Department of Agriculture have been in a process of reorganization in conformity with the provisions of the Dockery Act, and the interpretation of that act by the act of August 23, 1912, and these transfers are made in accordance with this policy. The House recedes.

Amendment No. 10: This amendment changes the total for the office of the Secretary. The House agrees with an amendment making the amount $339,880, to agree with the other changes made in the Secretary's roll.

Amendments Nos. 11 and 12: These amendments reduce the salary of the Chief of the Weather Bureau from $6,000 to $5,000 in order to make it conform to the salaries of other bureaus of the department, and make a corresponding reduction in the total salary roll for the Weather Bureau. The House recedes.

Amendments Nos. 13 and 14: These amendments give authority to the Weather Bureau to conduct investigations in seismology. The House recedes.

Amendment No. 15: This amendment reduces the amount appropriated for the printing office of the Weather Bureau from $26,000 to $20,000. The Senate recedes, and the appropriation remains at $26,000.

Amendment No. 16: This amendment strikes out the proviso of the House bill limiting the printing to be done by the Weather Bureau. The proviso was restored with an amendment, so that it reads as follows: "*Provided*, That no printing shall be done by the Weather Bureau that, in the judgment of the Secretary of Agriculture, can be done at the Government Printing Office without impairing the service of said bureau."

Amendment No. 17: This amendment directs the Secretary of Agriculture to make a report giving certain data to Congress as to the Mount Weather, Va., station. The House agrees, with an amendment prescribing the appropriation from which the expenses of this investigation are to be paid.

Amendment No. 18: This amendment, as adopted in the conference, is a correction of a total.

Amendment No. 19: This amendment provides $10,000 for the importation of Corriedale and other breeds of sheep for breeding purposes. The House recedes.

Amendment No. 20: This amendment changes the amount provided for meat inspection from $300,000 to $390,000. The House agrees, with an amendment making the amount $375,000.

Amendment No. 21: This amendment strikes out the House proviso for the importation of animals for breeding purposes. This work is provided for by amendment 19, as above, and the House agrees to the Senate amendment.

Amendment No. 22: This amendment increases the salary of the chief clerk of the Bureau of Plant Industry from $2,750 to $3,000. The House recedes.

Amendment No. 23: This amendment increases the salary of the executive assistant in seed distribution from $2,500 to $2,750. The Senate recedes.

Amendment No. 24: This amendment provides for the transfer of one clerk from the Division of Accounts and Disbursements to the Bureau of Plant Industry. The House recedes.

Amendments Nos. 25, 26, 27, and 28: These amendments provide for increases in salaries as follows: Five laboratory aids from $840 to $900, eight laboratory aids from $720 to $840, six laboratory aids from $600 to $720 each, and one laboratory apprentice from $720 to $840. The Senate recedes.

Amendment No. 29: This amendment as agreed to in conference changes the total for the statutory roll of the Bureau of Plant Industry so as to make it conform with the several changes made in the roll.

Amendment No. 30: This amendment inserts the words "gin compressing" in the paragraph relating to the standardization of cotton. The House recedes.

Amendment No. 31: This amendment proposes to appropriate $100,000 to be used for furnishing the primary markets in the cotton-growing States with a set of the samples as standardized by the Government and also samples of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof. The House agrees with an amendment reducing the amount set apart for this purpose to $10,000, and providing that the grades of cotton as standardized by the Government may be furnished to such primary cotton markets as provide machinery for safeguarding the integrity of the grades, and providing further that such grades, with bleached and unbleached yarns, showing the waste, tensile strength, and bleaching qualities of the grades standardized, shall be furnished at not exceeding the actual cost of preparation.

Amendment No. 32: This amendment inserts the word "further" after the word "provided." The House recedes.

Amendment No. 33: This amendment provides for the standardizing of grades of cotton below those now standardized by the Government. The Senate recedes.

Amendment No. 34: This amendment provides that $25,000 of the amount appropriated by the paragraph shall be immediately available. The Senate recedes.

Amendment No. 35: This amendment adds $3,000 to the appropriation for the investigation and improvement of tobacco and the methods of tobacco production and handling. The Senate recedes.

Amendment No. 36: This amendment substitutes the word "sugar-beet" for "beet-sugar." The House recedes.

Amendment No. 37: This amendment describes more fully the work to be done under the appropriation for the sugar-beet investigation. The House recedes.

Amendments Nos. 38, 39, and 40: The House bill in one item carried $400,000 for farm management and farm demonstration. These amendments provide for a separation of the scientific work in farm management from the demonstration work and appropriate $250,000 for farm management and $400,000 for farm demonstration work outside the cotton belt, making a total increase of $250,000 over the House bill. The House agrees with amendments reducing the amount for farm management from $250,000 to $240,000, and changing slightly the language of the item for farm demonstration work.

Amendment No. 41: This amendment provides $678,240 for farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, an increase of $300,000 over the amount allowed by the House, and provides that no part of the total sum shall be used in connection with any money contributed or tendered by the general education board or any like organization. The House agrees with an amendment providing for an appropriation of $673,240, and directs that this sum shall be expended only in connection with such cooperative funds as may be contributed by State, county, or municipal agencies and from local agencies within the States.

Amendment No. 42: This amendment adds the word "subhumid" to the paragraph in reference to semiarid or dry-land farming. The House recedes.

Amendment No. 43: This amendment increases the appropriation for semiarid or dry-land farming from $145,000 to $160,000. The House recedes.

Amendment No. 44: This amendment strikes out the words "companies, or" from the paragraph for studying methods of clearing off "logged-off" lands. The Senate recedes.

Amendments Nos. 45 and 46: These amendments add to the paragraph for the purchase of new and rare seeds the words "the encouragement of bulb culture in the United States" and add $12,000 to the appropriation for this purpose. The Senate recedes.

Amendment No. 47: This amendment is a total and was corrected to correspond with the items it covers.

Amendment No. 48: This amendment restores the congressional seed item to the bill. The Senate recedes.

Amendment No. 49: This amendment, as agreed upon in conference, represents a corrected total.

Amendment No. 50: This amendment proposes $15,000 for extending the work of reforestation to the Niobrara division of the Nebraska forest. The House agrees with an amendment changing the language slightly and making the amount $5,000.

Amendment No. 51: This amendment, as agreed upon in conference, is a corrected total.

Amendment No. 52: This amendment provides that moneys received as contributions toward cooperative work in connection with the protection and improvement of the national forests shall be covered into the Treasury as a special fund and paid out by the Treasury officials. It insures governmental safeguarding of such contributions. The House recedes.

Amendment No. 53: This amendment, as agreed upon in conference, constitutes a corrected total.

Amendment No. 54: This amendment represents the transfer from the Division of Accounts of one clerk, class 3. The House recedes.

Amendments Nos. 55 and 56: These amendments abolish the place of chief food and drug inspector and reduce the salary of the same $500. The House recedes.

Amendment No. 57: This amendment represents a total, and the House recedes.

Amendment No. 58: This amendment increases the amount carried by the item in the House bill by $25,000 and provides that this sum shall be used in experimental demonstration for the purpose of utilizing the by-products of trees grown in the United States and of the stumps and roots on "logged off" lands and for investigating methods and processes of treating such woods and stumps, etc. The Senate recedes.

Amendment No. 59: This amendment increases the appropriation for the item $10,000, and the Senate recedes.

Amendment No. 60: This amendment increases the appropriation for general expenses of the Bureau of Chemistry $25,000 for the purpose named in amendment 58. The Senate recedes.

Amendment No. 61: This amendment decreases by $10,000 the item for the enforcement of the food and drugs act and transfers the amount to the item for investigating the preparation for market, the handling, grading, and transportation of poultry and eggs. The Senate recedes.

Amendment No. 62: This amendment represents a corrected total.

Amendment No. 63: This amendment provides for the transfer from the Division of Accounts of one clerk, class 2. The House recedes.

Amendment No. 64: This amendment represents a total. The House recedes.

Amendment No. 65: This amendment provides for the erection of a laboratory on the Arlington farm for the purpose of studying fixation of nitrogen by electrical methods and sets apart $5,000 for that purpose. The Senate recedes.

Amendment No. 66: This amendment represents a total. The House recedes.

Amendment No. 67: This amendment proposes to increase the salary of the Chief of the Bureau of Entomology $500. The Senate recedes.

Amendment No. 68: This amendment represents a transfer from the Division of Accounts of one clerk, class 2. The House recedes.

Amendment No. 69: This amendment is a corrected total.

Amendment No. 70: This amendment adds to the item for investigation of insects affecting southern field crops the words "cigarette beetle and." The House recedes.

Amendment No. 71: This amendment increases by $25,000 the amount in the House bill for investigations of insects affecting southern field crops and makes that sum immediately available. The Senate recedes.

Amendment No. 72: This amendment is a total. The Senate recedes.

Amendment No. 73: This amendment increases by $52,460 the amount allowed by the House for preventing the spread of the gypsy and brown-tailed moths. The House agrees with an amendment making the total for this purpose $310,000, an increase of $12,460.

Amendment No. 74: This amendment represents a corrected total.

Amendment No. 75: This amendment represents a transfer from the Division of Accounts of one clerk, class 1. The House recedes.

Amendment No. 76: This amendment is a total. The House recedes.

Amendment No. 77: This amendment represents a change in the language of the item in the Biological Survey for investigating the food habits of North American birds and mammals and for experiments and administration in destroying noxious animals. The House agrees with an amendment making the language more definite.

Amendment No. 78: This amendment increases the amount for the work referred to in 77 by $50,000. The House agrees with amendment allowing an increase of $40,000.

Amendment No. 79: This amendment strikes from the bill the provision that $15,000 shall be used for the destruction of ground squirrels on the national forests. The Senate recedes.

Amendment No. 80: This amendment increases by $5,000 the item for biological investigations. The House recedes.

Amendment No. 81: This amendment provides for the improvement of a game preserve in Sullys Hill National Park, in the State of North Dakota, and appropriates $10,000 for that purpose. The House agrees with an amendment making the amount $5,000.

Amendment No. 82: This amendment proposes to enable the Secretary of Agriculture to improve Platte National Park as a game preserve, in the State of Oklahoma, and provides $5,000 for that purpose. The Senate recedes.

Amendments Nos. 83 and 84: These amendments represent corrected totals.

Amendment No. 85: This amendment strikes out of the language in the Division of Accounts and Disbursements "who shall be administrative officer of the fiscal affairs of the department." The House recedes.

Amendment No. 86: This amendment transfers one auditor, at $2,000, from the Division of Accounts to the office of the Secretary, at the same salary. The House recedes.

Amendments Nos. 87, 88, and 89: These amendments represent transfers from the Division of Accounts, at the same salaries, to other bureaus in the department. The House recedes.

Amendment No. 90: This amendment is a total. The House recedes.

Amendment No. 91: This amendment reduces by one the number of laborers in the Division of Publications, at a salary of $840. The House recedes.

Amendment No. 92: This amendment increases by one the number of skilled laborers in the Division of Publications, at a salary of $1,100. The House recedes.

Amendments Nos. 93 and 94: These amendments are totals. The House recedes.

Amendment No. 95: This amendment represents a transfer of one clerk, class 2, from the Division of Accounts. The House recedes.

Amendment No. 96: This amendment represents a total. The House recedes.

Amendment No. 97: This amendment provides: "That hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics of the Department of Agriculture shall be exercised and performed by the Bureau of Crop Estimates." The House recedes.

Amendment No. 98: This amendment is a total. The House recedes.

Amendment No. 99: This amendment changes one assistant librarian in the library to one clerk, class 3. The House recedes.

Amendment No. 100: This amendment provides an increase of $5,000 for general expenses of the library. The Senate recedes.

Amendment No. 101: This amendment represents a total. The Senate recedes.

Amendment No. 102: This amendment provides for an increase of $15,000 for the miscellaneous expenses of the Department of Agriculture and makes $10,000 of that sum immediately available. The House agrees with an amendment allowing an increase of $4,000 for this purpose and providing that none of it shall be immediately available.

Amendment No. 103: This amendment authorizes the Secretary of Agriculture to enter into long-time leases for buildings in the District of Columbia for accommodation of the Department of Agriculture. The Senate recedes.

Amendment No. 104: This amendment enables the Secretary of Agriculture to enforce the act approved May 8, 1914—the agricultural extension act. The House recedes.

Amendment No. 105: This amendment provides an increase of $10,000 in the item for general expenses of the Office of Experiment Stations to enforce the provisions of the agricultural extension act. The House recedes.

Amendment No. 106: This amendment confers the franking privilege to such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General, but provides that such designation shall not extend at the same time to more than one person in each college. The House agrees with an amendment striking out the provision which prohibits the franking privilege being authorized to more than one person at the same time, and striking out the word "hereafter."

Amendment No. 107: This amendment increases the amount for the maintenance of agricultural experiment stations in Alaska and Hawaii $20,000. The House agrees with an amendment making the increase $10,000.

Amendment No. 108: This amendment increases the amount for the experiment stations in Alaska $10,000. The House agrees with an amendment making the increase $5,000.

Amendment No. 109: This amendment increases the amount for the experiment stations in Hawaii $10,000. The House agrees, with an amendment allowing an increase of $5,000.

Amendment No. 110: This amendment provides that $10,000 of the sum appropriated for the experiment stations in Hawaii may be used in agricultural extension work in Hawaii. The House agrees, with an amendment making the sum for this purpose $5,000.

Amendment No. 111: This amendment represents a corrected total.

Amendment No. 112: This amendment strikes out certain language appearing in the item for nutrition investigations in the Office of Experiment Stations, and inserts the following language, namely, "relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes." This language more clearly defines the work, and the House agrees.

Amendment No. 113: This amendment increases by $9,760 the sum to be used for nutrition investigations. The House recedes.

Amendment No. 114: This amendment authorizes the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, and appropriates $100,000 for that purpose. The Senate recedes.

Amendment No. 115: This amendment represents a corrected total.

Amendment No. 116: This amendment increases the salary of the Director of the Office of Public Roads $1,000. The House recedes, with an amendment increasing the salary of this officer $500.

Amendments Nos. 117, 118, and 119: These amendments represent corrected totals.

Amendment No. 120: This amendment authorizes the Secretary of Agriculture to inspect Irish potatoes in those States

where a quarantine has been established by the Secretary of Agriculture against the movement of such potatoes in interstate commerce, and appropriates $100,000 for that purpose. The House agrees, with an amendment providing an appropriation of $50,000 to enable the Secretary of Agriculture to cooperate, under such rules and regulations as he may prescribe, with those States in the inspection of Irish potatoes where a quarantine has been or hereafter shall be established by the Secretary of Agriculture prohibiting the movement of such potatoes in interstate commerce. This authority is necessary on account of the outbreak of the powdery scab in the State of Maine, which strikes at the Irish potato industry of the country.

Amendment No. 121: This amendment strikes out the word "and" on page 63, line 23, of the bill, in the item for demonstrations on reclamation projects. The House recedes.

Amendment No. 122: This amendment inserts, after the word "advice," on page 63, line 23 of the bill, the following words, "and in other ways." The House recedes.

Amendment No. 123: This amendment inserts, on page 63, line 24 of the bill, after "projects," the words "and elsewhere." The Senate recedes.

Amendment No. 124: This amendment increases the sum allowed by the House for demonstrations on reclamation projects by $25,000, making the total for that item $50,000. The House agrees with an amendment making the total $40,000.

Amendment No. 125: This amendment strikes out the word "land," in line 3 of page 64 of the bill, and inserts in lieu thereof the word "farming," so that the language will read, "International Dry Farming Congress." The House recedes.

Amendment No. 126: This amendment increases the appropriation by $10,000 allowed by the House for an exhibit at the next annual meeting of the International Dry Farming Congress, to be held at Wichita, Kans. The House recedes.

Amendment No. 127: This amendment strikes out the provision of the House bill making immediately available the sum referred to in amendment 126. The House recedes.

Amendment No. 128: This amendment increases the percentage of receipts allowed the States under the Weeks law from 5 to 25 per cent. The House agrees with an amendment allowing the increase in percentage and striking out the following language at the end of the amendment: "the purpose of this amendment being to increase the percentage payable to each State from moneys received as provided in said section from 5 to 25 per cent."

Amendment No. 129: This amendment makes the total for experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States $100,000, instead of $50,000, as allowed by the House. The House agrees with an amendment making the total $60,000.

Amendment No. 130: This amendment authorizes and directs the Secretary of Agriculture to prepare a plan for reorganizing the work of the Department of Agriculture, such plan to be submitted to Congress in the Book of Estimates for the fiscal year 1916, and provides that the estimates for the department for that year shall be prepared and submitted in accordance therewith. The House agrees.

Amendment No. 131: This amendment provides for leave of absence not to exceed 30 days in any one year for employees assigned to duty in Alaska, Hawaii, Porto Rico, and Guam, but provides that the same may be taken once in two years, and that leave of absence may be extended to three months if taken once in three years, or four months if taken once only in four years. The House agrees with amendment allowing 30 days' annual leave to these permanent employees at those stations, and in exceptional and meritorious cases, where the employee is ill, this leave may be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days in any one year.

Amendment No. 132: This amendment makes available the money provided by the Weeks law for the employment of agents, clerks, assistants, and other labor required for the purpose of said act in the city of Washington. The Senate recedes.

Amendment No. 133: This amendment enables the Secretary of Agriculture to exchange general scientific apparatus and laboratory equipment purchased from any appropriation of the Department of Agriculture. The House recedes.

Amendment No. 134: This amendment authorizes the Secretary of Agriculture to make studies of cooperation among farmers in the United States in matters of rural credits and other forms of cooperation in rural communities; to diffuse that information to the people of the country; and provides an appropriation of $50,000 for that purpose. The House agrees to the item with an amendment making the appropriation $40,000.

Amendment No. 135: This amendment provides for investigating the grading, weighing, and handling of naval stores, and the preparation of definite type samples thereof and appropriates $5,000 for that purpose. The House recedes.

Amendment No. 136: This amendment enables the Secretary of Agriculture to print certain maps relating to the location and extent of certain kelp beds on the Pacific coast and provides an appropriation of $7,000. The House agrees with an amendment inserting, after the word "Secretary," the following words: "of Agriculture."

Amendment No. 137: This amendment limits the amount of money that may be used by the Department of Agriculture for the purchase, maintenance, and repair of motor vehicles and motor boats necessary in the conduct of the work of the Department of Agriculture and makes the use except for official service of such vehicles and boats a misdemeanor punishable by fine of not more than $1,000 or imprisonment for not more than six months. The House agrees with an amendment providing that the lump-sum appropriations available for the work of the department shall be available for the purchase of motor vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture, and limits the amount that may be used for the purchase of such motor vehicles and motor boats to a sum not exceeding $10,000, and provides that such vehicles and boats shall be used for official service; and provides further that the Secretary of Agriculture on the first day of each regular session of Congress shall make a report to Congress showing the amount expended under this paragraph for such purchase during the preceding fiscal year.

Amendment No. 138: This amendment represents a corrected total.

On page 13 of the bill, line 21, the total for the Bureau of Animal Industry was left unchanged by the Senate. This total as corrected to correspond with the amendment of the Senate bill should have been $2,335,026. As the bill was amended in conference this total should read $2,320,026 and this correction was made by the conferees.

A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CAMPBELL. Mr. Speaker——

Mr. LEVER. I yield to the gentleman from Kansas for a question.

Mr. CAMPBELL. What disposition was made of amendment 48, the restoration of the item for the purchase of garden seeds?

Mr. LEVER. I will say to the gentleman——

The SPEAKER. Before the gentleman answers that question the Chair would like to ask him a question. Is this a complete report?

Mr. LEVER. This is a complete report. I will say to the gentleman from Kansas that the Senate receded on amendment numbered 48, the item for seeds is restored, and there is no change whatever in the amount.

Mr. CAMPBELL. I want to make some inquiry about a matter that has just come to my attention, and I do not know of a better time or place than now and here. I have here a statement coming from Kellway & Son, of Langsport, Somerset, England, saying that they have entered into a contract with the Government of the United States for the sale of 40 tons of flower and garden seed for this year. Does the gentleman from South Carolina know anything about that?

Mr. LEVER. Not about that particular matter. The department advertises for bids for garden seeds, and I take it, if the correspondence is correct, the contract was made after due advertisement for bids.

Mr. CAMPBELL. What I want to get at is the policy involved—whether or not these seeds were purchased in England because it was hoped that the department would get a variety of seed that would be useful in introducing new plants into the United States or whether it was done because a lot of miscellaneous and badly mixed seeds could be purchased cheaper in England than they could in the United States.

Mr. LEVER. I take it that if this contract has been made with parties in England to furnish garden seed, that the contract was made for two reasons—first, that the seed in question tested up better than other seed offered the Government; and, second, that everything else being equal, the seeds were cheaper than they could be bought here. I take it that the gentleman has reference to garden seeds.

Mr. CAMPBELL. They are supposed to be garden and flower seeds. I take it that if they are for use for the next fiscal year that the seeds are not yet grown and could not

possibly have been tested. I am wondering if, as is stated here, that they have had other contracts for the furnishing of seeds, that they are in any way responsible for the mess of stuff that has been sent out this year. I do not know whether the gentleman from South Carolina has had his attention called to it or not, but this year cucumber seed and cantaloupe seed were mixed indiscriminately; watermelon seed and pumpkin seed were mixed indiscriminately, six separate kinds of lettuce in one small package, all marked some sort of special lettuce; and yet there were six kinds in that one little package—all poor.

Mr. LEVER. I will say that I have not had my attention called to that matter because I have been busy with other things, but I am glad that the gentleman has called attention to it.

Mr. CAMPBELL. I feel sure that if the gentleman had had his attention called to it he would not have insisted on the restoration of the item for the purchase of garden seeds for another year, because the seeds sent out this year will unquestionably cause Congressmen a great deal of trouble. They will have difficulty in explaining how it is that cucumbers and cantaloupes are all mixed up together in the same package. I feel very sure that the cantaloupe served for breakfast will not mix well with the cucumber that is intended for salad for dinner.

Mr. LEVER. I will say to the gentleman that I have sent out the quota of seeds to which I am entitled, and I have had no complaint. The seeds have been planted and ought to be up by this time.

Mr. CAMPBELL. The gentleman will hear from his constituents later after he gets home, if we ever adjourn, in the campaign. I would like to ask the gentleman if there is a policy in the department to give these contracts to foreign seed growers, as indicated by this letter?

Mr. LEVER. I would not say that it was a policy of the department to give it to foreign seed growers. I think, all things being equal, the department would favor its own people; but if the contract is made, I take it that it has been made for the reason that after advertising was done and bids came in and the testing was made it was found that they could buy better seed and cheaper there than they could in this country.

Mr. CAMPBELL. I take it that the seeds contracted for are not yet grown, as they are now in the plant.

Mr. LEVER. Every contract provides that the seed must come up to a certain test as to vitality.

Mr. MANN. Will the gentleman yield?

Mr. LEVER. I will.

Mr. MANN. I happened to have a talk with Mr. Tracy as late as last night. Mr. Tracy is the man in the Agricultural Department who for many years has had the immediate charge of the seed distribution. He told me that there was a very great shortage of garden seeds in the United States; that he had endeavored to make arrangements for the purchase of seed wherever he could get it in the United States, but that there was still a shortage and that it would be necessary to buy more or less seed in Europe.

Mr. LEVER. I have no doubt of that.

Mr. CAMPBELL. How can anyone know that there is a shortage on the 25th of June of seeds in the plants that are now in bloom?

Mr. MANN. If my friend from Kansas was at all familiar with the seed trade, he would understand that contracts are usually made in advance for the raising of seed, and that is the way the shortage occurs. People do not start in, as a rule, to raise large quantities of seed unless they know where they can dispose of it. These contracts are usually made in advance with people who raise the seed. In many cases contracts are made where the person furnishes the seed from which the seed is to be grown.

Mr. LEVER. That is a correct statement of fact.

Mr. CAMPBELL. Is it not true that we have large numbers of great seed growers in the United States? How could it be contended that there was a shortage of seed and that the contract was necessarily made with the seed grower in Somerset, England?

Mr. MANN. For instance, most of the garden pea seed is raised in Idaho, while the sweet pea seed is raised in California. They know very well at this season of the year whether they are going to have a reasonable crop of seed that will be in the market.

Mr. LEVER. And, more than that, the department knows the amount of seed that will be available.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Mr. Speaker, I will say to the gentleman from Wisconsin [Mr. STAFFORD] that I have promised to yield 10 minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. CAMPBELL. Mr. Speaker, if I may yet have the indulgence of the chairman for a moment further——

Mr. LEVER. I yield.

Mr. CAMPBELL. If what the gentleman from Illinois [Mr. MANN] and the gentleman from South Carolina [Mr. LEVER] say is the fact, that American seed growers were not competing in these bids for congressional seeds for next year, I am just wondering if it is because they feel they can not compete with the seed growers of foreign countries under present conditions.

Mr. LEVER. Mr. Speaker, I do not think the language of either the gentleman from Illinois [Mr. MANN] or myself would bear that inference. The proposition we lay down as the fact is that we can determine the amount of seed to be produced the year following largely from the bids of those who are bidding for the seeds.

Mr. CAMPBELL. Has it ever occurred before that it was necessary for the United States to go to foreign countries to secure 40 tons of flower and garden seeds?

Mr. SELDOMRIDGE. Mr. Speaker, will the gentleman from South Carolina yield to me there?

Mr. LEVER. I yield to the gentleman.

Mr. SELDOMRIDGE. Mr. Speaker, if the gentleman from Kansas [Mr. CAMPBELL] were familiar with the seed business of the country he would know that there are certain varieties of garden seed that can not be procured in this country of the same quality as can be procured on the other side of the water, particularly in Holland and France.

Mr. CAMPBELL. That can not be urged in behalf of the garden seeds that are sent out by Congressmen, especially this year.

Mr. SELDOMRIDGE. Let me say this, that any American dealer of extensive character in garden seeds, if he were to quote prices on certain varieties of garden seeds, would be obliged to purchase those seeds in Europe, so that the Government by dealing direct with the foreign dealer is thereby saving a considerable amount. I have had some experience in that line, being engaged in a small way in dealing in seeds, and I know that these American dealers are obliged to place their orders with the foreign grower for certain varieties of garden seeds in order to supply the American market, and the department, in my judgment, is in line with good business methods when it is placing its contracts with foreign dealers.

Mr. CAMPBELL. That may be where seeds are raised and sold for private distribution; but in this case I can not concede that the gentleman from Colorado has stated the real reason for this enormous purchase of seeds in foreign countries, because the standard of the seed does not come up to the standard that he has indicated in garden seeds.

Mr. SELDOMRIDGE. Oh, I beg the gentleman's pardon, and I will take issue with him on the statement regarding the quality of the seeds.

Mr. CAMPBELL. I know something about the character of seeds sent out this year, and they are, as I have stated, a badly mixed lot of poor seeds.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to ask the gentleman what the conferees did with Senate amendment No. 41? I will state to the gentleman that I have received a great many letters and telegrams in regard to this particular amendment, which applies to the funds of the General Education Board, and these letters and telegrams insist that whatever may be the disposition of Congress in regard to the matter, the wording of that amendment was unjust and was an unwarranted reflection upon the members of the Education Board and the work that is being done by it.

Mr. LEVER. Mr. Speaker, I am very glad to answer that question. I, too, have had a great many letters on that proposition, and I agree fully with the spirit of those letters.

In this connection I desire to say that the General Education Board since 1906 has been doing cooperative work with the Department of Agriculture in its farm demonstration practices in the South, and that with these funds a tremendous revolution has been accomplished in the agricultural practices of the South. I for one desire to have it go upon record that I very greatly appreciate the work the General Education Board did among the southern people. The House conferees were not willing that there should be enacted a law which on its face slapped in the face the General Education Board. We did not feel that it would be very generous or charitable or that it would show the proper motive and impulse on the part of those who have been the beneficiaries in a measure of this fund. Hence the Senate receded on this language and accepted the following language:

$673,240: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies,

associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

The Senate agreed to that language, and that is in the law.

Mr. BYRNS of Tennessee. The amendment which has been proposed by the conferees carries out the purpose and spirit of the Senate amendment without the words which have been construed by some as a censure and reflection on the education board.

Mr. LEVER. Exactly.

Mr. BYRNS of Tennessee. Mr. Speaker, I want to say to the gentleman that I thoroughly agree with him as to the great value of the work that is being done in the country, and particularly in the South, with funds from this board, both as to higher or secondary education, and also as to rural education, and the work that has been done by representatives of the board with reference to boys' corn clubs and girls' canning clubs, and so forth. It is a work so valuable that it ought to be encouraged and not discouraged or frowned upon. In this connection I desire to read and have printed in the RECORD a letter from Prof. Bruce R. Payne, a distinguished educator and president of the George Peabody College for Teachers at Nashville, Tenn., and also a telegram from Mr. James E. Caldwell, one of the most prominent citizens of Tennessee.

The letter and telegram are as follows:

GEORGE PEABODY COLLEGE FOR TEACHERS,
Nashville, Tenn., May 27, 1914.

Hon. JOSEPH W. BYRNS,
Washington, D. C.

DEAR SIR: I notice from the Associated Press account that there has been introduced a measure in the United States Senate depriving the South of the services of the General Education Board in respect to farm-demonstration work; also another measure has been introduced endeavoring to revoke the charter of the General Education Board.

I have been most intimately connected with the work of the General Education Board in the South for the past 10 years, and I wish to bear testimony that no organization, no individual has done as much for the building up of our higher education, of our secondary education, for the wonderful advancement and improvement of rural education and methods of agriculture in the South as has this organization and its representatives.

Many of them are southern men, and I wish to assert, without fear of successful contradiction, that they have worked through our southern people exclusively, have not even imposed their own suggestions, except when requested to do so, and have left it to the wisdom and good sense of our good people to spend for social uplift and donations made.

Furthermore, there have been literally thousands of boys and girls in the Boys' Corn Clubs and the Girls' Canning Clubs whose lives have been made richer, whose earning capacity has been increased, whose outlook upon their own future has become more thrilling because of the work carried on by the southern people whose salaries have been paid and whose traveling expenses have been furnished by the General Education Board. The southern representatives of this board created our high-school systems

No greater calamity could happen to the educational interests of the South and the 148,000 teachers therein than the revoking of the charter of the General Education Board. It will be a great calamity if these men should be divorced from the farm-demonstration work, which they have inaugurated of their own free will and accord, without the assistance (and sometimes without the encouragement) of the Government. Their accumulated experience can not be duplicated by others. Their personal interest in our people is a matter of tender regard.

Every man and woman in the South, and every representative of the best interests of our people, owes a debt of deep gratitude and sincere appreciation to the General Education Board and its representatives. Whatever is done in this matter should be done in a spirit of gratitude. But I hope that nothing will be done that will deprive the 8,000,000 children of the South, the citizens of to-morrow, of the services of these men who have given so much of their lives and of their time.

I beg, therefore, to urge upon you, in representing us, the grateful beneficiaries of the first and greatest and most liberal philanthropical organization of America, not to interfere with their endeavors, for in so doing you will throw the most appalling hindrance before us, who are fighting on the firing line for the economic, intellectual, and moral freedom of the South.

Sincerely, yours, BRUCE R. PAYNE.

—

NASHVILLE, TENN., *June 1, 1914.*

JOE BYRNS,
Congressman from Tennessee, Washington, D. C.:

It appears that the Agricultural appropriation bill contains language reflecting on the General Education Board in a most offensive manner. As I have a good deal of personal knowledge of the workings of that board and an acquaintance with the men directing its affairs, I am in position to know that it is not deserving of any sort of censure; but, on the contrary, so far as Nashville and Tennessee in particular and the whole South in general are concerned, there is every reason to be under lasting obligation and should be deeply grateful for the favors which that board has shown. The George Peabody College for Teachers, at Nashville, owes its very existence to the General Education Board, which has rendered it most valuable assistance in every way and responds to its needs promptly and unhesitatingly. It would be nothing short of a crime for Congress to use any language reflecting on the General Education Board or any of the people connected therewith, and I sincerely trust that you will exert yourself to the utmost to prevent any such outrage being done.

JAMES E. CALDWELL.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I reserve the balance of my time and yield 10 minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I desire to discuss the same amendment which was referred to in the colloquy between the chairman of the committee and the gentleman from Tennessee [Mr. BYRNS]. This is Senate amendment No. 41 and affects the appropriation for farmers' cooperative demonstration work. The House bill carried an appropriation of $378,240, which was increased in the Senate by $300,000, with a proviso that no part of that sum should be used in connection with any money contributed or tendered by the General Education Board or any like organization.

And, as the chairman said, the conferees agreed to a substitute for the Senate proviso by providing that it may be used with cooperative funds contributed by States, counties, and municipalities, and by public organizations within the State, so that under the amendment as agreed to by the conferees there can be hereafter no contribution to the farmers' cooperative demonstration work from the General Education Board, because it is not an organization within the State. Now, Mr. Speaker, if Congress determines to make the appropriation sufficient to defray the expenses of this farmers' cooperative demonstration work, there can certainly be no objection; but I do wish to refer in a brief way to this work as it has been conducted in the past and the great aid which has been rendered through the General Education Board. This farmers' cooperative demonstration work is the most valuable activity which has ever been organized to help the average farmer, no matter in what section he lives, but particularly in the South, where it had its origin. This work was initiated by Dr. Seaman A. Knapp, who was put in charge of the work for the eradication of the boll weevil, and out of his efforts for the eradication of the boll weevil came the organization by him of what came to be known as the farmers' cooperative demonstration work. He desired and many of the citizens of the South who had become familiar with its great benefits desired to extend it to all the Southern States, in addition to those which were suffering from the ravages of the boll weevil. At that time Congress declined to make the necessary appropriation, and later Dr. Knapp appealed to various sources and finally to the General Education Board, and that board in 1906 began to make its contributions, and since that time has contributed as much as $1,000,000 in annual amounts.

Now, great benefits, as the chairman has well said, have been received by the farmers of the South through this work, and it has been made possible through the donations of this General Education Board. It is not for Congress to impugn the source from which the General Education Board obtained the money nor can we with propriety do so. Congress has for years refused to appropriate for this great work a sufficient sum, and it is to the credit of this board that it recognized the value of the work and made possible its continuance. The fact is that this money was accepted with the knowledge and approval of the President and of the several Secretaries of Agriculture, all the officials of the Agricultural Department, and of the people of the States of the South, who have enjoyed the benefits of this farmers' cooperative demonstration work. In explanation of this farmers' cooperative demonstrative work it may be said that county agents go upon the farm and bring the knowledge of better farming methods to the farmer himself. There have also been established boys' corn clubs, girls' clubs, girls' canning clubs, and other organizations of boys and girls seeking to familiarize them with the work of the farm and also tending to make rural life more attractive.

Now, in another body and from private sources there have been criticisms of the manner in which this fund has been expended and used. I have had it from the highest authority that at all times this cooperation by the board had no strings attached. The General Education Board heartily approved of this work and made annual appropriations therefor, but the expenditures were made entirely by the officials of the Department of Agriculture. The board had nothing to do with the sections or States in which the work was to be done, with the employment of agents or the other officials who were to conduct the work, and it had no connection with any legislation which was enacted from time to time for the enlargement of this work. Nor has there been to my knowledge—and I can speak from knowledge of the conduct of this work in North Carolina—any politics in the prosecution of this farmers' cooperative demonstration work, nor has the General Education Board sought to influence its action in the slightest degree.

Mr. FESS. Will the gentleman yield there?

Mr. SMALL. Certainly.

Mr. FESS. Is it not true that a member of the General Education Board is our Secretary of Agriculture?

Mr. SMALL. I am inclined to think he is a member of the General Education Board, or has been.

Mr. LEVER. That is true.

Mr. FESS. That probably is an explanation, somewhat, of the opposition?

Mr. SMALL. Well, I do not know whether it explains any opposition to this cooperation or not. I can say this, however, that this cooperation had the entire approval of the Secretary of Agriculture, Mr. Wilson, and has, I presume, the entire approval of the present Secretary of Agriculture, Dr. Houston, and those who know the latter gentleman will testify that the fact that he has been a member of the general education board would not in the slightest degree militate against the proper and wise expenditure of this fund in cooperation with the farmers' cooperative demonstration work.

Now, Mr. Chairman, the citizens of North Carolina—and I believe I bespeak the sentiments of the farmers and all citizens of other Southern States—appreciate and are grateful for these contributions which made possible the establishment and enlargement and prosecution of this farmers' cooperative demonstration work to the extent to which it has been prosecuted and which has almost brought about a renaissance in agricultural methods.

In every Southern State there has been an increased production of all the staple crops. New and better methods, diversification of crops, better implements, and more comfortable homes have enthused the farmer and rural life has been made more attractive. I have stated before, and it will bear repetition, this class of work has wrought more for the benefit of the average farmer than has ever been before accomplished. Its value has been recognized outside of the South. In the preceding paragraph of this bill is carried an appropriation of $400,000 for the same character of educational work among the farmers of other sections of the country. It may now be said to have earned universal approval. This is the highest commendation of the farmers' cooperative demonstration work.

Now, I am in favor of Congress appropriating the entire sum necessary to continue this work. Through the generous cooperation of the General Education Board it has passed through its experimental stage and its value has been amply demonstrated. Its critics have been silenced. Congress is simply discharging a duty it should have assumed in the beginning. But as a citizen of one of the States of the South I resent any insinuation that this money heretofore contributed by the board has been expended in any other than a proper and legitimate way, and I assert again the great benefits that have accrued to the farmers of the South. Why, Mr. Speaker, this contribution by the board does not represent the entire amount which has been expended in this work. For instance, this work has been instituted in almost every county in North Carolina under a cooperative plan of contribution. The county authorities would contribute, say, from $300 to $1,000. The Department of Agriculture would contribute out of this fund from the board a like amount, and frequently local organizations and individuals would still contribute a like sum.

The whole amount would be controlled and expended by the officials of the farmers' cooperative demonstration work, representing the department, in paying the salary of a county agent, who would conduct this work among the farmers. The selection of this county agent was made by the Agricultural Department.

Mr. Speaker, the farmers' cooperative demonstration work was devised and initiated by Dr. Seaman A. Knapp. He was reared and educated in Iowa, but had resided in the South for about 25 years prior to his death in 1911. He came to know our people and our resources. He also knew our limitations and handicaps. When the boll weevil began its ravages, he was detailed by the Department of Agriculture to study the problem and propose some method of eradication. Among other remedies, he strongly urged diversification of crops in substitution of the one-crop system of cotton. Through the wisdom of this man it is now conceded that the boll weevil may be controlled in large degree, and that what was regarded as a great calamity was in reality also a blessing.

Out of this work grew the farmers' cooperative demonstration work, which has spread throughout the country. This latter work has also made possible the Lever law for further agricultural extension work through the State agricultural colleges. Dr. Knapp was a pioneer and a builder. He had a constructive mind. Above all, he gave his talents and himself in the service of man. His work will be his most enduring monument.

The SPEAKER pro tempore (Mr. FOSTER in the chair). The time of the gentleman from North Carolina has expired.

Mr. LEVER. Mr. Speaker, I yield three minutes additional to the gentleman.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for three minutes more.

Mr. SMALL. Now, Mr. Speaker, just a word about the cooperative work of the General Education Board in North Carolina. Through the contributions by this board an organized attack has been made upon the hookworm disease. There was prejudice in my State originally against this organized work and against the source from which the money came. But that has entirely disappeared, and in the hundred counties of North Carolina there have been county appropriations averaging $250 to the county, in addition to the amount contributed by the General Education Board. And the State of North Carolina has made a general appropriation of $8,000. In the great campaign which has been waged for better educational facilities in North Carolina the General Education Board has generously cooperated. Their contributions were made at a most opportune time and have been of very great value to the State.

I wish to say in conclusion that the people of the South, having been the beneficiaries of contributions from this board, which have been wisely expended and with great benefit to the people, it ill becomes Congress or any citizen of the country, and certainly any citizen of the South, to impugn the motives of the donor or to exhibit ingratitude. I distinctly disclaim any such sentiments for the people of my State or of any Southern State. We are neither ingrates nor cowards. [Applause.]

The SPEAKER pro tempore. The gentleman has used 32 minutes and has 28 minutes remaining.

Mr. LEVER. I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, this conference report shows the great power that conferees have in enacting legislation on an appropriation bill. I venture the statement that there are not six Members in this House who are acquainted with the legislation enacted in this conference report. Here we have a bill containing 133 Senate amendments, brought into the House and referred to conference, without the Members being given any opportunity whatsoever to vote upon these all-important amendments, unless the House does the almost impossible and votes down this conference report in its entirety. Every one of us knows how futile it is to attempt that process in the closing days of a Congress. And I wish to call the attention of this House to two or three important amendments which I believe would not carry if the House had been given opportunity to vote upon them.

Mr. GARNER. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. GARNER. Was not the gentleman given his opportunity, when the proposition of referring this bill to the conference was up, of having a vote on these particular provisions of which he speaks?

Mr. STAFFORD. Oh, no.

Mr. GARNER. You agreed they should go to conference.

Mr. STAFFORD. Yes; and we had every expectation that some of these measures, and particularly those amendments that were beyond the power of this committee to legislate upon, would be disagreed to, and that there would not be a full and final agreement.

Now, my time is limited, and the gentleman from South Carolina [Mr. LEVER] has told me he can not yield me any more time. So I will have to decline to yield further.

One amendment I wish to call attention to is that amendment which seeks to amend section 13 of the Appalachian and White Mountain Forest Reserve act, where, instead of the existing law granting 5 per cent of the profits from the sale of these lands purchased by national funds in the establishment of these national forests, there is an increase of 25 per cent. How can any person justify the diversion of 25 per cent of the profits of national funds for the benefit of only the States in which those forests reserves are located? It is true that millions of dollars have been expended already in the purchase of abandoned lands in the Appalachian Mountain Reserve, and, I believe, some on the Pacific coast. Instead of the law providing 5 per cent to be diverted for the use of the schools and roads, they have increased the amount 25 per cent. Have not the taxpayers of Ohio, Indiana, and Illinois, and the Great Plains States that have contributed so much to the support of this Government, and who have furnished their proportionate part of these funds to rehabilitate these abandoned farms and cut-over forest lands along the Atlantic coast a right to the fruits of the funds that are invested in these abandoned lands?

There is another instance of want of proper consideration to which I wish to direct attention.

The genial chairman of the committee, whom we all like and whom we regard as efficient in his separate branch, has gone pretty far in agreeing to an amendment that belongs particularly to the Post Office Committee, amendment No. 101, which extends the franking privilege to all those agricultural colleges that have the benefit of the Lever bill as to all their correspondence, bulletins, and reports. Now, the Post Office Committee during my 10 years of service has been particularly guardful in trying to prevent the extension of the franking privilege. State superintendents of education and boards of education have been clamoring for the extension of the franking privilege. They have been willing to have the mail privileges extended so that they could have the advantage of the second-class rate, or 1-cent-a-pound rate; and the committee has declined to give them that privilege. And yet we have here this committee agreeing to this Senate amendment without any amendment, except one, and that makes it more liberal. You would think that these conferees on this amendment would have agreed to the restriction as placed in the Senate; but instead of limiting these franking privileges to only one official or employee of the agricultural colleges they grant it ad libitum to any person connected with them.

It may be all right for some committees to transgress the powers that naturally belong to other committees, but it has been my observation that it is better legislation to leave that which belongs exclusively to one committee for that committee to consider, rather than have conferees who have not given the subject any consideration agree to this character of legislation without an opportunity of the House to vote upon it. I know that the conferees, the genial gentleman from South Carolina [Mr. LEVER], the gentleman from Iowa [Mr. HAUGEN], and the gentleman from Georgia [Mr. LEE] are overzealous in looking after the rights and privileges of agricultural colleges; but I say that they have no right to foist upon this bill legislation that is beyond their prerogatives. While I recognize the futility at this late day in the session, when every effort is being made to pass these appropriation bills, of voting down this conference report, I still believe that if the chairman had brought in a partial report, leaving open to discussion and vote some of these amendments that carry such legislation that is beyond the power of the committee, this House would have had the opportunity then to vote down these amendments, and the gentleman could have gone back with a proposition to further insist on disagreement to the amendments.

The SPEAKER pro tempore. The gentleman yields back two minutes.

Mr. MANN. Mr. Speaker, I would like a little time.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, amendment No. 130, I think, was agreed to, authorizing the Secretary of Agriculture to prepare a plan for reorganizing, redirecting, and systematizing the work of the Department of Agriculture as the interests of economical and efficient administration may require, and then provides that the estimates for the next year shall be made in accordance with this new plan.

I would have no objection whatever to the Secretary of Agriculture or any other Secretary making recommendations to Congress for the reorganization, the redirecting, and systematizing of the work of his department. Of course, that part of it as to economical and efficient administration is just inserted for sound. That would be the ostensible purpose always, but whether it will be accomplished or not is another thing. Now, the Secretary next year is required to make his estimates in accordance with the plan of reorganization which has not met the approval of the Congress. Of course, that will require the committee to bring in a bill according to the new plan, or else discard the estimates. I think the gentleman from South Carolina [Mr. LEVER] next winter will greatly regret that we put this provision in the bill.

Mr. LEVER. I will say to the gentleman from Illinois that this language was agreed to by the conferees on the part of the House at the very earnest insistence of the Secretary of Agriculture.

Mr. MANN. Certainly. He wants to fix it so that Congress shall have nothing to do with it. Why should he not present his plan to Congress and let the Committee on Agriculture recommend to the House what should be done, instead of leaving it to the Secretary, who, of course, will have to be guided by his subordinates in the department, and every one of them will be seeking to increase his own pay.

Mr. LEVER. The committee on conference believes that the contrary will be the case. We believe that the reorganization of the Department of Agriculture will eliminate duplication and lost motion to such an extent that they ought to run this department on a great deal less money and with more efficiency than it is run now.

Mr. MANN. I think it is safe to say that the Agricultural appropriation bill next year will carry more money than this one, notwithstanding the reorganization. Congress is perfectly willing at any time to accept suggestions that will do away with duplications of work, but here is a proposition that absolutely leaves it to the Secretary to put the matter in such shape that confusion must exist, whichever way we go, because if we take the estimates we shall have points of order made constantly against items in the bill for the reason that the salaries are not provided by law.

Mr. LEVER. I will say to the gentleman that I realize that difficulty and have anticipated it.

Mr. MANN. You have anticipated it, but you have not provided against it.

Mr. LEVER. I have not provided against it, but I have not had a chance to.

Mr. MANN. It would be an easy matter for the Secretary of Agriculture to make his recommendation to the committee. There is not a department of the Government in Washington that would not like to have this privilege, and not one where it would not be abused, even though the head of the department were against the abuse, because the head of the department does not run the department. The men under him run it. Every one of them is human, like the rest of us, and they would like to get increases of compensation.

So much for that. I think it is a mistake to do that thing. Now, I would like to ask the gentleman what is the effect of the increase in the farm-management and farm-demonstration and cooperation-demonstration work upon the procedure which will be followed under the so-called Lever law?

Mr. LEVER. The gentleman from Illinois will recall that the appropriation for the encouragement of the adoption of improved methods of farm management and farm practice has been carried in one fund heretofore.

Mr. MANN. I understand.

Mr. LEVER. The Senate divided that, giving a certain amount, $250,000, for investigational work and $400,000 for demonstration work pure and simple in those States outside the cotton belt. The House conferees agreed with a slight reduction in the total. The effect under the Lever bill will be this, in my judgment: Under the provisions of the Lever bill the States will get only $10,000 each for the coming fiscal year. It will be necessary, in the first instance, for the States to accept the provisions of that bill. I think the funds provided for here and in the item following are going to be very valuable in preparing the States and in preparing the men for taking advantage of the funds which will accrue rapidly to the States under the Lever bill.

Mr. MANN. What I wanted to ascertain was whether increases in the amount of the items and the separation of the two items in the one case were made in contemplation of the putting into operation of the Lever bill, or whether that was entirely irrespective of the Lever bill?

Mr. LEVER. It was irrespective of that proposition. It did not come up. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 15 minutes.

Mr. PAGE of North Carolina rose.

Mr. LEVER. I yield to the gentleman from North Carolina [Mr. PAGE].

The SPEAKER. How much time does the gentleman yield?

Mr. LEVER. Five minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I wanted to interrogate the gentleman a little. I wanted to inquire if this language in amendment 130, on page 172—the one just referred to by the gentleman from Illinois [Mr. MANN]—in regard to the reorganization of the department was not in the original language of the provision reported by the Committee on Agriculture in the House bill?

Mr. LEVER. I think it is in almost the identical language, probably the identical language.

Mr. PAGE of North Carolina. The identical language against which the point of order was made, and which went out in the House of Representatives?

Mr. LEVER. Yes.

Mr. PAGE of North Carolina. If the gentleman will allow me to be personal a moment, I think at that time the gentleman agreed with me that these estimates ought to be made under the law as they are now made and not in the way indicated in this bill. I presume the gentleman has had a change of heart?

Mr. LEVER. Well, I can not say that I have had a change of heart as a matter of fact, but the gentleman has been on conference committees long enough to know that a man sometimes agrees to a proposition put in by the Senate when he has not had a change of heart on the proposition.

Mr. PAGE of North Carolina. It occurred to me that there might have been some suggestion followed in another body.

Mr. LEVER. No. As a matter of fact, the language was put in by the Senate without any suggestion from this side of the House.

Mr. PAGE of North Carolina. But a suggestion that came from the same source as that which came to the House committee, in all probability?

Mr. LEVER. I will not say that something of that kind did not happen.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 12 minutes remaining.

Mr. LEVER. I yield to my colleague, Mr. BYRNES of South Carolina, five minutes.

The SPEAKER. The gentleman from South Carolina [Mr. BYRNES] is recognized for five minutes.

Mr. BYRNES of South Carolina. Mr. Speaker, I wish first to congratulate the conferees on the expeditious and satisfactory manner in which they have settled the many questions involved in this great appropriation bill. When we take into consideration the character of this bill, the many subjects covered by it, and the number of people interested in it, it is but natural to expect a substantial increase in the appropriations by the Senate. The total amount carried by the bill when it passed the House was $18,988,232. As it passed the Senate it carried an appropriation of $20,890,012, but the conference report as agreed upon by the conferees has reduced this amount to $19 865,832. The additional appropriations which have been agreed upon in conference are not excessive, and careful consideration of them will convince almost anyone that there is justification for each and every increase. Of the total amount added by the Senate, $300,000 is for an item for farm cooperative demonstration and for the purpose of meeting the ravages of the boll weevil, the report providing that this amount can be spent only in connection with such cooperative funds as may be contributed by States, counties, municipalities, or local agencies with the State. This large increase was inserted because of the decision of the Senate to discontinue the policy which has heretofore prevailed of cooperating with the General Education Board. The funds used by this board are contributed by Mr. John D. Rockefeller. My understanding is that 600 of the employees engaged in this demonstration work throughout the country, though ostensibly in the service of the Government, have received their compensation from Mr. Rockefeller's board. They are Government officials whose names are on the Government pay roll, but they receive only a dollar a month, or some nominal amount, from the Government, and the balance of their compensation they receive from Mr. Rockefeller, so that they are under obligation to him for the salaries they receive. Whether or not Mr. Rockefeller's money is tainted, as it is alleged, certainly this Government is big and prosperous enough to engage in this most helpful work without entering into partnership with him.

When it is known that the farm demonstrator is in fact as well as in name the agent of the Government, paid by the people and not by Mr. Rockefeller or any other individual, he will receive at the hands of the farmer a more cordial reception, and his suggestions will be more readily accepted by the farmer. For this reason I approve of the conference report in this regard.

I wish to say that I do not sympathize with the attacks recently made against this board by a Member of the Senate. It is undoubtedly true that it has done much for the South not only in an educational way, but also in assisting in this demonstration work. But this report makes no criticism of the board or its work, nor does it propose to restrict farm demonstration work. It simply provides for the dissolution of the partnership heretofore existing between the department and Mr. Rockefeller. It does not mean that he can not continue independent efforts, and I sincerely trust that he will do so, but I think it preferable that it should not be done in partnership with the department.

It is but natural to expect these demonstrators to realize their obligation to the Standard Oil Co. for their salaries, and it is unwise to have any officials or employees of the Government under obligation to that or any other corporation. [Applause.]

Another Senate amendment agreed upon by the conferees, which I am satisfied will meet with the approval of both Houses, is the appropriation of $40,000 for the study of cooperation among the farmers of the United States in matters of rural credits and of other forms of cooperation in rural communities. The judicious expenditure of this amount by the Secretary of Agriculture is bound to result in furnishing to the farmers of the country much valuable information as to the benefits to be derived from cooperation in rural communities. In many sections of the country cooperative agricultural societies have been formed, and the result of these cooperative efforts on the part of the farmers should be of inestimable value to the agricultural interests. In my own district many agricultural clubs have been organized, and at least one, the Beech Island Agricultural Club, has existed for more than a generation. Once a month these clubs meet for the purpose of discussing live questions of interest to the members and as a result of the exchange of views at these meetings the members of the clubs have become recognized as most progressive farmers. Investigation by the department will enable the Secretary to acquaint all farmers with the result of the experiments in cooperation by these agricultural associations throughout the country. Another form of rural cooperation is that obtaining in drainage districts organized under State laws, and the department can investigate the success or failure of such projects, the crops grown upon lands thus reclaimed, and the value of the lands before and after reclamation, thus enabling other communities to intelligently judge whether it is wise to form such drainage districts. Such an investigation may also result in some plan whereby the National Government can cooperate with the States and with local organizations in draining swamp lands.

Again, many rural credit societies now exist in the country, and a study of their methods, the success or failure of the organizations will materially aid in the framing of a rural-credit law.

Another item agreed upon by the conferees which I think will meet with the hearty approval of both Houses, certainly of Members from cotton-growing States, is that of $10,000 for the purpose of preparing for sale to associations and groups of men at the primary markets in the cotton-growing States a set of cotton samples as standardized by the Government and a sample of the bleached and unbleached yarn made from the different grades, showing the tensile strength and bleaching quality of each. Recognizing that there should be one uniform standard for all commercial grades, the department, since 1910, has been doing what it could to cause the Government standards to be adopted. During the last year or two many of the larger markets have secured the set of samples prepared and sold by the department, and before very long they will be found at every market of any importance.

The adoption of the Government standards has of course been voluntary, but if legislation now pending is enacted into law, the Government standards will prevail upon all the exchanges and the farmer will no longer find identical names given in different markets to cotton of different quality. This item of $10,000 will enable the department to sell at less than actual cost a set of the samples. They are now placed in a case in the cover of which is a photograph of the samples as they leave the department, so that if by careless handling the sample of strict good middling, say, should accumulate trash, the interested person can by comparison with the photograph detect that the sample is not in the condition in which it left the department. There can be no doubt about the great benefit to be derived from furnishing these samples so that the producer can become educated in the grading of his own cotton. By experience the buyer becomes expert in grading, and the farmer who is not an expert at it has to accept the decision of the buyer. Unfortunately the buyer is not always the most patriotic and philantrophic of mankind. For instance, as a result of the investigations of the bureau of markets, it was discovered that 19,000 bales of the Oklahoma crop of last year, examined by experts of the department, were middling fair and strict good middling, but were paid for by the buyers at the ruling price for good middling. Even where the buyers admitted the cotton to be superior in grade to good middling, they declared they recognized no grade higher than good middling. What they doubtless meant was that in buying they recognized no higher grade, but in selling they did recognize it. The department's investigation showed 19,000 bales of strict good middling and middling fair, which were bought as good middling, and on this the New York differences entitled some one to a total of over $20,000 in premiums above the price of good middling. Under these circumstances there is no inducement to the farmer to yield to the demands upon him to produce the higher grades. What is true of Oklahoma is doubtless true of the other cotton-growing States, and in this connection it is interesting to note the statement of Mr. Marsh, formerly president of the New York Cotton Exchange, who, when before the Committee on Agriculture, declared that the farmers of Texas last year, on account of lack of information

as to the value of their low grades of cotton had lost more than $40,000,000.

The question is how to furnish these samples to the farmers in such manner as to allow ready access to them and at the same time to preserve the reputation of the Government's samples. Manifestly it would never do to simply prepare these samples and furnish them to every market, placing them at the freight depots of the railroads or other public places in charge of no one, because by careless handling it would be impossible in a few days to distinguish the various grades, and the value of the samples of the Government would be lost. Until some better plan is devised, I think it wise to adopt the plan agreed upon by the conferees of furnishing them to primary markets only, where associations or groups of men ask for them, assuring the department of some preservation, and follow this up with some inspection at stated periods thereafter, in order to determine whether the samples have been preserved. My own view is that a wise solution of the question would be the merging of the position of cotton reporter and farm demonstrator. The cotton reporter now visits the gins to ascertain the number of bales ginned. He receives only $250 to $350 for his services, and consequently does not devote very much of his time to it. Likewise, the farm demonstrator receives little compensation. If the two positions were combined, the Government could then secure the services of a competent man, who could devote all of his time to the work. While the crop was being marketed he could secure the gin figures, and at the same time have control and supervision of the Government samples at the markets, and during the rest of the year he could carry on his farm demonstration. It would, of course, necessitate some readjustment of the work between the Census and Agricultural Departments, but the merging of the two jobs would, in my judgment, be in the interest of efficiency.

Mr. Speaker, I believe this bill to be the best ever reported by this committee. It not only provides assistance to the farmer in increasing his yield, but also provides for assisting him in marketing his crop once it is made. We are spending millions annually for agricultural experimental work and investigations. This is wise and proper. The farmer has not the time, equipment, or training for questionable experiments. So intent is he on making ends meet that he has not the time or money to spend in experiments, and the department has undertaken this work for him. As a result of these investigations there has been much progress, new methods have been introduced and yields increased, but until this year we provided no means of effectively communicating the result of the investigations to the man in the field. It is true that we endeavored to send it to him in bulletins, but this could not be as effective as the practical demonstration provided for in the bill we passed at this session known as the Lever extension bill, carrying a large appropriation to cooperate with the States in agricultural education. If we shall place in charge of this work men who have not only been educated at agricultural colleges but in addition have had some practical experience in farming, letting them demonstrate to the farmer the result of the experiments and investigations, the farmer will profit by the experience of others and increased yields and greater profits will result.

In this bill we also recognize that we must assist him in marketing his crop. I believe the establishment of the Bureau of Markets one of the most constructive pieces of legislation we have enacted affecting the agricultural interests. The small appropriation we made for this purpose last year has been spent largely in organizing the bureau, but it has yet been able to do some excellent work, such as that heretofore referred to by me, in the investigation of the marketing of the cotton crop in Oklahoma, and in my own State it has been carrying on an interesting investigation as to the marketing of our long-staple cotton. As in the case of middling fair and strict good middling cotton in Oklahoma, the producer has seldom received what he was entitled to for his long-staple cotton. The Bureau of Markets this week sends two of its agents abroad to investigate the market for this cotton. It will be interesting to learn the difference in price paid the farmer and that finally paid for this long-staple cotton. When we know what becomes of this difference we can endeavor to devise ways and means to remedy the condition.

According to the experts, 57 per cent of the cost of agricultural products is lost between the producer and the consumer. In other words, when the consumer pays $1, say, for a bushel of potatoes or any other product, the farmer gets but 43 cents of that dollar, the balance being eaten up by the middlemen. Certainly there can be no field of endeavor richer in opportunity than that now assigned to this bureau. It is also making an investigation with a view to improving the method of marketing vegetables and fruits. In my district, where we have a soil adapted to the production of all crops, our progressive farmers have engaged in the production of cantaloupes, asparagus, cucumbers, and all kinds of truck. They ship their product to the northern and eastern markets and under the present system wait and pray.

When they shipped, the market price may have been good; but when they hear from their shipment they may be informed that the bottom dropped out of the market; that the stuff was not properly crated or arrived in bad condition, the car not being iced, or some other information equally as disastrous to the hopes they builded upon their crop. Sometimes what they learn is true and sometimes it is not. Sometimes the carrier is at fault, and sometimes the bad condition of the cantaloupes, for instance, is due to the man at the icing station being paid to keep the car properly iced placing about half the ice needed, and charging the railroad for double the quantity furnished. Then again, and perhaps more often, it is due to the fraud of the commission merchant. Sometimes when the market is glutted the consumer does not benefit. The retailer will not reduce the price of the fruit, because he fears his customers will not purchase if the price fluctuates greatly, so he continues to charge high prices when he is purchasing from the jobbers at exceedingly low prices. But whether he gets high or low prices under such circumstances, one thing is certain, the producer is informed that the fruit did not bring enough to pay the freight. The bureau is now tracing many of these shipments. At my request they will trace some from the field in South Carolina to the consumer, and we can ascertain whether they do arrive in bad condition and the prices received by the jobbers and retailers as compared with those paid to the producer.

We can truthfully say to the country that this bill will aid the agricultural interests. Among its items is one for $353,000 for the Office of Public Roads to investigate road materials and furnish expert engineers to assist local authorities in road improvement. Too much emphasis can not be given to this good work. Again, we are appropriating $96,280 to assist local authorities in drainage work. Where drainage districts are formed, expert engineers must survey the district; and if the Government can furnish this expert aid, it saves several thousand dollars to the persons residing in the district. I remember having such a survey made at the request of persons interested in such a drainage district in Hampton County, of my district. Then, for the first time, we are making an appropriation for the investigation of production and marketing of cane sirup, an industry which should be developed and made profitable. For the control and prevention of diseases in cotton, potatoes, truck crops, and so forth, we appropriate $46,000.

We are told by those in charge of the Bureau of Animal Industry that the loss from animal disease annually amounts to $212,850,000. This stupendous loss accounts for the large appropriation made for this bureau for establishing quarantines, and so forth. Of the total appropriation of $2,320,026, the amount of $400,000 is to be spent in eradicating southern cattle tick and eradication of scabies in sheep and cattle. This work is in keeping with the work we have undertaken to eradicate hog cholera, for which purpose we have appropriated $500,000 this year and which will be used in cooperation with the States and enable local authorities to furnish serum to the farmers.

Of course there are some people who scoff at the work carried on by this great department of the Government, but this spirit is confined mostly to those people who believe that they already know everything that can possibly be known about agriculture and who generally delight to call themselves planters instead of farmers. The farmers, as a rule, appreciate the work of the department. Theorists and economists, noting the continued drift of population from the farm to the city, cry "back to the farm," but unless you can make farming profitable you can not hope to make it attractive. You will in vain picture the beauties of life on the farm if, as a matter of fact, the man on the farm finds he can not make a living. Make it profitable for him, and the farmer will himself make it attractive. He is not only intelligent, but he is now educated. The introduction of rural free delivery and the installation of telephone systems has brought him in touch with the world. He is sending his children to college and educating himself. In my own district during my three years here the number of rural routes has been increased from 89 to 114, and wherever there is a community having poor mail facilities you find the farmers seeking to have them improved, thus showing their desire to keep up with the doings of the world. The boys of the farm are learning and adopting improved methods.

The work carried on by the department assisting the organization of corn clubs has borne fruit, the boys who recently vis-

ited Washington—the winners of contests in the various States—boasting of yields running from 55 bushels in South Dakota per acre to 235 bushels per acre in Alabama. If we can more than double the yield of corn per acre, it is certain that by improved methods we can increase the yield of other crops. Jerry Moore, the champion corn grower of South Carolina, by his success became the most talked-of person in the State. His name was so popular that an old preacher in my country, reading of his accomplishments one Sunday morning, went into church, and when he began his sermon said, "Brethren, this morning I take my text from Jerry Moore; oh, I mean Jeremiah."

In conclusion let me call attention to the trend of population in this country. In 1870, 70.5 per cent of the population was classified as agriculturists. In 1910 only 53.7 per cent of the population was so classified. The fact is, this last figure is excessive, and must include many of these professional farmers who farm by proxy. Experts declare that only about 30 per cent of the people actually live on the farms; and the drift is still from the farm to the city. With the population still increasing and production decreasing, it is readily seen that this Congress can not do too much to help the farmers. In the expenditure of the money appropriated by this bill some small amount may be wasted; but that is true of every expenditure, certainly true of the expenditures for war purposes, and should not deter anyone from supporting liberal appropriations for agriculture. This appropration of $19,000,000 is in the interest of the man on the farm, upon whose success depends the success of all professions; and I trust the conference report will be promptly agreed to. [Applause.]

Mr. LEVER. Mr. Speaker, if there are no further questions to be asked, I move the adoption of the conference report.

Mr. MANN. I should like to ask the gentleman a question.

Mr. LEVER. I yield to the gentleman.

Mr. MANN. I notice in amendment 38, where the Senate proposed $250,000 for improved methods of farm management, the conferees reduced it to $240,000, taking off $10,000. Also in amendment 41, where the item was increased by the Senate to $678,240, the conferees took off $5,000. Was that on the basis of a compromise?

Mr. LEVER. No. I will say in reference to the first proposition that in that item we endeavored to give the amount, with a little increase, that is now being expended for investigational work, because the gentleman will remember that the two propositions of investigational and demonstration work have been separated.

The other matter to which the gentleman calls attention was a matter of the House conferees trying to shave as much on the Senate as possible.

Mr. MANN. Knowing the House conferees as I do, and knowing their ability, I would not call them very successful shavers if after strenuous effort they could only shave $5,000 off the sum of $678,240. I have a great deal more faith in the ability of my friend from South Carolina than that. That is a very flimsy excuse.

Mr. LEVER. The gentleman from South Carolina is not offering this as an excuse at all. The gentleman from Illinois will remember that when the bill was in the House the amount for this purpose was $378,000.

Mr. MANN. And the Senate added $300,000.

Mr. LEVER. If the gentleman will permit, the Senate added $300,000, the amount which was being contributed by the General Education Board, making a total of $678,000 for this work. The Senate insisted that there should be a dissolution of the partnership between the Federal Government and the General Education Board, and added $300,000 to take the place of the amount being contributed by that board, and added $50,000 for work in West Virginia, Kentucky, and Maryland, three States that have lately come under the farm-demonstration methods. The House cut that $50,000 by $5,000.

Mr. MANN. The Senate added $300,000 and the House cut it down to $295,000. I personally should have been in favor of the $300,000 without cutting off the help that we were getting from the outside. I think the gentleman and I agree upon that. I am not afraid to take the money that Mr. Rockefeller may have made, no matter how he made it, and use that money for the benefit of the public. [Applause.] I think this is the silliest proceeding that even the Senate has ever been guilty of.

Mr. LEVER. I think the gentleman will agree, however, that there was a very strong sentiment on this proposition when the bill was under consideration in the House.

Mr. MANN. No; I do not agree that there was. I know there was some talk on the subject, and some gentlemen were very active in the expression of their opinions.

Mr. MONDELL. Will the gentleman yield?

Mr. LEVER. I will yield if I have the time, but I do not want to lose my rights.

The SPEAKER. The gentleman has one minute left.

Mr. LEVER. I am sorry that I can not yield unless it is very important.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. LEVER, a motion to reconsider the last vote was laid on the table.

[Mr. CONNOLLY of Iowa addressed the House. See Appendix.]

Mr. AIKEN. Mr. Speaker, I heartily approve of the item of $40,000 inserted in this conference report for the study and investigation of rural-credit societies, and I regret exceedingly that the President and the Democratic leader [Mr. UNDERWOOD] have expressed their purpose to defer consideration of any and all rural-credit measures until the next session of Congress, even though the very important question of antitrust legislation is the question to which those gentlemen would give precedence.

Important as it may be to protect the individual citizen against combinations of capital that will force from him an excessive price for what he buys and an inadequate price for what he sells, it does seem to me the question of feeding and clothing this Nation from the substance of our own soil is of still more vital importance; and the necessity for improved rural credits lies at the very base of this great economic question.

The population of the United States is increasing so rapidly by natural growth and by foreign influx that consumption, even now, in this comparatively virgin country, is far greater than production, and in 10 years food products have doubled in price to the consumer. If the agriculturist of the United States alone profited by this high cost of food products, the burden would be more willingly borne by the consumer; but when it is recalled that we are already bringing corn and meat in great quantities from South America and Canada it is time for us to pause and consider ways and means for building up agriculture at home.

A cause which may explain our inadequate supply of foodstuffs is the fact that the hundreds of thousands of immigrants who come annually to our shores are not agriculturists, except for a small per cent, and the American farmer who has been plowing for a top-heavy consuming class already must rise earlier, go later, and drive harder to feed and clothe the nonproducing immigrant. Hampered as he has been by lack of farm credit, he can not expand and intensify and diversify in such way as to keep pace with demand, and so food products have soared higher and higher.

But there is even a greater cause for the lack of balance between supply and demand, and that is the fact that farm tenancy is on the increase in the United States.

It makes no difference how industrious, how honest, or how intelligent a man may be, if he has nothing more than a tenant's interest in the soil he cultivates, feeling that he may sow where another may reap, he will never bring that soil up to a high state of productiveness.

It makes no difference how public-spirited a man may be, if he has only a tenant's interest in the community in which he lives he can not fulfill the highest duty of a citizen in the school, in the church, and in the State, because he never knows when the inexorable hand of necessity will drag him from his surroundings and set him down in a community of unsympathetic strangers.

We have heard it objected that legislation in the interest of agriculture is class legislation and smacks of paternalism; as if every vocation and every industry that make up the world of business was not rooted in agriculture. Just as fertilizer placed at the roots of a tree nourishes the tiniest leaf, just so stimulated agriculture carries strength and growth and nourishment to the smallest enterprise and to the humblest citizen. The United States has already recognized this principle in watering the dry lands of the West and in cleaning rivers and harbors to cheapen freight rates on farm products between exchanging consumers. Germany, France, Italy, Switzerland, and many other European countries recognized this principle—some of them more than a hundred years ago—when, either by legislative concessions to agriculturists, by Government loans, or, as in the case of France, by direct subsidy, they established land-loan banks with exceedingly low rates of interest. As a result, agriculture in the countries named is in its highest state and wealth is distributed in that healthy proportion between country and town that makes for the highest citizenship.

Taking Switzerland as an example, it will perhaps emphasize the contention we are trying to bring out to tell something of the wonderful development of that country, due entirely to the establishment of rural-credit banks.

Less than half a century ago 80 per cent of the lands of Switzerland were tilled by tenants. Except for the few landholders, who were themselves land poor, the people were poor, unprogressive, and apathetic. The public treasury was at low tide. Men of public spirit, realizing that there was disease in the public policy, set about to ascertain the cause. It was not long until the tenant system was fixed on as the root of the country's evils, and the Government set about to right those evils. A system of land banks was established, through which the Government loaned small sums to tenants, at a low rate of interest, with which to buy homes. Improved conditions were apparent from the beginning, and to-day, thanks to Switzerland's land-loan system, 90 per cent of the agriculturists of that country own their homes, the banks of the country are prosperous, and, considering the rugged nature of the soil, it is one of the most productive agricultural countries in Europe. When a commission was sent by the United States to examine rural-credit systems in Europe and to observe results, members of the commission were amazed to find that European farmers were supporting families on 1 and 2 acres of ground and that 20 acres constituted a very large farm. They were informed that the high per cent of production was due to intensive farming, that intensive farming was due to ownership, and that ownership was due in large measure to land-loan banks, organized in whole or in part by Government aid. They unqualifiedly and unanimously recommended that some such system be worked out for the United States.

The commission recommended a bill, which is a part of their report, and which, though entirely right in purpose, is, in my judgment, subject to serious objections. The bill contains 51 sections and is too cumbersome. It undertakes to outline in detail such provisions and restrictions as should be worked out by the Secretary of the Treasury. It proposes an intricate system of land-loan banks, to be created, with hundreds of provisions and limitations, to be guarded by special officers created under the provisions of the bill. But the most vital defect in the bill proposed by the commission is the plan of basing rural credits on arbitrary associations of farmers, afterwards to be organized under some visionary form of charter or on the plighted faith of such farmers' organizations as the grange, the alliance, or the union, all of which have done good work in improving rural conditions, but none of which is suited to the peculiar purpose of forming a compact, unchanging basis of credit.

If a bill of such length and details, with such undigested provisions for the original basis of credit, is such a bill as the President and the Democratic leader [Mr. UNDERWOOD] have in contemplation, I am not surprised that they hesitate to consider it at this session. But I am sure that a simple bill, such as I have introduced, which does not undertake to outline departmental work and which is clear-cut and free of surplusage, can be considered and passed by this House without perceptible loss of time. I am equally as sure that no measure has been before this House in 20 years that would be more far-reaching in its beneficial effects for the tenant and the small landowner, and eventually for the Nation, than this bill if enacted into law.

The bill that I have introduced, H. R. 16028, uses the national banks as now organized, creating a land-loan department in those banks as simple as their present savings departments. The original basis of credit is in the land of the individual, and this is passed on under my bill, as under existing national-bank law, by the president of the bank. All we want to do is, by a sane and simple law, to remove the inhibition against national banks accepting land mortgages as security and to provide the means by which the farmer's collateral will be given an equal chance and by which he may be enabled to secure money at a low rate of interest that will enable him to grow. That my bill fully meets the requirements, I propose to show further on in the course of my remarks.

No fair-minded man will deny that up to this time the whole machinery of our money and credit system has been directed toward the aid of the city and not the country. Legislation has gone along in this channel for so long that even the farmer has come to think he is dependent on the city for his credit. He has been educated in the school of adversity to put the cart before the horse.

Why should the farmers of the United States, with realty values worth $40,000,000,000 and raising annual products amounting to over $10,000,000,000 have to beg for credit at exorbitant rates either of the merchant or the local banker, when that merchant or local banker will take the farmers' collateral and with it borrow in New York at 5 per cent?

The sooner all industries realize their first dependence on the farm, that all primal wealth has its origin there, the sooner will real wealth in larger degree come to city and country. Mr. Bryan never uttered a truer saying than that we may destroy our cities and let grass grow in our streets, but if we maintain a high standard of agriculture the cities will be rebuilt larger and more prosperous than ever.

But, say some, the farmer is already paying interest to the amount of $500,000,000 annually, an amount larger than the annual returns from our wheat crop, and he can not or should not take on additional burdens. We answer that the railroads of this country are valued at $15,000,000,000 and they are mortgaged up to $11,000,000,000. Farm lands, as stated, are valued at $40,000,000,000 and they are mortgaged for $6,000,000,000. If railroads are not overmortgaged, then surely farm lands have a safe margin for additional loans.

I do not underestimate the destructive effects of mortgages under present conditions, by which the farmer pays from 8 to 10 per cent; but I contend that not in the mortgage but in the rate of interest lies the evil. The farmer who pays 8 and 10 per cent for money will never have means for expansion, for intensifying his methods and increasing his yields. My theory, then, is a larger mortgage debt and a smaller interest account.

Under existing conditions it is but fair to say that banks can not accommodate farmers at a low rate of interest. They are part of a system that has been built up in the interest of the city men with Government sanction. Let us have the Government mend the flaws in the foundation, agriculture, and the whole financial superstructure will be healthier and stronger.

And why may not the Government do this thing? The recent order of the Secretary of the Treasury suspending the rule whereby national banks were prohibited from lending money on real estate was a tacit admission that the farmers' basis of credit has been unjustly legislated against, and that the needs of agriculture, the needs of the whole people dependent on agriculture, will justify not only a righting of the wrong but enlarged privileges for this class of credit. Debt at reasonable rates means healthy expansion; debt at excessive rates of interest means torpor if not ruin.

But what of the tenant class who constitute fully nine-tenths of the farmers of this country? They have no lands to mortgage even at the high rate of interest the landlord must pay. Their lot is hard indeed. They pay from 10 to 40 per cent for the money or provision furnished them by the merchant or landlord, and to this good day the door of hope has been closed against them to such an extent as to make it next to impossible for any of them to live under their own vine and fig tree.

There is no calculating the increased production that this country is capable of if, by virtue of an act of Congress, a large per cent of present tenants may become landowners. When a man knows that he and his children will surely profit by the improvements he puts upon his land, he has some incentive to bring that land to its highest state of productiveness. Give a man an incentive, something to work to with reasonable hope, and he will lift himself to the higher plane. The man who owns his land is no better by nature than thousands who do not own their lands, but ownership gives him better opportunities, opens up for him a broader field, and makes of him a more stable citizen. It has been well said "that he who owns his soil is in partnership with the Almighty."

So fertile has been our virgin soil and so varied our natural resources that we have given little thought to shortage of production. We want to hold our monopoly of raw cotton, and yet year by year the supply is falling further behind the demand. As previously stated, our grain and corn supply is not keeping pace with our rapidly increasing population, while the falling away of our meat supply is actually alarming. The necessity for intensive farming, for building up personally owned homes, such as produce corn and meat and eggs and vegetables, is apparent; but the means to meet that demand are woefully wanting.

My bill provides a system that will give the small farmer a low rate of interest through national banks, and yet give the banks the usual margin of profit.

Granting, as I believe the majority of my hearers will, that there is urgent necessity for some such measure, I propose to show that this bill is practicable and will fully meet the demand.

The bill provides that national banks may establish land-loan departments. This is made a separate department of the banking system, that it may not conflict with existing currency laws, and for the further reason that it would be folly and unnecessary expense to the Government to establish a new

system of banks known as land-loan banks when existing national banks can do the work designed, will undertake it only too gladly, and can do it better. The president of the bank passes on the character and sufficiency of collateral offered.

In order that loans may not be multiplied for the purpose of getting commissons regardless of the sufficiency of collateral offered, national banks are required to buy 10 per cent of each serial bond issue made through their agency.

If it becomes necessary to sell under mortgage any or all the lands hypothecated in any series, the bank must guarantee that the land sold shall bring the amount due on the mortgage at time of sale, which requirement alone would make the bank official cautious as to the desirability and sufficiency of his collateral.

Sums loaned under this system will be refunded in easy payments, with interest at 5 per cent per annum, running over a period of 10 years, when the whole amount, with interest, will have been paid.

One-tenth of the principal loaned will annually be paid into a sinking fund, and here again the bank guarantees the stability of that sinking fund by giving bond to cover responsibility for that particular fund.

And why should not the Government become responsible for final payment of all bonds issued under this bill? Millions of dollars are annually appropriated to carry on agricultural experiments in this country, and it has given us pleasure to vote for all of these appropriations; but how much more effective would be these experiments if they were carried to ten landowning farmers where they are now carried to one.

In guaranteeing final payment of the bonds issued under the provisions of my bill the Government assumes absolutely no risk. The bonds are issued on mortgages of real estate for not more than two-thirds its value as passed on by the bank president. The bank, the Government's own creature, is located in the same vicinity as the borrower, and the character of the land hypothecated or sought to be hypothecated is known to the bank president, and there is no possible way under this bill that the bank officials could accept inadequate collateral or fleece the Government except by themselves suffering first.

The bill provides that the Government and not the banks shall issue the bonds, because in this way they may be floated at par, bearing the lowest possible rate of interest. The borrower is too far removed from the money centers to get a loan even at a high rate of interest, and so he puts his security behind the Government and asks its mediation. On more than one occasion the United States Government has borrowed money purely on the faith of its credit, but here it is secured, dollar for dollar, and has a margin of one-third more than the face of any bond.

While we admit that mortgages of real estate do not constitute the most desirable bankable paper, bonds issued by the Government, based on these mortgages, are as acceptable and as convertible as gold notes.

There is abundance of 3 per cent money in the United States, but capital is proverbially shy. Agriculture is languishing for lack of developing capital, but the isolated farmer can not reach the real money centers. This bill makes the Government the medium through which the borrower and the lender can meet on terms of fullest confidence for mutual advantage and for even greater advantage to the Government itself.

It will be noted that under the terms of the bill the greatest amount that can be loaned to any one person is $2,500. The purpose of this provision is that the benefits of the bill may be extended to the greatest possible number, and especially to the small farmer and tenant, who needs it worst.

Now, let us consider some of the practical workings of the bill. Take, for instance, the small farmer who owns, say, 100 acres of land, valued at, say, $20 per acre—and I may add that this bill is intended to reach the less densely populated rural sections, where land values have not already soared beyond the reach of the man of moderate means or no means at all. Say he owes a thousand dollars on his land. It is difficult to get an individual to carry a mortgage for so long on that land, and rarely will he carry it for less than 8 per cent interest. When he has paid his interest, taxes, and living expenses he has little or nothing to put on his debt and nothing to put on improvements. The consequence is many farmers fail to meet their payments at high rates of interest and some lose their lands entirely. When under this bill the man gets a low rate of interest, stipulated annual payments, and long time guaranteed, he can carry his debt and improve his property every year. Again, take the tenant who always pays his rent and his store account or his bank note—and there are hundreds of thousands of them who do so, but barely break even one year with another—he has absolutely no chance under our present system of credit. Suppose under this bill he proposes to buy 100 acres of land from the landowner, who knows his good qualities, at, say, $20 per acre. The 100 acres will contain a three-horse farm, leaving 25 acres for pasture. If he is a southern farmer, the regular cotton rent he has been paying the landlord was 6 bales of cotton, or, say, 3,000 pounds. This at, say, 13¼ cents, which is less than to-day's market, is worth $397.50.

Now, the landlord can not wait 10 years for his money, nor is he able to take only 5 per cent interest. So under the provisions of this bill he sells 100 acres of land to his tenant, waiving the first mortgage. The tenant then gives his first mortgage to a national bank as part of a serial loan, and he turns over the cash received on this mortgage, together with a second mortgage, to the original landowner. The landowner can easily wait for the balance of his money, even at a low rate of interest, and the tenant can meet his annual payments with less than he has heretofore been paying for rent.

Let us see if this is not a fact. The annual payment of principal due the bank will be $150. The first year's interest will be $75, making a total of $225, and leaving a margin out of what has been his annual rent paid of $172.50 to be applied to the second mortgage held by the former landlord. The accruing interest grows smaller and smaller each year until the last, when it will be $7.50, making the final payment $157.50.

It is thought by some that the average 100 acres of land will not furnish more than a 2-horse farm, which we will grant for sake of argument. Then, deducting one-third from the usual rent for a 3-horse farm, which in dollars, as above figured, would amount to $397.50, we have for a 2-horse farm $265, enough to meet the payment of principal and interest and leaving a balance of $40 to be applied to the second mortgage. Let us keep in mind the fact that the landlord has heretofore gotten all this, which is only a fair return on his investment; and what the tenant is able to clear above his rent and necessary expenses—and a few clear something—only fits him better for improving and building up his farm.

Now, while I have used conditions in the cotton belt because I have personal knowledge of conditions there, crop values there are perhaps little, if any, better than in other agricultural sections, and the per cent of arable land to the hundred acres will not average as high as in the West and Northwest.

Mr. Speaker, I plead that an opportunity may be given the tenant farmer. While I have used conditions in the cotton belt for illustration, not one of you who comes from an agricultural or semiagricultural State but has honest, industrious citizens of your own flesh and blood, in a sense, who are forced all their lives to pay rent to some landowner because they can not get a start in the world. It is not their fault; it is not the fault of the landowner, who has been their best friend, but is the fault of a financial system that has discredited the farmer's brawn and brain and despised his land as a basis of credit.

Give these men an opportunity under the eye of your own agents—the national banks—and I guarantee that you will see a revolution wrought in the conservation, improvement, and productiveness of farm lands that the wildest dreamer could never have conceived of.

Give these men a chance, and you will have better schools, better churches, better Government.

Give these men a chance, and the high cost of living problem vanishes, for the man who lives on his own land will produce his own meat and corn and some to spare, whereas the tenant must stick to the more readily salable crop to meet his lien or bank note. [Applause.]

Now, Mr. Speaker, I have finished, and if there is any Member of this House who does not believe this bill will meet the growing demand, the crying necessity for some such measure, I will be only too glad for him to point out its defects. If the bill can be amended to advantage, I will gladly accept such amendments. While I believe every possible objection to the bill can be reasonably answered, I will not stickle as to form if you will join with me on the general proposition to give our farmers an equal chance with all other vocations, since all others are directly or indirectly dependent on them.

My sincere wish is that you will join me in obtaining early and favorable consideration of the bill and that it may soon become law. We owe it to the man at home, who has been laboring year in and year out with little or no hope, and to delay action or to defer it to the next session is to fall short of our duty to a very large per cent of our constituents. [Applause.]

Mr. Speaker, without objection, I will include as part of my remarks the bill I introduced on the 25th of April last.

A bill (H. R. 16028) to establish a system through which national banks may make loans upon agricultural lands in aid of agriculture.

Be it enacted, etc., That any national bank doing business in the United States be, and is hereby, authorized and empowered to establish a land-loan department, under such provisions and restrictions as are hereinafter set forth.

SEC. 2. That loans shall not be made from this department of said national bank except on farm lands; and in no case shall said loans exceed two-thirds the actual value of the land to be hypothecated as collateral for said loans, nor shall said loans extend for a longer period than 10 years.

SEC. 3. That when a national bank has applications for loans in a sum aggregating $10,000, it shall examine the records in the county office in which deeds are recorded in the county in which said applications for loans are made, and ascertain whether or not the lands on which loans are asked are unencumbered.

SEC. 4. That if the office of the register of deeds, or such other office in which deeds are recorded, shall show the lands sought to be hypothecated as collateral for a loan are already mortgaged, no loan shall be considered on said encumbered land until the encumbrance has been removed and the record satisfied.

SEC. 5. That a list of the lands to be free from encumbrance, as shown by the county records, shall be advertised once a week for three consecutive weeks in a newspaper published in the county in which said loans are sought, and in case no person notifies said bank of a prior unrecorded mortgage or a judgment against any of the parties making application for loans, which said mortgage or judgment would adversely affect the mortgages held by said bank, said publication shall be deemed sufficient public notice, and the mortgages held by said bank shall be deemed and adjudged to be first mortgages by the State and Federal courts of the United States.

SEC. 6. That when any national bank located in any State of the United States shall have applications for loans on farm lands aggregating $10,000, on a basis of two-thirds the value of the lands sought to be hypothecated, and shall have taken first mortgages on said lands as hereinbefore provided, said mortgages shall be placed in the hands of the Treasurer of the United States, and 10-year bonds shall be issued thereon by the United States Government, to bear interest at the rate of 3 per cent per annum; final payment of said bonds to be guaranteed, at their face value, by the United States Government.

SEC. 7. That the proceeds from the sale of said bonds at face value shall be placed in the hands of the bank depositing said mortgages of real estate with the Treasurer of the United States, and shall be loaned by said bank to the individuals whose lands have been mortgaged as a basis for said loans at a rate not to exceed 5 per cent per annum, and for a period of not more than 10 years.

SEC. 8. That any national bank which may establish the farm-land loan department herein provided for may make application for serial loans in amounts of $10,000 each: *Provided*, That said bank shall subscribe for or purchase 10 per cent of the bonds of each issue applied for.

SEC. 9. That any national bank making loans as herein provided for shall annually collect the interest due on any loan, and $100 of the principal for every $1,000 loaned, and shall collect in the same ratio on smaller loans. Out of the annual payments of principal and interest collected the national bank making the collections shall pay the annual 3 per cent interest due on the United States Government bonds issued to said bank, and reserve the payments of principal as a sinking fund for the ultimate retirement of said bonds when matured: *Provided*, That the funds in said sinking fund may be reloaned by said bank on first mortgages of farm lands at a rate not to exceed 7 per cent: *And provided further*, That said bank give bond in periods of two years, in an amount commensurate with the amount in said sinking fund.

SEC. 10. That in no case shall loans under this bill exceed $2,500 or extend beyond the time fixed for the expiration of the serial loan from which the funds loaned to individuals is derived.

SEC. 11. That in the event any person who has made application for a loan through any national bank as a part of a series herein provided for shall default in more than two annual payments of principal and interest as provided for in this bill, then the whole amount of said loan, with interest to date, shall become due, and the bank holding the mortgage on said lands shall foreclose the same, guaranteeing the face value of said mortgage, with all interest due, if necessary, by said bank bidding on said lands publicly sold up to the amount of the then value of said mortgage and the cost of foreclosure proceedings. The proceeds from the sale of said lands, less costs incurred in foreclosure, shall be placed in the sinking fund herein provided for, and may be reloaned by said bank in the same manner and under the same restrictions as other funds in said sinking fund.

SEC. 12. That in the event any person who has made application for a loan through any national bank, as a part of a series herein provided for, shall desire to sell his or her land before the termination of the loan, such person shall be permitted to do so upon payment into the sinking fund of the bank through which such loan is made of the balance of principal and interest due on his mortgage. Said sum so paid in may be loaned by said bank in the same manner and under the same restrictions as other funds of said sinking fund.

SEC. 13. That such profits as may be derived from interest charges herein provided for, in excess of the amount necessary to pay off the bonds of any series, shall be retained by the national bank through which the loans are made as compensation for the duties and responsibilities herein imposed on national banks.

SEC. 14. That the Secretary of the United States Treasury is hereby authorized and directed to take such steps as may be necessary to put into effect the provisions of this bill.

[Mr. FOSTER addressed the House. See Appendix.]

[Mr. ABERCROMBIE addressed the House. See Appendix.]

[Mr. JACOWAY addressed the House. See Appendix.]

Mr. KETTNER. Mr. Speaker, next to the people of this country, its greatest natural resource is its soil. As is natural and necessary during the pioneer stage of development, the control of our soil has been inefficient and wasteful. But we have now advanced to that period in the Nation's growth when maximum efficiency in the utilization of our resources is occupying more or less prominently a position in the mind of every thinking man.

For the efficient use of our lands the experience of the whole world proves that we must employ the three means of tillage, rotation or diversification of crops and fertilizers. Tillage and rotation of crops are dependent almost entirely upon man's personal activities, physical and mental, but fertilizers demand a supply of raw materials. Obviously that nation which contains within its own boundaries the raw materials necessary to the preparation of fertilizers is immeasurably better situated than the nation which is dependent upon foreign supplies. And quite as obviously that nation which knows its own resources is trebly armed in the inevitable struggle for national prestige.

With adequate supplies of appropriate carriers of phosphates, nitrogen, and potassium this country would not only be independent of all foreign nations for its supply of fertilizer materials, but in this particular matter would be unique among the nations of the earth. That it is now in the position to realize this distinction is the purport of these remarks.

Federal agencies, provided for and supported by Congress, have demonstrated that there is enough phosphate rock in this country to meet the world's demands at the present rate of consumption for more than 30 centuries.

We could easily provide for all the nitrogen used in agriculture in this country, without recourse to the Chilean saltpeter, if we were to conserve the waste from the old-fashioned "beehive" coke ovens by increasing the number of modern by-product ovens.

For potassium, it is well known that the whole world has long been dependent upon Germany for its supply of potassium salts. A few years since somewhat strenuous differences developed between large American importers of potassium salts and the "Kali Syndikat," an organization which, under governmental supervision and control, markets the output of the German mines. So serious became the contentions as to lead to diplomatic exchanges between the Governments of Germany and the United States.

It was thus brought to the attention of our Agricultural Committee, and Hon. A. F. LEVER, who, as chairman of this committee, has shown himself the right man in the right place, was then, as now, alive to the real things of interest to the farmer. Upon his suggestion an appropriation was made and the Bureau of Soils of the Department of Agriculture was charged to find within the boundaries of the United States an adequate source for the Nation's need. This was promptly and efficiently executed. Various possible sources of potassium salts were investigated, of which several perhaps have been economic. So strikingly preeminent is one of these, however, that I am justified in passing over the others at this time, without particularizing further.

Along the Pacific coast there is a luxurious growth of marine weed, containing many species. Among these, because of the size of the individual plants and the large beds, are some three or four species locally known as "giant kelps." For years one of my constituents, Mr. David M. Balch, of Coronado, had studied certain of these giant kelps and had pointed out their great possible value. As is often the case in the history of great discoveries, Mr. Balch's work failed to attract the attention either from the popular world or the scientific world to which it was properly entitled, and it is therefore an added pleasure to record here the Nation's indebtedness to this scientific pioneer, who has reached advanced years without either material or adequate scientific recognition. It happened, however, that Mr. Balch's work was known to the scientist of the Bureau of Soils charged with the immediate supervision of the potash search, and quietly but in connection with the search in other directions the kelps were investigated.

During the summer of 1911 two preliminary surveys were made of the kelp beds on the California coast, as well as one on the Puget Sound. Another of my constituents, Prof. W. C. Crandall, a brilliant young scientist, now a prominent member of the staff of the Scripps Biological Institute of the University of California, at La Jolla, was placed in charge of one of these surveys; and so important were the results he achieved that in the following summer—1912—he was commissioned to prepare working maps of all the beds from Cape Flattery south. It is but proper to add that much assistance was rendered by many individuals, especially noteworthy being the public spirit displayed by Col. Charles Rader, of San Diego, in placing at the disposal of the governmental investigation his yacht, the *Paxinosa*, and by Prof. W. E. Ritter, director of the Scripps Biological Institute, who put at command the resources of that excellent institution.

Mapping of the kelp beds and studies of methods of utilization were continued during the summer of 1913. I am authori-

tatively informed that working maps have now been prepared for all of the commercially available kelp beds from the Cedros Islands, off the Mexican coast, to the Shumagin Island, off the Alaskan Peninsula, excepting a relatively short portion of the Alaskan coast. It appears that the area of these beds aggregates nearly 400 square miles, capable of producing annually nearly 60,000,000 tons of kelp, equivalent to about 2,000,000 tons of potassium chloride. At the present time the total imports of potash salts of all kinds are approximately a million tons, equivalent to about 400,000 tons of potassium chloride. In other words, the giant kelps of the Pacific coast can perennially yield an annual output of potassium chloride about six times the equivalent of all potassium salts now imported. It further appears that of this amazing total nearly 60 per cent would be produced on the southern California coast, so that this great national asset has a particular importance to San Diego and my constituency over and above that which it has for every place in the United States where intensive methods of farming and efficient management of the soil is practiced.

At current prices for potash salts of grades corresponding to the kelp when nearly dried this crop in the neighborhood of San Diego would have a selling price of millions for the potash content alone, and the actual selling values would rival the value of our citrus crop. It is obvious that this supply of potassium salts could not at present be marketed entirely in the United States, but the West Indies, Hawaii, and Japan are all consumers of potash salts, and all can be as conveniently and economically supplied from San Diego as from Hamburg. It appears altogether probable that pure potassium salts can be prepared from the Pacific kelps more readily and more cheaply than from any other source. But the dried kelp itself, containing an average of something more than 16 per cent potash, has been examined by a large number of fertilizer manufacturers who have, without a dissenting voice, pronounced it a most valuable and desirable raw material and given very definite assurances of an eager market for it.

Several embryo companies for the production of kelp have sprung into existence, but they are sadly in need of technical direction, and it is a most commendable work for this Congress to extend the usefulness of the Bureau of Soils by giving it the necessary authority and support to demonstrate the practicability of putting on the market kelp potash salts at figures decidedly less than the current prices determined for our farmers by a foreign government agency.

As before stated, the work of investigation and mapping is practically completed, but the very valuable results of these investigations, the working maps for the use of those who may find lucrative employment in the harvesting of the kelp, the reports of the experts and scientists who have been laboring to make possible this important industry, these are of little value until published. It appears that by very careful handling it will be possible to publish a limited edition of this material for $7,000.

This matter had been brought to my attention before I left San Diego by various persons interested, among them Prof. Crandall. After coming to Washington I took the matter up in the Bureau of Soils and through the kindness of Mr. Frank Cameron, soil chemist, was able to arrive at the facts in detail. Upon this information I introduced a bill on December 16 of last year asking for $7,000 with which to complete this work by printing and publishing the maps and reports already prepared relating to the location, extent, and other features of kelp beds on the Pacific coast. Senator Poindexter also became interested in the matter with such good effect that it became part of the agricultural bill, and in a few days will become a law, when we shall be able to send this information to the people on the Pacific coast who are ready and anxious to develop this wonderful resource.

Mr. BALTZ. Mr. Speaker, Congress appropriates millions for national defense and offense by land and sea. Millions of dollars go out for the improvement of rivers and harbors. Additional millions are freely expended for public buildings and betterments. All these lend to our sense of security, give us the satisfaction of believing we have given assistance and sustenance to our internal commerce, and add to our bump of self-esteem by way of magnificent homes for our public institutions. To my mind, however, they are of far less importance than the millions this country appropriates for that great industry—agriculture. That industry is the sole prop of the Nation.

We could exist and prosper without our Army and Navy. We could distribute the mail, dispense justice, and house our judges, our attorneys, and our police officers in less pretentious domiciles. We could lessen our financial assistance—in some degree, at least—to the water highways and still not realize it as a country for years to come. All this we could do were it necessary; but, thank the Lord, it is not. We are big enough, wealthy enough, patriotic enough to furnish the best Army, the best Navy, the best postal service, the best navigable lakes and streams in the world, and we do not propose to fall behind in any procession.

But we can not and, in recent years, have not slighted the agricultural industry. The extent of our assistance along that line has been gradually, but surely, increasing, and the necessity for this aid has now come to be generally recognized and approved. From theory and printed directions by experts we have arrived at the point of general instruction—almost individual instruction in many instances—until to-day there is hardly an important crop which has not been benefited by governmental advice and governmental appropriation. Soils have been analyzed and their owners instructed as to their improvement. Their usefulness and fertility have been extended. Lessons have been given in irrigation, in planting, in rotation of crops, until the old-fashioned farmer is amazed and sometimes distracted with what he terms "new-fangled ideas"; yet sooner or later he acknowledges their usefulness and value. Promptness, intelligence, care, industry, watchfulness, and cleanliness have been made the watchwords of the farmer, and he has grown from the one-horse chaise to the six-cylinder automobile for pleasure or business.

The agricultural environment has been improved. The Government has looked into the home of the farmer. He has been advised and instructed to good purpose. States, counties, and municipalities have entered with zeal upon systems of road building, all urged and advocated by the Government, which are of greater value to the farmer than to any other class. Now we are proposing, and I hope with success, that the Nation crown its works by deeds, make good its advice by results, and further this movement by liberal financial aid.

No other labor will so well tend to lessen the high cost of living. The production of the farms must increase in ratio as our population increases. Competition in farm produce of every kind must be keen and sharp. Bumper crops must be raised on small acreages, and the average farmer must not only be taught how to produce these crops, but to know that he is getting all that he can get from every acre, from every animal, fairly and without undue exhaustion of his resources.

People must be taught to respect and admire the profession of the farmer, for it is a profession when rightly conducted, and it has of late fallen into disrespect. Along these lines the Government is helping to attain this end. That help must be enlarged both as to sphere and quantity.

I, for one, am glad to see the appropriations for the Agricultural Department grow. That department is doing good work. It is the most helpful and useful agency for prosperity that we sustain. It has discarded theory for practicability and has shown by results secured that farming can be made not only a profession of high repute, but that the student and the practical farmer can earn for himself not alone a competence, but an independence of spirit attained by none other.

This great Nation of ours has learned much of late in this direction. It can learn more, and it will. The subject itself is not new, but modern methods and a modern Government together will place agriculture upon a plane so high that the ambitious young of this country will aspire to it as the most satisfactory and profitable profession in the world. Then will both the high cost of living and the cost of high living be solved.

[Mr. MANN addressed the House. See Appendix.]

[Mr. FOWLER addressed the House. See Appendix.]

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to print in the RECORD a brief submitted by the Homesteaders' Association of Western Washington, touching on the northern unsurveyed land grants and the difficulties a homesteader usually has in locating on the same land afterwards claimed by the railroad company.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FALCONER. Mr. Speaker, some weeks ago I received a brief submitted by the Homesteaders' Association of Western Washington. I submitted this document to the Interior Department.

Some days ago, at my request, the department returned it to me, and I now wish to print it in the RECORD.

I consider it worth while, since it presents some of the difficulties encountered by homesteaders.

It is a fact, Mr. Speaker, that many annoying features presented in this brief are made possible by the fact that railroad lands, to a large extent, are still unsurveyed.

From the homesteaders' viewpoint, the local land offices, as well as decisions of the department in previous cases, are responsible for many unnecessary embarrassments to the settler.

The scrip feature suggested in the brief will, in all probability, be subjected to close scrutiny should either of the bills referred to be considered.

BRIEF SUBMITTED BY HOMESTEADERS' ASSOCIATION OF WESTERN WASHINGTON.

Contending that Congress has the legal authority to extend to settlers in good faith who settled on lands within the primary limit of the grant to the Northern Pacific Railway Co., with the intention of making their claims their homesteads, relief, so that said settlers may be allowed to proceed to patent their claims and exercise ownership over the same.

STATEMENT OF FACTS.

There are now pending before Congress two bills, one (H. R. 2146) introduced in the House of Representatives by Hon. W. E. HUMPHREY, of Washington, the other (S. 3087) introduced in the Senate by Hon. MILES POINDEXTER, of Washington.

These bills were introduced for their passage by Congress in order that relief be granted to settlers on lands determined on survey to be within the limits of the grant to the Northern Pacific Railroad Co.

The first-mentioned bill will, if passed, be an extension of the act of July 1, 1898 (30 Stat., 597, 620), extending the provisions of said act partially. The act of July 1, 1898, provided that where a bona fide settler in good faith, under color of title, claim of right, under any law of the United States, or any ruling of the Interior Department, settled on any land within the granted or indemnity limits of the grant to the Northern Pacific Railroad Co. prior to January 1, 1898, with the intention of making the same his homestead, and where the purchaser, settler, or claimant refuses to transfer his entry, that in such case, after survey, he may proceed to patent; in this event the railroad company be given scrip for the area of land taken, or the settler might transfer his claim to land of equal area, in which event the railroad company would retain the land, but this only applied to settlers prior to January 1, 1898. As to settlers after January 1, 1898, on survey being filed and their homestead entries being filed and their bona fides being established the Secretary of the Interior would request the railroad company to relinquish the land to the settler. If the railroad company acceded to the request, the settler could proceed to patent, and in that event the railroad company would be given scrip, the relinquishment, however, as to settlers subsequent to January 1, 1898, being optional with the railroad company.

The scrip, issued under this act was limited to use "within any State or Territory into which such railroad grant extends." The extension of said act of January 1, 1898, by the Humphrey bill, if passed, will be only partial, for all settlers contemplated by said bill will be classed as subsequent to January 1, 1898, and the bill is otherwise amended so that the railroad company still has the optional right whether or not to relinquish to settlers, but in the event it refuses to relinquish the settlers will be allowed scrip, and the scrip to be allowed under the Humphrey bill and all the scrip that has heretofore been issued under the act of January 1, 1898, may be used within the State or Territory where the base land was relinquished or within the District of Alaska or the Philippine Islands, for said act provided (H. R. 2146) "that said act shall be and is hereby amended and extended so that all lieu selections made under said act may be of either odd or even sections of surveyed or unsurveyed lands of equal area of those relinquished, not mineral and not otherwise appropriated, within the State or Territory where the base land was relinquished or within the District of Alaska or the Philippine Islands as the selector may elect." So that it is very clear and apparent that this bill (H. R. 2146) is merely an attempt on the part of the Northern Pacific Railway Co. to secure aid from the United States Government in another campaign of extensive land grabbing. It is an undisputed fact, that as the law now stands, the railroad company has no market whatever for the thousands of acres of scrip it now holds in its vaults, and that the Humphrey bill if passed would enable the railroad company to use the marketless scrip it now holds with which to loot Alaska and Philippine lands. At its best the lieu land system is susceptible of great fraud, at least so Mr. HUMPHREY says, for he stated in a letter dated September 8, 1913, to Central Labor Council of Seattle, as follows:

"I have not the slightest doubt but what the Northern Pacific Railroad has received several hundred thousand acres of land from the Government in the State of Washington, for practically nothing. This was accomplished largely through what is known as the lieu land system. If it was within my power I would take every acre of this land away from the Northern Pacific Railroad and open it up to bona fide settlers, for it was practically secured by fraud from the Government."

Of course, the Humphrey bill, to the extent that the settler will under it get scrip, is a relief to the settler. But it is a gift to the railroad company more than a relief to anybody.

The Poindexter bill, if passed, would place bona fide settlers on unsurveyed railroad land which, after survey, shall have been determined to be an odd-numbered section of the Northern Pacific grant, in the same position as the bona fide settler who settled on such land prior to January 1, 1898; that is, said settler would have the optional feature whether or not to retain his claim or accept scrip. If the settler retained his claim the railroad would be given scrip. The scrip issued under this particular bill could be used within the State or Territory where the base land was located, or in Alaska or the Philippines.

The sole question between the advocates of the respective bills is to what extent can Congress extend relief to settlers without violating the constitutional rights of the railroad.

A brief résumé of some of the legislation affecting the Northern Pacific grant will not be out of place at this time.

The original granting act was the act of July 2, 1864 (13 Stat., 365), which act served the dual purpose of incorporating the Northern Pacific Railroad Co., and at the same time granting it "every alternate section of public land, not mineral, designated by odd numbers, to the amount of 20 alternate sections per mile, on each side of said railroad line, through territories, and 10 alternate section of land per mile on each side of said railroad through States, beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin, extending westerly by the most eligible railroad route to some point on Puget Sound. The grant in additional to the above also granted a right of way 200 feet wide through public lands. The charter provided among other things that the land should be surveyed and patents issue as the line progressed, and that the road shall be fully completed and equipped by July 4, 1876.

Subsequently Congress created the first and second indemnity limits, but as the settlers in question all settled within the primary limits, no further reference will be made to said indemnity limits.

Subsequent to the original granting act Congress passed a number of acts affecting the railroad and its grant. Among said acts are:

Act of May 7, 1866 (14 Stat., 355), wherein the railroad was granted an extension of two years, both for the beginning and completion of the road.

Act of April 10, 1869 (16 Stat., 57), which act granted the railroad a right of way from Puget Sound to Portland, Oreg., but no additional land.

Act of May 31, 1870 (16 Stat., 378), which authorized the railroad company to mortgage its road, lands, and corporate franchise, created the indemnity limits and provided "that all lands hereby granted to said company which shall not be sold or disposed of, or remain subject to the mortgage by this act authorized, after the expiration of five years after the completion of the entire road, shall be subject to settlement and preemption like other lands at a price to be paid to said company, not exceeding $2.50 per acre." Section 2 of said act provided, *"And be it further resolved*, That Congress may at any time alter or amend this joint resolution having due regards to the rights of said company and any other parties."

The act of July 15, 1870 (16 Stat., 305), appropriated $95,080 for the survey of the Northern Pacific lands: *"And provided further*, That before any lands granted to said company by the United States shall be conveyed to any party thereto, under any of the acts incorporating, or relating to said company, there shall be first paid into the Treasury of the United States the costs of surveying the same by the said company or the party in interest." This act to an extent acted as an amendment of the original granting act, in that in the original act was the proviso that the President shall order survey after the first 40 miles are completed, and survey as the line progresses and patents issue.

This act makes it possible for the Northern Pacific, which claims to be the absolute owner of odd-numbered sections within the primary grant, to evade local taxation in the various States into which its land grant extends, on the theory that the technical title to the land in question is still vested in the United States, and that said land is therefore exempt from taxation. At the same time the railroad by paying into the Treasury of the United States the cost of survey is entitled to patent as it claims.

The act of September 29, 1890 (26 Stat., 496), provides "That there is hereby forfeited to the United States and the United States hereby resumes title thereto of all lands granted to any State, or any corporation, to aid in the construction of any railroad opposite to and coterminous with the portion of any such railroad not now completed and in operation."

Act July 1, 1898 (30 Stat., 597, 620).

Prior to January 1, 1898, the then Secretary of the Interior erroneously ruled as to the eastern terminus of the Northern Pacific Railroad Co., which ruling, if it had been correct, threw a vast number of homesteads into the primary limits of the grant. Subsequent to the ruling that part of the grant which had been declared erroneously not to be in the grant was taken up by homestead claimants, resulting in land that the Northern Pacific clearly was not entitled to and on which homesteaders prior to the ruling had settled upon, being declared by the Interior Department to be the property of the Northern Pacific, and also land that the Northern Pacific was entitled to being settled upon by homestead claimants and their patents allowed by the Interior Department.

Clearly this state of affairs could not long continue. In addition to the confusion of claimants at the eastern terminus, many claimants all along the line from Lake Superior to Puget Sound had settled on unsurveyed land in good faith with homestead intentions. This resulted in the passage of the act of July 1, 1898. This act provides that where, prior to January 1, 1898, "the whole or any part of an odd-numbered section" of Northern Pacific land has been purchased from the United States, or settled upon, or claimed in good faith, or claimed in good faith by any qualified settler under color of title or claim of right under any law of the United States or any ruling of the Interior Department, and where the settler refuses to relinquish, that the Northern Pacific will be required to relinquish and accept lieu land, or such settlers, if they so desire, may transfer their claims to other lands. It must be remembered that this part of the act applies to settlers who settled prior to January 1, 1898. None of the settlers whose relief is contemplated by either the Humphrey or Poindexter bill come within this provision.

But as to settlers subsequent to January 1, 1898, the act provides as follows: *"And provided further*, That whenever any settler shall in good faith make settlement in pursuance of existing law upon any odd-numbered section of unsurveyed public lands within the said railroad grant to which the right of said railroad grantee or its successor in interest has attached, then upon proof thereof satisfactory to the Secretary of the Interior and a due relinquishment of the prior railroad right, other lands may be selected in lieu thereof by said railroad grantee or its successor in interest, as hereinbefore provided, and patents shall issue therefor."

The act of March 2, 1899 (30 Stat., 993), created the Mount Rainier National Park, and paragraph 3 thereof gave the Northern Pacific the right to select lieu land in place of the thousands of acres of scenery within the odd-numbered sections.

The act of March 2, 1901 (31 Stat., 950), extends the act of July 1, 1898, so as to adjust differences in the indemnity limits, where lands patented were embraced in a pending indemnity selection.

The act of May 17, 1906 (34 Stat., 197), extends the act of July 1, 1898, and March 2, 1901, to include bona fide settlers subsequent to January 1, 1898, and prior to May 31, 1905. Under this act all lieu selections were to be confined within the State where private holdings were located. This act was conditioned upon the acceptance of the Northern Pacific.

Acts other than those quoted affecting the Northern Pacific grant were enacted by Congress, but only in the act of May 17, 1906, was the taking effect of the act conditioned on its acceptance by the Northern Pacific. In all other instances Congress acted without conditions as to acceptance of acts by the Northern Pacific.

It is the contention of this association that Congress has always had the power and has always assumed the power to alter, add to, amend, and repeal the provisions of the act of July 2, 1864, as per section 20 of said act, and the legislation subsequent to the charter bears out this contention.

How these settlers who settled on land subsequent to January 1, 1898, came to go on said land.

These men were all hardy pioneers and, hearing of unoccupied, unsurveyed land within the Seattle land-office district (and elsewhere), all went to see the land and while there met settlers in the vicinity

who had been inquiring of the local land-office officials, and some of whom had letters from the then Secretary of the Interior, and on the advice of such letters and such local land-office officials and land attorneys located on said claims, intending to make their homesteads. Many of these men were married and took their families; in numbers of instances settlers have lost by death members of their families and buried the dead on their homesteads, as is typical of pioneers. These men were all assured by land-office officials, land attorneys, and by letters from the Land Commissioner that they were within their rights, and that on filing of survey they would be allowed to make their election under the act of July 1, 1898, and they were assured that settlers in good faith locating on unsurveyed land within the primary limits of the grant to the Northern Pacific would have prior right over the railroad company, and that on survey they would be permitted to make their entry and proof, and that the railroad company would be requested to relinquish the lands so settled upon.

These men thereupon went on their claims, improved the same, built the usual houses and outbuildings, and, in a number of instances, built several miles of trails, one settler even contributing $250 toward a community bridge over a turbulent stream, in addition to providing labor thereon. As the law then stood and now stands, these settlers must stay on their claims, living thereon as their homesteads, improve and cultivate the same, intending to make the same their homesteads, until the survey is filed, and then, and not until then, could their homestead entry be filed. In some instances this happened a short time after filing, but in the majority of instances from 8 to 10 years or even longer elapsed before the survey was filed, and many settlers even now have not filed, because the survey of their claims has not been filed. On the filing of their homestead entry contests were promptly entered by the railroad company, and on such contests the settlers have invariably lost out, the precedent of Northern Pacific Railway Co. v. Violette (36 L. D., 162) being cited to them. The Violette case being a decision of the General Land Office that as to settlers located on land subsequent to January 1, 1898, it was optional with the railroad claimant whether or not to relinquish the land. To give an idea of how practically all of these settlers were misled, affidavits of a few of them will be set out.

Affidavit.

STATE OF WASHINGTON, *County of King, ss:*

I, G. A. Schultheiss, being duly sworn, on oath depose and say that I am a citizen of the United States of lawful age and my post-office address is Baring, Wash., and qualified to make homestead entry. I did on the 22d day of May, 1908, make homestead entry on unsurveyed land, which since survey has been described as the northeast quarter of the southeast quarter and lots 7, 8, 9 of section 1, township 26 north, range 10 east, Willamette meridian; that before making settlement on said land, about the latter part of March, 1908, I called to see Joseph Gregory, a land attorney of Seattle, Wash., and I was handed a decision by said Gregory and was informed by him that the decision was the latest decision of the highest court, and that this decision held that when a settler made settlement on unsurveyed land within the limits of the grant to the Northern Pacific Railroad Co., and that when the land was surveyed and found to be railroad land, that it was mandatory for the railroad company to accept scrip in lieu of land settled upon, and at that time said Gregory went with me to the land office and showed the aforementioned decision to Frank Twitchell, receiver of the United States land office at Seattle, Wash., and at that time said Gregory and Twitchell had some discussion whether the decision applied to the land I was contemplating making settlement upon, and after looking at said decision said Twitchell informed me that there was no such thing as unsurveyed railroad land and that it all belonged to the Government until patented and that anyone settling thereon prior to survey would have a prior right over the railroad company. I was given the circular of the General Land Office approved February 14, 1899, containing regulations under the act of July 1, 1898 (30 Stats., 597, 620), and I thereafter read said circular most carefully, paying particular attention to the interpretation placed upon said act in said circular by the Commissioner of the General Land Office, and I particularly noted paragraph "B," and I believed that the interpretation placed upon said act in said circular to be the law, and I relied on this circular and believed I had a right to make settlement on said land and that I would eventually obtain entry of said land when open for entry, and after I settled on the land I was in the land office several times and talked with Henry Smith, register of the land office at Seattle, and I was informed by him that the land on which I had settled was within the grant of the Northern Pacific Railway Co., and said Smith informed me that there had never been a case to his knowledge where the railroad company had refused to relinquish said land in favor of a settler when requested to do so by the Government, and I believed in and relied on the circular of February 14, 1899, and the advice given to me by Joseph Gregory, the attorney, and the information received from the register and receiver of the land office at Seattle in making settlement upon and continuing my residence and improvement of the land above described.

Since the date of the settlement I have made said land my home and have lived upon the land continuously and have constructed improvements thereon of the value of about $1,400; that my improvements consist of a house 18 by 24 feet, woodshed 18 by 20 feet, root house 8 by 10 feet, 36 apple trees, berry bushes of all kinds, and I built about 1 mile of trail and have one acre cleared.

After the land was surveyed and open for entry I made homestead application to enter said land, and my entry was rejected by the register and receiver of the land office at Seattle, and I perfected my appeal, and the Department of the Interior has made demand on the Northern Pacific Railroad Co. to relinquish said land in my favor, which said company has declined to do, and now my entry is held for rejection, and I have lost all my time, toil, and money in attempting to acquire this land and now find myself practically destitute because of the erroneous advice, misinformation, and misinterpretation of the law, received as set forth by me herein.

G. A. SCHULTHEISS.

Subscribed and sworn to before me this 20th day of May, A. D. 1913.

J. E. ALLISON, *Notary Public.*

Affidavit.

STATE OF WASHINGTON, *County of King, ss.*

Gustav A. Schaeffer, being first duly sworn according to law, deposes and says: I settled on the northwest quarter of section 23, township 27 north, range 9 east, Willamette meridian, the same being in Seattle district; said settlement being made on April 18, 1904, and being made with view to occupation as a homstead in good faith. Said land was at the time of settlement unsurveyed; that the survey thereof was filed in the land office on or about April 18, 1912; that I filed my homestead application on April 18, 1912, in the local land office at Seattle, Wash.; that I am married and have lived and resided on said land continuously from April 18, 1904, to the present time and have made said place my home, my improvements being about $1,800 in value; that I have cleared 1 acre of land and have the same under cultivation, have a three-room house 14 by 24, with addition, 12 by 14, large woodshed, root house, 24 fruit trees set out, and about 100 fruit trees in nursery on said land, have built trail and spent about $395 in contributing to settler's bridge, built to enable settlers to cross Skykomish River, and, in addition thereto, contributed labor thereon; that I was induced to go on said land by reason of a letter from the honorable Secretary of the Interior dated March 31, 1904, and official circular of the General Land Office approved February 14, 1899, being led to believe by local land office officials and said official circular that if I settled on said land prior to survey with the view of making a homestead entry and otherwise complied with the homestead laws, my right would be superior to the right of the Northern Pacific Railway Co., and that said railroad company would be requested to relinquish said land, the direct inference in said circular and the assurances of local land office officials being that said request was mandatory on the railway company, and that the relinquishment by it of my claim would necessarily follow; that my homestead entry was filed as soon as the same could be lawfully filed, and I received no notice from my said application until on or about ——— I received a notice from my attorney, Joseph Gregory, of Seattle, Wash., inclosing a copy of letter from General Land Office that the Northern Pacific Railway Co. had refused to relinquish, and that my claim was held for rejection, and that I was not advised by my said attorney as to my rights; that I did not know that said letter was a rejection of my claim, and that my said attorney did nothing beyond mail the same to me; that by reason of the failure of my said attorney to advise me of my rights my time of appeal has inadvertently gone by, and I am now without relief except as Congress may in its wisdom deem fit to grant me. Further affiant saith not.

GUSTAV A. SCHAEFFER.

Subscribed and sworn to before me March 3, 1914.

HOWARD H. STARTZMAN,
Notary Public in and for the State of Washington, residing at Seattle.

Affidavit.

STATE OF WASHINGTON, *County of Spokane, ss:*

I, Arthur T. O'Neil, being first duly sworn, on oath depose and say that I am now and at all time herein mentioned was a citizen of the United States of America, over the age of 21 years, and qualified to make homestead entry on Government land; that my home and post-office address is Baring, Wash.; that on or about September 7, 1909, I made homestead settlement of unsurveyed Government land located in the county of King, State of Washington, which land has since been surveyed and described as the south one-half of the south one-half of section 3, township 26 north, range 10 east, Willamette meridian.

That prior to making said homestead settlement, and on or about August, 1909, with one David J. Johns (homestead settler on adjoining land) I consulted with one Joseph Gregory, a land attorney of Seattle, Wash., and was advised by said attorney that a settler, making homestead settlement on unsurveyed land which a survey later locates as an odd-numbered section of land within the limits of the grant to the Northern Pacific Railway Co., would be protected, and that it was mandatory for said railway company to accept scrip in lieu of land so settled upon; that said attorney at that time supported his opinion by a decision represented to be the latest decision by the highest court. That both prior to and after said settlement I consulted the register and receiver of the United States land office at Seattle, Wash., and was informed by said register and receiver that all land prior to survey was Government land, and a party making bona fide settlement prior to survey would have prior right over the railway company, in the event that survey located said settled land on an odd-numbered section within the grant to the railway company. I was further given a circular from the General Land Office, supporting the advices and opinions so given me.

That I believed the information and advice as given me by said attorney, the register and receiver of the land office, and as contained in the said circular of the General Land Office, and in reliance thereon, and in good faith, I made homestead settlement of said land. That I have made improvements thereon of the value of about $700; said improvements consist of house, 14 by 16 feet; shed, 12 by 14 feet; garden patch; cleared 1 acre of land and about 3 miles of trail. That I have made said land my home since the date of settlement, and lived thereon continuously until the latter part of January, 1913, with the exception of short intervals, when it was necessary for me to seek and obtain employment in the mill and stores at Baring, Wash., a station on the Great Northern Railway. Located about one-half mile on air line from the nearest corner of said land and about 4 miles by road and trail from the buildings situate thereon. That about the latter part of January, 1913, after the rejection of my said homestead entry, and after appeal taken to the Department of the Interior, upon the advice of my attorney of record, Edwin H. Flick, Seattle, Wash., I came to Spokane, under the necessity of earning a livelihood, and am temporarily employed in Spokane pending the outcome of said appeal and litigation.

That after said land was surveyed and opened for entry, I made homestead application to enter said land, and my said entry was rejected by the register and receiver of the United States land office at Seattle, Wash., from which rejection I have appealed to the Department of the Interior, demands has been made by said Interior Department upon the Northern Pacific Railway Co. to relinquish said land in my favor, which the said railway company has refused to do. If my said entry is finally rejected and refused, I will have lost all my time, toil, and money in a bona fide attempt to acquire this land under the homestead laws and acting upon the reliance of the information and advice given me, as aforesaid.

ARTHUR T. O'NEIL.

Subscribed and sworn to before me by the said Arthur T. O'Neil this 27th day of May, 1913.

E. J. BARKER,
Notary Public in and for the State of Washington, residing at Seattle.

Following is one of the letters written to these settlers, which, together with the matters set forth in the affidavits, induced settlers to go on and improve their claims:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 16, 1907.

Dr. E. E. BECKETT,
355–357 Lumber Exchange, Seattle, Wash.

SIR: Answering your letter of March 16, 1907, respecting settlement of your brother on NW. ¼, Sec. 17, T. 26 N., R. 11 E., Washington, I advise you that said tract is unsurveyed land within the primary limits of the Northern Pacific Railroad grant upon definite location of December 8, 1884, at which date its right vested; that the temporary withdrawal of the land, March 18, 1905, for forest reserve did not affect the company's right; and that the land was released from said reservation July 6, 1905.

Therefore, if your brother located on the land since the definite location of the road and prior to the survey in the field of the land in question, he may, when the plat of the survey becomes filed in the local land office, submit his homestead application, with election under act of July 1, 1898, to retain the land (forms of which will be furnished by the district officers on request), upon which, if found correct, the railroad company will be requested to relinquish its rights to the land.

Very respectfully,

R. A. BALLINGER, *Commissioner.*

The letter referred to in the affidavit of G. A. Schaeffer is set out below.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 31, 1904.

G. A. SCHAEFFER, Esq.,
Index, Wash.

SIR: In reply to your letter of March 15, 1904, asking if it is safe to settle on Sec. 23, T. 27 N., R. 9 E., Washington, I advise you that said section appears to be an unsurveyed section within the primary limits of the grant to the Northern Pacific Railroad (now Railway) Co., and that the right of the company attached thereto on definite location of the road, September 4, 1884, but provision is made by act of July 1, 1898, respecting settlements on such lands subsequent to January 1, 1898.

I inclose a copy of circular issued under said act, and invite your attention to the parts marked on pages 4 and 6 thereof.

The office regrets that it can not at present send you a copy of circular relating to public lands, as you request, as the supply is exhausted, but will forward same so soon as a new edition is received.

Very respectfully,

J. MACEY, *Acting Assistant Commissioner.*

Now, none of these settlers were lawyers or versed in the law, and were all of that class of men who are not versed in the intricacies of the law or in the subtle meanings it places on words and phrases, and when they read in an official circular of the General Land Office that the act of July 1, 1898, makes special provision for settlers who located on land after January 1, 1898, and that their claims, as stated in paragraph 6 of said circular, are placed on the same footing as prior settlers, except that they did not have the right to relinquish and select other lands in lieu of the land settled upon. And they read further that they must continue their settlement of said land until survey is filed in the local land office, and that after survey, and not until then, they must file their homestead entry; and, as stated in paragraph 23 of said official circular, that on the transmission to the railroad company of lists of land to be relinquished that the company will be required to relinquish.

All of the foregoing is set out in such detail to show the bona fides of these settlers. They went on the land in good faith, and intended to make the same their home, and did make the same their home.

Now the equities are with the settlers. The railroad company at any time since September, 1884, by paying the cost of survey, could have secured patents to their lands. But, no; because land in private ownership is a subject of taxation, and is subject also to adverse possession, the railroad company, by the failure to insist on the issuance of patents to it, has taken advantage of the technical title to the land vested in the United States Government to allow this state of affairs to continue. For instance, the railroad company claims that it is the real owner of odd-numbered sections within the grant, but that it is not the technical owner for the reason that the legal title is in the Government, and that said lands can not be taxed, because you can not tax the Government; and no one can acquire adverse title, because the Government is not subject to the statute of limitations.

It is a matter of elementary law, and unnecessary to cite authorities, that as to the Government the statute of limitations does not run; but if said Government legislates along that line, then it would be subject to adverse titles, the same as individuals. There can be no question that the Government can pass a statute of limitation as to privately owned property, nor can there be any question as to the authority of the Government to pass a statute of limitations making land, the legal title of which is vested in the Government, but the beneficial interest, vested in private parties, subject to adverse claims.

Now, here is the state of affairs: In vast stretches of territory along the line of the Northern Pacific every odd-numbered section within the grant is or was the property of the Northern Pacific, as claimed by it. Vast numbers of sections remain undisposed of by it. In the State of Washington every alternate section of a strip of land 80 miles wide, running in a general easterly and westerly direction, was Northern Pacific land. The even-numbered sections, except such as have been declared in the forest reserves, have been taken up by homesteaders; the odd-numbered sections, unsurveyed and unoccupied, were gradually taken up by settlers intending to make the same their homesteads. It is a matter of common knowledge that the Northern Pacific had knowledge of all this, and can tell to within a few days just when each of its claims was settled on, for the reason that it has constantly had its inspectors and cruisers going through its land all the time. Now the railroad company claims the beneficial interest in this land, yet it would be the first to also claim that as the title is still in the Government, limitations will not run against it. Schaeffer has been on his land 10 years, Schultheiss 6 years, O'Neil 7 years, and many others whose claims are not yet surveyed have been on still longer. The railroad company knew they were on these claims, knew they were claiming them as their homesteads, and in all cases allowed their claims to go unchallenged until they filed their homestead entries; and as to the claims still unsurveyed, the railroad company makes no effort of any kind to get the settlers off.

These settlers are American citizens; they have a right to homestead claims under the laws; they located in good faith on unsurveyed, unoccupied public land of the United States; they were advised by land attorneys, land-office officials, land commissioners of the United States, and the official circular issued by the General Land Office itself that they were entitled to their entries, provided they otherwise maintained their residence and performed the necessary acts in improving, etc. As to their good faith there can be no dispute. Neither can there be any successful contradiction that they were misinformed by the Government itself. On the other hand, the railroad company knowingly allows them to locate on the land, build homes thereon, build trails, clear the land, plant fruit trees, and do other things usually done by farmers in working their places.

The Northern Pacific claims that the grant to it was a grant in præsenti. It has been held that the grant was a grant in præsenti with condition subsequent. The Government has always assumed the authority to legislate in reference to the grant without the consent of the railroad. And clearly the Government has the right to legislate similar to the act of July 1, 1898.

But, aside from all that, if it can be successfully urged that the Poindexter bill is objectionable as to form, as a proposition of law the Government has the strict right to pass such act as will give the settlers their claims, said act being in the nature of a statute of limitations running against the railroad company.

The settlers realize that as the law now stands and as the General Land Office according to its precedents now rules, they are apparently without relief excepting such relief as Congress extends to them by appropriate legislation.

Everything in the power of Congress should be done for these settlers; justice and equity demands it; and the high respect with which the Government at Washington is held by these homesteaders should not be lowered by failure to do everything that it is right in the premises to do for these homesteaders.

Respectfully submitted.

HOMESTEADERS' ASSOCIATION OF WESTERN WASHINGTON,
610 New York Building, Seattle, Wash.

CONFERENCE REPORT—LEGISLATIVE APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the legislative appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the Clerk read the statement in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 893).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 32, 35, 36, 44, 45, 46, 50, 62, 64, 66, 67, 68, 69, 97, 99, 104, 105, 106, 107, 108, 128, 129, 130, 131, 133, 134, 135, 138, 139, 140, 141, 145, 157, 162, 163, 164, 165, 166, 170, 171, 172, 173, 174, 175, 181, 184, 188, 199, 200, 201, 209, 210, 213, 214, and 235.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 31, 34, 38, 39, 40, 41, 42, 49, 51, 54, 55, 56, 57, 58, 59, 60, 61, 63, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 100, 102, 103, 109, 126, 132, 136, 142, 143, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 161, 167, 178, 179, 180, 183, 185, 186, 187, 189, 190, 192, 193, 194, 196, 197, 198, 202, 203, 205, 206, 207, 208, 211, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, and 233, and agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,405"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "General Supply Committee: Superintendent of supplies, $2,250; clerks—1 of class 4, 1 of class 3, 3 of class 2, 2 of class 1; 12 temporary clerks for four months, at $75 each per month; in all, $15,850"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,520"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "janitor service for the executive mansion and office building, not to exceed $1,200"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,150"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$376,620"; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: On page 76 of the bill, line 3, strike out the words "Toward the" and insert in lieu thereof the word "For"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,316,890"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment, as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That not to exceed $25,000 of this fund shall be used for the purposes above indicated"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$463,630"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

The committee of conference have been unable to agree on amendments numbered 1, 20, 28, 29, 30, 33, 43, 47, 48, 52, 76, 78, 79, 85, 101, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 212, 218, 219, 220, and 234.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18: Appropriates for officers and employees of the Senate, as proposed by the Senate.

On amendments Nos. 19, 21, 22, 23, 24, and 25, relating to contingent expenses by the Senate: Appropriates for the various items, as proposed by the Senate, with the exception of the "expenses of inquiries and investigations," which is appropriated for at $25,000, as proposed by the House, instead of $50,000, as proposed by the Senate; and provides for the removal of unused documents and patent models now stored in the Capitol Building, the Senate or House Office Buildings, to some building on reservation No. 13 and makes the Superintendent of the Capitol Building and Grounds custodian of the building so selected.

On amendments Nos. 26 and 27, relating to the Capitol police: Appropriates for a lieutenant at $1,200 instead of a special officer at $1,200.

On amendments Nos. 31 and 32, relating to the House of Representatives: Corrects the date of approval of resolution authorizing the services of a special employee and appropriates $75,000, as proposed by the House, instead of $37,500, as proposed by the Senate, for "miscellaneous items."

On amendments Nos. 34, 35, 36, and 37, relating to employees for care of the Library Building and grounds: Increases the compensation of 16 watchmen from $720 to $900 per annum each, as proposed by the Senate, and strikes out two additional wiremen at $840 each and the decrease of two skilled laborers at $720 each, proposed by the Senate.

On amendments Nos. 38, 39, 40, 41, and 42, relating to the Civil Service Commission: Increases the salary of the chief examiner from $3,000 to $3,500; increases the appropriation for the system of efficiency ratings from $15,000 to $30,000; appropriates $11,190 for examination of fourth-class postmasters and $5,700 for field examiners; all as proposed by the Senate.

On amendments Nos. 44, 45, and 46, relating to the Department of State: Strikes out the two additional clerks at $1,800 and the increase in the compensation of 18 clerks from $900 to $1,000 each per annum proposed by the Senate.

On amendments Nos. 49, 50, and 51, relating to the office of the Secretary of the Treasury: Increases the compensation of the clerk to the Secretary from $2,500 to $3,000, and the compensation of the Government actuary from $2,250 to $2,500; and strikes out the additional executive clerk at $2,400.

On amendment No. 53: Appropriates for the General Supply Committee, as proposed by the Senate, with the exception of 12 temporary clerks, which are provided for at $75 per month each for four months, instead of at $900 each for four months.

On amendments Nos. 54 and 57: Increases the compensation of the assistant chief of the Division of Appointments from $2,000 to $2,250, as proposed by the Senate.

On amendments Nos. 55, 56, 58, and 59: Changes the designation of the "Division of Surety Bonds" to "Section of Surety Bonds," as proposed by the Senate.

On amendments Nos. 60 and 61: Increases the compensation of the Assistant Chief of the Division of Public Moneys from $2,000 to $2,500, as proposed by the Senate.

On amendments Nos. 62, 63, 64, and 65, relating to the Division of Printing and Stationery: Strikes out the additional clerk at $1,600 and the additional laborer at $660, proposed by the Senate, and increases the pay of the bookbinder from $1,250 to $1,400, as proposed by the Senate.

On amendments Nos. 66, 67, and 68, relating to the office of the disbursing clerk: Strikes out the reduction proposed by the Senate in the pay of a clerk from $1,400 to $1,000.

On amendment No. 69: Strikes out the appropriation of $500, proposed by the Senate, for law books for the Comptroller of the Treasury.

On amendment No. 70: Inserts the appropriation of $14,000, proposed by the Senate, for the tabulation of accounts and vouchers in the office of the Auditor for the Interior Department.

On amendments Nos. 71 and 72, relating to the office of the Auditor for the Post Office Department: Inserts authority for the use of $24,840 for payment of employees absent on leave, and the unexpended balances of appropriations resulting from vacant positions to employ persons to tabulate the accounts and vouchers of the Postal Service, as proposed by the Senate.

On amendments Nos. 73, 74, and 75, relating to the Treasurer's office: Transfers an additional clerk at $900 and a clerk at $1,400 from the office of the assistant treasurer at San Francisco, as proposed by the Senate; and increases the appropriation for labor-saving machinery and tabulating equipment from $6,000 to $10,000.

On amendment No. 77: Increases the appropriation for special examination of national banks and bank plates for the office of the Comptroller of the Currency from $4,800 to $6,500.

On amendments Nos. 80 and 81: Increases the pay of the civil engineer in the Life-Saving Service office from $1,800 to $2,250, as proposed by the Senate.

On amendment No. 82: Corrects a total in the bill.

On amendments Nos. 83 and 84: Provides, as proposed by the Senate, for an examiner at $3,000 in the office of the Director of the Mint.

On amendments Nos. 86, 87, 88, and 89, relating to the office of the Surgeon General of the Public Health Service: Increases the pay of the chief clerk from $2,000 to $2,250; provides for

an additional clerk at $1,200 and a telephone operator at $720; all as proposed by the Senate.

On amendments Nos. 90, 91, 92, 93, 94, 95, and 96, relating to contingent items for the Treasury Department: Provides that the appropriations to be transferred from the amounts for public buildings to the stationery fund shall be taken entirely from "General expenses of public buildings"; inserts authority for the purchase of financial journals; appropriates $11,350 for the rent of buildings; appropriates $20,000 for investigation and experimentation and to secure better methods of administration in the Treasury Department; provides for the removal of the Bureau of Engraving and Printing from the "old building" it has occupied; and strikes out the word "absolutely" in the appropriation for miscellaneous items.

On amendments Nos. 97, 98, 99, and 100, relating to the collection of internal revenue: Strikes out the increase in the appropriation for salaries of collectors, deputy collectors, surveyors, etc., from $2,150,000 to $2,189,700; increases the number of collection districts from 63 to 64; strikes out the provision for a stamp deputy, at $600, at Portland, Me.; and inserts authority for the employment of a chief of division in the Income Tax Division, at $3,500, instead of one now employed at $2,500.

On amendments Nos. 102 and 103, relating to the office of the assistant treasurer at San Francisco: Strikes out a clerk at $1,400 and one at $900, the same having been transferred to the office of the Treasurer of the United States, as indicated at another place in the bill.

On amendments Nos. 104, 105, and 106, relating to the mint at Denver, Colo.: Strikes out the increases proposed by the Senate in the salary of the private secretary from $1,200 to $1,400 and in the appropriation for incidental and contingent expenses from $35,000 to $40,000.

On amendments Nos. 107, 108, and 109, relating to the assay office at Seattle, Wash.: Strikes out the additional clerk at $1,600 proposed by the Senate and increases the appropriation for wages of workmen from $15,000 to $17,000.

On amendments Nos. 125, 126, and 127, relating to the Territory of Alaska: Appropriates $1,200 for janitor service in the executive mansion and office building instead of $2,100 proposed by the Senate, and inserts authority for the purchase of water.

On amendments Nos. 128, 129, and 130, relating to the Territory of Hawaii: Appropriates for the governor at $7,000 and the secretary at $4,000, instead of $6,000 and $3,500, respectively, as proposed by the Senate.

On amendment No. 131: Strikes out the language inserted by the Senate defining the duties of the assistant and chief clerk of the War Department.

On amendments Nos. 132, 133, 134, 135, 136, and 137, relating to the office of the Quartermaster General of the Army: Changes the designation of the office to conform to existing law; strikes out the increase proposed in the salary of a draftsman from $1,600 to $1,800 and of a civil engineer from $1,800 to $2,000; and increases the pay of the electrical and mechanical engineer from $2,000 to $2,250.

On amendments Nos. 138, 139, 140, and 141, relating to the Bureau of Insular Affairs: Strikes out the increases proposed by the Senate of the pay of four clerks from $1,800 to $2,000 and restores a clerk at $1,000, stricken out by the Senate.

On amendment No. 142: Provides for horses and wagons and horse-drawn passenger vehicles for the War Department, as proposed by the Senate.

On amendment No. 143: Inserts authority for the purchase of scientific periodicals for use of the Office of Public Buildings and Grounds.

On amendments Nos. 144, 145, and 146, relating to the State, War, and Navy Department Building: Appropriates $85,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for renovation of the plumbing system; strikes out the appropriation of $5,000 proposed by the Senate for purchase and maintenance of automobile trucks, and appropriates $32,000 for rewiring the rooms, as proposed by the Senate.

On amendments Nos. 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, and 161, relating to the Navy Department: Provides for an additional clerk at $1,400, in the office of the Secretary; increases the pay of a clerk from $1,600 to $1,800, in the office of the Naval Records of the Rebellion; increases the pay of an electrotyper and chart-plate maker in the Hydrographic Office from $1,200 to $1,400; authorizes the purchase of books of reference in the Hydrographic Office and in the Naval Observatory; appropriates $7,000, as proposed by the House, for pay of computers in the Nautical Almanac Office; provides for two additional messenger boys, at $600 each, in lieu of two laborers at that pay, in the Bureau of Supplies and Accounts; and provides for the Division of Naval Militia Affairs, as proposed by the House, and authorizes additional thereto the expenditure of $2,600 for miscellaneous items in that division, as proposed by the Senate.

On amendments Nos. 162, 163, 164, 165, 166, and 167, relating to the office of the Secretary of the Interior: Strikes out provision for an assistant superintendent of the Patent Office, at $1,200, proposed by the Senate, and provision for a machinist, at $1,400, instead of a fireman, at $720, in the old Post Office Department Building, and makes a correction in the text of the bill.

On amendments Nos. 170, 171, 172, 173, 174, and 175: Strikes out the increases proposed by the Senate in the clerical force in the General Land Office.

On amendments Nos. 178 and 179: Provides for an additional force of five special examiners at $1,300 each, and appropriates $6,000 for adding machines and other furnishings in the Pension Office, as proposed by the Senate.

On amendments Nos. 180, 181, 182, 183, and 184, relating to the Patent Office: Appropriates for a chief clerk who shall be qualified to act as principal examiner at $3,000 instead of a chief clerk at $2,500; strikes out the appropriation of $10,000 for temporary employment of typewriters; authorizes the purchase of reference books and publications; and appropriates $2,500, as proposed by the House, instead of $4,500, as proposed by the Senate, for the library.

On amendments Nos. 185, 186, and 187, relating to the Bureau of Education: Appropriates $5,700, as proposed by the Senate, for investigation of school and home gardens; authorizes employment of personal services out of the appropriations for collecting statistics and educational documents.

On amendments Nos. 188 and 189, relating to the contingent fund of the Interior Department: Strikes out provision for horse-drawn vehicles for the use of the Secretary and provides for the repair of vehicles of the department.

On amendment No. 190: Authorizes temporary detail of clerks from the office of one surveyor general to another.

On amendment No. 191: Authorizes the use of $25,000 for office work out of the appropriation made by the act of 1895 for the survey of railroad land grants.

On amendments Nos. 192, 193, and 194: Appropriates for an additional clerk at $2,000 in the Division of the Solicitor for the Post Office Department.

On amendments Nos. 196, 197, 198, 199, 200, 201, 202, 203, 204, and 205, relating to the Department of Justice: Increases the salaries of six Assistant Attorneys General from $5,000 to $7,500 each; provides for a "Solicitor" instead of an "Assistant Attorney General" for the Department of the Interior; changes the title of the "Assistant Attorney General" for the Post Office Department to that of "Solicitor"; restores to the bill the provision prohibiting additional legal services in connection with condemnation proceedings; strikes out the proposed increase in the salary of one attorney from $3,250 to $3,500; provides for a clerk to the Attorney General at $1,800 and for an additional law clerk at $1,800; and provides for "vehicles" for the department instead of "wagons."

On amendments Nos. 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, and 217, relating to the Department of Commerce: Provides for an additional skilled laborer at $720 in the Office of the Secretary; appropriates $173,000, as proposed by the Senate, instead of $175,000, as proposed by the House, for special attorneys and other special employees in the Bureau of Corporations; appropriates $835,000, as proposed by the House, instead of $925,000, as proposed by the Senate, for securing information for census reports; appropriates $75,000, as proposed by the House, instead of $85,000, as proposed by the Senate, to further promote and develop the foreign and domestic commerce of the United States, and authorizes the employment of an editorial assistant at $2,000 and an editorial clerk at $1,600, as proposed by the Senate; strikes out the proposed increase of two assistant steamboat inspectors, at $1,600 each, at Seattle, proposed by the Senate; appropriates $6,000, instead of $5,000, as proposed by the House, and $7,000, as proposed by the Senate, for contingent expenses of the shipping commissioner's office in New York; appropriates $20,000, as proposed by the Senate, instead of $15,000, as proposed by the House, for enforcement of navigation laws; and strikes out the provision, proposed by the House, authorizing rental for the Bureau of Labor Statistics from the appropriation for rent for the Department of Commerce.

On amendments Nos 221, 222, 223, 224, 225, 26, 227, 228, 229, 230, 231, and 232, relating to the Department of Labor: Authorizes an executive clerk at $2,000 for the commissioners of conciliation; increases the per diem allowance for special agents in the Bureau of Labor Statistics from $3 to $4 and strike out

the provision for experts and temporary assistance for service in the District of Columbia; provides for an additional clerk at $1,400, one at $1,200, one at $1,000, and one at $900 in the Bureau of Immigration; provides for the additional employees and subsistence and traveling expenses for the Children's Bureau, as proposed by the Senate; and appropriates $13,500, as proposed by the Senate, instead of $12,000, as proposed by the House, for rent.

On amendment No. 233: Limits the prices for typewriting machines for Indian schools and schools of the District of Columbia to the lowest prices heretofore paid therefor.

On amendment No. 235: Restores section 6, permanently fixing the salaries of officers and employees provided for in the bill.

The committee of conference have been unable to agree on the following amendments:

On amendments Nos. 1 and 30: Providing for the mileage of Senators and Representatives.

On amendment No. 20: Providing for the purchase of automobiles for the Vice President and Speaker.

On amendments Nos. 28 and 29: Providing for a stenographer at $1,000 for the Joint Committee on Printing.

On amendment No. 33: Providing $25,000 for a legislative reference division in the Library of Congress.

On amendments Nos. 43 and 47: Providing for an assistant to the Secretary of State at $4,500.

On amendments Nos. 48 and 52: Providing for an assistant to the Secretary of the Treasury at $4,500.

On amendment No. 76: Providing for payment to Thomas P. Kane of the difference in the compensation of the Comptroller of the Currency and the Deputy Comptroller of the Currency, during the period he acted as Comptroller of the Currency.

On amendments Nos. 78 and 79: Providing for an increase of $500 in the pay of the Commissioner of Internal Revenue.

On amendment No. 85: Providing for an increase of $20,000 in the appropriation for freight on bullion and coin.

On amendment No. 101: Providing for an increase of $500,000 in the appropriation for the collection of the income tax.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124: Providing appropriations for operation of the mint at Carson, Nev., and the assay offices at Boise, Idaho, Deadwood, S. Dak., Helena, Mont., and Salt Lake City, Utah.

On amendments Nos. 168 and 169: Providing for three members of a board of appeals at $4,500 each in the office of the Solicitor for the Department of the Interior.

On amendments Nos. 176 and 177: Providing for an Assistant Commissioner of Indian Affairs at $2,750.

On amendment No. 195: Providing for the custodian force of the new post office at Washington City.

On amendment No. 212: Providing $100,000 for "commercial attachés" in the Department of Commerce.

On amendments Nos. 218, 219, and 220: Providing an additional amount for rent for the Department of Commerce.

On amendment No. 234: Providing for the regulation of the use of motor-drawn and horse-drawn passenger-carrying vehicles for all branches of the public service.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MANN. Will the gentleman from South Carolina yield for a question?

Mr. JOHNSON of South Carolina. Yes; with pleasure.

Mr. MANN. I notice that in Senate amendment No. 7 it provides that all Senate resolutions passed prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate are hereby repealed.

Does the gentleman think that Congress can repeal a resolution of the Senate, or that the House has anything to do with a resolution of the Senate, or that the Senate might have inserted an amendment repealing a House resolution which the House had passed relating to its contingent fund?

Mr. JOHNSON of South Carolina. The House has nothing to do with repealing a simple resolution of the Senate; but occasionally the Senate has spasms of virtue; and if it had passed a simple resolution in its own body repealing all former resolutions, that fact would not have been known to the world, and so they asked the concurrence of the House.

Mr. MANN. The gentleman should not call this a resolution that came from senatorial virtue. This comes in connection with the proposition to put on the annual pay roll a large number of employees who are not now on the annual pay roll. Then it proposes for Congress to repeal a simple Senate resolution. We pass resolutions to adjourn the House for three days. We may next have the Senate putting an item in an appropriation bill repealing it. What jurisdiction have we over a simple Senate resolution? It is true it is something like the man in jail when his lawyer said they could not put him in, but he was in. Here is a case where the Senate has inserted the item in the bill.

I would like to ask the gentleman about Senate amendment No. 49, which proposes to increase the salary of the clerk to the Secretary of the Treasury from $2,500 to $3,000 a year. Of course the gentleman knows that if we increase this clerk's salary every department of the Government will ask for the same increase next year. Is it to be the policy of the committee to increase the salary of these private secretaries to $3,000 a year? Most of them are merely stenographers.

Mr. JOHNSON of South Carolina. The committee realizes the danger that the gentleman suggests—that other secretaries will ask for a corresponding increase—but the information before the committee was that this man was a particularly valuable man, well worth the salary we have provided for him, and that no smaller salary would keep him.

Mr. MANN. At one time the Secretary of the Treasury desired to see me about some matter and I called at the office, the last time I was in there. I do not know whether it was this man, but I suppose it was. It was then about half past 9 in the morning. He told me that if I would sit down he thought possibly the Secretary would be able to see me by 1 o'clock.

Mr. JOHNSON of South Carolina. Does not the gentleman think he rendered the gentleman from Illinois good service in saving him three hours and a half waiting?

Mr. MANN. He told me that the Secretary was busily engaged with a number of gentlemen working out some very difficult problem, and that if I could wait three hours I might meet the Secretary. I kicked in the door and went in; there was nobody in there with the Secretary. He was very glad to see me. Now, such a man may be a competent stenographer and deserve an increase of salary from $2,500 to $3,000. I bear him no ill will on that account, for he never interfered with me. But I would like to ask is all private secretaries are to receive $3,000?

Mr. JOHNSON of South Carolina. This is the only one whose salary we have increased.

Mr. MANN. This is the only one whose salary the Senate has increased this time, but they will all have their salaries increased hereafter.

Mr. JOHNSON of South Carolina. "Sufficient unto the day is the evil thereof."

Mr. MANN. Each of the distinguished Members of this House has an allowance of $1,500 for a secretary or clerk, and there is not a Member of the House who ought not to have a better private secretary than the Secretary of the Treasury requires, because all that man has to do is to sit there and try to turn off people who come in, and that is practically all he does do. He was not even successful at that in my case.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from South Carolina, with reference to amendment No. 6, is it the established policy of the House to permit the Senate to increase its clerical force without reference to the necessity or the number or the salary or anything about it?

Mr. JOHNSON of South Carolina. Mr. Speaker, the comity that has always existed between the two Houses is that each House is the judge of its own necessities. We complain bitterly of the expenses of the Senate, but in the end we always yield.

Mr. GARNER. Can the gentleman tell me in what proportion the clerical force of the Senate and the House has been increased within the last 10 years?

Mr. MANN. Make it the last year.

Mr. JOHNSON of South Carolina. My recollection is that this particular paragraph in 1905 carried $167,000, and for the year 1915 the bill provides $418,000.

Mr. GARNER. How much is the increase this year?

Mr. JOHNSON of South Carolina. The increase is from $369,500 for the current year to $418,000 and something for the coming year. That, however, is only in appearance, because this force is already on the pay roll of the Senate, being paid out of the contingent fund. We are simply transferring them to the legislative bill.

Mr. GARNER. In other words, the increase of clerical force in the Senate within the past 10 years has been in excess of 100 per cent.

Mr. JOHNSON of South Carolina. Very much in excess of 100 per cent.

Mr. GARNER. And there is to be no stop to this? There is no way, under the comity of which the gentleman speaks as

existing between the two Houses, by which the House can put a stop to this outrageous extravagance in that particular branch of Congress?

Mr. JOHNSON of South Carolina. The gentleman has the remedy at his disposal just as much as the committee has.

Mr. GARNER. And that remedy would be only to reject this amendment? Will the gentleman from South Carolina join with those who believe we ought to put a stop to it, who believe that we are as much the guardians of the Treasury as the gentlemen at the other end of the Capitol, and who believe that it is our duty, even if we are Members of the same Congress, to see to it that they do not spend the people's money extravagantly in their own behalf? Will the gentleman join with us in rejecting that amendment?

Mr. JOHNSON of South Carolina. Mr. Speaker, the gentleman from South Carolina is willing always to engage in any contest that promises reasonable results, but the gentleman from South Carolina does not believe that anything can be accomplished by the contest which the gentleman suggests.

Mr. GARNER. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of South Carolina. Yes; with pleasure.

Mr. GARNER. The gentleman from South Carolina should agree, and this House should agree, to insist upon its judgment as to the amount appropriated for the clerical assistance of the Senate, and we should agree to all of the other amendments in this legislative, executive, and judicial appropriation bill, as they have been agreed to in conference, and disagree to this particular amendment, even to the extent of letting this bill fail. To do so would attract the attention of the country, and I believe since the Senators are to be elected by a direct vote of the people, such a course would teach some of them the lesson that they better take care of the people's funds rather than spend it recklessly on their own behalf.

Mr. JOHNSON of South Carolina. Mr. Speaker, I hope the speech of the gentleman from Texas will be generally read throughout the country. I move the adoption of the conference report.

Mr. GARNER. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. GARNER. I do not know what the gentleman means by agreeing to the conference report. I presume he means to agree to those amendments that have been agreed to by the conferees?

Mr. JOHNSON of South Carolina. Mr. Speaker, all of the amendments that have been agreed to are in the conference report. All of the amendments that are still in disagreement are not involved in my motion. After the conference report is adopted we will take up these amendments for consideration.

Mr. GARNER. Mr. Speaker, I desire to call the gentleman's attention to amendment No. 101, in order to have an opportunity, at least, of moving to recede and concur in the Senate amendment.

Mr. JOHNSON of South Carolina. That opportunity will be granted.

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. CULLOP. Mr. Speaker, I do not know whether I understood the gentleman from South Carolina correctly, but is his motion that we take up and agree to all of the amendments that have been agreed to by the committee on conference?

Mr. JOHNSON of South Carolina. That is the motion.

Mr. CULLOP. I would like to call attention to amendment No. 38, being an increase in salary from $3,000 to $3,500 for the Chief Examiner in the Civil Service Commission. Has that item been agreed to?

Mr. JOHNSON of South Carolina. It has.

Mr. CULLOP. Mr. Speaker, I would like to ask the duties of that examiner.

Mr. JOHNSON of South Carolina. Mr. Speaker, when we make up the legislative appropriation bill there is always many earnest efforts made to get salaries increased. No showing has ever been made before our committee stronger than the showing made in favor of the increase in this man's salary. He was appointed to this particular place when the civil-service law was passed. He has been there since its incipiency. He is an encyclopedia as to all of the business of the Civil Service Commission, and he has never had an increase in 30 years.

Mr. CULLOP. Yes; and I contend he does not need it now. I would like to ask the gentleman one other question. Who examines these examiners in order to see whether they are qualified for the positions which they hold?

Mr. JOHNSON of South Carolina. They are in the classified service, and are men who, on account of peculiar merit and ability and proficiency, are selected for that place.

Mr. CULLOP. I will agree with the gentleman that some of them have very peculiar merit, but I want to show how peculiar it is. An instance of this kind of merit has been called to my attention where two of these examiners or inspectors, one detailed from the city of Washington and the other from Topeka, Kans., went out to a little village in Indiana and made an investigation and reported the result of their examination to the Civil Service Commission, and every man that they examined, according to their report as furnishing evidence against the person whose merits they were to look into, filed affidavits the exact reverse of what these inspectors had reported to the commission, and made the statements in their affidavits showing they had not made the statements attributed to them. Others stated they had given the facts to these inspectors and each of these examiners had refused to report them and thereby made a false report, according to the sworn affidavits of the men whom they examined. Now, Mr. Speaker, it will surely not be insisted that men who make this kind of a report ought to have their salaries increased or ought in any administration to hold a public office or a position under that administration.

Here was a case whereby to accomplish their partisan purposes, these inspectors reported as facts just the reverse of what the persons examined detailed to them. Can there be any justification for such conduct? Should such men be permitted to hold responsible places under any administration, much less under one the policies of which they are not in sympathy with, but are hostile to? Are such men calculated to purify the public service? Can anyone imagine the perpetration of a more dastardly act than when the character of a person is under investigation, and the evidence of his neighbors and friends is being taken; that the men appointed to take and report the same to the tribunal which is to pass on the same shall distort the same, suppress the facts, and report the reverse of what the parties stated, such conduct merits the severest condemnation, and the officials should be promptly dismissed from the service. Good character should not be assassinated in this manner. It will bring reproach upon any administration that permits it. To be an applicant for office laudable, and every man should have the benefit of the testimony of his neighbors and friends, and when investigated the facts should be reported, not distorted nor suppressed, statements of witnesses should be given as made, not reported as saying the reverse of what they in truth and in fact stated. If men on this order are to be employed in this important service, what will be the result? The public service will degenerate and corruption will predominate. No wonder this branch of the service has long since become regarded as a great partisan machine, operated for partisan purposes, and to accomplish partisan designs. For years it has been so regarded by the great majority of the people of this country who have carefully observed its operations. Shall it be continued in this manner or shall these men be discharged and men put in their places who will administer the law fairly, honestly, and justly? This is the question now before the people, and we feel assured the President will, when he investigates this matter, as he has been called upon to do, renovate the whole service and place it in the hands of men who will discharge their duties faithfully and properly.

But, Mr. Speaker, if this was the only case of the kind occurring in this branch of the service, there might be some excuse offered for this outrageous conduct in the case to which I have alluded, but it is not an isolated case.

Other Members have told me of other cases in which examiners were sent out to make investigation and afterwards, on account of the false reports they filed, the men who were examined filed their affidavits contradicting and repudiating the statements they had been reported as making. Cases in which the inspectors had reported falsely the statements of witnesses, distorted the facts, and suppressed the truth. Now, this is the condition of this service, and this examiner whose salary has been increased is, as I understand it, at the head of this department of that branch of the service. Should it not be reduced because of his want of capacity or integrity? He either knows of this practice or he is inefficient. Now, is this increase made because of his incapacity or is it made because of meritorious service? It seems to me that because of this deplorable condition it needs renovating, and a general house cleaning should be made in this department, and at once, before scandal overtakes it. The truth is that the service is so rotten in this department and so offensive, that when the man in the moon rides over it at night he is compelled to hold his nose with both hands. [Laughter.] That is the condition of the Civil Service Department of the Government and as it has been for many years. Now, affidavits, more than 25 in number, have

been filed, where the men, one by one, who were examined deny they ever made any such statements as attributed to them, and others say emphatically they stated facts which were deliberately suppressed by the inspectors.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yielded to the gentleman for a question. How much time does the gentleman wish?

Mr. CULLOP. Well, I want enough to show to the gentleman why this increase ought not to be made, and I think I can convince him in a very short time, not only that it should not be made, but that new blood and better men should be placed in charge of the work in that department, men who will do right and not wrong. A change is required.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. CULLOP. I would like to have three minutes more.

Mr. JOHNSON of South Carolina. I yield to the gentleman three minutes more.

Mr. CULLOP. I thank the gentleman from South Carolina. If he has not investigated this department as chairman of the committee making these appropriations I think I can furnish him some light by which he can easily determine whether salaries ought to be increased or decreased in this department of the public service. Now, all I contend is that salaries ought to be increased for meritorious and valuable services not for services of this kind, not for perfidy, but for good conduct; and yet those two examiners, I am informed by the commission, are the best in the service. God pity the others, for nobody else will, if they are the best. [Laughter.] The seal of condemnation should be placed on them forever. In the case to which I have alluded, and which I have examined, they were dealing with high-minded upright people, and they resented this base misrepresentation of what they had said about their neighbor and friend; they resented the conduct of men in official place refusing to report their statements as made by them. They did not approve any such partisan efforts to secure partisan ends. No fair-minded man could do so. They believe that when they gave a certain state of facts in behalf of a candidate the same should not be suppressed but should be reported as given. They believe in a square deal, and they believe officials such as these who will resort to such indefensible methods should be promptly discharged from the service and honest, upright ones put in their places who will administer the law fairly and squarely, and give justice to every man.

Will any gentleman contend for a single moment that this kind of service will enhance the confidence of the people in the civil-service propaganda? Does this not invite derision?

The civil service law was enacted for a valuable purpose in this country, but it never was enacted to be abused as it has been abused for the last 15 years and is now being abused by the present administration of it. Under the present force as now organized it needs badly reorganization and its partisan machine dumped in the scrap pile as old junk, and the sooner the better, and I venture the assertion that when President Wilson investigates this department there will be a house cleaning, and such men as these who have been perpetrating such outrages on the public, abusing their official authority, will be promptly retired from the public service. Everyone knows that he will not tolerate such conduct in his administration. He believes in the right thing being done, a square deal given everyone, and he will not tolerate such misconduct or official abuse. He is too high-minded to tolerate or suffer it. Mr. Speaker, the expenditure or waste of the people's money by this Civil Service Commission can not be justified or defended, and while on this matter I desire to call the attention to its waste of money. The matter over which this controversy arose is in reference to a little post office, in a village of about 500 population, and the salary amounts to about $750 per year. The postmaster resigned last fall; two or three inspectors had already been there; a civil-service examination was had; several were examined; complaint was made about one of the parties examined to the commission; the party made a good grade, and then it was the duty of the commission to certify him in his order and let the Post Office Department settle the question of the complaint; but the commission assumed that duty, which belonged under the law to the Post Office Department. One inspector out of the office of the commission here in Washington and one with headquarters in Topeka, Kans., were detailed to investigate this affair. They did so at the expense of the people and made their report, which I have alluded to, and which every man examined repudiated as soon as he learned of its untrue character. Think of the absurdity of such a procedure. Nearly every patron of the office filed a petition resenting the slander contained in the report of the inspectors.

The people examined by them filed their affidavits repudiating it, and then two of the commissioners journeyed 800 miles out West to this little village to investigate their investigators at the expense of the Government, and came back worried over their arduous journey and severe ordeal in this stupendous matter; and the people in the little village are still without a new postmaster. Goodness only knows how long it will take under this procedure or how much it will cost the Government to get these people in this little town a postmaster. This clearly demonstrates the waste, the folly, the useless extravagance in this department. It needs less money and a better administration. Four-fifths of the patrons of that office have by petition stated who they want for postmaster, the examination shows he is qualified, the affidavits of people who have known him all his life show him to be a moral, upright, respected citizen, well qualified for the place, and the Civil Service Commission, 800 miles distant, say they know better than those people who ought to be the postmaster in that village. Think of it; consider the ridiculousness of the position. Shame upon it. Banish the thought forever. Such a deadly blow at local self-government, such a centralization of power in a Republic like ours is destructive of the intent and purposes of the good and patriotic men who founded this great Government. Shall such wastes of public money, expended in the denial of the people's choice for their local offices, especially when that choice is for a competent, upright, honest, and moral man, as is the case in this instance, as the proof of those who know him best shows beyond a reasonable doubt, be tolerated and condoned? I hope not. Shall salaries of men who assist in perpetrating such wrongs, such official misconduct, be increased? I hope not. Better refuse to appropriate to pay them at all.

It is not the fault of the law that brings about the unjustifiable conduct in this instance, but it is the fault of the men in this department of the service charged with the administration of the law. They are to blame, and they should be made to suffer for its maladministration. It is reprehensible. The men responsible for this are not in sympathy with President Wilson, his administration, or his policies, and they are operating their machine to accomplish their partisan purposes and to make people dissatisfied with the administration. They have no other purpose in view and are actuated by no other motive. Such conduct as has been displayed in this case makes the law unpopular, and arouses the indignation of the people against it, and well it should. The case demands the investigation of the President and merited punishment promptly administered by the discharge of these two inspectors from the service and all who have aided and abetted them in their nefarious business. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, the speech of the gentleman from Indiana [Mr. CULLOP] has no relevancy to the matter under consideration. This paragraph deals with a man who is stationed in Washington who is at the head of all the examinations conducted by the Civil Service Commission. The gentleman from Indiana is undertaking to narrate to the House an instance in which two persons in the service of the Government, presumably in Indiana, made some report that was not satisfactory. Whatever may have been the dereliction of the local examiners, it has nothing to do with the salary of this man——

Mr. CULLOP. Mr. Speaker, will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Yes; I will yield.

Mr. CULLOP. They are not local examiners; one of them is sent out of the office, one is chief of division here, and the other was brought from the office at Topeka, Kans.

Mr. JOHNSON of South Carolina. We are talking about a chief examiner and not about somebody else.

Mr. CULLOP. But they are directly under this chief examiner, who has charge and control of them.

Mr. JOHNSON of South Carolina. The gentleman has his remedy; he can appeal to the Civil Service Commission, and if anybody is guilty of the kind of conduct of which the gentleman has spoken, that person will lose his place. If the gentleman can prove his facts, I am sure he will get his remedy. Mr. Speaker, let us adopt the conference report.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a question?

Mr. JOHNSON of South Carolina. I will.

Mr. MONDELL. I notice the conferees declined to accept Senate amendments 170 and 174, which amendments provided for some 16 additional clerks in the office of the Commissioner of the General Land Office. I offered an amendment carrying

this increase when the bill was before the House, and was in hopes the conferees could see their way clear to accept that amendment of the Senate. Certainly very strong arguments were made in favor of this increase.

Did the committee make any provision whatever for clerks in the office of the Commissioner of the General Land Office?

Mr. JOHNSON of South Carolina. Yes; the committee has done just exactly what the General Land Office wanted done. The Senate amendments were intended to take care of 12 people who are now in the service of the General Land Office and have been paid out of the lump-sum appropriation. The purpose of the Land Office in asking for this amendment was to transfer that force to the statutory roll. We have provided elsewhere in the bill that that particular force, consisting of 12 men, and 4 additional men shall continue to be paid out of the lump-sum appropriation.

Mr. MONDELL. I suppose the gentleman has reference to amendment 191, on page 119, which has been agreed to, and which allows the use of $25,000 of the continuing appropriation for the survey of lands within railroad land grants and other like appropriations for the pay of clerks in Washington. There was some discussion here the other day with regard to the land-grant fund. There were some of us who believed that the continuing appropriation had become so depleted and was likely to be so much further depleted that it would be insufficient, as it has been in the past, for the speedy surveys of land-grant lands. Now, do I understand the General Land Office, or the officials or those in charge, prefer to have this fund, which they claim to be so anxious to use for the survey of land-grant lands, depleted in the sum of $25,000 for the payment of clerks here in Washington, rather than to have those clerks provided for in another way and put on the statutory roll? Is that the situation?

Mr. JOHNSON of South Carolina. We had three gentlemen of the Land Office before the conferees, and I think I am safe in saying that what we have done is satisfactory to those gentlemen, if they were able to make themselves understood.

Mr. MONDELL. I will say to the gentleman that rather bears out the suggestion I made the other day, when some of the gentlemen were agonizing to carry out the views of the Land Office in this matter, that what the Land Office was desirous of preserving the indefinite appropriation for was not altogether to enable the Land Office to make surveys which we want to have made, but also to make provision to pay some clerks here in Washington. Certain western gentlemen were very insistent that the Committee on Appropriations should not make $735,000 available for these surveys within railroad-land grant limits. They wanted, rather, to preserve this insufficient, indefinite appropriation which, it was said, the Land Office is to make large use of to survey extensive tracts this year for the first time. The next thing we hear is that officials of the Land Office are before the conferees lobbying in favor of taking over a third of that sum to pay clerical services here in Washington.

Mr. JOHNSON of South Carolina. Not lobbying; because we sent for them.

Mr. MONDELL. Well, giving testimony. The effect of it was to impress the committee with the fact that they preferred to deplete the survey fund for the payment of clerks here in Washington rather than to have these clerks put on the statutory roll.

Mr. JOHNSON of South Carolina. I do not care to put them in the attitude, either, of saying that they preferred to do it. But they explained to the committee that they wanted to put these people on the statutory roll, or that these amendments were intended for that purpose, and they intended to keep four other men in the Land Office out of this lump sum, and we put all of them in the lump sum.

Mr. MONDELL. But the gentleman says they preferred this arrangement——

Mr. JOHNSON of South Carolina. I said this was satisfactory, if we understood it.

Mr. MONDELL. I understood the gentleman to say that that was just what they wanted.

Mr. JOHNSON of South Carolina. That is, to put these people to work.

Mr. MONDELL. This situation presents a very different picture from the picture presented here in an agonizing way the other day, when we were trying to give the Land Office all the money they wanted for surveys in land-grant limits. Then it was said they needed all this money in order that they might make surveys. Now it seems that at the very same time they were lobbying before the conferees over at the Senate end to deplete the fund to pay clerks.

Mr. JOHNSON of South Carolina. I said that they did not lobby. We would not have that. We sent for them.

Mr. MONDELL. Very well. I will say testifying, if the gentleman prefers.

Mr. FALCONER. Will the gentleman give the names of the three gentlemen who appeared before the committee?

Mr. JOHNSON of South Carolina. I do not remember the names, but they were men who were evidently capable of speaking for the Land Office.

Mr. FALCONER. Has the gentleman had the matter of the survey of railroad land grants up in any part of his committee work?

Mr. JOHNSON of South Carolina. The committee has had nothing to do with land grants and has not discussed the subject.

Mr. FALCONER. Mr. Speaker, for many months there has been carried on a correspondence with the Department of the Interior and the Commissioner of the General Land Office on this question of surveying unsurveyed railway land grants in the western part of the United States, and there is no question that is of more interest to the people of the Western States, or several of the Western States, than this. There are something like 700,000 acres, as suggested here the other day, in the State of Washington of unsurveyed railway land grants paying no taxes. It seems very extraordinary, Mr. Speaker, that anyone from the Land Department should go before this committee and ask to use any portion of this fund of $100,000 for any purpose other than for surveying these lands. I ask the gentleman if this $25,000 is to be expended for the purpose of providing for the work of the railroad indemnity land-grant surveys?

Mr. JOHNSON of South Carolina. I do not know what they are going to do with it. It pays 16 men. What they are going to do, I do not know.

Mr. FALCONER. Mr. Speaker, if I may have a minute——

The SPEAKER. Does the gentleman from South Carolina [Mr. JOHNSON] yield to the gentleman from Washington?

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman.

Mr. FALCONER. Mr. Speaker, the railroads have deposited with the Government $128,000 for the purpose of this survey, putting up dollar for dollar with the Government. The duty of this Congress is to at least leave the continuing appropriation of $100,000 intact. It is impossible to use the $128,000 unless the Government puts up an equal sum. And if we deliberately take $25,000 from the $100,000, instead of depositing $128,000, as the railroads have done, the Congress is not doing its duty. The general feeling in the West is, and it may be correct, that the Government is responsible for holding up these surveys, possibly at the suggestion of interested parties. If the continuing appropriation be dissipated in other ways, the odium is upon the Congress of making the Government a holding concern for the railroad companies, so that they can avoid taxation.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me?

Mr. FALCONER. Yes; I yield.

Mr. MONDELL. The gentleman knows that, in the first place, the $100,000 that he speaks of has been depleted permanently, so that as a matter of fact it is only $81,000, and that with this further depletion it will be $55,000?

Mr. FALCONER. The gentleman from Wyoming stated that as a fact the other day.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. FALCONER. Will the gentleman give me two minutes?

Mr. JOHNSON of South Carolina. I yield to the gentleman two minutes more, Mr. Speaker; but I am going to move the previous question pretty soon.

The SPEAKER. The gentleman from Washington is recognized for two minutes.

Mr. FALCONER. Mr. Speaker, the Northern Pacific Railroad has published in the newspapers in the West, where this is a live question, a statement to the effect that the Department of the Interior and the Congress are responsible for this delay.

The railroads have put it up to the Congress. Private individuals and companies have been paying taxes, but the railroads, so far as these unsurveyed lands are concerned, have been paying nothing in taxes for 40 years past, and it means, and has meant hitherto, vast sums of money in the pockets of these railroad companies that of right should be in the Public Treasury, in the different States, and in the counties in the States. The State of Idaho and the State of Washington, and, indeed, all the States west of the Missouri River suffer from this condition, and I say that if these representatives of the commissioner's office came before the gentlemen and urged the

conferees on this bill to take $25,000 of this money, they did it knowing that they were defeating the purpose of the continuing appropriation, thus depriving the taxpayers of more than $25,000 a year in taxes, and it results in the benefit to the railroad companies and to no one else. The Department of the Interior in the past has done this very thing, and the country is aware of that fact, and we should see that the present Department of the Interior and the General Land Office be advised as to this matter. The men who did that in the past were not good public officers, and the continuance of that program now will arouse the public to action.

Mr. JOHNSON of South Carolina. The gentleman from Washington willfully or in some other way misstated the facts.

Mr. FALCONER. I would like to have the gentleman state the facts, then.

Mr. JOHNSON of South Carolina. I never said that the people from the Land Office urged us to do anything of the kind. I stated that the people from the Land Office came before the conferees to explain to us these amendments. They explained that 12 people who were carried to the statutory roll by the Senate amendment were now being paid out of a lump sum, and out of the other lump sum which we have left they were going to carry 4 other men, making 16 in all.

Mr. FALCONER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. And the conferees—and there was a gentleman on the conference committee who has had far more experience in land matters than the gentleman from Washington——

Mr. FALCONER. I doubt it——

Mr. JOHNSON of South Carolina. The conferees decided that instead of bringing these clerks who are now paid out of a lump sum on to the statutory roll, so as to make them permanent employees, we would keep them another year under the lump sum.

Mr. FALCONER. Will the gentleman yield, Mr. Speaker?

Mr. JOHNSON of South Carolina. That is what happened.

Mr. FALCONER. I would like to ask the gentleman who is responsible for this amendment?

Mr. JOHNSON of South Carolina. I do not know.

Mr. FALCONER. It is the gentleman's business to know.

Mr. JOHNSON of South Carolina. It is not anything of the kind. I am not a Member of the Senate. The gentleman from Washington had the same opportunity to read the RECORD that I had; and, being so greatly interested in public lands, he ought to watch the RECORD on that subject.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman for a question.

Mr. HUMPHREY of Washington. I understand that this amendment came from the Senate, and the House conferees agreed to it. Is that right? You are now wanting the House to agree to it.

Mr. JOHNSON of South Carolina. The Senate provided that 12 people be carried on the statutory roll. They are now being paid out of the lump sum. The Senate also provided for the lump sum to be used, and the gentlemen from the General Land Office explained to us that 4 men were to be paid out of the lump sum, so that the conferees agreed that the entire 16 men should be paid out of the lump sum, but that their compensation should not exceed $25,000.

Mr. HUMPHREY of Washington. So that it gets back to this proposition, after all, that the representatives of the General Land Office did want this amendment?

Mr. JOHNSON of South Carolina. The representatives of the General Land Office did want the committee to provide for 16 men. That is what they wanted.

Mr. HUMPHREY of Washington. I ask the gentleman to yield to me three minutes.

Mr. JOHNSON of South Carolina. I yield to the gentleman three minutes, Mr. Speaker.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] is recognized for three minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I am not going to undertake to fix the responsibility for this amendment, nor to impugn the motives of anybody that favors it. I simply want to make a few remarks on the general policy that has been pursued by the Department of the Interior in regard to the survey of these public lands.

I do not hesitate to say that the action of the two gentlemen who occupied the position of Secretary of the Interior prior to the time that the office was occupied by the distinguished gentleman who now holds it knowingly or unknowingly worked all those years for the benefit of the railroads and against the people in the West. The two Secretaries of the Interior, Mr. Fisher and Mr. Garfield, are the ones I mean.

Mr. GARNER. How did Brother Ballinger get along during that time?

Mr. HUMPHREY of Washington. Mr. Ballinger showed more regard for the people of the West than either of the distinguished gentlemen I have mentioned. It has not been found where he was hand in glove with the railroads.

Mr. GARNER. Did he survey any more of these lands during the time he was in the office than the two Secretaries you mention?

Mr. HUMPHREY of Washington. He probably would have done so if he had had an opportunity. The question that I want to call to the attention of the House is this, that the responsibility primarily rests with the Secretary of the Interior. For years we have tried to have these lands belonging to the railroads surveyed, so that they could be placed upon the tax rolls in the States, and the railroads have put up their part—and I am not sure but that they have acted in good faith—of the cost of the surveys, but under all the circumstances we have never been able to secure the money from the Federal Treasury with which to survey these lands. Now, the question is, why?

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GARNER. The gentleman and his party have been in power for 16 years. They have held the purse strings and controlled the appropriations. Why did not your party make the appropriations and have these lands surveyed?

Mr. HUMPHREY of Washington. Why do you open your mouth and condemn me when I have been condemning my own party for what has been done? [Laughter.] It is impossible to please the gentleman from Texas even when we abuse the Republicans. [Laughter.]

Mr. GARNER. What I wanted to call the attention of the gentleman to was this, that if we have not appropriated enough money during the last 10 or 12 years the blame is with Congress as much as it is with the Secretary of the Interior; and if we are failing now to make the appropriation that the gentleman is contending for, the blame is here and not down at the other end.

Mr. MONDELL. Will the gentleman allow me?

Mr. HUMPRHEY of Washington. In a moment. What I am trying to do is to get the Democratic Party right on one proposition.

Mr. MONDELL. Now will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MONDELL. The other day the House did attempt to remedy this situation. The Committee on Appropriations brought in a proposition which would have remedied it. The department flooded this House with appealing letters, bluffing letters, and scared certain gentlemen——

Mr. GARNER. Were those letters written by the Secretary of the Interior?

Mr. MONDELL. By the Commissioner of the General Land Office, and the result was that a point of order was made.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. I ask two minutes more.

Mr. JOHNSON of South Carolina. I yield to the gentleman two minutes more, although this thing has been repeated very often.

Mr. HUMPHREY of Washington. Oh, well, the gentleman should not get impatient. This is a hot day, and there are not very many of us here, and the way to make progress is to keep good-natured. The gentleman may not know that, but I give him that little suggestion. [Laughter.]

Now, Mr. Speaker, I was trying to impress the House with the fact that we ought at some time to survey these public lands. It is to the advantage of the Government; it is to the advantage of everybody else. I am not condemning the railroads, because apparently they have shown good faith. But there is one thing absolutely sure, that for years the Secretaries of the Interior have failed to do their duty. They have given one excuse after another, and now we find this amendment coming here, indorsed by the Land Department, attempting to take a portion of this meager fund for the benefit of some clerks.

Mr. JOHNSON of South Carolina. I yield four minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, there are many things about this item that I do not understand and do not pretend to, but the action of the House and what was said here a day or two ago when the sundry civil bill was under consideration is fresh in the memory of gentlemen here. I sympathize with the gen-

tleman from Washington and the gentlemen from the West in their desire to have these surveys made, but I call attention to the fact that there are 28 line parties now out surveying in the West, and doing the work the gentleman wishes to have done. I know that is true, because I put into the RECORD the letter from the Commissioner of the General Land Office day before yesterday which emphatically said so. Now, the gentleman from Washington [Mr. FALCONER] will recall that two or three days ago, when the sundry civil bill was under consideration here, the gentleman from Wyoming [Mr. MONDELL] was trying to knock out the entire $100,000 continuing appropriation items, and they brought in a provision here in the bill to that effect. The gentleman from Washington [Mr. FALCONER] and others of us were able to strike that out on a point of order, so that the $100,000 continuing appropriation would be used for the benefit of this service.

I know the demand in the West to get this land surveyed and disposed of is terrific. People out in the West are paying 5, 6, and 7 per cent taxes, because most of the land is public land, withdrawn land, or Indian land, and the weight of the burden is almost more than they can bear, and they want to get these lands put on the tax roll. The two gentlemen from Washington come in here and bemean and behound Secretary Lane and Commissioner Clay Tallman, both of whom are western men and both of whose hearts go out to every ache and pain you western gentlemen have. If there was ever a Secretary of the Interior who devoted 100 per cent of his attention to the West, it is Secretary Lane, and I am surprised that gentlemen from the West, who have so many interests at stake, should come in here with bludgeon in hand and try to assail and strike down the very best friends they have. They ought not to do it, and it is in bad taste to do it.

Mr. MURDOCK. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Kansas.

Mr. MURDOCK. There is $100,000 available for these surveys annually? Is that correct?

Mr. FERRIS. It is a partnership fund. The railroads must put up their part and the Government puts up its part, and they survey alternate sections. It is a continuing appropriation of $100,000 a year.

Mr. MURDOCK. How do they divert any part of that fund for the office here?

Mr. FERRIS. Because Congress does not appropriate enough to do what is actually necessary. Part of this work is in the office. It is not all field parties or field work. They know what they need and how they need to use the money.

Mr. MURDOCK. Why does not Congress do it, and let these lands be surveyed? It is an injustice to the people of the West not to have the land surveyed.

Mr. FERRIS. That is true; and day before yesterday I was knocked around a good deal because I offered an amendment to increase surveys that I know ought to be increased.

Mr. MURDOCK. I voted for that.

Mr. FERRIS. The House very generously adopted that amendment. I do not wish to say anything in justification of my own action, but I had investigated this subject until I knew it was necessary, and the House sustained my proposition. The demands on the Committee on Appropriations are terrific for that appropriation, but we ought not to walk to San Francisco to save 50 cents and appropriate $50,000,000 because some scheme comes along that has little or no merit.

Mr. FALCONER. I want to say, Mr. Speaker, that at no time have I condemned Secretary Lane. I have complimented him on the floor of this House many times. I do not think Secretary Lane knows anything about this. Last Saturday I talked with him for a few minutes, and I know he is in favor of the survey of unsurveyed railroad lands.

Mr. FERRIS. Of course, and they have 28 line parties out doing that work. This is a tempest about nothing. You people out West better help the department, who are trying to help you.

Mr. FALCONER. I have confidence in Secretary Lane; but I want to say that the men who went from the General Land Office and asked the conference committee for $25,000 out of this fund knew what they were doing, and they were not serving the country.

Mr. FERRIS. Mr. Speaker, I know nothing about who authorized it. I do not know whether anybody authorized it. The chairman of the committee says that they asked certain members of the General Land Office to appear, and they came before the committee and gave the information, which I have no doubt they did. Gentlemen ought not to get up and make a broadside assault upon men who are trying to keep the department going, especially when you gentlemen have had so much at their hands. You people out Northwest have just got a $35,000,000 railroad, the bulk of which is to be spent in the gentleman's own State, and I say that the two gentlemen from Washington are assaulting unjustly the hand that has in the past and will in the future help them solve their problems.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 11 minutes.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, this is the situation: For many years we carried in the sundry civil bill an appropriation running from $400,000 to $700,000 for the survey of public lands. In 1895 we provided a continuing appropriation of $100,000 for the survey of the Government's portion of the lands within the railroad land grant limits. So long as that $100,000 remained a continuing appropriation no part of the larger appropriation could be used for the survey of lands within land-grant limits. Several years ago the $100,000 appropriation was permanently depleted, so that it is now practically $81,000. Out of that $81,000 for the past few years the department has used, as a matter of fact, only $35,000 per annum for surveys, with the result that the lands within the land-grant limit have been surveyed at a rate which would require 24 years to survey and get them on the tax rolls.

Desirous of making available for this work the entire appropriation for surveys, the Committee on Appropriations followed the recommendations of the Secretary of the Interior and proposed the repeal of this indefinite appropriation. When they recommended the repeal of the statute they did not ask for an additional dollar for surveys. We did as they suggested, reported a provision repealing it, and added $35,000 to the amount of the appropriation. We proposed amendments under which the entire $735,000 would have been available for land-grant work. Later, after the bill was printed, the commissioner concluded he did not want the continuing appropriation repealed. A point of order was made against the repeal, and was, as I think, improperly sustained.

Now, what has happened? Then certain gentlemen were agonizing, because they said we were taking their survey funds away from them, when, as a matter of fact, we were making available eight or nine times as much as had been used in any year in the past.

Now it develops that at the very time gentlemen here were overturning the reform the committee contemplated Land Office officials were before the conferees asking to have $25,000 of the small sum available for land-grant work diverted for clerk hire, leaving only $55,000, at the most, available for this work for the coming fiscal year, when we had proposed to make as much of the $735,000 available as they desired or cared to use.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I am considerably surprised at the gentlemen on the other side, particularly the gentleman from Wyoming.

Mr. MONDELL. Will the gentleman yield? I am not especially criticizing the conferees for what they did; I am discussing the attitude of the Land Office in regard to this appropriation. I realize these clerks must be provided for; they would have been provided for in just this way if our repeal program had gone through.

Mr. BYRNS of Tennessee. The gentleman from Wyoming, as I remember, a few days ago advocated on the floor of the House that this entire fund be repealed and covered back into the Treasury. Now I understand the gentleman to make some criticism of the committee because they propose to permit $25,000 of the fund to be used for the payment of clerks necessary to do the clerical work in the General Land Office pertaining to these surveys.

Mr. MONDELL. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MONDELL. There were two propositions before the conferees. One was to pay the clerks out of the general fund and the other was to pay them out of the railroad land grant fund, already too small; and the gentleman tells us that the gentlemen from the General Land Office rather preferred to have the land-grant fund depleted.

Mr. BYRNS of Tennessee. The gentleman is mistaken. I have made no statement concerning the matter. The gentleman from South Carolina has stated several times that he did not make such a statement and he did not wish to be understood as making any such intimation. The gentleman has criticized the conferees for giving authority to reduce the fund by $25,000 to pay clerical help in the General Land Office in connection with this particular survey service. And yet, only a few days ago, if the gentleman had had his will, the entire

fund would have been repealed and covered into the Treasury, and none of it could have been used for surveys.

Mr. MONDELL. We would have made available $735,000 for surveys. The Senate would have probably increased it.

You could have done just what you did do in this case. They could have paid their clerks out of that fund. Otherwise, the balance of the fund would have been repealed. What the committee has done could and should have been done if the repeal had gone through.

Mr. BYRNS of Tennessee. But the fact remains that if the gentleman's proposition had gone through and had been agreed to, it would have removed this particular fund entirely from the control of the Secretary of the Interior, so that he could not use it for the purpose of making these surveys.

Mr. MONDELL. That is not so, for this bill will become a law before the sundry civil bill. If there were any question about that, the gentleman could have taken the other horn of the dilemma and given them the 16 clerks that they asked for, which is the same thing.

Mr. BYRNS of Tennessee. Mr. Speaker, I rose to call the attention of the House to exactly what was done by the conferees. They were confronted with several amendments put on this bill by the Senate. Some of those amendments undertook, as the gentleman from South Carolina [Mr. JOHNSON] has said, to transfer 12 clerks paid from this lump sum to the permanent roll. In addition to that, the Senate had another amendment, No. 191, in which it proposed to continue this particular fund and permit the Commissioner of the Land Office to use it for any additional clerical work that he might want done down there in the department. When the conferees were confronted with that proposition they learned from the gentleman to whom the gentleman from South Carolina referred——

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield one minute more to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. We developed the fact that it would require about $24,000 to pay these necessary clerks, and rather than agree to all of the amendments, allowing the transfer of all these clerks to the permanent roll and at the same time permitting the fund to be used for the employment of additional clerks not anticipated by Congress, the conferees agreed to cut out the amendments of the Senate placing these clerks on the permanent roll, and to limit the amount of money that might be paid out of this particular fund for clerk hire. The conferees had every confidence in the Secretary of the Interior and also in the Land Commissioner, but we thought it would be a loose sort of way to legislate, if we failed to restrict the use of this fund to the actual number of clerks which were shown to be necessary in order to do the office work which is incident to the surveying in which the gentleman seems to be so much interested. That is all there is to it. Nothing is done in this bill that has not been done heretofore, and neither the gentleman from Washington nor the gentleman from Wyoming seem to me to be consistent, inasmuch as they did not attack the previous provisions relating to this fund.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask now that the Clerk report Senate amendment No. 1, which is still in disagreement.

The Clerk read as follows:

Page 2 of the bill, strike out lines 4 to 10, as follows: "For actual traveling expenses incurred by Senators, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage, $25,500"; and insert, "For mileage of Senators, $51,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Indiana [Mr. Cox] for the purpose of offering an amendment.

Mr. COX. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. Cox moves to recede and concur in Senate amendment No. 1, page 2, with the following amendment:

"For mileage of Senators, $25,500, and hereafter Senators shall be paid mileage at the rate of 10 cents per mile each way while traveling from their homes to Washington City and return by the ordinary and usual routes of travel, once at each session of Congress."

Mr. MANN. Mr. Speaker, I reserve the point of order on the amendment.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that amendment No. 1 and amendment No. 30 may be considered together.

The SPEAKER. Is there objection?

Mr. MANN. I object. I think we ought to vote on this where we are not interested.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. Cox].

The SPEAKER. Did the Chair understand the gentleman from Illinois to make the point of order or to reserve it?

Mr. MANN. I will reserve the point of order.

Mr. COX. Mr. Speaker, if the gentleman intends to make the point of order later on I think it would be better to have it set ed now.

Mr. MANN. I do not know whether I will make it or not.

Mr. COX. I can not see any use in devoting considerable time to argument of the matter if the point of order is to be made later on.

Mr. MANN. I suppose there will not be much time taken on the matter.

Mr. JOHNSON of South Carolina. Mr. Speaker, there are a great many amendments that must be discussed more or less, and I think if the gentleman desires to make the point of order that he should do it now, and discussion may be unnecessary.

The SPEAKER. The Chair has no method of compelling the gentleman to make the point of order unless he wishes to do so. [Cries of "Regular order!"] The regular order is that the gentleman from Indiana has five minutes.

Mr. COX. I would like to know whether the gentleman from Illinois intends to make his point of order. I have not any disposition to take up the time of the House on this amendment.

Mr. MANN. I would like to hear the gentleman. This is the first time I have heard this proposition presented to the House.

Mr. COX. Mr. Speaker, I do not desire to take up very much time of the House. I know it is impatient, that it has been here all day, that it is very hot, and all Members are tired; but while the House amendment reported by the Committee on Appropriations, so far as I was concerned at the time, did not meet with my approval, still I recognize it is not what Members want but it is what they can get in legislation; and I believe that the time has come when this mileage ought to be reduced. I think my position is well known to every Member of this House, and has been for several years. I have introduced several bills to put mileage on an actual expense basis. I think there is where it ought to go. Some propose to give 5 cents a mile, because I recognize a large number of Members of this House, who are just as honest and high-priced as I am, feel that it ought to be on a flat basis at so much per mile; hence I introduced a bill at 5 cents a mile.

There was some criticism upon the amendment introduced and offered by the Committee on Appropriations because it carried a phrase in it that many Members are likely to abuse. I do not believe it would. The phrase that was objected to was the phrase which enabled Members of the House to pay traveling expenses of the dependent members of their families. Now, the criticism was mostly directed to the point that somebody is going to abuse it. You could not, for the sake of your life, with a spyglass find a man here who would abuse it. I believe the membership of this House is upon a higher plane, and I do not believe that any Member of this House or the next House would pad the travel roll by bringing persons here at Government expense who were not really dependent members of his family. So in order to meet that, to the end, therefore, that every Member might know exactly what his salary is, I have offered this amendment.

It no longer can be contended that the mileage is a part of our salary. That question is set at rest. That question was disposed of by the Court of Claims some few days ago in a case squarely in point, in which the court specifically declared that the mileage is not part of our compensation, but that it is designed solely for the purpose of reimbursing money which we pay out of our pockets for traveling expenses. Now, it is said by a great many Members that we do not get as much mileage as we travel out each year. Perchance that is true; but I do not believe, gentlemen, that our constituency feel they ought to be charged to pay our way to return to our districts from time to time while Congress is in session, when ninety times out of one hundred Members go back to look after their individual affairs. Mr. Speaker, the roll call to-day developed the fact that there were 251 Members here. Where is the rest of the membership of this House? I do not know, but I am not going to criticize it. I suppose a large majority of the absentees are back home seeking renomination. I have not any question about that at all nor am I going to criticize them for it, but will any man contend for a moment when a

man leaves Congress while it is in session to return to his district for the sole purpose of having himself renominated that his constituency ought to pay that bill? It is unfair to the constituency, gentlemen.

Mr. GARNER. Will the gentleman yield?

Mr. COX. For a question; I have only five minutes.

Mr. GARNER. The gentleman proposed to cut this appropriation from 20 to 10 cents a mile?

Mr. COX. Yes.

Mr. GARNER. I understand that the gentleman's position is we ought to get the actual cost of paying our way to and from Congress?

Mr. COX. That is my opinion.

Mr. GARNER. Does not the gentleman know it does not cost 10 cents a mile to come here and return? Is it not just a question of degree, of how much you take?

Mr. COX. No; it is not. After consulting various Members of this House on the Republican side and the Democratic side of this Chamber, it struck me that 10 cents was a fair proposition; and if any Member of this House will propose an amendment reducing this to the actual expenses, that amendment would have no more ardent supporter upon the floor of this House than myself. But I want to be reasonable in these things.

Mr. MANN. Is not that the original amendment?

Mr. COX. Yes.

Mr. MANN. Why does not the gentleman, then, simply move to disagree?

Mr. COX. It was to obviate, I will say to the gentleman from Illinois, the objection which I have heard time and time again, and which he has heard time and time again, that it was subject to abuse. I said a moment ago I did not believe any Member of this House would abuse it. But in talking with Members on this question it was condemned right and left; I never found a man yet who said he would abuse it. And in order that we may know exactly what our mileage is, I offered this amendment.

Mr. MANN. Mr. Speaker, I withdraw the point of order, so far as I am concerned.

Mr. JOHNSON of South Carolina. Mr. Speaker, I think that every Member of the House knows what he wants to do in regard to this subject; and, not having been asked for any time, I move the previous question.

Mr. HUMPHREY of Washington. Will the gentleman yield to me five minutes?

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for the yeas and nays.

Mr. DONOVAN. Regular order, Mr. Speaker.

Mr. JOHNSON of South Carolina. I withdraw the request for the previous question, and yield to the gentleman from Washington [Mr. HUMPHREY] for five minutes.

Mr. DONOVAN. Can he withdraw it without asking unanimous consent?

The SPEAKER. He can, for a fact.

Mr. DONOVAN. Has the Speaker decided that?

The SPEAKER. The Speaker has decided the gentleman from South Carolina has a right to withdraw his request without unanimous consent. It is an absolutely inherent right in the House and not in the Committee of the Whole.

Mr. DONOVAN. But, Mr. Speaker, you had declared the motion carried.

The SPEAKER. And the Speaker declared the withdrawal, too.

Mr. DONOVAN. What are you going to do with this vote?

The SPEAKER. I am going to recognize the gentleman from Washington for five minutes. [Applause.]

Mr. HUMPHREY of Washington. Mr. Speaker, if this amendment is correct, then the old mileage is right. If the old mileage is wrong and is a graft, then this 10 cents a mile is a graft. And if the old mileage only was sufficient to bring Members and their families here, then we ought not to vote in this amendment. I have said upon the floor of this House before, and I repeat it, that I do not believe there is any Member here who wants to keep any other Member from bringing his family to Washington, and I do not believe, as I said before, that any man who wants to come here without his family is fit to be a Member of this House.

But I did not get the five minutes for the purpose of specially discussing the mileage. I wanted to refer to the point that the gentleman from Indiana [Mr. Cox] has mentioned in regard to Members being absent. I do not think any man ought to receive more than one mileage for each session. I think it is the duty of every man to stay here during the time that Congress is in session, but if any man wants to go home now during this heated term, and stay away from here, I do not believe he ought to be criticized. If enough of us would go away until we could not transact any business, I think we would confer one of the greatest of favors upon the country. I am not going to criticize any man who is away, but I do want to call attention to one particular fact. We are being kept here by the dictate and direction of the White House, and I look on that side and I discover that the distinguished gentleman from Texas [Mr. HENRY] is away. Why is he not here attending to business? He is one of the special favorites of the White House. Where is he? And then I look across there and I see that the distinguished gentleman from Georgia [Mr. HARDWICK] is away. His own interests become greater than those of the country. He is another special White House favorite. Why is he not here attending to business? And then I look across there and I see that the distinguished gentleman from Pennsylvania [Mr. PALMER] is absent. Why, he so seldom comes upon the floor of the House that the new Members are not familiar with his magnificent appearance. He is another White House favorite. These pets of the teacher are not here attending to business. Why?

Mr. GARNER. Will the gentleman yield?

Mr. HUMPHREY of Washington. No. I look around over the room and I see the distinguished gentleman from Alabama [Mr. UNDERWOOD] is here attending to his business; that the distinguished gentleman from New York [Mr. FITZGERALD] is here attending to his business. The distinguished Speaker of the House stays here. But these little leaders by Executive order from the White House, where are they? Out preaching that we must stay in session all summer in order that the country may be saved. What has become of these leaders by White House dictation? They are out preaching the doctrine of repudiation. They are out telling the people of this country what a grand thing it is, under the British flag, at the dictation of the transcontinental railroads, under the direction of the White House, to repudiate their platform, and telling that the rest of us must stay here this summer and attend to business while they are out looking after their own interests.

I hope that the information will be taken to the White House, showing where these special favorites of the Executive are and what they are doing, and showing how the men whose judgment the President does not value and whose opinion he will not take are staying here and looking after legislation and attending to business while his favorites are neglecting the interests of the country and putting in their time trying to be reelected. [Laughter and applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. BYRNES of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. Is it in order to offer an amendment to the amendment offered by the gentleman from Indiana [Mr. Cox].

The SPEAKER. As soon as the gentleman can get the floor he can offer an amendment. The gentleman from Tennessee [Mr. SIMS] is recognized.

Mr. SIMS. Mr. Speaker, in answer to the speech of my distinguished friend from the State of Washington [Mr. HUMPHREY], I wish to read from this afternoon's paper a portion of a letter from certain gentlemen of the House of Representatives, addressed to the President of the United States. This letter reads as follows:

> Mr. PRESIDENT: We, the undersigned, Democratic Members of the House of Representatives from Missouri, beg to say that we have remained at our posts discharging our duties and will continue to do so as long as it is necessary to assist in carrying out your program.
>
> All but four of our delegation have opposition in the primaries which will be held on August 4, but, regardless of the result of those primaries, it is our intention to remain here and to do all we can to aid you in bringing about a successful conclusion of the program which you have outlined.
>
> We desire, in a modest way, to not only assure you of our confidence, but to express to you our loyalty in the struggle you are making to carry out our remaining platform pledges to the people.

[Laughter on the Republican side.]

Mr. HUMPHREY of Washington. What is one of your platform pledges worth? [Renewed laughter on the Republican side.]

Mr. SIMS. The letter is signed by JAMES T. LLOYD, W. W. RUCKER, CHARLES F. BOOHER, C. C. DICKINSON, C. W. HAMLIN, CHAMP CLARK, WILLIAM L. IGOE, J. W. ALEXANDER, W. L. HENSLEY, JOE J. RUSSELL, M. J. GILL, and THOMAS L. RUBEY.

Here is the reply the President of the United States made to this letter:

MY DEAR FRIENDS: The paper you were kind enough to send me through Judge RUCKER, Judge ALEXANDER, and Mr. RUSSELL has not only given me deep gratification, but it has elicited my warm and genuine admiration. It is in keeping with the spirit you have shown in public affairs. Nothing has been more gratifying to me during the arduous session of the present Congress than the generous and disinterested support you have given me. The paper which you sent is of the sort that makes a man carrying the responsibilities of public life very proud and very grateful, and is in line with your whole conduct during the months that have passed.

Cordially and sincerely, yours,

WOODROW WILSON.

So that the President seems to differ slightly from the gentleman from Washington. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to my colleague [Mr. BYRNES of South Carolina] to offer an amendment, and then I shall ask for the previous question.

The SPEAKER. The gentleman from South Carolina [Mr. BYRNES] will send his amendment to the desk and the Clerk will report it.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. Can the gentleman from South Carolina [Mr. JOHNSON] yield the floor to a Member for the purpose of offering an amendment without yielding the floor entirely?

The SPEAKER. The Chair is rather inclined to think that he can. The Chair has not the time to hunt it up now.

Mr. JOHNSON of South Carolina. I reserve the balance of my time, Mr. Speaker.

Mr. MANN. Mr. Speaker, would he not be entitled to recognition immediately thereafter?

Mr. UNDERWOOD. Mr. Speaker, without looking into the precedents, of course I recognize that under general parliamentary law yielding the floor for the purpose of offering an amendment or making a motion yields the floor entirely, but I do not think that is the prevailing practice under the rules of the House or the precedents of the House. I think that a gentleman has the right to yield the floor for a particular purpose.

Mr. MANN. It is undoubtedly true that he loses the floor; but in a condition of this kind, where there has been no adverse report, it has been the practice of the Speaker to recognize again the gentleman who is in charge of the bill.

The SPEAKER. That is what the Chair will do. The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The Clerk read as follows:

Mr. BYRNES of South Carolina moves to amend by striking out the figures "$25,000" and inserting the figures "$12,500," and by striking out the words "10 cents" and inserting the words "5 cents."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question.

Mr. GOOD. Mr. Speaker, I desire five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

The SPEAKER. The gentleman from Iowa [Mr. GOOD] is recognized for five minutes.

Mr. GOOD. Mr. Speaker, when this matter was before the House heretofore the gentleman from North Carolina [Mr. PAGE] opposed the regular provision and claimed that the appropriation of 20 cents per mile as mileage was "a species of petty graft." I have listened patiently to the discussion of this subject, and, with the possible exception of the gentleman from Indiana [Mr. Cox], every man who has advocated a reduction in the mileage has advocated it upon the theory that the present allowance provided by law represented "a species of petty graft."

I want to say that if it is "petty graft" for Members of the House and Senate to receive the compensation that the law provides that they shall receive in the way of mileage, I am sorry to have the verdict of this House put upon the thousands of men who in years gone by have occupied seats in the House and Senate as "petty grafters." They were honorable men, and their reputation is beyond reproach. And now, after a decision of the Court of Claims has been handed down that the mileage of Members is not compensation, here comes for the first time after that decision is announced a proposition not to stop the "graft," but simply to cut it in two.

That is all that this proposition means. If it was "petty graft" to take 20 cents a mile, it is "petty graft" to take 10 cents a mile, and it is "petty graft" to take 5 cents a mile.

The amendment proposed by the House may have in it something that is objectionable. I think perhaps we did go too far in providing for the mileage of the dependent members of the families. But if we are to conclude that this mileage allowance is unjust, let us act on the square. If we are dealing with graft and really want to cut it out, there is a simple way to reach it, and that is to amend the House provision by striking out the part that includes "actual traveling expenses of the dependent members of their families" and leaving the provision to read: "For actual traveling expenses incurred by Senators in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage."

If it is graft to give 20 cents a mile, which I do not believe, why do you give 10 cents per mile, when railroad companies are only allowed, in most cases, to charge 2 cents a mile? This provision would give to a Member who resides a thousand miles distant from Washington $40 for traveling expenses plus what he had to pay for sleeping-car privileges, presumably about $8 more; but the provision of the gentleman from Indiana [Mr. Cox], instead of giving to a man $48 mileage for a session of Congress would give him, if he lives a thousand miles away, $200 for mileage. Who can claim that the present lawful provision of 20 cents per mile is graft and justify before the people of this country any proposition giving 10 cents per mile? I am opposed to the amendment of the gentleman from Indiana. I believe this provision should be taken back to conference and the conferees should insist on the House provision, with an amendment eliminating the mileage paid to the dependents and immediate members of a Member's family.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. MONDELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. I rise to make a preferential motion. I move that the House recede and concur in the Senate amendment.

Mr. JOHNSON of South Carolina. Mr. Speaker, in the first place, the gentleman has not the floor, and in the second place, I do not think that amendment would be in order. There is already pending an amendment and an amendment thereto.

Mr. MANN. Oh, well, Mr. Speaker, the gentleman makes the motion as a matter of right. He does not have to have the floor, and at this stage of the proceedings a motion to concur takes precedence of a motion to concur with an amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct. The gentleman from Wyoming [Mr. MONDELL] moves to recede from the disagreement of the House to Senate amendment numbered 1, and to concur in the same.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Speaker, I have taken but little interest in the mileage question, thinking I could stand what the rest of the House could stand in the way of mileage. When the mileage question was up I voted to retain the old pay of 20 cents a mile, not that the proposed change was going to reduce my mileage, because I have my wife and six dependent children. That makes eight of us, and in paying the way of my family and myself from my home to Washington I would every session collect from Uncle Sam $400 more than I get under the present law. Consequently it was a matter of complete indifference to me, and I could stand the criticism, knowing that in my own particular case there would be a saving to the Government instead of a loss. But if the amendment of the gentleman from Indiana [Mr. Cox] is sustained, I would lose as much as the Government lost in my case under the original amendment of the House to the old law. In other words, I would be out of pocket the sum of $400 under the mileage proposed by the gentleman from Indiana [Mr. Cox], because I would bring all the dependent members of my family back and forth.

As I said before, it is a matter of complete indifference to me. I can stand it as low as the rest of you can, but I think there is a whole lot of cheap politics being played on the mileage question. [Applause.] I think the sooner this House gets down to a business basis, realizing that it can not be the same to every man, that you must do the best you can, and give more attention to public matters instead of to petty politics and policies the better it will be for the Government. [Applause.]

Mr. JOHNSON of South Carolina. I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, I offer an amendment to the amendment of the gentleman from South Carolina [Mr. BYRNES], to strike out "5" and insert "3" cents a mile.

I submit that we ought not to charge more than the actual traveling expenses. Railroad fares and Pullman berths would

not be over 3 cents a mile, and we ought to put it down to actual expenses, and let it apply to the Member of Congress alone. This Government is not under any liability to pay the traveling expenses of a Member's wife and children and those dependent upon him. There can not be any consistent vote here except for the actual expenses of the Congressman from his home to Washington. If it is wrong to allow 20 cents a mile, it is wrong to allow 10 cents a mile. I think both are wrong. I put it on the flat basis that it ought not to take more than 3 cents a mile to pay the way of a Member of Congress from his home here. I voted every time this question came up in the Committee of the Whole to cut out this mileage altogether.

There can be nothing dishonorable in taking all the mileage that the law allows a Member, but I feel it is the duty of this House to reduce it to 3 cents a mile. If my amendment is voted down, I shall vote for the Byrnes amendment, which calls for 5 cents a mile. The amendment of 10 cents a mile, offered by the gentleman from Indiana, is too much and ought to be killed.

I have never believed in the present mileage system. It evidently cost about that much to travel in stagecoaches when the system was first adopted, but now every sensible man in the United States knows it does not cost 20 cents a mile to travel by railroad trains to the Nation's Capital. This Congress owes it to the American people to show some signs of economy in the administration of affairs, and why not cut out this extra amount allowed in our own mileage? I have been ardent and consistent in my efforts to hold down the expense touching every department of this Government. I am not a "stingy man," but I am a business man and try to operate according to business principles. This great Government should have its affairs handled in a businesslike manner; but on all sides we see useless expense, and you can not see any visible signs of those in power endeavoring to stop it. If we can not stop these departments from wasting money, we can cut down their appropriations. I know we have the power to cut out by our own votes this surplus mileage, and now is the time to do it. Just because it has been the custom for Members of Congress to draw 20 cents a mile is no sign it is right. I would not stand for it in my private business, and I will not stand for it as a representative of the people.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Oklahoma [Mr. MURRAY] five minutes.

Mr. MURRAY of Oklahoma. Mr. Speaker, we have heard it stated that mileage was graft. If it is a graft at all, it would be not only wrong to vote for it but wrong to accept it. If I thought that way, I would not accept it. Seventy-one years ago the law gave a fixed sum as a salary, plus mileage, in view of the distance that different men must travel. It could not be made equal any other way, owing to different distances Members must travel. It has always been regarded as a part of the salary of a Member. If it is a graft, we find when we call the roll that all the noble statesmen and patriots have been guilty of accepting it. In that roll we can class such men as Webster, Clay, and Calhoun, who in 1850 drew this mileage. We find in that class the immortals Garfield, McKinley, and Lincoln. Why, I almost forgot that William J. Bryan during the four years he was in Congress also drew this graft.

Now, I want to say that it is strange that after 71 years it is just discovered that this is graft. Other men may have their opinion, but to me it seems nothing more than bunk and petty politics, and I decline to engage in it. [Applause.] Expenses of living have gone up, and now you want to lower mileage.

I believe, like the gentleman from Washington, that when a man comes to this Congress he ought, if at all possible, to bring his family, especially when he has young children to educate; and I believe that to make it equal, mileage should be a fixed sum for every Member. The man who will not bring his family here when he can has not a worthy regard for his home or himself, and he ought not to represent the American people on this floor. The man who would leave his family at home while he is here is adrift, and his wife does not know where and what places he visits when the night falls; but when a man brings his family, his wife can then keep up with his curves. We know she will know why he is out o' nights.

When the salary is taken away or made too low to support me and my family as well, and that here in Washington City, I will quit the job. I repeat, that if you want to economize, then vote to lower the salary, rather than charge this as graft—when nearly all the great statesmen and patriots of the country for 71 years have drawn it. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I am inclined to believe that much of this talk about the reduction of mileage and the amendments that are offered to make the reduction is nothing but cheap demagogism. These amendments will encourage graft. An honest poor man from the West will not be able to come to Congress if some of these amendments prevail. The proposed changes are in the interest of the grafters and the idle rich. The man who comes from the Pacific coast must bring his family to Washington. It is 19 months since I left San Francisco. I have been here all that time attending to my duties as a Member of Congress. I have had my family here, but during the summer months they return to California. It takes four days and four nights of constant travel to reach the Capital from the Pacific coast, and a man must travel in comfort when he takes that long trip. It is even so with the Member's family. Comfort costs money. The people of the United States do not want a Member of Congress nor the members of his family to travel in uncomfortable surroundings. They want their public servants to secure comfortable and proper accommodations when they go to Washington to perform their public duties. They do not begrudge the money that is paid for the purpose of enabling Members of Congress to go comfortably to the place where their duties call them. In traveling across the continent it is frequently necessary to break the journey when you have your family with you. That adds to the cost of travel. With a 10-cents-a-mile allowance, as proposed by the gentleman from Indiana, I could not take my family from California here and back again. It is not sufficient. The 5 cents a mile proposed by the gentleman from South Carolina is altogether inadequate. It would mean a positive reduction in the salary of western Members who bring their families with them to Washington. As a matter of fact, the Members from the far West are handicapped in many ways.

The gentleman from Washington [Mr. HUMPHREY] speaks of the men who are not here attending to their duties. Many of them come from this vicinity. They are lawyers, and they go home during the session to try cases. They are business men, and they go home during the session to attend to their business. We of the western coast can not do that; we can not attend to anything else but our congressional work. We must have our families with us if we want to live in comfort and attend here as Members of Congress. Of course men without families could get along with a less amount, but the man with a family should not be penalized on that account. But there is no provision of law that compels a Member to draw his mileage. And yet I have not heard of any of those who talk about mileage as being a petty graft ever having failed to draw their allowances. Mr. Speaker, I sincerely hope that the amendments will be voted down, and that the motion of the gentleman from Wyoming to recede and concur will prevail.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, I shall cheerfully support the amendment offered by the gentleman from Indiana [Mr. COX] to reduce the amount allowed for mileage from 20 to 10 cents per mile. This question arises at each session of Congress, only to arise again at the next session. There must be some fundamental reason for its coming up at each session. In my judgment the agitation will continue until it is settled right, as all matters should be.

The reason I support the amendment of the gentleman from Indiana is because experience has taught me again and again that it is impossible to get it reduced below that amount.

The gentleman from Oklahoma [Mr. MURRAY] and the gentleman from Washington [Mr. HUMPHREY] go out of their way to read a moral lecture to the membership of this House, and say that a man who does not bring his family here is unworthy to be a Member of this body. They intimate that that is the only way he can be kept in the path of moral rectitude. That is none of their concern. I say, without fear of successful contradiction, that a man who must be kept in the shadow of his family to keep his life circumspect and who otherwise would wander from the path of rectitude is unworthy to be a Member of this body. If that is all that restrains him from walking in the path of vice and evil, he will go there regardless of his surroundings.

The gentleman from Washington takes advantage of this, as of every other occasion, to criticize the President of the United States, and speaks of us being kept here by White House domination, but the shafts of the gentleman from Washington fall harmlessly at the feet of the President. The President of the United States has not used any arbitrary means on this Congress. True, he has constantly reminded Congress of its duty and pledges made to the people, and has with courage and patriot-

ism pointed out the lines he would have us to follow, but he has made no arbitrary demands and has wielded no big stick. In spite of all the criticism, deeds done, results accomplished, and things performed fully justify his action.

Now, Mr. Speaker, I had rather pay my own way to Washington and receive not one cent of mileage than to be constantly accused of taking money out of the Public Treasury to which I am not entitled. I do not say that it is graft; in fact, it is not, as long as sanctioned by law, but it is wrong and should therefore be reduced. Twenty cents per mile was based on the old stagecoach mode of traveling, and there is no justification for it under the modern methods.

I do not charge those who favor the present rate with being grafters, neither have they the right to accuse those of us who desire to reduce the rate with being demagogues, but I do believe it is an evil that has existed far too long and that we should now avail ourselves of the present opportunity of fixing the amount where it will be just both to the Government and ourselves, and thereby put an end to the agitation. I think this amendment is as near to that point as we can possibly come at present. This agitation will cease when we get down to the basic principles of honesty and justice and not before.

COMMISSION TO INVESTIGATE PURCHASE OF AMERICAN TOBACCO BY FOREIGN GOVERNMENTS.

The SPEAKER. Some time ago the House passed a resolution providing for the appointment by the Speaker of a commission to investigate purchase of American tobacco by foreign Governments. The resolution came from the Committee on Foreign Affairs, and the Chair appointed Messrs. FLOOD of Virginia and STEDMAN, and the gentleman from Illinois, Mr. McKINLEY. Mr. McKinley's term has lapsed, and the Chair appoints the gentleman from Wisconsin, Mr. COOPER, the ranking Republican member on that committee, in place of Mr. McKinley.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, all legislation is a matter of compromise. The membership of this House can not get together on 5 cents, 10 cents, or 20 cents a mile, unanimously, but I believe the consensus is that 10 cents would be adequate; that we can get that proposition through both Houses of Congress. I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is first on the motion of the gentleman from Wyoming, that the House recede from its disagreement to Senate amendment No. 1 and concur in the same.

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 47, noes 55.

So the amendment was rejected.

The SPEAKER. The question now recurs on the amendment of the gentleman from South Carolina [Mr. BYRNES].

Mr. MANN. Mr. Speaker, I ask unanimous consent to have the amendment again reported.

The SPEAKER. The Chair will state that the amendment offered by the gentleman from Mississippi [Mr. QUIN] is too remote under the rules to be entertained.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent to modify my amendment by changing the figures from $12,500 to $12,750.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

The SPEAKER. The Clerk will report the Byrnes amendment.

The Clerk read as follows:

Mr. BYRNES of South Carolina moves to amend by striking out the figures "$25,000" and inserting the figures "$12,750," and by striking out the words "10 cents" and inserting the words "5 cents."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. BYRNES of South Carolina) there were—ayes 37, noes 55.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 133, nays 93, answered "present" 2, not voting 205, as follows:

YEAS—133.

Adair	Beall, Tex.	Byrnes, S. C.	Connolly, Iowa
Alexander	Booher	Byrns, Tenn.	Conry
Ashbrook	Bowdle	Campbell	Cooper
Aswell	Britten	Candler, Miss.	Cox
Baker	Brockson	Casey	Crosser
Barkley	Brown, N. Y.	Cline	Cullop
Barton	Bryan	Collier	Dickinson
Bathrick	Buchanan, Tex.	Connelly, Kans.	Difenderfer
Dillon	Graham, Ill.	Maguire, Nebr.	Stevens, N. H.
Dixon	Gray	Mann	Stone
Donovan	Hamlin	Mitchell	Sumners
Dooling	Haugen	Montague	Taggart
Doolittle	Helm	Morgan, Okla.	Talcott, N. Y.
Doughton	Helvering	Murdock	Tavenner
Eagle	Hensley	Padgett	Taylor, Ark.
Elder	Holland	Page, N. C.	Temple
Faison	Hughes, Ga.	Peterson	Ten Eyck
Farr	Hull	Pou	Thompson, Okla.
Fess	Igoe	Quin	Treadway
Finley	Johnson, Ky.	Rainey	Tribble
Foster	Johnson, S. C.	Reed	Tuttle
Fowler	Keating	Reilly, Con.	Walker
Francis	Kelly, Pa.	Reilly, Wis.	Walsh
Frear	Kennedy, Iowa	Rubey	Watkins
French	Kindel	Rucker	Watson
Garner	Kinkaid, Nebr.	Russell	Webb
Garrett, Tenn.	Korbly	Scott	Williams
Garrett, Tex.	La Follette	Sims	Willis
Gill	Lesher	Sisson	Wingo
Gilmore	Lever	Small	Woodruff
Godwin, N. C.	Lindbergh	Smith, Idaho	Woods
Goeke	Lloyd	Stafford	
Good	Lonergan	Steenerson	
Goodwin, Ark.	McKellar	Stevens, Minn.	

NAYS—93.

Abercrombie	Davis	Hayes	Nolan, J. I.
Adamson	Deitrick	Heflin	O'Hair
Aiken	Dent	Helgesen	Oldfield
Allen	Dershem	Hulings	Plumley
Ansberry	Donohoe	Humphrey, Wash.	Post
Bailey	Dupré	Johnson, Utah	Ragsdale
Baltz	Esch	Johnson, Wash.	Raker
Beakes	Estopinal	Kahn	Roberts, Nev.
Bell, Cal.	Evans	Keister	Rouse
Blackmon	Falconer	Kelley, Mich.	Sinnott
Borchers	Fergusson	Kettner	Smith, N. Y.
Brodbeck	Ferris	Key, Ohio	Smith, Saml. W.
Browne, Wis.	FitzHenry	Kirkpatrick	Sparkman
Buchanan, Ill.	Floyd, Ark.	Lazaro	Stephens, Cal.
Bulkley	Gallagher	Lenroot	Stout
Burgess	Gard	McCoy	Thacher
Burke, S. Dak.	Gardner	McLaughlin	Underhill
Burnett	Greene, Mass.	Mapes	Underwood
Cantor	Gregg	Miller	Volstead
Chandler, N. Y.	Hamilton, Mich.	Mondell	Walters
Church	Hardy	Moore	Witherspoon
Cramton	Harris	Murray, Mass.	
Curry	Hawley	Murray, Okla.	
Danforth	Hayden	Nelson	

ANSWERED "PRESENT"—2.

Burke, Wis.	Sloan

NOT VOTING—205.

Ainey	Gerry	Lewis, Pa.	Roberts, Mass.
Anderson	Gillett	Lieb	Rogers
Anthony	Gittins	Lindquist	Rothermel
Austin	Glass	Linthicum	Rupley
Avis	Goldfogle	Lobeck	Sabath
Barchfeld	Gordon	Loft	Saunders
Barnhart	Gorman	Logue	Scully
Bartholdt	Goulden	McAndrews	Seldomridge
Bartlett	Graham, Pa.	McClellan	Sells
Bell, Ga.	Green, Iowa	McDermott	Shackleford
Borland	Greene, Vt.	McGillicuddy	Sharp
Broussard	Griest	McGuire, Okla.	Sherley
Brown, W. Va.	Griffin	McKenzie	Sherwood
Browning	Gudger	MacDonald	Shreve
Bruckner	Guernsey	Madden	Slayden
Brumbaugh	Hamill	Mahan	Slemp
Burke, Pa.	Hamilton, N. Y.	Maher	Smith, J. M. C.
Butler	Hammond	Manahan	Smith, Md.
Calder	Hardwick	Martin	Smith, Minn.
Callaway	Harrison	Merritt	Smith, Tex.
Cantrill	Hart	Metz	Stanley
Caraway	Hay	Moon	Stedman
Carew	Henry	Morgan, La.	Stephens, Miss.
Carlin	Hill	Morin	Stephens, Nebr.
Carr	Hinds	Morrison	Stephens, Tex.
Carter	Hinebaugh	Moss, Ind.	Stringer
Cary	Hobson	Moss, W. Va.	Sutherland
Clancy	Houston	Mott	Switzer
Clark, Fla.	Howard	Neeley, Kans.	Talbott, Md.
Claypool	Howell	Neely, W. Va.	Taylor, Ala.
Coady	Hoxworth	Norton	Taylor, Colo.
Copley	Hughes, W. Va.	O'Brien	Taylor, N. Y.
Covington	Humphreys, Miss.	Oglesby	Thomas
Crisp	Jacoway	O'Leary	Thomson, Ill.
Dale	Jones	O'Shaunessy	Towner
Davenport	Kennedy, Conn.	Paige, Mass.	Townsend
Decker	Kennedy, R. I.	Palmer	Vare
Dies	Kent	Park	Vaughan
Doremus	Kless, Pa.	Parker	Vollmer
Driscoll	Kinkead, N. J.	Patten, N. Y.	Wallin
Drukker	Kitchin	Patton, Pa.	Weaver
Dunn	Knowland, J. R.	Payne	Whaley
Eagan	Konop	Peters, Mass.	Whitacre
Edmonds	Kreider	Peters, Me.	White
Edwards	Lafferty	Phelan	Wilson, Fla.
Fairchild	Langham	Platt	Wilson, N. Y.
Fields	Langley	Porter	Winslow
Fitzgerald	Lee, Ga.	Powers	Young, N. Dak.
Flood, Va.	Lee, Pa.	Prouty	Young, Tex.
Fordney	L'Engle	Rauch	
Gallivan	Levy	Rayburn	
George	Lewis, Md.	Riordan	

So the amendment to the amendment was agreed to.

The Clerk announced the following additional pairs:

Ending August 4:
Mr. WEAVER with Mr. SLOAN.
Mr. FITZGERALD with Mr. PAYNE.
Mr. BELL of Georgia with Mr. BARCHFELD.
Mr. BURKE of Wisconsin with Mr. FREAR.
Mr. LEE of Pennsylvania with Mr. AUSTIN.
Mr. BROUSSARD with Mr. FAIRCHILD.
Mr. CLAYPOOL with Mr. CARY.
Mr. FLOOD of Virginia with Mr. LANGHAM.
Mr. HARRISON with Mr. DRUKKER.
Mr. HOWARD with Mr. MOTT.
Mr. TALBOTT of Maryland with Mr. TOWNER.
Mr. LEE of Georgia with Mr. KENNEDY of Rhode Island.
Mr. MCCLELLAN with Mr. HINEBAUGH.
Mr. MOON with Mr. MERRITT.
Mr. MORRISON with Mr. NORTON.
Mr. PARK with Mr. PLUMLEY.
Mr. RAUCH with Mr. PROUTY.
Mr. RAYBURN with Mr. SHREVE.
Mr. STEPHENS of Mississippi with Mr. SUTHERLAND.
Mr. MCGILLICUDDY with Mr. GUERNSEY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the motion of the gentleman from Indiana [Mr. Cox] to recede from the House disagreement to Senate amendment numbered 1 and concur therein with an amendment which has been amended by the amendment of the gentleman from South Carolina.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. BYRNS of Tennessee. A division!

The SPEAKER. The gentleman from Tennessee demands a division.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. If this motion is defeated, will it then be in order to further insist, and that puts the House provision in conference again?

The SPEAKER. Why, the motion to further insist would be in order; but whether it would go to conference again, the Chair does not know. Those in favor of the motion of the gentleman from Indiana [Mr. Cox] as amended by various amendments will stand until they are counted.

The House divided; and there were—ayes 81, noes 96.

Mr. MANN, Mr. BYRNES of South Carolina, and Mr. MURDOCK. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina, the gentleman from Illinois, and the gentleman from Kansas all demand the yeas and nays. Those in favor of taking the vote by yeas and nays will stand until they are counted. [After counting.] Fifty-nine gentlemen have risen, a sufficient number, and the yeas and nays are ordered.

Mr. CANDLER of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANDLER of Mississippi. To vote "aye" is to vote for 5 cents a mile, is it not?

The SPEAKER. It is.

Mr. FOWLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FOWLER. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. Mr. Speaker, as a parliamentary proposition is it proper for anyone to interfere with the roll call or with the proceedings until after the roll has been finally settled?

The SPEAKER. It is not. The roll call had not started, but the Chair had ordered it started. The Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 97, answered "present" 2, not voting 206, as follows:

YEAS—128.

Adair	Campbell	Faison	Gray
Alexander	Candler, Miss.	Farr	Hamlin
Ashbrook	Casey	Fess	Harrison
Aswell	Cline	Finley	Haugen
Baker	Collier	Flood, Va.	Helm
Baltz	Connelly, Kans.	Foster	Helvering
Barkley	Connolly, Iowa	Fowler	Hensley
Barton	Conry	Francis	Holland
Bathrick	Cooper	French	Hughes, Ga.
Beall, Tex.	Cox	Garner	Hull
Bowdle	Crosser	Garrett, Tenn.	Igoe
Britten	Cullop	Garrett, Tex.	Jacoway
Brockson	Dickinson	Gill	Johnson, Ky.
Brown, N. Y.	Difenderfer	Gilmore	Johnson, S. C.
Bryan	Dillon	Godwin, N. C.	Keating
Buchanan, Tex.	Dixon	Goeke	Kelly, Pa.
Burgess	Donovan	Good	Kennedy, Iowa
Byrnes, S. C.	Doolittle	Goodwin, Ark.	Kindel
Byrns, Tenn.	Doughton	Graham, Ill.	Kinkaid, Nebr.
Korbly	Morgan, Okla.	Russell	Thompson, Okla.
La Follette	Murdock	Scott	Treadway
Lesher	Padgett	Sisson	Tribble
Lever	Page, N. C.	Small	Tuttle
Lewis, Md.	Peterson	Stevens, Minn.	Walker
Lindbergh	Pou	Stone	Walsh
Lloyd	Quin	Sumners	Watkins
Lonergan	Rainey	Taggart	Watson
McKellar	Reed	Talcott, N. Y.	Webb
Maguire, Nebr.	Reilly, Conn.	Tavenner	Williams
Mann	Reilly, Wis.	Taylor, Ark.	Willis
Mitchell	Rubey	Temple	Woodruff
Montague	Rucker	Ten Eyck	Woods

NAYS—97.

Abercrombie	Deitrick	Hayes	O'Hair
Adamson	Dent	Heflin	Oldfield
Aiken	Dershem	Helgesen	Plumley
Allen	Donohoe	Hinebaugh	Post
Ansberry	Dupré	Hulings	Ragsdale
Bailey	Elder	Humphrey, Wash.	Raker
Beakes	Esch	Johnson, Utah	Roberts, Nev.
Bell, Cal.	Estopinal	Johnson, Wash.	Rouse
Blackmon	Evans	Kahn	Sinnott
Borchers	Falconer	Keister	Smith, N. Y.
Brodbeck	Fergusson	Kelley, Mich.	Smith, Saml. W.
Browne, Wis.	Ferris	Kettner	Sparkman
Buchanan, Ill.	FitzHenry	Key, Ohio	Stafford
Bulkley	Floyd, Ark.	Kirkpatrick	Stephens, Cal.
Burke, S. Dak.	Gallagher	Lee, Ga.	Stout
Burnett	Gard	Lenroot	Thacher
Cantor	Gardner	McCoy	Underhill
Caraway	Gittins	McLaughlin	Underwood
Chandler, N. Y.	Greene, Mass.	Mapes	Volstead
Church	Gregg	Miller	Walters
Covington	Hamilton, Mich.	Mondell	Wingo
Cramton	Hardy	Murray, Mass.	Witherspoon
Curry	Harris	Murray, Okla.	
Danforth	Hawley	Nelson	
Davis	Hayden	Nolan, J. I.	

ANSWERED "PRESENT"—2.

Burke, Wis. Sloan

NOT VOTING—206.

Ainey	George	Lobeck	Rupley
Anderson	Gerry	Loft	Sabath
Anthony	Gillett	Logue	Saunders
Austin	Glass	McAndrews	Scully
Avis	Goldfogle	McClellan	Seldomridge
Barchfeld	Gordon	McDermott	Sells
Barnhart	Gorman	McGillicuddy	Shackleford
Bartholdt	Goulden	McGuire, Okla.	Sharp
Bartlett	Graham, Pa.	McKenzie	Sherley
Bell, Ga.	Green, Iowa	MacDonald	Sherwood
Booher	Greene, Vt.	Madden	Shreve
Borland	Griest	Mahan	Sims
Broussard	Griffin	Maher	Slayden
Brown, W. Va.	Gudger	Manahan	Slemp
Browning	Guernsey	Martin	Smith, Idaho
Bruckner	Hamill	Merritt	Smith, J. M. C.
Brumbaugh	Hamilton, N. Y.	Metz	Smith, Md.
Burke, Pa.	Hammond	Moon	Smith, Minn.
Butler	Hardwick	Moore	Smith, Tex.
Calder	Hart	Morgan, La.	Stanley
Callaway	Hay	Morin	Stedman
Cantrill	Henry	Morrison	Steenerson
Ca ew	Hill	Moss, Ind.	Stephens, Miss.
Carlin	Hinds	Moss, W. Va.	Stephens, Nebr.
Carr	Hobson	Mott	Stephens, Tex.
Carter	Houston	Neeley, Kans.	Stevens, N. H.
Cary	Howard	Neely, W. Va.	Stringer
Clancy	Howell	Norton	Sutherland
Clark, Fla.	Hoxworth	O'Brien	Switzer
Claypool	Hughes, W. Va.	Oglesby	Talbott, Md.
Coady	Humphreys, Miss.	O'Leary	Taylor, Ala.
Copley	Jones	O'Shaunessy	Taylor, Colo.
Crisp	Kennedy, Conn.	Paige, Mass.	Taylor, N. Y.
Dale	Kennedy, R. I.	Palmer	Thomas
Davenport	Kent	Park	Thomson, Ill.
Decker	Kiess, Pa.	Parker	Towner
Dies	Kinkead, N. J.	Patten, N. Y.	Townsend
Dooling	Kitchin	Patton, Pa.	Vare
Doremus	Knowland, J. R.	Payne	Vaughan
Driscoll	Konop	Peters, Mass.	Vollmer
Drukker	Kreider	Peters, Me.	Wallin
Dunn	Lafferty	Phelan	Weaver
Eagan	Langham	Platt	Whaley
Eagle	Langley	Porter	Whitacre
Edmonds	Lazaro	Powers	White
Edwards	Lee, Pa.	Prouty	Wilson, Fla.
Fairchild	L'Engle	Rauch	Wilson, N. Y.
Fields	Levy	Rayburn	Winslow
Fitzgerald	Lewis, Pa.	Riordan	Young, N. Dak.
Fordney	Lieb	Roberts, Mass.	Young, Tex.
Frear	Lindquist	Rogers	
Gallivan	Linthicum	Rothermel	

So the motion as amended was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARR with Mr. AUSTIN.
Mr. PARK with Mr. MOORE.
Mr. BOOHER with Mr. DRUKKER.
Mr. HOUSTON with Mr. SMITH of Idaho.
Mr. SIMS with Mr. STEENERSON.

The result of the vote was announced as above recorded.

On motion of Mr. MANN, a motion to reconsider the vote by which the motion as amended was agreed to was laid on the table.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the same order be taken as to amendment No. 30 that has just been taken with regard to amendment No. 1.

Mr. RAKER. Reserving the right to object——

The SPEAKER. The Clerk will report the amendment.

The Clerk read on page 18, line 5, to strike out the following:

For actual traveling expenses incurred by Representatives, Delegates, and Resident Commissioners, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved and in the manner heretofore prescribed for the payment of mileage, $87,500.

And insert:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the same action be taken with reference to Senate amendment No. 30 that has been taken with reference to Senate amendment No. 1.

Mr. RAKER. I reserve the right to object, Mr. Speaker.

Mr. MANN. Why not agree to the Senate amendment? It is in conference, anyhow.

Mr. JOHNSON of South Carolina. Then I will make it in the form of a motion, if I may. I move that the House recede from its disagreement to the amendment of the Senate No. 30, and agree to the same with an amendment to strike out "$175,000" and insert "$43,750."

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] withdraws his request for unanimous consent to take this Senate amendment No. 30 up out of its order——

Mr. RAKER. I object to it, Mr. Speaker.

The SPEAKER. The gentleman simply asks to take it up out of its order.

Mr. RAKER. I understood he simply asked to reduce it. I have no objection to taking it up out of the regular order, but I want to vote on this amendment.

Mr. MANN. Let us adjourn.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I would like to suggest to the gentleman from South Carolina [Mr. JOHNSON] that he ask that the House meet at 11 o'clock in the morning, and that after a vote on that we adjourn.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Before that motion is put the Speaker will lay before the House a personal request.

LEAVE OF ABSENCE.

Mr. AUSTIN, by unanimous consent, was granted leave of absence, indefinitely, on account of illness.

EXTENSION OF REMARKS.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. CULLOP. Mr. Speaker, I make the same request.

Mr. MANN. What is the request?

The SPEAKER. To extend their remarks on the mileage question.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural appropriation bill.

The SPEAKER. Is there objection?

Mr. RAGSDALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report on the Agricultural appropriation bill.

The SPEAKER. Is there objection to these four requests?

Mr. MANN. Well, what are the requests?

The SPEAKER. Two of them are to extend remarks on the subject of mileage.

Mr. MANN. I object to those.

The SPEAKER. The gentleman objects to those. The gentleman from South Carolina [Mr. RAGSDALE] and the gentleman from North Carolina [Mr. SMALL] ask unanimous consent to extend their remarks on the Agricultural bill.

Mr. CULLOP. My request was not to extend my remarks on the mileage question.

The SPEAKER. What was the request?

Mr. CULLOP. To extend my remarks on the civil service, the subject on which I spoke this afternoon.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks on the civil service, and the gentleman from South Carolina [Mr. RAGSDALE] and the gentleman from North Carolina [Mr. SMALL] ask to extend their remarks on the Agricultural bill. Is there objection?

There was no objection.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the mileage question.

The SPEAKER. The gentleman from Washington [Mr. FALCONER] asks unanimous consent to extend his remarks in the RECORD on the mileage question. Is there objection?

Mr. MANN. I object.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5324. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ADJOURNMENT.

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. JOHNSON], that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p. m.) the House, under its previous order, adjourned until Friday, June 26, 1914, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TALCOTT of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government, reported the same with an amendment, accompanied by a report (No. 901), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MURRAY of Oklahoma, from the Committee on Indian Affairs, to which was referred House bill 17441, reported in lieu thereof a resolution (H. Res. 554), referring to the Court of Claims the papers in the case of the Iowa Indians of Oklahoma, accompanied by a report (No. 899), which said resolution and report were referred to the Union Calendar.

Mr. DERSHEM, from the Committee on Pensions, to which was referred the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 900), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13257) for the relief of Annie E. White and the heirs of Patrick White, deceased, reported the same with amendment, accompanied by a report (No. 902), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17424) for the relief of Hunton Allen, reported the same without amendment, accompanied by a report (No. 903), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 23) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.1 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724 in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station in said District; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (S. 2245) for the relief of Frederick B. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (S. 31) for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (S. 11) for the relief of Charlotte J. Pile, Eastmond P. Green, and Easie C. Gandell, owners of lots Nos. 53, 54, and 55, in square No. 753, Washington, D. C., with regard to assessment and payment of damage on account of change of grade due to construction of the Union Station, in said District; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (H. R. 14594) for the relief of James Burke; Committee on Claims discharged, and referred to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DERSHEM: A bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ALLEN: A bill (H. R. 17483) granting a pension to Rachel Louderback; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 17484) granting a pension to Margaret L. Miller; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 17485) granting an increase of pension to John H. Leeper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17486) granting an increase of pension to Frederick J. Miller; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 17487) granting an increase of pension to Eli C. Baker; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 17488) for the relief of William Ham; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 17489) granting a pension to Guy C. King; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 17490) granting a pension to John G. Jordan; to the Committee on Pensions.

Also, a bill (H. R. 17491) granting a pension to Joseph M. Reckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17492) for the relief of William H. Watt; to the Committee on Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 17493) granting an increase of pension to Francis Mott; to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 17494) granting an increase of pension to George Perkins; to the Committee on Pensions.

By Mr. SINNOTT: A bill (H. R. 17495) granting a pension to Elisha Catlett; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 17496) granting a pension to Benjamin B. Hamilton; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 17497) granting an increase of pension to Sylvanus B. Corey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17498) granting an increase of pension to George E. Boyer; to the Committee on Pensions.

By Mr. TEN EYCK: A bill (H. R. 17499) granting a pension to John H. Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17500) granting a pension to Melvina M. Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17501) granting an increase of pension to Alfred Fredericks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17502) for the relief of Abram A. King; to the Committee on Claims.

Also, a bill (H. R. 17503) for the relief of Martin W. Joralemon, alias Martin Whitbeck; to the Committee on Military Affairs.

By Mr. HOWELL: A bill (H. R. 17504) for the relief of Truman R. Peters and others; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by the pastor of First Presbyterian Church at Wilmington, Del., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also, petitions signed by John Clay and others, of Laddonia, O'Fallon, and St. Louis, all in the State of Missouri, protesting against the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. ALLEN: Petitions of 138 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BAILEY: Petition of the Ladies of the Grand Army of the Republic, Department of Pennsylvania, at Altoona, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. BARTON: Petition of various churches representing 586 citizens of Hastings, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of sundry citizens of the nineteenth congressional district of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petitions of the Philadelphia Board of Trade and Merchants' Association of New York, relative to antitrust legislation; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Resolutions adopted by E. A. Brown Post, No. 130, Grand Army of the Republic, of Fond du Lac, Wis., praying for the passage of House bill 15841, to amend the widows' pension law of June 27, 1890; to the Committee on Invalid Pensions.

By Mr. DALE: Petition of the Merchants' Association of New York and Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in the sundry civil bill; to the Committee on Appropriations.

Also, petition of the Army Field Clerks' Association of New York City, favoring passage of House bill 9687, relative to increase in pay; to the Committee on Military Affairs.

Also, petitions of August Weinride and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Manila Merchants' Association, protesting against reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. DONOVAN: Petition of the Thompsonville (Conn.) Board of Trade, favoring House bill 16053, relative to construction of a dam across the Connecticut River; to the Committee on Interstate and Foreign Commerce.

Also, petition of 35 citizens of Bridgeport, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of E. A. Brown Post, No. 130, Grand Army of the Republic, Department of Wisconsin, favoring passage of House bill 15941, for the relief of soldiers' and sailors' widows who married since June 27, 1890; to the Committee on Invalid Pensions.

By Mr. GARDNER: Petition of the secretary-treasurer of the Massachusetts State Branch of the American Federation of Labor, against national prohibition; to the Committee on Rules.

Also, petition of the Board of Selectmen of Manchester, Mass., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. GOLDFOGLE: Petition of Henry Cohen and others, of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in sundry civil bill; to the Committee on Appropriations.

By Mr. HOUSTON: Petition of N. H. Brown, of Rutherford County, Tenn., protesting against national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petitions of the Morrison Merrill Co., T. W. Boyer, Joseph Lippman, G. L. Becker, A. Fisher, W. P. Kiser, William Bowen, F. B. Cook, the Western Sporting Goods & Arms Co., the Salt Lake Federation of Labor, Glen Miller, W. H. Sherman, J. S. Bransford, Walter J. Burton, W. A. Sloan, the Salt Lake Security & Trust Co., the Galliger Machinery Co., the Salt Lake Pressed Brick Co., the Rostan Drug Co., William H. Bywater, F L. Parker, H. S. Josephs, the Mullett Kelley Co., R. T. Badger, Henry Cohn, Thomas Hobday, the Schramm Johnson Drugs, Joy H. Johnson, L. P. Palmer, B. F. Bauer, H. S. Auerbach, Rieger & Lindley, T. B. Beatty, the Utah Bill Posting Co., John Dern, the Sweet Candy Co., A. H. Kelly, C. A. Faus, the Botterill Auto Co., W. T. Benson, A. B. Apperson, L. & A. Cohn (Inc.), Joseph Faulker, S. V. Derrah, John A. Peter, John Pingree, L. H. Farnsworth, W. H. Dickson, John M. Hays, N. M. Hamilton, Oswald Veltz, Solon Spiro, the Jensen Creamery Co., E. M. Ellis, all of Salt Lake City; W. E. Sanderson, Harry Geas, both of Ogden; C. H. Spriggs, of Park City; James Gatley, James Crooks, Sam Hanson, all of Eureka; F. W. Quinn, T. B. Stephens, C. E. Adderley, Dr. F. E. Straup, all of Bingham; L. L. Baker, L. E Kramer, George W Kaul, all of Tooele, all in the State of Utah, protesting against the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Ogden, Utah, against national prohibition; to the Committee on Rules.

Also, petition of the Westminster Presbyterian Church, of Salt Lake City, Utah, favoring national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Eleven postals from residents of Los Angeles and Long Beach, Cal., favoring early submission of the prohibition constitutional amendment; to the Committee on Rules.

Also, letters from the Brooklyn Presbyterian Church, of Oakland; Swedish Free Church, of Berkeley; and Woman's Christian Temperance Union of Antioch, all in the State of California, favoring the passage of the Hobson prohibition resolution; to the Committee on Rules.

Also, two protests from Berkeley and Rodeo, Cal., against the passage of the prohibition measures now pending in Congress; to the Committee on Rules.

By Mr. LEVY: Petitions of E. W. Cohen and others, of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of C. Simon and Patrick Ryan, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. MILLER: Petition of sundry citizens of St. Louis County, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. MITCHELL: Petition of sundry citizens of Massachusetts, favoring national prohibition; to the Committee on Rules.

By Mr. MOORE: Memorial of the Board of Trade of Philadelphia, Pa., and the Merchants' Association of New York City, protesting against the labor-exemption clause from the sundry civil bill (H. R. 17041); to the Committee on Appropriations.

By Mr. J. I. NOLAN: Petitions of sundry citizens of the State of California, for the passage of the prohibition constitutional amendment; to the Committee on Rules.

Also, protest of the Furniture Handlers' Union, of San Francisco, Cal., and 26 other citizens of that city, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. POU: Petition of Branch No. 459, National Association of Letter Carriers, of Raleigh, N. C., against section 6 of House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petitions of L. Semter & Sons, Shreve & Co., the Remedial Loan Association, T. Lundy, and 29 other citizens of San Francisco, Cal., favoring appropriation for electric protective service on Federal buildings; to the Committee on Appropriations.

By Mr. REED: Night letters from Frank E. Hobbs, W. H. Wiggins, and John H. Haines, of Somersworth; H. Doe, Charles M. Currier, W. D. McDonald, and George H. Bayes, of Dover; Henry Pearl and E. S. Luce, of Farmington; and letter from George Q. Pattee, of Portsmouth, all in the State of New Hampshire, opposing national prohibition of liquor traffic; to the Committee on Rules.

Also, petition of 12 people of Epping, being the Fern Rebekah Lodge, No. 10; 52 members of the Woman's Christian Temperance Union of Epping; 50 members of the Congregational Church of Raymond; 7 members of the King's Daughters of Epping; 42 members of the Albert M. Perkins Woman's Relief Corps, of Epping; 22 members of the Woman's Christian Temperance Union of Meredith; 400 members of the Young People's Societies of Concord; 340 members of the Woman's Christian Temperance Union of Suncook; 125 members of the First Congregational Church of Boscawen; 12 people of the town of Gilmanton; 25 members of the Missionary Society of Boscawen; and Arthur W. Kidder, of Tilton, all in the State of New Hampshire, favoring national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. REILLY of Connecticut: Memorial of the Thompsonville Board of Trade, favoring the passage of House bill 16055, relative to regulating construction of dams across navigable waters; to the Committee on the Merchant Marine and Fisheries.

By Mr. SELDOMRIDGE: Petition of sundry citizens of Boyers and Vilas, the Methodist congregation of Evans, and the Methodist Episcopal Church of Canon City, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of 200 citizens of Mount Morris, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions of sundry citizens of the twenty-eighth congressional district of New York, favoring the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also (by request), petitions of sundry citizens of the twenty-eighth congressional district of New York, protesting against the passage of the Hobson resolution; to the Committee on Rules.

By Mr. TREADWAY: Petition of 116 citizens of the first congressional district of Massachusetts, favoring national prohibition; to the Committee on Rules.

Also, petition of the secretary of the Massachusetts State Branch of the American Federation of Labor, against national prohibition; to the Committee on Rules.

By Mr. VARE: Petition of 132 citizens of Pennsylvania, against national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of the Grace Evans Christian Endeavor Society of Findlay, representing 40 persons; Ethel Ruhlen and 20 other citizens of Kenton; William Scarborough and 7 other citizens of West Liberty; and Eva M. Purcell and 16 other citizens of Findlay, all in the State of Ohio, in favor of the adoption of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

Also, petitions of C. H. Reams and 81 other citizens, all of Bellefontaine, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *June 26, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the author of every good and perfect gift. We bless Thee for the mercies that come to us unasked, mercies which are expressing day by day Thy love and Thy care for all Thy creatures. We thank Thee for the breadth and length and depth and height of Thy love, that embraces all men, that calls all men to Thyself.

This day we ask that Thy favor may rest upon us, that we may be ready with divine wisdom for every problem that confronts us, that we may be ready with divine strength for every conflict, and that with grace divine we may address ourselves to the tasks of the day. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CONSTRUCTION OF TWO REVENUE CUTTERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury requesting an appropriation of $165,000 for the construction of two revenue cutters as authorized by the act approved June 24, 1914, which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL TRADE COMMISSION.

Mr. CUMMINS. Mr. President, I desire to give notice that on Tuesday next, immediately after the taking up of the unfinished business, I will address the Senate on the constitutionality of section 5 of that bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

THOMAS HARRISON.

Mr. JONES. Mr. President, I ask permission to make a brief statement and to present a petition.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Washington will proceed.

Mr. JONES. I ask the attention of the members of the Committee on Naval Affairs who may be here to this particular matter. In the last Congress I introduced a bill retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes. The bill proposed to pay him the sum of $100 per month during the remainder of his natural life. That bill was favorably reported and it passed the Senate. In this Congress I introduced another bill (S. 681) of the same character and it was referred to the Committee on Naval Affairs, but it has not yet been reported.

I know that there is much opposition to the establishment of a civil pension list, and there is much to be said on both sides of the proposition. I know that objection is made to this bill on the ground that it establishes a precedent for a civil pension list, but it is a common saying that there are exceptions to all rules, and that exceptions prove the rule or the necessity for the rule. I think this is a case where Congress could well make an exception against the general rule if the rule is to be followed not to have a civil pension list. I think, however, it does furnish one of the strongest possible arguments for a provision of some kind upon the part of the Government for the retirement of those employees who have been long in the Government service, either by a Government contribution to a retirement fund or a provision under which there shall be a compulsory contribution to a retirement fund on the part of employees.

I have here a memorandum prepared by this employee of the Government which, it seems to me, should appeal to Congress. Its simplicity and pathos are at least very appealing to me, and I think will appeal to every Member of the Senate. I wish to read this memorandum. It is in the nature of a petition, and is very short.

S. 681—RETIRING THOMAS HARRISON, A CLERK IN THE NAVAL OBSERVATORY.

The civil employee named in this bill was born in Washington City on January 10, 1828. When he was a very small child his parents moved to what was then—80 years ago—spoken of as the "far West," the banks of the Ohio, where the lad grew to be a sturdy boy of 10. It was a hard life out there; not too hard, though, for it gave him a good start and helped him through harder times later on. In 1838 the family returned to their former home in Washington.

As to his lineage, his mother was a Magruder of Maryland, a descendant of the Macgregors of Scotland—a rugged ancestry, if we believe Sir Walter Scott. She was a granddaughter of Samuel Wade Magruder, who served in the Revolutionary War as a major in the Maryland Militia, having been appointed as such on the 21st of June, 1777, as shown by his commission, which has been preserved by his descendants for 137 years. (See Archives of Maryland, Annapolis, vol. 16, p. 296.)

His father was a native of Virginia, was a captain in the Regular Army in the War of 1812, and served as such until the reduction of the Army in 1815. (Records of War Department.) After that war the father of this petitioner was engaged in other pursuits until 1848, when, in the midst of his usefulness, he died, leaving a family of eight persons, whose chief support fell to the happy lot of this son, who soon afterwards obtained a small clerkship in the Naval Observatory, where he has served under every superintendent of the institution from the renowned Maury down to the present accomplished director, and where he is now employed in charge of the financial accounts of the establishment.

It might be stated here that a short time ago this petitioner—

I desire to suggest that this is something very unusual—

It might be stated here that a short time ago this petitioner, with the view of lessening his duties and his responsibility, applied to the Navy Department for demotion—

He himself applied for a demotion, realizing the influences of advancing age—

from senior clerk to the next class below. The department made this answer, in part:

* * * * * * * *

"As you have been in the employ of the Government now over 62 years, and during all that time your record has been excellent, I have long hesitated to take any action which would reduce your salary; but in view of the statement made by you personally to me yesterday, in addition to your letter, * * * I agree that it would probably be to your best interest to make the change.

"I desire at this time to express my sincere appreciation of the admirable spirit you have displayed in this matter, and to wish you success and continued good health in your new position.

"Very truly, yours,

"BEEKMAN WINTHROP,
"Acting Secretary of the Navy."

The incidental mention of the petitioner's ancestors is only a passing tribute to their memory. He is not building upon their merits; a mere clerk, he is venturing to stand on his own record of two-thirds of a century of work for the Government. That this work has been efficiently performed is not for him to say, but it is so declared by the Navy Department and by the testimony of distinguished officers under whom he has served. Nor is it for him to say whether that work is meritorious; that is for the judgment of Congress.

The Army and Navy Register of October 4, 1913, records the names of several old horses that are pensioned by the Government:

"First. 'Putnam,' Artillery horse, now commonly called 'Pekin'; entered the Army in 1898; served through Spanish War; then in Philippines; in China during Boxer rebellion in battles of Pei Tsang, Yang Tsun, and others; now enjoying a pension at Fort William McKinley, the biggest Army post in the Philippines.

"Second. 'Foxhall,' Artillery horse; served 24 years; is 36 years old; enjoys a pension at Fort Sam Houston, Tex.

"Third. 'Jolo,' Cavalry horse; on pension at Fort Leavenworth."

We are told that the Athenians of old released from further toil their beasts of burden after their long-continued labor, and maintained them at the public cost. That was before the Christian era in a heathen republic. While this great Christian Republic of America equals its heathen examplar in the cases cited, what has it done, what is it doing, for its aged burden bearers, human beings? What for those in the civil service who have labored with pick or with pen for 40, 50, or 60 years? Did not the Government, it may be asked—like the man in the parable—agree with its workers for a penny a day, and has it not paid that penny promptly? Yes; surely. What more, then, shall be done with them when overcome by infirmities of age? Shall such ones toil on till the pen or the pick drops from their enfeebled hands and they be then discharged outright?

In the unique case before us should not the petitioner who has served the State for over 65 years be granted for his few remaining days the relief which this bill, if made into a law, will give him?

This man is now 86 or 87 years of age. He has been in the employ of the Government for 65 or 66 years. As he says, it may be asked, has he not been paid promptly what the Government stipulated, and why should he ask more. That is true, as he says, and yet he has reached a point now at 86 or 87 years of age where if he should lose his position he would be unable to do anything. There are those dependent upon him now whom he has supported for many years, and for this reason he has been unable to save anything substantially out of the salary which has been paid him.

It does seem to me that this case furnishes one of the strongest arguments in favor of our doing something to provide for the old age of such men if we are to maintain the civil service; and we are going to maintain it; and it also seems to me that this is such an exceptional case that it would warrant the committee in reporting favorably and Congress in acting favorably. To wait for general legislation will not aid this faithful employee. He can not live many years longer. Should not the Government provide as well for him as for its faithful horses? We should take up this question of retirement seriously and earnestly. Those employees who first went in under civil service are getting old. They can not be heartlessly turned out, unable to do anything. The Government is losing by reason of their incapacity. If provision is made for a fund so these employees can be insured against poverty and the Government can get more efficient work then both the employee and Government will be benefited. Let us care for this very exceptional case and then take up earnestly the general proposition.

I hope the Committee on Naval Affairs will consider the bill that has been introduced for this gentleman and soon report it favorably and give the Senate an opportunity to act upon it.

The VICE PRESIDENT. The memorandum will be referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD. I present a resolution which I ask may be read.

There being no objection, the resolution was read and referred to the Committee on the Judiciary, as follows:

Resolved, First. That the North Alabama Woman's Missionary Conference indorse the Sheppard-Hobson prohibition amendment, now pending before our National Congress, and petition our national legislators to give to our own United States as soon as possible the legislation sought therein.

We have suffered long enough from the terrible onslaught of that evil dragon of the liquor traffic, and are now earnestly praying for its annihilation.

Second. That the secretary send a copy of these resolutions to the Hon. R. P. HOBSON and Senator SHEPPARD.

Mrs. D. D. MCGEHEE,
Secretary, Decatur, Ala.

TALLADEGA, ALA., *June 4, 1914.*

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. THOMPSON presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Lawrenceburg, and Fort Wayne, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. STONE presented a petition of sundry citizens of Polk County, Mo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WORKS presented memorials of sundry citizens and commercial organizations in the State of California, remonstrating against the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a resolution adopted by Local Union No. 395, Carpenters' Union, of Adams, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. POMERENE presented memorials of 1,500 citizens of Cincinnati, Cleveland, Youngstown, Defiance, Dayton, Hamilton, and Columbus, all in the State of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Methodist Young People's Society of Wooster, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacure, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Dayton, Ohio, praying for the enactment of legislation granting compensatory time for Sunday services performed by employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN (for Mr. CLARK of Wyoming) presented petitions of sundry citizens of Cheyenne, Basin, Egbert, Golden Prairie, Hillsdale, Gillette, Evanston, Rock Springs, Pleasant Hill, Sundance, and Valley View, all in the State of Wyoming, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JAMES. I present a letter addressed to me from the Kentucky Division of the Farmers' Educational and Cooperative Union of America, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PADUCAH, KY., *June 24, 1914.*

Hon. OLLIE M. JAMES,
Member of the Senate, United States of America,
Washington, D. C.

DEAR SIR: Impelled by a duty that I feel incumbent upon me by reason of my official position as State secretary of the Farmers' Educational and Cooperative Union of America, Kentucky Divison, and as a citizen of the United States, I feel it my duty to bring to your attention the fact that farmers at large, and especially the members of the Farmers' Union of Kentucky, look with alarm upon the recent decision of the Supreme Court of the United States in the case of the tobacco pooling laws of Kentucky, which we regard as sweeping in its scope and carries with it protection to the corporate interests of the country and bars the farmers of equal rights with all other interests, who are allowed to pool their money for their mutual interest and protection. I therefore, in the name of the Farmers' Educational and Cooperative Union of America and members of the Kentucky Division, most earnestly appeal to you to vote for and use your influence in the passage of the Sherman antitrust bill, recently passed the House, exempting the farmers and labor unions from the restraining sections of the Sherman law. I do this in the name of the people and because it has caused widespread comment among our people everywhere.

Trusting that you will stand by us—the farmers—in this important matter and give to us an equal opportunity with all other classes,

I am, sincerely,

R. L. BARNETT.

Mr. JAMES. I present a letter from J. W. Throckmorton, chairman of the legislative committee of the Order of Railway Conductors for Kentucky, with reference to the so-called Clayton bill. I ask that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEXINGTON, KY., *June 25, 1914.*

Messrs. JAMES and CAMDEN,
United States Senators, Washington, D. C.

GENTLEMEN: The Clayton bill (H. R. 15657), containing provisions vital to labor organizations, has passed the House.

Inasmuch as our sections of this bill are intended not only to fulfill party platform declarations but also to accord the working people their just rights, nothing short of the provisions of the bill as it passed the House will be satisfactory.

Please use your influence in behalf of labor organizations.

Thanking you in advance, I remain,

Yours, truly,

J. W. THROCKMORTON,
Chairman Legislative Committee of the
Order of Railway Conductors for Kentucky.

REPORTS OF COMMITTEES.

Mr. LEA of Tennessee. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 4331) to consolidate the veterinary service, United States Army, and to increase its efficiency, and I submit a report (No. 624) thereon.

Mr. HITCHCOCK. I desire at this time to file views of the minority to accompany the report just made by the Senator from Tennessee [Mr. LEA].

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which was referred the bill (H. R. 9042) to permit sales by supply departments of the Army to certain military schools and colleges, reported it without amendment.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 6464) for the relief of Charles R. Grant, late of the Volunteer Army, Civil War, reported it with amendments and submitted a report (No. 626) thereon.

He also, from the same committee, to which was referred the bill (S. 5731) for the relief of William Cronley, reported it without amendment and submitted a report (No. 625) thereon.

CALLING OF THE ROLL.

Mr. WEEKS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Perkins	Stone
Bankhead	Hollis	Pittman	Swanson
Borah	Hughes	Poindexter	Thomas
Brady	James	Pomerene	Thompson
Bristow	Jones	Ransdell	Thornton
Bryan	Kern	Saulsbury	Tillman
Burleigh	Lea, Tenn.	Shafroth	Townsend
Burton	Lee, Md.	Sheppard	Vardaman
Camden	Lippitt	Sherman	Warren
Catron	Martin, Va.	Shively	Weeks
Chamberlain	Martine, N. J.	Simmons	West
Clapp	Nelson	Smith, Ariz.	White
Clarke, Ark.	Newlands	Smith, Ga.	Williams
Crawford	Norris	Smith, Md.	Works
Dillingham	Oliver	Smith, Mich.	
du Pont	Overman	Smoot	
Fletcher	Page	Sterling	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 5989) to regulate and restrict the sale of cigarettes in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. WORKS:

A bill (S. 5990) to authorize the sale and issuance of patent for certain land to William G. Kerckhoff (with accompanying paper); to the Committee on Public Lands.

A bill (S. 5991) granting an increase of pension to Egbert W. Reed (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5992) granting an increase of pension to Ann Simons; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 5993) granting a pension to Vernon D. Blalock; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5994) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

A bill (S. 5995) granting a pension to Mary King (with accompanying papers); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 5996) granting an increase of pension to Samuel R. Price; to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN submitted an amendment authorizing the Secretary of Agriculture to enter into a contract for a lease for a period not to exceed 10 years of modern fireproof office accommodations for Governmen. uses, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MYERS (for Mr. OWEN) submitted an amendment proposing to appropriate $200,000 for inquiries and investigations concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, etc., intended to be proposed to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

THE TELEPOST.

Mr. CHAMBERLAIN. I submit a resolution, which I ask may be read and referred to the Committee on Post Offices and Post Roads.

The resolution (S. Res. 405) was read and referred to the Committee on Post Offices and Post Roads, as follows:

Resolved, That a committee of five Senators, including the chairman of the Committee on Post Offices and Post Roads, be appointed by the President of the Senate to investigate and report upon the merits of the telepost, now in operation between St. Louis and Chicago, as to word-carrying capacity, accuracy, economy, secrecy, and general efficiency; as to its use in connection with the Post Office Department, and as to any obstacles in the way of its extension either in connection with the Government or otherwise.

Mr. CHAMBERLAIN. In connection therewith I desire to have printed in the RECORD a letter containing a request that I introduce the resolution, and I ask that it be referred to the Committee on Post Offices and Post Roads.

There being no objection, the letter was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *June 26, 1914*.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

MY DEAR SENATOR: In connection with the resolution we have asked you to introduce, I wish to say that while a thorough investigation of the telepost is suggested, and will be welcomed, so as to determine its efficiency and special fitness for use in connection with the Post Office Department, this is the least important work for the committee, as these points have been settled by long-continued successful commercial operation.

The chief duty of the proposed committee will be to pave the way for the introduction of a new post-office service that has met with unqualified approval wherever and whenever presented.

This is a wired letter and wired card service by which 50 words for 25 cents delivered in a sealed envelope and 10 words for 10 cents delivered on a postal card will be available for the public between any two points connected by telepost wires.

The messages will be handled at each end by the post office in the usual way, but transmitted by the telepost by wire at its rate of 1,000 words per minute between the two post offices. If special delivery is desired, the proper stamp will secure it.

This will mean that between the business districts of any two commercial centers where there are frequent mail deliveries a wired letter or card may be exchanged several times during business hours. While the card will be strictly limited to 10 words, the wired letter may be as long as desired, each additional 10 words or less involving an additional 5 cents.

The Telepost is ready to inaugurate these services between Chicago and St. Louis, and upon the completion of the western section of the Telepost trunk line between New York and Chicago, the poles for one-half of which are already set, offices will promptly be opened in Toledo and Detroit. Other extensions will follow as rapidly as lines are built or leased.

The chief work of the committee, therefore, will be to find out whether there are any obstacles in the way of the opening up of this wired-letter and card service, and if any are found, to remove them by framing and securing the enactment of an enabling act or such other legislation as may be necessary.

On behalf of the business and social interests of the country which now, due to the cost and other handicapping features, use the telegraph less than the people of many nations admittedly not as progressive as we are, I ask your support and the support of the Senate in as prompt a consideration of this subject as other important matters now pending will permit.

Yours, respectfully, H. LEE SELLERS.

RURAL CREDIT IN EUROPE.

Mr. WEEKS. I submit a resolution, and ask that it be read.

The resolution (S. Res. 404) was read, as follows:

Resolved, That 20,000 additional copies of part 1 of Senate Document No. 261, Agricultural Cooperation and Rural Credit in Europe, be printed for the use of the Senate document room.

Mr. WEEKS. I ask that the resolution be referred to the Committee on Printing for consideration.

The VICE PRESIDENT. Without objection, that action will be taken.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF LABOR.

Mr. SHAFROTH submitted the following resolution (S. Res. 406), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the Department of Labor be, and it hereby is, authorized to employ a clerk at a salary of $2,220 per annum an assistant clerk at a salary of $1,440 per annum, and a messenger at $1,200 per annum, the same to be paid out of the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

Mr. SHAFROTH subsequently said: I make a report on behalf of the Committee to Audit and Control the Contingent Expenses of the Senate on the resolution providing for the clerical force of the junior Senator from the State of Kentucky, and I ask unanimous consent for its present consideration.

Mr. SMOOT. Mr. President, I have no objection to the resolution. I simply wish to call attention to the fact that it can be in effect only until the 30th day of this month.

Mr. SHAFROTH. No; I have conferred with the chairman of the Committee on Appropriations, and the resolution provides that it can exist as against the contingent fund until otherwise provided for by law. It will be thus provided for either in a deficiency bill or some other bill that will be passed. I will state that it provides for the usual clerical service—one clerk at $2,220, another one at $1,440, and another one at $1,200.

Mr. SMOOT. I have no objection to the resolution. All I was saying was that, as I remember, the legislative appropriation bill carries a provision repealing all of the resolutions for clerk hire payable out of the contingent fund of the Senate.

Mr. SHAFROTH. It did; and the Senator from Virginia [Mr. MARTIN] said it was impossible to get this provision in the legislative bill, which is now in conference.

Mr. SMOOT. That is true, Mr. President. There is not any doubt about that.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

DANISH AGRICULTURE.

Mr. FLETCHER. I have received a copy of an address delivered by Hon. Rudolf Schou, counselor of state, Copenhagen, Denmark, on the subject of Danish agriculture, including a statement as to cultivation in Denmark, and Danish seed and seed growing. I ask that the matter may be referred to the Committee on Printing, with a view to its publication.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

THE PEOPLE'S BANKS IN NORTH AMERICA.

Mr. FLETCHER. I have a copy of an article by H. Michell, of the department of politic and economic science, Queen's University, Kingston, Ontario, on the people's banks in North America, being a survey of the Desjardins system of cooperative banks in Canada and their adoption in the United States. I ask that the matter be referred to the Committee on Printing with a view to having it printed as a Senate document.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

AGRICULTURAL CREDIT IN IRELAND.

Mr. FLETCHER. I have a copy of a report of the departmental committee on agricultural credit in Ireland. I desire to have the report printed as a Senate document, and I ask that it may be referred to the Committee on Printing with a view to its publication.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

AGRICULTURAL APPROPRIATIONS (S. DOC. NO. 525).

Mr. SMITH of Georgia (for Mr. GORE) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 15, 23, 25, 26, 27, 28, 33, 34, 35, 44, 45, 46, 48, 58, 59, 60, 61, 65, 67, 71, 72, 79, 82, 100, 101, 103, 114, 123, 132.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 18, 19, 21, 22, 24, 30, 32, 36, 37, 39, 42, 43, 52, 54, 55, 56, 57, 63, 64, 66, 68, 70, 75, 76, 80, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 104, 105, 112, 113, 121, 122, 125, 126, 127, 130, 133, 135, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$339,880"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 7 of the bill, line 2, after the word "that," at the end of the line, insert the following: ", in the judgment of the Secretary of Agriculture"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of the amendment strike out the words "this appropriation," and in lieu thereof insert the following: "the appropriation made herein for necessary expenses of the Weather Bureau outside of the city of Washington"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$478,170"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$91,000: *Provided*, That of this sum $10,000 may be used for furnishing the official grades as standardized by the Government and samples of the bleached and unbleached yarns made from such grades, showing the waste, tensile strength, and bleaching quality thereof, to such primary cotton markets as organize associations for the purpose of receiving and caring for them under such rules and regulations as the Secretary of Agriculture may prescribe, such official grades and samples of yarns to be furnished upon the request of any such association at not to exceed the actual cost of the preparation of such official grades and samples of yarns"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$240,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For farmers' cooperative demonstration work outside of the cotton belt, $400,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$673,240: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,880,875"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,616,045"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and to extend the work to the Niobrara division thereof, $5,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,243,096"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,548,256"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,077,581"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,050"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$829,420"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "wolves, prairie dogs, and other animals injurious to agriculture and animal husbandry"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: On the second line of the amendment, in lieu of the sum proposed, insert "$5,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$248,500"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$281,290"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000," and strike out the rest of said amendment; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: On the first line of the amendment strike out the word "hereafter"; and

strike out the words: "but such designation shall not extend at the same time to more than one person for each college"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,000"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,633,500"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,930,780"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,500"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$352,560"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,098,832"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of Agriculture to cooperate with those States in the inspection of Irish potatoes where a quarantine has been or hereafter shall be established by the Secretary of Agriculture, prohibiting the movement of such potatoes from any State into any other State, District, or Territory of the United States except under such rules and regulations as he may prescribe, and for the enforcement of such rules and regulations, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In the tenth line of said amendment, after the word "twenty-five," strike out all down to the period in the last line of the amendment; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hereafter employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional and meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: On the first line of said amendment, before the word "The," insert the words "to enable"; in the same line strike out the words "is authorized"; in lieu of the sum proposed by said amendment insert "$40,000"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: On the first line of the amendment, after the word "Secretary," insert the words "of Agriculture"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the lump-sum appropriations now available or herein made for the work of the Department of Agriculture shall be available for the purchase of motor vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture: *Provided*, That the amount to be expended under the provisions of this paragraph for such motor vehicles and motor boats shall not exceed the sum of $10,000, and that said vehicles and boats shall be used only for official service: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph for the purchase of such vehicles and boats during the preceding fiscal year."

And the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,865,832"; and the Senate agree to the same.

T. P. GORE,
F. E. WARREN,
Managers on the part of the Senate.
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

Mr. BORAH. I ask that the report go over until to-morrow and be printed.

The VICE PRESIDENT. The report will lie on the table and be printed.

HOUSE BILL REFERRED.

H. R. 17041. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

REGULATION OF STOCK EXCHANGES.

The VICE PRESIDENT. The Chair lays before the Senate a resolution of the Senator from Nebraska [Mr. HITCHCOCK] to take from the calendar and rerefer to the Committee on Banking and Currency a bill the title of which will be stated.

The SECRETARY. A bill (S. 3895) to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges.

The VICE PRESIDENT. The question is on the adoption of the resolution.

Mr. HITCHCOCK. Mr. President, yesterday I stated briefly the facts in relation to this resolution, but I will now restate them for the benefit of those Senators who were not then present.

This bill has been the subject of extended hearings before the Committee on Banking and Currency. It is a bill which proposes to give to the Post Office Department the regulation of the stock exchanges of the country. After the hearings no meetings were held for the discussion of the bill; no votes were

ever taken upon any of the amendments which have been favorably reported. The meeting of the committee held yesterday was attended by five Senators who were present at the time the resolution was adopted for the report of the bill. Three of those Senators voted for the report and two voted against the report. The committee numbers 12. Seven members of the committee are requesting that the bill be taken from the calendar and rereferred. At no time has a majority of the committee been in favor of the bill, and at no time has a quorum been present when the bill was voted upon. Under those circumstances it seems to me it should, as a matter of courtesy to absent Senators, be referred back to the committee.

When the bill was considered yesterday by the committee, the Senator from Massachusetts [Mr. WEEKS], the Senator from Missouri [Mr. REED], the Senator from Connecticut [Mr. McLEAN], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], and the Senator from Nebraska [Mr. HITCHCOCK] were absent during all of the time. Most of those Senators were engaged upon other committees. The Senator from New Hampshire [Mr. HOLLIS] was present a part of the time, but left before the vote was taken, authorizing the chairman of the committee to count him as present and as voting for the bill. The Senator from Ohio [Mr. POMERENE] was not present during any of the time, but, as I understand, and as he probably will state for himself, he had authorized the chairman of the committee to count him as present for a quorum. Under the rules of the Senate, as I understand them, it has been the invariable ruling, and it is the ruling in the House of Representatives, that a constructive quorum can only be counted by unanimous consent. At the meeting yesterday the Senator from Kansas [Mr. BRISTOW] and the Senator from South Dakota [Mr. CRAWFORD] objected to an attempt to report the bill in the absence of a quorum.

Under those circumstances, it seems to me that the document filed is not a report. Had I been present in the Senate at the time it was presented, I should have challenged it just as similar former efforts have been challenged in this body and in the House of Representatives, and invariably rejected when not reported from a meeting of a committee at which a quorum was present.

The motion, therefore, is simply to refer this bill back to the committee, where it belongs, until a quorum present considers it and a majority of a quorum decides to report it.

Mr. CRAWFORD. Mr. President, as a member of the Committee on Banking and Currency, I agree substantially with what has been said, except that the Senator from Nebraska put me in the attitude of being opposed to the bill. I am friendly to the bill, so far as the bill itself is concerned, and had there been a full hearing in the committee, so that I felt that each member had a fair opportunity to be heard there, and that any report that might be made was an expression of the views of the majority of the members present constituting a quorum, I would not have objected to the making of this particular report; but it is a fact that the proceedings which led to the making of this report yesterday morning resulted from the action of, I think, three members actually present voting for the report and two members voting against the making of the report, which makes it the direct expression of only five members of that committee. Of those who were absent, one, the Senator from Ohio [Mr. POMERENE], I understood, had been there, but he was not there during any time that I was present, and another, the Senator from New Hampshire [Mr. HOLLIS], had been there part of the time, but had gone away, saying that he could be counted in favor of the bill.

When we consider the importance of this bill and the very great interest in it, I, myself, feel as though that was hardly the kind of action that should be back of a report on such a measure, although I am in favor of the general provisions of the bill. I believe that legislation of the kind proposed is in the right direction, and I do not know of any more effective way of dealing with the question than through the Post Office Department; but I was not satisfied yesterday morning, and I am not now, that the making of the report at that time and in that way was fair and equitable to other members of the committee.

Mr. HOLLIS obtained the floor.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. BANKHEAD. I will not ask the Senator to yield, but I will take the floor in my own right later.

Mr. HOLLIS. Mr. President, I am a member of the Banking and Currency Committee, but I think that the vote on the pending question goes very much deeper than the bill involved or any question of procedure at any meeting of the Banking and Currency Committee. I think it goes to the root of the way we are doing business in the committees of the Senate, and I for one shall take the vote on this question as a rule of guidance in future committee work.

This stock-exchange bill does not, as I understand, place the regulation of stock exchanges under the Post Office Department. It provides that stock exchanges shall do certain things by way of incorporation and comply with certain rules for the conduct of their affairs. If they fail to comply with those rules, then they shall be denied the use of the mails. That is a very short and perhaps an adequate description of the bill.

The bill was introduced as the outcome of the Pujo report a year or so ago. Our committee has held hearings for several weeks, and I have been present at more than one committee meeting when the bill has been discussed. About three weeks ago, according to my recollection, there were seven members of the committee present, and five of them voted to report this bill favorably. That has been challenged.

Mr. HITCHCOCK. Mr. President——

Mr. HOLLIS. I decline to yield; I will state this right.

Mr. HITCHCOCK. I wish the Senator would state all the facts in discussing that matter.

Mr. HOLLIS. I am going to state them. That is my recollection, and I do not put my recollection against the recollection of any other Senator on the committee. I purposely advised that action be taken, so as to avoid questions of veracity. As I remember, there were seven Members present, five of whom voted to report the bill favorably. The bill had been amended by the chairman and had been printed, and those who were interested and who took the pains to find out, knew what the amendments were that were proposed by the chairman at the meeting to which I refer, where I remember that a majority of a quorum present and voting voted to report the bill favorably.

There was afterwards an entirely harmonious discussion between those who favored the bill and those who opposed it, and it was then unanimously agreed—and I am positive that there were six of the committee present at that discussion, although the seventh may have withdrawn—it was then agreed that the Senator from Oklahoma [Mr. OWEN] should prepare the majority report, submit it to the Senator from Massachusetts [Mr. WEEKS], and that the Senator from Massachusetts should have a reasonable time in which to prepare and submit a minority report. A week or 10 days later the Senator from Oklahoma handed to me and to the other members of the committee, as I am informed, a slip print of his report. Then it was brought to my attention by some of those who opposed this bill that there was not a quorum present and voting at the prior meeting. I took the attitude then and advised that if that were questioned, the matter should be left to a future vote of the committee. That course was taken. The friends of the bill did not press for that report in accordance with what we understood to be a vote, and they did not do so for the purpose of avoiding questions of veracity between Senators on the committee.

Since then the committee has met twice. At the first meeting there was not a quorum present, and we engaged in an informal discussion. The second meeting was called regularly for yesterday at 10 o'clock. At 15 minutes past 11 o'clock only five members of the committee were present, but the Senator from Ohio [Mr. POMERENE] had sent word that he desired to be counted to make a quorum. I had an appointment at the White House, which I thought I ought to keep, and at 20 minutes past 11 o'clock I announced that I must leave the committee, but that I desired to be counted for the purpose of making a quorum, and said that I wanted to be counted in favor of a report of the stock-exchange bill. As I was leaving the room the Senator from Kansas [Mr. BRISTOW] came in. I returned with him and announced that that made a quorum and reiterated my request that I be counted to constitute a quorum and as voting in favor of the stock-exchange bill.

I am informed that later the bill was voted on, and that a majority of those present, three out of the five, voted to have the bill favorably reported. Those, I believe, are the facts. I was not present, and so I can not state what objections were made, but the Senator from South Dakota [Mr. CRAWFORD] has stated them with entire correctness, no doubt.

Since I have been in the Senate and have served upon committees it has been the very common practice to count absent members, at their request, to constitute a quorum, and also for members of the committee to leave their votes with the chairman on matters which they anticipate will be voted upon.

I do not think it makes a great difference what action the Senate takes at this time so far as the stock-exchange bill is concerned. I doubt if it could be taken from the calendar and acted upon at this session.

It has been suggested that the motion of the Senator from Nebraska is not in order; that a point of order could be raised

against it, and that the motion could not be considered, the bill having once gone to the calendar, unless it is brought from the calendar under the rules of the Senate, and then, and not until then, would a motion to recommit be in order. I do not, however, desire to raise that point of order. I wish the Senate to vote on this question, so that we may have a rule of conduct. I do not want to waste my time in committees where there are only five or six present and undertake to do business, and then, if the result of the committee meeting is offensive, or not in accord with the feelings of some absent member, have it brought up in this way and recommitted.

I simply want to call that fact sharply to the attention of the Senate and to ask them to vote—I shall ask for the yeas and nays when the motion comes up for a vote—so that we may know whether we have been doing business in accordance with the best judgment of the Senate, or whether hereafter we must have at least a majority of the committee present in order to take any valid action.

Mr. BORAH. Mr. President, will the Senator yield for a question?

Mr. HOLLIS. With pleasure.

Mr. BORAH. Do I understand that at the last meeting, to which the Senator refers, and which the Senator was about leaving when the Senator from Kansas [Mr. BRISTOW] appeared, that constituted a quorum?

Mr. HOLLIS. No; when the Senator from Kansas and I were both present there were only six. It needed the presence and authority of the Senator from Ohio [Mr. POMERENE] to make a quorum of seven members.

Mr. BORAH. And the Senator had authorized that he be counted for a quorum?

Mr. HOLLIS. He had so notified the chairman, as I am informed.

Mr. WEEKS. Mr. President, I am a member of the Committee on Banking and Currency, and have been referred to personally in this discussion. I agree with the Senator from New Hampshire that this is an important matter, which should be decided quite apart from the relation it may have to this bill, though it is important in this case also.

The meeting to which reference has been made, two or three weeks ago, was a meeting at which this bill was read and discussed. No amendments, however—and there are amendments pending—were considered at that time or at any other time, and no question was taken on reporting this bill. The question that was put by the chairman of the committee was whether the members present were in favor of reporting legislation at this session of Congress. There were seven members present. Five members voted in favor of reporting legislation and two against it; but the question of reporting this bill was not put to the committee at that time, or at any other time.

It is true that there was discussion afterwards about making majority and minority reports, and it is true that I did say to the chairman, "Whenever a majority report is made, if it is made, I expect to have time to make a minority report, because I am opposed to the bill." That, however, is as far as it went.

There have been other meetings of the committee. There are two matters of importance before the committee to-day, one of them this bill, and the other the question of reporting the nominations for the Reserve Board. Yesterday morning, when I found the call for this meeting on my desk, I directed my office to call up the Committee on Banking and Currency to find out what was going to be considered, and I was informed that the so-called stock-exchange bill, the bill which we are now discussing, was not to be taken up by the committee. I was confirmed in that by a newspaper man, who told me that the clerk of the committee himself had said that the stock-exchange bill would not be taken up.

Now, I knew that the subcommittees appointed to consider the different members of the Reserve Board directorship had not reported. The subcommittee of which I am a member has not even been called together yet by the chairman; and having before me copies of all the letters and other matters which have been sent to the committee or to the chairman, and having other important business to transact, it did not seem worth while for me to go to the committee room to engage in a desultory conversation about the merits of members of the board until we were ready to act on them definitely, and for that reason I did not go. I did not suppose the stock-exchange bill was coming up, and thought my information was sufficient to warrant my coming to that conclusion.

I can not believe that the Senate or any Member of the Senate wishes to report legislation and have it go on the calendar to which at least half of the members of the committee are opposed. I supposed that a majority were opposed; but we do not know yet what the legislation is to be, because we have not considered the amendments which have been proposed. It is not anticipated, as the Senator from New Hampshire has said, that this legislation can be taken up at this session of Congress. There will be no hardship in sending it back to the committee where it belongs. It is a correct principle to follow.

If 3 or 4 or 5 members of a committee out of 12 can meet and report out legislation by including as present men who are not present, it would, in my judgment, introduce all kinds of improper possibilities in connection with the reporting of bills. I do not think it is wise for the Senate to take the position that that can be done. A constructive quorum, in my judgment, should not be tolerated. Senators should attend their committee meetings, and encouragement to stay away should not be held out to them by assuming that they will be counted if they are not present.

It seems to me, for every reason, that this bill should go back to the committee and be considered there, including the amendments which are pending, and then have it determined whether a majority of the committee wish to have a meeting for the purpose of considering this bill; then if a meeting is called let it be decided whether a majority of the whole committee is really in favor of reporting this legislation favorably.

Mr. BANKHEAD. Mr. President, it seems to me, in view of the discussion and intimations on the part of members of the committee, that it would be highly proper that the chairman of the committee should be notified of this discussion and the proposed action of the Senate, in order that he might be present during the discussion and make such suggestions as he thinks it proper to make under the circumstances.

Mr. WEEKS. Mr. President, there would be great difficulty in notifying the chairman, as I understand he is sailing for Europe to-day, to be gone 30 days or more. [Laughter.]

Mr. POMERENE. Mr. President, I am a member of this committee. I was notified of the intended meeting of the committee, but was not able to be there, because, first, I had a brief engagement at the White House; and, secondly, a very important meeting of the Foreign Relations Committee. Some hearings were being held by that committee which I felt were most important, and therefore I attended the Foreign Relations Committee. I gave the chairman of the committee authority to count me present for a quorum.

I understand that I was not voted at that meeting on this subject; and it is perhaps not necessary for me to go further into details, except that I might state briefly my position with respect to this bill.

I think legislation along the line contemplated is highly important and proper. I think if I had been present I probably should have voted to report out this bill, at the same time reserving to myself the privilege of offering some further amendments, if upon a fuller discussion of the bill they might, in my judgment, be necessary.

I think that is all I care to state about it.

Mr. STONE. Mr. President, I do not rise to express any opinion on the merits of the so-called stock-exchange bill.

The very matter now immediately before the Senate—that is, as to the right to count absent Members present, or to poll their votes for or against a measure—was before a committee of which I am a member—the Indian Affairs Committee—a short time ago. That committee, after discussion, adopted this rule of practice: That an absent member might, at his request, be counted present to make a quorum, and there being a quorum present by counting his vote, a measure brought before the committee could be reported favorably or adversely, according to the majority vote cast, even though there would not be absolutely present a majority of the committee. The vote of an absent member, however, could not be counted for or against the measure unless he had specifically requested and directed that his vote should be cast on the particular question of reporting one way or the other, and could not be counted then except by unanimous consent of the committee.

I understand the rule of practice to be that when there is a committee of 12, as in this case, and 6 are actually present and 1 counted present by his own request to make a quorum, the committee may take action and report out a bill on a majority vote of those actually present if no objection is raised at the time; but if an objection is raised, then a vote can not be cast in the name of an absent member, even though he requests that it may be cast in a particular way. I believe that is the rule that has generally obtained in committees within the range of my experience, and I believe it is a sound rule.

Mr. WORKS. Mr. President, I should like to ask the Senator from Missouri how unanimous consent could be given when there was not a quorum of the committee present.

Mr. STONE. The unanimous consent is given—that is what I mean—by those present, if no objection is made by anyone present to casting the vote of the absent member in accordance

with his direction; but if an objection is made, then it is in effect the same as raising a point of no quorum.

Mr. BRISTOW. Mr. President, as my name has been mentioned in connection with this matter, I desire to say that the rule stated by the Senator from Missouri is the rule that prevails in the other committees of which I am a member. I know that in the Committee on Claims, if there are six members present and there is no objection, the six members can report a bill, although they are not a majority of the committee; but the objection of one, under the rule which the committee adopted, prevents the bill being reported.

As to the controversy in regard to this bill, I think I remember quite accurately the circumstances. The vote that was originally taken at the first meeting of the committee was on the question whether or not a majority of the committee was in favor of legislation upon this subject and reporting a bill at this session. That was before the bill had been read or any amendments suggested. Five of us voted in favor of legislation and in favor of reporting a bill, and I was one of the five. Two voted against it. I never dreamed of voting to report out the present bill, however. Not a single amendment was considered by the committee. Indeed, I do not believe the amendments were read to the committee, although they may have been read; and I was very much surprised when I learned, a week or two afterwards, that a report had been made, because it certainly never was justified or authorized.

As to the meeting yesterday, I do not believe it was fair to the members of the committee, who had a right to be heard. Four members of the committee who were very much interested in the bill were engaged on other important committee work. Two of them are members of the Committee on the Judiciary and were engaged at that time on the antitrust bills. Two others were members of the Committee on Foreign Relations and were present at the meeting of that committee, which was at the same hour, and the other Senators were engaged as has been described here.

For that reason I objected to reporting the bill, because I did not think it was regular, in order, or authorized under the rules of the committee or the Senate, and I did not think it was fair to absent members. At the time the action was taken there were five present, as has been indicated by the statements made by the other two members.

While I am in favor of legislation, I have some doubts about some of the provisions of this bill, and I should like to have it further considered by the committee. I think it ought to be further considered in the interest of legislation, and I think it ought to be referred back, because not to do it would set a most dangerous precedent, which might lead to anything. Why, the chairman of a committee could report a bill with any kind of an amendment he wished at any meeting he wished under such circumstances as control here if he could get the consent of absent members to do it, and we might as well abolish the committees.

Mr. LEE of Maryland. Mr. President, as a member of the committee, and present at both the meeting that took place before, when the bill was first considered and assumed to have been authorized to be reported, and the meeting of yesterday, when that previous action was affirmed, I should like to make a brief statement on this subject.

From the statement just made by the Senator from Kansas [Mr. BRISTOW] it can be readily seen by the Senate that a mistake might readily have been made and a misunderstanding have arisen as to whether the action of the first meeting on the subject was to report *a* bill or to report *the* bill. The understanding of the majority of the committee was that it was to report *the* bill; but to avoid all possibility of mistake and to give every member of the committee who was in opposition an opportunity to be present and express his attitude and opinion a second meeting was held on the subject and full opportunity given yesterday.

The objection made by the Senator from Kansas [Mr. BRISTOW] and by the Senator from South Dakota [Mr. CRAWFORD] yesterday to the procedure was not by reason of there being a constructive quorum present, not by reason of the counting of the Senator from Ohio [Mr. POMERENE], who assented by phone to being counted for a committee quorum, though physically absent, and of the Senator from New Hampshire [Mr. HOLLIS], who departed from the meeting. That was not the basis of their objection. There was unanimous consent to the session of the committee, so far as the presence of those Senators was concerned; but the objection that was made was that the three main opponents of the bill were absent—that the Senator from Nebraska [Mr. HITCHCOCK] was absent, that the Senator from Minnesota [Mr. NELSON] was absent, and that the Senator from Massachusetts [Mr. WEEKS] was absent.

All of those three gentlemen had been given full notice of this particular meeting of the committee. Of course, that objection was not tenable, especially in view of the fact that the meeting itself was called for the purpose of affording full opportunity to reconsider the previous order to report or for them to give such supplemental expression as it might seem proper to them to make.

Mr. HITCHCOCK. Of course, the Senator does not mean to imply that the notice of the meeting contained any suggestion as to its purpose. The Senator will recall that some Senators had telephoned the committee and received information that it was for the purpose of considering the nominations of the members of the Reserve Board, which was the real matter pending before the committee.

Mr. LEE of Maryland. As was stated by the Senator from Massachusetts, the question of the nomination of the members of the Reserve Board being before the subcommittee and not having been reported upon, the only matter pending before the committee as a whole being this bill, the natural inference was that this bill was the subject matter for consideration. But be that as it may——

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. LEE of Maryland. Certainly.

Mr. WEEKS. I should like to ask the Senator from Maryland if he does think it was a fair basis for me to act on to ask the clerk of the committee what was going to be considered, and when I had been given the assurance that the stock-exchange bill was not to be taken up, did I not have good reason to conclude that nothing else except the nomination of the members of the Reserve Board was to be considered?

Mr. LEE of Maryland. Mr. President, I would not like to pass on what action took place between the Senator and the clerk of the committee or the power of the clerk to do away with the right of the committee to do business by word of mouth or through the telephone. I think that proposition answers itself without further response from me.

But let us consider the substance of this proposition. The substance of the motion of the Senator from Nebraska is that this bill has been prematurely reported to the Senate, and that it shall go back to the committee for further consideration and additional development of facts. Here is a volume of testimony, of briefs, and of exhibits that has been accumulated in this matter in the last three months by this committee, a volume of nearly 1,000 pages, and throughout those pages it will be seen that the Senator from Nebraska has been a vigorous and consistent opponent of this measure.

It must be recognized that the question before the Senate at this moment is not that anyone shall be deprived of a right, because the minority have a perfect right to file a minority report; they have a perfect right to offer amendments on the floor of the Senate; but the real question before the Senate at this moment is, Shall a backset be given to a bill which proposes to regulate stock exchanges in a reasonable manner, preserving the market places as such, and the opportunity to sell securities, which should be preserved, but which proposes to strike down, if it can be stricken down, the most extensive, objectionable, and unfair system of gambling that exists in any portion of the civilized world?

Mr. WARREN. Mr. President, it is not my desire to enter into any discussion at this time as to the merits or demerits of this bill. I do not consider that the motion or question before us rests at all upon the grounds stated by the Senator from Maryland [Mr. LEE], but it does rest upon the ground which has been in a way presented by the Senator from New Hampshire [Mr. HOLLIS]. The question now is whether we are going to accept a report from a committee, the validity of which report the committee itself, or members thereof, here on the floor question.

It seems to me that in the line of good order, in the line of fairness, in the line of following the rules and practices of the Senate, there ought to be unanimous consent to send the bill back to the committee. The committee has the power to report it again if a majority so desires.

I regard it as peculiarly unfortunate that we should accept a committee report here that is questioned so seriously as this is by members of that committee. No one yet has been able to state that it was entirely regular or that a majority of the members of the committee were present and voting.

The Senator from Missouri [Mr. STONE] stated the case very fairly, that when in committee there may be one short of a quorum and they are all agreed and the views of another are known, he may leave his vote, but even in such a case other members, or at least a member, should later add their or his

support. Then there could be no question as to the majority of the committee, but in all committee reports that I have helped to construct and pass upon, and all other reports that have drawn my attention when such reports were made here, I never have known one to be insisted upon where there was even a question of unfairness or of a misunderstanding. I will put it that way, as I do not wish to commit myself to assertions of unfairness.

Mr. SHAFROTH. Mr. President, I wish to say that, in my judgment, there is no rule which has been adopted by the Committee on Banking and Currency that requires a physical quorum to be present. There is no rule that I can find in the Senate which regulates the matter of a quorum of a committee, though there may be. The Senator from Oklahoma has been very anxious to get this bill considered and passed upon. This is not the first time we have endeavored to do it, but we have endeavored on a number of occasions to have a vote on the measure. Invariably a quorum was not present. This was not the second meeting, it was not the third meeting that was called on this matter. If this report is turned down nine-tenths of the reports now on the calendar are open to the same objection.

Mr. WARREN. I think the Senator is speaking without due consideration in that statement. If so, then there is a very different procedure in some committees from those committees on which I have the honor of serving.

Mr. SHAFROTH. I must say that I am on a number of committees, and it is very seldom that we report a bill out with a majority present physically, but we have a statement made that members are to be counted for a quorum in favor of a bill. I believe that nine-tenths of the reports have been made without a physical quorum being present.

Mr. WARREN. Will the Senator permit me to ask him a question bearing upon the matter? Does the Senator think that that is a proper procedure on the part of a committee? Is that good government?

Mr. SHAFROTH. Unless you do that you will not have reports of committees made. I know that we make reports in this Chamber every day by polling committees. The Senator no doubt has signed his name a number of times.

Mr. WARREN. Very few, and it is a very bad practice; but in that case the assent is undoubtedly given by a majority of the committee.

Mr. SHAFROTH. That may be; but we had a number of meetings——

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. SHAFROTH. I do.

Mr. REED. I understood the Senator from Colorado to make the statement on the floor that there were a number of attempts made to get the committee together, and that, unfortunately, there had been a lack of a quorum. If that is the case, that certainly settles this question, because no one ought to contend that less than a quorum can make a report.

Mr. SHAFROTH. Mr. President, that is the very question to be determined by the Senate, because there has been an effort made to get this bill considered. Probably two or three weeks were spent in hearing testimony on this bill, and following that there was a meeting at which it was agreed by a number of the committee to report the bill. The Senator from Oklahoma, the chairman of the committee, prepared the report. Then, some question being made as to whether it was understood that the bill would be reported, he said, "Very well; I will not report it, but I will call other meetings"; and he had at least two meetings called for the purpose. Yesterday when we met I suggested that he had better call a meeting and specify in the call that we were going to have this particular bill voted upon, and the Senator from Oklahoma said he had to leave, to go to London for a week or ten days. He will be there that length of time. I understand it is a business trip and not a pleasure trip; but however that may be, and I am not so certain as to that, he said, "I can not call it; I leave to-morrow"—that is, to-day—"for Europe." Consequently he said he wanted the bill presented, so that the press could criticize the features of the bill while it is pending and before it came up in the Senate. He further said that he did not expect to get it up at the present session of Congress. Consequently he thought the report ought to be filed and that the bill ought to be reported. Thereupon the vote was taken as indicated, the Senator from Ohio [Mr. POMERENE] being present by proxy under authority that he should be counted to make a quorum, the Senator from New Hampshire [Mr. HOLLIS] being counted in the same way, he having left the committee room just a few minutes before the vote was taken, and the other members being there in person.

Mr. WARREN. The Senator speaks of polling committees. Was any attempt made to poll the committee or the balance of the committee before reporting the bill, after the committee meeting and before the bill was reported?

Mr. SHAFROTH. No; I do not know that there was.

Mr. WARREN. Of course, I am not entering into the issue as to whether the bill is right or not, but I want to assure the Senator, notwithstanding his views as to the lack of a majority, that I have been a Member of the Senate for some time, under a Democratic administration and under Republican administrations, and I have never understood and I have never believed that the business of a committee was being done by a minority. We have had quorums, although it sometimes required a great deal of telephoning or sending of the Sergeant at Arms and others for absent members.

Does the Senator believe that now, with the majority that his party has in the Senate, they want to subscribe to the doctrine of acting in this way and doing business by proxy? Can a Senator remain at home and still do business here in the Senate by proxy? In the first place, making large committees, extending the number of members, as your party has done, and then permitting two, three, or four members, or less than a quorum, claim they are the committee and then proceed to do business—is that safe procedure?

Mr. SHAFROTH. If you can not get action in any other way, it seems to me this is the only procedure that you can take. We have no rule. If we need rules, we should have the committee adopt a rule and provide that nothing but a physical majority can pass upon a matter. Then when that is the case we will find that there would be very little legislation in the Congress of the United States.

Mr. WARREN. The rule always is everywhere that the majority shall rule, and not the minority.

Mr. SHAFROTH. A bill is reported; it is not passed before it comes into the Senate. There is no danger of any great wrong being perpetrated. There is no doubt of that. It is purely a question whether this bill shall be reported. I feel that as the Senator from Oklahoma is not here he ought to be sustained, because I know he has made effort after effort to get this report.

Mr. SMITH of Arizona. Will the Senator allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. SMITH of Arizona. Did a majority of the committee give its assent to this favorable report?

Mr. SHAFROTH. No; a majority of those who were present.

Mr. SMITH of Arizona. A majority of the committee?

Mr. SHAFROTH. No; there was not a majority of the committee there personally, but a majority of a quorum.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New York?

Mr. SHAFROTH. I will yield after I make a motion. I feel that some of the Senators here have very different views upon this matter and perhaps feel a little strongly about it; but I feel very strongly also that the Senator from Oklahoma should be upheld. For that reason I move that the consideration of the motion of the Senator from Nebraska be postponed for 30 days.

Mr. HITCHCOCK. I raise a point of order against that motion.

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. The Senator from Colorado said he would yield to the Senator from New York.

Mr. CLARKE of Arkansas. All right.

Mr. ROOT. I am not going to keep the Senator from Arkansas from the floor more than a minute.

We have had stated by the Senator from Colorado the fact that a member of the committee from which this bill came was present by proxy. That is going into the record of the Senate, and I do not see how we can escape either affirming or disaffirming the proposition that the Members of the Senate can act in committee by proxy. To my mind, it is an astonishing proposition, wholly unsupported by any parliamentary procedure ever known, and we must meet it now. We are called upon to pass on the right of a Senator to act by proxy in a committee.

Mr. SHAFROTH. Mr. President, all that I have to say in answer to that is that it is done every day, and I believe not only a large majority, but I believe that three-fourths if not nine-tenths of the bills that have been reported were not reported at the time there was a physical majority present. Now, that may be wrong. If it is, pass a rule to that effect.

Mr. ROOT. That may be the reason why so little respect is paid to the reports of committees and why we have so much crude, ill-considered legislation.

Mr. SHAFROTH. I do not believe that that produces the result which the Senator intimates. We have free and full discussion in committee; the reports of committees are generally elaborate, and they have considerable influence upon the Members of the Senate

Mr. REED. Mr. President——

The VICE PRESIDENT. Will the Senator from Colorado yield to the Senator from Missouri?

Mr. SHAFROTH. I yield to the Senator.

Mr. REED. Does the Senator know of anything in the rules of the Senate or in any parliamentary law that gives to the chairman of a committee any other rights than are possessed by the individual members of the committee, except the mere right to call meetings and to preside at the meetings?

Mr. SHAFROTH. I do not know that there is any direct rule upon the subject at all. I understand there is no rule in the Senate which prescribes how a vote shall be taken in a committee.

Mr. REED. If that is true, a minority of a committee can report bills simply because the chairman called a meeting, when there has not been a meeting, because there were not enough there to constitute a meeting. Then, of course, it would follow that any other two, three, or four members could get together and call it a committee meeting and make a report.

Mr. SHAFROTH. The Senate passes bills every day with a minority here—not a majority at all—with a quorum not present.

Mr. REED. But there is a quorum present in the contemplation of law. No one having raised the question one is presumed to exist, but the moment it is challenged the roll is called.

The Senator well knows that while there have been a number of meetings of this committee at which there was not a quorum, unfortunately those meetings were called in every single instance when a number of the members of the Committee on Banking and Currency were compelled to be in attendance upon other committees.

Mr. SHAFROTH. I will state——

Mr. REED. As an illustration, the last meeting of this committee was called for the very hour when I was obliged to be in attendance upon the Judiciary Committee. I had advised the chairman of the committee that I am unwilling at this time to pass upon the bill. I could not be in the Judiciary Committee and in the other committee. It has happened that way with me several times. I had no idea that this bill would be reported out unless there was a quorum of the committee present to transact business.

I have been trying to give this matter attention with not the slightest disposition in the world to delay it an hour, but the bill has been brought forward at a time when members of the committee were absolutely compelled to be elsewhere. Certainly the fact that the chairman of the committee saw fit to call a meeting at that time, and he did it, of course, with the best of purpose, does not deny to those other members the right and the Senate the right to at least have a quorum present to transact business.

Mr. SHAFROTH. Mr. President, in answer——

Mr REED. I want to say, in addition, that one of the purposes of having a committee meeting to pass upon a measure is that there shall be thrashed out, and after full conference, the various provisions of a bill. The committee, then, is generally expected to become somewhat in accord and give the Senate the benefit of its common judgment. But if this bill were to be now forced on us, I would, of course, not feel bound by anything the committee had done; no one else would feel bound by it. Why should not the bill go back and receive at the hands of this committee that consideration which it was primarily intended should be given to it when it was sent to the committee?

We sent this bill to the committee for the purpose of committee action. The Senator admits we have not had committee action; we have had minority action. He admits there has never been a quorum of the committee present at any one time when this bill was being considered, much less a quorum present at the time when it was voted into the Senate.

Mr. SHAFROTH. Mr. President, I want to say that no doubt the Senator has a great many committee meetings to attend; but this meeting was held on Thursday last, and Thursday is not the regular meeting day of the Judiciary Committee.

Mr. REED. But the Judiciary Committee was in session on that day.

Mr. SHAFROTH. That might be, but it is not the regular day for the meeting of the Judiciary Committee. We can not foretell what day the Judiciary Committee is going to be in session.

I wish to say, further, that this notice was for 10 o'clock, which is half an hour before the usual time for the meeting of committees. We remained in session until 25 minutes of 11 o'clock hoping to get a quorum.

Mr. CLARKE of Arkansas. Mr. President, I desire to occupy the floor for a few moments only.

Mr. SHAFROTH. I have made a motion.

Mr. CLARKE of Arkansas. I want to make a few remarks on the general question involved.

Mr. SHAFROTH. Very well.

Mr. CLARKE of Arkansas. Mr. President, the controversy which is presented here this morning is fairly well covered by a new rule which was adopted by the Senate on the 12th of April, 1912, but which has not as yet been incorporated in the regular Manual of the Senate.

The difficulty with which we are now confronted was quite a common one in the earlier Congresses of my service here. It would then frequently happen in all committees, and it especially happened in one committee, where the chairman was usually supplied with a pocket full of proxies of all of the absent members; that no matter how fully we might debate a question in committee, or how well prepared we might be to dispose of it according to the judgment of the majority of the Senators who were then present, we found ourselves embarrassed with this proxy business. It ran along thus until it became such an absolute evil that some of us had to take notice of it. That situation was of such frequent occurrence in two of the committees of the Senate of which I happened to be a member that it occurred to me that some remedy might be found. Our principal committees have been so greatly enlarged in membership that they have in great measure lost their influence, or rather, I should say, that the individual members of the committees had lost their influence in the deliberations of the committee that they usually feel so little interest in what is scheduled to transpire there that they rarely ever attend in sufficient numbers to have a respectable number of the committee present, so that frequently we had no majority quorum present, and this business of counting absent members or telephoning to absent members became a habit. In an effort to remedy this demoralizing practice, I offered an amendment to the rules on the 9th of April, 1912. A motion was made to refer the proposed amendment to the Committee on Rules, which was not adopted, because a more expeditious method could be found to dispose of it, and it was informally referred to the senior Senator from Iowa [Mr. CUMMINS] and myself as a kind of subcommittee to work out some provision that would meet the exigencies of that obviously embarrassing situation. We reported to the Senate, and the Senate adopted the following resolution on the 12th of April, 1912:

Resolved, That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership.

And here is the part of the rule that applies specifically to this case:

Nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

We have now before us the case of a report coming from a committee consisting of 12 members concurred in and authorized by the personal vote of 3 members only. Even if the committee reporting this bill had availed itself of the power conferred by the Senate in this new rule, and had provided that one-third of the membership of the Committee on Banking and Currency should constitute a quorum thereof, under this rule it would have required the concurring vote of a minimum vote of 4. No report can be made under this rule from a committee consisting of 12 members without the concurring vote of 4.

It appears from the undisputed facts—and those are the only ones with which I care to deal—that this committee consists of 12 members. There were at most 6 members present. One of those members absented himself before the vote was taken. Nobody is authorized to go into an inquiry by which secondary evidence will be taken as to how this member would have voted if he had actually been present and heard the final argument in committee. His actually absenting himself from the committee deprives him of the right to vote by proxy or request. So that when it came to a vote on this particular report there were

only 5 members who voted, 3 in favor of the report and 2 against it. Obviously it is not a report of that committee, even though it exercised its privilege under this new rule of the Senate to have made 4 members of the committee a quorum for the transaction of business, because, in that event, it would have required the entire 4 to report the bill, whereas it is admitted that only 3 voted in favor of this report.

I am quite committed to legislation having for its purpose the abolition of the New York Stock Exchange, and I am somewhat embarrassed at finding myself in a position where, in order to insist upon regularity, I have to assume an attitude which would apparently delay legislation along that line; but the integrity of our rules here and the necessity of observing them strictly is of the very greatest importance, and I assume that in the end they will bring before this body every matter that it ought to consider, the subject matter of this bill included.

Mr. WARREN. May I ask the Senator a question?

Mr. CLARKE of Arkansas. I very gladly yield to the Senator.

Mr. WARREN. I recall very well the introduction of the rule to which the Senator refers and the action that was taken on it at the time. I should like to ask the Senator if he thinks that that would have been accepted by the Senate, or that he would even have proposed it, unless it took, on a finality, the majority of an actual majority of the entire committee to affirmatively assent to a report?

Mr. CLARKE of Arkansas. The Senate amended it in that respect on motion of the Senator from Utah. He was not willing that a report should come out of a committee without the concurring votes of a clear majority of a majority of the whole committee.

The VICE PRESIDENT. May the Chair ask the Senator from Arkansas when that rule was adopted?

Mr. CLARKE of Arkansas. On the 12th of April, 1912.

Mr. WARREN. I think it has never been printed in the Rules.

Mr. CLARKE of Arkansas. It has never yet been printed in the Senate Manual.

The VICE PRESIDENT. At this juncture, may the Chair request some Senator to ask for a revised edition of the Senate Rules, so that the Chair and the Secretary, at least, may have the means of knowledge whether they ever possess it or not?

Mr. CLARKE of Arkansas. I will be very glad to act as the Chair's representative in that behalf; but I am advised that there is a new edition of the Rules of the Senate now being prepared.

Mr. OVERMAN. Mr. President, there is a revision going on now——

Mr. CLARKE of Arkansas. I believe I will conclude what little I have to say without further interruption.

Mr. OVERMAN. I merely want to say that the rule referred to by the Senator from Arkansas should have been included in the present revision, but that revision was made in a hurry toward the close of a session in a former administration.

Mr. CLARKE of Arkansas. Mr. President, I have no part in the controversy between members of the committee about what took place there. It would be unseemly to undertake to create a situation where different versions of what transpired there were presented to the Senate for settlement. I deal, therefore, with broad facts—that there is a committee of 12 members, with 6 actually present at one time and with 5 alone voting, 3 for and 2 against reporting the bill. I therefore insist that if the objection is raised that the affirmative vote of that number of that committee can not report to the Senate a bill, and that the recent rule adopted by the Senate on the 12th of April, 1912, is conclusive against the claim that they can, it is hardly necessary to add that a Senator has no more right to empower another Senator to vote for him or otherwise act for him in committee during his actual absence from its session than he would have to so authorize that other to act for him in the sessions of the open Senate. In both instances the service required involves the exercise of discretion and judgment after joint deliberation, and by the very nature of the service this can not be delegated.

Mr. SHAFROTH. Mr. President, I had no notice of this rule. It is true that there has not been a vote taken in which there has been a concurrence of more than one-half of the majority of the entire membership of the committee. There is not any question about that, and if the rule referred to has been adopted and it is a rule of the Senate I, of course, have no complaint to make about it; but it does seem to me, Mr. President, that what we ought to do is to sustain the motion which I have made to postpone the consideration of this matter for 30 days, at which time the Senator from Oklahoma [Mr. OWEN] will be back.

I wish to say that a motion to postpone consideration is always, as is a motion to adjourn, in order, and that it is not subject to a point of order, as claimed by the Senator from Nebraska.

The VICE PRESIDENT. What does the Senator from Colorado mean by "30 days"? There is a rule that permits a motion to postpone to a day certain, but it does not say anything about 30 days.

Mr. SHAFROTH. I move, then, that the consideration of the motion of the Senator from Nebraska be postponed to the 30th day of July, 1914.

Mr. HITCHCOCK. Mr. President, my point of order is that a motion to recommit is not subject to amendment, and the motion of the Senator from Colorado would be in effect an amendment of my motion.

The VICE PRESIDENT. The Chair is of the opinion that the point of order is not well taken. The question is on the motion of the Senator from Colorado. [Putting the question.] The "noes" seem to have it.

Mr. SHAFROTH. I call for a division.

The VICE PRESIDENT. Those in favor of the motion of the Senator from Colorado will rise and stand until counted. [A pause.] Those opposed will rise. [A pause.] There is no doubt the motion is lost.

The question recurs on the motion to recommit the bill to the Committee on Banking and Currency.

The motion was agreed to.

Mr. HITCHCOCK. I ask that the written report accompanying the bill may be withdrawn from the files.

The VICE PRESIDENT. Without objection, that action will be taken. Morning business is closed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate take up for consideration House bill 13811, known as the river and harbor bill.

The VICE PRESIDENT. Is there any objection?

Mr. WILLIAMS. Mr. President, I should have no objection if the Senator would withhold the motion for a few moments. The unfinished business, I believe, is the trade commission bill.

Mr. SIMMONS. That bill does not come up until 2 o'clock.

Mr. WILLIAMS. Oh, very well.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I do.

Mr. BORAH. I desire to object.

The VICE PRESIDENT. There is objection to the request for unanimous consent to take up the river and harbor bill.

Mr. SIMMONS. Mr. President, a parliamentary inquiry. Will a motion to proceed to the consideration of the river and harbor bill displace the unfinished business?

The VICE PRESIDENT. It will, if its consideration goes beyond 2 o'clock.

Mr. SIMMONS. I do not see the Senator from Nevada [Mr. NEWLANDS] in the Chamber, and I will not make the motion if it will have that effect.

The VICE PRESIDENT. The Chair made an incorrect statement. There is unfinished business before the Senate, which, in the opinion of the Chair, should be handed down at 2 o'clock.

Mr. SIMMONS. I understood that. I did not want to make any motion that would displace that as the unfinished business.

The VICE PRESIDENT. The river and harbor bill, if taken up, could run until 2 o'clock.

Mr. SIMMONS. I move, then, that the Senate proceed to the consideration of the river and harbor bill, and at 2 o'clock I will ask to have it laid aside.

Mr. BORAH. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Page	Smoot
Borah	Jones	Perkins	Sterling
Brady	Kern	Pittman	Stone
Bryan	Lane	Poindexter	Thomas
Burleigh	Lea, Tenn.	Pomerene	Thompson
Burton	Lee, Md.	Ransdell	Thornton
Camden	Lewis	Root	Tillman
Catron	McCumber	Saulsbury	Warren
Chamberlain	Martin, Va.	Shafroth	West
Chilton	Martine, N. J.	Sheppard	White
Clarke, Ark.	Nelson	Shively	Williams
Fletcher	Newlands	Simmons	Works
Hollis	Norris	Smith, Ariz.	
Hughes	Overman	Smith, Md.	

Mr. CLARKE of Arkansas. I desire to say that my colleague [Mr. ROBINSON] is ill to-day, and will probably not be in attendance on the session of the Senate.

Mr. NORRIS. I desire to announce that the junior Senator from Iowa [Mr. KENYON] is necessarily absent. I should like to have this announcement stand for the day.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The question recurs on the motion of the Senator from North Carolina [Mr. SIMMONS].

Mr. BORAH. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. SIMMONS. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendments, the committee amendments to be first acted upon.

Mr. BORAH. I object.

Mr. SIMMONS. Then I make that motion.

The VICE PRESIDENT. The Chair rules that, objection being made, the bill must be read.

The Secretary proceeded to read the bill, and read to the bottom of page 24.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. WILLIAMS. Mr. President, I have been receiving, and I understand other Senators have been receiving, a multitude of letters from our constituents forwarding to us certain ready-prepared lettergrams and letters sent to them for their signature and then to be forwarded to us, these letters as a rule advising Congress to "shut up shop" and "go home," because, as alleged, it is "not doing any good," and that its mere presence in Washington is "a menace to business," warning us about the "interference of politicians" with "business," and so forth. They generally send the plated matter—ready-made lettergram or letter—to be signed and sent to us, and then they write contemporaneously a letter to our constituents telling them to sign the lettergram or letter and forward to their Senators or Representatives, and then add shrewdly: "It would be better yet for you to write a letter upon your own letterhead, in slightly different language, and sign that; it might have more influence."

This is a part of the scheme which has been going on. Most of my constituents send these forms to me unsigned, with a few ironical remarks of their own, at the expense of those who have forwarded them—the people of Mississippi being rather preeminently a humorous people. Very few of them have been caught with chaff of that sort, but now and then one does sign a letter of that kind and send it. I have written, in reply to one of the few who has been deceived, a letter which I shall read, which, in my opinion, expresses the facts, and I shall send it afterwards to the desk to be printed; but I shall ask that the name of the addressee be not printed with the letter, for the reason that he is a very modest sort of a man, and he might object to his name being brought into public notoriety in that way:

JUNE 17, 1914.

MY DEAR SIR: Your telegram was received. The whole country is being flooded by certain financial interests and by certain plutocratic industrial concerns with blank forms of night lettergrams or letters being sent to people everywhere asking them either to sign and send them to their Senators and Representatives or to send letters or telegrams drawn up by themselves. Senators and Representatives are to be thereby persuaded to adjourn Congress and go home on the ground that the country and "business" are suffering by surfeit of legislation or, as they would perhaps call it, with industrial dyspepsia.

The motives of the men who are carrying on this propaganda—the Simmons Hardware Co. and many others, amongst others some banking firms in New York City—are obvious. Not only are they obvious, but obviously undemocratic—plainly and palpably plutocratic. Like movements started with a series of "predictions" of "dire disaster" if we dared to revise the tariff. We revised it; no disaster followed. On the contrary, the whole country came to the opinion that we had used our power very conservatively, and if there were any quarreling with what we had done at all it was by Democrats who said we had not cut the tariff robbery deep enough.

Then these same great interests, though evidently not always the same men speaking for them, but through kindred organizations, while the banking and currency bill was under consideration said that the proposed measure was "revolutionary," that it would "bring on a panic," that it was "holding the country in a state of depression," etc. The truth is that the country was not in a state of depression. We had the courage to pass the bill anyhow. Within less than a week afterwards some of them, and within less than two weeks afterwards nearly all of them, were singing pæans of praise of the bill, and everybody was confessing that we had inaugurated an infinitely better financial system than the United States ever previously had.

Now, when we come to the trust question and want to pass supplemental legislation concerning it, the same influences are engaged in the same struggle—predicting disaster (or rather, under the guise of prediction, they are threatening disaster)—and some of them now would bring on a panic if thereby they thought they could frighten the Democratic Party from its program of reform legislation.

With all their other charges they are constantly talking about "politicians interfering with business." Now, no man has more objection to the ordinary politician in the sense of being the manipulators of conventions and primaries and mere office seekers and nothing more than I have. But Senators and Representatives, taken by and large, are fair samples of their people. They are, moreover, the choice of their people, and if they are a "poor lot," then the people who selected them are responsible for selecting a poor lot, and must have been a poor lot themselves or they would not have done it. A slur at the Senate and House, therefore, is a slur at the people who sent them here, because even Senators now are eligible for election by the people; and even before the law was passed making them eligible, they were practically so, for all the Southern and most of the Western States had primaries for their selection—voluntary primaries, independently of the law—or else primaries by State law. So that these so-called, much-derided politicians are nothing but the people in their representative capacity, and what these plutocrats are particularly afraid of is the people. They are afraid that this Democratic administration is going to carry out the Democratic platform, and that in carrying it out the masses of mankind will be righteously and fairly treated. They know that if the masses of mankind are righteously and fairly treated that the interests hitherto favored by law, or by the permitted violation or evasion of law, either one, will be hurt. Hence their cry of alarm. Wherever dishonest business is in our way it must be hurt; it ought to be hurt. No honest business will be hurt.

There is another consideration which I would impress upon you. In so far as there is any business depression now—and outside of the boll-weevil district I do not find very much, though some—it is the depression growing out of the feeling of uncertainty as to what the legislation supplementary to the antitrust laws will be. It is therefore logical, I think, that the sooner we relieve this feeling of suspense and uncertainty by putting the law upon the statute books the better it will be for all. If I were a surgeon and you were brought to me for an operation, and I saw that an operation was necessary and right, I would operate upon you just as soon as I could, provided you were in a proper condition. I certainly would not tell you to go away and come back at the end of four weeks, leaving you in suspense during all that time, probably to break down with nervous prostration because of anxiety and anticipation.

I am, with every expression of regard,

Very truly, yours,

JOHN SHARP WILLIAMS.

Mr. President, that letter about expresses my views, and what I deem true views, and it will save me and others letters perhaps to the sought-to-be misled.

Now, this scheme has gone so far that I notice that the very headlines of these plutocratic newspapers are engaged in it. I hold in my hand an article from one of them this morning. Do not be frightened, Senators, I am not going to read all of it, but I just want to show you how they take advantage of the headline space to put in what is not true and what the facts as reported in the space below do not justify. Here is the report of the failure of H. B. Claflin & Co. A part of the headline says:

Tariff and general depression said to be in part to blame.

Then, on a different page of the paper, there is what purports to be "a special" from its "correspondent in New York," reciting this same falsehood, but here below is the actual report in the news column of the facts in the case, as made by the Associated Press from the actual report of the parties to the failure and the financial conferees and accepted by it. A part of it is this:

From one of the conferees, who was a powerful factor in aiding the elder Morgan to stem the tide of 1907 and who also participated in the recent effort to save the H. B. Claflin Co., the inside story of the efforts of this group of financiers to thwart the failure was learned.

"It was exactly like the days of 1907," said this merchant.

Roosevelt was President in 1907, and he had never even urged a reduction of the tariff and there had been none. Then, later on—evidently somebody must have asked him a question—he said:

Now, about the causes which provoked the failure. I must say that the present tariff laws were not the principal causes of the crash, although the tariff legislation had its influence on the general situation. It was simply a case where the Claflin business was too big for the capital invested

And that is the Gospel truth. The great German historian Gervinus, in writing a "History of the Nineteenth Century," opened his first chapter by trying to account for the failure of Napoleon Bonaparte's imperial scheme, and he explained it by one German word. He said it was überspannung—overexpansion, overstretching, as when you stretch a bow to a point where it will not rebound, you understand.

This firm of Claflin & Co. was undertaking upon insufficient capital not only to do their immense business up in New York and Brooklyn—a very immense one—but a 30 retail stores busi-

ness all over the Union, in its largest cities. This man's account of it is true, to wit, that "the Claflin business was too big for the capital invested." Then he was asked this question:

Is there a shortage of money due to a business depression which prevented the raising of the money necessary?

No; there is plenty of money and cheap money, too; it isn't that. It is the situation where people are without the confidence sufficient to guarantee the raising of the money. It was a case of getting it all or not at all. We could not get it, that was all.

In other words, Claflin & Co. had overstretched their credit and had no collateral to put up to cover.

This happens with hundreds of people every year, though with few rich enough to fail for thirty millions. "Just as in 1907." "Verily, yes"—and Roosevelt President.

Now, so much for that, Mr. President.

In this connection I wish to ask that there be inserted in the RECORD an address made by the President of the United States upon yesterday. I will ask that it be inserted as nearly facsimile as possible. It is his address to the Virginia editors who were in the city of Washington. The President expresses himself with his usual facility and his usual felicity.

The PRESIDING OFFICER (Mr. MALTINE of New Jersey in the chair). Without objection, the request will be complied with.

ADDRESS OF PRESIDENT WILSON.

The address of President Wilson is as follows:

"I think it is appropriate in receiving you to say just a word or two in assistance of your judgment about the existing conditions. You are largely responsible for the state of public opinion. You furnish the public with information, and in your editorials you furnish it with the interpretation of that information. We are in the presence of a business situation which is variously interpreted. Here in Washington, through the Bureau of Commerce and other instrumentalities that are at our disposal and through a correspondence which comes in to us from all parts of the Nation, we are, perhaps, in a position to judge of the actual condition of business better than those can judge who are at any other single point in the country, and I want to say to you that, as a matter of fact, the signs of a very strong business revival are becoming more and more evident from day to day.

THINKS BUSINESS MEN TOO TIMID.

"I want to suggest this to you: Business has been in a feverish and apprehensive condition in this country for more than 10 years. I will not stop to point out the time at which it began to be apprehensive; but during more than 10 years business has been the object of sharp criticism in the United States, a criticism growing in volume and growing in particularity, and as a natural consequence as the volume of criticism has increased business has grown more and more anxious. Business men have acted as some men do who fear they will have to undergo an operation and who are not sure that when they get on the table the operation will not be a capital operation. As a matter of fact, as the diagnosis has progressed it has become more and more evident that no capital operation was necessary; that at the most a minor operation was necessary to remove admitted distempers and evils. The treatment is to be constitutional rather than surgical, affecting habits of life and action which have been hurtful. For on all hands it is admitted that there are processes of business, or have been processes of business, in this country which ought to be corrected, but the correction has been postponed, and in proportion to the postponement the fever has increased—the fever of apprehension.

UNCERTAINTY FATAL TO TRADE.

"There is nothing more fatal to business than to be kept guessing from month to month and from year to year whether something is going to happen to it or not and what in particular is going to happen to it, if anything does. It is impossible to forecast the prospects of any line of business unless you know what the year is going to bring forth. Nothing is more unfair, nothing has been declared by business men to be more harmful, than to keep them guessing.

"The guessing went on; the air was full of interrogation points for 10 years and more. Then came an administration which for the first time had a definite program of constructive correction; not of destructive correction, but of a constructive correction of admitted evil, a very clear program, disclosed so far as possible in a general program, in its particulars as well as in its general features. And the administration proceeded to carry out this program.

TARIFF PLUNGE A BOLD ONE.

"First, there was the tariff, and business shivered: 'We don't like to go in; the water looks cold,' but when the tariff act had been passed it was found that the readjustment was possible without any serious disturbance whatever. So that men said with a sense of relief: 'Well, we are glad to get that behind us, and it wasn't bad after all.'

"Then came the currency reform. You remember with what resistance, with what criticism, with what systematic holding back, a large body of bankers in this country met the proposals of that reform, and you know how, immediately after its passage, they recognized its benefit and its beneficence, and how ever since the passage of that reform bankers throughout the United States have been congratulating themselves that it was possible to carry out this great reform upon sensible and solid lines.

NEXT, THE TRUST PROBLEM.

"Then we advanced to the trust program and again the same dread, the same hesitation, the same urgency that the thing should be postponed. It will not be postponed, and it will not be postponed, because we are the friends of business. We know what we are doing; we purpose to do it under the advice—for we have been fortunate enough to obtain the advice—of men who understand the business of this country, and we know that the effect is going to be exactly what the effect of the currency reform was—a sense of relief and of security.

"Because when the program is finished it is finished; the interrogation points are rubbed off the slate; business is given its constitution of freedom and is bidden to go forward under that constitution. And just as soon as it gets that leave and freedom there will be a boom of business in this country such as we have never witnessed in the United States.

SPEAKS AS FRIEND OF BUSINESS.

"I, as a friend of business and a servant of the country, would not dare stop in this program and bring on another long period of agitation. Agitation longer continued would be fatal to the business of this country, and if this program is delayed there will come agitation, with every letter in the word a capital letter. The choice is a sober and sensible program now completed or months upon months of additional conjecture and danger. I, for one, could not ask this country to excuse a policy which subjected business to longer continued agitation and uncertainty; and therefore I am sure that it is beginning to be evident to the whole press of this country, and by the same token to the people, that a constructive program is at least not only to be proposed but completed, and that when it is completed business can get, and will get, what it can get in no other way—rest, recuperation, and successful adjustment. I can not get rest if you send me to bed wondering what is going to happen to me in the morning, but if you send me to bed knowing what the course of business is to be to-morrow morning I can rest. How much better is certain justice to the men engaged in business.

HAS FAITH IN CONGRESS.

"It is a matter of conscience as well as a matter of large public policy to do what this Congress I am now certain is going to do—finish the program. And I do not think it is going to take a very long time. I believe that the temper of those engaged in this great thing is admirable; that the various elements sometimes in antagonism in the Congress of the United States are drawing together; and that we shall witness an early, statesmanlike result for which we shall all have abundant reason to be thankful."

Mr. WILLIAMS. During the day the President had received a letter, signed by Speaker CHAMP CLARK, of the House, and all the Democratic Representatives from Missouri, pledging him their support in his campaign for antitrust legislation, and promising they would remain in Washington until the program was finished. He replied, expressing thanks and appreciation.

Now, Mr. President, I want to add this: We are going to stay here with him, our selected and elected chief. It is awfully hot and uncomfortable; I would rather be at home with my roses and fruits and garden, but we are of the opinion——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. WILLIAMS. I will in a minute. We are of the opinion that we have undertaken to fight this fight out, and we are going to stay here and "fight it out on this line if it takes all summer" until we have finished the chief items of our program. It was tariff, banking and currency, and trusts. We are not at all influenced in doing it by the fact that an ex-President of the United States predicted that we would not. We had intended all the time to do our main work here before we adjourned. Now I yield to the Senator from Colorado.

Mr. THOMAS. The Senator has said that we were going to stay here until this program is completed. I should like to know whom he means. I understand that some have gone to Europe and others to summer watering places.

Mr. CLAPP. And I understand this morning others desire to go to Europe.

Mr. THOMAS. I would like to ask the Senator to be a little more specific.

Mr. WILLIAMS. Mr. President, we will manage to keep enough of us here to legislate, and we are going to keep enough of us here when the time comes to put the bill we agree upon through by our votes. Now, I am not here——

Mr. WARREN. Mr. President——

Mr. WILLIAMS. Wait a minute. I am not here for the purpose of criticizing Senators who go to Europe. In fact, if a Senator has nothing better to do, he might as well go to Europe. I suppose that sort of Senator is easily spared. But I am now announcing the fact that we Democrats in both Houses meant what we said in the salient points of our platform, and we are going to stay here until we prove to the country that we meant what we said, when we undertook to take these three great monsters of economic abuse by the throat and do something serious to them. We did not act the fool on the tariff; we did not act the fool on banking and currency; we are not going to act like fools upon the trust question. We are going to be with regard to that as with regard to the two previous questions—conservatively constructive, not merely destructive. We shall destroy what is plutocratic, exploitive, and industrially tyrannical. We shall conserve present conditions where honest, advantageous, or even economically indifferent.

Mr. WARREN. Will the Senator allow me there?

Mr. WILLIAMS. Yes.

Mr. WARREN. I am a Progressive myself, and I am charmed to know that the Senator from Mississippi is a Progressive. It is not long ago that he was speaking of Democrats who were sometimes foolish, or that they made fools of themselves. He now says they have not made fools of themselves.

The Senator says he is going to stay here and we are going to have a quorum. I should like the Senator to examine the RECORD and see how many times the party of which he is a distinguished member has been able to have a quorum of its own Members in this Chamber. The Republicans have constituted a quorum here in greater ratio with their total membership than the Democrats on every roll call.

Mr. WILLIAMS. I have not said that we generally constituted a quorum by ourselves. Luckily for the Democratic Party there are some gentlemen on the other side of the Chamber who, like us, want reform legislation of one sort or another in this country, and we do not have to make a quorum merely by ourselves. They will be here to help, and the Senator can rely upon that.

Mr. WARREN. The Senator as he goes along may note that the whole of this side of the Chamber have been here to help at all times to make a quorum.

Mr. WILLIAMS. Of course you have, and you are going to stay here hereafter. All we have to do is to make up our minds that we are willing to stay here, and you are compelled to stay and help us to make a quorum. You dare not go home and leave us with a quorum of Democrats and Progressives to run the Senate.

Mr. WARREN. I understood that the Senator from Mississippi is going to make an European trip.

Mr. WILLIAMS. Not that I know of; not until the Senate adjourns finally, at any rate. The Senator said he had heard me once accuse the Democratic Party of being capable of foolish things and really of doing foolish things. Now, the difference between the regular old-fashioned Republican and a Democrat is that a Republican is constantly attempting to make people think his party is infallible, and never under any circumstances confesses that it will do or can do or has done a foolish thing, whereas a Democrat being frank and belonging to a party that does not pretend to papal or other infallibility, confesses to the ordinary faults of human nature. A Democrat finds his party now and then making a goose of itself, and when it does he is apt to say so; but the party thus far has not made a fool of itself at this Congress, either upon the tariff or upon banking and currency, nor is it going to make one of itself upon this trust question.

And one reason why we will not, Mr. President, is that we have at the head of us a brave and worthy captain, who "knows how to do things," and with tact and diplomacy knows how to influence other people to help him do things, and who has an active brain and an eloquent tongue to tell why he wants to do the thing to be done. Hitherto he and we put together have been irresistible. Hitherto he and we put together have proven ourselves conservatively constructive and upon the whole very wise, and gathering courage from the fact that thus far we have been conservatively constructive and wise, gathering a hope that we have laid in the grave and covered up the old differences which for so long a time made us inoperative and ineffective as a national force, we shall go forward from past victories to new victories with absolute certainty that the condition of the business of the country and the psychological condition which has been produced by these lettergrams, cryptograms, and agreed-on letters, and this prepensed propaganda will improve from day to day. The only thing I am afraid of is that toward the close of this administration, amid unalloyed prosperity, the Democratic Party may be singing the old Republican slogan and trying to persuade men that because we are in power we are the cause of every good fortune to which mankind have in the meanwhile fallen heir—including the weather and the roses and lillies and jasmines. We will try to avoid that, but we will try at the same time to stick at our posts, do our work, and justify the confidence which the people of the United States have placed in us.

It is true that a majority of the people of the United States did not vote for us. Neither did they vote for Abraham Lincoln, by the way. There are several other of our greatest Presidents that they never voted for, but they were all the same the choice of the people of the United States as between their actual opponents, and we are going to justify that choice.

Much has been said about the Democratic platform and the little things in it. It is the big things that count. The people know what the big things are. They know and knew that the three great big things were, first, exploitation of them by tariff taxation; second, exploitation of them and the country's credits by the Money Trust; and, third, exploitation of them as producers and laborers by industrial trusts. They know that if we can remedy these three abuses and tyrannies under one administration we shall have done more than any one administration in this country ever did since Thomas Jefferson retired from the White House after conquering the plutocratic counter revolution.

Mr. President, my chief object, of course, was to get the President's address into the RECORD.

Mr. NORRIS. Mr. President, day before yesterday I requested the Senator from Nevada [Mr. NEWLANDS] to permit me to put in the RECORD, at the request of the Attorney General, a couple of letters, but he was extremely anxious to get started on the bill, and at his request I postponed it. I was unable to get recognition this morning, and I will take advantage of the liberality of debate by having the Secretary read the letters in question and making then a very brief comment on them.

Several days ago in the debate here upon a resolution of mine pending, regarding the New York Central Railway, some reference was made to the New Haven investigation going on, and I said some things in that debate which it seems gave offense to the Attorney General, and it resulted in some correspondence. At his request I want to put in the RECORD both his letter and the letter of mine that brought forth his reply, and then I will say just a few words on the subject.

The PRESIDING OFFICER. Does the Senator desire to have the letter read?

Mr. NORRIS. Yes; I ask that my letter be first read and then the letter of the Attorney General.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

JUNE 20, 1914.

Hon. J. C. MCREYNOLDS,
Attorney General.

DEAR MR. ATTORNEY GENERAL: I am in receipt of a letter from Senator LEWIS, of Illinois, in which he says that you have been very much annoyed and somewhat pained at the constant reference in the public press to the effect that I have stated on the floor of the Senate that I have a "letter" from you stating, in substance, that the Department of Justice had no intention of bringing any criminal prosecutions against the officials of the New Haven road.

I have never stated, either on the floor of the Senate or elsewhere, that I had any letter from you to this effect. I have been called upon several times by different newspaper correspondents, asking me if I had such a letter or if I had ever stated that I had such a letter, and I have on each occasion taken particular pains to explain to them that I had no "letter" from you and that I had not made such a statement. What I did state on the floor of the Senate is correctly reported on page 9432 of the CONGRESSIONAL RECORD of the issue of May 29, 1914. On that occasion I used the following language: "I have a statement from the Attorney General's Office now in my desk to the effect that there never was in contemplation any criminal action; that there was no violation of any statute in all the proceedings that were had in the New Haven affair." I had reference here to a public statement issued by the Department of Justice, and which was published in the afternoon papers on January 7, 1914, and in the morning papers on January 8, 1914, and is as follows:

"The Department of Justice is constantly receiving letters inquiring why it does not direct the prosecution of officers and directors who have been responsible for the financial irregularities of railroads which have been disclosed from time to time. These inquiries proceed from a mistaken but very common view of the powers of the Department of Justice. There is no law under which it can prosecute the officers,

directors, or other agents of a railroad company for improvident or dishonest management of the financial affairs of that company. The Congress has not undertaken to regulate the issuance of securities by corporations created by States, or the conduct of fiduciary relations of their officers, but has left those matters to the States, respectively."

It was stated in the newspapers in connection with the above-quoted statement that the same was issued in connection with a desire on the part of the persons writing the letters to have the Department of Justice begin prosecution against officials of the New Haven road.

Referring again to the CONGRESSIONAL RECORD of the same date and same page, I made the following statement: "The Attorney General did not contemplate any prosecution against anybody who has testified or who is going to testify; at least, in a conference called for the purpose of ascertaining whether it would be proper for that investigation to proceed, at which the Senator from Indiana [Mr. KERN] was present, there was no claim made by the Attorney General that he had any sufficient evidence on which to prosecute anyone, or that he contemplated any such prosecution." At this same conference you will remember that I distinctly stated that if the Department of Justice was in possession of evidence sufficient to maintain a prosecution against any of these officials, and that you contemplated such a prosecution, and that the investigation then going on before the Interstate Commerce Commission under a resolution that I had introduced in the Senate would interfere with such prosecution, I would do what I could to have the investigation before the Interstate Commerce Commission suspended until the Department of Justice could complete its action. There was no claim made at this conference by you that any Federal statute had been violated or that your department contemplated any criminal prosecution in connection with the New Haven affair. Your comment on the investigation by the Interstate Commerce Commission was to the effect that you feared such investigation might interfere with the contemplated reorganization of the New Haven and the Boston & Maine railroads.

The two statements made by me, above quoted from the CONGRESSIONAL RECORD, it seems to me, were therefore entirely justified by the facts. I do regret, however, that any newspaper should have made the statement that I had stated, either on the floor of the Senate or elsewhere, that I had a "letter" from you stating that no Federal statute had been violated, and that you had no intention of prosecuting anyone in connection with the New Haven affair. I certainly have no desire to place you in any false light or to make any statement not borne out by the facts. From the published statement of the department above quoted, and from our conference above referred to, I did not believe there was any misunderstanding. From this conference I formed the opinion that your objection to the investigation by the Interstate Commerce Commission was based upon your belief that such investigation would interfere with the reorganization of these two roads. Upon this matter I, of course, do not agree with you, but I frankly concede that you have the same honest right to your opinion as I have to mine.

If the public statement issued by the Department of Justice above quoted is not correct, or if it in any way misrepresents the attitude of your department, I would be very glad, if you so desire, to make on the floor of the Senate any correction thereof that you may deem proper.

I have the honor to remain,

Yours, truly, G. W. NORRIS.

Mr. NORRIS. In answer to that letter the Attorney General sent me the letter which I send to the desk, and ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 24, 1914.

Hon. GEORGE W. NORRIS,
United States Senate.

MY DEAR SIR: Permit me to answer your letter of Saturday, June 20, wherein you discuss certain statements made by you in the Senate on May 29 touching New York, New Haven & Hartford Railroad matters and my attitude thereto. I must reply plainly, but with a purpose to avoid unnecessary acerbity or personal offense.

I accept, of course, your disclaimer of any conscious design to misrepresent; and I am not unmindful of the difficulty commonly experienced in extemporaneous debate of viewing the subject from different angles and observing strict accuracy of expression.

Although its phraseology suggests a willingness on your part to make amends for any misrepresentations, nevertheless, your letter fails to meet the just objections to your statements on the occasion referred to and the necessary inferences therefrom. The language which you unfortunately employed is out of harmony with the real facts and, if accepted as accurate, would cast a false light about the situation.

In the report of the Senate proceedings for May 29 (RECORD, p. 9432) this appears:

"Mr. NORRIS. That is not true. The Senator from Missouri is referring to the resolution in regard to the New Haven Railroad. The Attorney General did not have in contemplation any criminal action, and nobody has been given immunity in that case. The Attorney General has never said, excepting as the statements have appeared in the newspapers——

"Mr. REED. Did he not write a letter in which he said——

"Mr. NORRIS. Not only that, but, if the Senator wants to go into that proposition, I have a statement from the Attorney General's office now in my desk to the effect that there never was in contemplation any criminal action; that there was no violation of any Federal statute in all the proceedings that were had in the New Haven affair."

The assertion that "the Attorney General did not have in contemplation any criminal action, and nobody has been given immunity in that case" was unwarranted and misleading. Speaking in your presence I had expressly declined to declare my plans or purposes, and this has been my uninterrupted attitude. It was therefore impossible for you to know what they were, and yet you undertook to make announcement in respect of them. As is well known, Mellen, a conspicuous figure, was then and is now under indictment in the Federal court because of certain transactions connected with New Haven affairs. How far his examination by the Interstate Commerce Commission gave immunity need not be discussed here.

On May 13 last, with others, you came to my office to talk of New Haven matters. While you were here—two of my assistants being present—I read within your hearing, and later in the day caused to be published, a letter written by me to the Interstate Commerce Commission on May 12, wherein attention was called to the possibility of immunizing Mellen and others theretofore reported as summoned for examination, and which concluded with these words:

"Of course, I have no desire to interfere with or to urge any objection to the course you may deliberately decide upon, but it seems my duty to the Government again to suggest that you carefully consider, along with other factors, the effects which an examination at this time of the persons named above may have."

On the same occasion I distinctly declared that the letter to the commission expressed my position with exactness; and, moreover, that I had nothing either to add to or to take from its plain terms. I have never objected to the commission examining anyone whom it decided to put upon the stand with full knowledge of all the circumstances; and you were so informed with no uncertain emphasis.

Again, the declaration (RECORD, p. 9432) that—

"I have a statement from the Attorney General's office now in my desk to the effect that there never was in contemplation any criminal action; that there was no violation of any Federal statute in all the proceedings that were had in the New Haven affair"—

is not in harmony with the facts. No statement to that effect was ever issued by me or from my office, nor was any such statement made either to you or to anyone else.

You undertake to justify the language quoted by presenting an announcement from this office published in the newspapers of January 7 and 8 last, but here again you fall into error. That the construction placed by you on that publication is impossible of acceptance will appear from even a hasty consideration of its terms. It had no reference whatever to violations of the antitrust or other Federal laws, but obviously was called for by "a mistaken but very common view of the powers of the Department of Justice," and its purpose was to remind the public of the statutory limitations upon the authority of Federal officials, together with the necessity of seeking relief in the State courts where directors or officers had been guilty of improvident or dishonest management of corporate financial affairs. A correct copy of the article as given to the press follows, and a perusal of it will show that nothing therein supports the language used in describing the character of statement from the Attorney General's office which you claimed to have in your desk:

"STATEMENT FOR THE PRESS.

"JANUARY 7, 1914.

"The Department of Justice is constantly receiving letters inquiring why it does not direct the prosecution of officers and directors who have been responsible for the financial irregularities in the management of railroads, as disclosed from time to time.

"These inquiries proceed from a mistaken but very common view of the powers of the Department of Justice. There is no law under which it can prosecute the officers, directors, or other agents of a railroad company for improvident or dishonest management of the financial affairs of that company, since Congress has not undertaken to regulate the issuance of securities by corporations created by the States, or the conduct or fiduciary relations of their officers, but has left those matters to the States, respectively."

The concluding portion of your letter contains the somewhat surprising suggestion that I may desire to correct what I gave out for publication in January. That needs neither correction nor explanation; it is plain and in all respects correct.

The thing which does need correction is your quoted language uttered on the floor of the Senate, and such correction should have proper publicity. To that end I submit that it should give you pleasure to seek early opportunity to put both your letter and this reply into the CONGRESSIONAL RECORD.

Faithfully, yours, J. C. MCREYNOLDS,
Attorney General.

Mr. NORRIS. Mr. President, I have neither the desire nor the intention at this time to discuss at any length this apparent controversy. I may at some future time go into it in more detail; but it seemed to me that the Attorney General's request that his letter and the one that brought it forth be published in the RECORD was only fair; and I was glad of the opportunity to follow out that expressed desire of the Attorney General and to have the letter read into the RECORD.

It is only fair to me also to say that after reading the Attorney General's letter I feel that I was fully justified in the statement I made on the floor of the Senate, to which he particularly objects, and which seems to have given some offense. As to whether or not I was justified is a question of fact that can be determined now, since the quotations and the source and authority for the remarks are all placed in the RECORD and made public.

I said I had a statement from the Attorney General's office, and in my letter to the Attorney General I set forth that statement and said that if the statement was wrong or if it in any way misrepresented the Attorney General I should be glad to make a correction on the floor of the Senate. It will be noted, of course, that I took that statement from the daily press, and it was the only thing connected with the remarks I made that I could see might result in any injury, and then only if the statement were not correct. The Attorney General, in his reply, seems to get an entirely different idea from that portion of my letter, and he rather sarcastically, I think, says that my letter contains the startling statement that he may want to change a statement that he had given out for publication. Of course I had no such idea; but I realized that there might be a possibility of the statement as published and as I read it, and as I used it as a basis for my remarks, being incorrect. That was what I wanted to correct, if it needed correction. There was nothing wrong, however, in the statement, because the Attorney General in his letter again copies the statement; and, with the exception of one or two unimportant words, the statement in his letter is exactly the same statement as the one which is copied in mine and which was the basis of my remarks.

As I have said, I believe a fair reading of this statement issued by the Attorney General, and which is copied in his own letter, will convince any ordinary fair-minded individual that I was completely and entirely justified in drawing the conclusion which I did draw; but whether I was or was not, anyone reading the statement of the Attorney General and the statement made by me can judge for himself.

The Attorney General in his letter refers to the fact that Mr. Mellen had already been indicted because of connection with the New Haven affair. Of course, Mr. Mellen was indicted; he was indicted before this administration came into power; but, so far as I have been able to learn, neither the preceding administration nor this administration has made any effort whatever to bring Mr. Mellen to trial.

If what I said is offensive to the Attorney General—in other words, if he did intend to prosecute somebody; if he did think that a Federal statute had been violated, and therefore it was his duty to prosecute somebody—the best answer that he can make to the statement which I made is to bring forth the prosecution. For one, I should be glad, if there has been a violation of law, for that to be done. If there has not been, then my remarks, based on his published statement, were right. If, on the other hand, there has been a violation of law, the Attorney General will be able to answer me and his other critics by prosecuting the guilty parties who have violated the law. He has had nearly a year and a half, and has so far made no attempt in that direction.

Mr. HOLLIS. Mr. President, before the pending trade commission bill is laid aside I feel that I ought to put into the RECORD a few legal authorities to offset those which were put into the RECORD yesterday.

My attention was sharply arrested by the very sincere, eloquent, and forceful argument of the junior Senator from Missouri [Mr. REED]; and it is probably fair to say that his argument puts that side of the question as strongly as it can be put, and that the authority he cited is as strong an authority as exists on that side.

The case which was cited by the distinguished Senator is the Louisville & Nashville Railroad Co. *v.* McChord (103 Fed. Rep., p. 216). That case is not a decision of the United States Supreme Court; it is not even a decision by the United States Circuit Court of Appeals or even by a circuit court; it is a decision by a district judge of the United States court—Judge Evans. Moreover, the case is not in point, because the railroad commission of Kentucky in that case had the sole decision under the statute. There was no appeal from it to any court.

This question of delegating legislative authority to an official or to a commission has been decided many times by the United States Supreme Court in the last few years, and I wish to put in the RECORD for the use of Senators the cases that have been so decided.

In the following cases the court sustained laws granting power to an executive officer or to a commission on the ground that the power conferred was administrative and did not involve a delegation of legislative powers in violation of the Constitution:

Field *v.* Clark (143 U. S., 649; Feb. 29, 1892), In re Kollock (165 U. S., 526; Mar. 1, 1897), Buttfield *v.* Stranahan (192 U. S., 470; Feb. 23, 1904), Union Bridge Co. *v.* United States (204 U. S., 364; Feb. 25, 1907), St. Louis & Iron Mountain Railway *v.* Taylor (210 U. S., 281, 287; May 18, 1907), Monongahela Bridge Co. *v.* United States (216 U. S., 177; Feb. 21, 1910), United States *v.* Grimaud (220 U. S., 506; May 3, 1911), Interstate Commerce Commission *v.* Goodrich Transit Co. (224 U. S., 194; Apr. 1, 1912), and Kansas City Southern Railway Co. *v.* United States (231 U. S., 423; Dec. 1, 1913).

The case of Buttfield *v.* Stranahan (192 U. S., 470), decided February 23, 1904, arose under an act of Congress. By section 1 of that act it was made unlawful "to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited." Section 2 provides for appointment by the Secretary of the Treasury of a board of tea experts "who shall prepare and submit to him standard samples of tea." Section 3 provides that the Secretary of the Treasury, upon the recommendation of said board, "shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States," and that all teas inferior to such standards shall be deemed to be within the prohibition of the first section hereof.

I read from the opinion by Mr. Justice White, at page 496, as follows:

> The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore in effect vests that official with legislative power, is without merit. We are of opinion that the statute, when properly construed, as said by the circuit court of appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity, or unfit for consumption, or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard, and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute.
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> * * * Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute.

Accord: Field *v.* Clark (143 U. S., 649; Feb. 29, 1892), St. Louis & Iron Mountain Railway *v.* Taylor (210 U. S., 281, 287; May 18, 1907).

Here we have a statute of the United States delegating to the Secretary of the Treasury the authority and power of fixing the standard of tea that should be imported, and the Supreme Court of the United States upheld that delegation as being not a delegation of legislative authority, but the imposition of administrative authority in detail.

The next case to which I wish to refer is Union Bridge Co. *v.* United States (204 U. S., 364), decided February 25, 1907.

Section 18 of the river and harbor act of March 3, 1899, provides that whenever the Secretary of War shall have reason to believe that any bridge over any navigable waterway of the United States is an unreasonable obstruction to the free navigation of such waters it shall be his duty, after hearing, to order alteration of the bridge so as to render navigation unobstructed, specifying changes to be made, and prescribing reasonable time in which to make them. Willful failure to obey the order is made criminal misdemeanor.

This statute does not delegate legislative power. Mr. Justice Harlan, in delivering the opinion (p. 385), said:

> It would seem too clear to admit of serious doubt that the statute under which the Secretary of War proceeded is in entire harmony with the principles announced in former cases. In no substantial, just sense does it confer upon that officer as the head of an executive department powers strictly legislative or judicial in their nature, or which must be exclusively exercised by Congress or by the courts. * * * As appropriate to the object to be accomplished, as a means to an end within the power of the National Government, Congress, in execution of a declared policy, committed to the Secretary of War the duty of ascertaining all the facts essential in any inquiry whether particular bridges over the waterways of the United States were unreasonable obstructions to free navigation.

Congress could have determined the fact itself, but this was impracticable, because Congress has so much else to do.

The court further said:

> By the statute in question Congress declared in effect that navigation should be freed from unreasonable obstructions arising from the bridges of insufficient height, width of span, or other defects. It stopped, however, with this declaration of a general rule and imposed upon the Secretary of War the duty of ascertaining what particular cases came within the rule prescribed by Congress, as well as the duty of enforcing the rule in such cases. In performing that duty the Secretary of War will only execute the clearly expressed will of Congress, and will not in any true sense exert legislative or judicial power.

Accord: Monongahela Bridge *v.* United States (216 U. S., 177), February 21, 1910.

The next case I wish particularly to call to the attention of the Senate. It is a criminal case, the United States against Grimaud (220 U. S., 506), decided May 3, 1911.

The acts relating to forest reservations show that they were intended "to improve and protect the forest and to secure favorable conditions of waterflows." It was declared that the acts should not be "construed to prohibit the egress and ingress of actual settlers" residing therein nor "to prohibit any person from entering the reservation for all proper and lawful purposes * * * provided that such persons comply with the rules and regulations covering such forest reservation." It was also declared that the Secretary of Agriculture "may make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violations of the provisions of this act or such rules and regulations shall be punished," as provided in section 5388, chapter 3, page 1044, Revised Statutes, as amended.

This case arose on indictment for grazing sheep on reservation without having obtained permission required by the regulations adopted by the Secretary of Agriculture. It should be here noted that the authority was given not to declare what one act should be unlawful, but to establish a general set of regulations which should control. Demurrer was sustained and Government sued out writ of error to Supreme Court. Defendants in error argued, first, that the law was unconstitutional, because it did not sufficiently define or define at all what acts done or omitted to be done, within the supposed purview of the said act, should constitute an offense or offenses against the United States. Second, that the law was unconstitutional, as it was not within the power of Congress to delegate to the Secretary of

Agriculture authority or power to determine what acts shall be criminal, and the act in question was a delegation of legislative power to an executive officer to define and establish what shall constitute the essential elements of a crime against the United States.

The Supreme Court reversed the judgment of the court below. In the opinion by Mr. Justice Lamar, page 585, it is said:

> Under these acts, therefore, any use of the reservation for grazing or other lawful purpose was required to be subject to the rules and regulations established by the Secretary of Agriculture. To pasture sheep and cattle on the reservation at will and without restraint might interfere seriously with the accomplishment of the purposes for which they were established. But a limited and regulated use for pasturage might not be inconsistent with the object sought to be attained by the statute. The determination of such questions, however, was a matter of administrative detail. What might be harmless in one forest might be harmful to another. What might be injurious at one stage of timber growth or at one season of the year might not be so at another.
>
> In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features; and in authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power.

Quoting again from page 517:

> From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations, not for the government of their departments, but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will it could give to those who were to act under such general provisions "power to fill up the details" by the establishment of administrative rules and regulations, the violation of which could be punished by fine or imprisonment fixed by Congress, or by penalties fixed by Congress or measured by the injury done.
>
> Thus it is unlawful to charge unreasonable rates as to discriminate between shippers, and the Interstate Commerce Commission has been given authority to make reasonable rates and to administer the law against discrimination. (Int. Com. Comm. *v.* Ill. Cent. R. R., 215 U. S., 452; Int. Com. Comm. *v.* Chi. R. I., etc., R. R., 218 U. S., 88.) Congress provided that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the administrative duty of fixing a uniform standard. (St. Louis & Iron Mountain R. R. *v.* Taylor, 210 U. S., 281, 287; Union Bridge Co. *v.* U. S., 204 U. S., 364; In re Kollock, 165 U. S., 526; Buttfield *v.* Stranahan, 192 U. S., 470.) It appeared from the statutes involved that Congress had either expressly or by necessary implication made it unlawful, if not criminal, to obstruct navigable streams; to sell unbranded oleomargarine; or to import unwholesome teas. With this unlawfulness as a predicate the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules was then made an offense punishable as prescribed by Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of that which the act itself had affirmatively required to be done, or treated as unlawful if done. But confining themselves within the field covered by the statute they could adopt regulations of the nature they had thus been generally authorized to make, in order to administer the law and carry the statute into effect.

There is only one other case to which I wish to refer.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. Certainly.

Mr. SUTHERLAND. The Senator has been quoting from a case in Two hundred and twentieth United States, and I understood from what he said about it that he regarded it as perhaps the strongest case in support of this provision in the bill. He asked the Senate to give particular attention to it. Does the Senator think that that case is authority for the proposition that Congress may delegate to an officer the power to declare that a particular act shall be a crime?

Mr. HOLLIS. Yes; I so understand; and that is material in this discussion, because this bill also provides for criminal procedure as well as for the issuing of injunctions. I do think it is so done, and mainly this case is authority through the other cases which give the Interstate Commerce Commission the same power.

Mr. SUTHERLAND. Does the Senator think that under that authority Congress could vest the Postmaster General with the power to declare what acts should constitute offenses against the operations of the Post Office Department?

Mr. HOLLIS. I believe that would be entirely constitutional. Whether it would be good policy or not is an entirely different question.

Mr. SUTHERLAND. Let me call the Senator's attention to what I conceive to be the difference between the case the Senator is referring to and what the Senator now thinks it is authority for. I understand the general rule to be that no legislative body has the power to invest an administrative officer with the power to make law. Now, while I think the case in Two hundred and twentieth United States goes to the very verge, if it does not go beyond it, still we were there dealing with property of the Government; we were dealing with the public lands; and we were simply giving the Secretary of the Interior power to make regulations for the use of the public lands by the citizens. We could have forbidden the use altogether; and having the right to forbid the use altogether, we could condition the use as we pleased; and we did condition it by requiring compliance with the regulations of the Secretary of the Interior.

That was not conferring upon the Secretary of the Interior the power to make a criminal law. Congress had made the law. Congress had said that a violation of the regulations should constitute an offense. So the making of the regulations was not the making of a law; it was simply furnishing the opportunity for the coming into operation of the congressional law. It would be the same as if we said, in the case of the Post Office Department, that the Postmaster General may prescribe certain forms for making returns or that certain books shall be kept, and that any person who makes false returns or false entries in the books shall be guilty of an infraction of the law. That would simply furnish the occasion for a violation of the law, but would not be the law itself.

I invite the Senator's attention to that view of the matter.

Mr. HOLLIS. I am very glad to have the Senator's view. He is not discussing the present bill, however. He says that the forest reservation bill and the book accounting bill, in the case of a railroad, go as far as should be gone in that direction. He may well say that and yet be for the trade commission bill, because here the commission is not given authority to legislate or to make rules, but is merely given directions to proceed for punishment of cases of violation of the law which Congress makes when it prohibits unfair competition. It is just like the laws for the punishment of the crime of false pretenses. Those statutes do not undertake to define false pretenses, but they say if a man is guilty of false pretenses he shall be punished in a certain way; if he is guilty of larceny he shall be punished in a certain way. It is left to the common law, which is not more than the common sense of the courts, to say what is a violation, and then, of course, Congress or the other legislative body provides for the violation and provides a punishment; and that is what is done in the trade commission bill.

Mr. SUTHERLAND. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from New Hampshire further yield to the Senator from Utah?

Mr. HOLLIS. With pleasure.

Mr. SUTHERLAND. This law inhibits unfair competition. It declares that unfair competition is unlawful, and vests the proposed commission with power to prohibit it.

Mr. HOLLIS. I beg pardon. The law prohibits it, but it gives the commission certain duties to perform in connection with the enforcement of the law.

Mr. SUTHERLAND. The bill expressly says that the trade commission shall prohibit these practices, as I understand.

Mr. HOLLIS. No; that the trade commission shall enforce the law. They are given no authority to prohibit. They are merely given authority to make an order, but that order can not be enforced without recourse to the courts.

Mr. SUTHERLAND. Very well. The question I want to ask the Senator is this: Where would the trade commission go to ascertain what particular acts were included in the expression "unfair competition"? Would they go to the decisions of the courts?

Mr. HOLLIS. They would go wherever any lawyer has to go who wants a precedent in a case he is prosecuting. I myself had this experience: I had to prosecute a suit for damages against a corporation for interfering with trade relations. I went to the old English common-law decisions, and found ample authority for collecting damages for that sort of interference with trade relations. Our court, the United States circuit court of appeals, had no difficulty in following the English authorities. Unfair competition, as was so ably stated yesterday by the Senator from Arkansas [Mr. ROBINSON], has been already defined in a great many cases, and they will have no lack of authorities to determine what they think is unfair competition. That, however, does not settle it. Under this bill, when they have determined, either on their own motion or on an application by some one else, that a certain practice is unfair competition, they can merely express their idea, their judgment, in the form of an order; and then, if that order is not obeyed—and it would not be obeyed, of course, unless those against whom it was issued thought it was good law—they would have to apply to the court, and the court under this bill as it is written, as I understand, would take up the matter *de novo*, just like any equity appeal, and would determine whether there was unfair competition on the law and on the facts.

Mr. SUTHERLAND. The Senator from Arkansas, as I remember, read a list of cases in which it had been held that there was unfair competition.

Mr. HOLLIS. It had been held that under certain circumstances there was unfair competition, and, so far as those cases go, they will form the yardstick or the measure that will indicate what is to be done in the future in cases like those.

Mr. SUTHERLAND. Is that list of cases, or the list of cases which would be found by diligent reading of all the legal authorities and law books, exclusive?

Mr. HOLLIS. I hardly think it would be. As we practice law in my part of the country, dictionaries or any authorities that the court considers respectable are referred to. The common law is not confined to any one set of decisions or those of any particular grade. It is found everywhere, and it has as much weight as the reasoning displayed in the opinion entitles it to.

Mr. SUTHERLAND. After exhausting the list of things which the courts have held to be unfair competition, then what standard would be appealed to?

Mr. HOLLIS. The very first case that went from this commission to the court would give a precedent; and there would probably be in a few years a body of advancing, progressing decisions on this question that would be a continually growing and improving guide of conduct, just like the decisions of every court in the country on the question of negligence in tort cases.

Mr. SUTHERLAND. But whenever a case arose where practices were thought by somebody to be unfair competition which had not been theretofore held by any court to be unfair competition the trade commission would have to break new ground?

Mr. HOLLIS. Yes; they would.

Mr. SUTHERLAND. Now, the question I want to submit to the Senator is, What standard would they refer to? Would it be their own personal judgment as to whether it was unfair?

Mr. HOLLIS. There could not be a case imagined or that could come up where they would not get some light from the cases that are already in the books. Such a case could not be imagined; and it would be very easy, as the courts do now, to reason from the precedents to the present case. They would find plenty of light to guide them; and instead of not finding much they would probably find so much that they would be at greater loss to decide between the different views than they would to find some light that would help them.

That is the merit of this law. That is where it is better to have it somewhat flexible and not undertake by definition to pin it down to certain practices, because whenever that is undertaken you have to find out what those words mean; you are likely to have words injected that were not put there by Congress, and it seems to be the better opinion that this is the way to do it.

Before I answer any further questions I should like to finish the authorities. I have only two more cases upon this subject, and then I should like to discuss the bill for a moment.

The next case to which I wish to draw attention is Interstate Commerce Commission *v.* Goodrich Transit Co. (224 U. S., 194). That is one of the book-account cases to which the Senator has referred. One of the questions in the case was whether the power conferred upon the commission, in its discretion, to prescribe a period of time within which common carriers should have a uniform system of accounts and the manner in which such accounts should be kept was void by reason of its being an unlawful delegation of legislative power.

Counsel for appellees argued as follows:

Section 20 of the act to regulate commerce is void because it is an unlawful delegation of legislative power. The law gives the commission discretion to determine whether it will legislate or not. The law also confers discretionary power upon the commission to determine what, if any, the legislation shall be.

Mr. Justice Day, in the opinion, said, at page 214:

We can not agree to this contention. The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress. This rule has been frequently stated and illustrated in recent cases in this court and needs no amplification here. Buttfield *v.* Stranahan (192 U. S., 470); Union Bridge Co. *v.* United States (204 U. S., 384); United States *v.* Grimaud (220 U. S., 506).

That is what is proposed in the present bill as I read it. It is to give this commission power to make orders in a particular case within the rule that is laid down by Congress, to wit, that unfair competition is prohibited.

The last case is Kansas City Southern Railway *v.* United States (231 U. S., 423). The case of Interstate Commerce Commission against Goodrich Transit Co., just mentioned, was affirmed as to the constitutionality of the provision of section 20 of the act to regulate commerce giving the commission power to prescribe the form of accounts, and so forth.

In this case the question is sharply raised that was so eloquently discussed by the Senator from Missouri [Mr. REED] yesterday. Here was a case where property was actually taken away from some of the parties interested. The question was whether certain old and discarded property should be charged to property account or to income account. If charged to income account, the preferred stockholders lost their dividends, or a large part of them. If charged to property account, they did not. The preferred dividends were noncumulative in this case; so if the decision were against the preferred stockholders, they would have no opportunity ever to get them back. The court, in spite of that, held that this rule laid down by the Interstate Commerce Commission under the authority of Congress was not a legislative act, but an administrative act. The opinion, by Mr. Justice Pitney, on page 443, says:

There is here no unconstitutional delegation of legislative powers. The reasoning adopted in Interstate Commerce Commission *v.* Goodrich Transit Co. (224 U. S., 194, 210, etc.) is controlling. And since, as just shown, uniformity in accounting is dependent upon the adoption and enforcement of precise classification, the authority to define the terms of the classification necessarily follows. It amounts, after all, to no more than laying down the general rules of action under which the commission shall proceed and leaving it to the commission to apply those rules to particular situations and circumstances by the establishment and enforcement of administrative regulations.

The bill under discussion provides as follows, on page 21 of the committee print, at the end of section 5:

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

There is nothing said in this law which makes the finding of the interstate trade commission even a prima facie rule of conduct. There is nothing here except what is shown to any court when a judgment is asked for. The parties must come in, prove their case, cite the proper law, and get their injunction, if they can bring it within the rules of law, upon the facts.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. HOLLIS. Yes.

Mr. STERLING. I hardly see how the Senator from New Hampshire reaches the conclusion he has just stated, namely, that this does not differ from the ordinary case where the party plaintiff or the complainant must appear and make his showing in order to obtain an injunction. Does the trade commission, under this statute, have to make any other showing before the court than that it has made an order? And is it not the duty of the court under this statute, upon such showing, to enjoin obedience to that order?

Mr. HOLLIS. Mr. President, that is an important question to discuss, because we can make it either way that seems best to us. My mind is open on the subject. My mind is open as to whether the order issued by the interstate trade commission ought to have any force whatever except giving it authority to apply to the court. If it shall seem best to the Senate—and, as I say, I am not committed on the subject—that that case, when it reaches the courts, shall be tried de novo, just like any other equity appeal, we can make it so, and I am not sure that that will not be right; or if it seems best to the Senate that the order made by the commission should have prima facie weight, so that the burden of proof is shifted to the defendant, we can make it that way; or if, as some extremists want it, it should be made absolutely binding unless the court should think there is bad faith or that the commission has not used its honest judgment, we can make it that way.

I am not prepared to say at this time which of the three ways I think is best; but I do think that as the statute now reads the order of the commission would not have even prima facie weight, and the case would be tried from the first.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. HOLLIS. I do.

Mr. THOMPSON. As I understand the question of the Senator from South Dakota, the Senator from New Hampshire has not exactly answered it. I think, from the statement he made, he regarded it as mandatory for the court to issue the order. Under this bill, as I read it, I do not regard it as mandatory; but I think, as a matter of fact and as a matter of law, before an order is issued the court will look into the merits of the transaction.

Mr. HOLLIS. I so understand it; but if it is not so, and the Senate wants it so, we can find language that will express that idea, no doubt.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. HOLLIS. I yield.

Mr. STERLING. I really think that is the reasonable construction of the language used; that if it meant at all that the court should hear and determine the matter on its merits on the petition presented by the commission, it would have said so in few or more words, as the case may be; but surely it would have been the natural thing to have given the court that power.

Mr. HOLLIS. Of course we do not know what was in the mind of the draftsman, and if we did, it would not be material; but it is the duty of the Senate to make its ideas clear when it decides what it wants in a bill.

I wish to call attention to just one more point, and then I am through.

It has been questioned here whether this designation of unfair competition lays down a rule that is sufficiently precise for legislation of this sort. I desire to call attention to the interstate-commerce act, as amended June 29, 1906, and June 18, 1910. In that provision the Interstate Commerce Commission is given the discretion and authority to determine whether acts are—

unjust or unreasonable or unjustly discriminatory, or undnly preferential or prejudicial, or otherwise in violation of any of the provisions of this act.

And further, they are authorized and empowered—

to determine and prescribe what will be the just and reasonable individual or joint rate or rates, charge or charges—

And, further—

what individual or joint classification, regulation, or practice is just, fair, and reasonable.

That is the very same thing that this bill undertakes to give to the trade commission—the authority to decide what classification, regulation, or practice is just, fair, and reasonable; whether it is a fair practice. If the Interstate Commerce Commission can be given that authority under the Constitution—and it is not doubted; wherever the courts have passed upon it they have upheld it—then certainly it is our province to say that the trade commission may determine what is fair competition.

I can not see any difference between laying down the rule that an unfair practice shall be prohibited and that an unfair competition shall be prohibited.

I wanted to get these matters in the RECORD at the outset, so that they might follow after the very able argument of the distinguished Senator from Missouri [Mr. REED].

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Page	Smoot
Borah	Kern	Perkins	Stone
Brady	Lane	Pomerene	Thomas
Bryan	Lea, Tenn	Ransdell	Thompson
Camden	Lewis	Reed	Thornton
Catron	Lippitt	Saulsbury	Tillman
Chamberlain	Martin, Va.	Shafroth	Vardaman
Clapp	Martine, N. J.	Sheppard	Weeks
Clarke, Ark.	Newlands	Sherman	West
Fletcher	Norris	Shively	White
Hollis	Oliver	Smith, Md.	
Hughes	Overman	Smith, Mich.	

Mr. WHITE. I wish to announce that my colleague [Mr. BANKHEAD] is absent on official business.

Mr. THOMAS. I wish to announce the unavoidable absence of the junior Senator from Arizona [Mr. SMITH].

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. SIMMONS and Mr. SUTHERLAND answered to their names when called.

Mr. CULBERSON, Mr. JAMES, Mr. DILLINGHAM, and Mr. NELSON entered the Chamber and answered to their names.

Mr. CLAPP. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is confined to his house by illness.

Mr. CUMMINS, Mr. WHITE, and Mr. CHILTON entered the Chamber and answered to their names.

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present. The Chair recognizes the Senator from Idaho [Mr. BORAH].

Mr. TILLMAN. Will the Senator from Idaho yield to me for a minute that I may submit a conference report?

Mr. BORAH. I yield for that purpose.

NAVAL APPROPRIATIONS.

Mr. TILLMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 29, and 33.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of Senate amendment insert "$3,475,500"; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 71, and the Senate agree to the same.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEORGE C. PERKINS,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BRYAN. Before the conference report is agreed to I desire to submit some remarks upon it. It will not take me more than 10 minutes.

The PRESIDING OFFICER. The Chair will state that the Senator from Idaho [Mr. BORAH] is entitled to the floor.

Mr. BRYAN. I suggest to the Senator from South Carolina, now that he has presented the report, to let it go over, and we will proceed with the unfinished business for the day. Before the Senate acts on the report I should like to be allowed to say something upon it, if that course is agreeable to the Senator from South Carolina.

Mr. TILLMAN. I have no objection to that. I should be glad to have the Senator from Florida make any speech he wants. I want to get the matter off my hands and to get the naval appropriation bill through. This report completes it. The House has already adopted the report, and if it is adopted by the Senate it will be ended then and become a law as soon as the President signs it.

Mr. BRYAN. I understand that, but I understand also that we have a right to discuss the report.

Mr. TILLMAN. I would be glad to have the Senator discuss it.

Mr. THOMAS. I was under the impression that I had the floor when the absence of a quorum was suggested. If I am wrong about it——

Mr. BORAH. I yield the floor to the Senator from Colorado if there is any question about it.

Mr. FLETCHER. Mr. President——

Mr. THOMAS. I yield to the Senator from Florida.

Mr. FLETCHER. I have sought recognition half a dozen times to inquire of the Senator from South Carolina, who presents the conference report, whether or not the item for a breakwater at Key West is retained by the conferees.

Mr. TILLMAN. No; it went out in the conference. The House voted overwhelmingly against it.

Mr. FLETCHER. Then I also should like to be heard before the report is agreed to.

Mr. BRISTOW. Mr. President——

Mr. THOMAS. I yield to the Senator from Kansas.

Mr. BRISTOW. May I inquire what was done with the conference report on the naval appropriation bill?

The PRESIDING OFFICER. The report will be printed and lie on the table.

Mr. TILLMAN. It will lie on the table subject to call by the two Senators from Florida, who want to make some remarks on it.

Mr. BRISTOW. Thank you.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. THOMAS. Mr. President, it is not my intention at this time to go into a lengthy discussion of the pending measure. I should like, however, to suggest two or three improvements in the bill, together with some doubts which I entertain as to the validity of section 5, leaving their discussion to some time in the future when I shall have had an opportunity to investigate the matter further.

Personally I am opposed to the creation of any more commissions for any purpose if their creation can be avoided. We are rapidly becoming a government by commission or by bureau, or by both, and the tendency seems to be to increase instead of diminish them. In the West bureaucracy has become so common that it has ceased to be remarked upon. It is extremely difficult for a man in one of the public-domain States of the Union to go down the streets of a town of ordinary size without encountering from half a dozen to a dozen representatives of commissions or bureaus charged with the duty of administering some so-called or supposed executive function.

The purpose of this bill, among other things, is to create a commission the discharge of whose duties will require the employment of an army of subordinates. It is impossible at this time to forecast the extent either of their number or their duties, but there is no doubt that they will cover the surface of the entire country in the discharge of the broad functions and powers that are here proposed to be bestowed upon them.

I can readily imagine that out of 350,000 corporations, to which the report of the chairman refers, fully one-half will come under the purview of this statute. If they are to be examined, if they are to be required to file reports, if the various and constantly increasing number of complaints against these corporations by their competitors are to be docketed and investigated, it certainly means the employment, through the agency of this bureau, of thousands upon thousands of employees, possessed very largely of inquisitorial powers—and I use the word advisedly—inquiring into, making examinations of, and interfering with the ordinary as well as the extraordinary course of business. The expense consequent upon this newly appointed body of employees, apart from other considerations, is going to be very large indeed. If the bill, in so far as the objects and duties of the commission are concerned, could be made more definite, we could perhaps forecast with some degree of intelligence the expense of administration.

I quite agree that unfair competition is not safely susceptible of specific definition any more than is the subject of fraud. An old chancellor once said that it would never do to define fraud lest some rogue at once defraud the definition. We all know what fraud is when we are confronted with it; we probably know what unfair competition is when we are confronted with it; but there must be in each specific instance, whether the charge be of fraud or unfair competition, an examination of the facts and then the application of a general law to it. This means that unfair competition under this law must be determined by the facts of each individual case, which may or may not become a precedent for other cases either differing from or in many respects analogous to it.

As a consequence these general powers, these general duties, can only be performed by the exercise of what, for want of a better term, I am obliged to call a judicial power. It may not be so strictly speaking, but it certainly is a power which must investigate before deciding, and which should not decide until there shall be an investigation. In that respect it bears every analogy to a judicial power.

Therefore, apart from the question of the authority of Congress to create and endow a commission with this enormous authority, I question very much whether it would be wise to do so unless it is absolutely necessary, and we should be very cautious in determining that it is absolutely necessary, when we come to consider the consequences and the far-reaching results of the exercise of this authority upon the business and economic interests of the country.

The first sentence, therefore, of section 5 strikes me as being inexpedient if not beyond the powers of Congress to enact, and that is one of the matters to which I want to direct the attention of the chairman of the committee while I am on my feet. A part of this section, that which permits an appeal to the judicial power of the United States, invests the courts merely with authority to issue a mandatory injunction upon the request of the commission, if its order shall be disregarded by the corporation against which it may be aimed. Let us see:

> Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission.

Now, that is the extent to which the commission can appeal to the courts. It may ask the courts to enforce an order which has been disobeyed, and that is the measure as well as the limit of the relief which the court can grant.

This section goes on to say:

> And the court is hereby authorized to issue such injunction.

The power to issue may, and doubtless does, include the power to review, but what authority have the courts of the United States, under the sentence which I have just read, to inquire into the merits of the controversy? The court must be guided by the facts set forth in the petition, and inasmuch as the power to determine whether the unfair condition exists or not is the same power which petitions the court, my construction of that clause is that it does not confer upon the judiciary any authority whatever except to grant the injunction according to the prayer of the complainant. The competition is unfair, because the commission has said so. Being unfair, its order must be obeyed, and, as a consequence, to enforce obedience the court must grant the right of injunction.

Now, that is not the good, old Anglo-Saxon method of administering justice, which recognizes the right of every person, however guilty, to have his day in court. It may be that the condition of business is such that it is absolutely necessary to invest a commission with power to make a decree which is not only final but not subject to appeal, and to grant the courts the power only to see that it is enforced. I do not believe the business conditions in this country, bad as they are and as I know them to be, have reached such a point as to justify legislation of that kind.

I invite the attention of the committee to this subject, and I hope they will consider it very carefully before a vote is finally taken upon the bill.

Now, subdivisions b and c——

Mr. CLARKE of Arkansas. Before the Senator from Colorado leaves that point let me ask him if the service remitted to the court is judicial service at all? Is it not a purely ministerial duty, carrying out the orders of the commission?

Mr. THOMAS. I am obliged for the suggestion of the Senator from Arkansas, because it is most pertinent, and it seems to me also to be unanswerable. The section confers a ministerial duty upon the courts, and, of course, one which involves practically no discretion.

Mr. NEWLANDS. If the Senator will permit me——

Mr. THOMAS. I yield to the Senator from Nevada.

Mr. NEWLANDS. Let me suggest that this power is exactly the power exercised by the courts through the interstate-commerce act with reference to the orders of the Interstate Commerce Commission compelling carriers to desist from certain practices.

Mr. THOMAS. But in those cases there is expressly given to the parties who are affected by the order a right to resort to the courts.

Mr. NEWLANDS. No greater opportunity than is given by this act.

Mr. THOMAS. I hope that may be the construction placed upon it; but it is impossible for me to place it upon the language of the bill, which merely authorizes the commission to file a petition, but not the party against which the order of the commission is directed. It merely authorizes the commission to appeal to the courts, and then only for the purpose of enforcing the order which has been disobeyed.

Mr. SUTHERLAND. May I ask the Senator from Colorado whether this even requires that the court shall find that the order of the commission has been violated? It provides that when the commission——

Mr. THOMAS. I have just stated, if the Senator will pardon me, that inasmuch as under the law the finding of the commission seems to be conclusive, the statement of the fact in the petition would bind the court.

Mr. SUTHERLAND. I did not hear the Senator state that, but I was about to suggest that the language is that whenever the commission after the issuance of such an order shall find that such corporation has not complied therewith, it shall file its petition, and the court is authorized to issue the injunction apparently upon the finding of the commission.

Mr. THOMAS. The courts either should be endowed with power of review or they should not. If they are endowed with the power of review at all it ought to be mutual, and if it is mutual it, of course, must involve the authority on the part of the court to make its investigation and reach a conclusion. If this clause does this of course it answers the objection completely, but it seems to me it does not.

Mr. SUTHERLAND. If the court has no judicial discretion to exercise—and it would seem from this language that it has

not—is it entirely a useless formality for the court to issue an injunction? Why not rest upon the order of the commission?

Mr. THOMAS. I would not be prepared to say that it would be a useless formality, because I imagine if the court issues its mandatory writ, obedience necessarily follows, or, rather, disobedience of it necessarily brings pains and penalties for contempt of the order. In that respect it might be very effective and very necessary.

Mr. SUTHERLAND. But is it the exercise of judicial power or of the judicial function for a court to issue an injunction without a hearing and a determination?

Mr. THOMAS. The criticism which the Senator makes is my criticism also. The question which he asks and which I attempted to answer went to the operation and effect of the bill. I think, irrespective of the fact that the writ may be the result of a mandatory statute, it nevertheless would carry with it the necessity of obedience or the consequences which result from a disobedience of the decree.

Mr. NEWLANDS. Let me suggest to the Senator that the court would exercise the judicial function of determining, first, whether the commission was authorized by law to make the order in question, and, second, whether the order in question violated any constitutional right.

Mr. THOMAS. If the court did so it would do it in spite of and not because of this statute.

Mr. NEWLANDS. It is just so with reference to the Interstate Commerce Commission. We know that under the interstate-commerce act orders are made enjoining the collection of unreasonable rates and enjoining the continuance of unjust discrimination. Those orders go to the courts. The courts have held within the limit of their jurisdiction that those orders are regulations of commerce by an instrumentality of Congress, and simply inquire into the question whether the order itself is violative of any constitutional right; on the other hand, whether the statute itself authorized the commission to act.

Mr. THOMAS. Will the Senator say that the language used in section 5, which I have just criticized, is taken from or is a copy of the language of the interstate-commerce act?

Mr. NEWLANDS. My understanding is that it parallels the language of that act. I will proceed, however, to examine it.

Mr. THOMAS. I will pass from that for the present, because I said at the outset that I do not intend to enter into any very lengthy discussion of these suggested objections at the present time.

I was about to refer to subdivisions b and c of section 3 and to suggest that in my judgment subdivision b accomplishes all that could be accomplished by the enforcement of subdivision c, which according to the statements made here yesterday indicates that the enactment of subdivision c into a law will impose an enormous and needless burden of expense upon the corporations subject to its provisions.

The reports which are required are of course thought to be necessary to carry out the purposes of the act—that is to say, to give to the commission information which may be needed to make the act effective—but the commission may, under subdivision b, require any corporation at any time to furnish it any information that it sees fit to ask for, the extent of its request being limited only by its own discretion. Therefore, inasmuch as the ultimate expense of the administration of this law, like the administration of all other acts, bears ultimately upon the consumer, why should we impose a burden the object of which can be provided for just as well? It may be that some purpose is to be subserved by subdivision c of which I know nothing, but I am unable at present to determine why the previous provision of the same section is not ample for every purpose of the commission.

Mr. SAULSBURY. Mr. President——

Mr. THOMAS. I yield to the Senator from Delaware.

Mr. SAULSBURY. In regard to the suggestions which the Senator now makes, I wish to say that my understanding of the reason for subdivision c is that it may determine upon what reports it may require. It is not supposed that it will require reports from all corporations at any given time, but only from such classes of corporations as in its discretion or in its opinion may need investigation. It would require reports of a general character from certain classes of corporations, and from that information so derived it might conclude to use the power granted by subdivision b in further investigation, being led to such investigation by the information contained in subdivision c. That is the reason for the two subdivisions, I understand.

Mr. THOMAS. Well, Mr. President, as I read this subdivision c it is applicable to all corporations, or may be made applicable to all corporations, which come under the jurisdiction of the commission; and I think it is safe to assume that it will be extended from time to time until it does embrace all interstate-commerce corporations, and possibly those which are indirectly identified with interstate commerce. I do not believe that the benefit sought to be obtained is commensurate with the expense that will be entailed upon these companies through the exercise of that power. However, I am open, I hope, to conviction at any time, both as to suggestions which I have made adverse to the measure and to those which will doubtless be offered by other Senators.

My own notion, Mr. President, about this species of legislation, speaking from the Democratic standpoint and also from the standpoint of my own convictions, is that the action of the Federal Congress should be negative in its character, and that we can accomplish quite as much, if not more, by statutes of a prohibitory character, not needing the intervention of a commission, with its multitude of employees, for their enforcement, as can be accomplished by legislation of this kind. For example, let me assume a statute prohibiting any corporation from engaging in interstate commerce which is a constituent of other companies engaged in the same line of business controlled by a holding company; that no corporation shall be permitted to enter into interstate commerce the capital stock of which is out of all proportion to its actual assets; that no corporation shall be permitted to engage in interstate commerce which is directly or indirectly identified with any transportation company; that no corporation shall be permitted to enter into interstate commerce which through interlocking directorates is indissolubly associated with other corporations engaged in similar business—these and kindred regulations crystallized into a statute of the United States would be ample, in my opinion, to effectuate the purposes of this proposed trade commission; would do away with the enormous expense which must attend the exercise of its functions; prevent unfair competition, divorce the relation which so frequently is found to exist between industrial and transportation companies; do away with holding companies; make interlocking directorates impossible in interstate commerce; and, at the same time, enable the Department of Justice to handle the situation, and to handle it more satisfactorily than is possible in the case of a commission of the kind which is here proposed.

These ideas are not original with me, Mr. President. I first saw them as they appeared in some of the mazagines of the country from the pen of Mr. Robert R. Reed, an eminent attorney of the bar of the State of New York. I understand that he appeared before the Committee on Interstate Commerce in the Sixty-second Congress, and that his views so impressed certain members of that committee, notably the senior Senator from Mississippi [Mr. WILLIAMS], that a bill was introduced and was pending before that committee, embodying those views, before the last session of Congress.

Mr. Reed has been here since this Congress has been in session; he has urged his views upon committees of both Houses, as I have been told, and I exceedingly regret that they have not materialized into some proposition that we might consider here before ultimately determining what our course upon this tremendously important subject shall be. So much, Mr. President, for the pending measure.

Before I take my seat, however——

Mr. SUTHERLAND. Before the Senator passes from that subject, will he permit me to call attention to the provisions of the statute to regulate commerce with reference to judicial hearings?

Mr. THOMAS. I shall be very glad to have the Senator do so. I have not a copy of it here.

Mr. SUTHERLAND. On page 33 of Senate Document No. 475, Sixty-third Congress, second session, the provision is:

> If any carrier fails or neglects to obey any order of the commission, other than for the payment of money, while the same is in effect, the Interstate Commerce Commission, or any party injured thereby, or the United States, by its Attorney General, may apply to the Commerce Court for the enforcement of such order.

Of course that jurisdiction has now devolved upon the district courts.

> If after hearing—

Observe, the provision is "after hearing"—

> that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives from further disobedience of such order or to enjoin upon it or them obedience to the same.

That gives the court full jurisdiction to hear and determine the case.

Mr. THOMAS. I felt very sure, Mr. President, that my recollection as to the general character of that law was correct; but, of course, I hardly felt at liberty to express it with over-

confidence in view of the statement of the Senator from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. I should like to know what distinction the Senator makes between this power and that?

Mr. THOMAS. There is all the distinction which exists between a statute that confers judicial power upon a court and a statute which simply confers a mandatory power upon a court; in other words, all the distinction between judicial authority and executive authority.

Mr. NEWLANDS. And yet the courts have held, with reference to an order made by the Interstate Commerce Commission, that all the court can do is to inquire as to whether the commission acted under its authority and whether the order invades any constitutional right.

Mr. THOMAS. The court can not even do that here.

Mr. NEWLANDS. I do not see why it can not do so here.

Mr. THOMAS. Simply because the bill does not permit it to do so.

Mr. NEWLANDS. There is nothing in the statute which permits it.

Mr. THOMAS. Oh, yes; the statute expressly provides for a hearing.

Mr. NEWLANDS. It is an elemental principle of law that where a tribunal applies to a court to enforce an order made by it, it must first show its authority to make the order. That is elemental. There is no necessity of a statute for that.

Mr. THOMAS. The proposed statute here, which I am criticizing, determines just how that authority shall be exercised and just how it shall be presented to the court. This commission says to John Smith, "You have engaged in unfair competition." That is its decision. John Smith declines to obey the order. Then the commission goes before the proper United States court and files a petition setting forth the facts—first, that it has decided that the competition is unfair; second, that it has ordered John Smith, the offending corporation, to desist from that practice; and, third, that John Smith has refused or neglected to desist from it, and therefore it asks for a mandatory order or injunction compelling him to do so. That is the whole thing. The Senator from Utah [Mr. SUTHERLAND] calls my attention to the statute specifically. It provides:

If, after hearing—

And, of course, a hearing means a trial—

that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by writ of injunction or other proper process, mandatory or otherwise.

And in the operation of this provision of course hearings have been had, as they must be had, and decisions have followed in the usual course of the administration of justice.

Mr. NEWLANDS. Would the section satisfy the Senator from Colorado if we followed the language of the interstate-commerce act?

Mr. THOMAS. Certainly.

Mr. NEWLANDS. I contend that it specifically means the same as that act.

Mr. THOMAS. If the proposed statute follows the interstate-commerce statute, the fact that that statute has been judicially construed would be an immense step in advance, whereas as it stands at present I certainly can not give my sanction to the passage of the pending bill.

Mr. NEWLANDS. What I contend is that the section under consideration practically means that.

Mr. THOMAS. I have the greatest respect for the Senator's opinion. I wish that I could coincide with him, as I frequently do, but under the circumstances it is impossible for me to reach the same conclusion.

Mr. President, the country was startled yesterday by the suspension of the oldest, if not the greatest, dry-goods house in this country. It was not entirely a surprise, and yet, generally speaking, it was unlooked for. It is quite natural that in a time like this various causes will be assigned for this failure, which may or may not be well founded. Some men are prone to assign causes which accord with their prophecies or with their own desires, while others, from the best of motives, may assign causes which are entirely erroneous. I do not pretend to the possession of any infallible power of correctly discerning the reasons for this unfortunate commercial collapse, but I believe, Mr. President, that I can do so, and that some one in this body should rivet the attention of the country upon conditions which in similar instances have led to similar results, to the end that the character and methods of modern business operation, and not legislation by Congress, be made responsible for its occurrence.

The H. B. Claflin Co. is one of the oldest, if not the oldest, institution of the kind in the country. It reaches back to the early days of the past century, and its career has been a long, an honorable, and a successful one. It was for many years, and, I think, up to the close of the last century, engaged strictly in a wholesale dry-goods business, and, of course, had its customers in every State of the Union. I think that it is safe to say that if its business had been continued along those lines, and it had withstood the temptation of branching out in the effort to control the retail dry-goods business, it would to-day be wealthier than ever, a successful and prosperous institution; but the spirit of American enterprise, as commercially and industrially directed during the past 25 years, has been toward enlargement and expansion, toward control and monopolization. Every known industry has sought through some nucleus established by the financial powers to embrace in its far-reaching arms and agencies all of its branches and ramifications. In that way, Mr. President, legitimate enterprises, extended beyond all reason and far beyond the amount of capital behind them, have collapsed into ruin from their own weight. The H. B. Claflin Co. is the last, and I hope will remain the last, unfortunate illustration of the effect of the commercial law of gravitation upon these huge enterprises.

This company some time ago was "Morganized," and I do not know of a word that has been coined in recent times which more graphically expresses a vicious and entirely indefensible industrial and commercial condition or one which has done more to unsettle the social order of this country—to spread abroad the desire to get rich quick, to create dissatisfaction and disaffection with old and stable and conservative methods of procedure.

Some time ago this particular enterprise attracted the attention of the "Morganizing" authority and power. The result was a gigantic aggregation, foisted upon the investing public, and, of course, it was listed on the New York Stock Exchange. That exchange to-day deals in shares of companies, Mr. President, which represent all the industries of the country, and does so through the "Morganization" of these industries, whereby they have become subject not only to speculative influences, but to speculative and commercial schemes and conspiracies designed to raise and lower the value of their stocks that gamblers may profit or lose at the expense of the industries they represent.

This institution was capitalized at $9,000,000 a number of years ago, and then the United Dry Goods Co. was organized, which was at once put in possession of a controlling interest in the H. B. Claflin Co. The authorized capital of the Claflin Co. is $9,000,000, all issued; that of the United Dry Goods Co., a Delaware corporation, is $25,000,000, of which $17,250,000 has been issued. But not content with two companies, the cupidity of those identified with the enterprise suggested a third, called the Associated Merchants Co., which is also controlled by the United Dry Goods Co. This has a capitalization of $35,000,000, of which $25,240,400 is outstanding, or a total outstanding capitalization of $41,490,400.

The officers and directors of these three companies are almost identical. They are:

H. B. Claflin Co.: President, John Claflin; vice presidents, John C. Eames and Lewis Stewart; secretary, George C. Armstrong; treasurer, Dexter N. Force; assistant secretary, Stewart W. Eames; directors, George E. Armstrong, John Claflin, John C. Eames, Stewart W. Eames, and Dexter N. Force.

Associated Merchants Co.: President, John Claflin; vice president, John C. Eames; treasurer, Lewis Stewart; secretary, Moses Ely; directors, John Claflin, George F. Crane, Howland Davis, Woodbury Langdon, Arthur L. Simpson, John A. Stewart, and Lewis Stewart.

United Dry Goods Co.: President, John Claflin; first vice president and treasurer, Lewis Stewart; second vice president, John E. Eames; secretary, Moses Ely; directors, John Claflin, Thomas F. Bayard, George F. Crane, Howland Davis, Woodbury Langdon, John A. Stewart, and Lewis Stewart.

Here, Mr. President, is a commercial trinity, a three in one and one in three, the aggregate authorized capital of which is nearly $70,000,000. Everyone knows that no such capital as the amount outstanding was actually invested in these various enterprises; that the necessity for the existence of the three concerns was only of a purely speculative character; and that inevitably this violation of the common principles of business integrity would lead sooner or later to disaster. Let us see how this company branched out.

The New York World to-day gives a list of 28 different retail concerns, spreading all over the United States and existing in many of the greatest cities of the country, controlled either by the United or Merchants companies, a great many of which have not only been capitalized beyond all reason but have been bonded as well. The Associated Merchants Co. is not in the dry-goods business at all; it is not in any business, Mr. President, except that of holding the stocks and bonds of its constituent companies. Dividends have been paid by it, by the

United Co., and by the Claflin Co. Here is the condition of some of the constituent companies of the Associated Merchants Co.:

Hahne & Co., incorporated in New Jersey, located in Newark, capital $1,800,000, debenture bonds $4,600,000; Powers Mercantile Co., incorporated in New Jersey, located in Minneapolis, capital stock $300,000, debenture bonds $800,000; William Hengerer & Co., incorporated in New York, located in Buffalo, capital stock $765,000, debenture bonds $750,000; Stewart Dry Goods Co., incorporated in Kentucky, located in Louisville, Ky., capital stock $150,000, debenture bonds $650,000, income bonds $500,000.

The Associated Merchants Co., which I have said transacts no business, owns, among other companies, the J. N. Adam & Co., of Buffalo. The Adam Co., of New York, has income bonds of $1,200,000 and debenture bonds of $1,200,000. The total bonded indebtedness of the constituent companies which I have mentioned is $9,700,000. This is only a small proportion of the number of constituent business enterprises controlled in this country by this huge aggregation for whose stock and bond issues it is liable.

Mr. President, I do not care how capable a man may be, how experienced he may be, what administrative powers he may possess, there is a limit to them all. No man on earth is big enough, and never will be big enough, though he may have the capital of a Rockefeller, to control successfully so extensive a part of one of the great primary pursuits of man; and it is fortunate that that is so, because otherwise monopoly would not only be inevitable, but it would eventuate in a single monopoly controlling everything.

This great concern, with its years upon years of successful and honorable business, has expanded until it has collapsed, having insufficient capital to carry on its affairs, saddled with a huge stock and bonded indebtedness of its own and constituent companies, requiring enormous profits for fixed charges, to say nothing of income upon the investment, which is always apparent when the pennies of the poor are sought by those who sell and dispose of stock and bonds, compelled to meet the competition of rival retailers which it should have secured as its wholesale customers, perished because it was no longer fit to live.

There is an editorial, Mr. President, in the New York World of to-day upon this subject which is so apposite that I may be pardoned for reading it into the RECORD, especially as it is very short. It is headed "Morganized dry goods," and is as follows:

That ballooning and pyramiding are as perilous in dry goods as in stocks is proved by the collapse of the H. B. Claflin Co. It is an old and conservative house, whose high character was recently commercialized. Its legitimate business was the wholesaling of dry goods. Having been Morganized and financed and inflated, it became in a large and scattered way a retailer of dry goods and a note broker dealing with thousands of banks.

By the way, Mr. President, I may say that one of these stores in the city in which I reside went into the hands of a receiver yesterday.

The wholesale business of the Claflin Co. did not lead to this catastrophe. The retail business that could receive its proper attention, such as that involved in the great shops of New York and vicinity, has not been the cause of the trouble. The H. B. Claflin Co. goes into the hands of receivers because in its proprietorship of retail stores in 28 cities in all parts of the country its credit was overextended and wise supervision was impossible.

Wholesaling used to be wholesaling. If a customer failed, the wholesaler did not take over his establishment. He closed him out. The Claflin idea of late has been to absorb retailers without much regard to their solvency and to look to the banks for the support necessary to carry on so vast an enterprise, managed slovenly.

It is the inflated paper of these merchants, indorsed in every case by the H. B. Claflin Co., involving, it will be seen, nothing more than self-indorsement, which the banks have now refused to carry. Those who wish to look beyond this for the cause of the failure may do so, but here is explanation enough for bankruptcy.

Of general conditions in the dry-goods trade which has not been Morganized it is sufficient to refer to the prosperity of the affiliated and well-managed Claflin retail stores in New York and to the latest weekly report of Marshall Field & Co., Chicago wholesalers. In the Field circular of June 19 it was said that "shipments show a very considerable gain over the corresponding sale a year ago," and that "it is unusual to find conditions so generally favorable to the dry-goods trade in all sections."

H. B. Claflin will be remembered as a great merchant. His name and his fame were capitalized, and that is all. The sequel is found in the fact that to save the Morganized properties operating upon his reputation not less than $24,000,000 in cash was needed at once, and it was not to be had. It was the value of a name.

The commercial laws of natural expansion were violated until they snapped in twain and the structure toppled to pieces. The great house of Claflin is gone; and, Mr. President, the most pathetic part of such a failure consists of its consequences upon the innocent and the unoffending. It is also serious in that, because of the various constituent companies all over the country, its consequences are generally distributed all over the land, involving not alone its own concerns but houses that are affiliated commercially with them and banks which have extended them credit. All these are more or less apprehensive of the consequences. If this concern, as it should have done and would have done but for the unfortunate modern methods of monopolization to which I have called attention, had confined itself to its legitimate business in the city of New York, and had failed, the consequences would have been merely local and would not have disturbed business conditions throughout the rest of the country.

To my mind, the combinations of the various industrial pursuits of America by the house of Morgan, whether successful or unsuccessful, constitutes and will constitute the commercial crime of the centuries. The house which is responsible for it, unfortunately, seldom feels the consequences of its misconduct.

Mr. President, the principle of consolidation had its origin in the effort to kill competition, an effort which has been made effective by the great financial concerns of the country or through their agency.

I read an editorial from the Saturday Evening Post which made its appearance yesterday, entitled "Big banking alliances":

A big German bank boasts that it is represented on the directorates of more than 200 corporations, while a bigger rival figuratively gathers about half of industrial and commercial Germany under its wing.

As to the corporate connections of eminent Wall Street bankers one may refer to the Money Trust report. In Germany and the United States, at least, big business has deliberately, even eagerly, put itself in hock to big banks. The common explanation is that big business constantly needs fresh capital and ties itself up with certain powerful banks in order to get itself financed.

That is not the real reason, however. A sound railroad or industrial does not need to stand hat in hand in Morgan's anteroom or the anteroom of the Deutsche Bank to get capital.

Mr. President, a truer word was never uttered, nor a more salutary one at this time. A sound railroad or industrial does not need to stand hat in hand in Morgan's anteroom or the anteroom of anybody else.

Take the Delaware, Lackawanna & Western road, a railroad which was constructed in the old-fashioned way, the money for which was raised upon the issue and sale of stock, which has no bonded indebtedness, or, if any, a small one, which has no difficulty in meeting its engagements, which pays 25 or 30 per cent dividends upon its capitalization, and which does not knock at the doors of Federal commissions for leave to raise its rates and increase the taxes upon American commerce. So it is with sound industrial concerns, of which few survive.

It is a most melancholy fact that to-day all business is being done upon borrowed capital. The chief reason why the railroads want and are petitioning for an increase in rates is to increase their borrowing power. No concern goes into business now without an issue of bonds. Its stock is the commission capital demands for underwriting its securities. A railroad company does not buy an engine, or a rail, or a car, or make an extension without increasing its bonded debt, without fastening upon its customers an added fixed charge. When is it going to end?

Why, Mr. President, one of the causes of the present business depression the world over lies in the fact that the liquid capital of the world is absorbed by new bond issues, by the extension of national debts, by the creation of new securities. Nobody pretends that the railroads of the country ever expect or intend to pay, or can pay, their bonded indebtedness; but they are going to increase it and increase it, and increase it again. Where and when will the end be? It must come at some time, because the borrowing power is limited by the loaning power. When the limit of the borrowing power is reached, as it will be when the productive energies of mankind are required to meet annual interest charges, then will come a collapse that will be the prelude to universal repudiation.

We are not borrowing wisdom from experience, either in government or in private life. On the contrary, we are continuing our mad course of doing business upon borrowed capital for all the world like an heir who has not reached his maturity and who mortgages his expectations at a high rate of interest, to the end that he may anticipate and then squander his inheritance.

I continue with this editorial:

The real reason is to restrain competition. Big business does not flock to big banks as a source of capital, but as a refuge from competition.

Undoubtedly the most important function of such institutions as Morgan & Co. and the Deutsche Bank is to keep competition in hand. They are a sort of medieval fair, at which traders can meet and discuss and adjust their differences under bonds to keep the peace, and make plans for their mutual benefit without knifing one another.

Mellen's testimony pictures Morgan in a dominating position. An important reason for that position was that Morgan, taking it all around, could do more to suppress competition than anybody else. Naturally, therefore, business turned to him.

Mr. President, one of the last survivals of the old-fashioned method of doing business was that of the Baldwin Locomotive

Works, of Philadelphia. It was established in 1831 by Asa Baldwin, and until 1911 it was a partnership—a magnificent enterprise, paying enormous profits, employing fifteen or sixteen thousand men, manufacturing locomotives and selling them in every quarter of the globe, and making extensions from time to time out of its earnings as the growing nature of its business required. Such a spectacle must have been annoying to the array of modern business elements which believes that the true way in which to carry on business is to incorporate it and bond it. Hence an offer was made for this business too tempting for its owners to resist. So, in 1911, it was incorporated and taken over by the Baldwin Locomotive Works Co., which was capitalized at $40,000,000, more than twice as much as it ought to have been capitalized for, and of course it was bonded. A bonded debt of $10,000,000 additional was placed upon a solvent, going concern that it might keep up with the modern procession of overburdened pursuits; and of course these bonds, with their interest of 5 per cent or 6 per cent or whatever the amount is, have been and will forever continue to be a fixed charge upon that concern, while of course it will be contended that legitimate business will be injured by anything that may so interfere with its transactions as to imperil these "fixed charges" plus a profit upon its preferred and common stock. It is the last of the old guard, so far as I know, that has disappeared under the overwhelming surge of modern capitalization and methods of doing business.

Mr. Claflin stated yesterday—and the statement was a manly one if he is correctly reported—that his failure was not due to recent tariff legislation. He did not make the statement quite as broadly as that, but I think he meant to be fair; and yet it has been and will be heralded all over this country that the collapse of the Claflin institutions, dropsical with water, spreading all over the country, was due to the policy or lack of policy of the Democratic administration. It is merely, in the industrial world, what the recent exposé of the New York, New Haven & Hartford is in the transportation world. Both institutions were the offspring of the same financial father. Each of them had headquarters in the same place, and each a part of the general policy of commercial organization which seeks to make all industries tributary to the stock markets and financial kings of New York City.

I am sorry this collapse has come. It may be a blessing in disguise in that it will call attention to its immediate causes, and result, if not in a cessation of business upon this line, at least discouraging its further extension.

Mr. SAULSBURY. Mr. President, the very eloquent address of the Senator from Colorado [Mr. THOMAS], which he has just concluded, certainly shows that legislation along the lines proposed in this bill is needed in this country.

I listened to the first part of his speech, also, with a great deal of interest, because it called attention to phraseology in the pending bill which, I think, can be much improved. I think that so far as we can, in preparing a bill for a trade commission, we should conform to the language which has received judicial construction in the Supreme Court of the United States, among others in the case of the interstate-commerce act, as this is somewhat to be compared to that legislation.

I wish to say that I shall propose an amendment to section 5 of this bill; and in order that it may have the consideration of the Senator from Colorado and the Senator from Utah, who so clearly stated his views on it, I wish to suggest the phraseology of the amendment which I shall propose, which I do not think will be out of joint with the ideas of the committee.

I propose to strike out, in lines 7 and 8, on page 21 of the bill, the words "restraining and prohibiting it from using" and to insert in lieu thereof the words "directing the discontinuance of"; and also, in line 11, on page 21, to strike out the words "restraining and prohibiting the use" and to insert in lieu thereof the words "directing the discontinuance."

My reason for doing that is to avoid using, in connection with the powers of the commission, words which have received clearly judicial construction, and which pertain to the processes of the courts, and, as I conceive, not to those of a commission.

I also propose to strike out lines 15 to 22, inclusive, regarding the process and course to be taken after the commission shall determine any competition to have been unfair, and so declare, and use, mutatis mutandis, the words of the interstate-commerce act, as follows:

If any corporation fails or neglects to obey any order of the commission while the same is in effect, the commission, or any party injured thereby, or the United States, by its Attorney General, may apply to the district court of the United States within any district where the method in question was used or where such corporation is located or carries on business for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the corporation is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such corporation, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

That, Mr. President, will bring the wording of this act into strict accordance with the interstate-commerce act, which has had such frequent construction by the courts that I think it is very desirable that we should use that form.

Mr. NEWLANDS. Mr. President, I will state that I see no objection to the amendment suggested by the Senator from Delaware, and I will bring it to the attention of the committee. At the same time, I insist that the application to the court by the commission for the enforcement of its order means judicial action by the court. It asks for the issuance of an injunction against whom? Against the defendant. The defendant must appear and must, of course, be heard. So, while all the action of judicial proceedings is not laid down in this bill, I insist that it is all implied.

Mr. CLAPP. Will the Senator pardon a question?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. In the Senator's view, what matters will the court consider upon that application?

Mr. NEWLANDS. Simply the question, first, whether the commission is authorized by law to make the order; and, second, whether or not it invaded the constitutional rights of the defendant.

Mr. CLAPP. That is just what the Senator from Delaware suggests we should copy from the interstate-commerce law. It seems to me that is much plainer, and that it would be much better to make it plain, and obviate just such discussion on the law as we have had this afternoon on this portion of the bill.

Mr. NEWLANDS. I have no objection at all.

Mr. SIMMONS. Mr. President, in connection with the very eloquent and illuminating discussion of the Senator from Colorado [Mr. THOMAS] with reference to the failure of the H. B. Claflin Co., I ask unanimous consent to have read an editorial which appeared in to-day's issue of the Wall Street Journal, of New York.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Wall Street Journal of Friday, June 26, 1914.]

REVIEW AND OUTLOOK—THE CLAFLIN FAILURE.

It is easy and cheap to ascribe the largest failure of its kind in the country's commercial history to the administration at Washington. This is not altogether fair, although it must be admitted that the disturbance of public confidence, of individual consuming power and credit, and of established methods of commerce tested by the expert practice of years has an undeniable responsibility in the matter.

But the Claflin firm failed because it was based on a combination of wholesale and retail business, which imposed upon it a financial burden heavier than it could carry. The H. B. Claflin firm, before embarking in the retail business, was perhaps the largest wholesale house in the world. Its customers were independent and well distributed. But when it embarked in the retail trade it stood to reason that its independent customers would resent that enterprise, and would take their business elsewhere.

There followed a result which was, unfortunately, only obvious after the event. The company had to make its own customers and finance them. It ceased to be a wholesale house in a broad and safe sense, and became merely the financial backer of a large number of retail stores all over the country, whose only credit was that of the H. B. Claflin house. The notes of these concerns, probably held by 3,000 or more great and small banks throughout the United States, were practically Claflin paper. The indorsement made these notes merchantable, and the failure leaves the banks as creditors of the indorsers.

This is an instance of expansion in the wrong direction. Given sufficient financial strength, the idea was all right, but with what the New York Herald correctly describes as "slow assets and quick liabilities" there was only one end when the parent concern had exhausted its credit.

It is revealing no secrets to say now that the late J. P. Morgan saw this clearly. He has been freely abused, especially by people who did not know or understand him. But his analysis of this situation at its inception was crystal clear, and it is not too much to say that had he been alive the result would have been foreseen, and therefore rendered largely harmless.

There is here no criticism of a great merchant, whose rectitude is a proverb and whose reputation is clean enough to stand an honest commercial failure. An apology for the president of the New York Chamber of Commerce would be an impertinence. The facts need only to be presented to be understood.

As might be expected, the best commercial and financial intelligence in the country is now directed to localizing and minimizing the danger to credit.

Mr. BORAH. Mr. President——

Mr. CLAPP. If the Senator will pardon me, here is one of the most vital measures that has been before Congress in many years, a proposition radically and absolutely to revolutionize the attitude of Government toward business, and I think a full attendance of the Senate should be here to listen to the discussion. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Norris	Smith, Ga.
Borah	Fletcher	Oliver	Smoot
Brady	Hughes	Overman	Sutherland
Bryan	James	Page	Thomas
Camden	Jones	Perkins	Thompson
Catron	Lane	Pomerene	Thornton
Chamberlain	Lea, Tenn.	Ransdell	Weeks
Chilton	Lewis	Saulsbury	West
Clapp	Martine, N. J.	Shafroth	White
Clarke, Ark.	Myers	Sheppard	
Crawford	Nelson	Sherman	
Culberson	Newlands	Simmons	

Mr. CLAPP. I desire to announce the illness of the senior Senator from Wisconsin [Mr. LA FOLLETTE], which detains him from the Senate this afternoon.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. KERN, Mr. REED, Mr. SHIVELY, Mr. SMITH of Maryland, Mr. TILLMAN, Mr. WARREN, and Mr. WILLIAMS answered to their names when called.

Mr. CUMMINS entered the Chamber and answered to his name.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The Senator from Idaho will proceed.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SMOOT. It is now about 5 minutes to 5 o'clock, and I ask unanimous consent that we may take up the calendar under Rule VIII and consider bills to which there is no objection until quarter to 6 o'clock.

Mr. NEWLANDS. I should like to consult the pleasure of the Senator from Idaho.

Mr. BORAH. I have no objection, Mr. President, if the Senator has none. It is immaterial to me.

Mr. BRYAN. Mr. President, there is a conference report——

Mr. NEWLANDS. There is a general expression on this side of the Chamber that we should like to hear the Senator from Idaho.

Mr. SMOOT. I thought, as it is nearly 5 o'clock, and the Senator from Idaho certainly could not get through with his remarks this evening, it would be better for him and for everybody else if he would start to-morrow as soon as the bill is taken up, and then he could conclude his remarks without interruption.

Mr. SMITH of Georgia. The Judiciary Committee has adjourned, and several of us came up especially because we desired to hear the Senator from Idaho, and we may get tied up with the Judiciary Committee meeting in the morning.

Mr. SIMMONS. I hope we will not adjourn before the usual time.

Mr. SMOOT. I do not ask that the Senate adjourn. I ask that we may take up the calendar under Rule VIII.

Mr. SIMMONS. If the unfinished business is to be laid aside, I shall insist upon taking up the river and harbor bill.

Mr. SMOOT. I would have to ask unanimous consent, and in that case the Senator could object to taking up the calendar.

Mr. KERN. I suggest that the Senator from Idaho be allowed to proceed.

SEVERAL SENATORS. Very well.

Mr. BORAH. Mr. President, I regard this bill as one of the most important measures which we have had before Congress for many years. We are accustomed to use similar language in regard to almost any important measure which comes up, but the trades commission bill will mark an era in the industrial policy of this country. For a great many years—in fact, since we have been a Government—we have entertained the belief that the competitive system of industry or competition is essential to our business and our political welfare. We have believed that in the competitive field, however severe the competition, things would finally adjust themselves to the public good. This bill has upon its face the appearance of being built upon that principle to some extent, but it in fact marks the beginning of the time when the business of the country will be regulated and controlled through bureaus and commissions, and marks the beginning of the time when the question of competition will be eliminated entirely, and we will simply undertake to regulate and control the combinations, however large they may be, seeking to prevent their extortion, seeking to regulate their relations with labor, and prices, and so forth. We ought to enter such a field with hesitancy and after only the most serious consideration, if, indeed, we should enter at all.

I am going to assume, Mr. President, in the argument this afternoon that this bill is constitutional. In other words, I am not going to discuss the question whether or not we can do what we are undertaking here to do. I shall assume that we can delegate the power which we have undertaken to delegate to this commission. While not conceding it, that is not the feature of the bill which I want to discuss at this time. The question still remains whether or not this measure is framed as it should be framed, assuming that we have the constitutional power to do what we are seeking to do.

As I said a moment ago, we have been heretofore proceeding along a different line, but we do not disclose an entire willingness to abandon the original proposition. We passed in 1890 what is known as the Sherman antitrust law. The Sherman law bids the business of the country to compete. It was built upon the theory that competition is the life of trade. It punishes those who unnecessarily restrain trade or destroy competition. It was enacted for the purpose of destroying monopoly, which is the absence of competition. For the last 24 years the business world, through the courts and through our public declarations, from a party standpoint and otherwise, has been led to believe that we expected the channels of interstate trade to be kept perfectly free from all restraint and monopoly, and that competition should constitute the primal element of our interstate commerce. We have given business to understand that we were not concerned with the severity of competition, but only with its preservation, however strong.

For a number of years after the passage of that statute it was not clear to the business world as to its meaning, although I think that the decisions of the Supreme Court of the United States have rendered that statute, which was in the first instance somewhat uncertain and ambiguous, sufficiently certain, sufficiently positive; and at this time business need not have very much difficulty in knowing what that law means.

Mr. President, while the Sherman antitrust law bids the business world to compete—that is to say, objects to the destruction of competition in any form—we announce another rule here in another law, saying that while we recognize competition as necessary we insist that it shall not be unfair competition. We propose to have competition, but to regulate competition which means to oversee the whole business world and ultimately and logically to tolerate monopoly.

The first law was claimed to be uncertain, so far as the business world was concerned, in its beginning, if it is not so now; the objection which I present to this bill at this time is the uncertainty of this law. When you say to the business world that competition is recognized as the life of trade and as essential to our business interests and to our political and our public welfare, and say upon the other side that while that is true still you must not compete unfairly, it is certainly due to the business world to lay down what the rules of competition shall be and what shall constitute unfair competition. Uncertain and ambiguous laws are always for the benefit of the lawless.

Mr. President, I want to call attention, in the first instance, to some of the decisions of the courts with reference to this subject, decisions which have been rendered as a result of long contests upon the part of the business concerns which have announced the rules which have been embedded not only in our jurisprudence but are supposed to be embedded in our business affairs.

I will say here that I would gladly vote for any measure which I believe would strengthen the Sherman law and make efficient and effective its enforcement. I would join with those who will add simplicity and effectiveness in its enforcement. I would remove as much of the mere administrative feature of it from the overburdened courts as possible. I would like, in other words, to join with my colleagues in any administrative provisions which would put into practical effect the splendid body of principles now found in the many decisions of the Supreme Court.

I am a firm believer in the policy of that law. I believe that it can be successfully enforced. I believe that under the decisions of the Supreme Court of the United States, as they now stand, it is within the power of the Executive side of the Government or the political side of the Government to end monopoly in this country, if we have the courage to do so, and I would willingly support any measure which I thought would result in making more effective the enforcement of that law.

Let us turn for a moment, Mr. President, to the Sherman law, and see the rule which has been announced by Congress and see what kind of a strait-jacket we are undertaking to put the business of this country in by leaving the Sherman law as it is with the numerous decisions which have been rendered under it, and at the same time enacting a law which says that unfair competition is unlawful without advising the business world or

defining in any way what shall constitute or what does constitute unfair competition. And this strait-jacket will be far more embarrassing to small competitive firms, to legitimate business, than it will be to great combinations or monopolies. Assuming that unfair competition results ultimately in doing the things which we demand shall not be done under the Sherman law, how can we expect the business of this country to proceed along the line which we are now marking out when we concede as legislators that we can not in advance advise them what is unfair competition.

I agree perfectly with what the President said last night that there is an element of uncertainty in the business world arising out of the conditions which exist with reference to the enforcement of these laws and their enactment, but how shall business become satisfied and certain and confident of itself when it is approached upon one side by the law, which means a penalty if they do not keep alive and obey the laws of competition, and upon the other side if they go too far or practice unfair competition when they are not advised in advance what is the limit of competition which shall enable them to avoid violating this measure, if it becomes a law, and how little competition they can have without violating the Sherman law? The Sherman law says:

Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court

Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

It is well known that in a number of the cases arising under this law the contention was made upon the part of the business concerns that competition had become destructive, that the practices of the competitors were unfair and calculated to destroy, and that it was for the purpose of getting rid of those conditions that they asked the right to combine and cooperate, and that their cooperation or combinations were reasonable. But these pleas were rejected. They were told that the absence of competition was the beginning of monopoly, and that competition, however severe or unfair, would finally work out to the public good. Some people interpreted this as prohibiting larger units of business, but such was not true. Units which resulted from normal and regular growth, from giving increased quality of goods, and so forth, were never inhibited. Bigness itself was never condemned.

The Supreme Court in the Northern Securities case, in discussing this feature of the proposition, to wit, free competition, said:

That Congress has the power to establish rules by which interstate and international commerce shall be governed, and by the antitrust act has prescribed the rule of free competition among those engaged in such commerce.

What did the business world understand by free competition? That there should be no restraint; that there should be no step taken looking to monopoly; that competition, regardless of its ruthlessness or its destructiveness or the method in which it was carried on, should, nevertheless, be free and be left free to settle itself and to adjust business concerns upon that principle.

The Supreme Court quotes from Sixty-eighth Pennsylvania State, page 173, as follows:

When competition is left free, individual error or folly will generally find a correction in the conduct of others. But here is a combination of all the companies operating in the Blossburg and Barclay mining regions and controlling their entire productions. They have combined together to govern the supply and the price of coal in all the markets from the Hudson to the Mississippi Rivers and from Pennsylvania to the Lakes. This combination has a power in its confederated form which no individual action can confer. The public interest must succumb to it, for it has left no competition free to correct its baleful influence. When the supply of coal is suspended the demand for it becomes importunate and prices must rise. Or, if the supply goes forward, prices fixed by the confederates must accompany it. The domestic hearth, the furnaces of the ironmaster, and the fires of the manufacturer all feel the restraint, while many dependent hands are paralyzed and hungry mouths are stinted. The influence of a lack of supply or a rise in the price of an article of such prime necessity can not be measured. It permeates the entire mass of the community and leaves few of its members untouched by its withering blight. Such a combination is more than a contract; it is an offense. * * * In all such combinations where the purpose is injurious or unlawful the gist of the offense is the conspiracy. Men can often do by the combination of many what severally no one could accomplish, and even what when done by one would be innocent. * * * There is a potency in numbers when combined which the law can not overlook where injury is the consequence.

Quoting from the Thirty-fifth Ohio State, page 666, the court in that case says:

It is no answer to say that competition in the salt trade was not, in fact, destroyed, or that the price of the commodity was not unreasonably advanced. Courts will not stop to inquire as to the degree of injury inflicted upon the public; it is enough to know that the inevitable tendency of such contracts is injurious to the public.

Again, quoting from the Illinois Supreme Court as follows:

So long as competition was free the interest of the public was safe. The laws of trade, in connection with the rigor of competition, was all the guaranty the public requires; but the secret combination created by the contract destroyed all competition and created a monopoly against which the public interest had no protection.

These cases, Mr. President, I read from the State courts for the reason that they are specifically referred to and approved by the Supreme Court of the United States.

Now, let us take a recent case upon this subject which illustrates the situation, because they made the special plea in this case that the combination was made for the purpose of getting rid of ruthless, unfair, overreaching competition. I do not recall that they used the word "unfair," although I think you will find it in the counsel's brief, likely; but I know the contention was made that this combination was brought into existence for the purpose of placing a reasonable restraint upon competition, and that as a result of the combination the prices had not been raised; no injustice had been done to anyone. But the court said the effect of your combination, regardless of the ruthlessness of the competition which it was brought to displace, is in violation of the antitrust law, and therefore void. This particular case was under the trust law of the State.

This is the case of the State against International Harvester Co., reported in Two hundred and thirty-seventh Missouri, page 378. The attorneys in that case said:

The decision in this case becomes one of great practical importance to all persons and corporations doing business in Missouri. In an age "where modern industrial conditions are such that combination is not only necessary but inevitable," and when the uniting of properties and doing business on a large scale is an "economic necessity," it is of supreme importance that the commercial world should know precisely the line demarking the legitimate corporation from the illegal "trust." It presents a problem of construing the laws of Missouri, etc.

In the body of the opinion of the judge who wrote the leading opinion it is said:

The respondent is a Wisconsin corporation, chartered in 1881, under the name Parker-Dennet Harvesting Machine Co., to engage in the business of manufacturing and selling harvesting machines—that is, binders, mowers, etc., and other agricultural implements. It was located at Milwaukee, Wis., and conducted its manufacturing business there. Its name was afterwards changed to Milwaukee Harvesting Co., and under that name it was licensed to do business in this State in 1892. It established itself here and conducted its business of selling its own manufactured articles until the occurrence of the events herein complained of by the State, since which time it has conducted a business of selling only the products of the International Harvester Co., a New Jersey corporation, which corporation will be hereinafter more particularly referred to and discussed. After the organization of the last-named company it acquired all the stock of respondent, and respondent's name was again changed, the last name being International Harvester Co. of America, the words "of America" alone distinguishing its name from that of the New Jersey corporation. Respondent is frequently referred to in the evidence as the "Milwaukee," and for convenience and ready distinction we shall sometimes refer to it by that name.

Besides the Milwaukee company, there were other foreign corporations, manufacturers and sellers of farm implements of the same or similar character, licensed to do business in the State, among them the McCormick Harvester Co., an Illinois corporation; the Plano Manufacturing Co., also an Illinois corporation; the Warder-Bushnell & Glessner Co., an Ohio corporation; and D. M. Osborne & Co., a New York corporation. In addition to the above corporations, the Deering Co., which was an Illinois copartnership, was also a manufacturer and seller of harvesting machines, and doing business in this State. The manufacturing plants of all these concerns were located in their respective State domiciles; the business they conducted here was that of selling their manufactured products. There were other concerns engaged in like business, but the six companies above named, including the respondent, were the chief concerns; and in 1902—which was the date of the alleged unlawful combination—after several years prior thereto, they did from 80 to 90 per cent of all harvesting-machine business in the United States and in the State of Missouri. The commissioner has listed these companies in the rank of the relative volume of business done by each, as follows: (1) The McCormick, (2) the Deering, (3) the Warder-Bushnell & Glessner, (4) the Plano, (5) the Osborne, and (6) the Milwaukee. The machines of each company bore the company's trade-mark for a name—"McCormick," "Deering," "Champion" (the Warder-Bushnell & Glessner), "Plano," "Osborne," and "Milwaukee"—and were well known to the trade by their respective trade-marks.

Here were six or seven competitive business institutions, and the competition, it was said, was so severe that it was maintained and carried on upon an unfair and unjust basis, such as would result in no benefit, they contended, to the consumer, but possibly to his injury, because ultimately he must pay for whatever ravages or losses in business or failures of concerns that would take place in paying for the product as it would ultimately reach him. It was contended that it was but reasonable for those combinations to come together and end that unfair competition. If it had come before this commission, what would the commission have said about it? Suppose the commission

had said, "This is unfair competition; it is unlawful"; then would it not have been a proper thing for the combinations to come together and end the unfair competition? In other words, what line of conduct would a business institution of that kind be warranted in following; to what line or principle could it safely adhere? And if this commission should have concluded to end that unfair competition, how would it have done, except by reuniting them or permitting their unification, which would of itself be a violation of the trust law? And thus this measure may in the end come to be an aid and a refuge for monopoly.

Now, I grant you that if you would write into this bill and determine what "unfair competition" is, so that a business concern could know it, it might be in aid of the Sherman antitrust law; but when you leave it so uncertain that they can neither know whether they are violating the Sherman antitrust law or this law, you are simply placing the business of the country so that it can not proceed until it receives its directions from your commission. How is business going to know whom it can buy out; how it can enlarge its business or its business units? How is it going to know what it may do to secure the trade in this territory and in that territory? How is it going to determine how it may increase its powers here and there, either by the purchase of other combinations or by cooperating with them, until it has proceeded and has been brought before the commission and the commission determines the proposition? Assuming, now, that the commission has the constitutional power to determine it, must the business of the country wait to know what it will do until it is drawn before the commission and that is determined?

This committee, composed of many of the ablest of the Members of the Senate, concede by this bill and concede by the report that they can not define "unfair competition." This bill discloses and the report discloses that the ingenuity of the Senate is insufficient to define that term so that it may be a guide to the business of this country. Shall we expect business to take on an air of confidence and of certainty when we start it upon this unknown sea, without rudder or compass, to determine according to a commission's judgment upon a particular state of facts whether or not it has violated the law? And I repeat that uncertainty will embarrass the honest and the well meaning, and at times may actually aid monopoly.

Let me read a little further from this decision in order to get the real gist of it. I read from the separate opinion of Judge Graves, because he goes into this question more particularly as to why they thought it was necessary to combine.

> Every syllable of evidence in this record shows that there was then actual competition. The same evidence likewise shows that after 1902 there was no real competition. The International Harvester Co., acting through its agent, the respondent herein, fixed the prices of each machine to the retailer and permitted no deviation therefrom. The only possible chance for competition was by the agent cutting off a part of his commission. The machines were listed to the agents at a fixed sum, and that sum had to be accounted for at the settlement. That there was real competition prior to 1902 and no competition since is best shown by a few excerpts from the testimony.
>
> Mr. McCormick, one of the leading spirits in the International Harvester Co., in part, said:
>
> "Q. Was a part of the unstable condition incident to this unsettled condition prior to the formation of the International Harvester Co. a variation from the list price and the selling of the machines? Did that constitute a part of the unbusinesslike methods that you mention?—A. The unbusinesslike methods were a multitude of things.
>
> "Q. Was that a part of it?—A. Yes, sir.
>
> "Q. That is, the Deering people would have a machine listed at $90 and let the dealer have it at $80?—A. Yes, sir.
>
> "Q. Was that a common practice in giving rebate?—A. All kinds of subterfuges for modifying prices—taking old machines at large values, throwing in other property, wasteful expenditure of money and time, and salary of men.
>
> "Q. I was not asking you of what you complained in detailed statement. I ask you if the selling below list price was one. Was that true?—A. Yes, sir.
>
> "Q. Now, since that time you make one price on paper and get another price from the dealer?—A. We do not.
>
> "Q. You maintain the prices listed?—A. Yes, sir.
>
> "Q. And before that consolidation that was not done by any of the companies?—A. Was not done so generally."

Here we have a practice, Mr. President, of all kinds of subterfuges for modifying prices—taking old machines at large values, wasteful expenditures of money and of time, salaries of men, and so forth. Some of those things, of course, could not be said to be unfair, but some of them would be so; and the commission would undoubtedly adjudge some of them to be, and if these combinations removed those things and gave the country one price, and a lower price as they claim, they were held nevertheless to be subject to the inhibition of the antitrust law. Undoubtedly this commission would have adjudged those things which were done by the competitive organization as unfair in some respects, and the independents would have been denounced for practicing the things they were doing; we would have here two laws, one of which would have condemned what they were doing, and the other law would condemn what they did in order to get rid of it. I do not believe, Mr. President, that the business of the country can stand that kind of a proposition, and I do not believe it will work out for clean, legitimate, independent business concerns. I believe that we are under obligation to make this law sufficiently certain and definite that individual business may know when the law is passed what it can safely do. We are under obligation to write the rules and regulations into this law, so that a man may know when he enlarges his business or extends his territory or readjusts his affairs that he may do so with absolute safety. I say to you that it seems to me no less than the approaching of a crime, in the business condition now prevailing, to say to the business concerns of this country, "We have established a rule that you shall compete, but that you shall not compete unfairly," without advising them in any way, shape, or form of what that unfair competition consists. We start business to groping its way through experiments and orders and judgments, all of which the people as a whole must pay for in the end.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. NEWLANDS. The Senator from Idaho realizes that there are practices in trade which constitute unfair competition, does he not?

Mr. BORAH. I do.

Mr. NEWLANDS. And he recognizes the fact that those practices should be discouraged by law. Under what general phrase, then, would the Senator provide by law for the discouragement and the discontinuance of such practices? Can the Senator suggest a comprehensive phrase that would meet the conditions more accurately than the one used in this bill?

Mr. BORAH. I do not believe that it is possible by two words, whether the words are "unfair competition" or some other words, to define the lines for business action in this country.

Mr. NEWLANDS. Can the Senator do it in 10 words or 20 words?

Mr. BORAH. I do not know that I could, but let me call the Senator's attention to the fact that under the decisions of the Supreme Court of the United States we have been 20 years defining the lines along which the business of this country shall be carried on and what they might do lawfully and what they might not do.

Mr. THOMAS. And they have not been defined yet.

Mr. BORAH. And, as the Senator from Colorado says, they have not been defined yet; but nevertheless there is a vast code of rules now announced by the Supreme Court with which business may familiarize itself. The contention which business has been making for 20 years is that it has not known what to do. Now that the element of uncertainty has been reduced, if not eliminated, now about the time we are prepared to say to these combinations the law has been made sufficiently plain so that you can not be excused from its observance, and you must obey it, instead of enforcing it we enter a new field and proceed along quite a different line. We can change a law or policy here in a few days or weeks, but business can not be expected to change its whole basis on a theory in a fortnight.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. POMERENE. I take it that when the Senator says it has taken 20 years to determine what the Sherman antitrust law means that he includes within that time the many years which the Department of Justice wasted in not making any effort to ascertain what it meant or to enforce it.

Mr. BORAH. Yes; I include that time.

Mr. POMERENE. That would constitute about three-fourths of the time.

Mr. BORAH. But suppose I concede the position of the Senator from Nevada, that it is difficult to define these practices in the law, then, what does the Senator from Nevada think about the difficulty of the business world in knowing what we are trying to do? If we find it difficult, if not impossible, to define our terms or make specific and certain what shall be the experience of business?

Mr. NEWLANDS. Mr. President, the Senator has presented with great force the fact that under the Sherman law we have commanded the business of the country to compete. Competition is war. There may be brutal warfare and there may be civilized warfare. Warfare is still recognized by the civilized world as a possible condition at any time; and it is doing its best to substitute civilized for barbaric warfare. So, with reference to competition, there is brutal competition and there is civilized

and fair competition. The Senator says that it is difficult to include in any phrase of moderate length a rule that will embrace all unfair practices. So it is; and I asked the Senator whether he could suggest a phrase of greater extent than the one used that would be more satisfactory. The Senator, as I understand, is not able to suggest such a phrase. Shall we abandon the attempt altogether, then, to civilize competition, or shall we adopt a phrase, a rule, which will constitute a standard of action for enforcement by a commission organized by Congress to carry out as its servant its constitutional power of regulating commerce?

It seems to me that it would be folly for us to attempt by a definition of each practice to cover the field, because we have the testimony of experts in business that unfair competition is so multiform that if we condemn 20 practices that exist to-day, 20 more will be invented to-morrow. So we must have some general rule.

The committee has adopted the very best rule it could find; it relies upon a phrase that has a constantly increasing significance. We admit it is not a term that has been used as extensively as the terms "a reasonable rate" or "unjust discrimination"; but it has a definite meaning in economics, and that meaning you will find is being recognized gradually in legal phrasing and in the decisions of the courts, and we believe it will be maintained just as the term "reasonable rate" has been upheld as a standard of action and just as the term "unjust discrimination" has been upheld as a standard of action covering discriminations in all their multiform aspects without describing in a long and wearisome code each phase of what constitutes unjust discrimination.

Mr. BORAH. Mr. President, beginning with the trans-Missouri freight case and ending with the Standard Oil case the defense was continually made by these leading men of business that their combinations were made for the purpose of getting rid of what the Senator calls "brutal competition." They believed that was what they were doing. Their standard was such as to lead them to believe that they had a right to get rid of that brutal competition.

Mr. NEWLANDS. They got rid of it by creating monopoly. We wish to get rid of it, not by creating monopoly, but by establishing a fair competition that is in accord with the moral law and will condemn every practice in business that is against good morals, and will condemn every practice for which the individual himself would have a remedy against his competitor either at law or in equity, giving that individual the protection of the State through this tribunal by means of a proceeding without expense to himself, instead of turning him over to the expense, weariness, loss, and anxiety attendant upon the litigation of the individual with a powerful combination.

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. LEWIS. If I may interrupt the Senator from Idaho, recognizing the Senator from Idaho as a very eminent and able lawyer—and in saying this I am speaking from personal experience, for it was my honor as well as my delight to participate with him in the courts of the Northwest—I now, respecting that legal opinion of his, ask the Senator from Idaho the following:

First, suppose the Senator from Idaho were able to devise, in specific phrase, a definition of unfair competition, and suppose that definition as devised by him were actually written within the law. I ask the Senator would it not then be the law that all other conduct that might result in unfair competition, but was not done in the manner prescribed in that definition, would, by virtue of the very definition, be legalized?

Mr. BORAH. I think that is true, unless the law should provide that the specification should not be considered a limitation. But what I say is that we are dealing with a thing that is malum in se, and that as a matter of fairness to those who want to obey the law they should be placed in a position where they can do so.

Mr. LEWIS. Secondly, I ask the Senator this question: After the definition had actually been placed in the law, and those who sought to violate the law simply varied their method slightly apart from the manner of the definition, would not they likewise be, therefore, exempt from punishment by virtue of the fact that they had not violated the letter of the law, it being a criminal statute?

Mr. BORAH. I think that is correct. Now, let me ask the Senator from Illinois a question.

Mr. LEWIS. Gladly.

Mr. BORAH. If the Senator from Illinois can not define in advance what unfair competition consists of, if he can not advise with reasonable certainty what constitutes unfair competition, how is the business world going to know, except through a long series of hearings and decisions running through the years, as under the Sherman law, what constitutes unfair competition? Does not all this disclose that we are seeking to deal with this matter in an impractical way?

Mr. LEWIS. My answer to the Senator from Idaho would be that the expression "unfair competition," as now incorporated in the bill, is not a new phrase. It is not untried, and in the processes of business is not an experimental phraseology, but is a mere adaptation of expressions from the decisions of the courts which have come down to us as expressive of certain conduct. Therefore the business world would have to recognize the meaning of the term as it had been previously defined in the particular decisions that had denounced certain conduct as resulting in unfair competition.

Mr. BORAH. Mr. President, let us see in what position we place the business world. We say that unfair competition has come to have a settled meaning in the law, or a reasonably settled meaning in the law. If so, why do we not put into the law a definition of what is unfair competition? Shall we expect the business world to examine the common-law decisions and all the different litigations arising under the statutes to ascertain and settle for themselves what unfair competition is, while we, as experienced legislators, trained in the law, and familiar with these opinions, are unable to say anything more or give a single rule of action or a single rule of conduct by which they are to be guided?

Now, it may be true, and I think it is, that we are venturing upon a sea of legislation where nothing but uncertainty can be the result of that legislation. Then it becomes a question as to the wisdom of venturing upon it.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield to the Senator.

Mr. STONE. The Senator probably will not conclude his remarks to-night?

Mr. BORAH. No.

Mr. STONE. It is getting late, and I should like to have the Senator yield in order that I may move for an executive session.

Mr. BORAH. I yield for that purpose.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 27, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 26, 1914.

CONSUL GENERAL.

Robert P. Skinner, of Ohio, to be consul general at London, England.

UNITED STATES ATTORNEY.

Harry B. Tedrow to be United States attorney for the district of Colorado.

POSTMASTERS.

MARYLAND.

James T. Truitt, Salisbury

MINNESOTA.

John O. Ackerman, Hastings.
J. Friend Holmes, Warroad.
A. W. Johnson, Forest Lake.
P. A. McEachin, Keewatin.
Joseph A. Roerig, Adrian.

OHIO.

Joseph V. Lawler, Carrollton.

PENNSYLVANIA.

Daniel P. Johnson, Lansford.
Thomas P. Logan, Midland.
John A. Stief, Ashland.

SOUTH CAROLINA.

Charles E. Faikenstein, Barnwell.

VERMONT.

Cornelius Buckley, Barton.

VIRGINIA.

Samuel T. Montague, Portsmouth.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 26, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, never far from any of us, we would draw near to Thee with open minds and hearts, that we may be guided by Thy counsels in all the duties pertaining to life; that Thy thoughts may be our thoughts and Thy ways our ways, for of Thee and through Thee are all things. So may we live and act that we may leave behind us a record worthy of emulation. And to Thee we will ascribe all praise, in the name of Him who taught the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the resolutions of the Omaha Commercial Club on the conservation of flood waters in the West.

The SPEAKER. The gentleman from Nebraska [Mr. BARTON] asks unanimous consent to extend his remarks in the RECORD by printing a certain document that he names. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to submit a conference report, accompanied by a statement, on the remaining items in disagreement upon the naval appropriation bill; and inasmuch as there are only three items, Mr. Speaker, and the Senate has agreed to the House provisions as to all of them, I ask unanimous consent to waive the printing under the rule and dispose of the conference report at this time.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] presents a conference report on the naval appropriation bill, and asks unanimous consent to waive the provision of the rule in relation to printing and going over a day, and to take it up and dispose of it at this time.

Mr. MANN. What is the purport of the conference report?

Mr. PADGETT. The House disagreed to the Senate amendment with reference to the Norfolk Dry Dock. The Senate recedes, and the amendment goes out. The House insisted upon its disagreement on the amendment with reference to the Key West Breakwater. The Senate recedes, and that goes out. The Senate conferees recede from the Senate disagreement to the House amendment authorizing the sale of the ships, and accepts the amendment to the amendment as passed by the House.

Mr. MANN. Does the Senate recede from all its amendments in disagreement except the ship amendment?

Mr. PADGETT. Yes.

Mr. MANN. And it agrees to the House amendment on the sale of the ships?

Mr. PADGETT. Yes.

Mr. MANN. I have no objection.

Mr. PADGETT. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The Clerk will read the title of the bill and also read the amendments in controversy.

Mr. MANN. I suppose the Clerk should read the conference report.

Mr. PADGETT. I ask unanimous consent, Mr. Speaker, that the accompanying statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the statement accompanying the conference report be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 913).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 29, 33.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

In lieu of Senate amendment insert "$3,475,500"; and the Senate agree to the same.

Amendment numbered 71: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 71; and the Senate agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
Managers on the part of the House.
B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

The Clerk read the following statement:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

Amendments Nos. 28 and 29 provide for a new dry dock at navy yard, Norfolk, Va., to cost not to exceed $3,000,000, with an appropriation of $200,000; and the Senate recedes.

Amendment No. 33 provides for the construction of a breakwater at the naval station, Key West, Fla., to cost $600,000, with an appropriation of $100,000; and the Senate recedes.

Amendment No. 40 is a change of total under "Public Works at Navy Yards and Stations," and reduces the amount from $4,300,500 to $3,475,500, a reduction of $825,000.

Amendment No. 71 provides for the sale of the battleships *Idaho* and *Mississippi*, and the House receded from its disagreement to the Senate amendment and agreed with an amendment striking out the Senate amendment and inserting in lieu thereof the following:

"The President may, in his discretion, direct the sale in such manner, at such price, not less than the original cost price, and upon such terms as he may deem proper of the two battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall be deposited by the Secretary of the Navy in the Treasury. After said sale, in addition to the two battleships hereinbefore authorized, the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000. Out of the money when so deposited in the Treasury there is hereby appropriated toward the construction of said battleship on account of 'Increase of the Navy:' 'Construction and machinery,' $2,000,000; 'Armor and armament,' $2,535,000, and 'Equipment,' $100,000: *Provided*, That no vessel shall be sold under this authorization unless such sale or the agreement therefor shall have been made prior to July 1, 1915."

And the Senate recede from its disagreement to the amendment of the House, and agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I notice that in the amendment with reference to the change of totals the statement does not show whether the House or the Senate receded.

Mr. PADGETT. It says the House receded with an amendment.

Mr. MANN. On a change of totals?

Mr. PADGETT. Yes.

Mr. MANN. I understood the gentleman to say a moment ago that the Senate receded on all amendments in disagreement.

Mr. PADGETT. There were three amendments in disagreement, and this was the total at the end of the bureau, and it was just to make the figures agree with the facts. In the former report a number of matters had been agreed to, and this other one that was agreed to in this report left that total open.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, by inserting an explanation of the bill.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to extend his remarks in the RECORD by inserting a statement. Is there objection?

There was no objection.

Following is the statement referred to:

MEMORANDUM.

Total of the bill as agreed upon		$140,350,833.61
Naval home	$77,117	
Naval-hospital fund	40,000	
Total not paid from the Treasury		117,117.00
From the Treasury		140,233,716.61
Last year's naval act, exclusive of naval home ($82,209)		140,718,434.53
Reduction in this year's bill		484,717.92

"Last year's building program consisted of 1 battleship, 6 destroyers, 4 submarines, 1 transport, and 1 supply ship. This year's bill carries a building program of 2 battleships, 6 destroyers, and 8 or more submarines, yet the amount to be appropriated out of the Treasury for this year's bill is $484,717.92 less than last year.

"If the sale of the battleships *Idaho* and *Mississippi* is consummated, there will be turned into the Treasury approximately $12,000,000, of which $4,635,000 will be expended toward the construction of an additional dreadnaught, whose fighting efficiency is at least twice as great as the *Idaho* and *Mississippi* combined.

"The efforts of the committee, as well as the Navy Department, have been to spend a minimum amount on shore stations and perfect the efficiency of the Navy at sea. The total of last year's naval act, exclusive of 'Increase of the Navy,' amounted to $105,474,948.53. The total of this year's bill for the same purposes amount to $103,894,099.61, a reduction of $1,580,848.92, notwithstanding the enlargement of the Government torpedo factory and the powder factory.

"Last year's naval act for 'Public works at yards and stations' carried $4,348,945. This year's bill for the same purposes carries $3,475,500, an apparent reduction of $873,445, which includes $700,000 transferred from the Bureau of Equipment which did not appear in this appropriation last year, which, therefore, in fact makes a real reduction in 'Public works at navy yards and stations' of $1,573,445.

"The working appropriations of the Bureaus of Steam Engineering and of Construction and Repair, which have to do with industrial work at navy yards and stations for construction and repair of ships of the Navy, have been reduced by $92,000 and $305,000, respectively, without any loss of efficiency and notwithstanding the fact that the activities in the yards due to enlargement of the Navy have greatly increased.

"Due to enlarged competition in bidding for ordnance material and a reduction in the expense for experiments, the appropriations for the Bureau of Ordnance have been reduced $695,110.

"The bill carries provisions for an investigation for the erection of a Government armor plant, for the enlargement of the activities at the Government torpedo factory and Government powder factory, all of which, together with the Washington Gun Factory, placed the Government in an independent position to largely manufacture its own torpedoes, powder, guns, armor, and special-treatment steel, by which the Government will be able to determine the costs of production and prevent extortionate prices by contract.

"The appropriation for the Naval Academy has been reduced $87,500, and the appropriations for the Marine Corps have been reduced $212,763.92."

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, before the House goes into the consideration of the legislative bill I would like to ask unanimous consent to take up the omnibus pension bill. It is a very short bill and will only take about 10 minutes. It is the last bill we will have this fiscal year, and possibly the last we may have this session. Therefore I desire to call it up.

Mr. MANN. This is the regular pension day. It does not require unanimous consent.

Mr. KEY of Ohio. This is the regular pension day, but when the House adjourned last night it was considering the conference report on the legislative bill, and the gentleman from South Carolina [Mr. JOHNSON] in charge of that bill desires to proceed with its consideration.

Mr. MURDOCK. It requires the unanimous consent for the gentleman from South Carolina [Mr. JOHNSON].

Mr. KEY of Ohio. Yes.

Mr. MANN. Is this the bill that was reported yesterday?

Mr. KEY of Ohio. Yes. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up House bill 17482, an omnibus pension bill, which the Clerk will report.

The Clerk read the title of the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 853. Anna Margaret Lynskey.
H. R. 1302. Samuel Willis.
H. R. 1416. William C. Benz.
H. R. 2765. Charles Forbes.
H. R. 4033. Otto H. Otten.
H. R. 4670. Lewis A. Coffman.
H. R. 4707. Dolphis A. Gilliam.
H. R. 6265. Myrtle May Hoffman.
H. R. 6477. Toliver W. Corn.
H. R. 6478. James N. Parker.
H. R. 6544. Jicie B. Smith.
H. R. 7232. Edgar J. Kempinsky.
H. R. 7443. Peter D. Smith.
H. R. 7493. Thomas Forsyth.
H. R. 7831. Sarah A. Shinkle.
H. R. 7867. Susan I. Keene.
H. R. 8330. Ollie B. Wright.
H. R. 8419. Edward A. Furfey.
H. R. 8738. Nellie S. Burns.
H. R. 9125. Isaac N. Morrow.
H. R. 9282. Arthur L. Douglass.
H. R. 9941. William D. Rushing.
H. R. 10674. John C. Jackson.
H. R. 10715. Andrew L. Weatherford.
H. R. 11030. James F. Sims.
H. R. 11153. Arthur Demers.
H. R. 11224. Llewellyn A. Cole.
H. R. 11729. Effie H. Woodruff.
H. R. 11789. Anna Lafevre.
H. R. 12575. Edward T. Evans.
H. R. 12631. William Schallenberg.
H. R. 12814. Thomas H. Sloane.
H. R. 13502. Ada McBride.
H. R. 14307. Winnie M. Barlow, Annie A. Barlow, and Niles B. Barlow, minor children.
H. R. 14706. Roscoe Caudill.
H. R. 14769. Cornelia B. Williams.
H. R. 14864. Gregor G. Krein.
H. R. 14912. Elizabeth M. Robinson.
H. R. 14961. Alfred L. Runyan.
H. R. 15051. Margaret A. McAdoo.
H. R. 15097. Josephine Gallenne.
H. R. 15173. Edwin H. Anderson.
H. R. 15214. Eliza Shropshire.
H. R. 15747. Ernest Oberkirk.
H. R. 15783. Mae W. McClure.
H. R. 15786. Ruth Hill.
H. R. 15888. Randolph Howerton.
H. R. 16004. Caroline Philpot.
H. R. 16008. Susan E. Nash.
H. R. 16285. Andrew J. Haslam.
H. R. 16292. George A. Stanberry.
H. R. 16333. Joanna C. Roper.
H. R. 16353. John G. Burns.
H. R. 16400. Walter Halceman.
H. R. 16491. Robert P. Baker.
H. R. 16504. Mary E. Andrews.
H. R. 16507. Frank Hemenway.
H. R. 16630. Harry L. Frizzell.
H. R. 16691. Hans P. Nielson.
H. R. 16714. Annie O. Hutson.
H. R. 16718. Josephus Shackelford.
H. R. 16741. Martha J. Read.
H. R. 16789. Blanche M. Kell.
H. R. 17050. John H. Hipple.
H. R. 17112. Victoria A. Davis.
H. R. 17113. Edward Plunkett.
H. R. 17265. Robert S. Wagner.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

The name of Charles Forbes, late of Troop E, Eleventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

Mr. RAKER. Mr. Speaker, I move to strike out lines 7, 8, and 9 on page 2 of the item just read.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out lines 7, 8, and 9.

The amendment was agreed to.

The Clerk read as follows:

The name of Robert S. Wagner, late of Company H, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

Mr. TALCOTT of New York. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, after line 9, insert the following:

"The name of Catherine Woods, widow of William T. Woods, late of Company G, Second Regiment New York Infantry, and pay her a pension at the rate of $12 a month."

Mr. TALCOTT of New York. Mr. Speaker, this is to pension Catherine Woods, of 49 King Street, Little Falls, N. Y., widow of William T. Woods, deceased, who served during the War with Spain in Company G, Second Regiment New York Volunteer Infantry, from May 12, 1898, to November 1, 1898, when honorably discharged. (I. O. 1014303.)

The records of the War Department show that during his service the soldier was treated as follows:

June 12, 1898, hemorrhoids; June 26, 1898, hemorrhoids; July 1, 1898, hemorrhoids; July 17 to September 16, 1898, furloughed on account of illness, nature of same not given.

The soldier filed a claim for pension March 7, 1899, based on blood poisoning, abscesses, piles, and rheumatism. He filed a great deal of testimony, and the claim also underwent a thorough special examination; and he was also examined by boards of surgeons of the Bureau of Pensions. The evidence thus obtained was of such a character as to cause the allowance of his claim for disease of mastoid cells of right side at $6 per month from date of filing. That part of the claim based on hemorrhoids was rejected on the ground that the soldier admitted that same existed prior to his enlistment, and that part based on rheumatism was rejected on the ground that the soldier admitted that rheumatism attacked him and made itself manifest some time after his discharge. It was therefore held that these two diseases were not due to service origin.

The soldier died August 1, 1913, and it is shown by the testimony of the attending physician that the cause of his death was disease of left kidney. A claim for pension filed by the widow was rejected by the Bureau of Pensions on the ground that the fatal disease of the soldier (disease of left kidney) was not a result of the disease of mastoid cells of right side, for which he was pensioned, nor was it otherwise shown to have been due to his military service. It is stated in affidavits executed by physicians who treated the soldier through his final and fatal illness that the left kidney was in a very diseased condition, and an abscess of long standing which was constantly discharging pus was found in the kidney when it became necessary some two weeks before his death to remove this organ by an operation. These physicians state that this abscess of the kidney was due to the abscess of the mastoid cells of the right side for which the soldier had been for years pensioned. The Bureau of Pensions would not accept this view, or that the fatal disease was the result of the pensioned cause, and have declined to reopen or reconsider their adverse action.

The evidence on file in the claim shows that the petitioner is the widow of the deceased soldier, and as such she was paid the accrued pension due him at the date of his death. In connection with her claim for pension she alleges the soldier left four minor children who are now living, and that she has them to support. No evidence of the dates of birth of these children have ever been filed.

With the bill the petitioner files evidence showing she is a woman of excellent character, but possesses no property whatsoever and depends on her own earnings, amounting to about $3 per week, for her support and the support of her four small children.

Mr. KEY of Ohio. Mr. Speaker, I have looked carefully into the case covered by the amendment offered by the gentleman from New York. It has been properly briefed up, and the amendment is satisfactory to the members of the committee.

The amendment was agreed to.

Mr. MILLER. I offer the following amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 9, on page 13, the following:
"The name of Theodore T. Simon, late of Company H, Minnesota Volunteer Infantry, and pay him a pension at the rate of $25 per month."

Mr. MILLER. I trust the chairman of the committee will be inclined to accept this amendment.

Mr. KEY of Ohio. I think the Member from Minnesota ought to change the rate.

Mr. MILLER. I will conform to the judgment of the committee.

Mr. KEY of Ohio. I think the gentleman should consent to make it $17.

Mr. MILLER. Make it $20. That is pretty small. The man is really absolutely helpless. He can not do a day's work.

Mr. KEY of Ohio. The committee do not feel that they can consent to more than $17.

Mr. MILLER. I will modify it to $17.

The SPEAKER. The gentleman asks unanimous consent to modify his amendment by changing the amount to $17. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. ADAIR. Will the gentleman yield to me?

Mr. MILLER. The gentleman from Ohio has the floor. I will yield for a question.

Mr. ADAIR. I should like to ask whether the committee have considered this claim; whether it has been written up in the usual way?

Mr. KEY of Ohio. This is the situation in reference to this claim: It was written up and considered by the members of the committee, and the case was laid on the table. The gentleman from Minnesota [Mr. MILLER] procured some additional evidence and asked that the claim be reopened. I assured the gentleman from Minnesota [Mr. MILLER] that the case would be taken up by the committee at our last meeting, but we were unable to secure a quorum on Wednesday of this week, and consequently his case did not come up for consideration; but after having looked over the additional evidence submitted by the gentleman I think that the case is a worthy one.

Mr. ADAIR. I have no objection to the gentleman's claim. The only point I want to make is this: I think it is a very bad practice for Members to offer amendments to bills after they have been brought in here, to be included in an omnibus bill, without consideration by the committee.

Mr. MILLER. I agree with the gentleman entirely, and I would not have done it to-day except that this is the last chance, and this is a very serious case.

Mr. ADAIR. If the chairman of the committee says it has been duly considered, and if the committee are willing that this amount shall be allowed, I shall not object.

Mr. MILLER. The facts in this case as disclosed by the record are as follows:

Theodore T. Simon, of Duluth, Minn., served during the War with Spain in Company H, Thirteenth Regiment Minnesota Volunteer Infantry, from April 29, 1898, to October 3, 1899, when honorably discharged. He was 25 years of age at enlistment. (I. O. 1379530.)

The records of the War Department fail to show he was ever reported as sick or received medical treatment for any cause.

When mustered out he stated that he was suffering from disease of the lungs. The medical officer, by whom he was then examined, certified he could find no evidence of disease of lungs.

He filed a claim for pension December 12, 1908, based on enlarged veins, weak lungs, and rheumatism. The claim was rejected March 29, 1909, on the ground of no ratable degree of disability from the alleged causes since date of filing the claim.

He again filed a claim January 25, 1911, based on enlarged veins of both feet, malarial poisoning, rheumatism, and locomotor ataxia. This claim was rejected August 21, 1913, after an exhaustive special examination on the ground of no record, medical or other satisfactory evidence showing origin in service, existence at date of discharge or for many years thereafter, and the soldier's inability to show said disabilities were due to his military service. No appeal was taken, but an effort was made to have the claim reopened, which was denied on the ground the evidence offered failed to warrant such action.

The soldier swears that the disabilities alleged by him were contracted in and due to his military service.

Comrade Charles E. Collett testifies that in the service in the Philippines the soldier contracted rheumatism and dysentery and complained of pain in his neck, legs, and back, and upon several occasions had to fall out of line, not being able to march, and became run down physically from same.

Eight other comrades testify to substantially the same effect as Comrade Collett.

A. E. Broadbridge testifies that he knew the soldier prior to his enlistment, and he was then a robust and strong man, free from any disability, but when he returned from the service he was in poor health, a wreck physically; and that he complained of and suffered from pains in the back and legs and neck and from rheumatism, and has been treated continually for these troubles from 1899 to 1912, when affiant testified.

Three other lay witnesses testify to the same effect as Mr. Broadbridge.

Dr. Malingren testifies to treating the soldier in 1904 for pains in the neck, back, and leg.

Dr. Sweency testifies to treating the soldier in 1905 and 1912 for rheumatism and pains and stiffness of the neck, spine, and legs, and that in 1912 he found the soldier suffering from locomotor ataxia, which is now growing worse.

Dr. Breden testifies that in 1908 the soldier consulted him and he found trouble with the spine and neck that indicated locomotor ataxia, and since then this disease has developed.

Dr. Griffin testifies that he examined the soldier in 1909 and found he suffered from flat feet, varicose veins, and could not stand with feet together and eyes closed; in fact, had all the indications of locomotor ataxia.

Several other doctors testify to treatment of soldier since 1908 for rheumatism, trouble with spine, varicose veins, and locomotor ataxia.

The soldier was examined February 3, 1909, by a board of surgeons, who reported that they could find no evidence of rheumatism or disease of the lungs. They did find varicose veins and disease of heart and malarial poisoning, and rated them at 12/18. At this time the soldier could walk without use of cane or crutch. No evidence of any vicious habits, past or present. The soldier complained to this board of spinal trouble.

He was again examined December 4, 1912, by another board, which reported him suffering from varicose veins of neck, arms, and legs, rated at 4/18; locomotor ataxia, rated at 17/18; malarial poisoning, severe, rated at 14/18. No evidence of rheumatism or other disease. Heart somewhat deranged in its actions, but covered by other ratings. No evidence of vicious habits.

The special examination developed the fact that the soldier and all of those who had testified in the case were people of most excellent standing. It also brought out the fact that the main, if not the only, radical disability was that of locomotor ataxia. No one, not even the soldier himself, alleged he had this disease in the service, but he and several comrades do testify that in the service he suffered from a great deal of trouble and stiffness of the neck and back about the spine, and claims this caused this terrible disease which in after years developed.

With the bill the petitioner files an affidavit in which he states he is wholly disabled by locomotor ataxia and disease of the bowels and bladder and piles and varicocele, and that all of the property he possesses consists of a house and lot worth $2,500.

His allegations are fully sustained by lay testimony.

A great many witnesses testify to the fact that the soldier is now wholly unable to perform any work; that he was a strong man before his enlistment, came home in feeble and run-down condition, and suffering from rheumatism, varicose veins, and spinal trouble, and is now suffering from locomotor ataxia, and that the only property he has is a house and lot worth about $2,500.

Three physicians in affidavits filed with the committee testify that the soldier is now wholly unable to do any kind of work, as he suffers from locomotor ataxia, and is confined to bed. These physicians state that they believe the soldier's disease is due to service in the Philippines. They also state he suffers from piles and disease of bowels and bladder, in addition to locomotor ataxia.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill insert the following as a new paragraph:

"The name of James H. Lacy, late of the United States Navy, and pay him a pension at the rate of $20 per month."

Mr. STAFFORD. Mr. Speaker, this is on all fours with the case of the gentleman from Minnesota. It has been considered by the committee and was laid aside temporarily, and then, as I understand, the committee were unable to get a quorum and accordingly it was not incorporated in the omnibus pension bill.

Mr. KEY of Ohio. I do not know anything about that bill. I do not think that we could consistently accept it.

Mr. STAFFORD. Mr. Speaker, I have submitted this to the gentleman from Pennsylvania [Mr. DERSHEM] and also called the gentleman's attention to it.

Mr. KEY of Ohio. What action did the committee take?

Mr. STAFFORD. I believe the bill was laid on the table temporarily, and then was to be presented again to the full committee.

Mr. KEY of Ohio. But the full committee never took it up again and no additional facts were submitted, as far as I know.

Mr. STAFFORD. Here is the proposition: This person had more than 10 years' service in the United States Navy. He was engaged in deep-sea diving, and had a hemorrhage of the ear as the result of that. At the present time he is lying at the point of death. He has a wife and minor children and is practically a pauper, one might say, on the mercy of the people. He had service prior to the Spanish-American War, and in that war he was on the U. S. S. *Wasp*, where they did not have medical officers. He was afflicted with disease there, and I can not understand, with that kind of service, why this case was adversely reported by the subcommittee.

Mr. KEY of Ohio. The case was not adversely reported by the subcommittee.

Mr. STAFFORD. It was laid aside.

Mr. KEY of Ohio. It was laid aside, and as far as I know no additional evidence was ever submitted to the committee, and for that reason I do not think we can take up his case at this time.

Mr. STAFFORD. I called the attention of the gentleman from Pennsylvania [Mr. DERSHEM], the chairman of the subcommittee, to the case, and he said the facts were worthy of consideration.

Mr. KEY of Ohio. But they have never been brought to the attention of the committee.

Mr. STAFFORD. The gentleman states that this is the last opportunity when it can be considered. It is most pressing and urgent or I would not bring it to the attention of the House, under the circumstances.

Mr. GARNER. Can not the gentleman get his bill considered and put on in the Senate as an amendment?

Mr. STAFFORD. I can not. One of the Senators from the State of Wisconsin is absent, and I do not know whether I can obtain the support of the other Senator. The bill has not been introduced in the Senate.

Mr. KEY of Ohio. Mr. Speaker, I would suggest that the gentleman have his case put on in the Senate. We ought not to take these cases up and consider them here.

Mr. STAFFORD. Mr. Speaker, I went over all of these facts in the Pension Office.

Mr. KEY of Ohio. Yes; but the committee has not.

Mr. STAFFORD. And I submitted them to the subcommittee, since this matter was considered by them, and I believe the gentleman from Pennsylvania [Mr. DERSHEM] will bear me out that this is a most worthy case.

Mr. KEY of Ohio. Mr. Speaker, I trust the House will not act favorably upon this.

Mr. STAFFORD. Mr. Speaker, in view of the fact that the gentleman has allowed one Member to have his case brought up, does he think that he is acting fairly when he prevents another Member from bringing up as meritorious a case, after he has gone over all of the record and can assure the House that it is a meritorious case? Does the gentleman think that he is playing fair?

Mr. KEY of Ohio. But in the case of the gentleman from Minnesota [Mr. MILLER], when he submitted his additional evidence it was considered by the subcommittee, with the recommendation that the bill do pass; but the full committee never had a meeting, and consequently he could not get his bill in, while in the gentleman's case the committee has not had an opportunity to consider the additional evidence.

Mr. STAFFORD. I submitted the case to the subcommittee, and the gentleman from Pennsylvania is here, and I think he will bear me out.

Mr. DERSHEM. Mr. Speaker, this case has been submitted to me, as the gentlman states. I have gone over it very carefully, and it was my intention to present it to the full committee. We have a ruling in our committee that no case which has been laid on the table can be taken up unless we have a two-thirds vote of the committee, or a membership equal to two-thirds of the committee present. Of course, since this case has been called to my attention a second time by the gentleman, we have never had a two-thirds membership present at a meeting of the committee. That is the reason that I have never presented it to the full committee, and consequently we have not taken any action.

Mr. STAFFORD. Mr. Speaker, I will say this to the gentleman, that after this is passed in the Senate, if he finds on investigation that it does not meet with his approval, I will consent to have it stricken out by the Senate.

The following is the memorandum on the amendment for a pension to James H. Lacy, adopted this morning, prepared by the clerk of the Committee on Pensions:

H. R. 14621. James H. Lacy, Hot Springs, S. Dak., served during the War with Spain in the United States Navy from April 11, 1898, to September 28, 1898, when honorably discharged at his own request, the war being considered as practically terminated. He had previously served in the United States Navy almost continuously from October 26, 1885, until August 7, 1896. (I. O. 1401208.)

He filed a claim for pension January 26, 1912, based on malarial poisoning and resulting tuberculosis, which he alleged he contracted in the service in August, 1898. The claim was rejected on the ground of no record, medical, or other satisfactory evidence to show origin in service, existence at date of discharge, or for continuance for some time thereafter, of the said diseases. No appeal was taken, but an attempt was made to reopen the claim, which was denied on the ground that the evidence tendered did not warrant such action.

The records fail to show the sailor was reported as sick or received any medical treatment for any cause during service in 1898. They show in connection with his earlier services that he was treated three days in 1888 for diarrhea, three days in 1889 for fever, two months in 1890 for erysipelas due to two wounds in face received in a brawl on shore and not in line of duty. No other record of treatment for any cause.

Rear Admiral Aaron Ward states that he recalls the sailor well as of last service which was on U. S. S. *Wasp* and in Cuban and Porto Rican waters, and there was no medical officer aboard to keep records of illness at that time and the food was not good owing to climate and no facilities for cold storage aboard, and many of the men did suffer from tropical fever, as soldier claims he did.

Two lay witnesses testify in 1913 that soldier was a well and strong man prior to service in 1898, but when he returned from service in September, 1898, he was pale, weak, and anemic and suffering from malaria and has ever since suffered from same and results thereof and has never regained his good health.

A physician testifies in 1913 that he examined sailor in 1911 and found him suffering from a typical case of tuberculosis, and he has since steadily gone down in physical condition from same.

He was examined by a board of surgeons September 3, 1913, who report him as in first stages of pulmonary tuberculosis, and rate total for same—$30 per month. They could find no evidence of malarial poisoning, as the stomach, liver, spleen, kidneys, and heart are normal.

With the bill petitioner files an affidavit stating he is wholly disabled by consumption, result of malarial poisoning, and possesses no property.

His allegations are fully sustained by lay witnesses.

A physician testifies the sailor now is wholly disabled by severe pulmonary tuberculosis of both lungs and not able to do any work.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the amendment.

The question was taken; and on a division, demanded by Mr. KEY of Ohio, there were—ayes 42, noes 29.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5324. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the bill H. R. 12759, the Indian appropriation bill, with Senate amendments thereto, and ask that it be printed with the Senate amendments numbered, and that it do lie on the table.

The SPEAKER. Is this a conference report?

Mr. STEPHENS of Texas. No; it is not a conference report. The bill has passed the House and has been returned to the House this morning after having passed the Senate.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the present practice of the House and the Speaker, are not these appropriation bills with Senate amendments, unless taken off the Speaker's table for consideration in the House, ordered printed with the Senate amendments numbered, without further proceedings?

The SPEAKER. That is correct.

Mr. MANN. That is all the gentleman wants.

Mr. STEPHENS of Texas. That is all I desire.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 20 and agree to the same with an amendment.

Mr. MANN. The gentleman will ask unanimous consent first for the consideration of amendment No. 30, will he not?

Mr. JOHNSON of South Carolina. We had that yesterday.

Mr. MANN. Oh, no; the gentleman from California objected.

Mr. JOHNSON of South Carolina. Then I made the motion.

Mr. BYRNES of South Carolina. I think the gentleman from California withdrew that objection.

Mr. MANN. But it is not shown in the RECORD.

Mr. JOHNSON of South Carolina. It is exactly as amendment No. 1, that deals with Senators and the other with Representatives. We have adopted amendment No. 1; we voted on amendment No. 1, and I now ask unanimous consent to consider No. 30 and enter the same order.

The SPEAKER. The gentleman asks unanimous consent to consider——

Mr. MANN. If the gentleman will separate the request, I have no objection to either one.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to consider at this time Senate amendment No. 30 to the legislative, executive, and judicial appropriation bill. Is there objection?

Mr. RAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from California objects. The Clerk will report the next amendment in order.

The Clerk read as follows:

For the purchase of two automobiles, including the driving, maintenance, and care of same, one for the use of the Vice President and one for the use of the Speaker of the House of Representatives, $9,000; one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. JOHNSON of South Carolina. Mr. Speaker, in order to test the sense of the House on this amendment, which was not considered in the House, I move that the House insist upon its disagreement to the amendment of the Senate.

The SPEAKER. The gentleman from South Carolina proposes that the House insist on its disagreement to Senate amendment No. 20.

Mr. GOOD. Mr. Speaker, I desire to make a preferential motion, that the House recede from its disagreement to Senate amendment No. 20 and agree to the same.

The SPEAKER. The gentleman from Iowa makes a preferential motion that the House recede from its disagreement to Senate amendment No. 20 and agree to the same.

Mr. JOHNSON of South Carolina. Mr. Speaker, does the gentleman want any time?

Mr. GOOD. Yes; we want some time over here; I want five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman if he wants it.

Mr. GOOD. Mr. Speaker, this amendment provides for an automobile for the use of the Vice President and an automobile for the use of the Speaker of the House. This question has been before the House on two or three separate occasions. So far as an automobile for the Vice President is concerned, I am informed that the Vice President desires an automobile. We are to-day providing automobiles and carriages not only for Cabinet members, but we are providing automobiles and vehicles and paying for their upkeep out of the Public Treasury for the heads of the various departments of the Government. I think it is a great mistake, it is a false economy to deny to the Vice President of the United States an automobile. The Vice President is a poor man——

Mr. COX. Will the gentleman yield?

Mr. GOOD (continuing). Who should not be compelled to purchase an automobile himself, and he desires an automobile. One should be purchased for him and maintained at public expense.

Mr. COX. Will the gentleman yield for a question?

Mr. GOOD. In just a minute. I think it is false economy for the Congress to deny to the Vice President of the United States this dignified method of travel which his high office warrants and which the people of this country, irrespective of party, want him to have. Now I yield to the gentleman from Indiana.

Mr. COX. Is it not a fact the Vice President already has an automobile at the public expense?

Mr. GOOD. Has the gentleman ever seen it?

Mr. COX. I do not think I have seen it, but I have been informed he has one.

Mr. GOOD. If the gentleman has seen it, he would hardly call it a respectable automobile. It certainly is not the kind of automobile which the Government should furnish the Vice President.

Mr. COX. It has certainly run down very rapidly, because it is not very old.

Mr. GOOD. The gentleman realizes the Vice President desires an automobile. He recognizes the fact that it is not suitable for the office that he occupies, and he is desirous of having a new automobile.

Mr. COX. Will the gentleman yield at that point again?

Mr. GOOD. And the gentleman very well knows that an automobile that was made in 1909 is hardly a modern machine for 1915.

Mr. COX. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. COX. The gentleman states the Vice President wants this new automobile. What authority has the gentleman for making that statement?

Mr. GOOD. I am so informed by Members of the Senate.

Mr. COX. What I want to inquire of the gentleman is—I believe whatever the gentleman says about that, but has he ever talked with the Vice President?

Mr. GOOD. I have not.

Mr. COX. Or anyone who is authoritatively in a position to speak for the Vice President as to whether the Vice President requested that this item go in here?

Mr. GOOD. On the statement of the Committee on Appropriations in another legislative branch of this Government who is authorized to speak in the matter. I am told by Senators that the Vice President does favor this appropriation for automobiles. And it does seem to me that it is pretty cheap economy for Congress to deny these automobiles for these two great officials of the Government.

Mr. ADAIR. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Indiana.

Mr. ADAIR. I would just like to ask the gentleman if he thinks an appropriation of $4,500 is necessary to purchase a respectable automobile either for the Speaker or for the Vice President? Does not the gentleman know that some of the best automobiles on the market, some of the best-looking machines that can be bought, can be purchased for a price not exceeding $2,500?

Mr. GOOD. I call the gentleman's attention to the language of the amendment. It provides for the purchase of two automobiles, including the driving, maintenance, and care of the same, one for the use of the Vice President and one for the Speaker. Now, the gentleman himself enjoys the use of an automobile. He knows that for the purchase of an automobile

and pay of the driver and maintenance $4,500 will not go very far for such purpose for a whole year.

Mr. ADAIR. I will say to the gentleman that I understood it was for the automobile alone. I think the amount is not excessive for all the purposes mentioned.

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). The time of the gentleman has expired.

Mr. GOOD. Will the gentleman yield me two minutes more?

Mr. JOHNSON of South Carolina. I yield two minutes more to the gentleman.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. GOOD. I will yield to the gentleman.

Mr. HUMPHREY of Washington. I wanted to ask the gentleman whether the Vice President desired to use this automobile here in Washington, or whether he wanted to have a fine automobile to take his trip about over the country on the Chautauqua circuit?

Mr. GOOD. These automobiles for the Vice President and for the Speaker are for use in the city of Washington. And I think, Mr. Speaker, that we ought not to question this appropriation. As I said before, I think it is not only false economy but that it is cheap economy to do so. I regard the office of the Speaker of this House as second only to that of the President of the United States. It is a great office, and the Speaker of this House ought to have an automobile. We should not degrade this great office. We owe this to the Speaker and the Vice President and to their families. The Vice President ought to have a modern automobile, and these automobiles ought to be paid for and maintained at the expense of the Government of the United States.

Mr. BALTZ. Will the gentleman yield?

Mr. GOOD. For a question.

Mr. BALTZ. Does the gentleman say that the Speaker of the House made a request of the Congress for the purchase of an automobile?

Mr. GOOD. I made no such statement. My impression is that the Speaker some years ago expressed himself as not wanting an automobile.

Mr. FOSTER. Does not the gentleman know the Speaker did not request it?

Mr. GOOD. I do not know that, but I know this: If the Speaker does not want an automobile not a penny of this appropriation will be used, so far as the purchase of an automobile for the Speaker is concerned; but if he does want an automobile, the money is ready for him to purchase one and to provide for a driver and the pay for the maintenance; and if he does not want one, it does seem to me that that ought not to be an excuse for denying the Vice President of the United States an automobile, who does want one.

Mr. SIMS. Will the gentleman yield?

Mr. GOOD. I yield.

Mr. SIMS. Why not include one each for the majority leader and the minority leader, for they certainly have to do a great deal of individual work incumbent upon them? Let us be just and give each one who has a great deal of work to do a machine.

Mr. GOOD. That is not the question in dispute. The only question in dispute is whether we shall give an automobile to the Vice President of the United States and the Speaker of this House.

Mr. GARNER. In order that the RECORD may show conclusively the attitude of the Vice President, is it not his position that he is perfectly willing to accept this automobile if provided by Congress, and that he has not been advocating the purchase of an automobile for himself?

Mr. GOOD. I will say——

Mr. GARNER. My understanding is that the Vice President will accept the automobile if it is appropriated for, but he has not requested a Senator or anyone else to make an appropriation. There is a great deal of difference between those two positions, and the gentleman from Iowa [Mr. GOOD] ought to be accurate and ought to know what he is talking about before he puts the Vice President in the attitude of lobbying for an automobile for himself.

Mr. GOOD. I have not put the Vice President in that attitude. I would not do that.

Mr. GARNER. You are saying that he is asking for it. What is that except lobbying for it?

Mr. GOOD. I said that he desired it, and I gave the gentleman the source of my information.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. COX] is recognized for five minutes.

Mr. COX. Mr. Speaker, I doubt if I will use the entire five minutes. But I wish to say that I am opposed to the motion made by the gentleman from Iowa [Mr. GOOD]. I think this is a question that each Member must solve for himself. So far as I am concerned I refuse to make fish of one and fowl of another; absolutely so. In the Sixty-first Congress, I think it was, there was considerable of a row on the floor of this House about buying the then Speaker, Mr. Joseph G. Cannon, an automobile. Every Democrat on this floor, I think, without a single exception, voted against that appropriation.

Mr. GARNER. And a great many Republicans.

Mr. COX. And, as suggested by my friend from Texas, a great many Republicans voted against it. I do not know what exigencies have arisen since that time that would induce me to recede from my former position. I could not believe that the great Speaker of this House wants this automobile. I can not and I will not believe that he wants it until he takes the floor in his own defense and says he wants it. I do not believe he would be in favor of riding in an automobile at the public expense.

Mr. HAMILTON of Michigan. Does the gentleman say "in his own defense"?

Mr. COX. Yes, in his defense; because I think the Senate has put this in here without any request coming from him at all. One of the things that has endeared the Speaker to the people of this country has been his democratic simplicity. [Applause.]

I am going to relate this episode because it is true. I recall last summer, after we had worked here all day until about 6 o'clock in the evening, with the thermometer standing probably at 100 in this House, walking out across the east plaza toward my home I happened to turn and look toward the depot, and I saw the great Speaker of the House wending his way to catch a street car home, with his life companion on one side and his boy on the other. And I said to myself, "Truly, there is a man who represents Democratic simplicity, who is standing upon the platform of 1912, when we promised the people we would return to Democratic simplicity."

Mr. GOOD Will the gentleman yield?

Mr. COX. I will yield for a question.

Mr. GOOD. In regard to Democratic simplicity I will ask the gentleman if he is not aware of the fact that the great Secretary of State in this bill asks not only for a driver but also asks for a footman?

Mr. COX. I hope the conferees have not agreed to that. He will never get it by my vote. Now, as to the Vice President, discretion might be the better part of valor coming from me on that point. It might be the part of wisdom that I should keep still upon it, but I am not going to do it.

Mr. GOOD. Go to it. [Laughter.]

Mr. COX. I will not do it. I am opposed to that. If the gentleman from Iowa had said that he had it direct from the Vice President's lips that he wanted this automobile, as I said to him a moment ago, I would have agreed to the statement made by the gentleman from Iowa. But whether the Vice President wants this automobile or not, he is not entitled to it. I have no objection on this earth to the Vice President of the United States riding in an automobile. He can buy all that he pleases, and I will never enter a criticism upon it. But I do object, Mr. Speaker, to the Vice President of the United States riding in automobiles at public expense, whether he wants the Congress of the United States to buy them or not.

Mr. MILLER. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. COX. For a question solely.

Mr. MILLER. Is it not a fact that the Secretary to the President has an automobile for his own use furnished by the Government?

Mr. COX. I refuse to yield. I am not discussing that. I am only discussing the question raised by the gentleman from the State of Iowa.

Mr. MILLER. Does the gentleman think——

Mr. COX. Mr. Speaker, I refuse to yield further.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. COX. I ask unanimous consent, Mr. Speaker, to extend my remarks on this subject and on the bill generally.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Colorado [Mr. SELDOMRIDGE].

The SPEAKER pro tempore. The gentleman from Colorado [Mr. SELDOMRIDGE] is recognized for three minutes.

Mr. SELDOMRIDGE. Mr. Speaker, I am an advocate of Democratic simplicity and Democratic economy, but I am not an advocate of that kind of Democratic simplicity and economy that strains at gnats and swallows camels. [Applause.]

I believe that the legislative branch of the Government should give to its presiding officers that degree of dignity and respect to which they are entitled. I have been greatly mortified as a Member of this body to observe during my short residence in this city the discrimination which has been made between the presiding officers of both Houses of Congress and subordinate officers of the Government. They have been placed in the eyes of the community and in the eyes of representatives of foreign Governments in an unworthy position by reason of this discrimination. I think it is incumbent upon the legislative branch of the Government to demonstrate, by the adoption of the amendment put in the bill by the Senate, that we believe this discrimination should no longer exist.

I would favor a proposition to do away with all automobiles and public conveyances for the use of Government officials if we could pass upon the question in an abstract form, but as long as we accord these privileges and accommodations to other officers under the Government I am in favor of giving the same consideration to the presiding officers in both branches of Congress, and therefore I support the amendment put in the bill by the Senate. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. CLINE].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CLINE] is recognized for three minutes.

Mr. CLINE. Mr. Speaker, inasmuch as we are in the automobile business, so far as chiefs of departments are concerned, so far as bureau chiefs are concerned, and so far as Cabinet officers are concerned, who are admittedly, in the degree of their official importance, less than the Speaker of this House and the Vice President, I am in favor of doing away with the distinction that now exists.

I do not believe it is good policy, Mr. Speaker, to furnish automobiles to the extent we have been doing, with reference to all the departments of the Government. I would cheerfully cut out that item of public expense and let public officials buy their own machines. I want to place the furnishing of these automobiles, if we furnish them, upon a different basis from that which has been given by some gentlemen.

I do not know what Vice President Marshall's financial ability is to buy his own automobiles. I have a long acquaintance with him. He lived in my district when elected, and it does not make any difference to me whether he is able to buy them or not. I believe that the House of Representatives and the Senate of the United States ought to give that dignity to the positions commensurate with their importance, and I do not believe that this Congress can afford to stultify itself—and it is a stultification—by furnishing automobiles to the heads of departments and refusing them to the Speaker and to the Vice President.

I want to lend my voice against the implied statement developed in this discussion, and that is that the Vice President has been lobbying for an automobile. I have never had a word from him on the subject, and consequently I do not know anything about it; but I do know this: That the gentleman is a high-minded, patriotic citizen, and would be the last man, so far as my knowledge of him goes, to go before any committee or solicit any Senator to appropriate any amount to purchase an automobile for him. I shall vote for the motion of the gentleman from Iowa upon the ground that there should be no discrimination against the Speaker and the Vice President and in favor of the department chiefs, and because the people, I am satisfied, desire to protect the dignity and usefulness of the great positions they respectively occupy. [Applause.]

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I am going to move the previous question.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield to me for a question before he moves the previous question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MURDOCK. Formerly the Speaker of the House had an automobile, and it was taken away from him. What became of that automobile?

Mr. JOHNSON of South Carolina. It was sold.

Mr. MURDOCK. Did we get anything for it?

Mr. BARKLEY. Five hundred dollars.

Mr. JOHNSON of South Carolina. I do not know what we got for it. Mr. Speaker, I move the previous question.

Mr. MANN. I would like to have six minutes.

Mr. JOHNSON of South Carolina. I yield six minutes to the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for six minutes.

Mr. MANN. Mr. Speaker, I do not regard it as important whether the Vice President or the Speaker of the House desires an automobile, or whether either of them has expressed any opinion upon this subject. The Vice President did last summer make use of an automobile—and he may yet; I do not know—purchased some four or five years ago, much to the chagrin of every patriotic American citizen who saw him in it. Not able, probably, out of his own means to purchase an automobile, he patriotically used the one which the Government furnished him. We ought to have furnished him one commensurate with the position which he holds.

We authorize in this bill $25,000 for automobiles for the President of the United States in connection with other contingent expenses. Who would take that away from the President? Who would deprive the President of the United States, the greatest of the Nation, of the use of a modern, proper means of transportation from point to point? The Secretary to the President has the use of an automobile, or did have, and I presume the custom still prevails. I suppose it was paid for out of the same appropriation.

For very good reasons we pay the President a salary of $75,000 a year, besides other expenses, which amount to more than $150,000 a year. We pay the Speaker and the Vice President salaries of $12,000 each. Do we mean to say that we consider the office of Vice President and the office of Speaker of so little importance as compared with the President's office that the President may have these automobiles properly, which I think is true, but that the others ought not to have them? And because the Democratic side of the House at one time, in a moment of peevishness, aided by some of the Republican Members, largely out of personal resentment or as a partisan political move, took away the automobile from the Speaker, is no reason why now, without regard to partisan propositions or motives, you should maintain the same position.

The present Speaker of the House of Representatives, living, as he does, in not the most expensive house or most expensive quarter of the city, renting a house up on Massachusetts Avenue, not more than commensurate with the social duties of his office, is not in a very convenient place for personal transportation by walking. Yet if we deny him the right to an automobile, we propose to say that he, in his high office, with a small salary compared with the dignity of the office, shall be obliged to walk or ride in street cars. I do not have time for anything else much except riding in the street cars, unless some friend carries me home in an automobile. I see one right before me who did it night before last, and another who did the same thing last night, and I never miss the opportunity when it is offered to me.

Mr. MURDOCK. The gentleman realizes that real economy is to have friends with automobiles.

Mr. MANN. Oh, I realize that real economy means to save time; and if the time of the Speaker of the House of Representatives is worth anything at all, it will be saved by the use of an automobile. The Speaker of the House stays here day in and day out, while most of us are home from one-third to one-half of the time during the summer months. I would give the Speaker, and the Vice President also, a method by which they could ride in Rock Creek Park every day in the hot weather and cool off. Some of you would not give him that. You will go home and take it easy, while the Speaker will remain here at his post of duty possibly all summer. I speak for the dignity not only of the Speaker, but of Congress, of the House of Representatives itself, of the United States. I believe the people are proud of the men who hold these high offices while they are in office. I believe they are proud of the offices. I believe they desire to give the proper facilities for these men to perform the duties of their offices. I shall vote for the automobiles as I voted in the past. I would vote for the automobiles now, even if I had been foolishly led astray and had voted against them in the past. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I have been asked for 10 minutes time. I think the question has been fully discussed, and at the end of the 10 minutes I shall move the previous question.

I yield three minutes to the gentleman from Indiana [Mr. ADAIR].

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). The gentleman from Indiana is recognized for three minutes.

Mr. ADAIR. Mr. Speaker, the Democratic Party has always stood for the strictest economy in the administration of public

affairs. The record our party has made for economy since coming into power has attracted the attention and won the universal approval of all the people. When we assumed control waste and extravagance permeated every branch of our public service. An army of men were on the pay rolls who were performing but little, if any, service for the Government, but who were given places because of some political service rendered the party then in power.

Mr. Speaker, we all remember what followed the election of a Democratic House in 1910. Under Republican rule the employees of the House were so numerous they were actually in the way, and, in fact, greatly interfered with the transaction of the public business. The first thing this Democratic House did was to appoint a committee to investigate and report the amount of help actually needed in carrying on its business. The report of that committee showed conclusively that a very large number of men were on the pay rolls who were rendering absolutely no service whatever to the Government, but who had been given places because they were ward politicians and had rendered some political service for their party. When the report of the committee had been adopted and useless and unnecessary positions were declared vacant, we had reduced the running expenses of the House over $100,000 per year. Think of it. For 16 years under Cannonism this unnecessary expenditure of the people's money, this criminal waste, this burden upon the taxpayers, continued until nearly $2,000,000 had been given away to those who were rendering no service whatever to the Government of the United States.

Mr. Speaker, we not only saved the taxpayers over $100,000 annually on the running expenses of the House, but immediately following the inauguration of President Wilson waste and extravagance was weeded out of all the departments of Government and millions of dollars saved for the people. This administration has been entirely free from scandal so far as the expenditure of the public funds are concerned, and now an appreciative people, regardless of party, are loud in their praise of the work done, the reforms inaugurated, and the vast amount of money saved for the taxpayers of the country.

Mr. Speaker, during the eight years I have been a Member of this House, I have vigorously opposed every form of extravagance and useless and unnecessary expenditure of the people's money. We must not forget that we are spending money collected through taxation from an already overburdened people, and that it is our duty to make their burdens lighter rather than heavier. We should not forget that a large part of the Government taxes are paid by those who earn their bread by the sweat of their faces; by men and women working in the mills and the factories and on the farms.

Mr. Speaker, the proposition before us this morning is whether we shall appropriate $9,000 for the purpose of buying two automobiles—one for the use of the Vice President and one for the use of the Speaker of the House. There is no one here who has a greater admiration for the Vice President of the United States than myself, but I do not believe he has even intimated to any one that he wants the Government to furnish him, at the expense of the taxpayers, an automobile for his private use. When he was governor of Indiana he refused to accept an allowance for house rent, an appropriation for which had been made, and I am quite certain he is just as conscientious now as he was then.

So far as the present Speaker of the House is concerned, we know where he stands upon this question. I followed his leadership in the Sixty-first Congress and voted with him against an appropriation to buy automobiles for a Republican Speaker and a Republican Vice President. Now that our party is in power, I do not intend to reverse myself and vote away the people's money to buy automobiles for either a Democratic Vice President or a Democratic Speaker. I am sure every Member present will agree with me when I say that CHAMP CLARK is one of the greatest Speakers who ever presided over the deliberations of this body in the history of our country. [Applause.] He is a man of such irreproachable integrity of character that all men are constrained to acknowledge his virtues and all applaud his democratic simplicity. He has not asked for an automobile, and I do not believe he wants it. I followed him in his fight for economy in the Sixty-first Congress and I shall stand for economy now.

Mr. Speaker, some time during the day we will vote upon the question of mileage for Senators and Representatives, and I want to once more state my position upon that question. Time and again I have introduced bills to reduce the mileage to what I thought would cover actual expenses, and time and again voted for the reduction. When the bill under consideration passed the House we reduced the mileage to actual expenses, but the Senate struck it out and restored the present rate of 20 cents per mile. When the vote is taken I shall stand by the action of the House reducing it to actual expenses for one trip only during each session.

Now, Mr. Speaker, in conclusion I want to say that this administration has made an enviable record, so far as economy is concerned, in the administration of Government business. Let us not mar that splendid record by voting out of the Treasury a single dollar except when it is absolutely necessary. We owe this to those who have trusted us with the management of their affairs. Let us not forget we are servants of the people. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, as has been stated, when this question was before Congress in 1910 in the form of a provision to supply the Speaker with an allowance for maintenance of an automobile practically every Democrat on the floor voted against it. At that time the honorable Speaker of this House was the minority leader, and the speech that he made on that occasion, I think, will go down in history as one of the greatest short speeches that he ever made in this House. He stated that he did not believe it was necessary to good legislation, necessary for the dignity of the Speaker of this House, or necessary in any way except for the personal comfort of the man who occupies the Speaker's chair that he should have an automobile. The minority leader of the House has become the Speaker, and I dare say there is not a man on this floor upon either side who has served while he has filled that honorable position who finds fault with him for his conduct of that office. No man could be fairer than he. It was charged upon that occasion that we were cheeseparing because we moved to strike out $2,500, or whatever the amount might have been, for the maintenance of the automobile of the Speaker and of the Vice President of the United States; and while the Speaker of this House is a man who has not grown rich in this world's goods, he has served the people honorably, faithfully, and efficiently, and I am sure that the man who now occupies the chair would rather have the respect and confidence of the people of the country and of the district that sends him here than he would to change his position on this subject and take any automobile that this House could vote for him. [Applause.]

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. POU. Does not the gentleman from Illinois think the Speaker really needs an automobile more than does the President?

Mr. FOSTER. I do not care to enter into a discussion of that. That may be true.

Mr. POU. But is it not important to enter into a discussion of it?

Mr. FOSTER. It may be that he needs it more. I am not saying that there is not a Member of this House who does not at times feel the need of some way of getting about more easily and quickly than he does on the street cars.

Mr. POU. We are giving the President $25,000 a year for this purpose, and I would like the gentleman to say candidly if the Speaker, having to come here every day, and having to go about more than the President, is not in more need of an automobile than is the President.

Mr. FOSTER. It may be true. The great commoner who occupies the Speaker's chair does not ask for this automobile, and I am sure if he were consulted he would say to this House the same thing that he did in 1910, and that he does not care for it.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GOOD. Mr. Speaker, on yesterday the House agreed to a conference report appropriating $10,000 for automobiles to be run in connection with hog cholera. If we deny this request of $9,000 for automobiles to the Speaker and Vice President, to whom does the gentleman think we ought to offer our congratulations?

Mr. FOSTER. Oh, the gentleman may bring up many instances of abuses in the Government service, but that is not an excuse in this case. The automobile business is an abuse by the officials of this Government that ought to be stopped. The other day it was shown that one official had two $4,000 automobiles. Is there any excuse for it?

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. My colleague knows that yesterday we agreed to the conference report on the Agricultural appropriation bill which authorized the expenditure of $10,000 for automobiles in the connection with the study of hogs. Does the gentleman not

think it just as important to spend a little money on the human side, for our high officials?

Mr. FOSTER. Oh, I think that is no excuse. We probably furnish motor trucks for departments that may be necessary.

Mr. MANN. Oh, but these are not motor trucks. They are automobiles for riding purposes.

Mr. FOSTER. A motor vehicle for the purpose of getting around the city, wherever it may be necessary, might not be out of place, but the wholesale furnishing of these vehicles is an abuse, but I will state to my friend that I do not want to compare the Speaker of this House with the question of carrying a few men around about the country in investigation of the hog-cholera business. There is no comparison in the two. I do not think those are parallel cases at all. We all realize that there is an easy way of getting around in the city of Washington. I would like to see the Speaker of this House have an automobile. I think so well of him that I would like to see him have the very best the market can afford, but I know the Speaker well enough to believe that he does not desire one at public expense, and I think he meant what he said in that great speech that rather than do this he would be in favor of increasing the salaries of these men sufficiently to stop all these perquisites in the way of automobiles and other things which are voted by Congress.

Mr. MONDELL. Mr. Speaker, would the gentleman be willing to compromise on a motor cycle for the Vice President? [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Illinois one minute more.

Mr. FOSTER. The gentleman from Wyoming, as usual, attempts to be funny when he proposes such a ridiculous question.

Mr. MONDELL. But the gentleman has not answered my proper question.

Mr. FOSTER. The question was so ridiculous that it needed no answer, and so senseless that one could not give a sensible answer.

Mr. GOOD. Will the gentleman yield? I will try and propound one that is proper.

Mr. FOSTER. No; I can not yield, for I have not the time for such questions on that side.

Mr. MANN. Embarrassing questions.

Mr. FOSTER. No; not embarrassing; but gentlemen on that side are continually wanting to take out of the Treasury the people's money. When you think of the thousands and millions of people who labor in this country who have to pay the taxes, we ought to be more careful of the expenditures.

Mr. HUMPHREY of Washington. Not now.

Mr. FOSTER. And when you talk about saving a few thousand dollars it is "cheeseparing," and when you talk about saving millions you are "crippling the Government."

Mr. MANN. We can save this on mileage.

Mr. FOSTER. We will save it all on both.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Speaker, if this were a proposition to abolish the entire practice of furnishing automobiles and instead give these officials of the Government commensurate salaries to properly discharge their public duties, I would be in favor of it. Or if it were believed that an automobile clothed a Member of the House with dignity, I think it would be a good investment to buy an automobile for every Member of the House. [Applause.] But I do not believe that the Speaker of this House needs to be clothed with dignity by the use of an automobile. CHAMP CLARK clothes himself with dignity wherever he goes. [Applause.]

I do not believe, on the other hand, in this pretense of Democratic, Jeffersonian simplicity and pennyroyal economy. [Laughter.] The time will come when these men will be traveling with aeroplanes instead of automobiles. We have left that period when the President of the United States could ride his horse down the avenue, hitch him to the fence, and come in to be sworn as President of the United States. We are living in a different time, and so long as it is the practice to buy automobiles for subordinate officers of the heads of the Government, I am fully in favor of buying automobiles for the two presiding officers in the Capitol. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired; all time is exhausted.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on the adoption of the motion of the gentleman from Iowa to recede and concur in the Senate amendment.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 130, answered "present" 3, not voting 171, as follows:

YEAS—129.

Aiken	Dupré	Johnson, Utah	Rogers
Allen	Edmonds	Johnson, Wash.	Scott
Bailey	Esch	Keister	Seldomridge
Baker	Evans	Kelley, Mich.	Sells
Bartholdt	Farr	Kennedy, Iowa	Sinnott
Bell, Cal.	Fergusson	Kent	Slemp
Booher	Ferris	Kettner	Smith, Idaho
Britten	Fess	Kirkpatrick	Smith, Md.
Brodbeck	Flood, Va.	Korbly	Smith, Minn.
Broussard	Francis	Lenroot	Smith, N. Y.
Brown, N. Y.	French	McClellan	Stafford
Browne, Wis.	Gallagher	McCoy	Stephens, Cal.
Buchanan, Ill.	Gilmore	McDermott	Stevens, Minn.
Bulkley	Gittins	McKellar	Stout
Burgess	Glass	McLaughlin	Talbott, Md.
Burke, S. Dak.	Good	Mann	Taylor, Ala.
Burke, Wis.	Graham, Ill.	Miller	Taylor, Colo.
Campbell	Graham, Pa.	Mitchell	Temple
Carter	Green, Iowa	Mondell	Ten Eyck
Casey	Greene, Mass.	Montague	Towner
Chandler, N. Y.	Gregg	Morrison	Treadway
Clancy	Harris	Moss, W. Va.	Tuttle
Clark, Fla.	Hawley	Murray, Mass.	Underhill
Cline	Hay	Murray, Okla.	Volstead
Coady	Hayden	Nolan, J. I.	Walsh
Conry	Hayes	Patton, Pa.	Walters
Cramton	Heflin	Payne	Watson
Curry	Helgesen	Plumley	Whaley
Danforth	Holland	Pou	Winslow
Davis	Howell	Rainey	Woodruff
Dershem	Hughes, Ga.	Raker	
Donohoe	Hulings	Reed	
Drukker	Humphrey, Wash.	Roberts, Nev.	

NAYS—130.

Abercrombie	Doolittle	Johnson, Ky.	Rauch
Adair	Doughton	Johnson, S. C.	Rayburn
Adamson	Eagle	Jones	Reilly, Conn.
Alexander	Elder	Keating	Rouse
Aswell	Faison	Key, Ohio	Rubey
Baltz	Falconer	Kindel	Rucker
Barkley	Fitzgerald	Kinkaid, Nebr.	Russell
Barton	Fitzhenry	La Follette	Sims
Bathrick	Foster	Lazaro	Small
Beakes	Fowler	Lee, Ga.	Sparkman
Borchers	Frear	Lesher	Steenerson
Bowdle	Gard	Lever	Stephens, Miss.
Brockson	Garner	Lewis, Md.	Stephens, Tex.
Brumbaugh	Garrett, Tenn.	Lindbergh	Stevens, N. H.
Bryan	Garrett, Tex.	Linthicum	Stone
Buchanan, Tex.	Gill	Lloyd	Sumners
Burnett	Godwin, N. C.	Lonergan	Taggart
Byrnes, S. C.	Goeke	Maguire, Nebr.	Talcott, N. Y.
Byrns, Tenn.	Goodwin, Ark.	Mapes	Tavenner
Candler, Miss.	Gray	Moon	Taylor, Ark.
Caraway	Hamilton, Mich.	Morgan, Okla.	Thacher
Claypool	Hamlin	Murdock	Thompson, Okla.
Collier	Hardy	Nelson	Tribble
Connolly, Iowa	Harrison	Oglesby	Underwood
Cooper	Haugen	O'Hair	Vollmer
Cox	Helm	Oldfield	Walker
Crosser	Helvering	Padgett	Watkins
Cullop	Hensley	Page, N. C.	Webb
Dent	Hill	Park	Williams
Dickinson	Hinebaugh	Peterson	Willis
Dillon	Howard	Post	Wingo
Dixon	Hull	Prouty	
Donovan	Jacoway	Quin	

ANSWERED "PRESENT"—3.

Blackmon	Kahn	Sloan

NOT VOTING—171.

Ainey	Deitrick	Henry	Madden
Anderson	Dies	Hinds	Mahan
Ansberry	Difenderfer	Hobson	Maher
Anthony	Dooling	Houston	Manahan
Ashbrook	Doremus	Hoxworth	Martin
Austin	Driscoll	Hughes, W. Va.	Merritt
Avis	Dunn	Humphreys, Miss.	Metz
Barchfeld	Eagan	Igoe	Moore
Barnhart	Edwards	Kelly, Pa.	Morgan, La.
Bartlett	Estopinal	Kennedy, Conn.	Morin
Beall, Tex.	Fairchild	Kennedy, R. I.	Moss, Ind.
Bell, Ga.	Fields	Kiess, Pa.	Mott
Borland	Finley	Kinkead, N. J.	Neeley, Kans.
Brown, W. Va.	Floyd, Ark.	Kitchin	Neely, W. Va.
Browning	Fordney	Knowland, J. R.	Norton
Bruckner	Gallivan	Konop	O'Brien
Burke, Pa.	Gardner	Kreider	O'Leary
Butler	George	Lafferty	O'Shaunessy
Calder	Gerry	Langham	Paige, Mass.
Callaway	Gillett	Langley	Palmer
Cantor	Goldfogle	Lee, Pa.	Parker
Cantrill	Gordon	L'Engle	Patten, N. Y.
Carew	Gorman	Levy	Peters, Mass.
Carlin	Goulden	Lewis, Pa.	Peters, Me.
Carr	Greene, Vt.	Lieb	Phelan
Cary	Griest	Lindquist	Platt
Church	Griffin	Lobeck	Porter
Connelly, Kans.	Gudger	Loft	Powers
Copley	Guernsey	Logue	Ragsdale
Covington	Hamill	McAndrews	Reilly, Wis.
Crisp	Hamilton, N. Y.	McGillicuddy	Riordan
Dale	Hammond	McGuire, Okla.	Roberts, Mass.
Davenport	Hardwick	McKenzie	Rothermel
Decker	Hart	MacDonald	Rupley

Sabath	Slayden	Switzer	Whitacre
Saunders	Smith, J. M. C.	Taylor, N. Y.	White
Scully	Smith, Saml. W.	Thomas	Wilson, Fla.
Shackleford	Smith, Tex.	Thomson, Ill.	Wilson, N. Y.
Sharp	Stanley	Townsend	Witherspoon
Sherley	Stedman	Vare	Woods
Sherwood	Stephens, Nebr.	Vaughan	Young, N. Dak.
Shreve	Stringer	Wallin	Young, Tex.
Sisson	Sutherland	Weaver	

So the motion to recede and concur was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. KAHN (for automobiles) with Mr. SISSON (against).

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.
Mr. FIELDS with Mr. LANGLEY.
Mr. CALLAWAY with Mr. HAMILTON of New York.
Mr. BLACKMON with Mr. AUSTIN.
Mr. SABATH with Mr. J. R. KNOWLAND.
Mr. SHERLEY with Mr. GILLETT.
Mr. HENRY with Mr. HINDS.
Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.
Mr. KITCHIN with Mr. MADDEN.
Mr. CANTRILL with Mr. COPLEY.
Mr. DAVENPORT with Mr. J. M. C. SMITH.
Mr. STEDMAN with Mr. PETERS of Maine.
Mr. DOREMUS with Mr. FORDNEY.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. VAUGHAN with Mr. THOMSON of Illinois.
Mr. YOUNG of Texas with Mr. AINEY.
Mr. SMITH of Texas with Mr. YOUNG of North Dakota.
Mr. PATTEN of New York with Mr. MCGUIRE of Oklahoma.
Mr. PALMER with Mr. VARE.
Mr. MOSS of Indiana with Mr. LEWIS of Pennsylvania.
Mr. LIEB with Mr. LAFFERTY.
Mr. LEVY with Mr. POWERS.
Mr. DALE with Mr. MARTIN.
Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.
Mr. HARDWICK with Mr. MANAHAN.
Mr. BROWN of West Virginia with Mr. ANTHONY.
Mr. BELL of Georgia with Mr. HUGHES of West Virginia.
Mr. ASHBROOK with Mr. BARCHFELD.
Mr. BARNHART with Mr. ANDERSON.
Mr. CARLIN with Mr. AVIS.
Mr. CHURCH with Mr. DUNN.
Mr. DIES with Mr. CALDER.
Mr. DIFENDERFER with Mr. CARY.
Mr. EDWARDS with Mr. FAIRCHILD.
Mr. ESTOPINAL with Mr. GRIEST.
Mr. GALLIVAN with Mr. KELLY of Pennsylvania.
Mr. GARNER with Mr. KIESS of Pennsylvania.
Mr. GEORGE with Mr. KREIDER.
Mr. GOLDFOGLE with Mr. LANGHAM.
Mr. GORDON with Mr. MCKENZIE.
Mr. GORMAN with Mr. MERRITT.
Mr. HOUSTON with Mr. MOORE.
Mr. KENNEDY of Connecticut with Mr. MORIN.
Mr. IGOE with Mr. NORTON.
Mr. LEE of Pennsylvania with Mr. PORTER.
Mr. LOBECK with Mr. PAIGE of Massachusetts.
Mr. NEELEY of Kansas with Mr. PARKER.
Mr. RIORDAN with Mr. PLATT.
Mr. SAUNDERS with Mr. ROBERTS of Massachusetts.
Mr. SHERWOOD with Mr. SWITZER.
Mr. STEPHENS of Nebraska with Mr. RUPLEY.
Mr. EAGAN with Mr. SHREVE.
Mr. THOMAS with Mr. SAMUEL W. SMITH.
Mr. WILSON of Florida with Mr. SUTHERLAND.
Mr. KONOP with Mr. KENNEDY of Rhode Island.

For the session:

Mr. SCULLY with Mr. BROWNING.
Mr. BARTLETT with Mr. BUTLER.
Mr. METZ with Mr. WALLIN.

Mr. MANN. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). The Clerk will recapitulate the vote. There was a great deal of confusion in the House when this vote was taken, so much so that this recapitulation is taken. The Chair must insist during the recapitulation of the vote that there must be order in the House. When order is not maintained the Chair will stop the Clerk from recapitulating the vote.

The Clerk recapitulated the names of those voting "aye"——

Mr. BURKE of Wisconsin. Mr. Speaker, I did not hear my name called on the list just recapitulated.

The SPEAKER pro tempore. The gentleman is recorded as having voted "aye."

Mr. DENT. Mr. Speaker, how am I recorded?

The SPEAKER pro tempore. The Chair thinks gentlemen had better wait for these inquiries until the recapitulation has been completed.

Mr. THOMPSON of Oklahoma. Mr. Speaker, I make the point of order that the House is not in order. These gentlemen are not entitled to stand around in front of the desk.

The SPEAKER pro tempore. Gentlemen who are inquiring as to how they are recorded, at least according to the custom, have the right to be here immediately in front of the Clerk's desk.

The Clerk resumed and completed the recapitulation of the vote.

Mr. RAGSDALE. Mr. Speaker——

The SPEAKER pro tempore. How is the gentleman from South Carolina recorded?

Mr RAGSDALE. Mr. Speaker, I am not recorded. I was in my office and the bells there did not ring the second time.

The SPEAKER pro tempore. Was the gentleman in the House listening when his name was called?

Mr. RAGSDALE. No, sir.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. MURDOCK. How would the gentleman have voted?

Mr. RAGSDALE. I would have voted "aye."

The result of the vote was announced as above recorded.

Mr. TALCOTT of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with reference to the pension bill passed this morning.

The SPEAKER pro tempore. Without objection, leave is granted——

Mr. MANN. What is it?

The SPEAKER pro tempore. The gentleman from New York has made a request to extend his remarks in the RECORD. Is there objection?

Mr. MANN. On what subject?

Mr. TALCOTT of New York. On the pension bill this morning—simply to put in a statement in regard to the case of Mrs. Woods.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. STAFFORD. Mr. Speaker, I make the same request, having received a memorandum from the clerk of the committee confirming what I stated to the House.

The SPEAKER pro tempore. Is there objection? [After a pause.] None being heard, leave is granted.

Mr. MILLER. Mr. Speaker, I make the same request in reference to the amendment I offered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House adhere to its disagreement to Senate amendment No. 20.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from South Carolina.

Mr. MANN. Mr. Speaker, I would like to be heard for a moment upon that.

Mr. JOHNSON of South Carolina. And on that I move the previous question.

Mr. MANN. Oh, I had the floor, if it comes to that. The gentleman was entitled to the floor, but he sat down, and I was recognized.

Mr. JOHNSON of South Carolina. No——

Mr. MANN. That is the fact. I would not have insisted on it, but the gentleman wants to cut off debate.

Mr. JOHNSON of South Carolina. The gentleman from Illinois did not have the floor and he has never been recognized by the Speaker.

Mr. MANN. Well, Mr. Speaker, the gentleman made a motion——

Mr. FITZGERALD. Mr. Speaker, I make the point of order the previous question had already been ordered and debate is not in order.

Mr. MANN. Mr. Speaker, the gentleman made a motion and took his seat.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] made a motion. When the Chair was about to put the motion the gentleman from Illinois arose and addressed the Chair, and was recognized.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the previous question had already been ordered on the Senate amendment.

Mr. MANN. That is not so. The previous question could not have been ordered on this motion, because it could not have been made.

Mr. FITZGERALD. This motion might be in order after the previous question was ordered. The Senate amendment was before the House. The gentleman from South Carolina [Mr. JOHNSON] moved that the House further insist on its disagreement. The gentleman from Iowa [Mr. GOOD] offered a preferential motion that the House recede and concur. The gentleman from South Carolina had the floor, yielded time, and finally moved the previous question, which was adopted. There is no more debate in order on any motion affecting this amendment. The gentleman from South Carolina only offered his motion to adhere, on the ground that it would be a preferential motion, but it is not debatable, because debate has been cut off upon this Senate amendment and any motions that may be made to it.

The SPEAKER pro tempore. The Chair will hear the gentleman from Illinois [Mr. MANN] on the point of order.

Mr. MANN. Mr. Speaker, the gentleman from South Carolina [Mr. JOHNSON] made a motion to further insist on disagreement. The gentleman from Iowa [Mr. GOOD] made a preferential motion. The gentleman from South Carolina then moved the previous question, which would be operative upon the two pending motions. The gentleman from South Carolina, after the vote, abandoned the motion which he had made and made a new motion, that the House adhere to its disagreement. The previous question was not operating upon that motion, and could not be operating upon that motion, because it was not pending. Now, the gentleman from South Carolina might have moved the previous question simply upon the motion of the gentleman from Iowa [Mr. GOOD]. And the gentleman from South Carolina only moved the previous question. It was only operative upon the motions which were pending, and the gentleman from South Carolina, knowing that fact, endeavored to take me off the floor after I had secured recognition by again moving the previous question. He knew that he had not moved the previous question on the motion to adhere. Now, the gentleman from New York [Mr. FITZGERALD] endeavors to make it out that that motion applies. Mr. Speaker, the House might be perfectly willing to order the previous question on the motion that the House further disagree, which sends the bill back to conference, and quite unwilling to order the previous question on the motion to adhere on a Senate amendment relating to the Senate, where the House would discourteously refuse to permit any further conference on an amendment in which the Senate was especially interested, and the ordering of the previous question on the one motion can not be considered as ordering the previous question on the other motion.

Mr. FITZGERALD. Mr. Speaker, if the Chair will permit me, I think I can find a ruling here. What is before the House is Senate amendment No. 20. The gentleman from South Carolina [Mr. JOHNSON] was recognized and entitled to the floor. He offered a motion to further insist upon the disagreement of the House to that amendment. The gentleman from Iowa [Mr. GOOD] offers a preferential motion. The motion was recognized, but it did not take the gentleman from South Carolina from the floor, and he still controlled the time. After discussion had continued for some time he moved the previous question. The ordering of the previous question covers the amendment and all intermediate motions. That has been the uniform practice of the House. I doubt very much myself whether any other motion was in order, the previous question again having been ordered.

The SPEAKER pro tempore. The situation, as the Chair understands it, is this: The gentleman from South Carolina [Mr. JOHNSON] had the floor. He himself moved that all debate cease in 10 minutes. The question arose on the adoption of the preferential motion offered by the gentleman from Iowa. Upon that question the gentleman from South Carolina moved the previous question, which was adopted. After the vote had been taken and announced upon that question, the gentleman from South Carolina arose, addressed the Chair, was recognized, and he made a motion. Thereupon he took his seat. At that juncture the gentleman from Illinois [Mr. MANN] arose, addressed the Chair, and was recognized. The Chair is of the opinion——

Mr. FITZGERALD. The question was never stated from the Clerk's desk.

Mr. BYRNS of Tennessee. Mr. Speaker, I want to call the attention of the Chair, if the Chair will permit me, to this fact: The gentleman from South Carolina [Mr. JOHNSON] made his motion. The question was never stated by the Chair or from the desk.

Mr. MANN. It was stated by the Chair, and such a question is never stated by the Clerk.

Mr. BYRNS of Tennessee. If the gentleman will pardon me a moment. Whereupon the gentleman from Illinois said, "Mr. Speaker, I wish to be heard on the proposition," but was not formally recognized by the Chair. Now, I appeal to the RECORD if that is not a correct statement of what occurred; and I think if the Chair will examine the RECORD, he will find that the gentleman [Mr. MANN] merely made that statement without recognition on the part of anybody.

Mr. MANN. The gentleman is mistaken. I rose and addressed the Speaker, and the Speaker recognized the "gentleman from Illinois."

Mr. BYRNS of Tennessee. The RECORD is the best evidence.

Mr. MANN. The RECORD never shows that.

Mr. BYRNS of Tennessee. The record kept by the reporters shows what is done on the floor and is the best evidence of what occurred.

Mr. MANN. The gentleman knows that the record of the reporter does not show the fact that the Chair says, "The gentleman from Illinois" in recognition. It never shows that.

Mr. BYRNS of Tennessee. If the Chair will permit me further, I want to call attention to this fact: The gentleman from South Carolina made a motion originally that the House further insist upon its disagreement to the Senate amendment. Thereupon the gentleman from Iowa [Mr. GOOD] moved to recede and concur, which was a preferential motion. Upon that motion the previous question was demanded by the gentleman from South Carolina [Mr. JOHNSON], and debate was closed. Now, I insist, Mr. Speaker, that after the preferential motion was rejected the question, of course, recurred upon the motion made by the gentleman from South Carolina, and debate has been closed upon the proposition.

The SPEAKER pro tempore. The Chair is of the opinion that the previous question as ordered applied only to the preferential motion made by the gentleman from Iowa [Mr. GOOD], and that the gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. Mr. Speaker, I do not desire to take the control of the time from the gentleman from South Carolina [Mr. JOHNSON], who inadvertently lost the floor in the effort to cut off debate. I am perfectly willing to yield the time to the gentleman if he will yield me some time.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. MANN. I would like 5 or 10 minutes.

Mr. JOHNSON of South Carolina. I will yield to the gentleman 10 minutes.

Mr. MANN. Mr. Speaker, I yield the floor to the gentleman from South Carolina.

The SPEAKER pro tempore. The gentleman from Illinois yields his time to the gentleman from South Carolina, and the Chair will recognize the gentleman from South Carolina. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Meanwhile, Mr. Speaker, I rise to a question of privilege. A moment ago we had a roll call on the motion. The gentleman from Wisconsin [Mr. BURKE] came out in front and qualified to vote, and his name was called, and he voted "aye." I asked for a recapitulation of the vote, and the Speaker pro tempore ordered a recapitulation of the vote, and the names of those voting "aye" were read. The gentleman from Wisconsin called the attention of the Speaker pro tempore and of the House to the fact that he had voted "aye"; that he had not heard his name read among those voting "aye"; that he was informed by the Clerk that his name was recorded as voting "aye." I now find by an examination of the roll call that his name is not recorded at all.

It seems to me, when we have a roll call, and then a recapitulation of the vote, and then have the Clerk's attention called by the gentlemen who have responded to the fact that their names were not called, that among those three processes we ought to be able to have a correct roll call. In this particular case it would have made the vote 129 to 130, and I was told a while ago, while the roll call was in progress, that one gentleman was willing to change his vote from "no" to "aye" if that would carry the result. I think the clerks ought to be more careful in keeping these roll calls. I ask that the gentleman's name be recorded as he voted.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER Mr. Speaker, is the statement of the gentleman from Illinois verified by the clerks who kept the tally?

Mr. MANN. I leave it to the Clerk. I have seen the original roll call. It is verified, unless they have monkeyed with it since.

The SPEAKER pro tempore. The statement made by the gentleman from Illinois is correct.

Mr. FOSTER. The name of the gentleman from Wisconsin is not recorded on the original list?

Mr. MANN. It is not recorded at all.

The SPEAKER pro tempore. If no objection is heard, the gentleman from Wisconsin [Mr. BURKE] will be recorded as voting "aye."

Mr. MANN. Now, Mr. Speaker——

Mr. JOHNSON of South Carolina. Is the gentleman through?

Mr. MANN. How much time does the gentleman desire?

Mr. JOHNSON of South Carolina. I do not want any time.

Mr. MANN. Mr. Speaker, this is a Senate amendment, relating to the convenience of the President of the Senate. It is a matter which relates to the Senate. The House now, by a narrow vote, which would have been reversed if the Clerk had kept the correct tally, according to my advices, has refused to concur in the Senate amendment, and the gentleman from South Carolina [Mr. JOHNSON], withdrawing the ordinary motion that the House further insist to its disagreement and thereby send the amendment back to conference, now moves that the House adhere to its disagreement to the Senate amendment. It does not go back to conference. That is the result of it. The House, if it moves to adhere, says that it will under no circumstances allow this amendment. It will rather let the bill fail of becoming a law.

That is not courtesy. It would be an act of gross discourtesy to the Senate of the United States. I do not often rise on the floor of this House for the purpose of defending the Senate. I am much more apt to criticize the Senate. But in the ordinary course of business between two equal parliamentary bodies, each of which must act upon a measure before it can become a law, it would be an act of gross discourtesy for the House to refuse a further conference upon a Senate amendment which related to the conveniences of officers of the Senate.

I hope the House will not be put in that attitude, because if it does, and I were a Senator, I would resent the discourtesy and let the bill go to hades before I would let the House run over the Senate in that way. [Applause.]

I do not believe that the Senate is made of such cowardly men that they will not defend their rights in the matter. If it were an ordinary matter that had been in conference several times, which did not relate to the convenience of the Senate, it is occasionally the custom to adhere. I doubt whether there are a dozen gentlemen in this House who can remember any occasion when the House has adhered to an amendment or to a disagreement to an amendment. That means the end of negotiations. That means the end of consideration. I hope the House will not be put in the attitude which it will occupy if it adopts this discourteous motion.

Mr. BURKE of Wisconsin. Mr. Speaker——

Mr. JOHNSON of South Carolina. How much time does the gentleman desire?

Mr. BURKE of Wisconsin. One minute.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Wisconsin one minute.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BURKE] is recognized for one minute.

Mr. BURKE of Wisconsin. Mr. Speaker, I rise for the purpose of confirming the statements of the gentleman from Illinois [Mr. MANN] in reference to my vote on the last record vote. I took the pains of going to the well to have my vote recorded in the affirmative, and I also rose at the completion of the recapitulation of the affirmative vote for the purpose of asking if my name appeared in the recapitulation list, and I was informed that it did so appear. Now, I am informed that my name at the time of the announcement of the vote was not recorded at all.

The SPEAKER pro tempore. The Chair recalls quite distinctly the appearance of the gentleman from Wisconsin before the Clerk's desk to ask the question which he did ask, and the answer that was given him.

Mr. JOHNSON of South Carolina. Mr. Speaker, I think I can obviate the main difficulty. My original motion was to further insist upon the disagreement of the House to the Senate amendment numbered 20. I am perfectly willing to withdraw the last motion and let the vote be taken on my motion that was made in the beginning.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. The gentleman's motion, however, does make this difference, does it not: The motion that he has just made to further insist means that this transaction is still open? To adhere means to close the transaction?

Mr. JOHNSON of South Carolina. I understand that that is the parliamentary condition.

Mr. FITZGERALD. The House could still recede.

Mr. JOHNSON of South Carolina. We could still recede.

Mr. BRITTEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BRITTEN. Would a motion to reconsider the vote by which the amendment was disagreed to be in order?

The SPEAKER pro tempore. That would depend on who made the motion.

Mr. MURDOCK. There has been intervening business since then.

The SPEAKER pro tempore. The Chair does not think that makes any difference. The rules provide that a motion to reconsider may be made on the same day or the following day.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that my last motion to adhere be withdrawn, and that the vote be taken upon the original motion that the House further insist upon its disagreement to the Senate amendment.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. The gentleman has that right.

Mr. JOHNSON of South Carolina. The previous question has already been ordered on that, half an hour ago.

The SPEAKER pro tempore. The question is on the motion made by the gentleman from South Carolina [Mr. JOHNSON].

Mr. MURDOCK. Mr. Speaker, is the previous question on the first motion of the gentleman from South Carolina now operative, after there has been discussion on a second motion which he made?

The SPEAKER pro tempore. If we return to that motion, the Chair is inclined to the opinion that the previous question applies. The question is on the motion made by the gentleman from South Carolina [Mr. JOHNSON].

Mr. MANN. What is that motion?

Mr. JOHNSON of South Carolina. That the House further insist on its disagreement to Senate amendment No. 20.

The SPEAKER pro tempore. In order that it may be before the House the gentleman will state it or the Clerk will read it.

Mr. MANN. I understand that the motion is that the House further insist on its disagreement to Senate amendment No. 20.

Mr. JOHNSON of South Carolina. That is my motion.

Mr. MANN. Upon that I ask for the yeas and nays.

The SPEAKER pro tempore. The question is on the motion made by the gentleman from South Carolina. On that the gentleman from Illinois [Mr. MANN] asks for the yeas and nays.

Mr. FOSTER. I ask that the motion be stated.

Mr. MANN. A vote "aye" is against automobiles and a vote "no" is for them.

Mr. JOHNSON of South Carolina. I move that the House further insist on its disagreement to the amendment of the Senate numbered 20.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment numbered 20. On that motion the gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted.

Mr. BORCHERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BORCHERS. I do not know what the motion is. I have been listening, but I could not hear a word that the gentleman said.

The SPEAKER pro tempore. The gentleman from Illinois demands the yeas and nays.

Mr. BORCHERS. What is the motion? I could not understand it.

The SPEAKER pro tempore. The Chair will say to the gentleman that the House was in good order during the four times that the motion was stated. Those in favor of ordering the yeas and nays will rise and stand until they are counted.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina that the House further insist on its disagreement to Senate amendment numbered 20. Those in favor will, when their names are called, say "aye," those opposed "no"; and the Clerk will call the roll.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAKER. An affirmative vote on this is against purchasing automobiles, and a negative vote is in favor of purchasing automobiles, is it not?

Mr. FOSTER. I ask for the regular order. That is not a parliamentary inquiry.

The SPEAKER pro tempore. The Clerk will call the roll.

Mr. GARNER. Let us have order, Mr. Speaker.

The SPEAKER pro tempore. The roll call will not be proceeded with until the House is in order. The Sergeant at Arms will please ask the gentlemen in the aisles to take their seats. We have just had the experience of an incorrectly recorded vote, which should not occur again, and the Chair will undertake to prevent its occurrence on this roll.

The question was taken; and there were—yeas 131, nays 125, answered "present" 2, not voting 175, as follows:

YEAS—131.

Abercrombie	Cullop	Hinebaugh	Prouty
Adair	Dent	Howard	Quin
Adamson	Dickinson	Hull	Rauch
Alexander	Dillon	Jacoway	Rayburn
Allen	Dixon	Johnson, Ky.	Reilly, Conn.
Ashbrook	Donovan	Johnson, S. C.	Reilly, Wis.
Aswell	Doolittle	Jones	Rouse
Baltz	Doughton	Keating	Rubey
Barkley	Eagle	Key, Ohio	Rucker
Barton	Elder	La Follette	Russell
Bathrick	Faison	Lazaro	Sims
Beakes	Falconer	Lee, Ga.	Small
Beall, Tex.	Fitzgerald	Lenroot	Steenerson
Borchers	FitzHenry	Lesher	Stephens, Miss.
Bowdle	Foster	Lever	Stephens, Tex.
Breckon	Fowler	Lewis, Md.	Stone
Brumbaugh	Frear	Lindbergh	Sumners
Bryan	Gard	Linthicum	Talcott, N. Y.
Buchanan, Tex.	Garner	Lloyd	Tavenner
Burgess	Garrett, Tenn.	Lonergan	Taylor, Ark.
Burnett	Garrett, Tex.	Maguire, Nebr.	Thacher
Byrnes, S. C.	Godwin, N. C.	Mapes	Thompson, Okla.
Byrns, Tenn.	Goodwin, Ark.	Morgan, Okla.	Townsend
Candler, Miss.	Gray	Murdock	Tribble
Caraway	Hamilton, Mich.	Nelson	Underwood
Casey	Hamlin	Oglesby	Vollmer
Claypool	Hardy	O'Hair	Walker
Collier	Harris	Oldfield	Watkins
Connelly, Kans.	Harrison	Padgett	Webb
Connolly, Iowa	Haugen	Page, N. C.	Williams
Cooper	Helm	Park	Willis
Cox	Helvering	Peterson	Wingo
Crosser	Hensley	Post	

NAYS—125.

Aiken	Evans	Johnson, Wash.	Scott
Ansberry	Farr	Keister	Seldomridge
Bailey	Fergusson	Kelley, Mich.	Sells
Baker	Ferris	Kennedy, Iowa	Sinnott
Bell, Cal.	Fess	Kettner	Slemp
Booher	Flood, Va.	Kinkaid, Nebr.	Sloan
Britten	Francis	Kirkpatrick	Smith, Idaho
Broussard	French	Korbly	Smith, Minn.
Brown, N. Y.	Gallagher	Lambeth	Smith, N. Y.
Buchanan, Ill.	Gill	McClellan	Stafford
Bulkley	Gillmore	McCoy	Stephens, Cal.
Burke, S. Dak.	Gittins	McDermott	Stevens, Minn.
Burke, Wis.	Glass	McKellar	Stout
Campbell	Goeke	McLaughlin	Taggart
Carter	Good	Mann	Talbott, Md.
Church	Graham, Ill.	Miller	Taylor, Colo.
Clancy	Graham, Pa.	Mitchell	Temple
Clark, Fla.	Green, Iowa	Mondell	Ten Eyck
Coady	Greene, Mass.	Montague	Towner
Conry	Gregg	Morrison	Treadway
Cramton	Hawley	Murray, Mass.	Tuttle
Curry	Hay	Murray, Okla.	Underhill
Danforth	Hayden	Nolan, J. I.	Volstead
Davis	Heflin	Patton, Pa.	Walsh
Dershem	Helgesen	Payne	Walters
Donohoe	Holland	Pou	Watson
Drukker	Howell	Ragsdale	Whaley
Dunn	Hughes, Ga.	Rainey	Winslow
Dupré	Hulings	Raker	Woodruff
Edmonds	Humphrey, Wash.	Reed	
Esch	Igoe	Roberts, Nev.	
Estopinal	Johnson, Utah	Rogers	

ANSWERED "PRESENT"—2.

Cline	Kahn

NOT VOTING—175.

Ainey	Dooling	Humphreys, Miss.	Morgan, La.
Anderson	Doremus	Kelly, Pa.	Morin
Anthony	Driscoll	Kennedy, Conn.	Moss, Ind.
Austin	Kagan	Kennedy, R. I.	Moss, W. Va.
Avis	Edwards	Kent	Mott
Barchfeld	Fairchild	Kiess, Pa.	Neeley, Kans.
Barnhart	Fields	Kindel	Neely, W. Va.
Bartholdt	Finley	Kinkead, N. J.	Norton
Bartlett	Floyd, Ark.	Kitchin	O'Brien
Bell, Ga.	Fordney	Knowland, J. R.	O'Leary
Blackmon	Gallivan	Konop	O'Shaunessy
Borland	Gardner	Kreider	Page, Mass.
Brodbeck	George	Lafferty	Palmer
Brown, W. Va.	Gerry	Langley	Parker
Browne, Wis.	Gillett	Lee, Pa.	Patten, N. Y.
Browning	Goldfogle	L'Engle	Peters, Mass.
Bruckner	Gordon	Levy	Peters, Me.
Burke, Pa.	Gorman	Lewis, Pa.	Phelan
Butler	Goulden	Lieb	Platt
Calder	Greene, Vt.	Lindquist	Plumley
Callaway	Griest	Lobeck	Porter
Cantor	Griffin	Loft	Powers
Cantrill	Gudger	Logue	Riordan
Carew	Guernsey	McAndrews	Roberts, Mass.
Carlin	Hamill	McGillicuddy	Rothermel
Carr	Hamilton, N. Y.	McGuire, Okla.	Rupley
Cary	Hammond	McKenzie	Sabath
Chandler, N. Y.	Hardwick	MacDonald	Saunders
Copley	Hart	Madden	Scully
Covington	Hayes	Mahan	Shackleford
Crisp	Henry	Maher	Sharp
Dale	Hill	Managhan	Sherley
Davenport	Hinds	Martin	Sherwood
Decker	Hobson	Merritt	Shreve
Deitrick	Houston	Metz	Sisson
Dies	Howorth	Moon	Slayden
Difenderfer	Hughes, W. Va.	Moore	Smith, J. M. C.
Smith, Md.	Stevens, N. H.	Thomson, Ill.	Wilson, Fla.
Smith, Saml. W.	Stringer	Vare	Wilson, N. Y.
Smith, Tex.	Sutherland	Vaughan	Witherspoon
Sparkman	Switzer	Wallin	Woods
Stanley	Taylor, Ala.	Weaver	Young, N. Dak.
Stedman	Taylor, N. Y.	Whitacre	Young, Tex.
Stephens, Nebr.	Thomas	White	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Mr. SISSON (in the affirmative) with Mr. KAHN (in the negative).

Until further notice:

Mr. CLINE with Mr. KREIDER.

Mr. MOON with Mr. NORTON.

Mr. WEAVER with Mr. MERRITT.

Mr. CARR with Mr. BARCHFELD.

Mr. FINLEY with Mr. BARTHOLDT.

Mr. HILL with Mr. BROWNE of Wisconsin.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BELL of Georgia with Mr. HAYES.

Mr. KONOP with Mr. GRIEST.

Mr. BORLAND with Mr. MOSS of West Virginia.

Mr. SHACKLEFORD with Mr. PLUMLEY.

Mr. STEPHENS of Nebraska with Mr. WOODS.

Mr. FREAR. Mr. Speaker, I desire to vote "yea."

The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called?

Mr. FREAR. Yes; and I did not hear my name called.

The SPEAKER pro tempore. The Clerk will call the name of the gentleman from Wisconsin.

The Clerk called the name of Mr. FREAR, and he answered "Yea."

Mr. KAHN. Mr. Speaker, I desire to know whether the gentleman from Mississippi, Mr. SISSON, is recorded?

The SPEAKER pro tempore. He is not recorded.

Mr. KAHN. I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. KAHN was called, and he answered "Present."

Mr. HARRIS. Mr. Speaker, I desire to vote "yea."

The name of Mr. HARRIS was called, and he answered "Yea."

Mr. TALBOTT of Maryland. Mr. Speaker, I desire to vote "nay."

The name of Mr. TALBOTT of Maryland was called, and he answered "Nay."

The SPEAKER pro tempore. Upon this vote the yeas are 127 and the nays are 127, present 3. The motion is rejected.

Mr. MANN rose.

Mr. JOHNSON of South Carolina. Mr. Speaker——

Mr. MANN. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from South Carolina.

Mr. MANN. Mr. Speaker, I think I am entitled to recognition.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. MANN. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate and concur in the same.

Mr. FOWLER. Mr. Speaker, I rise to offer a preferential motion.

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois [Mr. FOWLER] rise?

Mr. FOWLER. To offer a privileged motion. I ask for a recapitulation of the vote.

Mr. MANN. But it is too late after the vote is announced.

Mr. FOWLER. I do not think it is.

The SPEAKER pro tempore. If the gentleman had asked for a recapitulation before other business had intervened, he would have been in time, but a motion has been made in the meantime.

Mr. FOWLER. I do not understand that any business has been transacted.

The SPEAKER pro tempore. Other business has been transacted to the extent that the motion has been made.

Mr. FOWLER. Mr. Speaker, I was on my feet trying to get recognition for the purpose of asking for a recapitulation.

The SPEAKER pro tempore. The Chair will state in response to that that the gentleman from South Carolina [Mr. JOHNSON] is standing immediately behind the gentleman from Illinois [Mr. FOWLER]. The gentleman from South Carolina was standing there, and upon his failing to address the Chair, the Chair stated that "the gentleman from South Carolina was recognized," and during all of that time the Chair was looking directly over the face and head of the gentleman from Illinois and failed to see him rise, and not only did not hear the gentleman from Illinois but did not see him rise to address the Chair.

Mr. FOWLER. Mr. Speaker, if a Member is endeavoring to get recognition to offer a preferential motion and there is a failure to secure such recognition, does the House lose the right of that preferential motion?

The SPEAKER pro tempore. If the gentleman has a preferential motion, it may be made.

Mr. FOWLER. Mr. Speaker, I challenge the correctness of the result of the vote.

Mr. RAGSDALE. Mr. Speaker, a point of order. That comes too late after the motion of the gentleman from Illinois [Mr. MANN].

Mr. FOWLER. Mr. Speaker, the correct vote of this House is the highest privilege that ought to be recognized. I made a tally of this vote.

The SPEAKER pro tempore. The Chair is compelled to accept the vote as recorded by the tally clerk and not as recorded or as taken down by any Member of the House.

Mr. FOWLER. Then, Mr. Speaker, I challenge the correctness of the vote and ask for a recapitulation.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MURDOCK. In a case where a recapitulation is asked for, even if late, immediately following a known and confessed error in a previous roll, does not the Speaker think that for the sake of order and good conduct of the proceedings of the House the recapitulation should be permitted? I know nothing about the vote, whether it is in error or not, but a previous vote was in error on this same proposition.

The SPEAKER pro tempore. It is now an established fact that there was an error in the previous vote. An endeavor to ascertain that fact was made in due time. It is now undertaken to ascertain whether a similar error has been made in this vote. While the Chair is inclined to the opinion that the motion does not come in time, under a literal construction of the rules, the Chair, nevertheless, is in some doubt, at least, and is disposed to give the benefit of the doubt to the gentleman from Illinois [Mr. FOWLER]. A recapitulation can do no harm and may do some good. [Applause.]

The Chair directs the Clerk to recapitulate the vote.

The Clerk recapitulated the vote.

Mr. GRAHAM of Illinois. Mr. Speaker, I voted "no," but I did not hear my name called on the recapitulation.

The SPEAKER. The gentleman from Illinois is recorded in the negative.

Mr. HOWARD. Mr. Speaker, I want to know whether my name was recorded twice? As I heard the recapitulation, my name is recorded as voting both yea and nay.

The SPEAKER pro tempore. The Clerk informs the Chair that the gentleman is recorded in the affirmative only.

Mr. GARNER. Mr. Speaker, I note in the recapitulation that the gentleman from Maryland [Mr. TALBOTT] is recorded as voting in the negative. I do not believe the gentleman from Maryland voted.

Mr. MANN. I heard him vote.

Mr. GARNER. I understand the gentleman; but the Speaker did not ask the gentleman if he was in the Hall listening when his name was called.

Mr. MANN. And neither did the Chair ask the gentleman from Alabama [Mr. HARRIS], and one of these gentlemen voted one way and one the other.

Mr. GARNER. I think the Speaker should have done that.

Mr. MANN. It is too late to raise that question now.

The SPEAKER pro tempore. The Chair will state to the gentleman from Texas that in a number of instances he did not and could not hear what the different Members said when they rose to inquire about their respective votes, because they did not speak sufficiently loud, and the Chair found himself in confusion and found the gentlemen he was interrogating also in confusion because they themselves made their statements so low that the Chair did not hear; and the Chair on several occasions has found himself asking Members whether they were present and listening when their names were called, when they had already said in a tone of voice not audible to the Chair that they had already voted.

Now, if the Chair failed to ask any gentleman how he voted, it occurred in that way.

Mr. MANN. Mr. Speaker, I ask that the Chair enforce the rule as to Members around the desk.

The SPEAKER pro tempore. Members will realize the position in which the House finds itself when the correctness of the vote is challenged. There ought to be a disposition on the part of the House to maintain order while the recapitulation is going on and the result is being determined.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. The vote having been recapitulated and no change having occurred——

Mr. FITZGERALD. Oh, the clerks must have time to tally the vote.

Mr. MANN. The vote having been recapitulated and no change having been made in the vote as recapitulated, the recapitulation having been finished some time ago, what are we waiting for?

The SPEAKER pro tempore. For the Clerk to determine whether any error has been made.

Mr. MANN. We are waiting to see whether the clerks may correct an error in the previous count.

Mr. HULL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HULL. I rise to inquire how I am recorded.

The SPEAKER pro tempore. The vote has been taken and recapitulated.

Mr. HULL. I know; but I voted in the affirmative and was called out of the House while the recapitulation was going on.

The SPEAKER pro tempore. The gentleman from Tennessee is recorded as having voted in the negative.

Mr. HULL. I voted in the affirmative.

Mr. GARNER. Then the gentleman is entitled to have his vote corrected.

Mr. MANN. Does the gentleman from Tennessee say that when he voted he voted in the affirmative?

Mr. HULL. Unquestionably.

Mr. MANN. As a matter of fact, I understand the gentleman answered the other way, but if he thought he was voting "aye" I have no objection to its being so recorded. I am willing to take the gentleman's word.

The SPEAKER pro tempore. Before announcing the result the Chair wishes to inquire how the gentleman from Tennessee is recorded. The Chair understands he is recorded in the negative. The result, with the gentleman recorded in the negative, is as follows——

Mr. GARNER. But, Mr. Speaker, the gentleman from Tennessee says he voted "aye," and he is entitled to have it recorded "aye."

Mr. FARR. I heard the gentleman from Tennessee vote, and he answered "no."

Mr. GARNER. But the gentleman from Tennessee says that he voted "aye," and he ought to know.

Mr. FARR. He may have thought he was voting "aye," but I will take my oath I heard him answer "no."

The SPEAKER pro tempore. Undoubtedly the gentleman from Tennessee is entitled to be recorded as he voted.

Mr. HULL. Mr. Speaker, as I stated, I voted in the affirmative.

Mr. MANN. We are perfectly willing to accept the gentleman's word.

The SPEAKER pro tempore. The Chair directs the Clerk to change the vote of the gentleman from Tennessee, as it is recorded, to "aye." With that change the vote stands as follows: Yeas 131, noes 125, present 2.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COOPER. The vote was first announced as 127 to 127. But one vote has been announced as incorrect on the floor, and that was the vote of the gentleman from Tennessee [Mr. HULL]. Now, the vote with that one change is announced as 130 to 126. My inquiry is, how was the first mistake made?

The SPEAKER pro tempore. The Chair has no more information on that point than has the gentleman from Wisconsin. The Chair presumes the Clerk added up the figures incorrectly the first time, and correctly the second time.

Mr. MANN. Mr. Speaker, I think it would be fair to the clerks at the desk to say that, according to my observation, extending over quite a period, it is a very common thing for the announcement at the end of a roll call made by the Speaker to be changed in the RECORD the next morning. It is a usual thing where the vote is very close to have a recapitulation, because such errors commonly occur. The clerk who acts as tally clerk and takes down the answers of the Members as they are made occupies a difficult position, and unavoidably and necessarily he is not able, in the hurry and confusion, to keep an absolutely accurate account so that he can tell at the end of a roll call precisely the number each way. While I have never known the result to be changed by correction, if gentlemen will listen to the announcements by the Speaker day by day of the roll calls and look at the RECORD the next morning they will find there is often a correction, and this is without any reflection on the capacity of the clerks at the desk. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported, Senate amendment No. 28.

The Clerk read as follows:

Page 17, line 16, insert "stenographer, $1,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 28.

The question was taken, and the motion was agreed to.

Mr. JOHNSON of South Carolina. I ask that the next amendment, Senate amendment numbered 29, be reported.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 17, line 18, strike out the figures "$6,600" and insert the figures "$7,600."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment 29.

The motion was agreed to.

Mr. JOHNSON of South Carolina. I now ask that the Clerk report Senate amendment numbered 30.

The Clerk read as follows:

Page 18, strike out lines 5 to 12, inclusive, reading as follows:
"For actual traveling expenses incurred by Representatives, Delegates, and Resident Commissioners, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved and in the manner heretofore prescribed for the payment of mileage, $87,500."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment numbered 30.

Mr. MURDOCK. Is that all that the gentleman wants to say on this amendment?

Mr. JOHNSON of South Carolina. Yes; we debated it thoroughly yesterday.

Mr. MURDOCK. Mr. Speaker, yesterday we had a long discussion upon this proposition as it related to the Senate item on mileage, and the House voted to recede and concur with an amendment for 5-cent mileage.

Mr. JOHNSON of South Carolina. That is correct.

Mr. MURDOCK. That, however, was wholly on the question of mileage of Senators. This refers to House mileage alone.

Mr. JOHNSON of South Carolina. We will do precisely with House mileage what we do with Senate mileage. As the question has already been fully debated and we had a yea-and-nay vote on it, I do not think it is necessary to debate it further.

Mr. MURDOCK. I would like to ask this and I would like to have the attention of the House: If we vote with the gentleman on the motion which he has just made, then is not the House voting for the original House amendment?

Mr. JOHNSON of South Carolina. Oh, no.

Mr. MURDOCK. It seems to me so.

Mr. JOHNSON of South Carolina. The conferees will understand that they were instructed by a yea-and-nay vote on yesterday to amendment numbered 1.

Mr. MURDOCK. However, the record, Mr. Speaker, will show that the House merely is standing by the original amendment. There is no question about it.

Mr. BURKE of South Dakota. Will the gentleman kindly yield to me for a moment?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. BURKE of South Dakota. I want to ask the gentleman from South Carolina to give me five minutes on this question.

Mr. GARNER. Before that, may I ask the gentleman from South Carolina a question?

Mr. JOHNSON of South Carolina. The gentleman may.

Mr. GARNER. Why would it not be better? It will take but a moment to put in an amendment here similar to the one we placed on the Senate provision which provides that the mileage hereafter shall be 5 cents.

Mr. JOHNSON of South Carolina. I have one written here on my table, but it is misplaced, and I did not want to take up the time rewriting it. I will send it up to the Clerk's desk.

The SPEAKER. What is it the gentleman wants?

Mr. JOHNSON of South Carolina. I withdraw the motion I made to further insist, and move to recede from the disagreement of the House to Senate amendment numbered 30, and agree with an amendment which I now send to the Clerk's desk.

The Clerk read as follows:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $43,750; and hereafter Representatives, Delegates, and Resident Commissioners shall be paid mileage at the rate of 5 cents per mile each way from their homes to Washington City and return by the ordinary and usual routes of travel once at each session of Congress.

Mr. JOHNSON of South Carolina. And on that I move the previous question.

Mr. RAKER. Mr. Speaker, on that I reserve a point of order.

The SPEAKER. The gentleman from California reserves a point of order on the amendment, and the gentleman from South Carolina moves to recede from Senate amendment numbered 30, and concur with an amendment. Now, the gentleman from South Carolina upon that moved the previous question.

Mr. MANN. Will not the gentleman yield to the gentleman from South Dakota five minutes?

Mr. JOHNSON of South Carolina. No; I am not going to have any debate.

Mr. MANN. The gentleman from California made the point of order?

Mr. RAKER. I reserved the point of order.

The SPEAKER. The gentleman from California reserved the point of order. What is the gentleman's point of order?

Mr. RAKER. The point of order is that it is a change of existing law, and, second, that it is not germane, and every other class of legal objection that could be made to such legislation. [Laughter.]

The SPEAKER. The point of order is overruled.

Mr. MANN. I ask the gentleman to yield——

Mr. JOHNSON of South Carolina. Mr. Speaker, I insist upon my motion for the previous question.

Mr. MANN. Mr. Speaker, I offer a preferential motion. I move that the House recede and concur.

The SPEAKER. The gentleman from Illinois moves that the House recede and concur.

Mr. JOHNSON of South Carolina. And upon that I move the previous question.

The SPEAKER. The gentleman from South Carolina moves the previous question on his own motion and on the motion of the gentleman from Illinois, both.

The question was taken.

The SPEAKER. The noes make the most noise; the noes seem to have it——

Mr. JOHNSON of South Carolina. Division, Mr. Speaker.

The SPEAKER. The gentleman demands a division.

The House divided; and there were—ayes 52, noes 83.

Mr. MANN. Mr. Speaker——

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask for the yeas and nays.

Mr. MANN. No; I asked for recognition.

Mr. JOHNSON of South Carolina. I ask for the yeas and nays.

The SPEAKER. The gentleman from South Carolina demands the yeas and nays.

Mr. MURDOCK. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from South Carolina demands the yeas and nays, and the gentleman from Kansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-six Members are present, not a quorum, and the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 91, answered "present" 1, not voting 176, as follows:

YEAS—165.

Abercrombie	Cline	Gill	Lazaro
Adair	Coad	Gilmore	Lee, Ga.
Adamson	Collier	Gittins	Lesher
Alexander	Connelly, Kans.	Glass	Lever
Allen	Connolly, Iowa	Godwin, N. C.	Linthicum
Anderson	Conry	Goeke	Lonergan
Ashbrook	Cox	Goodwin, Ark.	McClellan
Aswell	Crosser	Graham, Ill.	McCoy
Bailey	Cullop	Gray	McKellar
Baltz	Dent	Gregg	Maguire, Nebr.
Barkley	Dickinson	Hamlin	Mitchell
Bathrick	Dixon	Hardy	Montague
Beakes	Donohoe	Harris	Morrison
Beall, Tex.	Donovan	Harrison	Murray, Mass.
Booher	Doolittle	Hay	Murray, Okla.
Bowdle	Doughton	Hayden	Oglesby
Brockson	Dupré	Heflin	O'Hair
Broussard	Elder	Helm	Oldfield
Brown, N. Y.	Faison	Helvering	Padgett
Buchanan, Ill.	Fergusson	Hensley	Park
Buchanan, Tex.	Ferris	Holland	Peters, Mass.
Bulkley	Finley	Hughes, Ga.	Peterson
Burgess	Fitzgerald	Hull	Post
Burke, Wis.	FitzHenry	Igoe	Quin
Burnett	Flood, Va.	Jacoway	Rainey
Byrnes, S. C.	Floyd, Ark.	Johnson, Ky.	Rauch
Byrns, Tenn.	Foster	Johnson, S. C.	Rayburn
Candler, Miss.	Fowler	Keating	Reed
Cantor	Francis	Kettner	Reilly, Conn.
Caraway	Gard	Key, Ohio	Reilly, Wis.
Carter	Garner	Kindel	Rouse
Casey	Garrett, Tenn.	Kirkpatrick	Rubey
Clancy	Garrett, Tex.	Korbly	Rucker

Russell	Stone	Ten Eyck	Watson
Seldomridge	Stout	Thompson, Okla.	Webb
Sims	Sumners	Townsend	Whaley
Small	Taggart	Tribble	Williams
Smith, N. Y.	Talbott, Md.	Underhill	Wingo
Sparkman	Talcott, N. Y.	Underwood	Witherspoon
Stephens, Miss.	Tavenner	Vollmer	
Stephens, Tex.	Taylor, Ark.	Walker	
Stevens, N. H.	Taylor, Colo.	Watkins	

NAYS—91.

Aiken	Esch	Johnson, Wash.	Roberts, Nev.
Ansberry	Estopinal	Kahn	Rogers
Baker	Evans	Kelley, Mich.	Scott
Barton	Faiconer	Kennedy, Iowa	Sells
Bell, Cal.	Farr	Kent	Sinnott
Borchers	Fess	Kinkaid, Nebr.	Slemp
Britten	Frear	La Follette	Smith, Idaho
Bryan	French	Langham	Smith, Minn.
Burke, S. Dak.	Gallagher	Lenroot	Stafford
Campbell	Good	McDermott	Steenerson
Carlin	Green, Iowa	McLaughlin	Stephens, Cal.
Chandler, N. Y.	Greene, Mass.	Mann	Temple
Church	Hamilton, Mich.	Mapes	Thacher
Clark, Fla.	Haugen	Miller	Towner
Claypool	Hawley	Mondell	Treadway
Cooper	Hayes	Morgan, Okla.	Volstead
Cramton	Helgesen	Murdock	Walsh
Curry	Hinebaugh	Nelson	Walters
Danforth	Howard	Nolan, J. I.	Willis
Dillon	Howell	Patton, Pa.	Winslow
Drukker	Hulings	Payne	Woodruff
Dunn	Humphrey, Wash	Prouty	Woods
Edmonds	Johnson, Utah	Raker	

ANSWERED "PRESENT"—1.

Sloan

NOT VOTING—176.

Ainey	Fordney	Levy	Porter
Anthony	Gallivan	Lewis, Md.	Pou
Austin	Gardner	Lewis, Pa.	Powers
Avis	George	Lieb	Ragsdale
Barchfeld	Gerry	Lindbergh	Riordan
Barnhart	Gillett	Lindquist	Roberts, Mass.
Bartholdt	Goldfogle	Lloyd	Rothermel
Bartlett	Gordon	Lobeck	Rupley
Bell, Ga.	Gorman	Loft	Sabath
Blackmon	Goulden	Logue	Saunders
Borland	Graham, Pa.	McAndrews	Scully
Brodbeck	Greene, Vt.	McGillicuddy	Shackleford
Brown, W. Va.	Griest	McGuire, Okla.	Sharp
Browne, Wis.	Griffin	McKenzie	Sherley
Browning	Gudger	MacDonald	Sherwood
Bruckner	Guernsey	Madden	Shreve
Brumbaugh	Hamill	Mahan	Sisson
Burke, Pa.	Hamilton, N. Y.	Maher	Slayden
Butler	Hammond	Manahan	Smith, Md.
Calder	Hardwick	Martin	Smith, J. M. C.
Callaway	Hart	Merritt	Smith, Saml. W.
Cantrill	Henry	Metz	Smith, Tex.
Carew	Hill	Moon	Stanley
Carr	Hinds	Moore	Stedman
Cary	Hobson	Morgan, La.	Stephens, Nebr.
Copley	Houston	Morin	Stevens, Minn.
Covington	Hoxworth	Moss, Ind.	Stringer
Crisp	Hughes, W. Va.	Moss, W. Va.	Sutherland
Dale	Humphreys, Miss.	Mott	Switzer
Davenport	Jones	Neeley, Kans.	Taylor, Ala.
Davis	Kelster	Neely, W. Va.	Taylor, N. Y.
Decker	Kelly, Pa.	Norton	Thomas
Deitrick	Kennedy, Conn.	O'Brien	Thomson, Ill.
Dershem	Kennedy, R. I.	O'Leary	Tuttle
Dies	Kiess, Pa.	O'Shaunessy	Vare
Difenderfer	Kinkead, N. J.	Page, N. C.	Vaughan
Dooling	Kitchin	Paige, Mass.	Wallin
Doremus	Knowland, J. R.	Palmer	Weaver
Driscoll	Konop	Parker	Whitacre
Eagan	Kreider	Patten, N. Y.	White
Eagle	Lafferty	Peters, Me.	Wilson, Fla.
Edwards	Langley	Phelan	Wilson, N. Y.
Fairchild	Lee, Pa.	Platt	Young, N. Dak.
Fields	L'Engle	Plumley	Young, Tex.

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DERSHEM with Mr. PAIGE of Massachusetts.

Mr. PAGE of North Carolina with Mr. LANGHAM.

Mr. POU with Mr. AVIS.

Mr. STRINGER with Mr. STEVENS of Minnesota.

Mr. WEAVER with Mr. SLOAN.

Mr. BELL of Georgia with Mr. BARTHOLDT.

Mr. BURKE of Wisconsin with Mr. DAVIS.

Mr. DRISCOLL with Mr. GRAHAM of Pennsylvania.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

The question is on the motion of the gentleman from Illinois [Mr. MANN] to recede from House disagreement to Senate amendment No. 30 and concur in the same.

Mr. MANN. I ask a division of the question.

The SPEAKER. The gentleman from Illinois asks a division of the question. The question is now on receding from House disagreement to Senate amendment No. 30.

Mr. MANN. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 47, noes 65.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I will ask the Speaker to state what is the motion before the House.

The SPEAKER. The whole situation is this: That the gentleman from South Carolina [Mr. JOHNSON] moved to recede from the House disagreement to Senate amendment No. 30 and concur in the same with an amendment, whereupon the gentleman from Illinois [Mr. MANN] made a preferential motion to recede and concur.

Mr. UNDERWOOD. In the Senate amendment?

The SPEAKER. In Senate amendment No. 30. Then the gentleman from Illinois [Mr. MANN] demanded a division of his motion. This vote will be taken on the part of the motion to recede from House disagreement to Senate amendment No. 30.

Mr. UNDERWOOD. Then the status of the matter is that those who desire to vote for the House proposition to pay actual mileage as it was originally passed in the House bill should vote "nay"?

The SPEAKER. Yes; that is right.

Mr. MANN. Let us see. If the House refuses to agree to the motion, and thereby refuses to recede from its disagreement, does not the House thereby insist on its disagreement to the Senate amendment? If it refuses to recede, that is the end of it. We can not go any further. That is insistence on disagreement.

Mr. UNDERWOOD. That is insistence on the House proposition, and the original House proposition was that actual mileage should be paid?

The SPEAKER. A negative vote on the proposition to recede is equivalent to further insisting.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If we should vote down this motion we still will have opportunity to vote on the original motion made by the gentleman from South Carolina [Mr. JOHNSON]?

Mr. MANN. The House will have refused to recede, and that is the end of it.

Mr. UNDERWOOD. That is the reason I asked.

The SPEAKER. That puts an end to the whole business. If they refuse to recede, that is equivalent to an insistence. It has been so held time out of mind.

Mr. UNDERWOOD. That would be an insistence on the House proposition to pay the actual mileage?

The SPEAKER. Yes; whatever the House proposition is. It has been up here so often that the Chair is somewhat confused about it.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. If the motion about to be voted on is carried, then we have the proposition to vote on the motion of the gentleman from South Carolina and the motion of the gentleman from Illinois, the 5-cent or the 10-cent mileage, as the case may be?

The SPEAKER. If the House refuses to recede, it is equivalent to a disagreement. We will not have to vote on that then.

Mr. BARKLEY. If the motion to recede, which is now to be voted on, prevails, what comes next?

The SPEAKER. The other half of the motion of the gentleman from Illinois, which is to concur.

Mr. MANN. I advise the Speaker not to answer the question.

Mr. CLARK of Florida. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded, and the vote is to be taken on the proposition that the House shall recede from its disagreement to amendment No. 30. If it refuses to recede, it is in disagreement. The Chair has stated the thing so often that he has almost forgotten the point.

Mr. MANN. Mr. Speaker, I ask for the regular order. I do not think a filibuster ought to be in order.

The SPEAKER. The regular order is the calling of the roll. The Clerk will call the roll.

The question was taken; and there were—yeas 60, nays 184, answered "present" 2, not voting 187, as follows:

YEAS—60.

Aiken	Curry	FitzHenry	Howard
Ansberry	Danforth	Floyd, Ark.	Howell
Bell, Cal.	Davis	Frear	Hulings
Borchers	Donohoe	Garner	Humphrey, Wash.
Brockson	Elder	Greene, Mass.	Johnson, Utah
Burnett	Esch	Hardy	Johnson, Wash.
Chandler, N. Y.	Evans	Hawley	Kahn
Church	Faiconer	Hayden	Kettner
Claypool	Ferris	Hayes	Lee, Ga.
Cramton	Fitzgerald	Hinebaugh	Miller

Murray, Mass.	Plumley	Smith, Idaho	Volstead
Murray, Okla.	Post	Stephens, Cal.	Walters
Nolan, J. I.	Raker	Stout	Whaley
O'Hair	Roberts, Nev.	Taylor, Colo.	Wingo
Oldfield	Sinnott	Temple	Winslow

NAYS—184.

Abercrombie	Dickinson	Hull	Rauch
Adair	Dillon	Igoe	Rayburn
Adamson	Dixon	Jacoway	Reed
Alexander	Donovan	Johnson, S. C.	Reilly, Conn.
Allen	Doolittle	Keating	Reilly, Wis.
Ashbrook	Doughton	Keister	Rogers
Aswell	Drukker	Kelley, Mich.	Rouse
Bailey	Edmonds	Kennedy, Iowa	Rubey
Baker	Estopinal	Kent	Rucker
Baltz	Faison	Key, Ohio	Russell
Barkley	Farr	Kindel	Scott
Barton	Fergusson	Kinkaid, Nebr.	Seldomridge
Bathrick	Fess	Kirkpatrick	Sells
Beakes	Finley	Korbly	Sims
Beall, Tex.	Foster	La Follette	Sisson
Bowdle	Fowler	Lazaro	Slemp
Britten	Francis	Lenroot	Small
Broussard	French	Lesher	Smith, Minn.
Brown, N. Y.	Gallagher	Lever	Sparkman
Bryan	Gard	Linthicum	Stafford
Buchanan, Ill.	Garrett, Tenn.	Lonergan	Steenerson
Buchanan, Tex.	Garrett, Tex.	McClellan	Stephens, Miss.
Bulkley	Gill	McCoy	Stephens, Tex.
Burgess	Gilmore	McDermott	Stevens, N. H.
Burke, S. Dak.	Gittins	McKellar	Stone
Burke, Wis.	Glass	McLaughlin	Sumners
Byrnes, S. C.	Godwin, N. C.	Maguire, Nebr.	Taggart
Byrns, Tenn.	Goeke	Mann	Talcott, N. Y.
Campbell	Good	Mapes	Tavenner
Candler, Miss.	Goodwin, Ark.	Mitchell	Taylor, Ark.
Caraway	Graham, Ill.	Montague	Ten Eyck
Carter	Gray	Morgan, Okla.	Thacher
Casey	Green, Iowa	Morrison	Thompson, Okla.
Clancy	Gregg	Murdock	Towner
Clark, Fla.	Hamilton, Mich.	Nelson	Treadway
Coady	Hamlin	Oglesby	Tribble
Collier	Harris	Padgett	Underhill
Connelly, Kans.	Harrison	Page, N. C.	Underwood
Connolly, Iowa	Haugen	Park	Walker
Conry	Hay	Payne	Walsh
Cooper	Heflin	Peters, Mass.	Watkins
Cox	Helgesen	Peterson	Watson
Crosser	Helm	Pou	Webb
Cullop	Hensley	Quin	Williams
Dent	Holland	Ragsdale	Willis
Dershem	Hughes, Ga.	Rainey	Woodruff

ANSWERED "PRESENT"—2.

Sloan	Townsend

NOT VOTING—187.

Ainey	Fairchild	Lee, Pa.	Powers
Anderson	Fields	L'Engle	Prouty
Anthony	Flood, Va.	Levy	Riordan
Austin	Fordney	Lewis, Md.	Roberts, Mass.
Avis	Gallivan	Lewis, Pa.	Rothermel
Barchfeld	Gardner	Lieb	Rupley
Barnhart	George	Lindbergh	Sabath
Bartholdt	Gerry	Lindquist	Saunders
Bartlett	Gillett	Lloyd	Scully
Bell, Ga.	Goldfogle	Lobeck	Shackleford
Blackmon	Gordon	Loft	Sharp
Booher	Gorman	Logue	Sherley
Borland	Goulden	McAndrews	Sherwood
Brodbeck	Graham, Pa.	McGillicuddy	Shreve
Brown, W. Va.	Greene, Vt.	McGuire, Okla.	Slayden
Browne, Wis.	Griest	McKenzie	Smith, J. M. C.
Browning	Griffin	MacDonald	Smith, Md.
Bruckner	Gudger	Madden	Smith, N. Y.
Brumbaugh	Guernsey	Mahan	Smith, Saml. W.
Burke, Pa.	Hamill	Maher	Smith, Tex.
Butler	Hamilton, N. Y.	Manahan	Stanley
Calder	Hammond	Martin	Stedman
Callaway	Hardwick	Merritt	Stephens, Nebr.
Cantor	Hart	Metz	Stevens, Minn.
Cantrill	Helvering	Mondell	Stringer
Carew	Henry	Moon	Sutherland
Carlin	Hill	Moore	Switzer
Carr	Hinds	Morgan, La.	Talbott, Md.
Cary	Hobson	Morin	Taylor, Ala.
Cline	Houston	Moss, Ind.	Taylor, N. Y.
Copley	Hoxworth	Moss, W. Va.	Thomas
Covington	Hughes, W. Va.	Mott	Thomson, Ill.
Crisp	Humphreys, Miss.	Neeley, Kans.	Tuttle
Dale	Johnson, Ky.	Neely, W. Va.	Vare
Davenport	Jones	Norton	Vaughan
Decker	Kelly, Pa.	O'Brien	Vollmer
Deitrick	Kennedy, Conn.	O'Leary	Wallin
Dies	Kennedy, R. I.	O'Shaunessy	Weaver
Difenderfer	Kless, Pa.	Paige, Mass.	Whitacre
Dooling	Kinkead, N. J.	Palmer	White
Doremus	Kitchin	Parker	Wilson, Fla.
Driscoll	Knowland, J. R.	Patten, N. Y.	Wilson, N. Y.
Dunn	Konop	Patton, Pa.	Witherspoon
Dupré	Kreider	Peters, Me.	Woods
Eagan	Lafferty	Phelan	Young, N. Dak.
Eagle	Langham	Platt	Young, Tex.
Edwards	Langley	Porter	

So the motion of Mr. MANN to recede from the House disagreement to Senate amendment No. 30 was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. DUPRÉ (to recede) with Mr. TOWNSEND (against).

Until further notice:

Mr. CONNELLY of Kansas with Mr. PROUTY.

Mr. STEPHENS of Nebraska with Mr. WOODS.

Mr. TALBOTT of Maryland with Mr. PATTON of Pennsylvania.

Mr. LLOYD with Mr. MONDELL.

Mr. FLOOD of Virginia with Mr. KREIDER.

Mr. CLINE with Mr. DUNN.

Mr. BOOHER with Mr. PAIGE of Massachusetts.

Mr. TOWNSEND. Mr. Speaker, I voted "no." I am paired with the gentleman from Louisiana, Mr. DUPRÉ. I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. TOWNSEND, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The House declines to recede from its disagreement.

Mr. JOHNSON of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Carolina. The refusal of the House to recede from its disagreement to the Senate amendment would send that amendment to conference, would it?

The SPEAKER. Yes.

Mr. JOHNSON of South Carolina. I ask that the next amendment be reported.

The SPEAKER. The Clerk will report the next amendment.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the subject of mileage.

The SPEAKER. The gentleman from Washington [Mr. FALCONER] asks unanimous consent to extend his remarks in the RECORD on the subject of mileage. Is there objection?

There was no objection.

Mr. FALCONER. Mr. Speaker, a most remarkable line of parliamentary procedure has been adopted by the House of Representatives in the consideration of this mileage question.

Mr. Speaker, when this bill was first reported to the House it carried the mileage provision for actual traveling expenses incurred by Representatives and traveling expenses of immediate and dependent members of their families going to and returning from each session of Congress.

When the mileage paragraph was under consideration in the Committee of the Whole, an amendment was offered, striking out the above actual expense for Member and family and inserting in lieu 20 cents per mile, or, in other words, restoring the old mileage. A viva voce vote was taken, and the amendment was agreed to. A division was asked for, and the amendment again carried by a good majority; tellers were asked for, and Members marched up the aisle to be counted. Again a good majority voted for the amendment, and it was carried.

On April 17, when this mileage paragraph was before the House, and a record vote could be obtained, a record vote was called for and the yeas and nays taken. This record vote, found in the CONGRESSIONAL RECORD, page 6842, shows 95 votes for 20-cent mileage and 242 votes for actual traveling expenses for Members and families.

The bill went to the Senate carrying the provision of the original bill, as reported to the House—actual traveling expenses for Representatives and members of their families.

On page 6841 of the RECORD, in the second column, is found a unanimous request by Mr. BYRNS of Tennessee that the Senate and House mileage items be considered in one vote. There was no objection; so by this parliamentary move the Senate was involved with the House in the House mileage. So ended the first chapter of this mileage proposition.

Mr. Speaker, the second chapter took place in the Senate, and the House bill was amended and the 20-cent mileage restored, and in due process of parliamentary procedure the bill went to conference.

Yesterday, Mr. Speaker, there was written in the RECORD the third chapter of this mileage matter, when the House by much debate and several record votes voted 5 cents per mile for Senators' mileage, postponing the consideration of House Members' mileage till to-day.

By a series of parliamentary gymnastics the House just now voted not to recede from the House disagreement to the Senate amendment on House mileage, and now, Mr. Speaker, we have a record vote of the same men, economists, if you please, last evening voting 5 cents per mile for Senators' mileage allowance and to-day voting actual traveling expenses for Representatives and their families.

Chapter 4, Mr. Speaker, finds the bill back in conference.

Mr. Speaker, was there ever a more complete demonstration of political trimming by parliamentary chicanery? What is the purpose and what is the effect on the public?

Mr. Speaker, "mileage" and "graft" have for some time been held up by the press of the country as synonymous terms. Is there a man here who believes the present mileage is graft? If so, why did he not object to the unanimous consent to consider Senate and House mileage in one vote by Mr. BYRNS of Tennessee when the bill was before the House?

I am informed, Mr. Speaker, that it has been the rule for long years standing that each branch of this legislative body shows to the other the courtesy of letting each House carry out the details of its organization, numbering and naming its own employees and the amount of compensation paid to each. The Senate and House each heretofore has decided its own mileage. But, Mr. Speaker, we find these patriotic Congressmen—Congressmen who would protect (?) the taxpayer—saying yesterday: "Mr. Senator, you have been participating in a 'graft'; from now on you will get only 5 cents per mile for your traveling expenses," while to-day we find these same economizing (?) Congressmen voting to themselves actual traveling expenses for themselves and their families.

Mr. Speaker, on the record vote of April 17, page 6842, I am recorded voting for 20 cents per mile, as against traveling expenses for myself, my wife, and four young people. In that vote, sir, I did not vote to favor myself one dollar. It took fully 20 cents a mile to bring my family across the continent. At that I do not ask that this expense fall on the Government.

Mr. Speaker, there has been no proposition on which I have voted, or had a chance to vote, where 20-cent mileage or a less amount for House Members has been involved. Why do not the conferees eliminate this parliamentary tangle with the Senate and put the House on record on House mileage?

The Senate will not interfere if House Members vote 5 or 10 cents a mile for House Members. Out of courtesy established in years of practice the will of the House will be respected.

Mr. Speaker, the result of this whole matter, taking as it has many hours of debate, has been that some Members of this House have been advertised the country over as guardians of the public funds, while actually sparring behind parliamentary methods for 20-cent mileage.

This is not an unjust statement. If so, why did the majority, without exception, in Committee of the Whole vote for 20-cent mileage, when there was no chance to get the record of Members? Why did not some economic Member object to unanimous consent to consider Senate and House mileage together? Why will the RECORD to-day show such inconsistencies in the vote? There is only one answer. In my State, Mr. Speaker, legislative mileage is 10 cents. Individual witnesses and jurors in and before the court receive 10-cent mileage. If 20-cent mileage is graft, eliminate entangling alliances of a parliamentary character, step out in the open, and vote it down. Give each Member of the House an opportunity to record his vote on the House mileage for something definite and in the interest of real economy, instead of recording a vote for political purposes and home consumption. We will reduce the mileage.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of mileage.

The SPEAKER. The gentleman from Kansas [Mr. TAGGART] asks unanimous consent to extend his remarks on the subject of mileage. Is there objection?

Mr. MANN. Reserving the right to object, in view of the fact that the gentleman from South Carolina [Mr. JOHNSON] would not even allow five minutes for actual discussion, I shall object to all such requests.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and serves notice that he will object to all such requests. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 33: Page 30, after line 18, insert: "Legislative reference: To enable the Librarian of Congress to employ competent persons to prepare such indexes, digests, and compilations of law as may be required for Congress and other official use pursuant to the act approved June 30, 1906, $25,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment numbered 33.

Mr. LENROOT. Mr. Speaker, as a preferential motion, I move that the House recede from its disagreement to this amendment and concur in the same.

The SPEAKER. The question is on the preferential motion.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. LENROOT. Five minutes.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, I am very sorry, indeed, that the conferees have not seen fit to agree to this amendment. It is an amendment that ought to be adopted. It is a provision of law that we ought to have had a long time ago.

Mr. Speaker, in every calling of life a man can not do very good work unless he has the tools with which to do it, and tools are provided for every calling in life except to the lawmakers in the Congress of the United States. It has been the theory and the policy that Members of Congress can legislate without the facilities that they ought to have for legislating. All that this amendment does is to create in the Library of Congress a body of experts whose duty it will be to compile and index the various laws of the United States, of the States, and of foreign countries for the use of Members of Congress.

As illustrative of the condition that exists, I am a member of the Committee on the Public Lands. We have been working all winter long. We have had hundreds of bills before that committee, and during this entire winter I have attempted a number of times to secure a compilation of the public-land laws, so that the committee in considering these bills might know, without spending hours and hours every time a question comes up, what the laws are upon the subject already enacted by Congress; but in each case we have been compelled to go through the Statutes at Large and to search the appropriation bills for legislation, where it is often hidden, and the consequence is a great deal of time has been wasted by that committee because there was no compilation of the land laws.

What is true of the Public Lands Committee is true of nearly every other committee of this House. The Committee on the Judiciary at this session, in the consideration of the antitrust bill, found it necessary to secure a compilation of all the antitrust laws of the various States of the Union and of foreign countries. They published that in a separate volume, and it was of immense benefit to every Member of Congress who was studying that question.

I might go on with almost every committee of this House dealing with important, live legislation. They need this expert service. There should be a corps of experts to compile this information for the use of Members of Congress.

It is a very small amount of money, comparatively speaking. We have this great Congressional Library here. We have magnificent reading rooms. How often do you see a Member of Congress over there doing any work? Not that we do not use the Library. We do. But we waste an immense amount of time, because there is no organized force there to assist Members of Congress in finding what they want; and when they do find it, it is so scattered that it takes a great deal more time than it ought to take for a Member of Congress to be informed on the particular question involved.

Mr. TOWNSEND. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. TOWNSEND. Is not this whole question covered, even more thoroughly than in this amendment, by a bill prepared by the House Library Committee and introduced by the gentleman from Massachusetts [Mr. GARDNER]?

Mr. LENROOT. I think not. This has nothing to do with bill drafting or advising committees of the House, or advising conference committees, which I believe is very largely the scope of the bill before the Library Committee.

Mr. TOWNSEND. There are two bills, one of which does cover this to some extent.

Mr. LENROOT. However that may be—and I want to be very frank with the House—I do not believe this bill goes as far as it ought to go; but it is the very least that Congress should begin with in the consideration of this important question. Every State in the Union, whether it is Democratic or Republican, that claims to be making progress at all to-day, has legislative reference libraries. The Congress of the United States alone has none, and I am sorry, indeed, that the members of the conference committee have been unwilling to do this little that is proposed in this amendment. I sincerely hope that this amendment will be concurred in.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. THACHER].

Mr. THACHER. Mr. Speaker, the distinguished gentleman from Wisconsin [Mr. LENROOT] has very fully set forth the need for this piece of legislation, which I trust will be adopted. May I state, as a member of the Committee on the Library, that some 10 years ago the librarian made a request that the sum of $25,000 be appropriated for this work, and also for the translation of legislative codes and laws of other countries. I was

told that recently one of the departments wished to get a copy of the constitution of Nicaragua. They found it difficult to get this and also difficult to get anyone to translate it. This appropriation will enable the Library to have the constitutions and laws of all the countries of the world, and also to have the laws of the different States, ready for the Members of the House and the Senate, for reference in preparing the important work before Congress, as the gentleman from Wisconsin [Mr. LENROOT] has very well explained.

This is not new legislation, because there was an appropriation authorized in 1906. Without going into the subject fully at this time, I would say that it is a very important work.

The legislative bureau bill, which the gentleman from New Jersey [Mr. TOWNSEND] inquired about, provides for some of this very work, and also for a bill-drafting bureau, and has a much wider scope than this amendment. This proposes assistance in giving information to the Members of the Congress. I trust that the amendment may be adopted.

Mr. MURDOCK. Will the gentleman yield to me a minute or two?

Mr. JOHNSON of South Carolina. I will a little later. I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Speaker, I believe this is one of the provisions which ought to be agreed to. If it is agreed to it will be of vastly more service to Members of the House than it will be to Senators. The facts are that if a person wants information on a certain subject he can send over to the Library and get the books, and if he has time he can dig out that information. If a book is written in a foreign language, and if a person can not read that language, he can employ some one to translate it. The Senators have clerks to aid them in securing such information. We do not have that assistance which Senators have. The librarian has a pile of requests from Members of the House for information along certain lines. A Member of the House not only wants books, but he wants information. He wants to know what is in the various books on a certain subject. The librarian has been compelled to turn down these requests because he has no help to aid him in giving Members that information.

I believe this amendment does not go far enough. I regret that we have not legislation on which we might appropriate money so that the Members of Congress could obtain the information that is contained in the books in the Library, which they can not get at this time because they do not have the time required for the investigation of these various questions. I believe that the appropriation of $25,000 is the beginning of a program that will cost a good many thousand dollars, but I believe it will be money very well spent. It will give Members of Congress information upon subjects upon which they do not now have information. It will make the Congressional Library a real thing to a great many Members of Congress to whom at present it means practically nothing.

Mr. Speaker, this provision does not go far enough, but it goes as far as the Senate had authority under the law to make the appropriation, and I understand that the librarian will give it a broad interpretation, so that Members of the House can secure information upon subjects that are before Congress at various times or upon subjects upon which they are making investigations. It is a small appropriation. It is possible that the proposition will be found to be unworkable. If that is so, then there will be no necessity for enacting the legislation that is now pending in Congress for the creation of a similar bureau. It will help the committees of Congress that are now considering these bills for the creation of a legislative bureau. We will find by the workings of this bureau that will be established under this appropriation what is necessary in the way of legislation on this subject. It is a new thing, so far as the Congress is concerned, and I hope that the House will consent to the Senate amendment.

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I understand that the motion is to recede and concur in the Senate amendment. I shall vote for that motion, though I regret that a motion was not made to recede and concur with an amendment broadening the scope of the provision. What is proposed in the amendment will be helpful and useful. Indexes and digests of laws will be of very great value to us. But what we really need is to have in the Congressional Library a number of experts who can give us information promptly, give us facts and figures with regard to matters before the House for consideration. I know we have all of us had experience in going to the Library seeking information on various subjects. We have found the gentlemen over there anxious to aid as far as they could, but there is no one there whose duty it is to seek out and compile information for Members or who has the time in addition to other duties to do so. That is what we need. If we had more clerks, if we had a larger amount for clerk hire, if we were as fortunate in that respect as Senators are, we could each of us have an expert assistant, who could secure this information for us. But as we are limited in the amount of clerk hire, the time of our clerks being entirely occupied with the ordinary routine business of a Member, we have no one on whom we can call for information which we should have to inform us with regard to matters of legislation before the House. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, I am very much in favor of the motion of the gentleman from Wisconsin on Senate amendment No. 33, in regard to the legislative reference appropriation of $25,000 for the Library. Last night I read a very interesting hearing, the testimony of the Secretary of the Interior before the Public Lands Committee. During the course of the hearing the question came up as to foreign statutes on water-power sites. It developed that the only man present at that committee hearing who had those statutes was a young man, secretary to the conservation asssociation, Mr. Slattery. He was asked by the chairman of the committee to give them to the committee for inclusion in the report.

Unquestionably those statutes are in the Library of Congress. But they are not accessible readily to Members of Congress. The Library of Congress is, as its name implies, an institution which belongs to Congress. It was formerly housed in the Capitol. It has moved across the way and is now one of the show places of the Nation, probably the greatest. It has the finest collection of books this side the older countries of Europe. The matter that we want for reference purposes is available, but it is available to us only with difficulty. This appropriation of $25,000 would bring it together and make it accessible to Congress, and for the life of me I do not see why the chairman of the committee and the House conferees did not agree with the Senate on this proposition.

I want to say also that I believe the time is coming when we will have a complete legislative reference bureau in this Capital, and I expect the chairman in charge of this bill will support it when that proposal comes. I think this item is the beginning of that proposition, and it leads me to support it with enthusiasm.

Mr. JOHNSON of South Carolina. Mr. Speaker, there is pending in the Senate of the United States a bill that creates a reference bureau in the Library of Congress. I understand that a similar proposition is pending before the Committee on the Library in the House of Representatives. Inasmuch as this is a matter of legislation now pending in Congress before the committees having jurisdiction of that subject, and having superior knowledge of that subject, your conferees did not feel justified in anticipating the work of the proper committees.

Mr. LENROOT. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. LENROOT. Is the gentleman aware that committees in previous Congresses have acted favorably on the proposition, reported a bill to the House, and that it stayed on the House Calendar and never was reached?

Mr. JOHNSON of South Carolina. Yes, Mr. Speaker; the Committee on Appropriations provides money for carrying on the activities of the Government provided for by law. Bills that have been favorably reported and not acted upon are not sufficient justification for members of the Appropriations Committee to act upon. We had a request that the conferees would hear a distinguished Senator from the State of Wisconsin. The conferees have not yet had the pleasure of hearing that Senator on this proposition.

Mr. LENROOT. For the reason that the Senator has been ill and unable to appear before the conferees.

Mr. JOHNSON of South Carolina. In view of the fact that we are requested to let certain gentlemen be heard, and in view of the further fact that this is legislation pending in both branches of Congress, the committee of conference felt justified in bringing the amendment back to the House. I hope we may now have a vote.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. LENROOT] to recede from the House disagreement to Senate amendment 33 and concur in the same.

The question was taken; and on a division (demanded by Mr. JOHNSON of South Carolina) there were—yeas 68, noes 27.

Mr. BURKE of South Dakota. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 140, nays 94, answered "present" 3, not voting 196, as follows:

YEAS—140.

Abercrombie	Drukker	Howell	Patton, Pa.
Aiken	Edmonds	Humphrey, Wash.	Payne
Alexander	Elder	Igoe	Peters, Mass.
Allen	Esch	Johnson, Utah	Reed
Ansberry	Evans	Johnson, Wash.	Reilly, Wis.
Baker	Falconer	Kahn	Roberts, Nev.
Barton	Farr	Keating	Rogers
Beakes	Fess	Keister	Scott
Bell, Cal.	FitzHenry	Kelley, Mich.	Seldomridge
Borchers	Foster	Kennedy, Iowa	Sells
Britten	Francis	Kent	Sinnott
Brown, N. Y.	Frear	Kindel	Slemp
Bryan	French	Kinkaid, Nebr.	Smith, Idaho
Buchanan, Ill.	Gallagher	Korbly	Smith, Minn.
Burke, S. Dak.	Gallivan	La Follette	Smith, N. Y.
Burke, Wis.	Gard	Lenroot	Stafford
Burnett	Garner	Lesher	Stephens, Cal.
Campbell	Garrett, Tenn.	Linthicum	Stevens, Minn.
Cantor	Gill	Lonergan	Stevens, N. H.
Caraway	Gilmore	McClellan	Stone
Chandler, N. Y.	Godwin, N. C.	McCoy	Sutherland
Church	Good	McDermott	Talcott, N. Y.
Clancy	Graham, Ill.	Mann	Tavenner
Coady	Gray	Mapes	Temple
Connolly, Iowa	Green, Iowa	Miller	Ten Eyck
Conry	Greene, Mass.	Mitchell	Thacher
Cramton	Gregg	Mondell	Towner
Crosser	Hardy	Montague	Treadway
Curry	Haugen	Moss, W. Va.	Underhill
Danforth	Hawley	Murdock	Underwood
Davis	Hayes	Murray, Mass.	Vollmer
Dershem	Heflin	Murray, Okla.	Walsh
Dillon	Helgesen	Nelson	Willis
Donohoe	Hinebaugh	Nolan, J. I.	Winslow
Donovan	Howard	O'Hair	Woods

NAYS—94.

Adair	Dickinson	Jacoway	Rayburn
Adamson	Dixon	Johnson, Ky.	Reilly, Conn.
Ashbrook	Doolittle	Johnson, S. C.	Rouse
Aswell	Doughton	Kettner	Rubey
Bailey	Faison	Key, Ohio	Russell
Baltz	Fergusson	Kirkpatrick	Sims
Barkley	Ferris	Lazaro	Sisson
Bathrick	Finley	Lever	Stephens, Miss.
Beall, Tex.	Fowler	Lloyd	Stephens, Tex.
Booher	Garrett, Tex.	McKellar	Sumners
Bowdle	Gittins	Maguire, Nebr.	Taggart
Brockson	Glass	Morgan, Okla.	Taylor, Ark.
Buchanan, Tex.	Goeke	Morrison	Taylor, Colo.
Bulkley	Goodwin, Ark.	Oldfield	Thompson, Okla.
Burgess	Hamilton, Mich.	Padgett	Tribble
Byrnes, S. C.	Hamlin	Page, N. C.	Walker
Byrns, Tenn.	Harris	Park	Watkins
Candler, Miss.	Hay	Peterson	Watson
Carter	Hayden	Pou	Webb
Casey	Helm	Quin	Williams
Collier	Helvering	Ragsdale	Wingo
Cox	Hensley	Rainey	Witherspoon
Cullop	Hughes, Ga.	Raker	
Dent	Hull	Rauch	

ANSWERED "PRESENT"—3.

Dupré	Sloan	Townsend

NOT VOTING—196.

Ainey	Dunn	Kiess, Pa.	O'Leary
Anderson	Eagan	Kinkead, N. J.	O'Shaunessy
Anthony	Eagle	Kitchin	Paige, Mass.
Austin	Edwards	Knowland, J. R.	Palmer
Avis	Estopinal	Konop	Parker
Barchfeld	Fairchild	Kreider	Patten, N. Y.
Barnhart	Fields	Lafferty	Peters, Me.
Bartholdt	Fitzgerald	Langham	Phelan
Bartlett	Flood, Va.	Langley	Platt
Bell, Ga.	Floyd, Ark.	Lee, Ga.	Plumley
Blackmon	Fordney	Lee, Pa.	Porter
Borland	Gardner	L'Engle	Post
Brodbeck	George	Levy	Powers
Broussard	Gerry	Lewis, Md.	Prouty
Brown, W. Va.	Gillett	Lewis, Pa.	Riordan
Browne, Wis.	Goldfogle	Lieb	Roberts, Mass.
Browning	Gordon	Lindbergh	Rothermel
Bruckner	Gorman	Lindquist	Rucker
Brumbaugh	Goulden	Lobeck	Rupley
Burke, Pa.	Graham, Pa.	Loft	Sabath
Butler	Greene, Vt.	Logue	Saunders
Calder	Griest	McAndrews	Scully
Callaway	Griffin	McGillicuddy	Shackleford
Cantrill	Gudger	McGuire, Okla.	Sharp
Carew	Guernsey	McKenzie	Sherley
Carlin	Hamill	McLaughlin	Sherwood
Carr	Hamilton, N. Y.	MacDonald	Shreve
Cary	Hammond	Madden	Slayden
Clark, Fla.	Hardwick	Mahan	Small
Claypool	Harrison	Maher	Smith, J. M. C.
Cline	Hart	Manahan	Smith, Md.
Connelly, Kans.	Henry	Martin	Smith, Saml. W.
Cooper	Hill	Merritt	Smith, Tex.
Copley	Hinds	Metz	Sparkman
Covington	Hobson	Moon	Stanley
Crisp	Holland	Moore	Stedman
Dale	Houston	Morgan, La.	Steenerson
Davenport	Hoxworth	Morin	Stephens, Nebr.
Decker	Hughes, W. Va.	Moss, Ind.	Stout
Deitrick	Hulings	Mott	Stringer
Dies	Humphreys, Miss.	Neeley, Kans.	Switzer
Difenderfer	Jones	Neely, W. Va.	Talbott, Md.
Dooling	Kelly, Pa.	Norton	Taylor, Ala.
Doremus	Kennedy, Conn.	O'Brien	Taylor, N. Y.
Driscoll	Kennedy, R. I.	Oglesby	Thomas
Thomson, Ill.	Volstead	Whaley	Wilson, N. Y.
Tuttle	Wallin	Whitacre	Woodruff
Vare	Walters	White	Young, N. Dak.
Vaughan	Weaver	Wilson, Fla.	Young, Tex

So the motion to recede and concur was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TOWNSEND with Mr. WOODRUFF.

Mr. LEE of Georgia with Mr. HULINGS.

Mr. HARRISON with Mr. STEENERSON.

Mr. FITZGERALD with Mr. VOLSTEAD.

Mr. DUPRÉ with Mr. LANGHAM.

Mr. CLARK of Florida with Mr. COOPER.

Mr. HOLLAND with Mr. PAIGE of Massachusetts.

Mr. OGLESBY with Mr. PROUTY.

The result of the vote was announced as above recorded.

SPEAKER PRO TEMPORE FOR SUNDAY, JUNE 28, 1914.

The Speaker appointed Mr. LINTHICUM to act as Speaker pro tempore on Sunday, June 28, 1914, at the memorial exercises in honor of the late Representative KONIG.

QUESTION OF PERSONAL PRIVILEGE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Kentucky rises to a question of personal privilege. The gentleman will state it.

Mr. JOHNSON of Kentucky. Mr. Speaker, the Washington Times of yesterday contained an editorial, a part of which I will read, as it refers to me:

> Again, the chairman of the House District Committee has lately made it perfectly plain that the members of the new Board of Commissioners of the District have achieved the distinction of his hostility. We do not know just why Mr. JOHNSON has thus honored the commissioners; but the fact remains that he has done so, and in doing so has greatly improved their standing in the community and their hold on the confidence of the public. Mr. JOHNSON was especially vindictive in questioning the chairman of the board of commissioners during the recent public-ownership hearings. The performance of that occasion made apparent that these two would be of little use serving together on the proposed fiscal commission. Nobody could be of use trying to work with BEN JOHNSON. He is impossible, and that is all that need be said.

Mr. Speaker, I feel that this membership is entitled to know the truth concerning at least one sentence in this article. That sentence reads as follows:

> Mr. JOHNSON was especially vindictive in questioning the chairman of the board of commissioners during the recent public-ownership hearings.

In that connection, I wish to say that I have not the slightest doubt that every Member upon the floor of this House who read that article believes that I have been guilty of discourtesy to the president of the Board of Commissioners of the District of Columbia. Recently Mr. Judson Welliver was before the committee of which I have the honor to be chairman, and upon that occasion he said that he was the editor of the Washington Times. The article which I have just read is an editorial in that paper. The fact is that when Commissioner Newman appeared before the District Committee upon the occasion referred to in this article I was in Kentucky, where I had gone to attend the funeral of the late Senator Bradley, and was not present at that meeting of the committee at all. It is further true, so I am informed by the gentleman from Ohio [Mr. CROSSER] and the gentleman from Arkansas [Mr. CARAWAY] and others, that Mr. Judson Welliver, the editor of the Washington Times, was himself present when Mr. Newman appeared before the committee. Therefore Mr. Welliver knew when he made this statement in his paper of yesterday that I was not present, and therefore had not been guilty of mistreating the president of the Board of Commissioners of the District of Columbia.

Mr. Speaker, there is purpose in all this misrepresentation. It has been the purpose of the Washington Times, and particularly of this editor, to malign and abuse me in order to discredit me not only with the public generally, but also with the membership of this House, in order to gain the end which he most desires, and that is to have me, by means fair or foul, displaced from the chairmanship of that committee. The statement has gone to the country at large that I, as chairman of that committee, having been selected to that important position by the membership of this House, without any manner of excuse, have been guilty of an indignity to the president of the Board of Commissioners of the District of Columbia when he appeared before that committee on official business. Without knowing what he is going to say next, but knowing what he has said in the past, I feel it my duty to advise the membership of this House that I have not been guilty of the things with which he has been continually charging me. All his articles are more or less libelous. I hope I shall not be driven in the future to pay any more attention to any of them than I am paying now to this one; and I am doing this not for myself alone, but that the membership of this House and the public may know that the chairman of a committee is not

doing the things that this assassin of character would have you believe he is doing. [Applause.]

When that article appeared in the Washington Times of yesterday I clipped it, and at the top of the column I wrote these words: "For your information." I signed my name to it and mailed it to Commissioner Newman. Only a few minutes ago I was talking to him over the telephone. He said that when he saw the article in the paper yesterday he was angered because such a thing concerning him and me had been printed. He has my unqualified esteem, and I believe I have his. He said to me over the telephone that when he read that article he called up the management of the newspaper and told them that there was no justification in truth for any such publication, and demanded that it be corrected. Mr. Newman further tells me—and the next issue of the paper verified it—that the editor of that paper cut out of that editorial that which I have just read, leaving the rest of the editorial in the later editions of the paper, not having the manliness to say that he had done me a wrong; but he let it go, with no correction of it except by the extraction from the later editions of his paper of this mendacious and villainous thing.

If he had been half a man, he would have said to the public, to whom he peddled this lie at a penny apiece, that he had done me an injury; but the cowardly cur would not do that. Why, even he was before our committee, and he was treated courteously, just as though he were a gentleman. [Laughter.]

Mr. Speaker, I do not care to take more of the time of the House, but I wish you to know the extent to which this whelp is lying concerning me. [Applause.]

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The Clerk read as follows:

Amendment No. 43: Assistant to the Secretary, to be appointed by the Secretary, $4,500.

Mr. BRITTEN. Mr. Speaker——

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 43.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise to make a preferential motion—to move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to Senate amendment numbered 43, and the gentleman from California [Mr. RAKER] offers a preferential motion to recede and concur. The question is on the motion of the gentleman from California.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. RAKER. Division!

The SPEAKER. The gentleman from California demands a division.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays, to save time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Evidently a sufficient number, and the Clerk will call the roll.

Mr. ELDER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ELDER. I would like to have the amendment again reported.

Mr. ADAIR. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The Clerk will call the roll.

The question was taken; and there were—yeas 83, nays 135, answered "present" 2, not voting 212, as follows:

YEAS—83.

Abercrombie	Donovan	Hayden	Raker
Aiken	Doolittle	Heflin	Reed
Allen	Falconer	Helvering	Reilly, Conn.
Ashbrook	Fergusson	Igoe	Reilly, Wis.
Bathrick	Ferris	Jacoway	Seldomridge
Beakes	Fitzhenry	Kahn	Smith, N. Y.
Beall, Tex.	Foster	Keister	Stevens, Minn.
Borchers	Francis	Korbly	Stevens, N. H.
Brumbaugh	Gallagher	Lonergan	Stone
Buchanan, Ill.	Gallivan	McClellan	Taggart
Bulkley	Gard	McCoy	Tavenner
Burke, Wis.	Gill	McKellar	Ten Eyck
Cantor	Gilmore	Maguire, Nebr.	Tuttle
Church	Gittins	Mitchell	Underhill
Clancy	Glass	Montague	Vollmer
Coady	Goeke	Morrison	Volstead
Connelly, Kans.	Goodwin, Ark.	Murdock	Walsh
Connolly, Iowa	Graham, Ill.	Murray, Mass.	Watson
Crosser	Gray	Nolan, J. I.	Williams
Cullop	Hardy	Oldfield	Wingo
Curry	Harrison	Rainey	

NAYS—135.

Adair	Dixon	Johnson, Wash.	Rouse
Adamson	Donohoe	Keating	Rubey
Alexander	Doughton	Kelley, Mich.	Russell
Aswell	Elder	Kennedy, Iowa	Scott
Bailey	Esch	Kinkaid, Nebr.	Sells
Baltz	Evans	Kirkpatrick	Sims
Barkley	Farr	La Follette	Sinnott
Barton	Fess	Lazaro	Sisson
Bell, Cal.	Finley	Lee, Ga.	Small
Booher	Fowler	Lenroot	Smith, Idaho
Bowdle	French	Lever	Smith, Minn.
Britten	Garner	Lloyd	Stafford
Brockson	Garrett, Tenn.	McDermott	Stephens, Cal.
Buchanan, Tex.	Garrett, Tex.	McLaughlin	Stephens, Miss.
Burgess	Godwin, N. C.	Mann	Stephens, Tex.
Burke, S. Dak.	Good	Mapes	Sumners
Burnett	Green, Iowa	Mondell	Sutherland
Byrnes, S. C.	Greene, Mass.	Morgan, Okla.	Taylor, Ark.
Byrns, Tenn.	Gregg	Murray, Okla.	Taylor, Colo.
Campbell	Hamilton, Mich.	Padgett	Temple
Candler, Miss.	Hamlin	Page, N. C.	Thacher
Cantrill	Haugen	Park	Thompson, Okla.
Caraway	Hawley	Patton, Pa.	Towner
Carter	Hay	Payne	Treadway
Casey	Hayes	Peters, Mass.	Tribble
Collier	Helgesen	Peterson	Underwood
Conry	Helm	Platt	Walker
Cox	Hensley	Pou	Watkins
Cramton	Hinebaugh	Quin	Webb
Danforth	Howell	Ragsdale	Willis
Davis	Hughes, Ga.	Rauch	Winslow
Dent	Humphrey, Wash.	Rayburn	Witherspoon
Dickinson	Johnson, Ky.	Roberts, Nev.	The Speaker
Dillon	Johnson, Utah	Rogers	

ANSWERED "PRESENT"—2.

Dupré	Sloan

NOT VOTING—212.

Ainey	Fairchild	Konop	Plumley
Anderson	Faison	Kreider	Porter
Ansberry	Fields	Lafferty	Post
Anthony	Fitzgerald	Langham	Powers
Austin	Flood, Va.	Langley	Prouty
Avis	Floyd, Ark.	Lee, Pa.	Riordan
Baker	Fordney	L'Engle	Roberts, Mass.
Barchfeld	Frear	Lesher	Rothermel
Barnhart	Gardner	Levy	Rucker
Bartholdt	George	Lewis, Md.	Rupley
Bartlett	Gerry	Lewis, Pa.	Sabath
Bell, Ga.	Gillett	Lieb	Saunders
Blackmon	Goldfogle	Lindbergh	Scully
Borland	Gordon	Lindquist	Shackleford
Brodbeck	Gorman	Linthicum	Sharp
Broussard	Goulden	Lobeck	Sherley
Brown, W. Va.	Graham, Pa.	Loft	Sherwood
Browne, Wis.	Greene, Vt.	Logue	Shreve
Browning	Griest	McAndrews	Slayden
Bruckner	Griffin	McGillicuddy	Slemp
Burke, Pa.	Gudger	McGuire, Okla.	Smith, J. M. C.
Butler	Guernsey	McKenzie	Smith, Md
Calder	Hamill	MacDonald	Smith, Saml. W.
Callaway	Hamilton, N. Y.	Madden	Smith, Tex.
Carew	Hammond	Mahan	Sparkman
Carlin	Hardwick	Maher	Stanley
Carr	Harris	Manahan	Stedman
Cary	Hart	Martin	Steenerson
Chandler, N. Y.	Henry	Merritt	Stephens, Nebr.
Clark, Fla.	Hill	Metz	Stout
Claypool	Hinds	Miller	Stringer
Cline	Hobson	Moon	Switzer
Cooper	Holland	Moore	Talbott, Md.
Copley	Houston	Morgan, La.	Talcott, N. Y.
Covington	Howard	Morin	Taylor, Ala.
Crisp	Hoxworth	Moss, Ind.	Taylor, N. Y.
Dale	Hughes, W. Va.	Moss, W. Va.	Thomas
Davenport	Hulings	Mott	Thomson, Ill.
Decker	Hull	Neeley, Kans.	Townsend
Deitrick	Humphreys, Miss	Neely, W. Va.	Vare
Dershem	Johnson, S. C.	Nelson	Vaughan
Dies	Jones	Norton	Wallin
Difenderfer	Kelly, Pa.	O'Brien	Walters
Dooling	Kennedy, Conn.	Oglesby	Weaver
Doremus	Kennedy, R. I.	O'Hair	Whaley
Driscoll	Kent	O'Leary	Whitacre
Drukker	Kettner	O'Shaunessy	White
Dunn	Key, Ohio	Paige, Mass.	Wilson, Fla.
Eagan	Kiess, Pa.	Palmer	Wilson, N. Y.
Eagle	Kindel	Parker	Woodruff
Edmonds	Kinkead, N. J.	Patten, N. Y.	Woods
Edwards	Kitchin	Peters, Me.	Young, N. Dak.
Estopinal	Knowland, J. R.	Phelan	Young, Tex.

So the motion was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. OGLESBY (to recede and concur) with Mr. PROUTY (against).

Until further notice:

Mr. SPARKMAN with Mr. SLEMP.

Mr. LINTHICUM with Mr. Moss of West Virginia.

Mr. HULL with Mr. MILLER.

Mr. HOWARD with Mr. FREAR.

Mr. GUDGER with Mr. EDMONDS.

Mr. CLINE with Mr. CHANDLER of New York.

Mr. CLAYPOOL with Mr. STEENERSON.

Mr. TALBOTT of Maryland with Mr. DRUKKER.

Mr. FITZGERALD with Mr. NELSON.

Mr. BROWN of New York. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. BROWN of New York. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. BRYAN. Mr. Speaker, I would like to vote "yea."

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. BRYAN. I just stepped out.

The SPEAKER. The gentleman does not qualify.

The Clerk will note as "present" Mr. BROWN of New York and Mr. BRYAN. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called and he voted "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The vote recurs on the motion of the gentleman from South Carolina [Mr. JOHNSON].

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 47: Page 40, line 2, strike out "$320,060" and insert "$329,960."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate. It is only a total.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 48: Page 40, line 22, insert the words: "Assistant to the Secretary, to be appointed by the Secretary, $4,500."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate numbered 48.

Mr. RAKER. Mr. Speaker——

The SPEAKER. Just a moment. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment numbered 48. Does the gentleman from California [Mr. RAKER] desire to be recognized?

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Speaker, this is a provision to create a new office to be known as "Assistant to the Secretary," and to be appointed by the Secretary, at a salary of $4,500 a year. On the 1st day of May, 1912, the chairman of the subcommittee, Mr JOHNSON of South Carolina, made a report to this House on the legislative bill, in which he said:

It should be stated, in justice to the Treasury Department, that of the total decrease of 406 existing specific employments proposed by this bill in all of the executive departments, 164 of them are in the Treasury Department alone, and practically all of that reduction is made on its initiative in submitting the estimates to Congress at the beginning of this session. It is interesting and important also in this connection to state that during the last Congress, in providing for the Treasury Department for the fiscal years 1911 and 1912, a total reduction was made of 342 salaried places with annual compensation amounting to $294,140; added to the number diminished in this bill, the total reduction in places in the Treasury Department for the three fiscal years, 1911, 1912, and 1913, amounts to 506 specific employments, with annual pay amounting to $501,480.

A magnificent tribute by a great Democrat to the great economy and efficiency of a Republican administration in the Treasury Department. [Applause on the Republican side.] Within one month his party in convention at Baltimore adopted a platform which contains another plank, which this House has cast aside and repudiated. That plank reads as follows:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

[Applause on the Democratic side.]

I am glad you applaud that sentiment, because your first act under a Democratic administration is to bring back men of those positions that were made vacant by a Republican administration.

Mr. Speaker, what are the facts? In 1914, under the estimates made by Secretary MacVeagh, there were 588 places in the office of the Secretary of the Treasury.

Those places, formerly many more of them, had been reduced, as the gentleman from South Carolina [Mr. JOHNSON] stated in his report in 1912, to 588 places. In the estimate for this year, the first estimate of a Democratic Secretary of the Treasury, instead of making a reduction, as was promised in the Democratic platform, there is an increase to 661 places in that office, or an increase of 73 places.

In another estimate, on page 25 of the report——

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. GOOD. In just a minute. On page 25 of the report that accompanied this bill—a report prepared by the gentleman from South Carolina [Mr. JOHNSON]—we find that in the Treasury Department there was a total of employees estimated for the fiscal year 1914 of 3,183. That is the number that was estimated for by Secretary MacVeagh. The first act of Mr. McAdoo, in making an estimate for an appropriation for his department, is to ask for 3,392 places, an increase of 219.

Mr. BYRNS of Tennessee. Now will the gentleman yield?

Mr. GOOD. I have read a Democratic promise from the Democratic platform. This increase in appropriation is Democratic performance. [Applause on the Republican side.]

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GOOD. I yield to the gentleman.

Mr. BYRNS of Tennessee. The gentleman is aware of the fact that the income-tax amendment has necessitated an increase in the number of employees?

Mr. GOOD. Oh, not at all. We have another item in this bill, where the Secretary is asking for $1,500,000 for the collection of the income tax.

Mr. BYRNS of Tennessee. That is for the enforcement of the law throughout the country.

Mr. GOOD. I do not yield further to the gentleman, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. GOOD. Mr. Speaker, if the matter of increase in the number of salaried positions were the only question involved I would not complain, for I realize that a Democratic administration is more expensive than a Republican administration, but when we stand before the terrible condition that has existed for the first year in the great office of the Treasury of the United States, we must recognize the utter incompetency of the present officials there to transact the business of the United States. Under Secretary MacVeagh we not only had a reduction in the number of salaried positions, but had an officer of the law who was able to administer the law. Our present Secretary, however, found conditions so "bad" that he had to have an examination made of his office, and I only want to point to one thing to show how he found the conditions in the office of the Treasurer. He found account No. 17045, which is the redemption agency of the United States Treasurer—national-bank redemption agency—in an examination made from February 13 to August 13 he found that in that account there were total credits on the ledger of $409,166,559.94 and the total debits were $386,092,636.09. No balance had been entered in the account since it was started; in over eight months not a single balance had been entered. The difference between the two sides of the ledger was a credit of more than $23,000,000, while the balance to the credit account on that day, according to the cashbook, was $28,000,000, or a difference of $5,000,000. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HEFLIN] one minute.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for one minute.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech made by the President of the United States to the editors of Virginia on yesterday.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to extend his remarks by printing in the RECORD the speech made by the President to the Virginia editors yesterday. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, the pending amendment is to provide an assistant to the Secretary of the Treasury, to be appointed by the Secretary, at a salary of $4,500. There are now three Assistant Secretaries of the Treasury, who are appointed by the President and confirmed by the Senate.

The House has just had before it an amendment very similar, in the State Department, providing for an assistant to the Secretary of State, to be appointed by that Secretary, at a salary of $4,500. That Department has also three Assistant

Secretaries. The only departments of the Government which have three Assistant Secretaries are the Department of State and the Department of the Treasury. The Postmaster General, it is true, has four Assistant Postmasters General.

Now, all the other departments are able to get along with one or two Assistant Secretaries, and without providing for an assistant to the Secretary. In the State Department, which has less business than any other department of the Government, except the new Department of Labor, the Secretary desired to have the right himself to name an assistant to the Secretary.

The Secretary of State was very prominent over at Baltimore a couple of years ago. It is said that he wrote the Democratic platform, although he has since taken the liberty of stating that some of its planks were not carefully considered and that attention ought not to be paid to them. I do not know just how he regards this plank in the platform which the gentleman from Iowa [Mr. GOOD] has just read to the House, but I think it would not hurt the Democratic side of the House to have it read again in view of the fact that about half of the Democratic side of the House has just voted in direct conflict with that plank in the platform, because if there ever was a useless office, an extravagant office, it was the one proposed—for an assistant to the Secretary of State, to which it was proposed to appoint a stenographer to aid our distinguished Secretary of State in keeping track of his engagements on the Chautauqua circuit. [Laughter on the Republican side.]

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I do.

Mr. GARNER. Has the gentleman heard any gentleman of the House, either on this side or that side, say that either the Secretary of State or the Secretary of the Treasury has ever asked that these offices be created?

Mr. MANN. Well, I have heard it said——

Mr. GARNER. Well, to whom were these requests made? I have not heard of them.

Mr. MANN. I am surprised that in the course of the lobbying done in behalf of those offices so distinguished a Member of the House as the gentleman from Texas [Mr. GARNER] has not yet been interviewed. They overlooked one chance possibly, though I doubt whether an interview with him would have done any good. [Laughter.]

Mr. GARNER. Now, the gentleman from Illinois would have it understood from his statement that this was a request very numerously made. So far as I can ascertain from the hearings had before the Committee on Appropriations of the House and from the hearings had before the Committee on Appropriations of the Senate, neither reveals the fact that either of these gentlemen, the Secretary of State or the Secretary of the Treasury, has asked that these offices be created.

Mr. PAYNE. It must have been done in an "insidious" way. [Laughter on the Republican side.]

Mr. MANN. Well, instead of coming out in the open and giving the reasons for the creation of these useless offices, they have endeavored to obtain them through secret machinations.

Mr. GARNER. Now, will the gentleman yield further?

Mr. MANN. Not unless I get more time.

Mr. GARNER. We will get more time for the gentleman, I think.

The SPEAKER. The gentleman declines to yield.

Mr. MANN. I will take the chances and yield to the gentleman.

Mr. GARNER. The gentleman has said this has been done through secret machinations. The gentleman ought to be honest with the House and tell us just how that has been done.

Mr. MANN. Oh——

Mr. GARNER. If the gentleman will permit, so far as the record of the Senate goes and so far as the record of the House goes there is not a scintilla of evidence showing that either the Secretary of State or the Secretary of the Treasury wants these offices created.

Mr. MANN. I have no doubt my distinguished friend from Texas, in his campaign in Texas, will say that, against the protest of the Secretary of State and in spite of the opposition of the Secretary of the Treasury, the distinguished Senate of the United States inserted amendments to force upon them $4,500 jobs, the occupants to be named by them; and there may be people in Texas so gullible that they will believe it.

Now, what does the Democratic platform say?—

REPUBLICAN EXTRAVAGANCE.

We denounce the profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

And the gentleman, having written that in the Democratic platform, immediately proceeds to ask for one of these useless offices to be of special benefit to him. I hope that we can defeat the proposition. [Applause on the Republican side.]

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, I am somewhat inclined to favor the creation of this new office. Recent experience with the office of the Secretary of the Treasury has led me to believe that they need more assistance down there. I am not responsible for Democratic promises of economy. I never expected them to be kept or fulfilled. I have never subscribed to any foolish promises not to increase the employees of the Government, and therefore, when I really believe that we need additional assistants in Government offices, I am free to vote for them.

The experience to which I refer is this: It will be recalled that some time ago in a deficiency bill the House placed a limitation upon the per diem expenditures of public officials traveling on public business. Soon after that limitation was made many complaints came to the members of the Committee on Appropriations, to the effect that the limit was too low, that the amount provided was wholly inadequate, particularly for members of the Cabinet and other high officials. It was stated that these gentlemen, in order to maintain the dignity of their positions, patronized first-class hotels, and that the daily expenditure was necessarily greater than the amount Congress allowed. The committee properly took these matters into consideration and we sought information upon which we could act, with a view to modifying that provision, and if it seemed necessary to increase the amount. With this object in view, I, as a member of the committee, sought information relative to the cost of recent travels of Government officials that might be used as a basis on which to estimate the necessity of an increase of the limit of expenditure.

The organization committee under the new currency law had at that time just concluded its travels about the country, and I addressed a letter to the Auditor of the State Department, seeking information which might be of value to the committee, which letter was as follows:

APRIL 15, 1914.

Hon. W. E. ANDREWS,
Auditor Treasury Department, Washington, D. C.

MY DEAR MR. ANDREWS: There has been some considerable discussion of the provision contained in the recent urgent deficiency act limiting the subsistence per diem allowance of public officials, and it is claimed, among other things, that the limitation is so low as to work hardship in some cases. I am seeking all the information I can secure on this point, and with that object in view would be glad to be furnished with the expense accounts of the members of the organization committee of the national reserve banks on their recent trip throughout the country seeking information with regard to the location of reserve banks and reserve districts.

Thanking you in advance for this information, I remain,

Very truly, yours,

FRANK W. MONDELL.

Two days later I received a reply from the auditor as follows:

APRIL 17, 1914.

Hon. FRANK W. MONDELL,
House of Representatives, Washington, D. C.

MY DEAR MR. MONDELL: I have just received your letter of the 15th instant, requesting information concerning certain expenditures for per diem allowances in lieu of subsistence of persons traveling on department business.

Under the following regulation of the department your communication will be referred immediately to the Honorable Secretary of the Treasury:

"1. Hereafter, except as otherwise provided by law, when Congress or any committee of the Senate or House of Representatives, or any officer of the Government of the United States, or any State or municipality, or any person, shall request information of any kind or character of the department, or copies of its records or files, the request shall be referred to the Secretary or Assistant Secretary in charge for instructions, and the reply for signature." (Department Circular No. 15 of 1898.)

Yours, very truly, W. E. ANDREWS, *Auditor.*

That, it will be noted, was the middle of April. Since that time, like the administration, I have occupied a position of watchful waiting. Up to this time I have received no answer to my communication, and I am entirely ignorant as to the amount those gentlemen spent. My hope is that by providing this new office near the Secretary, in close and confidential communication with the Secretary, with full knowledge of the expenditures of the Secretary's office, some time in the distant future I may secure an answer to my communication and thus have information on which to base a judgment as to the need of larger allowances by officials of exalted station. [Laughter.]

Mr. MANN. Will the gentleman yield for a question, Mr. Speaker?

Mr. MONDELL. Yes.

Mr. MANN. Is not the real reason why the gentleman has not heard from the Secretary of the Treasury because they are afraid to make public what these extravagant expenses were?

Mr. MONDELL. Oh, perish the thought, under an immaculate Democratic administration. I am amazed that the gentleman should make the suggestion. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, the gentleman from Iowa [Mr. GOOD] read from a report that I made on the legislative bill in 1912, in which I took occasion to congratulate a Republican official upon meritorious and efficient service to the people. I am sorry that my good and amiable friend from Iowa took advantage of this occasion to make a partisan speech. He should have taken advantage of it in order to commend the present Democratic Secretary of the Treasury as I commended the Republican Secretary in 1912.

Mr. Speaker, the gentleman speaks of an increase in the force. Why not be perfectly candid with the House? Twenty-nine of the people who are appropriated for in this bill in excess of the number we appropriated for for the current year are charwomen and laborers to take care of the new Bureau of Engraving and Printing. The other increases, amounting to only 10 clerks, are distributed through that great department.

What happened under Secretary McAdoo? We passed a tariff bill that has enormously increased the burdens of the Secretary of the Treasury. We passed a currency bill which placed great and responsible duties upon him. When he comes before the Congress in the estimates and asks for a man to assist him, our friends across the aisle undertake to make political capital out of it. Let me remind you that Secretary McAdoo when he came into office changed the policy that had been pursued by your party. For 30 years you had placed the surplus money in the Treasury of the United States at the disposal of banks without interest. When Mr. McAdoo became Secretary he said to the banks, "If you take the deposits of the public money, you must pay 2 per cent into the Treasury of the people"; and by that simple change in the interest of the people he made for the Treasury of the United States last year a million and a half or two million dollars. [Applause.] If you had pursued that policy when you were in power, you would have turned into the Treasury of the United States $60,000,000. [Applause.]

Mr. Speaker, the Secretary of the Treasury has great responsibilities, and he has conducted himself so fittingly and so well in that great office as to demand and receive the approval of the country.

Mr. GOOD. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. GOOD. Will the gentleman state when under a Republican administration in less than two months we sent abroad $75,000,000 in gold?

Mr. JOHNSON of South Carolina. What in the world has the amount of gold sent to Europe to buy cheap bonds got to do with the Secretary of the Treasury? Mr. Speaker, I have been reading the CONGRESSIONAL RECORD a long time, and I have been a Member of this House a good while. For 20 or 30 years before I came here I was at a loss to understand Republican logic, and I must say that all my years of service in this House have not enabled me to understand the logic of men on the other side of the aisle. They can make politics out of anything, and they draw conclusions where conclusions are not justified.

Now, Mr. Speaker, I am going on about the Secretary's office. He has great and responsible duties to perform and he is performing them well. I am authorized to say for him that he is willing to work long hours in order to discharge these duties, and that if there is the slightest objection to giving him the necessary help he will continue to work overhours. Mr. Speaker, I insist on my motion.

Mr. GOOD. Will the gentleman yield me one minute?

Mr. JOHNSON of South Carolina. I yield the gentleman from Iowa one minute.

Mr. GOOD. Mr. Speaker, the gentleman has made a statement in regard to being perfectly fair and candid with the House. I am afraid that the Committee on Appropriations that reported out this bill has not been entirely candid with the House. If it had, he would have told the House of the condition existing in one department under the Secretary of the Treasury that would have made you throw up your hands in holy horror. What are the facts? The facts are that the Treasurer of the United States found himself utterly incapable of performing the duties of his office. The work was running behind day after day, and he was unable to secure balances in the various accounts. He had a detail of almost 60 clerks in addition to the regular clerks appropriated for, and in six months was not able to strike his balances. What did he do? He went to the Civil Service Commission, that has been maligned so often, and had Mr. Herbert Brown and Mr. Herbert Wood detailed to his office to show him how to conduct the affairs of his office. They went into that office, and in 60 days they have been able to discharge 50 clerks, to send 10 more to the reading room with nothing to do, and have been enabled to bring the work current. [Applause on the Republican side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I did not intend to take any more time, but the gentleman has gone so far afield that I think the membership of the House ought to know the facts. The Secretary of the Treasury under the last Republican President, in February, 1913, just before going out of office, issued an Executive order that completely changed the methods of handling the public moneys.

Mr. GLASS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. GLASS. And may I supplement what my colleague says by the statement that although he had been Secretary of the Treasury for four years he gave as an excuse for delaying that order until the closing days of the Taft administration that he did not know the law was on the statute books. [Applause and laughter on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, that order was issued in the closing days of the Taft administration. The work that had been formerly done in the subtreasuries of the country was transferred to the Treasurer's office in the city of Washington, and before that work had been systematized Mr. McAdoo took charge of the Treasury Department, and it was necessary, in order to systematize the work, that this extra force should be detailed to the Treasurer's office. And the force has been systematized and the work has been brought down to date. It is true, as the gentleman states, that these men have been sent back whence they came, but whatever was done by anybody it was under the Secretary of the Treasury, and he is entitled to proper credit for it.

Mr. GOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. GOOD. Is it not a fact that practically all of the new machinery, tabulating machinery, that was brought in by the Secretary under the new administration was entirely discarded?

Mr. JOHNSON of South Carolina. The Secretary of the new administration brought in no machinery, Mr. Speaker.

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Let me tell the Members about this thing, and not about something else.

The SPEAKER. The gentleman from South Carolina declines to yield.

Mr. JOHNSON of South Carolina. The new Secretary of the Treasury did not make the organization. The organization was made by the outgoing Secretary, and the organization has been perfected and systematized and the useless men sent back to other places under the present Secretary of the Treasury, with the assistance of Mr. Brown and his force. Mr. Speaker, I ask for a vote.

Mr. GARRETT of Tennessee. Mr. Speaker, before the gentleman takes his seat, will he yield to me for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. GARRETT of Tennessee. In connection with the propositions pending here to create new positions in the Department of State and the Department of the Treasury—and I voted against the creation of the new position in the Department of State and shall vote against the creation of the new position in the Department of the Treasury—I want to ask the gentleman if he recalls that about the beginning of the administration of President Taft there was a proposition brought in and urgently insisted upon by gentlemen on the other side to create a new office in the Department of State, which was to pay $10,000 a year—a kind of overlord proposition—which we finally succeeded in defeating?

Mr. JOHNSON of South Carolina. I remember that.

Mr. MANN. But not in the beginning of the administration of Mr. Taft.

Mr. GARRETT of Tennessee. A little later on.

Mr. MANN. A little before the administration came in, which I helped to defeat.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to further insist on the disagreement to the Senate amendment.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Did not the gentleman from California interpose a motion?

The SPEAKER. No. The question is on the motion of the gentleman from South Carolina.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 39, answered "present" 3, not voting 221, as follows:

YEAS—170.

Adair	Cooper	Hensley	Platt
Adamson	Cox	Howard	Plumley
Aiken	Cramton	Howell	Post
Alexander	Crosser	Hughes, Ga.	Quin
Allen	Cullop	Hull	Ragsdale
Ashbrook	Curry	Johnson, Ky.	Rainey
Aswell	Davis	Johnson, S. C.	Rauch
Bailey	Dent	Johnson, Utah	Rayburn
Baker	Dickinson	Johnson, Wash.	Reilly, Wis.
Baltz	Dillon	Kahn	Roberts, Nev.
Barkley	Dixon	Keating	Rogers
Barton	Donohoe	Kelley, Mich.	Rouse
Bathrick	Doolittle	Kennedy, Iowa	Rubey
Beall, Tex.	Doughton	Kettner	Russell
Booher	Elder	Kindel	Scott
Borchers	Esch	La Follette	Sinnott
Bowdle	Faison	Lazaro	Sisson
Britten	Farr	Lee, Ga.	Slemp
Brockson	Fergusson	Lenroot	Smith, Minn.
Brown, N. Y.	Fess	Lever	Stafford
Brumbaugh	Foster	Lloyd	Stephens, Miss.
Buchanan, Tex.	French	Lonergan	Stevens, Minn.
Bulkley	Gallagher	McClellan	Sutherland
Burgess	Gallivan	McDermott	Taggart
Burke, S. Dak.	Garner	McLaughlin	Talcott, N. Y.
Burke, Wis.	Garrett, Tenn.	Maguire, Nebr.	Taylor, Ark.
Burnett	Garrett, Tex.	Mann	Temple
Byrnes, S. C.	Gill	Mapes	Thompson, Okla.
Byrns, Tenn.	Gilmore	Miller	Towner
Campbell	Gittins	Mitchell	Treadway
Candler, Miss.	Godwin, N. C.	Mondell	Tribble
Caraway	Good	Morgan, Okla.	Underwood
Carter	Goodwin, Ark.	Murdock	Volstead
Cary	Gregg	Murray, Okla.	Walker
Casey	Hamilton, Mich.	Nelson	Walsh
Chandler, N. Y.	Hamlin	Nolan, J. I.	Watkins
Church	Harrison	O'Hair	Watson
Clancy	Haugen	Oldfield	Willis
Cline	Hawley	Padgett	Winslow
Coady	Hayes	Page, N. C.	Witherspoon
Collier	Heflin	Park	Woods
Connelly, Kans.	Helm	Payne	
Conry	Helvering	Peterson	

NAYS—39.

Abercrombie	FitzHenry	Jacoway	Smith, N. Y.
Beakes	Fowler	Korbly	Stone
Bell, Cal.	Francis	McCoy	Tavenner
Bryan	Gard	McKellar	Ten Eyck
Cantor	Glass	Peters, Mass.	Thacher
Connolly, Iowa	Goeke	Raker	Tuttle
Danforth	Gray	Reed	Underhill
Donovan	Hardy	Reilly, Conn.	Williams
Falconer	Hayden	Seldomridge	Woodruff
Ferris	Hinebaugh	Sells	

ANSWERED "PRESENT"—3.

Dupré	Flood, Va.	Sloan

NOT VOTING—221.

Ainey	Doremus	Helgesen	Lobeck
Anderson	Driscoll	Henry	Loft
Ansberry	Drukker	Hill	Logue
Anthony	Dunn	Hinds	McAndrews
Austin	Eagan	Hobson	McGillicuddy
Avis	Eagle	Holland	McGuire, Okla.
Barchfeld	Edmonds	Houston	McKenzie
Barnhart	Edwards	Hoxworth	MacDonald
Bartholdt	Estopinal	Hughes, W. Va.	Madden
Bartlett	Evans	Hulings	Mahan
Bell, Ga.	Fairchild	Humphrey, Wash.	Maher
Blackmon	Fields	Humphreys, Miss.	Manahan
Borland	Finley	Igoe	Martin
Brodbeck	Fitzgerald	Jones	Merritt
Broussard	Floyd, Ark.	Keister	Metz
Brown, W. Va.	Fordney	Kelly, Pa.	Montague
Browne, Wis.	Frear	Kennedy, Conn.	Moon
Browning	Gardner	Kennedy, R. I.	Moore
Bruckner	George	Kent	Morgan, La.
Buchanan, Ill.	Gerry	Key, Ohio	Morin
Burke, Pa.	Gillett	Kiess, Pa.	Morrison
Butler	Goldfogle	Kinkaid, Nebr.	Moss, Ind.
Calder	Gordon	Kinkead, N. J.	Moss, W. Va.
Callaway	Gorman	Kirkpatrick	Mott
Cantrill	Goulden	Kitchin	Murray, Mass.
Carew	Graham, Ill.	Knowland, J. R.	Neeley, Kans.
Carlin	Graham, Pa.	Konop	Neely, W. Va.
Carr	Green, Iowa	Kreider	Norton
Clark, Fla.	Greene, Mass.	Lafferty	O'Brien
Claypool	Greene, Vt.	Langham	Oglesby
Copley	Griest	Langley	O'Leary
Covington	Griffin	Lee, Pa.	O'Shaunessy
Crisp	Gudger	L'Engle	Paige, Mass.
Dale	Guernsey	Lesher	Palmer
Davenport	Hamill	Levy	Parker
Decker	Hamilton, N. Y.	Lewis, Md.	Patten, N. Y.
Deitrick	Hammond	Lewis, Pa.	Patton, Pa.
Dershem	Hardwick	Lieb	Peters, Me.
Dies	Harris	Lindbergh	Phelan
Difenderfer	Hart	Lindquist	Porter
Dooling	Hay	Linthicum	Pou
Powers	Sims	Stevens, N. H.	Wallin
Prouty	Slayden	Stout	Walters
Riordan	Small	Stringer	Weaver
Roberts, Mass.	Smith, Idaho	Sumners	Webb
Rothermel	Smith, J. M. C.	Switzer	Whaley
Rucker	Smith, Md.	Talbott, Md.	Whitacre
Rupley	Smith, Saml. W.	Taylor, Ala.	White
Sabath	Smith, Tex.	Taylor, Colo.	Wilson, Fla.
Saunders	Sparkman	Taylor, N. Y.	Wilson, N. Y.
Scully	Stanley	Thomas	Wingo
Shackleford	Stedman	Thomson, Ill.	Young, N. Dak.
Sharp	Steenerson	Townsend	Young, Tex.
Sherley	Stephens, Cal.	Vare	
Sherwood	Stephens, Nebr.	Vaughan	
Shreve	Stephens, Tex.	Vollmer	

The following additional pair was announced:

Mr. SIMS with Mr. SMITH of Idaho.

The SPEAKER. On the vote just taken the yeas are 170, nays 39, answering "present" 3; not a quorum.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at half past 10 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at half past 10 o'clock a. m. to-morrow.

Mr. MURDOCK. Mr. Speaker, reserving the right to object——

Mr. UNDERWOOD. I will state my purpose, and that is to move that the House adjourn now and let Members work an hour and a half in the morning instead of waiting two or three hours to-night——

Mr. MURDOCK. I want to suggest to the gentleman from Alabama that it is my understanding that the women who are in favor of suffrage are to present a petition to the Speaker of the House to-morrow morning at half past 10.

Mr. BRYAN. In his office.

Mr. UNDERWOOD. Well, I am sure the Speaker will be glad to designate somebody to occupy the Chair for a few moments.

Mr. MURDOCK. Why not make it 15 minutes to 11?

Mr. UNDERWOOD. I am sure that the Speaker will be able to make proper arrangements.

Mr. MURDOCK. I will object, Mr. Speaker.

The SPEAKER. Does the gentleman object?

Mr. MURDOCK. I object.

Mr. UNDERWOOD. I desire to state to the gentleman there will not be any trouble in arranging the matter.

Mr. MURDOCK. I want the Speaker present there.

The SPEAKER. The Speaker can be present there by appointing somebody to preside here to-morrow.

Mr. MURDOCK. Is the Speaker going to do that?

The SPEAKER. Yes.

Mr. MURDOCK. Then I will withdraw my objection.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow.

Mr. COOPER. Mr. Speaker, reserving the right to object, I would like to know the necessity for it. Here it is nearly 7 o'clock in the evening, and we are asked to meet to-morrow morning at half past 10. We have loafed along here week after week, and now we are trying to rush matters, with the mercury nearly 100 in the shade.

Mr. UNDERWOOD. It is approaching the 1st of July, and there are several other conference reports, and if these bills are passed by both Houses before the 1st day of July it will prevent the necessity for passing resolutions extending last year's appropriations. So it is important to get as many through as we can before the night of next Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD] that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13153. An act for the relief of Pete Jelovac; and

H. R. 12792. An act for the relief of Mrs. Thomas G. Priole widow of Thomas G. Prioleau.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p. m.) the House, under its previous order, adjourned until Saturday, June 27, 1914, at 10.30 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 16829) to provide for enlarging the site for the United States building at Plymouth, Mass., reported the same without amendment, accompanied by a report (No. 904), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DANFORTH, from the Committee on the Judiciary, to which was referred the bill (H. R. 17442) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of the Congress approved March 3, 1913, and June 6, 1914, reported the same without amendment, accompanied by a report (No. 905), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROUSE: A bill (H. R. 17505) to refund to the American Surety Co., of New York, an amount, with interest, paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States; to the Committee on Claims.

By Mr. ROBERTS of Nevada: A bill (H. R. 17506) authorizing the expenditure of the sum of $25,000 as a part contribution toward the erection of a monument at Washington, D. C., in commemoration of the discovery of "The New Constitution of Freedom"; to the Committee on the Library.

By Mr. DENT: A bill (H. R. 17507) ratifying, confirming, and validating the construction and maintenance of a dam under an act authorizing the Pea River Power Co. to erect a dam in Coffee County, Ala., approved February 23, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. SISSON: A bill (H. R. 17508) for the erection of a public building at Okolona, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. BOWDLE: A bill (H. R. 17509) requiring the Secretary of the Navy and the Secretary of War to discharge enlisted men against whom judgments or orders have been entered by the courts of the States or the District of Columbia requiring the payment of alimony or the support of children, and who are in disobedience of such judgment or order, provided war, actual or threatened, does not exist and Government property is not imperiled; to the Committee on Military Affairs.

By Mr. BEALL of Texas: A bill (H. R. 17510) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. RUSSELL: A bill (H. R. 17511) to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17512) granting an increase of pension to Louisa B. Tittle; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 17513) granting a pension to Lon Fleming; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 17514) granting an increase of pension to Mrs. Mary E. Patterson; to the Committee on Pensions.

By Mr. DEITRICK: A bill (H. R. 17515) granting a pension to John H. Amrock; to the Committee on Pensions.

Also, a bill (H. R. 17516) granting an increase of pension to Elizabeth Lister; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 17517) for the relief of Joseph B. Tanner; to the Committee on Indian Affairs.

By Mr. FOWLER: A bill (H. R. 17518) granting an increase of pension to Richard Southard; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 17519) for the relief of Lula Swain, widow of Ira Swain; to the Committee on Claims.

By Mr. GREENE of Massachusetts: A bill (H. R. 17520) granting a pension to Darius E. White; to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 17521) for the relief of John H. Engleman, administrator of the estate of John Engleman, deceased; to the Committee on War Calims.

By Mr. HELVERING: A bill (H. R. 17522) granting a pension to Harriet Anna Burns; to the Committee on Pensions.

By Mr. HOWARD: A bill (H. R. 17523) granting a pension to James C. Allen; to the Committee on Pensions.

Also, a bill (H. R. 17524) granting a pension to A. Erlich; to the Committee on Pensions.

Also, a bill (H. R. 17525) granting a pension to Mahala D. Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17526) granting a pension to Eugene E. Thornton; to the Committee on Pensions.

Also, a bill (H. R. 17527) granting an increase of pension to Nancy H. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17528) for the relief of the heirs of Thomas Nelms, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17529) for the relief of the heirs of Allen S. B. Pior, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17530) for the relief of the heirs of Charles I. Winn, deceased; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 17531) for the relief of Artemus W. Pentz; to the Committee on Claims.

By Mr. McKELLAR: A bill (H. R. 17532) granting an increase of pension to Lymus Wallace; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 17533) for the relief of Chief Engineer George W. Magee, United States Navy, retired; to the Committee on Claims.

By Mr. MORRISON: A bill (H. R. 17534) granting a pension to Charles F. Burton; to the Committee on Pensions.

By Mr. RAYBURN: A bill (H. R. 17535) granting an increase of pension to Elizabeth Shackleford; to the Committee on Pensions.

By Mr. REED: A bill (H. R. 17536) granting an increase of pension to Mary A. Norton; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 17537) granting a pension to John Reel; to the Committee on Pensions.

By Mr. TEN EYCK: A bill (H. R. 17538) granting an increase of pension to John Welch; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 17539) granting an increase of pension to Robert C. Angus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17540) granting an increase of pension to Adelia Hall; to the Committee on Invalid Pensions.

By Mr. SELLS: A joint resolution (H. J. Res. 285) to correct an error in H. R. 11269; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of 100 citizens of Defiance, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BARTHOLDT: Petitions of Bottlers' Local Union, No. 187; F. C. Partech and Frank Winter, all of St. Louis, Mo.; and the Italian Chamber of Commerce of New York City and National Retail Grocers' Association of the United States, protesting against national prohibition; to the Committee on Rules.

Also, petition of F. E. Niesen, of St. Louis, Mo., protesting against the passage of House bill 1121, known as the Oldfield bill; to the Committee on Patents.

Also, petition of the North American Skat League of Milwaukee, Wis., against national prohibition; to the Committee on Rules.

Also, petitions of the St. Louis Women's Christian Temperance Union, the St. Louis Christian Endeavor Union, the Neigringhaus Union, the St. Louis Conference Missionary, and the Lafayette Union, in favor of national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petition of 24 voters of Brooklyn, Mich., in favor of national prohibition; to the Committee on Rules.

By Mr. CALDER: Petition of sundry citizens of New York, favoring House bill 5139, the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. COOPER: Petitions of the North American Skat League and sundry citizens of Kenosha, Wis., against national prohibition; to the Committee on Rules.

Also, petition of E. A. Brown Post, No. 130, Grand Army of the Republic, of Fond du Lac, Wis., favoring House bill 15841, for relief of soldiers' widows who married since June 27, 1890; to the Committee on Invalid Pensions.

Also, petition of the Epworth League of Dousman, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petition of 37 citizens of Alexandria, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DIXON: Petition of 78 citizens of Lawrenceburg, Ind., against passage of House joint resolution 168 and prohibition measures; to the Committee on Rules.

Also, petition of 24 citizens of the fourth congressional district of Indiana, against passage of House joint resolution 168 and prohibition measures; to the Committee on Rules.

By Mr. DOOLITTLE: Memorial of 929 citizens of the fourth district of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of the North American Skat League, against national prohibition; to the Committee on Rules.

By Mr. ESCH: Memorial of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. FESS: Petition of the Bethel Presbyterian Young People's Society of Christian Endeavor of Murdock; of the Friends Christian Endeavor Society of Friends Church, of Spring Valley; of the Presbyterian Church Sunday School and Young People's Society of Christian Endeavor of Loveland; and of the Bethel Christian Endeavor Society, of Loveland, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GOODWIN of Arkansas: Petition of the Christian Church of Hope, Ark., favoring national prohibition; to the Committee on Rules.

Also (by request), petition of various merchants of Hope and Prescott, Ark., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petitions of various voters of the second Pennsylvania congressional district and of Emil Cauffman & Co., of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of various Manila merchants, in relation to trade relations between the Philippine Islands and the United States; to the Committee on Ways and Means.

Also, petition of the Merchants' Association of New York and the Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in the sundry civil bill; to the Committee on Appropriations.

Also, petition of sundry citizens of Fairmount City, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HAMMOND: Petition of 35 citizens of Vesta, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of 225 citizens of Ogden, Utah, favoring national prohibition; to the Committee on Rules.

Also, petitions of M. S. Browning, Frank J. Stevens, A. M. Miller, David Mattson, W. H. Chevers, Thomas G. Burt, Buchmiller & Flowers, the Union Portland Cement Co., Joseph Scowcroft, J. W. Abbot, W. B. Porterfield, H. M. Rowe, the Ogden City Ice Co., Sam Thomas, George H. Tribe & Co., Patrick Healy, W. H. Harris, George McCormick, F. Fouts, T. D. Ryan, C. J. Humphries, Dr. C. F. Osgood, J. N. Spargo, J. L. Carlson, A. R. McIntyre, Murphy Hardy Co., the Ogden Wholesale Drug Co., A. P. Biglow, Last & Thomas, James Pingree, Robert L. Proudfit, T. H. Carr, A. L. Brewer, H. Buchmiller, Charles H. Smith, and others, all of Ogden, Utah, protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Utah (by request): Petition of sundry citizens of Ogden City, Utah, protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of 115 citizens of Seymour and 689 citizens of Waterbury, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of Ralph Daugherty and 21 others of Keokuk, Iowa, protesting against national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Petitions from L. Samter & Sons, Shreve & Co., the Remedial Loan Association, T. Lundy, and 16 other citizens of San Francisco, Cal., favoring appropriation for electric protective service on Federal buildings; to the Committee on Appropriations.

By Mr. LANGHAM: Petition of sundry citizens of Shippensville, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of the medical profession of East Liverpool, Ohio, favoring Lobeck-Lewis bill to classify employees in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of W. H. Quigley, M. D., and 160 other citizens of Omaha and South Omaha, Nebr., protesting against the adoption of the prohibition amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Board of Trade of Thompsonville, Conn., relative to improving the Connecticut River; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Petition of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Brooklyn, N. Y., relative to due credit, etc., to Frederick A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. MERRITT: Petition of sundry citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. MOTT: Petitions of the Merchants' Association of New York, and the Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in the sundry civil bill; to the Committee on Appropriations.

Also, memorial of various Manila merchants, in relation to trade relations between Philippines and the United States; to the Committee on Ways and Means.

Also, petition of sundry citizens of Fernwood, N. Y., and 300 citizens of Watertown, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of P. H. Ward and others, of Oswego County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petition of sundry citizens and Sunday Schools of Caddo County, Okla., and sundry citizens of Cogar, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Building Trades Department, American Federation of Labor, favoring passage of a bill for the protection of life and limb of the workmen on buildings in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Christian Endeavor Society of the Academy Avenue Congregational Church and the Christian Endeavor Society of the First Presbyterian Church, both of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petition of sundry citizens of Geneva, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAYBURN: Papers to accompany a bill granting an increase of pension to Elizabeth Shackleford; to the Committee on Invalid Pensions.

By Mr. SISSON: Petition of sundry citizens of the State of Mississippi, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petition of the First Pentecostal Church of the Nazarene; the Vernon Woman's Christian Temperance Union; the Epworth League, Garvanza Methodist Episcopal Church; E. A. Eastman and 50 others; Nana B. Caskey and Evelyn M. Davis, of Los Angeles; also the Ministers' Association of Whittier, and A. A. Allen, of San Pedro, all in the State of California, favoring national prohibition amendment; to the Committee on Rules.

Also, letters from the chamber of commerce committee of ninety-nine and the Society for the Study and Prevention of Tuberculosis, all of San Diego, Cal., favoring tuberculosis investigations; to the Committee on Interstate and Foreign Commerce.

Also, telegrams from Luckenbach & Co., Hambright & Walsh Co., E. Bastheim Co., E. W. Reynolds Co., the Los Angeles Ice & Cold Storage Co., the Carl Entermann Jewelry Co., J. Lippman, and Brownstein Louis Co., all of Los Angeles, Cal., and T. Lundy, Louis A. Giacobbi, Morgan & Allen Co., A. John Francis, J. S. Dinkelspiel, E. H. Forestier Co., Rosenthals (Inc.),

W. B. Glidden Co., A. Eisenberg & Co., Bullock & Jones Co., Baldwin Jewelry Co., Steinberger & Kalisher, the Brilliant Jewelry Co., Alphonse Judis Co., S. H. Friend, Deremer & Co., E. J. Evans, the Furrier, Walton & Co., and Hirsch & Kaiser, all of San Francisco, Cal., asking that funds be provided for electrical protection of Government buildings; to the Committee on Appropriations.

Also, resolution of the Brotherhood of Blacksmiths, of Riverside, Cal., favoring retirement for civil-service employees; to the Committee on Reform in the Civil Service.

Also, letters from the William Cluff Co. and the Frank B. Peterson Co., of San Francisco, Cal., favoring legislation against false financial statements; to the Committee on the Post Office and Post Roads.

Also, telegram from the Pacific Coast Loggers' Association, favoring foreign ships carrying United States coastwise commerce; to the Committee on Interstate and Foreign Commerce.

Also, telegram from the German-American Alliance of Los Angeles, Cal., protesting against national prohibition amendment; to the Committee on Rules.

Also, resolution of the California Bankers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, letters from J. B. Guest and 54 other citizens of Los Angeles, Cal., city and county, asking legislation favoring an established retail price by manufacturers; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the San Diego (Cal.) Chamber of Commerce, also telegrams from the Robert Dollar Co., the Dunham, Carrigan & Hayden Co., the California Barrel Co., the Shipowners' Association of the Pacific Coast, Swayne & Hoyt (Inc.), Shreve & Co., L. Samter & Sons, and the Remedial Loan Association, all of San Francisco, Cal., protesting against legislation unjustly favoring organized labor and agriculture; to the Committee on Appropriations.

By Mr. TEN EYCK (by request): Petitions of sundry citizens of the twenty-eighth congressional district of New York, in favor of the Sheppard-Hobson resolution and Smith-Hughes bill; to the Committee on Rules.

By Mr. TOWNER: Petition of the Woman's Christian Temperance Union of Allerton, Iowa, representing 55 people, and the Christian Church of Corydon, Iowa, representing 100 people, favoring the enactment of a national constitutional prohibition amendment; to the Committee on Rules.

By Mr. UNDERHILL: Petition of the Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in the sundry civil bill; to the Committee on Appropriations.

By Mr. VOLLMER: Petitions of William Fritz and 40 other citizens of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

Also, petition of Tailors' Industrial Union No. 300, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

Also, petitions of Charles W. Lehmeyer and other citizens of Cincinnati, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of Walter F. Harrington, Edytha Chamberlain, and other citizens of Bellefontaine, Ohio, in favor of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

SENATE.

SATURDAY, *June 27, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we make mention of Thy name with reverence and godly fear. Thou hast dealt with us as Thou hast dealt with no other people. Thou hast given to us this great domain unsoiled by evil practices that have become the ethics of the people, unhindered by traditions that have become dominant with hoary age; but in the light of liberty and freedom Thou dost give to us to work out our destiny in this great land. We seek Thy guidance and blessing that in all we undertake we may have God's favor and that the completed work may redound to the honor and glory of Thy name. We ask these blessings for Jesus' sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 12045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12792. An act for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau; and

H. R. 13153. An act for the relief of Pete Jelovac.

PETITIONS AND MEMORIALS.

Mr. SMOOT. I present a resolution in the form of a petition from Elizabeth A. Hayward, Elizabeth M. Cohen, and others of Salt Lake City, Utah, praying Federal legislation for woman suffrage. I ask that the body of the resolution without the names be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Salt Lake City, Utah, have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their rights to the ballot in 10 States, and confidently expect to see five more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a government in which half the people are denied the right of participation but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Salt Lake City, Utah, this 2d day of May, 1914.

Mr. LEWIS. I desire likewise to present a similar petition in behalf of the congressional committee of Chicago, Ill., National American Woman Suffrage Association, their official organization, requesting the Senate to aid the passage of such legislation as will permit a constitutional amendment for woman suffrage. I request that the petition be likewise printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Chicago, Ill., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see five more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a government in which half the people are denied the right of participation but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Chicago, Ill., this 2d day of May, 1914.

Mr. OLIVER. I present petitions similar to those presented by the Senator from Utah [Mr. SMOOT] and the Senator from Illinois [Mr. LEWIS] from various citizens of the State of Pennsylvania, praying for the adoption of a constitutional amendment relating to woman suffrage. I understand they are the same kind as those presented by other Senators, and as they will be printed in the RECORD I will refrain from making that request.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. CATRON. I have a petition similar to the one just presented by the junior Senator from Pennsylvania [Mr. OLIVER] from the Woman's Club of Albuquerque, N. Mex., signed by Mrs. Abbie L. Brewer, as presiding officer, and Mrs. Maud McFie Bloom, as secretary. I ask that the same disposition be made of it as was made of the petitions presented by the Senator from Pennsylvania.

The VICE PRESIDENT. The petition will lie on the table.

Mr. SMITH of Georgia. I present a petition signed by Mrs. Frances S. Whiteside, Dr. A. R. Holdenby, and other citizens of Atlanta, Ga., urging Federal legislation for woman suffrage. I will not ask that it be read into the RECORD, for I think a

number of us, judging from the color of the paper, have the same petitions to present from our respective States. I send the petition to the desk to be properly noted and referred.

The VICE PRESIDENT. The petition will lie on the table.

Mr. BRADY presented memorials of sundry citizens of Coeur d'Alene and Wallace, in the State of Idaho, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of sundry citizens of Ringgold, La., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND. In behalf of a great many petitioners in the State of Wisconsin, amounting to hundreds, I present petitions favoring Federal legislation for woman suffrage.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Cass County, St. Joseph County, Ann Arbor, Allen, Kalamazoo, and Flint, all in the State of Michigan, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW. I have a petition in behalf of woman suffrage adopted at a mass meeting held at Topeka, Kans., on the 2d day of May. It is short, and I should like to have it incorporated in the RECORD and appropriately referred.

There being no objection, the petition was referred to the Committee on Woman Suffrage and ordered to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Topeka, Kans., have assembled to-day to voice our demands that women of the United States be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see five more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a government in which half the people are denied the right of participation but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at the Commercial Club rooms, this 2d day of May, 1914.

M. L. DOERING, *Presiding Officer.*

Attested:

LORETTA STRICKLER, *Secretary.*

Under auspices of the Woman's Commercial Club, composed of the business and professional women of Topeka. Has 125 active members.

Per A. C. PISANI.

Mr. SHEPPARD. I have a brief note here from Miss Gordon, president of the Woman Christian Temperance Union, which I ask to have read.

There being no objection, the Secretary read as follows:

FRIDAY MORNING.

DEAR SENATOR SHEPPARD: I have a telegram that on June 17, in Chicago, the General Federation of Women's Club (representing 1,000,000 members), in biennial convention, adopted a resolution declaring for "Federal and State-wide prohibition."

Yours, sincerely,

ANNA A. GORDON,
President, W. C. T. U.

Mr. LIPPITT presented petitions of sundry citizens of Woonsocket, Westerly, Newport, and Providence, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Boston, Rockland, North Abington, Groveland, Mansfield, Marlborough, Worcester, and West Newburg, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented resolutions adopted by St. John's Council, No. 404, Knights of Columbus, of Attleboro, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. MYERS presented a petition of the Montana Conference of Seventh-day Adventists, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Owatonna, Chisholm, and Cottonwood, all in the State of Minnesota, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. NELSON (for Mr. FALL) presented a petition of sundry citizens of Portales, N. Mex., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of sundry citizens of Charlotte and Chapel Hill, in the State of North Carolina, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GOFF presented a petition of sundry citizens of Fairmont, W. Va., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. BURLEIGH presented a memorial of the Board of Trade of Portland, Me., remonstrating against the enactment of legislation discriminating in favor of labor and agricultural organizations, which was ordered to lie on the table.

He also presented a memorial of Captain Seth T. Hutchins Circle, Ladies of the Grand Army of the Republic, of North Anson, Me., remonstrating against any change in the American flag, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Chadron, Table Rock, David City, McCook, Kenesaw, Uplands, Central City, and Shelby, and Custer County, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Hastings, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of sundry citizens of Seattle, Wash., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of Monroe County, Chenango County, New York City, Syracuse, Richburg, Sayville, Malone County, Franklin County, Huntington, Mount Vernon, Freeport, Hempstead, East Hempstead, Niagara Falls, Cambridge, Port Washington, Islip, and Rockaway, all in the State of New York, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of 400 church members of New Albany and of the Indiana Sunday School Association, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the memorials of Samuel Ball, Clem Cable, Hubert Moss, and 59 other citizens of Vigo, Parke, and Vermilion Counties, and of W. H. Rector, Hugh S. Miller, Harry Kunkel, and 48 other citizens of Dearborn, Vanderburgh, and Marion Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented petitions of sundry citizens of South Haven, Saginaw, Alpena, Montgomery, Harbor Springs, Kalamazoo, and Paw Paw, all in the State of Michigan, praying Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. LIPPITT presented petitions of sundry citizens of Pawtucket, Cranston, Providence, and Rockville, all in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Providence, R. I., remonstrating against the enactment at the present session of Congress of pending bills relating to the creation of an interstate trade commission, which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Union of Providence, R. I., praying for the enactment of legislation to prohibit the giving or selling of liquor to Indians or minors, which was referred to the Committee on the Judiciary.

Mr. LANE presented the petition of Mrs. A. C. Newill, Isaac Swett, and sundry other citizens of Portland, Oreg., urging Federal legislation for woman suffrage, which was ordered to lie on the table.

Mr. OLIVER (for Mr. PENROSE) presented petitions of sundry citizens of Oxford, West Chester, Plymouth, Conshohocken, Philadelphia, Delaware County, Altoona, Shippenburg, Harris-

burg, Washington, Somerset, Wyalusing, Towanda, Morristown, Lancaster, Williamsport, Scranton, Erie, Mercer County, Wellsboro, Tunkhannock, Reading, Bloomsburg, and Carlisle, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. OLIVER presented a petition of Pomona Grange, No. 52, Patrons of Husbandry, of Elk County, Pa., praying for the enactment of legislation to provide for Government ownership of telephone and telegraph lines, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

LEGISLATION OF THE CONGRESS.

Mr. OLIVER. I have a copy of extracts from an editorial which lately appeared in the Atlanta Constitution, a very influential paper published in the State of Georgia, commending the national administration for many of its acts and referring to some pending legislation, which I ask may be read at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

SOUTHERN IRON & EQUIPMENT CO.,
Atlanta, Ga., June 20, 1914.

DEAR SIR: Beg to call your attention to the following extracts from an editorial that recently appeared in the Atlanta Constitution:

"Since the Wilson administration assumed office three great masterpieces in legislation stand forth:

"1. Tariff reform.

"2. Currency reform.

"3. Undoing of the canal tolls blunder."

"Any one of these three achievements would have justified the party in going before the country and asking indorsement. Together they should be irresistible.

"And they will be irresistible if Congress, mindful of when the country has had enough, mindful of the condition of business throughout the country, will rest on its laurels, go home, and give business a chance.

"Since the first year of the Roosevelt administration business has been harried.

"To this day it is living in an atmosphere of uncertainty. Business thrives on uncertainty less than any other diet. It has stood admirably the two needed capital operations of the tariff and currency revisions, but it has not yet recovered from their effects. It is unfair to business to expose it at this time to further radical operations. The patient has lost blood; let him recuperate."

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 14404) for the relief of E. F. Anderson (Rept. No. 627); and

A bill (H. R. 14405) for the relief of C. F. Jackson (Rept. No. 628).

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 5197) granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes (Rept. No. 629); and

A bill (S. 5198) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest (Rept. No. 630).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Georgia:

A bill (S. 5997) providing that the register of wills and recorder of deeds in the District of Columbia shall be under the supervision of the District Commissioners, and for other purposes; to the Committee on the District of Columbia.

By Mr. BRISTOW:

A bill (S. 5998) authorizing the Secretary of War to donate to the Wilson Post, No. 115, Grand Army of the Republic, Wilson, Kans., and the Wilson Camp, No. 21, Sons of Veterans, Wilson, Kans., two bronze cannon; to the Committee on Military Affairs.

By Mr. BRADY:

A bill (S. 5999) granting a pension to Samuel C. Cochran (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 6000) for the relief of John Burrows; to the Committee on Claims.

By Mr. BURLEIGH:

A bill (S. 6001) granting an increase of pension to James S. Crockett; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 6002) granting a pension to Anton Teichman; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6003) granting an increase of pension to William H. Soule; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 6004) to convert the premises connected with Fort Johnston, in the town of Southport, N. C., into a public park; to the Committee on Military Affairs.

FEDERAL TRADE COMMISSION.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which was ordered to lie on the table and be printed.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. KERN submitted an amendment authorizing the Secretary of the Treasury to refund out of any moneys in the Treasury not otherwise appropriated to any trust company or other complainant taxes erroneously assessed or illegally collected under section 2 of the war-revenue act of June 18, 1898, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRYAN submitted an amendment proposing to appropriate $5,000 for surveys of oyster beds on the coast of Florida, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $66,000 for the establishment of aids to navigation and improvement of existing aids to navigation in the St. Johns River, Fla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment proposing to appropriate $3,000 to reimburse the estate of George W. Dant for such losses and expenses incurred by him growing out of the Ford Theater disaster of June 9, 1893, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment providing that creditable Civil War service of any Government appointee shall be accounted as having been equivalent to incident of service within any legal requirement, but not change of pay, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

NAVAL APPROPRIATIONS.

Mr. TILLMAN. Yesterday evening I submitted the report of the committee of conference on the naval appropriation bill and the two Senators from Florida asked me to let it go over until this morning, as they wished to make some remarks on it. I should like to call it up now.

The VICE PRESIDENT. The Chair lays before the Senate the conference report on the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes. The report was read yesterday, and it need not be again read.

Mr. TILLMAN. I ask that the conference report be agreed to.

Mr. FLETCHER. Before the report is acted upon, I desire to submit a few observations with reference to amendment numbered 33, which was disagreed to by the House and the Senate conferees have receded from that amendment.

Mr. SMOOT. I wish to say to the Senator from Florida that I was in hopes we might go on with the calendar under Rule VIII until 1 o'clock. The motion of the Senator from South Carolina is not debatable. I will ask the Senator from Florida how long a time he wishes to occupy?

Mr. BRYAN. I do not know how the Senator from Utah gets the idea that the question on agreeing to a conference report is not debatable.

Mr. SMOOT. I get it from Rule XXVII, which provides that—

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. BRYAN. The question of proceeding to the consideration of a conference report is not open to debate, but certainly the Senator from Utah does not contend that the question on agreeing to a conference report must be decided without debate.

Mr. FLETCHER. I think there is no rule which limits debate on a conference report.

Mr. SMOOT. I said I was not going to take the Senator off the floor if he did not intend to occupy very much time, even if the rule did not permit debate. I thought the motion was to proceed to the consideration of the report.

Mr. FLETCHER. Mr. President, I am going to take but a few moments. I think it is important to get into the RECORD some facts in connection with this item. It will take but a short while. I do not, however, understand that the question on agreeing to the conference report is not debatable.

The item I refer to is amendment No. 33, with reference to the Key West Station. It will be found on page 26 of the bill. It provided for an appropriation of $100,000 toward the construction of a breakwater at Key West, Fla. The amendment was based upon the report of an inspection conducted at the naval station at Key West, dated August 9, 1913, by a special board.

I regret exceedingly that this amendment has not been agreed to and does not become a part of the bill as it will finally pass. I am not going to insist upon disagreeing to the conference report, but I do think, in justice to this station and in justice to those who have favored the amendment, there ought to be some matters mentioned which will give a clearer understanding than apparently obtained in some quarters with reference to the subject.

It seems to me that anyone has a very defective vision who is unable to see that Key West must become a secondary naval base. It is a short-sighted policy which would neglect that station. I think anyone must recognize that if we do have trouble upon the high seas it is likely to occur in the Caribbean, and that a base of supplies at Key West, with communication, is absolutely indispensable.

The inspection of the naval station at Key West, Fla., was conducted June 19, 1913, and the report of it says:

1. In obedience to the department's order No. 1495-96, dated May 30, 1913 (copy appended, marked "A"), appointing a board to conduct inspections of the naval stations, New Orleans, La., Key West, Fla., Pensacola, Fla., Port Royal, S. C., and Charleston, S. C., the board thus appointed reports as follows on the naval station, Key West, Fla.:

2. The board met at the naval station, Key West, Fla., at 9 a. m., June 19, 1913.

Present: Rear Admiral John R. Edwards, president; Capt. George R. Evans, member and recorder; Naval Constructor William G. DuBose, member; Civil Engineer Archibald L. Parsons, member.

This board was appointed by the present Secretary of the Navy.

6. Independent of the defense and development of any other strategic point either in the Caribbean area or on the Gulf coast, the board is of the opinion that Key West will always be a most important strategic port in connection with the supply of the fleet during times of naval activity in and about the Caribbean Sea. Should a fortified base established in Caribbean waters be invested by the enemy in time of war, and our forces subjected to disaster, the increased importance of Key West as a base of supplies on which to rely will be apparent.

The report further went on to state:

As an emergency supply station, therefore, Key West might develop into one of exceeding importance, and therefore for war contingencies the station should be fitted with a reasonable reserve storage of oil and coal and reserve storehouses, as well as with excellent facilities for turning out castings and forgings of moderate size. Its military usefulness for a limited period may be, therefore, vast in extent, and it is but promoting national defense and along the line of preparedness to develop the station. With the building of the Florida East Coast Railway the possibilities of Key West as a supply station have vastly increased over conditions existing in 1898, and therefore an expenditure of a considerable amount would be well justified in preparing the station for emergency conditions that may not be remote. Considering the time required to develop the supply features of this station, particularly as regards the development of the site for the storage of coal and oil, there are cogent reasons for the consideration of the matter at the earliest practicable day.

Further on in this report, at page 187, the board says:

95. The entire water front of the naval station, including the naval piers already constructed, the Lighthouse Establishment pier, and the Army wharf at Fort Taylor are entirely unprotected from heavy seas from a southerly direction. In fact, these berths are dangerous during heavy weather, except when the wind is blowing from the north to the southeast. During 1909 and 1910 there were two hurricanes when the velocity of the wind reached for a brief time 80 to 100 miles an hour from directions producing the most dangerous conditions to vessels moored or berthed in this locality.

97. The board believes that provision for a breakwater along the lines recommended by the Bureau of Yards and Docks in its letter No. 8587 of November 27, 1912, will meet the needs of the naval service and will provide a safe anchorage under all conditions of wind or sea for small vessels, not only for the Navy but for the Army, Lighthouse, Customs, Marine-Hospital, and Revenue-Cutter Services.

This report confirms what had been the report preceding it, and what had been the views of the previous Secretary of the Navy. In its summary the board says:

117. The board is of the opinion that the problem of development of Key West should comprise two salient features:

(a) Its utilization as a repair and supply station for torpedo craft and submarines.

(b) Its utilization as a station for the maintenance of a reserve supply of coal and fuel oil.

* * * * * * *

As we are building about six destroyers every year and nearly that number of submarines, the efficient maintenance of both types of vessels demands that adequate and suitable berthing arrangements be provided for them. Despite the considerable number of naval stations that we possess, the only station at which special berthing facilities are being provided for such vessels is Charleston, S. C. The strategic position of Key West fully warrants the heavy expenditure recommended for a breakwater and piers, together with the shops and equipment essential for the repair and maintenance of the increasing number of torpedo craft and submarines that we are progressively acquiring.

120. Regarding (b): In view of the fact that Key West occupies a position close to the important strategic area comprising the Caribbean Sea and the Gulf of Mexico, the board is of the opinion that there should be an assured reserve supply of coal, fuel oil, and ammunition at this point. As has been pointed out in this report, this can be most advantageously accomplished at Key West by the development of Fleming Key.

121. The fact that Key West is on the direct lane between all seaport oil-pipe terminals of the Mexican, Texas, Oklahoma, and Louisiana oil fields and the seaports of the Atlantic and northern Europe ought to make it possible for that section to obtain a more assured supply of fuel oil at a more reasonable cost than could be furnished any other naval station that we possess on the Atlantic coast that is in close proximity to the sea.

Then the board concludes:

122. The board is of the opinion that the strategic position occupied by Key West requires that the question of its development be given early and serious consideration by the department. In this connection the board invites attention to the following extract from a letter addressed to the Secretary of War by the Secretary of the Navy, dated March 16, 1912, viz:

"The strategic position of Key West makes it the logical base for the torpedo flotilla that would control the northern entrance to the Gulf; and it might easily become a most important base for large ships in the case of operations extending from northward toward the Panama Canal."

This report is signed by John R. Edwards, George R. Evans, William G. DuBose, Archibald L. Parsons.

The recommendations contained in this report and the recommendations of the Secretary of the Navy, dated March 16, 1912, are completely ignored by the action taken with regard to this amendment.

Some question has been raised as to the estimate for this appropriation. I have a letter, which I will ask to have printed in the RECORD, dated April 14, 1914, to the effect that the department, in its estimates to Congress for the fiscal year 1914, included an item of $100,000 toward the breakwater at the Key West Naval Station. So that objection is not well founded. There was an estimate made in 1914 for this very identical appropriation.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The letter referred to is as follows:

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., April 14, 1914.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR: 1. Referring to your letter of April 13, 1914, the bureau is inclosing herewith one copy of its report, without appendices, No. 8587, of November 27, 1912, relative to the development of Key West; one copy of plan No. 60577, accompanying this report; and one copy of a congressional document in which will be found, on page 173, the report of the inspection board for shore stations on the Naval Station, Key West, under date of August 9, 1913.

2. The department, in its estimates to Congress for the fiscal year 1914, included an item of $100,000 toward the breakwater at the Key West Naval Station. This item was not included in the appropriation act. Estimates for improvements to Key West were not submitted by the department for the fiscal year 1915.

Sincerely, yours,

H. R. STANFORD.

Mr. FLETCHER. This amendment provides for the appropriation of $100,000 toward this breakwater recommended by these various boards and by the Secretary of the Navy, but absolutely ignored in the action upon this bill. There can be, it seems to me, no possible excuse for ignoring the natural conditions there obtaining, the absolute necessity of making this station a secondary naval base for supplies and communications at that point, which, as all these reports indicate, will become increasingly needful.

I regret exceedingly, Mr. President, that the matter has been treated as it has been by the action of the conferees on this bill. The improvement must come; it is needed now; it has been urged for years, and it ought to have been taken care of, because there is no possible argument to the contrary. The objection that the estimate was not made for it is not well taken, nor is any other objection to it well taken.

Mr. OVERMAN. If the Senator will yield to me, I am curious to know why he refers to it as a "secondary naval base." Why not call it a "primary naval base"?

Mr. FLETCHER. As I understand, the primary naval base is being developed at Guantanamo.

Mr. OVERMAN. Why not make Florida the primary base?

Mr. FLETCHER. It deserves to be made that, and for that matter I do not know why the primary base was developed at Guantanamo; but Guantanamo was supposed to be the naval base in the Caribbean Sea. For that reason I have mentioned Key West as the secondary base. I myself am in favor of making the primary base on our coast, but perhaps that can not be done at this time. At any rate, this improvement ought to be made; whether Key West is the primary base or the secondary base, this breakwater is essential, and it must be made. It must be taken care of, and I think beyond question it will be taken care of, but why should we neglect these claims for this improvement and why should the recommendations of the department and of these boards be ignored in this way? That is beyond my comprehension.

Mr. OVERMAN. Mr. President, it has been rumored that it is impossible to get fresh drinking water in Guantanamo. Is that true?

Mr. FLETCHER. I am not really advised as to that, I will say to the Senator; but I have heard such a statement. I really do not know, however, as to its correctness.

Mr. BRYAN. Mr. President, there is but little that I can add to the statement made by my colleague [Mr. FLETCHER] upon this item, which has gone out in conference. The House bill did not carry the item; it was added by the Senate committee and agreed to by the Senate.

In 1910 Secretary Meyer became enamored of Guantanamo as a naval base. I may say, in answer to the inquiry of the Senator from North Carolina [Mr. OVERMAN], that the development of Guantanamo has not met with the approval, as I understand, of the present Secretary of the Navy, although perhaps he has not come to a definite conclusion about it. The objections to Guantanamo are, first, that it is upon foreign soil; second, that it is no better than stations already established upon our own soil; and, third, that in the event of a war in the Caribbean Sea or an attack upon the Gulf of Mexico, it is admitted, even by Secretary Meyer, that in order for a foreign fleet to reach the Gulf of Mexico it must pass either through the Florida Straits or the Yucatan Channel, both commanded by Key West and the naval station there. The objection to making Key West a navy yard for the building and repair of ships as against the idea of retaining it as a naval station is due to the fact that it is difficult to fortify it.

In Secretary Meyer's report in 1910, Mr. President, he recommended the closing down of every navy yard south of Norfolk. He undertook to wipe out of existence all navy yards and stations, except Key West alone, covering a seacoast on the Atlantic of a thousand miles and more and of sixteen hundred miles on the Gulf of Mexico, and to substitute for them a naval base at Guantanamo. But even Secretary Meyer never recommended and never conceived the idea that it would be possible for the Navy Department ever to get along without maintaining and upbuilding and completing the plans for a first-class naval station at Key West. In his scheme of things he would have six navy yards within a total distance of 900 miles on the north Atlantic coast. The remainder of the coast would be without a navy yard and the Gulf of Mexico, and consequently the great Mississippi Valley, would be unprotected, and not only that, but the advantage of these ports that had for 86 years appealed to Secretaries of the Navy for use in time of war was brushed aside by Secretary Meyer. His idea was to have eventually only three navy yards, but he was unwilling, or thought it inadvisable, perhaps, to suggest which of the three, from Norfolk to Portsmouth, should be abandoned.

So he did not go to the extent of carrying out his plan in the beginning, thereby having the advantage, whether intended or not, to make it to the interest of the six north Atlantic navy yards to approve the scheme, and thereby have their united support; and after he had all but six abolished, he thought he could stand the opposition of the other sections of the country and the opposition of the three navy yards on the north Atlantic coast which he desired to abolish.

Mr. President, this is not a question of maintaining a navy yard for the building of ships. Perhaps it is true that we do not need for that purpose more than one Government navy yard, but that question is not involved in this amendment. What is involved in this amendment is this: Especially at this time and for the future our fleets will be called upon to go as often as anywhere else into the Caribbean Sea, into the neighborhood of the Panama Canal. To have a port of call in that vicinity to which to send torpedo vessels or battleships for supplies is very desirable, and Key West is the only convenient port. By establishing a naval base at Key West vessels in the region of the Panama Canal will save on a round trip about 3,000 miles.

There is no objection urged by anybody who has ever investigated this question. On the contrary, Secretary Meyer in 1910, in his report to the President recommending the abolishment of these navy yards, with reference to Key West had this to say:

> The Gulf of Mexico has two entrances, Florida Straits, commanded by Key West, and the Yucatan passage at the west end of Cuba, which is some 30 miles wide. These two entrances may easily be guarded by our own cruisers to prevent forays or attacks on the Gulf coast by smaller scattered cruisers. It is inconceivable that an enemy's battleships will ever penetrate the Gulf of Mexico unless our fleet in the Caribbean has been defeated.

It was inconceivable to him upon condition, however, that a navy yard and station were maintained at Key West. Of course it was not inconceivable that they could go to any part of the Gulf of Mexico if there was nothing there to stop them. He says again:

> It would seem evident that of the naval stations on the Gulf coast, Key West alone should be retained. The geographical situation of Key West as a base of supply to the fleet in the Caribbean leads one to this view. It is also a convenient point for the supply and quick repair of small gunboats and torpedo craft operating in the Caribbean Sea. * * * It should be pointed out here that in time of war there are two distinct lines of communication around Cuba from Guantanamo to Key West and the cities of the Gulf coast.

Then, with that idea in mind, Secretary Meyer sent to Key West as his representative to examine the harbor Admiral Stanford, who, in 1912, made his recommendation to the Secretary, and thereafter Secretary Meyer, in his recommendations to the Committee on Naval Affairs for the fiscal year 1914, requested of the House the identical amendment which the Senate put on this bill.

Mr. President, it is said by the House conferees that the objection to this item is that it has not been estimated for; that the Secretary of the Navy has not asked for it. The Secretary did ask for it last year; and to those who have made inquiry the reason why it was not granted last year is apparent. The War Department has its boats at Key West; the Treasury Department has its revenue cutters there; and various other departments of the Government have their craft there. When the War Department saw that the Secretary of the Navy was about to get an appropriation for the construction of a breakwater, it made a claim that whatever improvement was made there ought to take into consideration the War Department; and therefore the Secretary requested of his district engineer a report as to the necessities of commerce and as to whether the commerce of that port would justify an appropriation for the War Department. Why, Mr. President, it was a foregone conclusion that the district engineer would report to the Secretary that it was not needed as affecting commerce, because the harbor there is pretty deep already. They have three harbors ranging from 22 to 34 feet, and the outer harbor, where the battleships congregate, where they met before the War with Spain; where they assembled and stopped on their way to Vera Cruz; and where they call now, as Admiral Stanford reported, has an area of 6 miles adjacent to the city of Key West with a depth of water of 34 feet. There is plenty of water there to meet any requirements of commerce.

The objections urged by the House conferees, as I understand them, were, first, that the present Secretary did not recommend this, overlooking the fact that the board of inspectors appointed by him did unanimously recommend it in language as strong as it can be made and which was read to the Senate by my colleague. The other objection urged by the chairman of the House conferees was that a battleship could not come up to the dock; that this 34-foot area did not extend up to the naval station.

I submit that that is no objection. When battleships go into deep-water ports now the only reason they ever go to a dock is for the convenience of the crew in going ashore and returning. I think the House conferees will ascertain, if they will inquire at the Navy Department, that this objection is frivolous. Battleships do not go to a berth to take on supplies or fuel or coal, and for a very good reason. Their coal bunkers are small, and if they could get to a dock loading could be done upon one side only. If, instead, they remain out in the stream, as these ships do when they go to Key West to take on coal or oil, lighters come alongside, so that they can load from both sides at once. Yet that is the only objection that can be urged by the House at this time, when ships are calling there every day, in view of the troubles with Mexico—that the battleships could not come inside this breakwater that it is intended to make. That is the only objection.

I have made this statement to the Senate because it is inevitable, if the good of the Navy and the convenience and necessities of the ships are to be considered, that this station shall be maintained and improved. It is only a question of time.

I appreciate the action of the conferees upon the part of the Senate, who refused to yield to this amendment and sent it back to the House twice. I desire to express my appreciation of their action. I have the confidence to believe that if the House had been acquainted with the circumstances, and also if there had been enough of the Members of the House there to have made an expression of the will of the House, this item would have remained in the bill. The weather is hot, however, and there were only about 100 Members over there to vote on the important questions involved in this conference, and we have to do the best we can.

Before I take my seat I desire also to express my appreciation of the interest taken in this item by the Representatives from other States, especially Representative MOORE, of Pennsylvania, and Representative TRIBBLE, of Georgia.

Mr. FLETCHER. In connection with this matter I ask to have printed in the RECORD a letter of December 7, 1912, from the Secretary of the Navy to the chairman of the Committee on Commerce; a letter from Mr. Curtis, Acting Secretary of the Treasury Department, to the chairman of the Committee on Commerce, dated January 9, 1913; and a letter from the Chief of Engineers, Gen. Bixby, to the chairman of the Committee on Commerce, dated December 26, 1912.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

NAVY DEPARTMENT,
Washington, December 7, 1912.

SIR: 1. This department desires to have certain improvements made in the harbor of Key West, in order to provide a suitable naval station for the use of torpedo craft, submarines, and small cruisers and to serve as a base of supplies and communications. This scheme of development affects not only the Navy but other executive departments having reservations at Key West.

2. The various executive departments having reservations at Key West adjacent to each other are:

Navy: Naval station proper.

Treasury: Customhouse and post-office building, located within the limits of the naval station at its north end.

United States marine hospital, on a reservation just outside the southern boundary of the naval station.

Station ship of Revenue-Cutter Service; no office on shore.

Commerce and Labor: Lighthouse Establishment pier, with the naval station at its north end, between Piers A and B and opposite customhouse.

Agriculture: Weather Bureau on a reservation adjoining the reservation of the United States Marine-Hospital Service.

War: Fort Taylor Reservation, south of the naval station and extending from the reservation of the Marine-Hospital Service to and including Fort Taylor.

3. The most important improvement and one which will be of advantage to the various executive departments of the Government is the construction of a breakwater to form a semi-inclosed basin dredged to a depth of 20 feet to 22 feet, mean low water, as a protection for light-draft vessels in times of heavy weather and hurricanes.

4. The water front at the naval station, including the naval piers already constructed, the Lighthouse Establishment pier, and the Army wharf at Fort Taylor, is entirely unprotected from heavy seas from a southerly direction. In fact, these berths are dangerous during heavy weather except when the wind is blowing from the north to the southeast. During 1909 and 1910 there were two hurricanes in which the velocity of the wind reached 80–100 miles an hour from directions producing the most dangerous conditions to vessels moored or berthed in this locality.

5. Man-of-war anchorage at the upper end of the channel at Key West and 1 to 2 miles from the station, although exposed to some extent to seas from a southerly direction, is the only harbor of refuge at Key West and is used for this purpose by commercial vessels in bad weather. This anchorage carries a depth of 20 to 28 feet, mean low water. Its distance from the station, its limited area, and the needs of commercial shipping render it impracticable to reserve any portion of it for naval purposes.

6. Further development of the naval station and adjacent water front will be of little value unless at least a semi-inclosed basin is provided not only as a protection against heavy seas and hurricane winds, but to make it possible to retain the dredged depths at piers and along the water front. Under existing conditions storms from a southerly direction carry sand around Fort Taylor, rapidly filling in such areas as have already been dredged.

7. The basin proposed will provide a perfectly safe anchorage under all possible conditions of winds or sea for small vessels not only of the Navy but of the Army, Lighthouse, Customs, Marine-Hospital and Revenue-Cutter Services. Without a breakwater and the inclosed basin the water front occupied by the several executive departments can not be developed to provide a safe anchorage or berthing space for torpedo craft or light-draft vessels.

8. The dredging of the basin will provide considerable new land in front of the reservations of the Weather Bureau, the Marine-Hospital Service and the Army. A part of this made ground will be required by the Navy to give access to the proposed piers and the berthing space along the quay wall. If desired the Marine-Hospital Service can have access to a berth in front of its reservation.

9. The proposed items of improvement include the following:

Breakwater. The breakwater as desired will extend from Fort Taylor at right angles to the present pier headline and along the pier headline toward the north end of the station, a total distance of about 2,900 feet, inclosing a basin of approximately 55 acres, with entrance opposite the present marine railway. The length of this basin will be approximately 2,200 feet and the width 1,200 feet to 900 feet. The breakwater will be so constructed as to provide access from the station to vessels moored along its face and to furnish the Army with wharf facilities on that portion leading out from Fort Taylor.

Dredging. It is proposed to dredge the basin formed by the breakwater to a depth of 20 feet to 22 feet mean low water. The present depths vary from 6 feet along the line of the proposed bulkhead and quay wall to 20 feet at the breakwater. Part of the material can be used for filling in behind the bulkhead and quay walls on the Army reservation and possibly on areas within the city limits.

Bulkhead and Quay Walls. It is proposed to construct 2,200 linear feet, more or less, of bulkhead or quay walls from the end of the present quay wall at the naval station to Fort Taylor. These walls will be required for berthing space for vessels and to retain the filling over the low areas. An additional bulkhead approximately 1,000 feet long on the opposite side of Fort Taylor will also be required to retain the fill.

10. A blue print showing the proposed harbor improvements accompanies this letter, which is respectfully submitted for the careful consideration of your committee, with the recommendation that the necessary legislation be enacted to accomplish these improvements.

11. With these harbor improvements assured the department contemplates the systematic development of the navy yard at Key West for the purposes outlined in "1" of this letter.

Respectfully,

G. VON L. MEYER,
Secretary of the Navy.

The CHAIRMAN,
Committee on Commerce, United States Senate.

—

TREASURY DEPARTMENT,
Washington, January 9, 1913.

The CHAIRMAN,
Committee on Commerce, United States Senate.

SIR: I have the honor to refer to the communication of the Secretary of the Navy, addressed to you under date of December 7, 1912, regarding the improvement of the harbor at Key West, Fla.

The scheme of improvement, which includes a breakwater, as outlined in said communication will be of material benefit to the Treasury Department, as it will provide a safeguard to the Government property on the water front during the prevalence of the tropical storms and hurricanes incident to the latitude of Key West. It will also afford a safe anchorage for vessels of the Revenue-Cutter Service and other vessels under the control of this department.

For these reasons I desire to add my recommendations to those of the Secretary of the Navy.

Respectfully,

J. F. CURTIS,
Acting Secretary.

—

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 26, 1912.

Hon. KNUTE NELSON,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: 1. I am returning to you herewith letter from the Secretary of the Navy, dated December 7, 1912, regarding certain improvements at Key West which he desires to have made, which you left with me last Monday, the 23d.

2. The main object of the proposed improvements appears to be as stated at the beginning of the Secretary's letter—"to provide a suitable naval station for the use of torpedo craft, submarines, and small cruisers and to serve as a base of supplies and communications."

3. Incidentally some other executive department having reservations at Key West might be somewhat benefited, but it is very doubtful if general commerce would be benefited to any appreciable degree. The location of the basin is such that it might be useful for a harbor of refuge for light-draft commercial vessels, but this use might be impracticable if the basin should be utilized by the Navy to the extent which their plans seem to indicate.

4. The cost of the proposed work will run into the hundreds of thousands of dollars, if not into the millions.

5. On account of the character of the work, it appears to me that it is a work which should properly be taken care of in the naval appropriation bill; but if you desire to consider it in the river and harbor bill, I suggest that a preliminary examination be called for, and I am inclosing herewith a draft of an item which will bring out the desired information.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BURTON. There are one or two questions I should like to ask about the report. Where has the report been published—in what copy of the RECORD?

Mr. TILLMAN. It was in the RECORD some time last week. I do not remember the day.

Mr. BURTON. It is not in any of the recent editions.

Mr. SWANSON. If the Senator will permit me, it was printed. The report was disagreed to in the House, and the report that came back here the second time was substantially the same as the first report, except on three items on which there was a disagreement. The three items in disagreement were the sale of the two battleships, the breakwater at Key West, Fla., and the dry dock at Norfolk, Va.

Mr. BURTON. May I ask what was done in reference to the item of the dry dock at Norfolk?

Mr. SWANSON. There were two votes on it in the House, and the House insisted on its disagreement to the item, and consequently it was eliminated.

Mr. BURTON. What was done with the second item, amendment No. 46, providing for the grade of acting chaplain, and so forth?

Mr. SWANSON. That was agreed to in conference, and has already been adopted.

Mr. BURTON. That is a part of the bill?

Mr. SWANSON. That is a part of the bill, having been previously agreed to.

Mr. BURTON. That has already been agreed upon, then?

Mr. SWANSON. That has already been agreed upon by both Houses.

Mr. BURTON. That was before the disagreement which was limited to but three items?

Mr. SWANSON. That was agreed to in the first conference, and that conference report was rejected by the House. It was also agreed to in the second conference, and has ceased to be a subject of disagreement between the two Houses.

Mr. BURTON. I was unfortunately absent at that time. I ask the same question in regard to the armor-plant amendment No. 67.

Mr. SWANSON. That was agreed to and included in the conference report which has been adopted, with the appropriation reduced from $500,000 to $200,000, which is all that will be needed at the present time.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. Mr. President, I was about to present and to ask for the adoption of the conference report on the Diplomatic and Consular bill, but I will not do so until the Senator from Utah [Mr. SUTHERLAND] comes in, as he is interested in one of the items.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate resume the consideration of the river and harbor bill, House bill 13811.

Mr. BRISTOW. I must object to that. I think the calendar should be given attention.

Mr. SIMMONS. I move, then, that the Senate resume the consideration of House bill 13811, commonly known as the river and harbor bill.

Mr. BRISTOW. I make the point of order that such a motion is not in order before the hour of 1 o'clock.

The VICE PRESIDENT. The point of order must be sustained.

Mr. SIMMONS. I confess I do not see the ground for the ruling.

The VICE PRESIDENT. Just a moment. The Chair is examining the rule.

Mr. SIMMONS. The morning business, as I understand, had been closed.

The VICE PRESIDENT. The rule reads:

> Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the presiding officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

Mr. SIMMONS. That seems to be in the alternative.

The VICE PRESIDENT. It becomes, therefore, a question for determination as to what the word "or" means—whether it means "or" or "nor."

Mr. SMOOT. I think it has been universally held by the Chair that no motion can be made to take up a bill until 1 o'clock. A bill may be taken up by unanimous consent before 1 o'clock, and after 1 o'clock a motion may be made.

Mr. SIMMONS. That may be the Senator's notion of the practice, but I do not understand that to be the rule.

Mr. SMOOT. I think the rule is very plain.

Mr. SIMMONS. I understand the rule to be in the alternative.

Mr. SMOOT. The rule is very plain. It does not say "and"; it says "or."

Mr. SIMMONS. Yes; "or." That puts it in the alternative. The Chair has announced that the morning business has been concluded, and under the rule I think it is competent to move to proceed to the consideration of any bill. The rule says:

> Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock—

That is to say, in either contingency—either after the morning business has been concluded, and so announced by the Chair, or after the hour of 1 o'clock—the motion would be in order.

Mr. BRISTOW. Mr. President, if the contention of the Senator from North Carolina is correct, after 1 o'clock we could move to take up any bill on the calendar and displace morning business, if morning business were not concluded.

Mr. SIMMONS. I think that is exactly what we can do.

Mr. BRISTOW. I think that would be unfortunate.

Mr. SMOOT. I wish to call the attention of the Chair to Rule XVI. I suppose everybody has arrived at a definite conclusion as to what the word "or" means in Rule XVI. It is used in exactly the same way as the word "or" is used in Rule VII, paragraph 3. Rule XVI says:

> And no amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session—

Now, again:

> Or unless the same be moved by direction of a standing or select committee of the Senate.

The word "or" as used in Rule XVI is used in the same sense as in Rule VII. The way to take up a bill before 1 o'clock is by unanimous consent, and one objection prevents it. I admit that, under the rule, after 1 o'clock a motion may be made to take up a bill, and then it is in the power of the Senate to decide by vote if the bill is to be considered.

Mr. SIMMONS. I think the Senator's contention would be absolutely correct, provided "or" were given the same significance as "and"; but it is clear to my mind that the word "or" here is to be given its ordinary significance, and its ordinary significance is that this motion may be made in two conditions of things. First, it may be made, provided the morning business has been completed and the Chair has so announced, before 1 o'clock; or, second, it may be made after 1 o'clock, in either one case or the other. If the Chair has announced the morning business closed, this motion then may be made before 1 o'clock, or it may be made as a matter of course after 1 o'clock.

Mr. SMOOT. Mr. President, I think the wording is perfectly clear, because it says "Until the morning business shall have been concluded and so announced from the Chair." That is one proposition; and the Chair has announced this morning that the morning business was closed.

The VICE PRESIDENT. The Chair has not done that.

Mr. TOWNSEND. The Chair has not done that. I was going to make that point.

Mr. SMOOT. I understood the Chair had done so.

Mr. SIMMONS. I certainly understood the Chair had so announced.

The VICE PRESIDENT. The Chair has done no such thing. We were on the introduction of bills and joint resolutions, when, as a matter of privilege, the conference report was taken up.

Mr. SIMMONS. I certainly understood the Chair had announced that morning business had been closed, and that immediately thereafter the Senator from South Carolina [Mr. TILLMAN] called up the conference report on the naval bill.

Mr. OLIVER. I call for the regular order.

The VICE PRESIDENT. It will not be found in the RECORD.

Mr. OLIVER. I call for the regular order.

The VICE PRESIDENT. The regular order is the introduction of bills and joint resolutions. [A pause.] If there be no further bills or joint resolutions to be introduced, concurrent and other resolutions are in order. [A pause.] Morning business is closed.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, commonly known as the rivers and harbors bill.

Mr. SMOOT. Mr. President, under paragraph 3 of Rule VII, I insist that the Senator has no right to make that motion, and that the only thing in order at this time, unless by unanimous consent, is to take up the calendar under Rule VIII for consideration until 1 o'clock.

The VICE PRESIDENT. It is just three minutes of 1 o'clock.

Mr. SMOOT. Yes; I do not want to take up the calendar now, because there are just a few minutes left, but I do this that the RECORD may be clear as to the ruling on this motion. If the Senator from North Carolina will ask unanimous consent to take up the bill, I shall not object.

Mr. SIMMONS. I did ask unanimous consent, and there was an objection; and I desire to insist upon my motion, because upon an examination of the rule I believe I am clearly within the rule.

Mr. SMOOT. Then I should like to have the Chair decide the matter.

Mr. SIMMONS. As a lawyer I can not see that it is possible to give the rule any other construction than that I may make the motion before 1 o'clock if the morning business shall have been concluded, and the Chair has so announced it, or I may make it after 1 o'clock, although the morning business might not have been closed by 1 o'clock.

Mr. SMOOT. There is no question that the Senator can make it after 1 o'clock.

The VICE PRESIDENT. The Chair believes rulings have been made on both sides of this question, and the Chair thinks the present occupant has ruled on both sides of this question and

has decided it both ways. The Chair is not going to decide the question again.

Mr. SMOOT. Then I suggest the absence of a quorum.

Mr. SIMMONS. I make the point of no quorum.

The VICE PRESIDENT. The Chair is going to leave the settlement of this question to the Senate, and the Chair will then obey the decision of the Senate.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Oliver	Simmons
Borah	Hughes	Overman	Smith, Ariz.
Brady	James	Page	Smith, Ga.
Bristow	Jones	Perkins	Smith, Md.
Bryan	Kern	Pittman	Smoot
Burleigh	Lane	Poindexter	Swanson
Burton	Lea, Tenn.	Pomerene	Thompson
Camden	Lee, Md.	Ransdell	Thornton
Catron	Lewis	Reed	Townsend
Chamberlain	Lippitt	Robinson	Vardaman
Chilton	Martine, N. J.	Root	Warren
Crawford	Myers	Saulsbury	Weeks
Cummins	Nelson	Shafroth	West
Dillingham	Newlands	Sheppard	White
Fletcher	Norris	Shields	
Gore	O'Gorman	Shively	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent. I will let this announcement stand for the day.

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. SIMMONS (at 1 o'clock and 5 minutes p. m.). I move that the Senate proceed to the consideration of House bill 13811, commonly known as the rivers and harbors bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SIMMONS. I ask that the Senate may dispense with the formal reading of the bill.

Mr. BRISTOW. I object to that.

The VICE PRESIDENT. There is objection. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill at the top of page 25, and the reading was concluded.

[Mr. SIMMONS addressed the Senate. See Appendix.]

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. The bill is in Committee of the Whole, and the question is on agreeing to the amendment of the committee. All in favor of the amendment will say "aye." [A pause.] Those opposed "no." [A pause.] The ayes have it, and the amendment is agreed to. The bill is in Committee of the Whole.

Mr. BURTON. Do I understand that the amendment was agreed upon at this time before it was heard?

The VICE PRESIDENT. The question was put and there were no "noes."

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Kenyon	Page	Smith, Ga.
Brady	Kern	Perkins	Smith, Md.
Burton	Lane	Poindexter	Smith, Mich.
Camden	Lea, Tenn.	Pomerene	Smoot
Catron	Lee, Md.	Ransdell	Stone
Chamberlain	Lewis	Robinson	Thompson
Crawford	Lippitt	Root	Tillman
Cummins	McCumber	Saulsbury	Townsend
Dillingham	Martine, N. J.	Shafroth	Vardaman
Fletcher	Newlands	Sheppard	Warren
Hitchcock	Norris	Sherman	Weeks
Hollis	O'Gorman	Shively	West
James	Oliver	Simmons	White
Jones	Overman	Smith, Ariz.	

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. HOLLIS. I desire to announce the necessary absence of the senior Senator from Maine [Mr. JOHNSON] and to state that he is paired with the Senator from North Dakota [Mr. GRONNA].

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The bill is in Committee of the Whole.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. I understand that the committee amendment has been adopted. Is that correct?

The VICE PRESIDENT. The Senator from Iowa is correct.

Mr. CUMMINS. It is correct?

The VICE PRESIDENT. It is.

Mr. CUMMINS. Then is the amendment or the bill now open to amendment?

The VICE PRESIDENT. The bill is not open to further amendment in Committee of the Whole unless the vote whereby the amendment was agreed to is reconsidered by the Committee of the Whole.

Mr. CUMMINS. I was not present just at the moment—at 2 o'clock. I understood that the Senator from Idaho [Mr. BORAH] was in the midst of a discussion of one part of the bill, and I did not anticipate that action would be taken upon the amendment instantly.

As the Senator from Nevada knows, I introduced five amendments to the bill, and they were referred by the Senate to the Judiciary Committee, and the Judiciary Committee now has them under consideration. I assumed that there would be no vote on the amendment of the committee until the Judiciary Committee made its report. I do not know that the Senator from Nevada agreed that that should be so, but nevertheless it ought to be so. Therefore I move that the vote by which the committee amendment was adopted be reconsidered.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. The Chair will inquire how the Senator from Iowa voted on the question?

Mr. CUMMINS. There was no vote taken as I am informed.

The VICE PRESIDENT. There was a vote taken.

Mr. CUMMINS. I did not vote at all. I was not present in the Chamber at that time.

Mr. NEWLANDS. Mr. President, I will state that I was present when the bill was called up. I expected that the Senator from Idaho [Mr. BORAH] would claim the floor to address the Senate, but he did not, and no one did claim the floor, and the Vice President then, without any suggestion from me or anyone else, proceeded in the usual order with the bill. The result is that the committee amendment has been substituted for the House text. Of course the next step would be to proceed in the Senate, and there further amendments can be offered.

I certainly have no disposition to oppose the motion of the Senator from Iowa, provided there is anyone who wishes to address the Senate upon the bill or to propose any amendment.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. Therefore, if there is such a desire—and I understand the Senator from Iowa would prefer to present his amendments in Committee of the Whole instead of in the Senate——

Mr. CUMMINS. Mr. President, I have certain amendments that I desire to offer to the bill, and I thought that there was common consent that there should be no vote taken upon the committee amendment until the Judiciary Committee reported upon those amendments, they having been referred to that committee by the Senate. I understand, of course, that I can offer them when the bill reaches the Senate; but that is contrary to my understanding of the general agreement.

Mr. NEWLANDS. Of course, I will not regard the proceeding as being closed in Committee of the Whole, and as one who voted, or is supposed to have voted, I move for a reconsideration of the vote by which the amendment was agreed to.

The VICE PRESIDENT. The Senator from Nevada moves to reconsider the vote whereby the committee amendment was adopted.

The motion to reconsider was agreed to.

Mr. NEWLANDS. If I may be allowed a word, I wish to repeat what I stated in my opening argument, that it is very desirable that this legislation should be passed immediately, because the other trust legislation will probably have reference to it, and it is all-important that in passing upon supplementary legislation the Senate should know whether this bill has been adopted or not. So I am inclined to press the consideration of the bill, and I hope that all who desire to address the Senate upon it will prepare themselves within a reasonable time.

Mr. BORAH. Mr. President, I was, as the Senator from Iowa stated, in the midst of some remarks upon this bill when

its consideration was resumed to-day and the vote was submitted to the Senate.

Mr. SMITH of Georgia. Will the Senator from Idaho yield to me?

Mr. BORAH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I desire to express a very earnest hope that the Senator from Nevada will not undertake to press the bill to an immediate vote. We are working on the amendments in the Judiciary Committee which were referred to that committee, and I think it would simply transfer the entire discussion to the Senate instead of permitting the discussion in the Committee of the Whole of the Senate. We are still working there, and if we perfect our work we can not stay here. We will be here this afternoon, but we have been in almost continuous session at work upon the measure before us in the Judiciary Committee. The bill of the Senator from Nevada becomes necessarily involved in the work that we are doing there, the amendments that we are considering there apply to this bill, and the further work that we do upon the Clayton bill depends upon the direction given to certain amendments that will be recommended to the substitute of the Senator from Nevada.

I do not believe we are wasting time; I believe we are gaining time by a careful investigation and study by the committee; and I do not think we ought to expect a vote on the substitute of the Senator from Nevada certainly for quite a number of days.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. NEWLANDS. I have not been urging a vote, but I must say that I can not assent to tie up the action of the Senate, when the bill has been reported by the Committee on Interstate Commerce, with the action of the Judiciary Committee. I realize that that committee has very important functions and is discharging them, and I would be very glad if collaboration could be secured between that committee and the Interstate Commerce Committee regarding pending trust legislation. But I am impressed with the importance of early action upon this bill, and, with a proper consideration for those who desire to speak and to present amendments, I shall feel it to be my duty not to complicate this bill with the action of any other committee.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I am not seeking the floor except to make a statement, and I ask the Senator to defer for a moment.

I was in the midst of some remarks on this bill when the vote was taken, and I did not object for the simple reason that I do not propose to debate the bill a moment at a time when I will be standing in the way of a vote. So long as it is before the Senate and there is no probability of a vote being taken, I have some views I want to offer, but I am anxious myself to see the legislation proceeded with, and whenever the chairman thinks that he is ready to vote or can get a vote I will yield the floor. I now yield to the Senator from Missouri.

INVESTIGATION BY COMMITTEE ON FOREIGN RELATIONS.

Mr. STONE. Mr. President, can I bring before the Senate a question of privilege?

The VICE PRESIDENT. A question of privilege is always in order.

Mr. STONE. Mr. President, the Committee on Foreign Relations has at this time pending before it a treaty between the United States and the Republic of Colombia, and also a tentative treaty which is in course of negotiation between this Government and the Government of Nicaragua. The Secretary of State has given to the committee the general outline of the treaty under consideration between this Government and Nicaragua, with a view to counseling with the committee respecting it.

Mr. President, it is a general rule of the Senate that proceedings had in the executive sessions of committees are to be held and treated as confidential. I think that is a good rule as applied to committees generally, but especially should that rule be adhered to and strictly enforced in the Committee on Foreign Relations. That committee deals with the most delicate questions with which our Government is concerned. The work of that committee affects our most intimate relations with all the sovereign nations of the earth. It is a matter of regret that an impression prevails in many quarters that we conduct our diplomatic affairs with less dignity and with less regard for the delicate nature of international conferences and negotiations than other nations; that ours is too much a sort of shirtsleeve diplomacy. I am unwilling that any act of the Foreign Relations Committee should impart added color to this unfortunate impression.

Mr. President, during the consideration of the two matters I have adverted to as being now before the committee, some one connected with the committee in some capacity has been guilty of an act which, to say the least, is an act of gross impropriety. Garbled and inaccurate statements have appeared in the press as to what has been said and done in the executive sessions of the committee with respect to these two treaties. A few days since, on the invitation of the Foreign Relations Committee, two gentlemen now in Washington representing the Government of Nicaragua, one the minister from that Republic and the other a former minister of finance and now the confidential financial agent of Nicaragua, accredited to Washington to work in conjunction with the resident minister in promoting interests of great importance to his country, came before the committee to express themselves respecting conditions in Nicaragua and as to the proposed treaty between their Government and this. They said at the outset that they would speak with freedom because they understood that what occurred before the committee in executive session would be treated in the highest degree as confidential. They had a right to expect that no publicity would be given to anything they might say to the committee. But we find that some one who must have some connection with the committee has been guilty of the inexcusable offense of giving out to the public things that occurred when those gentlemen were before the committee. I regard this as a most disgraceful performance. No one connected with that committee in any capacity can give out the confidential business of the committee in the way this was done without branding himself with betrayal and dishonor. Who did it? It is impossible to believe that these representatives of Nicaragua after leaving the committee went out and told any newspaper reporter what occurred or what they said. It is also inconceivable that the Secretary of State, who was present during the hearings to which I have alluded, could be guilty of violating the confidence of the committee or be willing on his own account to publicly discuss a tentative international agreement. Moreover, the very character and tone of the newspaper publications forbid the slightest suspicion that the Secretary or the Nicaraguan representatives are responsible for what was published. Manifestly the blame is on some other head.

Mr. President, I was this morning directed by the committee to make the statement which I will now read:

That all newspaper reports of what has occurred in the Committee on Foreign Relations in regard to the Nicaraguan and Colombian treaties are unauthorized and inaccurate, and are, moreover, unworthy of belief, because whoever gave out the alleged information attempted to betray the confidence of the committee and of the Government, and deliberately violated his word of honor.

And now, Mr. President, by the authority and under the direction of the committee, I propose the following resolution, which I ask may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Senator from Missouri submits a resolution, which the Secretary will read.

The resolution (S. Res. 407) was read, as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, authorized and empowered to investigate and ascertain from whom information of any business transacted before said committee in executive session relating to international affairs is given out, and to prosecute said investigation said committee is hereby authorized and empowered to send for persons and papers, to issue subpœnas, to administer oaths, and to employ stenographers to take testimony, at not exceeding $1 per printed page, the expenses of said investigation to be paid out of the contingent fund of the Senate on warrants signed by the chairman of said committee.

Mr. NORRIS. Will the Senator yield for a question?

Mr. STONE. Yes.

Mr. NORRIS. I wish to ask the Senator if in the investigation the committee is making the evidence is printed? Has the committee been having it printed?

Mr. STONE. Yes.

Mr. NORRIS. Have the copies as they are printed daily been sent to Members of the Senate?

Mr. STONE. The prints that have been made are confidential prints, made from day to day, for the use of the committee while the hearings are in progress. They have not been distributed to Members of the Senate at large.

Mr. NORRIS. I should like to ask the chairman's judgment of the propriety of supplying Members of the Senate as well as members of the Foreign Relations Committee with this evidence.

Mr. STONE. When the committee is through with the hearings and has disposed of the business, the question as to having the hearings printed for the general use of the Senate will, I presume, be considered by the committee. But as these hearings are confidential and relate to international questions

of a more or less delicate nature, the committee is pursuing the usual course of having the hearings printed from day to day, so that the members of the committee may this morning have before them what was heard and reported on yesterday. I hardly think it would be advisable to go further than that at this time. The business is still in the hands of the committee, and there is no more reason for giving out the daily hearings which are taken down and printed for the convenience of the committee than there would be for giving out verbally mere oral hearings not taken down or printed.

Mr. NORRIS. I should like to ask the Senator—confining my question now entirely to one proposition that I understand is before the committee, the Nicaraguan treaty—is there any reason why the Members of the Senate should not get the evidence as it is being taken on that question?

Mr. STONE. I have answered that question.

Mr. NORRIS. I supposed the Senator's answer had a broader significance, and that he was referring to questions generally. I am confining my question now to the one particular case.

Mr. STONE. The only hearings that are being had at this time relate to the two treaties referred to, and especially to the proposed or tentative treaty with Nicaragua.

Mr. NORRIS. I did not know and I could not deduce from what the Senator said that there were any other hearings.

The PRESIDENT pro tempore. The question is on the request of the Senator from Missouri for unanimous consent that the resolution may at this time be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS subsequently said: When the Senator from Missouri [Mr. STONE] was discussing the question relative to matters pending before the Foreign Relations Committee I was about to submit, in connection with the resolution which he offered, a resolution which I drew up while he was on the floor. It seems to me—although I may, of course, be wrong—that there is no reason why the testimony given before the Committee on Foreign Relations should not be accessible to every Member of the Senate; and, for that matter, I do not see any reason why it should not be public; but, at least, Members of the Senate ought to be allowed to read the testimony that I suppose is being taken for the purpose of giving them light, so that they may be able to vote intelligently upon the treaty when it gets before the Senate; and unless we can see the evidence and read it, it certainly can not have any effect on us.

It seems to me from attempts that I have made and that several other Senators have made, without success, to secure copies of the testimony that there is quite a division among members of the committee as to whether even the Members of the Senate, to say nothing of the public, should be given this evidence as it is printed. I therefore ask unanimous consent to introduce out of order and to have referred to the Committee on Foreign Relations the resolution which I send to the Secretary's desk.

The PRESIDENT pro tempore. The Senator from Nebraska presents a resolution, which the Secretary will read.

The Secretary read the resolution (S. Res. 408), as follows:

Resolved, That daily copies of the evidence taken by the Committee on Foreign Relations on the subject of the treaty with the Government of Nicaragua be sent to Senators.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution to the extent of referring it to the Committee on Foreign Relations.

Mr. BURTON. Mr. President, I did not so understand. I understood the request was to refer the resolution to the Committee on Foreign Relations.

The PRESIDENT pro tempore. To be referred to the Committee on Foreign Relations. The Senator from Nebraska asks unanimous consent for its consideration to the extent of referring it to the Committee on Foreign Relations. Is there objection?

Mr. SHEPPARD. I object.

The PRESIDENT pro tempore. Objection is made, and the resolution will lie over for a day.

Mr. NORRIS. I will ask the Senator from Texas if he objects to the resolution being referred to the committee?

Mr. SHEPPARD. Not at all. I thought the request was for its present consideration.

Mr. NORRIS. That is not the request. I thought the Senator from Texas did not understand the matter.

Mr. SHEPPARD. If the Senator desires the resolution referred to the committee, I withdraw my objection. The reason I objected to its consideration was that the Senator from Missouri [Mr. STONE], who has been discussing the matter, was not present.

Mr. NORRIS. The request I made was to refer the resolution to the Committee on Foreign Relations.

Mr. SHEPPARD. Then I withdraw the objection.

The PRESIDENT pro tempore. The Senator from Texas withdraws his objection. In the absence of objection, the resolution will be referred to the Committee on Foreign Relations. The Chair hears none, and it is so ordered.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Idaho [Mr. BORAH] has the floor.

Mr. OVERMAN. Will the Senator from Idaho yield to me to submit a conference report?

Mr. BORAH. I yield.

Mr. OVERMAN. I send to the desk the report of the committee of conference on the Diplomatic and Consular appropriation bill.

The PRESIDENT pro tempore. A conference report may be presented at any time. The Senator from North Carolina asks that the Senate proceed to the consideration of the conference report which he has just presented. Is there objection? The Chair hears none. The Secretary will read the report.

The Secretary read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 19, 22, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 11, 13, 14, 17, 18, 20, 24, 26, 27, and 28, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

"To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $15,000: *Provided*, That $10,000 thereof is made immediately available to resume and continue the work relating to the distribution of water, under the direction of the Secretary of State, and as authorized by and in pursuance to the protocol of May 6, 1896, between the United States and Mexico.

"The commissioner appointed by the Secretary of State under article 21 of the treaty of 1848, and reaffirmed under article 7 of the treaty of 1853, and article 5 of the treaty of 1884, and article 8 of the treaty of 1889, to carry on this work, is hereby authorized and directed to pay the salaries, compensation, wages, and allowances heretofore authorized or approved by the Secretary of State, and any and all persons employed by or under the direction of the commissioner appointed by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, wages, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service; and the appropriation made by the diplomatic and consular appropriation act, approved February 28, 1913, 'To enable the commission to continue its work under the treaties of 1884, 1889, and 1905,' is hereby reappropriated and made available for the payments herein authorized and directed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"INTERNATIONAL PRISON COMMISSION.

"For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $2,550."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 16 of the bill, in lines 20, 21, and 22, strike out the following: "and the expenses of the

United States delegate in attending the meetings of the commission"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

"Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographer for arbitrators for three months, at $100 per month, $300; messenger for three months, at $60 per month, $180; traveling expenses of arbitrators, $2,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $9,390.

"For rent of office for joint secretaries, $360.

"Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, $5,000 per annum; 2 counsels, at $2,520 per annum each; 2 law clerks, at $1,800 per annum each; joint secretary, who shall also act as disbursing clerk, $3,000 per annum; 2 stenographers, at $1,200 per annum each; and messenger, $720 per annum; in all, $27,260.

"Expenses, United States agency: Necessary and contingent expenses, $12,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 20 of the bill, in line 22, after the word "expenses," insert the following: "in Washington City"; and on the same page, in line 25, strike out "$50,000" and insert in lieu thereof "$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 21 of the bill, in line 10, strike out "$150,000" and insert in lieu thereof "$100,000"; and the Senate agree to the same.

LEE S. OVERMAN,
LUKE LEA,
W. L. JONES,
Managers on the part of the Senate.
H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. HITCHCOCK. I should like to ask the Senator from North Carolina a question. I was unable to gather from the reading of the conference report what had become of the Senate amendment providing for the purchase of a legation in Shanghai.

Mr. OVERMAN. That was stricken out. The House refused to agree to it.

Mr. HITCHCOCK. I am very glad of that under the circumstances.

Mr. OVERMAN. I want to say that we had some information, which came to us after the Senate had agreed to the amendment, which we thought needed investigation, and we readily agreed to strike out the amendment.

Mr. HITCHCOCK. I think it needs investigation.

Mr. OVERMAN. We agreed to strike out the amendment relative to Shanghai, and also to strike out the one relative to the embassy at Berne, Switzerland, but the House insisted on the provisions relative to the embassies at Mexico City and Japan, and the Senate receded.

Mr. BURTON. I should like to inquire of the Senator from North Carolina what disposition was made of the appropriation for the reception of the members of the Interparliamentary Union?

Mr. OVERMAN. The Senate receded, with an amendment. We agreed to appropriate $40,000 instead of $50,000 for that purpose, and required that that expenditure should be confined to the meeting in Washington City. It appeared to us that it was not right to pay the expenses of the delegates all over this country. We provided a sufficient amount to entertain them here in Washington, but we did not think the Government ought to be put to the expense of carrying these people all over the country, say, to the Panama Exposition. That was the idea. The total appropriation for the entertainment of the delegates, confined to Washington City, is $40,000, and that is what is appropriated.

Mr. BURTON. There was a reduction from $50,000 to $40,000?

Mr. OVERMAN. That is what was done. It was stated that the reason $50,000 was desired was because they wanted to pay the expenses of the delegates across the continent.

Mr. SHAFROTH. Mr. President, I notice some reference in the conference report to an appropriation for the distribution of water between the Republic of Mexico and the United States with relation to the waters of the Rio Grande. My colleague [Mr. THOMAS] is not in the city to-day; I know that he is very much interested in the matter, and he is not here to examine it. I therefore should like to have the conference report go over until Monday.

The PRESIDENT pro tempore. That can only be done now by unanimous consent. The Senate has directed the consideration of the report at this time.

Mr. OVERMAN. I suggest to the Senator from Colorado that this amendment does not affect the water in any way except that it requires the commission to make a report.

Mr. SHAFROTH. Let me ask the Senator, then, what is the status, and how does the question arise in this bill?

Mr. OVERMAN. It has arisen in every Diplomatic and Consular appropriation bill since 1896. We entered into a treaty with Mexico by which a joint commission was to be appointed to fix the boundary line by reason of the fact that the Rio Grande is continually changing. Then, by means of a protocol that was entered into between this Government and Mexico, they provided for a measurement of the waters of the Rio Grande, so that it might be determined what amount of water our country should use and what amount of water Mexico should use in a future treaty to be made. It is not exactly a new appropriation, but it is a divisional appropriation. A report is to be made as to the amount of water to be used by the respective countries.

I will say that some companies are inducing immigrants to go there on the representation that they are going to have their lands irrigated when it is impossible to irrigate them. We want the settlers who propose to go there to know that they can not get water to irrigate their land, which it is claimed by these land companies may be irrigated. We want to print the reports that have been made and to pay the expenses of some of the parties; for instance, the engineers who have been employed, but who have not been paid. That is what this appropriation is for.

Mr. SHAFROTH. I will state to the Senator from North Carolina that the Rio Grande rises in the State of Colorado, and that we have various irrigation enterprises that have been started and some that are desiring to start on the Rio Grande River, in the State of Colorado. It has been the source of a great deal of discomfort to our people that waters that we believed we are entitled to are to be appropriated and used upon the land of the Republic of Mexico. If there is anything of that kind involved in this report, I unquestionably want it to go over; but if the Senator from North Carolina will say that there is nothing but the requirement that a report shall be made, I do not know that I shall ask that it go over.

Mr. OVERMAN. These commissioners have no power whatever; all they are to do is to examine and ascertain to what part of the water Mexico is entitled and to what part of the water our country is entitled, and to report thereon. Mexico is claiming that she is entitled to half the water, and the United States claims that she is entitled to half of it; but there are a great many places down there, as the Senator knows, where sometimes there are great floods and again the water is very low. This is a matter to be determined. The men representing Mexico and those representing the United States are to get together and report on the flow of the river and ascertain what amount of water comes down the river every year.

Mr. SHAFROTH. Does it provide that there shall be an attempt to divide the water, or to say how much the Republic of Mexico is to be entitled to and how much the United States is to be entitled to?

Mr. OVERMAN. No authority whatever is given to do that. This provision is in furtherance of a future treaty to be made. They will make their report, and a treaty will be entered into. Colorado can be heard on that question.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. SMOOT. I will say to the Senator from Colorado that this has long been a yearly appropriation for the purpose of making an investigation. Those investigations we had hoped would be concluded years ago, but they have not yet been concluded. This is simply an appropriation to continue the investigation and to prepare the report required under the agreement.

Mr. SHAFROTH. Is the provision contained in this conference report something that is new, that has been added by the conferees?

Mr. OVERMAN. No.

Mr. SHAFROTH. The provision was in the House bill, was it?

Mr. OVERMAN. No; not at all.

Mr. SHAFROTH It was made by the Senate?

Mr. OVERMAN. It was made by the Senate. There has been a conflict between what is known as the International Water Boundary Commission and the Water Commission. In fact, the work has always been done by the Water Commission without authority, I think, and the auditor refused to audit accounts for expenses incurred by the International Water Boundary Commission for the Water Commission, and under that ruling we concluded that we would separate them. That is all we have done. The House appropriated $20,000 for the same work, and we divided the fund, providing that $10,000 should go to the International Boundary Commission and $10,000 to the Water Commission for doing the same work that has been going on since 1896.

Mr. JONES. I will say to the Senator from Colorado that the provision reported is substantially as it passed the Senate, except that the amount has been reduced from $20,000 to $15,000.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an Interstate Trade Commission, to define its powers and duties, and for other purposes.

Mr. BORAH. Mr. President, I have agreed to yield to the junior Senator from Arkansas [Mr. ROBINSON], who said that he desired to discuss this matter for a short time and then leave the Chamber. If the Senator desires to proceed now, inasmuch as he must leave, as he says, I will yield to him. I do not see him on the floor just now.

The PRESIDENT pro tempore. The junior Senator from Arkansas is near at hand. In the meantime the Senator from Idaho can proceed.

Mr. BORAH. Mr. President, I was diverted yesterday from the thread of my remarks by interrogatories from the floor. I never object to questions from the floor, although they sometimes have the effect of breaking the continuity of one's argument, or what he deems to be the continuity of his argument.

Mr. ROBINSON entered the Chamber.

The PRESIDENT pro tempore. The junior Senator from Arkansas is now present.

Mr. ROBINSON. Mr. President, will the Senator from Idaho yield to me to make a statement concerning section 5 of this bill?

Mr. BORAH. I understand the Senator from Arkansas desires to discuss that section and then leave the Chamber; and I have agreed to yield to him for that purpose.

Mr. ROBINSON. I am very grateful to the Senator from Idaho for the courtesy which he has extended to me.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nevada suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Newlands	Smith, Ga.
Borah	Hitchcock	Norris	Smoot
Brady	Hollis	O'Gorman	Stone
Bryan	Hughes	Page	Swanson
Burton	Jones	Perkins	Thornton
Catron	Kenyon	Pomerene	Warren
Chamberlain	Kern	Robinson	West
Chilton	Lane	Shafroth	White
Clark, Ark.	Lea, Tenn.	Sheppard	
Crawford	Lee, Md.	Shields	
Cummins	Martine, N. J.	Shively	

Mr. KENYON. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Chamber by illness. I will ask that this announcement stand for the day.

The PRESIDENT pro tempore. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BRISTOW, Mr. CAMDEN, Mr. POINDEXTER, Mr. RANSDELL, Mr. SAULSBURY, and Mr. SIMMONS answered to their names when called.

Mr. PITTMAN, Mr. OVERMAN, Mr. SMITH of Maryland, Mr. JAMES, and Mr. THOMPSON entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, a quorum of the Senate is present.

Mr. ROBINSON. I again express my thanks to the Senator from Idaho [Mr. BORAH] for his courtesy to me.

Mr. President, one of the most important provisions in this bill is section 5, declaring "unfair competition" to be unlawful and directing the commission by general regulations to prevent it.

On Thursday, June 25, while the Senator from Nevada [Mr. NEWLANDS] was discussing this measure, I expressed the opinion that the term "unfair competition" has a somewhat fixed meaning in law, and that while most of the earlier cases related to the infringement of trade-marks, the term may now be said to fairly embrace every unjust, dishonest, and inequitable practice by which one seeks to unfairly destroy or injure the business of a competitor. At that time I cited the cases Sterling Remedy Co. *v.* Eureka Chemical Manufacturing Co. (80 Fed., 105); Dennison Manufacturing Co. *v.* Thomas Manufacturing Co. (94 Fed., 651); T. D. Dunn Manufacturing Co. *v.* Trix Manufacturing Co. (63 N. Y. Sup., 333; 50 App. Div., 75).

Originally "unfair competition" consisted chiefly of the expressed or implied representation that the goods or business of one man are the goods or business of another. Now, however, it is given a much broader meaning, and is not limited to mere infringements of trade-marks, or to the use of marks, words, or symbols not subject to exclusive appropriation by anyone, yet designed to deceive the public and to obtain business by means of such deception.

In discussing the growth of the law of "unfair competition" the Encyclopedia of Law, volume 28, page 328, says:

> The law of unfair competition, including trade-marks and trade names, is of comparatively recent origin. The early cases fully recognized this doctrine, but as unfair competition by means of the imitation or infringement of trade-marks covered by far the most numerous class of cases presented, the courts fell into the practice of deciding all cases upon the doctrines of trade-mark law, and to a greater or less extent lost sight of the broader principles of unfair competition. * * * This law of trade-marks became specialized, and the law of unfair competition remained in abeyance, or, if recognized at all, was not recognized to its full extent or under that name, relief when afforded being "upon principles analogous to trade-marks." * * * The law of trade-marks, however, has been too thoroughly specialized and crystallized by statutes and decisions to become wholly merged in the law of unfair competition.

Nims on Unfair Business Competition, page 1, is as follows:

> In the digests one usually finds unfair-competition cases under the general head of trade-marks. This is misleading, for the law of trade-marks does not include unfair competition, but, rather, the law that governs trade-marks and infringements of them is but a part of the law regulating unfair and dishonest competition and trade.
>
> This misconception of the true meaning and scope of the doctrine of unfair competition may cause some to take issue with the writer on the correctness of including in a book bearing the title of Unfair Competition some of the classes of cases here included. It is believed, however, that the bar will be called upon more and more frequently to protect traders whose business is threatened with injury or destruction from many sorts of dishonest or unfair competition besides those arising out of trade-marks and trade names. Referring to the development of unfair-competition law, W. K. Townsend says: "Not yet fully adopted by all the courts, still to be developed in its application to particular circumstances and conditions, this broad principle of business integrity and common justice is the product and the triumph of the development of the law of trade-marks in the last half century and the bulwark which makes possible and protects the world-wide business reputations common and growing more common in this new country."
>
> Unfair competition is not confined to acts directed against the owners of trade-marks or trade names, but exists wherever unfair means are used in trade rivalry. Equity looks not at what business the parties before the court are engaged in, but at the honesty or dishonesty of their acts. It is unfair to pass off one's goods as those of another person; it is unfair to imitate a rival's trade name or label; but he who seeks to win trade by fair means or foul is not limited to these methods. He may copy and imitate the actual goods made or sold by a competitor; he may libel or slander these goods, make fraudulent use of a family name, of trade secrets, of corporate names, of signs, of threats of action; he may construct buildings which are reproductions of peculiar buildings of a rival, thus producing confusion in the minds of purchasers, which enables him to purloin his rival's trade, and in a hundred other unfair ways secure another's trade. All acts done in business competition are either fair or fraudulent, equitable or inequitable, whether they relate to marks or not; and it is believed that the question of trade-marks will soon be lost sight of in discussing unfair competition, in the problem of securing, through the principles of equity, full protection to every merchant against unfair business methods.

The most recent case affecting "unfair competition" is the case of United States against American Thread Co. and numerous other defendants in the district court of New Jersey, in

which a decree was rendered June 2, 1914. In that case 14 different practices pursued by the defendants against competitors were enjoined as constituting "unfair competition," as follows:

(a) From soliciting, making, ratifying, or confirming by agreement or understanding of any kind or nature with any other corporation, copartnership, or person any lists of wholesale or retail dealers or jobbers in the United States with whom trade in sewing thread shall not be carried on.

(b) From fixing, establishing, ratifying, or confirming by agreement or understanding of any kind or nature with any competitor in business, whether an individual or a corporation, trade discounts, trade rebates, terms or conditions of sale or credit, in connection with or relating to the sale or shipment of sewing threads in the United States.

(c) From purchasing or acquiring the factories, plants, or brands of any competitor in the markets of the United States, or from acquiring any interest in the business of any such competitor either through stock ownership or otherwise.

(d) From exacting or accepting from any vendee or purchaser of any sewing thread sold by any of said defendants in the United States any agreement restraining such vendee or purchaser from selling said thread below any fixed or minimum price; and from refusing to trade with, discriminating against, or threatening to refuse to trade with or to discriminate against any person because of the prices at which he sells sewing thread, unless such person is offering for sale or selling sewing threads at less than their cost to such person.

(e) From giving or offering to give to any wholesale or retail dealers, jobbers, or consumers of sewing thread in the United States any bonus, rebate, or other inducement dependent upon the aggregate of future purchases to be made by such dealers, jobbers, or consumers within any period.

(f) From cooperating with or assisting any dealers in the United States to combine or pool their orders or purchases of sewing thread in order to obtain the benefit of any discount or other concession allowed on the quantity purchased or agreed to be purchased.

(g) From using in the United States what are known in the trade and referred to in the petition herein as "fighting brands," hereby defined to be brands which are devised or revived and used for the purpose of being offered principally to customers of competitors at cut prices; that is to say, at prices lower or on terms more favorable than the price or terms asked by the seller for substantially the same thread under different brands or trade names.

(h) From employing in the United States what are referred to in the petition herein as "flying squadrons," hereby defined to be special forces of salesmen who do not, as their principal business, handle the brands commonly offered for sale by the manufacturer or selling agency, or solicit orders from the trade generally, but handle principally "fighting brands," or solicit principally from customers of competitors with a view of securing their trade.

(i) From soliciting or exacting from wholesale or retail dealers or jobbers or from customers of competitors in the United States any agreement not to handle or to cease handling the brands of competitors; or from refusing to deal with or discriminating against or threatening to refuse to deal with or to discriminate against those who handle the goods of competitors, or from canvassing the retail trade of any dealer or jobber and thereupon offering the orders thus obtained to such dealer or jobber upon condition that he shall cease to buy thread from a competitor of the defendants or of any of them.

(j) From attacking the credit or business reputation of or the quality of thread dealt in by any competitor in the United States by means of any report known to be false or which there is no reasonable ground to believe.

(k) From warning, harrassing, or intimidating by threatening to prosecute for trade-mark infringement or by other acts, letters, or advertisements, any other person or corporation in relation to the sale, shipment, or trade in sewing threads in the United States, except such action as may rightfully be taken, or such letters or advertisements as may rightfully be written or published by any person or corporation in protecting his or its property, trade marks, rights, or business.

(l) From offering or giving secret rebates or other secret inducements to any customer of a competitor in the United States.

(m) From selling or offering to sell in the United States sewing thread of any kind below the cost of production, or at prices which, after allowing for cost of transportation and differences in prices or terms on account of differences in grade, quality, or quantity sold, are lower than the prices charged in other parts of the United States, with the intent thereby of obtaining a monopoly or destroying or injuring the trade or business of another in sewing thread or of preventing another from engaging in such trade or business; but nothing in this paragraph contained shall prevent the defendant corporations from offering for sale or selling sewing thread in any part of the United States at prices or on terms as low as any of their bona fide competitors are then and there offering, nor from offering or making different prices, terms, or conditions to different classes of customers.

(n) From offering in the United States a bonus or gift in the form of free goods of any kind as an inducement to any class of customers to purchase defendants' threads, except that the defendants, or any of them, may, in good faith, give or offer to give or distribute samples in reasonable quantities in order to introduce their threads and establish new trade, and except that they may offer and give free samples to actual purchasers for bona fide distribution among consumers: *Provided, however*, That such samples to purchasers shall not exceed 5 per cent of their purchases at any one time.

In the case which I have cited the court enjoined as unfair competition those 14 different forms of trade practices.

I am indebted to Mr. George Rublee for decrees upon the same point, which I ask unanimous consent to insert in the RECORD without reading. These are the cases of United States against American Coal Products Co., entered March 4, 1913, in which case a large number of trade practices were enjoined as unfair competition; also the case of United States against General Electric Co., entered October 12, 1911. That, I believe, was an Ohio case. And, finally, the case of United States against American Thread Co., a part of which I have just read.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

UNFAIR METHODS OF COMPETITION.

[Instances taken from decrees of Federal courts in cases arising under Sherman Act. Circuit Court of Southern District of New York.]

UNITED STATES V. AMERICAN COAL PRODUCTS CO.—DECREE ENTERED MARCH 4, 1913.

(b) That all contracts between said Barrett Manufacturing Co. and any producer of coal tar or oil tar whereby the producers of coal tar agree to burn any part of said production or agree not to enter into competition with said Barrett Manufacturing Co. or its subsidiaries or with said products company are decreed to be null and void, and said Barrett Manufacturing Co. and said products company are forever enjoined from operating under or enforcing the same, unless said contracts shall be modified and re-formed by eliminating those provisions or similar provisions to the same effect; and said Barrett Manufacturing Co. and its subsidiaries and said products company are forever enjoined and prohibited from entering into contracts containing those provisions or similar provisions to the same effect.

(c) That all contracts between said Barrett Manufacturing Co. or said products company on one hand and any dealers in or producers of coal tar and oil tar on the other hand providing for the sale of said coal tar or oil tar, and wherein it is provided that the contract shall be terminated upon notice, shall be re-formed and changed to provide for certain termination of said contract at a fixed date not to exceed 10 years from the date thereof.

(d) That said defendants, and each and all of them, are forever enjoined and prohibited from selling coal tar or oil tar to one or more competitors of said Barrett Manufacturing Co., competing with said company in any line, for a less price f. o b. the same point of shipment than said Barrett Co. sells the same products to any other competitor in the same line.

(e) That said defendant companies and defendant individuals of said companies, and each of them, are forever enjoined and prohibited from burning for fuel or exporting any coal tar or oil tar or briquetting pitch owned by them, when such burning or exporting is done at a net loss, taking into consideration all resulting by-products, without first advertising for 30 days for bids for such coal tar, oil tar, or pitch, and without thereby being able to sell same to competitors at higher prices; except that nothing in this clause shall prevent the defendant companies from using coal tar or oil tar as fuel when it is economical to do so or when obliged to burn liquid fuel on account of public ordinances. By the use of the word "economical" herein is meant that when the fuel value of oil tar or coal tar is greater to said Barrett Manufacturing Co. than the fuel value of coal or other usable fuels, then coal tar or oil tar may be burned for fuel.

(f) That said defendants, and each of them, are forever enjoined and prohibited from entering into any contract, scheme, or arrangement with any competitor in the purchase of coal tar or in the manufacture or sale of coal-tar roofing materials whereby any producer of coal tar shall be restricted with respect to the person or persons to whom such producer shall sell such product, or respecting the territory wherein or the price at which such product shall be sold.

(g) That said defendants and each of them are forever enjoined and prohibited from making or enforcing any contract whereby a purchaser of one line of material, such as tarred felt, shall be compelled to purchase from defendants or any allied interest any proportion of other material.

(i) That the use of the name of any one-time independent company or of any company acquired by the said Barrett Manufacturing Co. or the said products company that manufactures and markets pitch, tarred felts, or other coal-tar roofing materials, or uses the same in construction work, is forever enjoined and prohibited on the part of defendant companies or defendant individuals herein, except as departments of said Barrett Manufacturing Co., as, for example, Warren Chemical & Manufacturing Co., department of Barrett Manufacturing Co., and the Eastern Granite Roofing Co., department of Barrett Manufacturing Co., and except for the use of any registered trade-mark which is to be permitted; and such ownership by departments in the manner stated herein shall be made public by printing the same on letterheads, billheads, and in advertising.

(m) That said defendants herein, and each of them, are forever enjoined and prohibited from offering for sale and from selling coal tar and oil tar and roofing material at a less price to customers of competitors of said defendants than said defendants sell such products to their own customers when and where such offers and sales described in this paragraph are made by said defendants with a purpose so to injure the business of such competitor of said Barrett Manufacturing Co. and said products company as to drive such competitor out of such business in any particular section of the United States.

UNITED STATES V. GENERAL ELECTRIC CO. DECREE ENTERED OCTOBER 12, 1911 (OHIO).

It is further adjudged, ordered, and decreed that all factories, plants, and manufacturing and selling departments operated or owned by said General Electric Co. for the manufacture and sale of incandescent lamps shall be made known to the general public and trade as the property and business of the said General Electric Co., provided that the General Electric Co. is not prohibited by this decree from preserving and using the trade names of incandescent lamps lawfully manufactured or sold by it, including the trade names now employed by the companies mentioned in this clause second if it acquires such trade names and the business of manufacturing lamps to which the same are applied; but such names shall be publicly known as the property of the General Electric Co.

Third That the General Electric Co. and each and all of the lamp-manufacturing defendants as defined in clause fourth, their officers, agents, and servants, be, and they hereby are, restrained, enjoined, and forbidden from making or carrying out, directly or indirectly, any contracts with any manufacturer or manufacturers of lamp-making machinery or with any manufacturer or manufacturers of bulbs and tubing for incandescent lamps whereby such manufacturers, or any of them, shall be bound not to sell the goods manufactured by them, respectively, to others than the said defendants, or any of them, or hindered from so doing or obligated to sell to the said defendants, or any of them, at other and different prices and terms of payment than those to which they severally may sell to other purchasers.

Fifth. That the General Electric Co. and the other above-mentioned lamp-manufacturing defendants are enjoined from maintaining, by agreement, differentials between lamps which do not in fact differ

in quality or efficiency, and said defendants are enjoined from allowing discounts based on aggregate purchases from different manufacturers.

Sixth. That the General Electric Co. and the other above-named lamp-manufacturing defendants, and each of them, their officers, agents, and servants, are perpetually enjoined and restrained from making or enforcing any contracts, arrangements, agreements, or requirements with dealers, jobbers, and consumers who buy from the said defendants either tantalum filament, tungsten filament, metallized carbon filament, or ordinary carbon-filament lamps, or any of them, by which such dealers, jobbers, and consumers are compelled to purchase all their ordinary carbon filament lamps from said defendants as a condition to obtaining such other types of lamps, or any of them, or by which dealers, jobbers, and consumers are compelled to purchase any one or more of the above-mentioned types of lamps from the said defendants as a condition to the purchase or supply of any other or all of said types of lamps, and the said General Electric Co. and the lamp-manufacturing defendants aforesaid are perpetually enjoined and restrained from discriminating against any dealer, jobber, or consumer desiring to purchase tantalum, tungsten, or metallized carbon-filament lamps because of the fact that such dealer, jobber, or consumer purchases ordinary carbon-filament lamps from others and are perpetually enjoined and restrained from discriminating against any dealer, jobber, or consumer desiring to purchase any one or more of the above-mentioned types of lamps because of the fact that such dealer, jobber, or consumer purchases any other of said lamps from other manufacturers or dealers.

Seventh. That the General Electric Co. and the others of the said lamp-manufacturing defendants are perpetually enjoined and restrained when making discounts based on the quantity of lamps purchased by any dealer, jobber, or consumer from making such discounts on the basis of the total quantity of tungsten, tantalum, metallized carbon and ordinary carbon-filament lamps sold, or the total quantity of ordinary carbon filament lamps and any one or more of such other types of lamps sold, and the General Electric Co. and the others of the said lamp-manufacturing defendants are further perpetually enjoined and restrained from making any discounts based on the total quantity of any two or more types of lamps sold, when the result is to combine or aggregate the discount on both an unpatented lamp and a lamp patented or claimed to be patented, and that said defendants and each and all of them are perpetually enjoined from utilizing any patents which they may have or claim to have or which they may hereafter acquire or claim to have acquired as a means of controlling the manufacture or sale of any type or types of lamps not protected by lawful patents.

Eighth. That the General Electric Co. and the other defendants are each enjoined and restrained from offering or making more favorable prices or terms of sale for incandescent electric lamps to the customers of any rival manufacturer or manufacturers than it at the same time offers or makes to its established trade, where the purpose is to drive out of business such rival manufacturer or manufacturers or otherwise unlawfully to restrain the trade and commerce of the United States in incandescent electric lamps, provided that no defendant is enjoined or restrained from making any prices for incandescent electric lamps to meet or to compete with prices previously made by any other defendant or by any rival manufacturer, and provided further that nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

UNITED STATES V. AMERICAN THREAD CO. DECREE ENTERED JUNE 2, 1914 (N. J.).

Sixth. That the defendant corporations, together with their directors, officers, managers, agents, and employees, including the individual defendants while they are associated in business with or employed by said corporations, or any of them, and all persons authorized to act and acting for or in behalf of said corporations, or any of them, be, and they hereby are, jointly and severally enjoined as follows, viz:

(a) From soliciting, making, ratifying, or confirming, by agreement or understanding of any kind or nature, with any other corporation, copartnership, or person any lists of wholesale or retail dealers or jobbers in the United States with whom trade in sewing thread shall not be carried on.

(e) From giving or offering to give to any wholesale or retail dealers, jobbers, or consumers of sewing thread in the United States any bonus, rebate, or other inducement dependent upon the aggregate of future purchases to be made by such dealers, jobbers, or consumers within any period.

(f) From cooperating with or assisting any dealers in the United States to combine or pool their orders or purchases of sewing thread in order to obtain the benefit of any discount or other concession allowed on the quantity purchased or agreed to be purchased.

(g) From using in the United States what are known in the trade and referred to in the petition herein as "fighting brands," hereby defined to be brands which are devised or revived and used for the purpose of being offered principally to customers of competitors at cut prices; that is to say, at prices lower or on terms more favorable than the price or terms asked by the seller for substantially the same thread under different brands or trade names.

(h) From employing in the United States what are referred to in the petition herein as "flying squadrons," hereby defined to be special forces of salesmen who do not, as their principal business, handle the brands commonly offered for sale by the manufacturer or selling agency, or solicit orders from the trade generally, but handle principally "fighting brands" or solicit principally from customers of competitors with a view of securing their trade.

(i) From soliciting or exacting from wholesale or retail dealers or jobbers or from customers of competitors in the United States any agreement not to handle or to cease handling the brands of competitors; or from refusing to deal with, or discriminating against, or threatening to refuse to deal with or to discriminate against those who handle the goods of competitors; or from canvassing the retail trade of any dealer or jobber and thereupon offering the orders thus obtained to such dealer or jobber upon condition that he shall cease to buy thread from a competitor of the defendants or of any of them.

(j) From attacking the credit or business reputation of or the quality of thread dealt in by any competitor in the United States by means of any report known to be false or which there is no reasonable ground to believe.

(k) From warning, harrassing, or intimidating, by threatening to prosecute for trade-mark infringement or by other acts, letters or advertisements, any other person or corporation in relation to the sale, shipment, or trade in sewing threads in the United States, except such action as may rightfully be taken, or such letters or advertisements as may rightfully be written or published by any person or corporation in protecting his or its property, trade-marks, rights, or business.

(l) From offering or giving secret rebates or other secret inducements to any customer of a competitor in the United States.

(m) From selling or offering to sell in the United States sewing thread of any kind below the cost of production, or at prices which, after allowing for cost of transportation and differences in prices or terms on account of differences in grade, quality, or quantity sold, are lower than the prices charged in other parts of the United States, with the intent of thereby obtaining a monopoly, or destroying or injuring the trade or business of another in sewing thread, or of preventing another from engaging in such trade or business; but nothing in this paragraph contained shall prevent the defendant corporations from offering for sale or selling sewing thread in any part of the United States at prices or on terms as low as any of their bona fide competitors are then and there offering, nor from offering or making different prices, terms, or conditions to different classes of customers.

(n) From offering in the United States a bonus or gift in the form of free goods of any kind as an inducement to any class of customers to purchase defendants' thread, except that the defendants or any of them may in good faith give or offer to give or distribute samples in reasonable quantities in order to introduce their threads and establish new trade, and except that they may offer and give free samples to actual purchasers for bona fide distribution among consumers: *Provided, however,* That such samples to purchasers shall not exceed 5 per cent of their purchases at any one time.

Mr. ROBINSON. Mr. President, there are many States which have already passed laws which are entitled "acts to prohibit unfair discrimination" and "to prevent unfair competition." I cite the case of the law of Minnesota, enacted in 1907, chapter 269.

In the case of the Standard Oil Co. *v.* United States (221 U. S.) the Supreme Court used this language:

Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: * * * unfair practices against competing pipe lines; * * * unfair methods of competition, such as local price-cutting at the points where necessary to suppress competition.

In the case of State *v.* Fairmont Creamery Co. (153 Iowa, 702) the court, by Evans, justice, said, at page 709:

One of the great legislative problems of the day is to protect fair competition in the business world without unduly interfering with the freedom of contract. We may properly presume that the problem is greater in some lines of business than it is in others. In the purchase of commodities the methods of business adopted are quite as various as the different commodities. Methods are adopted which are peculiar and limited to dealings in a certain commodity. Evil practices, therefore, may arise in the business methods pertaining to one commodity which do not obtain at all in relation to other commodities. Practices may obtain which contravene no statute and which, nevertheless, would be deemed as morally dishonest and detrimental to the public interest. * * * The temporary maintenance of artificial prices for the sole purpose of destroying a weaker competitor and creating a monopoly is one of the modern evil inventions.

A mere reading of the court's statements in these various cases of unfair practices enjoined suggests and emphasizes the necessity for legislation upon the subject broad enough to embrace the many unjust methods by which independent dealers are driven out of business by their more powerful competitors.

Mr. HITCHCOCK. Mr. President——

Mr. ROBINSON. I yield to the Senator.

Mr. HITCHCOCK. If it will not disturb the Senator, I should like to ask him a question. I understand that he is now showing that various courts have at different times restrained companies from resorting to these unfair practices. If that is the case, will the Senator state why it is necessary for Congress to legislate in the matter if remedies already exist for defending a company against those unfair practices?

Mr. ROBINSON. Many of the cases hold that unfair competition, as such, is not unlawful. It may be enjoined or prohibited to prevent the loss of a property right; but this bill proposes, in addition to that, to make it unlawful, and to provide what we regard as an effective means of preventing such practices.

Mr. William S. Stevens, of Columbia University, in an article called to my attention by Congressman STEVENS, of New Hampshire, who introduced this provision in the House, discusses the subject of "unfair competition" from an economic point of view, and classifies according to their elementary characteristics 11 forms of "unfair competition," as follows. I read now from his article on page 283 of the Political Science Quarterly for June, 1914:

1. Local price cutting.
2. Operation of bogus "independent" concerns.
3. Maintenance of "fighting ships" and "fighting brands."
4. Lease, sale, purchase, or use of certain articles as a condition of the lease, sale, purchase, or use of other required articles.
5. Exclusive sales and purchase arrangements.
6. Rebates and preferential contracts.
7. Acquisition of exclusive or dominant control of machinery or goods used in the manufacturing process.
8. Manipulation.
9. Black lists, boycotts, white lists, etc.
10. Espionage and use of detectives.
11. Coercion, threats, and intimidation.

The terms used fairly define without detailed discussion the various practices thus classified, and undoubtedly embrace nearly all of the methods of "unfair competition" now in use. But with the abandonment or suppression of these, new devices will be found by some dealers by means of which to oppress their competitors. While we could expressly in this bill place a specific inhibition against the 11 forms of "unfair competition" as classified by Mr. Stevens, still it seems best to make the statute broad enough to cover all forms which may hereafter be adopted or devised, as well as those now pursued and regarded as most objectionable.

The indefinite continuance of this session of Congress is justified principally upon the ground that, having pledged to the country remedial antitrust legislation, it is best to conclude the subject now rather than to prolong indefinitely the agitation; that it is best to relieve the business world of the anxiety which arises from the present state of uncertainty and which will continue until the subject is finally disposed of. If there be force in this position it must also be true that it is our duty to make the legislation broad enough to prevent the necessity of again having to consider the same subject within a short time. Not only has the term "unfair competition" a meaning fairly well fixed in law and in economics, but it is also easily understood by the average business man. Nearly all normal business men can distinguish between "fair competition" and "unfair competition." Efficiency is generally regarded as the fundamental principle of the former—efficiency in producing and in selling, while oppression or advantage obtained by deception or some questionable means is the distinguishing characteristic of "unfair competition."

The words "unfair competition" have a clearer meaning than many other terms which have found secure recognition in our laws, as, for example, "reasonable rates," as used in the law relating to the regulation of commerce; "uniform standards for the purity, quality, and fitness for consumption of teas" in the tariff laws; and "unreasonable obstruction to the free navigation of waters" used in the river and harbor act of March 3, 1899; and "conspiracy in restraint of trade or commerce" as used in the antitrust act of July 2, 1890.

THE ACT IS NOT OBJECTIONABLE ON THE GROUND THAT IT SEEKS TO DELEGATE LEGISLATIVE OR JUDICIAL POWER.

It will be observed that the bill declares "unfair competition" to be unlawful, just as existing law provides that it is unlawful for carriers to charge unreasonable rates or to discriminate between shippers. The terms "unreasonable rates" and "discrimination between shippers," like the words "unfair competition," are general, and any act is prohibited which would come within them. The Interstate Commerce Commission has been given authority to make reasonable rates and to administer the law against discrimination. (I. C. C. *v.* Illinois Central Railroad, 215 U. S., 452; I. C. C. *v.* C., R. I. & P. R. R., 218 U. S., 88.) The issues are almost exact parallels. Congress has heretofore by law forbidden carriers to charge unreasonable rates or to discriminate between shippers. It has given the Interstate Commerce Commission the power to fix reasonable rates and to prevent discriminations. This measure accordingly declares "unfair competition" unlawful, and directs the trade commission under general regulations to prevent it.

Congress acted within its constitutional powers when it left to the commission the duty of fixing the uniform standards for drawbars, having provided by law that after a certain date only cars with drawbars of uniform height should be used in interstate commerce. (St. Louis, Iron Mountain & Southern Railway Co. *v.* Taylor, 210 U. S., 281–287.) Buttfield *v.* Stranahan (192 U. S., 470) sustained an act forbidding the importation of tea which is inferior in purity, quality, and fitness for consumption, and authorizing the Secretary of the Treasury, upon conditions, to fix uniform standards of purity, quality, and fitness of teas imported into the United States. Mr. Justice White, in delivering the opinion of the court, at page 496, said:

> The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported and therefore invests that official with legislative power is without merit. * * * Congress legislated on the subject as far as was reasonably practical, and from the necessities of the case was compelled to leave to the executive officials the duty of bringing about the result pointed out by the statute.

In Union Bridge Co. *v.* The United States (24 U. S., 364) the Supreme Court sustained a provision of the river and harbor act of March 3, 1899, that—

> whenever the Secretary of War shall have reason to believe that any bridge over any navigable waterway of the United States is an unreasonable obstruction * * * it shall be his duty, after hearing, to order alterations so as to render navigation unobstructed. * * *

The willful failure to obey his order is made a criminal misdemeanor. This statute was assailed on the ground that it delegated legislative power. Mr. Justice Harlan, delivering the opinion of the court, said:

> In no substantial, just sense does it confer upon that officer as the head of an executive department powers strictly legislative or judicial in their nature, and which must be exclusively exercised by Congress or by the courts. * * * Congress, in execution of a declared policy, committed to the Secretary of War the duty of ascertaining all the facts assigned in any particular inquiry whether any bridges over the waterways of the United States were unreasonable obstructions to free navigation. * * * By the statute Congress declared, in effect, that navigation should be free from unreasonable obstructions arising from bridges of insufficient height, width of span, or other defects. It stopped, however, with this declaration of the general rule, and imposed upon the Secretary of War the duty of ascertaining what particular cases came within the rule prescribed by Congress, as well as the duty of enforcing the rule in such cases. In performing that duty the Secretary of War will only execute the clearly expressed will of Congress and will not in any true sense execute legislative or judicial power.

The doctrine of the above case is strongly supported in Monongahela Bridge Co. *v.* The United States (216 U. S., 177). The case of Interstate Commerce Commission *v.* Goodrich Transit Co. (224 U. S.,) involves the question as to whether section 20 of the act to regulate commerce is void because it unlawfully delegated legislative power. That section conferred upon the commission discretion to prescribe the period of time within which common carriers should establish a uniform system of accounts and the manner in which such accounts should be kept. It was contended that this gave the commission discretion to legislate. Mr. Justice Day, at page 214, said:

> The Congress may not delegate its purely legislative power to a commission, but having laid down general rules of action under which the commission shall proceed it may require of that commission the application of such rules and the investigation of facts with a view to making orders in a particular manner within the rules laid down by Congress. This rule has been frequently stated and illustrated in recent cases in this court and needs no amplification here. * * * In other words, Congress has laid down general rules for the guidance of the commission, leaving to it merely the carrying out of the details in the exercise of powers so conferred. This, we think, is not a delegation of legislative authority.

United States *v.* Grimaud (220 U. S., 506) reversed the judgment of the court below, sustaining the demurrer to an indictment for grazing sheep on a forest reservation without having obtained the permission required by the regulations adopted by the Secretary of Agriculture, and held that the act authorizing the Secretary of Agriculture to make such rules and regulations and to establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and establish and preserve forests thereof from destruction—

> and providing that any violation of the act itself or of such rules and regulations as the Secretary of Agriculture should make shall be punishable as a misdemeanor was not objectionable on the ground that it did not sufficiently define what acts should constitute an offense against the United States nor on the ground that it was unconstitutional because it delegated to the Secretary of Agriculture authority to determine what acts should be criminal.

Mr. Justice Lamar, in rendering the opinion of the court, said, among other things:

> From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations, not for the governing of their departments, but for administering the laws which already govern. None of these statutes could confer legislative power, but when Congress had legislated and indicated its will it could give to those who would come under such general provisions power to fill up the details or by the establishment of administrative rules and regulations, a violation of which could be punished by fine or imprisonment fixed by Congress or by penalties fixed by Congress or measured by the injury done.
>
> Thus it is unlawful to charge unreasonable rates or to discriminate between shippers, and the Interstate Commerce Commission is given authority to make reasonable rates and to administer the law against discriminations; Interstate Commerce Commission *v.* Illinois Central Railroad (215 U. S., 452); Interstate Commerce Commission *v.* Chicago, Rock Island & Pacific Railway (218 U. S., 88). Congress provided that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the duty of fixing a uniform standard; St. Louis, Iron Mountain & Southern Railway *v.* Taylor (210 U. S., 281). In Union Bridge Co. *v.* United States (204 U. S., 364), in re Kollock (166 U. S., 526), and Buttfield *v.* Stranahan (192 U. S., 470) it appeared from the statutes involved that Congress had there prescribed, or by necessary implication made it unlawful, even criminal, to obstruct navigable waters, to sell unbranded oleomargarine, and to import unwholesome tea. With this unlawfulness as predicated the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules would then make the offense punishable by acts of Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of the act itself in requiring what should be done, or unlawful, if done, but confining themselves within the sphere covered by the statute, they could adopt regulations of the nature they had been authorized to make in order to administer the law and carry the statute into effect.

Mr. President, the authority given in this bill to the trade commission is analogous to the authority already conferred by law on the Interstate Commerce Commission as to the establishment of reasonable rates and the prevention of discrimination between shippers. In the cases that I have cited that authority has been upheld as not constituting a delegation of legislative power or authority.

It has been suggested that during the course of this debate—and I was unfortunate enough not to be present—that one clause in section 5 is a violation of some constitutional provision because it requires the court to issue an injunction to enforce the order of the commission. An examination of the proposed statute will disclose that that position is not well taken. The provision simply says that the court is authorized to issue an injunction to enforce the order of the commission, which is nothing more nor less than saying that the court shall have jurisdiction to issue it, and does not imply the power of the court to determine whether or not the injunction shall issue is taken away by this statute. It simply confers upon the court jurisdiction by injunction to enforce the order of the commission.

Mr. President, I thank the Senate.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITE in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Norris	Smith, Ariz.
Borah	Hitchcock	O'Gorman	Smith, Ga.
Brady	Hollis	Overman	Smith, Md.
Bryan	Hughes	Page	Smith, Mich.
Burton	Jones	Poindexter	Smoot
Camden	Kenyon	Ransdell	Swanson
Catron	Kern	Robinson	Thompson
Chamberlain	Lane	Saulsbury	Thornton
Chilton	Lea, Tenn.	Shafroth	Townsend
Clarke, Ark.	Lee, Md.	Sheppard	West
Culberson	Martine, N. J.	Shields	White
Cummins	Nelson	Shively	
Dillingham	Newlands	Simmons	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho [Mr. BORAH] will proceed.

Mr. BORAH. Mr. President, when I rose upon yesterday I had no thought other than merely to call attention to what I conceived to be the vagueness of section 5. I had not had the time to prepare any discussion of the bill as a whole worthy of the subject and had no intention of doing other than briefly to discuss section 5. Interruptions, however, have led to a wider field and also to a more disconnected argument. I desire to recur again to the case from which I was reading upon yesterday, the State versus the International Harvester Co. I read further from the testimony in that case.

Q. Well, the truth of the matter is that a very large proportion, if not the larger proportion, of the sales were made below the list price?—A. I could not say about the larger proportion.

Q. But a large proportion was?—A. Yes, sir.

Mr. Glessner, of the Warder-Bushnell & Glessner Co., said:

Q. You were all competitors of each other?—A. Yes, sir.

Q. Was there no understanding or agreement between you prior to 1902?—A. No, sir.

Q. There was actual competition between you?—A. Yes, sir.

Q. The fact is, the competition was pretty fierce?—A. Yes, sir; we tried to make it so.

Q. The competition in the harvester business had been more pronounced in their early part?—A. No, sir; it grew in bitterness and extent right along.

Q. You think it increased —A. Yes, sir.

Q. You think there was more competition in the harvester business in 1902 than any time before —A. It depends on what you call competition; it was a bitter fight between everybody to get business and to get the better of your competitor.

Mr. Funk, the general manager of the International Harvester Co., said:

Q. Then you did cut prices on your machines when you were with the Champion people, to get business?—A. Yes, sir.

Q. Was there a uniform price to the dealers at that time—before the International Harvester Co. of New Jersey was organized?—A. No, sir.

Q. You sold the machines for what you could get?—A. We had a list price, but it was varied from in certain conditions.

Mr. Yancy, former general agent for the Deering Co., said:

Q. Did you at any time prior to 1902 reduce the price to the dealer because of competition?—A. Yes, sir.

Q. To what extent would you reduce the price in instances of that character?—A. Well, my previous answer covers that case. During the war of the competition we were pretty hard run for business, and if it looked as if we were going to carry machines over, and to protect ourselves we had to cut the prices.

Q. How much?—A. Ordinarily $5, sometimes ten; in extreme cases maybe a little bit more than that.

Q. In fact, you frequently cut the prices in any way to sell?—A. Not frequently.

Q. So that the old instructions—or was not that the rules prior to 1902?—A. It could not be said to be the rule.

Q. It was rather frequently done, was it not, Mr. Yancy?—A. It varied in different sections; sometimes the demand was greater, and the necessity did not exist in some years as in others.

Q. Did you find that the necessity came up because other companies were also doing that?—A. Yes, sir.

Q. The McCormicks were doing that?—A. Yes, sir.

Q. And the Plano?—A. Yes, sir.

Q. The Milwaukee, the Osborne, and the Champion—they were all doing that?—A. Yes, sir; more or less.

Mr. President, the evidence in this case discloses that there was what was regarded by the business world and what would be regarded by men ordinarily engaged in that kind of business as unfair, oppressive—in the language of the Senator from Nevada, brutal competition. But that competition, oppressive and unfair as they chose to call it, is proven to have been of unquestionable benefit to the agriculturists and farmers of the country. They got the benefit of the lower price; when the severe competition ended the price was ultimately raised. It was shown that while there was war between the manufacturers it reached in its effect to the salesmen, and from the salesmen to the consumers or final purchasers.

I do not know, Mr. President, what this commission would do with that kind of a proposition should it come before it and it was obliged to determine whether or not that competition was fair or unfair. It is evident in the mind of each one of those competitors that it was unfair competition, and yet it was such competition as was resulting, in my judgment, in general benefit to those who should be benefited under the law of competition—that is, the consumers or users of these agricultural implements.

If there is no standard by which to judge of what is unfair competition and to determine what it shall be, would or would not this commission have ended that competition between those people, resting entirely in the minds, the discretion, the ipse dixit of the commission? Not only that, Mr. President, but resting very largely in the proposition as to how people view these things.

There is not any more elastic proposition than the word "unfair" between competitors or in the business world. I will venture to say you never saw two grocery stores upon the opposite sides of a street doing business where there was anything like a close business that they did not feel one toward the other that it was unfair, and either was prepared to prove it at any time.

Shall we then send out a roving commission into the business world to determine what shall be unfair competition without any guide from us or without any power to review their action? Shall the Congress of the United States release them to their wide and uncircumscribed jurisdiction, and shall we, having done that, also say that no tribunal shall review their discretion as they exercise it?

Mr. BORAH. Now, take another phase of this proposition.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. NEWLANDS. May I ask the Senator whether it would do away with his objection to this particular section if the power to review were given to the court with all the facts?

Mr. BORAH. That presents another question which I wanted to discuss later in this matter; but so far as the immediate question which I am now presenting is concerned, it would. That presents another phase of this matter which I am going to discuss a little later, and which I will call to the attention of the Senate and the Senator. But I was going to say there is another phase of it. These men who undertook to do away with what they conceived to be ruinous competition did so by the only practical method that I know of or that they knew of, I presume. They could not relieve the independents in the field competing with one another and control the competition. That was simply impossible. I venture to say that it will be impossible for this commission to do it without injunction after injunction in regard to the different enterprises and lines of business in the country. So they simply purchased, bought up, combined, coordinated these independents and destroyed the competition, although they said it was simply for the purpose of qualifying or lessening the competition, and that was their defense in the court. When they went into court under the trust law they disclosed to the court that they were in a fierce and brutal competition, which must in the end result in the destruction of some of the independents, and by the combination they were able to save all the independents and give them what their property was reasonably worth. Eliminate this rule or principle; at least modify it and lessen it. They did it, and doing that they ran up against the trust law and were ousted from the State of Missouri because they did it.

Now, what would a business man do under those circumstances? On one side is Charybdis and on the other side is Scylla. On one side demanding and insisting upon competition, and the courts will not hear to the question that it is fierce; on the other side, the rule that it shall not be unfair.

Mr. President, I am only pleading in this matter for a rule which can be followed successfully and intelligently and permit business to go ahead and thrive.

I have not undertaken to argue the question whether or not this is constitutional because of uncertainty and whether it is a delegation of power that we can not make. As I said be-

fore, I am assuming that we may do it, and, having power to do it, are we prepared to put the business world into that kind of a strait-jacket?

Now, Mr. President, the Sherman antitrust law says if you do not compete, if you take any steps to destroy competition, you are a criminal. This law says, "If you compete too fiercely or unfairly, you are a violator of the law."

What did they do in this case? I read from page 388:

All of the contracting companies parted with all their assets of every description and good will, leaving them only the shares of stock which were of no use or value. The next step was the organization of the International Harvester Co. under the laws of New Jersey, with a capital stock of $120,000,000, which was distributed as follows: J. P. Morgan & Co. having paid for the property and stock of the Milwaukee Co. $3,148,196.66, and their services and expenses in the organization being estimated at $3,451,803.34, they were awarded stock to the amount of $6,600,000; the tangible properties of the McCormick, the Deering, the Warder Bushnell, and Glessner, and the Plano having been appraised at $53,400,000, and guaranteed bills receivable and accounts at $40,000,000, stock to the amount of $93,400,000 was distributed to them, and the remaining stock to the amount of $20,000,000 was issued to individuals who subscribed for it.

After the organization of the New Jersey corporation all the other companies that had been absorbed by it ceased to do business, and thereafter the business of manufacturing and selling harvester machines and other farm implements was conducted by the New Jersey corporation. But because some States would not admit into their borders a corporation of such capital stock and others imposed a license tax that the managers thought was unreasonable it was decided that the corporation would limit its operations to manufacturing the machines and implements, and would employ another concern which would not be objectionable to the laws of those States to sell its products. For this purpose the managers of the New Jersey corporation turned their attention to the respondent in this case, then called the Milwaukee Harvester Co., the property of which the New Jersey corporation had already acquired and the stock of which it also owned. The advantage of using this respondent also appeared by the fact that it was already licensed in the States where it was desired to go, etc.

That discloses how these people deeming this competition to be relentless and an unending war ended it and mollified and lessened the competition. They ended it by creating a monopoly and gathering to themselves the power to fix what price they thought it wise to fix.

Now, going back to page 410:

In the first place, J. P. Morgan & Co. procured an option on the present respondent, then the Milwaukee Co. This covered the whole concern, lock, stock, and barrel. Then Morgan & Co., as practical owners of respondent, were in a situation to arrange and combine with others in the harvesting-machine business. They did so arrange, but to give evidence of individual sales they had each party to the arrangement or combination sell by written contract to one Lane. This is step number one. Lane later conveyed to the International Harvester Co. This is step number two. The International Harvester Co. then proceeded to put its stock in the hands of voting trustees under a written agreement, forming a voting trust, which was to be in force for 10 years, but which might be terminated in five years. This is step three. Then followed the sales agent's contract with the respondent in this case. The stock held by these trustees was held in proportion to the amount put in by these several component corporations, save and except certain amounts fully discussed in the principal opinion. Was this an arrangement or combination with the view of lessening competition? It was not a bona fide sale, because the sellers had to create their own buyer. It was a device to combine all their property into one huge concern and for what purpose? In view of the facts and upon conscience can we say it was not done with a view to lessen free and full competition? We think not. The parties themselves say that it was done to stop the fierce competition between these large manufacturers. They further say that it did stop that competition, as is evident from the very arrangement itself. The statute does not say that the arrangement must stop competition to bring it within the ban of the law. If it was made with the view of lessening competition the arrangement and combination must be condemned. Can it be said that when you have taken 80 or 90 per cent of a given trade, formerly in the hands of six corporations in open and fierce competition, and placed it in the hands of three voting trustees with practically absolute power, you have not by the very act itself lessened free and full competition in general trade? We think not. The thing speaks for itself. The purpose is apparent. It would be years before the small concerns left, which did own 10 to 20 per cent of the business, could gain strength and capacity to have any real competition.

Mr. President, that brings to my mind a proposition that makes me fear this bill in its final effects and consequences. While I know that that is not the purpose of the authors of the bill—I know the very opposite to be the object and purpose of the authors of the bill—a time is coming when this will be used as a buffer against prosecutions under the Sherman antitrust law. The time will come when, if this grows and ramifies itself into the business affairs of this country and this commission is able to do all that is imposed upon it, these powerful combines and corporations desiring to get rid of competition will seek shelter under this act or order of the commission.

So far as I am concerned, Mr. President, as I said yesterday, I would vote for any law or any measure or any trade commission bill which I believed would make more effective the enforcement of the Sherman antitrust law. I believe a further consideration of the decisions of the Supreme Court of the United States will warrant any lawyer in saying that if the administrative power is equipped to carry into effect the judgments and decrees of the court, if we have the political and moral courage to do it, we can exterminate monopoly in every conceivable form in which it exists in this country.

For 20 years we have been engaged in amplifying and revealing, as it were, the powers of this statute, until to-day I challenge the lawyers of the Senate to mention to me a form of industrial monopoly which is not subject to the principles announced by the Supreme Court of the United States. The statute as it was originally passed was deemed insufficient; and while a certain class of men in this country have been engaged in denouncing the courts, the courts have, in discharge of their tremendous responsibility, made this a workable, effective, and efficient statute. If we want to get rid of monopoly, if we want to restore competition, if we want to destroy that power which is a menace to this Republic, we have it in our power to-day to do it if we have the political courage to do it.

What I fear is that this bill can serve no other purpose than to dull the edge of our activities and our desire to destroy monopoly. We know that within the last few years there has been a distinct and aggressive movement in this country to legalize monopoly, to claim for it not only respectability, but to clothe it with the qualities of science and endow it with the attributes of philanthropy. It is argued that combinations built up through monopolistic practices and maintained by force of monopolistic principles are the result of business growth and progress and the ripened fruit of industrial evolution—that they have come to stay and, instead of being abused, should be regarded as among the blessings of our times. These people do not stop with the argument for a larger business unit which is a normal and necessary result of our industrial development, but they indorse and would leave undisturbed the unnatural, irregular, and illegal combinations which are the result, not of legitimate and natural growth and development, but monsters born of deceit, fraud, overreaching, overcapitalization, and criminal combinations. The Beef Trust, holding its complete supremacy over one of the indispensable foods; the Standard Oil combination with its colossal influence in both business and politics, far surpassing the influence of any single Commonwealth of the Nation; the International Harvester Trust holding its iron grip upon the implements through and by means of which the farmer tills the soil and harvests the crop—standing between the farmer and the market, taking such toll as it deems wise—these and their score of similar combinations fixing the toll upon everything which goes into the stomachs and upon the backs of the human family are justified and defended as necessary and wise and even beneficent institutions. This propaganda had its origin with those who, having created these combinations, secured these special privileges, organized their schemes, and felt it necessary, therefore, to legalize and make safe and permanent their holdings.

The people are told that they will be made safe and even happy and prosperous against the outrages which ordinarily accompany the movements of monopoly through and by means of a commission or bureau appointed and sitting at Washington, whose functions it shall be to regulate these monopolies. It is argued that combinations with monopolistic powers equipped and permitted to produce monopoly are inevitable, necessary, and that all they need is a little regulation. The argument, in effect, is that we are to tolerate and even encourage those monopolies, but we will have a board or commission which will mollify their extortions and not permit them to bury their fangs too deeply into the flesh of the producing and toiling millions—somewhat as they once might have muzzled the bloodhound that he might not tear too much the flesh of the fugitive on his way to the Canadian border. The heartless irony of this scheme is manifest. In different forms and under other guises and by other names it has been tried in the past. The result has always been and always will be in the end to establish two classes—a governing class, which is the property class, living in luxury and power, and another class, bound down by the iron bands of necessity and literally living upon the crumbs which fall from the rich man's table.

What chance would the average citizen, the common people, have in such a scheme? What would become of the freedom, the initiative, the self-reliance indispensable to citizenship in a Republic after the scheme had settled into its grooves, fastened itself upon us and hardened into a remorseless system, a redoubtable financial and political hierarchy? What effect would it have in the sweep of the years upon our institutions, our conceptions of equality, our theory of civic responsibility, our sense of social justice, our inherent abhorrence to classes? Nothing can be sound or wise or tolerable under a republican form of government which weakens or destroys self-reliant citizenship. Nothing can be endured which inures us to the idea

of classes or closes the door of opportunity to those who chance to be born outside of the charmed circle of property and influence.

Mr. President, I want to call now, attention very briefly to some of the suggestions of counsel in the Standard Oil case, to show how we may unthinkingly or unconsciously following along the line which they have been undertaking to lead us for the past few years——

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. LEWIS. Mr. President, after listening more fully to the Senator from Idaho developing his argument this morning, I am satisfied that I have misrepresented his position in expressions which I gave vent to yesterday in inquiries addressed to the Senator as well as in my own observations. The Senator's position, as I now understand it, is not that the pending bill is unconstitutional; it is not that it is illegal, but that in its present phraseology and in the method in which it may be executed it is inexpedient, impracticable, and likely to be oppressive?

Mr. BORAH. Yes; I think I may answer that in the affirmative, with the additional statement that it is calculated to be oppressive; and I would also add that it is calculated in the end to shelter combinations in this country rather than to destroy them. I should like to see it confined to such terms or provisions as would be devoted exclusively to the execution and enforcement of the Sherman antitrust law.

Mr. LEWIS. Then the Senator from Idaho is not contending in his argument as to the invalidity of the measure based either upon a constitutional criticism or upon the criticism of its being an illegal act or improper legislation?

Mr. BORAH. No; I am not, Mr. President.

Mr. LEWIS. Then I have misapprehended the Senator's position.

Mr. BORAH. I am not taking that view of it.

I heard the oral arguments upon the part of the very able counsel for the Standard Oil Co.; of course, the printed brief does them very slight justice; but I recall very well, indeed, the presentation of the case by the distinguished attorneys, wherein they undertook to show, and undoubtedly from their standpoint they felt justified in their position, that the acts complained of almost exclusively as against the Standard Oil Co. were that it competed too fiercely; that it had carried the law of competition too far; that it had been bidden to compete, and when they had exercised their ingenuity, their genius, and their capacity for business beyond a certain point, they were held to have violated the law. They say:

> The elimination of competition, so far as his property and business is concerned, is not a restraint of trade, but is merely an incidental effect of the exercise of the fundamental civil right to buy and sell property freely. The acquisition of property is not made illegal by the fact that the purchaser intends thereby to put an end to the use of such property in competition with him. Every purchase of property necessarily involves the elimination of that property from use in competition with the purchaser, and therefore implies an intent to effect such elimination.

Mr. Watson, in his brief, says:

> Competition is the striving of two or more persons or corporations, either individually or jointly, for one thing, i. e., trade; it is personal action; the strife between different persons. Properties do not compete. Their relative locations may more readily enable their owners to use them in competition, but of themselves, and as against each other, they do not compete.
>
> This idea makes the Sherman Act read that the same person or group of individuals shall not own and operate two or more sites for refineries or for stores or for any kind of manufactories which might be used by different owners in competition.

In the Tobacco case it was stated in the brief:

> Monopoly is the outcome of the practical cessation of effective business competition.

The beginning of monopoly is the cessation of competition. Notwithstanding the fact that there may be some hardships and some what we might call brutalities in the business world, in the great struggle of the Republic against the power of monopoly, are we willing to hamper and limit in any respect the power of competition in the business world? I think that we may well enlist and engage upon our side any power or influence which will enable us to restrain, to circumscribe, or to destroy monopoly; and just in proportion as there is what might be called a buffer against the action of that power, in that proportion benefit will somewhere arise to the interest of the monopoly.

> This word in the antitrust act has no reference to a grant of special privilege, but is used in a broad sense. Trade and commerce in any commodity are monopolized whenever, as the result of the concentration of competing businesses—not occurring as an incident to the orderly growth and development of one of them—one or a few corporations (or persons) acting in concert practically acquire power to control prices and smother competition.

In other words, Mr. President, when the business of this country and the lawyers have gone into court and said that we were seeking to mollify, to assuage, and to lessen competition, the courts have said, "In so far as you have sought to do that you have sought to build up monopoly." The rule of this Republic from its inception to now has been that competition will finally adjust the equities of the business world better than any other principle which we can invoke; and our fight has arisen not because there has been too much competition, though in some instances fierce, but because of the lessening effect and force of competition. I would strike from this bill, so far as I am concerned, anything upon that subject. There are some features of the bill I like, because I think they will help to execute the Sherman law.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I do.

Mr. NEWLANDS. If the Senator will permit me, I understood him to say that, while he admitted that that was not the purpose of the authors of this bill, he feared that it would be in the end a buffer to protect to a greater or less degree monopoly. He indicated that he thought the energies of this commission should be employed in the enforcement of the Sherman Act, which under the decisions of the court can become, in his judgment, a thoroughly workable act. I agree with him as to his view of the Sherman Act, that it is a thoroughly workable act; but I ask him, pursuing his view that this commission's sole power should be the enforcement of that act, whether he would turn over the entire power of enforcement to that commission and relieve the Attorney General's office of this function?

Mr. BORAH. Turn that power over to the commission?

Mr. NEWLANDS. Yes.

Mr. BORAH. No; I would not be willing to turn it over entirely to the commission. I would only want the commission as an aid to the Attorney General's office—an aid to the prosecution. Then I would——

Mr. NEWLANDS. Let me say there——

Mr. BORAH. If the Senator will excuse me for just a moment—then I would do one thing further. The best enforcer of the law that any society ever discovered is the individual interest of the injured party put into operation under a simple process. No one will ever enforce the Sherman law so well as the man who has been injured by the monopolistic combines, if you will make it simple enough so that he himself may bring his individual suit to recover damages for the trespass upon him.

Mr. NEWLANDS. Then, I judge that the Senator admits that thus far the Department of Justice has not proved a very efficient agent for the enforcement of the Sherman Act?

Mr. BORAH. I would not want to——

Mr. NEWLANDS. I will not ask the Senator that question; it is not necessary.

Mr. BORAH. Well, I can answer it without reflecting upon anybody. I say that I think, in so far as the Department of Justice from time to time have had to do with the actual trial of cases and with the presentation of them to the courts, they have not only disclosed great ability, but they have done everything that the public could ask them to do. The fault, however, has arisen when the court has said, "This is an unlawful company," out of the fact that we, apparently, as a people have not had the courage to put into effect the decree of the court. When the Northern Securities decision was rendered, there was published the next day a statement, which seemed to be authoritative, that the business world need not be uneasy; that we were not going to run amuck.

Mr. NEWLANDS. Mr. President——

Mr. BORAH. Just a moment. I would hate to see, I suppose along with everyone else, business disaster in this country; but if it had been stated when the Northern Securities decision was rendered that every business concern in this country within a reasonable time would have to adjust its business to that rule, and that there would be no political favorites and no yielding on that question, in my judgment, to-day this question would be an infinitely small question compared to what it is.

Mr. KENYON. Mr. President——

Mr. NEWLANDS. Mr. President, if the Senator will permit me to follow up my idea, then I will yield. It is not my purpose at all to indulge in any reflection upon the Department of Justice or upon any Attorney General who has ever held the position of chief of that department. On the contrary, I believe that they have all been able and conscientious officers; but I have contended for years that from the start the entire administration and enforcement of the Sherman antitrust law ought to

have been put into the hands of a commission just as the interstate-commerce act was, and to-day, if I had the power, I would institute that means of enforcement. The very fact, however, that the Senator flinches from the suggestion that the control of the enforcement of the Sherman Act should be turned over absolutely from the Department of Justice to the trade commission indicates the difficulty. I fear that public opinion to-day might not approve such action, although I believe in it.

The inefficiency of the Attorney General's Office has arisen, not from the lack of ability or integrity of officials, but from the fact that society having determined to relieve the individual from the trouble and expense of prosecuting these cases by itself taking them in charge has put the function of enforcing the antitrust act upon a department the incumbency of which is changing continually, there having been, I believe, three or four Attorneys General in one administration.

Another difficulty has arisen: We have thus had, by reason of this changing incumbency, the varying policies of minds, able and brilliant, but differing in their views, with the consequent demoralization of the entire force engaged in the administration of this law. In addition to this, the Attorney General is in a measure a political officer. He belongs to the political department of the Government, the executive department; he sits in the President's Cabinet; and the Attorney General's Office feels the pressure of expediency everywhere——

Mr. BORAH. I think the Senator and I agree.

Mr. NEWLANDS. Expediency with reference to the fate of the administration in power; expediency with reference to the fate of the party in power. We had an illustration of that when at a time of great financial disaster the proposal was made to a President of the United States as to whether monopoly should be increased by the acquisition by the United States Steel Co. of the property of the Tennessee Coal & Iron Co. Upon the suggestion that the taking up of the securities of that company would relieve a most tense financial situation, the President, responding to a patriotic impulse and acting only as he thought for the public good, practically sanctioned a transaction which was against the law with a view of averting a great financial disaster, and he went so far as to impress his view upon the Attorney General of the United States, charged with the function of enforcing this law. There a great financial emergency operated upon the political department of the Government to avert the enforcement of this law.

Everywhere along the line this influence is felt. An election is approaching and the powers of monopoly are aroused to prevent or to slow down a certain prosecution, and the idea is circulated that the continuance of that prosecution or of many prosecutions will have a disturbing effect upon the business of the country and affect the coming election, and political pressure is brought to slow down and retard the enforcement of the law. So we have these political exigencies arising all along and preventing the proper enforcement of the law.

We have found in the Interstate Commerce Commission a nonpartisan organization, which moves absolutely free from the influence either of Congress or of the President, an independent organization charged with the enforcement of the interstate commerce act, and commencing that enforcement at the same time that the Attorney General started in upon the enforcement of the Sherman antitrust law. We find, however, by way of contrast that almost every transportation question has been settled, whilst we are just upon the threshold of the adjustment of the trust question; and meanwhile even the prevention of the creation of these great aggregations has not been accomplished. We have not only failed to destroy those which were in existence when the act was created, but we have failed to prevent the organization of others.

I cast no reflection upon any President of the United States or upon any Attorney General, but I say the system is a bad one, and, so far as I am concerned, I would gladly turn over the entire enforcement of the Sherman antitrust law to a nonpartisan, independent tribunal; but I do not think public sentiment is ripe for it, and therefore I want to go as far as I can in that direction, and I think we have gone as far as we can.

The Senator must recollect that the provision with reference to unfair competition is intended to disarm monopoly. It is monopoly, or the corporation possessing monopolistic tendencies, that engages in unfair competition, and unfair competition is a means of creating monopoly. We want competition, it is true, but we want a civilized competition, and not a brutal warfare in which the powerful can destroy the weak.

Mr. KENYON. Mr. President, there was another element that the Senator did not suggest that has led to the ineffectiveness, if it might be called so, of the Sherman Act; and without reflecting at all, of course, upon the courts, because it is their view that it is a mere economic statute and not a moral statute, the courts have universally refused to send anybody to jail for the violation of the Sherman Act. The Department of Justice has time and time again, under the criminal sections of that statute, convicted men, after jury trials or after they have pleaded guilty, and the courts have merely assessed small fines.

It has always seemed to me that if, at the commencement of prosecutions under the Sherman Act, the courts had sentenced men to jail, it would have solved this monopoly question, and there would not have been so many combinations and trusts formed; but never in the history of the Sherman Act has a single man gone to jail for its violation.

Mr. BORAH. Mr. President, there is some reason for that, and that is that they got the wrong fellows.

Mr. KENYON. They had the right fellows sometimes.

Mr. BORAH. It was very rare, in criminal prosecutions. Most of the fellows that should have been jailed turned reformers and went into politics.

Mr. KENYON. The courts fined them, however, instead of sending them to jail.

Mr. BORAH. While I shall not mention upon the floor of the Senate the names of citizens of this country, the Sherman law would have been an effective statute from that date if four or five men whom I have in mind had been put in stripes.

Mr. KENYON. How are you going to put them in stripes if the courts will not put them there?

Mr. BORAH. Those men have never been prosecuted criminally.

Mr. KENYON. Some of them have.

Mr. BORAH. Not so far as I know.

Mr. KENYON. Some of the men the Senator has in mind were prosecuted, but they were not convicted.

Mr. BORAH. The men I have in mind have never even been tried.

Mr. POMERENE. Mr. President, in order to make the record complete, I perhaps ought to say that even though the United States Supreme Court in the Standard Oil Co. case and in the American Tobacco Co. case declared that by the undisputed facts in the record the defendants in those cases had violated both section 1 and section 2 of the Sherman law, which were criminal provisions, the Department of Justice would not even prosecute. If one or two of the defendants in those cases had been sent to the penitentiary, where they ought to have been sent if we had had a decent regard for the law, we would not have the trust question now.

Mr. BORAH. Mr. President, I think the Senator from Nevada [Mr. NEWLANDS] and I agree very generally as to why the Sherman law has not been enforced. That is because at a certain time we reach a crisis when business and politics feel that it is necessary to adjust their differences. That is not due to particular individuals. That is due to the fact that we have not yet arrived at the time when we are willing to deal with this subject in the only way in which, in my judgment, it can be dealt with effectively.

I do not believe you can take a commission and separate it from the rest of the world so that it will not feel the influence and the power that affect other men. I have no criticism for the Interstate Commerce Commission, but that question has not been tested yet to its full; not by any means. You can not judge an institution of that kind except in the sweep of the years, and I, as one, am not willing to take the currency question, the industrial business of this country, and the transportation business, and place all of those things entirely away from the electorate, entirely away from the recall of the people, with a bureau which is answerable in no respect to the people. In the end it will result in their moving to a very large extent in one groove and the people in another groove. I am not willing that the most tremendous affairs of government shall be wholly separated from the recall which the people have at stated periods with reference to the election of their officers. There is certain expert business which must be done by experts, but the policies which we are to pursue must always be subject to the determination of the popular vote.

Of course people have to experience things before they arrive at a conclusion to deal with them in what you might call a drastic way.

I have no doubt that when we come to deal in an effective way with the monopolies which have been organized in this country we will have to pay for our fight by certain losses which the people will have had to endure for a time. These monopolies have the power to create business distress. They have acquired that power, and you are not going to get it away from them without a contest which will in some way affect the business world.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr CUMMINS. I agree to the last proposition of the Senator from Idaho, and it forms the reason for the favor I entertain for the commission. If a commission goes wrong, it can be legislated out of existence. It is subject, in a way, to the temper of the people, and certainly subject to the power of Congress. Unfortunately, the courts of the United States are removed from both Congress and the will of the people. When the judges are appointed they are appointed during good behavior, which means, ordinarily, during life. It seems to me that the argument of the Senator from Idaho leads naturally and inevitably to the creation of a commission, through which some part of this work can be done, rather than to intrust it all to the administration of the courts.

For one I do not believe the courts can administer a law regulating commerce in many instances with efficiency, and I should like to suggest that view of the case to the Senator from Idaho, who, I know, wants an effective law. We always have our hands on the commission, not to influence its action in a particular case but, if it proves unfaithful, to dispose of it by legislation.

Mr. BORAH. Mr. President, in my humble opinion the Congress of the United States has no justification for in any way, directly or indirectly, criticizing the courts with reference to the Sherman antitrust law. The courts have met their responsibility and made this statute a most comprehensive and effective statute. They have not dodged for the sake of politics nor modified their decisions because of the threat of business disaster or tread softly in the presence of an approaching campaign. They have struck at the heart of monopoly.

With a single exception, the Supreme Court of the United States has maintained in its fullness and all its scope and power the Sherman antitrust law. I believe it was perfectly justified in saying what it did say in the case of the Standard Sanitary Manufacturing Co. against The United States, volume 226, page 49:

> This court has had occasion in a number of cases to declare its principle. Two of those cases we have cited. The others it is not necessary to review or to quote from except to say that in the very latest of them the comprehensive and thorough character of the law is demonstrated and its sufficiency to prevent evasions of its policy "by resort to any disguise or subterfuge of form" or the escape of its prohibitions "by any indirection." Nor can they be evaded by good motives. The law is its own measure of right and wrong, of what it permits or forbids, and the judgment of the courts can not be set up against it in a supposed accommodation of its policy with the good intention of parties, and it may be of some good results.

I do not believe there is any form of industrial monopoly, any device which they have been able to create, or any subterfuge which they have been able to bring forward which can escape the principles announced by the Supreme Court of the United States in regard to the Sherman antitrust law.

I agree with the Senator that the court can not administer or go out and execute a judgment or a decree. It is not the business of the court to do it. The court has laid down the principles, announced the judgment, and rendered the decree; and in doing so it has left no refuge for monopolistic practices in this country. If the Senators favoring this bill will confine it to the creation of a tribunal which will have for its purpose making more efficient the execution of the decree, I think, so far as I am concerned, that I should be willing to support it. I agree, further, that the execution of the Sherman law has not thus far aided the man in the street; but that is because we stopped short of our duty; it was not the court's fault. I agree the way we have been proceeding the burden has been too great for the court; but we can relieve the situation by appropriate administrative measures.

Mr. CUMMINS. This bill does that very thing.

Mr. BORAH. But, I say, if you would confine it to that.

Mr. CUMMINS. And the attempt is to go further and make some things offenses that are not now condemned by the antitrust law. That is the only purpose of section 5—to make some things punishable, to prevent some things, that can not be punished or prevented under the antitrust law.

I wanted, however, to refer the Senator from Idaho to two or three instances of the enforcement of the antitrust law. I concur with him in the statement that so far as the announcement of general principles is concerned no quarrel can be had even by the most captious with the declarations of the Supreme Court, save possibly in the Standard Oil and American Tobacco Co. cases, in which, I think, it introduced an element into the law that is not there; but I do not care to speak of that now.

Let us take, now, four or five of the great peaks in the history of this law. First, the Trans-Missouri Freight Association case, as well as its companion case, the Traffic Association case. What the railroads were doing under the arrangements that were there complained of was condemned by the Supreme Court, and these associations were dissolved. There is not an intelligent and observing man in the United States who does not know that the railroads are doing all the time the very thing that was declared in those cases to be a violation of the antitrust law.

Mr. BORAH. That certainly is not the fault of the court.

Mr. CUMMINS. Just a moment. It is the fault of the administration of the law through the court.

Second, let us go forward to the Northern Securities case. The Northern Securities case was intended to destroy the joint operation of the Northern Pacific Railroad and the Great Northern Railroad and to secure competition between those two great properties. There is not a man but who knows that the relation between those two properties is just as close and intimate and effectual now as it was when they were combined in the Northern Securities Co. of New Jersey.

Let us go forward again to the Standard Oil case. That company was denounced. Thirty-four companies were organized to take its place; and they have been operating, with a single exception, as I believe, just as much in association since the decision and since the decree as before.

The last case is that of the American Tobacco Co. It was denounced as a violation of the antitrust law. It was divided into 14 or 17 new organizations, and it has been conducting its business with just as much intimacy and with practically the same correlation between its various parts as before the decision of the court was announced.

Now, that is not the fault of the court. The Supreme Court laid down the correct principle in each of these cases; but so long as we must operate simply through the Attorney General's office—I care not how faithful and diligent he may be—there is no way to arrest these operations; and if we can not arrest them by committing the task to some tribunal whose sole duty it will be to prevent these practices, then we are hopeless, as I look at it.

I agree with my colleague [Mr. KENYON]; the courts will not put these men in jail. Why? Because they have done things which the most respectable men in the land do and have done and have maintained their places in society and in industry. They will not put a man in jail for those things; at least that has been our history.

Mr. NEWLANDS. Mr. President, the Senator refers to the courts. I imagine he means juries, does he not?

Mr. CUMMINS. No; they have been convicted now and then; but, as my colleague has said, the courts, having the alternative either to fine or to imprison, or both, have simply fined, and a fine is of no consequence. There never was but one fine inflicted, as far as I recall, the payment of which would have been a considerable penalty upon these concerns. There was a judge in Chicago who fined a company $29,000,000, and if the company had been compelled to pay that fine it might have created some respect for the law; but you all know how that fine was disposed of. I think, and I believe the Senator from Idaho will agree, that in the execution of these laws we must have some other and additional arm of the Government to strike a blow that will be felt.

Mr. BORAH. Mr. President, I do not understand what the Senator from Iowa means when he says that we have not the power under the Sherman antitrust law, so long as it is executed through the courts, to carry into execution the decrees and judgments of the courts. I think we have the power; I have not any doubt that we have the power, and I think the Senator must conclude that we have the power. I presume what he means is that we are not willing to exercise it.

Mr. CUMMINS. No; I do not mean that we are not willing to exercise it, but I mean that in this great, complicated Government of ours, where each of the various departments of Government has so much to do, and where the head of each of the departments is a political officer——

Mr. BORAH. The Senator is confessing just what I said.

Mr. CUMMINS. I am not confessing anything; I am asserting. The head of each department is a political officer, and I am not using that term in a critical or disparaging sense. He must be a political officer. The Attorney General of the United States is one of the Cabinet officers. He is a man to advise with regard to politics. He is a man who must take into account tens of thousands of other things than the enforcement of the antitrust law. It is utterly impossible, as I look at it, to expect that the Attorney General will follow these decrees into their full and complete execution. I do not know, but I believe that the decree that was entered, bad as it was,

in the American Tobacco Co. case, might well be inquired into, to ascertain whether the decree itself is not being violated from day to day; but who is to do it?

Mr. BORAH. There is no reason to assume that a commission would do that any more quickly than an Attorney General. The Attorney General has, in the first place, the power largely to define and to control the decree; and I do not see why we can assume that he will not inquire into it except upon general principles, the feeling that we are not willing to go to the extent of executing these decrees; and it is not because the machinery is out of order.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. Mr. President, I am somewhat impressed with the Senator's observation with regard to vesting so much power in the commission, and I am inclined to sympathize somewhat with that thought. It seems to me that we are in danger of transferring to commissions a large number of the functions and activities of the Government, which may eventually prove rather a dangerous situation to us; and this commission undoubtedly would have tremendous power over all the industries of the country. The Senator's attention, however, is called to the fact that each commissioner is appointed only for seven years, and that he is subject to removal for malfeasance in office.

I wish to inquire of the Senator whether he can suggest any better way of controlling a commission of this kind. It seems to me that is perhaps more effective than the power of legislating them out of office, as suggested by the Senator from Iowa. Under this bill the term of each of these commissioners expires in seven years, and the President has the power to remove in the case of misconduct or malfeasance in office. Is there any way the Senator can arrange or suggest what will give a better control over the situation than that?

Mr. NEWLANDS. Mr. President, I wish to make just one observation, if the Senator will permit me, and that is with reference to the power of the Attorney General to enforce thoroughly the antitrust act. I have not the slightest doubt that the courts are entirely capable of declaring the law, and that the Attorneys General whom we have had have been capable lawyers; and I believe that with the exception possibly of the Knight case the Supreme Court has declared the law in such a way as to effect the dissolution of every monopoly whose dissolution ought to have been decreed. The difficulty is that the enforcement of the law breaks down after the decision of the court.

Mr. BORAH. I agree with the Senator.

Mr. NEWLANDS. First in the framing of the decree, and then in the enforcement of the decree.

Mr. BORAH. Well, so far as——

Mr. NEWLANDS. If the Senator will permit me, simply because judges have not the training and experience in economics and industry which enables them, after dissolving a corporation, to permit or accomplish its reorganization in such a way as to make the decree really effective.

Mr. BORAH. Mr. President, I will not agree to the proposition that the judges are to blame for these decrees. We know how these decrees have been framed.

Mr. NEWLANDS. I do not say they are to blame. I simply say they have not that peculiar kind of training and experience that is absolutely essential to reintegrate the elements that have been dissolved by a decree destroying a monopoly.

Mr. SHIVELY. Mr. President, without wishing to interrupt the Senators who are engaged in this debate, I ask the Senator from Idaho if he desires to go on and complete his remarks to-night?

Mr. BORAH. Mr. President, when I was at work on the farm I always quit at 5 o'clock on Saturday. I shall be glad to quit now if the Senator can take up the time.

Mr. NEWLANDS. I ask that the bill may be temporarily laid aside.

The VICE PRESIDENT. That will be done.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, June 29, 1914, at 12 o'clock meridan.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1914.

COLLECTOR OF CUSTOMS.

Herbert C. Comings, of Richford, Vt., to be collector of customs for the district of western Vermont, in place of Charles H. Darling, whose term of office expired by limitation February 28, 1914.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. John E. Beller, Coast Artillery Corps, to be second lieutenant of Infantry, with rank from June 15, 1910.

Second Lieut. Allen R. Edwards, Twenty-third Infantry, to be second lieutenant in the Coast Artillery Corps, with rank from June 15, 1910.

PROMOTION IN THE NAVY.

Pay Inspector Samuel McGowan to be Paymaster General and Chief of the Bureau of Supplies and Accounts, in the Department of the Navy, with the rank of rear admiral, for a term of four years.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Samuel McGowan to be Paymaster General and Chief of the Bureau of Supplies and Account, with the rank of rear admiral.

NAVY.

Civil Engineer Frank T. Chambers to be a civil engineer with rank of captain.

Lieut. Commander John C. Fremont to be a lieutenant commander.

Lieut. Commander Edward E. Spafford to be a lieutenant commander.

Lieut. Commander Walter N. Vernou to be a lieutenant commander.

Lieut. Commander Lewis Coxe to be a lieutenant commander.

Lieut. Commander Frank R. McCrary to be a lieutenant commander.

Lieut. Commander Percy W. Foote to be a lieutenant commander.

Capt. Edwin B. Cole to be a captain in the Marine Corps.

First Lieut. Frederick A. Barker to be a captain in the Marine Corps.

Second Lieut. Allen E. Simon to be a first lieutenant in the Marine Corps.

Ernest F. Slater, a citizen of South Carolina, to be an assistant surgeon in the Medical Reserve Corps.

Passed Asst. Surg. James S. Woodward to be a surgeon.

Passed Asst. Surg. James A. Randall to be a surgeon.

Passed Asst. Surg. Charles E. Ryder to be a surgeon.

Fenn-Gaskell Skillern, jr., to be an assistant surgeon in the Medical Reserve Corps.

Clarence W. Ross to be an assistant surgeon in the Medical Reserve Corps.

POSTMASTERS.

IDAHO.

James W. Anderson, Nezperce.
L. A. Mecham, Preston.

ILLINOIS.

Ernest L. Benson, Galva.
F. B. Bock, Girard.
Robert D. Bolen, Maroa.
Addie M. Chenoweth, Tiskilwa.
David M. Flynn, Geneva.
George H. Franzen, Fairbury.
F. O. Grissom, Kinmundy.
William B. Hogan, Lanark.
Robert T. Ross, Palmyra.
M. M. Sharp, Greenville.
W. W. Story, Genoa.

MISSOURI.

Alfred T. Cornwell, Spickard.

NEW HAMPSHIRE.

Alonzo L. Chamberlin, Lebanon.

NEVADA.

Charles C. Corkhill, Las Vegas.

OREGON.

Alice E. Weatherson, Florence.

TEXAS.

H. A. Anderson, Onalaska.
Claudine Barnes, Pampa.
E. R. Cheesborough, Galveston.
H. M. Coats, Texas City.
George C. Williams, Wills Point.

VERMONT.

Prentiss C. Dodge, Randolph.
Emory S. Harris, Bennington.
George F. Hubbell, Northfield.
C. W. Locke, Springfield.

WASHINGTON.

F. M. Charlton, Harrington.
C. W. McClure, Washougal.
John W. Miller, Snohomish.
Eleanor Staser, Kennewick.

WISCONSIN.

William L. Evans, Green Bay.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 27, 1914.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we bless Thee for all the faculties of mind and soul with which Thou hast endowed us, which, under the dispensation of Thy providence are ours to unfold to full and symmetrical proportions till we all come in the unity of the faith and of the knowledge of the Son of God unto a perfect man, unto the measure of the stature of the fullness of Christ—a precious privilege, yet a great responsibility. Help us, we beseech Thee, to strive earnestly for the mastery. In His name, amen.

Mr. MURRAY of Oklahoma assumed the chair as Speaker pro tempore.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. Without objection, the Journal as read will be approved.

Mr. MANN. Mr. Speaker, reserving the right to object, the Journal says that the House agreed, after a quorum was shown not to be present, to meet at 10.30 o'clock this morning. I think the Journal should show that, pending the announcement of the roll call, the House adjourned to meet at 10.30 this morning. That was the fact. The Journal ought not to show that the House took action when there was no quorum present.

Mr. UNDERWOOD. That is undoubtedly the fact, Mr. Speaker. The House agreed to the time of meeting before the announcement of the lack of a quorum.

The SPEAKER pro tempore. Without objection, the Clerk will be directed to make that change in the Journal.

Mr. MANN. Mr. Speaker, on the roll call on amendment numbered 43, next to the last roll call that was had, the Journal shows that four Members answered "present." When the roll was completed there was not a quorum present, as shown by the roll call, and the Speaker directed the Clerk to note as present the gentleman from New York [Mr. BROWN] and the gentleman from Washington [Mr. BRYAN]. The roll call shows that they answered "present." That would indicate a voluntary act upon their part, when it might have been very embarrassing to the gentlemen to have voted "present" when they might have desired to vote "yea" or "nay"; and when they had refrained from exercising the privilege of voting the Speaker directed that the Clerk note the presence of Mr. BROWN of New York and Mr. BRYAN.

The SPEAKER pro tempore. The Chair is informed by the Clerk that Mr. BRYAN and Mr. BROWN of New York could not vote because they were not in the Hall at the time listening——

Mr. MANN. That is true.

The SPEAKER pro tempore. And that they were present at the time that the Speaker told the Clerk to enroll them.

Mr. MANN. The Speaker directed the Clerk to note, under clause 3 of Rule XV, the presence of Mr. BRYAN and Mr. BROWN of New York to make a quorum. But they did not themselves answer "present," and the Journal shows that they answered "present." If they had voted at all, they might have desired to vote "yea" or "nay."

The SPEAKER pro tempore. The Chair does not quite catch the point which the gentleman from Illinois desires to make.

Mr. MANN. Under the rule, if a quorum does not vote and there is any Member in the House who has not voted, any Member may suggest, or the Speaker himself may direct, that the presence of those Members be noted in order to make up a quorum. That was done yesterday, but the Journal, I repeat, shows that they answered "present." If they could answer at all, they might have preferred to answer "yea" or "nay."

The SPEAKER pro tempore. The gentleman from Illinois desires the Journal to show that they were noted as present rather than that they answered "present."

Mr. MANN. Yes. It should show that they are noted as present instead of having answered "present."

The SPEAKER pro tempore. The Chair thinks the gentleman from Illinois is correct in that. That would yet constitute a quorum.

Mr. MANN. Oh, yes; certainly it would constitute a quorum.

The SPEAKER pro tempore. If there is no objection, the correction of the Journal will be made.

There was no objection.

The Journal was approved.

EXTENSION OF REMARKS.

Mr. KETTNER. Mr. Speaker, I secured unanimous consent to extend my remarks in the RECORD on the conference report on the Agricultural appropriation bill, but it does not appear in the RECORD. I would like to have the omission corrected.

The SPEAKER pro tempore. Does the gentleman from California have any particular preference as to the day on which he desires it to be shown that he made that request?

Mr. KETTNER. It does not make any difference.

The SPEAKER pro tempore. The gentleman from California [Mr. KETTNER] desires to have the RECORD show that he had unanimous consent to extend his remarks on the Agricultural appropriation bill. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, before adjournment yesterday afternoon the previous question had been ordered upon the motion to recede and concur in Senate amendment 48. I ask unanimous consent that the order calling for the yeas and nays on that motion be vacated.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the order calling for the yeas and nays upon the motion with reference to amendment numbered 48 be vacated. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, let us have a vote on the motion to further insist on the disagreement of the House——

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. I take it that the vote that was had last night, although a quorum did not appear, would be considered by the conferees as sufficient instruction to the conferees, and would be considered as a sufficient expression of opinion on the part of the House?

Mr. JOHNSON of South Carolina. It would; and besides that I had stated that the amendment would not come back in the conference report, anyway. I made that statement in my remarks.

Mr. MANN. I did not hear the gentleman make the statement.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina that the House insist on its disagreement to Senate amendment 48.

Mr. CANTOR. Let us have the Senate amendment reported.

The Clerk read as follows:

Page 40, line 22, insert the following:
"Assistant to the Secretary, to be appointed by the Secretary, $4,500."

The question was taken, and the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that Senate amendment 52 be reported.

The Clerk read as follows:

Page 41, line 6, strike out the figures "$60,670" and insert the figures "$68,320."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate, which is simply a total, depending on the other amendments.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment 52.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that Senate amendment 76 be reported.

The Clerk read as follows:

Page 55, after line 17, insert the following:

"To pay to Thomas P. Kane the difference between the compensation allowed by law for the Comptroller of the Currency and the compensation allowed by law for the Deputy Comptroller of the Currency, for services as Acting Comptroller of the Currency from April 28, 1913, when the office of the Comptroller of the Currency was vacated, and continuing as long as the duties and responsibilities of said office of the Comptroller of the Currency shall devolve upon said Thomas P. Kane as Acting Comptroller of the Currency, such an amount as may be necessary, to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of August 23, 1912 (37 Stat. L., p. 377), for such part of such services as may be rendered during the fiscal year ended June 30, 1913; and such amount as may be necessary to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of March 4, 1913 (Stat. L., p. 756), for such part of such services as may be rendered during the fiscal year ending June 30, 1914."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment 76.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. Without regard to the merits of the amendment, I wish to call attention to the form of the amendment. At the beginning of line 24 the amendment says, "and continuing as long as the duties and responsibilities of said office of the Comptroller of the Currency shall devolve upon said Thomas P. Kane as Acting Comptroller of the Currency." In another part of the amendment, page 56, line 7, it says, "for such part of such services as may be rendered during the fiscal year ended June 30, 1913"; and also, "for such part of such services as may be rendered during the fiscal year ending June 30, 1914." He is not now occupying this office, is he?

Mr. JOHNSON of South Carolina. No. Mr. Williams is comptroller; but from the time Mr. Murray went out until Mr. Williams took the office Mr. Kane acted as comptroller.

Mr. MANN. The language of the amendment assumes that he is still occupying the office, and may continue to. So if the amendment should be agreed to—and I do not express any opinion about that—I think the language ought to be corrected, so that it will not apparently relate to the future.

Mr. JOHNSON of South Carolina. That is quite true; but I will say to the gentleman that the language of the amendment is the language that came down in the estimates at the time he was filling the office.

Mr. MANN. I suppose that is true.

Mr. FITZGERALD. Mr. Speaker——

Mr. JOHNSON of South Carolina. I yield to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, I want to say a word. I am informed that the statement has been made that I am in favor of this amendment. I simply wish to say that I am unalterably opposed to this amendment. I believe the policy proposed in it is absolutely indefensible and should not be initiated by Congress. I hope the amendment will not be agreed to.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina that the House further insist on its disagreement.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The Clerk read as follows:

Amendment 78:

"Page 57, line 4, strike out the figures '$6,000' and insert the figures '$6,500.'"

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment 78.

The question was taken; and on a division (demanded by Mr. MANN) the Speaker pro tempore announced that there were 55 ayes and no noes.

Mr. REILLY of Connecticut. Mr. Speaker, I arose when the negative was called for.

The SPEAKER pro tempore. On this question the vote is 55 ayes and 1 no.

So the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The Clerk read as follows:

Senate amendment 79:

"Page 57, lines 13 and 14, strike out the figures '359,270' and insert '359,770.'"

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate. This is only a total, depending on the action taken on previous amendments.

The motion was agreed to.

The SPEAKER resumed the chair.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the Clerk report Senate amendment 85.

The Clerk read as follows:

Page 85, lines 16 and 17, strike out the figures "$10,000" and insert the figures "$30,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment 85. I will say that this depends on the disposition of other amendments.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment 85.

Mr. MANN. Does this depend on what disposition is made of the amendments relating to the assay offices?

Mr. JOHNSON of South Carolina. Yes; this amendment depends upon what we do with those amendments.

The question was taken, and the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the Clerk report the next amendment, Senate amendment 101.

The Clerk read as follows:

Page 67, line 17, strike out "$1,000,000" and insert "$1,500,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I desire to make a preferential motion. I move that the House recede and concur in the Senate amendment. The gentleman from South Carolina, of course, is entitled to control the floor, and I will ask him to yield such time as may be necessary.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time is desired on the other side of this proposition?

Mr. MANN. Fifteen or twenty minutes.

Mr. JOHNSON of South Carolina. The gentleman from Alabama [Mr. UNDERWOOD] desires half an hour.

Mr. UNDERWOOD. I may not use it all.

Mr. JOHNSON of South Carolina. I will yield half an hour on that side.

Mr. MANN. That will use up the gentleman's time, and he had better ask unanimous consent for a little additional time.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that all debate on this motion end in one hour.

Mr. FITZGERALD. The gentleman from Alabama [Mr. UNDERWOOD] is going to take half an hour, and we want some time after that.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman——

Mr. FITZGERALD. Does the gentleman from Illinois [Mr. MANN] want more than 20 minutes?

Mr. MANN. If the gentleman from Alabama [Mr. UNDERWOOD] takes half an hour, it may take more than 20 minutes to answer him.

Mr. UNDERWOOD. I will say, Mr. Speaker, that I do not desire to delay the House.

Mr. JOHNSON of South Carolina. Mr. Speaker, I will see if we can agree on 1 hour and 20 minutes. I ask unanimous consent that the debate on this motion be limited to 1 hour and 20 minutes, one-half that time to be controlled by myself, and one-half by the gentleman from Iowa [Mr. GOOD]; that at the end of that time the previous question be considered as ordered.

Mr. MANN. Will that take care of the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. UNDERWOOD. Yes; the gentleman from South Carolina will yield to me.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that debate on this item be limited to 1 hour and 20 minutes, 40 minutes to be controlled by himself, and 40 minutes by the gentleman from Iowa [Mr. GOOD], and that at the end of this hour and 20 minutes the previous question be considered as ordered. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield 30 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I have moved to recede and concur in the Senate amendment. The effect of this motion is to increase the amount of the appropriation that will be available to the Commissioner of Internal Revenue for the enforcement of the income-tax law from $1,000,000, the amount now carried in the bill, to $1,500,000.

I do not desire to combat the views of the members of the committee on this question, and I would not do so if it were not for the fact that the amount of the appropriation directly relates to matters over which the Ways and Means Committee have jurisdiction.

In my judgment, after a full and careful consideration of this question with the Commissioner of Internal Revenue, I believe it will be necessary for him to have the full $1,500,000 available to enforce the law within the next year. More than that, I believe the Government of the United States will make the amount of this appropriation many times over by increasing the appropriation from $1,000,000 to $1,500,000.

Of course I take it that the House understands that this appropriation will be used partially for the collection of the income tax in the regular channels, but the additional amount that is asked for will be almost entirely used to enforce the collection of the income tax against persons and corporations that are trying to evade the law. I take it that no matter what a man's opinion may be in reference to the income-tax principle, or whatever may be his opinion in reference to expenditures, that no man will take issue on the proposition that individuals and corporations who are attempting to evade the law and who are not paying their proportion of the income tax when it is due ought to be brought to a reckoning and required to comply with the terms of the law.

The Commissioner of Internal Revenue has stated to me that he believes this additional appropriation will allow him to make investigations that will enable him to collect from $15 to $25 for every dollar of this additional appropriation; that the indications are that a great many people have not made their returns, and some who have made their returns have not made the returns that the law requires them to make, some through ignorance, some through mistake, and some through deliberation. For these reasons I think it is important that the appropriation should be increased to the amount fixed by the Senate.

I want to call the attention of the House to the fact that this is not an unusual request. It costs at the present time 3½ per cent to collect our customs revenues. It costs at the present time 1½ per cent to collect our ordinary internal-revenue taxes on whisky, tobacco, and other things, excluding the income tax.

Although the returns from the income tax this year will not reach the maximum and will fall somewhat below $100,000,000, there is no question in my mind, and I think I can demonstrate to the House in a few minutes, that the ordinary returns which will be collected from the income tax and the corporation tax in a normal year will amount to more than $100,000,000. A cost of collection of $1,500,000 a year will not exceed the amount that it costs us to collect the ordinary internal-revenue taxes to-day. It is much less than it costs most of the European countries to collect their internal-revenue taxes, and it will cost us very much less than to collect our customs taxes, as is shown by the difference between 3½ per cent and 1½ per cent. So I do not think the request of the Commissioner of Internal Revenue is unreasonable.

Furthermore, I desire to call the attention of the House to the fact that this is a new law. It is true that we had an income-tax law 20 years ago, but it hardly was enacted into law before it was wiped off the statute books. There are a great many people in the United States who do not understand the law. Some probably desire to evade it, but in my judgment most of the failures to make returns are due to the fact of a misunderstanding of the terms of the law and not to an actual intention to violate the law. But whatever may be the cause we are putting into effect a new law. We have the machinery of that new law to build up. We have a vast deal of work to do this year, and possibly next year, in reference to the collection of taxes under this law, that will not be required in the future. I think it would be bad and false economy to withhold from this bureau the money that they say is necessary to enforce the law at this time.

Now, Mr. Speaker, I desire to take advantage of this opportunity to make a short statement not directly bearing on the amendment in reference to the present condition of the Treasury. As there have been a great many misleading statements made in the daily press I desire to call to the attention of the House and to embody in the RECORD a few facts in reference to actual conditions. I have seen it stated in the press and heard it stated on this floor that the present law would leave a great deficit in the Treasury. As a matter of fact, Mr. Speaker, instead of the law being a disappointment as a revenue measure it has exceeded the expectations of those who wrote the law. [Applause on the Democratic side.] I am reading now from a statement furnished to me by the experts of the Treasury Department on yesterday and from the report of the Secretary of the Treasury for 1913, so that the figures that I propose to give to the House are official and not mine.

First, in reference to the customs receipts. When the recent tariff bill was written the committee estimated that the customs receipts for the first fiscal year under the new law would amount to $270,000,000. That amount has already been largely exceeded by the returns already received by the Treasury Department, and the Treasury estimate of the moneys that will be received from customs for this fiscal year amount to $292,000,000, or an excess in customs receipts of $22,000,000 above the estimate presented to the House at the time the bill became a law. Under the last year of the Payne bill the receipts from customs dues amounted to $318,891,396, so that it is seen that the falling off in customs dues between the present law and the Payne law will amount to the difference between $318,891,396 and $292,000,000, or about $27,000,000. Of course, we expected that there would be a falling off in the receipts from customs dues to some extent, or if we had not we would not have proposed the income tax. As a matter of fact, as I stated, we are receiving $22,000,000 more from customs receipts than we expected to receive. For the fiscal year 1914 the receipts from internal revenue, exclusive of the corporation and income tax, were estimated by the Treasury Department at $312,000,000.

The Treasury experts report that at the end of this fiscal year they will amount to $309,000,000, which is a falling off of $3,000,000 in the estimates. However, the ordinary internal-revenue receipts will be equal to the amount of the internal-revenue taxes received under the last year of the Payne law, which in that year amounted to $309,000,000. As to the corporation and income tax, the Treasury Department estimated that the returns from it for this fiscal year would amount to $95,000,000. As a matter of fact, this year it will not amount to more than $75,000,000, which is a falling off of $20,000,000, but we have made up $22,000,000 in customs receipts. I want to say to the House that although there is an apparent falling off of $20,000,000 in the income-tax receipts, that there will be no actual falling off for the next fiscal year. It is true that the income tax has in its operation applied thus far to the last 10 months of the year 1913, but it must be borne in mind that a large proportion of incomes upon which no collection of tax could be made this year accrue and are payable in January and February of 1913. Probably nearly one-half of the dividends and coupon interest on bonds are payable on January and February of each year, and of course they are not included in this year's returns of the income tax.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. Did they not, in computing the income tax, take the full amount for the year and then take five-sixths of it for the 10 months, so that it includes the dividends received in January and February for a proportionate amount of the taxes?

Mr. UNDERWOOD. No.

Mr. PAYNE. That was according to the instructions, according to which men made out their income-tax returns.

Mr. UNDERWOOD. No; the gentleman is mistaken.

Mr. PAYNE. If I can get a copy of it, I will show the gentleman that he is mistaken.

Mr. HULL. Mr. Speaker, if the gentleman will yield, I will call attention to the fact that the five-sixths provision relates to deductions alone.

Mr. UNDERWOOD. Yes; it relates only to deductions. No one is charged for income for this last year except for income actually received during the last 10 months of the calendar year 1913. The income-tax assessment upon semiannual incomes payable in January and July only applied in 1913 to a period of four months. The law applied only seven months in 1913 to all quarterly incomes payable in January, July, and October. So it is fair to say that the entire income-tax rates really applied to these large classes of income during one-half of the year that has been available in which to collect the tax. Include the corporation portion of the tax and double the amount of the income tax that is collected for this year and you will have considerably more than one hundred millions of dollars, and the Treasury experts made the estimate only for $95,000,000. So I think it goes without saying that for next year we can be assured of collecting more than $100,000,000 from the income tax, even if no more proportionately is collected than was this year. But we will collect considerably more proportionately. I wish to call attention to the fact that under the Payne law the corporation tax produced more than one-fourth less the first year that it was in operation than the last year it was in operation, due to the fact that the Government had not caught up with some people who withheld their taxes, and also due to the fact that a great many people made mistakes in returning their taxes.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. For a question only.

Mr. CAMPBELL. What is the comparison of the corporation tax between this year and last year?

Mr. UNDERWOOD. The corporation tax for this fiscal year will yield about $44,000,000, as compared with $35,000,000 for last year. It will show an increase of about $9,000,000 over the

last year of the Payne bill. That may be due to some extent to its natural growth, but to a large extent to the fact that we have cut out of the corporation tax the exemption of $5,000 and required all corporations to make a return now, whereas heretofore only corporations having an income in excess of $5,000 had to make the return. Now, Mr. Speaker, we estimated the returns last year for miscellaneous receipts at $59,000,000. As a matter of fact, there will be a falling off of $2,000,000, as shown by the figures furnished me by the Treasury Department, and they will only amount to $57,000,000, but, of course, the new tariff law had no relation to that whatever, because the miscellaneous receipts have been in no way affected by it.

Mr. TOWNSEND. Will the gentleman put into the RECORD the principal items going to make up the item of miscellaneous receipts? I think it will be of interest in this connection to the whole membership.

Mr. UNDERWOOD. I will insert the principal items included under miscellaneous receipts. The following table shows the items included under miscellaneous receipts and the revenue collected from each during the fiscal years 1912 and 1913:

Comparison of miscellaneous receipts for the fiscal years 1912 and 1913.

[Compiled from the reports of the Secretary of the Treasury, 1913.]

Items.	1913	1912
Sales of public lands	$2,910,204.69	$5,392,796.75
Consular fees	1,798,038.57	1,700,176.45
Chinese indemnity	644,500.26	105,081.41
Profits on coinage, bullion deposits, etc	5,545,148.05	6,970,159.43
Payment of interest by Pacific railways	9,493.19	8,046.95
Tax on circulation of national banks	3,730,059.08	3,637,008.78
Interest on public deposits	34,609.91	40,675.01
Night services, customs service	229,971.40	234,084.84
Customs fees, fines, penalties, etc	1,588,201.84	1,387,114.94
Navy hospital and clothing funds, fines and forfeitures, etc	1,026,118.12	1,326,013.43
Sales of ordnance material, etc	202,432.25	224,732.28
Land fees	1,643,041.08	1,252,550.97
Fees on letters patent	2,077,101.69	2,076,399.85
Compromise and repurchase of forfeited lands	648,582.95	.....
Depredations on public lands	103,600.40	161,070.71
Proceeds of town sites, Reclamation Service	17,784.74	15,224.10
Forest reserve fund	2,466,927.23	2,158,344.99
Immigrant fund	4,735,062.00	3,336,519.33
Naturalization fees	390,425.50	244,442.25
Proceeds of sealskins	130,640.57	385,862.28
Alaska fund	205,907.28	225,639.43
Judicial fees, fines, penalties, etc	1,123,949.87	1,274,839.66
Sales of Government property	3,480,618.66	2,782,028.47
Rent of public buildings, grounds, etc	268,301.09	204,342.59
Sales of lands and buildings	72,795.79	33,201.30
District of Columbia, general receipts	8,070,369.29	7,774,381.09
Funds contributed for river and harbor improvements	1,020,520.00	652,000.00
Panama Canal, rentals, work done etc	1,693,147.47	1,251,610.00
Reimbursements on account of expenditures made for Indian tribes	531,915.82	829,925.88
Miscellaneous	2,160,039.75	1,904,513.89
TRUST FUNDS.		
Library of Congress:		
Trust fund bequest	20,000.00	.....
Department of State:		
Miscellaneous trust funds	181,047.36	1,149,880.22
War Department:		
Army deposit fund	1,589,835.51	1,869,401.54
Soldiers' Home permanent fund	504,289.93	446,597.88
Miscellaneous trust funds	4,518.19	.....
Navy Department:		
Navy deposit fund	284,608.56	457,003.92
Marine Corps deposit fund	159,880.80	148,922.20
Interior Department:		
Deposits for surveying public lands	67,774.26	71,606.98
Proceeds of Indian lands	3,739,104.72	3,264,763.79
Indian moneys, proceeds of labor	4,489,248.60	3,079,440.57
Miscellaneous trust funds	156,199.22	59,687.02
Personal funds of patients, Government Hospital for Insane	23,864.84	31,588.13
Pension money, Government Hospital for Insane	27,396.46	91,107.07
District of Columbia:		
Miscellaneous trust fund deposits	510,120.53	448,381.62
Washington redemption fund	117,769.02	110,383.43
Police and firemen's relief funds	109,703.38	99,291.39
Other trust funds	19,618.47	51,253.18
Total	60,634,487.79	58,968,796.00
Deduct—		
Moneys covered by warrant in year subsequent to the deposit thereof	337,590.05	461,792.56
	60,296,897.74	58,507,003.44
Add—		
Moneys received in fiscal year but not covered by warrant	505,970.59	337,590.05
Total	60,802,868.33	58,844,593.49

Now, Mr. Speaker, summing up all the estimates, the total receipts for the fiscal year 1914 as estimated by the Treasury Department amounted to $736,000,000. As a matter of fact, as shown by the returns of the Treasury Department, the collections will amount to $733,000,000. In other words, the returns for this year will be only $3,000,000 less than our estimates for the total estimates, and that loss of $3,000,000 in our estimates is almost entirely made up by the falling off of $2,000,000 in miscellaneous receipts, over which we had no control whatever, and we merely make the estimates from the last year. Now, when you compare the fact that we will raise this year $733,000,000, with only a half-year exercise of the income features of the law, with the fact that when the Payne law was in effect the receipts only amounted to $724,000,000, and that the receipts under our bill which will be turned into the Treasury exceed the receipts under the Payne bill as $733,000,000 exceeds $724,000,000, or $9,000,000 in actual receipts, it seems to me that gentlemen who have been criticizing this bill from the standpoint that it would cause a deficit in the Treasury and would not supply the Government with sufficient revenue have been dreaming idle dreams and making statements that were backed up by the wishes that sprung from political antagonism and not from basic facts as shown by the report of the Treasury. [Applause on the Democratic side.] Now, as to whether or not there will be a deficit in the Treasury, as I have said, the total receipts will amount to $733,000,000, and the total ordinary disbursements for this year will amount to $703,000,000, leaving a balance in favor of the Treasury or a surplus for this year of $30,000,000, with the income tax in full operation only a half year. [Applause on the Democratic side.] But gentlemen will say that that does not include the expenditure for the Panama Canal, and it does not.

The Treasury Department advises me that they will expend on the Panama Canal this year $35,000,000. With $30,000,000 of surplus over ordinary receipts and disbursements and $35,000,000 to be expended on the Panama Canal, it leaves $5,000,000 that has to be raised to pay for the Panama Canal expenditures, and only $5,000,000. Well, now, I want to say that $5,000,000, and vastly more, is in the Treasury to-day in the way of a surplus, and the Government of the United States does not have to borrow from anybody to pay it; but in the course of the next year the expenditures on the Panama Canal will practically pass away and the following year they will practically all be gone and the receipts from the canal will pay the running expenses of the canal. But there is nothing in having a deficit in the Treasury. I want to call attention to the fact, and I read from the report of the Secretary of the Treasury for 1913, on page 123—under the Payne bill for the year 1898——

Mr. PAYNE. It was not under the Payne bill.

Mr. UNDERWOOD. Under the Dingley bill. In 1898 there was a deficit in the Treasury of over $61,000,000. Now, coming down to a more recent year——

Mr. MURDOCK. That is, at the end of the fiscal year?

Mr. UNDERWOOD. At the end of the fiscal year. For 1909, under the Payne bill, there was a total deficit of over $118,000,000.

Mr. PAYNE. Well, now, I want to call the attention of the gentleman to the fact that the Payne bill did not go into operation until the end of the fiscal year 1909. You can not blame the Payne bill for that.

Mr. UNDERWOOD. The Payne bill was partly in operation and the Dingley bill was partly in operation.

Mr. PAYNE. The 30th of June was the end of the fiscal year 1909, and the Payne bill did not go into operation until after that.

Mr. UNDERWOOD. I will correct my statement; it is the Dingley bill. In 1909 there was a deficit of $118,000,000. Now, just one word; the next year, 1910, there was a deficit under the Payne bill of over $19,000,000. Furthermore, even with the receipts from the issuance of Panama Canal bonds, amounting to over $138,000,000, the disbursements for the fiscal years 1907 to and including 1913 exceeded the receipts for the same period by almost $10,000,000. The following table shows the Panama Canal receipts and the surplus or deficit in the Treasury at the close of each fiscal year from 1907 to and including 1913:

Panama Canal receipts and surplus or deficit on all Treasury receipts, 1907 to 1913.

[Compiled from the report of the Secretary of the Treasury, 1913.]

Year.	Panama Canal receipts, proceeds of bonds and premiums.	Surplus (+) or deficit (—) on all receipts.
1907	$31,210,817.95	+$91,372,090.65
1908	25,367,768.67	— 26,890,997.74
1909	30,731,008.21	—118,795,919.63
1910	.....	— 19,480,752.43
1911	[1] 18,102,170.01	+ 33,501,368.58
1912	33,189,104.15	+ 26,975,552.86
1913	.....	+ 3,319,156.71
Total	138,600,869.02	{ +155,168,168.80 / —165,166,769.80
Deficit from 1907 to 1913	.....	— 9,998,601.00

[1] Includes deposits of $17,641,634, for principal of bonds, only $2,035,700 of which were actually issued in 1911; the balance was issued in the fiscal year 1912.

Just one other matter. Much has been said concerning the falling off in exports as compared with those of the preceding year. I desire to print a table showing the total exports since 1898 and to call your attention to the fact that the exports did not reach the $2,000,000,000 limit until 1911, when they were $2,049,320,199; in 1912 the exports increased to $2,204,322,409, and for the first 11 months of this year they have been $2,207,424,688. The exports for the first 11 months of this year have exceeded the exports of every preceding year, with the exception of 1913, when they were $2,465,884,149, and we still have a month's exports to add to the 11 months' total before a fair comparison can be made. The following table shows the exports of domestic and foreign merchandise for the fiscal years 1898 to 1913 and for the first 11 months of 1914:

Exports of merchandise, fiscal years 1898 to 1913 and for the first 11 months of 1914.

[Compiled from the reports of the Bureau of Foreign and Domestic Commerce, Department of Commerce.]

Year.	Exports of merchandise.		
	Domestic.	Foreign.	Total.
1898	$1,210,291,913	$21,190,417	$1,231,482,330
1899	1,203,931,222	23,092,080	1,227,023,302
1900	1,370,763,571	23,719,511	1,394,483,082
1901	1,460,462,853	27,302,185	1,487,764,991
1902	1,355,481,831	26,237,540	1,381,719,401
1903	1,393,231,302	27,910,377	1,420,141,679
1904	1,435,179,017	25,648,254	1,460,827,271
1905	1,491,744,041	26,817,025	1,518,561,066
1906	1,717,953,382	25,911,118	1,743,864,500
1907	1,853,718,931	27,133,011	1,880,851,078
1908	1,834,783,357	25,385,999	1,860,773,356
1909	1,638,355,591	24,655,511	1,663,011,131
1910	1,710,083,938	34,900,722	1,744,984,720
1911	2,013,549,025	35,771,174	2,049,320,199
1912	2,170,319,858	34,002,581	2,204,322,439
1913	2,428,509,358	37,377,791	2,465,884,149
1914	[1] 2,175,492,413	[1] 31,932,269	[1] 2,207,424,688

[1] First 11 months of fiscal year.

EXPORTS OF BREADSTUFFS.

For the first 10 months of this fiscal year the exports of domestic merchandise amounted to $2,018,083,447, as compared with $2,077,277,678 for the same period last year, thus showing a falling off of $59,194,231. The exports of breadstuffs for the 10 months this year were $139,000,000, as compared with $185,000,000 for the same period last year, or a decrease of $46,000,000. Over 78 per cent of the decline in exports is due to the decrease in the exports of breadstuffs, and for this decrease in breadstuffs lessened exports of barley, corn, and oats account for a decline of $41,000,000. Thus the short yield of these three crops has been the chief factor in turning the scale of the export trade.

The SPEAKER. The gentleman from Iowa [Mr. GOOD] is recognized for 40 minutes.

Mr. GOOD. Mr Speaker, I yield 10 minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I did not know this matter was coming up until the gentleman from Alabama made his motion, and especially I did not know there was to be a review of the condition of the Treasury, either under the Payne bill or under the Underwood bill, or I should have had the facts and figures here to make a more clearly official statement than I can make now on the spur of the moment. I desire to say there was no deficit under the Payne bill during any year. That bill did not go into operation until July, and what the gentleman claims was a deficit previous to that was not at all under any moment of the Payne Act. The deficit he speaks of in 1899 was after the large demand for the expenses of the War with Spain.

The deficit he speaks of in the year 1909, which seems to be greatly exaggerated by his statement—I have not the figures here to show it was——

Mr. UNDERWOOD. I will furnish the gentleman with the Treasury statement. My statement is taken entirely from the Treasury Department figures, and will send the document I have to the gentleman, if he will return it to me. They are not my figures. It is the published statement of the Treasury Department.

Mr. PAYNE. Well, I can not find it just now, unless the gentleman will point his finger to it. It seems to include the expenses of the Panama Canal for that year.

Mr. UNDERWOOD. I think that is correct.

Mr. PAYNE. On page 120 this report of the Secretary of the Treasury shows a deficit of $58,734,357 73, of ordinary expenses over ordinary receipts, or $60,000,000 less than the amount of $118,795,919.63, stated by the gentleman. This was for the last fiscal year under the Dingley law.

During the four years and a little over that the Payne law was in operation we not only paid the ordinary expenses of the Government every year, but during the time we had a surplus of ordinary receipts over ordinary expenditures of $141,000,000 that we applied to the expenses of the Panama Canal. Now, the expenditures for the Panama Canal, I will agree with the gentleman, are not to be charged in the ordinary expenditures of the Government. I can not join with the gentleman in his optimism that we are going to get enough tolls out of the Panama Canal to take care of the expenses of its operation in the future. No one who has examined that subject believes that for a single moment.

But the gentleman has confused the years greatly in his statement, beyond all that. He is claiming credit for the revenues for the entire fiscal year ending the 30th day of this month, but the "blessed" Underwood bill did not go into operation until three months and three days of the fiscal year had already passed away, and the revenues then were due to the Payne Act and not to the Underwood bill. And the gentleman does not make any mention of the fact that the Underwood bill as to its greatest reduction in its tariff rates did not get into full operation until January 1. So that six months had elapsed under the Payne Act before we began to get definite returns under the Underwood bill.

Mr. UNDERWOOD. In fairness, the gentleman ought to say that returns under the Underwood bill, or most of the returns, started in October. He ought to say in fairness that the customs returns under the Payne bill up to October were much less proportionately than they have been since that time.

Mr. PAYNE. I remember that on the 1st of October our jovial, optimistic Secretary of Commerce said in a public statement that the importation of precious stones would amount to $56,000,000 in that year. Well, they were $44,000,000 up to that time under the Payne law, paying a duty of 10 per cent. They have been practically nothing under the ridiculous duty of 20 per cent under the Underwood bill, in which case you can not collect duties on precious stones that are so easily smuggled into the country. The gentleman in all fairness, if he was going to bring in this statement, ought to have gotten from the Treasury Department just what the falling off of the revenues was on his wool schedule and sugar schedule, and all along the line.

Mr. UNDERWOOD. I would be delighted to give the falling off in wool and sugar, because the people of the United States receive the direct benefits from that falling off.

Mr. PAYNE. Exactly. Now, if the gentleman wants to claim any benefit from that he does not want to be claiming the benefit of the Payne law when they collected these duties and prevented a deficit in the fiscal year ending the 30th of this month.

Mr. UNDERWOOD. The gentleman knows as well as I do that they ceased largely in importing sugar, so far as they could, and almost entirely ceased to import wool when they found the Underwood bill was going on the statute books. The gentleman knows that. There were practically no importations in those times.

Mr. PAYNE. The gentleman can not get it out of the report, unless he looks at it with a microscope to find out whether that is true. Of course the chairman of the Ways and Means Committee has access to all these papers that I, as a member of the minority, do not have.

Mr. UNDERWOOD. The gentleman knows, and it was stated in the debate here a number of times on the floor, that after it became apparent that the present law was going to be enacted as to free wool the importation of wool practically ceased.

Mr. PAYNE. You claimed the factories were running full force and had to have wool to run with, and they had to import the wool. The gentleman will find it so if he will look at the reports. They do not enter into the computation at all, and he wants to take credit for his bill, whereas credit is due to the bill that was superseded by his bill.

They claim they had disappointment in regard to the income-tax returns. What mortal man knew what would come under the income-tax law? Who knew anything about the incomes of the people of the United States? They had figures that were derived from the statements that were made on the Chautauqua lecture course that a hundred of these people had an income of $10,000,000, and some of them $100,000,000, and they were going to get an income out of that. They did not take into consideration that these Chautauqua gentlemen did not know anything more about it than the Secretary of the Treasury, the gentleman from Tennessee [Mr. HULL], and the gentleman from Alabama,

Mr. HULL. Will the gentleman yield?

Mr. PAYNE. I can not yield. I have only 10 minutes.

They are disappointed about this. Now, they want more money. What for? For a little inquisition to inquire about the income of the people of the United States. They said that one of the blessed advantages under this whole matter was that we were not going to have inquisition, that people were going to be nice under it, and all that sort of thing. Now, the people are all dishonest. Why? Because the income tax does not come up to the expectation that these gentlemen founded on the merest rumor and on the remarks that were made in the Chautauqua lecture courses and the muckraking magazines. We will know on the 30th of June what the result will be for the fiscal year ending on that day. Or, we will know when the returns are made up. It is pretty hard work to get at them now. They are delayed for some reason or other. We do not get them. The gentleman from Alabama [Mr. UNDERWOOD] seems to have access to the Treasury Department. Whatever their books may show, I do not know, but there is a big falling off in their expectations; and still they come in here claiming the benefits under the Payne law for the three months of the fiscal year, six months on wool and five months on sugar, and five months on woolen goods, and all that sort of thing, and say that they are going to get along without a deficiency. The gentleman did not even mention in his half-hour's speech that the Payne law was entitled to any credit for the increased receipts under the present fiscal year.

Mr. UNDERWOOD. The gentleman should be fair. When he contends that this law is not raising revenue, and when stated here on the authority of the Treasury Department—and it is within a few days of the end of the fiscal year—that it will raise $733,000,000 as against $724,000,000 raised in the Payne bill, I say the gentleman's statement is absolutely unjustified and not in accordance with the facts.

Mr. PAYNE. Well, I might say that the gentleman did not state that or the Secretary of the Treasury did not state it.

Mr. UNDERWOOD. I did state it.

Mr. PAYNE. It is all prophecy, and you have been prophesying from the time you put this law on the statute book up to the present time. You prophesied you were not going to have any trouble. You did not have any trouble, you said; there was no trouble with business; everything was lovely. And while everybody else in the United States whose judgment was of any account knew that business was rotten, you kept on putting out that statement, and finally an intimation of the condition of business got to the White House, and the President, who was optimistic and had been telling that there was not anything the matter with business, finally admitted that "while business is not so good as it might be, yet the depression is only psychological," and it should not be blamed on the Underwood tariff bill.

When you got the Underwood bill on the statute books even the Speaker of the House, along about the 1st of December, made a speech here in which he said. "When we get the currency act passed everything will blossom as the rose." [Laughter on the Republican side.] We have been looking for those blossoms ever since. [Renewed laughter on the Republican side.] But it is the blossoming of thistles instead of roses.

Then you put your currency bill on the statute book late in December. Still there was something the matter. Business wanted a little more medicine. So the man who controls Congress and leads you, bound, hither and thither, while none of you dares say his soul is his own or has an idea that he dares express, says, "We must have these trust measures passed and you must stay here all summer and all winter and all the rest of the time and put them on the statute books; and when we get those on the statute books, then the psychological panics will disappear, and the Claflin failures will disappear, and business will blossom as a rose." [Laughter and applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GOOD. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CRAMTON].

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] is recognized.

Mr. CRAMTON. Mr. Speaker, this item is to provide an immense sum for the enforcement of the income-tax law. I desire to take this opportunity to call to the attention of the membership of the House the absolutely arbitrary and unreasonable policy being followed, in connection with the imposition of penalties, by the Commissioner of Internal Revenue in the enforcement of this law.

In the income-tax law provision has been made for certain penalties for failure to make reports by certain dates. The commissioner, in the adoption of his policy, and with the approval of the Secretary of the Treasury, has taken that provision of the law as some splendid new toy which he may operate for his own amusement, regardless of the real purposes of the act. Being given the opportunity, he is enforcing the collection of penalties, regardless of all considerations of fairness or of reason. He must have the pound of flesh.

In the case of an individual who has no net income subject to the tax he is not required by the law to make any report. The individual who has a net income subject to the tax is required to make report, and for failure to make such report within the time specified he is subject to a penalty of not less than $20, according to the law.

In the case of a corporation, whether it has a net income subject to taxation under the law or not, that corporation must make a report. For failure to make such report within the time specified such corporation is subject to a penalty of not exceeding $10,000, in the discretion of the officers charged with its enforcement. The following is the provision of the law found in subparagraph (d) of paragraph G of the income-tax law:

If any of the corporations, joint-stock companies or associations, or insurance companies aforesaid shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint-stock company or association, or insurance company shall be liable to a penalty of not exceeding $10,000.

The policy adopted by the Internal-Revenue Service is shown by the following circular letter issued by the collector of internal revenue at Detroit, Mich., and which has the approval of the Commissioner of Internal Revenue and of the Treasury Department:

TREASURY DEPARTMENT,
INTERNAL-REVENUE SERVICE.

SIR: Your return of net income was not received in this office until ——— thereby involving you in liability to a specific penalty of not to exceed $10,000, under the act of October 3, 1913, in addition to the 50 per cent additional tax which will be assessed and collected.

The provisions of the act are mandatory, and no excuse or explanation can be accepted, except a showing that a complete or tentative return was in fact mailed in time to have reached this office, or a deputy collector, in the ordinary course of business on or before March 2, 1914 (March 1 being Sunday).

However, before instituting proceedings in court for the imposition of the specific penalty, I am directed to call your attention to the provisions of section 3229, Revised Statutes, which reads in part as follows:

"The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws instead of commencing suit thereon * * *."

Should you desire to take advantage of your privilege under this section and to submit an offer in compromise, the amount offered should be forwarded promptly to this office in the form of cash, postal money order, or certified check, which can be cashed without cost, payable to my order, accompanied by affidavit substantially in the following form:

"To the COMMISSIONER OF INTERNAL REVENUE:

"I hereby solemnly swear (or affirm) that my delinquency in filing return of net income as required by the act of October 3, 1913, was not due to any intent to violate the law or evade taxation, but was due to (here insert, concisely and clearly, the reason for delay).

"Desiring to compromise my liability, I hereby tender the sum of $———, which I request be accepted in compromise of the specific penalty only."

To be signed and sworn to before a deputy collector, notary, or other officer authorized to administer oaths.

This affidavit will then be forwarded by me, together with the sum offered, to the commissioner for consideration, and you will be notified by him of his acceptance or rejection of your proposal. In the latter event, you may increase your offer, if you so desire.

It may be added, that the department will not take favorable action on offers of less than $50 in cases similar to yours, but has accepted that amount in cases where there has been no intent to violate the law.

Respectfully,

JAMES J. BRADY,
Collector of Internal Revenue.

I have had this matter up at some length with the Commissioner of Internal Revenue and, in the absence of the Secretary of the Treasury, with the Assistant Secretary, Mr. Hamlin, and find that the policy set forth in the above circular has the full approval of the department and is apparently its settled policy. Under this ruling every corporation that failed to file its report on the minute specified by the statute is liable to a fine of not less than $50, and the Commissioner of Internal Revenue proposes to impose that fine and insist on its collection, regardless of whether the failure was the result of pardonable ignorance of the provisions of a new law, illness of responsible officials, conflict of opinion among attorneys and officials as to liability under the law, or other reasons that would appeal to minds outside of the office of the Internal-Revenue Service as valid and reasonable ground for the exercise of the discretion given that service by the law. Furthermore, the commissioner proposes to collect such fine for failure to report as to their income from all corporations, regardless of whether such corporations have any income or whether or not they are organized for profit.

In actual practice he is insisting that such corporations shall pay fines of substantial amounts for failing to fill out and return blanks to be furnished by the Internal-Revenue Service several months before such blanks actually were furnished. In other

words, the Internal-Revenue Service, which was clearly given by the statute above quoted a discretion in the imposition of fines, proposes to and is acting absolutely without discretion. Some little, struggling mutual corporation, not organized for profit and officered by those unfamiliar with law, is to be called on to pay the same penalty out of its shallow or empty treasury as would be the most powerful and affluent financial combination, with the most skilled legal talent at command. Such administration of this highly important statute is highly mischievous and well calculated to bring into needless disrepute a law worthy of public support, but, at the best, unpopular enough.

The income-tax law is a new statute. It went into effect last October, and the country is having its first experience of actual contact with its provisions. The gentleman from Tennessee [Mr. HULL], the author of the law, says that at the time these returns were due the taxpayer had "had little time to understand the law and still less time to see and study the regulations of the Treasury Department. But few income-tax officials were appointed until all tax returns were due." There was little opportunity for the Internal-Revenue Service to lend to the public the aid which it can and will render in future years. It would seem, then, that this is a good time for the exercise of some discretion by the Internal-Revenue Service. The purpose of penalties in the law is not the increase of the revenue but the proper enforcement of the law. Wherever a purpose to evade the law or to hinder its just operation is manifest, penalties should be enforced commensurate with the enormity of the offense; but where it clearly appears a failure to observe the law has been due absolutely to misunderstanding or to ignorance of the law, and that the law has been promptly complied with on suggestion from the Internal-Revenue Service, the purpose of the law has been satisfied, and nothing is to be gained by unfair and unreasonable imposition of harsh penalties.

These considerations might well obtain in the case of all penalties, either as against individuals or as against corporations, but have special weight in the case of corporations, inasmuch as the law requires action by all corporations, but only by such individuals as have an income subject to a tax.

I desire, however, to bring especially before your consideration that class of corporations having no net income, and especially those corporations which are not organized for profit. The law expressly exempts some such corporations, but there are many others of similar nature that are not exempted. One class that I will call especially to your attention and that will serve to illustrate the unreasonableness of the Treasury Department in its refusal to exercise any discretion are the mutual fire insurance companies that are so common in my State and, I presume, generally throughout the country. In practically every county we have one or more such mutual organizations, generally formed by farmers for the insuring of their farm homes and farm buildings against fire or other perils. They are all strictly mutual, with no thought or possibility of profit and, of course, no net income. Their method of doing business is generally that described in the following from M. B. Armstrong, secretary of the Monitor Insurance Co. of Oakland County:

> We borrow money to pay our losses and expenses, and at the end of each year make an assessment to pay borrowed money. We carry no surplus in our treasury.

These companies, having no net income, are, of course, not subject to the payment of any income tax, and it would be quite natural for one not familiar with the provisions of the income-tax law to suppose that hence they would not be subject to such statute. There are in Michigan 90 such corporations. I have addressed an inquiry to the secretary of each such corporation and have had replies from 78 of them and have been able to find only three that filed a report by March 1, 1914, as required by the law. This would indicate that the law was not very generally understood by them. Further, I am advised by the secretary of one company that he wrote to the deputy internal-revenue collector for his district in Michigan in February concerning this same matter, and was advised by that deputy internal-revenue collector that his company being a mutual company was not under the income-tax law. Two companies informed me that they had referred this question to their attorney and been advised that they were not under the law. Another company informs me that its president had made inquiry of an official of the Internal-Revenue Service, and likewise was advised that it was not under the income-tax law. While internal-revenue collectors and lawyers disagree as to the jurisdiction over such companies, is it a matter for wonderment or severe condemnation that these officials should fail to understand their duty under the law?

There are two revenue districts in Michigan, one with headquarters at Detroit and the other with headquarters at Grand Rapids. In the Grand Rapids district no attention has been paid to these companies. Thereby the Government is being saved some expense and can lose no proper revenue, as none of the companies have any income subject to taxation.

In the Detroit district a new official, a recent appointee of this Democratic administration, has taken up the reins of authority with all the vigor of a new broom and with all of the lack of discretion enjoined on him by his superiors at the head of the Internal-Revenue Service. Reports under the strict interpretation of the law were due from these companies to be filed not later than March 1 on blanks to be furnished by the Government. Late in April and early in May the Detroit office furnished these companies the blanks whereon to make the reports which they should have filed in February. Uniformly the officials made their returns immediately, the delay never being more than a few days from the receipt of the blanks, and none of them reported any net income which would properly subject them to the payment of an income tax. Perhaps Collector Brady had read of the fears of the Treasury heads and Democratic leaders that the revenues for the current year might not be sufficient under the new law. At any rate, he promptly sent out to all these companies demand for payment of $50 per, and almost uniformly he has insisted upon it.

Twenty companies have paid him the fine, thereby contributing about a thousand dollars to guard against any deficit in the Federal Treasury, and 12 others have been notified to pay. In five cases he is understood to have waived the penalty, and in at least one case he has expressly waived the penalty, stating:

> I have had under consideration the matter of penalty incurred by your company for failure to file its return of annual net income for 1913 within the prescribed time, and with the advice and consent of the United States attorney have decided to relieve you from the payment of any penalty this year in view of the fact that there has been no willful violation of the law.

That reads like a sensible exercise of a sound discretion, and it is greatly to be regretted that there has not been a more frequent exercise of such discretion, both in the Detroit and Washington offices of the Internal-Revenue Service. It is entirely within the discretion of the Internal-Revenue Service and the Treasury Department, and the responsibility for these foolish and unfair and unnecessary exactions of tribute from these struggling mutual organizations must rest upon those charged with the administration of the income-tax law and not upon Congress.

It is to be noted that under the corporation-tax law of 1909 as administered by Republican officials there was the exercise of a sound and reasonable discretion. Under the strict interpretation of the law these companies were charged with the duty of making reports of their income, even though such reports would be of no use after they were filed; but under Republican administration the exercise of a sound discretion in the Internal-Revenue Service was not an unknown quantity, and these companies were never called on for such reports, much less being fined heavily for failure to make reports before they were called for.

The large and strong corporations will not be called on to pay penalties for failure to file reports, for the simple reason that they well understand the provisions of the law. The burden of the unreasoning severity of the policy adopted by the Internal-Revenue Service falls on these companies made up of many individuals actuated not by a desire to reap profits but to aid one another in withstanding the heavy losses of fire and storm. There are companies of many other descriptions, dairy associations, rural telephone companies, and probably many thousand little corporate organizations throughout the country, similarly affected. Each of these is being summarily held up under form of law to the extent of $50 simply because the Commissioner of Internal Revenue will not distinguish between good faith and bad faith, will not exercise the discretion given him by the law. He apparently wants to see how fast his new toy can be made to run or wants to make as flattering a showing of revenues as possible.

Relief should be granted these companies. It could be granted by the Treasury Department, but there appears to be no hope for that. There is pending before the Committee on Ways and Means Senate joint resolution 155, introduced by Mr. SMITH of Georgia, and which provides as follows:

> Joint resolution to remit under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by June 1, 1914.
>
> Whereas the income tax has gone into effect for the first time during the present year; and
>
> Whereas through misapprehension of the law many parties have failed to make their proper returns prior to March 1, 1914: Therefore be it
>
> *Resolved, etc.*, That the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act be, and the same are hereby, remitted for the present year in all cases where said returns are completed by June 1 of the present year, and where the failure to make said returns was not due to a purpose willfully to refrain from making the same.

Fairness and good judgment would dictate the passage of such a resolution by this Congress in the absence of proper action by the Treasury Department. I hope such action will be taken by Congress, if not by the Treasury Department.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, the President resolves all our troubles by declaring them to be "psychological." The gentleman from Alabama [Mr. UNDERWOOD] dwells in the realms of prophecy. It is one thing to hope, even when the hope is long deferred. It is quite another thing——

Mr. UNDERWOOD. Will the gentleman from Wyoming allow me to answer his statement? Does the gentleman from Wyoming think that is a fair statement when we are within less than a week of the close of the fiscal year and when I stated that the actual returns in the Treasury Department exceed the returns of the Payne bill last year to say that my statement is in the realms of prophecy?

Mr. MONDELL. I still insist that the gentleman is dwelling in the realms of prophecy, because the cold, hard fact remains that the working balance in the Treasury of approximately $150,000,000 left by a Republican administration has dwindled to as low as $70,000,000, and it is now less than $80,000,000; that our gold reserve has dwindled by about $75,000,000; and that our expenditures, careful as the Treasury Department is to pay no bills until compelled to do so, largely exceeded our receipts.

The gentleman from Alabama tries to console himself by reason of the fact that his law is even worse than any of us feared it would be or prophesied it would be. He says there are to be larger returns and have been larger returns up to this time on imports than was estimated. That is true, and that is evidence of the fact that the law which bears his name is injuring the industries of the country even more than we expected it would. The late Claflin failure, involving mercantile houses from the Pacific to the Atlantic and from the Gulf of Mexico to the Lakes, is the latest illustration of its effect.

If there was any line of business in the country that might reasonably have expected and hoped to be successful, or at least to have kept its head above water during troublesome Democratic times, it was an enterprise like that—importing, jobbing, and retailing—a business so diversified that of all the industries of the country it might have been best expected to weather the storm. That that great industry has failed is prophetic of what we may fear for the future.

It is true that imports have increased under the Underwood bill, increased in the last six months, from December to May, to an amount of $105,000,000 over and above the imports for the corresponding six months of the year before; $105,000,000 of foreign goods imported over and above the amount imported for a like period the year before, to take the place of American-made goods. No wonder great institutions like the Baldwin Locomotive Works, that ordinarily employ eighteen to nineteen thousand men, are now employing less than one-half that number. No wonder great wall-paper and other industries down in the President's State of Jersey are closing down.

Mr. ALLEN. Will the gentleman yield?

Mr. MONDELL. I will yield for an inquiry in regard to wool in just a moment. No wonder the business of the country is stagnant from one end of it to the other.

Mr. ALLEN. I want to say that I had not intended to ask the gentleman with reference to wool——

Mr. MONDELL. That seems to be the staple inquiry over there.

Mr. ALLEN. But since the gentleman has mentioned it, does he know that the farmers of Ohio are getting from 3 to 5 cents more a pound for wool this year than they did last?

Mr. MONDELL. I knew that inquiry would come, and I have said here repeatedly that I knew the farmers of Ohio did get a very little more for their wool this year than they got last year, when, due to the threat of a Democratic tariff bill and low prices abroad, wool was below a free-trade basis. I am going to print that answer, and every time I rise to speak I am going to read the printed answer, so as to save gentlemen on that side the trouble of asking the question.

Mr. ALLEN. Will the gentleman answer the question that I really rose to ask?

Mr. MONDELL. I will.

Mr. ALLEN. Does the gentleman know that the Cincinnati Car Co., builders of street cars, located in my home city, received orders this week for 126 steel cars from the Chicago elevated railroad companies, completing a contract of $2,000,000?

Mr. WALTERS. Two weeks' work.

Mr. ALLEN. More like a year's work.

Mr. MONDELL. I do not know about that particular order. It would be very extraordinary indeed if somebody, somewhere among the 95,000,000 people of the United States, was not doing a little something. If nobody was doing anything, we would be in a bad way, the Lord knows.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. On the matter of wool.

The SPEAKER pro tempore (Mr. RAINEY). The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. GOOD. I yield to the gentleman three minutes more.

Mr. FESS. I was going to ask whether the gentleman remembers that when the wool was sheared and put on the market it was sold at 10 cents less than it was a year ago; but now, since it is purchased and no longer in the hands of the woolgrower, but in the hands of the importers who control the prices, they can put the prices to suit themselves.

Mr. ALLEN. Oh, no; my information came directly from the farmers of the gentleman's district. [Applause on the Democratic side.]

Mr. FESS. Your information did not come from the farmers of my district, because their wool was sold months ago.

Mr. TAGGART. When is sheepshearing time in the gentleman's country?

Mr. FESS. In the spring. They do not leave the wool on the sheep's backs in this kind of weather—in the summer.

Mr. MONDELL. I will say again to the Democratic side that their prophecy with regard to the reduction in the cost of living, so far as it concerned wool, has not come true any more than it has come true with regard to anything else. It is true that some of the farmers of the country received a little more for their wool this year than they did last year under the threat of Democratic free wool, which sent the price of wool down to the lowest point it had reached since the days of the Wilson bill. Since then a world shortage has raised the price of wool everywhere, but the fact remains that our flockmasters are getting now less by 4 to 6 cents than they would receive under a fair tariff.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. McLAUGHLIN. Does the gentleman know that the sugar factories in Michigan are able to operate only by paying the farmers who raise the beets 50 cents a ton less than in former years, making a loss of approximately $5 an acre to the farmer?

Mr. MONDELL. That is very true. The few sugar factories which are continuing to run are paying less for beets than they did under a Republican tariff, and they will pay still less when the Underwood bill is in full force and effect relative to sugar. Up to this time the refiners may be able to pocket all the difference between the foreign price and what was formerly the domestic price. If that continues the Government will lose $50,000,000 per annum in revenue, and no man, woman, or child under the flag who consumes sugar will receive any benefit. In the meantime our domestic sugar business will have become a memory.

Mr. McKELLAR and Mr. TAGGART rose.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Indiana.

Mr. TAGGART. Will the gentleman advocate taxing the tables of the whole American people in order to promote the beet-sugar industry?

Mr. MONDELL. I believe that the sugar industry in the United States should be protected and promoted, and I do not believe that in the run of the years the American people will pay any more for their sugar made in America than they will be compelled to pay for it under free trade, made under other flags. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. GOOD. Will the Speaker kindly notify me when I have consumed five minutes of my time?

The SPEAKER pro tempore. The time of the gentleman has [illegible].

Mr. GOOD. Mr. Speaker, I am surprised that the gentleman from Wyoming should make a complaint because $75,000,000 of gold has gone abroad in the last two months. He certainly did not read the statement of the Treasurer of the United States as published in the Washington Post a few days ago, or he would have made no complaint on that account. I have the statement here and desire to read a part of it:

Treasury Department officials show only a passing interest in the phenomenal exportations of gold which are taking place through New York. Since January 1 the amount of gold exported has been about $70,000,000. The gold reserve supply at the New York Subtreasury was practically exhausted and over $40,000,000 worth of gold bars and coin was sent to New York last week from other subtreasuries.

"What difference does it make if Europe draws on us for $100,000,000 of gold or $200,000,000 worth?" questioned John Burke, Treasurer of the United States, yesterday, when asked about the movement toward Europe.

"The United States has plenty of gold," he explained. "We are not like countries which have only a limited amount."

Here is a statement that has gone broadcast throughout the world that our supply of gold is unlimited, and that it makes no difference how many hundreds of millions of dollars of gold goes abroad. I take it that that statement of the Treasurer of the United States will be received with considerable interest and will be questioned by the financiers of this country at least.

Mr. Speaker, I desire to call the attention of the House to the provision that we are considering. When the provision was up on yesterday in regard to increasing the number of officials in the Department of the Treasury I made an observation that in addition to the increase that was asked in the Treasury Department of 206 persons there was $1,500,000 for the collection of the income tax in addition, and the gentleman from Tennessee [Mr. BYRNS] made the statement that that was for the field force alone. Of course he was mistaken about that. If he had consulted the Book of Estimates for this year, on page 128, he would have found that under the head of "Bureau force" there were seven heads of departments in Washington that were provided for, and 132 men that were provided for, at a total cost of $234,360 out of the $1,500,000.

Not all of this is field force, by any means. Two hundred and thirty-four thousand dollars of this is to be expended in the city of Washington for the employment of men here, in addition to the regular employment that was referred to on yesterday. The whole difficulty with this provision, Mr. Speaker, lies in the fact that this is political graft. If you had left the law as it ought to have remained, that collectors and deputy collectors of internal revenue, or assistant collectors, and collectors of the income tax should have been appointed as a result of civil-service examination, I would say that the motion of the gentleman from Alabama ought to be agreed to. I am not sure but that it ought to be agreed to anyway, but I think it is a disgrace that this House should write a joker into the tariff bill and then come in and ask for $1,500,000 to employ men to go throughout the various congressional districts working politics at the expense to the Government of $1,500,000. These persons are not employed as a result of civil-service examination; they are employed because of their political usefulness in the various districts throughout the country.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. GOOD. I yield myself two minutes more.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. FITZGERALD. The employees who had charge of the corporation tax were all appointed regardless of the civil-service examination, were they not?

Mr. GOOD. I think not; there was no provision of that kind written into the law, and if they were appointed in that way, it seems to me, it was a violation of law.

Mr. FITZGERALD. The persons employed in the collection of the income tax took their places and are appointed in the same way. All the corporation-tax men were appointed in that way without any protest from that side of the House.

Mr. GOOD. We have already provided under collection of internal revenue for 1,407 persons, and by this provision we are asked to provide for 678 additional persons.

Another difficulty is this: The law provides that in cases where we make a lump-sum appropriation the person who administers the law shall divide that sum over the period for which the appropriation is made, so that there may be no deficiency. The gentleman from New York, I take it, if he will look over the estimates, will find that the persons having charge of the collection of the income tax have outlined a scheme which will comprise a certain force, and to employ that force it will take $1,500,000. He will, no doubt, argue for leaving out the $500,000 until after election, and then bring in a deficency. If he does that, he says to the collector and to the persons who have the disbursement of this fund in charge: "You violate the statutes of the United States; go ahead and make your organization for the collection of this tax on an expenditure of $1,500,000, notwithstanding Congress has only allowed you $1,000,000, and we will bring in the other $500,000 as a deficiency."

Mr. FITZGERALD. Will the gentleman permit me to say this: I do not know what Congress is going to allow. Whatever it does allow, so far as I am concerned, unless the House outvotes me, I would not give an additional dollar to carry on the service during the fiscal year. I have never taken the position that the gentleman says I propose to take.

Mr. GOOD. What will the gentleman say if a deficiency of $500,000 is asked for after $1,000,000 has been appropriated—that he will oppose granting additional appropriations?

Mr. FITZGERALD. What I have said when other deficiencies were asked for. I have been against them and the gentleman has helped to grant the deficiencies.

Mr. GOOD. Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. HOUSTON). The gentleman has used 27 minutes and has 13 minutes remaining.

Mr. GOOD. I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, the other day the distinguished gentleman from Indiana [Mr. CULLOP], in replying to some of the remarks that I made, took occasion to say:

The commodities of the mill and the farm and of the factory are commanding the very best prices possible. Wheat, corn, beef, and pork are high.

The Democratic Party and politicians are singing a new song. Heretofore they have been preaching about low prices. They made the campaign on the theory that they were going to reduce the cost of living. Now comes my distinguished friend from Indiana and tells us that farm products are higher than ever before, and so are the products of the mill. If farm prices are higher, what did you take the tariff off for; why do you take the revenue away from the Government if prices are continually growing higher?

I am afraid that my distinguished friend from Indiana makes a mistake about prices in his own portion of the country, as he did about Terre Haute, when he put in a clipping showing how prosperous they were there. The other day the gentleman put a clipping in the RECORD from the Indianapolis Star showing the great prosperity in Indianapolis.

I would like to read a little communication I received from that city. I used to live in Indiana myself, and I still have some friends in Indianapolis. This letter came to me unsolicited; and I hope my distinguished friend from Indiana [Mr. CULLOP], who told us of the great prosperity they were enjoying in that city, will listen to this. This letter is addressed to me, and is as follows:

INDIANAPOLIS, IND., *June 18, 1914.*

Hon. W. E. HUMPHREY,
Washington, D. C.

MY DEAR SIR: The inclosed clippings from the Indianapolis Star, a straight-out "Bull Moose" paper, speak for themselves.

I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD by inserting the clippings referred to.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, I will continue with the letter, and insert the clippings at the end of my remarks. The letter goes on to state:

I may add that every business man and manufacturer in this city tells me that business is worse than it has ever been, with the possible exception of the year following the Wilson tariff of 1893. A majority of our factories are either shut down or running two to four days a week. Our largest iron merchant told me last month that their business was less than one-half of what it was a year ago. He is a Democrat, and says he thought free trade a good thing, but is convinced that it is only "a theory and a thing to talk about." He says he thought when the duty was taken off of Swedish iron he could buy it cheaper; but he says that the iron mills in Sweden at once advanced their price equal to the tariff reduction, and that the iron has not been reduced to him one cent; but we lose the revenue. I know of five factories in this State that have been in operation for over 30 years and employ from 300 to 1,200 men ordinarily that are absolutely closed down because of the tariff law and dull business.

Mr. FITZGERALD. Name them.

Mr. HUMPHREY of Washington. Mr. Speaker, I will pause here long enough to reply to the remark of the gentleman from New York that I name these mills. I stood upon the floor of this House and named 123 steel mills in this country where furnaces were closed, and I challenged gentlemen on that side to dispute the correctness of that statement. They have had over four months in which to do it, and not one of them has dared stand on that side of the House and dispute the statement that I made. They can turn to the RECORD now and see the location of those mills and the number of men out of employment, and whenever they do I will furnish them another list of those that are closed now.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. KEATING. I think when the gentleman submitted that list to the House he included the steel plant at Pueblo, Colo., did he not?

Mr. HUMPHREY of Washington. I do not know, but if I did it was closed at that time.

Mr. KEATING. It was not closed at that time, and it is not closed now; and if the remainder of the gentleman's statement is as correct as that portion of it, it is not worth the paper it was written on. [Applause on the Democratic side.] I would have answered the gentleman at the time, but I was not in the House, and when I returned to the House the situation was such that I could not get the floor. This is the first time I have had an opportunity to state to the House and the country that that portion of the gentleman's remarks is not well founded. [Applause on the Democratic side.]

Mr. HUMPHREY of Washington. Mr. Speaker, I hope the gentleman is not going to leave the floor. I challenge the gentleman now to go back and look at the RECORD and see the mills I named in his State that were closed, and then come on the floor of this House after he has looked it up and make the statement as to whether or not what I said was true at that time. Is the gentleman bluffing or not? If not, do that. I challenge the gentleman to look it up. If the gentleman from Colorado thinks he can come in on the floor of this House and work a bluff of that kind and not be called, he is mistaken.

Mr. KEATING. I am not bluffing. I will get your speech.

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. That may work in Colorado, but not here.

Mr. GOOD. Mr. Speaker, I yield the gentleman one minute more.

Mr. HUMPHREY of Washington. Mr. Speaker, I desire now to finish the reading of this letter about the wonderful prosperity in the city of Indianapolis. The letter continues as follows:

There are 15,000 idle men in this city to-day, whereas one year ago last October there was not an iron foundry or a manufacturing company in town that was not from two to six months behind in their orders and 20 per cent short of labor. I was told this yesterday by one of our largest foundrymen, who added that they were then paying $1.75 to $2 for common labor. He also says he will not vote the Democratic ticket again. I am of the opinion we will elect a Republican Senator and a majority of Congressmen this fall. The people generally and the manufacturers and farmers particularly are in open revolt and feel outraged at this puerile Bryan-Wilson administration.

With best regards, I am,

Respectfully,

A. W. HATCH.

And I call the attention of the distinguished gentleman from Indiana [Mr. CULLOP] to the fact that I do not quote anonymous stuff on the floor of this House. He stated that somebody had told him about the great prosperity, but he did not dare give the names. [Applause on the Republican side.]

The newspaper clipping is as follows:

[From the Indianapolis Star, Wednesday, June 17, 1914.]

GETTING FROM UNDER.

Although President Wilson is very desirous that the country at large should remain optimistic as to the business outlook and talks, schoolmasterlike, about "psychological depression," he can not have failed to take note of some very material depression that is strikingly evident. He might have noticed, for instance, that a large manufacturing concern, the Otto Gas Engine Co., of Philadelphia, having reduced the number of its employees by 50 per cent, publicly attributed this reduction to the Democratic tariff tinkering.

But it went further than this. Finding that under the new "psychological" conditions competition with the foreign market was no longer profitable it investigated conditions abroad, with the result that it has found that it can manufacture its particular product abroad much cheaper than it can in America. By establishing a manufacturing plant in Germany this industry will secure all the employees it wants at a tithe of the wages necessary to pay here, and because of a reduction of the duty—amounting in this case to 25 per cent—it can ship its finished product over here and make a good profit.

This is one way of getting from under President Wilson's "psychological depression"; the German workmen will get the wages and so many more Americans will be thrown out of employment. No wonder, is it, that our export trade is decreasing and that more and more we are importing manufactured articles from abroad.

Nor is this particular case an isolated one. The Philadelphia concern is only following the examples of others who, facing apparently insolvable labor troubles, onerous conditions, and, on top of it all, the keen competition that has come from the reduction in the tariff, have established branch manufactories in England, France, and Germany. If this sort of manufacturing policy is to continue the outlook for permanent prosperity in many of our great industries is gloomy indeed. The bounteous harvest which this rich country is yielding this year might be expected, under ordinary or normal conditions, to bring us a world of prosperity, but if most of this money is to go abroad into the hands of foreign manufacturers or to pay the wages of foreign workmen, the measure of relief it brings will be rather slight.

Mr. GOOD. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for seven minutes.

Mr. MANN. Mr. Speaker, I do not pretend to be a wool expert, but there is one quandary in my mind which I hope some of our Democratic friends will take the time some day to answer. If taking the tariff off wool and losing the revenues of the Government on the importations increases the price which we pay for the foreign wool, what was the object in taking the tariff off? Gentlemen say that we are now paying more for foreign wool than we were before the tariff was taken off. We know that we have lost——

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. MANN. Certainly not. The gentleman could not answer the question if he had a week to do it in.

Mr. COLLIER. Mr. Speaker, it strikes me that a child can answer that question.

Mr. MANN. Probably the gentleman from Mississippi could do it if a child could do it.

Mr. COLLIER. If the gentleman will give me time, I will take great pleasure in answering the question.

Mr. MANN. Is this coming out of my time, Mr. Speaker?

Mr. COLLIER. Is the gentleman referring to me?

Mr. MANN. No. The gentleman from his seat made some remark about a child. I think it is very applicable to the gentleman.

Mr. Speaker, we know that we have taken the tariff off wool, and we know that there was paid into the Treasury $15,000,000 or thereabouts on the importations of wool; and if taking the tariff off has resulted in increasing the price of the foreign wool, the price that we pay to the foreign seller, I wish the gentlemen on the other side would take time some day to explain why it was taken off.

The gentleman from Alabama [Mr. UNDERWOOD] states that our customs receipts are more than he anticipated. When the tariff bill was under consideration before the House I stated that, in my judgment, the estimates of the revenue under the proposed tariff bill was too low; that they would be more than the gentleman from Alabama estimated. Why? Because the reduction would increase the importations. What has been the result? We are largely increasing our importations of goods made by foreign laborers, and have largely decreased our exportations of goods made by American laborers. Every dollar's worth of the increase of the importations from abroad have been at the expense of some American laborers who are now out of work [applause on the Republican side], and we have sent abroad in the last 60 days more than a million dollars of gold per day to pay for these increased importations of goods made by foreign laborers which ought to have been made by American laborers, and if the gentleman gets any satisfaction out of that, let him take the satisfaction between now and election day in November, because after that day has passed he will get no satisfaction. [Applause on the Republican side.]

What is the proposition pending before the House? To increase the appropriation for the collection of the income tax from $1,000,000 to $1,500,000. I have no doubt that the gentleman from Alabama in the end, if not just now, will have his way and that the increase will be made—and why?

Well, some time ago in one of the bills we removed deputy collectors of internal revenue from the classified service and made them political appointees, and the men who will be employed under this appropriation come within that class. We have a campaign coming on; we have an election soon. The necessities of the case are great. They need on the other side of the House a half a million dollars more to employ political favorites to help conduct a political campaign, and under the guise and excuse of collecting the income tax they propose to appropriate that $500,000 to employ 500 more political appointees to do political work in a political campaign. Gentlemen on that side of the House have not had as many jobs given to them as they had hoped. No man in the White House can withstand entirely the pressure of the people in behalf of civil-service reform. A great many of the places which our friends on the other side expected to get for political favorites are still held in the classified service. Even the order in reference to fourth-class postmasters has not entirely satisfied our Democratic friends, because the Postmaster General, in my opinion, is endeavoring, and to some extent and to a great extent, to act fairly in enforcing the law. Gentlemen have not been able to get all the fourth-class postmasters named they wished as political appointees. The necessities are great. They must have the jobs; they need the places; every one of them a candidate for reelection in some way, they need somebody to help conduct the campaign while we are kept in Washington this summer by the order of the President, and they need these men. They do not wish to pay them out of their pockets—in fact, under the publicity law, perhaps, they could not do that and come within the limitation of the law—but they can appropriate a half a million dollars, and that will give each one of them practically two appointees to do political work in their personal interest at

the expense of the Treasury of the people of the United States. Of course they will get it. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time has the other side consumed?

The SPEAKER. They have consumed all their time.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield the remaining 10 minutes to the gentleman from Tennessee [Mr. HULL.]

Mr. HULL. Mr. Speaker, it has remained for a negro to set a much higher standard for fairness and propriety and decency than gentlemen on the other side have set with respect to the administration of our present Federal affairs. [Applause on the Democratic side.] A few days ago the colored recorder of deeds for the District of Columbia was asked for his resignation. His reply was: "Certainly; I am ready to resign. This place belongs to the Democratic Party, and I am ready to turn it over to them." Notwithstanding the fact that for 15 years there has been an unfair administration of the civil-service law, under which our friends upon the other side were enabled to get into the service 85 per cent of our 400,000 employees, they now affect great indignation if in a few isolated instances, where close confidential relations are involved and personal responsibility will be due to a superior, some discrimination might be made with respect to the selection of certain officials. The position of our friends upon that question in dealing with the people is very much like their position upon the question of taxation. From hearing the remarks of the gentleman from New York [Mr. PAYNE] and two or three gentlemen from other States, one is reminded of the old-time stand-pat remarks that used to be made with so much more frequency than now. It is and has long been evident that with respect both to the civil service and taxation the gentlemen on the other side undertake to deal with the people in a spirit of premeditated hypocrisy and aggravated false pretenses. [Applause on the Democratic side.] We hear the gentleman from New York in a very slurring manner refer to the suggestion that the estimates for the income tax, both corporate and individual, or at least the individual, had been gathered from rumors or statements made upon our lecture bureau circuits. My information is that the same gentlemen who prepared the estimates for the income tax prepared the estimates of the Payne-Aldrich bill in 1909. Those estimates were prepared by officials of the Treasury Department who have been recognized as experts in those lines and who have been preparing estimates for the Treasury Department for many years.

Now, the gentleman from Alabama has stated very succinctly the reasons why this amendment as proposed should be agreed to by the House. It is only a proposition to appropriate at the rate of 1½ per cent of the amount collected for the expense of collection. This is really lower than the amount expended by the Government in collecting any other tax. Four years ago when the corporation-tax law was enacted the Treasury Department had considerable surplus time among its employees, during certain periods, which could be utilized in looking after the collection of the corporation tax. That surplus force, however, has been chiefly expended already, so that it now becomes necessary largely to create additional employees and the services of an additional force in order to handle this entire tax. I suppose the most extreme gentleman upon the other side will agree that this law will bring at least $100,000,000 of revenue to the Treasury for the year 1914. That being true, a million and a half dollars would be entirely reasonable.

Mr. MURDOCK. Will the gentleman yield?

Mr. HULL. Certainly.

Mr. MURDOCK. I am in favor of an income tax and I want to see it collected, but I do not know just how I am going to vote on this. I have been listening to this argument, politically and otherwise. If we do not appropriate the additional $500,000 will the income tax be collected?

Mr. HULL. I will say this to the gentleman: The law went into effect in October. The Treasury was unable to get the regulations out until several weeks later. The number of assessments that are now in the Treasury Department are assessments that just floated into their possession, the result of the voluntary action of those people who had a chance to secure a copy of the law, even though they did not secure a copy of the regulations in many instances. No extended efforts were made to accelerate the administration of the tax in the way of distributing well and thoroughly over this country, much less to nonresident Americans in other countries, copies of the law or regulations or to assist the taxpayers and Federal officials in making correct and accurate returns. This was due to lack of time. The taxpayer had little time to understand the law and still less time to see and study the regulations of the Treasury Department. But few income-tax officials were appointed until all tax returns were due. The necessary Treasury force must first be appointed and thoroughly familiarize itself with the law. It must then lend aid to the taxpayer in many important respects. Much data in all lines of business must be gathered, compiled, indexed, and so forth. The most convenient system of checks must be devised and applied.

Mr. MURDOCK. Does the gentleman believe we will get a proportionally greater amount of income tax if we appropriate this $500,000?

Mr. HULL. I am sure it will aid very greatly toward placing it upon the best possible administrative basis in the way of adjusting it to the business conditions of the country and enabling the taxpayers to become familiar with it, and this would increase the tax receipts very materially.

Mr. MURDOCK. I think the gentleman, as well as myself, would like to see the present force collect this tax if it can?

Mr. HULL. Unquestionably.

Mr. MURDOCK. I believe they can do it, from what the gentleman says. It may be a little slower, but I believe they can do it.

Mr. HULL. The very fact I have stated, I think, Mr. Speaker, is evidence to the contrary, that the present force, engrossed as it is in the collection of $300,000,000 of internal revenue proper and $43,000,000 of corporation income tax, have no time to give to the other branch and other phases of this tax.

Mr. JOHNSON of South Carolina. Mr. Speaker, Commissioner Cabell, in testifying before the committee with respect to the collection of the corporation tax, said that within certain limitations for every dollar that we gave the Bureau of Internal Revenue, his bureau, to make investigations he could bring into the Treasury $25 that the Treasury would not otherwise get.

Mr. STAFFORD. Will the gentleman yield?

Mr. HULL. For a question.

Mr. STAFFORD. Why did not the committee recommend the $1,500,000 appropriation?

Mr. JOHNSON of South Carolina. Because the Secretary of the Treasury at the time we made up the bill was not able to state definitely that he would need that sum.

Mr. GLASS. And I may add, if you please, that the Secretary of the Treasury has said to me within the last 12 hours that he is confident $20 will be collected for every $1 expended under this increased appropriation.

Mr. HULL. I have no doubt of the accuracy of those statements, Mr. Speaker. Gentlemen may underestimate the amount of work necessary to launch a new, comprehensive tax law. And as to the revenue, evidently the amount of revenue yield for the first year, when left entirely to the voluntary action of the taxpayer, will be much smaller than the accurate amount should be. This must be investigated and attended to with respect to the 10 months of the year 1913. In addition to that, the proper administration of the law for 1914 must be given attention at the same time. I am quite sure, Mr. Speaker, that with this additional force performing their legitimate functions, as I have already described, this law will be placed upon an administrative basis reasonably satisfactory to every person in this country, and the yield of revenue will be entirely up to the expectations of those who have made estimates.

Now, I do not think it comes in good taste for gentlemen upon the other side to undertake to offer criticisms at this stage. Most Republicans have heretofore reluctantly approved its principle. Gentlemen well know that the method of retaining the tax at the source of the income and turning it over to the Government, under which England doubled her revenues the first year, was not in operation last year. Furthermore, the Treasury Department had not had the opportunity to perfect its rulings with respect to important phases of the assessment. Many thousands here and abroad who were subject to the tax had no chance to see and understand the law and regulations, and so either made grossly inaccurate returns or no returns at all. The law thus far has only operated over fractional portions of the year 1913. Of course, standpat Republicans oppose this law, as they oppose any honest system of taxation. The income tax is universally conceded to be the fairest of all taxes. More than 50 similar laws are in successful operation throughout the world. Those standpat Republicans will soon learn that the American people will not tolerate the substitution of an immoral, dishonest tax, such as the high protective-tariff tax, for the present income tax. The latter, here as elsewhere, has come to stay. Wealth shall henceforth bear its fair share of the tax burdens. It can no longer shun and shirk and evade, as it heretofore has done. In view of the justness of this tax, it is monstrous for our standpat Republican friends, who now seem unable to learn anything or to forget anything, to ever again

indulge the hope that they may at any future time be able to displace it with that abominable iniquity, that ghastly abortion—the Payne-Aldrich law.

The SPEAKER. The time of the gentleman from Tennessee has expired. All time has expired.

Mr. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD] to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendments No. 110 to No. 124, inclusive, as follows:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; chief clerk, $1,200; in all, $4,700.

"For wages of workmen and other employees, $2,500.

"For incidental and contingent expenses, $2,000.

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,700.

"For wages of workmen and other employees, $3,000.

"For incidental and contingent expenses, $2,000.

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; clerk, $1,200; in all, $4,700.

"For wages of workmen and other employees, $3,000.

"For incidental and contingent expenses, new machinery, etc., $1,500.

"Assay office at Helena, Mont.: Assayer in charge, $2,000; chief clerk, who shall also perform the duties of cashier, $1,400; assistant assayer, $1,500; in all, $4,900.

"For wages of workmen and other employees, $3,000.

"For incidental and contingent expenses, $2,000.

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $2,000; chief clerk, who shall also perform the duties of cashier, $1,600; in all, $3,600.

"For wages of workmen and other employees, $2,500.

"For incidental and contingent expenses, $2,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to move that the House further insist upon its disagreement to the amendments of the Senate 110 to 124, inclusive.

Mr. MANN. Mr. Speaker, will not the gentleman make his request that they may be considered together? The gentleman made a request for unanimous consent that the House disagree. Will not the gentleman make his request that they be considered together?

Mr. JOHNSON of South Carolina. I will put the request that way, Mr. Speaker—that all the amendments beginning with 110 and ending with 124, inclusive, be considered together.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the amendments 110 to 124, both inclusive, be considered together. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate Nos. 110 to 124, inclusive.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves that the House further insist upon its disagreement to Senate amendments 110 to 124, inclusive.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 168: Page 104, line 91, strike out the word "assistant" and insert: "Three members of a board of appeals, to be appointed by the Secretary of the Interior, at $4,500 each; assistant——

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate No. 168.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves that the House further insist on its disagreement to Senate amendment No. 168.

Mr. MANN. Mr. Speaker——

Mr. RAKER. Mr. Speaker, I offer a preferential motion.

Mr. MANN. Before the motion is made——

Mr. RAKER. I offer the preferential motion that the House recede and concur in the Senate amendment.

Mr. MANN. I suggest to the gentleman from South Carolina that he ask unanimous consent to consider amendments No. 168 and No. 169 together.

Mr. JOHNSON of South Carolina. Mr. Speaker, No. 169 is simply the total at the end of the paragraph, and would depend upon the action taken on the one now under consideration. I make the request that the two be considered together.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to consider amendments No. 168 and No. 169 together. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. The gentleman from California [Mr. RAKER] makes a preferential motion that the House recede from its disagreement to these two amendments and concur in the same.

Mr. RAKER. Mr. Speaker, I would like five minutes of time.

The SPEAKER. For what purpose does the gentleman from Wyoming [Mr. MONDELL] rise?

Mr. MONDELL. I rose for the purpose of making a preferential motion, but it has been made by the gentleman from California [Mr. RAKER].

Mr. JOHNSON of South Carolina. How much time does the gentleman from Illinois [Mr. MANN] want?

Mr. MANN. About 15 minutes.

Mr. JOHNSON of South Carolina. Is that all the time you want on that side?

Mr. MANN. Twenty minutes, say.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. MANN. Settle the time first.

Mr. JOHNSON of South Carolina. I think we will use nearly an hour. There are a number of gentlemen who are interested. But I did not want the hour to run out. I do not want any time lost on this. I am willing to yield——

Mr. GOOD. Agree on 40 minutes, then.

Mr. JOHNSON of South Carolina. I am willing to agree that this amendment shall be debated for 40 minutes, and I suppose that practically all the time will be taken by the gentlemen who are in favor of the motion.

Mr. MANN. Does the gentleman want to make an agreement of 20 minutes on a side?

Mr. JOHNSON of South Carolina. Some of these gentlemen who are asking for time do not want to talk on the Land Office at all. I will ask for 20 minutes on a side.

Mr. RAKER. Mr. Speaker, will the gentleman yield to me a minute?

Mr. JOHNSON of South Carolina. Yes.

Mr. RAKER. That gives the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Colorado [Mr. SELDOMRIDGE] five minutes each?

Mr. JOHNSON of South Carolina. Yes. How much time does the gentleman from Illinois [Mr. MANN] desire over there?

Mr. MANN. We want 20 minutes if there is an agreement.

Mr. RAKER. The gentleman from Oklahoma [Mr. FERRIS] wants five minutes and the gentleman from Colorado [Mr. SELDOMRIDGE] five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I have already promised 30 minutes.

Mr. MANN. That is all right. If we can have an agreement, we will take 20 minutes on this side and you can have 30 minutes.

Mr. JOHNSON of South Carolina. I ask unanimous consent, Mr. Speaker, that the debate be limited to 50 minutes, 20 minutes to be controlled by the gentleman from Iowa [Mr. GOOD] and 20 minutes by myself.

Mr. CULLOP. In those 30 minutes has the gentleman from South Carolina reserved some time for me? I would like to have five minutes.

Mr. JOHNSON of South Carolina. I ask, Mr. Speaker, that the debate be limited to 50 minutes—20 minutes to be controlled by the gentleman from Iowa and 30 by myself—and that at the end of that time the previous question shall be ordered.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the debate be limited to 50 minutes—20 minutes to be controlled by the gentleman from Iowa and 30 minutes by himself—and that at the end of that time the previous question shall be considered as ordered. Is there objection?

There was no objection.

Mr. FOSTER. Would the gentleman from South Carolina, if it is not interfering with his arrangement, tell us just what this is?

Mr. JOHNSON of South Carolina. Mr. Speaker, all the information I have is—and I am using the information that came to me from the Secretary of the Interior—that they have about 2,300 land cases on appeal in the Land Office. They are in arrears anywhere from 6 to 18 months or 2 years in the final determination of land patents, and the contention is that this long delay amounts to a denial of justice, and they are asking that this board of appeals be constituted to enable them to make the work current.

Mr. FOSTER. This creates an additional board of appeals in the Interior Department to settle these land disputes?

Mr. JOHNSON of South Carolina. Yes; and these gentlemen from the land States can explain that far better than I can, because I come from a State, one of the original thirteen, in which there never was an acre of public land. We have had

no experience in dealing with public lands there, and for that reason I want to yield time to gentlemen who understand and are interested in the question. I yield 5 minutes to the gentleman from California [Mr. RAKER].

The SPEAKER. The gentleman from South Carolina has used 5 minutes of the 30. He has 25 left. The gentleman from California [Mr. RAKER] is recognized for 5 minutes.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield to me a moment at the start?

Mr. RAKER. In a moment. The proposition is, Mr. Speaker, to have three members of the board of appeals appointed at the rate of $4,500 a year salary. I yield to the gentleman from Kansas for a question.

Mr. MURDOCK. Are these to take care of appeals from the local land offices to the General Land Office?

Mr. RAKER. They are not.

Mr. BURNETT. Is it a Senate amendment or House amendment?

Mr. RAKER. This is a Senate amendment. This was estimated for by the department when they sent up their estimates for consideration. This is to appoint three competent lawyers who are able to handle appeal cases, the same as three lawyers appointed on the bench as judges. There are something over 2,300 cases now on appeal from the General Land Office to the Department of the Interior. These cases are handled by the First Assistant Secretary of the Interior, whose work to-day is more than he can legitimately do without even looking at some of these cases, and much delay is occasioned. It means that the people who have appealed—private individuals many of them; probably 90 per cent of them—at present have their cases held up and do not know whether their rights are granted or not. The cases are appealed, after they have been decided in the General Land Office, to the Secretary of the Interior.

Mr. MURDOCK. Would this be a final court, or would there be an appeal from its decisions?

Mr. RAKER. It would be in the same position as the decision of the Secretary of the Interior himself.

Mr. MURDOCK. And there would be no appeal from this board to the Secretary of the Interior?

Mr. RAKER. Surely there would be, just as there is now; not to the Secretary of the Interior individually, but this would be the decision of the Secretary of the Interior. I want to make this plain. If the Secretary of the Interior approves these decisions of the board of appeals, there would be no appeal from the board of appeals to the Secretary; but after each instance the party has the right to a review, and he can petition the Secretary of the Interior to grant him a review of his case. Many cases have been reviewed by the Secretary of the Interior.

Mr. BYRNS of Tennessee. Would not that review be made by the Secretary of the Interior rather than by this board of appeals?

Mr. RAKER. No. In the first instance, the man must have his case decided by the highest tribunal; and in land matters that highest tribunal is the Secretary of the Interior. These cases are reviewed by the department; and the Secretary of the Interior, and in many cases the First Assistant Secretary, acts as a judge of appeals.

Mr. BYRNS of Tennessee. This action of the board of appeals would not be final? The Secretary of the Interior would have the final say as to what would be done?

Mr. RAKER. It would be just the same as any other case that is now handled by the department. The decision of the board would be final when approved by the Secretary of the Interior, as the Secretary of the Interior's decision would be final unless some one asked for a review. It relieves the work. It puts three competent men in the office of the Secretary of the Interior to act as judges of appeals.

Now, every Member of the House can realize that with over 2,300 cases these men believe they have a right in their homesteads which are involved, their desert-land entries which are involved, their right to be heard on an application for a reservoir site that is involved; and they have to wait from one year to three years to get a determination as to whether they can go ahead or must stop. It is not fair. You give them the right of appeal. You now provide for one officer. Why not make your machinery sufficiently ample and expeditious so that the men, when their cases are appealed to the Secretary of the Interior, may have those appeals passed upon by three competent men whose business it is to do that and nothing else; to decide and make determination in these cases instead of having the Assistant Secretary pass upon those cases when all of his time is required for other work?

Every bill that is reported from the Committee on the Public Lands and from the Committee on Irrigation and other committees first goes to the Secretary of the Interior, and the First Assistant passes upon it. Look at the bills and look at the reports—hundreds of them are on file in the Committee on the Public Lands—and you will see the enormous amount of work that that official has to do, assisting in proper legislation. It is only an act of justice to the men whose homes are involved, whose all is involved, that they may have additional judges to dispose of their cases and that decision be had at the earliest date possible.

These amounts were estimated for, but the item was not included in the bill as it came from the House committee. The Senate placed it on the bill. It should remain. It is necessary. This was fully shown by the statement of the First Assistant Secretary of the Interior when he appeared before the House Committee on Appropriations (hearings, pp. 390–394). The reasons there given for this item are unanswerable. The Members of the House have read it. I am satisfied that the committee will finally agree to this amendment. It is economy in the final analysis; the reasons for it are good.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. RAKER. Will the gentleman from South Carolina give me one minute more?

Mr. JOHNSON of South Carolina. I can not do it. I have given out all my time.

Mr. RAKER. Then, Mr. Speaker, to present the matter more fully I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] is recognized for five minutes.

Mr. FERRIS. Mr. Speaker, I understand how reluctant, and very properly so, the conference committee is to increase the number of officers of the Government, and I know that this side of the House has been criticized and chastised in certain instances for increasing the number of offices. But there are 300 cases a month on appeal on contests, many of which are brought about by the Interior Department itself in trying to see to it that valuable water sites and power sites and valuable mineral land and timber land and oil land does not slip away from us through the regular homesteading process.

In former times it was the practice for a man in the West to go out and apply to the local land office and file on a piece of Government land. There was a law which permitted him to get the land, without rhyme, reason, or question. In other words, if the land had on it a tract of timber worth $10 000, mineral, oil, gas, coal, and power sites, the man who filed on it was allowed to get title to the land. This was all wrong then. It is all wrong now. It needed changing then. It needs changing now. Here is an opportunity to help out down there, and it is up to us to do it. Nobody investigated it; nobody knew what was there. If it had coal, oil, gas, or other mineral, or water power, he got that.

Now, the time has come when the public sense of justice believes that actual farming land on the public domain should go to homesteaders, but that land with valuable deposits of mineral, oil, or coal ought not to go to the homesteaders. Now what happens? The Interior Department and the Appropriations Committee have provided for inspectors to go out and see what the land is before it passes to the homesteader. What happens when the applicant gets a filing on a piece of land, and the inspector reports to the Interior Department that he should not have title to it, for the reason it is not chiefly valuable for agriculture. Three hundred of those cases, on appeal, come to the Interior Department to be decided every month. No living human being can intelligently pass on all those cases. Immediately the business is not kept current trouble and delays ensue. Some clerk makes them and briefs them up and brings them in to the Secretary, and the Secretary has to put his O. K. on them. What the Secretary asks for is a board of three good lawyers to pass on these cases, so that when they bring their report to him there will be little left to do but to put his signature on it. Here are two or three pages in the hearings, where Assistant Secretary Jones pleads with the committee, urges the committee, begs of the committee, to give them this board, so they can do the work properly. It ought to have been done. There is no economy in halfway doing the things that must be done. It breeds dissatisfaction and stagnation in the development of the West. It breeds confusion and dismay for the homesteader. It is bad administration for the department, and it ought to be remedied. I appeared before

the conference committee on this item. I think the conferees themselves agree some relief is needed.

Mr. HAMILTON of Michigan. Will the gentleman state for information how large a clerical force they have now in the Interior Department to pass upon these matters?

Mr. FERRIS. I do not know exactly. They have an Assistant Attorney General and several law clerks, but not enough to do the work.

Mr. HAMILTON of Michigan. That is a matter that ought to be stated.

Mr. FERRIS. As above said, they have attorneys or law clerks there now, but not enough to keep the great volume of business current. It needs to be current.

Mr. HAMILTON of Michigan. I thought perhaps the gentleman might know.

Mr. FERRIS. I do not know offhand the exact number. They have an Assistant Attorney General and four or five lawyers under him. Of course, the Interior Department handles multitudes of matters—Indians, irrigation, public lands, pensions, patents, and so forth.

Mr. HAMILTON of Michigan. They ought to have more than that.

Mr. FERRIS. Yes, indeed, they ought; and the Assistant Secretary says 300 cases on appeal come to him every month; that the office is now approximately 2,300 cases behind; that the homesteader whose case is contested by one of these special agents has his patent held up by 12 or 15 months.

I do not want to antagonize the Committee on Appropriations. I felt so keenly about it that I went before the conference committee and said about this same thing to them. I do not want to antagonize the committee on this or any other matter. I think the gentleman from South Carolina [Mr. JOHNSON] and the gentleman from Tennessee [Mr. BYRNS] have had it so forcibly called to their attention that I believe they are very much impressed with it. I do not want to take the words out of their own mouths, or try to quote them, but I think they full well realize the almost burning necessity of keeping this work current. We all want economy, but it is no economy to let things go to waste for want of a small appropriation to conserve it.

Mr. MURDOCK. In the Interior Department all appeals finally reach an Assistant Attorney General.

Mr. FERRIS. Yes; they finally reach the Secretary of the Interior. I assume that is what you mean.

Mr. MURDOCK. That is true of pensions.

Mr. FERRIS. Yes; that is true of a lot of bureaus; but of course, if the gentleman will pardon me, they have a lot of law clerks and men to pass on these cases. One of the main things in addition to keeping the work current is to have some uniformity about their decisions.

Mr. MURDOCK. As a matter of fact you are establishing a court, are you not?

Mr. FERRIS. It is a board of review to act in conjunction with the Interior Department.

Mr. MURDOCK. It is a court.

Mr. FERRIS. It is a board to pass upon what the people are actually entitled to under the law, so that these three men, when they bring in a report to the Secretary, can say, "This is the last word on the subject."

Mr. MURDOCK. I hope the gentleman is aiding the homeseeker, but I doubt it.

Mr. FERRIS. I think I am. I think the gentleman will conclude that I am if he will read the hearings. I will present the words of Assistant Secretary Jones before the committee. The Interior Department to-day is perhaps better equipped with information about the West than any Interior Department within the last generation. Secretary Lane is a western man, who knows what to do and how to do and when to do what is needed in the West. The Assistant Secretary is able, is conscientious, and would not ask this if it was not needed.

Mr. JOHNSON. You are asking for an increase of $35,000 in that one item; will you state the reason why?

Mr. JONES. In the Assistant Attorney General's office there has been really no increase in the force since 1891. There was a change a few years ago in regard to some of the work in connection with the Pension Office, and instead of appropriating for that special work in the pension appropriation, the work was transferred to the office of the Assistant Attorney General. That made an apparent increase in the force of the Assistant Attorney General, but it was not one in reality, except through that means of taking on additional work in his office. The work of that office has increased many fold since 1891. The office of the Assistant Attorney General prepared a statement which I presented to the committee during the summer when we were asking for an emergency appropriation. That statement shows the increase of work in that office during the last five years, and a summary of it appears in this estimate which I have before me, on page 225. That statement shows you how the volume of the work of that office has increased. The paper which I presented last summer shows the nature of the work which has so increased. I do not know whether the committee would like to be supplied with another copy of that paper now or not. The committee has it in its files of last summer.

Mr. JOHNSON. It will not be necessary to encumber this record with that.

Mr. JONES. The summary appears on page 225 of this bill.

Mr. BYRNS. As I understand your note, the three members of the board of appeals, if created, would be charged with the duty of considering appeals in all matters brought to the Secretary, with the exception of pension cases?

Mr. JONES. Yes, sir.

Mr. BYRNS. And up to this time those matters have been considered in the office of the Assistant Secretary, and are being considered there now?

Mr. JONES. Yes, sir.

Mr. BYRNS. Which, as the note states, necessarily takes his time and attention from other matters. I was wondering if it be a fact that the office of the Assistant Secretary has been looking after these matters heretofore and is now considering these appeals, whether, if that board of appeals, consisting of three members at salaries of $5,000 each, should be created, that would not be quite an item of expense to be incurred in considering something that the First Assistant Secretary has been heretofore considering in connection with the other duties of his office.

Mr. JONES. I would like to make that plain. At the present time the office of the Secretary of the Interior, so far as money values are concerned, seems to me to be the greatest judicial tribunal in the world, or the greatest of any tribunals of which I have any knowledge. There are about 300 appeals from the General Land Office per month passing over the desk of the First Assistant Secretary. These cases, or a majority of them, involve only homestead entries varying in value from a few hundred dollars to a few thousand dollars, but there are many cases involving much greater values, running up into the millions of dollars. I have heard argument in a case that was under consideration and investigation where the parties all agreed that the property involved was worth anywhere from $50,000,000 to $100,000,000. Another case was considered in which the property involved was worth not less than $5,000,000, and there are many cases involving large amounts of property in which it is not necessary to consider any element of value, but they involve questions of law which are very complicated. The legislation of Congress in regard to the western lands has been built up from time to time. The different statutes are many, and one must really devote a great deal of time to them to be able to feel certain that he has become acquainted with all the statute law on the subject, and the varying decisions are even more uncertain.

Those 300 cases per month have been going over my desk, but, as I said a moment ago, the grist comes to the mill and we must pass it through. The most that I have been able to do has been to read the statements of fact in the decisions prepared for my signature, and then see what conclusions have been reached. I have had no opportunity to study the language of the decisions, but simply the statements of fact, and then decide as to the conclusions. Now, with 300 of these cases per month, you can understand the amount of deliberation with which the First Assistant Secretary can render his decisions. My office also has supervision of the Indian Bureau and the Reclamation Service, and there are many matters—and important matters—passing through my office from those bureaus every day. I must depend in a very large measure, of course, upon those who present these matters to me for their accuracy and correctness; but no one would feel like signing his name to a paper unless he could feel that he was reasonably safe in doing so.

Mr. BYRNS. I do not, of course, underestimate the immense amount of property and money involved in these cases, nor the importance of the work that must be done in passing on these appeals, but it occurred to me that if we should create this board, whose sole duty would be the taking care of this immense volume of work which heretofore has been done by you and which now devolves upon you, it would be a rather expensive departure. Now, I want to ask this question: Of course, I realize the value of having three persons to pass upon these matters, as is the case with our appellate courts, but why could not one individual, at a salary of $5,000, whose sole duty it would be to investigate and pass upon these appealed cases, look into and pass upon them just as effectually and just as properly as a board?

Mr. JONES. It will take more than one man to do the work. For instance, last summer I spent seven nights at my office hearing one case. Of course it was an important case or I would not have done it, but it involved a mass of testimony and records. In a case of that kind there is no one man who would feel that he ought to assume the absolute responsibility for passing upon the questions involved. It is just the same way with the Supreme Court of the United States now. The nine judges sit and hear arguments, but the case is assigned to one man ultimately to write the decision. So I take it that we would have this board operated in that way. The work should be done in that way. With the large number of cases that come there, it would be absolutely impossible for any one man to do all of that work. At the present time these cases are considered by an examiner, who makes up a statement of the facts. There are a good many contested cases, and we do not like to leave it absolutely to one examiner to make up that statement of the facts. Then it would surprise you to know the number of legal questions that arise in regard to statutes which ordinarily you would believe had been settled years ago. Those questions are still coming up, and it is surprising how many questions do arise.

Mr. BYRNS. If such a board were created, of course that would take an immense amount of work from those upon whom you are depending now to investigate these records and report to you for your final or ultimate decision.

Mr. JONES. Yes, sir.

Mr. BYRNS. Would it be possible to reduce your items here in any way in the event this board should be created? It occurs to me that might be done, because you would be taking away from those examiners this great amount of work.

Mr. JONES. On the other hand, we are asking for five more assistant attorneys.

Mr. BYRNS. I noticed that, and that is one reason for my question. Would it be necessary to have five additional attorneys if you are going to take away from these assistant attorneys this immense volume of work and place it upon this board of appeals?

Mr. JONES. We would not take that work away from the other attorneys. On the other hand, the only object in having this additional force there is to be able to catch up with the work. Now there are over 2,000 cases on appeal from the Land Office pending in that department to-day. The office is from 9 to 12 months behind with its work, but we think that with this additional force we might within a reason-

able time be able to catch up with the work. As I have said, the work of the office is increasing from year to year. We concluded that with this additional force we would be able to catch up with the pending work and that this force would be large enough to take care of the future work. We are asking for it, not for the purpose of having Congress to arbitrarily make a departure in the conduct of the office, but to provide for men whom we may be able to get for that salary. The salaries paid the attorneys in that office are, in my opinion, far below what they should receive. Considering the amount of work that they do and the grade of the work, the salaries paid are very meager, and we wanted to be able to pay at least $5,000 a year to the three new men We need the men there. We need that dynamic force in that office to take care of that work.

Mr. BORLAND. Is there any provision of law for the creation of this board of appeals?

Mr. JONES. This is the only law on the subject.

Mr. BORLAND. There is no existing provision of law authorizing it?

Mr. JONES. No, sir; there is no such board of appeals now, and the only purpose in putting it in here was to indicate to Congress how we would like to use men of that grade.

Mr. BORLAND. Is this your own idea of having it in the form of a board of appeals?

Mr. JONES. It was our own idea; but I learned last summer, when I appeared before the committee, that Secretary Fisher had also requested the same thing. I did not know that he had done so until after we had concluded that it would be a good thing.

Mr. BORLAND. Is it your idea that they would sit together as a court?

Mr. JONES. In many instances; yes, sir; and they would hear arguments as a court.

Mr. GOOD. Would it not be necessary to change the present law in regard to the duty of the Secretary of the Interior with reference to hearing appeals?

Mr. JONES. I do not think so, because if this board were to be unanimous on these cases, I would feel like signing the decisions without giving them further consideration, but if they should be divided and the question important, of course I would feel called upon to go into it myself.

Mr. GOOD. Of course, litigants always want to carry their contentions to the court of last resort, and if the Secretary of the Interior would have something to do with regard to all of them they would want to take their appeals a little further. It seems to me that without making some further provision with regard to this board it would not be a court of final resort in cases of that character.

Mr. JONES. It was not the idea to relieve the Secretary of the responsibility of signing these decisions, but merely to give that additional aid in the preparation of the decisions and to satisfy the Secretary's office that the decisions had received ample consideration.

Mr. GOOD. Your idea being that this board would simply aid the Secretary and that it would be his decision in all cases?

Mr. JONES. Yes, sir; that it would still be the decision of the Secretary.

Mr. BYRNS. I notice you are asking for an additional clerk of class 4?

Mr. JONES. Yes, sir; the clerks in the office now are too few, and with this addition of attorneys we will require additional clerical assistance.

Mr. BYRNS. You are also asking three of class 2.

Mr. JONES. Yes, sir.

Mr. BYRNS. And I suppose the same reason applies?

Mr. JONES. Yes, sir; the same reason applies.

Mr. PARKER. Before we leave I want to submit this proposition in regard to the Secretary's office: That the appropriations asked for the Secretary's office for all purposes under the legislative and sundry civil bills, including this increase in the Assistant Attorney General's office, show a net decrease over the current appropriations of some $34,000.

Mr. GOOD. Have you detailed any clerks from the office of the Secretary to other bureaus?

Mr. PARKER. Very few from the Secretary's office to other bureaus, but quite a number from the bureaus to the Secretary's office.

Mr. GOOD. Are any clerks detailed from the various bureaus in the Department of the Interior to other departments of the Government?

Mr. PARKER. When that occurs, that becomes a transfer and they go off our rolls.

Mr. GOOD. You do not detail them from one department to another?

Mr. PARKER. No, sir.

Mr. GOOD. I understood you to say there have been a good many details to the Secretary's office?

Mr. PARKER. Fourteen employees are on detail from the bureaus to the Secretary's office.

Mr. TOWNER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. TOWNER. There will have to be a decision by the Commissioner of the Land Office before there can be an appeal, will there not?

Mr. FERRIS. Oh, of course; and to the local land office, too.

Mr. TOWNER. Then in what way will this aid the congestion in the Land Department?

Mr. FERRIS. If the gentleman will pardon me, the congestion arises in the Interior Department?

Mr. TOWNER. If the same conditions have to be met as now and the only right that will be given is the additional right of appeal, in what way will that quicken the decision of cases?

Mr. FERRIS. This does not propose to insert any new link at all. It is merely an aid to the decision in the court of last resort, which is the Interior Department. There is no new cog in the wheel. This will not be cumbersome; it will be the greatest sort of aid.

Mr. TOWNER. There must be an appeal from the decision of the commissioner before it can reach this board or court.

Mr. FERRIS. Yes; but this is no court.

Mr. TOWNER. Then it really aids the Secretary, but not the department.

Mr. FERRIS. When I refer to the Secretary I mean the Interior Department, of course. Three hundred appeals come to the Secretary every month. He can not pass on them, and neither can any other man. Uniformity, good administration, and good sense demand this.

Mr. TOWNER. Is not the complaint from the commissioner rather than from the Secretary?

Mr. FERRIS. Oh, no; the facts which I am stating are quoted from the statement of Assistant Secretary of the Interior Jones in the hearings and relate to his department. He can read them on page 390 and 391 of the printed hearings on this bill, where he can find a corroboration of exactly what has been said. At the bottom of the page he goes on and says:

We need this board here. We need that dynamic force in the office to take care of that work, nearly 3,000 cases behind. The homesteaders and the miners and the people on the public domain have to wait more than a year to have their cases adjudicated.

Mr. RAKER. Is it not a relief to every man who is trying to get a home, that he may have his claim adjudicated early?

Mr. FERRIS. There can be no doubt about that. I think it is in the interest of good administration. These long delays discourage the entry and development of the public lands. This item is estimated for; it is needed. I think the conferees should accept it and help us with this relief.

At the present time, because of the very large amount of business in the way of contests, applications to enter, and appeals before the local land offices, the General Land Office, and the office of the Secretary of the Interior, and particularly at the present time before the Secretary's office, long delays in action upon applications, appeals, and contests can not be avoided. This situation is disadvantageous, first, because it discourages the entry and development of the public lands; second, contest fees and fees and commissions in connection with applications and entries not being payable until they are allowed or acted upon result in delay, and sometimes absolutely prevent the receipt in the Treasury of the moneys which would otherwise be paid in by contestants and applicants; third, delays make it possible for speculators to make entries which they do not intend to reside upon or perfect, but intend to hold for speculation and sale; it also aids in the speculative handling of relinquishments of public lands; fourth, it discourages bona fide applicants from prosecuting applications already pending or instituting new applications to enter or develop public lands. The proposed amendment, which would add three new positions to the force of the Secretary's office charged with action upon appeals in all matters relating to public lands and reclamation, would very materially aid in disposing of the accumulated business now on hand and in keeping new business current, and would, I am sure, increase the revenues from the public lands in excess of the amount of the salaries proposed. [Applause.]

[Mr. KINKAID of Nebraska addressed the House. See Appendix.]

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the Interior Department is preeminently a legal department of the Government. To the office of the Secretary of the Interior come the appeals from the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Pensions, the Director of the Reclamation Service, and other bureaus of that department. These appeals come by the hundreds and the thousands, and they come in greatly increased number with the growth and development of the country and with the increased complexity of public-land questions.

There is quite a considerable force of excellent attorneys in the Secretary's office who have charge of the consideration of these appeals, but there is not in the Secretary's office any board whose duty it is to examine the final decisions of the attorneys before they reach the Assistant Secretary.

We have an efficient Secretary of the Interior, and the present Assistant Secretary is, in my opinion, one of the very best officials that ever occupied that office. That official, the Assistant Secretary, who in the main passes on legal questions for the Secretary, realizes, as his predecessors have for years, how impossible it is for him to form a correct judgment in these hundreds and thousands of cases without a larger force in his office, and particularly without a board of review. This is called a board of appeals, but it is really a board of review, whose duty it would be to review the cases after they have been gone over by the attorneys and decided by them—to review them before they pass to the Secretary for final examination and decision.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAMILTON of Michigan. Who writes the opinions of these cases?

Mr. MONDELL. The various attorneys, of whom there are ten or a dozen, write the opinions. It is proposed to have a board of review. They have such a board now in the Land Office, known as the board of law review, to review these decisions before they pass to the Secretary.

Mr. MURDOCK. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MURDOCK. Why not increase the number of attorneys?

Mr. MONDELL. We do; we increase the number of attorneys by three. What will occur under this legislation is that three of the best attorneys in the office will be advanced to form the board. Three other men will then be appointed, and so we will have an increase of three in the office of the Secretary. It is a wise thing to form this board, whose special duty and function shall be to go over the decisions rendered by the individual attorneys in the office.

Mr. MURDOCK. Will that expedite things? How will it relieve congestion?

Mr. MONDELL. It will relieve congestion, because, instead of necessitating all cases remaining on the desk of the Assistant Secretary while he examines them in detail, they will be so examined by this board. As it is the Assistant Secretary, having no such board as this, must of necessity endeavor to not only go over the decisions in detail but, so far as it is possible, go into the testimony. The result is delay, even after cases have passed through the hands of the attorneys, because the Secretary feels that under these circumstances without a body of men removed from the general body of attorneys which is to do the work of review he must give special and particular time and time-consuming attention to all these cases. This is really an increase of the force by three men, and if we did nothing more than that we would do well.

Mr. HAMILTON of Michigan. You appoint three men to do the work that one man is doing.

Mr. MONDELL. We still have the Secretary and Assistant Secretary, but before the decisions reach him they are to be considered by the board of review.

Mr. HAMILTON of Michigan. Does the board refer the decisions to the Secretary?

Mr. MONDELL. They will come to him from the board.

Mr. TOWNSEND. There is nothing final in the hearing by the board of review?

Mr. MONDELL. No; it is a board of review and a board of examination before the decision reaches the Secretary.

Mr. TOWNSEND. Does not this provide one more step in the proceeding and therefore increase the delay?

Mr. MONDELL. I think not, and I have had considerable experience in that department. I have long believed that a board would expedite the business, and what is more it would give careful consideration to important decisions which I think we ought to have and which it is difficult to have under present conditions. If we only increase the number of attorneys, we shall have helped the situation. The board is also, in my opinion, a good idea.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY], this prophet of evil and chairman of the committee on distress [laughter], this self-constituted mouthpiece of calamity howlers and forerunner of business destruction seems to enjoy his obnoxious and disgusting office. [Laughter and applause.]

He scans newspapers day and night to find, if possible, where some human being somewhere has been overtaken by misfortune, and he seems supremely happy when reciting and recounting in this House so-called newspaper evidences of human distress and adversity. The bright, beaming stars in the firmament and the white light of the milky way across the heavens do not attract his attention; they concern him not; but just let him see the temporary soft and shining furrow of a falling star and straightway he throws a fit, and spasms of rejoicing travel up and down his spinal column.

Mr. Speaker, it matters not what character of business a man is engaged in, the capital invested, or the amount of business sought to be done, and the ability of the man in charge of the business to make a success of it; none of these engage the attention of the trouble-hunting gentleman from Washington.

If an incompetent, indolent man fails in business because he did not have the ability, the industry, and enterprise to succeed, the gentleman from Washington attributes his failure to the Democratic administration

I submit that if he is going to charge to the Democratic administration the few failures that have come, and will come occasionally under any administration, he ought to be fair enough to give us credit for the millions of business enterprises now flourishing in every State in the Union. He ought to give us credit for reducing the cost of living in many of the necessities of life.

Mr. Speaker, I am convinced that there is an effort on the part of certain illegitimate business concerns of the country to hamper and hinder the President in his great work in behalf of the American people. I believe that men engaged in public plunder under the license of Republican laws have conspired together to defeat just and much-needed legislation at the hands of this Congress. They have sent word into every quarter of the country, saying, "Write your Congressman and your Senator and tell them to hurry up and adjourn; that they are disturbing business." There is big business and little business, legitimate business and criminal business. These crafty and avaricious fellows engaged in criminal business are anxious to have Congress adjourn before the hand of just legislation is laid upon them.

This Democratic President is leading in this great work of saving the life of this Nation from the dangers which threaten it. [Applause on the Democratic side.]

Some gentlemen on that side have referred to the Claflin failure in New York, and they attribute it to the Democratic tariff. Mr. Claflin himself makes a statement in which he attributes it to other causes. He does not attribute it at all to the tariff, and the Wall Street Journal says that it was due to an effort to do business on too large a scale for the capital invested, and because of changing the character of business—going out of the wholesale business into the retail business, and arousing the antagonism of men who were formerly his customers, because when he became a competitor as a retail merchant the local merchants fought his business and sought to help themselves. Mr. Claflin in his statement gives as another reason for his failure that the center of business moved into another quarter of New York and away from him. And yet gentlemen have the gall to bring that failure up as the fruit of Democratic legislation. You can not deceive the people by such false statements.

Mr. Speaker, President Wilson is working earnestly in the interest of the American people. He is trying to do certain definite and needful things for them. He is striving to free the American masses from the oppressive conditions woven around them through 16 years of Republican legislation. [Applause on the Democratic side.]

I repeat that there is an organized effort on foot to embarrass the President and to prevent, if possible, the completion of his legislative program. Here is a letter from the Shapleigh Hardware Co., of St. Louis, sent to its salesmen throughout the United States. It speaks for itself:

[Copy of a letter sent by the Shapleigh Hardware Co., of St. Louis, to each of its 250 salesmen throughout the United States.]

ST. LOUIS, *June 12, 1914.*

DEAR SIR: You have doubtless been shown copy of letter issued by Simmons Hardware Co., dated June 10, in which they state that "general business in the United States is exceedingly dull at present."

It is very evident from the tone of this letter that they think the same conditions that apply to the Simmons Hardware Co. apply to the entire United States.

The facts are our sales up to date this year are just three-fifths of 1 per cent less than the same period last year, and if June business continues to increase as it has done so far, we will gain this three-fifths of 1 per cent and probably finish the first half of the year with a gain.

* * * * * * *

We suggest you do not waste any time discussing this letter with your customers. If they bring the matter up just smile and tell them the facts about our business as explained in this letter.

We believe our salesmen should be fully posted on our business and in position to talk intelligently and truthfully regarding the business we are doing.

Yours, very truly,

SHAPLEIGH HARDWARE CO.

This letter calls attention to what some people are trying to do. They may manufacture specials for newspapers and send out false statements regarding the business situation of the country, but they can not frighten or intimidate the big and brave leader of the Democratic Party or deceive the people with regard to his work in their behalf. [Applause on the Democratic side.] Why, Mr. Speaker, gentlemen on that side hard pressed for something to talk about and politically embarrassed by the record of Democratic achievement are trying to scare the country with manufactured notices of business disturbance. Yet we call the attention of gentlemen to the fact that the New York Commercial to-day says:

General trade conditions throughout the country are considered sound by large merchants in the New York market, and they are firmly convinced that there is every reason to look for good business during the last half of the year.

Did you gentlemen know that the coal mines of Pennsylvania are doing more business, producing more coal per day, than ever in their history? Did you know that the silk mills of Pennsylvania are running 24 hours a day when they can secure

the labor? And yet you talk about men being thrown out of employment. Did you know that the gentleman from Wyoming [Mr. MONDELL] wrote to his wool-producing constituents that if the Underwood bill became a law it would put them out of business, and did you know that wool is higher now than it was then? Gentlemen, quit your growling and grumbling and join us in the completion of this great work of constructive legislation, and it will not be long until prosperity will come and the country will blossom as the rose. [Applause on the Democratic side.]

[By unanimous consent, leave was granted to Mr. HEFLIN to extend his remarks in the RECORD.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, we desire to serve notice on the Republican side of this House that, from now on until the adjournment of this Congress, whenever it occurs, we propose to answer on the Democratic side such unpatriotic, almost treasonable, prophecies of disaster as the gentlemen on that side so frequently make. [Applause on the Democratic side.] The gentleman from Wyoming [Mr. MONDELL], in referring to the Claflin failure, made this prophecy: This great failure, he said, "is prophetic of what we may expect in the future."

According to H. B. Claflin, the head of the Claflin firm, the failure of his business was due to the unprecedented shifting of trade centers in New York City. In the statement he gave out, he said that this condition—

compelled his concern to rely mainly upon its retail stores in other cities for its profits.

Referring to the business of these retail stores, he said:

Their rapidly expanding business had occasioned large capital requirements, which we have not been able to meet.

He denied, and those financiers who attempted to tide over the affairs of the Claflin Co. denied, that the present tariff laws had anything to do with bringing about the crash. A representative of the large financial interests which attempted to avert the Claflin failure, speaking, yesterday, for those interests, said:

This was simply a case where the Claflin business was too big for the capital invested. There is plenty of money, and cheap money, too. It is not that; it is a situatio where people are without the confidence sufficient to guarantee the raising of the money. It was a case of getting it all or not getting it. We could not get it; that was all.

The Dry Goods Economist in its issue to-day discusses the Claflin failure, and calls attention to the fact that the Claflin failure is due largely to the fact that New York is now "situated on the rim of the country" as a primary merchandise market; that the "drifting westward of the center of population has brought a marked change in jobbing distribution." This journal attributes the Claflin failure largely to the fact that the Claflin Co. in establishing affiliated retail stores throughout the country "encountered the direct competition of their own sources of supply." This paper reaches the conclusion that the Claflin failure was due entirely to a violation of those laws of trade which control enterprises of this character. According to the opinion of the head of the Claflin Co., the failure of that company was due principally to the fact that the stores affiliated with it throughout the country in their expanding business made demands upon the parent concern which, on account of the diminishing business of the parent concern, they were unable to supply. The great Claflin failure, the greatest failure we have ever experienced, has almost passed into history. There is not a cloud on the horizon. Trade proceeds as though nothing had happened. The situation is a splendid tribute to the feeling of confidence inspired by the Federal reserve law and by the policies of the present Democratic administration. If such a failure as this had occurred under either of the last three Republican administrations, the result would have been disastrous throughout the land, and perhaps would have disturbed trade centers throughout the world.

I remember, and all of us remember, a time in this country when we had a real panic, not long ago, a Republican panic, which came after 12 years of uninterrupted Republican rule, when on every hand was heard the crash of failing banks. So strong is the feeling of confidence inspired throughout the country by the Democratic Federal reserve law that not many days ago when a great bank in Chicago failed and a chain of affiliated smaller banks went down with it—it was a bank conducted by typical Republican politicians for typical Republican purposes—there was not a ripple on the surface, not one. In connection with the Claflin failure two days ago there comes to us the news that throughout the country from 3,000 to 5,000 banks held the paper of this concern, and there is no talk about a bank panic or any failing of securities throughout the country—so strong is the confidence in the present administration and in the fact that the Federal reserve law will soon be in operation. If the fact that this law is soon to be in operation has this effect, we can understand what sort of a feeling of business security will prevail when it is in actual operation. On account of this great piece of constructive legislation bank panics belong now to a period that has gone forever. There will never be another bank panic. When the trust bills become laws there will never be another period of serious business depression.

In 1907 the men who had toiled all day long, day after day, in our shops, and under the hot suns of summer on our farms, were unable to go to their banks and get the money they had earned and had deposited there. During that period of time I myself recall that a check on the Treasury of the United States, drawn by the Sergeant at Arms of this House, payable to myself for one month's salary, was refused payment by one of the greatest banks in the Middle West. The banks locked up the money of the people in their vaults during that typical Republican panic, and they issued their own paper, in violation of law. We suspended the operation of the criminal and civil laws of this country and permitted throughout the land every bank that wanted to do so to violate the law. On this side of the House there was not a murmur of discontent or disapproval throughout the dark days of 1907—not a single political speech calling attention to this panic, for which the Republican Party was directly responsible, was made on this side of the Chamber. It was a case where we applied the faith cure to the situation, and starting on the Democratic side of the House and of the Senate we made speeches of confidence, and the inspiration created here spread throughout the country.

Out in my section a widow who had saved up two or three hundred dollars and hid it away, because she did not believe in banks, was so inspired with the patriotic feeling which started on this side of the House and extended throughout the country that she brought her money from its hiding place and deposited it in a local bank, and said: "Here is my money; I feel I ought to contribute this toward the security of the banks and business throughout the land." Those acts of patriotism, numerous as they were, conspicuous as they were in 1907, can all be traced to the wave of patriotism which was inspired by Democratic leaders here and throughout the country in the dark days of this Republican panic. Patriotic utterances so frequent in 1907 and 1908 on this side of the House are absolutely lacking at the present time on the other side of the House. The CONGRESSIONAL RECORD at the present time bristles every day with unpatriotic prophecies of business disaster made by Republican Members of this House, evidently willing and anxious to profit politically at the expense of the prosperity of this country; and these utterances are all wildly applauded by Republicans and Progressives alike on that side of the House. As soon as I have an opportunity and can get the time I propose to discuss the business situation in the country to-day. We are just recovering from the Republican panic of 1907, and throughout the land the evidence of revival is abundant. [Applause on the Democratic side.] You gentlemen can not bring about a period of business disaster, no matter how hard you try.

"Lest we forget," let me tell the gentlemen on that side some of the things that happened in 1908, after the bank panic of 1907, for which we can charge the Republican Party with responsibility—there was nothing psychological about conditions in 1907 and 1908:

In Chicago, on February 11, 1908, the papers announced that the total number of unemployed were estimated by the Federation of Labor at 100,000, and about that date a warning was issued to craftsmen to keep away from the city of Chicago.

On April 8, 1908, 700 Bulgarians in Chicago appealed to the city and county authorities for aid for deportation to their own country.

In Buffalo, on the 20th of January, 1908, 500 men besieged the superintendent of the poor for food. Four men were taken to the hospital suffering from starvation.

In Camden, N. J., on the 10th of August, 1908, a riot followed the application of 1,500 men for less than 400 jobs advertised by the Joseph Campbell Co.

In Denver, on the 20th of March, 1908, more than 200 Bulgarians petitioned the Government for employment or aid to return to Bulgaria.

In Detroit, on January 28, 1908, more than 2,000 men marched to the city hall to solicit work of the mayor.

In Granite City, Ill., on April 25, 1908, 50 men knelt before various churches pleading for work, and 1 man killed himself because he failed to obtain work.

In New York school children numbering 5,000 mobbed the restaurant of Adolph Lorber to obtain the free meals offered by Mr. Lorber on February 13, 1908.

In New York, on March 15, 1908, the city government was urged by the Central Federated Labor Union to let contracts for

subways to furnish work for 500,000 unemployed; and on March 28, 1908, there was a demonstration in New York in favor of armed revolution made by 10,000 unemployed, singing the Marseillaise and other inciting songs as they marched through the streets. A bomb was thrown at the police by an anarchist during this demonstration.

On February 10, 1908, in Philadelphia, a total of 50,000 idle men were reported by the labor unions in the Kensington district; and on February 20, 1908, in Philadelphia, a riot followed the march of 1,000 foreigners, chiefly women, to the city hall to demand employment; 3 policemen were shot and 14 unemployed were arrested. Also at that time a loan of $9,000,000, to provide funds for public work, was asked by the city for the unemployed, and a race riot followed the demonstration of unemployed demanding work; Italians were attacked by men of other nations.

On January 28, 1908, in San Francisco there was a league formed of the unemployed, and they demanded an issue of $23,000,000 in bonds to aid them.

On March 23, 1908, in Toledo, 1,000 Hungarians marched through the rain to receive a loaf of rye bread each.

At that time the total unemployed was estimated at 1,200,000, half that number being in the large cities, New York having 250,000 unemployed and Chicago 90,000. I am indebted for the data I have been using to a recent compilation made by a great western newspaper, the Milwaukee Journal.

This is the record, but only part of it. I have only succeeded in calling attention to a small part of the evidence in existence as to the effect of this great Republican panic of 1907, which still existed in 1908, and which has come with us down to the present time. From it, under the wise guidance of the present Democratic administration, we are just recovering. It was brought about by long periods of legislative inactivity in this country—inactivity here in this body. You depended upon the obsolete legislation of years ago with which to meet the present-day problems presenting themselves for solution. All these problems which you pushed forward indefinitely into the future, which you did not have either the executive or legislative ability or courage to meet or to handle, came down to us, and we are solving them all, every one of them, as the time comes, shirking no responsibility, placing the constructive legislation upon the statute books of this country demanded by the business conditions of the present period.

The amount of much-needed legislation we have placed upon the statute books has been equaled by no other administration in this country in a century of time. Here on the Democratic side of this House we propose to stand by the administration through the long, hot months of a summer in Washington, if it becomes necessary to do so. We propose to stay here until the trust bills are enacted into law. Throughout the land a subsidized press is working overtime in its efforts to compel an adjournment. From the invisible government, which, thank God, no longer governs in this country as it did in the days of Republican supremacy, there come demands upon the constituents of Members of Congress throughout the land that they write letters to their Members urging an adjournment before the trust bills are enacted into law. A discredited invisible government can not prevent this much-needed legislation. The dawn of a new day has come. There were protests, vigorous protests, against the parcel post; there are none now. There were protests against the Federal reserve law; there are none now. Everywhere there comes from those interests whose profits have heretofore been protected by Republican tariffs most violent protests against the Democratic tariff law, but a recent report from Bradstreet's agency shows that there are substantial reductions in the wholesale prices of over a hundred manufactured staples in common use in the country. This means the bringing about in due time of retail-price reductions so important that a return to the old Republican system of protective tariffs will never again be possible. I propose on this floor, as soon as I can get time for that purpose, to call attention to reviving business conditions throughout the country and the dawn of the new era of business prosperity which will be felt not only in the centers of trade but by the great masses of consumers throughout the land.

Papers controlled by the interests may continue their unpatriotic efforts to produce a feeling of business depression; Members on the other side of this House may continue their almost treasonable utterances along these lines, but the time has come when, under Democratic management, the laws of trade can no longer be artificially controlled. The prosperity for which the country has waited since the Republican panic of 1907 is almost here, and in our efforts a kind Providence smiles upon us. Crops were never better; our granaries will soon be full to bursting with garnered grain. When the elections are held this fall, in the pleasant Southland 30,000,000 acres will be white with cotton, our greatest exchange crop, the crop which brings here gold from all the rest of the world; when the elections are held this fall, on 107,000,000 acres in the colder North the ripening corn will be rustling in the breezes of autumn. It is impossible for Republican orators, for Republican journals, for Republican prophets of calamity and disaster to stop the rising tide of prosperity; they can not contend against the conditions which confront them now. Willing and anxious as you on that side of the House seem to be to sacrifice national prosperity to party advantage, you can not make progress against reviving trade conditions throughout the country, combined with the favors an All-Wise Providence has showered upon this land to-day. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by simply inserting one extract of figures.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the time be extended for 10 minutes more than was agreed upon.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the time be extended 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Montana [Mr. STOUT].

Mr. STOUT. Mr. Speaker, with a homesteader who goes out into the Western States to build a home upon Government land time is almost always the essence of success. Perhaps few, if any, of the Members of this body come in contact with more cases of homesteaders which are pending or are constantly being brought before the Secretary of the Interior, for one cause or another, than I do. Being one of the Representatives at Large from the greatest of all the public-land States in the Union, I receive daily dozens of letters from settlers who have gone into Montana, taken up and are trying to establish themselves on the public domain. These letters very generally deal with delays in receiving patents or in having their cases adjudicated, if their claims are in controversy. These settlers remain on the land the required length of time—three years, now—make honest efforts to comply with all of the laws and regulations of the department, endure hardships and privations, and have a right to receive at the earliest possible date the just reward for the sacrifices which they make—a title from the Government to the land which they have so faithfully worked for. Some of them who have been compelled to wait for two or three years or longer write me that they are discouraged and feel disposed to give up the struggle and begin all over again the trying task of earning a home for themselves and families. These letters convince me of the absolute necessity for some legislation which will provide a more expeditious method of handling these cases, of adjudicating the rights of the settler to the claim upon which he has filed. As has been stated by speakers who have preceded me, over 300 of these cases come up to the Secretary of the Interior on appeal every month. Since the records reveal that approximately one-half of the homestead filings of the past year were made in Montana, it is reasonable to assume that 150 of these cases each month, or 1,800 per year, are Montana cases.

It is a physical impossibility, Mr. Speaker, for the Secretary of the Interior to give personal consideration even to a small percentage of these cases. He is charged with the responsibility of administering the affairs of what I believe to be the greatest department of the Government—one involving great complexities and a wide range of subjects of far-reaching importance. He must, therefore, accept the judgment of the men in his office, a wholly inadequate force, as to the merits of these 3,000 cases and more which are brought to him on appeal from the General Land Office. Certainly, Mr. Speaker, there is a crying need for another tribunal in that department, whose sole duty it shall be to review these cases, inquire into the equities of the settlers' claims, and render decisions in accordance with the facts as they find them. Not only should they be settled, but they should be settled quickly, in order that the settler may know at the earliest date possible whether or not he is to receive title to his land. I have known of cases which dragged along in the department for four or five years, during which time the settler was unable to negotiate a loan with which to make improvements, and if he did make improvements, he did

so at the risk of losing them as the result of an adverse decision.

There is nothing of greater importance to this country than to have the vast unoccupied domain of the Federal Government taken up and improved by its citizens. During recent years we have heard with dismay, read with chagrin, of the great movement of homeseekers from this country to the Dominion of Canada. The figures show that for a period of several years 100,000 of the very flower of American citizenship have annually migrated to the country to the north of us, and carrying with them the stupendous sum of $100,000,000 in cold cash each year. This is a fearful toll in people and money to pay for our failure to manage properly the affairs of our own public-land department. I live not so far from the Canadian border. I meet almost daily people who have been up through the vaunted grainfields of the Canadian northwest, the section to which most of our people have been going. From my conversations with them, I know that we have better land in Montana than they have in Canada.

The weather is far less severe, the necessary element of moisture is more certain, the yield vastly more bountiful, the conditions generally more congenial to those who were born and reared in the atmosphere of our own form of government. Moreover, Montana has no lack of good public land left. Twenty million acres remain unappropriated, just lying there idle in the best country on earth waiting for the homeless to come and claim it. But the Canadian Government has offered more liberal inducements to settlers than we; they have evolved a system of which senseless red tape is not a predominant element. This has offset the superiority of our land and accounts in a large degree for the loss by this country of hundreds of thousands of people whom, with a wiser policy in effect, we might have kept on this side of the line.

Thanks, however, Mr. Speaker, to a better administration of the affairs of the Department of the Interior, to a more sympathetic understanding of the needs and trials of the homesteader, to the best administration, I honestly believe, that has ever been given that important department of our Government, the tide of immigration has during the past year been turned back our way. As was stated in the illuminating address by my colleague, Judge EVANS, yesterday, 22,000 more people have come to the United States from Canada than went from this country to that frozen clime during the past 10 months. This is a hopeful sign. It indicates that by continuing to improve our system under the direction of such a man as Franklin K. Lane we may draw back from the frost-bitten prairies of Alberta, Manitoba, and Saskatchewan additional thousands of the good people who have been expatriated by reason of our short-sightedness. It clearly indicates that already reforms have been effected in the Department of the Interior which imbues in the settler a willingness to take a chance under the laws of his own country. Let us, then, Mr. Speaker, go forward with the work so auspiciously begun. Let us afford to the hard-working Secretary of the Interior the assistance which his splendid program of reform and efficiency demands. There is a most vital necessity for the creation of a tribunal of review such as this amendment proposes to establish, and I sincerely trust that this House in its wisdom will recede and concur in the Senate amendment. I yield back the remainder of my time.

Mr. JOHNSON of South Carolina. Will the gentleman from Iowa use some of his time?

Mr. GOOD. I yield five minutes to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, I hope the motion of the gentleman from California to recede and concur in this amendment will prevail. I am in full accord with all that has been said by those who have spoken in favor of its adoption. The creation in the Interior Department of such a tribunal as is provided by the Senate amendment will do much toward facilitating appeals that go to the Secretary of the Interior, not only in land cases but from other bureaus under that department. It will not only result in hastening action, but also in better decisions, as there will be more opportunity for scrutinizing and examining decisions after they are prepared by the law clerks and before they are promulgated by the Secretary.

As I understand the proposition, there will be three attorneys appointed, possibly from those now in the office, to this board of appeals, and three other attorneys will be appointed to do the work that those now perform that will constitute this board of appeals, thereby making it possible for those gentlemen to give personal attention and a closer examination of appeal cases than has been given heretofore. They can also devote all their time to this work, which will enable the department to more promptly dispose of the cases.

Those of us that come from the West who have occasion to go to the office of the Secretary of the Interior quite frequently find that by discussing cases with the Assistant Secretary, the Assistant Attorney General, or the attorney who has charge of the land cases, it usually results in a fairer and better decision being rendered than happens where the decision has been written by a law clerk, because these officials have not had the time to scrutinize and examine each case, as will be done by competent persons, if this amendment prevails.

Mr. Speaker, my observation has been that there is a very efficient force in the office of the Secretary of the Interior, and particularly is this true at the present time, and I take pleasure in stating that there is a disposition on the part of this department, under the direction of the present Secretary, to be more liberal toward the settlers who are struggling to secure title under the public-land laws. The present Secretary has, in several cases to my knowledge, reopened, reconsidered, and reversed cases finally decided by his predecessor, and sent them to patent, thus restoring to honest homesteaders perhaps all that they possessed in the world. I am most heartily in favor of giving to him this additional force, thereby making it possible for him to administer promptly and efficiently the many important questions that come before him.

Mr. Speaker, as has been stated, there are thousands of appeal cases pending in the department where there is delay because of the fact that the officials of the department—the Secretary himself, the First Assistant Secretary, the Assistant Attorney General, or the chief attorney—have not the time to review the decisions that have been prepared by the law clerks. In addition to land cases from the General Land Office, appeals go to the Interior Department from the Patent Office, from the Reclamation Service, where there are very important questions involved; also from the Indian Office. Under existing law the Secretary of the Interior is clothed with the jurisdiction of determining heirship in cases of deceased Indians and has final jurisdiction, and there are many cases where complicated legal questions are involved affecting property rights of much value. Again I express the hope that the House will adopt the motion to concur, or if it does not and the bill goes back to conference, that the conferees will recede and accept the amendment of the Senate.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I thank the gentleman for yielding time to me, but I do not care to speak until the gentleman from Colorado [Mr. KEATING] comes in on the floor of the House; therefore I yield back my time.

The SPEAKER pro tempore. The gentleman yields back four minutes.

Mr. JOHNSON of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. SELDOMRIDGE].

Mr. SELDOMRIDGE. Mr. Speaker, if one should attempt to place his hand upon the sore spot in the administration of our public-land laws, I am sure he would recognize the fact that it must rest in the slow method followed in determining title. I believe a serious mistake was committed years ago in not conferring jurisdiction upon receivers in the local land offices or in establishing local land courts in public-land States, through which these titles could be secured without the delay which now too frequently occurs. The Government has been very liberal with the homesteader in allowing appeals from the decisions of local land offices and the Commissioner of the General Land Office. Complaints are increasing in number from the public-land States concerning the delay which arises in the determination of these cases.

The burden of this delay falls most heavily upon the class of people who are least able to bear it. They are people in moderate circumstances, who have endeavored to comply to the best of their ability with the obligations imposed upon them by law. They find themselves in many instances brought into conflict with the claims of others, and in many cases with the Government itself.

I maintain, Mr. Speaker, that there has been a great obstacle imposed upon the settlement of our public domain through these delays, which should be avoided and which should be relieved.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. SELDOMRIDGE. One question only. My time is short.

Mr. JOHNSON of Washington. Does the gentleman think that three judges can settle cases which are being originated every single month as long as the public domain is thrown open?

Mr. SELDOMRIDGE. I will say in reply to that, Mr. Speaker, that an impression seems to have been generally created that

the Secretary of the Interior personally passes upon these appeals, and the settler whose title has been contested believes that if he can get his case before the Secretary of the Interior there may be some reasons outside the legal propositions involved that may appeal to the Secretary in his case, and that he may secure a favorable decision. I believe the establishment of this court of review, or board of appeal, made up of those who will be particularly qualified to pass upon questions involved in the administration of the land laws—that the very fact that there is such a court of appeal resident in the Land Office in Washington will do away with a large number of unnecessary appeals. I believe the very procedure which we have at present in operation invites a larger number of appeals than would otherwise be made, and I think the establishment of such a court will do much to relieve the congestion that now exists and also prevent the filing of other appeals.

I also believe that we should, as far as possible, lift from the shoulders of the Secretary of the Interior and his assistants this work, which is largely administrative in character, and which can be performed by other men of legal ability. We should give to these officials larger freedom from the exactions of mere matters of routine and detail to engage in the consideration of some of the great problems of general importance concerning the development of the national domain.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. Will the gentleman from Iowa [Mr. GOOD] submit to a question?

Mr. GOOD. Yes.

Mr. TAYLOR of Colorado. I would like to ask whether or not this provision will create a permanent court here that would be looked upon as a life job in the District of Columbia?

Mr. GOOD. I was going to raise that question.

Mr. TAYLOR of Colorado. I heartily approve of the announced purpose of this provision to provide additional help temporarily for the Interior Department. There are a very large number, I think something like 2,000 cases, pending on appeal before the Secretary of the Interior, and it is almost a denial of justice to the people of the West who are interested in these matters to have them held up in the way they are at the present time.

This large amount of accumulated business ought to be disposed of as fast as possible. At the same time, I have nearly always opposed creating new offices. It is the easiest thing in the world to create new positions, to provide new jobs—we are doing it nearly every day—and I think often needlessly. On the other hand, it is an absolute physical impossibility to ever abolish or get rid of an office. We never on earth can discontinue or wipe out a job once created; and for that reason I am very much in doubt about the language of this provision. It looks to me as though it is not at all temporary, but permanent; and I am very much opposed to creating a court here in Washington composed of Washington attorneys—or, at least, probably lawyers who have little or no practical knowledge of the subjects upon which they will be called to pass—to determine these important questions affecting the rights of the settlers of the West.

I have always been in favor of providing for an appeal from the final decision of the Secretary of the Interior, or, in some cases, the decision of the Commissioner of the General Land Office, to the United States district court or circuit court of appeals of the district in which the land involved is situated. But I have always been very much, and, in fact, bitterly opposed to the bills that have been pending before Congress for several years to authorize appeals from the Secretary of the Interior to the Supreme Court or Court of Appeals of the District of Columbia; and I am very much afraid that this amendment is an indirect way of bringing about that provision or creating another court similar to what that court would be to handle these western matters. I think the language of this amendment should be expressly limited, and the tenure of appointment of those attorneys to assist the Secretary of the Interior in the disposition of this accumulated business should be very specific and rigidly limited to a certain number of years, or some way; otherwise we will have those offices on our hands forever, even after the public lands are all disposed of.

Mr. GOOD. I agree with the gentleman. I believe there is no department of the Government where the work is more behind because of the lack of men to perform the work than the Interior Department. There is no department where there is a greater effort being put forward to perform the duties of the office, but, as the gentleman from Oklahoma and others have stated, new questions have arisen because of legislation that throw so much additional work upon the department they are not able to perform it.

And, Mr. Speaker, I want to call the attention of the gentlemen on that side of the House to the provision in that it creates a board of appeals. A board of appeals will mean something. It means it shall have some power. And I know that the gentleman from South Carolina [Mr. JOHNSON] and the other conferees realize that the Department of the Interior must have additional force. But it should not be allowed in the words and the language of the Senate amendment.

I now yield two minutes to the gentleman from South Carolina [Mr. JOHNSON].

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GOOD] has five minutes and the gentleman from South Carolina [Mr. JOHNSON] eight minutes remaining.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS Mr. Speaker, I conferred with some of my friends who are members of the Public Lands Committee and some of my friends on the conference committee. The conference committee has been very willing to do full justice in this, and they are trying to work out some relief for the General Land Office. They want to work it out so that it will be intelligible and mean something. And so do we; and, therefore, we want to aid them in that direction. So, with the consent of the gentleman from California [Mr. RAKER], I withdraw the motion made a moment ago to recede and concur.

The SPEAKER pro tempore. Is there objection to the request of the gentleman?

Mr. RAKER. I join the gentleman in that request.

The SPEAKER pro tempore. The Chair hears none.

Mr. JOHNSON of South Carolina. That leaves nothing for me to say. I think it is very proper that this amendment should go back to conference, and I hope my motion will prevail.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. Just what did happen? The gentleman from California [Mr. RAKER] offered a motion, and there was nearly an hour's debate. Then he withdraws the motion.

Mr. JOHNSON of South Carolina. That leaves before the House my motion, that the House further insist upon its disagreement to the Senate amendments, and that puts it back into conference.

Mr. MURDOCK. The gentleman from South Carolina is still in favor of disagreeing?

Mr. JOHNSON of South Carolina. I think everybody is of that opinion.

The SPEAKER pro tempore (Mr. HARRISON). The gentleman from South Carolina moves that the House further insist upon its disagreement to the amendments of the Senate numbered 168 and 169. The question is on agreeing to that motion.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

On page 107 of the bill, line 20, after the figures "$3,500," insert the words "second assistant commissioner, who shall also perform the duties of chief clerk, $2,750."

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to consider amendments 176 and 177 together. The one is the total, and that depends upon the action taken in respect to the other.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to consider amendments 176 and 177 together. Without objection, it will be so ordered.

There was no objection.

Mr. JOHNSON of South Carolina. I move, Mr. Speaker, that the House further insist on its disagreement to amendments Nos. 176 and 177.

The SPEAKER pro tempore. The Clerk will report amendment No. 177.

The Clerk read as follows:

Page 108, line 7, strike out the figures "$325,400" and insert "$328,150."

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendments numbered 176 and 177. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

Mr. JOHNSON of South Carolina. It is on page 121.

The Clerk read as follows:

Senate amendment 195, page 121 of the bill: Strike out the following language, lines 1 to 8, inclusive, as follows: "New Washington, D. C., post-office building: For 4 assistant engineers, at $900 each; 4 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 4 oilers, at $720 each; 22 watchmen, additional to 2 watchmen acting as lieutenant of watch, at $120 each; 15 laborers; 1 assistant plumber, at $720; 2 female laborers, at $480 each; 15 charwomen; in all, $48,540," and insert the following: "Washington, D. C., new post-office building: For 3 assistant engineers, at $900 each; 3 assistant electricians, at $900 each; 8 elevator conductors, at $720 each; 2 oilers, at $720 each; 12 watchmen; additional to 1 watchman acting as lieutenant of the watch, $120; 12 laborers; 1 assistant plumber, $720; 2 female laborers, at $480 each; 12 charwomen; in all, $33,840."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to amendment numbered 195.

Mr. MANN. Mr. Speaker, I make a preferential motion that the House recede from its disagreement and concur in the Senate amendment.

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois want any time?

Mr. MANN. I want a little time; yes.

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. MANN. I would like to have 10 minutes altogether.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois [Mr. MANN] five minutes and to the gentleman from Washington [Mr. HUMPHREY] five minutes.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] is recognized for five minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, a little while ago, when I was talking in regard to another matter, the gentleman from Colorado [Mr. KEATING] interrupted me for a question, and in that question made the statement that if the remarks that I made last January in regard to the closing of the steel mills were no more correct with reference to other mills than they were in regard to the one in Colorado—the Coal, Fuel & Iron Co. at Pueblo—my statements were not true, or words to that effect. I do not know whether he used exactly that expression or not, but that is the information he sought to convey.

Now, Mr. Speaker, that was rather a bold statement. I know that upon the floor of this House, when it comes to expressing political opinions, we are somewhat reckless at times, and I presume I am one of that class; but I do think I am reasonably careful when it comes to making statements of facts. A statement of facts is an entirely different proposition, and in my experience here in this House I have very rarely heard a statement of any Member on either side of this aisle questioned when that Member made a statement of fact.

Now, here is what I said, reading from the RECORD, and the gentleman from Colorado said that he was familiar with what I stated in the RECORD, and that what I stated at that time was not correct. I used these words: "I want to call attention to this list of 123 furnaces by States." I call the attention of the gentleman to the language. Then I went through the different States, and I said, referring to closed furnaces:

In Colorado 2, representing 240,000 tons——

Mr. KINDEL. What are the ones in Colorado?

Mr. HUMPHREY of Washington. The Coal, Fuel & Iron Co. at Pueblo.

Mr. KINDEL. Did the coal strike there have anything to do with that?

Mr. HUMPHREY of Washington. I do not know; I simply know the mills were reported closed. I ask the gentleman if he knows that that is not correct?

Mr. KINDEL. No; I do not know.

Mr. HUMPHREY of Washington. If anyone denies that any furnace in the list is not closed, I will be glad to correct it. I am taking my statement from a trade paper that assures me they are correct.

I now ask the gentleman from Colorado [Mr. KEATING] whether or not he contradicts that statement and says that my words were not true at the time I used them, on the 13th day of January last? I yield to the gentleman to answer, if he will.

Mr. KEATING. I will say to the gentleman, Mr. Speaker, that I prefer to answer in my own time, that the gentleman from South Carolina [Mr. JOHNSON] has been good enough to promise me. It will follow right after the gentleman.

Mr. HUMPHREY of Washington. I understood the gentleman to state that it was not true when I said there were two furnaces closed in the Coal, Fuel & Iron Co., of Pueblo, at that time. Do I understand the gentleman to say it was not true? I will ask the gentleman if he knows the president of the company?

Mr. KEATING. Yes.

Mr. HUMPHREY of Washington. Is his name J. F. Wilburn?

Mr. KEATING. I have no desire to interrupt the gentleman.

Mr. HUMPHREY of Washington. I desire to ask the gentleman a question, and I desire him to answer.

Mr. KEATING. I refuse to be placed on the witness stand by the gentleman from Washington. The gentleman from South Carolina [Mr. JOHNSON] has promised to yield to me some time, and when I get that time I will answer the gentleman at length. The gentleman from Washington can proceed with his own speech.

Mr. HUMPHREY of Washington. The gentleman is getting very tender about answering questions.

Mr. KEATING. Not at all tender. I refuse to be cross-examined and be placed upon the witness stand by the gentleman from Washington. If the gentleman wants to make a speech, let him make it.

Mr. HUMPHREY of Washington. A while ago the gentleman voluntarily stated that the statement I made was not correct. Now, I challenge him to answer whether or not it is correct.

If he does not answer it, by his silence he repudiates what he said a while ago. I say to the gentleman that what I said was true, and he does not dare to stand upon the floor of this House and deny it. I will yield him an opportunity now to do it, if he dares.

Now, inasmuch as he will not do it, inasmuch as he refuses to do it, and inasmuch as he has refused to show the manliness to stand up and do as any man would if he wanted to be fair and honest and square about it, I will read a dispatch from the president of that company, sent the next day, to show whether or not I stated the truth. Here is a dispatch to the New York Times:

PUEBLO, COLO., *January 14.*

On account of the strike by the Colorado miners, and some reduction in the demand for steel, our operating blast furnaces were reduced from three to one

Does not that show that two were closed down, just as I said?

And about one-half of our employees, or 2,000 men, were temporarily laid off. Conditions have improved. We have about 2,500 men working, are blowing in another blast furnace, and there is fair prospect of still further increase in the working force.

J. F. WILBURN.

That is a dispatch from that company to the Democratic New York Times which verifies the statements that I made. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, I regret that my good friend from Washington [Mr. HUMPHREY] displays so much feeling on this subject. I stated this morning that the steel plant at Pueblo had not been closed at the time the gentleman made his speech, and that it is not closed now.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. KEATING. I decline to yield, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. HUMPHREY of Washington. I never made any such statement.

The SPEAKER. The gentleman declines to yield.

Mr. KEATING. I recognize that the Speaker has some difficulty in keeping the gentleman in order.

The SPEAKER. The Chair will take care of that part of it. [Laughter.]

Mr. KEATING. I have the utmost faith in the Speaker's ability to do so. Now, Mr. Speaker, I stated that the steel mills at Pueblo were operating when the gentleman made his former speech, and are operating now. I stated that I was not on the floor of the House when the gentleman made the speech to which I referred. As soon as I had an opportunity, I secured a copy of the CONGRESSIONAL RECORD containing his speech, and I have it before me.

The speech was delivered on January 14, 1914; and as it appears in the RECORD it is preceded by one of those very instructive summaries which the gentleman is so fond of placing as an introduction to his speeches. I take it that he once had to do with a newspaper, and that he has discovered that most readers read the headlines and the summary, and in that way form their opinions of the contents of the article. This is what the gentleman says in the summary:

More than one-third of all the steel mills in the United States closed.

Now, you will notice that the gentleman says nothing about stacks, nothing about furnaces. He speaks of mills having closed down; and all through his speech he interlards mills with furnaces and stacks in the hope of creating the impression that steel mills are closed down in this country.

Then he tells the House that he will insert a list which he has taken from a trade paper, and he does insert such a list, but the list has to do with stacks, not with mills, and so far as the list is concerned, there is no evidence that a single steel mill in the United States closed down. That is true so far as Colorado is concerned.

As every Member of this House knows, we have had a coal strike in Colorado. It was a strike that tied up the fields which

supplied the Colorado Fuel & Iron Co. Now, it is entirely possible that some time last January, for a few days, it was necessary to curtail the output of the Pueblo plant; but the statement that the plant was closed down on account of a lack of orders—that it was closed down in any sense in which that expression is generally accepted—is without foundation in fact.

The Pueblo mills have never been in such prosperous condition as they are to-day. [Applause on the Democratic side.] I personally do not claim that that is due to the tariff or the lack of the tariff. The truth is, it is due to efficient management of those mills; but the Colorado Fuel & Iron Co. is to-day showing most gratifying net earnings so far as its steel plant is concerned. The strike has probably caused a marked falling off in its receipts from the sale of coal.

Now, the other mills cited by the gentleman show one stack and two stacks and in a few instances four and six stacks closed down. Sometimes furnaces are relined and reconstructed, and when they are undergoing these changes, of course they can not be operated. Then again, as in the case of Colorado, there may be a shortage of fuel supply. But that is not the kind of "shut down" the gentleman wanted this House to understand he was describing when he made his speech last January. If the gentleman had wanted to be fair at that time he would have read the statement from Mr. Welborn, president of the company. You will observe that the president of the company does not claim that his mills are closed down on account of lack of business. He says there has been some reduction in the demand for steel, but he makes it clear that the temporary suspension of two stacks was due to lack of fuel supply, and that was chargeable to the coal strike.

So, Mr. Speaker, I want to state that so far as Pueblo is concerned—and it has the only steel mill west of the Missouri River—we were never more prosperous than we are to-day, and that our steel mills have not been closed down, and we are getting along in bully fashion. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY], who has just taken his seat, has been working overtime for six months in an effort to lead the country to believe we are in the throes of a disastrous panic. Time and again he has taken the floor and called the attention of the House to business conditions in some particular section of the country. Heretofore I have remained silent, but when he undertakes to slander and misrepresent conditions in my own State, as he has done this morning, I can not permit his statements to go unchallenged. I would not say that the gentleman from the State of Washington has intentionally misrepresented conditions, either in my State or elsewhere, but I do say that he has been misled, that he has been deceived, and that the statements he has given to the House are incorrect and untrue. It has been repeatedly shown upon this floor that his statements regarding the condition of business in other States have been exceedingly unreliable, and so far as conditions in my State of Indiana are concerned I know he has been misled and misinformed. He talks a great deal about conditions existing in Indianapolis, and would have the country believe that such conditions as he describes are the result of tariff legislation.

It is true, Mr. Speaker, that some time ago Indianapolis had a street-car strike which did affect injuriously the business of that city. That strike is now over and business is resuming its normal basis. No one except the gentleman from Washington ever charged that the temporary conditions at Indianapolis were due to a revision of the tariff. We know out in Indiana that the tariff had nothing to do with it; that it was the result of a local condition and nothing else. Business in that city is now improving, and in the future, as in the past, Indianapolis will remain in the front rank as one of the largest and one of the most progressive and successful manufacturing cities throughout the country.

Mr. Speaker, the Underwood tariff bill is meeting with the universal approval of all fair-minded people. It has not up to this time, nor never will, close a single factory or throw a single laboring man out of employment anywhere. As a whole, business conditions are satisfactory throughout Indiana. Our factories are running, labor is employed, and the people are happy, prosperous, and contented. I hold in my hand a copy of the Muncie Star, a splendid newspaper published at Muncie, Ind.—one of the leading cities in the district I have the honor to represent—always a Republican paper until two years ago, at which time it gave its support to the Progressive Party. I find in its columns an article copied from the Indianapolis News, an independent Republican paper, written by a Republican staff correspondent, showing business conditions in Elwood, Ind., a beautiful city of 13,000 people, only 50 miles from Indianapolis. The article I refer to reads as follows:

ELWOOD BOOSTED BY STAFF WRITERS—TIN-PLATE PLANT EMPLOYEES RIDE IN OWN AUTOS TO RECEIVE SEMIMONTHLY SALARIES—ALSO LIVE IN OWN HOUSES.

ELWOOD, IND., *June 24.*

W. H. Blodgett, staff correspondent of the Indianapolis News, visited Elwood, and the following is the result of his observations:

"Did you ever know of a man working for day wages who went to the paymaster's office in his own automobile to get his money? Well, that is just what more than 10 per cent of the men working at the American Tin Plate Co.'s plant in this city do. Tom O'Brien, general superintendent of the plant, is authority for the statement that on the semimonthly pay day the vicinity of the plant is so thronged with automobiles owned by the men who work in the plant for day wages that it is almost impossible to get through them.

"A banker told me that last year more than $50,000 of Elwood money was invested in automobiles and a large part of that sum came from men employed in industrial plants of this city.

"COSTLY IMPROVEMENTS.

"In 1913 the improvements in the city of Elwood amounted to about $500,000. In the list were a public building and a large schoolhouse. This year the improvements in streets, houses, dwellings, additions to plants, etc., will amount to about $300,000.

"ELWOOD IS PROSPEROUS.

"'What about the industrial situation in Elwood?' I asked a Republican politician.

"'Elwood is prosperous,' he answered.

"'Business is fine in Elwood,' said a banker. 'Our deposits are increasing all the time and the merchants have money and a good trade.'

"Just to see what the industrial situation is in Elwood, I took a look into the pay rolls of the different factories. The biggest plant here is that of the American Tin Plate Co., a subsidiary plant of the Steel Trust. Because of the extreme heat it is impossible for the men to work full time, and there is some falling off in the number of men employed at this season of the year. All the other factories are working a full complement of men, and some of them are working overtime. Here are the leading industries of Elwood and the monthly pay roll of each:

The American Tin Plate Co	$110,000
The Indiana Box Co	3,000
The Ames Tool & Shovel Co	7,000
C. T. Sellers & Sons, kitchen cabinets	8,000
The Macbeth Evans Glass Co	12,000
The Elwood Lawn Mower Manufacturing Co	1,500
The Elwood Iron Works	3,300
The Frazier Packing Co	2,000
Total	146,000

"HAS REASON TO BE PROUD.

"And that is not so bad for a city of 13,000 population. This city has a good deal to feel proud over. It has good streets, good water, and good lights, and some of the handsomest public and private buildings in the State. Its schools rank with the best in Indiana, and its public library is largely patronized by workingmen."

Mr. Speaker, I know personally Mr. Tom O'Brien, referred to in this article, and I can testify to his honesty, his integrity, and his truthfulness. I know he would not make a statement that was not true in every respect. The investigation made by a Republican correspondent for a Republican paper shows that all the factories at Elwood are running, and some of them overtime; that bank deposits are increasing, labor employed, and business good. I had a letter a few days ago from a prominent physician living in Anderson, Ind., saying that business had never been better in that city than it is now, and that every man who wanted work was employed. Only a few days ago I saw an advertisement in a Republican paper published in my district, advertising for men wanted by a manufacturing plant, which, as I remember now, was located at Connersville, Ind., only a few miles south of Indianapolis. All this talk about poor business conditions in Indiana is a farce and a fraud. It is incorrect, it is not true; and if the gentleman from Washington will come out to Indiana and live among a happy, contented, will come out to Indiana and live among a happy, contented, and prosperous people, he will be less partisan and more patriotic.

Mr. Speaker, five or six years ago the tinplate mill referred to in the article I have just read was closed for nearly one year and 2,400 men were walking the streets of Elwood, idle. Many were compelled to leave that city and seek employment elsewhere. At that time the administration was Republican; but I did not come upon this floor and charge the Republican Party with that responsibility. The closing of the tinplate mill at that time was not the result of legislation, and I did not try to gain political advantage by charging it up to the party in power. The gentleman from Washington may play politics if he desires to do so, but so long as I remain a Member of this House I am going to be absolutely fair, stating facts as they are, regardless of whether they hurt or help any political party. I am here representing all the people of my district, and if the time ever comes when I allow my partisanship to override my patroitism, it will then be time for my constitutents to leave me at home.

Mr. Speaker, just a few days ago I saw a statement to the effect that automobiles are being sold in Indiana at the rate of 150 per day, and that the greater part of this number were bought by farmers. This does not indicate a panic in that sec-

tion of the country, but it does show our people are prosperous, business is good, and money is plenty. Only recently there appeared in the Daily Review, a Republican paper published at Greensburg, Ind., the following:

BIG CONTRACT TO BE FULFILLED BY BIG FOUR THIS FALL.

On September 1 the Big Four through here will enter upon one of the largest contracts ever had by this company. It will receive, at Cincinnati, from the Louisville & Nashville, 3,000,000 tons of coal from the Virginia fields and transfer it to Scheff, where the Chicago, Indiana & Southern will take charge and deliver it to the steel mills at Gary. To take care of this contract it will take 10 trains a day westbound, and they will be returned made up in 5 double-headers. This business will not only require additional train crews, but three additional train dispatchers on the west end, more telegraph operators on the east end, and a number of assistant car distributors. From this it would seem that the Big Four boys in all departments will not be short of work for some time to come. This business would also indicate that the steel mills at Gary are expecting a demand next year for their product. If so, and the old saying holds good—busy steel and iron mills means good times—we may expect better financial conditions for this country.

This shows the steel industry is booming and the business of the Big Four Railroad is unusually large. The facts are, railroads held up business for a while for the purpose of coercing the Interstate Commerce Commission into granting a 5 per cent increase of freight rates, which would transfer from the pockets of the people $50,000,000 annually and place it in the treasuries of the railroad companies. I do not know whether they are entitled to this increase or not, but I do know they can not fool the Interstate Commerce Commission nor the people by such unfair methods. They can play the game no longer. The business of the country is growing so rapidly and the demand for cars is growing so great that they can no longer hold up business, but are forced to furnish transportation to move the enormous products of the farm and the factory. Now they have begun the purchase of equipment in tremendous quantities, as is shown by press reports. The Wall Street Journal of June 28, published in New York City, has the following statement, which shows purchases by railroads, and indicates a wave of prosperity:

The Havana Central has bought 450 flat and box cars, most of which went to the Standard Steel Car Co., and 100 underframes from the same company; and the Charlotte Harbor & Northern has bought 30 phosphate cars from the Pressed Steel Car Co. The Tampa & Gulf Coast has ordered three locomotives and the Carolina, Clinchfield & Ohio two, all from the Baldwin, and the Bingham & Garfield one, from the American Locomotive Co.

The last two weeks have been exceptionally busy ones in the equipment market, most of the large inquiries having been closed, although several new ones of fair size have been put out during that period. The New York Central lines will take 4,000 freight cars in addition to their recent orders. Alcolu Railroad wants 50 box cars, the Lackawanna is inquiring for 250, and the Havana Central will buy 6 motor coaches. The St. Paul is asking for bids on 5 locomotives, the Kansas City Southern wants 30, the Minneapolis & St. Louis wants 20, and the Western Maryland 20, making a total of inquiry for 70 engines put out this week. The Wabash has practically closed for 60 locomotives with the American Locomotive Co., which company also took 20 from the Seaboard Air Line this week.

Thus far in June nearly 17,000 cars have been ordered, which includes the 5,000 for the Illinois Central and 7,500 for the New York Central, most of which goes to the Big Four. At present there is a total inquiry out for about 10,000 more cars, probably half of which should be closed this month.

Previous to June the best month in equipment this year was February, when about 13,500 cars were ordered.

Also the following dispatch from Pittsburgh from the same journal:

The McKeesport plants of the National Tube Co. have been ordered into operation on full time. The entire mills will be in operation by Saturday, while two additional welding furnaces will begin operations at once. For some time the mills have been working below capacity, and their being ordered on full time has every indication that a number of other plants in this district will follow the lead set by the National Tube Co. Three blast furnaces of the company were put into operation Thursday, and a number of others will shortly be added to the active list.

Mr. Speaker, in view of the fact that mills and factories are running all over the country and that labor is employed everywhere—except in a very few instances where some local situation has temporarily affected business—and in view of the further fact that our railroads are seemingly unable to move the freight offered for transportation and have been compelled to purchase 17,000 cars, as shown by the article just read, I can not understand how the gentleman from Washington can have the nerve to stand on this floor and even insinuate that business conditions are not good. I have here a statement showing that the greatest plow works in the world, located at South Bend, Ind., will on July 1 increase its force 2,500 men, and similar information is coming to us from all over Indiana.

Mr. Speaker, I could stand here for hours reading into the RECORD statements showing the wonderful increase of business during the past 60 days, the building of new mills and factories, and the increased demand for labor, but I shall not burden the RECORD or take up the time of the House in doing so. The Underwood tariff bill is doing full justice to the manufacturing interests of the country and at the same time is bringing great relief to the farmer, the laborer, and a consuming public in general. The currency bill has taken the control of money out of the hands of Wall Street and made money panics an impossibility in the future. We are going to pass antitrust legislation, and when that is done fair and legitimate competition will be restored, trusts and combinations will be wiped out, and we will enter upon an era of prosperity the equal of which was never known in the history of our Republic. [Applause.]

Mr. Speaker, the tariff bill and the currency bill were passed in the face of fierce opposition from the beneficiaries of class legislation. Letters and telegrams came thick and fast protesting against their passage and asserting their enactment into law would destroy business and bring on a panic. Notwithstanding this protest both bills were passed, and now the special privileged class, seeing the good effect they are having upon the business of the country, is loud in their praise.

But now, Mr. Speaker, letters and telegrams are coming again, protesting this time against the passage of antitrust legislation and asking Congress to adjourn and give business a rest. will take away from a favored few the privilege of robbing the balance of the people the beneficiaries of such a vicious system It is the same old story. Whenever legislation is proposed that will strenuously object. I hold in my hand a letter I received from the president of the Southern Iron & Equipment Co., of Atlanta, Ga., which reads as follows:

SOUTHERN IRON & EQUIPMENT CO.,
Atlanta, Ga., June 20, 1914.

Hon. J. A. M. ADAIR,
Washington, D. C.

DEAR SIR: Beg to call your attention to the following extracts from an editorial that recently appeared in the Atlanta Constitution:

"Since the Wilson administration assumed office three great masterpieces in legislation stand forth:

"1. Tariff reform.

"2. Currency reform.

"3. Undoing of the canal-tolls blunder.

"Any one of these three achievements would have justified the party in going before the country and asking indorsement. Together they should be irresistible. And they will be irresistible if Congress, mindful of when the country has had enough, mindful of the condition of business throughout the country, will rest on its laurels, go home, and give business a chance.

"Since the first year of the Roosevelt administration business has been harried. To this day it is living in an atmosphere of uncertainty.

"Business thrives on uncertainty less than any other diet. It has stood admirably the two needed capital operations of the tariff and currency revisions. But it has not yet recovered from their effects. It is unfair to business to expose it at this time to further radical operations. The patient has lost blood. Let him recuperate."

The paragraph referring to adjournment does appeal to the business interests throughout the country, and the best news that could emanate from Washington at this time would be announcement of adjournment.

Yours, truly,

F. P. KERN, *President.*

On June 27, 1914, I replied to this letter, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT,
Washington, June 27, 1914.

Mr. F. P. KERN,
President Southern Iron & Equipment Co.,
Atlanta, Ga.

MY DEAR SIR: I beg to acknowledge receipt of yours of the 20th instant, calling my attention to an extract from an editorial that recently appeared in the Atlanta Constitution, which editorial praises very highly the action of Congress in passing the Underwood tariff bill, the Glass currency bill, and the repeal of canal tolls. So far as its indorsement of this legislation is concerned, I am in hearty accord with the editorial, but I have no patience for that part of the editorial asking that Congress adjourn at this time and give the business of the country a rest.

I recall when the tariff bill was under consideration that a large number of trust-owned newspapers, as well as a large percentage of the business interests connected with trusts and combinations, were then calling upon Congress not to enact a tariff law because it would disturb business. It was openly charged that the passage of the Underwood bill would close our mills and factories and throw millions of men out of employment. Notwithstanding these protests from a special-privileged class, we passed the Underwood tariff bill, and now those who protested against its passage are loudest in its praise. It has not closed a single factory or thrown a single man out of employment anywhere in the United States. Then, again, when we took up currency legislation, letters, telegrams, and protests, like the one you have forwarded, came to us from all over the country, asking that currency legislation be dropped, that it was disturbing business, and if we continued it would bring on a disastrous panic. We knew this opposition came from a class of people who did not have the interest of the people at heart, but who had been enjoying special privileges through the old currency system and, as a matter of course, were too selfish to give them up for the benefit of the country as a whole. When these protests were received we knew the motive back of them and gave no consideration to such opposition but passed the currency bill; and now the same people who protested against currency legislation are indorsing it heartily. The same thing was true of the repeal of the canal tolls, and now another very important piece of legislation is being considered and protests are coming from the same special interests, saying to us that we are disturbing business, and that Congress ought to adjourn and the country given a rest. The facts are, antitrust legislation is necessary in order that the people may receive the benefit of the tariff act which you are now praising. It is the same old story; no legislation was ever proposed in the history of the country for the benefit of the people as a whole that some selfish individual,

who was profiting by special legislation intended to enrich the few at the expense of the many, did not protest against it. Honest and legitimate business is not protesting against antitrust legislation and will not be injured by it. You might just as well save your time and your postage, as such appeals as yours has no effect whatever upon Congress.

Very truly, yours,

J. A. M. ADAIR.

Mr. Speaker, I am in hearty accord with the views of the President. It is our duty to stay here, no matter how hot it gets, until these antitrust bills are passed and the pledges of our party are redeemed. The enactment of this legislation will give freedom to legitimate business, will restore honest competition, and give every man an equal opportunity under the law. It is our duty to see that our laws are such that the strong may not trample on the rights of the weak, but that every man may have the same privileges and the same opportunities of enjoying the blessings so bountifully showered upon us as a Nation. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. MANN. Mr. Speaker, I give notice that I am going to enforce the rule as to the character of debate.

Mr. JOHNSON of South Carolina. I did not hear the gentleman.

The SPEAKER. The gentleman from Illinois gives notice that he will ask the enforcement of the rule as to the debate.

Mr. CULLOP. The gentleman from Illinois does not mean to apply that to the time yielded to me?

Mr. MANN. Yes.

Mr. CULLOP. That is the tactics that the gentleman is going to use, is it?

Mr. MANN. We have had two political speeches on that side and one on this, and we want to proceed with the business for reasons that everyone understands.

Mr. CULLOP. I certainly ought to have the courtesy from that side to reply to the gentleman from Washington, who has alluded to me in his speech. I would not ask it if he had not done so.

Mr. MANN. Then the gentleman from Washington would want time to reply, and we have had this debate running for several weeks.

Mr. MURDOCK. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. MURDOCK. The gentleman from Indiana has been trying for the last hour to get in.

Mr. CULLOP. The chairman promised me 10 minutes under the other amendment, but because it was withdrawn the allotted time was not used, and now he has granted me an opportunity to reply to the gentleman from Washington, and I would like to do so.

Mr. MANN. Very well, Mr. Speaker; I will not ask for the rule to be enforced against the gentleman for five minutes.

Mr. HAMILTON of Michigan. "Sail on, O Ship of State."

Mr. CULLOP. The gentleman from Washington [Mr. HUMPHREY] is so enraged at the success of the policies of the Democratic Party that he sees evil in everything and good in nothing. [Applause on the Democratic side.] He fears the success of this Democratic administration, and it vexes him.

Now, if the gentleman's information in that letter is no more correct than his history, I am astonished that the distinguished gentleman from Washington should put any reliance in it at all. If the gentleman will look at the letter as he read it on the floor of the House, the writer fixed the passage of the Wilson bill in 1893. Now, every intelligent and well-informed man knows that the Wilson bill was not introduced in Congress until December 19, 1893, and it did not pass and become a law until August 27, 1894.

Now, how could the enactment of the Wilson bill in August, 1894, affect conditions in 1893? Will some wiseacre inform us? Now, this statement in the letter displays the author's want of knowledge on the conditions around him. The truth is the gentleman from Washington is so enraged over his disappointment at the assured success of Democratic policies that he has not only got his dates mixed but his facts all wrong. The hard times he speaks of in 1893 occurred under the McKinley tariff and not under the Wilson bill. The condition of hard times, the unemployed, idle factories, and low prices occurring under the McKinley tariff made necessary the passage of the Wilson tariff law in 1894 in order to revive business and bring about prosperity in this country. Under the McKinley law bankruptcy and receiverships were the thriving industries of that dark and dismal period in this country. And yet men like the gentleman from Washington [Mr. HUMPHREY] and his correspondent declare it was under the Wilson bill, which had not then been written or formulated.

Mr. Speaker, there were more bankrupts during the existence of the McKinley tariff law than under any other tariff law enacted in this country. Under it, in 1893, the dockets of bankrupt courts all over the country were glutted with these unfortunate cases, and the unemployed and homeless swarmed around the thoroughfares of every business mart throughout the Nation. Property dwarfed in value, money could not be had, and business closed down. It was the darkest period in our commercial history. We hope it will never be repeated.

But the gentleman's correspondent has his ire aroused because the article I inserted was from the Indianapolis Star, which he asserts is a Bull Moose paper, and of course a standpatter never believes anything can be true which appears in a Bull Moose organ. Better be a Bull Mooser any time than a standpatter. The former shows some hope of being reclaimed from the error of his ways, the latter none. The standpatter is hopelessly lost.

Now, the gentleman from Washington says why did I not give the name of my informant from Terre Haute. Ah, Mr. Speaker, I gave him facts, furnished him the means to get information to contradict them, if they were not as I stated, I furnished him with names of plants and improvements being made, public and private, and it is easy for him to ascertain whether correct or not. Ten days have passed, ample time, and he has not attempted to refute them. Silence is acquiescence in this case, and must be so considered. Let me say to the gentleman from Washington, there will be no panic under the administration of Woodrow Wilson, but business will thrive and the people enjoy the result of their frugality and industry.

This Government is now being administered in the interests of the many and not alone in the interest of the favored few, as has always been the case under standpatism. It is the people's administration and not that alone of a favored few.

Now, some of the gentleman's party in Indiana are playing jokes on the distinguished gentleman from Washington in order to see what a ridiculous plight they can put him in before the country in his spasmodic and frantic efforts to produce a panic and sustain standpatism. [Applause on the Democratic side.] Now, this instance clearly demonstrates that fact, and I advise him to be cautious in these matters. Now, let me give my stand-pat friend from Washington some good evidence of prosperity in Indiana in the steel industry. I read for his consideration an article from the Daily Review, published in Greensburg, Ind.—not a Bull Moose paper, as he says of the Indianapolis Star, but a stand-pat Republican paper, of the same type as is the gentleman from Washington. Here is what it said on Tuesday, June 16, of this year:

BIG CONTRACT TO BE FULFILLED BY BIG FOUR THIS FALL.

On September 1 the Big Four through here will enter upon one of the largest contracts ever had by this company. It will receive, at Cincinnati, from the Louisville & Nashville 3,000,000 tons of coal from the Virginia fields and transfer it to Scheff, where the Chicago, Indiana & Southern will take charge and deliver it to the steel mills at Gary. To take care of this contract it will take 10 trains a day westbound, and they will be returned made up in 5 double-headers. This business will not only require additional train crews, but three additional train dispatchers on the west end, more telegraph operators on the east end, and a number of assistant car distributers. From this it would seem that the Big Four boys, in all departments, will not be short of work for some time to come. This business would also indicate that the steel mills at Gary are expecting a demand next year for their product. If so, and the old saying holds good—busy steel and iron mills mean good times—we may expect better financial conditions for this country.

This does not sound much like panic, but it has a very prosperous tone. It does not sound like the steel industry was out of business, but it shows, on the contrary, a most prosperous condition. Democratic policies are not destroying it, as the article clearly shows.

Now let me call attention of the gentleman to another evidence of prosperity in Indiana, and I read for his benefit the following:

AUTO SALE AVERAGE IS HIGH.

INDIANAPOLIS, *June 16.*

One hundred and fifty automobiles are being sold every day in Indiana this summer, according to the records in the office of the secretary of state. The licenses issued so far this year number 53,511. The greatest number of the automobiles go to the rural districts.

Mr. Speaker, the report of these sales shows nearly all of them are being sold to farmers. Under a Democratic administration in this country the farmer can enjoy comfort, a thing unknown during the career of standpatism. A conservative estimate of these sales would be $1,000 per automobile, and this shows the Indiana farmers are paying $150,000 per day for automobiles in order to have comfort and enjoy some of the luxuries of life, a thing they could never do under Republican rule. Money is easy; farm products are commanding a high price, the best ever known, and find a ready market. Oh, no; the farmer is prospering under Democratic policies.

Mr. CLINE. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Not now. At South Bend, Ind., are the greatest plow works in the world, and we are proud of that great manufacturing city in Indiana. On the 1st day of July, it has announced, it will increase its force by adding 2,500 new employees. So much and so good for a Democratic administration. That does not indicate business is poor in Indiana.

In the district I have the honor to represent on the floor of this House the Baltimore & Ohio Southwestern Railroad shops are located at Washington, Ind., a large and up-to-date plant, working a large number of employees. The officials of that company had announcement made 10 days ago in the public press that on July 1 every department in that industry would be increased to its fullest capacity, and arrangements are being made accordingly; not only an increase in number of men, but also of hours and wages. This sounds mighty good for Democratic policies and a Democratic administration. It is so everywhere, and, while I know it goes hard with the gentleman from Washington, yet I hope he will survive, become a convert, and join the Democratic procession.

This splendid condition does not exist alone in Indiana, but it seems to be sweeping all over the country, if any reliance can be placed in the reports of the public press.

I call the gentleman's attention to a dispatch in the Philadelphia North American of to-day from Sharon, Pa., as follows:

SHARON, PA., *June 26.*

Business with the Sharon Steel Hoop Co. is very close to capacity of the plant. At a meeting of the board of directors to-day the regular quarterly dividend of 1¾ per cent was declared.

Plans to build several open-hearth furnaces and blooming mills at Wheatland were approved. Improvements to the 9-inch mill were also ordered. The expenditures will exceed $1,000,000.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Not now. I have not the time. I also call the gentleman's attention to the Wall Street Journal of June 28, published in New York, which shows something about what the railroads are doing in the way of ordering new cars, evidences of prosperity and of good times in that line of business, as follows:

The Havana Central has bought 450 flat and box cars, most of which went to the Standard Steel Car Co., and 100 underframes from the same company; and the Charlotte Harbor & Northern has bought 30 phosphate cars from the Pressed Steel Car Co. The Tampa & Gulf Coast has ordered three locomotives and the Carolina, Clinchfield & Ohio two, all from the Baldwin, and the Bingham & Garfield one, from the American Locomotive Co.

The last two weeks have been exceptionally busy ones in the equipment market, most of the large inquiries having been closed, although several new ones of fair size have been put out during that period. The New York Central lines will take 4,000 freight cars in addition to their recent orders. Alcolu Railroad wants 50 box cars, the Lackawanna is inquiring for 250, and the Havana Central will buy 6 motor coaches. The St. Paul is asking for bids on 5 locomotives, the Kansas City Southern wants 30, the Minneapolis & St. Louis wants 20, and the Western Maryland 20, making a total of inquiry for 70 engines put out this week. The Wabash has practically closed for 60 locomotives with the American Locomotive Co., which company also took 20 from the Seaboard Air Line this week.

Thus far in June nearly 17,000 cars have been ordered, which includes the 5,000 for the Illinois Central and 7,500 for the New York Central, most of which goes to the Big Four. At present there is a total inquiry out for about 10,000 more cars, probably half of which should be closed this month.

Previous to June the best month in equipment this year was February, when about 13,500 cars were ordered.

Also the following dispatch from Pittsburgh from the same journal:

The McKeesport plants of the National Tube Co. have been ordered into operation on full time. The entire mills will be in operation by Saturday, while two additional welding furnaces will begin operations at once. For some time the mills have been working below capacity, and their being ordered on full time has every indication that a number of other plants in this district will follow the lead set by the National Tube Co. Three blast furnaces of the company were put into operation Thursday and a number of others will shortly be added to the active list.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Speaker, I will ask the gentleman from South Carolina to let me have three more minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield the gentleman three minutes more.

Mr. MANN. Mr. Speaker, I will make the point of order on the gentleman unless he talks to the amendment.

The SPEAKER. The gentleman from South Carolina yields three minutes more to the gentleman from Indiana, and the gentleman from Illinois serves notice that the remarks must be on the bill under the rule.

Mr. MANN. We want to get through with this bill by the 1st of July.

Mr. CULLOP. Oh, I would like to have the gentleman——

Mr. MANN. Oh, I was courteous enough to the gentleman a while ago, and he need not undertake to lecture to me now.

Mr. CULLOP. I only wanted to read from a speech the gentleman from Washington [Mr. HUMPHREY] made at Tacoma, Wash., on August 3, 1910, in which he asserted that a Republican tariff had reduced the price of the products of Washington wherever it had been raised in the Payne law, and the price had increased on all articles where the duty was reduced.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman is not discussing the amendment.

The SPEAKER. The Chair sustains the point of order.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the speech referred to and commenting thereon.

The SPEAKER. Is there objection?

There was no objection.

Mr. CULLOP. Now, Mr. Speaker, this remarkable speech made by the gentleman from Washington clearly shows how he diagnosed the effect of the Payne bill on the three leading products of his State—lumber, coal, and shingles. Note what he says about the Payne bill and the Republican Party:

We reduced the tariff on lumber, and the price immediately went up; we reduced the tariff on coal, and the price immediately went up; we increased the tariff on shingles from 30 to 50 cents per thousand, and shingles immediately went down.

The Payne high-tariff law put the shingle industry down and out in his State. Standpattism, with which the gentleman, I hope, is not irrevocably, but I know strongly, allied, dealt a deadly blow to the industries of his State, and this is why the members of his party deserted it in 1912 and joined the Progressive Party. They took it out of the stand-pat column of States and, I predict, will keep it out.

But the gentleman says in his Tacoma speech that the price on articles on which the duty was reduced advanced, and those on which the duty was increased were immediately reduced in price. Has not the gentleman advocated—and every disciple of high protection—an increase of the tariff in order to increase the price of the article? If it does not do it, then why levy any tariff duties for protection's sake? If it does not protect, then it serves no purpose, so far as protection is concerned. If it does not raise the price, then the whole doctrine of protection is completely demolished.

The gentleman is an ardent advocate of high prices and yet he shows in his remarkable speech that the lower the tariff on an article the higher the price of the article, and the higher the tariff the lower the price. Strange logic for a standpatter. Oh, it is well known that open confession is good for the soul. And the gentleman concluded he would confess all. In the gentleman's speech he defends Ballinger and Ballingerism, who a short time thereafter was compelled under fire to resign his seat in President Taft's Cabinet and retire to private life. In it he also defends Cannon and Cannonism, which contributed largely to the overthrow of the Republican Party in the Nation, and the downfall of standpatism in this country. The gentleman from Washington should not take the success of Democratic policies so seriously, he must possess his patience and permit himself to be reconciled to them. Under them the country is now entering upon a most marvelous era of prosperity. The business of the country is adapting itself to them, because business men well know they are adopted to promote and not retard prosperity; that they furnish opportunity and do not close the door against it. I observe that the gentleman from Washington stated in a speech the other day "that there were now 242,000 idle freight cars in this country, the largest number ever known in the history of the country."

Mistaken again. The assured success of Democratic policies and a Democratic administration is so absorbing the attention of the gentleman from Washington that he either overlooked the fact, or had forgotten it, that the statistics of this country show that in January, 1909, under a Republican administration, when the Dingley law was in force, the highest protective tariff law we ever had up to the passage of the Payne-Aldrich tariff, there were more than 426,000 idle freight cars standing on the tracks of the various railroads of the country, with their wheels rusting to the rails. I commend this fact to him and to the country for consideration.

It seems the gentleman from Washington, like his unsolicited correspondent, gets the dates as well as the facts of undisputed history wrong. Oh, no; let me say to them both never can anything be as bad under a Democratic administration as it has been under the administration of standpatism in this country. Never; and no one can point to a single instance which will contradict this assertion.

The administration of Woodrow Wilson will go down in history as the greatest constructive administration in the annals of the Republic. It is one of glorious achievements, adopting constructive legislation redounding to the welfare of all the

people, equalizing opportunities, and enlarging the fields of human endeavor for the benefit of the struggling masses and affording no advantage to one which is not the common heritage of all. Day by day the people of this country realize and appreciate the splendid work in their behalf being done and how faithfully the Democratic Party is redeeming its promises made and is carrying into effect the wishes of the people who by their votes made their cause triumphant at the polls.

The speech is found in the Seattle Post-Intelligencer of August 3, 1910, and is as follows:

HUMPHREY SHOWS HOW PROMISES WERE FULFILLED—REPRESENTATIVE TELLS OF PROUD RECORD OF REPUBLICANS IN CONGRESS—TAFT SHINES BY DEEDS—WONDERFUL LIST OF GOOD LAWS PASSED, ALL FOLLOWING LINE OF LEGISLATION IN INTEREST OF MASSES OF AMERICAN PEOPLE.

TACOMA, *August 3.*

Representative HUMPHREY, in his address before the Republican convention, said:

"Standing here to-day facing this splendid body of men, representative of all that is highest and best in American citizenship, I declare to you without hesitation, without apology, without stammering or stuttering that I am a Republican, and I am proud of the fact. I am a Republican that it takes no adjective to describe. There is but one kind of honesty and there is but one kind of Republicanism. Republicanism is not one thing in the White House and another in the State of Washington. A man that is against President Taft is not for the Republican Party.

BELIEVES IN PARTY.

"I believe in the policies of the Republican Party. I believe in protection. I believe in the present tariff law. I believe it is the wisest and best and fairest that was ever written upon the statute books of the world. I voted for it. I am glad that I did. I believed then that I was right—I know it now. I believe in the Republican Party. I believe in the leaders of that party. I believe that the achievements of the Republican Party in the last year are as splendid as any in all its glorious history.

"I believe in the sincerity and the honesty and the earnest endeavor of Gov. M. E. Hay. His administration is one to command respect, confidence, and admiration.

BELIEVES IN BALLINGER.

"I believe in the integrity and the ability and the grim courage of Secretary Richard A. Ballinger. I believe he is right. I believe he is doing his duty. I believe he is fighting the battle of the great West. He is an honor to his State and to his country. The polluted lips of slander can not tarnish his reputation. All the hired assassins of character can not destroy him."

BELIEVES IN CANNON.

"I believe in the obstinate integrity of that grand old man who for 36 years has held 'as with hoops of steel' the confidence and esteem of his constituents and his colleagues; who for more than a generation has stood between wild extravagances and the National Treasury; who has saved this Nation more money than any other man that ever lived beneath our flag; who knows more about the wants and needs of this Nation than any other man in the Republic; who for years has borne his own sins and the sins of every infernal coward in Congress; under whose leadership during the last eight years Congress has passed more important legislation than was passed in all the 30 years prior to that time; that grim old fighter that never asks quarter nor ever gives it—the 'Iron Duke' of American politics—Speaker Joseph G. Cannon.

BELIEVES IN ROOSEVELT.

"I believe in that most versatile and popular man that the world has ever known—Theodore Roosevelt. I believe in his policies; they are the policies of the country; they are the policies of the people; they are the policies of the Republican Party. They are the policies which the Republican Party has followed for the last eight years. They are the policies that the Republican Party is following to-day. They are the policies from which the Republican Party will never depart.

"In the White House to-day is a man as patient and truth-loving as Lincoln, as gentle and kindly as McKinley, as resourceful and courageous as Theodore Roosevelt. I believe in William H. Taft. He is one of the greatest men that ever occupied the Presidential chair. He accomplished more in the first 17 months of his administration than any other President ever accomplished in that period of time. William H. Taft is to-day the foremost statesman of the world.

THE NEW TARIFF LAW.

"It costs a thousand million dollars per year to run this Nation—the greatest and costliest in the history of men. How is this vast sum to be raised? Mostly by tariff duties. The Dingley bill failed to give the amount required. To revise the tariff so as to raise this sum with justice and equality, and at the same time protect American labor and American industries, was the problem that faced President Taft and the Republican Party on the 4th day of March, 1909, one of the greatest problems in practical statesmanship that any party or any nation was ever called upon to solve.

"But the Republican Party met this responsibility with courage, without apology, with consummate wisdom, and, in spite of the attacks of its enemies out of the party and in the party, successfully solved it, demonstrating anew its greatness and its right to the confidence of the American people.

REPUBLICAN PROMISES.

But it is said that the new tariff law was not a revision downward. Who promised that it would be? Not the Republican Party. There is not a word or a phrase or a sentence in the platform that can be so read or distorted so as to mean any such promise. Only the enemies, not the friends, of the Republican Party claim that we promised a downward revision. An upward revision of some schedules might be as necessary and as wise as any downward revision could possibly be, and this was, in fact, found to be true.

The Republican Party promised honest revision, nothing more. It did not promise perfection. This quality abides only with the free trader, the Democrat, and the reformer that votes with them.

But the revision was downward. Only the enemies and not the friends of the Republican Party deny this. A few schedules were increased, many were reduced, and a larger number remained unchanged. Most of the increases were on luxuries. All of the decreases were on necessities.

TARIFF WAS REDUCED.

The tariff was increased on 220 articles. It was decreased on 874 articles. It was left unchanged on 1,150 articles. Certainly this shows a downward revision. So far the rate of duty paid under the new tariff shows a reduction of over 12½ per cent, and at the same time it further shows more than 12 per cent addition to the free list. Certainly this demonstrates downward revision. But the fairest and most conclusive way to show whether there was really downward or upward revision is to take the consumption value of all the goods upon which the tariff was increased or decreased. Here are the official figures, which no man can successfully dispute. The tariff was reduced on goods of the consumption value of $5,000,000,000. It was increased on goods of the consumption value of $878,000,000. Is not that downward revision? Remember, that of this $878,000,000 on which there was an increase, $628,000,000 of that sum was on articles of luxury, leaving only $240,000,000 of necessities on which there was an increase, as against $5,000,000,000 on which there was a decrease. Or, on articles of necessity the decrease was twenty times greater than the increase. There are many ways of figuring whether there was an upward or a downward revision of the tariff, but there is no honest way that does not show a downward revision.

THE TARIFF AND WASHINGTON.

What of the operation of the present tariff law in the State of Washington? Take the three great products of this State—lumber, shingles, and coal. We reduced the tariff on lumber, and lumber immediately went up in price. The Government lost the revenue. The British Columbia timber owner and lumberman has the prices of his products increased. But not a single American consumer has bought a foot of lumber for a fraction of a penny less than he would have paid for it had the tariff remained unchanged. Who was benefited by this reduction?

TARIFF ON COAL.

We reduced the tariff on coal, and immediately the price of coal increased. The difference between the old and the new rate went to the mine owner of British Columbia and the railroads that carry the coal. The Government lost the revenue, and not a single American consumer has bought a single bushel of coal for a cent less than he would have paid for it had the tariff remained unchanged. Who benefited by this reduction?

SHINGLES REDUCED.

"We increased the tariff on shingles from 30 to 50 cents per thousand. Immediately the price of shingles was reduced. Every American consumer that buys a bale of shingles has been benefited by this reduction. Not only has the price of shingles gone down, but since the time the new tariff law went into effect $3,500,000 in wages has been paid to the American shingle weaver, to American citizens, that under the old law would have been paid to the Chinaman, the Hindu, and the Japanese working in the shingle mills of British Columbia. This was the result of one increase.

A PROUD RECORD.

"As a member of the Republican Party I stand before you to-day, proud of the record that that party has made since the inauguration of President Taft on the 4th day of March, 1909. Let me briefly tell you some of the most important legislation passed. Fifty-four million dollars appropriated for the improvement of rivers and harbors. As I was a member of that committee, as it was my first term, and as I succeeded a man that leaves as little for those who follow as does Senator JONES, I feel proud of the fact that this bill authorizes the expenditure of $12,000,000 in the State of Washington, and that not a single project in this State having a favorable recommendation but what received an appropriation. Two battleships provided for, greater and more powerful than any that have ever been constructed. A Bureau of Mines created. Twenty million dollars appropriated to complete the great irrigation projects of the West. A bill to regulate motor boats and prevent collision at sea. A bill requiring all vessels to be equipped with wireless apparatus. Extending the safety-appliance law, giving increased protection to millions of men. Suppression of the white-slave traffic. Requiring the publication of campaign contributors. More than 60,000,000 acres of the public domain opened up for settlement. The President given unlimited power to withdraw lands for conservation purposes. A Postal Savings Bank System, encouraging thrift and giving a place of absolute safety where the poor can deposit their earnings. The new railroad-rate law, amending the interstate-commerce acts on the statute books, and creating a Commerce Court, a law alike beneficial to the people and the common carrier, one of the most intricate and important laws that Congress has ever passed. Two new stars placed in Old Glory—Arizona and New Mexico. A tariff law written upon our statute books that has put to work 3,000,000 idle men; that has set in motion all the wheels of industry in this great Republic; that is producing sufficient money to run the mightiest Nation in all the world's history; a law the wisest and best that human mind has ever written. A feat of statesmanship unequaled in the annals of the race. All this, besides the great appropriation bill disbursing millions. All this has been done, and yet, when the sun goes down to-day, the Taft administration will be just 17 months old. I challenge the world to match that record. In all the brilliant history of the Republican Party, the most brilliant in all the political history of the world, there is not a more brilliant page than the Taft administration has already written. Against that record the criticism of our enemies within and without the party fall harmless. Never before was there greater cause for a Republican to feel proud of his party than there is to-day.

"Let us swear anew our allegiance to the grand old party. Let us renew our faith in its principles and its policies. Let us here to-day unfurl the banner of Republicanism—the banner of Lincoln and Grant and Blaine and McKinley and Roosevelt and Taft, and go forth to meet the enemy. If it be to defeat; then let us meet it bravely with closed ranks and with our faces to the foe. Better, a thousand times better, to nail the old flag to the mast and go down with colors flying than to compromise with principle. Better, a thousand times better, temporary defeat than permanent dishonor. But we are not going forth to defeat, but to glorious victory. The triumph of the Republican Party in the State of Washington is as certain as the rising of the sun on election day."

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the amendment under consideration relates to the paragraph in the bill concerning the force for the new post-office building over here by the Union Station. The House provision calls for 4 assistant engineers; the Senate provision is for 3 assistant engineers. The House provision was for 4 assistant electricians and the Senate provision is for 3. The House provision was for 10 elevator conductors and the Senate provision is for 8. The House provision was for 4 oilers and the Senate provision is for 2. The House provision was for 22 watchmen and the Senate provision is for 12. The House provision was for 2 lieutenants of the watch and the Senate provision is for 1, and various other provisions where the reduction is made by the Senate. The total of the paragraph in the House bill was $48,540 and in the Senate bill $33,840, a reduction of about $15,000. In the House Office Building, which requires a great deal more help in the way of watchmen and policemen than the post-office building can possibly require, we have the force cut down so that it is not much more than the number of watchmen carried by the Senate provision and is less than the number of watchmen proposed to be carried by the House provision. I do not know how anybody can defend the number of employees to be in this new post-office building. I suppose the department asked for them and the committee, without giving full investigation to the matter, perhaps allowed them. Thirty-three thousand dollars for taking care of the building itself is a very large amount. It is more than is really necessary; but to give them $48,000, or $15,000 more, is outrageous. I have moved that the House accept the Senate amendments, which reduces the number of watchmen from 22 to 12; which reduces the number of assistant electricians from 4 to 3; and makes various other reductions; and when we allow those we will have allowed ample number to take care of this new post-office building. If we are ever going to have economy in the Government, we can afford to be economic in providing the number of watchmen for the new post-office building and for the other employees. Think of it! Even the Senate—and they are not particularly inclined to economy—could not bring their stomach to take the extravagant allowance which the House has put in the bill; and if we will never be any more economical than is proposed by the distinguished body at the other end of the Capitol, we will never overdo the economy business.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, this amendment provides for the force to take care of the new city post-office building near the Union Station. The estimate which was submitted to Congress and which was incorporated in the bill as it passed the House was very carefully considered by the Postmaster General, and he very earnestly insisted that he needed the employees set forth in that estimate for the purpose of properly taking care of the building. Gentlemen know that the Postmaster General had a most distinguished and honorable service in this House, and those who served with him know that he was never in favor of excessive appropriations for watchmen or any other class of employees of the Government, and I am sure they will agree with me that he would never have indorsed this estimate or made these recommendations had he not considered that this force was absolutely necessary for the proper care of that building. Gentlemen must not lose sight of the fact that the city post-office building must be run 7 days in the week and 24 hours in the day. It is not on a par with the District Building and other Government buildings in the city, but it is necessary to have watchmen and charwomen and electricians and engineers there on Sunday, as well as every other day in the week. It is necessary to have them there at night as well as in the day, and that necessarily requires a greater force of watchmen and other employees to take care of the building.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MURDOCK. The perplexing thing about this item is this: Time out of mind the Senate has increased our items, but here is a case where the Senate has cut our item deeply, and I want to know how that happened.

Mr. BYRNS of Tennessee. I want to say to the gentleman from Kansas that the Senate never took one line, not one syllable of testimony upon this proposition. Not a single witness or person, if I remember correctly, appeared before the Senate Appropriations Committee for the purpose of testifying upon this proposition or giving to the Senate committee any information in regard to it, nor do I know of any Senator who ever asked for information about it; and, with all due respect to the Senate, without a line of testimony or information before them, they adopted the amendment, which undertakes arbitrarily to cut down the estimate of the Postmaster General.

Mr. MURDOCK. It is a most astonishing thing, and I do not still quite understand the explanation of the gentleman. The gentleman does not know, as a matter of fact, why the Senate did this?

Mr. BYRNS of Tennessee. I do not know, and there is nothing in the hearings to show why the Senate so acted.

Mr. PAGE of North Carolina. Will the gentleman permit?

Mr. BYRNS of Tennessee. Certainly.

Mr. PAGE of North Carolina. How does it come—possibly I display my ignorance in putting the question—that the Postmaster General or the Post Office Department has charge of the force of this post-office building, whereas other post-office buildings and Government buildings of that character are under the Treasury Department?

Mr. JOHNSON of South Carolina. If the gentleman will permit me, I will state that the Post Office Department has always had charge of the Washington post-office building. The building provides not only for space for the Washington City post office but for many activities for the Post Office Department itself.

Mr. MURDOCK. That is the new building?

Mr. BYRNS of Tennessee. This building is not to be used entirely for the city post office; a considerable portion of it is to be used by the Post Office Department in the conduct of its activities or business. Now, the gentleman from Illinois has criticized the estimate of the Postmaster General and the number of watchmen which were asked for. The House allowed 22 watchmen, which the Senate cut down, without any evidence whatever, to 12. Now, let us see what the Post Office Department has to say as to the necessity of those watchmen. I read from a memorandum which was submitted to the House committee:

As it will take 1 watchman 6 days to relieve every 4 men so as to give them a day off each week, it is figured that, in addition to needing 18 watchmen, there will have to be 4 men to act as reliefs.

And you will remember that building has to be open seven days in the week, and therefore it is necessary, of course, to give each man one day in the week to make up for the loss of the Sabbath.

This is not considering leaves of absence, either sick or annual. It is considered absolutely necessary, on account of the valuable supplies in the building which will be scattered from the subbasement to the third floor, consisting of stamped paper, postal cards, money-order forms, and blanks, in addition to all the general supplies used in the Postal Service, to have a watchman in the subbasement, which extends under the entire area of the building, the basement, two on the main floor, and two on the upper floors. It must not be lost sight of that this building will be open to the public 24 hours each day; that on account of the city post office people on entering the building can not be interviewed; also the mailing platform in the rear of the building will be open to the public more or less during the entire night. It was first proposed to ask for four lieutenants of the watch, but this number was subsequently reduced by the department to two, with the idea in view that the captain of the watch, who has supervision over the watchmen in the Post Office Department Building as well as the City Post Office Building, could handle the force during the day and thus avoid the necessity for more than two lieutenants of the watch.

The gentleman from Illinois referred to the engineers——

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield five minutes more to the gentleman.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. BYRNS of Tennessee. Regarding these, the department says:

An assistant engineer will be in charge of each watch. They will be stationed in the subbasement where the switchboard and major portion of the machinery is located. They will attend to the heating and ventilation of the building and exercise immediate supervision in the working and daily examination of the elevators and other machinery.

Now, in regard to assistant electricians they say:

They have supervision over all electrical machinery such as motors, of which there will be over 200; the electrical controlling apparatus on elevators; the lighting of the building; will relieve the engineer in connection with the switchboard when he is called to any part of the building. It is proposed to locate an engineer and an electrician in the subbasement, and thus one will be able to relieve the other and avoid the necessity of an additional man to act as switchboard attendant at all times as is the custom at other large electrical plants.

Now, gentlemen of the House, the Senate has undertaken to cut down the elevator conductors for that building from 10 to 8. If the Senate amendment is agreed to, you will find that it will be absolutely impossible for those in charge of that building to run the necessary number of elevators in order to accommodate the general public throughout the hours I have mentioned. In this connection I read further from the memorandum referred to:

There are 9 elevators and the department is requesting only 10 conductors. It is obvious that this service could not be handled with 8 elevator conductors, as provided by the Senate. Request, however, is not made for more than 10 conductors in the belief that the department will be able to make some arrangements, yet to be worked out, to avoid the necessity of running all the elevators during the entire day.

It is contemplated giving the elevator man a day off each week, and as a majority of the elevators will be working but six days a week such a large relief force as is requested in the case of the other subclerical men will not be necessary, although it may prove necessary to operate at least one elevator on Sundays, and it must also be borne in mind that the hours of service on the various elevators must be of greater duration than the regular official hours of employees.

Now, in conclusion I want to say, or rather to repeat, what I said at the outset, that the Postmaster General, after a careful consideration of the estimates submitted to the House, is firmly of the opinion and most earnestly insists that it will be impossible to keep that building as it should be kept with the force allowed by the Senate amendment, and he most earnestly asks that a greater force be allowed than was allowed him by the Senate. If we refuse to send this to conference and accept the Senate amendment, then you do so in the face of the positive insistence of the Postmaster General and the chief clerk of the Post Office Department that the force allowed will not be sufficient to maintain this building as it should be maintained for the accommodation of the public and the public business.

Mr. GOOD. Where did the gentleman find the statement of the Postmaster General in the hearings?

Mr. BYRNS of Tennessee. I was reading from a memorandum which was read in the presence of the gentleman the other day when the conferees were in session.

Mr. GOOD. I thought the gentleman stated that the Postmaster General appeared before the committee.

Mr. BYRNS of Tennessee. No; I was reading from a memorandum which was submitted for the use of the committee.

Mr. MURDOCK. The gentleman ought to include it in his remarks.

Mr. BYRNS of Tennessee. I will do so. I hope that the House will agree that this amendment shall go back to conference. If the number allowed by the House is to be changed, why then the House conferees and the Senate conferees can get together upon some reasonable basis and bring in a proposition which will not cripple the Post Office Department in the maintenance of that building.

But certainly we do not want to put ourselves in the attitude of accepting an amendment by the other body which, as I say, was adopted without any information being furnished to them by the department so far as I am informed.

Mr. HAMILTON of Michigan. The gentleman stated that there would be nine elevators. Have you any statement as to how many of those elevators will be run on an average daily? The gentleman stated that part of them would not be run.

Mr. BYRNS of Tennessee. I do not know, but I will say that it is the purpose of the department, as I understand it, to work out some plan by which they can reduce the number of elevators to be run during the day.

Mr. HAMILTON of Michigan. Of course if you ran all of these elevators you would need at least nine conductors.

Mr. BYRNS of Tennessee. They would need more than that.

Mr. HAMILTON of Michigan. You would have to have a relief man.

Mr. BYRNS of Tennessee. They would have to have a relief man; yes. I ask that the memorandum from which I have read and which gives the reasons why the force allowed by the House is necessary be printed in the RECORD as a part of my remarks.

The electrical equipment in the new city post office comprises the following machinery:

Two 35-horsepower electrically driven fans for indirect ventilation; 2 motor-driven vacuum cleaners; 3 motor-driven air compressors and 2 pumps for the drinking-water system; hydraulic elevator plant, consisting of 2 electrically driven pumps; 1 motor-driven fire pump; 2 motor-driven air compressors for cleaning purposes, blowing out motors, etc.; 4 fan systems, each consisting of 2 motors and 1 fan, air washer, and 2 sets of heating coils; 2 steam vacuum pumps; 1 garbage-destroying plant; 1 bilge pumping system, consisting of 2 pumps and 2 electric motors; 200 (approximate) motors.

This machinery is located in the sub-basement, basement, first floor, and the third floor of the building. There are also 3 hydraulic elevators, 6 electric elevators, 2 motor-driven fans on the third floor, and a mail-conveying system on the main floor consisting of 25 electrically driven machines. It will be seen that this machinery is widely scattered and will require an operating force of active and energetic men to care properly for the plant, and the subclerical force asked for is based on the department being able to select such a force.

This plant, on account of the city post office working at night, with the exception of the elevators, unlike other Government buildings will be in operation 24 hours a day 7 days in the week. Some of the elevators will also be in operation during the entire day. It will require five days a week for the relief watch to give each employee his day off a week. This does not contemplate any annual or sick leave. Each watch is to have a tour of duty of eight hours, making three watches or similar forces. Four men, however, have been requested with the same qualifications in order to provide for a relief watch.

Assistant engineers: Provided by the House, 4; by the Senate, 3. An assistant engineer will be in charge of each watch. They will be stationed in the sub-basement, where the switchboard and major portion of the machinery is located. They will attend to the heating and ventilation of the building and exercise immediate supervision in the working and daily examination of the elevators and other machinery.

Assistant electricians: Provided by the House, 4; by the Senate, 3. They have supervision over all electrical machinery, such as motors, of which there will be over 200; the electrical controlling apparatus on elevators; the lighting of the building; will relieve the engineer in connection with the switchboard when he is called to any part of the building. It is proposed to locate an engineer and an electrician in the sub-basement, and thus one will be able to relieve the other and avoid the necessity of an additional man to act as switchboard attendant at all times, as is the custom at other large electrical plants.

Elevator conductors: Provided by the House, 10; by the Senate, 8. There are 9 elevators, and the department is requesting only 10 conductors. It is obvious that this service could not be handled with 8 elevator conductors, as provided by the Senate. Request, however, is not made for more than 10 conductors in the belief that the department may be able to make some arrangement yet to be worked out to avoid the necessity of running all the elevators during the entire day. It is contemplated giving the elevator men a day off each week, and as the majority of the elevators will be working but six days a week such a large relief force as is requested in the case of the other subclerical men will not be necessary, although it may prove necessary to operate at least one elevator on Sundays; and it also must be borne in mind that the hours of service on the various elevators must be of greater duration than the regular official hours of employees.

Oilers: Provided by the House, 4; by the Senate, 2. The oilers requested are to do the work of assistant engineers and electricians in the examination of all machinery, keeping it in repair, and seeing that it is daily wiped off and oiled. They will also be required to keep the space clean in which the machinery is located. In the case of the night watches the majority of the time of the oilers will be required on elevators alone, and in the daytime they will be subject to emergency calls to assist in the repair of various motors, etc.

Watchmen: Provided by the House, 22; by the Senate, 12. Lieutenants of watch: Provided by the House, 2; by the Senate, 1. As it will take 1 watchman 6 days to relieve every 4 men so as to give them a day off each week, it is figured that, in addition to needing 18 watchmen, there will have to be 4 men to act as reliefs. This is not considering leaves of absence, either sick or annual. It is considered absolutely necessary, on account of the valuable supplies in the building, which will be scattered from the subbasement to the third floor, consisting of stamped paper, postal cards, money-order forms, and blanks, in addition to all the general supplies used in the Postal Service, to have a watchman in the subbasement, which extends under the entire area of the building, the basement, 2 on the main floor, and 2 on the upper floors. It must not be lost sight of that this building will be open to the public 24 hours each day; that on account of the city post office, people on entering the building can not be interviewed; also, the mailing platform in the rear of the building will be open to the public more or less during the entire night. It was first proposed to ask for 4 lieutenants of the watch, but this number was subsequently reduced by the department to 2, with the idea in view that the captain of the watch, who has supervision over the watchmen in the Post Office Department building, as well as the city post-office building, could handle the force during the day and thus avoid the necessity for more than 2 lieutenants of the watch.

Laborers: Provided by the House, 15; by the Senate, 12. Laborers will be required to clean the corridors, the basement, and subbasement, with the exception of that portion in the vicinity of the machinery; assist in the handling of all the general supplies for the building, and in any movement of furniture, etc. In this building there is an unusual amount of finishings which it will be necessary to keep polished; keep clean the large number of windows, which in this building are not only on the outside, but face both sides of the corridors.

Charwomen: Provided by the House, 15; by the Senate, 12. They will be used for the purpose of cleaning daily all rooms, except the city post office, in the building. It is figured that with a force of 15 charwomen there will be approximately 4,050

square feet for each woman, not counting leave, either annual or sick. In the Post Office Department at the present time the average is about 3,000 square feet to the woman. The average area to be cleaned by each woman in the new building is exceptionally large, and even the force asked for may prove inadequate. It is the intention, however, to endeavor to use floor-scrubbing machines in the building, and in this way the department may be able to keep the building clean with such a small force. It is understood that in the office of the Auditor for the Post Office Department the average area for each woman is less than 2,500 square feet, so it will be readily seen that the number of charwomen requested is very conservative.

If this force is reduced as contemplated by the Senate, in some instances, especially in that of oilers, it may be necessary to work 12 hours a day, which is contrary to the existing law.

While nothing is said with reference to the assistant plumber and the two female laborers, in view of the fact that the Senate amendment provides for these places, they are, however, urgently needed, and no action looking toward their elimination from the bill should be taken.

Mr. GOOD. Mr. Speaker, I would like two minutes.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. I have been looking over the House hearings on this provision. The Senate took action on the bill, and I can readily understand why the Senate did not have any additional hearings. I do not know just what actuated the subcommittee or the committee in reporting out this large estimate, but when I read in the hearings the only statement that was made with regard to watchmen, "I can cut the watchmen safely down to 18," I do not know why we reported out 24. I think it was an oversight. I think the cut as made by the Senate was justifiable. They cut the number of assistant engineers from 4 to 3. The cut was slight all the way through, and when it came to the charwomen we provided for 15 charwomen and the Senate provided for 12.

Now, with regard to the elevator conductors, I submit that we have quite likely allowed more than will be necessary to do the business in the Post Office Department. I do not care how many elevators we have in the building; we may have too many, just as we have in the House Office Building. We may adopt the same policy that we adopted in the House Office Building, and not run them all. Let us make here a conservative appropriation. Let us not appropriate for men to run elevators that will never need to be run. We will run only enough elevators there to do the business of the department. I believe that we ought to adopt the amendment offered by the gentleman from Illinois and recede, and concur in the Senate amendment. I believe that the amount that is specified there is sufficient to run that office and to run it efficiently.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Minnesota [Mr. SMITH].

Mr. SMITH of Minnesota. Mr. Speaker, there are some things we can know without getting expert information, and one is the number of oilers it takes to supply the machinery controlled and operated by a certain number of engineers. This bill as it passed the House provided for four assistant engineers and four oilers. We all know that machinery of to-day is constructed along lines that will reduce the number of oilers which have heretofore been necessary. Large cups are used and other devices are provided that make it unnecessary to oil the machinery often. To-day no piece of machinery is constructed without taking the precaution of providing it with self-oilers. The provision of the House bill has as many oilers as engineers. It is quite apparent that this is not necessary. We usually double up on engineers and slack down on oilers. The same thing is true when we come to electricians. We have as many electricians as we have engineers. It does not seem to be necessary. Electrical machinery, when you start it going, runs without very much care and attention. If the Senate amendment is adopted, it will mean a saving of about $15,000 per annum in the expense of running the new post office, and, to my mind, this can be done without crippling the service.

Mr. JOHNSON of South Carolina. Mr. Speaker, just a word. The Postmaster General not only had service in this House but he had service on this particular committee; and I have never known a member of the Committee on Appropriations who contested more vigorously than the Postmaster General used to do the appropriations for help about the public buildings. Notwithstanding his long experience in providing appropriations for the public buildings in Washington and his constant insistence upon reducing the force, we are assured that he has cut this estimate to the bone. I think this amendment at least ought to go to conference, because the House Committee on Appropriations had evidence before it and the other committee had no evidence whatever. There must be between the two extremes in this case a happy mean, as there always is. I think, therefore, the proper thing to do is to vote down the motion of the gentleman from Illinois and send the amendment to conference.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. MANN] to recede and concur.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. JOHNSON of South Carolina. Division, Mr. Speaker.

The House divided; and there were—ayes 42, noes 42.

So the motion to recede and concur was rejected.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 212: Page 137 of the bill, after line 13, insert the following:

"Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés to be paid a salary not to exceed $1,500 each; and for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $100,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 212 and concur in the same.

The SPEAKER. The gentleman from South Carolina moves to recede from the House disagreement to Senate amendment No. 212 and concur in the same.

Mr. MANN. Will the gentleman permit me to make a motion to amend the Senate amendment?

Mr. JOHNSON of South Carolina. In what respect?

Mr. MANN. To strike out the provision as to how the commercial attachés shall be appointed, and to submit it to the House.

Mr. JOHNSON of South Carolina. I will withdraw my motion and let the gentleman offer his, if he desires to do that.

The SPEAKER. What is the motion of the gentleman from Illinois?

Mr. MANN. I move that the House recede and concur in the Senate amendment with an amendment, striking out all of the Senate amendment following the language after the word "attachés," as follows:

To be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and—

So that it will read:

Commercial attachés, Department of Commerce: For commercial attachés, to be accredited through the State Department—

And so forth.

The SPEAKER. The Clerk will report the amendment.

Mr. JOHNSON of South Carolina. Would not the failure of my motion still leave that before the House?

Mr. MANN. That would not give us a chance to get our question before the House.

Mr. JOHNSON of South Carolina. Very well. I am willing. How much time does the gentleman want?

Mr. MONDELL. I would like some time.

The SPEAKER. The Chair would like to inquire about this. The gentleman from South Carolina [Mr. JOHNSON] moved to recede and concur——

Mr. MANN. The gentleman withdrew his motion. Of course, if my motion is defeated, we will not recede at all.

Mr. HAWLEY. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Wait until we fix the time for debate.

Mr. MANN. We will take 15 minutes.

Mr. JOHNSON of South Carolina. We will agree on 30 minutes if we can—15 minutes to a side—15 minutes to be controlled by myself and 15 minutes to be controlled by the gentleman from Iowa [Mr. GOOD], at the end of which time the previous question shall be considered as ordered.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GOOD] has 15 minutes and the gentleman from South Carolina has 15 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman from South Carolina yield to a question?

The SPEAKER pro tempore. The time is running.

Mr. JOHNSON of South Carolina. To whom is it charged?

The SPEAKER pro tempore. To the gentleman from South Carolina.

Mr. GOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. Mr. Speaker, I support the modified motion made by the gentleman from Illinois [Mr. MANN]. I do it not because I very much expect that the attachés to be appointed will aid very greatly in restoring our foreign commerce, but because of the fact that in the present deplorable condition of our foreign commerce every man who loves his country, every man who desires its prosperity, every man who hopes to stem the tide of growing loss of our foreign trade, must lend his aid to every proposition that holds out the slightest hope or promise of saving what is left of the foreign trade of the country.

One of the promises made and reiterated on other side of the Chamber in connection with the discussion of the Underwood tariff bill was that under it we were to have a "new freedom," under which the American manufacturers and American producers would go forth and capture the markets of the world. We have heard to-day from gentlemen on the other side glowing statements of the alleged prosperity of the country, but I noticed that none of the gentlemen have quoted any actual facts. They talked of alleged conditions in glittering generalities, but they did not quote facts.

I propose to call attention to a few unfortunate facts in regard to the foreign trade of the United States. In the last six months—that is, in the six months from December last to May, inclusive—the foreign trade of the United States was $130,000,000 less than it was for the corresponding six months of the year before. Not only did we suffer this great loss, but this loss in trade was progressive. In December last our loss in foreign trade, compared with the preceding December, was $17,000,000. At that rate it would take something more than a year to wipe out our foreign trade.

But the foreign trade of April last was $37,000,000 less than the foreign trade of the April of the year before, and if that percentage of loss were to continue we would lose every dollar of our foreign trade before the election in November.

That is the situation which confronts the country. That is the condition under which we are all persuaded to support any appropriation proposed from any quarter that holds out any hope whatever of aiding in retaining, not to mention increasing, our foreign trade.

For the benefit of those who may not have realized the alarming condition which confronts us, I shall insert in the RECORD some tables giving our exports and imports from December, 1913, to May, 1914, in comparison with our imports and exports for the months from December, 1912, to and including May, 1913. The first of these tables is as follows:

Imports, December, 1913	$184,025,571
Imports, December, 1912	154,095,444
Increase of imports	30,030,127
Exports, December, 1912	250,315,807
Exports, December, 1913	233,195,628
Decrease of exports	17,120,179
Imports, January, 1913	163,063,438
Imports, January, 1914	154,742,923
Decrease of imports	9,320,515
Exports, January, 1913	227,032,930
Exports, January, 1914	204,066,603
Decrease of exports	22,966,327
Imports, February, 1913	149,913,918
Imports, February, 1914	148,044,776
Decrease of imports	1,869,142
Exports, February, 1913	193,996,942
Exports, February, 1914	173,920,145
Decrease of exports	20,076,797
Imports, March, 1914	182,744,304
Imports, March, 1913	155,445,498
Increase of imports	27,298,906
Exports, March, 1914	187,499,234
Exports, March, 1913	187,426,711
Increase of exports	73,523
Imports, April, 1914	$173,896,476
Imports, April, 1913	146,194,461
Increase of imports	27,702,015
Exports, April, 1913	199,813,438
Exports, April, 1914	162,550,870
Decrease of exports	37,262,568
Imports in excess of exports $11,345,606.	
Imports, May, 1914	163,637,386
Imports, May, 1913	133,723,713
Increase of imports	29,913,673
Exports, May, 1913	194,607,422
Exports, May, 1914	161,650,253
Decrease of exports	32,957,169
Imports in excess of exports $1,987,133.	

From this table the alarming increase of imports, as well as our constantly diminishing foreign trade, is clearly indicated.

For convenience of reference I present the figures of imports and exports separately. They are as follows:

Imports.

December, 1912	$154,095,444
January, 1913	163,063,438
February, 1913	149,913,918
March, 1913	155,445,498
April, 1913	146,194,461
May, 1913	133,723,713
	902,436,472
December, 1913	184,025,571
January, 1914	154,742,923
February, 1914	148,044,776
March, 1914	182,744,304
April, 1914	173,896,476
May, 1914	163,637,386
	1,007,091,436
December, 1912, to May, 1913	902,436,472
Increase	105,654,964

Exports.

December, 1912	$250,315,807
January, 1913	227,032,930
February, 1913	193,996,942
March, 1913	187,426,711
April, 1913	199,813,438
May, 1913	194,607,422
	1,253,193,250
December, 1913	233,195,628
January, 1914	204,066,603
February, 1914	173,920,145
March, 1914	187,499,234
April, 1914	162,550,870
May, 1914	161,650,253
	1,122,852,733
December, 1912, to May, 1913	1,253,193,250
December, 1913, to May, 1914	1,122,852,733
Decrease	130,340,517

Mr. UNDERWOOD. Mr. Speaker, will the gentleman from Wyoming let me ask him a question?

Mr. MONDELL. I would be glad to.

Mr. UNDERWOOD. Is the gentleman advised of the fact that the exports of this fiscal year amount to more than those of any fiscal year in the last decade, except for last year?

Mr. MONDELL. I am not so advised.

Mr. UNDERWOOD. Well, if the gentleman will examine the statistics, he will find that that is the fact.

Mr. MONDELL. I think the gentleman is not entirely accurate.

Mr. UNDERWOOD. I have just recently examined the facts, and I think the gentleman will find it so.

Mr. MONDELL. However that may be, I am making my comparison between the conditions under the bill which bears the honored name of my distinguished friend from Alabama and the conditions which existed under the bill which preceded it, and which was abused on that side of the House in unmeasured terms. Under Republican tariffs we had secured a great foreign trade. I am endeavoring to show how, under Democratic tariffs, we are losing it.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. GREEN of Iowa. The gentleman from Alabama includes six months under the Republican administration.

Mr. MONDELL. I have but a few minutes, and I wish to discuss a subject that is of interest to the gentleman from

Alabama. I have demonstrated the fact that the loss of our foreign trade has not only been great, but it has been constantly progressive in an almost geometrical ratio; and if it continues at the present rate, we shall not have any foreign trade worth mentioning by the time the elections are held in the fall.

I regret I have not time to fully analyze these figures or to comment at length upon their alarming and significant features; but they speak for themselves, showing, as they do, that in the six months which have just passed compared with the corresponding six months of the previous year we have suffered a loss in our foreign trade of over $130,000,000, and this under an administration which promised the winning of the markets of the world.

No less significant, and even more alarming, is the increase of imports of over $105,000,000 in value during six months recently passed as compared with six months of a year before. No wonder mills and factories are idle or running on short time. No wonder multiplied thousands are out of employment. These increased importations are, in the main, in manufactured goods, and their importation has deprived American labor of employment. Naturally, this condition of affairs is causing uneasiness and unrest throughout the country. The President says the trouble is psychological.

Various Democratic officials have claimed that the depression was the result of a conspiracy. Such assertions do not prove anything. We are entitled to know the facts, and we were promised that we should know the facts if things went wrong under the Underwood tariff bill. That assurance was given us by the gentleman from Alabama himself toward the close of the discussion of the Underwood tariff bill, as follows:

> The statement has been made that this tariff will act on labor and affect the wages of laboring men. I give notice now that when the men from whom you bring these messages endeavor to grind labor in the interest of Republican policies there is a bureau of this Government that is going to ascertain the reason why.

The Secretary of Commerce, who presides over the bureau to which the gentleman referred, a few days later in remarks made by him before the National Association of Employing Lithographers said, in answer to their suggestion that under the Underwood tariff there was almost certain to be a reduction of wages—

> If what you have said is to be put into effect by you in substantial degree, it may become the duty of the Department of Commerce to inquire into your business methods.

My attention has just been called to a clipping under an Atlantic City (N. J.) date line, to the effect that 16 sheet-iron and tinplate plants will close down for an indefinite period on July 1. The plant owners told their employees they could not give them increased pay, declaring that a state of depression existed in the business. The men asserted, however, that they were entitled to an increase, and so, in this condition of disagreement, these plants are to be closed down. The dispatch I refer to reads in full as follows:

> SIXTEEN MILLS TO CLOSE—SHEET-IRON AND TINPLATE WORKERS UNABLE TO AGREE WITH EMPLOYERS.
>
> ATLANTIC CITY, N. J., *June 21.*
>
> Sixteen sheet-iron and tinplate plants, employing more than 4,000 men, will close down for an indefinite period on July 1, it was announced here to-day, as a result of the failure of the Amalgamated Iron, Steel and Tin Plate Workers Association and the owners of the plants to agree on wage rates at the conference which closed to-day.
>
> The plant owners refused increased pay, declaring that a state of depression existed in their business. The men asserted, however, that the mill owners misrepresented the situation and that conditions are by no means as bad as they claimed.

Now, here is work, real work, for the Department of Commerce. Here is an opportunity for our friend from Alabama [Mr. UNDERWOOD] to put into execution his—threat, shall I say?—his promise that if there was any threatened reduction of wages, if there was any dissatisfaction about wages under the bill which bears his name, it would be investigated; and if not justified by conditions, those who were responsible would be punished. Aye, more than that. He promised us that if under his bill any industry was injured, that injury would be inquired into and that full justice would be done.

I remember very well that promise of the gentleman from Alabama, for it was made in answer to some questions I asked him. He said:

> When the Department of Commerce report, after a careful, disinterested, and honest investigation, that an injustice has been done either to an industry of this country or to the labor employed in that industry, you may rest assured that this side of the House will rectify any wrong that has been done.

Now, here is a case directly in point. Here is a controversy over wages; here is a statement that mills are to be closed. This situation is not psychological; it is real; and I call on the gentleman from Alabama and the Secretary of Commerce to keep their joint and several promises and investigate this situation, and punish with the lash of publicity, if they have no other means at their command, any wrong which may be done or contemplated; or, on the other hand, failing to find any wrongdoing and discovering, as they probably will, that an injustice has been done by the passage of the Underwood bill, proceed to rectify the wrong, as they promised to do.

I do not, however, insist that the threat or promise of investigation made by the gentleman from Alabama and the Secretary of Commerce shall be made with regard to this particular industry. There is a wide range of industries—in steel, in iron, in pottery, in textiles, in general manufacturing—where wages and employment are threatened, which are closed down or running on short time, and all the administration is doing about it so far as to claim that it is the result of a conspiracy or is psychological. I call on the gentlemen to whom I have referred to make good their promises—investigate, report, and either proceed to punish the wrongdoing or to rectify the wrong which has been done.

The gentleman from Alabama excluded from his promise of reparation the sugar and the wool industries. But, otherwise, he assured us that justice would be done. Now, under the circumstances which exist in the country, why does not he proceed. There is the Baldwin Locomotive Works, for instance, ordinarily employing 18,000 or 19,000 men, now employing less than half that number. Why is not the gentleman from Alabama [Mr. UNDERWOOD] investigating that situation, as he promised? And why is not the chief of the Department of Commerce making the investigations he assured us would be made? There are a lot of folks ready to prove that the Underwood bill has put their business on the blink. Why do not you folks bring on your investigators and give them a chance to do it?

The SPEAKER pro tempore (Mr. REILLY of Connecticut). The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, this Senate amendment which we are now discussing was in the House bill substantially in the form in which it now appears, and it went out of the House bill on a point of order which I made.

Later on I am going to offer an amendment of my own—after this one is disposed of—and I hope my amendment will be agreed to. The objection to this Senate amendment from my viewpoint is that it provides for the appointment of commercial attachés, limited only in number by the discretion of the Secretary of Commerce. They are to be appointed within the appropriation provided. They are to be appointed by the Secretary of Commerce, but they are, of course, to be accredited through the State Department. They are to make their reports to the Secretary of Commerce. This, in my judgment, gives a magnificent opportunity for duplication of work. If the Secretary of State finds that these attachés are needed abroad, the appointments ought not only to be made by him but they ought to make their reports to him. At the present time the information received by the Secretary of Commerce as to our foreign-trade relations comes through the State Department.

Mr. BYRNS of Tennessee. Will the gentleman yield for a question?

Mr. RAINEY. Yes.

Mr. BYRNS of Tennessee. These attachés are for the purpose of developing our commerce, and our Department of Commerce is charged with those activities. Does not the gentleman think they ought to come through that department?

Mr. RAINEY. No; I do not think so. I think in accordance with the method of selecting foreign representatives to promote our trade relations abroad, the method that has prevailed from the foundation of this Government, they ought to be selected by the Secretary of State, and they ought to report to him. Now, the Secretary of Commerce gets through the State Department, as he ought to get it, the information that he now obtains as to our foreign commerce, and they tell me that the State Department furnishes the Department of Commerce now with more data and information than that department can possibly use for any purpose.

Mr. HARRISON. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. HARRISON. Is it not a fact that there is a bureau in the Department of Commerce now known as the Bureau of Domestic and Foreign Trade, that reports directly to the Secretary of Commerce?

Mr. RAINEY. I think the gentleman is correct about that, but they get their information so far as foreign trade conditions abroad are concerned through the Secretary of State.

Mr. STEVENS of Minnesota. I call the attention of the gentleman to what may be another duplication. In the CONGRESSIONAL RECORD of Thursday there appears a Senate amendment to the trade-commission bill providing for another investigation. Shall I read it?

Mr. RAINEY. I will be very glad if the gentleman will do so in his own time.

Mr. STEVENS of Minnesota. I am asking the gentleman if that would not be another duplication?

Mr. RAINEY. I think it would be.

Mr. CULLOP. The office of the Secretary of State gets its information as to foreign trade and commerce through the Consular Service, does it not?

Mr. RAINEY. Yes.

Mr. CULLOP. And that is why it ought still to remain in the office of the Secretary of State.

Mr. RAINEY. Certainly. This is a part of our Consular Service. No matter what you call it, that is what it is. Now, if they are to be accredited by our State Department, but act under the direction of the Secretary of Commerce, we will have a number of attachés abroad collecting information that is also being collected by the State Department and reporting back to the Secretary of Commerce information that is also being reported to the State Department, and so you will have an absolute duplication of work. It is easy enough to prevent this simply by striking out the words "Secretary of Commerce," where they appear, and substitute the words "Secretary of State." Then, if the Secretary of State finds these employees are necessary abroad to supplement the force he already has engaged in gathering this same kind of information, he can use up this $100,000, or such portion of it as he may think proper, and there will be no duplication of work, and there will be no conflict between these two great departments of our Government. The Department of Commerce is a new department which has just started, and if this amendment is adopted in its present form the effect of it will be to permit this new department to usurp the functions of the Department of State in this respect to a very large degree. I see no objection to this clause just as it stands if the Secretary of State is permitted to make these appointments after the examination usually held in the office of the Secretary of State for the making of diplomatic appointments abroad. Then let them report, as they always have, and as officials of this sort should do, to the Secretary of State, and let the Secretary of State furnish the Department of Commerce with the information that that department may need. [Applause.]

Mr. JOHNSON of South Carolina. I yield to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I am quite sure that there is no disagreement between the State Department and the Department of Commerce over the naming of these commercial attachés.

I understand that these two great departments of the Government are in thorough accord not only over this proposition but all propositions the purposes of which are to advance the commercial, industrial, and manufacturing activities of this country and enlarge our trade in the foreign markets of the world.

I congratulate the Appropriations Committee on the liberality of their appropriation for the work of enlarging our foreign trade.

The increased appropriation in this bill—in the item for commercial agents—is a highly commendable one. The same is especially true of the item for commercial agents to be sent to South and Central American countries.

The provision, however, under discussion providing and appropriating for commercial attachés will, in my opinion, operate to the greatest possible value to our commercial and manufacturing interests.

This is a most opportune time for us to begin this excellent propaganda. The great business interests of this country have now almost and only in a short time will be completely divested of the artificial garb of protection and special privilege. The atmosphere that has so long surrounded them and made their future so hazy and uncertain will soon disappear and they will then be able to do business free from the uncertainties of artificialness, and with a vision clear and penetrating look for trade to all the markets of the world.

Under such circumstances we should therefore encourage and assist them in making their businesses more secure by extending the helping hand of the Government to further them as a whole what is hard and difficult for them to do independently.

It is our pride to aid the laboring men and farmers of this country. Every piece of reasonable legislation that is desired by them and thought wise by us we are always willing and anxious to assist in passing.

We have passed legislation to aid the farmer in preparing and marketing his crops, in obtaining from his land the highest standard of productivity, and in making rural life more attractive.

It is proper, therefore, that we should do for the industrial, commercial, and manufacturing interests of our people what we have always so ungrudgingly done for the farmers and laboring men of the country.

When we open up new markets for our manufacturers and tradesmen we necessarily thereby bring more prosperity and business activity to our people. Every increase of our foreign trade causes more gold to be brought to use, compels the employment of more laborers, and proportionately enriches our country. It is much desired that the value of our exports should exceed our imports, for then we are sure to receive more than we spend, and the continuance of such a condition will certainly make our Nation richer and greater.

With the ingenuity, energy, and wealth of the men of this country who comprise its commercial and manufacturing interests, together with our natural advantages and resources, there is no reason why we should not dominate in commerce and trade the markets of the world.

The system that your committee provides for in this bill and that has been recommended by the very efficient Secretary of Commerce, Mr. Redfield, is to my mind the beginning of a long and bright era in the industrial and commercial life of our people. No matter how optimistic we may feel about it I hardly think that opinion will fill the measure of good that is to come from it.

It has been contended in the discussion here that the consuls and consuls general in the Department of State are now performing the work that is proposed to be done by these commercial attachés, and that this work will be but a duplication of the work of the consuls and consuls general. The commercial attachés that are provided for in this bill will go much further and fill a much more important rôle than is now filled by the consuls and consuls general.

Under the present law and practice our consuls in foreign countries have many duties to perform, but duties that bring them strictly within the scope of the Department of State. For instance, the consuls ascertain and report to the Treasury Department the correct values of the foreign merchandise imported to this country; they safeguard the public health by watching and reporting the prevalence of disease in foreign countries; they perform duties by issuing bills of health to persons bound to American ports; by regular reports on sanitary conditions in their respective districts; by transmitting reports on crops, plant and insect pests, dry-farming methods, irrigation projects, pure-food legislation, forestry, and other subjects; by inquiring into and reporting upon immigration, labor conditions, rates of wages, unemployment and its causes, old-age pension systems and kindred subjects; by reporting on foreign postal conventions and on parcel post; by performing duties in connection with pensions paid Americans residing abroad and by dealing with applications for pensions and for patents; by reporting on such matters as education, mines and mining, reclamation projects, and conservation of natural resources; by furnishing information regarding rivers and harbors, lighthouses, wireless telegraph systems; by assisting in locating lost relatives and escaped criminals; by settling the estates of American citizens dying abroad; by investigating inheritances and rendering various other notarial and legal services; by supervising the shipping and discharge of American seamen and relieving destitute seamen.

These are but some of the duties imposed on our consuls in foreign countries, and it is safe to say, in the broader sense, that their duties are so large that they are charged with the duty of safeguarding and promoting American interests abroad of every kind.

The consuls general are charged with practically all the ordinary duties of the consul, and, in addition to those duties, with many others, such as supervising the consuls and commercial agencies, seeing that the provisions of laws and regulations are

complied with and that the consular correspondence of every kind is in due form.

The duties of the consuls and consuls general bring them properly within the functions of the State Department, and prevent them, because of the magnitude of their work, from giving the subjects that are assigned them that thought and time that they deserve and which they doubtless desire to give; at least, their duties are so cumbersome and so many and so technical that they are prevented by them from giving that time and attention that the circumstances would demand in doing the work of commercial attachés and the promotion of commerce and trade in those countries.

Now, I want to discuss just briefly what it is intended the commercial attachés should do. If I understand the functions that it is proposed they should perform, they are not of a diplomatic nature at all, nor would they be concerned with legalizing documents or similar functions. It will be their duty to study the commerce and industries of the countries to which they are sent and study the amount and character of business done with those countries by other foreign powers, and to so qualify and advise themselves that they can suggest and aid in promoting in every practical way the commerce and trade of the United States in those countries.

It is a strange yet true condition that there is now no officer of the United States Government abroad whose sole duty it is to promote our foreign trade.

Germany, France, England, and other countries appropriate large sums for this purpose. The result of their work is shown in their large export trade.

These commercial attachés will be a coordinating force that will make the work of the consuls not the less valuable but the more valuable.

The qualifications of the men who are now in the Consular Service might or might not fit them for the peculiar work of the commercial attachés, because I am quite sure that the men who are to be appointed to these trade places are to measure up in the mind of the present Secretary of Commerce as peculiarly fitted for that particular kind of work.

Mr. Speaker, I believe that there is no man in the United States who is better qualified to choose men who are qualified for this kind of work than the Secretary of Commerce. I go further and say that no man in the United States understands better the necessity for this service and the benefit that will be derived from this service than the present Secretary of Commerce.

I want to here quote what Secretary Redfield says about the commercial attaché and the importance of building up our trade in foreign countries. I read from his annual report of 1913:

Under the caption "Bureau of Foreign and Domestic Commerce" will be found a plan for the reorganization of that bureau, which has already met with your approval and which forms a portion of the estimates for the coming year. Our foreign commerce has grown by leaps and bounds until during the fiscal year ended June 30, 1913, it reached the great total of $4,279,000,000 in value. Of this great sum $2,466,000,000 were exports and $1,813,000,000 were imports, showing a trade balance on these transactions in our favor of $653,000,000. Quite as important as the aggregate, however, are some of the details that go to make up the totals. Our exports of domestic manufactured goods of all kinds amounted to $1,507,000,000, or 63 per cent of our total domestic exports. Again, it will be noted with special interest that out of this total of sales of manufactures that particular portion which represents the sales of fully finished manufactures was $778,000,000 in value, or 50 per cent of the total exports of manufactures. To state it differently, our exports of crude foodstuffs and of crude materials of other kinds have fallen to a minor place, and the largest element in the greatest aggregate of foreign sales ever made is that of manufactured goods, and among these manufactured goods the item of fully finished manufactures is the largest. It is also that which has been growing most rapidly.

It certainly can not be said that the Government has done much to foster this great and growing trade. The entire appropriation for the promotion of our foreign commerce has been $60,000, much less than is annually spent for advertising by many a large retail establishment, nor has the Bureau of Foreign and Domestic Commerce, which is supposed to have had this great trade under its fostering care, been equipped either with men or means or organization adequate for the work.

In the estimates for the coming fiscal year, therefore, a sum has been included which will provide for the reorganization of the bureau into such form as will make it the basis for productive effort in developing American industries in every field which is normal to them at home and abroad. It is not suggested that in the plans which have been submitted for the approval of Congress there is aught that is original. They simply follow in general the organization which our commercial and industrial competitors have already in active service. They aim to provide a threefold organization abroad containing those elements of permanence and flexibility essential to efficient work, and furnishing the general and the local inquiry essential to any thorough grasp of foreign markets.

Briefly stated, the proposed organization provides for—

Commercial attachés: These are officers to be located at each of 14 capitals as hereinafter described, accredited to our embassies there by the Department of State, but reporting directly to the Department of Commerce. Each of these officers will be provided with a clerk and allowance will be made for traveling expenses within the limits of the country to which he is sent. Their purpose will be to study the commerce and industries of the nations where they reside. They will have no other duties. They will collaborate with the consuls, having the advantage of the larger view and of the freedom from other cares.

Consular Service: It is recommended that the consuls shall on purely commercial matters report directly to the Department of Commerce and that they shall cooperate with the commercial attachés in presenting between them a complete and unified knowledge of the commerce and industries of our great competitors. These two forces should normally supplement each other—the attaché has the general field, the consul the particular field. The one collects; the other coordinates. Each supplies with the other that which without him we could not have. Each is at once a corrective and an incentive to the other.

Commercial agents: It is intended to enlarge this force, which is composed of special investigators trained in their separate lines of study, each pursuing some special theme and for that purpose traveling from country to country wherever information on that subject can be had. A force of from 12 to 16 men has been employed in this work with excellent results, but obviously that force is quite insufficient, and it is hoped substantially to double it. For this purpose a special appropriation of $100,000 is asked for the study of commercial conditions in South America, and the former sum of $60,000 for the whole world is, in addition to the above, increased to $100,000.

The organization of the bureau is changed as described herein to provide for the proper direction and control of these forces and funds and to permit following out the duty heretofore imposed by Congress on that bureau of inquiring into the cost of production at home and abroad, for which purpose a special sum of $100,000 is also asked.

* * * * * * *

The personnel of the Bureau of Foreign and Domestic Commerce during the fiscal year 1914 is about 119 employees. Under the plan contemplated in the estimates for 1915 it is estimated that 200 persons will be employed, or an increase of 81.

It is my belief that the above marks a turning point in American policy toward the great world of commerce and industry abroad and that it must be reflected in increased prosperity to our capital and labor at home.

Our foreign trade, to which, in substance, the work of the bureau under the present law is confined, has expanded during the past fiscal year at a rate in excess of $1,000,000 per day.

Imports:		
1913	$1,813,008,234	
1912	1,653,264,934	
Increase imports, 1913 over 1912		$159,743,300
Exports:		
1913	2,465,884,149	
1912	2,204,322,409	
Increase exports, 1913 over 1912		261,561,740
Increase total trade, 1913 over 1912		421,305,040

The relation of this enormous trade to the prosperity of our people is so obvious as to need no comment.

The Bureau of Foreign and Domestic Commerce, which has this work in charge, has not received the financial support to which the dignity and necessity of its work entitles it. * * *

Being familiar, in a general way, with the operations of this bureau before assuming office, I gave the subject of its reorganization careful thought for some weeks after it came under my charge as Secretary of Commerce. I then requested the chief of the bureau to prepare a written statement of what, in his judgment, should be done to develop the work under his care. When this was done and statements from other departmental sources on the same subject were prepared, I requested a committee of experienced officers in my own office to go over these papers and to submit a plan for reorganization based upon the facts thus laid before them and on their own experience. This plan I have myself carefully revised, in consultation with the said committee, and it is presented below.

The proposed organization, consisting of five units, divides the work of the bureau into four classes, namely, (1) promotion work under the immediate supervision of the chief, (2) collection of information, (3) distribution of information, and (4) administration. This plan provides for a chief and two assistant chiefs. One of the assistant chiefs should be placed in charge of investigations to be made under the law which transfers to the bureau certain duties formerly under the present Bureau of Labor Statistics of the Department of Labor, and of a section dealing with tariffs and tariff relations; the other should be in charge of that part of the work which relates to the collection and compilation of statistics, the work performed by commercial attachés, commercial agents, and consuls, in so far as the work of the latter relates to the Department of Commerce.

Commercial attachés: It is believed that Congress should authorize the employment by the department of 14 commercial attachés, to be resident in various foreign countries, these attachés to be each supplied with a clerk whose compensation should be $1,500 per annum. The attachés should be divided into three groups as regards salaries, viz, 3 at $5,000 per annum, 4 at $4,500 per annum, and 7 at $4,000 per annum. The countries to which these attachés should be accredited, and their headquarters, are given in the table on the following page, which also gives the total area of the countries represented, population, and total trade with the United States in 1912.

The attachés should be men of demonstrated commercial ability and experience, speaking the language of the country to which they are accredited or a language current in commercial circles therein. Preference would be given officers of the Consular Service and the Department of Commerce or other branches of the executive service who have unblemished records and who have shown marked ability in commercial promotion.

Suggested organization of a corps of commercial attachés showing territory to be covered by each attaché, salary, headquarters, area, population, and trade with the United States in the fiscal year 1913.

District.	Salary.	Headquarters.	Area.	Population.	Imports into United States.	Exports from United States.
			Sq. miles.	*Number.*		
United Kingdom	$5,000	London	121,316	45,366,000	$295,564,940	$597,149,059
Germany, Denmark, and Switzerland (possibly Scandinavia) [1]	5,000	Berlin	538,929	79,650,000	234,790,699	371,694,379
France, Belgium, and Netherlands	5,000	Paris	231,673	53,114,000	216,999,971	338,855,525
Austria-Hungary, Greece, Balkan States (possibly Turkey) [2]	4,500	Vienna	500,224	76,770,000	33,773,531	29,282,920
Argentina, Paraguay, and Uruguay	4,500	Buenos Aires	1,309,090	9,150,000	29,372,714	60,604,846
Japan and Chosen [3]	4,500	Tokyo	245,641	68,997,000	91,638,373	59,112,741
China [4]	4,500	Peking	4,277,170	336,042,000	39,010,800	21,326,834
Peru, Bolivia, and Ecuador	4,000	Lima	1,510,143	8,378,000	12,704,618	10,836,432
Russia [5]	4,000	St. Petersburg	8,361,708	166,108,000	29,315,217	26,465,214
Brazil	4,000	Rio de Janeiro	3,291,416	21,115,000	120,155,855	42,638,467
Chile	4,000	Santiago	292,420	3,415,000	27,655,420	16,076,763
Italy and Mediterranean countries [6]	4,000	Rome	1,744,000	92,369,000	109,089,965	111,642,983
British South and Central Africa [7]	4,000	Johannesburg	2,233,478	35,981,000	4,334,339	18,852,009
Australia, New Zealand, South Pacific Islands [8]	4,000	Melbourne	3,079,332	5,665,000	15,341,362	52,431,352

[1] Includes Germany, Switzerland, Denamrk, Norway, and Sweden.
[2] Includes Austria-Hungary, Roumania, Bulgaria, Servia, Montenegro, European Turkey, and Greece.
[3] Does not include, as regards area and population, Sakhalin, but for commerce the figures include the southern part of that island. Formosa is included throughout.
[4] Does not include leased territory.
[5] European and Asiatic.
[6] Includes Italy, Spain, Gibraltar, Malta and Gozo, Asiatic Turkey, Egypt, Tripoli, and Morocco.
[7] Includes all British Africa. Central Africa not separately stated.
[8] Includes only Australia and New Zealand. Area and population of the Southern Pacific Islands can not be separately stated. United States commerce with Germany, French, and British Oceania, exclusive of Australia and New Zealand: Imports, $1,191,831; exports, $1,286,700.

Mr. Speaker, the importance of this service to the commercial interests of this country is very strongly evidenced by the general demand for it all over the country. The work that has already been done by the Bureau of Domestic and Foreign Trade in the Department of Commerce has been of such high value that it is keenly appreciated by the business people of the country, and a more enlarged work is universally demanded.

So great is the sentiment for this service that when the proposition was advanced by Secretary Redfield in organizing this work it was proposed to be voted on by a referendum vote to the various commercial bodies throughout the United States, and it was approved by a vote of 624 to 3, and at a meeting of the National Foreign Trade Convention held in Washington on the 27th of March, this year, the following resolution was passed by that very important convention:

Whereas the export trade of the United States has during the year 1913 reached the total of $2,484,000,000; and
Whereas the entire Government appropriation for the current year for promoting this trade through the Bureau of Foreign and Domestic Commerce has been only $60,000, a sum which is wholly inadequate in view of the organization and expenditures of other Governments for similar purposes, and of the importance of expanding our export trade for the benefit of American producers, manufacturers, and workmen: Now, therefore, be it

Resolved by the National Foreign Trade Convention, assembled in Washington, D. C., May 27–28, 1914, representing upward of 100 of the leading commercial associations, boards of trade, and chambers of commerce throughout the United States, whose names are appended hereto, That we heartily commend the Secretary of Commerce of the United States for his wise appreciation of the duty and opportunity confronting the Bureau of Foreign and Domestic Commerce; and

That we indorse his plan to reorganize the bureau and to create a staff of commercial attachés accredited to our foreign embassies and legations, but reporting to the Department of Commerce; to increase the usefulness of the Consular Service by keeping a record of the commercial efficiency of the consuls; and to increase the number of commercial agents to investigate special commercial conditions in foreign markets.

In conclusion, Mr. Speaker, I may say that I would like to see our merchant marine occupy that high place among the nations of the world that it once held, and I would like to see the commercial, industrial, and manufacturing interests of this country supplying their goods and carrying on their business with all the nations of the world, and I know of no propaganda that would be more influential in bringing it about, making our industries hum with the music of prosperity, our seaports aglow with our flag at the mastheads of our vessels, than to inaugurate this system and to enlarge upon it year by year.

I sincerely hope that the report of the conference committee with the Senate amendment attached will be agreed to. [Applause.]

Mr. GOOD. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I am in favor of this amendment or any other movement that looks to the development of our foreign commerce. I think most people are agreed that our country ought to develop a market beyond the seas. It is one of the fields that this Nation has tried to enter—and the magnificent balance of trade of over $600,000,000 under Republican rule shows our ability—and it is one of the things that legislation ought to favor, to increase our export trade. Legislation should look to our ability to produce not only for our home consumption, but to find a market abroad as well. I do not know whether this is the best method. I think it is one good method.

I want specially to call your attention to the remarkable statement of a fact made by the distinguished leader of the majority [Mr. UNDERWOOD] this afternoon in reference to the increase of customs dues. He said while the income tax had fallen below estimates, the revenue from customs had exceeded the estimates by $22,000,000. If the new tariff bill had not increased the customs duties, I should think everybody would have been greatly surprised, whether they had been favorable or unfavorable to the Underwood bill, because the lowering of the duty upon any goods coming into the country, other things being equal, would certainly increase the amount of the goods to be imported sufficiently to make up the loss as a result of the lowering of the duty. A duty may be so high as to be prohibitive. If a duty prevents goods coming in, lowering it will stimulate imports and will likely increase amount of duties. But this is the thing that is serious with me—the piling up of imports of foreign goods as revealed by the gentleman's statement. It is not because I am a Republican, but it is serious with me because of the facts that stare us in the face. I refer to the remarkable increase of imports which has produced this increase of customs dues, and upon a basis of lower duties than before in vogue. This fact, from the standpoint of our own production here at home, is certainly a dangerous thing.

Mr. UNDERWOOD. Will the gentleman state how much the percentage of increase has been in comparison to the American consumption of the article?

Mr. FESS. I will say to the distinguished gentleman that I have not gone into that feature of the situation.

Mr. UNDERWOOD. Would the gentleman consider it a serious menace if the average was less than 1 per cent?

Mr. FESS. Mr. Speaker, I will not be withdrawn from my thought here. Lower duties have increased in an amazing degree the imports from foreign countries. It is the principle that is significant rather than the degree or comparison of imports to home production.

A statistician gives the following percentages of increase of imports under the new law:

In December, 1913, 54 per cent; in January, 1914, 58 per cent; in February, 64 per cent; in March, 71 per cent; in April, 129 per cent. The increase for May is expected to show 150 per cent.

You are increasing the importation from foreign countries of the goods we use, and in the degree that you do it you displace the products of the same kind of goods in our own country. The question with me is whether it is a good policy to legislate for the producers of Europe instead of the producers of our own country.

Now, I do not mean to say that the gentleman from Alabama is unfair, but I do not think it is quite fair to state that we can increase the importations and at the same time help the producers in this country. I do not believe that is a true statement.

Mr. UNDERWOOD. Does not the gentleman believe that a reasonable amount of competition is desirable?

Mr. FESS. I believe in a reasonable competition on conditions that are equal, but I do not believe in putting our labor in competition with the cheaper labor of Europe until Europe

brings her rate of compensation for labor up to ours. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman knows that we must get revenue of the customhouse, and does the gentleman think that an importation of 1 per cent in comparison with the amount of American consumption is more than a reasonable competition?

Mr. FESS. I will say to the distinguished leader that you can levy a duty upon goods with specific reference to the promulgation of production of these goods here and provide a protection of our own industries and stimulate them and at the same time produce a revenue for the Government. The trouble is the gentleman is looking simply at the revenue collected upon goods which are ultimately to displace our own production, and I do not think that is a wise course for this Nation to pursue.

This is the chief difference between the Republican and Democratic policies. The Republican policy is to place a duty in such a way that while it produces the revenue it also stimulates home production by affording a degree of protection against the cheap labor of the foreign producer. We have no trouble about revenue to run the Government, while the Democratic idea is to place the duty where it will increase imports, with no or little regard of the effect it will have upon the producer at home and the employer of labor at home. No legislation can lose sight of the producer without seriously crippling the ability of the consumer. The one is so articulated to the other that injury of the one is injury of both.

The situation of the country now is due very largely to the wide disturbance of the business ability to maintain the industrial integrity of the country. A law that is partial to the foreign producer, as the great increase of our imports and decrease of our exports show the tariff measure to be, must prove hurtful to not only the producer but to the consumer of our country.

There is no way to evade the situation. It can not be done by brilliant paraphrasing. It can not be explained upon a mere psychological basis. It is no explanation to charge conspiracy of business.

Men whose fortunes are at stake will not from mere petulance go into bankruptcy or allow their business to go into the hands of receivers. I note the reluctance with which Democratic Members will admit the existence of depression. If it is in northern Michigan, their only reply is, "Oh, that is in the iron country." If it is in Youngstown, Ohio, or Pittsburgh, the reply comes that it is in the steel country. When we speak of the hundreds of letters which come from our people declaring that business "is dazed and bewildered" and business men do not know what to do except to plead that we give business a rest, they are charged with intent of conspiracy.

While the President was addressing the editors, assuring them that the future held great prosperity for the country, only awaiting the completion of his program, business men were consulting how to forestall the failure of a great concern.

The same papers that ran the President's address of optimism carried in parallel columns startling facts of business reverses, such as the passing of the Pan Handle dividend, the receivership of the Claflin dry goods concern, the largest of its kind in the world.

True, the propaganda became busy at once to assure the country that the tariff had nothing to do with the failure. Those interested in the Wilson policies, including the head of the firm, attempted to separate the disaster from Democratic administration.

But I want to say again that the Claflin failure may be hooted at from the floor of the House as having no reference whatever to the tariff issue. I know that will be asserted. Mr. Claflin himself has been a free trader; he is a large importer, he is a supporter of the Underwood bill. Nevertheless it matters little what they say. I assert that this is one of the most remarkable barometers of the business conditions in this country of any single instance in the last 10 months. It is but another symptom of what we must expect as a result of the attack upon enterprise. In the last 14 months 10 railroads of this country have passed their dividends. Is that a conspiracy on the part of the railroads to hurt themselves? In the last few months 118 trains have been taken off by one of the great railroads of this country. Does that mean that a railroad is guilty of crippling itself simply for political capital, as asserted by some men? I do not think there is anything in that at all, or that any serious mind would allege it as a fact.

It is estimated that only 25 per cent of the labor employed in the sawmills of the country are employed.

It is claimed that 27 per cent of those employed in the woolen mills are out of work. This is a fair index of the manufacturing situation. While it has not yet so injuriously affected the farmer, it will reach him sooner or later. His home market is already invaded. Foodstuffs are coming from abroad to displace his. His purchaser, the man employed in American enterprise, is rapidly losing his purchasing power. How long will he be able to withstand the competition with the foreign producer in a market rapidly depleting by a policy that is driving the consumer out of work. The tariff might not have had a direct effect upon the Claflin enterprise, but it certainly did affect the thousands of purchasers who could not meet their obligations and whose failure sent the firm into a receivership with assets beyond their liabilities.

My fears are what has happened in this case will happen in many others if there is not relief from this serious attack upon our industries. This can not be a mere state of mind.

The New York Press states the case editorially as follows:

Can the administration of Woodrow Wilson comprehend the difference between live business and dead business, assets and liabilities, solvency and bankruptcy?

Here yesterday was the crash of the Claflin Co., unprecedented in commercial history because of the vast sum involved, together with the almost limitless range of its consequences.

Forty-odd millions of money. Cities directly concerned from one end of the country to the other. Great mercantile houses hit in nearly all centers of population. Tens of thousands of breadwinners endangered. Hundreds of banks suddenly holding dishonored paper which not many months ago was eagerly sought by them as gilt-edged. An industrial, commercial, and financial shock to the whole Nation.

And on the same day President Wilson, ignoring the most extraordinary business collapse ever known in America, was still talking his psychological business depression. With the Nation quaking over the Claflin failure, he was telling some southern editors how he was creating a new constitution of freedom for business. With all the world stunned by this Claflin failure, he had nothing else to say.

Too grave a thing for the United States is this huge Claflin wreck to be made a light jest against the Wilson administration. But whether the Claflin people were better or worse business men, measured against their competitors, can this tremendous fail be called under any really sane theory—as Mr. Wilson persists all such must be called—just a state of mind?

Could the United States Government send to the fallen house thirty or forty millions of relief in a psychological form, instead of hard cash, and lift it from its ruins?

President Wilson must stop talking—and acting, too—what to ordinary business intelligence is almost criminal nonsense, or this whole country, big as it is and strong as it is, will be threatened with a Claflin collapse.

This is strong language; but in a time when we seem to be heading straight to the precipice and our responsible heads seem so infatuated with the infallibility of judgment and position, it requires strong language to induce us to "stop, look, listen." That is what the country demands now.

Mr. HAWLEY. Mr. Speaker, I would like to ask the chairman of the committee a question.

Mr. JOHNSON of South Carolina. I will yield to the gentleman.

Mr. HAWLEY. I see in the proposed amendment that there is no amount for the compensation of the commercial attachés. Is that provided for in any other place?

Mr. JOHNSON of South Carolina. No; it is not provided for by law. The testimony before the committee was that the compensation of no one person would exceed $5,000.

Mr. HAWLEY. That is fixed by law?

Mr. JOHNSON of South Carolina. It is the intention of the department out of the lump sum to employ a number of people no one of whom shall receive more than $5,000. Possibly some may receive a good deal less.

Mr. HAWLEY. Does not the gentleman think that Congress ought to determine the amount of the salary to be paid instead of leaving it an indeterminate amount to be fixed by some executive officer?

Mr. JOHNSON of South Carolina. I would say that ordinarily I believe in the fixing of salaries by Congress; but this is a new departure in our effort to secure foreign trade. We have made a lump-sum appropriation in order that the Secretary of Commerce may employ business men and send them into Central and South America and other countries for that purpose. After they have had one or two years' experience and reached a conclusion as to how many people they want, and about what kind of people would be required, Congress can fix the number to be employed and fix their compensation.

Mr. Speaker, I think this is a good proposition. It was in the bill as we brought it into the House, but it went out on a point of order. The Senate has restored it. Practically every chamber of commerce in the United States has indorsed it, and I intend to move to recede and concur in the Senate amendment. The matter pending before the House is the amendment offered by the gentleman from Illinois [Mr. MANN] to take the proposed employees from the examination provided for by the Secretary of Commerce, something like the examination we have for consular officers, and put them under the Civil Service Commission. It is not necessary to say to the membership of the House that the ordinary civil-service examination would not

be a proper examination for the selection of business men to go into Central and South America and aid in building up our trade. There will be an examination, but it will be a non-competitive examination, conducted by the Secretary of Commerce, for the purpose of securing men specially fitted for this particular work. I hope the motion of the gentleman from Illinois will be voted down.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 25, noes 42.

So the motion was rejected.

Mr. RAINEY. Will the gentleman from South Carolina allow me to make a motion to recede and concur with an amendment?

Mr. JOHNSON of South Carolina. I will.

Mr. RAINEY. Mr. Speaker, I move to recede and concur with an amendment striking out, in line 16, page 137, the word "commerce" and substitute the word "State," and in line 3, of page 138, to strike out the word "commerce" and substitute the word "State."

The object in proposing this amendment is, as I attempted to explain a while ago, to prevent a duplication of work. The Department of Commerce is a new department splendidly conducted, it is true; but as the Senate amendment stands it permits the Department of Commerce to usurp a large portion of the functions of the State Department.

The Department of State is asked by this Senate amendment to accredit certain foreign attachés who are to be attached to the establishments of the representatives of the Department of State abroad. It is a force supplementary to the force the Secretary of State already has, to make the same kind of reports that the consular officials are already making. The same information is already being sent by the Secretary of State to the Secretary of Commerce. The change I suggest simply authorizes the Secretary of State to appoint, after the usual examination he conducts now, these additions to our foreign establishments, and the amendment I make will require them to report just as they do now to the Secretary of State, and he can transmit their reports to the Secretary of Commerce after consultation with the Secretary of Commerce as to what he wants.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BYRNS of Tennessee. The gentleman understands that the commercial attachés are not going to be confined to any particular area?

Mr. RAINEY. Yes; and the activities of our consular officials are not confined to any particular area. Their activities are confined only by the limits of the known world.

Mr. BYRNS of Tennessee. But our consuls have some duties which do not attach to these people. They have some duties that are in a sense diplomatic.

Mr. RAINEY. Our consuls are not diplomatic functionaries. They are trade officials abroad.

Mr. BYRNS of Tennessee. I understand; but they have some duties that pertain to the field of diplomacy in some cases. They are under the State Department.

Mr. RAINEY. They are merely nominal duties they perform in that direction. Their principal duty is to look after our trade relations abroad, and that is what they do, and that is what these attachés are going to do.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. UNDERWOOD. Theoretically the gentleman is absolutely correct. The supposed duties of the consular officials are as he states; but I want to direct his recollection to some testimony that came before us when we were working on the administrative features of the tariff bill. If he will recall, the gentleman who examined into the matter stated that we could not rely on the consular officials looking after these invoices and trade imports, because the result of their work was purely to rubber stamp these questions, and that their time was largely taken up in other matters involving looking after the citizens of the country and carrying out the orders of the minister in the country.

Mr. RAINEY. They do discharge those duties, but all the information that we used in compiling our tariff bill, no matter from what source we obtained the information as to conditions abroad, was obtained by our State Department, no matter how it reached us. If it is true that our consular officials are so busy with the routine work of their office that they can not do as much work as they ought to do in order to properly and sufficiently promote our trade relations, then the amendment I propose simply adds to their force—to their opportunities for usefulness. It adds to their clerical force as much as they may need, and absolutely prevents the duplication of work that will occur and rise up to plague us in the future if this particular Senate amendment is adopted without the changes provided in the amendment I have just offered.

Mr. MANN. Mr. Speaker, the gentleman's amendment, as I understand it, is to strike out the word "commerce" where it appears and insert the word "State."

Mr. RAINEY. Yes; to put these commercial attachés under the State Department instead of under the Department of Commerce.

Mr. MANN. And to prevent the unnecessary duplication of work?

Mr. RAINEY. Yes.

Mr. MANN. I thought when this matter was up in the House before the gentleman was opposed to having these attachés accredited through the State Department.

Mr. RAINEY. I made the point of order, and it went out on the point of order, and I am opposed to accrediting them through the State Department if they are to be appointed by and report to the Secretary of Commerce; there is, however, no other recognized way of accrediting foreign representatives than through the State Department. From my viewpoint they should, as is customary, be appointed by the Secretary of State and report to him. The amendments which I offer have the effect of providing that they be accredited through the State Department and appointed by that department, after such examinations as are now held by the State Department, and that they shall report to the State Department, and thus prevent the duplication of work, to the possibilities of which I have called attention.

Mr. MANN. Has the gentleman considered the question of having these people accredited through the State Department and giving the State Department no control or responsibility over them?

Mr. RAINEY. Mr. Speaker, I have considered that, and that is one of the reasons why I think my amendment ought to be adopted. As my colleague suggests, if this Senate amendment goes through just as it stands, they are to be accredited by the State Department, but have no responsibilities to the department which has accredited them as our agents abroad.

The SPEAKER. The time of the gentleman has expired. The parliamentary situation is this: Unless the gentleman from South Carolina withdraws his motion, the House can not vote on the motion of the gentleman from Illinois.

Mr. JOHNSON of South Carolina. I am willing to withdraw my motion.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Senate amendment 212, page 137, in line 16, strike out the word "commerce" and substitute the word "State"; and on page 138, in line 3, strike out the word "commerce" and substitute the word "State."

Mr. MANN. Mr. Speaker, I suggest that we also strike out the word "commerce" and substitute the word "State" in line 14.

Mr. RAINEY. Yes, Mr. Speaker; I ask that that be added to my amendment.

The Clerk read as follows:

Line 14, strike out the word "commerce" and substitute the word "State."

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. RAINEY] to recede from House disagreement to the Senate amendment and concur in the same with the amendment which has just been reported.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 34, noes 33.

So the amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask for tellers.

Mr. MANN. Oh, no; it goes to conference.

The SPEAKER. Does the gentleman insist upon tellers?

Mr. McCOY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOY. As the matter now stands, does this go back to conference?

The SPEAKER. Of course it does.

Mr. MANN. It does if we ask for a conference.

The SPEAKER. The Chair assumes the House will ask for a conference; if not, we will not have any bill. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 218: Amend, page 147, in line 21, by inserting after the word "quarters" the words "including water-cooling plant."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 219. In line 22, page 147, strike out "$17,500" and insert "$20,059."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 220: Page 148, line 5, strike out the figures "35" and insert the figures "37½."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendment.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. MANN. As I understand, this is to increase the rate of rental to be paid for the addition to the Department of Commerce Building from 35 cents per square foot to 37½ cents.

Mr. JOHNSON of South Carolina. This is a provision in which the Senate has increased the amount from 35 to 37½ cents.

Mr. MANN. When this provision was reported in the bill in the House it was, of course, subject to a point of order, but a point of order was not made, and it was then recommended that we authorize a lease to be made at 35 cents per square foot. Did the committee at that time have information before it as to the amount of rental which ought to be paid or which it thought was proper to be paid?

Mr. JOHNSON of South Carolina. I did not understand the gentleman.

Mr. MANN. Did the committee have any information before it at the time in reference to the proper rental or what they thought we ought to pay?

Mr. JOHNSON of South Carolina. The committee had information to the effect that the owners of the building wanted 40 cents; but in view of the fact that we were renting about $70,000 worth of space for a period of five years, we thought that 35 cents per foot was a proper compensation, and we placed a limitation upon the amount which should be paid for the additional space. It seems that the Senate agreed with the House committee in part on that proposition, because the Senate put it at 37½ cents instead of 40.

Mr. STAFFORD. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield.

Mr. STAFFORD. Is there any other building under rental to the Government for which it pays as high a rental as this proposes?

Mr. JOHNSON of South Carolina. Yes; I believe there are some buildings where the rental is more per square foot than in this building, but those are buildings in which certain other services are rendered such as janitor, elevator service, and so on.

Mr. STAFFORD. Is there another instance of a building rented to the Government and devoted exclusively to the use of the Government, distant as this is from the business section of the city, where the rental is so high?

Mr. JOHNSON of South Carolina. I do not know of any building in the city where the Government rents so much space where the Government pays such a large sum.

Mr. STAFFORD. Of course the gentleman recognizes that this building is distant from the business section of the city. For instance, the Interstate Commerce offices are located in the heart of the city and naturally would be subject to a higher rate of charge. Again, the Geological Survey is down on F Street and I suppose the rental there may be a little higher, which I can understand because it is in the center of the business district, whereas this building is located far from the business district and naturally should not command as high a rental. I would like to ask the gentleman this question——

Mr. JOHNSON of South Carolina. I would like to answer some one of the questions the gentleman has already asked. I am not familiar with the price of real estate in Washington, I do not know the value of real estate in the section where this building is, but I do know that it is a modern office building just recently constructed and well adapted for the purposes for which it is to be used. Congress authorized in the first instance under the last administration the Secretary of Commerce and Labor to enter into a contract for the erection of a building and when that building was completed to enter into a five years' lease at 40 cents per foot.

Mr. STAFFORD. There was a provision as to the rental in the authorization of last year.

Mr. JOHNSON of South Carolina. Yes; that was provided by law before the building was ever erected—that when it was erected the Government would take it for five years at 40 cents a foot, and after that building was completed the Secretary of Commerce desired to move the Census Bureau into the same building so as to have his entire force as nearly assembled as possible. Thereupon the owner of the building enlarged the old building and it was that part of the building, the new part of the building, that has the limit of rental to 35 cents per square foot and a lease was authorized for five years at that rate.

Mr. STAFFORD. Is there any contractual obligation on the part of the Government to pay 40 cents a foot for this new additional space?

Mr. JOHNSON of South Carolina. I have seen no such contract.

Mr. STAFFORD. Then, the Government is not obligated in any way under this contract and they can continue the present rental of the present census quarters at the rate of 16 cents per square foot in case the owner of the building should attempt, in the judgment of the committee, to "hold up" the Government.

Mr. JOHNSON of South Carolina. There is no authority to rent additional space at any price until this bill becomes a law.

Mr. MANN. Will the gentleman yield to me three or four minutes?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois five minutes.

Mr. MANN. Mr. Speaker, this provision is to authorize the Secretary of Commerce to enter into a lease for the building to be attached to the present Department of Commerce Building for the use of the Census Office.

As it passed the House it provided for 35 cents a square foot. After the provision had passed the House, it being subject to a point of order at the time it first came before the House, I received information and called it to the attention of the House that the private secretary of the Secretary of Commerce, and I believe the chief clerk of the Secretary of Commerce, and some other of the high officials of the department were interested in business with the person who was to put up the building. The building is now under construction, apparently with very certain assurance that the lease will be entered into, although the authority has not yet been granted by Congress. Having passed the House at 35 cents a square foot, they succeeded in getting the Senate to raise the amount to 37½ cents a square foot. I have no doubt that some of these officials under the Secretary of Commerce, influenced possibly and probably by their business relations with the owner of the building, are very desirous of having this building rented by the Department of Commerce for five years at just as high a rate as they can get Congress to allow. And I think the Secretary of Commerce, in whose honesty I have perfect faith, should investigate the gentlemen in his own office who have gotten him to agree in advance that he would make a lease of this building, they being actuated by their business relations with the proposed owner and constructor of the building.

Mr. HAWLEY. Will the gentleman yield to me?

Mr. JOHNSON of South Carolina. How much time does the gentleman desire?

Mr. HAWLEY. I desire to ask a question.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman.

Mr. HAWLEY. The question of the rent paid by the Government to private parties in the District of Columbia for the buildings it occupies is becoming a very important one because of the amount of rent paid in all. It was called to the attention of the Agricultural Committee when we were preparing our bill, as the Agricultural Department rents a considerable space in the District, that buildings in various portions of the city could be rented at certain figures, and it seemed to me there was a great disparity between the prices charged in one

place and the prices charged in another place for the same accommodations. Now, with the buildings rented by the Government and scattered all through the city, it seems to me there should be some general plan or agreement as to the prices to be paid by the Government for buildings, and that the appropriation committees might cooperate—by a joint committee, for instance—in determining what would be a fair rate of compensation, and not subject any particular contract to the criticism of being exorbitant in the amount given to the renter of the building. And I would like to know, for the benefit of the record here and for future consideration, if this 35 cents a square foot provides for any service to the Government other than just the bare walls of the building?

Mr. JOHNSON of South Carolina. No, sir. The Government would furnish its own janitor and elevator service under its contract.

Mr. HAWLEY. Are water and heat furnished under this 35 cents?

Mr. JOHNSON of South Carolina. They furnish the necessary machinery to produce the heat—the boilers and dynamos and all that sort of thing—but the Government must operate those plants.

Mr. HAWLEY. And the Government would furnish the fuel for them?

Mr. JOHNSON of South Carolina. Oh, I think so.

Mr. HAWLEY. And will the Government pay for the water; or is the water furnished free with the buildings?

Mr. JOHNSON of South Carolina. Yes, sir; the Government would pay for the water used.

Mr. MANN. I do not think we pay for water at all.

The SPEAKER. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. May I have one more minute?

Mr. JOHNSON of South Carolina. I yield one more minute to the gentleman.

Mr. HAWLEY. Continuing along the line of the remarks I was making a moment ago, we have had occasion on the Agricultural Committee for several years to investigate the question of rent; and I was looking over the statements not long since of the total amount paid in the District by the Government for rent, and it was estimated that if it were capitalized at 4 per cent or 5 per cent it would amount to many millions of dollars. But there is a growing feeling among a number of the Members of the House that the rents ought to be in some manner placed on a uniform basis; that as far as practicable there should be a uniform schedule of rent, so that no abuse could arise in this matter of renting buildings for the public service, and so that one man, by a little skillful manipulation, could not get a higher rate of rental for his building, which was no better equipped or no better located for the service, than another man who is not quite so skillful. We ought to rent on a business basis and for a reasonable sum, fair to the renter and fair to the Government, so that no more will be paid in rent than will be absolutely necessary to be paid to house the public service. [Applause.]

Mr. STAFFORD. Will the gentleman yield me five minutes?

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Wisconsin, and then I hope we may have a vote.

Mr. STAFFORD. Mr. Speaker, this proposition of the transfer of the Census Bureau from its present location to a new office building located near Nineteenth Street in the northwestern section of the city to my mind is not a business proposition. The present quarters, which are very suitably adapted for census purposes, could have been rented for a period of five years at the rate of 16 cents per square foot for the area used, whereas this new building that has been erected is not as well designed, in my opinion, for the purposes of the Census Office as the present quarters.

The gentleman from Illinois [Mr. MANN] has explained one of the reasons why the Department of Commerce is so very solicitous about having the Bureau of the Census transferred from its present quarters to this new building. No one who is acquainted with the work of the Census Bureau will deny that the present arrangement, with one or two floors in the present building, is much better situated for this work, which is partly mechanical, than this new building with its low ceilings and many floors.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman.

Mr. BYRNS of Tennessee. Is the gentleman aware of the fact that by this change of location the Secretary of Commerce was able to cut down his force in the Census Office in the way of reducing the number of charwomen and laborers and people of that kind to the extent of $19,000 a year?

Mr. STAFFORD. Oh, that is merely a saving on a piece of paper. The gentleman from South Carolina [Mr. JOHNSON] has admitted already that the Government is going to undertake all that expense of this building, and the gentleman knows it is nothing more than a sham in disguise.

Mr. BYRNS of Tennessee. Has the gentleman read the letters——

Mr. STAFFORD. I have read the letters before this matter came up, and I find that there is a great deal of extra rental occasioned by this removal, and there is really no saving. The argument advanced by the Secretary of Commerce that it would be more economical for him to have his force consolidated in one building is nothing more nor less than a ruse to have the Director of the Census and some of his subordinates move into some nice offices.

Mr BYRNS of Tennessee. The bill on its face carries a reduction of force.

Mr. STAFFORD. That is another fine argument. It carries a reduction on its face. It is well known that the Census Office force is not being used to its full capacity now, because the census is not being taken. There is no saving of office force or help about the building by reason of the change of quarters.

Mr. JOHNSON of South Carolina. The gentleman wishes to be fair, and——

Mr. STAFFORD. Certainly I want to be fair. I will ask this question of the gentleman, if there would not be a distinct saving to the Government by remaining in the present quarters instead of removing to new quarters?

Mr. JOHNSON of South Carolina. The reduction referred to by the gentleman from Tennessee [Mr. BYRNS] was arranged for before the estimates were sent in, and this reduction of 29 people gives that many less than the estimates called for by reason of the fact that it requires a less number of laborers.

Mr. STAFFORD. Just as much floor space will be used, and the argument is that with the same floor space he can get along with less help. I am laying a foundation here for a demonstration that a two-story building is much more suitable than this many floor building that is being erected in the northwest part of the city, distant from the business center.

This 37½-cent proposition I regard as an extravagant price. The gentleman from Illinois [Mr. MANN] has intimated why the price is so high, and I think the conferees should insist that under no circumstances will more than 35 cents per square foot be paid. It would have been an economy if the Committee on Appropriations had accepted the contract offered by the owners of the present quarters at the very reasonable terms of 16 cents per square foot. There is no other building in the city where the Government is getting so good a contract for that character of a building than that of the present Census Bureau building.

Mr. COOPER. Mr. Speaker, I noticed by the papers this morning or yesterday morning that a new hotel and office building is to be erected on the old Arlington site, in connection with which there is to be a theater on the H Street frontage and that on the I Street frontage a large part of the building is to be rented to the United States Government and used by the Judiciary Department.

On reading that it occurred to me that the construction of buildings by corporations or by private individuals and the renting of all or of portions of such buildings to the United States Government is an active, persistent, and well-organized industry in this city. The Government pays about $600,000 a year in rentals in Washington to private property owners. That is equivalent to 3 per cent on $20,000,000. The Government can borrow at 3 per cent or less.

Now, some years ago we appropriated money to buy—and the money was used to purchase—the block on which stands the Poli Theater and the blocks to the south, between I and the Mall. For several years the title to all that property has been in the United States Government. It was bought for the express purpose of erecting, first, a building to be the home of the Judiciary Department; second, a building to be the home of the Department of the Interior; and, third, a building for the State Department, all of which proposed new buildings were and still are very greatly needed.

Magnificent plans were submitted by some of the foremost architects in the United States, and in due time plans and designs for a building for each of those departments was selected. But, lo and behold, after all this had been done, after the urgent need of these structures had been made evident to everybody, after it had been demonstrated that only about $8,000,000 was required to house all of those departments in new Government-owned buildings, and thus to save a large part of this 3 per cent on $20,000,000—after all this, suddenly it was discovered that a 10-year contract had been entered into, under which

contract private persons have erected a building upon the corner of Nineteenth Street and Pennsylvania Avenue and the Government has sent the Department of Commerce up there to occupy it. It is said that that contract was entered into and everything arranged before a spade was put into the earth to dig the foundation.

Now, it appears, if rumors in the newspapers are true, that another such contract has been made and that already somebody has agreed that the United States shall pay rental to a private corporation for the housing of the Judiciary Department, notwithstanding the fact that for years the Government has owned a most admirable site immediately west of the District of Columbia Building, which site it bought for the express and only purpose of erecting a building for the Judiciary Department.

The plan for the building was long since adopted, as were also the plans for the other two department buildings to be erected on the sites to the south. These three great structures were to cost only about $8,000,000 and would have enabled the Government to save a large part of the $600,000 paid every year for rent in this city.

But here we have these new long-time contracts binding the Government to continue to pay rent. For what purpose did we purchase those sites? What influence induces the Government to enter into 10-year contracts in that sort of way, when it owns sites and ought to own buildings on them and save a large part of the 3 per cent on $20,000,000 now going annually into the pockets of private property owners in this city?

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. JOHNSON] further to insist on the disagreement of the House to the Senate amendment.

The question was taken.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 42, noes none.

So the motion was agreed to.

Mr. JOHNSON of South Carolina. I ask that the next amendment be reported.

The Clerk read as follows:

Amendment 234: Page 160, strike out all of section 5, beginning with line 4, ending with line 12, and substitute the following:

"SEC. 5. No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employes by whom the same are to be used."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate.

Mr. MANN. I offer a preferential motion. I move that the House recede from its disagreement and concur in the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist, and the gentleman from Illinois moves that the House recede and concur. The vote comes first on the motion of the gentleman from Illinois.

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois want any time?

Mr. MANN. I do not think I shall need more than five or six minutes.

Mr. JOHNSON of South Carolina. I believe the House conferees will agree to the Senate amendment, but I want the privilege of examining the language.

Mr. MANN. That is the reason I made my motion.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois six minutes.

Mr. MANN. I moved to recede and concur, but I am not in favor of my own motion. I made my motion because that was the only way I could have a vote in the House that would mean anything. I was satisfied that the conferees intended to recede in conference. Of course, when they move that the House further insist upon its disagreement, while that is done in good faith and is the ordinary process, it is entirely contrary to their motives. They are not in favor of further insisting. They are in favor of the motion which I make. I am opposed to the motion which I make. Whether they will vote for my motion I do not know. I suppose they will not; but they want to accomplish the same purpose in conference.

Now, what is the effect of this amendment? Of course I shall not quarrel with the action of the House, whatever it is.

The Senate amendment provides in effect that no motor-propelled or horse-drawn passenger-carrying vehicle shall be used by anybody in the Government service unless the same is specifically authorized by law. For instance, there was in this bill amendment No. 188, which was stricken out, which provided for horse-drawn vehicles for the use of the Secretary of the Interior. Would a provision for horse-drawn vehicles be sufficient authorization of law under this amendment for a vehicle that was used for passenger service, when you say that no horse-drawn passenger-carrying vehicle shall be used unless specifically authorized by law? I take it that the purpose of the Senate amendment is absolutely to prevent the use of any private vehicle by any department of the Government unless specifically authorized by law. I do not know what the Comptroller of the Treasury may rule. He may rule that a provision for an automobile is sufficient authority for a passenger-carrying automobile, although an automobile may be used merely for freight service, and we might authorize an automobile and not intend to have it a passenger-carrying automobile. There is no place in any of the appropriation bills or any of the laws where we make any specific appropriation, as provided by this amendment, for either motor-propelled or horse-drawn passenger-carrying vehicles. We do not do that for the President of the United States. We provide an automobile or automobiles for him, but it may be that he needs them for freight purposes. I do not know. And unless the language of this amendment is changed, if the comptroller rules honestly on the subject, he will rule that a provision for an automobile is not a sufficient authorization for a passenger-carrying automobile.

Now, I am not in favor of the general proposition. I do not believe we should take away from the Cabinet officers what they now have in the way of passenger-carrying vehicles, usually a team or teams, and a carriage of some kind. These have been practically a part of the compensation of the Cabinet officers for many years. They are not used purely for official purposes. They are used largely for social purposes.

They are used largely by the wives and daughters of the Cabinet officers, and I think are properly so used. We require certain duties of the families of these officials. They must perform those functions. If they did not, we ourselves would probably be up in arms, and certainly a large share of the people would be. And when we require this, I think we ought to furnish them what they have been accustomed to receive in the past—the proper passenger-carrying vehicles—both for the use of the Secretaries and for the use of their families. As I understand this provision, it is intended to deprive all of these officials of these vehicles because, forsooth, they are no better than Members of the House, no better than Members of the Senate; and as we see them ride by, not making such provision for ourselves, we become envious with the little envy that actuates a great many men in this world, some of them high-minded men, and we say, "We will take these vehicles away from these Cabinet officers." I suppose if there were four or five hundred Cabinet officers we would not provide for them. There are not so many. There is some distinction in being a Cabinet officer. Even the title confers some distinction. Sometimes that is the only distinction the men who occupy the places have—the distinction conferred upon them by the title.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BYRNS of Tennessee. I want to ask the gentleman for some information in regard to his construction of the amendment. As I read the amendment, it simply provides that no appropriation in this bill shall be used for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicles, and that after the ensuing fiscal year no appropriation shall be used for the maintenance or purchase of any such vehicles unless specifically provided for?

Mr. MANN. Does the gentleman think it only applies to this appropriation?

Mr. BYRNS of Tennessee. No; what I intended to say was that, as I understand this amendment, it provides that no appropriation carried in this bill shall be used for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle unless specifically authorized, and that after the next fiscal year no appropriation which is made shall be used for the maintenance or purchase of any such vehicle unless specifically authorized.

Mr. MANN. The gentleman is partly right and partly in error. The provision is that no appropriation in this or any other act shall be used for the purchase of an automobile. It is not confined to the appropriations in this act.

Mr. BYRNS of Tennessee. I understand it is a general law which applies to appropriations this year, so far as the purchase of any vehicle is concerned, but it does not prevent the use of appropriations for the maintenance of vehicles.

Mr. MANN. Not for the next fiscal year, but it does thereafter unless specifically authorized.

Mr. BYRNS of Tennessee. And estimated for.

Mr. MANN. Yes; specifically authorized and estimated for. Now, if the purpose is to prevent these things being done, what is the object in waiting for a year?

Mr. BYRNS of Tennessee. For the simple reason, I take it, that vehicles are now owned by the Government and are being used by officials, and it was not the purpose of the committee or of the Senate to cut off appropriations providing for the maintenance of these vehicles for the next fiscal year. It was to give the department an opportunity to make proper estimates showing Congress next year what amount of money would be needed for such purposes.

Mr. MANN. I think the purpose is to cut off the things entirely in the future. I understand that to be the purpose of it. Does the gentleman understand that that is not the purpose of it?

Mr. BYRNS of Tennessee. I do not so understand from the reading of the amendment; that is all I know about it.

Mr. MURDOCK. Will the gentleman yield me two minutes?

Mr. JOHNSON of South Carolina. I will yield to the gentleman from Kansas two minutes.

Mr. MURDOCK. Mr. Speaker, before the chairman of the committee closes this bill I want to call the attention of the House to the fact that the House conferees have agreed to Senate amendment No. 235, which I think is probably as fortunate a circumstance as could possibly happen connected with this bill.

The House will remember that when this bill was originally under consideration in the House, after a long contest in which a roll call was involved, the House added to the bill this section:

SEC. 6. That all laws or parts of laws to the extent they are inconsistent with rates of salaries or compensation appropriated by this act are repealed, and the rates of salaries or compensation of officers or employees herein appropriated shall constitute the rate of salary or compensation of such officers or employees, respectively, until otherwise fixed by annual rate of appropriation or other law.

In other words, the House adopted the amendment to the bill which took out of the reach of individual Members of the House the right to challenge changes of law in the pending bill. When that amendment which was adopted by the House, which should not have been adopted by the House, by a majority vote—the Senate struck it out, and I understand the conferees on the part of the House, very properly, agreed to the Senate amendment, and I congratulate the Senate and the conferees of the House for their action.

Mr. FOSTER. But the Senate receded from that amendment.

Mr. JOHNSON of South Carolina. The gentleman from Kansas is mistaken.

Mr. MANN. The Senate receded from the amendment 235.

Mr. MURDOCK. Then I commiserate the Senate and the conferees.

Mr. MANN. And I congratulate the conferees. The amendment 235 struck out the paragraph. The House conferees insisted and the Senate receded.

Mr. MURDOCK. More is the pity for the House conferees.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recede and concur.

The question was taken, and the motion was lost.

The SPEAKER. The question now is on the motion of the gentleman from South Carolina to further insist on the disagreement to the Senate amendment 234.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the House agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the House agree to the further conference asked for by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The message also announced that the President had approved and signed bills and a joint resolution of the following titles:

On June 22, 1914:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.

On June 23, 1914:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

On June 24, 1914:

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.;

S. 4377. An act to provide for the construction of two revenue cutters; and

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

On June 25, 1914:

S. 2576. An act for the relief of John Q. Adams; and

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title was taken from the Speaker's table and referred to the Committee on Indian Affairs:

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 13153. An act for the relief of Pete Jelovac;

H. R. 12045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12792. An act for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau.

ORDER OF BUSINESS NEXT MONDAY.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Monday next having been set apart, in a way, to make motions to suspend the rules, in order, will that affect the calling up of a conference report?

The SPEAKER. The Chair is inclined to think, without ruling upon it, that it was the intention of everybody concerned to devote next Monday to motions to suspend the rules.

Mr. MANN. Was it intended to give the order any higher effect than if it had been suspension day?

The SPEAKER. The gentleman from Alabama and the gentleman from Illinois got up the arrangement, and they ought to know. [Laughter.]

Mr. MANN. I think it would be in order to call up the conference report on Monday.

Mr. UNDERWOOD. Mr. Speaker, I am inclined to think that it would not give it any higher privilege than under the general rule; but I hope that gentlemen in charge of the conference report will let the House generally have the day.

Mr. MANN. I think we ought to do so, so far as we can; but probably the conference report will not take much time.

Mr. UNDERWOOD. I do not think it would interfere with the general rule of the House; but I think it was the intention of the gentleman from Illinois and myself and the Speaker and those who concurred in the order to give the House the day for suspension of the rules.

Mr. MANN. I was an unwilling victim.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Monday morning, so that we may have an additional hour for suspension.

Mr. MANN. I object to that, Mr. Speaker, and I make the point of order that no quorum is present.

Mr. STEPHENS of Texas. I hope the gentleman will withhold that for a few minutes.

Mr. MANN. I will withhold it.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12579, the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I object; and I ask that the bill be referred to the committee under the rules.

The SPEAKER. The bill is referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Mr. BOWDLE, by unanimous consent, was granted leave of absence for two days, on account of business.

ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, I believe under the order of the House——

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. ADAMSON. Mr. Speaker, I have accomplished my purpose; I have been recognized for calling up the general dam bill.

Mr. MANN. The gentleman has not been recognized.

The SPEAKER. He will be as soon as it is in order.

Mr. ADAMSON. If the gentleman from Illinois will withhold that for a moment, I will be glad to tell him what I was going to do.

Mr. MANN. But I desire to hear the gentleman from Georgia.

Mr. UNDERWOOD. Mr. Speaker, at this hour on Saturday night, if I may be permitted to proceed for a moment, I do not desire to make a motion for a call of the House. There are some bills here that I would like very much to see the House stay and consider and get through with. There is the general dam bill, the conservation bill, and while I intend to move to adjourn now, having concluded with the consideration of the legislative appropriation bill, I desire to state that next week, if the point of order be made after the consideration of the appropriation bills, I shall insist upon a quorum coming here, and if the House agrees with me I will see to it that the Sergeant at Arms produces a quorum.

Mr. MURDOCK. Mr. Speaker, what was the arrangement made about the recess over the Fourth of July?

Mr. UNDERWOOD. That has already been agreed upon, that when the House adjourns on Friday next it will adjourn until the following Monday.

Mr. STAFFORD. Mr. Speaker, has the gentleman any idea in case a quorum should not develop later in July what his plan would be as to these measures or as to the legislation in the House?

Mr. UNDERWOOD. Mr. Speaker, there are about a dozen bills—the general dam bill, the bill for irrigating western lands, the bill in reference to extending the time for payment on irrigation lands, the bill in reference to leasing in Alaska, and the bill in reference to leasing Government lands in the United States, the coast-guard bill, and the bill in reference to the post office——

Mr. MANN. And two or three hundred other bills that ought to receive attention, and I hope we will have a quorum present if we are to do business, and I expect to see to it that one is here.

Mr. UNDERWOOD. I do not think that there are 300 bills.

Mr. MANN. Oh, there are; I have counted them.

Mr. UNDERWOOD. I think there are about a dozen bills. Some of them I do not agree with; but I think they are of sufficient merit to demand the attention of the House. One or two of them I shall probably vote against. They are bills of sufficient public importance, however, to be considered, and if we are going to stay here——

Mr. MANN. And we are——

Mr. UNDERWOOD. When the Senate is considering other legislation, I think we ought to have a quorum present.

Mr. MANN. I think the Democratic side of the House ought to see to it that there is a quorum present.

The SPEAKER. The Chair thinks the gentleman from Illinois is entirely correct.

Mr. STAFFORD. Then, I understand the gentleman is going to insist that a quorum be present, if these bills are to be considered at all?

Mr. MURDOCK. Are there any bills on the calendar that are to be taken up under special order?

Mr. UNDERWOOD. There is nothing on the calendar under special rule now, but there are some for which special rule has been authorized, but not yet presented to the House.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 4 o'clock and 22 minutes p. m.), the House adjourned until to-morrow, Sunday, June 28, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17267) to authorize Frank A. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection, reported the same without amendment, accompanied by a report (No. 907), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARK: A bill (H. R. 17541) to make it unlawful to appoint as commissioned or noncommissioned officers in the Army or Navy of the United States any person of the negro race; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 17542) to amend the pure-food and drugs act of June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDS: A bill (H. R. 17543) to provide a harbor-improvement tax on all vessels engaged in foreign commerce of the United States; to the Committee on Ways and Means.

By Mr. WATKINS (by request): A bill (H. R. 17544) providing for an increase of salaries of the United States attorney and the United States marshal for the western district of Louisiana; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 17545) prohibiting the sale or keeping for sale in the District of Columbia of undrawn cold-storage poultry or undrawn fresh poultry; to the Committee on the District of Columbia.

By Mr. KEY of Ohio: Joint resolution (H. J. Res. 287) providing for payment of surgeons making examination at claimant's home in connection with claim pending in the Bureau of Pensions; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: Joint resolution (H. J. Res. 288) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DALE: A bill (H. R. 17546) granting a pension to Christopher P. Crumiell; to the Committee on Pensions.

Also, a bill (H. R. 17547) granting a pension to Bella Doyle; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 17548) granting an increase of pension to David E. Brown; to the Committee on Invalid Pensions.

By Mr. FALCONER: A bill (H. R. 17549) granting a pension to Timothy O'Neill; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 17550) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. HOWARD: A bill (H. R. 17551) for the relief of the heirs of Nathan Massey; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 17552) granting an increase of pension to Thomas Mahoney; to the Committee on Invalid Pensions.

By Mr. KEISTER: A bill (H. R. 17553) granting a pension to Jennie May Heasley; to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 17554) granting a pension to Curtis O. Hayes; to the Committee on Pensions.

Also, a bill (H. R. 17555) granting an increase of pension to James Shaffer; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 17556) to correct the naval record to Augustin McDonald, alias Augustin McDonnel; to the Committee on Naval Affairs.

By Mr. SIMS: A bill (H. R. 17557) for the relief of estate of James C. Parker, deceased; to the Committee on War Claims.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17558) granting a pension to Mary F. Collins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions signed by E. C. Crow and other citizens of Alabama; also by pastors of certain churches at Hadley, Pa., and Wheeling, W. Va., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions passed by the United German Societies of the District of Columbia, urging the adoption of the provision to open the Washington Monument to the public on Sundays and legal holidays; to the Committee on the District of Columbia.

Also (by request), petition signed by C. P. Loomis and other citizens of the State of Connecticut, urging the adoption of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), resolution of the North American Skat League, protesting against the adoption of the Hobson prohibition amendment; to the Committee on Rules.

Also, petitions signed by A. J. Brink and others of Berger, Mo., and St. Louis, Mo., protesting against the adoption of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. AIKEN: Petition of R. W. Powell, of Seneca, S. C., protesting against national prohibition; to the Committee on Rules.

By Mr. AINEY: Petition of sundry citizens of Great Bend, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petitions of 25 voters of Chelsea, 2 voters of Grass Lake, and 3 voters of Jackson, all of the State of Michigan, protesting against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Memorial of the Seattle Commercial Club, favoring water-power legislation; to the Committee on Interstate and Foreign Commerce.

Also, memorial of A. E. Pulling and 24 others, of Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BORLAND: Petitions of Clara C. Leavins, Mrs. George E. Curtis and others, Mrs. F. E. Paul, and J. A. McLane and others, all of Kansas City, Mo., urging passage of legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petitions of Adaline Karcher and others, of Pierre; Rose Bower and others, of Rapid City; Lydia B. Johnson and others, of Fort Pierre, all in the State of South Dakota, favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Gettysburg, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. BURNETT: Petition of 23 citizens of Boaz, Ala., and 100 citizens of Attalla, Ala., favoring national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of the Northern White Cedar Association, of Minneapolis, Minn., favoring the passage of the Sabath bill, House bill 15328; to the Committee on the District of Columbia.

Also, petition of O. E. Thomas, Frank Huber, Sidney Hirsh, A. C. Dunning, Eugene Hittenga, Harry Mexdorf, W. J. Krauss, Arthur H. Inbusch, J. H. Newman, George W. Strohmeyer, W. H. Reed, and W. Bourque, all of Milwaukee, Wis., protesting against the passage of House joint resolution 168, now pending in Congress, or any other prohibition measures; to the Committee on Rules.

Also, petition of E. A. Brown Post, No. 130, Grand Army of the Republic, of Fond du Lac, Wis., favoring passage of House bill 15841, for relief of soldiers and sailors' widows who married since June, 1890; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Milwaukee, Wis., protesting against national prohibition; to the Committee on Rules.

Also, resolution of the North American Skat League, unanimously agreed to at the seventeenth annual convention, protesting against any and all bills which tend to prohibit the manufacture, distribution, and sale of malt, vinous, or spirituous beverages or liquors in and throughout the United States; to the Committee on Rules.

By Mr. CONNELLY of Kansas: Petition of 4 merchants of St. Francis, 3 merchants of Cedar Bluffs, 6 merchants of Herndon, 12 merchants of Atwood, 3 merchants of Traer, 4 merchants of McDonald, 1 merchant of Beardsley, and 7 merchants of Bird City, all in the State of Kansas, favoring a tax on mail-order houses; to the Committee on Ways and Means.

Also, petitions of 274 citizens of Kansas, favoring national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Norcatur, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of residents of Kenosha, Waukesha, and Waterford, all in the State of Wisconsin, protesting against nation-wide prohibition; to the Committee on Rules.

By Mr. DALE: Petitions of sundry citizens of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of Local Union No. 19, United Brewery Workmen of American, of Union Hill, N. J., against national prohibition; to the Committee on Rules.

By Mr. EDMONDS: Petition of the International Committee on Marriage and Divorce, favoring House joint resolution 110, to submit an amendment to the Constitution giving Congress right to legislate on all questions of marriage and divorce; to the Committee on the Judiciary.

By Mr. FOSTER: Petition of the Young People's Society for Christian Endeavor of the Christian Church, favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition of M. J. O'Connell and R. J. O'Connell, Newburyport, Mass., against national prohibition; to the Committee on Rules.

Also, petition of Mary E. Huntington, Helen Carr Wood, and others, of Merrimac, Mass., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. GARNER: Petition of the Woman's Christian Temperance Union of Asherton, Tex., favoring national prohibition; to the Committee on Rules.

Also, petition of the San Antonio (Tex.) Merchants' Association, protesting against antitrust bills at this session of Congress; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of the secretary of the Massachusetts branch of the American Federation of Labor, against national prohibition; to the Committee on Rules.

Also, petition of the Young People's Society for Christian Endeavor, of Brockton, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GRAY: Petition of the Ninth Annual Christian Endeavor Convention, at Oakland City, Ind., favoring constitutional amendment for national prohibition; to the Committee on Rules.

Also, petition of Charles P. Doney and 11 others of Cambridge City, Ind., protesting against national prohibition; to the Committee on Rules.

Also, petition of Charles C. Lamme and 27 others of Richmond, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petition of sundry citizens of Fernville, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. HAY: Petitions of sundry citizens of the State of Virginia, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Harrisonburg, Va., favoring national prohibition; to the Committee on Rules.

By Mr. HELVERING: Petitions signed by residents of various cities of the fifth district of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of Ogden Lodge, No. 127, and Salt Lake Lodge, No. 106, International Association of Machinists of Utah, favoring passage of Senate bill 5303, for safety in traveling; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Piny Alleys, Aberdeen, Montesano, and other places in the State of Washington, protesting against national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petition of over 72 citizens of Chicora, Organized Adult Bible Classes of Butler, sundry citizens of Greensburg and East Huntingdon, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of the Burlington District Epworth League, of Wayland, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petitions of the Christian Endeavor Society of the People's Church of Auburn; the Christian Endeavor Society of the Academy Avenue Congregational Church, of Providence; the Christian Endeavor Society of Christ Church, of Manton, and the Rhode Island Baptist Sunday School Convention, all in the State of Rhode Island, favoring the passage of the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, petitions of Mrs. Anna Nash and others of Westerly, Elizabeth U. Yates and others of Providence, and Clara E. Wightman and others of Woonsocket, all in the State of Rhode Island, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of sundry citizens of Indianapolis, Ind., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Indianapolis, Ind., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Marion County, Ind., and the seventh congressional district of Indiana, and Mill Men's Local Union, No. 589, of Indianapolis, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LANGHAM: Petition of 20 citizens of Punxsutawney, Pa., against national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition of Margaret L. Sewall and others, of Forest Glen, Md., urging Federal legislation for suffrage; to the Committee on the Judiciary.

Also, petition of the United Brewery Workers of America, Local 265, of Cumberland, Md., against the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of Mrs. F. Harry Gross, Mary I. Shuff, and others, all of Emmitsburg, Md., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. MOON: Memorial of sundry citizens of Tennessee, protesting against polygamy in the United States; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of the Epworth League Chapter No. 5603, of Richmond Hill, N. Y., and citizens of Flushing, Long Island, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the second congressional district of New York, against prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of sundry citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petition of Florence Howe Hale and others of New York City, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of sundry citizens of Ontario County, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. SIMS: Statement in support of the claim for relief of the estate of James C. Parker, of Carroll County, Tenn.; to the Committee on War Claims.

By Mr. SPARKMAN: Petition of the Woman's Christian Temperance Union of Ocala, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petitions of the Bible Class No. 20 of the Pentecostal Church of the Nazarene; various members of the Methodist Brotherhood of the Vernon Avenue Methodist Episcopal Church; and the Asbury Methodist Episcopal Church, all of Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. THACHER: Petition of William F. Burrell and others of Mansfield, Mass., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of sundry citizens of Montour Falls, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petitions of Ben F. Luetje and 27 other citizens of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WILLIS: Petition of B. E. Littlejohn, of Bellefontaine, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

Also, petition of Mrs. Martha McCarty and other citizens of Delaware, Ohio, in favor of woman suffrage; to the Committee on the Judiciary.

Also, petition of W. H. Misamore, of Bellefontaine, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WINSLOW: Petition of sundry citizens of Worcester, Mass., protesting against national prohibition; to the Committee on Rules.

Also, petition of Frances E. Kinner, of Worcester, Mass., favoring woman suffrage; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *June 28, 1914.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. LINTHICUM.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

How wonderful are Thy works, O God, how inscrutable are Thy ways; who can comprehend Thy wisdom; who can understand Thy power. Thou art almighty, yet we are not dismayed, for Thou hast revealed Thyself in the heart of the Christ as the Father of all souls. Thy love is reflected in the overruling of Thy providence, in the sacrifices of the patriot, the scientist, the philanthropist, in the love of parents for their offspring, in the sublime sacrifice of Calvary. We are here today in memory of one who made himself a place in the hearts of his countrymen by the heroism displayed in the common daily duties of life; in his struggles for the betterment of his fellows; the love of his country, his splendid devotion to father, mother, wife, and children. With a host of admirers and the overwhelming sorrow of those who are near and dear we mourn him, but not without hope, for Thou hast woven into our being a part of Thy substance which shall survive the wreck of time and live on with Thee forever. By this thought comfort us, by this truth solace the bereaved wife and children. And songs of praises we will ever give to Thee in the spirit of Him who taught us faith, hope, love. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. COADY. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to dispense with the reading of the Journal. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE GEORGE KONIG.

The SPEAKER pro tempore. The Clerk will read the special order for to-day.

The Clerk read as follows:

On motion of Mr. COADY, by unanimous consent,

Ordered, That Sunday, June 28, 1914, be set apart for addresses upon the life, character, and public services of Hon. GEORGE KONIG, late a Representative from the State of Maryland.

Mr. COADY. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 556.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. GEORGE KONIG, late a Member of this House from the State of Maryland.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were agreed to.

Mr. COADY. Mr. Speaker, we are gathered here to-day in this historic Chamber, the meeting place of the lower branch of the greatest legislative body in the world, to pay tribute to the memory of one who rose from the humble station of laborer to a place in this great body, sitting here as a Representative of the city of Baltimore.

Few men accomplish so much as this in their lifetimes, and such as do are remarkable men. GEORGE KONIG was a remarkable man.

We are told that he was born at North Point, Baltimore County, Md., near the famous battleground where, in 1812, the raw militia from Baltimore drove back and defeated the trained and seasoned British soldiers, killing their com-

mander, Gen. Ross, and saving the Monumental City from the threatened English occupation.

In his early youth his father moved to Baltimore, where young George obtained a position in a packing house, which required him to run errands and perform light laboring work. Subsequently he worked in a shipyard, then on a fishing boat, and later he became apprenticed to a shipbuilding concern, where he learned the trade of calking, which he followed for some time thereafter.

From these humble places in life he rose to be superintendent of the Baltimore Pulverizing Works; member of the first branch city council of Baltimore, which he held for four years; member of the second branch city council, which he held for a like period; and then to the House of Representatives, being first elected in 1910, and reelected in 1912.

When we stop and think that he could not read or write until he reached early manhood, we can truthfully repeat that GEORGE KONIG was a remarkable man.

Let me read to you an autobiography of Mr. KONIG, prepared and furnished by himself to the Baltimore papers:

Yes, I was a calker—

He said after his rise to a seat in Congress—

I was a calker and a good one. But as I grew older there came a crisis in my life. I was one of those careless fellows intent only upon drawing my pay envelope on Saturday night and just seeing how fast I could spend my money. I was always out for a good time.

I joined the union and went to the meetings, and finally came to the conclusion that the president and other officers of the union were substantial men, men who did not carouse and drink and who were certain in their work. I saw myself as simply a follower of those better men. This put me to thinking, and I said to myself: GEORGE KONIG, which are you going to be—a leader or a follower? Why can't you be one of those substantial men instead of one of the bunch?

Right there I made my choice. I bought a primer and an arithmetic and several other books to start on, and started for home. "Hey, George, where are you going?" some of my friends yelled at me. "Come with us." "I am going home," I answered; and although they jeered at me when they found out I had bought the books, I went home and started plugging. I studied every night and wrestled with those books, first learning the letters and piecing out the words slowly. Hard work? It was the hardest job I have tackled. It was worse than pulling in those nets, but I plugged along and made some headway.

In time I became head of my union by a majority of just one vote. The next year my election was unanimous. You see, the boys learned that I was making good and gave me their confidence. Since then I have prospered. I try to be on the level and square and to stick to my friends. When a man does that, he is going to get along.

As a member of the city council of Baltimore, he was regular in attendance at its sessions, painstaking in his work, and at all times diligent in looking after the interests of the people he represented. He had the courage of his convictions. Once he determined a line of action to be right, he couldn't be swerved by influence of any kind, political or otherwise. This was demonstrated during the stirring times in the council that followed the great Baltimore conflagration of the year 1904, when his vote and influence was vainly sought in support of measures that Mr. KONIG's conscience told him were wrong.

He discharged the important duties that were imposed upon him by reason of his membership in this House with credit and fidelity to his constituents, and received during his first term designations on two of the big and important committees of the House, the District of Columbia and Immigration, an unusual compliment to a new Member.

He was a most useful member of both of those committees. His eight years' service in the city council of Baltimore had familiarized him with many and important municipal problems, so that when he secured a place on the District Committee his experience as a city legislator proved to be a valuable asset to that committee.

He sought membership on the Immigration Committee because he believed this place would enable him to serve the large foreign-born population in his district. He had great sympathy for these people, and served them well, and in return they had the highest regard and admiration for him.

He was devoted to his friends. Busy as he was performing his congressional duties, and looking after his business interests when he could, he never forgot those whom he knew well and associated with before success and prominence came to him.

We learn that frequently and regularly he would visit all the political and social organizations in his district, where his old-time friends were accustomed to gather, and there meet them, fraternize with them, and talk over with them some of the incidents and happenings of the days when they and he were struggling hard to gain an existence.

GEORGE KONIG was a charitable man. He gave liberally of his means to the needy and afflicted, and no man seeking alms ever came away from him empty-handed.

I believe he was more liberal than he could afford to be, but his heart was so big and he had so much sympathy for the distressed that he just simply could not resist an appeal to his generosity.

I attended Mr. KONIG's funeral, held in the city of Baltimore. A great concourse of people assembled in the vicinity of his home the morning he was buried; the church where the last sad rites were performed was crowded to the doors, hundreds being unable to gain admission; and at the cemetery thousands gathered and stood with bared heads as all that was mortal of GEORGE KONIG was committed to the ground. It was a remarkable tribute to a remarkable man. It was a mark of affection for a man who loved the people and who in turn loved and trusted him.

Mr. COADY took the chair as Speaker pro tempore.

Mr. LINTHICUM. Mr. Speaker, these services in memory of our late colleague from Maryland vividly recall a similar service held in this hall one Sunday a little more than a year ago in which Congressman KONIG was himself a participant. I remember distinctly that on that Sabbath morning when he arose to speak in memory of the late Senator Rayner we all listened with keen interest because we had learned that though Congressman KONIG was not fond of public speaking whenever he did speak he had something to say and a manner of saying it which made it well worth hearing. We were not disappointed on that occasion, and I yet think of one paragraph in his address which impressed me at the time as expressing the philosophy of human life. He said:

But, taking ourselves as we find ourselves, there is no man with an ambition to attain anything who does not as soon as he attains it find himself possessed of an ambition to attain something else above and beyond it, and the which if he does not attain leaves him as much unsatisfied as if his first ambition had not been realized. Such is the nature of human effort and ambition; perhaps it is well that it is so.

How well the speaker's life typified that statement many here present know. The hand of death has stilled the voice which spoke those words, but he who ponders them can not but be convinced that they were uttered by one whose habits of thought placed within his grasp an intimate knowledge of human nature. And the man who uttered these words, whose reflections brought him to this conclusion, was spoken of as "uneducated." Perhaps he lacked the kind of education which is the only brand some people recognize. True, he could point to no college diploma. His alma mater was the rough school of life and experience, and from that body he graduated at the head of his class. He learned the cardinal virtues, sincerity, honesty, and energy. Possessing these essentials of success, he was successful. With an aversion to literary tasks begotten by infrequent use of the pen, doubtless it would have been an effort for him to write an essay on "Charity." He would have been equally as reluctant to express his views in a speech on that subject. But when it came to "doing" charity the act was a natural part of himself. His deeds proclaimed him more eloquently than did the writings or public addresses of others.

The big heart in his bosom beat warmly for his fellow man, and that sympathy was outwardly expressed in countless acts of kindness. These acts, performed so naturally, so gracefully, were often known to no one but the doer. Those who know of some of them never fail to recall them but with increased admiration for the man. I was told of an incident which occurred after Congressman KONIG began his services in this House. Upon returning to Baltimore one evening, after finishing his daily duties in Washington, he found an old lady, an invalid, sitting in a wheel chair in the depot. She was pathetically excited, her distress being evident to all who observed her. Pausing to learn the cause of her discomforture, Congressman KONIG inquired in that kindly, sympathetic manner which ever distinguished him, and was told that she had returned to Baltimore from a visit, and it had been arranged that some of her relatives were to meet her at the station to take her home. She had arrived and had been waiting for an hour or more, but none of her family had appeared.

The Congressman inquired her address, and when it was told him volunteered to wheel her home himself. When he got her home she explained with much gratitude that she was without funds to compensate him for his trouble, but asked his name, telling him that she would remember him in her prayers and pray for a blessing upon him. I need not attempt to describe the surprise of the good lady when her benefactor modestly told his name and admitted that he was the man who represented her part of the city in the Congress of the United States. Innumerable acts of kindness like this established Congressman KONIG in the affection and estimation of those who knew him.

Congressman KONIG was not a fluent speaker. Perhaps he was often silent because he was conscious of his limitations in speech. I would not have you think he was unable to express himself, for when the occasion demanded, or the spirit of the moment roused him, he was capable of delivering himself in English terse and expressive. But, as a rule, he did not rush into words. He thought, he analyzed, he revolved the proposition in his own mind carefully, and when he spoke what he said was worth hearing. Perhaps the thought was not set forth strictly according to the rules in the "little blue grammar" of Kerl and McGuffey, but it was pictured in words that adequately conveyed the views of the speaker, and these views were generally popularly indorsed as "practical common sense."

When GEORGE KONIG was elected a Member of this House there were many people who smiled; who wondered the kind of Representative his limited educational qualifications would enable him to make; who waited with curiosity his advent in the councils of our Nation. For these there was in store a surprise. How great was that surprise I can best describe by reading from an editorial in the New York Sun of June 3, 1911, inspired by Congressman KONIG'S first speech in Congress. Permit me to remind you that the first effort of every new Congressman is not discussed in the editorial columns of this great metropolitan daily. The Sun saw in Congressman KONIG'S effort subject of interesting speculation, and its verdict on that effort was as follows:

The Hon. GEORGE KONIG, of Baltimore, in an autobiographical sketch in the Congressional Directory, says that he "was denied the opportunity of acquiring a school education, and it was not until quite advanced in years that he taught himself, under great difficulties, reading and writing." The maiden speech of such a man in the House is therefore of more than ordinary interest, especially when, as in the case of Hon. GEORGE KONIG, there is a tendency in some quarters to decry his merits and regard him as a breezy and amusing character who got into Congress by a fluke. But the self-made who push their way to greatness, careless of the susceptibilities they tread on, are seldom judged fairly.

Probably the Hon. GEORGE KONIG, who calked ships for 10 years and rose to be the manager of a pulverizing company and a lawmaker in Congress, is not sensitive to the flippant criticism of the less successful. They expected GEORGE KONIG to make a laughingstock of himself when he spoke his first piece in Congress. We are inclined to think that it was rather a creditable effort of the calker who taught himself to read and write. At any rate, many worse speeches have been made by more imposing persons who were never calkers. Mr. KONIG talked about the bill to admit New Mexico and Arizona as States and took up only a minute or two of the House's time. He had decided to vote for the bill in spite of the provision for the recall of judges in the Arizona constitution, of which he did not approve. "Anyway, my friends, it is Arizona's funeral, not ours," said Mr. KONIG, holding that the Arizonans, if they made a mistake in the constitution they wanted, would discover and correct it. What the ex-calker thought of the recall of judge has not always been better said.

It will be seen that the Hon. GEORGE KONIG is no orator, but just a plain man with a well-developed bump of common sense and a modest gift of idiomatic English. And he has no mean turn for epigram, too.

Congressman KONIG, as stated by my colleague, was born in 1866 near North Point, Md., where was fought the memorable battle of that name in our War of 1812. At an early age he moved to Baltimore, where was spent practically his entire life. His father was a farmer whose share of the world's goods did not permit him to offer his son George those opportunities for gaining an education which are extended the average American youth. It is said that so meager was the instruction young KONIG received that it was not until he reached his majority that he learned to read or write. But though he did not possess the average scholastic education enjoyed by the youth of our land, he was generously endowed with what is termed "good common sense," the intelligent application of which was directed by a mind and heart that acted warmly in unison for the betterment of his fellow men.

No one in distress or want ever appealed in vain to GEORGE KONIG. Soon he became known as the friend of the poor, and from their aid and assistant he became their counselor and father confessor. When a representative from his section of the city was needed in the city council, and it became known that GEORGE KONIG would esteem that distinction, the honor was thrust upon him willingly and eagerly.

It had ever been the practice of KONIG to do well and thoroughly every task to which he applied himself, and when he became the representative of his people in the city council he gave to his new duty the same undivided attention and unfaltering devotion he had brought to bear on the work of his daily trade. The ship calker made good. His colleagues in the city council soon found that what he lacked in acquired knowledge he more than made up in those natural qualifications born with him. They learned to regard his judgment with respect and to rely upon his unerring intuition.

He left the city council to become a Member of Congress, and in this body and in this larger field he made new conquests of friends and established his views in the respectful attention of his fellow workers. He followed out the principles and precepts of his party at all times and under all circumstances. He looked upon the platform of his party as a contract entered into with the people, and carried out that contract to the letter.

Few men have come to this House more dearly loved by their constituents. Members of this Chamber who composed the party who traveled to Baltimore to attend the funeral of Congressman KONIG witnessed a touching demonstration of this affection in the crowds that flocked to his home, who lined the streets, surrounded the church, and followed his body to the grave.

The lives of many public men are pointed out for the youth of our country as proof that to the boy who is ambitious there is no position not within his reach. As a rule, the examples used to illustrate this statement are the lives of men raised in the country, whose young days were spent amid rural surroundings. The instances of city boys, reared under circumstances so humble as to closely approach poverty, but rising through sheer personal worth, are not so numerous.

Fortunately, whether a boy is born in the country or in the city, if he is ambitious, if he possess those virtues and those traits of character which establish him in the esteem and confidence of his neighbors, there is no position of honor and trust to which he may not aspire with the probability of some day witnessing the realization of his dreams.

The city boy who reads the life of Congressman KONIG, who observes his career upward to a place in the councils of our Nation, will see that his chances for gratifying his life ambition have been made clear, because the upward trail has been already hewn. The life of this Representative from Maryland will, therefore, prove an inspiration to every city boy in the land, an inspiration that will reach down in every side street, that will grip the imagination of the youth of our most crowded tenements. The lesson it teaches is that the goal of achievement is within the reach of every American boy possessed of the courage and resolution to make the effort.

Mr. LEWIS of Maryland. Mr. Speaker, I, too, enjoyed the friendship of the late Hon. GEORGE KONIG, although it began only with our common service in this body and ceased too soon for me, as well as all of us.

What is a man? His first attribute will be the qualification he may possess to make him understood by his fellows and to understand his fellows. In that respect our late colleague was a man indeed. He was easily understood, because of that simplicity of character which is always the characteristic of great men. For even though its presence may not necessarily denote the great man, simplicity is always a qualification of greatness. It was doubtless due to this simplicity of character, as well as his sympathy for human beings, and the uncommon common sense, which has just been referred to by one of the speakers, that he owed the very great distinction which had come to him under the most difficult and discouraging circumstances of life imaginable.

His life story should be of value in one most important direction. There are none who are blind to the glamour of public distinction, but there are many among the poor and the plain people of our land in whom the assurance of success and achievement has been suppressed by a spirit of resignation begotten by generations of denial of opportunity in the Old World. Let their children lift their heads. This Republic was ordained for them, and by energy, honesty, and high patriotic purpose they can really open and enter every door in its incomparable temple of fame and honor.

Mr. LINTHICUM resumed the chair as Speaker pro tempore.

LEAVE TO PRINT.

Mr. COADY. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to print and extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. COADY] asks unanimous consent that Members may have five legislative days in which to print and extend their remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution previously adopted, the House will now stand adjourned until 12 o'clock noon to-morrow.

Accordingly (at 12 o'clock and 35 minutes p. m.) the House adjourned until Monday, June 29, 1914, at 12 o'clock noon.

SENATE.

MONDAY, *June 29, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy kingdom is an everlasting kingdom and Thy righteousness extendeth in its revelations to all mankind. Thou hast revealed to men Thy plan concerning human life. We are amazed and perplexed by all the evil influences which are about us. We cry in our hearts, "Who is sufficient for these things?" We look to Thee for guidance that we may face the difficult problems of our day; that we may work out a plan of life and construct a form of civilization that will be in conformity to Thy will and produce as its final result the peace, prosperity, and happiness of all the people. We ask Thy guidance this day. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, recedes from its disagreement to the amendments of the Senate numbered 33 and 101 and agrees to the same; recedes from its disagreement to the amendment of the Senate numbered 1 and agrees to the same with an amendment, in which it requests the concurrence of the Senate; recedes from its disagreement to the amendment of the Senate numbered 212 and agrees to the same with an amendment, in which it requests the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 218, 219, 220, and 234; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the further conference on the part of the House.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17482. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Washington, D. C., and of Los Angeles, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Hadley, Philadelphia, Pittsburgh, and McDonald, in the State of Pennsylvania; of Hartford, Conn.; of South Pasadena, Cal.; of Wilmington, Del.; of New York, N. Y.; and of the State of Alabama, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. FLETCHER presented resolutions adopted by the Florida State Pharmaceutical Association, at Palatka, Fla., favoring the enactment of legislation to prohibit discrimination in prices and to provide for publicity of prices to dealers and to the public, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Marion County, Fla., praying for the enactment of legislation authorizing the construction of a canal from Silver Springs to Ocala, to be known as the trans-Florida Canal, which was referred to the Committee on Commerce.

Mr. PITTMAN presented petitions of sundry citizens of Nevada, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. STERLING presented petitions of sundry citizens of South Dakota, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented petitions of sundry citizens of Illinois, praying for a congressional investigation of the claims of certain explorers regarding polar discoveries, which were referred to the Committee on the Library.

He also presented petitions of sundry citizens of Illinois, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GALLINGER. I present a letter in the form of a petition from Dr. C. P. Bancroft, superintendent of the New Hampshire State Hospital, Concord, N. H., favoring Senate bill 5763, providing for the division of mental hygiene in the Public Health Service. This letter is brief and is upon a subject of great importance, and I ask unanimous consent that it may be printed in the RECORD and referred to the Committee on Public Health and National Quarantine.

There being no objection, the letter was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

[State of New Hampshire. New Hampshire State Hospital, C. P. Bancroft, M. D., superintendent.]

CONCORD, N. H., *June 24, 1914.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR GALLINGER: May I be permitted, as a brother physician and through your well-known interest in all matters pertaining to public health, to call your attention to Senate bill No. 5763, introduced into the Senate by Hon. JAMES E. RANSDELL on June 5, 1914, providing for a division of mental hygiene in the United States Public Health Service?

This is a measure in which I am greatly interested. In 1908 I had the honor of being president of the American Medico Psychological Association, which held its annual meeting in Cincinnati, Ohio. In my presidential address I especially emphasized the importance of prevention in the matter of mental diseases, and suggested the advisability of more thorough and efficient mental examination of defective immigrants landing in this country. When one considers the increasing numbers of insane persons throughout our country and the fixed and chronic character of mental alienation when once established, the necessity of active measures for prevention becomes obvious. Heredity, alcohol, syphilis, and the landing of defective immigrants appear among the most prominent causative factors in the great increase in insanity. Alcohol, syphilis, and mentally defective immigration are directly preventable causes; while heredity is less definitely preventable, it is evident that greater intelligence in entering upon the marriage relation would ultimately be of marked assistance in diminishing the prevalence of insanity.

It is my firm conviction that the increase of insanity in this country is of such importance that the Government should include mental hygiene among the divisions of its health service. I believe that in insanity we are confronted with a disease condition which is a distinct menace to our country. Mental integrity is the greatest asset a nation can possess. May I ask you, then, to use your influence in advocating the passage of this bill?

Very sincerely, yours, C. P. BANCROFT.

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Manchester, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portsmouth, N. H., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented a petition of Mount Washington Lodge, No. 276, International Association of Machinists, of Concord,

N. H., praying for the adoption of certain amendments to the so-called railroad safety-appliance law, which was referred to the Committee on Interstate Commerce.

He also presented the petition of George V. Hill, of Concord, N. H., and a petition of Captain Fred J. Miller Camp, No. 11, United Spanish War Veterans, of Claremont, N. H., praying for the enactment of legislation granting pensions to widows and orphans of certain soldiers and sailors of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a memorial of the New England Coal Dealers' Association, remonstrating against the enactment of legislation making lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chicago Medical Society, of Illinois, praying for the passage of the so-called antinarcotic bill, which was ordered to lie on the table.

He also presented a petion of sundry citizens of Auxvasse, Mo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the chief deputy commissioner of education of the State of Ohio, praying for a congressional investigation of the discovery of the North Pole, which was referred to the Committee on the Library.

Mr. BRANDEGEE presented petitions of Local Union No. 103, Cigar Makers' International Union of America, of Ansonia; of the Hartford Metal Trades Council, of Hartford; and of the United Hatters of North America, of Danbury, all in the State of Connecticut, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the governing board of the Board of Trade of Thompsonville, Conn., favoring the enactment of legislation authorizing the damming of the Connecticut River for the purpose of improving navigation and developing the water power, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Central Labor Union of Waterbury, Conn., favoring the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 40, International Union of the United Brewery Workmen, of Bridgeport, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Lawrenceburg, Elwood, Connersville, and Evansville, and of the fifth congressional district, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of North Manchester, Sullivan, Newcastle, Fort Wayne, Huntington, Elwood, Vincennes, Monticello, Wabash, Muncie, Russellville, Irvington, Elkhart, Delphi, Kokomo, Frankfort, Princeton, and Tipton, all in the State of Indiana, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. CATRON presented memorials of sundry citizens of Tusas and Petaca, in the State of New Mexico, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented petitions of sundry citizens of St. Paul and Hastings, in the State of Minnesota, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions of sundry citizens of Austin, Dallas, Galveston, and Temple, all in the State of Texas, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Austin, Tex.; of the Epworth League of Logansport, Ind.; and of the Presbytery of Brooklyn, N. Y., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 71, International Union of the United Brewery Workmen of America, of San Antonio, Tex., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Detroit and Escanaba, in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Brooklyn and Fennville, in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Salem, Westfield, Boston, Merrimac, Holyoke, Newburyport, and Springfield, all in the State of Massachusetts, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. BURLEIGH presented a petition of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. O'GORMAN presented petitions of sundry citizens of Rochester, East Rochester, Richburg, of the fourth assembly district of Monroe County, Andover, Auburn, York, Geneva, Utica, Buffalo, Elmira, of the thirtieth, thirty-second, thirty-third, thirty-fourth, and thirty-fifth assembly districts of the Borough of the Bronx, of New York City, and of Staten Island, all in the State of New York, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

THE REGULAR ARMY.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 146) to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength, reported it without amendment and submitted a report (No. 631) thereon.

MATILDA P. HANSEN.

Mr. SMOOT. On May 14 I introduced a bill (S. 5553) for the relief of Matilda P. Hansen, and it was inadvertently referred to the Committee on Finance. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The VICE PRESIDENT. Without objection, that action will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6005) authorizing the Secretary of War to donate to the town of Derry, N. H., condemned cannon and balls (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6006) granting an increase of pension to Mary J. Sanders (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6007) to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes; to the Committee on Public Lands.

By Mr. WEEKS:

A bill (S. 6008) granting a pension to Edward Harrington (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6009) granting an increase of pension to George Warner (with accompanying papers); and

A bill (S. 6010) granting an increase of pension to Charles A. Dick (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A joint resolution (S. J. Res. 167) granting to the Army and Navy athletic associations the use of the polo field in Potomac Park; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. TILLMAN submitted an amendment proposing to appropriate $20,000 for addition to the Orangeburg (S. C.) fisheries station, including the construction of buildings and ponds, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRYAN submitted an amendment proposing that hereafter post-lantern lights and other aids to navigation shall be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriation for the Lighthouse Service on Lakes Okechobee and Hicpochee and waterways connecting these lakes in the State of Florida, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $150,000 for the survey of northern and western lakes, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $12,000 for aids to navigation in Tampa Bay, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for aids to navigation in the Florida reefs, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $66,000 for aids to navigation in St. Johns River, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for inquiry respecting food fishes from $45,000 to $50,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WHITE submitted an amendment providing that the exterior of the post office at Mobile, Ala., shall be constructed of Alabama marble, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TREATY WITH COSTA RICA.

Mr. GALLINGER submitted the following resolution (S. Res. 400), which was referred to the Committee on Foreign Relations:

Whereas the Government of the United States has at all times, both by treaty, legislative and executive action, touching all its negotiations for the acquisition of a territorial right of way for the construction of a ship canal between the two oceans via the Lake of Nicaragua and the River San Juan, recognized the Republic of Costa Rica as the exclusive owner of an essential part of said territory, and in view of that relation entered into separate treaty negotiation with her to obtain the same for the uses of the said canal on the same ratio of compensation as that to be given to Nicaragua for her separate interest therein, as is evidenced in a large degree by the protocols of "an agreement between the Government of the United States and of Nicaragua" and "the Government of the United States and of Costa Rica" in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua, bearing the even date of December 1, 1900, and by the fourth section of the act of June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans"; and

Whereas the official reports of the American engineers authorized by the Government of the United States to examine, survey, and report upon the geographical lines of said right of way and its feasibility for the purposes aforesaid have acknowledged and confirmed the said rights of Costa Rica in and to said right of way as territory necessary and indispensable to and for the "perpetual maintenance, operation, and protection of said canal"; and

Whereas the Government and people of the United States and the Government and the people of the Republic of Costa Rica have ever been and are now on terms of mutual friendship and good will, upon the strength of which American citizens have gone there to share in their prosperity and build up within her borders extensive commercial, agricultural, and mining enterprises involving the permanent investment of large amounts of capital and the employment of large numbers of Americans and thousands of laborers from among the people of Costa Rica; and

Whereas one of the declared purposes of the treaty with Nicaragua now pending before the Senate for ratification is to gain control of said canal route through concessions made by Nicaragua alone, without taking into consideration and providing for the concurrent, legal, and equitable rights of Costa Rica in said route as an entirety, the basis of negotiation heretofore recognized by the Government as the just measure of its value by whomsoever controlled, owned, or used, and which, if consummated by the Senate, might be construed by the people of Costa Rica as an act of injustice on the part of the United States toward a friendly sister nation and tend to impair the amicable relations now existing between that people and this Nation, upon whose good will the said American interests already established there depend for the labor necessary to their continual prosperity: Now, therefore, in order that no injustice may be done the people of Costa Rica in said matter, be it

Resolved, That the Committee on Foreign Relations, to which has been referred the said pending treaty for their consideration and report, are hereby authorized and directed to carefully investigate the question of the rights and interest of Costa Rica in and to said route and what bearing the said pending treaty has or will have upon such rights and how the value thereof may be affected thereby, in order that the same may be kept in sight and properly guarded in whatever consideration may be given and whatever determination may be reached by the Senate upon the merits of said pending treaty.

Mr. GALLINGER. I also ask unanimous consent to print in the RECORD in connection with the resolution a letter from Mr. J. N. Popham, well known to many Senators.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

BUCKINGHAM HOTEL,
Washington, D. C., June 24, 1914.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Recognizing your familiarity with the negotiations and legislation connected with the once contemplated acquisition of the Nicaragua and Costa Rica Canal route, as well as the Panama route already acquired, I take the liberty to call your attention to that feature of the pending treaty with Nicaragua, which seeks to obtain control of that route in the interest of our Government, and the relations which the people of Costa Rica sustain toward the same. But permit me in advance to acquaint you with the standpoint from which I have acquired an intimate knowledge of the situation there as it now exists.

I was appointed to the office of United States special Treasury agent at the Isthmus of Panama in 1889, and held that position for about four years, when I resigned it to engage in the business of developing the mineral resources in the Department of Panama, Republic of Colombia, now the Republic of Panama, but to a larger extent in the Republic of Costa Rica.

In the Department of Panama, 50 miles east of Colon, I, in company with the late John K. Cowen, then president of the Baltimore & Ohio Railroad, and J. B. McDonald, contractor of the New York subway, constructed a small railroad in order to handle metallic ores which were exported to the United States. We expended a large sum of money, all American capital, in this enterprise, exporting a great many thousands of tons of high-grade manganese ores to the United States.

In Costa Rica, in company with the late Senator John P. Jones and others, I personally have been in charge of the developing of mineral properties. In this small district there has been several million dollars invested by Americans. In the particular property which I am in charge of, known as the Costa Rica Union Mining Co., an American corporation, we have completed a splendid reduction plant and have spent about $500,000 during the development of the property, which is now a large producing property, and one of the most successful mines in Central America, where we employ a large number of Americans and a great number of Costa Rican laborers. Several thousand Costa Rican laborers are employed in this mining district.

We are now large exporters of bullion to the United States, which fact can be certified to through the United States mint at San Francisco and the assistant treasurer at New York City, delivered for our account through the International Banking Corporation.

I have been thoroughly familiar with the conditions existing in Panama and the Republic of Costa Rica from intimate business associations with the people for the last 20 years. During 16 years of residence in Costa Rica I can state from my personal knowledge that not only all American enterprises, but all foreign enterprises there, have received not only protection from the Costa Rican Government, but have been facilitated in their undertakings in every possible way; but our difficulties do not come through the failure of protection and help that we have always had from the Costa Rican Government, but through the failure of our being able to secure capable and contented labor under the existing conditions, caused through their misunderstanding of our present relations and intentions toward the Republics of Colombia, Mexico, and Nicaragua.

Permit me now to call your attention to some of the exciting causes that have produced this condition of unrest, suspicion, and discontent among the masses of the Costa Rican people, with which we are now seriously confronted.

The secession of Panama from the Republic of Colombia, leaving the uncertain territorial line between the Republics of Panama and Costa Rica on the south, which, though now being arbitrated before Chief Justice White of our Supreme Court, the Costa Rican masses are under the impression we are in sympathy with Panama on account of our close relations with and large interests there, and, to the north, the action of our Government in dealing solely and alone with Nicaragua to acquire arbitrary control of the only highway between oceans other than Panama without giving the people of Costa Rica a voice therein, and without any consideration for their well-recognized ownership of a part of this highway; and our present complications with Mexico; and the many conflicting accounts published through our newspapers translated and republished in Costa Rica, particularly such as Mr. Watterson's "On to Panama," with the reported intention of our acquiring all territory north of Panama; and, further, the late military operations in Nicaragua with our marines, giving possession of the Government there to the present President of Nicaragua, causes the unthinking part of the Costa Rican people uncertainty as to our intentions toward them and their country. At the present time it is common talk in Costa Rica that the Costa Rican Government, in calling attention of our State Department of its rights in the Nicaragua highway, received no satisfaction whatever, except to be informed that our Government was not purchasing the highway, only arranging for a little option upon it.

The American citizens residing in Costa Rica and doing business with the Costa Rican people, and employing large numbers of Costa Rican laborers, feel that the American Government should in some manner, before final action upon the Nicaragua treaty, express their intention and assure the Costa Rican people that we will treat with equity and justice whatever rights they may have in the Nicaragua route as originally contemplated. Such action would at once tend to reassure the Costa Rican people and restore to us the splendid business relation with them which has heretofore existed.

To this end may I not ask you, Senator, on behalf of the great American interests there, to take such action in the Senate in the consideration of the pending Nicaragua treaty as will secure to and protect Costa Rica's rights in said highway?

Yours, truly, J. N. POPHAM.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 17482. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies, was read twice by its title and referred to the Committee on Appropriations.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I wish to say to the Senator that there are a number of bills on the calendar, particularly Senate pension bills, and unless they are passed within a very short time it will be impossible for the House to consider them at this session of Congress. The Committee on Pensions met this morning, and we are trying to have passed upon this week all the House pension bills that have passed the House and been sent to the committee. We are notified by Members of the House that unless those bills can pass the Senate within a very short time it will be absolutely impossible to pass them through the House at the present session of Congress.

I have no objection at all to the consideration of the river and harbor bill, but I ask the Senator from North Carolina to allow at this time that the calendar shall be taken up and bills to which there is no objection considered until the hour of 1 o'clock.

Mr. SIMMONS. Would it not suit the Senator as well this afternoon, after arguments have been made on the unfinished business, to take up the calendar for an hour or half an hour?

Mr. SMOOT. That would suit me just as well, although I do feel that we ought to act on these bills now.

Mr. BORAH. I did not understand what was the statement that would suit the Senator from Utah.

Mr. SMOOT. As I said to the Senator from North Carolina, there are some six Senate pension bills on the calendar, and unless they are acted upon very soon it will be impossible for them to pass through the House at the present session of Congress. I desired to take up the calendar this morning for the consideration of those bills, but the Senator from North Carolina desires to proceed with the river and harbor bill, and he intimated that after the hour of 2 o'clock we might take up the calendar and pass those bills.

Mr. BORAH. At 2 o'clock?

Mr. SMOOT. The Senator does not say that we can. He merely made that suggestion.

Mr. CUMMINS. What disposition will then be made of the unfinished business?

Mr. SMOOT. That could be laid aside by unanimous consent.

Mr. CUMMINS. Has the Senator from North Carolina consulted the chairman of the Committee on Interstate Commerce? Does he know that the chairman would be willing to lay it aside?

Mr. SIMMONS. My statement to the Senator from Utah was that after the speeches upon the unfinished business, if any are to be made to-day, have been concluded the unfinished business might be laid aside, and that I would not then interfere with having a reasonable time to dispose of the pension bills on the calendar.

Mr. CUMMINS. I wish to say that the chairman of the Interstate Commerce Committee asked me if I would not submit some part of what I have to say with regard to the trade commission bill to-day. I have been very busily preparing myself to comply with the request of the Senator from Nevada, and I hardly think that the bill will be laid aside without some discussion.

Mr. SMOOT. I will not take up any more time this morning; but I want to say to the Senator that to-morrow morning I shall ask that the calendar under Rule VIII be taken up in its regular order at the conclusion of the morning business, and if there is objection to that, then I shall desire the Chair to rule as to the meaning of paragraph 3 of Rule VII and let the Senate decide.

Mr. LEWIS. Mr. President, may I interrupt the Senator from North Carolina to say that there was an understanding, I thought, that I should submit an observation, as a member of the committee, touching the trade commission bill very soon after the Senator from Idaho had finished his remarks. I am not inclined this morning to yield the floor to have the trade commission bill wholly supplanted and displaced, as much as I am anxious to have the river and harbor bill taken up. It would be the proper course for me to address the Senate on the trade commission bill after the Senator from Idaho has finished.

Mr. SIMMONS. Will the Senator from Illinois permit me to interrupt him? There is not the slightest suggestion of in any way displacing the trade commission bill. The trade commission bill is the unfinished business and will be reached at 2 o'clock. The statement I made to the Senator from Utah was expressly that after the discussion upon the trade commission bill was concluded for the day I would then yield for a short time for the passage of these pension bills. So there is no purpose to interfere with the trade commission bill either now or when it is in order.

Mr. LEWIS. I misunderstood the observation of the able Senator from North Carolina. May I inquire of the Senator from Idaho [Mr. BORAH] if he has concluded his remarks upon the trade commission bill, or does he propose to resume this morning?

Mr. BORAH. I was going to submit a few remarks further at 2 o'clock, but I will conclude very shortly if I am not interrupted.

Mr. LEWIS. The Senator from Illinois did not intimate to the Senator from Idaho that there was any necessity for concluding his address, which is illuminating.

Mr. BRISTOW. I infer that the Senator from North Carolina wants to conclude during the morning hour the speech which he begun upon Saturday on the river and harbor bill. Am I correct?

Mr. SIMMONS. It will not take me two minutes to conclude what I have to say. I had about finished when the hour of 2 o'clock arrived on Saturday. I wish to conclude, and then I wish to have the Senate go on with the river and harbor bill until 2 o'clock.

Mr. BRISTOW. If the Senator wants to conclude his address upon the bill, of course I would not want to do anything that would in any way interfere with him in doing it, but I am not willing, so far as I am concerned, that the morning hour shall be taken up every morning with the river and harbor bill when there are bills far more important than it to the country and to the people of the country on the calendar that could be disposed of in a comparatively short time. I think it would be unwise in the extreme to crowd out important legislation that has been waiting here for weeks in order that the river and harbor bill, which will require lengthy discussion, which is voluminous in detail, may have the right of way.

Mr. SIMMONS. To what legislation does the Senator refer?

Mr. BRISTOW. If the Senator wants to complete his speech I would be very glad to have him do it. Otherwise I shall insist that the river and harbor bill shall not be taken up or that it be taken up on motion.

Mr. SIMMONS. I am not asking to take up the river and harbor bill in order to complete my statement. I had just about finished when the morning hour expired on Saturday. I am asking to take up the river and harbor bill for the purpose of keeping it before the Senate until it is displaced by the regular order at 2 o'clock.

Mr. BRISTOW. I object.

Mr. SIMMONS. I have asked unanimous consent for that purpose, and if the Senator objects I will make a motion.

Mr. BRISTOW. I object to that. If I have the floor, I should like to move——

Mr. SIMMONS. I have the floor. I have not yielded the floor at all since I was recognized. I have been standing on my feet engaged in a colloquy first with one Senator and then with another.

The VICE PRESIDENT. The Senator from North Carolina has the floor, but the Senator from Kansas has objected.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, commonly known as the river and harbor bill.

Mr. SMOOT. Mr. President, I say that is a violation of the rules and not in order at this time.

I call attention to Rule VII, paragraph 3, which reads:

3. Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent.

I have here a great many decisions of the Chair on this point. I will refer to only one now. On March 21 the Vice President ruled as follows:

The VICE PRESIDENT. The Chair has already ruled this morning that, until the hour of 1 o'clock has arrived, although the morning business has been concluded, no motion to proceed to the consideration of a bill was in order, but after 1 o'clock the Chair is of the opinion that, upon motion and until the hour of 2 o'clock, the Senate may consider any bill upon the calendar, and the Chair has so ruled. That motion is not debatable. There can be an appeal taken from the decision of the Chair if it is not satisfactory.

Mr. BRANDEGEE. What motion is not debatable, Mr. President?

The VICE PRESIDENT. The motion to proceed to the consideration of a bill.

Mr. BRANDEGEE. I respectfully appeal from the ruling of the Chair, Mr. President.

The appeal was submitted to the Senate, and the Senate sustained the ruling of the Chair. That is the case this morning, Mr. President, with the motion that has just been made.

Mr. SMITH of Georgia. Was that a yea-and-nay vote?

Mr. SMOOT. It was not a yea-and-nay vote.

Mr. SMITH of Georgia. Does the Senator from Utah have any doubt about the fact that the ruling ought not to have been sustained, and that during the morning hour we can by motion, after morning business is finished, take up a measure?

Mr. SMOOT. I do, Mr. President; and not only that, but it has been held, I think, many times that it can not be done.

Mr. SMITH of Georgia. Then we can do nothing under objection?

Mr. SMOOT. Certainly. Mr. President, let me call attention to this particular rule. The Senator will notice that there is a comma after the word "Chair," and not a semicolon; so it can not be an alternative. This means that the morning business may run after 1 o'clock, as it often does run until after 1 o'clock; and if the morning business runs until after 1 o'clock, then a motion can be made any time after 1 o'clock to take up any bill; but unless that happens, the motion is not in order, and a bill can not be taken up except by unanimous consent.

Mr. SMITH of Georgia. Suppose "and" were there instead of "or," what would be the difference? Why is "or" used instead of "and"?

Mr. SMOOT. I am not saying why the committee used the word "or" instead of "and." If "and" were used, it would be conjunctive.

Mr. SMITH of Georgia. The "or" being there, either is sufficient.

Mr. SMOOT. No; that is not what has been held by the Chair; that is not the construction we have been working under of late; and that is not what the rule has been decided to mean as passed on by this body.

That is all there is to the question, Mr. President. It seems to me that if morning business runs until after 1 o'clock, then a motion any time after 1 o'clock can be made to take up any bill; but before 1 o'clock a motion can not be made to take up a bill, because a bill must then be taken up by unanimous consent.

Mr. SIMMONS. Then, Mr. President, if I understand the position of the Senator from Utah [Mr. SMOOT], if morning business shall be concluded in 15 minutes after the Senate has met, nothing can be done until 1 o'clock except by unanimous consent?

Mr. SMOOT. Oh, no. The calendar is taken up under Rule VIII until that time. The object of the rule is to take care of morning business.

Mr. SIMMONS. That is not what the rule says.

Mr. SMOOT. Mr. President, I will read Rule VIII and see if that is not what it says. That rule reads:

At the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock—

That rule was adopted in pursuance of a resolution submitted by the late Senator Hoar August 10, 1888—

and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question.

So, Mr. President, unless morning business is over, the proper thing to do is take up the calendar of bills under Rule VIII, and they must be considered until 1 o'clock, unless there is unanimous consent to take up some other bill; but at 1 o'clock, or at any time after 1 o'clock, any bill can be taken up on motion and the Senate can proceed to its consideration. That is what the rule has been held to mean.

Mr. SIMMONS. Mr. President, I believe that these two rules, taken together, mean that at the conclusion of the morning business, if that business shall be concluded before 1 o'clock, the Senate will proceed with the consideration of the calendar, unless it be otherwise ordered by the Senate. It does not say "unless there is unanimous consent of the Senate." Rule VIII says that:

At the conclusion of the morning business for each day, unless, upon motion—

Not upon a request for unanimous consent, but—

unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions.

So, when morning business is concluded and the Chair so announces, if no motion is made, automatically the Senate would proceed to the consideration of the calendar; but if a motion is made under section 3 of Rule VII before 1 o'clock, the Senate may act upon that motion, and if the motion is adopted the Senate may proceed with the consideration of the matter asked to be taken up.

Mr. President, I do not desire to take the time of the Senate to further discuss the meaning of the third section of Rule VII. We discussed that here at some length on Saturday. I then said about all I could say, and I thought the Senator from Utah [Mr. SMOOT] said about all he could say.

The Senator from Utah invokes Rule VIII to aid his argument and contention——

Mr. SMOOT. No, Mr. President——

Mr. SIMMONS. But, as I see it, so far from Rule VIII assisting to support the contention of the Senator from Utah, it condemns that contention.

Mr. SMOOT. Mr. President, the Senator from North Carolina is wrong. The Senator said that nothing was in order at the conclusion of morning business, and I invoked Rule VIII in order to show that the calendar was in order.

Mr. SIMMONS. The question which I asked the Senator was, if he contended that the Senate could not, if the President announced that the morning business had been closed before 1 o'clock, do anything except by unanimous consent?

Mr. SMOOT. That is right.

Mr. SIMMONS. And the Senator replied that under Rule VIII the Senate would proceed to the consideration of the calendar. When you look at Rule VIII you discover that the provision there is that we shall proceed to the consideration of the calendar, unless the Senate upon motion shall order otherwise.

Mr. SMOOT. Mr. President, paragraph 3 of Rule VII was written for the very purpose of taking care of the calendar. If it were otherwise, a bill could be presented to the Senate, a motion made to take it up, and thus cut out the consideration of the calendar from the first day of the session until the end, unless that bill were disposed of.

Mr. SIMMONS. Mr. President, I have the floor. I should like to go on and finish what I have to say, without the Senator from Utah interrupting me at every minute of my progress.

The Senator's contention is that no motion to proceed with the consideration of bills is in order until after 1 o'clock; that we are forced to take up the calendar; and that the Senate is powerless by motion to order that we take up anything else except the calendar. If that contention be true, Mr. President, then the first part of clause 3 of Rule VII is utterly meaningless and ought to have been left out, and clause 3 of Rule VII, instead of reading:

Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived—

Should read—

Until the hour of 1 o'clock has arrived no motion to proceed to the consideration of any bill shall be made.

If the Senator's contention is correct, the first line and half of the next line of clause 3 are absolutely surplusage and mean nothing.

My contention, Mr. President—and I am simply restating the point I stated before—is that when the Chair shall announce that the morning business is concluded a motion is then in order to proceed to the consideration of any bill that may be on the calendar of the Senate, and that the rule means that while that motion may be made before 1 o'clock, provided the morning business has been concluded, it can be made after 1 o'clock, whether the morning business has been concluded or not, and that is the only distinction. It is in the alternative. The motion may be made before 1 o'clock, provided the morning business has been concluded; it may be made after 1 o'clock, whether the morning business has been concluded or not.

Mr. GALLINGER. Mr. President, may I appeal to the Senator? One-half hour is already gone, and 1 o'clock will soon be here. Might we not lay this matter aside? This contention——

Mr. SIMMONS. I ask for a vote upon my motion.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. Of course I do not mean to take the Senator off his feet. I simply meant to say that I would not further discuss the question.

Mr GALLINGER. Well, Mr. President, I do not know that I will take more than a minute to say that the motion is revolutionary in this body. The rule has been construed universally and without exception, so far as I know, for more than 20 years in opposition to the view taken by the Senator from North Carolina; and while perhaps no great harm will be done if the motion should prevail, at the same time I think we had better be careful to proceed along safe lines in the construction of our rules.

The rule was manifestly made to care for the calendar, and if that rule had been observed during the present session, we would not have a calendar now of 300 or 400 bills that ought to be acted upon. Instead of considering the calendar, we have been discussing points of order and the construction of the rules, as we are doing this morning.

If the Senator would yield his contention and let us consider the calendar for 30 minutes—20 minutes now—then the motion will be in order, and doubtless the Senate will agree to that motion.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I want a ruling upon the point. I have very decided views and convictions about it, and I want the Chair to rule on the point of order.

Mr. GALLINGER. Very well, then. I will content myself with what I have already said, that I think it will be an innovation that will be troublesome in the future, and that the Senate ought not to agree to the motion in the light of the explicit terms of the rule which the Senator from Utah [Mr. SMOOT] has invoked.

The VICE PRESIDENT. The Chair is reminded of a statement of a Kentucky lawyer at a banquet, that the crowning glory of the practice of the law was its delightful uncertainty. Argument has been made on both sides of this proposition. On one side it is contended that clause 3 of Rule VII provides that after the morning business has been concluded and until the hour of 1 o'clock, if the morning business shall have been concluded prior to that time, the calendar, under Rule VIII, must be taken up, unless by unanimous consent, and that no motion to take up a bill prior to 1 o'clock can be entertained by the Chair. The contention of the Senator from North Carolina is that whenever the morning business has been concluded, or after 1 o'clock whether it has been concluded at all or not, a motion to take up a bill is in order.

The Chair does not desire to take any advantage of the former ruling of the present occupant of the chair, wherein the Chair held that prior to the hour of 1 o'clock no motion was in order to take up a bill, and upon appeal from the Chair the ruling of the Chair was sustained, though not by a yea-and-nay vote. The Chair does not want that ruling to influence the opinion of a single Senator upon the floor; but in that, perhaps unjustifiable, condition of mind that the Chair thinks rests with most people, the Chair is now going to submit the question of order to the Senate rather than to have the RECORD disclose that the Chair had ruled upon both sides of the same question. The question is for the Senate to decide. Is the point of order well taken?

Mr. SIMMONS. Upon that I ask for the yeas and nays.

Mr. REED. I ask for a statement of the point of order.

The VICE PRESIDENT. The point of order is that no motion to take up a bill is in order prior to the hour of 1 o'clock. The Senator from North Carolina asks for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. Mr. President, I understand that morning business has been concluded.

The VICE PRESIDENT. It has been closed.

Mr. BRISTOW. May I inquire as to the form in which the motion was put to the Senate?

The VICE PRESIDENT. The question is, Is the point of order well taken, namely, that the bill referred to by the Senator from North Carolina can not come up by motion until 1 o'clock? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. STONE. I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Utah [Mr. SUTHERLAND] and of the junior Senator from Wisconsin [Mr. STEPHENSON]. The junior Senator from Utah is paired with the Senator from Arkansas [Mr. CLARKE] and the junior Senator from Wisconsin is paired with the Senator from Oklahoma [Mr. GORE].

I also desire to announce the unavoidable absence of the Senator from Connecticut [Mr. MCLEAN], who is paired with the Senator from Montana [Mr. MYERS]; and also the unavoidable absence of the Senator from North Dakota [Mr. GRONNA], who is paired with the Senator from Maine [Mr. JOHNSON].

Mr. SMITH of Georgia (after having voted in the negative). I wish to state that the junior Senator from Georgia [Mr. WEST] is detained at his room by sickness.

I wish to transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST] and allow my vote to stand. I will ask that the statement of this transfer stand for the day.

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN], who I understand is necessarily absent. I therefore withhold my vote.

Mr. GOFF. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD] and withhold my vote.

Mr. CHAMBERLAIN. I am requested to announce the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON] and his pair with the Senator from New Mexico [Mr. FALL].

Mr. PERKINS (after having voted in the affirmative). I inquire if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. PERKINS. As I have a general pair with that Senator, I withdraw my vote.

Mr. WALSH (after having voted in the negative). I am informed that the Senator from Rhode Island [Mr. LIPPITT] has not voted. I have a general pair with that Senator, which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

The result was announced—yeas 19, nays 41, as follows:

YEAS—19.

Ashurst	Burton	Lane	Townsend
Borah	Clapp	Oliver	Warren
Brady	Dillingham	Root	Works
Bristow	Gallinger	Smith, Mich.	Weeks
Burleigh	Kenyon	Smoot	

NAYS—41.

Brandegee	McCumber	Ransdell	Swanson
Bryan	Martin, Va.	Reed	Thomas
Camden	Martine, N. J.	Saulsbury	Thompson
Chamberlain	Nelson	Sheppard	Thornton
Cummins	Newlands	Shively	Tillman
Fletcher	Norris	Simmons	Walsh
Hollis	O'Gorman	Smith, Ariz.	White
Hughes	Page	Smith, Ga.	Williams
James	Pittman	Smith, Md.	
Jones	Poindexter	Sterling	
Kern	Pomerene	Stone	

NOT VOTING—36.

Bankhead	Fall	Lewis	Robinson
Catron	Goff	Lippitt	Shafroth
Chilton	Gore	Lodge	Sherman
Clark, Wyo.	Gronna	McLean	Shields
Clarke, Ark.	Hitchcock	Myers	Smith, S. C.
Colt	Johnson	Overman	Stephenson
Crawford	La Follette	Owen	Sutherland
Culberson	Lea, Tenn.	Penrose	Vardaman
du Pont	Lee, Md.	Perkins	West

So the Senate decided the point of order to be not well taken.

The VICE PRESIDENT. The question is on the motion made by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, before the motion is put I desire to place in the RECORD a few lines from the decision of Vice President Sherman, found at page 2816 of the RECORD of March 5, 1912:

Mr. POINDEXTER. I make a parliamentary inquiry as to the meaning of "morning business." Does not "morning business" include——

Mr. WEEKS. Mr. President, it is impossible to hear the Senator.

Mr. GALLINGER. I rise to a point of order. If the motion is pending, it is not debatable.

Mr. SIMMONS. Mr. President, I will read this matter into the RECORD later. I was simply going to put in the RECORD a

decision of Vice President Sherman concerning the point of order.

Mr. GALLINGER. I insist upon my point of order.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

Mr. BRISTOW. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN], who, I understand, is necessarily absent, I therefore withhold my vote.

Mr. GOFF (when his name was called.) I am paired with the senior Senator from Alabama [Mr. BANKHEAD] and therefore withhold my vote. I desire this announcement to stand for the day.

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH]. I ask that this announcement may stand for the day. I vote "yea."

The roll call was concluded.

Mr. SAULSBURY. I make the same transfer as on the previous roll call and vote "yea."

Mr. WALSH (after having voted in the affirmative). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

The result was announced—yeas 37, nays 22, as follows:

YEAS—37.

Bryan	Martin, Va.	Ransdell	Swanson
Camden	Martine, N. J.	Saulsbury	Thompson
Chamberlain	Nelson	Sheppard	Thornton
Fletcher	Newlands	Shields	Tillman
Hollis	O'Gorman	Shively	Walsh
Hughes	Overman	Simmons	White
James	Perkins	Smith, Ariz.	Williams
Kern	Pittman	Smith, Ga.	
Lane	Poindexter	Smith, Md.	
Lewis	Pomerene	Smith, Mich.	

NAYS—22.

Ashurst	Cummins	Norris	Sterling
Borah	Dillingham	Oliver	Townsend
Brandegee	Gallinger	Page	Weeks
Bristow	Jones	Root	Works
Burleigh	Kenyon	Sherman	
Clapp	McCumber	Smoot	

NOT VOTING—37.

Bankhead	du Pont	Lippitt	Stephenson
Brady	Fall	Lodge	Stone
Burton	Goff	McLean	Sutherland
Catron	Gore	Myers	Thomas
Chilton	Gronna	Owen	Vardaman
Clark, Wyo.	Hitchcock	Penrose	Warren
Clarke, Ark.	Johnson	Reed	West
Colt	La Follette	Robinson	
Crawford	Lea, Tenn.	Shafroth	
Culberson	Lee, Md.	Smith, S. C.	

So the motion was agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The Secretary will read the bill for amendment.

Mr. SIMMONS. Mr. President, for the purpose of keeping the precedents straight, I desire, before making a brief statement in reference to the bill, to read a decision upon the question of order which has just been passed upon by the Senate, rendered by the late Vice President Sherman on March 5, 1912:

Mr. POINDEXTER. I make a parliamentary inquiry as to the meaning of "morning business." Does not "morning business" include up until the hour of 4 o'clock, or 2 o'clock at least, the calling of the calendar, and an opportunity to move to take up matters on the calendar?

The VICE PRESIDENT. No; "morning business" is certain routine business, as laid down in the rule, that may proceed for two hours, but can be closed before, and is closed before, when the Chair so announces. After the conclusion of that business and the announcement by the Chair to that effect, then the Chair thinks the motion which the Senator made was in order, but after he had made that motion the Senator from Massachusetts made a motion, action upon which is preferential under Rule XXII, and that is the matter which must first be disposed of.

Mr. President, I shall not detain the Senate more than four or five minutes in relation to the pending bill. I wish simply to make a brief statement with reference to the amounts carried in the bill by way of cash appropriations and authorizations, and to compare them with the amounts carried in the House bill for like purposes.

The bill as it came from the House carried appropriations in cash of $39,408,904 and authorizations of $4,000,000; a total of cash appropriations and authorizations of $43,408,904. The Senate committee adopted all the House authorizations. There were only two of these: First, the Delaware River, for which there was an authorization of $1,000,000; secondly, the Ohio River, for which there was an authorization of $3,000,000.

The bill as reported to the Senate strikes out items in the House bill aggregating $2,024,000 and adds new items, for which appropriations are made, aggregating $5,946,400, making a net increase over the House cash appropriations of $3,922,400. The bill as reported to the Senate adds to the authorizations in the House bill authorizations for three additional projects—the mouth of the Columbia River, $4,100,000; harbor of refuge at Cape Lookout, $1,826,600; and Los Angeles Harbor, $426,000.

The bill as reported to the Senate therefore carries appropriations and authorizations amounting in cash to $43,408,904, and authorizations of $10,275,000, or a total of $53,683,904.

The House committee added 76 new projects, requiring in all to complete $38,864,700, and appropriated for these 76 new projects $5,786,829, leaving $33,077,871 to be appropriated for in future bills.

Mr. BURTON. Mr. President, will the Senator from North Carolina yield for a moment?

Mr. SIMMONS. Certainly.

Mr. BURTON. Are those figures given in the report here?

Mr. SIMMONS. I think so. I think they are in the report.

The Senate committee cut out six of these new projects, requiring in all to complete $1,519,950, and for which the House appropriated $519,000.

If the Senate committee's action shall be indorsed, the new projects of the House bill will be reduced to 70 in number, requiring in all to complete $37,344,750, for which the bill as reported to the Senate appropriates $5,267,829.

The Senate added 17 new projects to the bill, requiring in all to complete $6,181,510, and appropriated $2,023,600, leaving $4,157,910 to be taken care of by future legislation. If the action of the Senate committee is ratified in full the new projects will number 87, requiring in all to complete $43,526,260, for which appropriations amounting to $7,291,429 are carried in this bill, leaving $36,234,831 to be appropriated for in future acts.

Mr. President, without reading, I wish to incorporate in my remarks an itemized statement of the new project cited by the Senate committee.

The statement referred to is as follows:

Itemized statement of the new projects added by Senate.

	Project.	Total cost.	Amount appropriated.
1	Narrows, Lake Champlain	$737,000	$300,000
2	Boston Harbor, Mass. ($560,000 of this cost for a dredge, which was cut out)	1,545,000	400,000
3	Bridgeport Harbor, Conn. (the balance is carried in an unexpended balance on hand)	175,300	111,300
4	Chester River, Md	12,000	12,000
5	Pembroke Creek, N. C	10,000	10,000
6	Pensacola Bay to Mobile Bay	432,435	50,000
7	Mississippi River to Bayou Teche	826,000	100,000
8	Bayou Teche to Mermentau River	477,175	.....
9	Sabine River, Tex	30,000	30,000
10	Improving Tennessee River	150,000	150,000
11	Cut-off, Princess Point, Mich	138,000	138,000
12	Los Angeles Harbor, Cal. (authorization for balance)	626,000	200,000
13	San Rafael Creek, Cal	54,600	27,300
14	Napa River, Cal	43,000	20,000
15	Skagit River, Wash	30,000	30,000
16	Apoon Mouth Yukon River, Alaska	45,000	45,000
17	San Juan Harbor, P. R. (this to be returned)	850,000	400,000
	Total	6,181,510	2,023,600

Mr. SIMMONS. I wish also to incorporate, without reading, an itemized statement of the new projects eliminated from the House bill by the Senate committee.

The statement referred to is as follows:

Itemized statement of the new projects cut out by the Senate committee.

	House projects cut out.	Total cost.	Amount appropriated.
1	Matawan Creek, N. J	$72,000	$72,000
2	Shrewsbury River, N. J	295,000	100,000
3	Oklawaha River, Fla	733,000	175,000
4	Kissimmee River, Fla	47,000	47,000
5	Caloosahatchee River, Fla	25,000	25,000
6	Willapa Harbor, Wash	347,950	100,000
	Total	1,519,950	519,000

Mr. SIMMONS. Mr. President, this is the only statement that I care at this time to make with reference to the bill. I wish, in addition, to say a word personal to myself. I am the acting chairman only of the Committee on Commerce. The river and

harbor bill sent to us by the House was referred by the committee to a subcommittee, of which I was chairman, but contemporaneously with the consideration of that bill by the subcommittee my time was taken up altogether in connection with my duties in the hearings then going on before the Committee on Interoceanic Canals upon the proposed tolls repeal bill. After that committee had concluded, while the subcommittee was still engaged in considering the river and harbor bill, I was confined to my home by illness and was not present at all during the hearings before the subcommittee.

For that reason, Mr. President, I shall be compelled to rely very largely upon the Senator from Oregon [Mr. CHAMBERLAIN], who in my absence was acting chairman of the subcommittee, and other Senators who were present and assisted me in those hearings.

Mr. President, I now ask that the bill be taken up for amendment, the amendments of the committee to be first considered.

Mr. BURTON. I desire to address the Senate in a general way before the items are taken up.

Mr. SIMMONS. I understood that the Senator from Ohio desired to address the Senate. I will withhold the motion until he concludes or will just lodge it and he may proceed.

Mr. BURTON. Mr. President, I have been closely associated with river and harbor legislation in the House and Senate for now nearly 20 years. I have had part in the framing of every river and harbor bill since that of the year 1894. While it is well understood by my fellow Members in the Senate that I have not approved the bills from 1910 to 1913, inclusive, I think I may say that no one has had equal opportunity to judge of the dangers on the one hand and the benefits on the other of river and harbor legislation.

I am forced to the conviction that unless there are radical changes made in our methods, unless we eliminate classes of items which are being included in the bills, this measure will become so objectionable to the people of the country that no river and harbor bill can pass, and it is now the time for the genuine friends of river and harbor legislation, for those who believe in the development of such harbors and waterways as can profitably be developed, to pause and consider.

The great danger in every river and harbor bill is that there is no power of resistance speaking for conservation or economy. Indeed, Mr. President, I sometimes question whether there is any strong disposition for economy in national, State, or municipal affairs. The sentiment in its favor is vague and unorganized. In no measure before any State or national legislation are the possibilities of extravagance greater than in this now before us.

To begin with, there is the earnest insistence of communities and of private interests that certain projects for river and harbor improvement be recognized. There is no sufficient influence in the way of criticism against that system. In fact, it is with the greatest reluctance that I oppose these bills, because localities consider a man who criticizes appropriations suggested as an enemy; sometimes, speaking rather recklessly, newspapers or individuals say any opposition is due to prejudice; and there is a disposition which must be recognized on the floor of both the House and Senate to regard whoever opposes any item as an intruder. My fellow Senators will remember that on one occasion I criticized an appropriation which I regarded as altogether wasteful in the State of Texas, and a statement was made upon this floor that it was none of Ohio's business.

Mr. President, it is the business and it is the obligation of every Senator to call attention to whatever vicious tendencies may appear in this or any other bill, and I am compelled to say that there are more which are manifest in the measure now pending before the Senate than in any of those since my membership in the House or Senate, beginning in the year 1895. It is my desire to criticize this measure, and I think it deserves criticism. I trust there may be a full and free discussion not only of the general policies of the bill but of the separate or specific items as well.

Mr. NORRIS. Mr. President, I think before the Senator goes on with a discussion of the items of the bill we ought to have a quorum of the Senate here to hear him, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHIELDS in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Camden	Fletcher	Kern
Brady	Catron	Gallinger	Lane
Brandegee	Chamberlain	Goff	Lewis
Bryan	Clarke, Ark.	Hughes	Lippitt
Burleigh	Crawford	Jones	McCumber
Burton	Dillingham	Kenyon	Martin, Va.
Newlands	Poindexter	Smith, Ariz.	Thornton
Norris	Ransdell	Smith, Ga.	Tillman
O'Gorman	Reed	Smith, Md.	Walsh
Oliver	Saulsbury	Smoot	Warren
Overman	Sheppard	Sterling	Weeks
Page	Sherman	Swanson	White
Perkins	Shields	Thomas	
Pittman	Simmons	Thompson	

The PRESIDING OFFICER. Fifty-four Senators have answered to the roll call. A quorum is present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, I have no sympathy with that sweeping denunciation which characterizes every river and harbor act as a pork barrel; but, on the other hand, every measure of this kind presents the possibility of becoming a carnival of extravagance and waste.

I do not, in the first instance, desire to criticize the amount of this bill. Money judiciously expended is not wasted. In passing, however, it is well to call attention to this feature.

The cash appropriations amount to $43,330,404, to which certain additions have been proposed by the committee since its report was filed, which, I believe, was on the 18th of June.

In addition there are authorizations amounting to $10,352,600, making a grand total of $53,683,004.

The total amount appropriated and authorized in this bill was surpassed in three previous measures—those of 1896, of 1902, and of 1907, but at that time bills were passed biennially or triennially, while now they are passed annually.

The cash appropriation, $43,330,000, is, however, the largest amount of cash ever carried in a river and harbor bill since the foundation of the Republic. That fact in itself should induce caution and make us give careful examination to the items which make up this very large aggregate.

In criticizing the bill it will be necessary for me to repeat what I have said several times before on the floor of the Senate. I regret to say that I have for the most part spoken to an audience which was unresponsive, but I am satisfied there is to-day a disposition to investigate this measure which has not prevailed in preceding years, and if I am correct in my forecast there is a disposition not only in the Senate, but in the country at large, to be shown, to know whether these appropriations are made in a judicious manner, also whether the projects themselves are national in scope and worthy of the attention of the Federal Government.

I desire to make three general criticisms of the bill.

The first relates to the policy or method of making appropriations.

The second is that appropriations are made for many rivers and harbors the channels of which under present conditions can not be profitably improved. This applies especially to certain inland waterways, and applies in the most emphatic manner to the improvement of certain rivers by the construction of expensive locks and dams.

Third, there are large appropriations for benefits which are merely local and which in some cases only remotely or incidentally affect navigation.

Before taking up these criticisms in order, I may say that transportation conditions have greatly changed in the last 20 years. Numerous inland rivers, which were either the sole means for affording transportation or which were in any event efficient means for bringing products to the market, have now been superseded by other methods of transit, and in criticizing many of the items in this bill it is not necessary to lay the blame upon those who promoted these improvements years ago. That which may have been very judicious in 1870 or 1880, or even in 1890, is altogether injudicious in this year 1914.

The traffic statistics show a dwindling amount of freight on these rivers. They show also that there are other more efficient and cheaper methods of carrying the products of the farm and the factory to market.

I desire to take up first the general policy of this bill, that of piecemeal appropriations. In a minority report which I have filed I have given some very striking illustrations of this policy. They will be found on page 3 of the report to which I allude.

There is appropriated in the bill in cash for the improvement of the East River, N. Y., $500,000, a very considerable sum. But what is the total cost of the improvement to which the Congress and the Government of the United States commit themselves by the appropriation of that $500,000? It is $13,400,000; and the remaining $12,900,000 is left as a legacy to future Congresses to dispose of.

Improving Harlem River, N. Y., cash appropriation, $100,000; total cost of the improvement, which has been under way for some time, $1,628,000, or 16 times as much as the amount appropriated in this bill.

Delaware River, Pa., N. J., and Del., cash appropriation, $2,000,000; cost for completion, $6,809,200.

Chesapeake & Delaware Canal, cash appropriation, $2,250,000; cost for completion, $8,000,000.

Harbor at Norfolk, Va., cash appropriation, $270,000; cost for completion, $1,114,000.

Inland waterway, Norfolk, Va., to Beaufort Inlet, N. C., cash appropriation, $600,000; amount required for completion, $4,000,000.

Cape Fear River above Wilmington, cash appropriation, $91,000; amount required for completion, $416,000.

St. Johns River, Fla., cash appropriation, $300,000; cost for completion, $777,000.

Channel from Pensacola Bay to Mobile Bay, cash appropriation, $50,000; amount required for completion, $432,435.

Mr. KENYON. Mr. President, may I ask the Senator a question in order that I may thoroughly understand the subject? Referring to the column of cost for completion and the column of appropriations in this bill, is the cost for completion in addition to the amount appropriated in the bill?

Mr. BURTON. It includes it.

Mr. KENYON. One question more. Take, for instance, the East River and Hell Gate appropriation for cost of completion. Is that the cost from the commencement of the project to the close of the project, everything that has been spent or will be spent, or only what will have been spent including this item?

Mr. BURTON. This amount will be spent in the future, including this appropriation. As I said a moment ago, we appropriate here in cash $500,000 and leave $12,900,000 for future Congresses to take care of. It should be said in the case of some of these projects that they are new, and as to others that they are already under way and a considerable amount has been expended upon them. The figures which I have given relate to pending projects only.

Waterway, Mississippi River to Bayou Teche, La., cash appropriation, $100,000; cost for completion—it is in the alternative—$1,655,500 or $2,062,900.

Galveston Channel, Tex., by the construction of a sea wall, cash appropriation, $100,000; cost for completion, $1,185,000.

Brazos River, Tex., locks and dams, cash appropriation, $250,000; amount required for completion, indefinite; probably about $10,000,000.

Trinity River, Tex., locks and dams carried in this bill, $240,000; amount required for completion, again indefinite. In both cases we are going ahead appropriating these dribbling amounts without any knowledge as to what the project will cost when completed, and, I may say as well, without any assurance that the improvements will confer any benefit upon the communities in which they are located, unless perhaps it be a profuse expenditure of a very large amount of money, which will give benefit to contractors and bring employment to labor.

Cumberland River below Nashville, cash appropriation, $250,000; amount for completion, $2,201,882.

Cumberland River above Nashville, cash appropriation, $340,000; amount for completion, $4,500,000.

Ohio River, $5,000,000, of which $2,000,000 is cash and $3,000,000 is under continuing contracts; amount for completion, $51,057,000.

Mississippi River between Ohio and Missouri Rivers, cash appropriation, $1,000,000; amount for completion $17,250,000—seventeen times as great.

Mississippi River between Missouri River and St. Paul, cash appropriation, $1,500,000; amount for completion, $13,500,000.

Fourth lock, St. Marys River, Mich., cash appropriation, $250,000; amount for completion, $2,475,000.

Missouri River, Kansas City to the mouth, cash appropriation, $2,000,000; amount for completion, $15,000,000.

Sacramento and Feather Rivers, Cal., cash appropriation, $200,000. This is an item which appears in the bill along with other items not very large in amount; but what does that $200,000 mean? It means a committal to a project, the beginning of an improvement which will cost $5,860,000.

Mr. PERKINS. Of which the State pays half.

Mr. BURTON. The State puts in an amount in addition to the $5,860,000; but, for the improvement of the river, the $5,860,000 is the sum which it is proposed the Government of the United States shall pay.

The first objection to this dribbling policy is the one of expense. Everyone knows that if you are building a great breakwater, constructing a lock and dam, or contemplating any great improvement, economy and efficiency can be secured by making one contract. In the years before 1890 appropriations were made in separate sums; and there was a very good reason for that. There were but few of these projects of colossal expense at that time. Apart from the Mississippi River, there were few expensive improvements in the class of those contemplated in this bill. Beginning in that year, under the advice of the then Chief of Engineers, Gen. Casey, and with the cordial support of Senator Frye, who was then a member of this body and chairman of the Committee on Commerce, three large projects were selected for completion. A provision was drawn, which has been repeatedly inserted in later bills, to the effect that a certain amount of cash should be appropriated, and the Secretary of War was authorized to enter into a contract or contracts for the completion of the remainder of the work to an amount not exceeding the total cost of the improvement.

Mr. President, under this continuing-contract system progress was made in the successive river and harbor bills almost without exception until in the year 1907 a measure was brought in which contained no provision for any new project unless provision was made for its completion. It was decided that it was the best policy, a policy which was made possible after long years of effort, to provide for completion whenever an improvement was commenced. I very much regret that, beginning with the year 1910, this salutary method was departed from, and now the making of partial appropriations is worse than ever before.

The first argument against such a course as that in this bill is that of expense. Various estimates have been made; that the additional cost of the piecemeal system is from 5 to 30 per cent. I stated when the interruption occurred that in the building of any large work, such as a breakwater, a canal, or a lock and dam, economy and promptness can be secured by one contract. It is probable that the average saving would be as much as 20 per cent. This halting policy, this method of appropriating a tenth of the entire amount or in some instances even a smaller fraction, results in these appropriations costing the Government of the United States tens of millions more than they otherwise would cost.

The Senate committee placed a harbor of refuge at Cape Lookout under the continuing-contract system, authorizing further appropriations of $1,826,000. This was done after a showing made by the engineer in charge that by such method very large quarries could be developed, stone could be furnished more cheaply, and a saving of approximately $350,000 might be made.

No private enterprise is carried on in the manner so common in this bill. No foreign Government improves its rivers and harbors in this way. In France, before any project is adopted, most elaborate surveys and estimates are made, and then a decision is reached whether or not it is best to adopt it. If thought best to adopt it, provision is made for the whole expense, and the time within which it is to be finished is computed as nearly as possible. In Germany the same method is in vogue.

This piecemeal policy has been condemned by the engineers having the work in charge. Gen. Marshall, who was for several years Chief of Engineers, and one of the ablest members of the corps, said some years ago:

> Few, if any, of the larger works have ever been prosecuted at a rate sufficiently rapid to realize the fullest efficiency and economy.

But the saving in expense which would be accomplished by providing for the whole improvement is not all. There is another advantage, and that is that communities may know what to depend upon. If boats are to be constructed to use a certain channel, they may be constructed and be ready when that channel is finished. If wharves are to be constructed, those who project them are not left to the uncertainties of future appropriations and long delays. They can make their plans at once and carry them out.

In this connection I wish to call attention to a few of the most striking illustrations of the delay which has occurred in the making of public improvements.

In the year 1880 work was commenced upon a canal and lock at what was called the Colbert and Bee Tree Shoals above Riverton on the Tennessee River. It was not until the year 1911 that that improvement was finished. President Eliot, in an article in the Atlantic Monthly some years ago, called attention to a lock on the Columbia River, in the building of which 25 years were exhausted. To take an illustration in this bill, the existing project for the James River, Va., up to Richmond, was commenced in the year 1884, and this, with some modifications, after having been in progress 30 years, is only 42.1 per cent completed, or less than half, while the estimated cost of completion is $3,011,282.72. In that case the recommendation of the engineers was for only $100,000 in this bill, at which rate it would require 30 years more to complete this improvement which already has been underway for 30 years.

On the Columbia and lower Willamette Rivers, below Portland, Oreg., work was begun in 1877. The total amount expended on the original and modified projects is $2,769,000. It is estimated that $2,315,000 will be required to complete the projects.

The very worst item of all is omitted from the pending bill, and I think it is quite likely that it will be permanently omitted from future bills. That is the Sandy Bay harbor of refuge on the coast of the State of Massachusetts.

It must be said for that project that at one time a delegation headed by Mr. Moody, afterwards in President Roosevelt's Cabinet and a member of the Supreme Court of the United States, made a showing on its behalf which it was very difficult for anyone to answer, but at the same time practical maritime men were exceedingly skeptical about its benefits. It was adopted in the years 1884 and 1885. The estimated cost of completion to-day is $4,954,000. Work has been in progress since 1885, and the amount of $1,767,000 has been expended. The amount required to complete is nearly three times as great as that expended in 29 years, and the harbor of refuge constructed there is to-day rather a menace to the navigator than a help.

Commencing in 1885, the appropriation for several bills was $100,000 in each bill, and that on an improvement costing $6,000,000, as if their calculation at the very beginning was that it would not be completed inside of 60 years. Indeed, their calculations are worse than that, because in that day river and harbor bills were passed biennially, and on the basis of the amount of the first appropriations it would have required 120 years to complete it.

Why, Mr. President, there is no excuse for this slipshod, unbusinesslike method; and yet in bill after bill we go on with these small appropriations, the completion not in sight and no benefits assured.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Certainly.

Mr. NORRIS. I wish the Senator would describe the particular improvement he has recently mentioned; just what it is, where is it located, and of what does it consist?

Mr. BURTON. It is located to the north of Boston, and was intended as a harbor of refuge, into which vessels might enter in time of stress. It was claimed that the coast there was one along which a great many boats were passing, that sudden storms arose, and that there should be at some point between Boston and Portland a harbor of refuge of ample size in which boats might find shelter. As I have already stated, among experts there has always been a difference of opinion as to whether or not it would accomplish any good results.

Mr. NORRIS. I should like to ask the Senator how it was constructed and of what it was constructed.

Mr. BURTON. It was constructed of rubblestone. They have great quarries near at hand, and the rubblestone is placed in position more cheaply than in any breakwaters or jetties in the United States.

Mr. NORRIS. Is it in the nature of a breakwater?

Mr. BURTON. It is not merely a breakwater; it is an artificial inclosed space into which vessels may go.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I wish to ask the Senator if this harbor of refuge is included in the present bill?

Mr. BURTON. It is not.

Mr. RANSDELL. When was it dropped from the river and harbor bill?

Mr. BURTON. In 1909 a recommendation was made that there should be a test of the efficiency of the work done, and that no additional appropriations should be asked until some test was made.

Mr. RANSDELL. And there has been no appropriation since?

Mr. BURTON. My recollection is that there was an appropriation in the bill of 1910, but I am not positive whether an appropriation was made that year or not. I think so, but there was none in 1911, 1912, or 1913.

Mr. RANSDELL. I was under the impression that we had one in 1911, but I am not sure. Certainly there has been none since that time.

Mr. BURTON. Possibly the Senator from Louisiana is right about that, although my recollection is that the appropriation of 1910 was the last.

Mr. RANSDELL. I should like to ask the Senator a further question. During the 10 years that he was chairman of the Rivers and Harbors Committee of the House, from December, 1898, until March 4, 1909, were not appropriations carried in every one of the river and harbor bills for the Sandy Bay harbor of refuge?

Mr. BURTON. They were; and I can state very clearly the reason. It was repeatedly referred to the Board of Engineers for a report, and every time a report came back that it was desirable, if not to finish, at least further to extend the breakwater or the protection afforded. I visited it at least on one occasion, and I never could quite convince myself that it was helpful; but it was impossible to obtain an unfavorable report upon it.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. BURTON. In just a moment. I wish to say a word more. Very strong pressure was brought to bear for that improvement by the marine insurance companies of the United States, and numerous vessel men appeared in a delegation, on at least one occasion, before the Committee on Rivers and Harbors. I will say that the policy pursued while I was chairman of the Rivers and Harbors Committee was to limit the appropriations for the Sandy Bay breakwater and harbor of refuge to the smallest possible sum, and to see if we could not devise a way in which there would be some benefit conferred without spending the enormous amount contemplated for its completion. The project was adopted, in the first place, in 1884 by a majority of but one in the Committee on Rivers and Harbors of the House, and after a very long discussion.

I now yield to the Senator from Massachusetts.

Mr. WEEKS. The Senator connected Mr. Justice Moody with the delegation that appeared in favor of this appropriation originally made in 1885.

Mr. BURTON. Oh, no; he did not appear then. It was while he was still a Member of the House.

Mr. WEEKS. I was going to say that 1885 was a great many years before Mr. Justice Moody became a Member of the House.

Mr. BURTON. Oh, no; it was not 1885. It was while the work was under way and while Mr. Moody was a Member of the House.

Mr. WEEKS. If Mr. Moody's arguments and the arguments of those who accompanied him were so overwhelming, there must have been some sound reason developed for undertaking this work originally, whatever may be thought of it to-day.

Mr. BURTON. I doubt it, Mr. President. I brought this matter forward not as an illustration of an injudicious project but of a piecemeal and absurd policy. At the rate it was prosecuted, as I said, it would require on one basis 60 years and on another basis 120 years.

Mr. WEEKS. I am entirely in sympathy with the Senator in the reason he has just given for criticizing the method of making the appropriations.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I should like to ask the Senator how much money was invested in this harbor of refuge?

Mr. BURTON. One million seven hundred and sixty-seven thousand one hundred and seventy-four dollars and fifteen cents.

Mr. KENYON. And the project is now abandoned?

Mr. BURTON. Well, who knoweth who shall come after him? Who knoweth what will happen yet about it? It is possible that some recommendation will come in yet for this breakwater and it will be put on the bill; and, from the standpoint of its usefulness, I do not think time is wasted in making a few remarks on the subject right now.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. I do.

Mr. NORRIS. Is it of any use now, in its present condition?

Mr. BURTON. I do not see how it can be used. It involves the use of a very large space, and the plan for a harbor into which to go is not complete until the whole breakwater is finished. I suppose boats might go in there and have some measure of shelter, though I doubt it.

Mr. NORRIS. I should think, unless it were completed to quite an extent, it would be a menace rather than a benefit to commerce.

Mr. BURTON. It is not exactly a menace, except to boats that are close inshore and very near to the improvement. It was maintained in the hearings before us that the boat *Port-*

land, which was lost some years ago, I think, could have been saved if this harbor of refuge had been there. That boat sank, with considerable loss of life, but I never was able to convince myself that she was anywhere near to this breakwater when she foundered or that it would have rendered her any assistance.

The worst objection, after all, to this method of piecemeal appropriations is the lack of due and careful consideration of projects before they are commenced. It is very easy to appropriate $100,000. It is lost in the multitude of details in this bill, with its 400 items, so that Members of the Senate can not realize how much is involved. I read one item here of $200,000 for a project which means, before its completion, $5,800,000.

During the delivery of Mr. BURTON'S speech,

LEGISLATIVE, ETC., APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15279, receding from its disagreement to the amendments of the Senate numbered 33 and 101 to the bill and agreeing to the same; receding from its disagreement to the amendment of the Senate numbered 1 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate; receding from its disagreement to the amendment of the Senate numbered 212 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate; further insisting upon its disagreement to the amendments of the Senate numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 218, 219, 220, and 234; and agreeing to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate still further insist upon its amendments disagreed to by the House and disagree to the amendments of the House to the amendments of the Senate numbered 1 and 212.

Mr. HUGHES. Mr. President, I should like to ask the Senator what has become of the amendment with reference to mileage?

Mr. MARTIN of Virginia. That amendment is still in disagreement.

Mr. SHAFROTH. I should like to ask the Senator what has become of the amendment which was placed in the bill by the Senate concerning the assay offices?

Mr. MARTIN of Virginia. That amendment is still in disagreement. I will say to the Senator that, while that is not embraced in this report, the assay offices will be preserved, but the increased salaries which were proposed by the Senate will not be acceptable to the House.

Mr. KENYON. Mr. President, it seems to me that this is a very important matter, and there should be more Senators present than there are at this time. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Gallinger	Norris	Smoot
Brandegee	Goff	Overman	Sterling
Bristow	Hollis	Page	Swanson
Burleigh	James	Perkins	Thomas
Burton	Jones	Ransdell	Thompson
Camden	Kenyon	Robinson	Townsend
Catron	Kern	Saulsbury	Walsh
Chamberlain	Lane	Shafroth	Warren
Clapp	Lee, Md.	Sheppard	Weeks
Crawford	Lewis	Shields	White
Cummins	Martin, Va.	Simmons	Works
Dillingham	Martine, N. J.	Smith, Ariz.	
Fletcher	Nelson	Smith, Md.	

Mr. KERN (when Mr. SHIVELY'S name was called). I desire to announce that my colleague [Mr. SHIVELY] is unavoidably absent on official business.

Mr. KENYON. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of sickness. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Fifty Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to.

After the conclusion of Mr. BURTON'S speech,

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. LIPPITT. I should like to ask the Senator in charge of the bill if he will withhold the unfinished business for just a minute that I may ask unanimous consent for the consideration of a bill on the calendar that the city of Providence and the State of Rhode Island are very anxious indeed should be passed promptly. I think it will not occasion any debate.

Mr. NEWLANDS. With the understanding that it will not take any time by debate, I will yield.

PORT OF PROVIDENCE, R. I.

Mr. LIPPITT. I ask the Senate to proceed to the consideration of the bill (H. R. 11245) extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. SMITH of Georgia. Mr. President, I desire to call attention to the fact that the report of the committee of conference on House bill 13679, the Agricultural appropriation bill, has been in the Senate now for a couple of days. I think there is no opposition any longer to the adoption of the report. I ask that the unfinished business may be laid aside in order that the conference report may be adopted.

The PRESIDING OFFICER. Without objection, that course will be taken.

Mr. SMOOT. There will be some debate on it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. KENYON. What is the request?

Mr. NEWLANDS. If it will not take any long time, I will yield.

The PRESIDING OFFICER. The Senator from Georgia asks that the Senate may take up the conference report on the Agricultural appropriation bill.

Mr. SMOOT. I have no objection to taking up the report, but I think it will lead to a little discussion this afternoon.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. As the report has been before the Senate for some time and the fiscal year is about expiring, it does seem to me that agreeing to the report is a matter of urgent demand.

Mr. NEWLANDS. With the understanding that it will not take much debate, I will not interpose an objection.

Mr. GALLINGER. It would be very unfortunate if by reason of appropriation bills going over we have to provide for the needs of the Government by resolution. I think we ought all to agree cordially that this report should be considered.

Mr. SMOOT. I have no objection at all to the consideration of the report.

The PRESIDING OFFICER. The report was made June 26. The question is on agreeing to the report.

Mr. KENYON. I should like to ask the Senator having charge of this matter if the free-seed proposition was restored in the bill.

Mr. SMITH of Georgia. I think it was.

Mr. KENYON. Congressional free-seed distribution?

Mr. SMITH of Georgia. I was not on the conference committee myself. The Senator from Oklahoma [Mr. GORE] and the Senator from South Carolina [Mr. SMITH] were on it, and they are both away.

Mr. KENYON. Is there anyone who knows?

Mr. SMITH of Georgia. Yes; it was restored, I am advised. On Saturday I called attention to the conference report, and we had it printed in the RECORD, and I consented that it might go over until to-day, so that everyone might have an opportunity of seeing what changes are involved.

Mr. KENYON. The Senator understands that it is hopeless to insist on the proposition of the Senate as to free seeds?

Mr. SMITH of Georgia. So I am advised. The Senator will remember that two years ago I joined him in striking out the provision, and the House positively refused to accede.

Mr. KENYON. So the history of the matter in regard to it is that the Senate amendment has been rejected.

Mr. SMITH of Georgia. The House has insisted on it, and the conferees on the part of the Senate have been unable to succeed in retaining the amendment.

Mr. KENYON. The conferees on the part of the Senate finally yielded?

Mr. SMITH of Georgia. Yes.

Mr. WEEKS. I should like to inquire from the Senator from Georgia whether the appropriation for the destruction of the gypsy and brown-tail moth was reduced in conference, and if so, why?

Mr. SMITH of Georgia. Can the Senator give me the number of the amendment?

Mr. WEEKS. I have it not before me.

Mr. SMOOT. I will say that the RECORD shows that there was an agreement on $69,050. I understand that that is an error in the RECORD, and instead of $69,050, the amount is $210,000.

Mr. SMITH of Georgia. If the Senator can give me the number of the amendment, I will be glad to give him the information.

Mr. GALLINGER. The facts about that provision are, I think, that the House appropriated $207,540. Of course, that should not be cut. An amendment I offered increased it to $350,000. I apprehend the conferees found it necessary to reduce the amount carried in the amendment. I am sorry it happened, but, of course, those things have to be adjusted. If that is the status of it, there is no objection on my part.

Mr. WARREN. My remembrance is that that amendment was cut to the limit of the House plus an additional $12,500, about.

Mr. GALLINGER. The conferees could not interfere with the House appropriation.

Mr. WARREN. Of course not.

Mr. WEEKS. I find on examination that there was an error in printing the conference report, and the amendment is printed as $69,050, when it should have been $310,000.

Mr. SMITH of Georgia. That is right.

Mr. SMOOT. That is what I stated.

Mr. OLIVER. I should like to ask the Senator what action was taken in conference with regard to the appropriation on account of the chestnut-tree blight.

Mr. SMITH of Georgia. I will not be able to tell the Senator unless he can give me the number of the amendment.

Mr. OLIVER. I do not know the number.

Mr. SMITH of Georgia. The Senator from Wyoming [Mr. WARREN], who was on the conference, is present.

Mr. WARREN. I do not recall that the chestnut-tree matter came up in the conference at all. I think it is included in the original bill, and was not changed in the Senate. Unfortunately I have not a copy of the bill before me.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Will the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Certainly.

Mr. NELSON. I should like to know from either the Senator from Georgia or the Senator from Wyoming whether any provision was put in in respect to the grading and inspection of grain.

Mr. WARREN. I do not recall anything of that kind. I think it did not come before us.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Certainly.

Mr. SMOOT. On amendment numbered 15 I notice the Senate conferees receded. The House provided an appropriation of $26,000 and also provided in amendment numbered 16 "that no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said bureau." The Senate conferees receded.

Mr. WARREN. The Senate conferees receded on the amendment.

Mr. SMOOT. I will say that on amendment numbered 15 the Senate conferees receded, allowing an appropriation of $26,000 instead of $20,000.

Mr. SMITH of Georgia. The Senate made it $20,000 instead of $26,000.

Mr. SMOOT. The conferees agreed to $26,000. On amendment No. 16 the House receded, with an amendment inserting, after the word "that," the words "in the judgment of the Secretary of Agriculture."

Mr. President, I do not understand why the Senate conferees agreed to that amendment. I read before the Senate a letter from the head of the printing at the Weather Bureau in which he stated that he hoped I would not insist upon the amendment proposing $17,500; that they could not get along with less than $20,000. Now the conferees have gone to work and agreed on $26,000, $6,000 more than they asked for in the letter. I do not think it is right; I do not think it is proper.

But, Mr. President, it is so near the end of the month, and as this is quite vital, it seems to me, to the Government business, I will not ask that the report be disagreed to. However, I do not believe that we ought to appropriate the $6,000 more than the department itself said they could get along with.

Another thing, Mr. President, I do not believe that the amendment was a proper thing to do. I do not believe the question of printing ought to be left to the judgment of the Secretary of Agriculture. A Joint Committee on Printing of the two Houses have that matter in hand under the law. They are authorized to look after that proposition, and here in this conference report we transfer that power to the judgment of the Secretary of Agriculture. If that was to be done in every department, there is no telling where the printing of the Government would begin and end.

As I said, Mr. President, I am not going to ask that the report be disagreed to, but I wanted simply to express my dissent to the conference report as affecting amendments numbered 15 and 16, because I do not believe it is right.

Mr. WARREN. Mr. President, I am glad the Senator from Utah has expressed himself, because he is authority on that point.

I wish to say that the conferees struggled a long time arduously over that matter, among others. The conferees sat for something like six days, and only ended a few minutes before midnight on Saturday night. I think I may assure my fellow Senators that nothing the Senate put in was surrendered without due attention, and it was only after 11 o'clock on Saturday night, after all its work, that conclusion was had.

Mr. JONES. Mr. President, I understand amendment No. 58 with reference to an increase in the appropriation for investigations in regard to determining some way of utilizing waste wood, and so on, was receded from.

Mr. WARREN. That was the very last straw that was not surrendered. It was not surrendered until everything else had been settled, and it was impossible to save any portion of it. It was even agreed by the conferees of the Senate to cut it down to a small amount—to $5,000—but the House absolutely refused to give us any amount of it. It was our judgment, whether erroneous or not, that we ought not to longer stand on it, because it meant a final disagreement.

I want to assure the Senator that there was not a failure on the part of the conferees on this side to press the matter. The ground taken against it was that this same matter was covered by a very large appropriation in another part of the bill; that the Forestry Bureau reported against it, and we had the documents before us; that all the laboratory work they had was already provided for in the laboratories; that this had been pretty thoroughly examined with the universities of Washington and Idaho, and so forth. That was the argument of the other side, and the Senate conferees finally yielded in order to save any further delay in the conclusion of the bill.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Will the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator from Idaho.

Mr. BRADY. The statement made by the Senator from Wyoming relative to the work being duplicated is not correct. There is no doubt in the world but that that information was given to the conference committee, but this work is entirely different from the work which is being carried on at Madison, Wis. It is field work. It is work that can be done only in the field where the timber grows.

It is very unfortunate, to say the least, that this amendment was rejected. It is recommended by the Secretary of Agriculture, and is recommended by the Assistant Secretary of Agriculture, who has charge of this special work that is being done. I think it is more a misunderstanding than anything else relative to the work being duplicated.

I am not personally going to ask that the conference report be rejected on this account for the reason that I do not want to delay the passage of the bill, but I do want to serve notice at this time that I am going to introduce the amendment to another bill at this session and ask the Senate to give it its approval.

Mr. JONES. Mr. President, in view of the statement just made by the Senator from Idaho [Mr. BRADY], I am not disposed to press the objection to the recession. I am inclined to forego whatever objection might be made against the adoption of the conference report because of the recession on this item. It seems that we are going to be here all summer, and there is no special reason why this bill should be agreed to before the 1st of

July. If we are to pass a resolution extending other appropriations, we can do it in reference to this as well as the others. If the Senator from Idaho had not made the statement he did, I would have been disposed to use every means possible to have the conference report rejected. I think it ought to be rejected.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Idaho?

Mr. JONES. I do.

Mr. BRADY. I should like very much indeed to have the amendment included in the present bill, but I was under the impression that it would unnecessarily delay the measure, and I believe the Senate will give the matter proper consideration when presented at another time. However, the Senator from Washington has had more experience than myself, and he knows better how these things should be done. For that reason I want him to use his own judgment about the adoption of the report. I simply said that I did not want to assume the responsibility for delaying the bill, for the reason that I am in hopes that when the matter is properly presented to the Senate they will give this very worthy amendment due consideration and adopt it in some other bill.

Mr. JONES. I know the Senator from Idaho is very earnest in his support of this proposition. I know he has given it a great deal of attention and a great deal of work, and it was largely through his influence that the provision was put in the bill when it passed the Senate. The university of his State has been carrying on this work, and the people of our part of the country have been looking to that university, and from the work done there expected good results to come from this appropriation. But if the item goes out of the bill there will be no legislation on this point at this session. The Senate will, no doubt, give it due consideration and all that sort of thing, but it will not be enacted into a law. We will get no appropriation, and this work will have to stop.

As the Senator from Idaho [Mr. BRADY] has said, there certainly is a misunderstanding with reference to the work that has been done at Moscow at his university in connection with this work. As he was very instrumental in getting the amendment in the bill and has given very much attention to the subject, I do not feel like taking a position different from the attitude he assumes in reference to it.

Mr. BRADY. While it is quite true that I presented the amendment and was instrumental in having the amendment adopted by the committee, it is also true that my colleague [Mr. BORAH] and the senior Senator from Washington [Mr. JONES] rendered every assistance possible in presenting the amendment and securing its passage by the Senate, and we are all exceedingly anxious to have it retained in the present bill, and I will join in any reasonable effort to that end, but I am convinced that the report will be adopted irrespective of any objection or effort we may make.

Mr. JONES. We might have to pursue some method in which the Senator might not be willing to cooperate with me in order to get it done.

Mr. BRADY. I will do anything that is within my power and necessary to get the amendment inserted in this or any other bill during this session, for I believe it was one of the most worthy amendments presented to the bill.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Page	Smith, Mich.
Borah	Kenyon	Perkins	Smoot
Brady	Kern	Pittman	Sterling
Bryan	Lane	Poindexter	Stone
Burton	Lea, Tenn.	Pomerene	Thomas
Catron	Lee, Md.	Ransdell	Thompson
Chamberlain	Lippitt	Robinson	Thornton
Clarke, Ark.	McCumber	Shafroth	Tillman
Cummins	Martine, N. J.	Sheppard	Townsend
Fletcher	Nelson	Sherman	Walsh
Gallinger	Newlands	Shields	Warren
Goff	Norris	Shively	White
Hitchcock	O'Gorman	Simmons	Williams
Hughes	Oliver	Smith, Ariz.	Works
James	Overman	Smith, Ga.	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the report of the committee of conference on the Agricultural appropriation bill.

Mr. JONES. Mr. President, I think the importance of this amendment would justify me using every possible way to prevent the adoption of the conference report; but in view of the situation that the matter has gotten into, I am not disposed at this time to do that. If the provision is not made, however, in some of the other appropriation bills or in some other way at this session, I desire to say that I shall use every means in my power at the next session to get provision made for this very important work. There is no more important work in our section which can be done than that contemplated by this appropriation. The work done at the other institutions does not include the work that is done at the University of Idaho. With this statement I will let the matter rest for the present.

Mr. NORRIS. Mr. President, I understand the only member of the conference committee on the part of the Senate who is present is the Senator from Wyoming [Mr. WARREN]. Is that correct?

Mr. SMITH of Georgia. That is true.

Mr. NORRIS. I should like to ask the Senator from Wyoming if he remembers whether there was very much bitter opposition to amendment No. 114, relating to the investigation to be made by the Secretary of Agriculture in regard to the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells?

Mr. WARREN. That was contended against from the first to the very last, their argument being that the amount of money set apart in other appropriations for that purpose was entirely adequate, and they seemed to have the papers from the department which they had sent for to corroborate it. It seems that the conferees on the House side have the habit, after the Senate has the bill made up, to send for further correspondence and again get letters from each of the departments as to any amendments in the line of increase that we in the Senate make; and, of course, they have those letters and papers before them.

Mr. NORRIS. I should like to ask the Senator if he can remember any other bill where money was appropriated for similar purposes?

Mr. WARREN. The language may not be exact, but it was near enough for them, of course, to hang their opposition on.

Mr. NORRIS. In what bill is that?

Mr. WARREN. I think the Senator from Nebraska will find a portion of it in the Agricultural appropriation bill and another portion in the sundry civil bill in the appropriations for the Geological Survey. Of course the Senator will understand that I am not giving that as my argument, because I contended to the last for this amendment.

Mr. NORRIS. I remember when the amendment was put in the bill in the committee that we had quite a time with it; but it was adopted after some discussion. I learned that after I had left the committee a motion was made to reconsider the amendment, and it was reconsidered. At a subsequent session of the committee another vote was had on it, and then it was put back into the bill. There was some very strong opposition to it, although the Senator, as I remember, was one who favored the amendment all the time.

Mr. WARREN. Yes; and I think the Senator will remember that I was called away. Later on, at a meeting at which I was not present, by agreement the meeting was confined to three or four different matters. I could not be present but, of course, my views were understood to be in favor of the proposition.

Mr. NORRIS. Mr. President, it seems to me that this illustrates that we are very often legislating at the behests of the departments. It seems, from what the Senator from Wyoming says, that the conference committee were guided to a considerable extent or possibly controlled by letters from the department, even after the bill had passed both the House and the Senate.

Mr. WARREN. In justice to the department I have to say that it is only in response to inquiries made either by a Senator or a Member of the other House that such communications are forwarded.

Mr. NORRIS. I think this particular item illustrates that. This is not a local item. It seems to me it is one of the most appropriate objects for which we could spend money with a view of getting good and beneficial returns for agriculture. This item reads:

> To enable the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, $100,000.

Mr. President, I repeat, this is not a local appropriation; it applies to no particular State; it applies to no particular locality; but it applies, practically, to every State in the United States west of the Missouri River. It is something, it seems to me, that is eminently proper for the Agricultural Department to do.

But what happened? What sort of a gauntlet did this amendment have to run? In the first place, in the Agricultural Committee, much to my surprise, there was bitter opposition. As I

said, it was voted in; then the vote was reconsidered, and finally it was put in the second time. It passed without opposition when it got on the floor of the Senate; but during all that time there were department officials consulted by the Senate committee, and they threw cold water on the proposition. The argument made in the committee was the same argument which the Senator says was made by the conferees; that is, that this is appropriated for in some other bill. I challenge them to tell me where, and I should like to have some one tell me now where this is provided for in any other appropriation bill.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I do.

Mr. JONES. I venture the assertion that there is not a dollar appropriated in any other appropriation bill which can be employed by the Agricultural Department or by any other department in sinking artesian wells.

Mr. NORRIS. That is what I said, and that is what I still say.

Mr. WARREN. I think the Senator from Washington is right as to the Agricultural Department.

Mr. JONES. Or as to any other department.

Mr. WARREN. I think in the Interior Department, in the Reclamation Service, they have a right to do so.

Mr. JONES. That is not in any appropriation that may be made for the Reclamation Service. Of course, if they choose to use some of the money of the reclamation fund to make artesian wells as a part of a reclamation project, they can do so, but there is no money appropriated directly out of the Treasury that can be used by the Agricultural Department for the sinking of artesian wells.

Mr. SMITH of Georgia. Would it not commonly fall within the sphere of the Geological Survey?

Mr. NORRIS. I think not.

Mr. SMITH of Georgia. The Senator knows that I was not on the conference committee, and so I am not familiar with the views there expressed.

Mr. NORRIS. I understand that; and I am not criticizing the conferees. I think from what a Senator has privately told me that two at least of the conferees were in favor of this amendment from the beginning and did what they could in conference to have it retained.

Mr. WARREN. I want to say, in justice to all three of the Senate conferees, that they favored it. There is a group of amendments, of which this is one, of which the Senator is speaking; another is as to the gypsy moth; and another one is that in which the Senator from Idaho is interested. It also includes another amendment of the Senator from Nebraska. Those were the last and hardest things on which to bring a settlement. Whatever might have been the opposition of some Senator originally, I want to say that in the committee they all stood by the amendment as the Senate had instructed. That always is a matter of honor with the conferees. I should consider that I dishonored the position given me if I did not stand by what the Senate ordered me to do.

Mr. NORRIS. I am very glad indeed to have the Senator's statement. Of course, I did not intend to say than any member of the Senate conference committee was opposing the amendment in conference. I do not desire to have that construction put on what I said.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. I should like to ask the Senator from Wyoming whether the House conferees pointed out any appropriation which they said could be used for sinking artesian wells?

Mr. WARREN. Oh, yes. The Senator will find some. He might deal with them as a Senator as I did.

Mr. JONES. I know we have an appropriation in the sundry civil bill for the Geological Survey to investigate artesian water, and so forth, but nowhere do we authorize them to do it by the boring of wells.

Mr. WARREN. But there is an amount of money, which they claim can be used, which provides for irrigation experiments. There is one hundred thousand or more dollars of that appropriation.

Mr. JONES. Do they claim that that can be used for the sinking of artesian wells?

Mr. WARREN. Certainly.

Mr. JONES. Does the department contend that it can do the work?

Mr. WARREN. I do not know that the department does so contend, because I do not recollect the wording of these provisions.

Mr. JONES. The Senator from Wyoming knows as much about these matters as anybody on this floor. Does he know where the department has ever sunk an artesian well?

Mr. WARREN. Oh, yes.

Mr. JONES. For experimental purposes?

Mr. WARREN. Well, experimental service. As the Senator knows there is a project in one of the Dakotas.

Mr. JONES. Yes; but that is in connection with the Reclamation Service.

Mr. WARREN. Yes.

Mr. JONES. That is an entirely different matter.

Mr. WARREN. It is more or less experimental. I think there is also one in Kansas.

Mr. JONES. At Garden City.

Mr. WARREN. At Garden City. I think there is also one other project.

Mr. JONES. That is an entirely different matter. Does the Senator know of any appropriation outside of the reclamation fund that has ever been used for the sinking of an artesian well?

Mr. WARREN. There has been no specific appropriation, so far as I know, that directs a certain amount of money to be expended at any point for boring artesian wells; but under the provisions made for the Geological Survey and because of the fund which the Reclamation Service is using for experimental work in connection with irrigation projects the inference is drawn that this class of work can be done.

Mr. JONES. I wanted to find out whether there had been any authoritative declaration that there is any money that can be used for this purpose, because I want to say that I have tried to get the department to furnish money, but they have always said that they had no authority to use it for that purpose.

Mr. NORRIS. I have done the same thing.

Mr. WARREN. That same argument was presented by me, I may say, and by others in the conference.

Mr. JONES. I wonder the Senator from Wyoming did not have them point out some particular appropriation which could be used for that purpose, so that we could get at it.

Mr. WARREN. I will say to the Senator that they pointed out those appropriations to us.

Mr. JONES. The department says it can not do it.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). To whom does the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, just one word. Since the Senator from Wyoming [Mr. WARREN] referred to the sinking of artesian wells by the department in the Dakotas, I know of no work done by the department in the Dakotas in regard to securing water for irrigation purposes except in connection with the Belle Fourche reclamation project. That is not an artesian-well project. There is a vast semiarid region west of the Missouri River outside of this project, in which, as I understand, the department has done no work in the putting down of artesian wells and has made little, if any, investigation along that line. There may have been some investigation, but there has been no work of putting wells by the Government.

If I may be permitted a word further, I do not think that there is any item in this appropriation bill relating to agriculture for which the money could be more profitably spent than in the sinking of artesian wells in that vast semiarid region.

I came into the Chamber since the Senator from Nebraska began the discussion, but, as I understand, the Senator is referring now to the conference report upon his amendment providing for the appropriation of $100,000 for the putting down of artesian wells. I sincerely hope that the conference report will be changed in that respect and that the Senator's amendment will prevail.

Mr. NORRIS. Mr. President, I would have asked the Senator from South Dakota, even if he had not interrupted me, the very question which he has already answered, because I was satisfied not only that the Reclamation Service had not been putting down artesian wells with a view of getting water for irrigation purposes, but that under the law, as a practical proposition, they have not any authority to do so. I myself have had that very question up with the Reclamation Service. I was under the impression that they would have authority to do it under the reclamation act; but when I took it up with the officers in charge of the work several years ago and went over it and discussed it with them, they convinced me that in reality they had no such authority.

The object of this appropriation is to give authority and power and money to the Secretary of Agriculture to develop artesian water for the purpose of agriculture, without regard

to whether it is public land or privately owned land on which the well is sunk.

Mr. WARREN. Mr. President——

Mr. NORRIS. I will yield to the Senator in just a moment. It is a well-known fact that artesian water is sometimes found at great depths and that it is necessary to spend a vast amount of money in order to get it, all of which may be lost if artesian water is not found. There are localities in the semiarid belt where if it were demonstrated that water could be obtained, even though it could not be brought all the way to the surface of the ground, if it were brought within pumping distance, say within 25 or 30 feet of the surface, men could put down their own wells; but no one man can afford in that country to experiment for all the community. It seems to me that that is one of the objects of the Agricultural Department, namely, to experiment for the general good of agriculture; and wherever an experiment can be performed that is likely to redound to the benefit of any section of the country, there is the proper place to spend the money to perform the experiment. I now yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I agree entirely with the Senator that this is not a local question; that it is a very, very broad one, a very deep one, and one that it would undoubtedly be fruitful to follow for the great good of the country. Of course one of the contentions of the other side in conference was that it was not properly in the line of agriculture, because, while irrigation leads to agricultural development, the machinery for boring wells and engineering of that kind more properly belongs to the Interior Department and should be provided for in another bill, which the Senator understands provides for that class of work. That was among the arguments that were made against it.

Mr. SMITH of Georgia. Mr. President——

Mr. NORRIS. Mr. President, if the Senator from Georgia will wait until I finish what I had in mind when the Senator from Wyoming interrupted me, I will yield to him.

I said a few moments ago that I had taken the question up with the Reclamation Service. The answer that is made perhaps as often as any other to the request for this appropriation is, "Let the Reclamation Service take it up." It is absolutely impracticable for them to take it up, as was explained to me when I brought the matter to their attention two or three years ago. They asked me, "Do you expect, if you find artesian water in a certain locality, to be able to irrigate, by means of the well to be sunk, a considerable area of the country?" I said, "No; I would not expect that; perhaps if you sink one well you may irrigate one farm, but you will not be called on to dig any more wells, because if it is demonstrated that artesian water is there every farmer in the vicinity will bore his own well." They said, "That is right; there is no question about that; but what authority have we to use the money of the reclamation fund for that purpose? The law provides how it shall be used, not for experiments but to secure water to irrigate land, contemplating the irrigation of large tracts of land; and unless we can have some reason to believe that by sinking an artesian well we can irrigate a large area of country, we have no honorable right to use the money to put down wells." I conceded that they were right, and I believe now they were right. So that when it comes to a practical proposition we can not expect the Secretary of the Interior to take the reclamation fund and use it for experiments of this kind. I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I only want to say to the Senator that I do not think there can be any doubt about the fact that the proper branch of the Government service to conduct experiments to ascertain whether artesian water can be obtained is the Geological Survey. I think the experts of the Geological Survey would be far more likely to be able to determine properly a question of this kind than any of the men in the Agricultural Department. We have had some experience in artesian wells in my State, and it is largely a question of geology rather than of agriculture. The value of artesian wells for agriculture we all recognize, but if an investigation is to be made and experimental wells are to be sunk by the Government, from my own knowledge of the work of the Geological Survey I am sure that that is the bureau under which the work should be done. Of course the Senator knows the Geological Survey is a branch of the Interior Department.

Mr. NORRIS. Well, Mr. President, I have always thought that, if this provision went into the law, the Secretary of Agriculture would avail himself of the experts of the Geological Survey. There is not any question that the officers of that branch of the Government service, as far, perhaps, as science is able to determine, can look over the surface and give expert opinion as to the probability of securing artesian water and at what depth; and, as the well goes down and examinations are made of the soil taken out, they can determine as to the probability of finding artesian water and the advisability of going still deeper. But, Mr. President, there is no authority now resting in the Geological Survey to engage in this work, and nobody can cite a single line of law that gives them the authority to do so.

So far as I am concerned, I care not whether the man who sinks the well is called an agriculturist or a geologist; it does not make any difference. I am calling attention to this matter now in order that the Senate may understand the objections which have been made at various times, with a view, when the sundry civil appropriation bill comes in, as it will soon, to offer the same kind of an amendment to it as I have offered to the agricultural appropriation bill, giving the authority to the Geological Survey to prosecute this work, and see what the various opponents of this particular kind of appropriation will have to say when the work is proposed to be intrusted to the Geological Survey.

Mr. NELSON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. NELSON. I entirely agree with the Senator from Georgia [Mr. SMITH] that this is a subject matter for the Geological Survey. Senators must remember that the Geological Survey is not a branch of the Agricultural Department; it is a branch of the Interior Department, and hence it is not appropriate to provide an appropriation for the Geological Survey in the Agricultural appropriation bill.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. For information, I desire to ask the Senator a question or two. Have any artesian wells been sunk in the territory which the Senator has in mind?

Mr. NORRIS. I know of a few.

Mr. GALLINGER. To what depth are they ordinarily sunk?

Mr. NORRIS. That varies very greatly.

Mr. GALLINGER. That leads me to the second question. Might not an experimental well be sunk by one department of the Government and water found that would be useless to the farmers residing, say, 25 or 50 or 100 miles from that water?

Mr. NORRIS. Yes; I presume that is true; but the Senator will no doubt remember that in various localities with which he is familiar there will be a well-defined belt in which there is artesian water. We have in my State, for instance, a quite well-defined strip of country where artesian water can be obtained. It is in a part of the State where no irrigation is necessary and where they have always plenty of rain; but it constitutes quite a stretch of territory, running through two or three different counties, in which the outlines of the artesian belt are very well defined. I have in mind now a town located in Nebraska, in a good portion of which artesian water has been obtained by driving; they do not even need to bore a well; but they obtain the water by driving, and by means of pipes run it all over the houses. Twenty-five or thirty miles from there they can get no artesian water, so that it is a matter, to a great extent, of guesswork.

Mr. GALLINGER. That is the thought I had in mind. We are trying to get artesian wells in some parts of New Hampshire, but we are driving them through the solid rock. We know what that means. I had supposed that the mere sinking of an artesian well in soil such as prevails in Nebraska, for instance, would not be experimental and would not be very expensive. I do not know how it is in Nebraska, but they drive these wells, without digging them, in some parts of the country.

Mr. NORRIS. In the portion of the country with which I am familiar, where it is arid and semiarid, you can not get an artesian well by driving. I know of flowing wells down in the vicinity of the line, for instance, between Nebraska and Colorado, a locality where they have some artesian water. I have understood that northwest of there, in Colorado, and probably also in Nebraska, farther north and farther west, there is a locality where they have brought the water up to within 10 or 15 feet of the surface; but I am not thinking of that particularly. Of course, this amendment does not apply to that territory any more than it would to Colorado and Nevada. I have seen in Nevada, for instance, thousands and thousands of acres that would be the most valuable land under the sun if it had water; and I do not know but that experiments might demonstrate that there is artesian water in that locality. If one well located in such a locality should demonstrate the existence of artesian water, that is all the Government would have to do.

The people would take care of the rest, and that country would be built up.

Mr. GALLINGER. Mr. President, the Senator knows that I am in deep sympathy with the effort to provide for any needs that may exist in the arid and semiarid regions of this country——

Mr. NORRIS. I think so.

Mr. GALLINGER. And I was wondering whether or not an experiment made at one particular point would be of value at a point some miles distant. I recall reading once that Artemus Ward watched the process of sinking an artesian well. They had gone down very deep and had not struck water. He suggested that they go around in China and dig up; that he knew there was water there somewhere. [Laughter.] I suppose it is, after all, a good deal of an experiment.

Mr. NORRIS. In answer to the suggestions made by the Senator from New Hampshire, I will say that it is an experiment. That is the reason private individuals can not afford to spend the money to perform the experiment, for there is always the risk of not getting anything; but if artesian water were found in a certain locality, I take it that a wise administration of the law on the part of the Secretary of Agriculture would dictate that he pay no more attention to that locality; the people would take care of the matter, and it would soon be discovered what the bounds of that particular artesian belt were. I remember when artesian water was discovered in the eastern part of Nebraska that there were a great many wells put down; a great many experiments took place; and it was not long until the outlines of that particular artesian belt were well known. Scientists came in and gave various reasons for it and explained it, and they reached a satisfactory conclusion in their own minds.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. Mr. President, along the line of the suggestion of the Senator from New Hampshire [Mr. GALLINGER], I want to say that at my town, which is in a valley between two foothills coming down from the mountain, the valley being some 15 or 20 miles long and 4 or 5 miles wide, for a good many years there was talk of securing artesian water. The Geological Survey, after such investigation as they were authorized to make, said there was not any artesian water in that territory, but by and by some man sunk a well. He went down about 800 or 1,000 feet and struck artesian water; and from that time on everybody knows that if they go down about 800 or 1,000 or 1,200 feet they can get artesian water in that territory. That is why we want the amendment.

Mr. NORRIS. That is exactly the purpose of this particular amendment. Let me ask the Senator if he can state how much that well cost?

Mr. JONES. I am not certain about it; but my recollection is that the cost ran from $1 to $5 a foot. Of course, when you get down a little way and strike rock, as has been suggested, it will cost more; but I think, on the average, the cost would be from $2 to $2.50 a foot.

In line with this proposition, I desire to say that in a certain locality in our State there are, say, 200,000 acres of land of the same character and constituting a sort of plateau. It is just as good land as the sun shines on, except that it is semi-arid or almost arid. If by the sinking of a well artesian water could be shown to exist at any point in those 200,000 acres everybody would be satisfied that he could find artesian water almost anywhere in the tract. That illustrates again what the purpose of this amendment is.

Mr. NORRIS. I think that illustrates it. I believe that is all I have to say, Mr. President.

Mr. BRADY. Mr. President, I want to say a word relative to the amendment No. 58, making an appropriation of $25,000 for experimenting in by-products in the forests of the West. There seems to be an impression that the Chief Forester is opposed to this amendment. I am convinced that there is a misunderstanding relative to that matter. While he believes that it is a duplication of his work, yet he has no objection whatever to the same. The amendment was very carefully considered by the Committee on Agriculture. I presented to the committee the by-products sent to us by Dean Shattuck, who has charge of the work at the University of Idaho, and the Assistant Secretary of Agriculture, Dr. Galloway, who was present at that meeting, joined us in preparing the amendment as it was adopted by the Senate.

The Department of Agriculture has already sent an expert to Idaho to assist Dean Shattuck in this work, and they are now actually doing work out in the forests and on the farms of the Northwest. They are securing excellent results, and in all fairness they deserve every encouragement that the Government can give them in the splendid work they are doing.

I am convinced that the Senate would not reject this report on account of this amendment, and I fear I would hurt our cause more than I would help it by attempting to delay the passage of the bill. I believe that a majority of the Members of the Senate are in favor of this amendment and will assist me in having it adopted in some other bill during this session. For that reason I shall raise no further objection to the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I ask that the unfinished business may be taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. BORAH. Mr. President, in the discussion of this bill I can not repeat too often or reassert too frequently the proposition that I believe in the principle of the Sherman antitrust law, and I am willing to vote for any measure which to my mind will strengthen and make more effective its enforcement.

It has been said that the Sherman antitrust law places too great a burden upon the courts—a proposition to which I agree if we are going to leave to the courts, as we have been disposed to do heretofore, the execution of their own decrees. If it can be shown that an administrative body is necessary for the purpose of assisting in the formation of these decrees, to the end that these corporations may be dissolved under the decrees, and that the decrees dissolving the corporations may be carried into effect, I am in favor of that kind of a measure; but I am unable to overlook the fact that for the last several years in this country there has been growing more and more, by reason of the powerful influence which is behind it, the idea that we must tolerate monopoly in this country and provide some means and methods for its regulation. To that kind of a proposition, appearing in all its boldness or insidiously, I am opposed.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. In just a moment. I want, before I close, to suggest that in its present form and with its present provisions in my judgment this measure will ultimately come to be used for that purpose, and will be built into a huge measure which will have for its ultimate object and purpose the regulation and control of monopoly.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I do.

Mr. STERLING. I think in the discusion of so important a measure as this there ought to be a quorum present, and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	Nelson	Shields
Borah	Hitchcock	Newlands	Shively
Brady	Hughes	Norris	Smith, Ariz.
Brandegee	James	O'Gorman	Smith, Ga.
Bryan	Jones	Overman	Smith, Md.
Burton	Kenyon	Page	Sterling
Camden	Kern	Perkins	Thomas
Chamberlain	Lane	Pittman	Thompson
Clarke, Ark.	Lea, Tenn.	Pomerene	Thornton
Cummins	Lee, Md.	Ransdell	Warren
Dillingham	Lewis	Robinson	White
Fletcher	Martin, Va.	Shafroth	Williams
Gallinger	Martine, N. J.	Sheppard	

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present.

Mr. NELSON. Will the Senator yield to me for a minute?

Mr. BORAH. I yield.

Mr. NELSON. I offer an amendment to the trade commission bill. It is very short, and I ask that it may be read, printed, and lie on the table.

The PRESIDING OFFICER. The Secrteary will read the amendment.

The SECRETARY. It is proposed to amend the bill, on page 20, lines 20 and 21, by striking out the words "That unfair competition in commerce is hereby declared unlawful," and by inserting in lieu thereof the following words:

Competition in commerce, the purpose or effect of which is to cripple or destroy the business of a competitor, shall be deemed unfair competition, and is hereby prohibited and declared unlawful.

Mr. BORAH. Mr. President, the roll call having brought to the Chamber a full Senate, and the manifestation of interest being unmistakable in this great measure, which is calculated to change the industrial policy of the country, I will proceed with the discussion, with the assurance to my colleagues that I shall be as brief as possible.

I find that I am not the only one who has heretofore contemplated with some disturbance of mind the proposition of tolerating these combinations and monopolies and providing a system of regulation. Mr. Bryan, the present Secretary of State, several years ago, immediately after the rendition of the decision of the Supreme Court in the Standard Oil case and the American Tobacco case, in an article in the New York Times, said:

> Mr. Gary, head of the Steel Trust, proposes regulation even to the extent of the regulation of prices, and the principle is indorsed by the Attorney General. The latter compares the trusts with the railroads, argues in favor of regulation of prices, and puts the regulation of prices upon the same ground as the regulation of railroad rates.
>
> To clearly understand the situation it may be well to suggest that there are now three remedies before the country. First, the national incorporation of interstate industries; second, the regulation of interstate industries by a board of the court, which will have power to fix prices; third, legislation which will dissolve within a reasonable time the private monopolies that now exist and prevent the organization of new ones, thus restoring competition.
>
> The first and second are really one in essence, since they simply contemplate different means of reaching the same end. Those who advocate national incorporation expect, of course, that the incorporation will be upon conditions which will in themselves constitute a regulation, while those who advocate regulation only, without national incorporation, will reach the same end in a little different way.
>
> The objection to national incorporation is that it is intended to do away with State regulation entirely and compel reliance exclusively upon national regulation. This is objected to—and I think the objection is sound—on the ground that the State is left helpless in case Federal legislation is not sufficiently strict.
>
> Federal incorporation is not only objectionable, but it is unnecessary. The Federal Government now has power to employ any means necessary for Federal regulation without national incorporation, and whatever Federal regulation is necessary ought to be added to State regulation and not substituted for it.
>
> The second plan is objectionable for two reasons: First, because it is insufficient—that is, Federal regulation is not a complete remedy. The influence exerted by monopolies is so great that the people would be in a constant battle with the great corporations to see which would elect officials through whom control would be exercised; and no one who has watched these decisions can fail to recognize the helplessness of the masses when they have to fight a vigilant, sleepless group of financiers who have a large pecuniary stake in controlling the Government.

Mr. President, when the time comes in this country when the regulation of railroads is in the hands of a commission and the regulation of the currency is in the hands of a commission, and the regulation of industry is in the hands of a commission, there will be but one fight—only one will be necessary, with such discretion as is lodged in this commission and the commission into which this will finally grow—and that is, to control the commissions.

We passed some time ago a currency bill. It provided for what is in effect a currency commission. The Government of the United States issues the notes and loans them to the banks.

Mr. President, when the industries and the commerce and the currency and the transportation of the country have been centralized at Washington, and that wide and indescribable and incomprehensible discretion given to the commissions which is being given to these commissions, there will be only one fight in politics, and that will be to control these commissions. They are given all kinds of power. The division of power which inheres in our form of government is practically ignored when we reach the commissions, and they exercise almost every conceivable kind of power which a government possesses.

Again, Mr. Bryan says:

> The larger the control vested in the national commission or court, the more important it would be for the trusts to control the selection of the members. If the court was intrusted with the fixing of prices, it would mean hundreds of millions a year to the trusts. No well-informed citizen need be told that with so large a sum at stake the trusts would be active in every congressional, senatorial, and presidential election.
>
> It has been suggested that the regulation of prices would be socialistic, and there can be no doubt that its tendency would be in the direction of ultimate ownership by the Government of the industries themselves. When the country decides that competition can not be restored—that monopolies are a permanent development of industry—then the people will be face to face with the socialistic issue.

Yes, Mr. President; when the time comes in this country when the people are resolved that they can not destroy monopoly, that they can simply do no more than regulate it and control it through commissions, so far as I am concerned, rather than undertake merely to regulate monopoly through commissions, which is about the same thing as undertaking to regulate a cancer in the human system, I would prefer to try State socialism.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. BORAH. In just a moment.

> The Democratic platform outlines a plan, and our new form of government makes this plan easy of adoption. The plan is, in substance, as follows: Let a license be required of interstate commerce corporations—

And so forth. What I was seeking was the justification which the Secretary makes——

Mr. WHITE. What I wanted to know from the Senator from Idaho was from whom he was quoting.

Mr. BORAH. I was quoting from the present Secretary of State, Mr. Bryan.

> The third plan is, to my mind, the only one consistent with history, with economic principles, and with the public welfare. The private monopoly should be regarded as indefensible and intolerable, and legislation should be enacted which will compel the dissolution of all monopolies now in existence and make it impossible for a private monopoly to be created hereafter.

Again, Mr. Bryan says, and this seems to me particularly pertinent here:

> The only reason for combination is to prevent competition, and the only reason for preventing competition is to secure larger profits.
>
> The trust is not an economic development any more than horse stealing or burglary. The man who holds up the passenger on the highway acts upon the same principle that underlies private monopoly. The trust conducts highway robbery on a more polite and more extensive scale, but there is no distinction from a moral standpoint between the trust methods and the methods of the highwayman.
>
> If the public does not see that the methods are identical, it is because the glamour of financial success has obscured the processes by which the victim's money is extracted.

Again, he says:

> Is it not time to pay some attention to the just demands of the honest business man and relieve him from anxiety and expense at the same time that the country is relieved from the conscienceless depredations of the monopolist? Such relief is possible. The plan embodied in the Democratic platform protects the honest man, restrains the corporation which attempts to control business, and does it without invoking any new principle.
>
> There is no tenable middle ground between competition and Government ownership. Wherever competition is impossible, Government ownership is necessary. We have our choice, therefore, between the restoration of competition and preparation for Government ownership.
>
> I have faith that the people, when they understand the trust question, will prefer to rely upon competition rather than to permit private monopolies to exist and then trust to regulation.

Mr. President, any measure, any policy, which can be shown to be in aid of the destruction of private monopoly I will support. I may be entirely in error as to the effect of this measure. I do not believe that I am in error as to what its ultimate effect will be.

Let us go now to the bill itself and see in regard to section 5:

> That unfair competition in commerce is hereby declared to be unlawful.

To my mind this furnishes no standard whatever; and in so far as it furnishes no standard, it favors the lawless and embarrasses the honest. I can not conceive of a term which is more elastic in the mind of the business world than the phrase "unfair competition." I have searched very earnestly for the authorities which have defined "unfair competition," and I have been unable to find any authorities, except that upon a particular state of facts, relating alone to the case before the court, the court has decided under the Sherman law, generally, that that could not be done. Any definition which would fit a state of facts until the determining tribunal had them before it, which would be a guide to a citizen, I have been unable to find.

The Senator from Arkansas [Mr. ROBINSON] called attention the other day to the work on words and phrases. But when we examine this work we find very little comfort and less guidance. Under the heading of "Unfair competition" the authors of this work simply refer to certain cases wherein a particular state of facts was deemed to be proof of unfair competition. But all these cases, so far as I have been able to examine them, are trade-mark cases. The question involved was what was an unfair use of a trade-mark. These were cases where deception and fraud in the use of trade-marks were involved. It needs no argument to show that that is no guide for the man in the general business world.

One of the cases cited was from the Ninety-fourth Federal, and I read a single paragraph from the syllabi:

> Nothing can be legally appropriated by anyone as a trade-mark which, aside from superiority and excellence, popularity, or cheapness of the article bearing it, would practically confer upon him a monopoly in the production or sale of like articles.

Another one of the authorities cited is the T. B. Dunn Co. *v.* Trux Manufacturing Co. (63 N. Y. Sup.). The syllabi of this case discloses the matter in controversy:

> Such packages not having been the same, and not having been devised so as to deceive or with intent to deceive or induce a belief that they were put up by plaintiff, defendant's use thereof could not be enjoined upon the ground of unfair competition.

The case of Sterling Co. *v.* Eureka Co. (80 Fed.) is also a trade-mark case. All of these cases were trade-mark cases, and the court in no instance undertakes to define or even to

discuss unfair competition separate and apart from the infringement of trade-marks. Nothing therein contained gives the slightest suggestion as to the general rule of business.

The Senator also called attention on yesterday to an article by Prof. William S. Stevens, of Columbia University, and cited it in support of his contention that unfair competition had a well-defined and well-understood meaning. It seems to me, however, that Dr. Stevens, with whose views I in nowise disagree, is authority for the very opposite of that view.

He opens his article by saying:

"Unfair competition" is a term difficult either to define or explain. To different individuals it connotes different things. The lawyer's view of unfair competition, for example, is based upon the statutes and the decisions of the courts; that of the economists upon economic consequences and results. To the lawyer, a method which is legal is not unfair. To the economist, on the other hand, legally per se is no criterion of fairness. The opinions of the lawyer and of the economist are therefore likely to be at variance in the case of more than one method. This divergence of views will appear more clearly in the course of this article which is written from the standpoint of the economist.

In order to determine the meaning of "unfair competition" from an economic point of view it is of service to consider first the meaning of "fair competition."

After a person has performed the inconsequential and ordinary task of determining, in the whole field of human industry, what is "fair competition," the business man will be prepared to proceed to determine what is "unfair competition." That is the argument of the doctor upon this subject, and I agree with him. I do not criticize or find fault with his views. But it must be conceded that it is a rather large field of exploitation to which he invites the business man.

Fair competition in an economic sense signifies a competition of economic or productive efficiency.

You will notice the limitation of that statement.

Fair competition in an economic sense signifies a competition of economic or productive efficiency. On economic grounds an organization is entitled to remain in business so long and only so long as its production and selling costs enable it to hold its own in a free and open market. As the productive and selling efficiency of competitors increases, marginal concerns which are unable to keep pace will gradually lose their market and ultimately discontinue business. But in such an elimination there is nothing not economically fair to all concerned. If all have an equal chance to survive, it is economically proper that those failing through lack of efficiency should be destroyed. The community is entitled to the most efficient service that can be given. Inefficient organizations constitute a burden to the community and no justification can be found for their continued existence.

In other words, Mr. President, fair competition in the mind of this distinguished scholar is synonymous with productive efficiency. It is a term, therefore, incapable, as he plainly intimates, of definition or explanation. It depends upon a thousand conditions and upon environment; it depends upon the mental attitude not only of the judged, but the adjudged. Under such conditions as the doctor describes, the boldest monopoly that ever contributed to a presidential campaign could be secure, and in time they would be secure.

Unfortunately, competition is not always conducted under such conditions of equal opportunity in a free and open market.

Then further along in the article the doctor gave a classification of the things which have been declared to be unfair competition.

1. Local price cutting.

Unquestionably; and it is inhibited now. It is one of the monopolistic practices which is condemned by the Sherman antitrust law. It will add nothing to reassert the proposition in another statute. The courts have repeatedly announced that as true, and we derive the things which constitute unfair competition from the decision of the courts under the trust act.

2. Operation of bogus "independent" concerns.

That has been repeatedly condemned by the courts under the trust law, and is already inhibited. The statute already covers the subject matter.

3. Maintenance of "fighting ships" and "fighting brands."

Which is also a matter which has been passed upon by the courts as inhibited.

4. Lease, sale, purchase or use of certain articles as a condition of the lease, sale, purchase or use of other required articles.
5. Exclusive sales and purchase arrangements.
6. Rebates and preferential contracts.
7. Acquisition of exclusive or dominant control of machinery or goods used in the manufacturing process.
8. Manipulation.
9. Blacklists, boycotts, white lists, etc.
10. Espionage and use of detectives.
11. Coercion, threats, and intimidations.

Those are the 11 subjects which the doctor looked upon as constituting unfair competition and there he ceases. But it is clear that this committee would not be willing to assert that as a code constituting in full what the committee want under any circumstances to be unfair competition.

You have therefore not lessened the field of doubt nor lessened the field of understanding by designating those 11 things which are unnecessary of designation for the reason, as I said, that they are already included within the pronouncement of the courts with regard to these matters. I find no criticism of the article, but I do find that here is an economist who has made a special study of this subject for the specific purpose of trying to define in two articles in a magazine what he conceives to be unfair competition. He starts with the statement that it is difficult to understand, or difficult to define, and difficult to explain.

Mr. President, you are announcing a rule here which will enable the business men of the country to practice almost any kind of competition or else, upon the other hand, it will so circumscribe them by reason of the doubt that they will not be able to proceed until they have had repeated decisions from this commission as to what constitutes unfair competition. What constitutes unfair competition to-day does not constitute unfair competition to-morrow in the business world. Some things which are unfair competition to-day would not have been regarded as unfair competition 20, 50, or a hundred years ago, and a number of things, as business development grows, with different conditions, different views.

The bill further says:

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce it shall issue and serve upon such corporation a written order at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside in whole or in part any order issued by it under this act.

I call attention to some of the expressions from the courts with reference to this kind of a statute, as to the uncertainty of the language, the ambiguity of the language upon the question of their enforcement either in civil process or in a criminal court. My attention has been called to a case which is often cited—in the Forty-fifth Arkansas, at page 164, the case of Andrew Jackson ex parte. This case says:

The warrant alleges that the petitioner was convicted of the crime of committing an act injurious to the public morals, by leaving his wife, etc. By the Revised Statutes, chapter 44, section 7, it is made a misdemeanor to "commit any act injurious to the public health, or public morals, or to the perversion or obstruction of public justice, or the due administration of the laws." We are not aware that this act has ever been judicially questioned or ever in any case heretofore enforced. It has trickled down unnoticed in practice, through all the digests, and finds its place in Mansfield, section 1961. For want of something more definite, the justice of the peace has brought it now to bear upon Andrew Jackson, and it must be noticed.

We can not conceive how a crime can, on any sound principle, be defined is so vague a fashion. Criminality depends, under it, upon the moral idiosyncrasies of the individuals who compose the court and jury. The standard of crime would be ever varying, and the courts would constantly be appealed to as the instruments of moral reform, changing with all fluctuations of moral sentiment. The law is simply null. The Constitution, which forbids ex post facto laws, could not tolerate a law which would make an act a crime or not, according to the moral sentiment which might happen to prevail with the judge and jury after the act had been committed.

Analyzing this warrant we can not find that it sets forth any offense as the ground of commitment. We think the honorable chancellor was mistaken in his view of the law and should have held this commitment void, as he had rightfully held the former was.

Mr. President, what are you doing with this commission except establishing a censor for morals in the business world for right conduct, for right action? To enforce fair competition is to practically oversee the moral conduct of all men engaged in a business in which they have a competitor.

I want to say in this connection that if this law should become effective, and if you should make it a success from the standpoint of reviewing everything that every citizen might consider unfair which he should present to you, there would be no end of the expense and of the cost of the number of officers, agents, and parties who would be engaged in the performance of this work.

As I said the other day, Mr. President, the best enforcement of the law in this matter is the individual himself. The trusts for a long time did not take much concern in regard to the proposition that if a man was injured by a monopoly he could recover treble damages. But after the Supreme Court had rendered a decision in which that phase of the law was exploited and applied to the labor organizations so as to be effective for its purpose, these suits against monopolies are springing up by individuals all over the country. If a monopolist understands that if he injures a man to the amount of $10,000 by unfair practices—by monopolistic practices such as are now defined in our decisions—the man injured may turn around and

recover from it $30,000. It is going to be the most effective and powerful instrument for the dissolution of monopolies in this country that we can possibly have. I would rather have the countless hundreds and thousands of men who were injured by monopolies contending for the enforcement of the law than any commission or any public institution you can possibly create. Under this proposed law, if a man has been guilty of unfair practice what you do is to say to him, "Go thou and sin no more." No punishment for past deeds, no reparation to the injured party.

With reference to the question of the expense of bureaucratic forms of government, commissions, and so forth, in 1894 the United States Government employed 247,000 persons. In 1914 the same Government employed 712,000 persons. In 1894 the population of the United States was 66,000,000. In 1914 the population of the United States was 95,000,000. In the same time that the population has increased 47 per cent the number of employees has increased 186 per cent. Yet men speculate about the cost of living, and the taxes, and the fact that we can not get enough taxes by an income tax and a revenue tax and every other kind to keep the Treasury from going to a deficit.

I ask those who are favoring this bill to contemplate what in 10 years from now or 20 years from now will be the amount appropriated by the Government of the United States to bring public lawsuits and to adjust the competitive conditions of business in this country if, indeed, this proves to be a workable proposition.

But, further, Mr. President, with reference to some of the decisions on the question of uncertainty, in the case of Cook versus The State, Twenty-sixth Indiana State Court Reports, page 278, it is said:

> There must be some certain standard by which to determine whether an act is a crime or not.

As I understand the proposition, this is not made a crime, simply unlawful, but the principle of ascertaining what is the rule or standard by which business is to be guided is ascertained by reviewing those authorities in which the court has held that similar language was too uncertain for enforcement.

> There must be some certain standard by which to determine whether an act is a crime or not; otherwise, cases in all respects similar tried before different juries might rightfully be decided differently, and a person might properly be convicted in one county for hauling over a turnpike in that county and acquitted in an adjoining county of a charge of hauling the same load on the same wagon over a turnpike in like condition in the latter county, because of the difference of conclusions of different judges and juries, based upon their individual views of what should be the standard of comparison of tires, derived from their varying experiences or the opinions of witnesses as to what difference of width of tires would constitute one wagon a narrow-tired wagon and another a broad-tired wagon.
>
> If it should be said that the question as to what is a narrow-tired wagon is one which may be determined in a particular case by the jury trying it, under proper instructions from the court, can we hold that the court in its instructions could lay down any principle or rule which would obtain in all such cases throughout the State? If so, can this court indicate what should be the scope or tenor of such instructions? The phrases "narrow-tired wagon" and "broad-tired wagon" are not technical phrases having a peculiar and appropriate meaning in law, and they are to be taken in their plain or ordinary and usual sense. Thus taken a narrow-tired wagon means a wagon having wheels with tires which are narrow, while a broad-tired wagon means a wagon having wheels with broad tires. If tires of particular widths be compared, it is easy to say which is comparatively narrow and which is comparatively broad, but without any prescribed standard it is impossible to say as a matter of law that a tire 2 inches wide is certainly either a narrow tire or a broad tire.

The Supreme Court has said in Ninety-second United States, page 214:

> "Every man should be able to know with certainty when he is committing a crime." (U. S. v. Reese, 92 U. S., 214, 220; 23 L. ed., 563-565.) This obvious duty must be performed by the legislature itself, and can not be delegated to the judiciary. It may doubtless be accomplished by the use of words or terms of settled meaning or which indicate offenses well known to and defined by the common law. Reasonable certainty, in view of the conditions, is all that is required, and liberal effect is always to be given to the legislative intent when possible. But when the legislature declares an offense in words of no determinate signification or its language is so general and indefinite as that it may embrace within its comprehension not only acts commonly recognized as reprehensible, but others also which it is unreasonable to presume were intended to be made criminal, the courts, possessing no arbitrary discretion to discriminate between those which were and those which were not intended to be made unlawful, can do nothing else than declare the statute void for its uncertainty.

Justice Brewer, in a case in Fifty-second Federal, page 917, says:

> But in order to constitute a crime the act must be one which the party is able to know in advance whether it is criminal or not. The criminality of an act can not depend upon whether a jury may think it reasonable or unreasonable. There must be some definiteness and certainty.

Mr. President, I should like to see the legislation in regard to the trust question confined to such statutes as would have for their object and purpose the enforcement and execution successfully of the law which we have. I had supposed from the nature of the bill which is now pending before the Judiciary Committee, that the prime object was to secure legislation which would make more specific and certain the execution of the Sherman antitrust law. If this bill were confined to the subjects which are necessary to be considered in the administration of that law, in view of the decisions of the courts I would be willing to support it, although I believe all that could be done by additional provisions of the law creating the Bureau of Corporations. If that department were enlarged by some additional provisions to the law so that there would be an expert in the department having the sole business of overseeing the execution of judgments and decrees rendered under the Sherman law after they had been entered, I believe that it all could be done with very little expense. This bill we must concede is a very extensive proposition, or will be, and if it can be accomplished in the other way with less expense it seems to me it would be a wise thing to do.

Mr. President, even as early as the days of Anacharsis it was said, "Laws are like spider webs, and will, like them, only entangle and hold the poor and weak, while the rich and powerful will easily break through them." Severe and sardonic, but of peculiar and scathing pertinency just now. Legitimate business and honest industry have a just complaint against the Government. We are piling statutes upon statutes and rule of conduct upon rule of conduct, while we enforce and execute our laws with no regard for consistency and often with a keen regard for political exigencies and with notorious favoritism. Thus honest and legitimate business is enmeshed in a wilderness of laws, made the plaything and the puppets of politics, while dishonest and illegitimate business—monopoly—in its brazen impudence, purchases favors by campaign contributions and thus "easily breaks through." We have in this country arrived at, or seem to be closely approaching, the time when the organizers and creators of monopoly are to lay down the rules and fix the regulations by which they are to carry on business.

The vast majority of the business men of this country are willing and anxious to do business on an honest basis. They believe in honesty as the best policy as a business proposition. They will obey any law that rests in feasibility and reason—any law that business can obey and exist. The laws which we pass ought to take this fact into consideration. But we do not do so. We legislate upon the theory that business is morally bankrupt, as it seems to bid fair to be financially bankrupt. We seem to be reaching out with commissions and inquisitorial bodies to oversee, superintend, and police every business man and every line of business in the United States. We have a penchant just now to see how our business will look when incased in the strait-jacket of a bureaucratic system. When a wrong is suggested, instead of making and enforcing the law as to those who violate it, we create a commission with many officials, a retinue of clerks, and special agents to oversee at great expense to the taxpayers those who violate no law, while those who do so are occasionally and spasmodically prosecuted, and when prosecuted the prosecution generally stops on the hither side of effectiveness.

We are either unable or unwilling from sheer political cowardice to execute the laws against monopoly, against the few who ride roughshod, booted, and spurred over their fellows in a business world. We make a pretence to the multitude of doing our duty by enacting a few more laws while the multitude is suffering, not because of the lack of laws but because of the failure to execute what we have. We hope in this way, apparently, to satisfy the interests who pay the campaign expenses and to delude and chloroform the suspicions of those who cast the votes. What we need in this country now above all things is the execution of our laws rather than the enactment of more laws.

There are few men in this country, very few compared with the ninety-odd million of people, who have created vast combinations and monopolies, who are constantly in violation of the law. They have organized and created these monopolies in such a way that even the sinister and slippery method in which they did it disclosed their consciousness of guilt while they were doing it; and yet in order to get these few men who have demoralized the business of this country by the monopolies we create here a commission which has to do with every legitimate industry and every business in the United States.

To my mind it is a mistaken policy, and I have never understood the President's message nor a single word that the President ever wrote to be in support of such a thing. I know that he said during the campaign—

> I don't want a smug lot of experts to sit down behind closed doors in Washington and play Providence to me. * * * I am one of those who absolutely reject the trustee theory—the guardianship theory. I have never found a man who knew how to take care of me, and reasoning from that point out I conjecture that there isn't any

man who knows how to take care of all the people of the United States, I suspect that the people of the United States understand their own interest better than any group of men in the confines of the country understand them. * * * If any part of our people want to be wards, if they want to have guardians put over them, if they want to be taken care of, if they want to be children, patronized by the Government, why I am sorry, because it will sap the manhood of America.

His idea, as I understand it, was not to tie the whole business world up with overseers and policemen, not to have a superintendent for the average honest citizen throughout the United States, but to give business its freedom, to destroy monopoly, to release the unbounded energies of the average citizen and depend upon him to be both honest and successful.

I am a supporter of that kind of a policy. I do know, Mr. President, that those who advocate this measure have not in view that which I think will be the result and effect of it, but if this commission is going to have any business in the world to discharge and it proves a success in the end, that is precisely what will result—the business of the country will come to this commission for authority and direction.

Mr. President, I would like to see at the close of this session the passage of a national incorporation act, and certain provisions which I deem to be essential for the enforcement of the Sherman antitrust law, and then I would like to see the announcement made that the monopolists of this country must obey the law as laid down by the Supreme Court, and that neither a plea of business condition nor a plea of business confidence or lack of it would deter the enforcement of the law with reference to these great monopolies. I do not believe that it will help the situation to send out a roving commission to superintend or supervise, to oversee and police the hundreds who are not violating the law. I do not think it will help business a particle to have in the statute an uncertain provision with reference to unfair competition. I think that which will bring about what we must ultimately have—to wit, the destruction of private monopoly—is the announcement that private monopoly must go. And let us not forget that the owners of private monopoly distinctly understand the decisions of the Supreme Court now to that extent that they know that they must go if those decisions are carried into effect.

Let me recall to you a piece of history which some still living helped to make, and all of us have often read. For 40 years we compromised and dickered with human slavery, procrastinated and side-stepped, apologized for or defended the institution. We were afraid that to destroy it would destroy business and involve the country in financial distress. We tried the Missouri compromise, the fugitive-slave law, the Dred Scott decision, and squatter sovereignty. We searched our false and cowardly hearts for justification of the pernicious doctrine that one man should live off of another's toil. We scoffed at the moral law and falsified the Scriptures until the whole Republic reeked with inhumanity and venality and a whole people seemed enmeshed in cowardice and crime. But in that hour there came into camp a strange, ungainly figure from the ranks of adversity and poverty, with his simple but living faith—a house divided against itself can not stand. From that hour slavery was doomed; the sacrifice had to be made, and it was great; but slavery was doomed. The age of compromise and procrastination, of moral obliquity and intellectual cowardice, had passed. Monopoly is ten thousand times worse than black slavery; it is the father of class domination, the molder of chains both for the body and the soul, and can not exist in any form with safety to the people in a Republic. A Republic is strong enough to destroy, but never could be strong enough to regulate monopoly. The human system may survive the knife, but it never can survive the subtle encroachments of the insidious hunger of disease. Some of these days all political parties—because the people will rise in their might—will take up this proposition of monopoly, and declare in terms unmistakable that a Republic and monopoly can not exist under the same flag; will declare that we will put the man in jail who organizes a monopoly and practices monopoly as quickly as a man who organizes a combination of thieves and takes our property in another way.

Mr. LEWIS. Mr. President, I shall occupy the floor for a few minutes and will then give way to the able Senator from Iowa [Mr. CUMMINS], who, I understand, desires to address himself to some of the distinctive legal features of this measure.

No man in the Senate can hear with more pleasure the distinguished Senator from Idaho [Mr. BORAH] than myself, and while I am not always able to give my approval to his conclusions, no man can accord to him sincerity of conviction in the announcement of premises more readily than I. I am particularly moved to a consideration of the things to which he alludes in referring to the extent of monopoly in this country, and I am interested to recall that the denunciation of just such monopoly has for years come from the Democracy and been made by men of no less sincerity of purpose and of no inferior patriotism to that of the Senator from Idaho.

A single reply to the Democrats came from those who had least regard for public opinion and none for the right to express it. It was the hurled-back charge of "demagogue" or "anarchist" against every Democrat crying out the danger of these evils. If there had been more heed in this country to the warnings which have been given by Democracy against the encroachment of private monopoly, there would not have been need today in this great body for any man to defend or assail legislation having for its object the remedy of those monopolies and the restraint of those who continue to execute the infamy upon the citizenship of this country which monopoly permits. Let it be now recalled that Republican administrations for the last 20 years have licensed by law these monopoly privileges which now Democrats and patriotic men of all parties alike condemn as they seek to rescue their oppressed countrymen.

There is no real citizen of this country desiring the welfare of his Nation but will agree with the anathemas hurled by the able Senator from Idaho. They join with him in all the condemnation that the splendor of his utterance flames around this hideous object and behold with him the frightening vision which he conjures up to the horror of this honorable body.

But, Mr. President, who and what did this thing? I answer. It is by and under laws upon the statute books under which these institutions have taken their shelter and their license. They were passed under administrations which denounced the Democracy because it sought to avoid the very evil which is now put upon the Republic and which eminent Republicans, such as the distinguished Senator from Idaho, confess need curbing in some instances and destruction in others.

So far as I am concerned, I wish to be very frank, and unreservedly to say that by principle I am opposed to the form of legislation which finds its way into this Chamber to-day and which is traveling fast upon the heels of similar kind that has been pacing and romping the circle of Congress for the last five or six years under the guise of remedies of national wrongs. It is to be regretted, Senators, that there is a tendency, whenever the mind is aroused by a public wrong, to remedy that public wrong by committing a greater public wrong in the form of the remedy. I deplore that there should be upon this country a general atmosphere of consent that the Federal Government should constitute itself a pater familias of each citizen of the Government and arrogate to itself power to remedy every conceivable wrong, real or imaginary, of any citizen of the Republic, however limited in operation to the domain of his local abode. The older and greater doctrine, and that more noble institution of home rule, by which a man may be regulated by his State within the State where he lives in the extensive privilege of its own police power, has been wholly abandoned, and the theory upon which this Government has so long survived is to be forsaken and forfeited, while we are to be rushed into the mazes of all the confusions and of all the disasters which the theory of centralized government ever project upon the citizen wherever it is fostered by privilege and upheld by power.

No great evil upon government has ever been successfully perpetrated save as it has introduced itself under the guise of necessity and blessing. No great departures from the constitutional theory of government—which long having been tried and long proven successful—have ever been entered upon save through that specious excuse of the immediate emergency which is justifying the exception.

EVIL OF PERSONAL DISCRETION IN GOVERNMENT.

The able Senator from Idaho has laid his finger clearly upon that element of weakness that is in all such legislation as this which new conditions have forced the Democracy and the Senate to bring before the country. It is the vesting in any centralized set of men the uncontrolled personal discretion to say wherein certain acts are within the law and when such shall be regarded as excluded from it. It were better by far that we could have certainty of method of proceedure, exactness of definition of what makes offense—all stated with absoluteness in a statute. It would be more satisfactory that there should be specified in every law the particular things which are denounced, the things which are permitted, the penalty for the violation of the things denounced, and the privileges accorded to the things which are obeyed.

This form of legislation was the early standard of legislative bodies, as the distinguished Senator well says. He need not have gone back so far as his classics; he could have reverted to the first chapter of his Blackstone to recall that we are taught that the three great elements of legislation are permanency, uniformity, and universality.

Yet, Mr. President, there can be no permanency in any legislation that rests solely upon the variable and shifting discretion of the opinions of mortal man. There can be no universality, because any other set of men similarly situated will vary their judgment according to the change of affairs which have been introduced into the arena of action. There can be no uniformity unless the Government is so constructed that that which will apply in one place of government under certain conditions would apply to all of the Government in every part of it under the same conditions. With 48 States of the Union, with the varying demands on the part of those different Commonwealths, the changeful needs of our countrymen, the effect of geography, the production of soil, the tastes of men and their political inclinations, it is almost an impossibility to assume that any one set of defined expressions, such as the able Senator points out as necessary to this bill, could ever have uniform application to each of these States, be universal in that application to all of the conditions, or become permanent in the changing modes and methods of the operation of business and government.

How, then, in view of these facts, shall you remedy the apparent wrongs to the people caused by various practices in different localities in the light of the conflict of local complication and local method of operation? There is but one way. It is to adopt in legislation some general phrase acknowledged and defined in law to which men of honor, wisdom, and discretion may measure or square the complained conditions and, deciding upon them all, render judgment in justice accordingly.

Mr. President, I concede that there is much ground for the fears of the Senator from Idaho as he expressed them, that confusion may arise in some quarters as to the meaning of the law until this body, to whom its keeping is committed, has rendered a definition and given an illustration upon different arising facts by their decisions of the meaning. I also readily concur in that other fear, that men will hesitate lest the conduct they are about to perform should be afterward denounced as being within the general application, and they would be nervous that the Federal Government, in the exercise of its powers, would intrude itself upon the personal discretion in the discharge of their own private business according to their own private codes of honor. But I want to say to the able Senator from Idaho, in this notable presence, that I want the responsibilities for this new intrusion by the Federal Government into this field of supervision of private and personal conduct of the citizen in every State placed right where it belongs.

If it were left to my school of thought as a theory of legislation I would not support this measure, nor any of its kind. If I had the choice or opportunity to take that which I know would be its better—the local regulation of the institutions within the local States where they are incorporated and draw their life and enhance their value—there would I repair for remedy.

WHO IS RESPONSIBLE FOR THIS CENTRALIZED LEGISLATION?

These eminent gentlemen who are now complaining about Federal introduction into their private affairs and Federal intrusion upon the commerce of the country, whom, I ask, have they to blame if such an era has been brought upon them? I say, themselves; and I ask all my colleagues in the Senate to hearken to what I feel will be a statement that no just man can say is colored with partisan prejudice or political bias.

Mr. President, I charge that every effort which has been made on the part of the States to regulate any corporate concern within their midst and to pass fair laws looking to their regulation has been met by those large institutions with a protest and appeal to the Federal courts upon the claim that the local legislation was a violation of the interstate-commerce clause of the Constitution, or as taking property by confiscation. Then the general anathema of condemnation designated "unconstitutional" would be called up from the depths of legal mystery in order to apply to and confound the undertaking. So successful in instances and so numerous were they that they gathered strength with their march and defeated every such undertaking in every State by the accommodating Federal court which would enjoin legislation of the different States that sought by moderate methods to restrain these extremes of persecution on the part of these individuals and corporations. These are the institutions characterized by the able Senator as baleful, sinister, and disastrous to the liberty of this country.

May I illustrate a few instances arising to my mind?

INSTANCES OF USURPATION.

First, there came the States of North Carolina and Alabama, in the South, which introduced upon themselves a mere State regulation touching freight rates in matters of local concern for their local citizenship. A Federal judge, under the theory that these regulations were not a guaranty to the railroads of fair return, and, because it was not a guaranty of profit, such was "taking property," under the fourteenth amendment of the Constitution, enjoined the execution of the law, nullified the statute of sovereign States, paralyzed the arms of executive and constabulary. Further, it took steps to imprison editors and other citizens as criminals because they dared to criticize this Federal usurpation and dared cooperate in behalf of local home rule in a local sovereignty of their State government.

Then came following, as we remember, the great State of Minnesota. Its legislature passed local legislation to control the charges in freight rates and fares of passengers, and to give warehouse protection, and accomplish other regulations in the State on purely State institutions operating in the State. Then the Federal court was resorted to by these corporations seeking to escape all law. Why? These large business interests, not willing to be bound by the law, coming directly from the votes of the voter through the legislature, in moderate regulation, sought to overturn the sovereign State, to defeat the will of the voter, to destroy the legislative enactment, and to take refuge, as was the custom, to the safe haven of a Federal court. There in the State of Minnesota, a Republican State—as I have also alluded to Democratic States—these officers of the law were restrained; the very able officer of the law, the attorney general—now the able Senator Mr. CLAPP—vested with power by the votes of his people, sworn to uphold the law under the constitution, was prohibited from executing his solemn oath before God at the instance of a Federal court under the motive power of these "business institutions." These were willing to destroy a sovereign government that they might execute their purpose of avoiding all forms of regulation of their conduct and escape obedience to all law. We found the decisions of the Federal courts in those cases paralyzing Minnesota.

Then an effort was made in the States of Kansas and Oklahoma merely to pass laws that had for their object the protection of local depositors in local banks from the robbery and embezzlement by officers of the bank speculating with the depositor's money. This law provided a certain percentage of deposits as an insurance fund—a bank-guaranty law. What became of these laws? Hardly had they asserted themselves until the same "business institutions" that demanded that the States should no longer control their own affairs and should not be so impudent as to assume to exercise regulation or control over these large interests that went by a corporate name, mystic and attractive, utilized for stock selling and bond swindling—these went into the Federal courts and enjoined the banks from protecting their own depositors upon the ground, among others, that it was "unconstitutional." Ah, that word, like charity, was supposed to cover a multitude of sins—as against them. These favorites of Federal usurpation held up this particular undertaking of relief year in and year out, while they denied local government and local sovereignty the opportunity or privilege of governing its own people. This was done by crying out that the legislation was "unconstitutional." They asserted that only the Federal Government should undertake these measures of protection—if to be ever assumed. The injunctions followed.

Then Texas passed a law for the purpose of levying a tax upon the railroad properties in the State of Texas; but individuals living in New York, who posed as bondholders, brought action in behalf of these railroad companies in the Federal courts, claiming exemption from taxation by Texas upon the ground that as the railroad cars moved over tracks along the borders of Texas from time to time and commingled and joined with cars in another State, to wit, Louisiana, for that reason were engaged in interstate commerce. That therefore the tax could not be levied against such cars. They were successful in taking from the treasury of Texas the tax which Texas had a right to exact for the protection afforded in the shape of police guardianship to this property. This done under the theory that only the Federal Government should take charge of these institutions, their different muniments, and their different policies of conduct in the discharge of their undertaking as carriers. These cried for "uniformity"—"one master." Need I go further to bring to the attention of the Senate other instances where these gentlemen have availed themselves of the Federal courts to escape regulation imposed by the respective States and all control by the people through law?

Mr. President and gentlemen of the Senate, we have lately seen that so far has this doctrine been carried that these influences have succeeded in having the Supreme Court of the United States—by a construction that I am not able to agree with nor to eulogize, as does the distinguished Senator from Idaho, as a high

"expression of duty"—through which it is held now that, if a State passes any legislation looking to the regulation of freight rates within the borders of the State, or to prevent unjust exactions as to rates charged passengers, or to prohibit unfair monopoly or oppression of its people, such legislation is invalid merely because Federal legislation by Congress upon a similar subject exists. Thus by virtue of a sovereignty they find in the Federal Government superseding and excluding that of the State, the State is forbidden to legislate upon this subject for the protection of its people in anywise whatsoever.

Thus a State may have these institutions in its midst; it may protect them with a police power supported by the aid of its taxing power; it may yield up the contribution of patronage to the extent of making millionaires of the owners of the property; but under no condition can these owners be regulated or the law of the State be applied to them to avoid their exactions and prevent great wrongs in the form of oppression upon the people of the State. Yet the people of the same State are denied the right to go to the Federal Government in the same way for their relief against these wrongs, because the moment they step into the Federal courts and ask to have the wrongful rates restrained as against them we can hear them met with the query: "Mr. Petitioner, you live in this State, do you not?" "I do" "This company is a corporation here, is it not?" "It is." "Then you are both citizens of this State, and therefore the Federal court has no jurisdiction as to you. If you have overpaid, sue in the courts; if you have not paid and they are exacting too high tribute, it is a mere breach of contract, sue before your home jury for money if you think you will live long enough to get a hearing." By this policy of discrimination, by this Federal intrusion and oppression, it has come about that there is no other place for a man to go for legislation of relief against oppression at his doorway but to the Federal legislature at Washington. He finds himself here because he has been driven here by the wrongful policies inaugurated with success on the part of these institutions who now seek exemption from the legislation of this body. They denounce the effort to pass Federal laws on the ground that it oppresses them with the system of control. That it is so enlarged and general that, with the application of the law, they will be confused, and with an enforcement they will be harassed. Well, who brought it on them? Who builded this Frankenstein which these gentlemen feel now bind them? They did. We Democrats announce our new adaptation of the Federal centralism—it is that because the National Government has so long allowed corporate power the privilege of oppressing the citizen of the State the citizen of the State must now avail himself of the power of the Government to defend himself against the oppression of corporate privilege.

Mr. President, I remember that, when delivering law lectures in England lately, of seeing a marvelous presentation of part of a prophecy from a distinguished man now passed into that ephemeral thing we call "the fame of the ages." This he said: "Law lords and landlords, and trade lords, the specters you have conjured up have arisen. Rent rebels, strikers, behold the lawless bands; there they are! They are the fruits of the seed you have planted—the nihilist with his bomb, the socialist with his flag, the lawless individual with his methods—they are yours. You summoned up the system by which they could obtain no rights for themselves, and they were then bent on the only thing they knew—retaliation by wrongs against you. Behold you, sirs!" Said the great one, "Hear you the tide? It is the sweep of the water you summoned up. You planted the dragon's teeth; you will hear the roar of the pack as sure as the stream goes seaward."

NECESSITY FOR RESORT TO FEDERAL AID.

Mr. President, what do we see on the part of these gentlemen? After having successfully destroyed every form of local autonomy in this Government; after having, through their agents, been able to destroy the sovereignty of the local State courts; after having denied the privilege to local legislatures to govern their own people; and having exempted themselves from all local form of control within the State, they then fancied they had complete immunity from all forms of law. Then you began to act Did you begin, my brother Senators? No; but the great force behind you began with you. There was that voice in our country reminding you of wrongs, which, because of the failure of local relief, had multiplied in number within the States. These had denied the right of home rule and of self-control. You were then told by the people that since they were denied the right of home rule they were determined to obtain relief at the only place they could secure it. You saw the wrongs perpetrated upon your countrymen; you saw the infamies visited upon your States; you saw the oppression put upon your citizenship by these institutions; then you turned yourself about to find your remedy in the Congress of the United States. Not, sirs, because you believed in the creed of the destruction of the States, but because you were compelled to adopt the only system permitted you that promised relief of your country against anarchy on the part of the ignorant and revolution on the part of the learned.

So legislation then began in the National Congress to a degree that the fathers who founded this Government never dreamed would be assumed; methods of paternalism, systems of concentration of power, having for its object the control of everything a man ate and everything he drank, where he walked and where he went, every system of his life, and this by administrators miles and miles from him, to be directed by men for whom he never voted, whom he never saw, and who had no interest in his life or in his death, in the welfare of his children, or in the prosperity of his household. He was confronted with this emergency and out of necessity he was to yield to it. And here we are, accepting and adopting the best we can to prevent the worst from resulting.

EFFORT TO DEFEAT NATIONAL LEGISLATION.

Then, sir, we ask what did these institutions that now seek exemption from Federal legislation do when there was an honest attempt upon the part of able Senators on both sides of the Chamber to enact legislation that could be said to be fairly within the purview of honest purpose and fair regulation? They then began to denounce the Congress of the United States. They began it eight years ago, and they have kept it up ever since. I want to warn Senators if ever you "lay that flattering unction to your soul" that you had capacity to prescribe regulations or the ability to shape legislation or that you had in any degree merit which would serve in the Senate with patriotism or ability—I warn you to behold the criticisms of yourselves and the source whence it comes and feel your insignificance (?). Behold through these estimates of you how "degraded" you have become. Who are these "business men" who have been sending to this body their petitions of defiance against any form of legislation looking to the regulation of their wrongful conduct? They are those who having exempted themselves from any State control or local home rule regulation—now demand exemption from Federal regulation; immunity from all law—as their privilege.

When President Roosevelt saw this impotent condition of the States, he sought to have a bill passed in Congress looking to the regulation of the railroads. After the railroads had avoided local control by the legislatures of the States, these masters of them hovered around the Senate with their emissaries—committees and their lobbies; they shadowed the House of Representatives like black omens; they followed the legislators with annoyance wherever they could; they maligned them wherever it was possible; and misrepresented many men in public life wherever opportunity afforded. All this with a view of defeating the railroad-regulation bill and any form of regulation whatever. Then went forth, as goes forth now, the cry that such legislation meant disaster to business; it meant destruction of honest railroad industry; it was a direct assault at the integrity and purpose of business men. President Roosevelt was compelled to rely upon certain Democratic Senators to assist him in his undertaking, and, with the aid of certain independent Republicans, the legislation found its way to the statute book. Have the railroads been destroyed? Has business been decimated? Have these men been sent to bankruptcy? Has that dissolution hung like a cloud and burst with disaster upon us? Not at all. But we have the very same men who were busy denouncing us, hurling anathemas, and uttering curses, now confessing that the legislation was of great relief, was of great benefit, and that now they realize the great error they made in denouncing the President and Congress in their effort to circumvent this form of regulation.

Then, if we recall, when there was another move made on the part of this body looking to mere commerce regulation, to prevent the rebate system, and the Elkins law was before the body, there came the same swirling cavalcade denouncing this attempt. "It was destructive to business interests." "It would destroy the great corporate welfare." "It would rob the railroads of their honest earnings and their honest industry, as well as their earnings." "It would destroy the laboring man." "It would bring a holocaust generally upon the Nation." And thus we had the same audacious and daring form of intimidation attempted upon this body then as now.

What did it avail? Courageous men, animated by a nobler purpose than serving a temporary expediency and too courageous to yield to such frightening aspects, passed the legislation, and to-day we have admitted by these men the benefits of the legislation and the accrued welfare of the citizen;

and these very men who denounced it then, as those who are denouncing the attempt now, concede that that which Congress did was to their welfare and to the advancement of commerce.

Then, when we passed the banking and currency law, how these business bankers denounced it as a performance of ignorance and destruction. Then, when it was passed, how they fell over each other to praise as a blessing what they had tried to prevent. Then many who had cursed the effort tried to get the appointment as one of the administrators of the system. Such hypocrisy was not calculated to awaken respect here nor confidence from the citizenship of the country.

TRICKS OF MASTERS OF FINANCE.

Now, Mr. President, we contemplate what many of these gentlemen masters of finance did to deprive themselves of public confidence before the face of an astonished Nation. Mr. President, all corporations are not dishonest; all business men are not tricksters; but the Holy Scriptures hath it, in the ancient doctrine of the fathers, that the sins of the fathers descend to the children. I am not able to see the justice in that ancient Mosaic theory, yet I do realize that it was proclaimed by a very high source. These corporations which have been criminals in this Government and these business men who have played the trickery upon this Nation have, whether consciously or not, transmitted to the innocent ones the fate of their own conduct and the results of their own offenses.

Who are these men who have brought this Republic to a point where it no longer has confidence in corporate management and has serious suspicion of all business undertakings? Do these "business men" forget that the great insurance concerns of this country, managed by certain "business men," seized thousands and thousands of widows and orphans and placed them as victims upon the altar of greed and avarice, as these men robbed these helpless children and defenseless women of the money that was left for them by their parents and husbands, while these business men appropriated this money to their own guilty uses? How they builded castles along the Roman Campagna to emulate Lucullus of the ancient day, and upon the hills of the Hudson, that they might not be outclassed by the barons of the Rhine—all out of the money of these helpless persons. Do we forget how they gave the money out as campaign contributions to purchase elections and buy judges? That then when they were brought to book in investigations how they shifted the blame from one to the other, until finally they all launched it upon one tripping dancing-master millionaire, who, to the pleasings of a lute, played his little part in Paris as he capered before the white-wigged "angels" who are nameless in this particular assemblage, but who in their particular method, held him secure in a foreign country during the period of the American statute of limitations. [Laughter.]

Can you imagine that under these conditions these "business men" would not reap the direct result of this kind of policy, when you recall that while these very trust funds were stolen by these people not one was forced to disgorge nor one of these culprits ever jailed. True, one happened to be indicted, but he held the enviable attitude of exemption before the law. He was able to plead guilty and, in the language of a former code of political morals, "stand pat," while an appellate court, which was well understood to be very favorable to him and his sponsors, rendered the expected ruling, to wit, that he could not be held guilty upon the indictment, giving the usual legal distinction in such cases, to wit, "for that, to wit, whereas the aforesaid gentleman was charged with taking the said $50,000 with his left hand when it should have said by his right opposite his left by which he left little that was right. Therefore as the community, being blind, could not see which hand this handy man so handily unhanded these widows and children of their all, now, therefore, the said defendant goeth without day and is acquit." Wondrous is justice. [Laughter.]

Do you fancy that when that ruling was made, and that distinguished head of great institutions in this country was allowed to escape deliberately in confessed violation of the law that such did not likewise cause a great mass of citizens to see how unjust and discriminating was the law, as the able Senator from Idaho well said, quoting the ancient, "how like a net that caught the weak and let the strong escape"?

If I may be pardoned by the Senator for being so bold as to suggest a more fitting quotation, well might I use the words of the great Shakespeare—

> Plate sin with gold,
> And the strong lance of justice hurtless breaks;
> Arm it in rags, a pigmy's straw does pierce it.

And such, our great country realized, was the privilege of these big institutions in their safe corporate control of certain courts. Then, sir, do you realize what the management of these great corporate institutions continued to do? The Alton Railroad Co., in my splendid State of Illinois, under the specious management of these financial necromancers, did not hesitate, with the twirl of the wand, at drawing water figuratively as out of the lake that surrounds the city of the corporate home and selling it for stock, crystallizing it as it were into a beautiful display like the stalactites that might fall from the roof of the Mammoth cavern and garnishing it with seductive illustration in the form of a "stock certificate." Thus millions and millions of money, by the great prince of "presto," were drawn from the trusting public without one step ever being taken to punish these great offenders, who took money of the humble and trusting and put it in their private purse and treasury, without giving one cent of return. Yet these justified their conduct with a smile of "corporate management"; and when the State of Illinois sought to punish the offenders we were met by the precedent established in the new theory of the Federal dispensation that it was only for the Federal courts or the Federal Congress to regulate these eminent financial highbinders. It was only little offenders that could be seized by the courts of the States; punished for crime, all they have sacrificed, their reputations destroyed, their wives widowed, their children orphaned—if need be, to the gallows.

Then came the St. Louis & San Francisco Railroad Co., with one set of gentlemen—the directors and trustees—buying worthless property with the railroad money, then lifting its price twenty times and selling it to their own masters and pocketing the profits, and stalking through the country with their brazen countenances unabashed. They issued more bonds on the falsified value of the embezzled property and sold these by a process of commercial lying to a gullible public who now stand bankrupt and helpless. The stockholders pillaged, the bondholders robbed, and the people to be drained in railroad rates to make up the stealings. Then, sir, when the United States Supreme Court rendered its ruling a few days past in the Shreveport case, saying that the State of Louisiana was powerless to regulate these concerns, as all States must now yield to sole congressional control, one of these culprits did not hesitate to have himself interviewed and say: "How glorious is the judgment of the law! The politicians who occupy places on the State railroad commissions can no longer fiddle with us."

Yes; but these gentlemen have found an arena where there will be some fiddling, and it will not be Nero's performance with the world burning, but with an indignation blazing, and they it will be who will be first sent to the caldron.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD—BUSINESS MEN.

Then, Mr. President, just the other day, before our eyes, we saw another exhibition—one after the other—the New York, New Haven & Hartford, and its nauseous eruption of treachery, trickery, and thieving. I shall not attempt to detail at this time the sickening spectacle that procession of crime presents to the revolting gaze. It is sufficient to know that they performed their undertaking of robbing the constituency of four States, not only through the muniments of exemption from State control and the manipulation of corporate management, imposing upon the credulous as they robbed the trusting, but they did it in the name of the Lord, for they wrote a prayer as their pleading—and put their crime in the guise of an angel weeping for oppressed souls. A distinguished professor of a distinguished college in the East—one of that kind who, standing by their imaginary altars, thank the Lord that they are not as other men are—was purchased for $3,000 to write the prayer in false, delusive, and seductive psalmist language. This prayer was to conjure the innocent citizens from the lowlands of New England and from the heights of the hills to cry "O Lord," in the words of the psalmist. All to induce the people to restrain any further opposition to the railroad garroters smothering New England. Then under the spell of the effect the railroad holy rollers proceeded to take millions and millions from that property and put it in their private pockets to the bankruptcy of the stockholders and to the disgrace of honest railroad management throughout the country. And it was they, if we remember, who, through their certain two spokesmen, not long since denounced an attempt on the part of this honorable body to bring about a fair regulation of these concerns. They had themselves quoted—denouncing the efforts of Congress as "demagogy" and dangerous interference with the "business men."

Mr. President, that these men have brought upon themselves the natural penalty of their own conduct no man can deny. There is no logic to an awakened resentment. There is no philosophy in a wounded heart. There are no narrow limitations of constitutional construction within the souls of men who feel that they have been wronged by those they trusted and betrayed by those in whom they invested all of property and honor.

So the time came when there was no other place where the citizen could have resort but to the Federal Congress; and I regret to confess that I am forced to surrender to a very great degree the very creed of a lifetime's undertakings, in the theory of government, when I adopt this system of a national regulation and a national control over the affairs of a State citizen in purely State affairs. Nor would I subscribe to it under conditions as they now surround us if I were not driven to adopt it as the only means by which my fellow citizen may have guardianship in the property he possesses against the omnivorous maw of these that have previously devoured his kind and to protect my State and my country against approaching anarchy of desperation and revolution of aroused revenges.

THE REAL OBJECT OF THE BILL.

Then what is the measure that is suggested here? It is that "unfair competition" should not be permitted these masters, lest that unfair competition should completely merge out of existence the defenseless and literally devour the weak and leave the citizen no place, no refuge, no succor against a monopoly of trade that grinds him to slavery and his children to poverty.

"Now," says the able Senator from Idaho, and wisely, "the expression 'unfair trade' is not defined in such specific terms as will enable the men who have to administer the phrase to know exactly what is only to be comprehended." *I confess the criticism is just, but I have to say that it is better that the phraseology shall be so large and so comprehensive that it shall allow no man to perpetrate the offense upon the weak and the defenseless than that it should be so limited that while it gave to a few the knowledge how to exactly comply with words of the law, it gave to the many the privilege to violate its spirit and escape its consequence, because of the limited words of the law.*

Says the distinguished Senator, "The law should have specific terms," and the able Senator reads a decision from the Supreme Court of the United States laying down the fundamental law that legislation should be specifically prescribed in terms. I take no issue with the decision. The able Senator could have regaled his excellent legal knowledge—and to that I readily certify, for I have not been without experience of his eminence in the courts by my personal association—and could have reverted to an old case of United States versus Sharp, which he will find in Peters, where the Supreme Court of the United States laid down the doctrine that all legislation in matters touching crime should specifically define what that crime is, that the citizen may not, of course, go awry and blunder by committing an offense when he did not know what he was doing, *and if not so specific the act is invalid.*

Correct; but there came a time when there had to be a new form of legislation. Why? The older doctrine of definition, I must tell my learned friend, grew out of the theory when crimes came in two forms—those which we took from the common law of England and those which we were compelled to create in our own country by setting forth the specific act which when done constituted the offense. But, then, there came along a line of business which invented for itself a business phraseology and escaped the constructions of the former law. These found exemption from all the terms of the statutes and, by the invention of this new phraseology, secured immunity from the statutes as they were prescribed upon the ground that their words and acts were not within the words of the law. In this way they always escaped punishment by the strict construction of words, notwithstanding the language of the Scripture that "the spirit maketh and the letter kil'eth the law." Therefore the only thing left for the legislative bodies to do was to adopt their "business" language, the language invented by them, their language of trade and commerce.

Then from time to time the plain man expressed that a wrongful thing was "unfair," and he complained in equity; he complained in justice; he complained to his neighbor; he complained to his friend. From that the courts began to adopt his phrase—not the phrase of the law, not the scientific phrase of statutes, not the refined phrase of construction, but his phrase as he made it and understood it in his everyday walk of life. Then came the phraseology to be adopted as the method of the law, because it conveyed a certain meaning to those who had first initiated it; and to this very hour we have those phraseologies carried on in certain lines of commercial undertakings now defined, well understood, and carried into the decisions with a complete and exact meaning, among which is the phrase "unfair trade."

I will not read books to the Senator nor to the Senate; but I invite the Senator's attention to the construction of the Supreme Court of the United States in the case which involved the very Elkins law to which I referred, where the word "device" is used. The Supreme Court of the United States say that while the word "device" is capable of many and several meanings, nevertheless it has a specific meaning as to devices respecting transportation methods that seek to juggle and manipulate methods of rebates and devices to accomplish them; and having had statutes previously denouncing devices to cheat and swindle, the word "device" is held to be complete and sufficient for the courts or those who administer the law.

Now, I invite my learned friend to a decision that possibly escaped him in the multitude of his labors. Lately in the city of Chicago there was indicted a set of gentlemen, known as the packers, for violating the Sherman antitrust law. These men went before the court upon demurrer to the indictment upon the ground that the law which used the term "restraint of trade" meant nothing; it did not define what particular acts would render them amenable to the statute; what acts or things would be restraint; and that the act was unconstitutional because it was equivalent to making subsequent acts criminal which, at the time, looked fair and just, and was equivalent to an ex post facto application of the statute. But viewing the whole excursion of certain criminal marauders in commerce, anticipating these despots of trade, and beholding a march that they had undertaken across the very ramparts of independence in this country, the court said the phraseology would remain, because it was a phraseology understood in their particular language. That they knew its meaning, and knew when the things they did was within its scope; general as it was, that the words were fitting to that undertaking.

They came to the Supreme Court of the United States on appeal subsequently to all the decisions cited by the able Senator from Idaho, and there sought certiorari and habeas corpus upon the ground of all the contentions made now by the able Senator from Idaho in the legal argument which he now makes before this body. That court declined to accept the contention, and returned these defendants to the forum from whence they came, leaving the action as based upon the ground that the phraseology, general as it was, had a commercial meaning, and that any further specific definition had not been undertaken by the act and could not now be undertaken without confusing the effect and guidance of all the previous precedents established under the Sherman Antitrust Act.

So I say to my learned friend, supposing there should be an attempt made on the part of Congress now to define with specificness the particular things amounting to unfair trade or unfair competition. There would arise just such able lawyers as himself, although I do not believe he would be found among them, because I know his conscientious scruples in matters of public duty, and this would be their argument:—

"We demur to this proceeding, may it please the court." "Why?" says the court. "Because," says the offender, "the legislation has specifically defined what makes unfair trade. It therefore repeals by rejection all previous definitions of such as now found in the law decisions of the phrase." They will say "Congress, by the doctrine of elimination, declined to accept the words 'unfair trade' as previously understood, and adopts a new form of definition." Now, they will say we can do all the conduct previously understood to be unfair in trade, however oppressive, and we are not within this law. We decline to be within the definition as now defined, while we find perfect safety in perpetrating our offenses under the old definitions not now without and not included. Thus you see they will escape all the previous decisions of the courts, and all the things that we seek here to avoid as having been done in the past we would allow those gentlemen to perpetrate in the present and go free from any restraint or punishment in the future.

Therefore I am sure the able Senator will see that while there is much to be said in favor of his contention from the standpoint of abstract reasoning if it were a new question, for the first time brought into the arena of conflict, yet the conditions are such as to form an absolute exception, and therefore it becomes absolutely unavoidable that the only language we can use is the kind of language used in this act. In the words of Riverdale Mills *v.* Atlantic Coast Line (219 U. S., 186)—

A situation had come about which demanded regulation in the public interest according to the judgment of Congress.

ATTEMPTS TO AROUSE PANIC BY CERTAIN "BUSINESS MEN."

Now I desire to advert to another phase. I refer now to that aspect that since we have undertaken this legislation you behold a certain class of "business" gentlemen throughout this country who first start with the assertion that this legislation will create a panic, and then the next assertion that it will mean great loss and disaster to them personally—and here we are very much interested in what is known as the "psychology of the condition." I quote an eminent authority.

I behold a distinguished banker, distinguished by virtue of having his speeches published more frequently because of the

position he occupies than of the matter contained in the utterance, that of an officer of the National City Bank of the city of New York. This distinguished gentleman delivered himself lately of his weekly address in which he condemns the Congress of the United States as a body that is playing with the fate of the Republic, that is bringing to disaster the commerce of the country, that has the daring impudence to attempt to regulate the financiers of America.

Senators, it is shocking to my mind that, sent here by the great people of your country, you would have the daring temerity to undertake any legislation without first crawling upon your knees to the portals of these eminent establishments, and asking what is their pleasure upon the occasion, before you undertake the discharge of your official duty.

We read in the public press what a degree of benighted, pitiable ignorance we are displaying before the country, how lacking in patriotism our every undertaking, how wanting in common sense in all our proceedings; and just as I read that particular speech of this distinguished banker from New York I likewise see the very same speech, in almost absolute words, made by an officer of a railroad company at Hot Springs, Ark., on the very same night, and by a vice president of a banking institution of the city of San Francisco upon the very same night.

Now, I respect exceedingly this inspiration of new-found banquet oratorical skill on the part of these eminent financiers; but I would suggest a more commodious method by which they may circulate the slander of panic and induce the sentiment of fear in their country. That instead of having a speech prepared for them by some skilled newspaper boy, struggling for an existence upon the least of compensation, but who writes excellent English for such oratorical displays of one-night eruptions, that the speech be mimeographed and sent to a few gentlemen with the notice that at a certain clock stroke it is to be delivered upon certain great occasions and delivered to the press as the emanations of financial genius. This would be organization. I suggest that thereafter they may use a phonograph and that some one of their particular chosen spokesmen be selected, that a tent be engaged, and the announcement be made to the country that from this eminent source there is to come forth a great speech upon the disorders of the country, the distempers of Congress, and the ignorance of the Senate. That these distinguished leaders shall, through this particular chosen official, "speak this speech, I pray you, as taught you." Read first the speech of Hamlet to the players, and then emulate it with exactness, and then, in this phonograph, perpetrate it.

There is in this country an inoffensive community of 5 cent moving-picture shows that will illustrate it, if it is accompanied with the moving antics of the swelling orator. Then have it arranged so that at certain times throughout the country it may be delivered with the same consecutive, chronological exactness that these particular addresses are made upon the part of these distinguished gentlemen on the same sentiment which they now deliver to the country to the fright and terror of the Senate and to the trembling sensations of the country at large—and to the snickering amusement of all sensible citizens who know these men.

But I also have another word to say, and that is that these gentlemen who are seeking to hold up the Nation as being misguided and imposed upon, to hold up this Senate and this Congress as unworthy of the respect of this Nation, all as in no wise entitled to the credit of respectability before the world—these men should pause and remember the line of the Holy Law, and behold the beam in their own eye before they pluck out the imaginary mote in another. Let one remember how, in a customhouse deal in New York, this Government was robbed by this great institution of thousands and thousands of money, never responded to, while one of the officials of the Government who allowed that robbery was afterwards made an official of the institution in reward for his generous nature, that could see no offense in permitting the outrage or in taking his specious bribe from the perpetrator.

Do these gentlemen fancy that they are impressing the honest men of this country? Do they think that the humble toiler can not read his weekly paper; that the woman of the house can not read her magazine by lamplight; that the merchant does not keep up with the daily press; that the country at large does not understand who they are, what they are, what they represent? Will they never understand that all their methods have been the same, all their undertakings alike; that they are but a poor army of bad duplicators of a greater race? Unfortunately for these descendants, suffering from the blight of an imagined new-found capacity of oratorical skill, are constantly perpetrating the insipid and ridiculous performances upon the country, under the self-infatuation that such is fascinatingly constructed, wonderfully delivered, and overwhelming in its influence.

Alas, Mr. President, how sad is that estate of new-found greatness when flattered by fools and incited to ridiculous exhibitions by swollen conceit and pompous vanity.

Now, I would say to those gentlemen there is a way to reach this body. It is by an honest, fair presentation of a cause. It is by coming to these honorable men who occupy these seats, without regard to their political alignments, and letting them know the honest views of honest business men, and by letting them have the private views of any private citizen. But that manner of man who masks in the gilded helmet and armor that he has molded out of the gold that has been lawlessly extracted from the hard earnings of the poor and from the honest industry of the country comes branded as a felon before the honest men of the Nation, and his voice is as one who cries from the pit to where his deeds have immured him.

Mr. President, this manner of man will have little influence upon the honest sentiment of the country. He is neither being misunderstood by us nor is he deceiving the country, to which he thinks he speaks.

Now, this legislation, let me say as I conclude, has but one object. It is to speak to that manner of men who heretofore went out and said to their rivals, "You will either join with us, so that we may amalgamate you out of existence, that you shall take such as we shall give you in compensation for your property, or we will beat you to the ground." Then following the threat by conspiring with certain railroads to grant rebates against which the competitor could not live. Then finding himself withering to the ground, the competitor had the only alternative left him by a surrender to that superior power of the brigand in commerce. We seek also to protect against that other kind of man who, having a large banking institution, as demonstrated in proofs evinced here upon hearings, says to competitors, "You shall not have the right of banking houses; you shall not have opportunity to supply customers nor give to merchants a chance to enlarge that business or maintain themselves in the hour of disaster." These who say we demand that when we get men down they shall stay down.

That high-class merchant, that honorable gentleman, that conscientious banker, that faithful railroad operator, that splendid master of commerce, wherever he is, he will need no such guardianship; he will have no punishment. He is the pride of our country. He is the kind of man we point to to show what thrift can accomplish and what honorable life may achieve. But this other kind that brought this Nation to debasement in the last twenty years, and in the last five years so near to revolution that men despaired of liberty and doubted that free institutions could be maintained in this Union—these shall not repeat their offense without responding to their country for the crime committed against freedom and mankind.

Mr. President, I have uttered these observations because of the views just closed of my learned friend, the Senator from Idaho. The Senator more completely expressed in his views the views of all those who might be found opposing this bill. None can improve on his analysis or presentation. I am desirous of infusing confidence in the merchants of our country. I want the great respect of this country to go to the law, and the respecters of the law to be the subject of our admiration and our just guardianship. I want confidence in business. I want the plain citizen to respect the man of honest riches and I want the rich man to respect the industrious poor. The honest corporation is no offender or criminal and the dishonest corporations should know that they will be found out, searched out, and justice meted out to them.

Mr. President, I have not always agreed with my learned friends on the other side in abstracts, but I believe in this matter there are no serious differences. The man in the White House, Woodrow Wilson, may have certain creeds and doctrines that may not meet with your approval at all times, but he is seeking to give freedom an opportunity; to give to commerce liberty; to give to men justice.

We on this side of the Chamber who are behind him often likewise differ from many of his methods and do not agree with all his systems, but with the sincere purpose that animates his life he is coming to the rescue of the Republic, which he seeks to redeem to her old days when she was honored by all men, beloved by all citizens. All good citizens rejoice to cooperate in this high resolve. Under this act we are giving him hearty support, to the end that democratic institutions may still survive, and that this Nation may still be free, giving opportunity to industry, freedom to man, and success to American citizenship, to our glory before the world!

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 9, 10, 11, 18, 19, 20, 24, 26, 36, 37, 38, 50, 51, 54, 59, 61, 64, 68, 77, 89, 90, 91, 92, 94, 97, 98, 99, 101, 103, 104, 105, 107, 109, 115, 122, 130, 131, 132, 133, 134, 150, 151, 152, 157, 161, 168, 169, 170, 171, 183, 187, 190, 191, 202, 203, 204, 212, 218, and 224.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 16, 17, 22, 25, 27, 29, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 55, 57, 58, 63, 67, 69, 70, 71, 72, 73, 75, 76, 79, 81, 82, 83, 84, 85, 86, 87, 93, 96, 100, 108, 111, 114, 117, 118, 119, 120, 121, 123, 125, 126, 127, 128, 129, 138, 139, 140, 142, 143, 144, 145, 148, 149, 153, 155, 156, 159, 162, 163, 167, 172, 173, 174, 175, 179, 184, 186, 192, 193, 194, 197, 198, 199, 200, 201, 205, 207, 209, 210, 213, 217, 219, 220, 221, 222, and 225, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,610"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,034"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit all of the matter inserted by said amendment after the word "Columbia," in line 1; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Philadelphia, Baltimore & Washington Railroad Co., and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, $110,000. And authority is hereby given said commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the construction authorized by this appropriation, and to construct said viaduct and bridge and the approaches thereto, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder: *Provided*, That the cost of constructing said viaduct and bridge, including approaches thereto, shall be borne and paid one-half by said railroad companies in proportion to the widths of their respective rights of way, and the remaining one-half by the United States and the District of Columbia; and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States; and the same shall be valid and subsisting liens against the franchise and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid; and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the Commissioners of said District in the Supreme Court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co., or said Baltimore & Ohio Railroad Co., or both; and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company; and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the manner provided for in section 5 of 'An act providing a permanent form of government for the District of Columbia,' approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For paving with asphalt the north approach to the Highway Bridge across the Potomac River from Water Street to the west intersecting park driveway nearest to the Highway Bridge, a distance of about 1,900 feet, and for paving with granite block the balance of the north approach from the west intersecting driveway to the bridge structure and the south approach to the bridge, $27,000: *Provided*, That the Commissioners of the District of Columbia are authorized and directed to do this work with their portable asphalt plant if, in the judgment of the officer in charge of public buildings and grounds, such work can be economically performed by the use of said plant: *And provided further*, That the said Commissioners of the District of Columbia are authorized to transfer to the officer in charge of public buildings and grounds for the above work any granite blocks removed from streets in the District of Columbia whose roadways are authorized herein to be repaved with a smoother pavement, the cost of hauling the blocks so transferred from the streets to the site of the work to be charged against this appropriation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$270,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That this sum shall not be available for the payment of traveling or subsistence expenses"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, for playgrounds, $43,265, which sum shall be paid wholly out of the revenues of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of a site for a new Eastern High School, $150,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 46 of the bill, line 25, after the word "athletics," insert the following: "including school playgrounds"; and on page 46, line 25, after the word "gardens," insert the following: "school publications"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty drivers at $840 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$912,141.53"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,120"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For completion of the pound and stable as follows: For metal folding shutters for the wagon shed, $1,000; painting inside walls, $50; erecting flagpole, $75; screens and awnings, $100; and fire hose, $100; in all, $1,325."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,350"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,450"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "stenographer, $1,400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,325"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,280"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,780"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,120"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the preparation of plans and specifications for the erection of hospital building, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, $15,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For agent, $1,800; clerk, $1,200; placing and investigating officers—one, $1,200; one, $1,000; five at $900 each; record clerk, $900; clerk, $720; messenger, $360; in all, $11,680"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,180"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,790"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "supervisor of boys, $720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,280"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,100"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,990"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$177,490"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph the following:

"There shall be assessed as special benefits for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line upon the aforesaid plans, such sum or sums as the jury hereinafter provided for may determine, on such lots and pieces or parcels of land abutting the area of improvement, and adjacent thereto, and any other lots, pieces, or parcels of land in the District of Columbia that such jury shall determine are specially benefited by reason of said reclamation and development, in the manner following, that is to say: It shall be the duty of the Secretary of War, for the purpose of said assessment, to divide into sections, in such manner as he may deem best, the entire area of improvement; as soon as practicable after the reclamation and development of each section is completed he shall furnish to the Commissioners of the District of Columbia a plat of such section showing the area reclaimed and developed, and thereupon it shall be the duty of said commissioners to institute in the Supreme Court of the District of Columbia, sitting as a district court, by petition, a proceeding in rem for the assessment of benefits. The proceedings in such case shall be under and in accordance with the provisions of subchapter I of chapter 15 of the Code of Laws for the District of Columbia, in so far as the same are applicable. It shall be the duty of the jury provided for in said proceeding to find as special benefits the in-

crease in value which such reclamation and development has added to each lot, piece, or parcel of land abutting such improvement, and adjacent thereto, and any other lot, piece, or parcel of land in the District of Columbia, which it may find will be specially benefited by reason of said improvement; and of the amount which said jury shall find such lots, pieces, or parcels of land so benefited it shall assess one-half thereof upon such lot, piece, or parcel of land. In determining the amounts to be assessed against said lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may specially receive from such reclamation and development, and where any part of any lot, piece, or parcel of land has been dedicated for the purpose of such reclamation and development, the jury in determining whether the remainder of said lot, piece, or parcel of land is to be assessed for benefits and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of land so dedicated. The said assessments shall be levied and collected under the provisions of said subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, and shall be paid into the Treasury of the United States to the credit of the United States and of the District of Columbia in equal parts, and when finally ratified and confirmed by the court shall severally be a lien upon the land assessed and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal annual installments with interest at the rate of 4 per cent per annum from and after 60 days after the confirmation of the verdict of the jury. Where not otherwise herein provided for, all of the provisions of said subchapter 1 of chapter 15 of said Code of Law for the District of Columbia shall be applicable to the levying and collecting of said special assessments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: Strike out "$2,000" where it occurs in said amendment and insert in lieu thereof "$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$86,935"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 28, 31, 226, and 227.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

ROBERT W. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

The report was agreed to.

Mr. SMITH of Maryland. I move that the Senate further insist upon its amendments still in disagreement, request a further conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER conferees at the further conference on the part of the Senate.

EXTENSION OF APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 286) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies. The joint resolution makes a continuing appropriation for 15 days from July 1. Unless it is passed, the Government will be embarrassed on the 1st of July to carry on its operations. I ask unanimous consent that the joint resolution may be considered at this time.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 30, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 29, 1914.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Capt. Harry L. Steele, Coast Artillery Corps, to be major from June 26, 1914, vice Maj. Benjamin M. Koehler, dismissed June 25, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from June 5, 1914:

Frank T. Leighton,
Alva D. Bernhard,
Arthur S. Dysart,
Tracy L. McCauley,
John H. S. Dessez, and
Augustine W. Rieger.

Medical Director James G. Field, an additional number in grade, to be a medical director in the Navy from January 22, 1913, with the officer next below him, and to change the date from which he takes rank as previously confirmed.

Medical Director George Pickrell to be a medical director in the Navy from January 22, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director Albert M. D. McCormick to be a medical director in the Navy from September 29, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director George B. Wilson to be a medical director in the Navy from October 20, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director Charles F. Stokes to be a medical director in the Navy from November 14, 1913, to change the date from which he takes rank as previously confirmed.

Walter C. Miller, a citizen of Georgia, to be an assistant dental surgeon in the Dental Reserve Corps from June 24, 1914.

Edwin N. Cochran, a citizen of Maryland, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from June 24, 1914.

Gordon H. Claude, a citizen of Maryland, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from June 24, 1914.

POSTMASTER.

ARKANSAS.

William J. Johnston to be postmaster at Fort Smith, Ark., in place of Frank B. Bumgardner. Incumbent's commission expired February 16, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 29, 1914.

POSTMASTERS.

ARKANSAS.

William J. Johnston, Fort Smith, Ark.

MASSACHUSETTS.

William J. Kenney, Attleboro, Mass.

PENNSYLVANIA.

Thomas S. Moreland, Jamestown, Pa.
Karl Smith, Sharpsville, Pa.
Thomas G. Vincent, Danville, Pa.

TENNESSEE.

Thomas P. Rucker, Franklin, Tenn.

REJECTIONS.

Executive nominations rejected by the Senate June 29, 1914.

POSTMASTERS.

ARKANSAS.

Albert S. Snowden, Paragould, Ark.
Edward T. Varner, Searcy, Ark.
F. O. Cogbill, Wynne, Ark.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 29, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We turn to Thee, O God, our Father, source of all our longings, hopes, and aspirations, for inspirations, strength, courage, that we may pursue the tasks before us with clear vision, strong hearts, and earnest desires; that we may do Thy will, satisfy our conscience, bear one another's burdens, and so fulfill the law of Christ.

The world again is startled, amazed, confounded, by the red hand of the assassin. Hasten the day, O God, our Father, when all men shall know and practice the golden rule, the art of living together in peace and harmony.

Hear us in the name of the world's great Exemplar. Amen.

The Journal of the proceedings of Saturday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

There was no objection.

The SPEAKER. The Clerk will read the Journal of Sunday.

The Journal of the proceedings of Sunday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITE, indefinitely, on account of illness.

To Mr. BARTHOLDT, indefinitely, on account of sickness.

To Mr. HOWARD, for two days, on account of illness.

To Mr. BARTLETT, for 10 days, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCGILLICUDDY was granted leave to withdraw from the files of the House, leaving certified copies, the papers in the case of C. B. Conley, H. R. 14373, Sixty-second Congress, adverse report having been made thereon.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. FLOOD of Virginia. To call up the conference report on the Consular and Diplomatic appropriation bill.

The SPEAKER. The Clerk will report it.

Mr. BURNETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. BURNETT. I make a point of order that a conference report is not in order on this day. It is set apart for the purpose of suspensions.

The SPEAKER. The Chair is rather inclined to think the point of order is not well taken.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

Mr. POU. Mr. Speaker, the gentleman from Virginia is willing for me to make this request——

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. POU. I ask unanimous consent that one night of this week be set apart for the consideration of the Private Calendar.

The SPEAKER. What night does the gentleman wish?

Mr. POU. I ask that on Tuesday, June 30, 1914, the House stand in recess from 5 o'clock p. m. until 8 o'clock p. m.; that the House shall continue in session from 8 p. m. until not later than 11 p. m. During said session it shall be in order to consider in the House as in the Committee of the Whole bills on the Private Calendar to which there is no objection. The consideration of said calendar shall begin with No. 244 thereon, continuing to the end, after which other bills on said calendar may likewise be considered by unanimous consent.

The SPEAKER. Is there objection to the present consideration of the order of business?

Mr. MANN. Mr. Speaker, I object.

Mr. MURRAY of Oklahoma. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURRAY of Oklahoma. I rise to ask unanimous consent to extend my remarks in the RECORD in reference to the Creek equalization payment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks on the Creek equalization payment. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the completion of the reading of the Journal, I may address the House for 10 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow morning, immediately after the reading of the Journal, he may be allowed to address the House for 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object, on what subject?

Mr. DOUGHTON. On the subject of the effect of the tariff on wool and woolens and the remarks of the gentleman from Illinois [Mr. MANN] last Saturday.

The SPEAKER. Is there objection?

Mr. MANN. I shall not object.

Mr. GARDNER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] objects. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The conference report is as follows:

CONFERENCE REPORT (NO. 908).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 19, 22, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 11, 13, 14, 17, 18, 20, 24, 26, 27, and 28, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL BOUNDRY COMMISSION, UNITED STATES AND MEXICO.

"To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $15,000: *Provided*, That $10,000 thereof is made immediately available to resume and continue the work relating to the distribution of water, under the direction of the Secretary of State, and as authorized by and in pursuance to the protocol of May 6, 1896, between the United States and Mexico.

"The commissioner appointed by the Secretary of State under article 21 of the treaty of 1848, and reaffirmed under article 7 of the treaty of 1853, and article 5 of the treaty of 1884, and article 8 of the treaty of 1889, to carry on this work, is hereby authorized and directed to pay the salaries, compensation, wages, and allowances heretofore authorized or approved by the Secretary of State, and any and all persons employed by or under the direction of the commissioner appointed by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, wages, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service; and the appropriation made by the Diplomatic and Consular appropriation act approved February 28, 1913, 'To enable the commission to continue its work under the treaties of 1884, 1889, and 1905' is hereby reappropriated and made available for the payments herein authorized and directed."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"INTERNATIONAL PRISON COMMISSION.

"For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $2,550."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 16 of the bill, in lines 20, 21, and 22, strike out the following: "and the expenses of the United States delegate in attending

the meetings of the commission"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

"Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographer for arbitrators, for three months, at $100 per month, $300; messenger, for three months, at $60 per month, $180; traveling expenses of arbitrators, $2,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $9,390.

"For rent of office for joint secretaries, $360.

"Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, $5,000 per annum; 2 counsels, at $2,520 per annum each; 2 law clerks, at $1,800 per annum each; joint secretary, who shall also act as disbursing clerk, $3,000 per annum; 2 stenographers, at $1,200 per annum each; and messenger, $720 per annum; in all, $27,260.

"Expenses, United States agency: Necessary and contingent expenses, $12,700."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 20 of the bill, in line 22, after the word "expenses," insert the following: "in Washington City"; and on the same page, in line 25, strike out "$50,000" and insert in lieu thereof "$40,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 21 of the bill, in line 19, strike out "$150,000" and insert in lieu thereof "$100,000"; and the Senate agree to the same.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.
LEE S. OVERMAN,
LUKE LEA,
W. L. JONES,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: Provides that the salaries for "ambassadors" to Argentina and Chile shall be available for payment of salaries of "envoys extraordinary and ministers plenipotentiary" to those countries until such time as the duly accredited "ambassadors" are received by them.

On amendment No. 2: Provides that the salaries for "secretaries of embassy" to Argentina and Chile shall be available for payment of salaries of "secretaries of legation" to those countries until such time as the duly accredited "secretaries of embassy" are received by them.

On amendment No. 3: Appropriates $75,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for emergencies arising in the Diplomatic and Consular Service.

On amendment No. 4: Appropriates $15,000, instead of $20,000, as proposed by the Senate, and $10,000, as proposed by the House, for the International Boundary Commission, United States and Mexico, and inserts the language proposed by the Senate modified so as to place the work under the direction of the Secretary of State and to eliminate the language requiring it to be done in pursuance to "concurrent resolution of April 29, 1892."

On amendments Nos. 5 and 6: Strikes out authority to use the appropriation for "Boundary line, Alaska and Canada, and the United States and Canada" for reducing field notes, as proposed by the Senate.

On amendment No. 7: Appropriates $2,550, as proposed by the House, for the subscription of the United States as an adhering member of the International Prison Commission, and strikes out authority, proposed by the House, for the permanent participation and expenses of the United States as a member of such commission.

On amendment No. 8: Strikes out, as proposed by the Senate, the appropriation of $1,500 for the quota of the United States as an adhering member of the International Geodetic Association for the Measurement of the Earth.

On amendments Nos. 9 and 10: Provides that moneys received from other American Republics for the support of the Pan American Union may be drawn from the Treasury upon requisition of the "chairman of the governing board of the union," as proposed by the House, instead of by the "Secretary of State," as proposed by the Senate.

On amendment No. 11: Appropriates $500, as proposed by the Senate, as a contribution from the United States to the International Commission on Annual Tables of Constants and Numerical Data, Chemical, Physical, and Technological.

On amendment No. 12: Appropriates $8,000, as proposed by the House, instead of $4,800, as proposed by the Senate, for payment of the quota of the United States for support of the International Institute of Agriculture.

On amendment No. 13: Appropriates for the United States court in China in the language proposed by the Senate.

On amendment No. 14: Strikes out, as proposed by the Senate, the appropriation of $7,156 for the pro rata share of the United States in the expenses of the Permanent International Council for the Exploration of the Sea.

On amendment No. 15: Appropriates $800, as proposed by the Senate, instead of $1,300, as proposed by the House, for the International Seismological Association, and strikes out authority for payment of expenses of the United States delegate in attending the meetings of the commission.

On amendment No. 16, relating to arbitration of outstanding pecuniary claims between the United States and Great Britain: Appropriates for the expenses of the work in the language inserted by the Senate modified in the following particulars: Provides that the agent of the United States shall be appointed by the President, by and with the advice and consent of the Senate; appropriates for two counsel, at $2,520, instead of one at that salary; makes the salary of the disbursing clerk $3,000 instead of $2,500; and appropriates for necessary and contingent expenses in a lump sum instead of in detail, as proposed by the Senate.

On amendment No. 17: Appropriates $1,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for the International Radiotelegraphic Convention.

On amendment No. 18: Strikes out the reappropriation, proposed by the House, for the international conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships.

On amendment No. 19: Appropriates $75,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for the Fifth International Conference of American States.

On amendment No. 20: Appropriates $750, as proposed by the Senate, instead of $2,000, as proposed by the House, for the International Congress on Customs Regulations.

On amendment No. 21: Appropriates $40,000, instead of $50,000, as proposed by the House, for the Nineteenth Conference of the Interparliamentary Union, modified so as to confine its expenditure to "Washington City."

On amendment No. 22: Appropriates $150,000, as proposed by the House, for the acquisition of embassy premises at Mexico City.

On amendment No. 23: Appropriates $100,000, instead of $150,000, as proposed by the House, for the acquisition of embassy premises at Tokyo, Japan.

On amendment No. 24: Strikes out the appropriation of $140,000, proposed by the House, for the acquisition of legation premises at Berne, Switzerland.

On amendment No. 25: Strikes out the appropriation of $375,000, proposed by the Senate, for the acquisition of consular premises at Shanghai, China.

On amendment No. 26: Appropriates $15,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for the International Commission on Public and Private International Law.

On amendment No. 27: Appropriates $375,200, as proposed by the Senate, instead of $375,000, as proposed by the House, for allowance for clerk hire at United States consulates.

On amendment No. 28: Inserts the appropriation of $40,000, proposed by the Senate, for the Fifteenth International Congress Against Alcoholism.

H. D. FLOOD,
CYRUS CLINE,
H. A. COOPER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 176, 177, 195, 218, 219, 220, 234, disagreed to by the House of Representatives, and had disagreed to the House amendments to the amendments of the Senate numbered 1 and 212.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I report a joint resolution extending appropriations for the necessary operation of the Government and of the District of Columbia under certain contingencies, and I ask unanimous consent for its present consideration in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 286, H. Rept. 906) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

Resolved, etc., That all appropriations for the necessary operations of the Government and of the District of Columbia which shall remain unprovided for on the 30th day of June, 1914, are continued and made available for and during the first half of the month of July, 1914, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1915; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one-twenty-fourth of the appropriations made for the fiscal year 1914 bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1915 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twenty-fourth of the appropriations for the fiscal year 1914, and twenty-three-twenty-fourths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the same: *And provided also*, That the operation of the Interstate Commerce Commission, in securing a valuation of the several classes of property of carriers, subject to the act to regulate commerce, authorized by the act of March 1, 1913, shall continue, and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $65,000, for the first half of the month of July, 1915.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. FITZGERALD. Mr. Speaker, I ask that I may be recognized to move to suspend the rules and pass this resolution. The appropriations for the continuation of the entire Government cease to-morrow night, and unless this resolution becomes a law by to-morrow there will be chaos in the Government.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER].

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. We are about to go to the suspension of the rules——

The SPEAKER. Yes.

Mr. MURDOCK. It is a usual proceeding in this House, but it is very novel to this Congress. The power of recognition is wholly with the Speaker?

The SPEAKER. Yes.

Mr. MURDOCK. I would like to know from the Speaker how considerable a list of men have asked for suspension of the rules.

The SPEAKER. While that is not a parliamentary inquiry, the Chair will state there are about 15 for to-day and about 30 on a list in my office.

Mr. MURDOCK. Now, is that accessible to the membership of the House?

The SPEAKER. Part of it is made up. There are four or five who are not on this list that have agreed to it since. Of course, this day is not suspension day, and there was an arrangement made about it. It had to be made in order to get it made suspension day at all.

Mr. MURDOCK. Now, Mr. Speaker, I made the inquiry——

Mr. UNDERWOOD. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is——

Mr. MURDOCK. Now, Mr. Speaker, I made no request of any kind.

The SPEAKER. Has the gentleman a parliamentary inquiry to propound or not?

Mr. MURDOCK. Yes; I have.

The SPEAKER. Well, state it.

Mr. MURDOCK. Under the rules, Mr. Speaker, is there any way in which a Member on suspension day may know what is going to come up?

The SPEAKER. The only way he can find out is to come to the Speaker—that is, on regular suspension days—and he will tell him what he knows.

Mr. MURDOCK. What about special suspension days?

The SPEAKER. This day is operating under a gentlemen's agreement that was made here last week, and the Chair does not——

Mr. GARNER. Mr. Speaker, it was by unanimous consent, and the gentleman from Kansas [Mr. MURDOCK] was here when that agreement was made.

Mr. MURDOCK. I have no objection to the suspension day, but I wanted to know how the House can find what is going to come up.

The SPEAKER. The way the Speaker finds out is, in the first place, a gentleman comes to him and tells him what the bill is and asks to call it up. There are certain bills that nobody, acting as Speaker, would allow to come up in that summary way, because they ought to be discussed more, and that is the only kind of veto that this Speaker undertakes to put on them.

Mr. MURDOCK. And the bills will be taken up seriatim?

The SPEAKER. The bills on this list will be taken up seriatim, and the gentleman from South Carolina [Mr. LEVER] is recognized.

COTTON FUTURES.

Mr. LEVER. Mr. Speaker, I move to suspend the rules and pass the bill S. 110 with amendments as follows——

The SPEAKER. Have you the amendments in the bill?

Mr. LEVER. I have, Mr. Speaker.

The SPEAKER. The gentleman will send the bill as amended to the Clerk to be read.

Mr. TRIBBLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will suspend a moment. The gentleman from South Carolina [Mr. LEVER] asks to suspend the rules and pass the bill S. 110 with the amendments incorporated in it.

Mr. HAUGEN. Mr. Speaker, I demand a second.

The SPEAKER. We have not reached that place yet.

Mr. TRIBBLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TRIBBLE. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. I wish to ask the Speaker if, in case this bill is taken up, it is subject to amendment by this House?

The SPEAKER. It is not subject to amendment after the Clerk reads it, but you can read anything on top of ground into a motion to suspend the rules.

Mr. JOHNSON of Kentucky. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. The Chair has not yet submitted to the House the question as to whether or not this bill be taken up. Am I correctly informed on that question?

The SPEAKER. The bill must be reported, and it takes a majority, going through the tellers, to take it up.

Mr. JOHNSON of Kentucky. That is my understanding of it.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

An act (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

The SPEAKER. Without objection, the Clerk will read the amendment in the nature of a substitute.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask for the reading of the bill.

Mr. UNDERWOOD. Mr. Speaker, as I understand the parliamentary situation, on the motion to suspend gentlemen can ask for the reading of the bill as amended and only have read the amendable portion?

The SPEAKER. This amendment is in the nature of a substitute, and a gentleman can ask for the reading of whatever he wants to pass.

Mr. LEVER. That was my motion, Mr. Speaker.

The SPEAKER. He does not have to ask for the reading of 6, 8, or 10 pages, as the case may be, that we do not want to pass. The Clerk will read.

Mr. TRIBBLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TRIBBLE. The caption of the bill having been read, under the statement of the Speaker I move to substitute for that bill the bill known as the Scott bill.

The SPEAKER. You can not substitute.

Mr. HEFLIN. The regular order, Mr. Speaker.

Mr. TRIBBLE. Then I move to amend the bill.

The SPEAKER. The gentleman can not do that.

Mr. GARNER. Let the Clerk read, Mr. Speaker.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

An act (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

Be it enacted, etc., That this act shall be known by the short title of the "United States cotton futures act."

SEC. 2. That for the purposes of this act, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person," wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 1 cent for each pound of the cotton involved in any such contract.

SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved without giving the weight each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

First. Conform to the requirements of section 4 of and the rules and regulations made pursuant to this act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified, either in the contract or in the memorandum evidencing the same.

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences determined as hereinafter provided.

Fifth. Provide that cotton that, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of good ordinary, or cotton that is below the grade of good ordinary, or, if tinged, cotton that is below the grade of low middling, or, if stained, cotton that is below the grade of middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that on the fifth business day prior to delivery the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice or certificate stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that, in case a dispute arises between the person making the tender and the person receiving the same, as to the quality, or the grade, or the length of staple, of any cotton tendered under the contract, either party may refer the question of the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof, to be fixed and assessed by the Secretary of Agriculture, shall be collected and paid, in accordance with rules and regulations prescribed by the Secretary of Agriculture.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase, "Subject to United States cotton futures act, section 5."

The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section, and his findings, upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their privies, as prima facie evidence of the true quality, or grade, or length of staple of the cotton involved.

SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof, upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, in the spot markets of not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more markets: *Provided*, That for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale or sales of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, determine and designate to be such, and of which he shall give public notice.

SEC. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involves in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

SEC. 9. That the Secretary of Agriculture is authorized to establish and promulgate permanent standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades, to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which, for the purposes of this act, shall be known as the "Official cotton standards of the United States." The Secretary of Agriculture is authorized and directed to prepare practical forms of

the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type, or according to the sample or description, specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into the words "Subject to United States cotton futures act, section 10."

This act shall not be construed to impose a tax on any sale of spot cotton.

SEC. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 1 cent for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5, or with all the conditions specified in section 10 of this act, except that the quality of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds.

SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by section 11 of this act shall be paid by the sender of the order and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies. That no contract of sale of cotton for future delivery, made in pursuance of any order mentioned in section 11 of this act, shall be enforceable in any court of the United States by or on behalf of any party to such contract or his privies unless it conform to the requirements of section 4 hereof, and the tax imposed by section 11 upon the order for such contract shall have been paid in compliance with section 12 of this act.

SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account as will fully and correctly disclose all transactions mentioned in sections 3 and 11 of this act; and he may appoint agents to conduct the inspection necessary to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents.

SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of $2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this act is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section.

SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1915, the sum of $50,000, or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act.

SEC. 20. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of $150,000, or so much thereof as may be necessary, to enable the Secretary of Agriculture to make such investigations, to collect such data, and to use such methods and means as he may deem necessary to determine and designate what are bona fide spot markets within the meaning of this act, to prescribe rules and regulations pursuant to sections 5, 6, and 8 hereof, and to establish and promulgate permanent standards for cotton and to furnish practical forms thereof as authorized by section 9 hereof, and he shall publish the results of his investigations including rent and the employment of such persons as he may deem necessary, in the city of Washington and elsewhere. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9 of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 21. That sections 9, 19, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately. All other sections of this act shall become and be effective on and after three months from the date of the passage of this act.

Mr. LEVER and Mr. HEFLIN rose.

The SPEAKER. Is a second demanded?

Mr. HAUGEN. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] demands a second.

Mr. TRIBBLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. The Senate passed what is known as the Smith bill. It went before the Committee on Agriculture, and the Committee on Agriculture amended it by what is known as the Lever bill. Now, the Smith bill has not been read before this House.

The SPEAKER. No; and the Smith bill is not going to be read before the House.

Mr. TRIBBLE. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. Now, the amendment has been read before the House, which is not the Smith bill. At this time I offer what is known as the Scott bill as a substitute for the amendment.

The SPEAKER. It is out of order. Now, inasmuch as this is almost the first time we have had a suspension of the rules in this Congress the Chair thinks it nothing but fair to keep gentlemen from wasting time—which they do not want to do—to state two or three things about the suspension of the rules. You can not amend the bill after it is read. You can not offer a substitute for it. You can not make the ordinary motions of postponing, and so forth. The motion to reconsider does not apply.

It can not be recommitted. In addition to that, the modus operandi is very simple and very summary, and that is what it is intended to be. When the bill—whatever it is that is read by the Clerk, to be passed upon—is read it is the business of the Speaker to ask if a second is demanded. The Chair did so ask in this case, and the gentleman from Iowa [Mr. HAUGEN] demanded a second. The next thing he will do will be to ask that a second be considered as ordered. The House may or may not agree to it. If the House refuses to do it, it is the business of the Chair to appoint two Members to act as tellers, and the second is made by going through the tellers, and it takes a majority of the tellers to second the motion. Frequently a second is demanded simply and solely for the purpose of getting 40 minutes' debate.

Mr. MURDOCK. Now, will the Speaker inform me——

Mr. TRIBBLE. As a matter of fact, Mr. Speaker, this bill is not amendable under the suspension of the rules?

The SPEAKER. It is not.

Mr. TRIBBLE. That is what I wanted to get at. The Speaker stated it as a fact that after the bill had been read it could not be amended. How can Members know what it is until it is read?

The SPEAKER. They do not know unless they have hunted it up previously.

Mr. MANN. It is not amendable before it is read, either.

The SPEAKER. No. A Member rises in his place, if he can get the eye of the Speaker, and says, "I move to suspend the rules and to pass so-and-so, and he sends it to the Clerk's desk, and nobody can amend it or substitute for it, or anything of the sort.

Mr. DUPRÉ. Mr. Speaker, I want to call attention to the fact that this bill was reported by the committee on the 4th of June, and the gentleman has had ample time to acquaint himself with its contents.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If the Lever amendment is beaten, does the vote recur on the original bill?

The SPEAKER. It does not. It simply goes back into the status it was in a minute before the gentleman rose.

Mr. MURDOCK. Then, Mr. Speaker, as a matter of fact, the bill is not before the House, but an amendment to the bill?

The SPEAKER. A substitute for the Smith bill is before the House.

Mr, MURDOCK. And the substitute is not before the House?

Mr. MANN. It is the motion that is before the House; a motion to suspend the rules and pass the bill.

The SPEAKER. Of course it is.

Mr. MURDOCK. I beg the gentleman's pardon. It is a motion to pass not the original bill, but a substitute for it.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] demanded a second.

Mr. LEVER. I ask, Mr. Speaker, that a second be considered as ordered.

Mr. MURDOCK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] objects.

Mr. RAGSDALE. Mr. Speaker, the proposition before the House is either to pass the Lever bill or no bill?

The SPEAKER. That is the proposition. The Chair appoints the gentleman from South Carolina [Mr. LEVER] and the gentleman from Iowa [Mr. HAUGEN] as tellers. Those in favor of ordering a second will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 75, noes 14.

The SPEAKER. On this vote the ayes are 75 and the noes are 14, and a second is ordered. The gentleman from South Carolina [Mr. LEVER] is recognized for 20 minutes.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for five minutes.

Mr. HEFLIN. Mr. Speaker, in 1911 I made a speech in this House about the conduct of the New York Cotton Exchange. Among other things, I said the New York Cotton Exchange as conducted to-day is the deadliest enemy that the cotton producer has. I am still of that opinion. In the hearings had before the Committee on Agriculture Mr. Thompson, a cotton dealer, appeared and testified. He has had much to do with the New York Cotton Exchange. I asked him this question, "The committee on fixed difference on the New York Cotton Exchange really has the power to fix the price of cotton?" And he said, "That committee can change the price of cotton a half a cent a pound in one night." [Applause.]

I want to say to gentlemen on this side of the House that I do not claim that this bill is perfect; it does not contain all that I would put in it if I were permitted to write the entire law. It does contain three provisions that I have contended for ever since I have been a Member of Congress, and one of these provisions is the one that strikes down the very conditions that I have just referred to regarding fixed difference on the New York Cotton Exchange. It would merit my support if it had no other provision than that one. [Applause.] I am anxious to have a law upon the statute books governing the conduct of cotton exchanges in the United States. We have no such law to-day. I want to warn gentlemen who think of opposing this bill because it does not contain everything that they would like to see in it that there is absolutely no law on the statute books now to check the evil practices indulged in on the cotton exchanges to-day. [Applause.] This bill has some features in it that will mean great good to the cotton producers. They will prevent cotton gamblers from robbing the farmers of the South of millions of dollars on the cotton crop. To gentlemen who favor other kinds of legislation let me say, do not permit yourselves to be placed in the attitude of opposing the only measure that it is possible to pass on this subject at this session of Congress. Because, if you do, you will stand in the attitude of favoring present conditions, and I tell you that under present conditions cotton gamblers are robbing cotton producers of millions of dollars every year. [Applause.]

If you can not agree to all the provisions of this bill, vote for it because of the good features in it. Upon that ground I shall give it my support. [Applause.] Mr. Speaker, let me submit briefly to the House the reasons that prompt me to support this measure: First, if disputes arise as to the grade of cotton named in the contract on the New York Cotton Exchange, the committee on classification and fixed differences settle the dispute and from its decision there is no appeal. Under this bill these questions will go to the Secretary of Agriculture, and he will settle disputes that arise without knowing the price stipulated in the contract. This is a very beneficial change. Second, this bill establishes the 9 grades of cotton standardized by Congress and now in use by the Department of Agriculture, instead of the 28 different grades of stuff, ranging from dog-tail cotton up to the higest grade now in use on the New York Cotton Exchange. [Applause.]

This low-grade, unspinnable stuff is accumulated in New York and used to tender on contracts in the exchange. It is not accepted, of course, but remains there and is tendered over and over again on contracts, to the great injury of the cotton producer. The nine grades provided for in this bill will, in my judgment, do away with that practice. [Applause.]

Third. Under this bill a record of all transactions had on the exchange will be kept, so that we may know at the end of the cotton season how many bales of cotton have been handled on the exchange and how contracts have been fulfilled. This is a splendid provision.

Fourth. This bill requires actual cotton of a spinnable grade to be at the bottom of every contract on the exchange. [Applause.]

Fifth. It substitutes the commercial difference in the grades for the fixed difference now arbitrarily fixed on the New York Exchange. [Applause.]

Where will we go now to obtain this commercial difference? Mr. Speaker, the committee that now has the power on the New York Exchange to say just what the difference is between strict middling and good ordinary or between any other grades represents the exchange, and from its decision there is no appeal. Under this bill the commercial difference will obtain, and the Secretary of Agriculture is required to go, not to the committee on fixed difference on the New York Cotton Exchange, but to five spot markets in the South, to find what the price and commercial difference are. Let me say in conclusion, Mr. Speaker, that these provisions constitute a long and valuable step in the right direction and will be of vast benefit to the cotton producers of the South. [Applause.]

The operation of this bill will do much toward giving the producer the opportunity to exercise a right that belongs to him—that of helping to fix the price of cotton under the full and free operation of the law of supply and demand. [Applause.]

Mr. LEVER. I yield two minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker and gentlemen, when I first came into the House I was appointed a member of the Committee on Agriculture, and this matter was pending at that time. Since then the committee have held extensive hearings. Men representing the growers, men representing the middlemen, and those representing the mill operators have been heard. Hundreds and thousands of pages of testimony have been taken.

The evils now inherent in the trade as it is managed were very clearly set forth, and I believe a case was clearly made out that legislation is necessary at this time to protect the cotton grower and the cotton-mill man. In two minutes it is impossible to say more than a few words in outline. The first thing the bill does is to standardize nine grades which are the regular spinnable grades of cotton, including practically every fiber that is spinnable, but excluding grades that are not spinnable in the usual machinery, and the lowest grades, where the fibers are broken or where the fiber is weakened in character in any way and which can not be used in ordinary machines.

The difficulty with this low-grade stuff and this off-grade stuff is in finding a market for it. Not finding a market at the mills it has been shipped to the great centers of trade—the New York cotton market, for instance—and has been used there for delivery on contracts, the contracts requiring a basis of middling cotton with a certain number of points off or on, according to grade above or below the basis. And the grade was predominantly low, and the future contracts traded in on that market largely determined the price of the spot cotton in the southern market to the detriment at times of the millman and to the detriment at times of the grower and to the benefit of the middleman on the whole.

The next thing to be cured by the bill, after the establishment of the grades so that everybody can learn what they are and determine what kind of cotton he had and what it was worth, was the fixing of certain markets in the South to be known as the spot markets, to be fixed by the Secretary of Agriculture, where the actual price of cotton could be determined, so that the grower of cotton would not be at the mercy of speculators in the great centers, but would know from the spot market selected by the Secretary of Agriculture what were the prevailing prices of cotton and what the price should be that he ought at that time to receive. Gambling is like a cancer, that attacks the wholesome fibers of business and destroys them. There is a field for legitimate speculation, but gambling is a form of speculation that is not defensible, and like a cancer it ruins the regular, ordinary, healthful tissues of business.

The third thing that the bill endeavors to remedy is the matter of dealing in contracts on the exchanges. The contracts are bought and sold, with no intention of receiving or delivering the cotton. Millmen went to the cotton exchanges for the purpose of hedging. That was legitimate in itself so far as they were concerned, but they could not go there and get cotton to spin, for the reason that the cotton they were to receive was not any known quantity or quality of cotton or any known length or fiber of cotton, but it was cotton with so many points on or off from the basis of middling, and the exchanges were useless as places for the millman to go to buy the cotton that he needed to use in his mill to spin for the commodities sold in trade.

I have studied the bill with the committee, and I have been on every subcommittee that has prepared bills on this subject, and I am in favor of this bill, because I believe it affords some remedy for existing evils. [Applause.]

Mr. LEVER. I ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time.

Mr. HAUGEN. I yield four minutes to the gentleman from Georgia [Mr. HUGHES].

Mr. HUGHES of Georgia. Mr. Speaker, I regret very much that I can get only four minutes, one-fifth of the entire time allotted to those opposed to the measure, to discuss a bill in which I am vitally interested and in which the people whom I represent are intensely interested. I wish to say that I agree with my distinguished friend from Alabama [Mr. HEFLIN], who makes the statement that there is some good and some bad in this bill. That is true, but "a little leaven leaveneth the whole lump." As a producer of cotton and as a representative of a constituency which produces cotton and representing a district which is one of the largest cotton districts not only in George but in the South, I oppose this bill because there are certain features in it which are detrimental to the grower, the producer.

Mr. Speaker, I know it has been said that it is necessary for the exchanges to exist in order that cotton may find a market. Ah, Mr. Speaker and gentlemen of this House, that is an old song that was composed and has been sung by the great cotton exchanges, and they are still singing it.

Nearly 75 per cent of the people of this entire country are forced to use cotton as the material for their clothes. Cotton will ever be in demand. It is sought for in the warehouse and on the plantation every day of the year. Now, the farmers of this country are willing to rely upon supply and demand. That and that alone should control.

It is true, Mr. Speaker, that under this bill the manufacturers will be protected, but in this game between the manufacturers and the New York Cotton Exchange the cotton producers are the men who furnish the stakes for their gambling. The cotton exchange, largely in New York, has manipulated and controlled the price of cotton for, lo, these many years. There are about 400 men who are members of the cotton exchange, and they have made themselves the self-constituted guardian of the cotton growers of this country. Mr. Speaker, they pay $25,000 for a seat on that exchange, so I am informed, and I can assure you that they are not of that patriotic kind who stand ready to pay $25,000 in order to protect the farmers of this country.

The SPEAKER. The time of the gentleman has expired.

Mr. HUGHES of Georgia had leave to extend his remarks.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, there is no economic outrage in the United States equal to that of gambling in cotton. That has been true for many years, a long, hopeless period, during which an outraged public sentiment not only in the South but throughout the Nation has repeatedly sought correction. It has never obtained the correction, and it is not now going to obtain the correction if this substitute for the Senate bill becomes a law. It is 20 years, Mr. Speaker, since Mr. Hatch, of Missouri, succeeded in passing through this House a drastic bill prohibiting gambling in cotton. He passed it by a majority of 40 votes. Afterwards the same bill passed the Senate by a majority of 10 votes. Having passed both branches of Congress, it ought to have become a law. But it did not become a law. It came back to the House for a few minor changes and was permitted by the leadership here to die.

I ask gentlemen from the South how many outrages do they think have since transpired in the South because of that action? How many crimes, how many defalcations, how many bankruptcies, how many miseries have followed in the cotton States the defeat of that measure 20 years ago?

Four years ago a Republican Congress passed a drastic bill against gambling in cotton, known as the Scott bill. It went through this House. There was only one remarkable feature about the consideration of the bill in the House, and that was that it went through the House so easily. It went to the Senate and it died there.

Last year the Congress again had an opportunity to pass a drastic provision prohibiting gambling in cotton. It was placed in the tariff bill as an amendment by Senator CLARKE of Arkansas. It came to the House, and there was a time when the membership of this House had a right and an opportunity to put an end forever to this national infamy. The majority of the House deliberately and under challenge passed that opportunity by. The House amended the Clarke proposition and sent the amended tariff bill to the Senate. The Clarke proposition and the House amendment to it both died, as some of us then predicted.

Now, a year later, the Committee on Agriculture has brought in a substitute for a Senate bill—the Smith bill. The Smith bill prohibits gambling in cotton. It prohibits the use of the mails to the Stock Exchange of New York in "futures." That will stop gambling in cotton.

Mr. LEVER. Will the gentleman yield? The gentleman does not want to make a mistake as to what the Smith bill does.

Mr. MURDOCK. I yield.

Mr. LEVER. The Smith bill does exactly what this bill does—it regulates rather than destroys.

Mr. MURDOCK. The Smith bill proposes to deny the use of the mails to the Stock Exchange of New York. The stock exchange is made up of about 250 to 300 kid-gloved gentlemen. According to the statement of the gentleman himself, made in his own report recently submitted to this House, the farmers of the South are losing from ninety to one hundred million dollars a year in the production of cotton, because of the machinations of this leisurely outfit in New York. What the American people want is a halt called on this gambling practice, and called indubitably, with certainty, and without compromise. This substitute does not do that. True, it standardizes the grades of cotton. That is a good thing. There is no question about that. The device in this bill by which it seeks to protect the market against the tender of riffraff—inferior cotton—in settlement of a contract, is good. So is the prohibition of pro forma deliveries. The proposition to do away with the practice of adjusting deliveries on the system known as the "fixed difference" as a basis of settlement is meritorious. But this bill does not prohibit gambling in cotton. That is what the Nation demands. The Nation will not be satisfied with less. The substitute should be voted down, and a bill brought before the House that will save the cotton producer this enormous annual sum of money and remove forever this gambling blot from the life of the Nation. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield four minutes to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Speaker, on February 9, 1910, a delegation of farmers appeared before the Agriculture Committee. That delegation of farmers was composed in part of Georgia men. The president of the Farmers' Union, Charles S. Barrett, designated Mr. T. J. Brooks and other farmers to appear before that committee and speak for the farmers. Mr. Brooks appeared before the committee and spoke for the farmers. He presented the planters' side of this question and advocated the Scott bill. The Agricultural Committee reported favorably the Scott bill, and this House passed the Scott bill since I have been in Congress almost unanimously. During the hearings on this regulation bill, known as the Lever bill, I wrote Mr. Brooks, the previous spokesman of the farmers, and he wrote me on May 29, 1914, in part as follows:

> In the first place, I do not like the taxing way of reaching the exchanges. The Government goes into partnership with a gambling machine for a part of the spoils. The bill which passed the House twice (Scott bill) will do the work. These substitutes are subterfuges and playing with the subject—sparring for time.

Charles S. Barrett, president of the Farmers' Union, is unalterably opposed to this bill, or any other bill placing a tax on cotton.

Mr. Speaker, this bill is objectionable for two principal reasons—

First. The bill legalizes cotton future exchanges and proposes to give gambling transactions a commercial business standing. If gambling in cotton futures is wrong, then when you tax the gambler you give legal recognition to this evil; you legalize an immoral transaction.

Second. Tax should not be placed on cotton for any purpose. Since cotton was taxed as a war measure the South has never ceased to denounce the injustice as unconstitutional.

Mr. Speaker, gambling is an evil that should be suppressed. The man who deals in cotton futures produces no cotton. Why should he be permitted to fix the price? The people who pro-

duce the cotton should not be turned over to the mercies of the speculator.

I have earnestly tried to secure legislation on this question beneficial to my people. I am here to-day trying to amend this bill to meet the need of the farmer. It should not be passed in its present form, though after I have done all I can to amend it I will not obstruct its passage, for the reason it will go back to the Senate, and I have assurances that it will be amended and most of the objectionable features eliminated.

I seriously object to the manner in which the representatives of the cotton exchanges have furnished the evidence before the committee. The truth is, this bill meets the approval of the cotton exchanges in some of the material parts.

Mr. DUPRÉ. Will the gentleman yield?

Mr. TRIBBLE. No; I can not yield, for I have not the time. If the gentleman will get me more time, I will yield.

Mr. Speaker, Mr. Marsh, the President of the New York Cotton Exchange, said before that committee:

I want to begin by saying that I do not appear here in opposition to legislation in regard to the cotton exchanges.

He appeared in favor of it. Every man representing the cotton exchange who came before that committee advocated legislation regulating the exchanges by the cotton-tax feature.

Mr. Marsh further says:

Consequently it can not be said that I am, or that the New York Cotton Exchange is, opposed to legislation on this subject in principle. On the contrary, we believe in legislation on this subject.

Let me read to you another portion of the hearings before the committee.

Mr. Hill who has been in the cotton-exchange business 30 or 40 years and who has been president of the New York Cotton Exchange, and who has been appearing periodically in Washington for 30 years, looking after the interest of the exchange, said before the committee:

I like the initial clauses of this bill, and I like the tax idea rather than the prohibition of the mails. I think the business can stand a small tax.

He further said:

I feel quite sure that the political powers, were we to show this sort of spirit, would be satisfied with these changes and that these changes would add substantially to the volume of our business rather than to change it or reduce it.

Mr. Speaker, he then outlines this bill; he gives exactly what he wants. First, Government standards. That is this bill.

Second, commercial differences to be established, if possible, by the Department of Agriculture at Washington, or the Department of Commerce and Labor.

That is this bill.

Third, contract to call for an even running delivery of 100 bales of any one grade.

That is this bill.

Mr. LEVER. Is the gentleman opposed to those things?

Mr. TRIBBLE. This bill should be amended to suit the needs of the farmer. For one, I prefer not to take Mr. Hill as my authority on cotton legislation.

Mr. LEVER. Is the gentleman opposed to the things he enumerated?

Mr. TRIBBLE. I am in favor of the Scott bill, but I am not in favor of a makeshift. The regulations proposed may be good in a measure, but if we pass a bill to regulate exchanges it should be done by mail and telegraph regulation and not by taxing the farmer's cotton.

Mr. LEVER. I ask the gentleman if he is opposed to these provisions?

Mr. TRIBBLE. I have answered the gentleman's question—I am not in favor of regulation by taxing the farmer's cotton.

Mr. LEVER. The gentleman knows whether he is or not. It will not take him a quarter of a second.

Mr. TRIBBLE. Regulation of exchanges in the proper way is desirable; that is to say, by suppression by mail and telegraph. If the Scott bill can not be passed and this bill can not be amended, I shall not further obstruct its passage, expecting the proper amendments to be made in the Senate and in conference. When the bill returns to this House for final passage, I hope the objectionable features will be eliminated. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. LEVER. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I am one of those in this House who believe that dealing in cotton futures on the exchanges in this country works to the injury of the consumers of cotton goods and the producers of cotton. I have always believed in the abolishment of them, because they accomplish all of the harm and are just as bad as the distinguished gentleman from Kansas [Mr. MURDOCK] and the distinguished gentleman from Georgia [Mr. TRIBBLE] have painted them. But under the peculiar parliamentary status in which this bill is brought into the House, you are either to take a bill that will greatly help the present situation or you are to vote against the bill and allow the present conditions in the exchanges to exist. No matter how much opposed I may be to gambling in cotton futures, I believe this bill, from the viewpoint of regulation—and I have never been an advocate of regulation, but abolishment—will work such good to the consumers of cotton goods in this country and the producers of cotton in this country that I shall vote for it. [Applause.] It contains many most excellent provisions, and from the viewpoint of regulation it could hardly be improved upon. The gentleman from Georgia [Mr. TRIBBLE] raises sand about nobody appearing before the Agricultural Committee who was a farmer or in the interest of the farmers of the country. That committee is made up of men who are the best friends of the farmer. They are always zealously looking out after their interests; and I want to say to the gentleman from Georgia that as one friend of the farmer I appeared before that committee and remained there, not as a farmer but as a champion of the farmer, during the entire consideration of this subject.

Mr. TRIBBLE. And did they give the gentleman the bill he wanted?

Mr. HARRISON. No; they did not; but they considered my bill, that would have abolished gambling in cotton futures on these exchanges, and they considered the bill of the gentleman from Mississippi [Mr. CANDLER], which would have done the same thing. The question, therefore, that now presents itself is whether you will accept this bill, which is not subject to amendment, in its present form, knowing that it will greatly remedy the present conditions in the exchanges, or whether you will vote against it and get no legislation. I commend it to the Members of the House and sincerely hope that it will pass. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, the gentleman from Mississippi [Mr. HARRISON], who has just taken his seat, says that he is opposed to this bill. If the gentleman is sincere in that, and I know he is, then he should vote down this motion to suspend the rules, so we can amend it. Every good thing in this bill can be retained, and the chairman of the Committee on Agriculture knows it. Vote down this motion and let the bill be considered in the usual way, so it can be amended. It will remain on the calendar and can be acted on later in the usual way, and then we can keep everything that is good in it and put some additional things in it that are better than anything that is in it now. Let me read you from the Democratic platform. [Laughter on the Republican side.] Oh, that will do to laugh over there on the Republican side, but these gentlemen on the Democratic side can not laugh at it when they get home. That platform says:

We favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges and others.

Mr. Speaker, the chairman of the committee has just admitted that this bill regulates but does not suppress gambling in farm products. Keep all of the regulation in it, but give us an opportunity to put some suppression in it, whether through the taxing power or otherwise. The Scott bill passed this House, and my distinguished friend from South Carolina supported it. The Beall bill, practically the same, passed this House, and the gentleman supported it; and why not take off the gag in the motion to suspend and give the Members an opportunity to offer amendments that will have a tendency to suppress gambling in cotton instead of galvanizing into respectability and giving legal status to the worst gambling machine that ever afflicted a civilized people? I defy you to take it off. The worst bills that have ever been passed in this House have been passed under suspension of the rules, because 20 minutes on a side does not give time to show what is wrong in them. When you gentlemen get back home and consult your farmer constituents and they find out that you voted with the president of the New York Cotton Exchange and that you have legalized, whitewashed, and federalized cotton gambling, wheat gambling, corn gambling, and oat gambling I fear you will have a long, hard time before you can explain to them your vote. The idea of this being the only chance to consider this bill! Such false claim as that ought to make every honest man blush for shame! Some gentlemen think the best thing we can do is to put off the consideration of the trust bills until the next session of Congress, the short session.

Can not this little bill be considered at that session? Can not it be considered now at this session before we adjourn? Vote down the motion to suspend the rules and it remains on

the calendar and can be considered in the regular order, in the regular way, open to amendment, and no man need say that this is the only opportunity to pass this bill. If it becomes the only opportunity, it is because by your vote you make it the only opportunity. Vote down the motion to suspend the rules and give us an opportunity, and then we will keep everything in that is of benefit to commerce and the farmer and take out those features that ought not to be in the bill. I want any man from the South or West or from the North to get up here on the floor of this House and say, "I am not in favor of the suppression of the artificial fictitious gambling in farm products." This bill only legalizes the gambling and will give the Federal courts jurisdiction as against your State laws, and I appeal to you to vote down this motion to suspend the rules and let us pass the bill with proper amendments.

The SPEAKER. The time of the gentleman has expired.

Mr. LEVER. I yield to the gentleman from Mississippi [Mr. CANDLER], a member of the committee.

Mr. CANDLER of Mississippi. Mr. Speaker, in the limited time allotted to me, of course, it is impossible to discuss fully the bill pending before the House. I am frank to say at the outset, in the few remarks I will be able to make upon this bill, that it does not meet in its entirety my approval, by any means. I would be glad to substitute for it H. R. 8192, introduced by me during this Congress on September 16, 1913, which is as follows:

A bill (H. R. 8192) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations.

Be it enacted, etc., That certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word "person" shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

SEC. 3. That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton and that he has the intention to deliver such cotton; or that such cotton is at the time in actual course of growth on land owned, controlled, or cultivated by him and that he has the intention to deliver such cotton; or that he is at the time legally entitled to the right of future possession of such cotton under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton; or that he has the intention to acquire and deliver such cotton; or that he has the intention to receive and pay for such cotton: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than $5,000 nor less than $500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And in any prosecution under the provisions of sections 2 or 3 of this act the proof or failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie evidence that there was no intention to deliver or receive such cotton when said contract was made.

SEC. 4. That any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like effect and force as officers having a seal, and such oath shall be administered without any charge therefor.

SEC. 5. That it shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than $1,000 nor less than $500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 6. That every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts as are described in section two of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 nor less than $500, or shall be imprisoned not more than 5 years nor less than 1 year, or both. Any person violating any of the provisions of this section may be proceeded against by information or indictment and tried and punished either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed.

SEC. 7. That the Postmaster General, upon evidence satisfactory to himself that any person in sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

SEC. 8. That in any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

If my bill above could be enacted into law, it would, in my judgment, destroy the gambling exchanges and prevent the evils which have so long been complained of by the cotton producers. I offered this bill as a substitute for the pending bill in the Committee on Agriculture; my friend from Arkansas [Mr. JACOWAY] stood with me, but the committee refused to adopt my bill and reported the pending bill. But for the parliamentary status which prohibits the offering of an amendment to the pending bill, I would offer my bill in the House as a substitute for the bill under consideration and vote for it and give the House an opportunity to vote on it, but no amendments are in order and therefore I am unable to do so. Under the present situation we are forced into the position of taking the present bill without amendment or securing no legislation of any kind whatever and leaving the exchanges untrammeled and with no law upon the statute books to go on in their outrageous and damaging practices. The whole matter resolves itself, therefore, into the question as to whether it is better to leave the exchanges as they are, with no law at all, or to pass the pending bill. A vote for the pending bill is a vote against present conditions and practices of the exchanges. My constituents know and all my friends here know that I am earnestly and sincerely opposed to gambling in farm products of every kind, and that I favor destroying it and not regulating it, and I am anxious to secure if possible some legislation to prevent it. I agree with the gentleman from Kansas [Mr. MURDOCK] "That there is no economic outrage in the United States equal to that of gambling in cotton, and it should be suppressed." [Applause.] He calls attention to the fact that 20 years ago Mr. Hatch, of Missouri, succeeded in passing through this House a bill prohibiting gambling in cotton.

The bill passed the Senate and should have become a law, but it having been amended in the Senate it had to come back to the House, where the amendments were not agreed to, and therefore the bill failed to become a law. From that day until this efforts have been made to pass some legislation on this subject, but all have failed. We now have a chance to secure at least some legislation on the subject, not as drastic as I desire, because I would destroy the gambling exchanges, but I shall vote in the hope of securing some helpful legislation rather than to leave the exchanges to continue their gambling as they are engaged in it at the present time without any regulation or suppression whatsoever.

Now, let me state succinctly and pointedly the provisions of the pending bill, and when they are fully considered I assert without fear of successful contradiction, if this bill is passed, we will have some improvement over present conditions. It levies a tax of $5 a bale on every bale of cotton included in any and all illegal future contracts; that is, contracts where it is the intention and purpose of the parties to deal in cotton

futures without any idea of the delivery of any cotton and without owning any cotton. This is believed to be a prohibitive tax, and, if so, will suppress this character of business. It requires every contract in reference to cotton for future delivery to be in writing. It provides, further, what the contract shall contain. It prohibits the delivery of all "dog-tail," "stained," "gin-cut," "repacked," "false-packed," "mix-packed," and "water-packed" cotton, or any cotton under the grade of "good ordinary." It provides that all tenders of cotton shall be the full number of bales specified, and the party tendering it shall furnish to the person receiving it written notice giving the grade of each bale to be delivered; and in case of disagreement as to the grade either party may refer the question to the Secretary of Agriculture to determine the grade, and his decision shall be prima facie evidence in all proceedings in reference thereto. It provides that all settlements shall be made on actual commercial differences upon the sixth business day, prior to the date fixed for delivery in the spot market where the sale is made, and if not made in a spot market then upon the sixth business day prior to the business day fixed for delivery in the spot markets of not less than five places designated from time to time for the purpose by the Secretary of Agriculture.

It establishes the Government grades of cotton, to be designated "middling fair," "strict good middling," "good middling," "strict middling," "middling," "strict low middling" "low middling," "strict good ordinary," and "good ordinary," and designates them as the "official cotton standards" of the United States. It provides that no tax shall be levied on contracts for future delivery of actual cotton, and provides in its face, "This act shall not be construed to impose a tax on any sale of spot cotton." "Spot cotton" is actual cotton in the hands of the farmer, merchant, or owner of cotton. I would not vote for this bill if it taxed cotton. It requires a record to be kept of every sale, open to Government inspection. Now, these are the salient features of the present bill, and I submit to every Member of this House the question as to whether or not, if these features are enacted into law, the cotton producers of the country will not be to some extent benefited. The features requiring a record to be kept of every contract made, the adoption of the Government standards, the right to appeal to the Secretary of Agriculture when dispute arises as to grade, the settlements on commercial differences, the abolition absolutely of settlements on fixed differences, and forbidding the delivery of "dog-tail" and other inferior grades of cotton are enough good features in the bill to justify every man interested in the welfare of the cotton farmer to vote for the bill, and in voting for it vote against the present outrageous gambling practices of the cotton exchanges. I shall vote for the bill only because of the good features in it; but I wish it was a drastic bill destroying and suppressing all possibility of gambling of every kind, and then I could vote for it with delight. The good Lord knows that what I want to do is to help the cotton farmers, who have by their products, in round numbers, added a billion dollars a year to the wealth of this country and helped in the exportation of cotton to bring the yellow gold from foreign countries to our shores to increase the balance of trade in favor of the United States of America. [Applause.] If I did not believe in my heart that this bill would benefit the cotton farmers, I would not under any circumstance vote for it; but believing that it would benefit them and that it is the only chance to secure any legislation whatever at this session, I shall vote for it, and if it becomes a law and proves inadequate to meet conditions we will amend it just as soon as that fact is ascertained and amendatory legislation can be enacted.

The great trouble in finding out exactly what the exchanges do and the extent of their gambling operations has been that they kept no records which were open to inspection, and we could not get from them any definite statement of how many bales of cotton, not in existence, they bought and sold. They admit they probably bought and sold a hundred million bales and possibly a hundred and fifty millions or two hundred millions a year. If this bill becomes a law they will have to keep a record, open to inspection, and by this record we will be able to know the extent of their operations. As this is the only chance for legislation let us now by law at least take some step in the direction of correcting and suppressing if possible their outrageous practices. Let us stop the long delay and give heed to the appeals of the farmers made during all these years, and respond to their request, and at least enact the good provisions of this bill, and then if necessary go further in the future. The issue is made up. Shall we vote for this bill and secure some legislation—and it is in the hope of securing some legislation that I will vote for it—or vote against it, and in doing so vote to continue present conditions and allow gambling in cotton futures to go on without hindrance of any kind whatsoever? I submit this issue to you, and by your vote you will answer it. [Loud applause.]

Mr. HAUGEN. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, the gentleman from Tennessee [Mr. SIMS] practically puts himself in the attitude of being in favor of no legislation at this time on the subject of cotton exchanges. I want to say to the gentleman in the outset that this is the only chance that we will have to pass a bill on this subject at this session of Congress, and I appeal to him and others who really want legislation on this subject to cease their obstructive tactics in this House and let us get something on the statute books, and then, if the law does not work as well in every particular as we think it ought to work, amend it at the next session of Congress. [Applause.] I represent the largest cotton-producing district in my State, and I speak for the farmers not only of my State but of Georgia, Mississippi, South Carolina, Florida, North Carolina, and of every other cotton-producing State in the Union, when I say to you gentlemen that there are provisions in this bill that they want enacted into law. [Applause.]

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. WINGO].

[Mr. WINGO addressed the House. See Appendix.]

Mr. SISSON. Mr. Speaker, I do not want to lose my good friend from Arkansas [Mr. WINGO] from the House, but if he shall persist in the position which he takes, he will be compelled to resign, because we have to legislate by seesawing with the Senate.

Mr. WINGO. To relieve the gentleman's anxiety, I will say that I do not intend to resign.

Mr. SISSON. I am glad of it, for he is a valuable Member of the House. I am going to support this bill, not because it is what we want, but it is a beginning, and there are some features of it that every man from the South must indorse. And there are features of this bill that must go into any bill that will be enacted, and when we get it written on the statute books we can take advantage of the next session of Congress, as suggested by the gentleman from Alabama [Mr. HEFLIN], and can amend it.

I supported the Scott bill which passed the House a few years ago, and which was a very much better bill than this one. I think it a better bill, because it sought to prohibit gambling in cotton on the cotton exchanges. This bill seeks to regulate the cotton exchange, with the hope that by taxing gambling contracts that this will force the gambler off the exchange. I very much fear that this will not happen. I trust that it will.

But the many features in reference to establishing and fixing grades, in reference to the regulation and inspection of contracts and the information which can be gained by Congress for the purpose of securing the Federal tax placed on gambling contracts, will enable the Government, and through the Government will enable the people, to know what is going on.

We have passed through the House on several occasions bills looking to the suppression of gambling in cotton futures. In every case the bill has died in the Senate within the last 15 or 20 years, and usually in the Senate committee. About 20 years ago a bill very similar to the Scott bill was passed by the Senate while Senator J. Z. George, of my own State, was a Member of that body, and this bill had his approval. But this good piece of legislation died in the House of Representatives.

Senator CLARKE of Arkansas had tacked onto the Underwood tariff bill a provision which would have taxed out of existence all cotton gambling, but this provision was lost somehow in the conference committee between the House and Senate; at any rate, it never became a law.

I am getting weary of these futile attempts at legislation. What the farmers of the South want is some legislation that will prevent gambling in cotton futures; and while this bill does not go as far as I would like to have it go, and has some features in it that I do not like, it has some merit in it and is a beginning. If it does not work well, we will have committed the Government to the proposition of controlling the cotton exchanges; and having done this, I believe that the Federal Government, under the pressure of public opinion, will be compelled to finally write the proper law on the statute books.

The most unfortunate thing about the parliamentary situation now is that a bill of this much importance is taken up under the suspension of the rules, which will not permit any amendments to be offered, and which will compel each Member of Congress to either vote for or against the bill; and if we vote against the bill it may mean that it will kill all chances for legislation on this subject at this session, and if we vote for the bill it will mean that we have to take it just as it is reported

to the House from the Committee on Agriculture. I regret very much that the membership of this House are denied the privilege of voting on some amendments which could make this bill a good one. Personally I am violently opposed to that feature of the bill which to some extent legalizes dealing in futures, which may sometimes be a pure gambling transaction. No Member of this House would think of taxing a legitimate sale of cotton. This would be an outrage. But the purpose of the bill is to tax illegal sales of cotton, to tax sales when no delivery was contemplated; and if this taxing feature was not in the bill the courts would be compelled to declare it unconstitutional, because the New York exchange is purely a New York institution and the New Orleans exchange a purely Louisiana institution, both under the control of the laws of the respective States, and the Federal Government has no right to invade the domain of the States for the purpose of destroying these gambling institutions. It therefore becomes necessary that you destroy them with the taxing power or destroy them by denying them the use of interstate means of communication, such as denying them the right to use the mails, the telephone, and telegraph lines.

The attempt to destroy the gambling in agricultural products through the taxing power is fraught with danger, because it may sometimes be difficult to determine when a transaction is legal and when it is illegal, when it is a gambling contract and when it is not a gambling contract, and the enemies of this good legislation will muddy the waters as much as possible so as to make this method unpopular with the cotton producers of the country. In fact, unless it is administered with great care the cotton gambler and the cotton speculator might be able to unload this tax upon the cotton farmer. This is my most serious objection to the bill presented to us in this manner by the Committee on Agriculture. But if the bill is properly administered and the law properly enforced this evil can be eliminated. If the Committee on Agriculture had presented to the House the Scott bill, it would have been utterly impossible for the cotton gambler and the cotton speculator to have unloaded the burden on the cotton producer, because the Scott bill would not become effective until the provisions of the law had been violated, and this violation of the law was a criminal violation, and the party violating it would be punished in the criminal court by heavy fine, and might have been punished by imprisonment. I believe that this is the proper method of compelling observance of a law.

This bill proceeds upon the principle of regulation and not upon the principle of destruction. There can be no objection to a legitimate place being established by men for the exchange of their commodities with each other. A bill that would try to prevent this would be clearly unconstitutional. So I would not favor a proposition to destroy a legitimate business, but I would favor a proposition that would totally destroy, root and branch, every feature of gambling connected with all of the agricultural products of the country.

But since I can not at this time support a proposition of this sort, I will with reluctance give my support to this bill, stating at the time that I have some misgivings as to the results, and have some doubts as to its accomplishing very much good. But I do not believe that it can possibly make the situation any worse than it is now, and if it helps the condition in the least, then I feel that my vote is justified. At any rate, it will tend to turn the light on the situation, and I am perfectly willing to give the Secretary of Agriculture all the powers that he is vested with under this bill and give him all of the district attorneys he needs to properly enforce this law and give it a fair trial.

I fear that the fact that the committee saw fit to change completely the bill that passed the Senate may result in a total miscarriage of legislation on this subject at this time. So I feel that it would have been wiser for the committee to have made an effort to remove the objectionable features of the Smith bill rather than to have brought in a complete substitute for the Smith bill.

These are some of the reasons, Mr. Speaker, briefly stated, which cause me to give my support to this bill. I am not in favor of quitting now and not doing anything. I want to write something on the statute books at this time. We have been trying and trying for 20 years, so I say in conclusion let us do something now. [Applause.]

Mr. LEVER. I will ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time.

Mr. HAUGEN. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman from Iowa has used all of his time.

Mr. LEVER. I yield three minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I think some of the gentlemen who have been considering this bill have confused the use of the power with the merits of the bill. It is proposed to either suppress entirely the exchanges of the country or to regulate them. That is one proposition. The other proposition is to use some power of the Government to accomplish one or the other result. Now, you may have the same bill, whether you call it the Scott bill or the Lever bill or the Bell bill, to accomplish certain results, and you may apply to that bill the taxing power to enforce the law, or the interstate-commerce law to enforce the law, or the power of the use of the mail—the post-office power—to enforce the law. My contention is that the particular power that you use with which to enforce the law is a secondary proposition. But if you want to use the most effective power to enforce any law, there is no greater power in this Government than the power to tax. [Applause.] It is the most effective power that you can use to enforce any legislation. So I think that answers any objection to the mere use of a power to enforce the law. Now, coming down to the real merits of the bill, the question of whether you want the Scott bill, which wipes out, or is intended to wipe out, the cotton exchanges, or the Lever bill, which is intended to regulate the exchanges so only the evils in the exchanges shall be wiped out and good remain, is the real question before the House. Now, outside of going to the merits, in two different Congresses I have supported a bill along the lines of the Scott bill—first, the Scott bill in one Congress, and next a similar bill, the Bell bill, in another Congress—and we have sent them to the Senate of the United States, where they died in committee or on the calendar of the Senate. A similar bill passing the House this time would meet with the same result. But there is an opportunity now to pass a bill that will wipe out the evils of the cotton exchange, the use of the cotton exchange against the cotton producer of this country, and that bill is before the House to-day. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. LEVER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. LEVER. Mr. Speaker, I believe that the practices of the New York Cotton Exchange are costing the cotton producers of the South annually $100,000,000. This bill proposes to eliminate from the New York and other cotton exchanges such practices as are laying upon our people this enormous burden. The man who votes against this bill places himself—unconsciously, of course—in the attitude of favoring the continuance of a system which has been denounced in every cotton-growing State of this Union. The man who votes against this bill says, in effect, "I am willing, rather than have this regulatory bill, to stand for the continuance of the evil practices of the New York Cotton Exchange, which have been burdening our people for more than half a century." No man who understands the parliamentary situation in this House can say that it is wise to vote this bill down and send it back to the committee, in the hope of bringing from that committee a more drastic proposition. The man who believes that, or who thinks he believes that, confesses to a culpable ignorance of the situation in this House. The gentleman from Alabama [Mr. HEFLIN] told you truly that you have an opportunity here in the passage of this bill to send the whole proposition to conference, where the differences between the two Houses can be worked out and some legislation had. Vote this bill down, and every man who knows anything at all about the situation knows that there will be no legislation on the subject at all at this session of Congress. And in the meantime your people and my people will go on suffering an annual loss of $100,000,000 on their cotton crop. I ask that the friends of the farmers, these Bombastes Furiosos that are willing to stand here and refuse to vote for this bill, which they admit is better than the present system, because they can not get precisely what they want——

Mr. TRIBBLE. Will the gentleman yield?

Mr. LEVER. I yield for a question.

Mr. TRIBBLE. If the friends of the farmers will vote to send this bill to conference, will the chairman of the Agricultural Committee tell us that he will do what he can to produce another bill that will be satisfactory to the farmers?

Mr. LEVER. The Chairman of the Agricultural Committee will do what he has been doing ever since he has been in Congress. He will bring from conference the best bill of which he is capable in the interests of agriculture. [Applause.]

Now, Mr. Speaker, these gentlemen who do not support this bill confess themselves to be in favor of a continuance of the multiplicity of standards that prevail in the marketing of

cotton. They confess themselves to be in favor of the present fixed-difference system of the New York Cotton Exchange.

Mr. HUGHES of Georgia. Mr. Speaker——

The SPEAKER. Will the gentleman from South Carolina yield to the gentleman from Georgia?

Mr. LEVER. I will yield.

Mr. HUGHES of Georgia. I wanted to say this: That I am opposed to the general features of this bill. I admit that some are good and some are bad, but I am opposed to it on account of the bad features.

Mr. LEVER. I hope the gentleman from Georgia will see enough good features in this bill to support it.

Mr. HUGHES of Georgia. I do not.

Mr. LEVER. I thought the gentleman from Georgia saw in this bill a system which was better than the present New York Cotton Exchange system.

Mr. HUGHES of Georgia. If you kill this bill, you will get a better one.

Mr. LEVER. It will be a mighty long while. Now, Mr. Speaker, the Committee on Agriculture has given weeks and weeks to the study of this bill. We have brought cotton experts from every corner of this country to testify. We have engaged the best experts of the Department of Agriculture. We have invited the farmers to appear before this committee, and we believe that we have worked out a bill which will regulate conservatively, sanely, and sensibly, and in the interest of the cotton producers, the evil practices of the cotton exchanges.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. LEVER. And I hope that every friend of the farmer here will vote for this bill. [Applause.]

The SPEAKER. All time has expired.

Mr. ASWELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ASWELL. I hold in my hand a bill I introduced on May 24 on this subject written by the national officers of the Farmers' Union of the United States.

Mr. MANN. Mr. Speaker, I ask for the regular order.

Mr. ASWELL. And I want to know if there is any opportunity under this parliamentary situation to introduced it as a substitute for the Lever bill? I am for the Lever bill as the best we can do now, if I can not get in this substitute.

The SPEAKER. Not under this bill.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I object.

Mr. HULINGS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HULINGS. I have been denied an opportunity to speak on this bill, which I am very deeply interested in, and I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania [Mr. HULINGS] asks unanimous consent to extend his remarks on this bill. Is there objection?

Mr. MANN. I object.

Mr. LEVER. Reserving the right to object, Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. MANN] has already objected.

Mr. LEVER. I was just about to present a request that everybody who desires to do so may be allowed to extend his remarks on this bill.

Mr. MANN. On this side we have been allowed only 20 minutes' debate on this bill, and I am going to object in order to show that that is all the time that was allowed.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The question is on suspending the rules and passing the document read by the Clerk.

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 84, noes 21.

The SPEAKER. On this vote the ayes are 84 and the noes are 21.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point of order that there is no quorum present. The Chair will count.

Mr. WINGO. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Arkansas withdraws the point of no quorum. On this vote the ayes are 84, the noes are 21. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed.

CONSOLIDATION OF VETERINARY SERVICE, UNITED STATES ARMY.

Mr. HAY. Mr. Speaker, I move to suspend the rules and pass House bill 4541 with an amendment.

The SPEAKER. The Clerk will report the bill, reading the amendment into it.

The Clerk read as follows:

A bill (H. R. 4541) to consolidate the veterinary service, United States Army, and to increase its efficiency.

Be it enacted, etc., That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed 2 such officers for each regiment of Cavalry and Field Artillery, 15 as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and 5 as inspectors of meats for the Quartermaster Corps, not to exceed 62 in all.

SEC. 2. That hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of 21 and 27 years, a graduate of a recognized veterinary college or university, and that he shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

SEC. 3. That an assistant veterinarian appointed under section 2 of this act shall have the rank, pay, and allowances of second lieutenant; that after five years of service an assistant veterinarian shall be promoted to the rank, pay, and allowances of first lieutenant; that after 15 years of service an assistant veterinarian shall be promoted to veterinarian with the rank, pay, and allowances of captain: *Provided*, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay, and have no further claim on the Government.

SEC. 4. That the veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps provided for in section 1 of this act, now employed, who at the date of the approval of this act shall have less than five years' service, be reappointed as assistant veterinarians with the rank, pay, and allowances of second lieutenant; that the veterinarians who have over five years of service be reappointed and commissioned as assistant veterinarians with the rank, pay, and allowances of first lieutenant; that veterinarians with 15 years of service be reappointed and commissioned as veterinarians with the rank, pay, and allowances of captain: *Provided*, That they pass a prescribed practical professional examination as to fitness for mounted field service: *Provided further*, That veterinarians now in the Army and in the employ of the Quartermaster Corps who fail to pass the prescribed physical examination, due to disability incident to the service, and who have been incapacitated from rendering satisfactory service to the Government, shall be retired from active service with 75 per cent of pay corresponding to length of service as prescribed herein.

SEC. 5. That the Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps, who shall have the pay and allowances of second lieutenant during such period of service, and no longer: *Provided*, That such reserve veterinarians be graduates of a recognized veterinary college or university and have previously passed a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as required of assistant veterinarians; such veterinarians (reserve) to constitute a list of eligibles for appointment as assistant veterinarians under the same condition as to age, probationary service, etc., as provided for in section 2 of this act, and such examinations as may be deemed necessary by the Secretary of War for the proper performance of their duties.

SEC. 6. That candidates passing the examinations as prescribed in section 2 of this act shall be appointed, in the order of merit in which they passed such examination, to vacancies as they occur, such appointment to be a probationary one for six months, after which time, if the services of the probationer have been satisfactory, he shall be permanently appointed with commission antedated to embrace such probationary service. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, without any further claim against the Government.

SEC. 7. That the Secretary of War is authorized to appoint a board of examiners to conduct the examinations prescribed herein, one member of which shall be a field officer, one a surgeon, and two veterinarians.

SEC. 8. That all laws or parts of laws in conflict with the provisions of this act be, and are hereby, repealed.

The SPEAKER. The question to be voted on is to suspend the rules and pass this bill. Is a second demanded?

Mr. FOSTER. I demand a second, Mr. Speaker.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FOSTER. No, sir.

The SPEAKER. Any gentleman who is opposed to it has the preference in demanding a second.

Mr. HAY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. HAY] has 20 minutes, and the gentleman from Illinois [Mr. FOSTER] has 20 minutes.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. HAY. I will.

Mr. MANN. Is any amendment reported except the amendment contained in the bill?

Mr. HAY. Only the amendment that is in the bill.

Mr. MANN. Would not the gentleman very briefly tell us what the bill covers?

Mr. HAY. I understand the gentleman from Illinois [Mr. FOSTER] wants to ask me a question.

Mr. FOSTER. The proviso in section 3 means that those who are now in the service who have passed a mental and physical test shall be placed on the retired list?

Mr. HAY. Yes.

Mr. FOSTER. And they shall receive only 25 per cent of the pay they are now receiving?

Mr. HAY. Yes.

Mr. FOSTER. Do they get just 25 per cent all the time, or does the time they have spent in the service make any difference?

Mr. HAY. I do not think section 3 applies to those now in the service. The gentleman means section 4?

Mr. FOSTER. Yes; I meant section 4. I got on the wrong section.

Mr. HAY. That means that they shall be retired upon three-quarters pay in accordance with length of service. Understand that in the Army a man after serving 5 years gets 10 per cent additional to his flat pay. When he serves 10 years he gets 20 per cent. When he serves 15 years he gets 30 per cent, and when he has served 20 years he gets 40 per cent.

Mr. FOSTER. I see also in section 5 this service is placed under the Surgeon General of the Army?

Mr. HAY. Yes. That was recommended by the Secretary of War, both the present Secretary of War and the previous Secretary of War. If the gentleman will read the report, he will find that it is based upon the ground that the Surgeon General's department will be better able to deal with veterinary surgeons than the Quartermaster's Department.

Mr. FOSTER. The Medical Department has no one in the office acquainted with the veterinary business?

Mr. HAY. No. They are all physicians and surgeons.

Mr. FOSTER. So that a detail would be made from his office?

Mr. HAY. No. It gives the authority to appoint for this particular corps, but they would not be detailed to the Surgeon General's office.

Mr. FOSTER. Who holds these examinations of these men?

Mr. HAY. A board, as provided for in section 7. The board comprises a field officer, who may be a major or a lieutenant colonel or a colonel, a surgeon, and two veterinarians.

Mr. FOSTER. That is all I care to ask.

Mr. HAY. If there is no further question, Mr. Speaker——

Mr. WILLIS. I wish to call the attention of the gentleman from Virginia [Mr. HAY] to the language in the proviso beginning with line 13 on page 2:

Provided, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay and have no further claim on the Government.

Would that bar a claim for pension, or would he be entitled to the time in any case?

Mr. HAY. He would only be entitled to a pension if he incurred some disability in line of duty.

Mr. WILLIS. If he has incurred the disability, this would not be a bar to a pension?

Mr. HAY. I think not. If he incurred a disability in line of duty before the five years expired, he would be entitled, then, to a pension.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. HAY. Yes.

Mr. STAFFORD. In that particular, I wish to inquire of the gentleman as to when the language of the proviso applies, requiring that these assistant veterinarians must pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the mounted service?

Mr. HAY. Does the gentleman ask how does it apply?

Mr. STAFFORD. When is it intended that the assistant veterinarian shall be examined for appointment?

Mr. HAY. They will be examined as soon as this bill becomes a law—the veterinarians now in the service.

Mr. STAFFORD. I am quite well acquainted with that fact. We are now considering this provision, which relates also to those who are to come into the service.

Mr. HAY. Yes.

Mr. STAFFORD. Are they at the time of their entrance examination to be examined as to their adaptability for mounted service?

Mr. HAY. Yes.

Mr. STAFFORD. I suppose they will not be discharged from the Army with one year's pay?

Mr. HAY. Oh, no. That relates to men who are to be examined for promotion. If they are examined and found deficient, then they are discharged with one year's pay.

Mr. STAFFORD. I assume this requirement pertains to the examination when he enters the service as to all those who come into the service hereafter?

Mr. HAY. Yes.

Mr. STAFFORD. And that there can not be a case of a person found physically unadapted to mounted service after he has been in the service.

Mr. HAY. Yes; if after five years he comes up for promotion.

Mr. WILLIS. I think I did not quite understand the gentleman's answer, or he did not understand my question. The language to which I am calling attention begins with the proviso in line 13:

Provided, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay and have no further claim on the Government.

Now, if the officer in question had incurred disease or suffered wounds in the service so as to be entitled to a pension under existing law, I do not understand why this would not bar his claim for a pension.

Mr. HAY. As I understand it, if he incurred a disability in the line of duty he would be discharged for that disability.

Mr. WILLIS. Not necessarily so. The mere fact that he got a pension, would that necessarily bar him from the service?

Mr. HAY. I should think so. I do not think anybody in active service gets a pension. I do not know of any such case.

Mr. WILLIS. It occurred to me that there might be some possibility that that would not be sufficient——

Mr. HAY. Any disability that would be sufficient to give him a pension would be sufficient to discharge him for disability.

Mr. WILLIS. If that is the case, that answers my question.

Mr. HAY. I think so, undoubtedly.

Mr. STAFFORD. Now, further——

Mr. HAY. In answer to the gentleman from Wisconsin, I call attention to the fact that this section applies to people who have already served, and it applies to the examination of these officers for promotion. It says that after five years of service an assistant veterinarian shall be promoted to the rank, pay, and allowances of a first lieutenant. He can only be promoted, however, if he passes a satisfactory examination, and so forth.

Mr. STAFFORD. If the gentleman will permit, section 2 provides for the examination of candidates for appointment as assistant veterinarians in the future.

Mr. HAY. Yes.

Mr. STAFFORD. Section 3 refers to section 2, and to those appointed under section 2. Those two sections refer to those who are to be appointed in the future. Now, when I read this bill the query came to me whether they would be compelled to take this examination as to adaptability for mounted service only when they were candidates for the rank of captain after 15 years' service, or whether they would be submitted to that test when first appointed to the grade of second lieutenant.

Mr. HAY. No; when they are first appointed they pass an examination as provided in section 2, as to character, physical condition, general education, and professional qualifications. After they have been in the service 5 years they come up for promotion to the rank of first lieutenant. Then they must pass a satisfactory examination as to professional qualifications and adaptability for mounted service.

Mr. STAFFORD. Is not that only after they have been in the service 15 years, when they are candidates for captaincies?

Mr. HAY. No; it applies to those who have been in the service 5 years as second lieutenants, when they come up for examination for promotion to be first lieutenants.

Mr. STAFFORD. Why would not this same examination cover the requirement for adaptability to mounted service?

Mr. HAY. Because when they first come in it is only prescribed that they shall be examined as to character, physical condition, general education, and professional qualifications.

Mr. STAFFORD. Physical condition does not embody the idea that they shall be physically qualified for mounted service?

Mr. HAY. It does not, because they might not have had any experience in riding.

Mr. STAFFORD. So a man must show that he has that ability at the end of 5 years.

Mr. HAY. During the first 5 years.

Mr. STAFFORD. During the 5 years he has the rank of a second lieutenant?

Mr. HAY. Yes.

Mr. STAFFORD. Another question: As I read the bill, the committee did not follow the recommendation of the department to make this an adjunct to the Medical Corps of the Army?

Mr. HAY. If the gentleman will read the report, he will see that under the bill——

Mr. STAFFORD. I wish to inform the gentleman that I have read the report, and I favor the bill instead of the suggestion of the Surgeon General—that this be made a part of the Medical Corps. You attach it to the Quartermaster's Department.

Mr. HAY. The report at the bottom of page 6 states this:

> The War Department has given its approval to this bill. The Secretary of War recommends that the veterinarians be placed in the Medical Corps. This bill is so drawn that the Secretary of War will be able to place these officers under the control of any department which he may deem best for the interests and efficiency of this service.

Now, if you will read the bill carefully, you will see that nowhere does the bill place any part of this corps under any particular bureau of the War Department, but places it under the Secretary of War, and the reserve veterinarians who are to be appointed by the Surgeon General.

Mr. STAFFORD. But you do permit them to be assigned to the Quartermaster's Corps.

Mr. HAY. They have to be, because the Quartermaster's Corps has a large number of animals.

Mr. STAFFORD. That feature of the bill appeals to me very much.

Mr. WILLIS. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. WILLIS. What does the gentleman say to this: Suppose an examination is held, as provided in the proviso, and it is found that the officer in question is deficient, and he is discharged from the service; suppose that subsequently to this the officer should apply for a pension on the ground that he incurred disease in the service which had not manifested itself until after he was discharged, that he was discharged for some other reason, but disease developed and he offered to prove that he contracted the disease in the service?

Mr. HAY. If he could prove that he contracted the disease in the service, I think he would be entitled to a pension.

Mr. WILLIS. But here is the language—that if he is discharged he shall have no further claim against the Government.

Mr. HAY. I do not think a pension is regarded technically as a claim against the Government. I do not think there is any question, if he could prove that while in the Army he incurred a disease in the line of duty, that he will be entitled to a pension.

Mr. WILLIS. What is the necessity for this language, then?

Mr. HAY. This language is the exact language carried in the bill providing for appointment to the Medical Corps. Where a man is examined for promotion in that corps and is found deficient, he is discharged with one year's pay, and the law goes on to say he shall have no further claim against the Government.

Mr. WILLIS. I am anxious to get the gentleman's opinion, for it may be of value hereafter in interpreting the statute. It is the gentleman's opinion that if he incurred a disease in the Army in the line of duty——

Mr. HAY. If he incurred a disease in the line of duty and could prove it——

Mr. WILLIS. He will be entitled to a pension, notwithstanding this language?

Mr. HAY. I think so.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and two-thirds voting in favor thereof, the rules were suspended, and the bill was passed.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider in the House, as in Committee of the Whole House, House joint resolution 286, extending appropriations for the operation of the Government beyond the end of the fiscal year.

The SPEAKER. The gentleman from New York asks unanimous consent to consider House joint resolution 286, providing for extending appropriations for a certain length of time. Is there objection?

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, I was on the point this morning of asking the gentleman a question which I would like to ask now. What is the reason for this resolution reaching the appropriations made for the Interstate Commerce Commission for the valuation?

Mr. FITZGERALD. The appropriations for the physical valuations of railroads during the current fiscal year amount to $489,627.09. If there be made available only one twenty-fourth of the amount for the first 15 days in July, it would give them only $20,000. They contemplate spending during the month of July about $125,000, so that we are providing for the first 15 days $65,000.

Mr. MURDOCK. Making an exception of them?

Mr. FITZGERALD. Yes; giving them more than they otherwise would have.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, there are a number of requests for information regarding appropriation bills as they have passed the House up to this time. I have prepared a statement and I will ask unanimous consent to extend my remarks in order that I may print it in the RECORD at this place so that the information will be available for Members.

The total amount of appropriations carried by the 13 regular annual appropriation bills, including he river and harbor bill, for the support of the Government for the fiscal year 1915, as passed by the House at this session, is $943,754,713.47; in addition to that sum there is authorized to be expended during that year the further estimated amount of $131,196,407 under permanent appropriations, or a total authorized expenditure, so far as the House has expressed its will at this session, of $1,074,951,120.47 for the support of the public service during the fiscal year beginning July 1, 1914, and ending June 30, 1915.

The total estimates submitted by the executive departments at the beginning of the session in December last, and in supplemental documents since that time, amount to $1,114,383,619.24.

The whole sum granted in the regular annual appropriation bills as passed by the House, together with the estimated amount expendable under permanent appropriations, is $39,432,498.77 less than the total estimates submitted to Congress.

The sums stated as total estimates submitted to Congress and the amount of the annual bills as passed by the House includes $60,717,000 to meet the public debt sinking-fund requirements for the fiscal year 1915.

The total of the appropriations as passed by the House, together with the permanent appropriations, exclusive of the $60,717,000 for the sinking fund, is $1,014,234,120.47.

The total revenues of the Government were estimated at the beginning of the session last December at $1,035,000,000, or an excess or surplus of $20,765,879.53 over the appropriations approved by the House, if the sum for the sinking fund is not taken into account.

The total reduction of the public debt under the sinking-fund requirements has not reached the sum of $1,000,000 under any one of the last four fiscal years and scarcely exceeded $100,000 for the fiscal year 1913.

The state of the public debt is such that it is a matter of no great concern whether the regular annual requirements of the sinking fund either as a whole or in substantial part be met during the next fiscal year, for the reason that we have no outstanding bonds maturing before 1918. Of the Spanish War loan of 1908, under which bonds amounting to $198,792,660 were issued redeemable after 1908 but not payable until 1918, there remain outstanding now only $63,945,460.

Without any purpose of instituting invidious distinctions, it is not uninteresting to note, as shown by the record of the regular annual appropriation bills at this session, that the total regular annual estimates were reduced in the sum of $39,432,498.77, or 4 per cent.

The estimates under the regular annual bills prepared by the Committee on Appropriations, amounting to $357,832,372.73, which sum is 36.3 per cent of the total of all estimates submitted to Congress, were reduced in the total sum of $27,592,553.26, or nearly 8 per cent, or, to be exact, the reduction is 7.7 per cent.

The estimates under the regular annual bills prepared by other committees of the House, controlling one bill each, amounting to $625,354,839.51, which sum is 63.6 per cent of the total of all estimates submitted to Congress, were reduced in the total sum of $11,839,945.51, or less than 2 per cent, and, to be exact, only 1.8 per cent.

The most notable reductions made in any single bill below the estimates submitted for that bill occur in the sundry civil and Army bills, which were reduced by $17,535,289.77 and $10,757,181.49, respectively.

If the total estimates submitted for the regular annual appropriation bills had been reduced by 7.7 per cent, as were the estimates for bills prepared by the Committee on Appropriations, the total reduction in all of the regular annual estimates would have been $75,705,415.34 instead of only $39,432,498.77.

Comparison of regular annual appropriation bills (prepared by the Committee on Appropriations) as passed by the House with the regular annual estimates submitted for the fiscal year 1915.

Bill.	Estimates.	Passed by the House.	Reduction.
District of Columbia	$14,491,614.49	$11,436,150.49	$3,055,464.00
Fortification	9,124,399.49	5,175,200.00	3,949,199.49
Legislative, etc	39,584,709.70	36,532,109.70	3,052,600.00
Pension	169,150,000.00	169,150,000.00	
Sundry civil: Regular estimates, $119,779,806.83; supplemental estimates, $5,701,842.22	125,481,649.05	107,946,359.28	17,535,289.77
Total	357,832,372.73	330,239,819.47	27,592,553.26

Comparison of regular annual appropriation bills (prepared by committees other than the Committee on Appropriations) as passed by the House with the regular annual estimates submitted for the fiscal year 1915.

Bill.	Estimates.	Passed by the House.	Reduction.	Increase.
Agriculture	$19,061,332.00	$18,988,232.00	$73,100.00	
Army	104,947,758.65	94,190,577.16	10,757,181.49	
Diplomatic and Consular	4,447,042.66	4,455,852.66		$8,810.00
Indian	10,208,865.03	8,661,737.82	1,547,127.24	
Military Academy	1,052,875.61	988,289.75	64,585.86	
Navy	144,417,453.53	139,808,333.61	4,609,119.92	
Post Office	306,953,117.00	307,013,867.00		60,750.00
River and harbor	34,286,395.00	39,408,004.00		5,141,609.00
Total	625,354,839.51	613,514,894.00	17,051,114.51	5,211,169.00
			5,211,169.00	
Net reduction			11,839,945.51	

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. This resolution extends the appropriations until the middle of July?

Mr. FITZGERALD. For 15 days.

Mr. MANN. Does the gentleman think that the appropriation bills generally will be disposed of at that time?

Mr. FITZGERALD. We hope that they will be. The appropriation bills now undisposed of are the Agricultural, the legislative, the District, the Indian, and the sundry civil.

Mr. MANN. I thought that the Agricultural bill had been disposed of.

Mr. FITZGERALD. The Senate has not yet acted on the conference report.

Mr. MANN. I think the conference report was agreed to on Saturday.

Mr. FITZGERALD. The gentleman from South Carolina [Mr. LEVER] stated to me this morning that it had not been acted upon by the Senate. In the District bill there are three items still in dispute. The Indian appropriation bill has not gone to conference, the legislative bill is in conference, and the sundry civil has not passed the Senate. We hope in two weeks' time that they may all be passed, so that at least the appropriation bills will be out of the way.

Mr. MANN. Suppose this resolution were not to pass. Under the law would the Government stop—I do not mean actually, but as far as the law is concerned—or would they have authority to proceed without appropriation?

Mr. FITZGERALD. In a great many instances it would be necessary to stop the employment of innumerable employees in the service.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

CELEBRATION OF TREATY OF GHENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13922) to approve of the celebration of the one hundredth anniversary of the signing of the treaty of Ghent between the United States of America and Great Britain and Ireland, and of the century of peace and amity between the United States and other nations, as amended, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint three members, the Vice President three members, who shall be Members of the Senate, and the Speaker of the House of Representatives three members, who shall be Members of the House of Representatives, of a commission to be known as the Peace Centenary Celebration Commission, and that the Vice President of the United States and the Speaker of the House of Representatives shall be ex officio members of said commission.

It shall be the duty of the commission to confer with such other commissions or committees as may have been or shall be constituted for similar purposes in the United States, Great Britain, Canada, and other countries, and to report to the Congress a plan for the appropriate celebration in the National Capital and elsewhere of the one hundredth anniversary of the signing of the treaty of Ghent.

SEC. 2. That the commissioners shall serve without compensation. For the expenses of the commission, including salary of a secretary, clerical service, traveling and office expenses, printing, and the preparation of plans, etc., the sum of $25,000 is hereby appropriated from any moneys in the Treasury not otherwise appropriated, and to be immediately available.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HAY). The gentleman will state it.

Mr. MANN. Mr. Speaker, I demand a second.

Mr. DONOVAN. Is it too late to enter an objection to the consideration of this bill?

The SPEAKER pro tempore. It is.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. FLOOD] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, the purpose of this bill is to appoint a commission to arrange for the celebration of the hundredth anniversary of peace between this country and Great Britain.

On December 24, 1814, a treaty between this country and Great Britain was concluded in the city of Ghent, Belgium, and was ratified on February 17, 1815, which has resulted in 100 years of peace between the English-speaking countries of the world.

Patriotic citizens in this country, Great Britain, and Canada conceived the idea of celebrating this century of peace. Committees were formed in all of these countries to carry out this purpose. The American committee has on its membership the President of the United States, ex-President Taft, ex-President Roosevelt, Vice President Marshall, Hon. William Jennings Bryan, Hon. Alton B. Parker, Hon. Levi P. Morton, Hon. Charles W. Fairbanks, Hon. Elihu Root, Mr. Andrew Carnegie, Mr. Cornelius Vanderbilt, Mr. Nicholas Murray Butler, and many other distinguished citizens. These gentlemen favor an appropriate celebration of this event and have given the influence of their great names to bring about this result.

This committee proposed, in a bill introduced in the House by Mr. SMITH of New York, to provide for the appointment of a peace centenary celebration commission, to consist of 15 members, 11 of whom should be appointed by the President and 4 of whom should be ex officio members, namely, the Vice President of the United States, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Chief Justice of the Supreme Court of the United States. This commission was to report a plan for an appropriate celebration in Washington and elsewhere, and asked for an appropriation of $150,000 for this preliminary work. None of the 15 members provided for in that bill would have had any connection with Congress except the Vice President, the President pro tempore of the Senate, and the Speaker of the House, and the commission thus constituted would probably have recommended a very ambitious plan for this celebration.

The Committee on Foreign Affairs believes that there should be a proper celebration of this great occasion. The subject has been more sympathetically taken up in Canada by the leading citizens and public officials in that Dominion. It has been taken up enthusiastically in Great Britain, and a very large and important committee, comprising the leading men in public and private life in Great Britain, have associated themselves together as the British committee for the celebration of the one hundred years of peace.

The British committee has moved forward in a very practical way and has already made the purchase of Sulgrave Manor, the home of the Washingtons, which is to be preserved as a public monument to the family of our first President and for the glory of both countries.

What is necessary for us to do at this time is to give some official recognition and the proof of official interest on the part of our Government in the furtherance of this plan.

The pending bill is for this purpose; and further, it provides for the appointment of a commission to arrange for the proper character of celebration to be held in Washington and elsewhere in this country.

The Committee on Foreign Affairs decided it would be better to have a number of Members of Congress on this commission, in order to hold down the suggestions for appropriations to such an amount as Congress would be likely to appropriate. It also felt that the appropriation for the preliminary work should not

be very large. The committee therefore reported the pending bill, which provides for a commission of 11, consisting of the Vice President, the Speaker of this House, three members to be appointed by the President, three members by the Vice President from the membership of the Senate, and three by the Speaker from the membership of the House; and provides for an appropriation of $25,000 to meet the necessary expenses of this commission.

The Committee on Foreign Affairs feels that this is an important event and should be properly celebrated. It is not intended to confine this commemoration to the countries involved, viz, the United States and Great Britain, but it is the hope of those who project this scheme that there will be associated in the commemoration the leading nations of the world, and that every opportunity and inducement will be given to them, and we feel confident that they will gladly associate themselves with the celebration which is significant to the whole peace-loving world.

It is a particularly interesting occasion to the citizens of this country. Great Britain never accepted the verdict at Yorktown and a second war was therefore necessary to fully establish the results of the great triumph of our Revolutionary War and our integrity as a Nation.

The outcome of the War of 1812 irrevocably decided that question for all time, and its acceptance by Great Britain was set forth in the treaty of Ghent.

When we think of the devastation and the wasteful effects of war, with all of its present and following evils, we may well take the time and make the expenditure necessary to glorify the celebration of the one hundredth anniversary of peace between these great nations.

Mr. MANN. Mr. Speaker, there is a constant temptation whenever the fiftieth or the one hundredth or the two hundredth or the three hundredth or the four hundredth anniversary of something occurs for people to ask the Government to pay some money out of the Treasury so that they may be exploited. As a rule, the people who ask it ask it because they want to get the advertisement, the notoriety, to have their names printed in the paper, to be able to tell what great people they are, at the expense of the rest of the people, who do not care very much about it. We are now getting along to the time when everything connected with the War of 1812 and any victories we had some one will want to celebrate. Every year they will desire a celebration of the one hundredth anniversary of this or that event, and some of them even want to celebrate the fiftieth anniversary. Modestly here they first asked for $150,000 for preliminary suggestions. I think the committee did well in cutting it down to $25,000, and yet if the original request had been for $25,000 for preliminary suggestions it seems to me a very large amount of money could have been saved. Of course they will ask that we appropriate a half a million or a million dollars for some kind of doings in Washington, where these good people—and I do not doubt they are good people—will have a chance to ride in a parade and some of them to make speeches, which we will print at the public expense, binding it in half morocco, so that they can distribute them. What does it all amount to? Whom does it do any good? Of what benefit is it to anyone? It does not make a particle of difference, so far as our relations with Great Britain are concerned. If we could entirely forget the war of 100 years ago we would be better friends with Great Britain. Every time you have one of these celebrations you revive the animosity which comes out of the conduct of the English people a hundred years ago. Why not celebrate the day they burned the Capitol Building? Do them honor; do it brown; tell them what great people they were when they marched up to Washington and burned the Capitol Building. For my part, I would like to forget all about it. I do not see any good accomplished in wasting money now on that subject.

I yield five minutes to my colleague, the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, in my opinion this is a splendid scheme on the part of some individuals who want to promote themselves as advocates of peace. It is nothing but a bunco game that is going to be worked off on the American public, because anybody who has read history knows that there has never been 100 years of peace between this country and Great Britain. Everyone knows the attitude of Great Britain toward this country in every crisis that our Government has been in. To expend $25,000 for a matter of this kind is simply wasting the money of the people, because the whole movement is unwarranted by every fact. I can not understand who conceived the idea of trying to bunco the American people by any such move, and I hope that the Congress will defeat this resolution and refuse the expenditure of money for any such purpose. I hope that gentlemen here will oppose the appointment of this commission. I do not believe it is warranted. I do not believe that the Congress ought to expend money for any such purpose. Talk about peace with America! Talk about England being at peace with any country! She is at peace only when it is to her advantage to be at peace. Who wants this celebration in this country? I know the people of my district do not want it, and I hope that you folks, who represent American constituencies, will oppose any such movement to spend the money of the American people.

Mr. Speaker, the passage of this law would be a sham upon history; it would fly into the teeth of historic fact, and proclaim to the country and to the world a glaring lie.

One hundred years ago the British invaders, under Gen. Ross, with a force of 4,000 men, appeared in the Potomac, captured Washington, and before evacuating the city burned the public buildings to the ground, razing to the ground this magnificent Capitol in which we assemble to guide the destinies of the Republic. Few more shameful acts are recorded in civilized history, and it was the more disgustingly shameful in the fact that this atrocious act of vandalism was done under strict orders issued direct from the Government in England.

And now we hear men born in America, and some who were not, prating pusillanimously about "hands across the sea," "one blood, one language, one race," and rot of that kind, and actually within these honored walls asking for an extravagant appropriation of the public moneys to celebrate an alleged century of peace—peace with the nation that perpetrated these atrocities.

Peace! Peace! There has not been a hundred years of peace between Britain and this country. Perfidious Albion has always been ready to make war upon us—not by indulgence in open and overt acts of war, but by secret, treacherous conspiracies to weaken and destroy us.

When, during our late rebellion, she found her opportunity to strike, she did not hesitate to deliver the deadly blow. She attempted to form a European coalition against the Union; and if it were not for the determined front of the Emperor of all the Russias, her scheme would have been consummated.

In the Spanish-American War her diplomacy, ever active to weaken our prestige, exerted her agencies against us. Wherever, in all our trials and foreign complications, Britain found it conducive to her own interest—and that was ever the case—she never hesitated to show her animosity toward us, either actively or secretly; and now we are asked by legislation of this kind to proclaim to the world that profound peace has prevailed between the United States and Britain for 100 years. It is not true; it is not the fact; and as a body of legislators, legislating for a decent, progressive, and self-respecting people, anxious to be at peace with all the world, it is our duty to ourselves and to the country to defeat this bill by a majority so overwhelming and decisive that its advocates will never have the temerity to call it up again.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds not having voted——

Mr. FLOOD of Virginia. Division, Mr. Speaker.

The House divided, and there were—ayes 19, noes 44.

Mr. FLOOD of Virginia. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Eighty-nine gentlemen are present, not a quorum, and the Doorkeeper——

Mr. MANN. Mr. Speaker, I move a call of the House.

Mr. FITZGERALD. The House was dividing.

The SPEAKER pro tempore. There being no quorum, and a question being before the House, the call is automatic. The Doorkeeper will close the doors, and the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 52, nays 187, answered "present" 8, not voting 186, as follows:

YEAS—52.

Abercrombie	Gittins	Kent	Rubey
Alexander	Gray	Linthicum	Seldomridge
Brockson	Hardy	McLaughlin	Sims
Brown, N. Y.	Harrison	Montague	Small
Cline	Hay	Morgan, Okla.	Smith, N. Y.
Cullop	Hayden	Morrison	Sparkman
Danforth	Heflin	Murdock	Steenerson
Dixon	Hensley	Murray, Okla.	Talcott, N. Y.
Dupré	Holland	Nelson	Thacher
Ferris	Howell	Oldfield	Townsend
Fess	Hull	Platt	Underwood
Flood, Va.	Johnson, S. C.	Rainey	Watson
Foster	Kahn	Raker	Winslow

NAYS—187.

Adair	Doolittle	Igoe	Rayburn
Aiken	Doughton	Jacoway	Reed
Ansberry	Dunn	Johnson, Ky.	Reilly, Conn.
Aswell	Eagle	Johnson, Utah	Reilly, Wis.
Bailey	Edmonds	Johnson, Wash.	Rogers
Baltz	Elder	Keating	Rouse
Barkley	Esch	Keister	Rucker
Barton	Evans	Kelley, Mich.	Russell
Bathrick	Faison	Kennedy, Conn.	Sabath
Beakes	Falconer	Kennedy, Iowa	Scott
Bell, Cal.	Fergusson	Kettner	Sells
Booher	Finley	Kindel	Sinnott
Borchers	Fitzgerald	Kinkaid, Nebr.	Sisson
Britten	FitzHenry	Kirkpatrick	Slemp
Brodbeck	Fordney	Konop	Smith, Idaho
Brown, W. Va.	Fowler	La Follette	Smith, Minn.
Brumbaugh	Francis	Lee, Ga.	Smith, Saml. W.
Bryan	Frear	Lee, Pa.	Stafford
Buchanan, Ill.	French	Lesher	Stephens, Cal.
Buchanan, Tex.	Gallagher	Lever	Stephens, Miss.
Bulkley	Gallivan	Lewis, Md.	Stephens, Tex.
Burgess	Gard	Lloyd	Stone
Burke, Wis.	Gardner	Logue	Sutherland
Burnett	Garner	Lonergan	Talbott, Md.
Byrnes, S. C.	Garrett, Tenn.	McCoy	Tavenner
Byrns, Tenn.	Garrett, Tex.	McDermott	Taylor, Ark.
Candler, Miss.	Gilmore	McKellar	Taylor, Colo.
Caraway	Goeke	MacDonald	Taylor, N. Y.
Carter	Good	Maguire, Nebr.	Thompson, Okla.
Cary	Goodwin, Ark.	Mann	Towner
Casey	Graham, Ill.	Mapes	Treadway
Chandler, N. Y.	Graham, Pa.	Miller	Tribble
Church	Green, Iowa	Mitchell	Tuttle
Clark, Fla.	Greene, Mass.	Mondell	Vollmer
Claypool	Hamilton, Mich.	Moon	Volstead
Coady	Hamlin	Murray, Mass.	Walker
Collier	Hart	Nolan, J. I.	Walsh
Conry	Haugen	Padgett	Walters
Cramton	Hawley	Page, N. C.	Watkins
Crosser	Helm	Park	Whaley
Curry	Helvering	Patton, Pa.	Williams
Davis	Hill	Payne	Willis
Dent	Hinebaugh	Peters, Mass.	Wingo
Dickinson	Houston	Phelan	Witherspoon
Dillon	Hughes, Ga.	Pou	Woodruff
Donohoe	Hulings	Quin	Woods
Donovan	Humphrey, Wash.	Ragsdale	

ANSWERED "PRESENT"—8.

Adamson	Burke, S. Dak.	Glass	Prouty
Blackmon	Cooper	Plumley	Sloan

NOT VOTING—186.

Ainey	Drukker	Lafferty	Powers
Allen	Eagan	Langham	Rauch
Anderson	Edwards	Langley	Riordan
Anthony	Estopinal	Lazaro	Roberts, Mass.
Ashbrook	Fairchild	L'Engle	Roberts, Nev.
Austin	Farr	Lenroot	Rothermel
Avis	Fields	Levy	Rupley
Baker	Floyd, Ark.	Lewis, Pa.	Saunders
Barchfeld	George	Lieb	Scully
Barnhart	Gerry	Lindbergh	Shackleford
Bartholdt	Gill	Lindquist	Sharp
Bartlett	Gillett	Lobeck	Sherley
Beall, Tex.	Godwin, N. C.	Loft	Sherwood
Bell, Ga.	Goldfogle	McAndrews	Shreve
Borland	Gordon	McClellan	Slayden
Bowdle	Gorman	McGillicuddy	Smith, J. M. C.
Broussard	Goulden	McGuire, Okla.	Smith, Md.
Browne, Wis.	Greene, Vt.	McKenzie	Smith, Tex.
Browning	Gregg	Madden	Stanley
Bruckner	Griest	Mahan	Stedman
Burke, Pa.	Griffin	Maher	Stephens, Nebr.
Butler	Gudger	Manahan	Stevens, Minn.
Calder	Guernsey	Martin	Stevens, N. H.
Callaway	Hamill	Merritt	Stout
Campbell	Hamilton, N. Y.	Metz	Stringer
Cantor	Hammond	Moore	Sumners
Cantrill	Hardwick	Morgan, La.	Switzer
Carew	Harris	Morin	Taggart
Carlin	Hayes	Moss, Ind.	Taylor, Ala.
Carr	Helgesen	Moss, W. Va.	Temple
Clancy	Henry	Mott	Ten Eyck
Connelly, Kans.	Hinds	Neeley, Kans.	Thomas
Connolly, Iowa	Hobson	Neely, W. Va.	Thomson, Ill.
Copley	Howard	Norton	Underhill
Covington	Hoxworth	O'Brien	Vare
Cox	Hughes, W. Va.	Oglesby	Vaughan
Crisp	Humphreys, Miss.	O'Hair	Wallin
Dale	Jones	O'Leary	Weaver
Davenport	Kelly, Pa.	O'Shaunessy	Webb
Decker	Kennedy, R. I.	Paige, Mass.	Whitacre
Deitrick	Key, Ohio	Palmer	White
Dershem	Kiess, Pa.	Parker	Wilson, Fla.
Dies	Kinkead, N. J.	Patten, N. Y.	Wilson, N. Y.
Difenderfer	Kitchin	Peters, Me.	Young, N. Dak.
Dooling	Knowland, J. R.	Peterson	Young, Tex.
Doremus	Korbly	Porter	
Driscoll	Kreider	Post	

So, two-thirds not voting in favor thereof, the motion to suspend the rules was rejected.

The Clerk announced the following pairs:

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. KITCHIN with Mr. MADDEN.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. OGLESBY with Mr. PROUTY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHERLEY with Mr. GILLETT.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. PALMER with Mr. VARE.

Mr. Moss of Indiana with Mr. LEWIS of Pennsylvania.

Mr. LIEB with Mr. LAFFERTY.

Mr. LEVY with Mr. POWERS.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. BLACKMON with Mr. AUSTIN.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. STRINGER with Mr. MOORE.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. ALLEN with Mr. BARCHFELD.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. BARNHART with Mr. ANDERSON.

Mr. BORLAND with Mr. CALDER.

Mr. BOWDLE with Mr. DRUKKER.

Mr. CALLAWAY with Mr. ANTHONY.

Mr. CARLIN with Mr. AVIS.

Mr. CARR with Mr. BROWNE of Wisconsin.

Mr. COX with Mr. FAIRCHILD.

Mr. DERSHEM with Mr. FARR.

Mr. DIES with Mr. CAMPBELL.

Mr. DIFENDERFER with Mr. GRIEST.

Mr. DOREMUS with Mr. HAYES.

Mr. EAGAN with Mr. HELGESEN.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. ESTOPINAL with Mr. KIESS of Pennsylvania.

Mr. GEORGE with Mr. KELLY of Pennsylvania.

Mr. GODWIN of North Carolina with Mr. KREIDER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. GORDON with Mr. MCGUIRE of Oklahoma.

Mr. GORMAN with Mr. MANAHAN.

Mr. HOWARD with Mr. MERRITT.

Mr. LOBECK with Mr. MORIN.

Mr. MCCLELLAN with Mr. Moss of West Virginia.

Mr. GREGG with Mr. MOTT.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. PATTEN of New York with Mr. NORTON.

Mr. RIORDAN with Mr. PARKER.

Mr. SAUNDERS with Mr. PORTER.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. STEPHENS of Nebraska with Mr. ROBERTS of Nevada.

Mr. WEBB with Mr. SWITZER.

Mr. VAUGHAN with Mr. SHREVE.

Mr. UNDERHILL with Mr. TEMPLE.

Mr. WILSON of Florida with Mr. THOMSON of Illinois.

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. SLOAN. Mr. Speaker, I am paired with the gentleman from Oklahoma, Mr. WEAVER. I desire to withdraw my vote of "no" and answer "present."

The name of Mr. SLOAN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

REMISSION OF PORTION OF CHINESE INDEMNITY.

Mr. TOWNSEND. Mr. Speaker, I move the rules be suspended and that House joint resolution 173 be passed with committee amendments.

The SPEAKER. Are they committee amendments or individual amendments?

Mr. TOWNSEND. They are committee amendments.

The SPEAKER. The Clerk will report the joint resolution with the committee amendments in it.

The Clerk read as follows:

House joint resolution 173, to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity.

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000

reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of said court, such sums as the said court may have spent, or shall hereafter spend, for printing testimony in the trial of the said claims; and further, that there shall be allowed as costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution of May 25, 1908, such expenses of the claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That within three months from the passage of this act applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. MANN. I certainly am.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from New Jersey is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. TOWNSEND. Mr. Speaker, after the award by China to the individuals and nations that suffered from the antiforeign outbreak known as the Boxer uprising a commission, consisting of delegates from the various interested nations, decided upon the manner of distributing the damages claimed, and for which China held itself responsible and paid. That commission, among other things, laid down this rule for the administration of the fund for reimbursement:

> Damages shall be assessed, as far as possible, in conformity with the above-mentioned principles, with a view to putting Governments, societies, companies, and private individuals back in the position in which they would have been if the antiforeign movement of 1900 had not taken place.

The claims for damages were heard by this commission, and in 1903 Congress gave jurisdiction to the Court of Claims to adjudicate these claims for damages. Some 8 or 10 of the claimants, out of a total of 20 or more, were allowed damages by the Court of Claims under the jurisdiction given it by this act of Congress. The act, however, did not give the Court of Claims authority to consider claims for costs. These costs in this particular set of circumstances, as Members will readily understand, are extraordinary and inevitable. Some of these claimants were not people who were damaged because they were living and doing business in China, but were responsible and old-established commercial institutions not expatriated but paying taxes and doing business in this country.

They were, however, very large shippers of American products to China. One that I have in mind, a representative of which appeared before our committee, sells in the Far East annually very many million dollars' worth of the products of American factories and shops. Among the goods they sell are many million dollars' worth of the kind of cotton manufactured in the South, and it was through the industry and energy and enterprise of this commercial institution that I refer to that the southern cotton mills first obtained their now very profitable business in their grade of cotton in the Far East. This institution, among others, was put to a very large cost in collecting evidence, for which, of course, they had to send to China, and, naturally, there were very large fees for the prosecutions of their suits. I know that among lawyers here the objection has been made that reasonable fees should not be paid, because it is not customary; but in this case you will understand it is not the claim of a litigant to be allowed fees to be charged against another litigant. These fees are collectible from a fund now in the Treasury of the United States, which fund was so distributed to those who lost because of this antiforeign outbreak, as I have read, with the view of putting such governments, companies, societies, and individuals back into the position they would have been in if the antiforeign movement of 1900 had not taken place.

Now, obviously, if these claimants are not permitted to recover from the court the very extraordinary and unusual expenses they were forced to incur, they are denied just that much share of justice.

Mr. RAKER. Will the gentleman yield right there?

Mr. TOWNSEND. With pleasure.

Mr. RAKER. I see two classes of cases. First, where recovery has been had, namely, the cost of litigation and attorneys' fees. Now, in those cases where recovery has been had, what is the estimated cost to-day? Does the gentleman know?

Mr. TOWNSEND. No; I do not know accurately, because our hearing was attended by representatives of only 2 of these 8 or 10 claimants.

Mr. RAKER. Now, taking this same class of claimants where recovery has already been had, what is the estimated or claimed amount of attorneys' fees to be taken in these cases where judgment has been had?

Mr. TOWNSEND. I have not the hearings before me. I will say to the gentleman from California, but I think that the estimate made before our committee was $90,000, or something like that—complete bills, of course. How much of that would be attorneys' fees I do not know, although I will say to the gentleman from California that these attorney fees were large—and justly and necessarily large—and, of course, I believe that the innocent parties who suffered because of these antiforeign outbreaks are justified in collecting these fees.

Mr. RAKER. Taking the other class—the second one—where recovery has not yet been had, can you make any estimate of the probable cost?

Mr. TOWNSEND. There will be no more cases brought before the Court of Claims.

Mr. RAKER. In this second class of cases, what are the probable or estimated attorneys' fees?

Mr. TOWNSEND. Why, they are not permitted under this act to make their claims. Only those who have recovered from the court are permitted to make their claims. Only those who have recovered from the court are permitted by this resolution now to make claims before the court for costs.

Mr. DUPRÉ. Will the gentleman yield to me?

Mr. TOWNSEND. I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. RAKER. I would like to ask the gentleman in regard to this: It is provided on lines 10 to 12, on page 2—

> That there shall be allowed no costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution

Now, that refers not only to costs, but attorneys' fees, namely, in the cases where recovery has been had, and second, attorneys' fees where recovery has been had as well as where recovery has not been had.

Mr. TOWNSEND. I will say to the gentleman that that is the language of the resolution, but, as a matter of fact, the cases in which recovery has not been had have practically been disposed of by the court.

I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. I want to ask if the gentleman from New Jersey was quite sure of the correctness of the statement made in the reports, that even if the claims of the United States were allowed, 50 per cent of the amount that was set aside would be remitted to China?

Mr. TOWNSEND. That is quite true. A very large sum has already been remitted, and there is $2,000,000 held in the Treasury for further payments.

I only want to say at the present that the committee has had this resolution under consideration for some time. Twice it has referred it to the State Department. In each instance it has received a favorable report one from the Secretary of State, Mr. Knox, and one from John Bassett Moore, then counselor for the department. I will not read these favorable reports, but such is the case.

Now, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has reserved 12 minutes. The gentleman from Illinois [Mr. MANN] has 20 minutes.

Mr. MANN. Mr. Speaker, the Boxer insurrection in China was in 1900. At the end of that insurrection the various powers of the world that were interested in it exacted some indemnity from China. The Government of the United States exacted a considerable indemnity—$24,000,000, or something like that, I believe. The powers declared that this fund which was exacted from China was for the purpose of refunding to the Governments their expenses. The purpose of the indemnity was to put the Governments back into the positions they occupied, so far as expenses were concerned, before the uprising, and for taking care of the societies, corporations, and private individuals who had been injured by the insurrection. A commission was appointed for the purpose of determining the damages to which American citizens and American corporations had been subjected in the Boxer insurrection.

One of the principal claimants before that commission was the China & Japan Trading Co., which had a claim of something more than half a million dollars. The commission turned down

the claim and refused to allow it. I do not recall whether they allowed any portion of it, but I know the bulk of it was not allowed.

The China & Japan Trading Co. has some very active people connected with it in the United States as well as in China, and they proceeded to get busy about legislation, and secured the passage of an act, in 1908, which permitted any claimant whose claim had been refused by the commissioners to file a claim in the Court of Claims, and this company filed its claim in the Court of Claims, with a number of other concerns. The Court of Claims has allowed on these different claims, I believe, something over $700,000.

In this bill of 1908 it was provided that while most of this indemnity which we had exacted from China, over and above that which was necessary to refund to the Government its expenses and the other claimants, should be paid back to China; but in the act of 1908 we also provided that we should retain out of this sum, which amounted to ten or twelve million dollars, $2,000,000 in the Treasury to meet the amounts which the Court of Claims might allow.

As I said, they have allowed about $700,000. I do not recall the exact amount allowed to the China & Japan Trading Co., but I am informed by them that it was about 80 per cent of their claim.

Mr. STAFFORD. The amount of their claim was $501,320, and they were allowed $640,855, including interest.

Mr. MANN. So that, out of a total of $782,000 allowed in claims, this company was allowed a claim of over $600,000.

Mr. TOWNSEND. The total that the gentleman from Wisconsin [Mr. STAFFORD] read was not the total allowance of the court, was it?

Mr. STAFFORD. I have here a memorandum from the clerk of the Court of Claims, in which he says that the amount of the judgment in favor of the China & Japan Trading Co. was $640,855.

Mr. TOWNSEND. I understood the gentleman to say that was the amount of the claim.

Mr. MANN. That is the amount allowed by the Court of Claims.

Mr. TOWNSEND. It is the amount allowed by the Court of Claims, but it is not the amount of their suffering by two or three hundred thousand dollars.

Mr. MANN. That is another thing. The first commissioners refused to allow them any sum at all. Then they secured action by Congress which permitted them to file their claims in the Court of Claims. They were not specifically named; there were a few other claimants for small amounts; but they were the ones that secured the action of Congress. They filed their claim in the Court of Claims, and the Court of Claims allowed them $640,855. I think it was about 80 per cent of their original claim, and their original claim was $564,779.20, exclusive of interest.

Now, what do they want? I read from the statement made by the company:

> In May, 1901, the United States minister at Pekin invited claims from American merchants in China for their losses. These claims were passed upon by two commissioners appointed by the legation. The awards by the commissioners in 1902 were made under a misapprehension, and for six years we were constant in our attempt to get adjudication of our claim. That was finally given us by Congress by act of May 25, 1908, sending us to the Court of Claims. After a trial extending over a year and exhaustive in all details we were given by the court an award of about 80 per cent, certain items being changed by the court under the interpretation of the act. We may say in passing that these expenses of ours are moderate—about 15 per cent of the award—and there is no other interest outside of our own in their recovery.

Now, they have received the amount of the award. They have had two trials at this. Having been defeated in the first trial before the commissioners appointed by our Government, they secured a chance to file their claim in the Court of Claims, as thousands of other claims are filed. They have received a special favor from Congress, allowing them to make a second effort to collect their claim; and having received that and collected their claim, they now want us to reverse every precedent that the Government has made from the beginning of the Government down to this hour and pay their expenses and their counsel fees. And that is all there is involved in this matter.

Mr. TOWNSEND. Mr. Speaker, will the gentleman yield?

Mr. MANN. I will yield for a question.

Mr. TOWNSEND. What precedent has the gentleman in mind of such a set of circumstances as this—a claim against a Government indemnity fund?

Mr. MANN. We had exacted from China an indemnity of $24,000,000, which probably would not have placed this Government in the position it was in before the insurrection, but we desired to show to China our generosity and our gracious interest in China, and we decided to refund about half of that indemnity to China for that purpose. We were endeavoring to show our generosity to China by refunding as much of this fund as possible after paying the amount of the claims actually awarded. I consider that fund even more sacred than the ordinary money in the Treasury. My friend from New Jersey [Mr. TOWNSEND] thinks that because the money does not belong to the United States—though it does, as a matter of fact—because we propose to pay China the balance, we ought to pay counsel fees out of it. We would not pay counsel fees if the money was a claim against the United States. To me it is that much more reason why we should not pay counsel fees out of a fund which we propose to give back to China as a matter of generous treatment.

Mr. TOWNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TOWNER. If we allow these claims, or practically this one claim, this will be the only claim on which the Government will allow expenses and attorneys' fees, and all the rest of them will not have that benefit.

Mr. MANN. No; they all come in.

Mr. TOWNER. I mean on those that have preceded—those that are allowed by the commission.

Mr. MANN. On those which the commission allowed under the original indemnity no counsel fees would be permitted. On those claims that the original commission turned down and then Congress permitted the claimants to file their claims in the Court of Claims, it is proposed to allow counsel fees. On those claims which were good without doubt it is not proposed to allow any counsel fees. On those claims which were doubtful, that the commission threw out and the Court of Claims allowed, it is proposed to set a precedent by allowing counsel fees amounting to about 15 per cent, as these gentlemen inform us, of their claim. I can see no reason why we should depart from the traditional policy of our Government, which is not to allow counsel fees in suits brought against the Government for claims against the Government.

They say this $2,000,000 belonged to China. Well, it is in the Treasury of the United States. I hope some time soon we will be able to refund what is left of it, something over $1,000,000; but if all the people who had these claims to begin with find it so easy to work Congress on claims of this kind, we will have a whole lot of outlawed claims brought in again, and we will turn them over to the Court of Claims until there will be nothing left of the million or so dollars in the Treasury.

Mr. GARRETT of Tennessee. I want to ask the gentleman why this money has not been refunded? For what purpose is it being held now? I was under the impression——

Mr. MANN. I can answer the gentleman's question. When the original commissioners turned down a lot of claims, including the one I have specifically referred to, which is the largest, those claimants urged Congress to pass a law, which was passed May 25, 1908, reserving $2,000,000 of the fund in the Treasury until the claims which might be brought in the Court of Claims had been disposed of.

Mr. GARRETT of Tennessee. Is that the Howard bill, or the Foster bill, perhaps?

Mr. TOWNSEND. This is the Foster bill. I inherited it. I did not originate it, but I am very fond of it.

Mr. MANN. This resolution now pending is a Foster resolution, not the original act that was passed.

Mr. McCOY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McCOY. Can the gentleman tell us whether or not the claims referred to in this measure were turned down by the original commission because the commission claimed that they did not have the power to pass on that specific kind of claims?

Mr. MANN. I understand not, from a letter which I hold in my hand, a portion of which I have read, from the China & Japan Co. The original commission did not think the claims were proper, as I understand.

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. GALLAGHER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER resumed the chair.

Mr. TOWNSEND. Mr. Speaker, the solicitude of the gentleman from Illinois [Mr. MANN] for the integrity of the remaining million and a third of this Chinese indemnity fund is interesting and in some aspects touching. I have a solicitude for the commercial industries and commercial concerns of this country that by enterprise and daring and the use of capital expand the commerce of our country.

I have no special anxiety that $1,300,000 of this $2,000,000 shall be returned to China so long as there is any justice in any claim which may be filed against it. I call attention to the fact that we are not deciding here that this Japan-Chinese Trading Co. shall be allowed any costs. This is merely preliminary. This merely allows these claimants, who have fallen from 20 to 50 per cent short of being put back into the position in which they would have been had it not been for this antiforeign outbreak, to present their claims to the Court of Claims and permit that court to decide whether there is any justice in their claims. If there is justice in those claims I am quite content that the amount shall be taken out of the $1,300,000 of the Chinese indemnity fund thus far unexpended. The gentleman from Illinois [Mr. MANN] speaks of only one of the 11 claimants who have recovered. In proportion to his loss the least of these claimants is entitled to as much consideration, in my estimation, as is the largest claimant.

This does not overturn any long-established system of court practice, as I understand it, to allow the claimant against an indemnity fund to recover damages under these circumstances. This fund was created for the purpose in part sought to be accomplished by this resolution. In view of what the gentleman from Illinois [Mr. MANN] has just stated, I want once again to direct the attention of gentlemen to this instruction to the Court of Claims that they should finally make a distribution from this fund, so that, as far as possible, the governments, societies, companies, and private individuals shall be placed back in the position in which they would have been if the antiforeign movement of 1900 had not taken place.

Now, I have referred, as the gentleman from Illinois [Mr. MANN] has referred, especially to this trading company. It asks the permission of Congress to go into the court and present a state of affairs upon which it wants that court to pass. What is this wicked company? It is an association of merchants formed three-quarters of a century ago in Boston, having its headquarters in Burley's Slip, New York. It is a corporation whose stock is somewhat widely scattered, but held chiefly by people in Boston and New York, and who have gladly invested their funds in a company of this high standing, which has existed for three-quarters of a century, which began at a time when steamships to Japan were unheard of. It began sending out miscellaneous cargoes of the different small manufacturing industries of New England, but now it occupies more freight space than any other American concern in the great ships that cross the Pacific with the products of our mills and factories, our forges and our looms.

Now, this old and respectable institution comes to Congress and simply asks Congress to permit them to go into the Court of Claims and reestablish themselves financially in the position they would have occupied had not the foreign outbreak occurred.

Mr. TOWNER. Will the gentleman yield?

Mr. TOWNSEND. I will.

Mr. TOWNER. The gentleman, as I understood it, alluded to this bill as being for the purpose of allowing costs. I understand that that is not the terms of the bill, but that it allows to be taxed as costs these additional expenses. Am I correct?

Mr. TOWNSEND. The gentleman is entirely correct.

Mr. TOWNER. Have costs been taxed as a part of the judgment?

Mr. TOWNSEND. Not at all. The Court of Claims considered that under the jurisdictional act they could not consider the question of taxing costs.

Mr. TOWNER. The bill says that there shall be allowed such expenses of claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just. That merely extends the right of taxing as costs expenses which may be incurred. I judge that will include the sending over of an agent for finding testimony or anything of that kind.

Mr. TOWNSEND. Yes; that appeared in the hearings that it should include the unusual expenses these companies were subjected to. Attorneys and agents accompanying them had to go to China and hunt up various points in relation to damages and insurance, the amount of damage done to these people, and of course that is not like costs incurred in an ordinary matter of litigation.

Mr. TOWNER. There would be no question that if the bill was passed the Court of Claims would feel justified in allowing all such expenses as the gentleman has named and counsel fees besides.

Mr. TOWNSEND. Of course I am not in the confidence of the Court of Claims and do not know what they would do or feel justified in allowing, but certainly they would be restricted to the allowances under the terms of this bill.

Mr. WILLIS. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. WILLIS. Is it not a fact that the claimants allowed by the original commission were given expenses and counsel fees?

Mr. TOWNSEND. I do not think any allowance has ever been made for the unusual expenses.

Mr. WILLIS. That was my understanding. If the original claimants were not permitted to have counsel fees and expenses, what reason does the gentleman give for subsequent claimants going to the Court of Claims and having counsel fees and privileges which the original claimants did not have?

Mr. TOWNSEND. The original commission is not in existence, and it could not be resurrected to give these people counsel fees; but I will remind the gentleman that that commission sat in China, and the difficulty of obtaining evidence was less than it was eight years later for two reasons: First, the evidence was at hand, and, secondly, the lapse of time had not increased the difficulty.

Mr. HARRISON. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. HARRISON. I understand there are $2,000,000, and if it is not paid out to these claimants it will be refunded to the Chinese Government?

Mr. TOWNSEND. It will be.

Mr. HARRISON. Is it not a fact that the matter had been approved by a former Secretary of State, who has said that this legislation ought to be passed?

Mr. TOWNSEND. Yes; I have that letter.

Mr. HARRISON. And this bill puts it up to the Court of Claims to say whether the claimants should have these expenses?

Mr. TOWNSEND. That is true.

Mr. BOOHER. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. BOOHER. Does this bill contemplate paying the attorneys in the suits before the original commissioner?

Mr. TOWNSEND. It contemplates paying the claimants for costs before the Court of Claims such as they would have presented had not the Court of Claims said that the jurisdictional act prohibited them from allowing them.

Mr. BOOHER. Why should these claimants have attorneys' fees when other claimants did not have the same right?

Mr. TOWNSEND. We are not to do an act of injustice to these claimants because an injustice was done to others.

Mr. BOOHER. Why not provide that all claimants shall have attorneys' fees?

Mr. TOWNSEND. Because these claimants had been put to unusual expenses, which the claimants theretofore had not been required to meet. Mr. Speaker, I ask for a vote.

Mr. MANN. Mr. Speaker, how much time has been used?

The SPEAKER. The gentleman from Illinois has seven minutes remaining, and the gentleman from New Jersey one minute remaining.

Mr. MANN. Mr. Speaker, I yield seven minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, everyone here recalls the action of our Government in refunding $10,800,000 of the $24,400,000 which China agreed to reimburse our Government for the losses sustained by our Government and by our citizens arising out of the Boxer rebellion. When a Senate resolution in May, 1908, was brought before the House to refund to China this $10,800,000 there were certain claimants who induced the House to set aside $2,000,000 of that amount that their claims might be passed upon in the Court of Claims.

There were innumerable claimants, and the aggregate amount of the claims was something like $2,000,000. These claims have all been presented, and the total amount of the 23 claims that have been allowed aggregates something like $800,000. There remains $1,200,000 that under the original agreement and under the original resolution, if we are to keep faith with China, should be returned to China.

Mr. TOWNSEND. Will the gentleman yield?

Mr. STAFFORD. No; I can not yield. This is only a question of keeping faith with China. The original commission that was appointed by our State Department to pass upon all claims arising out of the Boxer uprising, a commission consisting of the American minister to China and one other, allowed claims aggregating $13,650,000, and each claimant whose claim had been rejected or who was dissatisfied with the amount had the right to appeal to the Secretary of State and a rehearing was allowed.

The two principal rejected claims those of the China & Japan Trading Co. and the American Trading Co., presented their claims anew to the Secretary of State. The Secretary of State refused to allow them. They then came before Congress, as I said, in May, 1908, and they secured in this House an amend-

ment providing that all persons whose claims had been presented and which had been rejected should be given a further hearing before the Court of Claims, and the basis for determination was that they should be fully and substantially compensated for actual losses and expenses. I have in my hand the decision of the Court of Claims in one of those cases, namely, the American Trading Co. The total amount of their claim allowed is $118,676. At the end of the decision is shown the principal amount of their claim, $68,949, and the interest allowed on the respective items aggregate $49,726, making a total of $118,676. These claimants have had three chances to prove their claims. They had the interest at 7 per cent allowed, and now, having had that allowed, they have the effrontery, the gall——

Mr. TOWNSEND. The cheek—call it cheek, as they are only American traders.

Mr. STAFFORD. To come to Congress again and say that we should establish a precedent never before known in the history of the Government and allow them their attorneys' fees. I wish to submit this proposition to the House: If these claimants, who have had three chances to have their claims proven, should be allowed attorneys' fees, why should not these other claimants, whose claims aggregate $13,350,000, be equally entitled to attorneys' fees? Is it fair treatment to those who have good claims to allow these persons who have somewhat doubtful ones to be allowed their attorneys' fees, just because it was rather hard for them to prove their case?

They failed twice in proving their case, once before the commission and again before the Secretary of State, Mr. Root, and then they succeeded in having a new rule passed in this House whereby they should be granted a third hearing before the Court of Claims, where the rule to be followed was that they should be fully compensated for actual losses and expenses. Then, after the whole matter has been adjudicated and this $1,200,000 is ready to be sent back to China to keep faith under our promise, these claimants say: "No; we wish to hold this amount up and we want our attorneys' fees paid." If these claimants are entitled to their attorneys' fees, then there should be an amendment that all who ever presented claims should have attorneys' fees, and instead of our having $1,200,000 available to return to China, we would be calling upon China to return to us some of the money already sent to her.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ALEXANDER. What was the nature of their claim? Why was it necessary for Congress to enlarge the scope under which they might make proof?

Mr. STAFFORD. These claimants, one the Japan Trading Co. and the other the American Trading Co., presented their claims to these two commissioners appointed by the Department of State to pass on all claims, and the commissioners rejected them.

Mr. ALEXANDER. Why?

Mr. STAFFORD. I could not give you the reason why. They did not believe they had any right to this indemnity fund.

Mr. TOWNSEND. Whom does the gentleman quote, or what, when he says that they had no right?

Mr. STAFFORD. When this matter was under consideration six years ago, in April, 1908, I went and had a consultation with the then Secretary of State, Mr. Root. I had in my possession at that time all of these papers, and they disclosed that the claims had been rejected by the commission.

Mr. TOWNSEND. Because they had no right?

The SPEAKER. Does the gentleman yield?

Mr. STAFFORD. Not at this moment. The papers showed that they then took an appeal to the Secretary of State and that Mr. Root rejected their claims, and that then they came to Congress after the original resolution had been framed in the Senate, providing for the return of this $10,800,000, and had a provision carried in this House setting aside $2,000,000, which was the total face value of all of those claims. They went to the Court of Claims. The Court of Claims has passed on them and the matter is now settled, and they want to hold up this fund still longer, so that we can not return the remainder of this fund to China.

The SPEAKER. The time of the gentleman has expired.

Mr. TOWNSEND. Mr. Speaker, I will use the minute that I have remaining to read this from Secretary of State Knox:

It seems but just that, since the claimants have been put to this extra expense through no fault of their own, the charge should be borne by the indemnity fund which was demanded from China in part for the payment of such claims.

And this from Mr. John Bassett Moore, recently of the State Department:

Inasmuch as Congress in 1908 provided under a joint resolution for the reopening by the Court of Claims of the awards made by this department and the making of new awards "fully and substantially compensatory for actual losses and expenses of the claimants caused by the antiforeign disturbances in China during the year 1900, excluding merely speculative claims or elements of damage," it would seem that it is for Congress to determine when its will in this matter shall have been met and what means shall be adopted for meeting it.

And the passage of this resolution is that means.

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. TOWNSEND) there were—ayes 35, noes 42.

So two-thirds not voting in favor thereof, the motion to suspend the rules and pass the bill was rejected.

IMMIGRATION STATION, BALTIMORE, MD.

Mr. LINTHICUM. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 11625, to increase the appropriation for the erection of an immigration station at Baltimore, Md., as amended by the committee, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 29 of the public building act approved March 4, 1913, providing for an immigration station at Baltimore, Md., is hereby amended so as to increase the limit of cost from $280,000 to $550,000.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. Yes.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Maryland asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland is entitled to 20 minutes and the gentleman from Wisconsin is entitled to 20 minutes.

Mr. LINTHICUM. Mr. Speaker, the bill before the House at the present provides for the erection of an immigration station in the city of Baltimore, where we have no station whatever, although we are receiving something around 40,000 immigrants this year. We had last year 294 sick people in the hospital, of whom we lost 49. The hospital is an improvised one, being an old building used for that purpose, and it has been for several years past, notwithstanding that it is absolutely unfit for the purpose.

The bill before us has been amended by the committee. It originally appropriated $600,000, and was cut down to the amount of $550,000. By its provisions, which are set forth in the report, only $425,000 goes into buildings, this amount allowing for the erection of a receiving building, a hospital building, an administration building, a power house, and some other buildings for minor purposes. The balance of the money goes into a pier and wharves and things accessory to this site. Thirteen thousand two hundred and fifty dollars we do not get at all, because it was appropriated for the purchase of the site which, after being purchased, was found absolutely unavailable, and which is to be sold, according to the bill passed last year, the amount derived therefrom to go back to the Treasury of the United States as a miscellaneous fund. Twenty thousand dollars is for a right of way to the site we now have, and I will say it is a most excellent site, being at Fort McHenry. I want to say to this House that this is a matter which is absolutely necessary if we are to conduct our immigration business at Baltimore as it should be conducted. We have not a pier; we have not a building; we have nothing, but are absolutely dependent upon the courtesies and good offices of the Baltimore & Ohio Railroad and the North German Lloyd Steamship Co. Now, Mr. Speaker, I yield four minutes——

Mr. STAFFORD. Will the gentleman yield?

Mr. LINTHICUM. I would rather the gentleman use his own time.

Mr. STAFFORD. The gentleman can take it out of my time.

Mr. LINTHICUM. Simply to ask a question?

Mr. STAFFORD. I do not wish to take up the gentleman's time, but I wish to get a clear conception of this case——

Mr. LINTHICUM. As I understand the gentleman—why does not the gentleman use that out of his own time. I think that would be preferred. I yield four minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I have been once or twice, I believe twice, with members of the Committee on Public Buildings and Grounds to look over the present quarters in Baltimore, and while every Member of the House, I suppose, knows my views with regard to the restriction of immigration, I

have always believed that when those people come they ought to be met with accommodations that would not make their first impression adverse and averse to our country. I have no doubt but what this is the worst condition, so far as the treatment of immigrants is concerned, that exists on the American coast anywhere, either on the Atlantic or the Pacific. The hospital facilities are miserable——

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. BURNETT. Yes; for a question; I have only four minutes.

Mr. HUMPHREY of Washington. I want to ask the gentleman if he thinks that condition is any worse than conditions are at Seattle?

Mr. BURNETT. Yes; I think so. I have never visited Seattle, but from the presentation of the case and from what I have seen of the condition at Baltimore, I think so. Seattle, in order to make their accommodation ample, would require a great deal more expenditure, in my judgment, than would be necessary at this time, but one reason why the expenditure was not made for Seattle last year by the Committee on Public Buildings and Grounds, I think, was because of the fact that with the opening of the Panama Canal there will be no doubt a much greater influx of immigration there than there ever has been, and therefore the demands that will be made for these improvements at that time will be greater than gentlemen could foreshadow or foresee at the time when the proposition was presented.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman permit me to ask him one more question?

Mr. BURNETT. Certainly.

Mr. HUMPHREY of Washington. Is it not a fact the reason the committee did not recommend one at Seattle was because I asked for an appropriation for another building in the district and the committee would not permit but one building in a district? Is not that true?

Mr. BURNETT. The committee believed—I did as a member of the committee—for the reasons I have mentioned, that the building had better wait until a more opportune time. I think the gentleman will make a meritorious case. Now I desire to go on just a little further on this. One reason why this appropriation ought to be made is that the pier now where these immigrants land is owned by the Baltimore & Ohio Railroad. This station, if it is constructed at Fort McHenry, will be upon other lines of railroad. The result of having the station at that place was that one railroad has the exploitation of all these immigrants as they come in. Now, I felt like $600,000 was too much, because they asked $100,000 for a hospital. I felt $50,000 was enough for a hospital, and it was on my motion, according to my recollection now, the committee reduced the amount from $600,000 to $550,000. The Supervising Architect has itemized in a statement here, which is made part of this report, the items which would carry the sum of $600,000. We felt that one of the items should be cut down, and I do not believe from what I have seen personally, and my good friend from Iowa, Judge TOWNER, was with us on one of our trips, and I believe he will agree with the statement that has been made by the gentleman from Maryland and myself, that the conditions there are perhaps more deleterious and insanitary than any other station he has observed, or any other I have observed on the Atlantic coast. I do hope when we are erecting these stations we will do so in such a manner as to provide comfortable receptions for those people who do come to our shores. As I say, I would like to keep back a great many of them, but when they do come, as they are coming, let us have them received properly. I have been in favor of enlarging the accommodations of the steamship companies and everything of that kind in order to accommodate——

The SPEAKER. The time of the gentleman has expired.

Mr. LINTHICUM. I yield three minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I sincerely hope that this bill will pass. While I was a member of the Committee on Public Buildings and Grounds I was also a member of the subcommittee that went to Baltimore to examine the conditions there. I confess that I was not only surprised but wounded in my national pride at the conditions that we found there to exist. There is no immigration station at Baltimore except a shed that has been erected by a railroad company, the Baltimore & Ohio Railroad Co., which grants the use of it to the United States. There is no immigration station of the United States or any place that is subject to its jurisdiction or control except for the use that is given by the railroad company, of course primarily for its own benefit.

It is a condition that ought not to exist anywhere. This matter ought not to be considered in the light of a favor to the city of Baltimore. It ought to be considered an act of necessity on the part of the Government of the United States to maintain its dignified self-respect in the treatment of its own offices. I sincerely hope that this Congress will not have any idea that it is conferring, or is to be considered as conferring, a favor on Baltimore when they consider whether or not they ought to pass this bill. We ought to have, we must have, a station there for this Immigration Service. National dignity and pride, as well as the ordinary national requirements, should cause us to do this, and I hope there will be no hesitancy on the part of Congress in that respect. Why it has been so long delayed I have never been able to understand. Certainly it ought now to pass and to pass speedily, because the need is immediate and great, and I hope Congress will see it in that light.

Mr. LINTHICUM. I will ask the gentleman from Wisconsin [Mr. STAFFORD] to consume some of his time.

Mr. STAFFORD. Mr. Speaker, this proposition has been before the House on several occasions during the present session. The gentlemen who have spoken would give the impression that the reason for the failure to erect a proper immigration station at Baltimore was because of the dereliction of duty on the part of Congress. Yet there has been no dereliction of duty on the part of Congress. The fault lies somewhere else, because at this present moment and for years there has been available $280,000 that could be used at any time for the erection of a proper and adequate immigration station. That $280,000, if I am not mistaken, was appropriated to be used for building a station at the present quarters, proximate to the Baltimore & Ohio Railroad. This Congress earlier in this session, in its magnanimity to Baltimore, donated for its use the Fort McHenry grounds, and also permitted them to use those grounds for an immigration site.

Mr. COADY. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. COADY. Do you not think it is a very good thing for the Government that Baltimore City has taken over Fort McHenry?

Mr. STAFFORD. I certainly approve of that project, and I want to see this immigration station erected at Fort McHenry, and I do not see why Baltimore has been hesitating all these months in going ahead with the erection of this immigration station when it has $280,000 available. Originally, when this project first came before the Congress——

Mr. COADY. Will the gentleman yield?

Mr. STAFFORD. I will not yield just at this moment. When this project first came before Congress there was appropriated something over $100,000; later $280,000 was appropriated; and then they wanted $600,000. Now they are receding and asking for $550,000. And yet the Secretary of the Treasury, Mr. McAdoo, in a letter dated March 19, 1914, if I read his letter right, and that was a matter about which I wished to quiz the gentleman with his permission, states that $475,000 only is needed for the construction of this building. I direct the gentleman's attention to that. I suppose he has the letter of the Secretary of the Treasury, and I direct his attention to the following language, referring to the $600,000:

> Inasmuch as this is an increase in the original limit, it necessarily includes the cost of the original site; deducting that and other items which are necessary incident to the construction but are not buildings, and deducting also the limit for the right of way, leaves the balance of $475,000 available for the construction of the receiving building, the hospital building, the administration building, and the power house.

Mr. LINTHICUM. I will say to the gentleman that that was on the hypothesis that it was $600,000, but it has been cut down, as the gentleman will recognize.

Mr. STAFFORD. Why, the Secretary of the Treasury says that only $475,000 is needed for purposes of a modern hospital, and yet the gentleman is now asking for $550,000.

Mr. LINTHICUM. The gentleman from Wisconsin fails to include the other items in there, such as the pier, dredging, and things of that kind, which are necessary. They are not a part of the building, but are necessary adjuncts for the immigration station.

Mr. STAFFORD. With the new policy adopted by this House favoring restriction of immigration, favoring a literacy test that will bar out many worthy immigrants from this country, if it should become a law, I can not see the need of spending $550,000 on a station when there will be no immigrants coming to Baltimore. I will agree it will be an ornament to Baltimore, to have these ornate buildings erected at Fort McHenry, but where is there any need of expending at this time $550,000? Show to us that $280,000 is not adequate for the proper kind of a station. I am just as much in favor of a proper station with adequate accommodations for those immigrants at all our ports as anyone in this House. I sympa-

thize with immigrants. I want them to receive fair treatment, and the best kind of treatment, when they come to these shores; but with the announced policy of this House of limiting immigration, what is the reason for erecting ornate buildings for this service along the Atlantic coast? Baltimore has $280,000 available now. There is no showing that it is not adequate to provide for the immigrants coming there.

Mr. TOWNER. Do you not think that if it shall ever become a law and we add the literacy test that that will make necessary more employees and better accommodations?

Mr. STAFFORD. As soon as the literacy test is placed in the law we know that the moral effect of that will be to keep away from these shores thousands of worthy immigrants.

How much time have I consumed, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. STAFFORD. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I am not going to oppose this bill simply because of the fact that we need an immigration station at Seattle just as badly as they need one at Baltimore. I listened to the remarks of my friend, the gentleman from Iowa [Mr. TOWNER], in which he pointed out the conditions over at Baltimore and said that the building over there belonged to the railroad. That is exactly the condition at Seattle. The building belongs to the Great Northern Railway at Seattle, and it is on railroad property. It is an old wooden shack, and I can not conceive how it is possible for conditions to be worse at Baltimore than they are at Seattle. I visited the station at the latter place at one time, and I found in one room, about 14 by 16 feet square, 16 women who had been kept there for several days. They were white women, waiting to be tried as to whether or not they were to be deported. Now, if you can describe a condition worse than that at Baltimore, or anywhere else, I will be willing to say that Seattle ought to wait. Now, the fact about it is—and we might as well tell the truth—they refused to make the appropriation for the station at Seattle because there was another public building appropriated for in the same district that I happen to represent. You were dividing up your favors, not according to need but according to congressional districts. You were making appropriations, not where they were needed but because of political favors. And I am not saying you did not extend these favors to both sides of the House. But that is the fact about it. The station at Seattle is a disgrace, and it is a shame, as the gentleman from Iowa has said, that this great Government has to rent old wooden shacks from a railroad in which to keep people until they are examined to know whether they shall be deported or not.

Mr. SABATH. I desire to ask the gentleman whether he has ever visited the immigration station at Baltimore?

Mr. HUMPHREY of Washington. I have not.

Mr. SABATH. I assure the gentleman that if he will take the time and investigate the conditions there, he would not oppose it for a moment. If there is need of more room or accommodation at any station, it is at Baltimore.

Mr. HUMPHREY of Washington. The gentleman is in the same position with respect to Seattle that I am with regard to Baltimore. If the gentleman had visited the Seattle immigrant station, he would not oppose my bill. I am not going to oppose this bill, but I want to call attention to the fact that by some means or other the gentlemen from Maryland can get their bill reported, whereas the bill I have before that committee can not be gotten out of the committee.

Mr. SABATH. The gentleman should, perhaps, use good judgment in getting the bill out of the committee.

Mr. HUMPHREY of Washington. I think I used good judgment. At my request the Commissioner of Immigration went before the committee and pointed out the fact that a great emergency existed at Seattle and that that station ought to be built immediately.

Mr. SABATH. The commissioner did urge this some years ago, did he not?

Mr. HUMPHREY of Washington. Yes; and I think he has urged it ever since. He appeared before the committee a short time ago and urged an appropriation for the immigrant station at Seattle. It is absolutely impossible for conditions to be any worse at Baltimore than they are out there. But, as I say, I am not willing to play dog in the manger and vote against this bill because I can not get one at Seattle, although we are equally entitled to it, but I do want to emphasize the fact that the committee ought to report my bill.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GALLAGHER. The gentleman will admit that in a place where between four and five million dollars is raised from the head tax annually suitable accommodations ought to be made for the people landing there, instead of turning over nearly one-half of that sum into the General Treasury of the Government?

Mr. HUMPHREY of Washington. Certainly; suitable accommodations ought to be provided at Baltimore and at Seattle and at every other place where the commissioner has said it is necessary, and he has especially selected both Baltimore and Seattle.

Mr. GALLAGHER. At present the Government is taking the money from those people and turning it into the Treasury, instead of providing suitable accommodations for those people.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for five minutes.

Mr. FOSTER. Mr. Speaker, I expect to take only a minute or so in saying what I desire on this bill. I am not opposed to proper quarters for these immigrants that come to our shores. I believe they should be properly cared for, but I think that in this case we have probably been a little more generous than is necessary. I do not particularly blame our good friends from Baltimore for endeavoring to secure in their city a monument in the way of an immigrant station. They came over here and were just as anxious to procure a situation for the building on the old site as on the one that was bought.

Mr. LINTHICUM. I would like to say to the gentleman——

Mr. FOSTER. In a moment I will yield. After awhile they came back and wanted another site, and it was given them, and then they wanted an increase of the appropriation, and that was given to them. Now, they are back here again, and I do not know how many times they will be back before they finally secure a building. When they get this appropriation I hope they will be satisfied, and will not come back to Congress for any more money in the future for that purpose. I hope they will secure this building and relieve the situation at Baltimore, which they all certify is so bad.

Mr. LINTHICUM. It was not our fault that we did not use the $280,000. In the first place, $13,250 was taken off. The architect absolutely refused to go ahead unless he had enough money to go to work. I will say to the gentleman that we shall not come back to Congress asking for another dollar for this purpose.

Mr. FOSTER. I will say to the gentleman that $110,000 was unnecessary to put into a hospital building. I thought $60,000 was sufficient. Now they propose to increase it by $35,000. I am taking the gentleman's word.

Mr. LINTHICUM. I said that.

Mr. FOSTER. I do not think that to take care of the immigrants at Baltimore you need a hospital costing $75,000. I do not think you need that much. Yet in this bill you are getting $110,000.

Mr. LINTHICUM. They have taken off $50,000.

Mr. FOSTER. And there are a whole lot of expenses that go along with these public buildings, and sometimes the money is easy to get.

I remember in the last Congress we allowed for a public building, quite a large sum additional for something fancy that happened to suit the people out in that particular locality, and then when the building was about to be completed it was said to me by a gentleman privately that he thought we had thrown away the additional amount. I want the people in Baltimore to have this immigration station, but I do suggest and believe in all fairness to the city of Baltimore and to the immigrants who land at that particular place that it is not necessary that we should build an immigration station there for the amount that is provided in this bill.

Mr. BURNETT. My recollection is that the department have said positively that they can not build a building at all commensurate with the needs of the situation with that $285,000 that you refer to, and these are the items, one by one, furnished by the Treasury Department.

Mr. FOSTER. I will say to the gentleman that I have observed what they said about that; but then I think sometimes if they were given to understand that they must build for a little less money, they could do it. We know how those things go.

Mr. BURNETT. We cut them $50,000.

Mr. FOSTER. My good friend understands how that happens. In all candor, I do not believe they need $270,000 additional for the station at Baltimore, and I think we are appropriating an extra amount of money for that station, which is not needed and probably ought not to be given. Yet I judge the bill will pass, and I desired only to express my views on the question.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] has nine minutes.

Mr. LINTHICUM. I yield three minutes to my colleague [Mr. COADY].

Mr. COADY. Mr. Speaker, the bill now before the House for its consideration as amended by the committee provides for an appropriation of $550,000 for the erection and completion of buildings and a pier at the immigration station at Baltimore.

Congress has already made provision for $280,000 for this purpose, and this amount is now available, so that the passage of this bill will mean an additional appropriation of $270,000.

It seems to me there are only two questions to consider with respect to this measure.

The first is, Are these buildings and pier needed there?

The second is, Is the amount asked for a proper and reasonable allowance for the purpose?

The Committee on Public Buildings and Grounds in its report submitted to this House a few days ago answers to both of these questions in the affirmative and recommends the passage of the bill as amended.

They did this after making a trip to Baltimore and seeing for themselves the lamentable lack of facilities for the handling and care of the immigrants.

The buildings and pier are needed for the reason that at present the Government has neither there, and the immigrants land on the private property of the Baltimore & Ohio Railroad Co., and the Government inspection of the immigrants takes place on this private property.

Is this the right and proper thing for this great Government of ours to do—to use the private property of a railroad company for its purposes?

Besides, as the situation now is no other railroad company can use this pier without the consent of the Baltimore & Ohio Railroad Co., the owner.

This company therefore now has, if it cares to exercise it, a monopoly of the business of transporting the immigrants landing there.

Boston, Philadelphia, and other cities have Government owned and controlled immigration stations, and the refusal of Congress to give Baltimore one would be a discrimination against the latter city, though through its gates there pass annually over 33,000 aliens of the most desirable type.

The hospital and the place of detention are under one roof, and are housed in an old private house rented, I believe, by the steamship company.

The building is an old one, without any modern conveniences, and with the most uninviting surroundings. It is one of those places where the first thing you want to do when you get in it is to get out.

The so-called hospital is hardly fitted for a stable. The whole place is a disgrace to our country.

As to the amount, it is $50,000 less than the amount estimated by the Supervising Architect of the Treasury to be necessary for the buildings and pier, as set out in the report of the committee.

I sincerely trust that this bill as amended by the committee will pass, because the proposed buildings and pier are absolutely needed and because, as a matter of simple justice, Baltimore is entitled to them.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] has seven minutes and the gentleman from Maryland [Mr. LINTHICUM] six minutes.

Mr. STAFFORD. Does the gentleman intend to conclude in one speech?

Mr. LINTHICUM. I yield two minutes to the gentleman from Pennsylvania [Mr. LOGUE].

Mr. LOGUE. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, I visited the city of Baltimore. That there is a necessity for the establishment of proper buildings there no one can doubt. The conditions at Seattle may be bad. I do not think they quite equal the bad conditions that confronted us at Baltimore. There is an alleged hospital there. I think it could more properly be styled a morgue if any sick human being was put in it and permitted to remain for a few hours. It is quite distant from the wharf. We were there on a very inclement day. It was really more comfortable outside the hospital than in it. The entire condition of things there should not be allowed to continue to exist. For the health of the immigrants this hospital should not be allowed to remain. Humanity should prompt us to pass this bill. For a statement of the amount required we are dependent upon the proper source, the Treasury Department. We have received from the Secretary of the Treasury information as to the amount to be expended. The action of the committee, therefore, has been prompted by the needs and necessities which were manifest to us, and, secondly, as to the amount required, we have recommended the amount stated to us as being requisite for the purpose.

Mr. STAFFORD. Mr. Speaker, if under the existing procedure we were given the privilege of offering an amendment to reduce the amount carried in this bill, I believe the House would vote to reduce the $550,000 that the bill carries. I wish to direct attention to two items which I think are extravagant in character. The committee of its own motion has reduced the estimate of $110,000 for a hospital building to $60,000, and here we have $50,0000 provided for an administration building. That will indeed provide a pretty nice building for the few officials that will have their offices there. Again, there is $40,000 for a power house. Power to keep the immigrants from landing? How can you conceive that there will be such a large appropriation for a power house? Everyone in this House wishes to provide adequate accommodations for the receiving building. We do not want to be niggardly in our appropriations; but when the gentleman comes here and insists that he should have these large amounts for these respective services, I think he is failing sadly in proving his case.

Mr. LINTHICUM. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LINTHICUM. I believe the gentleman wants to be perfectly fair.

Mr. STAFFORD. I do.

Mr. LINTHICUM. I had the architect go there, and I tried to hold him down as much as I could to the lowest point. He said he could not do it. The ground is low; and I expect we will have to put the building on piling for a foundation. I did my best to hold him down to the last cent, because I knew that if the amount was large I would have trouble in getting it. I have not been lax in keeping it down to the lowest figure possible.

Mr. STAFFORD. My only criticism of the gentleman is that he stopped in his efforts. He only applied his efforts to shaving down the appropriation for the hospital building. For that building there was an estimate of $110,000, and he acknowledged that that was $50,000 too large. He was willing to shave that, and if he had only gone down the list a little more and shaved some of the other estimates there would have been no disposition here to criticize this bill.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BUCHANAN of Illinois. Has the gentleman any information as to the receipts of the Government from the immigration?

Mr. STAFFORD. When this bill was under consideration before, if I remember the statement at that time, the maximum number that would come in to the port at Baltimore on any one occasion was 2,000 to 3,000, and that on very rare occasions. Baltimore has not been a large immigrant port. I sympathize with the gentleman from Maryland in his desire to have an ornate building at this public park, but I do not think they should overdo it. I think we should not provide extravagantly for a building at this public park.

Mr. BUCHANAN of Illinois. I would like to state to the gentleman that I have the figures from the Immigration Bureau as to six months of this fiscal year, and it amounted to $3,009,000.

Mr. STAFFORD. At Baltimore?

Mr. BUCHANAN of Illinois. No; from all over the country.

Mr. STAFFORD. Oh, yes; but Baltimore is only an incidental port, and if the new rule is to be established and the literacy test applied there will not be any use for this building at all. It will be a nice monument in a public park that the Government has donated for municipal purposes.

Mr. LINTHICUM. I want to say that during 1913 there were 33,596 immigrants that came in at $4 a head, and it is estimated that 40,000 will come in this year. On March 4, 1909, we turned over to the National Government $500,000 in the Treasury to our credit.

Mr. STAFFORD. The gentleman furnishes the committee with the figures for last year, and he estimates 40,000 immigrants during the present year. Can the gentleman give any estimate as to how many will come in when we have the literacy test applied? There will not be 10,000.

Mr. LINTHICUM. I think nearly as many will come into Baltimore, because the immigrants that come to that section will not be barred by the literacy test.

Mr. STAFFORD. That is what they all say; but we know that the literacy test will keep out a very large number.

Mr. COADY. Does the gentleman think it will become a law?

Mr. STAFFORD. I hope it does not.

Mr. BURNETT rose.

Mr. STAFFORD. I will yield to the gentleman from Alabama, chairman of the Committee on Immigration, who knows more about that than I do.

Mr. BURNETT. Mr. Speaker, I did not rise to answer that question, because I do not know any more about it than does the gentleman from Wisconsin, but I want to say that the class of immigration that comes into Baltimore is almost entirely from the northwestern part of the country and will not be affected by the literacy test, if it becomes a law.

Mr. COADY. Mr. Speaker, if the gentleman will permit me, I would inform him that within the last few months the North German Lloyd Steamship Co. that operates between Baltimore and Bremen has put on three additional ships, big ships of about 12,000 tons each, and they are now building two more ships for that trade.

Mr. STAFFORD. Mr. Speaker, the burden of the argument on the other side is this: At present they have very ill-suited quarters. We admit that. We gave Baltimore the ground, and there is available, and has been for a long time, $280,000. They now come here and show their estimates are too large, and still they ask us to appropriate the full amount. I leave the question to the decision of the House.

Mr. LINTHICUM. Mr. Speaker, I yield one minute to the gentleman from Nebraska [Mr. BARTON].

Mr. BARTON. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, and as one who has inspected this building, and also as one of the members of the committee who has sat on the opposite side of the table fighting against expenses most of the time and against propositions submitted to us, I want to say that I think this is one of the most meritorious measures that we have had before us for our consideration. If gentlemen could see the people from foreign countries coming into what out in our country would be called cattle sheds, and those sheds owned by a railroad, and that one railroad which has an absolute monopoly of the business there, I believe the House would not hesitate to build a suitable place to receive the people who are coming from foreign countries and landing on American soil.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BARTON. Yes.

Mr. GREEN of Iowa. Did I understand the gentleman to say that he had personally inspected the building?

Mr. BARTON. Yes. With the committee I made a minute examination, and the sick babies in the old rookery called a hospital is a disgrace to this Nation. The immigrants that land at Baltimore will not be bothered by the immigration bill. Look at the record and you will see that less than 1 per cent can not read or write.

This is a just measure, and I hope the bill will pass.

Mr. LINTHICUM. Mr. Speaker, I yield the balance of my time to the chairman of the committee, the gentleman from Florida [Mr. CLARK].

The SPEAKER. The gentleman is recognized for three minutes.

Mr. CLARK of Florida. Mr. Speaker, this bill has been before the House several times, and if there ever has been a bill that has been thoroughly examined by the committee and has been thoroughly investigated by the department and every effort possible made in the interest of economy in framing it, this is that bill. I want to say, in justice to the committee, that the omnibus bill which was framed during the last Congress was not framed on the lines intimated by the gentleman from Washington.

The committee did not put into that bill any item which they did not believe was justified by the facts and by the demands of the community. I want to say that in the present Congress this committee has operated under certain rules, and the bill of the gentleman from Maryland [Mr. LINTHICUM] comes squarely within the emergency rules laid down by the committee. One of those rules is that where an authorization for a building has been heretofore made and the department in good faith has attempted to let a contract for its construction, and has found after advertisement for bids that there was not money sufficient to construct it, then this committee would consider an increase in the authorization, and in this instance the effort has been made, bids have been asked for, and it has been found utterly impossible to construct the character of station which the department and the committee desires and which ought to be constructed out of the appropriation already made. I want to say, Mr. Speaker, that I am astounded that my friend from Illinois [Mr. FOSTER] and my friend from Wisconsin [Mr. STAFFORD], who are not builders, who are not architects, although they may be gentlemen of very wide and diversified information, but who are not specially skilled in those directions, should stand here and place their judgment against the investigations of the committee and the deliberate opinion and well-considered judgment of the Supervising Architect's Office and the Treasury Department as to what these buildings ought to cost.

As I say, every effort has been made and it is the desire of the department, and the committee concurred in that, to erect at Baltimore a model immigrant station, one that will be a model for the ports of this country hereafter, one that will be complete in every detail, one that will be a credit to the country and that will be looked upon as a model for construction at Seattle and those other places which are to follow. The statement which the committee required of the Supervising Architect's Office has been itemized, and there is only in the neighborhood of $400,000 going into the buildings. The balance is to go into the purchase of land and into the construction of other appurtenances and into the purchase and construction of a railway for the use of the station, and all these things together aggregate this amount. As I say, we have made every effort to cut down the appropriation, but we are informed by the officials charged with that duty that it is utterly impossible to construct at Baltimore the kind of station needed in all of its departments, which will be a credit to the country and which will be sufficiently adequate to answer the purposes of its construction, with the present appropriation. I hope the House will pass this bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REPEALING SECTION 3480, REVISED STATUTES, UNITED STATES.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill Senate 751.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 751) to repeal section 3480 of the Revised Statutes of the United States.

Be it enacted, etc., That section 3480 of the Revised Statutes of the United States be, and the same is hereby, repealed so far as it affects payments for services in the Army of the United States prior to April 13, 1861.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is entitled to 20 minutes and the gentleman from Illinois 20 minutes.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I shall occupy the attention of the House only for a very few minutes. I found in the Judiciary Committee a bill intended to remove a penalty from the men who had fought in the army of the South in the late Civil War. Upon examination I asked the committee to take it up and consider it, believing that it was a patriotic duty to pass this measure. The committee unanimously reported it, and asked me to take charge of the bill and present it to the House. I do this with great pleasure and satisfaction. The bill is intended to repeal section 3480 of the Revised Statutes, which imposed a penalty upon those men, graduates of West Point, who served in the Confederacy. It included among the roll names like those of Lee, Jackson, Wheeler, and Pickett a long line of honorable and brave men.

We all know, for I can just remember that period, when the war closed, the bitterness of feeling that existed, and naturally existed, and existed upon both sides, with reference to each other. Out of that spirit came this punitive statute. Things have changed since then. The half century and more which has passed has brought together the warring combatants of Gettysburg to weep and cheer in unison upon that fateful field. [Applause.] I had the privilege and pleasure of attending at Arlington the scenes incident to the dedication of a beautiful Confederate monument, erected in a Government burial place, dedicated to the soldiers and men of the South who fought against and who lie side by side with the Union soldiers of that war. Memorial day has just passed, with all its hallowed associations and memories. In the beginning every flower that fell upon a soldier's grave was drenched with grief and perhaps

touched with bitterness. But here again the scene changes; we of the North began to better understand the men of the South and they of the South to understand us; soon we saw northern attendants upon this ceremony decorating graves of Confederate dead, and then the chivalrous people of the South, responding in like spirit and decorating the graves of Union soldiers. [Applause.] We have witnessed within a very few months scenes of reconciliation, harmony, and love at Gettysburg, and frequently noted men on one side surrendering to men on the other side the battle flags which were torn from each other in the heat of battle. Everywhere was that spirit which the immortal Lincoln referred to when he said:

We are not enemies, but friends. We must not be enemies. The mystic chords of memory, stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as they surely will be, by the better angels of our nature.

[Applause.]

I feel that the spirit of the immortal Lincoln is invoking us in the exercise of our better selves to play upon those "mystic chords of memory" to-day. Let us unanimously, if it may, wipe from the statute books this penalty, the offspring of the feelings which the bitter strife of war engendered and left now for more than half a century upon the statute books of the Nation. This will promote a finer feeling everywhere, North and South. He who gives is twice blessed; he who receives has the spirit of gratitude created. I could read from a number of letters here, but will only quote from one, from no less distinguished a person than the widow of that brave, grand soldier of the Confederacy, "Stonewall" Jackson. [Applause.] Speaking of this movement, she said:

It creates a feeling of gratitude in my heart that you, a northern man, should advocate the passage of this bill.

[Applause.]

No one but a northern man should advocate its passage, but every man with red blood, whether from the North or from the South, should vote to pass the bill and thus help to eliminate one of the last vestiges of those things which make a distinction between the men of the North and the men of the South. [Applause.] "Fighting Joe" Wheeler and Fitzhugh Lee put on the uniform of the Nation and fought under the Stars and Stripes in the Spanish War. The descendants of these very people from whom we are removing this penalty also served their country and showed their willingness to die in her defense. [Applause.] Surely under such circumstances Congress should ungrudgingly and cheerfully wipe this penalty away, and say: "In this act we speak for the eternal concord and unity of our country." Such acts, such thoughts, such sentiments will make us repeat the scene I once witnessed in a southern city. I walked through a graveyard and I found the tombstones marked with the names of men from this State of the South and that State of the North and other States from all over the Union. Soldiers of these States had met to battle for New Orleans and to save her from the British Army in the War of 1812. That scene will be repeated perhaps, who knows, in the history of our country when we war with some foreign foe, and the men of the North and the men of the South, one in heart, one in courage, one in valor, will vie with each other in defense of every city and every foot of land in our blessed Republic. Side by side, one in patriotism, one in loyalty, one in death, those who fall may lie like they do to-day in the old graveyard at New Orleans. [Loud applause.]

The SPEAKER. The question is on suspending the rules.

Mr. MANN. Mr. Speaker, I demanded a second in order that the gentleman from Pennsylvania [Mr. GRAHAM] might explain the bill. Unless some one who is opposed to the bill desires time, I do not desire to consume any of mine.

The SPEAKER. Is there any gentleman opposed to the bill? [After a pause.] The Chair hears none. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. As a matter of fact, the vote is unanimous in favor of suspending the rules. [Applause.]

So the rules were suspended and the bill was passed.

UNVEILING OF JOHN TYLER MONUMENT.

Mr. MONTAGUE. Mr. Speaker, I move to suspend the rules and pass the Senate concurrent resolution No. 22, which authorizes the appointment of a committee of Congress to attend the unveiling of a monument to John Tyler, the tenth President of the United States.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 22.

Whereas the Government of the United States has erected a monument in Hollywood Cemetery, at Richmond, Va., over the grave of President John Tyler; and

Whereas exercises will be held very soon to unveil the said monument, and it being considered very appropriate that the Senate and House of Representatives should be properly represented on this occasion: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10 Members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies; and authority is hereby given to expend $250 from the contingent fund of the Senate and $250 from the contingent fund of the House of Representatives to defray the expenses of said committee, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second, Mr. Speaker.

Mr. FOSTER. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a second.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. Mr. Speaker, permit me to state, if the House did not catch the full reading of the resolution, that it is a resolution heretofore agreed to by the Senate, whereby there is appropriated out of the contingent fund of the two Houses, respectively, the sum of $250 for the appointment of a committee of five from the Senate and five from the House to attend the exercises incident to the unveiling of a monument to John Tyler, the tenth President of the United States, in Hollywood Cemetery in Richmond, Va.

In pursuance to an act of March 4, 1911, the Government appropriated $10,000 for the building of this monument, and some time in the course of the next two or three months—the exact date I can not now apprise the House—the unveiling will occur, and I hope it will be the sense of the House, and I imagine it will be by their unanimous consent, to authorize this particular expenditure.

Mr. Speaker, may I observe that it is not inconsonant with the very eloquent remarks just submitted by the gentleman from Pennsylvania [Mr. GRAHAM] that I ask to print as a part of my remarks the memorial oration upon John Tyler by the late R. M. T. Hunter, formerly Speaker of this House, and latterly and for a long time one of the most conspicuous Members of the Senate of the United States, delivered in the Senate of the Confederate States on January 20, 1862, two days after the death of President Tyler. This address is a remarkably eloquent appreciation of its distinguished subject.

The address is as follows:

THE LATE EX-PRESIDENT TYLER.

PROCEEDINGS IN CONGRESS.

At the close of the very appropriate tribute by Mr. Macfarland, published in the Whig of yesterday, Mr. Hunter, of Virginia, rose and said:

"I rise to offer my tribute of respect to the memory of the deceased.

"As has been well said, the name of John Tyler, now passed into the possession of history, has an order of its own in that great sanctuary. Its sojourn is over. Nothing can now dim its luster as it passes down the tide of time.

"It is said, sir, there is something in the story of the humblest life, which, if rightly told, will afford food for profitable study. With how much of interest, then, do we turn to the contemplation of the lives of those who have been martyrs of their kind, who have left examples for the imitation of posterity; of those whose voices have been the most persuasive and convincing in council, and whose shout, like that of the king, has been most potent in marshaling the hosts!

"Among the public men of our day, John Tyler has been one of the most marked and distinguished. With him disappears the last, save one who now sits in this Chamber, of those great men who adorned the Senate of the United States when I first entered upon public life with him. We shall bury the last of the line, the illustrious line of Southern Presidents whose names have connected us with the highest honors of the Union from which we have just parted. Does not this deepen the sense of our separation as we see one by one pass away not only the material links but the ties of personal association which bound us to those whom we have lately left?

"No man, Mr. President, has more fully completed the circle of honors which were opened to the aspirations of our public men than John Tyler. Scarcely had he attained his majority when he was sent to the House of Delegates in Virginia. After a service of a few years there, he was successively elected a member of the executive council, a Member of the House of Representatives of the United States, governor of the State of Virginia, Senator of the United States, Vice President of the United States, from which, by the death of Gen. Harrison, and through the operation of the Constitution, he was elevated to the Chief Magistracy of the land. Nor, sir, did his career end even there. When secession began and presaged the storm which is now sweeping over the land, he was sent to the convention of Virginia, and by that body to the peace congress, over the deliberations of which he presided; thence to this Congress, and afterwards was elected by his constituents to the House of Representatives of the Confederate Congress, soon to assemble in this place.

"But, full as was his life of honors, it was not more distinguished by them than by its achievements. From the commencement of his public career, he distinguished himself in whatever body he was serving, and by his eloquence and ability won an honorable place in the estimation of all with whom he associated. An advocate of the doctrines of the State rights school of Virginia, he for the most part adhered to those doctrines with consistency throughout a long and ardu-

ous career. Few men exerted themselves more to preserve the Constitution of the United States. He was among the first of our public men who, with the great Calhoun, declared that 'the Constitution and the union of the States was one and inseparable.' From the period of the nullification controversy, from the time when he gave his solitary vote against the force bill in the Congress of the United States, to his last appearance in Washington at the peace conference, he declared the Union and the Constitution must live or perish together.

"He exerted his utmost powers to preserve the Constitution and the administration of the executive affairs of the United States. Forced to choose between the desire to gratify the wishes of his personal friends, who had elevated him to the office, on the one hand, and a sense of constitutional obligation on the other, he determined finally to sacrifice the friends with whom he had been associated. From that time forward it was his lot to administer the affairs of the Nation, over which he presided in the midst of the severest party struggles the country had ever known, without the cordial support of either great political division by which the people were then divided; and he had to discharge his high duties in the face of such difficulties as had never been encountered by any of his predecessors. But, in despite of that spirit, he called around him some of the ablest intellects of the land—Webster, Upshur, Legaré, Calhoun—who aided him in one of the most successful administrations which appears in the annals of American affairs.

"It was this administration that added Texas, an empire, to the Confederacy; and it was this administration that successfully accomplished the Ashburton treaty between Great Britain and the United States. It was in this administration that Mr. Calhoun, in his celebrated letter to Mr. King, for the first time made a public demonstration in favor of the right of the slave-holding States to respect and protection; and it was this administration which gave a final and fatal blow to the United States Bank. But prominent, sir, as was this administration, it was, perhaps, not so distinguished as his closing career. He had already reached the year of threescore and ten, when he was called from his retirement to aid in making up that great issue of human destiny which is now being submitted to the arbitrament of trial, as it is said, between nearly a million of armed men. True to the life-long professions of the past, his first effort was to preserve the Constitution, and, if possible, to save the Union with it; but when disappointed in that hope none was more determined than he to cut loose his native State from its perilous connection with enemies in disguise—none more resolved to make common cause with the South and take whatever might be the consequence of the act.

"We all know he threw himself into the cause with his whole soul. Gentlemen here present will testify to the truth of what I say when I affirm that to the last he devoted himself to it with a courage that did not quail, with a hope that did not falter, and with a purpose that held out to the last extremity and relaxed not to the end.

"Mr. President, it may truly be said that with John Tyler there has fallen a great man. I know, sir, that the death of any good man is the cause of grief to the friendly survivors; and yet I feel I do not err when I say that my deceased colleague was as fortunate in his death as in his life. As a soldier on the field of battle falls, he fell at the post of duty. A life, when it was full of years and honors, passed away. He left us before age had bowed his form or dimmed the luster of his intellect; when the future course of his life was about to promise him more of pleasure than grief. To-morrow we shall deposit him beneath the sod of that soil which he loved so well—on the beautiful banks of the James, where his slumbers will be soothed by the sound of its falling waters. Day after day, in the years yet to come, the morning and evening shadows shall lend a silent and varied charm to the scene; and when her hour of struggle is over, Virginia, as she leans upon her bloody spear to contemplate the past, and beholding the rising glories of her day, will lift her gauntleted hand to brush away the tear for the loss of him who, in the decline of life, exhausted his dying energies in her behalf, and staked his life, his fortune, his reputation upon the result, which will bring her safety and honor. Sir, she will embalm his memory in her best affections, and hand it down to her generations yet to come; and their children's children will transmit his honored name as an inheritance of princely value—an heirloom which his already run through more than two generations of distinguished men.

"But it is not my purpose, sir, to draw a portrait of this great man. His is a character which men will choose to study themselves; and they will seek it in the monuments of his own creation rather than in the testimonials of his friends; but perhaps, sir, it will not be deemed as usurping the historian's place were I to say of him he was kind and genial in all the relations of private life, and that he used the gift of the eloquence with which he was so highly endowed in the public service, and not for selfish purposes; that his faculties for usefulness seemed always to rise to the level of the demand upon them; that he was most able to discharge his duty under the most difficult circumstances, and that he served his native State with a love and fidelity which are beyond all praise.

"Mr. President, is there no useful lesson which we ourselves may draw from this occasion? Is there nothing in it that will deepen our sense of the uncertainty of human life and the instability of human affairs? Within how short a period has death sent its summons in our very midst? Does not this impress us with the utter worthlessness of the span of life allotted to any one of us, unless we use it for the purpose of preparing for another and better and more enduring state? Do not the scenes passing before us impress on us still more forcibly the sublime truth, 'The duties of life are to be preferred to life itself'?"

The SPEAKER. The question is on suspending the rules and passing Senate concurrent resolution 22.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the Senate concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

MOTHER'S DAY ASSOCIATION.

Mr. HEFLIN. Mr. Speaker, I move to discharge the Committee on the Judiciary from further consideration of the bill H. R. 16298 and suspend the rules and pass the bill as recommended by the committee.

The SPEAKER. The Clerk will report it.

A bill (H. R. 16298) to incorporate the Mother's Day Association.

Be it enacted, etc., That Anna Jarvis, George W. Bailey, C. J. Hexamer, Louis Lukes, Francis B. Reeves, and Claude S. Jarvis, all of Philadelphia, Pa.; and L. L. Loar, of Grafton, W. Va.; and Charles Seldon, of Baltimore, Md.; together with such persons as they may associate with themselves, and their successors, be, and they hereby are, constituted a body corporate of the District of Columbia.

SEC. 2. That the name of such body corporate shall be "Mother's Day Association," and by this name it shall have perpetual succession, save as hereinafter provided.

SEC. 3. That the objects and purposes of said association shall be to establish, promote, and perpetuate the association's work for the well-being of the home and to further establish, promote, and perpetuate the all-nations' observance of Mother's Day and any work incident thereto and arising therefrom.

SEC. 4. That the principal office of said association shall be in the District of Columbia, but the association, through its representatives, shall have the power to establish and maintain such other offices throughout the United States and its exterior possessions as the business of the association may require.

SEC. 5. That the control of such corporation shall be vested in a board of not less than three governors, their associates and successors. The incorporators hereof shall elect the board of governors for the first year. The board of governors shall have the power to adopt a constitution and to make such prudential by-laws and regulations as it may deem proper for the management and control of the business and affairs of said association, the powers and duties of its officers and agents, and from time to time to repeal or alter such constitution, by-laws, rules, and regulations.

SEC. 6. That this association shall further have power to have and use a common seal and to alter and change same at its pleasure; to sue and be sued in any court of the United States or other court of competent jurisdiction; to take, receive, and hold for the purposes of the association any gift, grant, devise, bequest, or purchase, and to accept and administer any trust for the purpose of said association.

SEC. 7. That this act shall be subject to alteration, amendment, or repeal at the pleasure of the Congress of the United States.

SEC. 8. That this act shall take effect immediately on its passage.

Mr. HEFLIN. Mr. Speaker, the Clerk has the report of the committee, and I would like to have it read.

The SPEAKER. There is no use in reading the report. Is a second demanded?

Mr. MANN. I demand a second.

Mr. HEFLIN. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. HEFLIN. I will.

Mr. MANN. As I understand, section 4 of the original bill is left out?

Mr. HEFLIN. Yes; the entire section is stricken out.

Mr. MANN. And that in section 7 of the bill as introduced there is left out the provision about the real estate of the corporation not being liable to any debt or obligation of the corporation?

Mr. HEFLIN. Yes.

Mr. MANN. And, further, that the bill as presented, with these amendments, has been passed through and approved by the Committee on the Judiciary?

Mr. HEFLIN. Yes. It was unanimously reported by the committee with these provisions, mentioned by the gentleman from Illinois, stricken out.

Mr. MANN. Is the gentleman at all familiar with the persons who are named in the bill as the incorporators?

Mr. HEFLIN. I only know one of the persons named in the bill, and that is Miss Anna Jarvis, of Philadelphia, who is at the head of this great work in the United States. She is a constituent of the gentleman from Pennsylvania [Mr. MOORE], and I presume that he knows the persons named in the bill.

Mr. STAFFORD. I may supplement the information of the gentleman from Alabama [Mr. HEFLIN] by saying that, so far as Miss Jarvis, George W. Bailey, Francis B. Reeves, and C. J. Hexamer are concerned, they are prominent Philadelphians, identified with the civic life of that city. C. J. Hexamer is the president of the German Alliance.

Mr. HEFLIN. Miss Jarvis discussed this with me and told me that the persons named with her in the bill are high-class gentlemen, and some of them are now engaged in philanthropic

work, and all are worthy of the positions given them in this bill.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. WILLIS. What was done with section 4? Was that stricken out? Some of the language there may be subject to criticism.

Mr. HEFLIN. All of that section was stricken out.

Mr. WILLIS. And lines 13, 14, 15, and 16 of section 7 are stricken out?

Mr. HEFLIN. They are.

Mr. WILLIS. I have no objection to it.

Mr. HEFLIN. The bill as amended was unanimously reported by the committee, and naming, as it does, Miss Anna Jarvis as the president of this Mothers' Day Association, it contains a beautiful tribute to and merited recognition of the good woman who has for years devoted herself to the sweet and beautiful task of securing congressional recognition for the Mothers' Day Association of America. [Applause.]

Mr. Speaker, I ask for a vote.

Mr. BRYAN. Mr. Speaker, I ask for one moment. I have here a resolution, which I received with the request that I read it into the RECORD by the 8th of July. I ask unanimous consent at this time, Mr. Speaker, to insert this resolution, which was passed by a number of ladies in Seattle, Wash., in a convention said to represent 10,000 women, in reference to their view of advancing the cause of woman in this country. It involves the subject of woman suffrage.

In this day of recruits to the cause of suffrage, such as we had the other day in the Speaker's office, the Speaker of this House, Hon. CHAMP CLARK, in his usual straightforward way, asserting that he was for equal suffrage in the State of Missouri, and would so vote in that State, it is well that we put something into the RECORD that is practical; not only pure and ennobling and speaking for motherhood, but something that speaks for real, vital advancement of woman, whether she is a mother or not.

The resolution is as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Seattle, Wash., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Allen Dale's cafeteria this 2d day of May, 1914.

Mrs. P. D. HUGHES,
Presiding Officer.

Attested:

Mrs. GEO. N. MCLOUGHLIN,
Secretary.

Mr. BRYAN. The following report of the meeting above referred to appears in the Seattle Sun of May 2:

WOMEN CELEBRATE SUFFRAGE ADVANCE—SEATTLE SUFFRAGE CLUB AT LUNCHEON ASKS CONGRESS TO TAKE ACTION TO ENFRANCHISE WOMEN VOTERS.

"Women's Day," established at the request of Dr. Anna Howard Shaw, of the National Suffrage Association, as a nation-wide event to promote the cause of woman suffrage, was celebrated by the Seattle Suffrage Club to-day by a luncheon at the Allen Dale Cafeteria.

After suffrage songs, uniform with those used at similar celebrations all over the continent, five-minute talks were given by Mrs. G. N. McLoughlin, representing the Seattle Federation of Women's Clubs; Mrs. Austin E. Griffiths, Mothers' Congress; Miss Adele M. Fielde, Washington women's legislative committee; Mrs. M. D. Harker, Women's Democratic Club; Mrs. E. M. Rhodes, Women's Commercial Club; Mrs. E. P. Fick, Seattle Suffrage Club; Mrs. Zamora C. Cauffman, Home Consumers' League; Miss Lucia Crangle, Grade Teachers' Club; Miss Lucy Case, Women's College Club; Mrs. John L. Burnside, King County legislative committee; Miss Adella M. Parker, Woman's Good Government League; Mrs. S. L. W. Clarke, North End Progressive Club; Mrs. P. Hughes, King County Progressive League.

Resolutions were adopted asking Congress to enfranchise women.

Abigail Adams Chapter of the National Council of Women Voters met at 12.30 at the office of Dr. Sarah Kendall, in the Arcade Building, to make plans for its "Why" breakfast May 9.

Mr. WILLIS. Will the gentleman from Alabama [Mr. HEFLIN] yield additional time to the gentleman from Washington?

Mr. HEFLIN. I ask for a vote, Mr. Speaker.

The SPEAKER. The gentleman from Alabama moves to discharge the Committee on the Judiciary from the further consideration of House bill 16298, to suspend the rules, and pass the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Why is that motion necessary? I understand the bill has been reported from the Committee on the Judiciary and is on the Calendar of the House.

The SPEAKER. No; it is not on the calendar. It came in only to-day.

Mr. MANN. I understand a report has been written up, but not presented to the House.

Mr. GARRETT of Tennessee. If the Committee on the Judiciary has passed on it, there is no use in making that request to discharge the committee.

The SPEAKER. The House has no knowledge that the Committee on the Judiciary has done anything with it until the committee reports. The question is on the motion of the gentleman from Alabama [Mr. HEFLIN] to discharge the Committee on the Judiciary from the further consideration of the bill H. R. 16298, to suspend the rules, and pass the bill as read by the Clerk.

Mr. HEFLIN. As amended.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill was passed.

The SPEAKER. What was the request of the gentleman from Washington?

Mr. BRYAN. Mr. Speaker, I asked to extend my remarks in the RECORD by printing the resolution which I mentioned.

The SPEAKER. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

INCOME TAX ON RAILROADS IN ALASKA.

Mr. HOUSTON. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 9770, to levy and collect an income tax on railroads in Alaska, and for other purposes, with committee amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the amended bill, as follows:

Be it enacted, etc., That in addition to the normal income tax of 1 per cent on net income there shall be levied and collected 1 per cent on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided in the act of Congress approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general Territorial purposes. So much of the provisions of the act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said district," or acts amendatory thereof, as impose a license tax of $100 per mile per annum on railroads operated in Alaska is hereby repealed, and all penalties for nonpayment thereof are hereby remitted.

The SPEAKER. Is a second demanded?

Mr. WATSON. Mr. Speaker, I demand a second.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I yield 10 minutes to the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Speaker, substantially the bill before the House levies 1 per cent tax upon the gross income of railroads in the Territory of Alaska. In that respect it is different from the law that has heretofore prevailed in that Territory. I call the attention of the House to the law as it now exists, so that you may get the difference between the two acts.

In the act of 1900 a license tax of $100 per mile is levied upon railroads in that Territory, which is a reasonably small tax in some cases but prohibitive in others. The tax itself is not so serious as the penalty inflicted for nonpayment. The penalty fixed by law for nonpayment is the amount of the annual tax for the first day, double the amount of the annual tax for the second day, treble the amount for the third day, and imprisonment in jail for not more than six months. So the small railroads in Alaska that have not heretofore been able to make it pay, running into a new country where there is neither trade nor population, find themselves covered up by millions of dollars of penalties, and it is for the purpose, primarily, of getting rid of those penalties that we are offering this bill. The taxes have nearly all been paid up to this moment. Those that are not paid are not remitted, but only the excessive penalties are remitted. This matter has been before the House so many times that I am sure the House understands it thoroughly.

Mr. FOSTER. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. FOSTER. Does the gentleman think that with the 4 per cent on the net income the Government is going to realize much out of it?

Mr. WICKERSHAM. I think the gentleman has not quite caught the reading of the bill. The bill has been changed to 1 per cent on the gross income. That is double the amount of the Philippine tax, and practically in the same words.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments read into it.

The question was taken; and two-third having voted in favor thereof, the rules were suspended and the bill was passed.

INTERNATIONAL DRY-FARMING CONGRESS.

Mr. MURDOCK. Mr. Speaker, I move to suspend the rules and pass House joint resolution 255, authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, as amended by the committee.

The Clerk read the amended resolution, as follows:

Resolved, etc., That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914: *Provided*, That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

The SPEAKER. Is a second demanded?

Mr. FOSTER and Mr. FERRIS demanded a second.

The SPEAKER. Is the gentleman from Illinois opposed to the bill?

Mr. FOSTER. I am not.

The SPEAKER. Is the gentleman from Oklahoma opposed to the bill?

Mr. FERRIS. No.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. FITZGERALD. How did the gentleman from Kansas manage to catch the Speaker's eye so as to be recognized to suspend the rules?

Mr. MURDOCK. I occupied a seat close to the center aisle and agitated myself sufficient to catch his eye. It was merely a matter of agitation. [Laughter.]

Mr. MANN. I do not see why one red-headed man should ask that question of another red-headed man; both are conspicuous. [Laughter.]

Mr. FITZGERALD. This seems to be a live demonstration that the gentleman from Kansas, when he has a meritorious bill, can catch the Speaker's eye.

Mr. MURDOCK. Yes; if I get in a proper place and agitate myself sufficiently. That is true.

Mr. GARNER. Will the gentleman yield?

Mr. MURDOCK. Yes.

Mr. GARNER. The bill provides that the United States will be at no expense in the way of entertaining delegates?

Mr. MURDOCK. None.

Mr. GARNER. Is it the intention of the gentleman to come back later and ask for an appropriation?

Mr. MURDOCK. It is not.

Mr. MANN. Will the gentleman yield for a question?

Mr. MURDOCK. Yes; I will yield.

Mr. MANN. I meant to speak about this before. The bill provides—

That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

Now, we have appropriated $20,000 for that Congress.

Mr. MURDOCK. That is for an exhibit by the Agricultural Department.

Mr. MANN. Does the gentleman think there will be no contradiction here?

Mr. MURDOCK. This is the first time that has been called to my attention. I do not think there will be any.

The SPEAKER. The question is on suspending the rules and passing House joint resolution 255 with the amendments which have been read.

Mr. MURDOCK. Including the amendment to the title, Mr. Speaker.

The SPEAKER. Oh, certainly.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the joint resolution passed.

BUILDING REGULATIONS OF THE DISTRICT OF COLUMBIA.

Mr. BUCHANAN of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8593) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures, as amended by the Committee on the District of Columbia.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill H. R. 8593 with the committee amendments, which will be read by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That any house, building, bridge, viaduct, or other structure being constructed or erected by any person, firm, or corporation in the District of Columbia shall be so erected and constructed as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon or passing under or by the same.

SEC. 2. That all scaffolds, hoists, cranes, stays, ladders, supports, or other mechanical contrivances erected or constructed by any person, firm, or corporation in the District of Columbia for use in the erection, repairing, alteration, removal, or painting of any house, building, bridge, viaduct, or other structure shall be erected and constructed in a safe, suitable, and proper manner, and shall be so erected and constructed, placed, and operated as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon or passing under or by the same.

SEC. 3. That scaffolding or staging, swung or suspended from an overhead support, more than 20 feet from the ground or floor, shall have, where practicable, a safety rail bolted, secured, and braced, rising at least 34 inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereof and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 4. That all swinging and stationary scaffolding, platforms, and other devices shall be so constructed as to bear four times the maximum weight required to be depended therein or placed thereon when in use, and such swinging scaffolding, platforms, or other device shall not be so overloaded or overcrowded as to render the same unsafe or dangerous.

SEC. 5. That any workman or mechanic whose duties require him to use a scaffold, hoist, crane, ladder, or other contrivance in connection with the construction, alteration, repairing, removing, cleaning, or painting of any building, bridge, viaduct, or other structure may notify the inspector of buildings, calling attention to any defect or weakness which, in the employee's opinion, renders the scaffold dangerous, and such communication shall be strictly confidential.

SEC. 6. That when it shall come to the notice of the inspector of buildings that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or ropes of any swinging or stationary scaffolding, platform, or other similar device used in the construction, alteration, repairing, removing, cleaning, or painting of buildings, bridges, or viaducts within the District of Columbia are unsafe or liable to prove dangerous to the life or limb of any person, the said inspector shall immediately cause an inspection to be made of such scaffolding, platform, or device, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or other parts connected therewith. If after examination such scaffolding, platform, or device, or any of such parts is found to be dangerous to the life or limb of any person, the inspector shall at once notify the person responsible for its erection or maintenance of such fact, and warn him against the use, maintenance, or operation thereof and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance or by conspicuously affixing it to the scaffolding, platform, or other such device or the part thereof declared to be unsafe. After such notice has been so served or affixed the person responsible therefor shall immediately alter or strengthen such scaffolding, platform, or other device in such manner as to render it safe or remove it. The building inspector or any of his deputies shall have free access at all reasonable hours to any building or structure or premises containing scaffolding, platforms, or other similar device or parts thereof or where they may be in use.

SEC. 7. That any owner, contractor, subcontractor, foreman, or other person having charge of the erection, construction, repairing, alteration, removal, or painting of any building, bridge, viaduct, or other structure within the provisions of this act shall comply with all the terms thereof, and any such owner, contractor, subcontractor, foreman, or other person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than $25 nor more than $500 or imprisoned for not less than three months nor more than two years, or both fined and imprisoned, in the discretion of the court.

SEC. 8. That it shall be the duty of the owner of every house, building, or structure (except a private house, used or to be used exclusively as a private residence) now under construction, or hereafter to be constructed, to affix and display conspicuously on each floor of such building during construction, a placard stating the load per square foot of floor surface which may with safety be applied to that particular floor during such construction, or if the strength of different parts of the floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on such placards. All such placards shall be verified and approved by the inspector of buildings.

SEC. 9. That in all buildings in the District of Columbia in the course of construction and in all buildings having elevators intended for freight lifts only, and not constructed, protected, and operated as required for passenger elevators, it shall be unlawful to use hoists and elevators for hoisting materials, etc., in any such building or buildings unless the well holes or openings for such elevators or hoists on each and every floor of the building shall be closed to a height of at least 6 feet, with no opening greater than 2½ inches; and semiautomatic gates or doors at least 5 feet, with no opening greater than 2½ inches. By semiautomatic gates or doors it is meant to provide gates or doors which will close automatically when the car leaves the landing. All such elevators shall have a notice conspicuously painted or securely attached thereon, so as to be read clearly at all times, which notice shall read as follows:

"No person is allowed to ride on this elevator," which such notice shall at all times be maintained on elevators of this class. Such other safety or equivalent appliances as the inspector of buildings may determine to be necessary for the protection of life and limb shall also be provided.

SEC. 10. That any hoisting machine or engine used in building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly and securely supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is three stories or more in height, no material needed for such construction shall be hoisted or lifted over a public street or alley unless 15 feet or more of such street or alley shall be barricaded from use by the public.

SEC. 11. That if elevating machines or hoisting apparatus operated or controlled by other than hand power are used in the construction, alteration, or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor, or subcontractor during the use and operation of such elevating machines or hoisting apparatus in order that prompt and effective communication may be had at all times between the operator or engine or motive power of such elevating machine and hoisting apparatus and the employees or persons engaged thereon or in using or operating the same.

SEC. 12. That where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are fireproof material or brickwork, the owner, contractor, or subcontractor shall complete the flooring or filling in as the building progresses to not less than within three tiers or beams below that on which the ironwork is being erected. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fireproof material, the owner, contractor, or subcontractor for work in course of construction shall lay the underflooring thereof or a safe temporary floor on each story as the building progresses to not less than within two stories or floors below the one to which such building has been erected. Where double floors are not to be used, the owner or contractor shall keep planked over the floor two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel, the contractor for the iron or steel work of a building in the course of construction, or the owner of such building, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except at such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials to be used in the construction of such buildings and such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

SEC. 13. That it shall be the duty of all architects, or draftsmen engaged in preparing plans, specifications, or drawings to be used in the erection, repairing, altering, or removing of any building or structure within the District of Columbia to provide in such plans, specifications, and drawings for all permanent structural features or requirements specified in the District of Columbia building regulations; and any failure to comply with these requirements shall subject the architect or draftsman to a fine of not less than $25 nor more than $200 for each offense.

SEC. 14. That for any injury to person or property occasioned by any violations of this act or failure to comply with any of its provisions, a right of action shall accrue to the party injured for any damages sustained thereby, and in case of loss of life by reason of such violation or failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs, or adopted children, or to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

The SPEAKER. Is a second demanded?

Mr. MANN. No; I do not demand a second. We are willing to vote.

SEVERAL MEMBERS. Vote! Vote!

The SPEAKER. The question is on suspending the rules and passing the bill H. R. 8593 as amended and read by the Clerk.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. TAYLOR of Arkansas) there were—ayes 28, noes 41.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman withhold that long enough to allow the Chair to lay before the House a report from the Committee on Enrolled Bills?

Mr. JOHNSON of Kentucky. I withhold it for that purpose.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following title, when the Speaker signed the same:

H. R. 14034. An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; and

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

ADJOURNMENT.

The SPEAKER. On the vote to adjourn, the ayes are 28 and the noes are 41.

Mr. MANN. I ask for tellers.

The SPEAKER. The gentleman from Kentucky has suggested that there is no quorum present.

Mr. BRYAN. If the gentleman will withhold that point while the vote is taken by tellers——

Mr. UNDERWOOD. Mr. Speaker, I want to say——

Mr. JOHNSON of Kentucky. Mr. Speaker, this is not debatable.

Mr. UNDERWOOD. Then, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until Tuesday, June 30, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of Labor, submitting an estimate of appropriation to pay Jesse W. Uppercu for information that led to the collection of $50,000 in penalties from the Dwight Manufacturing Co., of Chicopee, Mass., and Alabama City, Ala., for importing aliens under contract in violation of the immigration laws (H. Doc. 1102); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for payment to William H. Garland, assistant United States attorney at Boston, $47.62 for extraordinary expenses incurred in connection with an investigation at Paris, France, of violations of the customs laws (H. Doc. 1103); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15803) to amend an act entitled "An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910, reported the same without amendment, accompanied by a report (No. 909), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. THACHER, from the Committee on the Library, to which was referred the concurrent resolution (S. Con. Res. 22) authorizing the appointment of a committee of Congress to attend the unveiling of a monument to President John Tyler at Richmond, Va., reported the same without amendment, accompanied by a report (No. 910), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TREADWAY: A bill (H. R. 17559) to reimburse the State of Massachusetts for expenses incurred in the maintenance and support of a marine school, and for other purposes; to the Committee on Naval Affairs.

By Mr. STEPHENS of California: A bill (H. R. 17560) to provide for the establishment of a life-saving station at Venice, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. PAGE of North Carolina: A bill (H. R. 17561) to impose a special license tax upon automobiles and motor vehicles in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOEKE: A bill (H. R. 17562) to provide for the purchase of a site for a public building at Wapakoneta, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. CARLIN: Joint resolution (H. J. Res. 289) granting permission to the Army and Navy athletic associations to use the polo field in Potomac Park; to the Committee on Military Affairs.

By Mr. ROUSE: Resolution (H. Res. 557) to print 20,000 copies of the opinion of the Supreme Court of the United States in the case of Patrick Collins, plaintiff in error, against the Commonwealth of Kentucky, delivered June 22, 1914; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 17563) granting a pension to Margaret L. Miller; to the Committee on Invalid Pensions.

By Mr. BORCHERS: A bill (H. R. 17564) granting an increase of pension to Charles W. Childers; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17565) granting a pension to Jerry Wildman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17566) for the relief of heirs or estate of John Weitenger, deceased; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 17567) granting an increase of pension to Anna R. Brown; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 17568) for the relief of Will R. Tremewan; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 17569) granting a pension to John J. Harrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17570) granting a pension to Gustav J. Tichy; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 17571) granting an increase of pension to Peter P. Swensen; to the Committee on Pensions.

By Mr. VOLLMER: A bill (H. R. 17572) granting a pension to Mary Guldenzoph; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 17573) for the relief of J. W. Cobb; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition signed by Dr. O. A. Muhm and others, of New Melle, Mo., protesting against the adoption of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request): Resolution signed by the pastor of the Brotherhood Calvary Presbyterian Church, of South Pasadena, Cal., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petition of Rev. O. S. Russell and citizens of Hamlin, Pa., favoring national prohibition; to the Committee on Rules.

Also, petitions of Mrs. E. H. Oliver, Mrs. C. S. Little, and others, of Tunkhannock; Rosa E. Hagerman and others, of Wyalusing; and Louise M. Pratt, Amelia W. Hutchins, and others, of Towanda, Pa., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of 140 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of J. C. Abele, Johnstown, Pa., against national prohibition; to the Committee on Rules

Also, petitions of Mrs. R. C. Esterline, Mrs. S. C. Curray, and others, of Altoona; Ida H. Ensley, Margaret W. Krebs, and others, of Cambria County; and J. A. Wright, L. A. Flight, and others, of Bedford, all in the State of Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BARTON: Petition of Mrs. Ella Lee and Mame Smith of McCook; Cressa Morris and Mrs. May Danieken, of Upland; Ellen D. Horn, May H. Williams, and 200 others, of Kenesaw, all in the State of Nebraska, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of Mary Ella Robinson, Mrs. J. S. Nal, and others, of St. Joseph, Mo. favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BORCHERS: Petitions of Mrs. M. E. Selby, Mrs. C. O. Porter, and others, of Lovington, and Ella R. Chadwick, Blanch Caraway, and others, of Tuscola, all in the State of Illinois, favoring Federal legislation for national prohibition; to the Committee on Rules.

By Mr. BRODBECK: Petition of Anna D. Gamble, Lois J. Bell, and others of York, Pa., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of Haffens Realty Co., New York; E. G. S. Miller, Buffalo; W. Becker jr., New York; the North American Skat League; and J. A. Kelly, New York, all in the State of New York, against national prohibition; to the Committee on Rules.

Also, petition of Building Trades Department, American Federation of Labor, favoring Buchanan bill for protection of workmen engaged in building erection in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 4 citizens of Saugerties, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of H. L. Bowlby, general secretary Lord's Day Alliance of the United States, favoring Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of P. J. Schaaf, New York, favoring Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Henry G. Weide, J. Prunz, Peter G. Klein, and G. W. Willing, of Milwaukee, Wis., vigorously protesting against the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

Also, petition of H. Schraufnagel, Joe Martzneki, H. A. Hempe, J. J. Kamedulski, Mike Heim, H. E. Golz, Walter Leinke, James Thausan, John Nehrlass, Frank Drozt, and Charles E. Krallmann, all of Milwaukee, Wis., vigorously protesting the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

Also, petition of Thomas P. Woods, C. C. Glass, Ferdnand Rakep, John Qerskan, and Sam Tepper, all of Milwaukee, Wis., protesting most vigorously against the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

By Mr. CASEY: Petition of Katherine B. Lance, Margaret R. Elliott, and others, of Luzerne County, Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. CLARK of Missouri: Petitions of Martha Anna Tinsley, D'Arline Holcomb, and others, of Bowling Green; Mrs. J. A. Guthrie, Mrs. C. A. Buckner, and others, of Mexico; and Mrs. Jos. Gooldy, and others, of Fulton, all in the State of Missouri, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. COOPER: Petition of J. C. Wagner, Racine, Wis., against national prohibition; to the Committee on Rules.

Also, petition of J. B. Dow and others, of Beloit, Wis., against certain matter in the 1913 report of the Commissioner of Education; to the Committee on Education.

By Mr. CURRY: Petition of various citizens of Vallejo, Cal., signed by W. R. Lain, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 7 citizens of the third California district, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 74 citizens of the third California district, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 61 citizens of the third California district, protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of citizens of New York, against national prohibition; to the Committee on Rules.

Also, petition of J. F. Callheath, secretary of the American Mining Congress, Washington, D. C., favoring H. R. 9770, relative to license tax on railroads in Alaska; to the Committee on the Territories.

By Mr. DILLON: Petitions of citizens of South Dakota, against national prohibition; to the Committee on Rules.

Also, petition of citizens of Canton, S. Dak., favoring national prohibition; to the Committee on Rules.

Also, petitions of Ida L. Waite, Eunice P. Warke, and others, of Miller, and S. M. Wright, M. D. Whisman, and others, of Huron, in the State of South Dakota, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. DONOVAN: Petitions of citizens of Georgetown and Branchville and Norwalk, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of Elizabeth A. Runk, Constance Taylor, and others, of Greenwich, Conn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the Brooklyn (N. Y.) Hospital Club, relative to H. R. 6282, to regulate the dispensing of narcotic drugs; to the Committee on Ways and Means.

Also, petition of the American Asiatic Association, favoring appropriation for the building of an American consulate at Shanghai, China; to the Committee on Appropriations.

By Mr. FRENCH: Petition from citizens of Coeur d'Alene, Idaho, in favor of memorial to John Ericsson, inventor of the *Monitor;* to the Committee on the Library.

By Mr. GOEKE: Petition of 36 citizens of Lockington, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of Dr. I. H. Mayer and others, of Willow Street, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petition of citizens of Bangor, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HART: Petition of Mrs. Douglas Donald and others, of Ridgefield Park, N. J., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HAY: Petition of K. S. Paul, Mrs. H. V. Strayer, and others, of Harrisonburg, Va., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of Mercer County (Pa.) Sabbath School Association, favoring national prohibition; to the Committee on Rules.

Also, petition of Elk County Pomona Grange, No. 52, St. Marys, Pa., favoring governmental ownership of Postal Service and telegraphs; to the Committee on the Post Office and Post Roads.

Also, petitions of Mary Lee, S. L. Brooke, W. C. Leffingwell, William M. McKann, and others, of Mercer County; Mrs. J. I. Foster, Mrs. B. E. Duffee, and others, of Franklin; L. S. Neeley, Mrs. J. C. Luscher, and others, of Rockland, all in the State of Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington State, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of citizens of Port Angeles and Elma, Wash., against national prohibition; to the Committee on Rules.

By Mr. KELLEY of Michigan: Petition of 23 citizens of Detroit, Mich., against national prohibition; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 17457, for the relief of Catharine A. Smith; to the Committee on Invalid Pensions.

Also evidence in support of House bill 17321, for the relief of Edwin R. Allen; to the Committee on Invalid Pensions.

Also, additional medical evidence in support of House bill 17372, for the relief of William H. Philipps; to the Committee on Pensions.

Also, petitions of sundry citizens of the fifteenth Pennsylvania district, favoring national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of citizens of Colorado, against national prohibition; to the Committee on Rules.

Also, petitions of citizens of Laird, Littleton, Denver, Yuma, Edgewater, Greeley, Hale, Longmont, Englewood, Boulder, Atwood, Highland Lake, Fort Collins, Sterling, Wray, Mancos, and Canon City, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

Also, petition of the Old Age Co., Lancaster, Pa., favoring old-age pensions (H. R. 4352); to the Committee on Pensions.

By Mr. J. R. KNOWLAND: Petition of Federation of Women's Clubs of California, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, letters and postals from residents of Los Angeles, Pacific Grove, Long Beach, San Diego, Whittier, Berkeley, Pasadena, Vallejo, Greenfield, Fillmore, and Colton, all in the State of California, favoring passage of prohibition constitutional amendment; to the Committee on Rules.

Also, protests from residents of Oakland and Rust, Cal., against passage of prohibition measure now pending in Congress; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of North American Skat League, against national prohibition; to the Committee on Rules.

By Mr. LEVY: Petitions of North American Skat League, Cortwright Co., F. Cohen & Co., Dryfoos, Blum & Co., L. Samuels & Co., all of New York, N. Y., against national prohibition; to the Committee on Rules.

By Mr. McCOY: Petition of Helen Ennis, H. Clara Hopkins, and others of Wayne County, N. J., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, against national prohibition; to the Committee on Rules.

By Mr. MANN: Petition of Abraham Lincoln Post, No. 91, Grand Army of the Republic, Chicago, Ill., favoring peace jubilee at Vicksburg; to the Committee on Military Affairs.

By Mr. MAPES: Petition of Jacob Oest and 41 others, of Grand Rapids, Mich., against national prohibition; to the Committee on Rules.

By Mr. MOON (by request): Petition of Margaret H. Ervin, jr., Catherine J. Webster, and others of Chattanooga, Tenn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Protests of Martin Regel and 8 others, of Moundsville; H. J. Hawkins and 9 others, of Fairmont; Bernard Dorman, of Wellsburg; and Fred Baker and 9 others, of Benwood, all in the State of West Virginia, against national prohibition; to the Committee on Rules.

Also, petition of Beulah B. Ritchie, Mrs. E. C. McBee, and others, of Fairmont, W. Va., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of Leo Nesline and 46 others, of Wheeling, W. Va., against national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petitions of merchants of Londonderry, South Londonderry, and St. Johnsbury, Vt., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of 98 citizens of St. Johnsbury, Vt., favoring national prohibition; to the Committee on Rules.

Also, petitions of Green Mountain Chapter, Daughters of the American Revolution, and 30 members of the Northfield Circle, Ladies of the Grand Army of the Republic, of Vermont, against changing flag; to the Committee on Military Affairs.

By Mr. RAKER: Protest to change of American flag, adopted at the forty-seventh annual encampment, Department of California and Nevada, Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. ROBERTS of Nevada: Petition of citizens of Reno and Goldfield, Nev., against national prohibition; to the Committee on Rules.

Also, petition of Department of California and Nevada, Grand Army of the Republic, against changing the United States flag; to the Committee on Military Affairs.

Also, petition of Mrs. Rudolph Zadon, Christye Fulton, and others, of Eureka; Minnie L. Bray, Adeline Norcross, and others, of Carson City; Mrs. E. P. Langan, Evelyn Cooper, and others, of Virginia City; Mrs. J. B. Fitzgerald, Mrs. E. C. Caine, and others, of Elko; Carrie Orr, Mrs. Ethel Orr, and others, of Pioche; Anne H. Martin, Alexandrine La Tourette, and others, of Reno; Mary B. Bray, Mrs. J. Wright, and others, of Sparks; Mrs. J. H. Parks, Mrs. A. L. Miller, Edna F. Hotchkiss, and others, of Goldfield; H. C. Taylor, Mrs. Fiske, and others, of Fallon; Dr. G. E. Leavitt, Mrs. G. F. West, and others of Lyon County, all in the State of Nevada, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SABATH: Petition of executive committee of the United Societies for Local Self-Government, of Chicago, Ill., against national prohibition; to the Committee on Rules.

By Mr. SIMS: Petition of Kate C. Robertson, Mary Butler, and others, of Jackson, Tenn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Petition of Mrs. Elizabeth Harlan, Mrs. Carrie E. C. Berston, and others, of Flint, Mich., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of Mrs. F. J. Shuler, Margaret L. Zimmerman, and others, of Buffalo, N. Y., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Joe Miller, Millard Barder, and other members of the Ramsey County Socialist Party, of St. Paul, Minn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of Theresa B. Payton, Bertha Sauer, and others, members of the State executive board, of St. Paul, Minn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of members of Young People's Society of Christian Endeavor of Dayton Avenue Presbyterian Church, St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petition of P. B. Williams, Mary N. Hopkins, and others, of Utica, N. Y., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. THACHER: Petition of the quarterly conference of the Methodist Episcopal Curch of Nantucket, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petitions of Mrs. E. F. Feichert and others, of Plainfield; Frances J. Tuttle, Frances J. Wilcox, and others, of the borough of Madison; D. Van Black, Catharine Schultz, and others, of Boonton; Selma M. C. Week, Alta M. Berry, and others, of Union; Esther G. Ogden, Clementina L. Olmsted, and others, of Elizabeth; Fannie E. Bates, Frances P. Miller, and others, of Crawford, all in the State of New Jersey, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of citizens of Roselle and Plainfield, both in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIAMS: Petitions of the Quincy (Ill.) Trades and Labor Assembly; Journeymen Plumbers' Protective Benevolent Association; International Molders' Conference Board; United Brotherhood of Carpenters and Joiners of America; District Council No. 6, United Garment Workers of America; Brickmakers' District Council, No. 1; Local 342, Keg Beer Wagon Drivers, Helpers, and Chauffeurs; Local Union No. 597, Steam Fitters' Protective Association; International Union of Steam and Operating Engineers, Division No. 24, of the Amalgamated Association of Street and Electric Railway Employees

of America, of Chicago, Ill.; and Local 220, International Molders' Union of North America, favoring seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Christian Endeavor Union of Pike County, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of Kankakee (Ill.) Commercial Association, against labor provision in antitrust law; to the Committee on the Judiciary.

Also, petition of United States Customs Inspectors' Association, of Chicago Ill., favoring House bill 15764, fixing compensation of inspectors of customs; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Mrs. Mary B. Yoder and other citizens of Bellefontaine, Ohio, in favor of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WILSON of New York: Petition of 70 citizens of the third congressional district of New York, against national prohibition; to the Committee on Rules.

Also, petition of the North American Skat League, against national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of 100 citizens of Mena, Ark., favoring national prohibition; to the Committee on Rules.

Also, petition of merchants of Ashdown, De Queen, Lockesburg, Fort Smith, and Nashville, Ark., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. WINSLOW: Petition of citizens of Worcester County, Mass., favoring national prohibition; to the Committee on Rules.

Also, petition of Myrtle Smith, Camilla G. Whitcomb, and others, of Worcester, Mass., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

SENATE.

TUESDAY, *June 30, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek the inspiration that comes from Thee alone that we may have courage for life's great struggles. We would be unafraid amidst the conflicts of interests and purposes and passions of life. We would not only conquer the adverse and accidental conditions of life, but we would have supremacy over the heartless forces of nature. Thou hast called us to be kings and priests unto Thyself. Thou hast made us to have dominion over the works of Thy hand. But Thy power alone is sufficient for these things, and we seek Thy power and Thy grace that wisely and well we may administer the trusts committed to our hands. Hear us in our prayer, guide us by Thy spirit this day, we ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PUBLIC-BUILDING SERVICE (S. DOC. NO. 527).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriation relative to the public-building service for the fiscal year ending June 30, 1915.

Mr. BRANDEGEE. May I inquire what the communication in relation to public buildings is?

The VICE PRESIDENT. The Chair would be glad to notify the Senator from Connecticut, but it consists of about 25 pages.

Mr. BRANDEGEE. I merely wanted to know if it is a report from the commission.

The VICE PRESIDENT. No; it is an estimate of appropriation relative to the public-building service for the fiscal year ending June 30, 1915.

Mr. BRANDEGEE. It is the estimate of the department?

The VICE PRESIDENT. Yes. The communication will be referred to the Committee on Appropriations and ordered printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 751) to repeal section 3480 of the Revised Statutes of the United States.

The message also announced that the House had passed the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4541. An act to consolidate the veterinary service, United States Army, and to increase its efficiency;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 16298. An act to incorporate the Mother's Day Association; and

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914.

The message also announced that the House had passed the concurrent resolution (No. 22) of the Senate providing for a committee to represent the Congress of the United States to attend the ceremonies incident to the unveiling of the monument in Hollywood Cemetery, at Richmond, Va., over the grave of President John Tyler.

The message further transmitted resolutions on the life and public services of Hon. GEORGE KONIG, late a Representative from the State of Maryland.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 13679. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915;

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Delaware, remonstrating against the passage of the so-called Clayton antitrust bill and alleging that certain provisions thereof are discriminatory in character, which was referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of sundry citizens of Lake Charles, La., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of Bridgeport, Georgetown, and Branchville, and of the congregations of the First Baptist Church of Bozrah and of the Trinity Episcopal Church, of Bridgeport, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 15, United Hatters of North America, of South Norwalk, Conn., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 157, International Union of the United Brewery Workmen, of Dallas, Tex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McCUMBER presented petitions of sundry citizens of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Minnesota District of the German Evangelical Synod of North America, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WORKS presented telegrams in the nature of petitions from sundry citizens of Gardena, Bakersfield, Los Angeles, and Whittier, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Gering, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Columbus, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Kansas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GALLINGER presented the petition of K. B. Fletcher, of Lancaster, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented the petition of Charles E. McLam, secretary of the Central Labor Union of Concord, N. H., praying for the enactment of legislation providing for the granting of compensation to Federal employees injured while in the employ of the Government, which was referred to the Committee on the Judiciary.

He also presented a petition of the New Hampshire State Federation of Labor, praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented memorials of sundry citizens of Elk Point, S. Dak., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented a memorial of sundry citizens of Wilmington, Del., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of George Otto, W. A. Schmitt, Charles H. Wallace, and 100 other citizens of Vanderburg, Dearborn, and Marion Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the French-American Society of Allen County, Ind., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of sundry citizens of Bangor, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of H. W. Longfellow Lodge, No. 82, Brotherhood of Railroad Trainmen, of Portland, Me., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. GOFF presented petitions of 53 citizens of Harrison County, 127 citizens of Pendleton County, 25 citizens of Ohio County, and 48 citizens of Bridgeport and Wallace, all in the State of West Virginia, praying for national prohibition, which were referred to the Committee on the Judiciary.

THE ANTITRUST LAW.

Mr. THOMAS. Mr. President, I have here an article published in the New York World of day before yesterday by Samuel Untermyer relating to section 7 of what is popularly known as the Clayton bill, being House bill 16567, now before the Senate Judiciary Committee. It is a very instructive and edifying comment upon one phase of section 7. I ask unanimous consent to have it inserted in the CONGRESSIONAL RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

UNTERMYER WOULD EXEMPT LABOR FROM THE ANTITRUST LAW.

[By Samuel Untermyer.]

Referring to Mr. Wickersham's interesting article in the editorial section of the World of Sunday, June 21, permit me to take issue with his construction of sections 7 and 18 of House bill No. 16657, known as the Clayton bill, now pending in the Senate. The charge is made that this is open to the constitutional objection of being class legislation. I take issue with that, and with each of the other contentions aimed against this legislation.

The subject is of so far-reaching importance that I feel that the public interest requires a full discussion of both sides of the question.

There is no such relation between competition in industry and in the labor of that industry as justifies the application of the same rules to assure the one as the other. Laws to regulate combinations of capital must necessarily differ from those that regulate combinations of labor. They require radically different treatment and do not belong to the same class of legislation. The law may be vicious as applied to capital, and essential to social and industrial progress as applied to labor. The perils that lurk in the one do not exist in the other. Granting that there are dangers in the suppression of competition in both, they are not the same dangers and should not be treated with the same remedies. The use that a man may be permitted to make of his faculties should not be subjected to the same rules and restrictions as those that should govern the use of his property.

If Congress may not lawfully enact laws for the latter purpose that shall not, and from the very nature of the case often can not, apply to the latter, it can never effectively legislate on any branch of human endeavor with special reference to the proper treatment of that particular subject. Its action would always be open to the charge that the failure to apply the same rule, however inapt and harmful, to varying economic conditions constitutes class legislation.

Such arguments proceed from a mistaken conception of the term. They are, I believe, now generally recognized as the last gasp of the special interests against progressive legislation that is intended to curtail their hitherto unrestrained license to exploit the community. The "constitutional" bugaboo is singularly out of place here. There is no serious question of constitutionality involved.

Mr. Wickersham claims that the sections in question have the effect of not only unduly exempting labor organizations from the operations of the antitrust law and of legalizing the so-called "secondary boycott," but that they also sanction acts of actual violence on the part of labor organizations.

MR. WICKERSHAM'S CONTENTION.

In order to grasp the full import of this extraordinary contention it is necessary to requote section 7, which reads as follows:

"That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof; nor shall such organizations, orders, or associations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

Commenting upon this provision, Mr. Wickersham says:

"It will be observed that the language employed in this bill not only provides that nothing in any of the antitrust laws shall be taken to forbid the existence and operation of labor organizations for mutual self-help, but that they shall not be construed to forbid or restrain such organizations or their members from carrying out, not 'the lawful objects thereof,' but 'the legitimate objects thereof.' The legitimate object of an organization is the natural or logical purpose for which it is formed. As the organization of laborers for the purpose of mutual help is made lawful, any logical or natural means which they may adopt for the purposes of helping themselves are by this act given legality.

"If the first clause of the section stood alone, the fact that labor organizations were declared lawful could not be construed to authorize them or their members to carry out the objects of their organization by unlawful means. But this consequence is expressly removed by the provision that the antitrust laws shall not be taken to forbid or restrain individual members of such organization from carrying out the legitimate objects thereof. In general the law punishes the carrying out of an unlawful purpose by any means, lawful or unlawful, and the carrying out of a lawful purpose by unlawful means. The natural meaning of the clause under consideration is to make lawful acts of members of these organizations done to carry out the purposes which this bill declares 'legitimate' even if the acts in themselves are unlawful."

ANOMALOUS STATUS OF LABOR.

The crux of Mr. Wickersham's very able and ingenious but, as it seems to me, wholly untenable construction of section 7 revolves around the definition of the word "legitimate." If he is wrong as to that, his entire contention falls to the ground.

No fair judgment upon the proposed legislation is possible without bearing prominently in mind the anomalous existing status of labor organizations under the decisions of our courts which the proposals that are criticized seek to correct. As the primary purpose of every labor union is by combined action between its members to better conditions of employment in the way of working hours, wages, and the like, the very existence of every such organization for these avowed purposes or any of them now constitutes in and of itself a violation of the antitrust law the moment the organization takes action looking to any of these ends.

The mere combination of employees in a given industry in the form of an organization to secure better wages, followed by any overt act such as the demand for a higher wage or the refusal to work unless the same is conceded, is in restraint of trade and in violation of existing law. It matters not that the demands of labor are reasonable or that the grievance is a just one. That is not a factor. The controlling circumstance that the free flow of competition in the trade in human labor has been restrained by this agreement among the workmen not to sell their labor except upon terms agreed upon between them stamps the combination as a conspiracy in restraint of trade. This is true without regard to the proportion of the available labor in that industry that is represented by membership in the organization, so long as it is sufficiently substantial to be said to constitute a restriction of the competition between the workmen.

In my judgment no such outcome was ever intended by the framers of the law, although the contrary has been vigorously and repeatedly asserted.

UNIONS THAT EXIST BY SUFFERANCE.

The fact that there have been few prosecutions where the action has been taken by peaceable means and for reasons that have met public approval has no hearing on the principle involved. The same is true of the many hundreds of unlawful combinations of capital in the forms of trusts, pools, "gentlemen's agreements," and the like that have gone unmolested because of the ineffective, haphazard, spasmodic, and unequal enforcement of the law.

The point is that, as a result of the decisions of courts, the labor unions are to-day existing in violation of law and by the mere sufferance of the Department of Justice. This is a situation which should not be tolerated. It is no longer a mooted question that organized labor properly directed performs a highly beneficent purpose in our economic system and is a dominating force in the conservation of human life and energy and of the future of the race. No one would contend to-day that it should be under the ban of the law, although it is not so many years since such contentions received serious attention. Every corporate enterprise is in a sense a combination of the capital of the shareholders in that particular industry, but it is not for that reason unlawful.

There is no reason why labor should not have the same right to combine to meet such combinations of capital, yet they have been denied that right by the construction placed upon the law which it is now sought to correct.

I insist that section 7 accomplishes this and nothing more. The use to which Mr. Wickersham puts the word "legitimate" seems to me exceedingly strained.

"LEGITIMATE" AND "LAWFUL" ENDS.

In order that a means or object shall be legitimate to a given end, it must be lawful as well as naturally or logically adapted to the purpose.

Admittedly men may organize under section 7 only for lawful purposes and only to carry out such purposes; yet it is argued that conduct that would otherwise be unlawful and criminal may be regarded as within the "legitimate" objects of a body organized solely for lawful purposes if this amendment is enacted.

It seems to me that the proposition presents a contradiction in terms. Only those objects could be regarded as "legitimate" that are within the scope of a body that is formed for purposes that are in themselves lawful. Carried to its logical conclusion, this construction of the proposed bill would render "legitimate" every crime in the calendar, from murder to sandbagging, in the course of a strike, on the theory that inasmuch "as the organization of laborers for the purpose of mutual help is made lawful, any logical or natural means" (quoting Mr. Wickersham) will be regarded as a legitimate object for carrying out the purpose. This I understand to be Mr. Wickersham's contention.

The answer to the criticism of section 18 is that it permits a labor organization to do as a unit or through its members only such acts as an individual may now lawfully do, or that a business corporation composed of an aggregation of individuals combined for profit may now do as against its rivals, and nothing more. I have never been able to understand why it should have been declared unlawful for an employee alone or in conjunction with others to bring pressure to bear on the employer by peacefully endeavoring to persuade the customers of the latter that the employer is treating his men unfairly or by withholding their patronage from the customer or inducing others to do so so long as he continues to deal with the employer with whom they are in controversy.

The individual has that right. Why should it be denied to them acting collectively?

THE DANBURY CASE NOT INVOLVED.

The section would not, in my judgment, operate to supersede the decision in the Danbury Hat case, for the reason that the acts accompanying that boycott included threats and terrorizing and were, therefore, in and of themselves unlawful. They could no more be said to be included within the term "peacefully persuading," which are the words used in the statute, than would be murder, arson, or rapine.

With all due respect to my distinguished brother Wickersham, there is nothing in this proposed legislation to justify the argument that it constitutes class legislation or legalizes violence, intimidation, or the breach of law and order in any controversy between capital and labor. The struggle of labor for a readjustment of the rewards of toil between capital and labor is sufficiently unequal without burdening it with the artificial shackles that have been put upon it by requiring organized labor to exist only by sufferance and at all times subject to the risk of reprisals for acts that were not intended to be in themselves considered unlawful.

As a believer in the industrial system of capitalism as against the impracticable program of socialism, it is hoped that these amendments will be enacted so as to render the peaceful struggle a little less unequal. Therein lies our hope of averting socialism.

Mr. MARTINE of New Jersey. Mr. President, some days since, while the subject of an appropriation to establish a smokeless-powder plant at Indianhead was under discussion in the Senate, I made some comments thereon and read from Harper's Weekly an article written by Charles Johnson Post declaring that there is a Powder Trust. I cited from Harper's Weekly a statement that an understanding or agreement exists, to the detriment of the Government of the United States, with Germany, whereby Germany is apprised each day as to the quantity of smokeless powder that is manufactured by our plants and the orders each day are put in possession of the German Government.

I have received a letter from a gentleman, who is Mr. E. G. Buckner, vice president of the E. I. Du Pont de Nemours Powder Co., of Wilmington, Del. He felt that great injustice had been done him and his company, and since the quotation had been used from Harper's Weekly he felt it to be but justice to his concern that he be treated as fairly, and asked if a letter he would write would not be published in the RECORD as well. I responded to him and told him that if I stood for anything in the world it was for fairness and for fair play; that I believed the facts were true as I had stated them, but if he should write a letter I would ask that it might be printed in the RECORD, where the article I quoted had been printed.

I do not ask unanimous consent that it may be read, but I have read it over and find that it is couched in courteous language. I do not think it answers the position altogether, but I will ask that it may be published in the RECORD. It is from Mr. E. G. Buckner, vice president of the E. I. Du Pont de Nemours Powder Co.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

E. I. DU PONT DE NEMOURS POWDER CO.,
Wilmington, Del., June 27, 1914.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR SIR: I do not believe there is any individual or corporation doing business with the Government that can match the record I submit herewith in our dealings with the Government. Will you do me the favor, and our company the justice, of reading this letter and filing it for future reference? It is a plain statement of fact supported by quotations from official records, in refutation of unfair, false, and libelous charges which have been oft-repeated and have gone unanswered, greatly to the injury of the Du Pont Co.

Harper's Weekly recently printed two articles, written by Charles Johnson Post, under the titles of "The Powder Trust" and "The Powder Plot," which grossly misrepresented the Du Pont Powder Co., and did it great injustice, and which we feel justifies this letter. Extracts from these articles were read in the Senate during the debate on the naval appropriation bill, and while Harper's Weekly has published an article showing how utterly unwarranted the original allegations were, I have thought it advisable to go into their refutation more in detail.

Taken in connection with the sensational cover page on the issue that contained the first article and the special advertising slips sent out for display at news stands, one would be justified in the conclusion that malice on the part of some one was back of these articles.

As a matter of fact, there is no statement, inference, or conclusion reflecting on the Du Pont Powder Co. in either article that is not wholly fallacious, and it is my purpose to recite such facts and give such quotations from official records as will establish the truth of this statement.

It was intended that the readers of Harper's Weekly should be convinced that the Du Pont Powder Co., in entering into a contract with certain powder manufacturers abroad, not only violated a Federal statute and were thereby guilty of a felony, but that "in selling abroad the identical powder used by our own Government" they committed treason. In the second article Harper's Weekly, through its contributor, specifically charges that the Du Ponts were "the monopoly paid spies of a foreign country," that they "are guilty of a criminal offense, under section 5335 of the Revised Statutes of the United States," and refers the matter to the Attorney General with the inquiry "What will the Attorney General do"?

I unhesitatingly say that if the statements and conclusions as set forth in Harper's Weekly are true, and the duty of the Attorney General is plain and he should proceed against the Du Pont Co. in accordance with Harper's Weekly's suggestion. On the other hand, if these two articles are made up largely of quotations deftly extracted from the public records, statements at variance with fact, and violent and astounding conclusions in no manner justified, but prepared and printed with malicious intent, then the duty of the Attorney General is equally plain and those responsible for the printing and circulation of these articles should be called upon to answer.

THE GERMAN CONTRACT.

(1) It is alleged that "in 1889 the powder-making Du Pont family entered into a contract with German manufacturers which was to give to the United States a monopoly, as far as German powder competition was concerned; that this contract provided for a mutual exchange of improvements, if any were made, in the processes used in the manufacture of such powder"; and, further, "the Du Ponts agreed to keep their German friends informed at all times of all powder furnished to the United States Government under this contract, stating in detail its quality and characteristics."

Now, as to the facts: Official records show that in 1889 officers of the American Navy in charge of the Ordnance Bureau in Washington had the impression that the brown prismatic powder manufactured and used in France and Germany was superior to the same type of powder manufactured by the Du Ponts and used by the Navy of the United States. These officers demanded that the Du Ponts attempt to secure the processes used by foreign manufacturers in the fabrication of this powder. Accordingly, Alfred I. Du Pont went abroad bearing a letter from James G. Blaine, Secretary of State, to our then minister to France, as follows:

DEPARTMENT OF STATE,
Washington, March 20, 1889.

Hon. HOBERT M. MCLANE,
United States Minister at Paris.

SIR: I hereby introduce to you Mr. Alfred I. Du Pont, of the firm of E. I. Du Pont de Nemours & Co., the well-known manufacturers of explosives in Wilmington, Del., who is about proceeding to France for the purpose of gaining information in regard to a new powder for heavy guns with which the French Government is now experimenting. As any information he may be able to obtain will be at the disposition of this Government, you are requested to assist Mr. Du Pont in every proper way in accomplishing the object of his visit. I have the honor to be, sir,

Your obedient servant, JAMES G. BLAINE.

(Hearings before subcommittee, fortifications appropriation bill, 3d sess. 62d Cong., p. 325.)

Being unable to secure what he desired in France, Mr. Du Pont went to Germany, and later contracted for the processes and formulas to make this powder. Upon his return the contract was submitted to and approved by the officers of our Government.

Why were the German manufacturers kept "informed at all times of all powder furnished to the United States Government under this contract"?

Simply because the contract made with the German manufacturers and sanctioned by the Government of the United States provided that the German manufacturers should be compensated by royalty on every pound of brown prismatic powder manufactured for the United States Government. It was agreed between the Government of the United States and the Du Pont Powder Co. that this royalty was to be added to the price charged by the Du Ponts for powder, and it was further agreed that when the royalty was paid in full the price of powder to the Government per pound should be reduced by this amount. Thus the Government might be said to have been a party to the contract. All this is a matter of official record, printed in Congressional Hearings, available to anyone who may desire to know the facts.

Will Harper's Weekly kindly advise its readers how it would have been possible under this contract made on the initiative and with the approval of the Government, for the German manufacturers not to have known the exact amount of powder made by the Du Pont Powder Co. and purchased by the Government of the United States?

This contract came to an end during the Spanish-American War, after the royalties paid amounted to $100,000. It in no manner related to smokeless powder, which was not being manufactured in the United States on a commercial basis at that time.

Wherein is there any "criminal offense" associated with this transaction? What is there in it to justify the astounding allegation that the Du Ponts were "the monopoly paid spies of a foreign Government"?

ALLEGED GOVERNMENT POWDER "SECRETS."

(2) It is charged by this same contributor to Harper's Weekly that the Du Pont Powder Co. "is selling powder to foreign governments" and that this powder is the "identical powder used by our own Government," and emphasis is placed on the alleged fact that Government powder specifications are "secrets." He even goes so far as to state what may be done to people who "without the permission or authority of the Government, directly or indirectly," do such things as sell powder to foriegn nations.

The utter nonsense of all this sort of talk will be apparent when the fact is known that the Du Pont Powder Co. has never sold a pound of smokeless powder to any foreign government without first consulting with Government officials in advance of any sale, and in each instance the powder sold has been tested at the Government proving ground.

As to the alleged "secrets" involved in our smokeless powder it can be truthfully stated that there are none, and if anyone wants information, full and complete, concerning the manufacture of smokeless powder he can secure the same by buying a book on "Military Explosives," published by Erasmus M. Weaver, major, Artillery Corps, United States Army, and recently on general-staff detail. In this book all the alleged "secrets" are published, even to the minutest detail, under the authorization of the Ordnance Department of the War Department.

Likewise, if anyone desires the information, he can secure all the alleged "secrets" wrapped up in the manufacture of the powder used by Great Britain if he will purchase a book on "Explosives," printed by authority of His Majesty's Government and available to anyone who may have the money with which to buy. Great Britain's type of powder is known as cordite. The Du Pont Powder Co. is now manufacturing a batch of this powder for a South American country.

Would Great Britain's manufacturers have sold this powder—her own powder—to a foreign nation? Certainly. These manufacturers had the assistance of English army and navy officers detailed to South America to aid in securing this identical contract. This has been the policy and practice of all European nations for years. Every European nation that manufactures powder sells it wherever it can, as it sells armor and battleships and big guns and rifles and cartridge belts and everything else for which there is a demand or a market.

Within the past year the United States Government has obtained smokeless powder for purposes of examination and tests direct from England, France, and Argentine. This powder has been made on the same specifications as the smokeless powder used by the armies and navies of these nations.

As I have said, there are no real "secrets" surrounding the manufacture of smokeless powder, nor have there ever been for any great length of time. Almost any chemist could take these publications referred to and make smokeless powder, but would it be a smokeless powder that the Government would accept, and if accepted could it be manufactured with sufficient economy to justify the chemist engaging in the business? Right here is where experience comes in, which has meant research and the expenditure of vast sums of money, resulting in processes and machinery and distribution of plant units and special adaptation of certain men to certain work, the importance of which is easily understood and appreciated by those who have been engaged in such business. Any graduate of a domestic-science school can secure the specifications by which good bread can be made, but how many trials must be had before this graduate makes good bread? It is the accumulated experience of decades that has given the Du Pont Co. primacy in the manufacture of explosives, that has given it processes and machinery and economic arrangements exceedingly advantageous. This it has worked out, and this it has given to the Government for use in its plants, while the company guards the same as well as it can from the rest of the world.

The evolution and development of the smokeless powder which the Government uses covers a period of about 20 years. It originated in France in 1883, when M. Vieille produced guncotton adapted to the manufacture of smokeless powder and immediately published the particulars to the world. After Vieille told us how to make guncotton inventors in Europe and the United States directed every effort toward devising some method by which this desirable and powerful explosive might be used in guns. Prof. Mendeleef, a Russian, solved the problem, and in a magazine article told how this guncotton might be colloided; that is, mixed into a plastic mass suitable to be pressed through a die. Lieut. Bernadou, of the United States Navy, who was at that time abroad, translated this article into English, and upon his return to the United States, in conjunction with Admiral Converse, of the Navy, took out patents in the United States on the processes described.

The Government, however, never bought nor manufactured successfully any powder on the Bernadou and Converse patents nor, indeed, on the patents of Charles E. Monroe, whose work along the line of development of explosives is mentioned in the articles in Harper's Weekly. Admiral Converse himself, in a printed Government report, has stated:

"No profits accrued to me during the time that I retained an interest in the patents. No product has been sold to the Government or machines used in the manufacture of such product since I disposed of my interest in the patents. To the best of my knowledge and belief, no powder manufactured under these patents has even been furnished to the Army." (Hearings before subcommittee, fortifications appropriation bill, 3d sess. 62d Cong., p. 228.)

Meanwhile, however, the powder manufacturers of the United States had been busy, and soon they were making smokeless powder on a commercial basis. Up to this time the Government had never been able to manufacture it on a commercial basis. After Mendeleef's invention of colloidion guncotton it was recognized that the then known methods of manufacture were extremely dangerous. Many lives were sacrificed in handling it.

Then it was that Francis G. Du Pont invented and patented a process and machine for the dehydration of guncotton—that is, working it from a wet state—which eliminated the hazard associated with the handling of guncotton. Admiral Strauss, present Chief of the Bureau of Ordnance, speaking of this invention at a recent congressional hearing, said:

"The Du Pont Co. invented and designed the present hydraulic press for dehydrating pyrocellulose. The Government is using this method with presses of the same design. Prior to that time, in France, dehydrating was accomplished by spraying with alcohol. The press invented by the Du Ponts made the manufacture of smokeless powder practically a safe industry." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 578.)

The problem of adapting this powder to guns of different calibers now appeared. Then it was the multiperforated grain was devised, and I leave the bestowal of the credit for this discovery and invention to the Secretary of the Navy, who, in his annual report to Congress, said:

"Since the publication of the report of the Bureau of Ordnance a private firm, the Du Ponts, have developed methods of modifying the characteristics of the naval smokeless powder, having reference to a form of granulation which shall be capable of ready ignition and also to the ability to control the rate of burning. It is believed that these modifications solved the problem for all calibers, including small arms, for both propelling and bursting charges." (Hearings before subcommittee, fortifications appropriation bill, 3d sess. 62d Cong., p. 226.)

In tracing the development of smokeless powder the contributor to Harper's Weekly observed that during the early days the private manufacturer "had not been showing up very well." The above quotations from official records indicate that the Du Pont Co. has certainly been doing its part, for until this time but four great steps have been taken:

First. Vieille had produced guncotton in France.

Second. Mendeleef had told us how to colloid it.

Third. Francis G. Du Pont had told us how to eliminate danger in manufacture of guncotton and greatly reduce the cost.

Fourth. Hudson Maxim, an employee of the Du Pont Co., had invented the multiperforated grain, a form of grain that gave us absolute control over every feature of the firing.

It will be seen that of the four great steps in the development of this smokeless powder two of them stand to the credit of the Du Pont Co. Other problems presented and the Du Pont Co. solved them as they came, with the following valuable inventions:

Solvent recovery. This not greatly aided in drying the powder, but resulted in a marked economy in its manufacture, recovering the alcohol and using it again and again. Admiral Strauss, present Chief of the Bureau of Ordnance, Navy Department, in speaking of this invention before a congressional committee recently, said:

"When the manufacture of smokeless powder was first started for the Government, the Government furnished the alcohol used. The Du Pont Co. did at its own expense develop a method for recovering a large percentage of this solvent. A description of this method was furnished the Government without cost, and the system was installed at Indianhead, beginning with the manufacture of powder at that place." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 478.)

Reworking powder. The next notable invention worked out by the Du Pont Co. was a process for reworking smokeless powder. At that time the present stabilizer was unknown and the powder deteriorated with age, imposing a great loss on the Government. This reworking process was developed in the laboratories of the Du Pont Co. and presented without cost to the Government for use in its plants. Admiral Strauss, present Chief of Bureau of Ordnance, in speaking of this invention before a congressional committee recently, said:

"The method of reworking powder now in use at Indianhead was designed by the Du Pont Co." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 478.)

It might be stated in this connection that the Chiefs of Ordnance, in their annual reports to Congress, stated that the savings by reason of this process have amounted to over $1,000,000.

Stabilizer. Impressed with the necessity of introducing something into the powder to protect it against deterioration the Du Pont Co. brought to the attention of the Government a stabilizer which corrected this defect and extended the life of the smokeless powder used by the Government to approximately 20 years. Previously the life of this smokeless powder was from 6 to 10 years. Admiral Strauss, present Chief of the Bureau of Ordnance, in speaking of this improvement before a congressional committee recently, said:

"The statements in regard to the Du Pont Co.'s bringing to the attention of the Government the results that could be accomplished by using diphenylamine as a stabilizer are correct; the stabilization of the powder has probably doubled its life and resulted in a very great saving to the Government." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 478.)

Mechanical nitrators. The last great improvement in the process of powder manufacture is a nitrating apparatus, designed by the Du Pont Co., which not only improves the product, but greatly reduces the cost of production. This machine is now being installed at the Government plant at Indianhead. Admiral Strauss, present Chief of the Bureau of Ordnance, in speaking of this invention before a congressional committee recently, said:

"The statements in regard to the new mechanical nitrators are correct. The Du Pont Powder Co. has recently given the Government the plans, the specifications, and the right to use this process for a nominal consideration, and the system is now being installed at Indianhead, where it will result in a material economy." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 478.)

Before leaving this phase of the subject I would say that the present small-arms powder used by the Government and the machine with which it is made was wholly the result of efforts made by the Du Pont Co., and one of its most notable achievements. Over 100 samples of this powder were made and tested before the present satisfactory

product was found. By reason of its nonerosive and other qualities, this powder extended the life of the Government stock of 600,000 rifles 10 times. That is to say, before this powder was invented the Government rifle was good for 1,500 rounds. It is now good for 15,000 rounds. Permission to manufacture this powder at its plants was given the Government without a cent's compensation. Gen. Crozier, Chief of Ordnance, United States Army, gives the Du Pont Co. the entire credit for developing this powder. He recently testified:

"Something over six years ago we changed the bullet of the small arm and at the same time greatly increased its velocity, using an increased charge of powder. Under these circumstances the barrels wore out rapidly, one barrel not being good for more than 1,000 or 1,500 rounds. I thought it necessary to make some efforts to see if we could not increase the life by changing powder. I bought some small-arms powder abroad, with which an increased life was secured, and I asked the Du Pont Co. to see if it could not produce a powder which would give an equal life to the barrels to that which was given with the foreign powder. They did so, and as a result the powder which we are now using gives a life to the barrel of over 10,000 rounds or nearly 15,000 rounds." (Testimony in suit of the United States *v.* Du Pont Powder Co., defendant's additional proofs, pp. 77–78.)

On his estimate, by reason of the extension of the life of the rifle, this invention added a money value of the small arms of the Government of over $15,000,000. It is useless to say that this exceeds the aggregate profits the Du Pont Powder Co. has received from the Government in all its dealings with it. After the Du Ponts have invented and presented this powder and the processes and machinery by which it is made to the Government, Congress now comes forward and places such a limitation on the appropriation bill as prohibits the War Department purchasing this powder from the Du Ponts.

Nor should the treatment accorded the Government by the Du Ponts when Congress made an appropriation to build a smokeless-powder plant for the Army be overlooked. In that instance the Du Pont Co., on the request of Gen. Crozier, invited the Government officials to their engineering department and gave them the use of every drawing it had. The company even sent its engineers out to assist in laying out the Government plant. It is impossible to place an estimate on the value of this service, the Du Pont Co. having spent hundreds of thousands of dollars in developing plans and economies that were thus freely given to the United States Government. When questioned as to the advantage of these plans, etc., to the Government, Gen. Crozier, Chief of Ordnance, at a hearing recently held, stated:

"It enabled us to rebuild our factory and to commence the manufacture of powder economically and efficiently without going through any processes of experimentation and without setbacks." (Testimony in suit of the United States against Du Pont Powder Co., defendant's additional proofs, pp. 76–77.)

Now, admit for the sake of argument that there have been or are now "secrets" associated with the manufacture of the smokeless powder used by the United States Government. If so, whose "secrets" were they or are they? Admiral Twining, former Chief of the Bureau of Ordnance, at a hearing recently held, said:

"I would be glad to add to my previous statement that, so far as my personal knowledge goes and so far as I have been informed by my predecessors in office and my associates now, the Du Pont Co. has not only been always willing to assist the Army and the Navy in its work in the manufacture of powder, but has on many occasions suggested improvements and has placed them at the disposal of the Government for use in their own factories. I can not say anything more definite than that, because the things have not come to my personal attention; but my impression is that they have been entitled to just as much credit for the development of smokeless powder as the Government, and possibly more." (Hearings before subcommittee on fortifications appropriation bill, 62d Cong., 3d sess., p. 310.)

The Du Pont Co. is not using in any one of its three plants a single process or machine invented or devised by any officer connected with either the Army or Navy of the United States, and if there are any "secrets," or if there have been any "secrets," they were Du Pont "secrets" and not Government "secrets."

These steps in the development of powder cover every notable invention designed for the manufacture of powder. Criticism might be made in that no credit has been given to the Army and Navy in connection with this work. They are entitled to full credit for the part they performed. But from the very nature of things they were the testers and buyers of powder, not the makers of powder. The Du Pont Co. did not have an extensive proving ground or proper equipment for testing for ballistic results, involving pressures, velocity, wear on gun, etc. This work was performed by officers of the Army and Navy and was invaluable in the work of development. The Government never details one of these officers to shore duty long enough to enable him to become an expert powder maker. This does not mean that experience on shore and on shipboard does not equip the average ordnance officer with that knowledge calculated to make him a good judge and a good critic of powder.

SENATOR HENRY ALGERNON DU PONT.

(3) It would be made to appear that Senator HENRY ALGERNON DU PONT, who since 1906 has been identified with the Committee on Military Affairs and the Committee on Expenditures in the War Department of the Senate, has been looking after the interests of the Du Pont Powder Co., and the inference is given that because of this the Du Pont Co. had no need of a lobby in Washington.

Strange as it may seem, Senator DU PONT has never in any way, since being elected to the Senate, done anything that could be considered as serviceable to the Du Pont Powder Co. His election to the Senate was a positive detriment to the company. I am the authorized representative of the Du Pont Powder Co. in all its dealings in military powders in this and foreign countries and never but once—and that was early in Senator DU PONT'S service in Washington—have I asked a favor of him. This was in connection with a minor matter and was in no manner connected with appropriation for or sale of powder. Senator DU PONT is in no wise interested in the Du Pont Powder Co. as an officer, a director, a stockholder, or an employee, nor has he been since elected to the United States Senate.

It might be stated in this connection that during the eight years he has been in the United States Senate the price of smokeless powder for large guns has been reduced six times, from 70 cents to 53 cents per pound, and small arms powder from 84½ cents to 65 cents per pound, and such limitations have been placed upon the appropriation bills going out of Senator DU PONT'S committees as to render it all but impossible for the Army to purchase any powder from the du Ponts.

Now, I have shown—

(1) That the contract for brown prismatic powder was made at the instance and with the approval of the Government.

(2) That the specifications on which the smokeless powder is manufactured by and for the Government are published to the world and revised to date by Government officers, and if there are any "secrets" they are Du Pont "secrets" in the shape of economic processes and labor-saving machinery suggested by experience through more than a century in the manufacture of all kinds of explosives.

(3) That while HENRY ALGERNON DU PONT has been Senator not only has the price of powder greatly decreased but the Du Pont Co. has been cut off from participating in the manufacture of any powder the purchase of which is provided for by the committee with which Senator DU PONT is associated.

Having established these three facts I submit that I am justified in contending that the charges carried in the two articles in Harper's Weekly under the title of "The Powder Trust" and "The powder plot" were without warrant or excuse and grossly and outrageously unjust and unfair to the Du Pont Powder Co., and this letter is fully justified.

Yours, very truly,

E. G. BUCKNER,
Vice President.

IS THERE A POWDER PLOT?

(By E. G. Buckner, vice president Du Pont Powder Co.)

Harper's Weekly recently printed two articles, under the titles "The Powder Trust" and "The powder plot," which grossly misrepresented the Du Pont Powder Co. and did it great injustice.

As a matter of fact there is no statement, inference, or conclusion reflecting on the Du Pont Powder Co. in either article that is not wholly fallacious.

(1) It was intended that the readers of Harper's Weekly should be convinced that the Du Pont Powder Co., in entering into a certain contract with German manufacturers 25 years ago violated the Federal statute and were guilty of a felony.

What are the facts? In 1889 Admiral Folger, Chief of the Bureau of Ordnance, Navy Department, convinced that the brown prismatic powder manufactured abroad was superior to that used in our Navy, ordered the Du Pont Powder Co. to secure these processes. Armed with letters from Mr. Blaine, then Secretary of State, to our ministers abroad explaining his mission, Alfred I. Du Pont went to Europe and contracted for the right to manufacture this powder, compensation to be made by the payment of a royalty per pound on the powder manufactured until the same aggregated $100,000. Thus our Government was not only familiar with the contract but a party to it, for it obligated itself to pay and did pay these royalties.

We did "keep the German manufacturer informed of the amount of powder manufactured for our Government." How would it have been otherwise when our Government was the only purchaser and we had to make an accounting for every pound of powder manufactured?

The records are public and I defy anyone to show from them anything justifying the astounding charge that the Du Ponts, in making or carrying out this contract, were the "monopoly paid spies of a foreign Government" and therefore guilty of treason.

This contract came to an end in 1898. It in no manner related to our present smokeless powder.

(2) It is charged that the Du Pont Co., in selling to foreign Governments the "identical powder used by our own Government," betrayed Government powder secrets and was thereby "guilty of a criminal offense."

The utter nonsence of this will be apparent when the fact is known that the Du Pont Powder Co. has never sold a pound of smokeless powder abroad without first consulting with Government officials, and in each instance the powder sold has been tested by Government officers at the Government proving ground.

There are no "powder secrets." The identical specifications on which the present Government powder is made are printed in a book published by Maj. Erasmus M. Weaver, of the Army, and on sale at bookstores. Likewise the specifications on which cordite, Great Britain's powder, is made are printed and sold by authority of His Majesty's Government. Almost any chemist could take the publications referred to and make smokeless powder, but I doubt if it would be made with economy.

Every European nation that manufactures powder sells the identical powder used by such Government wherever it can, as it sells armor, battleships, guns, and all other ordnance material. European nations even go so far as to detail their army and navy officers to go to other countries and assist their manufacturers in landing these contracts.

The development of the smokeless powder which we now manufacture for our Government covers a period of about 30 years. It originated in France in 1883, when M. Vieille produced guncotton adapted to the manufacture of smokeless powder. At once the world's inventors directed every effort toward devising some method by which this explosive could be utilized in guns. Mendeléef, a Russian, solved this problem, and in a magazine article told how this guncotton might be colloided; that is, mixed into a plastic mass suitable to be pressed through a die. Lieut. Bernadou, of the Navy, who was at that time abroad, returned home with this information, and in conjunction with Admiral Converse took out patents on these processes in the United States. No powder was ever manufactured, however, successfully under these patents, nor under the patent of Charles E. Monroe whose work is mentioned in Harper's Weekly. Admiral Converse himself, in printed Government reports, has testified that the Government never bought any powder manufactured under the Bernadou patents.

It was recognized that the then known methods of manufacture were hazardous. Then it was that Francis G. Du Pont invented and patented a process and machine for the dehydration of guncotton—that is, handling it in a wet state—that eliminated all danger, and as Admiral Strauss, of our Navy, says, "Made the manufacture of smokeless powder a safe industry."

The next problem was the adaptation of this powder to guns of different caliber. This problem was solved by Hudson Maxim, an employee of the Du Pont Co., who invented the multi-perforated grain; and the Du Pont Co was given credit for it by Mr. Tracey, Secretary of the Navy, in his annual report to Congress.

Harper's Weekly observes that during these early days private manufacturers "had not been showing up very well." Let us see:

First. Vieille had produced guncotton in France.

Second. Mendeléef, of Russia, had told us how to colloid it.

Third. Francis G. Du Pont had told us how to eliminate danger in the manufacture.

Fourth. Hudson Maxim, an employee of the Du Pont Co., had invented the multi-perforated grain that gave absolute control over the burning.

It will thus be seen that of the four great steps in the development of smokeless powder, two stand to the credit of the Du Pont Co. In

rapid succession there followed valuable inventions which not only resulted in improving the powder but in reducing the cost—methods and devices for recovering alcohol, reworking powder, stabilizing the powder and more than doubling its life, nitrating guncotton, etc., which were worked out in Du Pont laboratories and experimental plants and credit for which has time and again been given to the Du Pont Co. by Army and Navy officers.

The Du Pont Co. invented a small-arms powder and a machine for its manufacture, the admitted value of which to the Government was greater than our aggregate profits on all the business we have ever done with the Government. The Government is manufacturing this powder with this machine while Congress, by limitations on appropriation bills, prohibits the purchase of this powder from the Du Ponts.

It is the accumulated experience of decades that has given the Du Ponts primacy in the manufacture of explosives, enabling them to work out processes, machinery, and economies so essential to commercial success; and let it be known and remembered that every process and invention perfected by the Du Ponts has been turned over to the Government, practically without cost, for use in its two plants.

With the above recital in mind, every item of which can be verified by official records, if there are any smokeless-powder secrets whose are they?

I would not have anyone infer that I contend that Army and Navy officers have not aided in the development of our present smokeless powder, but I deny, nor will they contend, that the service rendered by them justifies the claim in Harper's Weekly as to Government secrets. They have tested and criticized and suggested. The Du Ponts, in their laboratories and experimental plants, spent money and brought results.

(3) It would be made to appear that Senator HENRY ALGERNON DU PONT, who since 1906 has been identified with the Committees on Military Affairs and Expenditures in the War Department of the Senate, has been looking after the interests of the Du Pont Co. in Washington. This is ridiculous. Senator DU PONT is neither an officer, a director, a stockholder, or an employee of the company, nor has he been since elected to the Senate, nor has he ever made any effort to assist it in Washington. During the eight years he has been in the United States Senate the price of smokeless powder for large guns has been reduced six times, from 70 cents to 53 cents per pound, and such limitations have been placed on the bills going out of his committees as to render it impossible for the Army now to purchase any powder from the Du Ponts.

Now, the foregoing statements, every one of which can be verified and substantiated by official records, establish the following facts:

(1) That the contract for brown prismatic powder was made at the instance and with the approval of the Government.

(2) That if there are any smokeless-powder secrets they are Du Pont secrets.

(3) That while Senator HENRY ALGERNON DU PONT has been Senator nothing advantageous to the Du Pont Co. has come from his committees.

These facts being established, I submit that I am justified in contending that the charges carried in the two articles in Harper's Weekly are without warrant or excuse and are grossly and outrageously unjust and unfair.

WIRELESS TELEGRAPHY RESEARCH (S. DOC. NO. 528).

Mr. BURTON. I ask unanimous consent to have printed as a public document a report by a British committee on wireless telegraphy research. It consists of some 17 typewritten pages.

The VICE PRESIDENT. Without objection, it may be done. The Chair hears none.

SERAPIO ROMERO.

Mr. LEE of Maryland, from the Committee on Claims, to which was referred the bill (H. R. 6014) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex., reported it without amendment.

AMERICAN SURETY CO., OF NEW YORK.

Mr. LEE of Maryland. Mr. President, I make a unanimous report from the Committee on Claims upon Senate bill 5978, in favor of the American Surety Co., of New York. This is a case where the committee recommends unanimously the repayment to this company of about $100,000 which it was compelled to pay by a judgment of one of the lower courts, and which has been reversed by the opinion of the Supreme Court of the United States. The company loses $18,000 of interest by reason of the time the money has been in the hands of the Government. For that reason I ask unanimous consent for the immediate consideration of the bill. I take it as the loss of interest already has been large to these people they are entitled to immediate action.

Mr. SMOOT rose.

Mr. JAMES. I will say to the Senator from Utah that it is a judgment which was rendered in the lower court against this company for $100,000, and they paid the money under protest and appealed to the Supreme Court. The Supreme Court reversed the case and directed that the money be refunded to the company. The Government has had the money of this company for three years. Of course, we do not allow them any interest, but we think the bill should be immediately passed and that the money they paid into the Treasury under this erroneous judgment should be returned to them as directed by the Supreme Court of the United States.

Mr. SMOOT. The bill is based upon a decision of the Supreme Court?

Mr. JAMES. Of the Supreme Court.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES. Can the Senator give me any idea as to when we are likely to take up the calendar for consideration?

Mr. JAMES. Pretty soon.

Mr. THOMAS. About the 3d of March, it appears to me.

Mr. JONES. If that is the case, then all these bills had better go to the calendar.

Mr. JAMES. I hope the Senator will not object to the consideration of this bill. It is to refund money the company paid into the Treasury by reason of a decision of the lower court, which has been reversed by the Supreme Court.

Mr. JONES. I can see the justice of the bill.

Mr. JAMES. They appealed to the Supreme Court of the United States, and that court decided that the money was wrongfully paid and therefore it should be returned to them.

Mr. JONES. I have no objection to the bill, but I know there are several bills on the calendar which involve very much smaller amounts, but which mean about as much to the individuals as this amount does to this company. I should like to see the Senate get to the calendar very soon.

Mr. JAMES. I assure the Senator that the calendar will be reached soon.

Mr. JONES. Will the Senator help us to get to the calendar?

Mr. JAMES. Yes.

Mr. JONES. All right.

The VICE PRESIDENT. The Senator from Maryland reports from the Committee on Claims, with amendments, a bill which will be read by title.

The SECRETARY. A bill (S. 5978) to refund to the American Surety Co., of New York, an amount, with interest, paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the committee were, on page 1, line 6, to strike out "$118,925" and to insert in lieu "$100,385.05," and in line 7 to strike out the words "with interest," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and instructed to pay to the American Surety Co., of New York, out of any money in the Treasury not otherwise appropriated, the sum of $100,385.05, the amount of a judgment which the United States recovered against the American Surety Co., and which judgment, on May 15, 1911, the American Surety Co. paid, under protest and to avoid the levy and execution under said judgment, and which was covered into the Treasury, which judgment was on June 8, 1914, reversed by the Supreme Court of the United States and a new trial awarded, and upon such new trial a judgment was rendered June 19, 1914, in favor of the American Surety Co. and the petition of the United States was dismissed.

The amendments were agreed to.

The bill was reported to the Senate as amended.

Mr. GOFF. The words "with interest" ought to be stricken out of the title.

The VICE PRESIDENT. That comes after the bill is passed.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to refund to the American Surety Co., of New York, an amount paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States."

HOMESTEAD ENTRIES ON FLATHEAD IRRIGATION PROJECT.

Mr. MYERS. From the Committee on Public Lands, I report back favorably without amendment the bill (S. 4441) to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana, and I submit a report (No. 632) thereon. I call the attention of my colleague to the report.

Mr. WALSH. Mr. President, I ask unanimous consent for the present consideration of the bill just reported.

Mr. SMOOT. Mr. President, I dislike to object to the consideration of the bill, but I will say to the Senator the only way we will ever get to the calendar is to have bills go to the calendar and have enough Senators interested in those bills so that they will take an interest in reaching the calendar at some time in the near future.

Mr. WALSH. I think if the nature of the bill were stated for the information of the Senator from Utah, he would not object.

Mr. SMOOT. I will say frankly to the Senator I have no objection to the provisions of the bill. The only question is as to whether we should at this stage allow every bill as it is reported to the Senate to be considered by unanimous consent with the calendar as full as it is.

The VICE PRESIDENT. There is objection.

Mr. SMOOT. If there is any real reason why the bill should be passed, and it is an emergency measure, I certainly will withdraw my objection to it.

Mr. WALSH. Of course, I should not ask for the immediate consideration of the bill if it were not an urgent matter. The Senator will recall that in 1910 an act was passed permitting settlers upon reclamation projects generally to make assignments of their claims after having completed the requirements, so far as residence is concerned. That act was not applicable to this reclamation project conducted within an Indian reservation. Under the other provisions of the law a great many settlers have gone upon the project and are really in rather desperate circumstances by reason of the inapplicability of the law.

Mr. SMOOT. That being the case, of course I shall not object to the consideration of the bill.

Mr. GALLINGER. Mr. President, this morning a poor old woman, the widow of a soldier, called at my committee room, handing me a notice from her landlady that she must vacate the room she is occupying, not having been able to pay her rent. Her name is included in one of the bills on the calendar. There is a great impropriety in passing bills by unanimous consent and permitting the calendar to be loaded down as it is at the present time with between two and three hundred bills. I analyzed the calendar yesterday, and I am going to direct attention later on to 25 or 30 bills that are more important than the river and harbor bill, in my judgment, and certainly more important than any bill such as is now asked to be passed by unanimous consent. However, I am not going to object to this bill; but I do think that we ought not to neglect the calendar any longer. It never has happened before that there was such an accumulation of bills, some of them very important, as there are on the calendar; and I do hope that Senators who are interested in other bills will not force their consideration to the entire exclusion of the calendar.

This is all I care to say.

Mr. KERN. Mr. President, I wish to inquire of the Senator from Utah and the Senator from New Hampshire whether they think there would be objection to having the calendar considered at some evening session this week or next week, or there might be two evening sessions while the weather is favorable.

Mr. BRISTOW. Mr. President——

Mr. KERN. I do not yield at this moment. In that way we could make considerable progress. I have felt some times that a pretty good way to bring up the calendar would be to set apart some evening for it, and then we would not interfere with other business.

Mr. BRISTOW. I wish to inquire of the Senator from Indiana if he thinks such a proposition is just to the Senate and to Senators spending, many of us, the sixth summer in Washington? There is no use to fool yourselves; you can not get through with the business that is mapped out here before September or October. Why, then, should we hold night sessions in the very heated period here when it is not necessary to do so?

Mr. KERN. Mr. President, in response to that I will say I have not observed that night sessions have worked any great hardship on Senators; in fact, I think the most enjoyable sessions we have had during the past few months have been those held at night. Certainly there have been more attractions furnished to the public at evening sessions that at any other time. I have not observed that Senators have been any the worse for spending a couple of hours here in this Chamber in the evening If from my observation I was led to conclude that it was a hardship on anybody I would not insist upon it; but I have not so observed.

Mr. BRISTOW. It may not be a hardship on Senators who do not work of evenings, but it imposes a hardship upon Senators who do work of evenings and who attend for long hours the sessions of the Senate during the day.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH. I yield to the Senator.

Mr. BRISTOW. I thought when I was on the floor that I was speaking through the courtesy of the Senator from Montana. I did not know that he had declined to yield further.

I do not intend to object to the Senator's bill, but I suppose that it is something that ought to be attended to, but I wanted to supplement what the Senator from New Hampshire [Mr. GALLINGER] had said. I desire to say to the Senator from Indiana [Mr. KERN] that my objection to night sessions is not a frivolous objection. I think I can stand as much work as can the average Senator, but I think in discharging our duties here we ought to have some consideration for our physical capacity.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. Mr. President, I have a number of bills on the calendar in which I am directly interested as representing those who are interested in the bills, and I am as anxious as any Senator can be to secure action upon them, particularly as I assume that there will be no objection to their consideration. I have observed that there have been a number of bills which have been called up and passed by unanimous consent. I have not asked for such a proceeding up to this time upon any of the measures to which I refer, but inasmuch as that is becoming the custom, I expect, unless we can get a call for the calendar very soon, to see what I can do by following such example.

I am quite aware of the inconvenience which a night session entails and particularly upon Senators who, like the Senator from Kansas [Mr. BRISTOW], are very industrious men. I am also aware of the fact that the so-called program is one which will, unless we can make greater haste than we have been doing recently, consume not only the time between now and September, but the time between now and December. The calendar, being of very large dimensions, should during that time and at intervals, if possible, be taken up.

I am perfectly willing, speaking for myself and without intending to discommode anyone, to come here at 9 o'clock in the morning and stay here until 9 o'clock every evening, if necessary, if a part of the time can be devoted to bills on the calendar. We certainly ought to get that behind us. I do not believe that there has been any calendar work done, to speak of, for the last three or four weeks perhaps. During that time the amount of business upon it has been swelling constantly, and unless we can obtain by unanimous consent, or in some other way, the privilege of calling up and disposing of some of the bills upon the calendar very soon, I propose to make a motion for more extended sessions, and submit it for the consideration of the Senate.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from North Carolina?

Mr. WALSH. Yes.

Mr. SIMMONS. Mr. President, I do not intend to object to the consideration of the bill offered by the Senator from Montana unless it leads to debate. If it leads to debate, then I reserve the right to object.

Mr. WALSH. I will say, Mr. President, that if I had thought for a moment that it would lead to debate, I should not have asked unanimous consent for its consideration.

Mr. SIMMONS. I reserve the right to object if the bill does lead to debate.

Mr. CUMMINS. Mr. President, there is a mistake in the notice I gave a few days ago as printed on the calendar. As it appears on the calendar it is that I gave notice that to-day, immediately following routine morning business and the taking up of the unfinished business, I would address the Senate on the trade commission bill. I want to correct that by saying that I did not expect to begin my remarks until the bill was taken up for consideration at 2 o'clock.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH. I do.

Mr. JONES. I simply desire to say to the Senator from Montana that I am not going to object to the present consideration of his bill, but I hope that there will be no more requests for unanimous consent until we start with the calendar.

Mr. SMOOT. In that connection, Mr. President, I want to give notice now, so that there will be no feeling about it hereafter, that from now on I shall object to every request for unanimous consent for the consideration of any bill until the calendar is regularly considered.

Mr. WALSH. Mr. President, I exercise the privilege of saying that I shall be glad to join with the Senator in securing speedy consideration of the calendar, in the consideration of which I am very deeply interested.

Mr. KENYON. I want to ask the Senator from Utah if he would not on future days do just the same as he has done to-day, only object after the first unanimous consent has been granted, and let us get rid of one bill?

Mr. SMOOT. No; I am going to object from now on to the consideration of any bill.

Mr. KENYON. I think I have heard the Senator say that before.

Mr. SMOOT. But we did consider the calendar after I made that statement before, though not so often as I think we ought to have done.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LANE. Is this the bill relating to the irrigation of the Flathead Indian Reservation?

Mr. WALSH. The object of the bill is to extend to settlers on the Flathead Indian Reservation the same right and privilege which the act of 1910 extends to settlers under reclamation projects generally.

Mr. LANE. Does this bill have to do with reservation lands that belong to the Indians?

Mr. WALSH. No; it has nothing to do with reservation lands belonging to the Indians. It has to do with reservation lands which have been appropriated by settlers.

Mr. LANE. And for which the irrigation supply is paid out of the Indian fund, which is reimbursable?

Mr. WALSH. Yes, sir.

Mr. LANE. I think this bill ought to go to the Committee on Indian Affairs, if it is that sort of bill. We had recently a good deal of discussion about the Flathead lands and the irrigation scheme there. There are one or two such bills before the Committee on Indian Affairs. I know nothing of this bill, it may be all right, I do not say it is not.

Mr. WALSH. I will say to the Senator that if he understood the bill he would make no objection to it. It merely permits the settler to assign whatever right he has to some one else, simply to stand in his shoes.

Mr. LANE. I accept the Senator's statement. I have no objection to the consideration of the bill.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the provisions of the act of June 23, 1910 (36 Stat., p. 592), authorizing the assignment under certain conditions of homesteads within reclamation projects, and the act of August 9, 1912 (37 Stat., p. 265), authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, be, and the same are hereby, extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Mont., but such lands shall otherwise be subject to the provisions of the act of Congress approved April 23, 1904 (33 Stat., p. 302), as amended by the act of Congress approved May 29, 1908 (35 Stat., p. 448): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 2 of said act of August 9, 1912, shall include all sums due or to become due to the United States on account of the Indian price of such land.

Mr. ROBINSON. Mr. President, I should like to ask the Senator from Montana a question in regard to the bill. What is the purpose of this proposed legislation? It refers to a statute with which I am not familiar.

Mr. WALSH. The original irrigation act provided for the payment of the entire sum due in 10 annual installments and provided that title could not be acquired to any homestead under the reclamation act until the payments had all been made. So a settler might go upon his land, comply otherwise with all the requirements of the homestead act, except that his payments had not been completed, and yet he could get no title; he could not dispose of his land; he could not borrow any money upon the security of his land until all the payments had been made. Recognizing the inequity of that provision, in 1910 an act was passed by which, after the settler had complied with all the other requirements except the making of the payments, he could assign his entry to another qualified entryman, who would stand in his shoes and be obligated to make the same payments to the Government as time went on; but that act did not extend to the reclamation projects on Indian reservations. We want to give the settler on Indian reservations the same privilege that the general act extends to all settlers under other reclamation projects.

Mr. ROBINSON. The purpose of this bill, then, is simply to permit assignments of homestead entries on the Flathead Indian Reservation in Montana where the entryman has already complied with the other provisions of the law, but has not yet completed his payments?

Mr. WALSH. That is the purpose.

Mr. ROBINSON. It will not be possible under this bill, I take it, to mass a number of homestead entries under one holding. The transfer or assignment must be made to another qualified entryman.

Mr. WALSH. I do not think so. It puts the entryman in the same attitude that any entryman would be on a homestead to which he had perfected his claim by making final proof.

Mr. ROBINSON. What I want to know is, can entrymen who want to make these assignments transfer them all to one person or any number of them to one person?

Mr. WALSH. Oh, yes; any man may go out and buy them the same as he may buy any homesteads on the public domain on which the entryman has complied with the conditions required by the law; that is to say, an entryman who has gone out and lived on his land for three years and made his final proof may then sell to anybody.

Mr. ROBINSON. Yes; but he has not completed his payments. Does the Senator think it good policy—he is familiar, I take it, with the conditions that exist on this reservation—does he think it good policy, for instance, to permit the acquisition of these homestead entries and the grouping of them into large areas? Is that the purpose of the legislation?

Mr. WALSH. I will say to the Senator that the policy has already been considered by the Senate in the general reclamation act. You would have no different conditions on the Flathead Reservation than you have under any reclamation project. A man may do that now on a reclamation project. It has been disclosed, however, that no such tendency has been exhibited.

Mr. ROBINSON. Has this bill been referred to the Bureau of Indian Affairs for a report?

Mr. WALSH. It has, and their report is embodied in the report of the committee.

Mr. ROBINSON. The report is favorable?

Mr. WALSH. Yes.

Mr. ROBINSON. Very well, Mr. President, I will make no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:

A bill (S. 6011) to reinstate Frederick J. Birkett as third lieutenant in the United States Revenue-Cutter Service (with accompanying papers); to the Committee on Commerce.

By Mr. LEA of Tennessee:

A bill (S. 6012) for the relief of heirs or estate of James C. Parker, deceased (with accompanying paper); to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6013) granting an increase of pension to Fenton Butterfield (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6014) granting an increase of pension to Margaret Sheridan (with accompanying paper); and

A bill (S. 6015) granting a pension to Margaret D. Hardman (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6016) for the relief of Artemus W. Pentz; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 6017) granting an increase of pension to Elizabeth Buckless; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6018) granting an increase of pension to Martha V. Coleman; and

A bill (S. 6019) granting an increase of pension to Louis M. Lea (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment relative to the geologic surveys of the public lands in various portions of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, etc., from $150,000 to $200,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to appropriate $125,000 for the purchase of additional ground at the Frankford Arsenal, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. REED submitted an amendment providing that hereafter the salary of the appraiser of merchandise for the port of St. Louis, Mo., shall be fixed at $4,500 per annum, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. ROBINSON submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

FEDERAL TRADE COMMISSION.

Mr. STERLING submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which was ordered to lie on the table and be printed.

INDIANS OF NORTH CAROLINA.

Mr. SIMMONS submitted the following resolution (S. Res. 410), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina, recently declared by the Legislature of North Carolina to be Cherokees and formerly known as Croatans, and report to Congress what tribal rights, if any, they have with any band or tribe; whether they are entitled to or have received any lands, or whether there are any moneys due them, their present condition, their educational facilities, and such other facts as would enable Congress to determine whether the Government would be warranted in making suitable provision for their support and education.

TRADING IN COTTON.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

Mr. SMITH of Georgia. I move that the Senate disagree to the amendment of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Georgia, Mr. SHEPPARD, and Mr. BRADY conferees on the part of the Senate.

VETERINARY SERVICE, UNITED STATES ARMY.

H. R. 4541. An act to consolidate the veterinary service, United States Army, and to increase its efficiency, was read twice by its title.

Mr. CHAMBERLAIN. There is on the calender a bill, Order of Business 433, being Senate bill 4331, of a like title. I ask that the House bill be substituted for the Senate bill on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CHAMBERLAIN. I move that the Senate bill be postponed indefinitely.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes, was read twice by its title and referred to the Committee on Finance.

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 16298. An act to incorporate the Mother's Day Association was read twice by its title and referred to the Committee on Corporations Organized in the District of Columbia.

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, was read twice by its title and referred to the Committee on Foreign Relations.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of the pension bills on the calendar under Rule VIII.

Mr. SIMMONS. Mr. President, if the motion is confined to pension bills I shall make no objection.

Mr. SMOOT. It is confined to pension bills.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

Mr. THOMAS. Mr. President, do I understand the calendar is before the Senate?

The VICE PRESIDENT. On the motion of the Senator from Utah [Mr. SMOOT], the Senate decided to take up the pension bills on the calendar.

Mr. THOMAS. That is out of the regular order.

The VICE PRESIDENT. The Senate yesterday decided that it was in order.

Mr. THOMAS. If the calendar is to be considered, it ought to be considered from its inception, beginning with No. 1.

Mr. SMOOT. Under the rule which the Senate adopted yesterday I made a motion to take up the pension bills on the calendar under Rule VIII. That motion was in order, and was agreed to by the Senate this morning.

The first amendment of the Committee on Pensions was, on page 1, line 11, before the words "United States," to insert "First Regiment," and in the same line, before the word "Heavy," to strike out "Coast" and insert "Colored Volunteer," so as to make the clause read:

The name of David Hannan, late of Company I, First Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 17, before the words "per month" to strike out "$24" and insert "$20," so as to make the clause read:

The name of Ella Whiteside, widow of John A. Whiteside, late acting master's mate, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to strike out:

The name of Georgianna Peabody, widow of William R. Peabody, late of Company A, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to strike out:

The name of Charles N. Burns, late of Company H, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

The name of Mary R. Richards, helpless and dependent child of Philander Richards, late of Company H, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 1, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Edward S. Lane, late of Company C, Twenty-second Regiment Pennsylvania Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 6, before the words "per montn" to strike out "$24" and insert "$20," so as to make the clause read:

The name of Carlota Huckins, widow of George W. Huckins, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 11, after the name "Brown," to insert "widow of Charles C. Brown, late of Company E, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and," so as to make the clause read:

The name of Mary E. Brown, widow of Charles C. Brown, late of Company E, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and former widow of James Garlock, late of Company E, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to strike out:

The name of John G. O'Neil, late of Company E, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to strike out:

The name of Thomas Bliss, late of Company G, One hundred and forty-fourth Regiment Ohio National Guard Infantry, and pay him

a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 7, after the word "Company," to strike out "D" and insert "B," so as to make the clause read:

The name of Martin V. McKim, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to strike out:

The name of Regina F. Palmer, widow of William P. Palmer, late lieutenant colonel Letzinger's Emergency Battalion Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 7, to strike out:

The name of Amelia Walker, widow of George J. Walker, late of Company E, Third Independent Battery Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the word "receiving," to insert "*Provided*, That in the event of the death of Mary Leach, helpless and dependent child of said Melvin G. Leach, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catharine Leach the name of the said Mary Leach shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catharin- Leach," so as to make the clause read:

The name of Catharine Leach, widow of Melvin G. Leach, late of Company H, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary Leach, helpless and dependent child of said Melvin G. Leach, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catharine Leach the name of the said Mary Leach shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catharine Leach.

The amendment was agreed to.

The next amendment was, on page 10, line 4, before the words "per month," to strike out "$28" and insert "$30," so as to make the clause read:

The name of John Lattimore, late of Company B, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 19, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of James M. Woods, late of Company G, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 15, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Alexander Mortry, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 17, before the word "widow," to insert "former," so as to make the clause read:

The name of Sarah J. White, former widow of George H. White, late first-class fireman, U. S. S. *North Carolina*, United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 15, before the words "per month," to strike out "$30" and insert "$50," so as to make the clause read:

The name of Addison Buck, late of Company G, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to strike out:

The name of Abram McCoy, late of Company I, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $28 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 20, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of Joseph W. Dawson, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 7, before the word "Volunteer," to strike out "Troops," and in line 8, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Sarah E. Parker, widow of Joseph M. Parker, late of Company G, Thirty-second Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 14, before the words "per month," to strike out "$28" and insert "$30," so as to make the clause read:

The name of James Nolan, late landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 20, before the word "widow," to insert "former," so as to make the clause read:

The name of Anna E. Hetherington, former widow of James Hetherington, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 18, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Robert Hill, late unassigned, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Amos Aspey, late of Company B, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 7, after the words "name of," to strike out "Emile" and insert "Emilie," and, in the same line, after the name "Fye," to insert "widow of William Fye, late of Twelfth Independent Battery, Wisconsin Volunteer Light Artillery, and," so as to make the clause read:

The name of Emilie J. Fye, widow of William Fye, late of Twelfth Independent Battery, Wisconsin Volunteer Light Artillery, and former widow of John Miller, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 24, line 17, after the name "Albert," to strike out "McMasters" and insert "McMaster," so as to make the clause read:

The name of Albert McMaster, late of Company A, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 8, to strike out:

The name of Alexander Childers (insane), late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 12, to strike out:

The name of Helen Heathcote, former widow of Isaac Booker, late of Company F, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 28, line 7, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of George Smith, late of Company E, Twenty-fourth Regiment United States Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 23, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of William Alexander, late of Company A, Twelfth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to strike out:

The name of Frederick Murry, late of Company D, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 13, before the word "Regiment," to strike out "One hundred and thirteenth" and insert "Thirteenth," so as to make the clause read:

The name of Mary Miller, widow of Jeremiah Miller, late of Company K, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 32, to strike out:

The name of Judson N. Pollard, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 5, before the name "Vosburg," to strike out the letter "W" and insert the letter "H," so as to make the clause read:

The name of Kate H. Vosburg, former widow of Lewis B. Boomhower, late of Company B, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 36, line 3, before the words "per month," to strike out "$28" and insert "$30," so as to make the clause read:

The name of Joshua J. Steckel, late of Company E, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 19, before the word "Regiment," to strike out "One hundred and fifty-eighth" and insert "Fifty-eighth," so as to make the clause read:

The name of Eliza J. Corn, widow of David Corn, late of Company G, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 22, before the word "widow," to insert "former," so as to make the clause read:

The name of Isabell E. Kearns, former widow of James M. Kearns, late of Company G, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 3, before the words "per month," to strike out "$36" and insert "$50," so as to make the clause read:

The name of Morton A. Read, late of Company H, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 11, after the word "Infantry," to insert "and widow of William Duncan, late of Company D, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry," so as to make the clause read:

The name of Cordelia E. Duncan, former widow of Charles R. Eldridge, late of Company L, First Regiment Minnesota Volunteer Infantry, and widow of William Duncan, late of Company D, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 38, line 1, before the words "per month," to strike out "$30" and insert "36," so as to make the clause read:

The name of Isaac W. Leighton, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 9, before the words "per month," to strike out "$30" and insert "$50," so as to make the clause read:

The name of George W. Coward, late of Company D, Thirty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, line 20, before the word "Regiment," to strike out "Fifty-ninth" and insert "Fifty-seventh," so as to make the clause read:

The name of Sarah A. Swan, widow of William S. Swan, late of Company C, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 17, before the words "per month" to strike out "$36" and insert "$50," so as to make the clause read:

The name of Samuel S. Thompson, late of Company D, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 3, after the name "Hobbs" to insert "alias John Franklin," so as to make the clause read:

The name of John Franklin Hobbs, alias John Franklin, late coal heaver, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, line 21, after the word "Infantry," to insert "and widow of William H. C. Campbell, late of Company A, Eighth Regiment Indiana Volunteer Cavalry," so as to make the clause read:

The name of Sarah A Campbell, former widow of Daniel D. Johns, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and widow of William H. C. Campbell, late of Company A, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of James T. Barnhart, late of Company D, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 4, line 15, before the word "Grace," I move to insert the word "Mary."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 15, where the name "Grace Doyle" appears, it is proposed to insert the word "Mary" before the word "Grace," so as to read "Mary Grace Doyle."

The amendment was agreed to.

Mr. SHIVELY. On page 7, line 11, I move to strike out the initial "V" and insert "D." This is the case of Edward Hamilton.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 11, before the surname "Hamilton," it is proposed to strike out the initial "V" and insert the initial "D."

The amendment was agreed to.

Mr. SHIVELY. On page 19, line 15, I move to strike out the word "Infantry" and insert the word "Cavalry."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, line 15, after the words "Regiment, Wisconsin Volunteer," it is proposed to strike out "Infantry" and insert "Cavalry."

The amendment was agreed to.

Mr. SHIVELY. On page 21, lines 6 and 7, I move to strike out the word "Infantry" and insert "Light Artillery." This is the case of Clark.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, lines 6 and 7, it is proposed to strike out the word "Infantry," and to insert in lieu thereof the words "Light Artillery."

The amendment was agreed to.

Mr. SHIVELY. On page 29, line 2, I move to strike out "Seventy-third" and insert "Ninety-third."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 2, it is proposed to strike out the first two words in the line, "Seventy-third," and to insert in lieu thereof "Ninety-third."

The amendment was agreed to.

Mr. SHIVELY. On page 29, line 5, after the word "Company," I move to strike out "F," and insert in lieu thereof the letter "H."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 5, it is proposed to strike out the initial "F" after the word "Company," at the end of the line, and to insert in lieu thereof the initial "H."

The amendment was agreed to.

Mr. SHIVELY. On page 44, line 2, after the word "Volunteer," I move to strike out "Infantry," and to insert in lieu thereof the words "Heavy Artillery." This is the Lucius M. Rood case.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, line 2, in the item relative to Lucius M. Rood, after the words "Wisconsin Volunteer," it is proposed to strike out "Infantry," and to insert in lieu thereof the words "Heavy Artillery."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following persons at the rate given:

Thomas T. Keibler, late of Company B, One hundred and first Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Ellen M. Vinton, widow of John C. Vinton, late of Company B, First Regiment Connecticut Volunteer Artillery, $20 per month in lieu of that she is now receiving.

Ruth A. Quien, widow of George Quien, late second lieutenant Company K, Twenty-third Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Cornelia Bacon, widow of Hiram F. Bacon, late of Company C, Twenty-second Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Betsey E. Hannahs, widow of George N. Hannahs, late of Company A, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Louisa A. Brown, former widow of Samuel Adair, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Silas Rouch, late of Company A, One hundred and eighteenth Regiment, and Company A, Twenty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William W. Mikels, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William F. Steward, late of Company G, Twenty-ninth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Lydia M. Salisbury, widow of Jonathan B. Salisbury, late of Captain Ramsey's Company K, First Regiment Ohio Volunteer Infantry, War with Mexico, and second lieutenant Company D, Hatch's Battalion Minnesota Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Martin B. Richardson, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William A. Munroe, late of Company G, Second Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles S. Leonard, alias Abner L. Wilcox, late of Company B, Second Regiment United States Infantry, $40 per month in lieu of that he is now receiving.

Charles D. Butler, late of Company G, One hundred and eleventh Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mathew Isaacs, late of Company K, Forty-ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John L. Ogan, late of Company G, Twenty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jerome Backus, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Addie Saint Clair Hubbell, widow of George L. Hubbell, late of Company G, Eleventh Regiment Connecticut Volunteer Infantry, and Forty-first Company, Second Battalion Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Lot H. Fleming, late of Company D, One hundred and forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary P. Hamersly, widow of Lewis Randolph Hamersly, late acting ensign United States Navy and second lieutenant United States Marine Corps, $20 per month in lieu of that she is now receiving.

Ellen F. Marshall, widow of Thomas Marshall, late of Company A, Twelfth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Julia A. Woods, widow of Charles F. Woods, late of Companies D and A, Eighth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Augusta E. McLean, widow of Lorenzo D. McLean, late of the First Independent Battery, Connecticut Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Amanda M. McKenney, widow of John I. McKenney, late of Company D, Twenty-third Regiment Michigan Volunteer Infantry, $12 per month.

John Stansell, late of Company I, Third Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Parsons, late of Company I, First Regiment Maryland Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Annie R. Stephenson, widow of George C. Stephenson, late of Company D, Ninety-second Regiment, and Company H, Thirty-first Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William Hallihan, late of Company E, First Regiment Connecticut Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Mary E. Read, widow of Herbert H. Read, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Margaret Kuster, widow of Nicholas Kuster, late of Fourth Independent Battery, Ohio Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Frances E. Brown, widow of Oscar F. Brown, late captain Company C, First Battalion Mississippi Marine Brigade Volunteer Cavalry, and Company E, First Regiment Mississippi Marine Brigade Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George H. Barnby, late of Company F, Sixteenth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Matilda C. Heilman, widow of Horace B. Heilman, late of Company B, First Regiment Rhode Island Volunteer Infantry, $12 per month.

Ezra Rice, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ruth E. Putnam, widow of George A. Putnam, late of Companies H and I, Forty-first Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William M. McClure, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Arthur L. Brown, late of Fourth Battery, First Battalion Maine Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Henry Willis, alias Henry Burns, late of Company G, Thirty-ninth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James Littleton, late of Company E, Twenty-second Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Phebe A. Lewis, widow of Samuel E. Lewis, late of Batteries C and G, First Regiment Rhode Island Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Sarah I. B. Hammond, widow of Henry C. Hammond, late of Company I, First Regiment Maryland Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Anna H. Hinckley, widow of Edwin F. Hinckley, late of Company A, First Regiment Connecticut Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Susan E. Mitchell, widow of William C. Mitchell, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Isabella Reed, widow of James C. Reed, late first lieutenant and adjutant Second Regiment Pennsylvania Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Jane M. T. Porter, widow of Thomas A. Porter, late first lieutenant Nield's Independent Battery, Delaware Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Aaron B. Hartman, late of Company F, Fifty-fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edward B. Sawyer, late colonel First Regiment Vermont Volunteer Cavalry, $72 per month in lieu of that he is now receiving.

Ellenor M. Warren, widow of Thompson Warren, late of Company B, Fiftieth Regiment New York Volunteer Engineers, and Company F, Second Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Mary H. Bacon, widow of Theodore C. Bacon, late captain and assistant adjutant general United States Volunteers, $20 per month in lieu of that she is now receiving.

John G. D. Bloomfield, late of Company B, One hundred and fifteenth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Catherine W. Hartman, widow of Joseph F. Hartman, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emerette C. Hillman, widow of Levi N. Hillman, late captain Company C, First Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Annie Mellinger, widow of Marcus Mellinger, late of Company D, Ringgold's battalion, Pennsylvania Volunteer Cavalry, and Company E, Twenty-second Regiment Pennsylvania Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Harry N. Medbery, late of Company B, Second Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Zach J. Burns, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Susan Thompson, widow of Clark Thompson, late of Company G, Second Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Priscilla Brewster, widow of Joseph Brewster, late of Company D, Second Regiment Maine Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Henry C. Byars, late of Company E, Fifty-first Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Malachi Cordero, late of Company C, First Regiment California Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

William Greer, late of Company H, Thirteenth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Allen Brown, late of Company E, Twenty-ninth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William Miller, jr., late of Company D, One hundred and fifty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William R. Mathis, late of Company G, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Charles L. Stuck, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Silas Wright, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Rosenberger, late of Company B, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William B. Scace, late of Company E, Ninety-sixth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William Day, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charity C. Smith, widow of George W. Smith, late of Company A, Eighty-seventh Regiment, and Company H, Eighteenth Regiment, Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Oliver M. Mahan, late of Company K, Ninth Regiment Michigan Volunteer Cavalry, and Company F, Twenty-third Regiment Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

John T. Campbell, late of Company B, First Regiment Oregon Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Overman, late of Company K, One hundred and thirty-ninth Regiment, and Company A, One hundred and forty-fourth Regiment, Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harrison Wilkins, late of Company E, Thirteenth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Elbridge G. Black, late of band, Fifteenth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Joseph Workman, late of Company G, Eleventh Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving

Jennie M. Heath, helpless and dependent child of Charles E. Heath, late of Company G, First Regiment Minnesota Volunteer Infantry, $12 per month.

Ellen M. O'Connor, widow of Patrick E. O'Connor, late second lieutenant Company I, Eighty-eighth Regiment New York Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Almerian Dickey, late of Company I, Fourth Regiment, and Company A, Nineteenth Regiment, Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaac S. Maxwell, late of Company K, First Regiment District of Columbia Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Richard Riggs, late of Company B, Twenty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Noah W. Carr, late of Company A, Fifty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Timothy Ellison, late of Company F, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alexander T. Buford, late of Companies K and B, Seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John L. Jones, late of Company B, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Peter W. Jackson, late of Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Starlin Stanfill, alias Sterlin Stanfield, late of Capt Reynolds's Scouts, Twenty-third Army Corps, $24 per month in lieu of that he is now receiving.

James Irvine, late of Company G, Forty-eighth Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Rachel A. Chadwick, widow of Charles Chadwick, late acting first assistant engineer, United States Navy, $20 per month in lieu of that she is now receiving.

Minna Rische, widow of August Rische, late of Company G, Twelfth Regiment Missouri Volunteer Infantry, and Company K, Sixteenth Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Isaac N. Deppen, late of Company F, Forty-eighth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Katherine M. Gray, widow of Henry L. Gray, late first lieutenant and quartermaster, Twenty-third Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edwin B. Parsons, late captain Company K, Twenty-fourth Regiment Wisconsin Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Francis D. Randall, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Maria C. Beegle, widow of Loren Beegle, late of Company K, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Oscar E. Beegle, helpless and dependent child of said Loren Beegle, the additional pension herein granted shall cease and determine.

Mary Reidi, widow of Jacob Reidi, late of Company C, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah J. Apperson, widow of John A. B. Apperson, late captain Company E, One hundred and seventeenth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Harrison W. Smith, late of U. S. S. *Ouichita*, United States Navy, $40 per month in lieu of that he is now receiving.

Willis M. Hatch, late of the U. S. gunboat *General Thomas*, United States Navy, $24 per month in lieu of that he is now receiving.

Caroline E. Van Wormer, former widow of Charles H. Stevens, late of Company G, First Regiment Massachusetts Volunteer Cavalry, $12 per month.

George Eichhorn, late of Companies L and E, Fifth Regiment Pennsylvania Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Catharine J. Goodknight, widow of Charles H. Goodknight, late of Company C, Fifteenth Regiment Kansas Volunteer Cavalry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bert Goodknight, helpless and dependent child of said Charles H. Goodknight, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Cath-

arine J. Goodknight the name of the said Bert Goodknight shall be placed on the pension roll at $12 per month from and after the date of death of said Catharine J. Goodknight.

Wilkison B. Ross, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Jennie J. Sheehan, widow of Timothy J. Sheehan, late captain Company C, Fifth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that she is now receiving.

John H. Gordon, late of Company F, Tenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Eaton, late of Company D, Fifth Regiment, and Company F, Twenty-ninth Regiment, Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George M. Mitchell, helpless and dependent son of Benjamin T. Mitchell, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, $12 per month.

Brazil Van Deusen, late of Company K, One hundred and twenty-eighth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John W. Preston, late of Company G, Fourth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Susan Arthur, widow of William M. Arthur, late of Company D, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth J. Wood, widow of Robert Wood, late of Company F, Forty-eighth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Riley Adkins, late of Company K, Fourth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George F. Adamson, late of Company K, Ninety-seventh Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John M. Broome, late musician, band, Twelfth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James K. Wesley, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Martha Ann Rake, widow of Jasper Rake, late of Company F, One hundred and sixteenth Regiment, and Company F, Sixty-seventh Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth Crawford, widow of George N. Crawford, late of Company I, Sixteenth Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Camwells P. Davis, late of Company I, Sixth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Samuel N. Johnson, late of Company L, First Regiment Missouri State Militia Cavalry, $50 per month in lieu of that he is now receiving.

William Wallace, 2d, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John Wortman, late of Company I, One hundred and seventieth Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

John A. Harris, late of Company G, Forty-third Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Andrew M. Sprague, late of Company A, Seventy-third Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert Magill, late of Company H, First Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Frances M. Dumenil, widow of James M. Dumenil, late of Company M, Fifth Regiment Ohio Volunteer Cavalry, and former widow of James A. Riley, late of Company K, Ninth Regiment Iowa Volunteer Infantry, $12 per month.

Amelia L. Love, widow of Roger W. Love, late sergeant major Third Regiment Rhode Island Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Mary J. Neary, former widow of Joseph Mackle, late of Company E, First Regiment United States Infantry, and first lieutenant and adjutant Fifteenth Regiment Kansas Volunteer Cavalry, $12 per month.

Lewis Stevens, late of Company I, Sixth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lewis Stone, late of Company A, Fourth Regiment New Mexico Volunteer Mounted Infantry, and Company G, First Regiment New Mexico Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Joseph J. Perry, late of Company C, Third Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George Dimick, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Samuel Kelsey, late of Company I, Eleventh Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

James L. Wing, late of Company G, Forty-third Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edward Flood, late of Company D, First Regiment Minnesota Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Andrew Hartman, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John D. Stahl, late of Company K, Thirty-eighth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Ruth Ella Irwin, widow of George W. Irwin, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Louis C. White, late of Company H, Fifty-third Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Oliver K. Landrew, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William H. Hopkirk, late of Company M, Fourth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Thomas S. Draper, late of Company K, First Regiment Wisconsin Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jacob Harrold, late of Company F, Tenth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas Bell, late of Company D, Twelfth Regiment, and Company K, Seventeenth Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Warren W. Braman, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Mary D. Ransom, widow of Andrew Ransom, late of Company B, Thirty-first Regiment Wisconsin Volunteer Infantry, and dependent mother of George C. Ransom, late of Company G, Twenty-second Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Russell D. Johnson, late of Company I, Twenty-sixth Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

John H. Collier, late of Company L, Fourth Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Thomas J. Truss, late of Company G, First Regiment, and Company G, Twelfth Regiment, Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William A. McDonald, late of Company D, Fifty-eighth Regiment Massachusetts Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Benjamin F. Clark, late of Company B, Fifteenth Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Bertha M. Snow, widow of Alfred Snow, late of Company I, Fifty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edwin H. Glidden, late of Company A, Thirteenth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mr. SHIVELY. Mr. President, on page 19, I move to strike out lines 3, 4, 5, and 6, the case of George Eichhorn. The soldier is deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19 it is proposed to strike out lines 3, 4, 5, and 6, in the following words:

The name of George Eichhorn, late of Companies L and E, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of 50 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 20 I move to strike out lines 3, 4, 5, and 6. The soldier is deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20 it is proposed to strike out lines 3, 4, 5, and 6, in the following words:

The name of John H. Gordon, late of Company F, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 23 I move to strike out lines 20, 21, 22, 23, and 24, the case of Mary J. Neary.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23 it is proposed to strike out lines 20, 21, 22, 23, and 24, in the following words:

The name of Mary J. Neary, former widow of Joseph Mackie, late of Company E, First Regiment United States Infantry, and first lieutenant and adjutant Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. In that connection I wish to say that the House has passed a bill in this case, which is now on the Senate calendar.

On page 26 I move to strike out lines 13 to 16, inclusive, the case of Thomas Bell, who is now deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 26 it is proposed to strike out lines 13 to 16, inclusive, in the following words:

The name of Thomas Bell, late of Company D, Twelfth Regiment, and Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 23, I move to strike out lines 11, 12, 13, 14, and 15. The beneficiary in that case is deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, it is proposed to strike out lines 11 to 15, inclusive, in the following words:

The name of Frances M. Dumenil, widow of James M. Dumenil, late of Company M, Fifth Regiment Ohio Volunteer Cavalry, and former widow of James A. Riley, late of Company K Ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 5278) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following persons at the rates given:

Sidney Payne Smith, late of U. S. S. *Nebraska*, United States Navy, $35 per month in lieu of that he is now receiving.

Wenzel Patzelt, late of Company L and band, Third Regiment Nebraska Volunteer Infantry, War with Spain, $12 per month.

Sherwood C. Bowers, late of Company M, Fourth Regiment Virginia Volunteer Infantry, War with Spain, $40 per month in lieu of that he is now receiving.

Frank M. Eldredge, late of First Troop, Utah Volunteer Cavalry, War with Spain, $15 per month.

George A. Porterfield, late first lieutenant Captain Carrington's company, First Virginia Volunteers, War with Mexico, $40 per month in lieu of that he is now receiving.

William H. Rackliff, late of Company E, Sixteenth Regiment United States Infantry, $20 per month in lieu of that he is now receiving.

Harry Jones, late of Company F, Sixth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Matilda Robertson, widow of James Robertson, late of Captain William M. Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian War, $12 per month.

Phebe W. Chase, dependent mother of Edward Russell Chase, late chaplain Fourteenth Regiment United States Cavalry, $30 per month in lieu of that she is now receiving.

Nelson Dimick, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, $12 per month.

Mary J. Torney, widow of George Henry Torney, late brigadier general and Surgeon General, United States Army, $50 per month in lieu of that she is now receiving.

William A. Taylor, late of Company I, First Territorial Regiment United States Volunteer Infantry, War with Spain, $20 per month.

John Andrews, late of Company L, Sixty-fifth Regiment New York Volunteer Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Joseph A. Black, late captain Company A, Fourth Regiment Missouri Volunteer Infantry, War with Spain, $20 per month.

Charles W. Halls, late of Troop H, Third Regiment United States Cavalry, $30 per month in lieu of that he is now receiving.

George F. Behymer, late of Company F, Fourth Regiment United States Infantry, $12 per month in lieu of that he is now receiving.

John Abplanalp, late of Battery B, Battalion Utah Volunteer Light Artillery, $50 per month in lieu of that he is now receiving.

Hezekiah C. Cotner, late of Company D, Second Regiment Oregon Volunteer Infantry, War with Spain, $24 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 13207) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 14, strike out:

The name of Clara Fisher, widow of Berten A. Fisher, late of Company C, Thirty-first Regiment Michigan Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each minor child until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

The name of Russella J. Ross, widow of Henry L. Ross, second lieutenant Company B, St. Louis Legion Volunteers, Mexican War, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 18, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Rawlin P. McLean, late of band, Thirty-first Regiment United States Volunteer Infantry, served during War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 2, after the word "additional," to strike out "for each minor child until it reaches the age of 16 years" and insert "on account of each of the minor children of the said Joseph E. Cantara until they reach the age of 16 years," so as to make the clause read:

The name of Annie Cantara, widow of Joseph E. Cantara, late of Company G, First Regiment Maine Volunteer Infantry, served during War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the said Joseph E. Cantara until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 5, line 14, after the word "additional," to strike out "for each of the following three minor children until it reaches 16 years of age: John Milton Kerr, born May 23, 1901; Harold Daniel Kerr, born January 5, 1904; Donald Robert Kerr, born May 12, 1906," and insert "on account of each of the minor children of said Robert W. Kerr until they reach the age of 16 years," so as to make the clause read:

The name of Jessie E. Kerr, widow of Robert W. Kerr, late of Company A, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Robert W. Kerr until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to strike out:

The name of William Lammerhirt, late of Troop E, Seventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the words "per month" to insert "and $2 per month additional on account of each of the minor children of said Stephen H. Jones until they reach the age of 16 years," so as to make the clause read:

The name of Tela K. Jones, widow of Stephen H. Jones, late of Company B, Twenty-third Regiment United States Infantry, Regular Establishment and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Stephen H. Jones until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 7, line 1, after the word "additional," to strike out "for account of minor child until same reaches age of 16" and insert "on account of the minor

child of said Frank C. Cooke until he reaches the age of 16 years," so as to make the clause read:

The name of Lucy M. Cooke, widow of Frank C. Cooke, late of Company G, Twelfth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Frank C. Cooke until he reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 7, line 15, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Alvin Lewis, late of Company L, First Regiment Missouri Volunteer Infantry, and Company M, Twenty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the name "Buck," to strike out the name "Landon" and insert the name "Langdon," and in line 4, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of Winona L. H. Buck, widow of William Langdon Buck, colonel Fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 5, to strike out:

The name of Charles E. Welker, late of Company C, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 20, before the words "per month," to strike out "$50" and insert "$40," and in line 21, after the word "additional," to strike out "for minor child until it reaches the age of 16 years" and insert "on account of the minor child of said William M. Coulling until she reaches the age of 16 years," so as to make the clause read:

The name of Henrietta Lee Coulling, widow of William M. Coulling, late major and quartermaster, United States Army, Regular Establishment, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said William M. Coulling until she reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to strike out:

The names of Helen M., Emery R., and Glenia N. Sarver, minor children of Dr. E. Sarver, late of Company G, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay them a pension at the rate of $12 per month, to be apportioned equally between them as long as they are minor children, and when one ceases to draw his or her share it is to be immediately apportioned between the other two, and when one of these two ceases to draw his or her share it is to go to the remaining minor child; and also, in addition to the above pension apportionment, each child is to receive $2 per month until it becomes 16 years of age.

And insert:

The names of Helen M. Sarver, Emery R. Sarver, and Glenia N. Sarver, minor children of Dr. E. Sarver, late of Company G, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay them a pension at the rate of $12 per month, and $2 per month additional on account of each of said children until they reach the age of 16 years.

Mr. SHIVELY. In line 22, on page 9, before the word "until," I move to insert a comma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 10, to strike out:

The name of George C. Hazeltine, late of Company K, Second Regiment Texas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 7, before the words "per month," to strike out "$35" and insert "$25," so as to make the clause read:

The name of Annie McNamara, widow of Robert C. McNamara, late major, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 9, after the word "late," to strike out "soldier in the War with Mexico, as"; in line 10, after the word "Infantry," to insert "War with Mexico"; and in line 11, before the words "per month," to strike out "$20" and insert "$30," so as to make the clause read:

The name of Sarah Rebecca Jones, widow of David R. Jones, late second lieutenant, Second Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

Mr. GALLINGER. I will call the attention of the Senator from Indiana to this item. It is a proposition to increase the pension of a widow of a soldier in the War with Mexico from $20 to $30 per month. I observe the report states that from the evidence submitted "your committee are of the opinion" that an increase from $12 to $30 is justified in lieu of the $20 proposed by the bill.

We have been very careful, I think, heretofore not to increase the pensions of widows of private soldiers beyond $20 a month, and I think this would be an unfortunate departure, because we would have a deluge of such applications. The beneficiary in this case is a very old woman, I observe—82 years of age—yet there are a great many others approaching that age. I think we ought not to do it.

Mr. SHIVELY. I do not recall just what the evidence was. The Senator understands that this is a House bill, and it came from the House at $20 a month. Then, there was some testimony submitted to the committee which seemed to make the case a very exceptional one.

Mr. GALLINGER. I think we ought to be careful not to increase the pensions of widows of private soldiers beyond $20. We have not done it in the case of widows of soldiers of the other wars. If we do it in one case, we are going to be asked to do it in all.

Of course I merely call attention to it. I think the committee amendment ought to be disagreed to, and let it remain at $20.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 11, after the words "Volunteer Infantry," to insert "and dependent mother of Edwin C. Holloway, late of Company E, Eighth Regiment Ohio Volunteer Infantry, War with Spain," so as to make the clause read:

The name of Rachel I. Holloway, widow of Jacob A. Holloway, late of Company B, Ninety-eighth Regiment Ohio Volunteer Infantry, and dependent mother of Edwin C. Holloway, late of Company E, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to strike out:

The name of Charlotte S. Manley, widow of Randolph M. Manley, late of Company I, Forty-seventh Regiment Pennsylvania Militia Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to strke out:

The name of Julius Vogt, late of Company C, Seventy-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 7, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Dennis Sullivan, late of Company C, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 12, before the name "Allen," to strike out the letter "A" and insert the letter "S," so as to make the clause read:

The name of Harmon S. Allen, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "former," to strike out "now Clark," so as to make the clause read:

The name of Isabel Troutman, former widow of John G. Troutman, late of Company E, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 13, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Joseph Lambert, late of Company F, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 10, line 12, after the word "Volunteer," I move to strike out the word "Infantry" and insert the word "Cavalry," so as to read:

The name of George W. Weaver, late of Company F, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 11, line 5, before the word "Artillery," to insert the word "Light," so as to make the clause read:

The name of Mary A. Elderkin, widow of William H. Elderkin, late of Battery L, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. On page 13, I move to strike out lines 15, 16, 17, and 18 in the following words:

The name of George M. Trickey, late of Company E, Seventy-Sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The soldier is deceased.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 14, line 3, before the word "late," to strike out the name "Lee" and insert the name "Lea," so as to make the clause read:

The name of Archibald T. Lea, late of Company A, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 7, after the words "Volunteer Infantry," to insert "and former widow of Jonathan H. Darst, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry," so as to make the clause read:

The name of Euceba H. Sherman, widow of Abel Sherman, late of Company A, Seventy-third Regiment Indiana Volunteer Infantry, and former widow of Jonathan H. Darst, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 22, before the word "Regiment," to strike out "Seventh" and insert "Seventeenth," so as to make the clause read:

The name of Isaac F. Jenness, late of Company B, Seventeenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 24, to strike out:

The name of Gid. H. Jewett, guardian of Mabel P. Jewett, helpless and dependent child of Edward S. Jewett, late of Company G, One hundred and second Regiment United States Colored Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 15, I move to strike out lines 8, 9, 10, and 11, in the following words:

The name of John H. Keys, late of Company A, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The soldier is deceased.

The amendment was agreed to.

Mr. SHIVELY. On the same page, I move to strike out lines 16, 17, 18, and 19, in the following words:

The name of Talitha C. Riley, widow of William W. Riley, late of Company I, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

This widow is deceased.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 15, line 24, before the word "widow," to insert the word "former," so as to make the clause read:

The name of Susan J. Stockwell, former widow of Nathan P. Stockwell, late of Company F, Forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 1, before the words "Volunteer Infantry," to strike out "Jersey" and insert "York," so as to make the clause read:

The name of Henry Pickle, helpless and dependent child of John Pickle, late of Company H, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 1, before the words "per month," to strike out "$40" and insert "$50," so as to make the clause read:

The name of Cuthbert A. Jones, late of Company A, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

The name of Isaac Carter, late of Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 24, before the word "Engineers," to insert "Volunteer," so as to make the clause read:

The name of Elisha B. Ogle, late of Company D, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 4, before the word "late," to strike out the name "Lamphear" and insert the name "Lanphear," so as to make the clause read:

The name of Albert H. Lanphear, late surgeon, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 14, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Frederick Scheufler, late of Company G, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 18, before the words "per month," to strike out "$50" and insert "$30," so as to make the clause read:

The name of George Burgess, late of Company G, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 11, after the word "late," to strike out "stewart" and insert "steward," so as to make the clause read:

The name of John D. Moriarty, late steward, Mississippi Marine Brigade, and pay him a pension at the rate of 24 per month in lieu of that he is now receiving.

Mr. GALLINGER. Let the dollar mark be inserted before the figures "24."

The SECRETARY. In line 19, where it reads "24," insert the dollar mark before the numerals.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Pensions was, on page 24, line 22, after the word "Regiment," to insert "and Company D, One hundred and fifth Regiment," and in line 25, after the words "per month," to strike out "in lieu of that he is now receiving: *Provided*, That no part of the pension herein granted shall be withheld by the United States or claimed by the United States on account of any pension heretofore received from the said United States by said Charles N. Ashford," and insert "the same to be paid to him without deduction or rebate on account of former alleged overpayments or erroneous payments of pension," so as to make the clause read:

The name of Charles N. Ashford, alias William Kenney, late of Company K, Ninety-seventh Regiment, and Company D, One hundred and fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month, the same to be paid to him without deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SMOOT. I ask the Chair to lay before the Senate Senate bill 2466, for the relief of Elsie McDowell Bunting. The bill simply proposes to grant to her the pension that was due her father at the time of his death.

The VICE PRESIDENT. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2466) for the relief of Elsie McDowell Bunting, which had been reported from the Committee on Pensions with

an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Elsie McDowell Bunting, the daughter and only heir of Robert McDowell, deceased, late a private in Troop L, Third Regiment United States Cavalry, the arrears of pension due or allowable at the time of his death, and heretofore authorized to be paid the said Robert McDowell, now deceased, under pension certificate No. 132423.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 2, before the words "per month," to strike out "$24" and insert "$12," so as to make the clause read:

The name of Mary Petrick, dependent mother of Joseph Petrick, late of Company C, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to strike out:

The name of Freda Burow, widow of William M. Burow, late of Company I, Sixteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 additional for minor child until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 11, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Ralph E. Henderson, late of Company C, Second Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 14, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Claude D. Truskett, late of Battery F, Fourth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 19, before the words "Indian wars," to strike out "Territories" and insert "Territory," so as to make the clause read:

The name of Sarah A. Tillard, widow of Samuel Tillard, late of Captain Rinearson's Company C, Ninth Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

The name of Lillian Garner, widow of Robert F. Garner, late of Battery D, Fourth Regiment United States Artillery, War with Spain, and pay her a pension at the rate of $12 per month, and $2 additional for the minor child until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, line 9, before the word "additional," to strike out "each," and in the same line, after the word "additional," to strike out "for three minor children until they reach the age of 16 years" and insert "on account of each of the minor children of the said George I. Tyler until they reach the age of 16 years," so as to make the clause read:

The name of Nancy A. Tyler, widow of George I. Tyler, late of Company A, Third Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of the said George I. Tyler until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, line 19, to strike out "$24" and insert "$20," so as to make the clause read:

The name of Mary Baker, dependent mother of Frederick H. Baker, alias Sheridan, late of Company L, Fourteenth Regiment New York Volunteer Infantry, War with Spain, and Louis W. Baker, late of Company M, Fourteenth Regiment New York Volunteer Infantry, War with Spain, both deceased, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of Kizzie Gill, widow of Jeremiah Gill, late of Capt. Johnson's company (Bailey's), Florida Mounted Militia, Florida Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to strike out:

The name of Carrie E. Sutton, widow of Henry M. Sutton, late of Capt. Willard's company, First Regiment Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 2, before the word "widow," to strike out "formerly the" and insert "former," and, in line 3, after the word "Volunteers," to strike out "under Col. Doniphan," so as to make the clause read:

The name of Sarah Jane Scurlock, former widow of Benjamin F. Gordon, late of Capt. Walton's Company B, First Regiment Missouri Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to strike out:

The name of Mary F. Carson, widow of William H. Carson, late of Company G, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the following-named persons at the rates given:

Hiram Strayer, helpless and dependent son of Hiram Strayer, late of Company C, One hundred and seventy-third Regiment Pennsylvania Drafted Militia Infantry, $12 per month.

Cornelia F. Lintleman, widow of Richard F. Lintleman, late of Company E, One hundred and thirteenth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary B. Edwards, widow of John Edwards, late colonel Eighteenth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that she is now receiving.

Melly L. Ford, former widow of Salmon B. Smith, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Delia Wight, widow of Edward L. Wight, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth J Braman, widow of Leonard Braman, late of Company B, Thirty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Bridget D. Farrell, widow of John Farrell, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emma E. Edgerton, widow of Henry S. Edgerton, late of Company C, Twenty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Anna M. Fowler, widow of Edward Fowler, late of Company G, Fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Irons, widow of Philip A. Irons, late of Company H, Twenty-sixth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Anna Nicholson, widow of Levi P. Nicholson, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Nathaniel Little, late of Company D, One hundred and thirty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Margaret J. Roberts, widow of William H. Roberts, late of Company B, Third Regiment Arkansas Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Cornelius Cayton, late of Company H, Ninth Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Carrie H. Chace, former widow of Welcome Weeden, late of Company G, Fifty-eighth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emmett Langston, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Milton Cobler, late of Company D, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Delight A. Allen, widow of Augustus M. Allen, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Margaret J. Woodworth, former widow of William P. Murphy, late of Company D, Thirtieth Regiment Illinois Volunteer Infantry, and Company G, Sixth Regiment Indiana Volunteer Cavalry, $12 per month.

Rebecca J. Manning, widow of George F. Manning, late of Company D, Twenty-seventh Regiment Maine Volunteer Infantry, $12 per month.

Mary L. Parker, formerly Landers, late nurse, Medical Department, United States Volunteers, $20 per month in lieu of that she is now receiving.

Mary Britton, widow of Robert Britton, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Martina M. de Sanchez, widow of Nepomuceno Sanchez, late of Company D, First Regiment New Mexico Volunteer Infantry, $12 per month.

Vernona H. Coon, widow of John Coon, late additional paymaster, United States Volunteers, $12 per month.

Charles A. Voorheis, late of Company C, Seventh Regiment Michigan Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Sophia M. Pollock, widow of Samuel M. Pollock, late colonel Sixth Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Henrietta Doolittle, widow of Charles D. Doolittle, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jennie A. Norton, widow of Hiram R. Norton, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Francis G. Newton, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Catherine E. Stamp, widow of Andrew H. Stamp, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and One hundredth Company, Second Battalion, Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Mary H. Kennedy, widow of Martin Kennedy, late of Company F, Second Battalion, Fourteenth Regiment United States Infantry, $20 per month in lieu of that she is now receiving.

Anna Denison, widow of Luther L. Denison, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Mary L. Gaffney, widow of James Gaffney, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary L. Latham, widow of Ira C. Latham, late of Company C, Twenty-first Regiment, and Company K, Tenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. Stewart, late of Company F, Cass County (Mo.) Home Guards, $24 per month in lieu of that he is now receiving.

Jeremiah Robbins, late of Company K, Forty-seventh Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary J. Schenck, widow of Jeremiah Schenck, late of Company L, Eighth Regiment Illinois Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Catharine Ewing, widow of William Ewing, late lieutenant colonel One hundred and thirty-third Regiment Ohio National Guard Infantry, $20 per month in lieu of that she is now receiving.

Charles Kretchmar, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Lilla A. Holliday, widow of Ellery C. Holliday, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. Marsden, late of Company E, Fourth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Anna O. Stanton, widow of Clark Stanton, late second lieutenant Company A and captain Company K, First Regiment New York Volunteer Cavalry, $20 per month.

Harriet S. Crooks, widow of William Crooks, late colonel Sixth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry Pratt, late of Company H, Fifteenth Regiment, and Company A, Tenth Regiment, West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Fitz W. Patterson, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ellis P. Woodward, late of Company K, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Fannie E. Douglass, widow of Stephen M. Douglass, late of Company A, Fourteenth Regiment New York Volunteer Infantry, $12 per month.

Edward Canavan, late of Company I, Twenty-second Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Alvin H. Ellis, late of Company B, Nineteenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jacob Stoves, late of Company E, One hundred and twelfth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry Schmidt, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John N. Hutton, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Moses A. Sisco, late of Company A, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Julia Taylor, widow of Thomas Taylor, late of Company D, Third Regiment Arkansas Volunteer Cavalry, $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Thomas Taylor until he reaches the age of 16 years.

John McKinney, sr., late of Company M, First Regiment Indiana Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Andrew C. Rogers, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James B. Day, late captain Company B, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and major Sixth Regiment United States Colored Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Henry F. Sembower, late of Company D, Third Regiment Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lucy A. Hopkins, former widow of Esek B. Smith, late of Company E, Second Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George Smith, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, $20 per month in lieu of that he is now receiving.

Jonathan Fisher, late of Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Fergus H. Merriman, late of Company K, Sixty-fourth Regiment New York Volunteer Infantry, and Company K, Third Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaac Mason, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Knowles Bangs, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jemima L. Morford, widow of James C. Morford, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Patrick L. Kennedy, late of Company F, Second Regiment Massachusetts Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Harlon S. Willis, late of Company E, First Regiment United States Volunteer Sharpshooters, $20 per month in lieu of that he is now receiving.

Rebecca P. Fuller, widow of James E. Fuller, late first lieutenant Company E, Eleventh Regiment Connecticut Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, $20 per month in lieu of that she is now receiving.

Charlotte A. Hewitt, widow of Thomas L. Hewitt, late of Company A, First Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Isabella D. Rockwell, widow of Byron B. Rockwell, late second lieutenant Company E and captain Company K, Twelfth Regiment Michigan Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Robert J. Espy, late of Company D, Ninth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George M. Withers, late of Company K, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry McDevitt, late of Company D, Third Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas H. Muchmore, late of Company K, First Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Ola Jorgenson, late of Company D, Third Regiment Minnesota Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Josephine E. McSwyney, widow of Eugene B. McSwyney, late of Company G, Third Regiment United States Infantry, $20 per month in lieu of that she is now receiving.

John H. Weaver, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Eli Creekpaum, late of Company A, Ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Gibbs, late of Company G, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Salem Gillspie, late of Company C, Sixth Regiment United States Colored Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

William H. Dickinson, late of Company B, Thirty-third Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William Hurt, late of Company G, First Regiment Kentucky Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Henry J. Sweet, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Ida Copple, widow of William H. Copple, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, $12 per month.

Benjamin Stevens, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Emma F. Webster, widow of George A. Webster, late of Company H, Tenth Regiment, and Company E, Sixth Regiment, New York Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Georgia Miller, helpless and dependent daughter of Mason C. Miller, late first lieutenant Company B, Fourteenth Regiment Kentucky Volunteer Cavalry, $12 per month.

Anna P. Ragan, former widow of Abraham B. Porter, late of Company A, Eighty-seventh Regiment Illinois Volunteer Infantry, $12 per month.

Rebecca J. Higgins, widow of John R. Higgins, late of Company K, Forty-eighth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Arabella Shanley, widow of William H. Shanley, late captain Company A, Fourth Regiment West Virginia Volunteer Cavalry, $30 per month in lieu of that she is now receiving.

Nelson Petry, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

David E. Rolfe, late of Company I, Tenth Regiment Michigan Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James G. Warner, late of Company D, Seventy-second Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Eunice C. Gordon, widow of Edward F. Gordon, late first lieutenant Company F, Twelfth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James E. Reed, late of Company D, Forty-fifth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Wesley A. Loucks, late of Company K, Eleventh Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Scott, late of Company G, Eleventh Regiment Missouri Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Benjamin E. Hull, late of Company B, Ninth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Merritt Perham, late of Company C, Second Regiment Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Robert S. Parker, late of Company H, Forty-fourth Regiment Iowa Volunteer Infantry, and second lieutenant Company K, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

William H. H. Beadle, late lieutenant colonel First Regiment Michigan Volunteer Sharpshooters, $50 per month in lieu of that he is now receiving.

James D. Bennett, late of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alexander Curd, late of Company B, Twentieth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Mr. SHIVELY. On page 2 I move to strike out lines 10, 11, 12, and 13, in the following words:

The name of Melly L. Ford, former widow of Salmon B. Smith, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The beneficiary is deceased.

The amendment was agreed to.

Mr. SHIVELY. On page 9, I move to strike out lines 3, 4, 5, and 6 in the following words:

The name of Henry Pratt, late of Company H, Fifteenth Regiment, and Company A, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The beneficiary has died.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

Mr. SHIVELY. On page 2, I move to strike out the item embraced in lines 7, 8, 9, and 10, the soldier to whom they relate having died.

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 2, after line 6, it is proposed to strike out the following clause:

The name of Lemuel H. Mahan, late of Company L, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The first amendment of the Committee on Pensions was, on page 3, line 13, after the words "per month," to insert "such pension to cease upon proof that the soldier is still living," so as to make the clause read:

The name of Susan Querry, widow of John C. Querry, late of Company I, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month, such pension to cease upon proof that the soldier is still living.

The amendment was agreed to.

Mr. SHIVELY. On page 3, in line 20, I move to strike out the word "Second" and to insert "Twelfth."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 3, at the beginning of line 20, before the word "Regiment," it is proposed to strike out the word "Second" and to insert the word "Twelfth," so as to make the clause read:

The name of James L. Spencer, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, at the top of page 4, to strike out:

The name of Robert C. Stanley, helpless and dependent child of William Stanley, late of Company K, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 23, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of James M. Dilley, late of Company E, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "late," to strike out "of Company ——," so as to make the clause read:

The name of Henry Smith, late unassigned, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "Volunteer," to strike out "New York" and insert "New Jersey," so as to make the clause read:

The name of Thompson Decker, late of Company I, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 12, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Jennette A. Wickham, widow of William S. Wickham, late of Company C, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 9, line 14, I move to strike out the word "Second," before the word "Regiment," and to insert the word "Fourth."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 9, line 14, before the word "Regiment," it is proposed to strike out "second" and to insert "fourth," so as to make the clause read:

The name of Ford Cusey, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 20, after the words "per month," to insert "such pension to cease upon proof that the soldier is still living," so as to make the clause read:

The name of Elizabeth Mellady, widow of Daniel Mellady, late of Company G, Seventy-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month, such pension to cease upon proof that the soldier is still living.

The amendment was agreed to.

Mr. SHIVELY. On page 11, line 9, after the name "Miller," I move to strike out "widow" and insert "helpless and dependent child," and in line 10, after the word "Regiment," I move to strike out "West Virginia" and insert "Pennsylvania."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 11, line 9, after the name "Miller," it is proposed to strike out "widow" and to insert "helpless and dependent child," and in line 10, after the word "Regiment," to strike out "West Virginia" and to insert "Pennsylvania," so as to make the clause read:

The name of Jennie E. Miller, helpless and dependent child of Michael W. S. Miller, late of Company M, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. On page 11, I move to strike out lines 21, 22, 23, and 24, the widow referred to in that clause being dead.

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 11, after line 20, it is proposed to strike out the following paragraph:

The name of Mary U. Hull, widow of Isaac F. Hull, late of Company C, one hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 12, line 19, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Delia R. Goss, widow of George E. Goss, late ship's cook on U. S. S. *Vermont*, *O. M. Petit*, and *Jonquil*, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. At the top of page 13, in line 1, I move to strike out the letter "G" and to insert in lieu thereof the letter "I."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. At the top of page 13, in line 1, it is proposed to strike out the letter "G" and to insert the letter "I," so as to read:

The name of Narcisse Menard, helpless and dependent child of John Menard, alias John Miner, late of Company I, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 13, line 7, after the words "per month," to strike out "in lieu of that he is now receiving," so as to make the clause read:

The name of Frank M. Fry, helpless and dependent child of Joseph F. Fry, late of Company K, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to strike out:

The name of John M. Dodd, late of Company D, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 20, before the word "widow," to strike out the name "Brown" and insert "Drown," in the same line, after the name "Samuel," to strike out "M. Brown" and insert "N. Drown," and in line 22, before the word "Volunteer," to strike out "New York" and insert "New Jersey," so as to make the clause read:

The name of Jane M. Drown, widow of Samuel N. Drown, late of Company B, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of John S. Hall, late teamster in the service of the United States, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 5, to strike out:

The name of Mary M. Evans, widow of Henry W. Evans, late of Company E, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. On page 15, in line 23, after the word "Company," I move to strike out the letter "K," and insert the letter "A," so that it will read "Company A."

The amendment was agreed to.

The next amendment was, on page 16, after line 17, to strike out:

The name of William M. King, late of Company I, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the name "Paulina Kerr," to strike out "(incapable)," so as to make the clause read:

The name of Pauline Kerr, widow of William Kerr, late principal musician, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 9, to strike out:

The name of Henry Lemke, late of Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 18, after the word "late," to strike out "of Companies F and A, First" and insert "first lieutenant Tenth"; in line 19, before the word "Cavalry," to strike out "Missouri Volunteer" and insert "United States"; and in line 20, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Helen G. Davis, widow of William Davis, jr., late first lieutenant Tenth Regiment United States Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out:

The name of William Spotts, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 19, before the words "per month," to strike out "$28," and insert "$30," so as to make the clause read:

The name of Frederick H. Rix, late of Company H, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the word "late," to strike out the name "Tilson" and insert "Tillson,"

and in line 6, before the word "hundred," to strike out "One" and insert "Two," so as to make the clause read:

The name of George S. Tillson, late of Company C, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 12, to strike out:

The name of Samuel Reinhart, late of Company G, Two hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 24, before the words "per month," to strike out "$30" and insert "$20," so as to make the clause read:

The name of Maria Antonia Martinez de Mink, widow of John H. Mink, late of Independent Company, New Mexico Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 24, I move to strike out from line 13 to line 16, inclusive, in the following words:

The name of Allen T. Hodge, late of Company C, First Battalion Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The beneficiary in this case has died.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 26, line 11, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Joseph F. Wheeler, late of Company K, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. In that same item, in line 10, I move to strike out the word "Infantry" and insert the word "Cavalry."

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 27, line 23, before the word "Volunteer," to strike out "Michigan" and insert "Maine," so as to make the clause read:

The name of Dennis W. Palmer, late of Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 14, to strike out:

The name of Caroline Kirman, widow of William Kirman, late of Nineteenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 31, line 19, after the name "Robert," to strike out "Myers" and insert "Meyers," so as to make the clause read:

The name of Robert Meyers, late of Company F, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 31, line 20, I move to strike out the word "Infantry," after the word "Volunteer," and insert the word "Cavalry."

The amendment was agreed to.

Mr. SHIVELY. On page 32, line 4, I move to strike out the word "Cavalry" and insert the word "Infantry."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 4, after the word "Volunteer," it is proposed to strike out "Cavalry" and insert "Infantry," so as to make the clause read:

The name of John Right, late of Company H, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 35, line 19, before the name "Graham," to strike out the initial "T" and insert the initial "P," so as to make the clause read:

The name of Elisha P. Graham, late of Company E, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in committee of the whole. It proposes to pension the following-named persons at the rate given:

Henry Lottner, late of Company D, Twentieth Regiment United States Infantry, $20 per month.

Harriet Pierson Porter, widow of Fitz John Porter, late major general, United States Volunteers, $50 per month in lieu of that she is now receiving.

Sigmund J. Messing, late of Company A, First Regiment Florida Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Susan A. Reynolds, widow of Daniel Reynolds, late second lieutenant Captain Cunningham's company, North Carolina Volunteers, Chereokee Indian War, $20 per month in lieu of that she is now receiving.

Rosina Freer, widow of Francis T. Freer, late of Troop B, First Regiment United States Cavalry, $12 per month.

Roland J. Patrick, late of Troop I, Fifteenth Regiment United States Cavalry, $20 per month.

William W. Oglesby, late captain Company G, Second Regiment Oregon State Militia, Bannock Indian War in 1878 and 1879, $20 per month.

Bernhart Levyson, late fireman, second class, U. S. S. *Piscataqua*, United States Navy, $12 per month.

Willis D. Clark, dependent father of Forrest L. Clark, late of Company F, Twenty-first Regiment United States Infantry, War with Spain, $12 per month.

Mary Adair Kendall, widow of Henry F. Kendall, late major, Twelfth Regiment United States Cavalry, $25 per month and $2 per month additional on account of each of the minor children of the said Henry F. Kendall until they reach the age of 16 years.

Rose Schroeder, widow of Frederick Schroeder, late of Company H, Second Battalion of Engineers, United States Army, $12 per month.

Maud M. Whitton, widow of Arthur M. Whitton, late master, United States Naval Auxiliary service, $30 per month and $2 per month additional on account of each of the minor children of said Arthur M. Whitton until they reach the age of 16 years.

Charles F. Pegg, late of Company B, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, $12 per month.

John W. Thomas, late of Company D, Seventh Regiment United States Infantry, $40 per month in lieu of that he is now receiving.

Freddie O. J. Horne, late of Battery D, First Regiment Maine Volunteer Heavy Artillery, War with Spain, $10 per month.

George Wash, late of Company C, Tenth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Dock J. Miller, late of Hospital Corps, United States Army, $40 per month.

Michael A. Clark, late of Company B, First Regiment United States Infantry, War with Spain, $12 per month in lieu of that he is now receiving.

Leo S. Baumgart, late of Troop M, Sixth Regiment United States Cavalry, $50 per month.

John W. Fessel, late of Company H, Ninth Regiment United States Infantry, $20 per month in lieu of that he is now receiving.

Alice M. Robinson, widow of Thomas B. Robinson, late first lieutenant and captain, Nineteenth Regiment United States Infantry, $25 per month in lieu of that she is now receiving.

Alexander M. Clark, late of Company A, Fifth Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Alfred A. Stampp, late of Troop K, Eighth Regiment United States Cavalry, War with Spain, $12 per month.

David Britton, late of Troop H, Second Regiment United States Cavalry, War with Spain, $20 per month in lieu of that he is now receiving.

Emory A. Hilkert, late of Company A, Eleventh Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Robert Layman, Company G, Thirty-seventh Regiment United States Volunteer Infantry, and Company C, Eighth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

James G. Smith, late of Company G, Thirty-fifth Regiment Michigan Volunteer Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Virginia C. Sawyer, dependent mother of Robert M. Sawyer, late of Company K, Second Regiment Missouri Volunteer Infantry, War with Spain, $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I inquire the calendar number of the last bill considered?

The VICE PRESIDENT. Calendar No. 419, Senate bill 5501.

Mr. GALLINGER. I think the Senator from Delaware [Mr. DU PONT] is interested in an item in that bill. I refer to the clause granting a pension to Harriet Pierson Porter. The Senator was here a moment ago inquiring about it.

The VICE PRESIDENT. The bill has passed.

Mr. GALLINGER. I ask unanimous consent to reconsider the votes whereby the bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Is there any objection?

Mr. THOMAS. What is the request?

The VICE PRESIDENT. The Senator from New Hampshire requests that the votes whereby Senate bill 5501 was ordered to be engrossed for a third reading, read the third time, and passed be reconsidered. Is there objection? The Chair hears none.

Mr. GALLINGER. Now I ask that that bill be passed over temporarily.

The VICE PRESIDENT. In the absence of objection, the bill will be passed over temporarily.

The bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 7, after the words "United States," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of Clarence B. Brown, late of Company K, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to strike out:

The name of Edward C. McDowell, late captain, acting quartermaster, United States Volunteers, War with Spain, commanding U. S. Army transport *Rawlins*, and pay him a pension at the rate of $24 per month.

Mr. JONES. Mr. President, I hope that amendment will not be agreed to.

Mr. MYERS. Will the Senator yield to me for a moment?

Mr. JONES. Yes.

Mr. MYERS. I do not understand this amendment. I think there must be some mistake about it. In the printed bill lines 5, 6, 7, and 8, relating to Edward C. McDowell, are stricken out as a committee amendment; and yet when I turn to the report submitted to the Senate on this bill, being report on House bill 14546, Calendar No. 451, headed "Mr. SHIVELY, from the Committee on Pensions, submitted the following report," I find that on page 6, a little below the middle of the page, the case of Edward C. McDowell is taken up, all the evidence is reviewed, and on page 7, about the middle of the page at the end of the review of the case, it is stated:

From the evidence submitted in this case it is believed that a pension of $24 per month is fully warranted, and it is so recommended.

If the committee recommends the provision, why is it stricken out?

Mr. SHIVELY. The Senator will observe that, while that statement taken from the House report is reproduced in the report of the Senate committee, if he will refer to page 83 of the document which he has in his hand, he will find there the reason for the action of the committee.

Mr. MYERS. In this report?

Mr. SHIVELY. At the end of the same report of the committee on this bill.

Mr. MYERS. I have not read that yet.

Mr. SHIVELY. That reads:

Page 2, strike out lines 5, 6, 7, and 8.

This is H. R. 1255, the case of Edward C. McDowell. Soldier served in the War with Spain from May 31, 1898, until June 30, 1901. There is no evidence that soldier contracted his present disabilities, namely, disease of kidneys and paralysis of left arm, in the military service of the United States. Your committee do not think the evidence submitted justifies the proposed pension of $24 per month, and this item is stricken from the bill.

Mr. SMOOT. Mr. President, I will also call the Senator's attention to the fact that the records of the War Department fail to show that the soldier was treated during his service for any disability. They show that no physical examination was made at the date of his discharge. In view of the records of the department and the evidence that was submitted to the committee, it was absolutely impossible for the Senate committee to allow the applicant $24 a month under the rules of the committee.

Mr. MYERS. I asked the question for information. I thank the Senator from Washington [Mr. JONES] for yielding; and that is all the time I will claim at this juncture.

Mr. JONES. Mr. President, I hope the Senate will vote this amendment down. I think the statement in the House report justifies us in accepting the House provision. The Senator from Utah says that the Army records fail to show that the soldier was treated in the service, and yet it appears, according to the House report, that—

There is filed a certificate of the United States surgeon of the transport vessel upon which the soldier served, in which it is set forth that the soldier was under this surgeon's professional care and treatment for several weeks during March, 1901, during service, suffering from gastric irritation and intestinal indigestion to an extent to sensibly impair his health and strength. The surgeon states that in his opinion these disabilities were due to the long service of the soldier upon transports and thus being exposed to contrasts of temperature met with between New York and the West Indies. Much of the soldier's service was rendered upon transports upon these waters.

I want to call the attention of the Senate to the fact that while this provision may not be strictly within the rules of the committee, yet it is within the recollection of every Senator that those rules have not been fully adhered to. I think the last time we considered pension bills on the calendar there were two or three claims passed on their merits that were not really in accordance with the rules of the committee.

I want also to call the attention of the Senate to the fact that this man is now 75 years old. He served in the Confederate Army, and then when his country was in danger or when its honor was at stake he enlisted and served in the War with Spain. I think that a man who did that is entitled to some consideration at our hands and that in such a case we ought not to adhere strictly to the rules of the committee. I recognize the merit of those rules and the reason for them; but the House report says that this soldier is 75 years of age, according to the witnesses; that he is feeble and infirm in health, unable to perform any manual labor, and is now without means. As I say, he is 75 years old, and possesses no property of any kind. He had an honorable service in the Confederate Army, and afterwards in the United States Army during the War with Spain.

I think there is sufficient there to warrant this Government in giving him $24 a month, and I hope the committee amendment will be rejected.

Mr. SMOOT. Mr. President, so that the Senate may know the facts in the case, I desire to say that the claimant made application for a pension on December 30, 1912, alleging certain disabilities, but in that application he did not claim that they were of service origin. The claim was rejected on January 31, 1913, on the ground of claimant's manifest inability to connect the alleged disability with his military service, as shown by his sworn statement. No appeal was taken and no effort was made to reopen the claim.

Mr. President, if we should allow this pension under the statement of the claimant himself every soldier who is in the Regular Army would be entitled to a pension; and the committee felt that it was opening a door so wide that it would be a very troublesome matter in the future. It may be a splendid charity case; my heart goes out to the man, and I should like it if in all those cases we could grant a pension, but if we undertake to do it I do not know where we would end. This is one of the cases where the committee felt it was not justified in granting the pension.

Mr. GALLINGER. It will be stricken out if it goes to conference.

Mr. JONES. Mr. President, I know that the Senator's sympathies are with this case and other cases of this kind, but I do not think we are in very much danger so far as concerns the precedents we set here in these special bills. As a matter of fact, every special bill is a precedent; and the only real justification for special bills before Congress is the fact that the claimant does not come under the general pension laws. If this man could have established his disability as having originated in the service, of course he would not have had to come here. He could have gone to the Pension Bureau and could have gotten his pension. It is true that he admits here that he could not trace his disability back to the service; but the testimony of the physicians, as shown here, does not make it absolutely conclusive that it was not incurred in the service. I do think Congress is not establishing a precedent that would come back to plague us, or anything of that sort, or one that we ought not to make.

Mr. SHIVELY. Let it go to conference.

Mr. JONES. I am afraid to let it go into conference. I do not think the Senate ought to cut out this item and throw it into conference, and I hope the Senate will reject the committee amendment.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Washington if he does not think the rate in this case, all things considered, is a little high?

Mr. JONES. It is made $24 in cases of this kind generally. I think where the facts are as strong as this the committee nearly always reports $30.

Mr. SMOOT. No; the regular rate would be $24, based on the disability shown, provided the service was over a year. I have not really noticed what this service was.

Mr. JONES. We do not follow an absolutely uniform rule. I have noticed a good many bills where the actual facts were not so strong as in this case, where the committee has allowed $30. I do not complain of that. I find they have allowed $40 in some cases, and I know of some cases where they have allowed $50 where the facts were not nearly so strong as they are here; so it seemed to me that under the facts here the $24 rate was about as fair as anything could be.

Mr. GALLINGER. Mr. President, I think it is safe to say that no pension at the rate of $50 a month has ever been allowed unless the soldier was already drawing a pension of a smaller amount.

Mr. JONES. Oh, certainly.

Mr. SMOOT. We allow $50 sometimes, but in no case unless the claimant requires constant attendance and can not take care of himself.

Mr. JONES. Of course I know that that is the rule of the committee, but I did not know that it was always followed. While I do not say this committee has done it, I know of one instance myself where the man is going along just as lively as can be; he has disabilities, and so on, but he is getting $50 a month by special legislation. Every Senator knows of such cases.

Mr. SMOOT. Does the Senator know what the testimony was before the committee?

Mr. JONES. No; but I know the condition myself. I hope this amendment will be rejected.

Mr. SHIVELY. That never occurs in a case where the applicant is ineligible to any pension at all under the general laws.

Mr. JONES. Oh, no; I do not contend that he was ineligible to any pension; but I contend that under the facts, both physical and financial, the actual condition was not nearly so bad as this.

Mr. GALLINGER. That was precisely the suggestion I made—that in those cases the soldiers were already drawing small pensions because of disability, and they were increased to $50.

Mr. JONES. That is probably true.

Mr. MYERS. Mr. President, I hope very much the committee amendment in this instance will be rejected. I think it ought to be. I feel very earnestly and keenly about the merits and the right of this matter.

I am personally acquainted with Col. McDowell. He is a southerner and a friend of mine, born and reared in Kentucky. For a number of years he lived in Montana. He lived in my home town, where he was my neighbor, and from there he moved to the State of Washington, where he has lived for a number of years. He is a high-minded, honorable gentleman and patriotic citizen of fine qualities, as is illustrated, I believe, by the caution, even the timidity I might say, with which he makes out his own case. He shows a scrupulousness, a care, a caution in making any representations in his own favor that is refreshing and that is not often met with in pension matters, I believe. He manifests a very strong feeling that he would rather do without any pension than to err in the slightest degree, even a hair's breadth, in his own favor in an attempt to procure one.

Col. McDowell is now 75 years old, a very high-minded, honorable, and patriotic citizen, a thorough gentleman, who is a credit to his country and to every State and community in which he has ever lived. He is a man who is thoroughly honest, whose reputation, integrity, standing, and character are above the shadow of suspicion with anybody who knows him. He fought bravely for his country. Now he is 75 years old; rich in honor, but poor in this world's goods. Manifestly on account of age he is incapable of any physical labor or of doing anything for himself by which to earn a living. At his advanced age a man has no earning capacity.

I believe the House report in this case is meritorious. It is in his favor. Here you have two different reports before you—the report of the House committee, recommending a pension of $24 a month, and the report of the Senate committee, recommending that the item be stricken out and that this good man be given nothing.

Here are the verdicts of two juries, you might say, which have passed on the case—one in favor of and another against the allowance. Now, which are you going to adopt—the one that leans in favor of the old soldier, the one that is lenient with the old soldier, the one that is generous to the old soldier, or the one which is, I think, harsh, strict, and technical? To whom are you going to give the benefit of the doubt, if you have any doubt about it? Are you going to give it to this old man who shouldered his gun and served his country in its hour of peril, its time of need? And it needed men just as much in the Spanish-American War as it did during the dreadful Civil War. Which way are you going to lean if you are in doubt? I say, lean to the man who carried the gun. Lean to the old soldier. Lean to the man who fought for you and me and for our honor. I would rather err a little in favor of many old soldiers than to run any risk of doing an injustice to one of them.

I think the House report is sufficient for the Senate to follow in this case, without any reflection, of course, upon our own committee. I know our own committee is honest and scrupulous about this matter, and it has so many of these cases to deal with that it must be cautious; but I think its members sometimes, like other human beings, run a little risk of doing an injustice to somebody and sometimes may err.

The House report, after reviewing all the evidence, concludes:

> That the soldier is 75 years of age; feeble and infirm in health, and unable to perform any manual labor, and is now without means; possesses no property of any kind; and that he had an honorable service in the Confederate Army, and afterwards in the United States Army during the War with Spain.
>
> From the evidence submitted in this case it is believed that a pension of $24 per month is fully warranted, and it is so recommended.

In regard to whether or not Col. McDowell can trace his present disabilities to service in the Army, he says, honestly and frankly, that he is not able to swear that his present disabilities originated from his service in the Army. Well, what honest man could so swear, unless he is a physician and judges from a medical standpoint? Of course he does not know from what those disabilities originated, but he does say in his testimony that he suffered from these same disabilities for a time during his service in the Army, and then they disappeared. Now, after a lapse of some years, they have returned, and who is there that can say they did not originate in the service? He had the same affliction while he was serving in the Army and it disappeared for a time. He was younger then and abler to recuperate, but after a lapse of some years they returned. It seems to me it is very reasonable to believe that they originated during his Spanish-American War service. Indeed, there is evidence to that effect.

In addition to what I have quoted, the House report says:

> There is filed a certificate of the United States surgeon of the transport vessel upon which the soldier served, in which it is set forth that the soldier was under this surgeon's professional care and treatment for several weeks during March, 1901, during service, suffering from gastric irritation and intestinal indigestion to an extent to sensibly impair his health and strength. The surgeon states that, in his opinion, these disabilities were due to the long service of the soldier upon transports and thus being exposed to contrasts of temperature met with between New York and the West Indies. Much of the soldier's service was rendered upon transports upon these waters.

There is the evidence of an Army surgeon that he did contract the disability during his Spanish-American War service. We can not say that there is no evidence that he contracted the disability during that service. There is such evidence. It is uncontroverted. It is not denied. There is nothing to the contrary, and it seems to me that it is amply sufficient.

We hear a great deal nowadays about sinking the differences between the North and the South, wiping them out, overlooking former differences, putting all on the same footing, and all rallying about the Old Flag; and we hear much about the patriotism of the South in these days when the bloody differences of the gory past are supposed to have been wiped out. Now, here is a concrete example of it, a noble example. Here is a man who was born and raised in Kentucky, who lived in the South until the Civil War broke out, who enlisted in the Confederate Army, who followed valorously the varying fortunes of the stars and bars, who fought bravely, honorably, and efficiently as a valiant soldier and good man for the lost cause until its starry banner drooped in defeat. He would not do otherwise, I know, wherever his lot and fortunes might be cast. He fought for the right as he saw it and, in good faith, surrendered when his cause was lost. After that, when the reunited country had a war with Spain, although that man, that gallant ex-Confederate, must have been 59 years of age at the time, he responded to the call of his country, shouldered his musket, and entered the United States Army as a volunteer and served his

country in its hour of need with the same courage, gallantry, and devotion as he served the Confederacy—served his country when it needed help just as much as it did during the dark days of the Civil War. Think of it! An ex-Confederate, 59 years of age, shouldering a musket and rushing to the defense of his endangered country at the first bugle call.

Here is a chance to show that this country is reunited in spirit as well as in name, in patriotism as well as in fact; that all differences have been sunken. Do you know of a nobler instance? Do you know of a better chance? This is a chance to recognize in a feeble way the well-known and spendid patriotism, the devoted loyalty, which the South feels to-day toward the Old Flag—patriotism and loyalty not surpassed in any section of this broad country, from the Atlantic to the Pacific. It stirs my heart with pride to think of it. I think here is a splendid chance to illustrate the generous feelings of our Government for its late foes who wore the gray. It is an extraordinary opportunity, as this old Confederate soldier has shown that he has a patriotism, a loyalty, a devotion for the common country and the Old Flag which respond to the call of his country whenever it is in the hour of danger and dire distress, and which age can not dim nor time quench. His patriotism, loyalty, and devotion to country burn as brightly to-day in his heart, beat as strongly in his breast, as did the ardor of youth course in his veins when in his young manhood he cast his fortunes with the rising star of the southern Confederacy. Can you think of it without a thrill of pride?

I think, under all the circumstances, with great kindness of feeling for the Senate committee, which is doing its duty as it sees it, that this committee amendment ought to be rejected, and I hope it will be. Vote it down and you will reward an honorable man for valiant service to his country in the hour of need. I believe you will. I believe you are going to give an illustration of the fact that all differences between the North and the South are wiped out, and of the generous feelings of the National Government toward its late foes of the South. I hope the committee amendment will be defeated. I appeal to you to defeat it.

As the Senator from Washington [Mr. JONES] has well said, I am satisfied that there are plenty of men on the pension rolls to-day drawing pensions who are no more entitled and not as much entitled to them as is Col. McDowell. As a matter of course, if he were able to go before the Pension Bureau and offer a complete and unbroken chain of evidence, according to the rules of law, he would not be here asking a pension. He would have filed his application for pension, in that event, with the Pension Bureau, and it would have been awarded to him; but according to my understanding these special pension bills are intended to supply the lack of evidence in just such cases as is this; where there is some weakness or defect in the strict, rigid requirements of the pension laws, but where there is evidently merit, justice, and right in the claim, and when, upon the whole record, the applicant is manifestly worthy and deserving of recognition. Let us recognize this old soldier. Let us remember him kindly in his old age. He remembered us in his advanced years; remembered the honor of his country, the glory of the Old Flag; remembered patriotism and loyalty with an undying devotion, when he, an old man, marched to the front with strong young men and endured privation, hardship, exposure, disease, pestilence, and the enemy's bullets, in order to show that the heart of the old South beats true to the Union and can be depended upon in any emergency. He served us well. He deserves well of us.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the noes seem to have it.

Mr. SMOOT. I ask that the amendment may be again submitted to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee. [Putting the question.] By the sound, the noes seem to have it. The noes have it, and the amendment is rejected.

The next amendment was, on page 2, line 21, after the word "Mexico," to insert "and dependent mother of James L. Parris, late of Company H, Seventh Regiment Illinois Volunteer Infantry," and, in line 24, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Parmelia R. Parris, widow of Bennett Parris, late of Company D, First Regiment United States Dragoons, War with Mexico, and dependent mother of James L. Parris, late of Company H, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 11, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of James M. Pauley, late of Company M, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 13, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of James Turner, late of Company A, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to strike out:

The name of Mary A. Barber, widow of Lafayette E. Barber, late of Company K, Thirty-third Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of two minor children until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, line 13, before the words "per month," to strike out "$24" and insert "$16," so as to make the clause read:

The name of Charlie L. Pennington, late of Eighteenth Battery United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 22, to strike out:

The name of Martella M. George, widow of W. E. George, late of Company D, Twenty-third Regiment Kansas Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 additional for each of four minor children until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to strike out:

The name of William Feavel, late of Company E, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to strike out:

The name of Edward C. Franklin, late of band, Company L, First Regiment Delaware Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was on page 5, after line 17, to strike out:

The name of Emma J. Crocker, widow of Frank H. Crocker, late of the United States Navy, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of two minor children until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 6, line 4, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Crowell Lisenby, late of Company G, Third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 19, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of John D. Ashley, late of Troop A, Second United States Cavalry, War with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after the word "additional," to strike out "for each minor child until it reaches the age of 16 years" and insert "on account of each of the minor children of the said Fred L. Fox until they reach the age of 16 years," so as to make the clause read:

The name of Emma Fox, widow of Fred L. Fox, late of Troop F, Seventh Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 pre month additional on account of each of the minor children of the said Fred L. Fox until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to strike out:

The name of Marian E. Keyes, widow of Charles H. Keyes, late of the United States Marine Corps, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of the two minor children until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 7, line 22, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Andrew J. Wallace, late of Company G, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 13, before the word "pension," to strike out "special," so as to make the clause read:

The name of George B. Weesner, late of Company D, Thirty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 17, to strike out:

The name of John Hodges, late of Company B, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 8, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Wiley Gullett, late of Company F, Twenty-eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 17, before the words "per month," to strike out "$50" and insert "$12," so as to make the clause read:

The name of Martha R. Allwein, late nurse, Regular Establishment, United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 1, after the word "additional," to strike out "for" and insert "on account of"; in line 2, before the word "minor," to strike out "two" and insert "the"; and in the same line, after the word "children," to insert "of said Frank Mihalak," so as to make the clause read:

The name of Catherean Mihalak, widow of Frank Mihalak, late of Company M, Fifth Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Frank Mihalak until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 10, line 6, before the words "per month," to strike out "$24" and insert "$12," so as to make the clause read:

The name of Pawil Wiczias, late of Companies D and C, Twenty-first Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. DU PONT. I ask the Senate to return to the bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The bill was reconsidered and passed over with the understanding that it would be called up later.

The VICE PRESIDENT. The bill is before the Senate.

Mr. DU PONT. On page 2, line 1, before the words "per month," I move to strike out "$50" and insert "$75," so as to read "$75 per month." This is to increase the pension of Mrs. Harriet P. Porter to $75 per month.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Delaware.

Mr. DU PONT. I should like to say that I think this is a highly deserving case, and I can do no better than read a few extracts from Mrs. Porter's memorial.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. GALLINGER. Will the Senator from Nevada agree to a proposition I am about to submit? It is that the unfinished business be laid aside for half an hour to enable us to complete the pension bills.

Mr. NEWLANDS. I have no objection to that course, if it is agreeable to the Senator from Iowa [Mr. CUMMINS], who is to speak next upon the pending bill.

Mr. GALLINGER. Then I will appeal to the Senator from Iowa.

Mr. CUMMINS. I understand that the request is to lay aside the commission bill for half an hour.

Mr. GALLINGER. If we can complete the pension bills during that time.

Mr. CUMMINS. Or to complete the calendar, so far as pension bills are concerned.

Mr. GALLINGER. Yes.

Mr. CUMMINS. I am very willing to agree to that.

Mr. GALLINGER. It may take a little over half an hour, but we will expedite it.

Mr. SMOOT. There are only eight more of these pension bills, I will state.

Mr. CUMMINS. I shall not put any limit on it, as far as I am concerned.

Mr. NEWLANDS. I ask that the unfinished business be temporarily laid aside for half an hour.

The VICE PRESIDENT. Without objection, the unfinished business will be laid aside for 30 minutes.

Mr. GALLINGER. More or less.

The VICE PRESIDENT. By unanimous consent, the consideration of the pension bills is resumed, and the Senator from Delaware has the floor.

Mr. DU PONT. Mr. President, I think this is a highly deserving case. Mrs. Porter is a lady of advanced years, and with a total income on which to support herself and her daughter of $250 a year. She is the widow of Maj. Gen. Fitz John Porter, and it seems to me, on account of the services of her husband, that she has a special claim to the consideration of the Senate.

In the Mexican War Gen. Porter was wounded in a desperate assault upon the Belen Gate of the City of Mexico, the two other officers of his battery having been killed and 27 out of the 30 enlisted men of the battery having been killed or wounded. Of those who made the assault, only 3 came off unharmed, and he was one of those wounded.

During the Civil War he rendered conspicuous services on many occasions, and was most unjustly discharged from the service. He was reinstated with honor after an investigation. The board of inquiry stated that in their opinion "justice requires at his hands"—the hands of the President—"such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz John Porter, and restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service."

He was restored, but restored without any back pay. Upon his complete vindication and restoration to the Army Gen. Porter did not receive the back pay and emoluments, amounting to $97,310.18, to which he would have been entitled had he not been most unjustly deprived of his commission, and which he should have received under every principle of justice and equity and in conformity with the precedents established in several analogous cases.

This constitutes another strong ground, I think, why Mrs. Porter's pension should be increased from $50 to $75, and therefore I have moved the amendment.

Mr. GALLINGER. Mr. President, on a former occasion when a similar bill was before the Senate I called attention to the fact that there was great prejudice in my State against Gen. Porter at the time he was dismissed. It was an intense prejudice, but a colleague of mine in the other House, Martin A. Haynes, during the Fiftieth Congress, who served under Gen. Porter, made a speech in that body which completely convinced me that the dismissal was an act of absolute injustice.

As the Senator from Delaware has said, Gen. Porter lost $97,000 because of his dismissal. That amount ought to have been paid to him when he was reinstated in the service. The change of opinion regarding Gen. Porter in New Hampshire is so pronounced that a monument has been erected in Portsmouth to his memory, and so far as I know the feeling that he had not done his full duty as a soldier has absolutely disappeared from the minds of our people.

Mrs. Porter is reduced in circumstances to the extent that she has an income of $250 a year, and she has a daughter somewhat dependent upon her. Heaven only knows how she lives. I will be glad if the Senate will permit this pension to be increased to $75 per month, and let it go to conference for more deliberate consideration than we can give it to-day.

There are not any other things I would say except that I want to have all these pension bills acted upon to-day, if possible. I will content myself with simply expressing a hope that the Senate will agree to the amendment offered by the Senator from Delaware. It is but an act of simple justice—a totally

inadequate recognition when we consider the great services Gen. Porter rendered the Government.

Mr. THOMAS. What is the amendment?

The PRESIDING OFFICER (Mr. SMOOT in the chair). The amendment proposes to increase the pension of Mrs. Harriet Pierson Porter, the widow of Gen. Fitz John Porter, from $50 to $75 per month. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

The bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the persons named at the rates given:

Marie J. Blaisdell, late Army nurse, Medical Department, United States Volunteers, and widow of William Blaisdell, late of Company F, Fifth Regiment Minnesota Volunteer Infantry, $36 per month in lieu of that she is now receiving.

Asa Wren, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Benjamin G. Barber, late of Company F, Twelfth Regiment Connecticut Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Emma T. Barnes, widow of Charles D. Barnes, late of U. S. S. *North Carolina* and *Susquehanna*, United States Navy, $20 per month in lieu of that she is now receiving.

David H. Geer, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sarah C. Jaques, widow of Benjamin F. Jaques, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, $12 per month.

Eldred C. Mitchell, late of Company A, Twenty-fifth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary A. Burns, widow of William H. Burns, late of Company I, Thirteenth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary Boyington, widow of Ira Boyington, late of Company D, Seventy-eighth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah A. Bailey, widow of Benjamin F. Bailey, late of Company F, First Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Richardson, widow of Sewell D. Richardson, late of Second Company Sharpshooters, Twenty-second Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lewis C. Jones, blind and dependent son of Thomas M. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Cavalry, $12 per month.

Jane Simpson, widow of Jeremiah Simpson, late of Company A, Twelfth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. Southwell, late of Company D, Sixty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Emma S. Gere, widow of Thomas P. Gere, late first lieutenant and adjutant, Fifth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Anna T. Russell, widow of John M. Russell, alias John Mack, late of Company G, One hundred and second Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Isabella A. Trask, widow of Jedediah F. Trask, late of Company D, Eleventh Regiment Rhode Island Volunteer Infantry, $12 per month.

Benedikta Hess, widow of James Hess, late captain Company G, Forty-sixth Regiment Indiana Volunteer Infantry, $12 per month.

Sarah H. White, widow of Adrian C. White, late first lieutenant Company K, Twentieth Regiment Michigan Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Ella Hawkins, widow of William J. Hawkins, late of Company E, Fortieth Regiment Indiana Volunteer Infantry, $12 per month.

Morris P. Jolley, late of Company A, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary E. Wallace, former widow of Lemon W. Elder, late of Company E, Thirty-fourth Regiment Iowa Volunteer Infantry, $12 per month.

Mary E. Turner, formerly Ross, helpless and dependent daughter of Joseph Ross, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, $12 per month.

Joshua F. Spurlin, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Emily M. Walker, widow of Benjamin F. Walker, late of Company B, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, $12 per month.

Lucretia M. Small, widow of Joseph L. Small, jr., late of Company G, Thirty-second Regiment, and Company G, Thirty-first Regiment, Maine Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edward D. Small, helpless and dependent child of said Joseph L. Small, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lucretia M. Small the name of the said Edward D. Small shall be placed on the pension roll at the rate of $12 per month from and after the date of death of said Lucretia M. Small.

Bernard A. McKenna, late of Company H, Twelfth Regiment United States Infantry, $36 per month in lieu of that he is now receiving.

Julius Patmore, late of Company E, Sixtieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harriet M. Case, widow of Marcus A. Case, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, $20 per month in lieu of that she is now receiving.

Rebecca Brown, widow of George J. Brown, late first lieutenant and captain Company F, First Regiment Indiana Volunteer Heavy Artillery, $25 per month in lieu of that she is now receiving.

Marcia A. Ward, former widow of William H. Cottrell, late of Company B, Thirty-fifth Regiment New York Volunteer Infantry, $12 per month.

Fridolin Strobel, late of Company C, First Battalion, Fifteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

James M. Harvey, late of Company C, Fifty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry N. Oliver, late of Company G, Twenty-second Regiment Maine Volunteer Infantry, and Company B, First Battalion Maine Volunteer Sharpshooters, $30 per month in lieu of that he is now receiving.

William J. Murray, who served in the Department of the Gulf, in the telegraph department, in the year 1862, and in the Red River campaign in 1864, $30 per month in lieu of that he is now receiving.

Samuel Morningstar, late of Company G, Thirteenth Regiment Indiana Cavalry, $30 per month in lieu of that he is now receiving.

Arthur Householder, late of Company D, Seventy-second Regiment Ohio Volunteer Infantry, and Company G, Tenth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Charles H. Chambers, late of Company A, Eighth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James W. Allen, late of Company H, Fifteenth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James D. Beasley, late of Company G, Eighty-first Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Naomi Fiedler, widow of John A. Fiedler, late of Company C, Ninety-second Regiment, and Company C, Sixty-fifth Regiment, Illinois Volunteer Infantry, $12 per month in lieu of that she is now receiving.

Albert White, late of Company F, First Regiment, and Company C, Second Regiment, Kansas Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Frederick J. Young, late of Company C, First Regiment Mississippi Volunteer Mounted Rifles, $24 per month in lieu of that he is now receiving.

Samuel Minnich, late of Company L, Second Regiment Pennsylvania Volunteer Infantry, War with Mexico, and Company E, Fifteenth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Franklin Parlin, late of Company G, Nineteenth Regiment Maine Volunteer Infantry, and Company G, First Regiment Maine Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Martha E. Enicks, widow of William H. Enicks, late of Company G, Eleventh Regiment West Virginia Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Isaac E. Hunt, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Austin Peck, late of Company E, Fourteenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Flynn, late of Company C, Twenty-sixth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Pliny H. Barnes, alias Charles Baker, late of Company B, One hundredth Regiment New York Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Nancy A. Stanley, widow of William H. Stanley, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Levi W. Eiseley, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Ida M. Davis, widow of Henry C. Davis, late of Company B, First Regiment Indiana Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John T. Taylor, late second lieutenant Company K, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Margurite D. Pollard, widow of Joseph Pollard, late of Company G, First Regiment; second lieutenant Company G, Twelfth Regiment, and captain Company H, Second Regiment, Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas Kiernan, late of Company F, First Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Winebark, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Townsend, late of Company H, Eighth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Albert T. Harvey, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William P. Mullikin, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Patrick Carver, late of Company D, Fifth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lizzie B. Nelson, widow of William H. Nelson, late of Company H, Forty-seventh Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John Pace, late of Company B, Second Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Martin V. B. Eisenbarger, late of Company E, Forty-third Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edwin P. Kyle, late of Company C, Fourth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 13044) to pension widows and minor and helpless children of officers and enlisted men who served during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 7, after the word "insurrection," to strike out "or in China," in line 9, after the word "inclusive," to strike out "service to be computed from date of enlistment to date of discharge, including all furloughs," so as to read:

That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow, without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16.

Mr. THOMAS. I wish to inquire whether the unfinished business of the Senate has been laid before it.

The PRESIDING OFFICER. The unfinished business has been temporarily laid aside for 30 minutes. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert as a new section the following:

SEC. 2. That if any officer or enlisted man who served 90 days or more in the Army or Navy of the United States during the late Civil War and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood: *Provided*, That said widow shall have married said soldier or sailor prior to the passage and approval of this act; and the benefits of this section shall include those widows whose husbands, if living, would have a pensionable status under the joint resolutions of February 15, 1895, July 1, 1902, and June 28, 1906

The amendment was agreed to.

Mr. JONES. I wish to offer an amendment to come in as a new section.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 6, on page 4, insert the following as a new section:

SEC. 4. That every widow who is now receiving or may hereafter be entitled to a pension under present laws of less than $20 per month by reason of the Civil War shall, upon due proof that she was the wife of a soldier at any time during said war and continued his wife until his death, be entitled to a pension of $20 per month, the same to begin from the date of filing her application under the provisions of this act.

Mr. THOMAS. I should like to inquire whether that removes the limitation which the general law now imposes, which, I think, requires the marriage to have taken place prior to a certain time in 1890?

Mr. JONES. This simply covers a case where the widow was the wife of a soldier during the Civil War. The amendment of the committee which has been adopted covers the point the Senator inquires about.

Mr. THOMAS. There is a general statute which now covers this class of cases.

Mr. JONES. They all get the same pensions. This gives to the widows who were wives of soldiers during the war $20 instead of $12. I think the amendment just adopted covers the point the Senator has in mind. The committee have reported an amendment which removes the limitation of 1890. The amendment which I have offered is a recognition to a woman who was the wife of a soldier while the war was on in her own right and gives her a little larger pension than the ordinary widow of a soldier.

Mr. THOMAS. Do I understand the Senator's construction of the amendment adopted by the committee to be, in substance, that it would cover this case, for instance, that if a pensioner should marry to-day and should die next week the wife of that pensioner would have a pensionable status?

Mr. JONES. That is the effect of the committee amendment, I understand.

Mr. THOMAS. I should like to inquire of the chairman of the committee if that is the effect of the amendment?

Mr. SHIVELY. To what class of widows does the Senator refer?

Mr. THOMAS. I am referring to widows of the soldiers of the Civil War.

Mr. SHIVELY. Any widow who married the soldier prior to the passage of this bill becomes pensionable.

Mr. THOMAS. And it removes the restriction of the old law which requires a widow to have married prior to 1890?

Mr. SHIVELY. This bill employs substantially the same language as the act of 1890 and will apply to marriages prior to the passage of the bill.

Mr. THOMAS. At what time does the marriage of the widow have to take place to obtain a pensionable status?

Mr. SHIVELY. Prior to the passage of this bill.

Mr. THOMAS. This bill has not passed.

Mr. SHIVELY. At present she must have married the soldier prior to June 27, 1890. To change that date is the substance and purpose of the amendment. For instance, a widow is now eligible to a pension if she married the soldier prior to June 27, 1890.

Mr. THOMAS. Under this bill the widows of all soldiers who have married since June, 1890, will be placed upon the pension rolls.

Mr. SHIVELY. They become eligible to the pension prescribed in the bill.

Mr. THOMAS. Can the Senator inform me to what extent that will increase our pension expenditures?

Mr. SHIVELY. The estimate of the expense is incorporated in the report and——

Mr. BRYAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator from Colorado yield to the Senator from Florida?

Mr. THOMAS. In just a moment. I have asked a question.

Mr. BRYAN. I desire to propound a parliamentary inquiry.

Mr. THOMAS Will the Senator permit me to get this information?

Mr. SHIVELY. The Senator will find a communication on page 3 of the report signed by the Assistant Secretary of the Interior, in which he estimates the total for widows of soldiers of the Spanish-American War and the new class of widows of the Civil War to be $7,500,000 per annum.

Mr. BRYAN. Mr. President, what was the unanimous-consent agreement under which this pension bill is being considered? Did it include a general pension bill or only private pension bills?

The PRESIDING OFFICER. The request was for the consideration of the pension bills on the calendar under Rule VIII.

Mr. BRYAN. Is it too late to object to the consideration of this bill?

The PRESIDING OFFICER. It is too late at the present time.

Mr. SHIVELY. Let me make a suggestion.

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the unfinished business was temporarily laid aside for 30 minutes beginning at 2 minutes past 2.

Mr. SHIVELY. It seems manifest that this bill will provoke more or less debate and take time. Only a few minutes remain under the unanimous consent to consider pension bills. It is hoped that all the private pension bills on the calendar may be disposed of to-day. Therefore, for the purpose of facilitating the passage of the bills which do not provoke extended debate, I ask that for the present this bill may be passed over.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the pending bill be passed over for the present. Is there objection?

Mr. JONES. I understand that my amendment will be pending when it comes up.

The PRESIDING OFFICER. When the bill again comes before the Senate the Senator's amendment will be pending. The Chair hears no objection, and the next pension bill will be presented to the Senate.

Mr. BRYAN. Was Order of Business 209 taken up and considered under the unanimous-consent agreement?

The PRESIDING OFFICER. No; the Chair will state to the Senator from Florida that Order of Business 209 was not brought to the attention of the Senate. That is the bill to create in the War Department and Navy Department, respectively, a roll to be designated as "the Civil War Volunteer officers' retired list."

Mr. GALLINGER. That was not considered.

The PRESIDING OFFICER. That bill was not considered.

Mr. BRYAN. I am surprised that this Calendar No. 494 would be undertaken to be considered when the unanimous consent was to consider private pension bills. Of course, the Senator from Indiana knows, or ought to know, that this bill can not be considered by any unanimous consent within any two hours.

The PRESIDING OFFICER. The Chair will say to the Senator that the bill has been temporarily laid aside by unanimous consent. The next pension bill on the calendar will be proceeded with.

The bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, to strike out lines 6 to 9, in the following words:

The name of Catherine Beard, widow of Archibald Beard, late of Company A, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Amy Day, widow of Leronza Day, late of Company F, One hundred and twenty-fifth Regiment United States Colored Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 3, line 12, after the word "late," I move to strike out "of Anderson Troop" and insert "lieutenant colonel," so as to read:

The name of Margaret Spencer, widow of William Spencer, late lieutenant colonel Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

The name of Hannah M. Brodock, widow of Ransom Brodock, late of Companies I and E, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 13, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of George Congdon, late of Company H, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 18, before the word "widow," to insert "former," and in line 20, before the word "Militia," to insert "State," so as to make the clause read:

The name of Julia Derigne, former widow of Robert T. Derigne, late of Company C, Second Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 2, before the word "widow," to strike out the name "Anna E. Seaman" and insert "Hannah E. Seamans," and in the same line, after the name "John," to strike out "Seaman" and insert "Seamans, jr.," so as to make the clause read:

The name of Hannah E. Seamans, widow of John Seamans, jr., late of Company D, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "principal," to insert "late," and in the same line, after the word "musician," to strike out "late of," so as to make the clause read:

The name of Mary J. Smith, now Simpson, former widow of Mighill S. Smith, late principal musician, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 3, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Alvah Withee, late of Company H, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 7, before the word "Regiment," to strike out "forty-eighth" and insert "forty-ninth," and in the same line, before the word "Volunteer," to strike out "Ohio" and insert "Pennsylvania," so as to make the clause read:

The name of Mary L. McEntire, widow of Thomas McEntire, late of Company H, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 11, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Thomas McCafferty, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 10, line 10, I move to strike out the word "Infantry" after the word "Volunteer" and insert the word "Cavalry."

The amendment was agreed to.

The next amendment was, on page 11, line 5, after the name "Washington," to strike out "Bentley" and insert "Bently," so as to make the clause read:

The name of Washington Bently, late of Company E, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to strike out:

The name of Anna Webber, widow of Frederick Webber, late of Company A, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to strike out:

The name of Rufus H. Hopkins, late of Company F, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 13, line 15, after the word "Joseph," I move to insert the initial "P," so as to read.

The name of Agnes Clark, widow of Joseph P. Clark, late of Company E, Eleventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 1, before the word "late," to strike out the name "Hilbert" and insert the name "Hilfert," and in line 2, before the word "unassigned," to strike out "of Company ——," so as to make the clause read:

The name of Charles H. Hilfert, late unassigned, Third Regiment Wisconsin Volunteer Infantry and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. SHIVELY. On page 14, line 3, after the word "Infantry," I move to insert "and Company D, Twenty-first Wisconsin Volunteer Infantry."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 16, line 1, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Sarah Jane Nelson, widow of Thomas Nelson, late of Company G, Second Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 16, line 8, after the word "William," I move to strike out the initial "J" and insert the initial "C," so as to read "William C. Narron."

The amendment was agreed to.

The next amendment was, on page 16, line 22, after the words "per month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Augusta Hendricks, former widow of John C. Eames, late of Company B, Twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. On page 18, line 20, after the word "Volunteer," I move to strike out "Light" and insert the word "Heavy," so as to read:

The name of Sara A. Call, widow of Robert P. Call, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 20, line 4, after the word "Company," I move to strike out the initial "D" and insert the initial "B," so as to read:

The name of Alice E. Keating, widow of John Keating, late of Company B, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 20, after the name "Herman," to strike out "Miemeyer" and insert "Niemeyer," and in line 21, after the word "Militia," to strike out "Cavalry" and insert "Infantry," so as to make the clause read:

The name of Johanna F. Niehaus, former widow of Herman Niemeyer, late of Company E, First Regiment Missouri State Militia Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, after line 5, to strike out:

The name of Mary E. Ferrell, dependent mother of John A. Ferrell, late of Company G, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 13, after the words "at the rate of," to strike out "$24" and insert "$17," so as to read:

The name of Edgar E. Cummings, late of Company C, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to strike out:

The name of Luther Detwiler, late of the Twenty-second Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to strike out:

The name of Edith V. Pannett, widow of William F. Pannett, late of Troop B, Sixth Regiment United States Cavalry, War with Spain, and pay her a pension of $12 per month, and $2 per month additional for one minor child until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, line 6, before the word "Infantry," to insert "Volunteer," and in the same line, after the word "Infantry," to strike out "Regular Establishment." so as to make the clause read:

The name of Elizabeth Adams, widow of William Adams, late of Company C, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out:

The name of Agnes M. Frazier, widow of August Frazier, late of the United States Marine Corps, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 18, after "$2," to strike out "additional for each minor child of the deceased soldier until they reach the age of 16 years" and insert "per month additional on account of each of the minor children of said Frank G. Agey until they reach the age of 16 years," so as to make the clause read:

The name of Vernie Agey, widow of Frank G. Agey, late of Company F, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Frank G. Agey until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, line 2, after "$2," to strike out "additional for the minor child of the deceased soldier until it reaches the age of 16 years" and insert "per month additional on account of the minor child of said George Parker until she reaches the age of 16 years," so as to make the clause read:

The name of Missouri Parker, widow of George Parker, late of Company E, Twenty-fourth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said George Parker until she reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the word "mother," to insert "dependent," and in line 15, before the word "late," to strike out "deceased," so as to make the clause read:

The name of Belle R. Reid, dependent mother of Wayne R. Jacobs, late of Company A, First Regiment Colorado Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "late," to strike out "of Nineteenth Company," and in line 20, before the words "Coast Artillery," to strike out "Regiment" and insert "United States," so as to make the clause read:

The name of Edmon Boydstun, late unassigned, Foot Service White United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $14 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 22, before the word "mother," to insert "dependent," so as to make the clause read:

The name of Talulah F. Hale, dependent mother of Henry C. Hale, late of Company B, Fifth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of William M. Sanders, late of Company L, Third Regiment United States Infantry, and Company A, First Regiment Kentucky Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to strike out:

The name of John W. Lattimore, late of Company C, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the following-named persons at the rates stated:

Ruth A. Jackson, widow of Franklin D. Jackson, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Anna R. Atwood, former widow of Dwight S. Atwood, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Josephina Soleau, widow of Francis X. Soleau, late captain Company G, and major Fifteenth Regiment Michigan Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen M. Kilbourn, widow of Amos W. Kilbourn, late of Company A, Second Regiment Ohio Volunteer Cavalry, and Twenty-fifth Battery, Ohio Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Josephine Rath, widow of Gottfried Rath, late of Company C, Fifteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth McLaughlin, widow of William McLaughlin, late ordinance sergeant, United States Army, $20 per month in lieu of that she is now receiving.

Henry Fairley, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Henry M. Means, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Eveline Titus, now Watts, former widow of William H. Titus, late of Fifth Battery Wisconsin Volunteer Light Artillery, $12 per month.

Nellie E. Alfred, widow of Albert F. Alfred, late of Company D, Second Reigment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Annie F. Merritt, widow of James E. Merritt, late of Company D, Forty-second Regiment Massachusetts Volunteer Infantry, $12 per month.

Eugenia Chaves de Montano, widow of Manuel Montano, late of Companies D and A, Second Regiment New Mexico Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary A. Pierce, former widow of James C. Newton, late of Company G, Ninety-third Regiment Indiana Volunteer Infantry, $12 per month.

Julius C. Ward, late of Company H, Seventy-second Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James B. Kendall, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Eliza K. Carpenter, widow of Arthur B. Carpenter, late captain, Nineteenth Regiment United States Infantry, $20 per month in lieu of that she is now receiving.

Josephine Moore, former widow of Thomas G. Patterson, deceased, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, $12 per month.

William R. Downs, late of Company E, Eleventh Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Carrie A. Wells, widow of William T. Wells, late of U. S. S. *Osage* and *Meteor*, United States Navy, $20 per month in lieu of that she is now receiving.

William H. Allen, late of the Second Company of Sharpshooters attached to the Twenty-second Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaiah Coplin, late of Company C, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Henry C. Doll, late of Company F, Twenty-fifth Regiment Pennsylvania Volunteer Infantry, $12 per month.

Samuel Hill, late of Company A, Fourth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Willis Layton, late of Company I, Forty-fourth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Samuel Deems, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frances M. Robertson, widow of Robert S. Robertson, late first lieutenant Company K, Ninety-third Regiment New York Volunteer Infantry, $17 per month.

Eli Caldwell, late of Company C, First Regiment Nebraska Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Isaac R. Rains, helpless and dependent son of John M. Rains, late captain Company C, Second Regiment Tennessee Volunteer Cavalry, $12 per month.

Selena E. Noland, widow of Andrew Noland, late of Company C, Forty-third Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John D. Sanders, late of Company H, Sixty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harrison Stevens, late of Company D, Eighth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sadie Winters, widow of Francis Winters, late of Battery E, Second Regiment United States Artillery, $12 per month.

Sarah J. Rugh, widow of James C. Rugh, late of Company C, Twenty-sixth Regiment Ohio Volunteer Infantry, $12 per month, such pension to cease upon proof that the soldier is still living.

George H. Erskine, late of Company G, Twenty-eighth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Helen M. Winchester, widow of Merritt R. Winchester, late of Company H, Eighteenth Regiment New York Volunteer Cavalry, $12 per month.

John S. Bell, late of Company D, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John M. Mishler, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Bersheba Wood Logan, widow of Floatus V. Logan, late of Company C, Third Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John Collier, late of Company D, One hundred and seventy-third Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Elizabeth C. Miller, widow of Samuel Miller, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, $12 per month.

Francis M. Stults, late of Company B, Third Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Josephine C. Sumner, widow of William Sumner, late first lieutenant Company C, Twenty-seventh Regiment Michigan Volunteer Infantry, $12 per month.

Martha G. Lee, widow of James V. Lee, late of Company B, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and Battery E, Fifth Regiment United States Artillery, $20 per month in lieu of that she is now receiving.

Maggie Daugherty widow of George A. Daugherty, late of Company M, Thirteenth Regiment Kentucky Volunteer Cavalry, $24 per month in lieu of that she is now receiving.

John C. Hotchkiss, late of Company B, Fourth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lurancy E. Rice, widow of Wells S. Rice, late captain Company D, Fifth Regiment Iowa Volunteer Infantry, and former widow of Henry C. Thompson, late of Company G, Third Regi-

ment Vermont Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lizzie U. Ricker, widow of Arthur Ricker, late of Company B, Fifth Regiment Maine Volunteer Infantry, and Company I, Thirtieth Regiment Maine Veteran Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John L. Shields, late of Company B, Eighth Regiment Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Anna B. Davis, widow of Wirt Davis, late colonel Third Regiment United States Cavalry, and brigadier general, United States Army, retired, $30 per month in lieu of that she is now receiving.

Simon W. Morgan, late of Company B, First Regiment Oregon Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Frances E. Porter, widow of John A. Porter, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Lorena M. Long, widow of Byford E. Long, late captain Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Byford E. Long until she reaches the age of 16 years.

Charles F. Roberts, late of Companies E and F, Thirtieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Florence B. Plato, widow of Nelson Plato, late captain and assistant quartermaster, United States Volunteers, $40 per month in lieu of that she is now receiving.

George L. Johnson, late of Company K, Forty-second Regiment Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Joanna A. Bevans, former widow of Charles V. McCarter, late of Company A, Second Regiment, and Company K, Fourth Regiment, Wisconsin Volunteer Cavalry, and widow of Henry T. Bevans, late of Company F, First Regiment Minnesota Volunteer Infantry, $12 per month.

Elizabeth A. Jones, dependent sister of Flavel B. Jones, late of Company D, One hundred and first Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George M. Swango, late of Company G, Seventh Regiment, and Company C, Twentieth Regiment, Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Christian C. Fleck, late of Thirtieth Independent Battery, New York Volunteer Light Artillery, $50 per month in lieu of that he is now receiving.

Sarah J. Tillinghast, widow of Clark P. Tillinghast, late of Company C, First Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Benjamin F. Neddo, late of Company G, Ninth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James D. Brooks, late of Company D, Fifth Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Henry Goodwin, late of Company C, First Regiment New Hampshire Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Francis M. Drum, late of Company A, First Regiment New York Veteran Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Zachary S. Walker, late of Company B, Ninth Regiment Indiana Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Matilda A. Cowgill, widow of Isaac V. Cowgill, late of Companies C and B, First Regiment Indiana Volunteer Cavalry, and former widow of Thomas K. Martin, late of Companies C and B, First Regiment Indiana Volunteer Cavalry, $12 per month.

Marquis L. Waits, late of Company H, Thirteenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Moses P. Roberts, late of Company E, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and Company A, Third Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Celia A. Davis, widow of William M. Davis, late of Company C, Second Regiment Missouri State Militia Cavalry, $20 per month in lieu of that she is now receiving.

Margaret A. Pepper, widow of Edward Pepper, late of Company D, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Rhoda L. Goreham, former widow of William M. Goreham, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, $12 per month.

Miles G. Lee, late of Company L, Seventh Regiment Pennsylvania Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

James Ohaver, late of Company B, One hundred and seventeenth Regiment, and Company A, One hundred and fifty-sixth Regiment, Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Theodore S. Payton, late of Company K, Forty-ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Byron A. Hart, late of Company H, Second Regiment Maine Volunteer Cavalry, and ordinary seaman, U. S. S. *Richmond*, United States Navy, $36 per month in lieu of that he is now receiving.

William H. Sisson, late of Company F, First Regiment Massachusetts Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Eugene A. Rix, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Teney Stanton, widow of Larkin Stanton, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

William Calkins, late of Company K, Fifth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James E. S. Pray, late hospital steward Seventeenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William H. Sperry, late of Company K, Seventh Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Nancy Matsel, former widow of Henry McKnight, late of Company F, Eighty-seventh Regiment Illinois Volunteer Infantry, and widow of William H. Matsel, late of Company I, Eighty-seventh Regiment Illinois Volunteer Infantry, $12 per month.

George Willis, late of Company G, Thirteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eliza L. Johnsonbaugh, widow of John H. Johnsonbaugh, late of Company B, One hundred and forty-second Regiment Indiana Volunteer Infantry, and former widow of Milton Ellis, late of Company G, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and Llewellen Shaw, late of Company A, Second Regiment Indiana Volunteer Cavalry, $12 per month.

Charles Brink, late of Company C, Thirtieth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Sullivan, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Blanche L. Kuykendall, widow of James W. Kuykendall, late of Company E, Seventy-first Regiment Indiana Volunteer Infantry, subsequently Sixth Regiment Indiana Volunteer Cavalry, $12 per month.

William H. Rich, late of Company B, Seventy-fifth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Amelia Dingler, widow of Edward Dingler, late captain Company F, Seventh Regiment New Jersey Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frank Snurpus, late second lieutenant Company K, Eleventh Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Max Pracht, alias Maxwell Pratt, late acting third assistant engineer, United States Navy, $30 per month in lieu of that he is now receiving.

Cary Otis, late of Company H, Eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frederick D. Bailey, late of Company I, One hundred and fifty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Arthur E. Strimple, late of Company A, Fifth Regiment Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Joseph S. Pray, late of Company H, Third Regiment Massachusetts Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

William Gehlbach, late of Company B, Thirteenth Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Julia E. Robinson, widow of James Robinson, late of Company I, Sixth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas W. Eckert, late of Company A, Second Battalion Sixteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Samuel A. Leazer, late of Company I, Thirty-seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Evans, late of Company D, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jacob M. Stark, late of Company A, Fifteenth Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Jennie C. Potter, widow of Ethan A. Potter, late of Company B, Second Regiment Vermont Volunteer Infantry, $12 per month.

Margaretta B. Sayre, widow of Henry Sayre, late of Company E, Fifty-second Regiment Illinois Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ann Lenora Sayre, helpless and dependent child of said Henry Sayre, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Margaretta B. Sayre the name of the said Ann Lenora Sayre shall be placed on the pension roll at $12 per month from and after the date of death of said Margaretta B. Sayre.

Curtis B. Small, late of Company I, One hundred and thirtieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mr. SHIVELY. I move to amend by striking out lines 10 and 11, on page 1, and lines 1, 2, and 3, on page 2, in the following words:

The name of Anna R. Atwood, former widow of Dwight S. Atwood, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The beneficiary has died.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, after line 9, to strike out:

The name of Arabella McV. Russell, former widow of James McVay, late of the United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 6, before the word "late," to strike out the name "Cloffee" and insert the name "Claffee," so as to make the clause read:

The name of Mary T. Frank, former widow of Patrick T. Claffee, late of Company C, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 18, after the words "per month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Engelina A. Fischer, widow of Charles H. G. Fischer, alias Henry Burton, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 16, after the word "receiving," to insert: "*Provided*, That in the event of the death of Edith May Wildman, helpless and dependent child of said John P. Wildman, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Louisa Wildman the name of the said Edith May Wildman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Louisa Wildman," so as to make the clause read:

The name of Louisa Wildman, widow of John P. Wildman, late of Company K, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edith May Wildman, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 10, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Julia W. Stevens, widow of Henry S. Stevens, late chaplain Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 3, before the name "Hess," to strike out the initial "W" and insert the initial "D," and in line 5, before the words "per month," to strike out "$27" and insert "$24," so as to make the clause read:

The name of Samuel D. Hess, late of Company A, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 17, before the words "per month," to strike out "$27" and insert "$24," so as to make the clause read:

The name of James McCarthy, late of Company L, First Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SHIVELY. In line 16, I move to strike out the word "Infantry," after the word "Volunteer," and insert the word "Cavalry."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 9, after line 22, to strike out:

The name of Edward T. Parker, late of Companies F and B, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 11, before the word "widow," to insert "former," so as to make the clause read:

The name of Anna M. Fox, former widow of Daniel W. Fox, late of Company B, Seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to strike out:

The name of Catharine McCombs, widow of William H. McCombs, late of Company B, Battalion Cavalry, Mississippi Marine Brigade, and pay her a pension at the rate of $12 per month as the soldier's widow, with the provision that in the event that the soldier shall subsequently be found to be alive and shall make application for restoration of his name to the pension rolls any sum or sums so paid to the widow under the provisions of this act shall be deducted from any pension which may have accrued to him, and that the pension allowed the widow by this act shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 14, line 5, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of Joseph H. Peirce, late of Company D, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 7, before the name "Winter," to strike out "Joseph" and insert "Jacob," so as to make the clause read:

The name of Jacob Winter, alias Strisle, late of Company F, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to strike out:

The name of Martha Gage, widow of Lucian R. Gage, late of Battery I, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 10, before the word "late," to strike out the name "Lea" and insert "Lee," so as to make the clause read:

The name of Isaac T. Lee, late of Company C, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 15, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Christian Harchelrode, late of Company E, Thirteenth Regiment Maryland Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 12, before the words "per month," to strike out "$24" and insert "20," so as to make the clause read:

The name of Eliza M. Clark, widow of Jehiel Clark, late of Company F, Seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 23, line 21, before the word "Sixty-ninth," I move to insert the words "One hundred and."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 23, line 21, before the word "Sixty-ninth," it is proposed to insert "One hundred and," so as to make the clause read:

The name of James P. Sloan, late of Company E, One hundred and Sixty-ninth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 24, line 23, after the word "late," to strike out "repairer of telegraph lines, Quartermaster's Department, United States Army," and insert "irregular volunteer with Second Regiment Tennessee Cavalry," so as to make the clause read:

The name of Calvin S. Roberts, late irregular volunteer with Second Regiment Tennessee Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 25, line 3, the name "Reed" should be spelled "Read," so that the name will be "Helen B. Read." I move that amendment.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 26, after line 6, to strike out:

The name of Alexander S. Bowen, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 10, to strike out:

The name of John O. Drawbaugh, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 31, line 3, after the word "Company," I move to strike out the initial "D" and to insert in lieu thereof the initial "E."

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 31, line 17, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of Quincy A. Seibold, late of Company C, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read a third time and passed.

The bill (S. 5899) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Samuel H. Portz, late of Company G, Fifty-second Regiment Iowa Volunteer Infantry, War with Spain, $20 per month.

Harold L. Clifton, late of Troooop K, Seventh Regiment United States Cavalry, $20 per month in lieu of that he is now receiving.

Mary P. McIntire, former widow of William B. Skinner, late of Company I, First Regiment Illinois Volunteer Infantry, War with Mexico, $12 per month.

Joseph A. Mason, late of Company H, Third Regiment Kentucky Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Patrick Moore, late of U. S. S. *Vandalia*, United States Navy, $12 per month.

William E. Monroe, late of Company C, Tenth Regiment United States Infantry, War with Spain, $12 per month.

Thomas Harrison, late of Troops D and A, Third Regiment United States Cavalry, $20 per month in lieu of that he is now receiving.

Linnie C. Hawkins, dependent mother of Louis C. Hawkins, late of Company F, Twenty-first Regiment, and Company G, Second Regiment, United States Infantry, $20 per month in lieu of that she is now receiving.

John E. Tevendale, late of Company G, Twenty-first Regiment United States Infantry, War with Spain, $12 per month.

Louis M. Smith, late of Company C, Two hundred and third Regiment New York Volunteer Infantry, War with Spain, $10 per month.

James D. Setliff, late of Company H, Twentieth Regiment United States Infantry, $10 per month.

Clarence McMillan, late of Company H, First Regiment Mississippi Volunteer Infantry, War with Spain, $20 per month.

John Ritter, late of Company E, Second Regiment United States Dragoons, $12 per month.

Perdita L. MacVean, widow of Charles S. MacVean, late of Troop G, Sixth Regiment United States Cavalry, War with Spain, $12 per month, and $2 per month additional on account of each of the minor children of Charles S. MacVean until they reach the age of 16 years.

Edward Flannery, late of Troop G, Third Regiment United States Cavalry, $12 per month.

Richard C. Freeman, dependent father of Richard K. Freeman, late of Company B, First Regiment North Carolina Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Philip H. Chambers, late of Troop C, Sixth Regiment United States Cavalry, $12 per month.

Lettie Vilott, widow of Fletcher Vilott, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th of September, 1868, $12 per month.

Josephine Green, widow of George Green, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th of September, 1868, $12 per month.

Jennie Farley, widow of Hudson Farley, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th of September, 1868, $12 per month.

Margaret Cecilia Donovan, widow of John Donovan, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th of September, 1868, $12 per month.

George W. Mason, late of Company A, First Regiment Kentucky Volunteer Cavalry, War with Spain, $30 per month in lieu of that he is now receiving.

Benjamin Girdner, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, $12 per month.

Jacob D. Cook, late of Company M, Second Regiment Arkansas Volunteer Infantry, War with Spain, $24 per month in lieu of that he is now receiving.

Joseph Frick, late of U. S. S. *Michigan*, United States Navy, $20 per month.

Harry D. Hogan, late of Troop L, Fourth Regiment United States Cavalry, War with Spain, $12 per month in lieu of that he is now receiving.

Ida M. Smith, widow of Winfield S. Smith, late of Company K, Eleventh Regiment United States Infantry, $12 per month.

Susan J. Cantrell, widow of John M. Cantrell, late of Company C, First Regiment Oregon Riflemen, Cayuse Indian War, $20 per month in lieu of that she is now receiving.

Marvel J. Nash, late of Company G, Second Battalion United States Engineers, $12 per month.

Dora D. Walker, dependent mother of Ward V. Walker, late of Company C, Fortieth Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Albert V. Wallis, late of Company A, First Regiment Wisconsin Volunteer Infantry, War with Spain, $12 per month.

Emma B. Hubbard, widow of John F. Hubbard, late commander, United States Navy, $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of John F. Hubbard until he reaches the age of 16 years.

Theodore Hansen, late of Company H, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, $16 per month.

George W. Cameron, late of Capt. John Boling's company, California Mounted Volunteers, California Indian War, $30 per month in lieu of that he is now receiving.

Jen Rody Chauncey, late of Company H, Seventeenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Ray W. Burkdoll, late of Company B, Signal Corps, United States Army, $30 per month.

Frank Stemm, late of Company E, Fifth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Carlton Meredith, late of Companies B and K, Eleventh Regiment United States Infantry, $10 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL TRADE COMMISSION.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. Mr. President——

Mr. HUGHES. Before the Senate proceeds to the consideration of that bill, I wish to ask unanimous consent for the present consideration of a bill.

The PRESIDING OFFICER. The Chair will state to the Senator from New Jersey that we are now working under a unanimous-consent agreement. The bill that is now before the Senate——

WILLIAM CRONLEY.

Mr. HUGHES. I ask unanimous consent for the present consideration of the bill (S. 5731) for the relief of William Cronly. It will not take any time. If there is any objection to the bill, I will withdraw the request.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. NEWLANDS. I yield.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HUGHES. It is a bill to correct a military record.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 5731) for the relief of William Cronly.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. THOMAS. Has that bill been referred to any committee?

Mr. HUGHES. It has been referred to a committee and unanimously reported. It is my opinion that it is a very worthy case.

Mr. THOMAS. To what committee has the bill been referred?

Mr. HUGHES. To the Committee on Military Affairs.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New Jersey that the bill states upon its face that it was referred to the Committee on Pensions.

Mr. HUGHES. That was an improper reference, and the Chair has not before him the proper copy of the bill. That was merely one which was in my files. The report shows that the bill was referred to the Committee on Military Affairs and reported by the Senator from Delaware [Mr. DU PONT].

Mr. GALLINGER. Bills to correct military records are always referred to the Committee on Military Affairs, or they should properly be so referred.

Mr. HUGHES. I repeat that this is a very worthy case.

Mr. THOMAS. Is the bill upon the calendar?

Mr. HUGHES. It is upon the calendar.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William Cronly shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in the general mounted service, United States Army, on the 6th of July, 1865, but no pension shall accrue prior to the passage of this act.

Mr. HUGHES. On page 1, line 5, I move to strike out the name "Cronly" and to insert the name "Cronley."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; read the third time.

The title was amended so as to read "A bill for the relief of William Cronley."

RACHEL E. DANGERFIELD BOAST.

Mr. SHAFROTH. I ask unanimous consent for the consideration of House bill No. 16192, which will not take a minute. It is a case where a woman acquired a homestead, and after acquiring the homestead she married an alien.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. If the consideration of the bill will lead to no debate, I will yield; but this is the last time I shall yield.

Mr. SHAFROTH. There can not be any debate on the bill.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 16192) to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, recedes from its disagreement to the amendment of the Senate numbered 20, and agrees to the same; insists upon its amendment to the amendment of the Senate numbered 1; further insists upon its disagreement to the amendment of the Senate numbered 30; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 43, 47, 48, 76, 218, 219, and 220.

That the House recede from its disagreement to the amendments of the Senate numbered 28, 29, 78, 79, 176, 177, and 234, and agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,420"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendments numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121: That the House recede from its disagreement to the amendments of the Senate numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121, and agree to the same with an amendment as follows:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, $1,200; in all, $4,200.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,000.

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,200.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,000.

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $1,800; clerk, $1,000; assistant assayer, $1,200; in all, $4,000.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, new machinery, etc., $500.

"Assay office at Helena, Mont.: Assayer in charge, $1,800; chief clerk, who shall also perform the duties of cashier, $1,400; assistant assayer, $1,200; in all, $4,400.

"For wages of workmen and other employees, $2,500.

"For incidental and contingent expenses, $1,000."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $1,800; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $3,000."

And the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,850"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Washington, D. C., new post-office building: For 3 assistant engineers, at $900 each; 3 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 3 oilers, at $720 each; 12 watchmen; additional to 1 watchman acting as lieutenant of the watch, $120; 15 laborers; 1 assistant plumber, $720; 2 female laborers, at $480 each; 15 charwomen; in all, $38,700."

And the Senate agree to the same.

Amendment numbered 212: That the House recede from its amendment to the amendment of the Senate numbered 212, and agree to the said Senate amendment.

The committee of conference have been unable to agree on the amendment of the House to the amendment of the Senate numbered 1, and on the amendments of the Senate numbered 20 and 30.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

JOSEPH F. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move the adoption of the conference report.

Mr. SHEPPARD. Mr. President, will the chairman of the Appropriations Committee advise us as to the nature of the points in disagreement between the Senate and the House conferees?

Mr. MARTIN of Virginia. Mr. President, the only difference now is in respect to the mileage of Senators and Members of the House. All other matters of difference have been agreed upon.

Mr. SHEPPARD. What is the position of the House in regard to that matter?

Mr. MARTIN of Virginia. The House have proposed to limit the mileage of Senators to 5 cents a mile and have adhered to their provision that as to Members of the House of Representatives they shall receive actual expenses for themselves, the members of their families, and dependents.

Mr. SHEPPARD. I move that the Senate concur in the House provision.

Mr. THOMAS. I move to lay the motion on the table.

The VICE PRESIDENT. The question is to lay on the table the motion of the Senator from Texas [Mr. Sheppard].

Mr. SHEPPARD. On that I ask for the yeas and nays.

Mr. CLARKE of Arkansas. A point of order, Mr. President.

The VICE PRESIDENT. The Senator from Arkansas will state his point of order.

Mr. CLARKE of Arkansas. Mr. President, there is no such amendment in dispute as between the two Houses. It is a mere proposition on the part of the House conferees to make that the basis of adjustment as between the two Houses. There is no amendment in the bill that provides for any such thing. The House in directing its conferees by a vote directed them to accept a proposition of that kind if it could be accepted. It never has been submitted in a legislative way to the Senate.

The VICE PRESIDENT. Does the Senator from Arkansas raise the point of order against the motion?

Mr. CLARKE of Arkansas. I raise the point of order that the motion of the Senator from Texas [Mr. SHEPPARD] is not in order.

The VICE PRESIDENT. The point of order is sustained.

Mr. SHEPPARD. I move that the conferees on the part of the Senate be directed to accept the proposition of the House of Representatives as to mileage.

Mr. THOMAS. I move to lay the motion on the table.

Mr. SHEPPARD. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas.

The motion was rejected.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MARTIN of Virginia. I move that the Senate still further insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees at the further conference on the part of the Senate.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I ask that the Senate proceed with the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CUMMINS obtained the floor.

Mr. JONES. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMOOT in the chair). The Senator from Washington suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Myers	Smith, Ariz.
Bryan	Hughes	Nelson	Smith, Md.
Burton	James	Newlands	Smoot
Catron	Jones	Norris	Swanson
Chamberlain	Kenyon	O'Gorman	Thomas
Clarke, Ark.	Kern	Overman	Walsh
Crawford	Lane	Page	Weeks
Cummins	Lea, Tenn.	Shafroth	White
Dillingham	Lee, Md.	Sheppard	
Gallinger	McCumber	Shively	
Goff	Martine, N. J.	Simmons	

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Georgia [Mr. WEST], on account of illness. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. SMOOT). I desire to announce that my colleague [Mr. SUTHERLAND] is unavoidably absent from the Senate.

Mr. NORRIS. I desire to announce that the senior Senator from Idaho [Mr. BORAH] is detained from the Chamber on account of sickness. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Forty-one Senators having answered to the roll call, a quorum is not present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. POINDEXTER, Mr. SAULSBURY, Mr. STONE, Mr. THOMPSON, and Mr. WARREN answered to their names.

Mr. BRADY, Mr. BRANDEGEE, Mr. CLAPP, Mr. MARTIN of Virginia, Mr. POMERENE, Mr. RANSDELL, and Mr. WORKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. HOLLIS. I desire to place in the RECORD an article from the Journal of Commerce and Commercial Bulletin, of New York, of Monday, June 29, 1914, which bears upon the pending discussion. It is by W. H. Ingersoll, one of the managers of the Ingersoll Watch Co. I will read the headlines and then ask that the article be placed in the RECORD:

Business men resent brand of "knocker"—Claim they do not oppose reasonable trade laws—W. H. Ingersoll outlines ideas of Fair Trade League on proposed Federal trade commission bill—Proposition based on unfair competition regulations that succeed in Germany.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD. The Chair hears no objection.

The article referred to is as follows:

"I believe that it is unfair to the great body of business men of this country to have the impression spread that they are unintelligently opposed to any legislation affecting business," declared William H. Ingersoll, of the American Fair Trade League, in a circular letter referring to the popular impressions surrounding the efforts of certain mercantile interests to have fair trade laws enacted by Congress.

"Let us show the President, Congress, and the country that the opposition of the majority of business men is raised only against such legislation as their first-hand commercial experience shows them to be unworthy, and that when a good bill is thought out, we are capable of recognizing it, and for the good of the country are ready to work for its promotion."

Continuing, Mr. Ingersoll argues interestingly in favor of the Federal trade commission bill, in part as follows:

"Such a bill, it appears to me, is found in the Federal trade commission act, which really ought to be called the Federal unfair competition act. The pith of the bill that I refer to is compressed into two short sentences, as follows:

"(a) That unfair competition in commerce is hereby declared unlawful.

"(b) The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce."

"The Federal trade commission bill does not attempt to make impossible definitions that were undertaken in the original tentative House bills. Congress and the country at large will be satisfied if this bill is passed, and we will be relieved of the destructive provisions embodied in the Clayton bill which intended to cover similar ground, but which, by specific definitions, were under some circumstances unfair though under other circumstances entirely proper and warranted.

"The proposed act which I advocate is substantially like the unfair competition law of Germany, which has been tested and found to be a bulwark for sound trade practices. It is something that we have needed in this country for years and it is all that we need at present along this line. It is stated in the newspapers, and with apparent authority, that the administration has become convinced that this act now before the Senate is preferable to the legislation which passed the House and which will be discarded in favor of this new Federal trade commission bill if it is received well by the business interests of the country.

"I do not blindly follow the ideas of this or any other administration, but I do believe that as business men and citizens it behooves us to show our appreciation of the anxiety and desire on the part of the President to discard certain provisions which were reported by the Judiciary Committee of the House and passed by the House of Representatives.

"The other provisions of the bill, in addition to the inclosed sections, cover the creation and establishment of the Federal trade commission, gives it the same powers of investigation which the Bureau of Corporations now possesses, one very important point being that we not only have a law against unfair competition, which can be prohibited by the commission after it has investigated the conditions, but if any business house considers that the commission is mistaken it can continue its practices, and the commission must then bring the matter before the court, which is a double safeguard against precipitate or unwarranted action by the commission.

"There is an important public consideration in the fact that the expense of all proceedings for the determination and prevention of unfair competition will be necessarily borne by the Government in giving full control and power to act in the premises to the proposed Federal trade commission. This can not fail to prove a real benefaction to the manufacturer or merchant of limited resources who suffer from the predatory practices of unfair competitors.

"Having studied the subject of unfair competition at some length, I feel it my duty to call attention to the proposed act and to advocate it as widely as possible."

Mr. CUMMINS. I have long been convinced, Mr. President, that the successful regulation of the commerce of the United States involved the employment of a legislative trade tribunal or commission. We have already adopted that policy in so far as the common carriers are concerned. Our experience with the Interstate Commerce Commission has, I think, been a happy one, and its work has inspired for it the confidence of the thinking people of the United States. I believe that a trade tribunal, with proper jurisdiction and power to assist in the administration of the law respecting general industry, will be found as helpful in that field as the Interstate Commerce Commission has been found in the field of transportation. I am, therefore, thoroughly and heartily in favor of this bill.

I have sometimes doubted whether we are warranted in creating a commission of the kind provided for in the bill without investing it with greater and more comprehensive powers than this particular measure confers upon it; and I intend before a vote is had to present certain amendments which will very greatly increase its power and, as I believe, its usefulness. I had it in mind to confine my observations upon this occasion to these amendments, which will presently be offered, but the course of the debate up to this time has led me to somewhat broaden the scope of my remarks, and I intend to consider, briefly if I can, the general subject upon which we have entered.

The people of the United States produce more, consume more, and distribute more than the people of any other nation upon the face of the earth. The internal commerce of the people of this country is, I have been informed, largely more than the internal commerce of any other two countries in the world, and of the internal commerce 90 per cent or more is either directly commerce between the States or it is so associated with commerce among the States that it falls under the jurisdiction of Congress. When, therefore, Congress attempts to regulate commerce among the States, it is dealing with the greatest, the most complicated, and the most important subject concerning which Congress can employ its power.

I am one of the men who believe that the great majority of the business men of the United States are honest, law-abiding men. I believe that they desire to conduct their affairs with scrupulous regard for the rights of their fellow men; I believe that they have a sincere and earnest purpose to obey the law, and in that way perpetuate their right to be called law-abiding citizens. There are a few, and, comparatively, they are very few, who have used their great genius and the power which vast wealth has given them to oppress the people of the country by the use of means which are condemned by every right-thinking man, which are immoral in and of themselves, and which have always been held to be immoral since civilization reached its present high stage of development.

The difficulty is that many of the regulations of interstate commerce, if we accomplish what we want to accomplish, do not prohibit acts that are immoral in themselves. They prohibit relations and practices that have hitherto been considered as tolerable at least, civilized at least, in the great war for success, in the great battle of commerce.

We have adopted in this country the policy of competition. We are trying to preserve competition as a living, real force in our industrial life; that is to say, we are endeavoring to maintain among our business people that honorable rivalry which will prevent one from exacting undue profits from those who may deal with him because some one else, his competitor, will be willing to accept reasonable profits in the same business.

We are practically alone, however, in this policy. There is no other country that is endeavoring to preserve competition as we are trying to maintain it. England long ago became indifferent to it; and while that great country has not specifically adjusted her laws so as to permit monopoly they are so administered as to practically eliminate competition when the trade affected so desires. France has pursued a like course. Austria, Italy, Spain, Norway, Sweden, as well as Belgium, have all pursued the course of permitting combinations and relations which practically annihilate competition, and Germany, our most formidable rival, so far as commerce is concerned, not only authorizes by her law the formation of monopolies, the creation of combinations which restrain trade and which destroy competition, but oftentimes compels her people to enter into combinations which are in effect monopolies. We are, therefore, pursuing a course which rather distinguishes us from the remainder of the commercial world.

I pause here to say, and I say it emphatically and earnestly, that I believe in our course; I believe in the preservation of competition; I believe in the maintenance of the rule that opens the channels of trade fairly and fully to all comers. I believe it because it seems to me obvious that any other course must inevitably lead us into complete State socialism. The only monopoly which civilized mankind will ever permanently endure is the monopoly of all the people represented in the Government itself. I am reluctant to take even one step toward the confines of State socialism, and therefore for years I have been doing what little I could to keep alive the spirit of competition in our country which means individualism in business, individualism in society, individualism in every field in which energy and initiative are required.

I mention the economic policies of other countries simply to illustrate what I said a moment ago—that we are prohibiting our people from the performance of a great many acts; we are forbidding them to do a great many things that other countries not only do not forbid but actually favor; and I am suggesting it because when we do forbid those things we are regulating our commerce from the standpoint of a policy which seems to us good, which seems to me not only good but imperative, but which can be violated without any sense of moral wrong, with-

out any consciousness of moral turpitude; and therefore a commission or a tribunal intended to aid in the administration of a rule which must necessarily be somewhat vague and uncertain becomes not only desirable but, as I think, required by an ordinary regard for the rights of mankind.

In furtherance of the policy which I have just mentioned—namely, the policy of competition and the regulation of commerce in accordance with that rule—Congress has passed many statutes. There are, however, two which are prominent above all others, and which constitute, in effect, the code of the United States for the regulation of our commerce.

The first of these statutes is the interstate commerce law adopted in 1887. The spirit of the interstate-commerce law is competition without discrimination. The prohibition against discrimination is obviously a limitation upon the former field of competition. Nevertheless, the object of the interstate-commerce law is not, as some people have suggested, to destroy competition among railway companies or common-carrier companies, but to preserve that competition, subject to the single limitation that the rates and charges and practices of the common carriers must be without discrimination.

The second statute to which I have referred, and which just now commands the chief concern of the people, is the antitrust law adopted by Congress in 1890. The one purpose and object of the antitrust law was and is to preserve, maintain, and secure full, free, fair competition in commerce, not only among the States, but with foreign nations. There is no exception to the statement I have just made.

I should not have referred to these two landmarks in our endeavor to regulate commerce had it not been for the suggestion made by my friend from Idaho [Mr. BORAH], that the effect of the bill now before the Senate would be to encourage combinations and monopolies, and to make weak the competition intended to be sustained by the antitrust law. On the contrary, Mr. President, every line and letter of the bill before the Senate is intended to strengthen the antitrust law. It is intended to enforce still more effectually the principle of the antitrust law. There is not to be found in this bill, from the beginning to the end, the thought that any concert or combination destructive of free, full competition should be permitted to exist.

I think the Senator from Idaho has misapprehended the purpose of the bill, as I am sure he is mistaken with regard to the effect of the bill; and I shall consider its provisions a little more carefully later on.

The antitrust act has played a most important part in our industrial life during the 24 years since its enactment. It is not without significance, and I will leave some other Senator to explain why it is that every great monopoly or combination that is now in existence, every great monopoly or combination against which the court has turned its processes in the last 15 years, has been formed since the enactment of the antitrust law in 1890. I do not believe a single one can be instanced that has not come into being since this statute became the law of the land.

Mr. President, it can not be assumed that men of affairs, men of responsibility, organize these combinations and these monopolies in order to invite the penalties of the antitrust law. That is so incredible that I can not entertain it for a moment. The truth is, and we might as well face it, that when the statute was passed no one knew what the words "restraint of trade or commerce" meant, as applied to our immense affairs. These words had been subjected to judicial inquiry, they had been judicially applied, but never to accomplish the purposes which we desired to accomplish when we passed the law and adopted the policy of competition. The meaning of these words is a matter of growth during 20 years, and they are still to a degree uncertain and doubtful. I believe the decisions of the Supreme Court of the United States concerning this statute are as illuminating and as clear as any decisions which can be found in all the reports of that tribunal, but we do not know yet what these words mean; and I will put an example:

Suppose there are 12 industries engaged in the same business, and of substantially the same magnitude. Suppose that one of them buys five of the others, so that after the transaction is completed there are six industries where before there were 12, and that the volume of the business of the six is as great as or greater than the volume of the business done by the 12. I am assuming now that there is nothing connected with the transaction in the nature of unfair practice, unfair competition, or any other vicious mode of conducting trade. I should like to know whether that transaction constitutes a violation of the antitrust law. There is not a lawyer in the land who can do more than simply to express his own opinion; and there is no lawyer who dares to say with any assurance whether the transaction I have just mentioned will be finally determined to be a violation of the antitrust law, or whether it will be adjudged to be a wholly innocent and harmless consolidation.

Take the case of the United States Steel Corporation, which, in 1901, 11 years after the antitrust law was passed, brought together practically 50 per cent of the business in that field, 50 per cent in value of the property used in doing the business. Now, assume that thereafter it had conducted itself fairly and properly, as it is alleged it has conducted itself. Who can say whether the consolidation of 50 per cent of the iron and steel trade in the hands of one corporation violated the statute against monopolies and restraints of trade?

I am sure that when this organization came together in 1901 it was advised by able and experienced counsel that the formation of the association, if it thereafter was conducted along proper lines, did not constitute a violation of the antitrust law.

Again, suppose—as has happened in this country, I think—that there is a combination of the buyers of copper. We export more copper than any other country in the world produces. I think we produce 65 per cent of all the copper produced in the world, and we export a very large part of it. Now, suppose the buyers of copper in Germany and France and England combine, as I think they have combined on more than one occasion, violating no law of their country, and present themselves to the United States as a single buyer. Tell me whether it would be contrary to the antitrust law for sellers in the United States to act in concert in order to meet that situation. I do not know, and I do not believe there is a single Senator here who knows.

Mr. NELSON. Mr. President, I do not want to interrupt the Senator——

Mr. CUMMINS. I am very glad to have the Senator do so.

Mr. NELSON. I simply want to say that in that case, if the product were imported from abroad under such a trust arrangement as the Senator has described it would be subject to the antitrust law, as found in two of our tariff bills.

Mr. CUMMINS. Undoubtedly; but I was not speaking of imports from abroad. I was speaking of our own copper that we were selling for export and that was destined for other markets.

In mentioning these things I have not done so for the purpose of belittling the antitrust law, for I think it is probably the most important statute that has been adopted in the United States in more than a half century. I think it is important not only for the effect that it has produced in our industrial life but because it marked an era, because it proclaimed a policy, because it is a declaration of independence in trade and commerce. I mention these things in order to indicate how inevitable it is that we shall employ uncertain phrases in our legislation dealing with commerce. We could not have used better words than "restraint of trade or commerce," and they have accomplished vast good, notwthstanding the fact that they are uncertain, that their meaning must be groped for, and, in many instances, discovered after the long process of a judicial investigation.

There are a great many offenses that have been punished or rebuked under the antitrust law that were known to be offenses when committed. I agree with that. There is a zone of certainty where the conscience of man is sufficient to guide him. There is another zone—I am now speaking of the business field—in which it is entirely clear that a given act is not a violation of the antitrust law. Then there lies between these two zones the middle ground, the twilight zone, as suggested by the Senator from Colorado [Mr. THOMAS]; and no matter how much we may ridicule that phrase it is most expressive, and it describes an actual condition better, probably, than any other words that could be used. There is a broad twilight zone in the business of this country in which it is difficult to see whether a given act has been condemned by the law or whether it will be sustained by the law; but, nevertheless, we must not be discouraged with regard to the regulation of commerce. We must proceed along the pathway upon which we have set our feet. We must proceed in our effort to preserve independence in business, to keep the channels of commerce open and free, to maintain that equal opportunity in business declared by the antitrust law; and we must supplement this great statute with such legislation as from time to time our experience shows is necessary in order to make its principle effectual.

Three years ago and more there was a great deal of discussion with regard to the very subject that we now have under consideration. Thoughtful men all over the United States had reached the conclusion that if we would fully preserve competition there must be some addition to the antitrust law; its weaknesses must be strengthened and its processes must be made more certain and effective. You will all remember how

widespread that discussion was; and you will not forget, either, the miscarriages of justice out of which the discussion arose.

It is sufficient to say that the agitation for additional legislation finally found its way into the Senate; and I want Senators, upon this side of the Chamber especially, to observe and to remember that the insistence upon additional legislation did not begin with the incoming of the present administration. The President of the United States had a forerunner in demanding supplemental legislation, or at least in inquiring whether it were not necessary. The junior Senator from Minnesota [Mr. CLAPP], then the chairman of the Interstate Commerce Committee, on the 7th day of July, 1911, introduced the following resolution, which was agreed to on July 26 of the same year:

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce; and for this purpose they are authorized to sit during the sessions or recesses of Congress—

And so forth.

Three years ago the Senate authorized the very inquiry which formed the subject of the recent message to the Congress of the United States and which since that time has formed a part of the subject dealt with in the platforms of the several political parties in 1912.

The Interstate Commerce Committee under this resolution proceeded early in the autumn of 1911 to make this investigation. During the course of four months it heard, I think, more than 100 persons, and subjected them to such cross-examination as the members of the committee thought necessary; and its work in this investigation is found in a volume, or possibly three volumes, aggregating 3,000 printed pages. I believe I am fairly familiar with the literature of this subject: I am fairly familiar with the various hearings that have been had before one branch of Congress or the other. I am not unfamiliar with the general dissertations upon the topic, but I believe the hearings before the Interstate Commerce Committee conducted by the junior Senator from Minnesota form the most valuable contribution to the literature of this policy that can be found anywhere. I hope those who have not had an opportunity to read these hearings will take the first chance they have in this beautiful summer resort to become acquainted with the opinions of many of the most distinguished thinkers in the country.

That is not all. The committee made a report, as it was its duty to do, and I intend to read very briefly from that report in order to indicate what a majority of its members believed ought to be done.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further regulation.

The committee is of the opinion:

First. That the statute—

That is, the antitrust act—

should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

As I have already remarked, the bill now before the Senate is in harmony with the purpose of the antitrust statute. It has no other office except to render the principle of that statute more effectual than it now is. I proceed with the quotation:

Second. That, whatever may be our views respecting the power of Congress to enact a general Federal incorporation law, it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to impose upon corporations now or hereafter organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon persons, copartnerships, and other associations now engaged, or hereafter engaging, in such commerce, the general character of such regulation to be the same as those laid upon corporations, except such conditions or regulations as are in their very nature peculiar to the corporate form of commercial activity.

It is plain that the first question to be answered in considering what additional legislation upon the subject is necessary or desirable is a vital one; it is this: Should Congress attempt to maintain competitive conditions in the general interstate commerce of the country where they still exist, and to restore such conditions where they have been destroyed, or should it accept the complete or partial overthrow of competition and resort to some other method of protecting the people against the power of combination and monopoly?

I desire to read one other paragraph from the report—possibly two:

Whatever may be the opinion of the several members of the committee with respect to the soundness of the rule—

That means the rule of the Supreme Court—

as now established, the committee as a whole accepts it as the present law of the land. It is profoundly convinced that, in view of the rule and its necessary effect upon the business of the country, the inherent rights of the people, and upon the execution of the statute it has become imperative to enact additional legislation.

Further, the committee says:

The committee does not intend in this report to indicate the terms of the act or acts that should be passed to supply the court with such legislative tests and standards as will limit the scope of judicial discretion. To do so would be to report upon the bills now before it, and that the committee is not prepared to do. It is prepared, however, to say that Congress should, in as far as is possible, specifically prescribe certain conditions upon which persons and corporations shall be permitted to engage in commerce among the States and with foreign nations. These conditions should be of a character that will tend to preserve reasonable competition, or substantially competitive conditions, and to compel independence in both organization and conduct.

With respect to the formation or organization of a commission or trade tribunal the committee said:

The committee further reports that if the additional legislation, the general scope of which has been pointed out, is enacted it will be very desirable to accompany such legislation with a measure establishing a commission for the better administration of the law and to aid in its enforcement. It may be fairly said that there is need of such a commission, even though the present statute is not supplemented in any manner; but it is apparent that if the new legislation is enacted the need of a commission will become more imperative.

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

I will not read further, Mr. President, from this report, but will ask leave to have it printed as a part of my remarks.

The PRESIDING OFFICER (Mr. SMOOT in the chair). Without objection, it will be so ordered.

The report is as follows, omitting individual views:

[Senate Report No. 1326, Sixty-second Congress, third session.]

CONTROL OF CORPORATIONS, PERSONS, AND FIRMS ENGAGED IN INTERSTATE COMMERCE.

Mr. CUMMINS, from the Committee on Interstate Commerce, submitted the following report (pursuant to S. Res. 98):

The Committee on Interstate Commerce, to which was referred the following resolution—

"*Resolved*, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce, and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce, and for this purpose they are authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee."

begs leave to make the following report:

On the 26th day of July, 1911, the Senate adopted the foregoing resolution, and acting under the authority and in pursuance thereof the Committee on Interstate Commerce provided for open hearings upon the subject matter of the resolution. The hearings began on the 15th day of November, 1911, and were continued from day to day for more than three months, during which time 103 men appeared before the committee, and their statements, together with the exhibits and documents submitted by them, fill 2,799 printed pages. A printed copy of these statements, exhibits, and documents, including an index, laws and reference concerning industrial combinations in foreign countries, and a collection of judicial decisions touching the power of Congress in the regulation of commerce among the States, in all, five volumes, is herewith presented to the Senate.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further regulation.

The committee is of the opinion—

First. That the statute should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual

control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

Second. That whatever may be our views respecting the power of Congress to enact a general Federal incorporation law, it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to impose upon corporations now or hereafter organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon persons, copartnerships, and other associations now engaged, or hereafter engaging, in such commerce, the general character of such regulation to be the same as those laid upon corporations, except such conditions or regulations as are in their very nature peculiar to the corporate form of commercial activity.

It is plain that the first question to be answered in considering what additional legislation upon the subject is necessary or desirable is a vital one. It is this: Should Congress attempt to maintain competitive conditions in the general interstate commerce of the country where they still exist, and to restore such conditions where they have been destroyed, or should it accept the complete or partial overthrow of competition and resort to some other method of protecting the people against the power of combination and monopoly?

Without doubt the chief, if not the only, object in mind, when the antitrust law was passed, was to maintain competition as an effective regulating force in business by making it unlawful to enter into any contract or combination in restraint of trade or commerce among the States or with foreign nations, or to monopolize, or attempt to monopolize, such trade or commerce. The bill introduced by Senator Sherman, out of which the present statute grew, was in terms directed against the suppression of competition. After a long debate and much reflection, the Judiciary Committee of the Senate reported a substitute in which "restraint of trade" was the thing forbidden instead of interference with competition. This was accepted, not because there was any abandonment of the desire to preserve competition, but because there was a common law on the subject well established and carefully elucidated in the English decisions. The common law was that both contracts and acts in restraint of trade were injurious to the public welfare and therefore opposed to public policy. The Congress of 1890 very wisely borrowed the language of the common law and with it came the learning of the judges who had from time to time declared and expounded it. It is not the purpose of the committee to recite the development of the English doctrine. It was not always stated with exact accuracy and there is some inharmony of expression, but it may be said with confidence that a restraint of trade consisted of such unreasonable restriction of competition as impaired substantially and to the public injury the freedom of trade or the freedom to trade. Interference with free competition was generally but not necessarily a restraint of trade, for there were some restrictions that could be put upon competition and upon competitors that left the competitive force as an adequate protection to the people. Hence the common law was that unreasonable, unfair, undue restraint upon or interference with competition or competitive conditions constituted a restraint of trade.

The committee has made this comment upon the common law and pointed out the distinction between "restraint of competition" and "restraint of trade" in order that it may be fully understood in its analysis of the conflict between the earlier and later opinions of the Supreme Court of the United States relating to the construction and application of the antitrust statute.

The committee will not at this time enter upon an extended argument respecting the policy of maintaining competition or competitive conditions in the business of the country. It is well understood that there are many distinguished students and highly trained thinkers who believe that the age of competition is past, and that for the struggle which competition involves there should be substituted combination and cooperation, under such regulation and supervision as will protect the people from the oppression of monopolistic power; and added to the students and thinkers who have reached this conclusion through mere observation and investigation there are many men engaged in commerce, and who therefore speak from a practical standpoint, who have also concluded that some form of regulated monopoly or concentration should be adopted. All these men, whether theorists or otherwise, admit that if we abandon the effort to maintain competition the Government must undertake, directly or indirectly, to fix prices for the combinations or monopolies. The committee feels that the time has not yet come for so radical a departure from the long-established policy of the country, and it hopes that the time may never come when it will be necessary for the Government to assume the task of establishing prices for general commodities. It believes that the progress of the world depends in a large measure upon that fair, reasonable rivalry among men which has hitherto characterized the advances of civilization.

It is frequently declared that the law can not compel men employed in like business to compete with each other. There is a sense in which this is true, but it is only technically true. What is meant when we use the phrase "maintaining competition" is maintaining competitive conditions. We can both create and maintain competitive conditions, and, until human nature is revolutionized, when competitive conditions exist there will be actual competition; but if for some extraordinary reason that should fail there will be, at least, a potential competition tending to prevent undue prices and unfair practices. Without going further into the issue between regulated competition and regulated monopoly, the committee reiterates its finding that the antitrust statute should stand, and that every possible effort to create and preserve competitive conditions should be made.

Assuming, therefore, that Congress should maintain the policy established by the antitrust law and should make it more effective by additional legislation, if it be within our power to do so, the committee calls attention to the interpretation which the Supreme Court has given to the statute and to the application of its provisions which that tribunal has made in cases which have come before it for decision. It is not the intent of the committee in this report to review the opinions of the Supreme Court one by one, but rather to select certain types which will either demonstrate the wisdom of additional legislation or show that the law is adequate as it is.

The committee selects for the purpose indicated the following cases, all of which arose under the statute now being considered:

"United States v. E. C. Knight Co. (156 U. S., 1).
"United States v. Trans-Missouri Freight Association (166 U. S., 290).
"United States v. Joint Traffic Association (171 U. S., 505).
"Hopkins v. United States (171 U. S., 578).
"Northern Securities Co. v. United States (193 U. S., 197).
"Standard Oil Co. v. United States (221 U. S., 1).
"United States v. American Tobacco Co. (221 U. S., 106).
"United States v. Union Pacific Railroad Co. (not yet reported, opinion delivered Dec. 2, 1912)."

The committee does not give a statement of the facts in each of these cases, for to do so would greatly prolong the report, and it will be taken for granted that those who are interested in the subject are already familiar with the facts as they appear in the Supreme Court reports.

The rule of law announced in United States v. Knight Co. and in Hopkins v. United States is that a restraint of trade, however unreasonable, is not prohibited by the antitrust statute, no matter how general or disastrous the interference or restraint may be upon commerce among the States unless it directly affects such commerce. There is a general understanding among the judges and lawyers of the country that the Knight case has been overruled or modified in subsequent decisions. Undoubtedly it can be fairly inferred from the recent opinions of the court in like cases that, if the facts of the case were now presented, it would be held that the restraint was direct; but the rule of law established has never been questioned by the court and has been emphatically reasserted in every prominent opinion hitherto rendered. The committee does not bring these cases forward for the purpose of disputing the soundness of the rule under existing legislation. Its object is to disclose, as clearly as possible, the scope of judicial discretion, and therefore of business uncertainty which it creates. In every prosecution under the act wherein there is proven or admitted a contract or combination which restrains trade among the States, the first thing that the court must ascertain and declare is whether the restraint is direct or indirect. In the Knight and Hopkins cases, and others of that type, it was held to be indirect. In the Northern Securities Co., Standard Oil Co., and American Tobacco Co. cases it was held to be direct. It is obvious that the opinion of any given man in any given case upon this question, whether he be judge or not, must depend largely, not upon his learning in the law but upon his training and bent in the economy of commerce. The result has been, and necessarily will be, that the law officer of the Government before he institutes a prosecution must determine whether the restraint is direct and immediate, and the court in order to decide the issue must employ the functions of the legislator rather than the lawyer.

The consequence is twofold: First, the Department of Justice will ignore a great many unlawful transactions because there will be doubt as to whether the interference with interstate or international trade is direct or indirect; second, the business community has found itself, and will find itself in a state of uncertainty as to whether a particular transaction is to be judged by the law of the State or the law of the Nation. It is not claimed that this undefined and undefinable field of judicial discretion can be wholly occupied by legislation, but it is manifest that it is the duty of the legislative branch of the Government to circumscribe it within the closest practicable bounds. The committee will recur to this subject in connection with another aspect of the judicial power, and contents itself now with a statement of its conclusion that there should be further legislation specifically prohibiting certain forms of association, combination, or monopoly which admittedly restrain trade and commerce among the States and with foreign nations, but which may be held by the courts to be indirect or remote interferences.

The committee has first referred to the point just mentioned, not because it is first in importance, but because it first arose. It now passes to another and more serious weakness in the law as now interpreted.

In the Trans-Missouri Freight Association case there developed a controversy among the members of the Supreme Court that was carried on with unabated vigor through the 15 years intervening between the opinion in the Freight Association case and the opinion in the Standard Oil Co. case. In this period the vicissitudes of life and the changes upon the bench which necessarily ensue converted the opinion of the court in the Freight Association case into a single dissenting opinion in the Standard Oil Co. case, and the dissenting opinion in the former case into the opinion of the court in the latter case. In the Freight Association case Mr. Justice Peckham, in delivering the opinion of the court, said:

"Second. The next question to be discussed is as to what is the true construction of the statute, assuming that it applies to common carriers by railroad. What is the meaning of the language as used in the statute that 'every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal'? Is it confined to a contract or combination which is only in unreasonable restraint of trade or commerce, or does it include what the language of the act plainly and in terms covers, all contracts of that nature (p. 327)?"

The learned justice answered the question thus propounded many times and in great variety of phrase in the course of the opinion, and the committee quotes some of these answers.

"When, therefore, the body of an act pronounces as illegal every contract or combination in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress (p. 328).

"But we can not see how the statute can be limited, as it has been by the courts below, without reading into its text an exception which alters the natural meaning of the language used, and that, too, upon a most material point, and where no sufficient reason is shown for believing that such alteration would make the statute more in accord with the intent of the lawmaking body that enacted it (p. 329).

"'The arguments which have been addressed to us against the inclusion of all contracts in restraint of trade, as provided for by the language of the act, have been based upon the alleged presumption that Congress, notwithstanding the language of the act, could not have intended to embrace all contracts, but only such contracts as were in unreasonable restraint of trade. Under these circumstances we are, therefore, asked to hold that the act of Congress excepts contracts which are not in unreasonable restraint of trade, and which only keep rates up to a reasonable price, notwithstanding the language of the act makes no such exception. In other words, we are asked to read into the act by way of judicial legislation an exception that is not placed there by the law-making branch of the Government, and this is to be done upon the theory that the impolicy of such legislation is so clear that it can not be supposed that Congress intended the natural import of the language used. This we can not and ought not to do (p. 340).

"'The conclusion which we have drawn from the examination above made into the question before us is that the antitrust act applies to railroads, and that it renders illegal all agreements which are in restraint of trade or commerce as we have above defined that expression, and the question then arises whether the agreement before us is of that nature'" (p. 341).

The issue was clearly joined by Mr. Justice White (now Chief Justice), who in his dissenting opinion, in which Justices Field, Gray, and Shiras concurred, thus stated the question:

"To state the proposition in the form in which it was earnestly pressed in the argument at bar, it is as follows: Congress has said every contract in restraint of trade is illegal. When the law says 'every,' there is no power in the courts, if they correctly interpret and apply the statute, to substitute the word 'some' for the word 'every.' If Congress had meant to forbid only restraints of trade which were unreasonable it would have said so; instead of doing this it has said 'every,' and this word of universality embraces both contracts which are reasonable and unreasonable" (p. 345).

The distinguished justice begins his answer to the proposition just quoted as follows:

"I commence, then, with these two conceded propositions, one of law and the other of fact, first that only such contracts as unreasonably restrain trade are violative of the general law, and, second, that the particular contract here under consideration is reasonable, and therefore not unlawful if the general principles of law are to be applied to it" (p. 344).

Again:

"Its title is 'An act to protect trade and commerce against unlawful restraints and monopolies.' The word 'unlawful' clearly distinguishes between contracts in restraint of trade which are lawful and those which are not. In other words, between those which are unreasonably in restraint of trade, and consequently invalid, and those which are reasonable and hence lawful" (p. 352).

Again:

"If these obvious rules of interpretation be applied, it seems to me they render it impossible to construe the words 'every restraint of trade' used in the act in any other sense than as excluding reasonable contracts, as the fact that such contracts were not considered to be within the rule of contracts in restraint of trade was thoroughly established both in England and in this country at the time the act was adopted" (p. 354).

Again:

"Indeed, it seems to me there can be no doubt that reasonable contracts can not be embraced within the provisions of the statute if it be interpreted by the light of the supreme command that the intention of the law must be carried out, and it must be so construed as to afford the remedy and frustrate the wrong contemplated by its enactment" (p. 355).

It will be noted that but once in the dissenting opinion is the word "unreasonable" used to qualify the phrase "in restraint of trade." It is generally employed to qualify the word "contract." There is some difference between saying that there may be a reasonable interference with competition or freedom in trade or freedom to trade which did not, at the common law, constitute a restraint of trade, and saying that there can be, under our statute, a reasonable restraint of trade. But this was only the beginning.

Two years later the suit of the United States *v.* Joint Traffic Association came on for decision. Again Mr. Justice Peckham delivered the opinion of the court, and upon the point we are considering there seems to have been no change in the attitude of the members of the court toward it. It is instructive to observe, however, that in referring to Hopkins *v.* The United States, in which the opinion was handed down at the same term, the learned justice said:

"In Hopkins *v.* The United States, decided at this term, post, 578, we say that the statute applies only to those contracts whose direct and immediate effect is a restraint upon interstate commerce * * * the effect upon interstate commerce must not be indirect or incidental only (p. 568)."

Five years thereafter the well-known Northern Securities case was decided, and the struggle was renewed with intense earnestness. Mr. Justice Harlan rendered the opinion of the court, and this is the way he stated the question:

"Is the act to be construed as forbidding every combination or conspiracy in restraint of trade or commerce among the States or with foreign nations? Or does it embrace only such restraints as are unreasonable in their nature? Is the motive with which a forbidden combination or conspiracy is formed at all material when it appears that the necessary tendency of that particular combination or conspiracy in question is to restrict or suppress free competition between competing railroads engaged in commerce among the States? Does the act of Congress prescribe as a rule for interstate or international commerce, that the operation of the natural laws of competition between those engaged in such commerce shall not be restricted or interfered with by any contract, combination, or conspiracy (p. 328)?"

In answering the question he probably goes a little further than Justice Peckham. He states as the conclusion to be drawn from former opinions of the courts:

"That the act is not limited to restraints of interstate and international trade or commerce that are unreasonable in their nature, but embraces all direct restraints imposed by any combination, conspiracy, or monopoly upon such trade or commerce; * * *. That every combination or conspiracy which would extinguish competition between otherwise competing railroads engaged in interstate trade or commerce, and which would in that way restrain such trade or commerce, is made illegal by the act; * * *. That to vitiate the combination, such as the act of Congress condemns, it need not be shown that the combination in fact results or will result in a total suppression of trade or in a complete monopoly, but it is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce or tends to create a monopoly in such trade or commerce and to deprive the public of the advantages that flow from free competition (p. 331).

"Whether the free operation of the normal laws of competition is a wise and wholesome rule for trade and commerce is an economic question which this court need not consider or determine. Undoubtedly there are those who think that the general business interest and prosperity of the country will be best promoted if the rule of competition is not applied. But there are others who believe that such a rule is more necessary in these days of enormous wealth than it ever was in any former period of our history. Be all this as it may, Congress has, in effect, recognized the rule of free competition by declaring illegal every combination or conspiracy in restraint of interstate and international commerce (p. 337)."

Mr. Justice Brewer was with the majority of the court in the Trans-Missouri Association case, and he concurred in the decision in the Northern Securities Co. case; but upon the question we are discussing he rejected the reasoning of Justice Harlan and adopted the views expressed by Justice White in the former case. He said:

"Instead of holding that the antitrust act includes all contracts, reasonable or unreasonable, in restraint of interstate trade, the ruling should have been that the contracts there presented were unreasonable restraints of interstate trade, and as such within the scope of the act. That act, as it appears from its title, was leveled at only 'unlawful restraints and monopolies.' Congress did not intend to reach and destroy those minor contracts in partial restraint of trade which the long course of decision at common law had affirmed were reasonable and ought to be upheld. The purpose rather was to place a statutory prohibition with prescribed penalties and remedies upon those contracts which were in direct restraint of trade, unreasonable, and against public policy. Whenever a departure from common-law rules and definitions is claimed, the purpose to make the departure should be clearly shown. Such a purpose does not appear and such a departure was not intended (p. 361)."

The Chief Justice and Justices White, Peckham, and Holmes dissented. Justice White, while discussing many phases of the relation between the General and the State Governments, finally rested his opinion upon the Knight case, holding that there was no direct restraint of interstate commerce. Justice Holmes, while concurring with Justice White, took occasion to say, in substance, that the method adopted by the defendants for the suppression of competition did not constitute a restraint of trade in the sense of the antitrust law.

With the Northern Securities case there terminated one distinct, striking period in the interpretation and application of the antitrust statute. It is needless to inquire at length whether or not the views of the court, as expressed in the opinions of Justices Peckham and Harlan, were in exact harmony with the common law as to the meaning or definition of the phrase "restraint of trade." Even if these learned judges were not quite successful in distinguishing the difference, at the common law, between a restraint of competition and a restraint of trade it still remains true that for more than 13 years repeated decisions of the highest tribunal of the country had declared that every contract or combination which prevented free competition was a restraint of trade, and that, if the restraint directly affected commerce among the States, then the contract or combination was unlawful, under the first section of the act.

Inasmuch as the committee is of opinion that legislation should be so clear in its terms as not to admit of unlimited judicial discretion, it pauses here a moment to point out just what the range of discretion was under the decisions ending with the Northern Securities case. It is manifest that the inquiry that the court was then required to make in each case was this: Has the evidence established a restraint of trade; that is to say, has the evidence established a contract or combination which interfered with free competition?

There was some, but not great latitude for difference of opinion upon such an inquiry, and the uncertainty in the application of the law was reduced to a minimum; nor would the uncertainty have been much increased if the inquiry had been as to an unreasonable interference with free competition, which would have been the inquiry had the common-law understanding been strictly adopted by the Supreme Court.

If the more recent construction of the statute were in harmony with the earlier decisions, further legislation might nevertheless be required; but it is unnecessary to make the inquiry. That question is purely academic, for the later rulings have competely reversed the former ones, in so far as the phase of the subject now being discussed is concerned.

On the 15th day of May, 1911, the case of the Standard Oil Co. *v.* The United States was passed upon by the Supreme Court. Chief Justice White (formerly Justice White) delivered the opinion and reiterated, as the conclusion of the court, the views that he had so forcibly urged as a dissenter 15 years before. It was not necessary for the court to deal with the question at all, inasmuch as it found the defendants guilty of a restraint of trade under any and every meaning of the term, but for the very purpose, the committee assumes, of advising the country that a new rule had been adopted so that business might be guided by it, it was stated in the most emphatic way imaginable that the statute which declares that "Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal" means that a contract or combination in order to be illegal must cause an undue restraint of trade. The following quotations from the opinion will need no comment:

"That in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions, it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint (pp. 59, 60)."

Again:

"In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section (p. 61)."

That the Chief Justice intended to announce a rule at variance with the declarations of Justice Peckham and Justice Harlan in the Trans-Missouri Freight Association and Northern Securities cases is made clear in the following extracts:

"The question is pertinent and must be fully and frankly met, for if it be now deemed that the Freight Association case was mistakenly decided or too broadly stated, the doctrine which it announced should be either expressly overruled or limited. * * * And in order not in the slightest degree to be wanting in frankness, we say that in so far, however, as by separating the general language used in the opinion in the Freight Association and Joint Traffic cases from the context and the subject and parties with which the cases were concerned, it may be conceived that the referred to conflicts with the construction which we

give the statute, they are necessarily now limited and qualified (pp. 68, 69)."

The learned Chief Justice contends that this rule of construction, which he repeatedly calls the "rule of reason," must be applied in order to prevent the entire overthrow of the statute.

It is one of the interesting things in our judicial history that so great had been the change in the personnel of the court that when the dissenting opinion of Justice White in 1896 became the opinion of the court in 1911 Justice Harlan was the only member remaining to protest against the reversal. He recorded his dissent in one of the most vigorous opinions that can be found in the reports, but for the purposes which the committee has in view it is not necessary to do more than to mention it.

Justice Harlan has passed away, and it may be assumed that the Supreme Court is now unanimously in favor of the doctrine so often and so ably promulgated by Chief Justice White. The rule was reasserted in the American Tobacco Co. case and has not since been questioned by any member of the court.

It is true that in the important opinion rendered in the suit of the United States v. The Union Pacific Railroad Co., Justice Day says:

"The act is intended to reach combinations and conspiracies which restrain freedom of action in interstate trade and commerce and unduly suppress or restrict the play of competition in the conduct thereof"—

Citing as authority the Joint Traffic Association case.

It is true also that the court quotes, with apparent approval, the following extract from Mr. Justice Harlan in the Northern Securities case:

"In all the prior cases in this court the antitrust act has been considered as forbidding any combination which by its necessary operation destroys or restrains free competition among those engaged in interstate commerce; in other words, that to destroy or restrict free competition in interstate commerce was to restrain such commerce."

But thereafter the court says:

"In the recent discussion of the history of the meaning of the act in the Standard Oil Co. and Tobacco Co. cases this court declared that the statute should be given a reasonable construction, with a view to reaching those undue restraints of interstate trade which are intended to be prohibited and punished."

The fair conclusion is that it is now the settled doctrine of the Supreme Court that only undue or unreasonable restraints of trade are made unlawful by the antitrust act, and that in each instance it is for the court to determine whether the established restraint of trade is a due restraint or an undue restraint.

Whatever may be the opinion of the several members of the committee with respect to the soundness of the rule as now established, the committee as a whole accepts it as the present law of the land. It is profoundly convinced that, in view of the rule and its necessary effect upon the business of the country, the inherent rights of the people, and upon the execution of the statute, it has become imperative to enact additional legislation.

The committee has full confidence in the integrity, intelligence, and patriotism of the Supreme Court of the United States, but it is unwilling to repose in that court, or any other court, the vast and undefined power which it must exercise in the administration of the statute under the rule which it has promulgated. It substitutes the court in the place of Congress, for whenever the rule is invoked the court does not administer the law, but makes the law. If it continues in force, the Federal courts will, so far as restraint of trade is concerned, make a common law for the United States, just as the English courts have made a common law for England.

The people of this country will not permit the courts to declare a policy for them with respect to this subject. If we do not promptly exercise our legislative power, the courts will suffer immeasurable injury in the loss of that respect and confidence so essential to their usefulness. It is inconceivable that in a country governed by a written Constitution and statute law the courts can be permitted to test each restraint of trade by the economic standard which the individual members of he court may happen to approve. If we do not speedily prescribe in so far as we can a legislative rule by which to measure the forms of contract and combination in restraint of trade with which we are familiar or which we can anticipate, we cease to be a Government of law and become a Government of men, and, moreover, of a very few men, and they appointed by the President.

It may be that the Supreme Court will be so enlightened and so alert that its opinion respecting what is due and what is undue restraint of trade will be in harmony with an awakened public conscience and a disinterested public judgment, but to fashion our conduct upon that hypothesis is to repudiate the fundamental principles of representative government.

When the commercial development of the country is considered, when the forms of industrial activity are taken into account, it must be admitted by every student of affairs that the policy of the Government with respect to restraints of trade and commerce should remain a judicial question in those cases only in which Congress can not prescribe a definite rule.

In order to look at the subject in the light of illustration, it is suggested that there will presently come before the courts the combination centered in the United States Steel Corporation. In the end nine justices of the Supreme Court will be asked to say whether the restraint of trade brought about through this combination is a due or an undue restraint, and the answer which each justice makes to that question will depend upon his individual opinion as an economist or sociologist, the conclusion of the court being in substance an act of legislation passed by the judicial branch of the Government to fit a particular case.

Further, it is believed by many thoughtful people that a substantial identity in the managing boards of competing corporations constitutes a restraint of trade and is harmful to the public interest. If such a case were brought before the court, what would be the "rule of reason?" What guide would the court have in determining whether such community of directors or managers was a due or an undue restraint of trade?

Again, suppose there were a dozen establishments in a given field of production competing with each other and six of them were to consolidate, employing half of all the capital and advancing the consolidated enterprise to a dominating position in the trade, where would the judge go for light in determining whether the restraint of trade was due or undue? These illustrations might be indefinitely extended, but it would serve no useful purpose to multiply them.

The committee does not intend in this report to indicate the terms of the act or acts that should be passed to supply the court with such legislative tests and standards as will limit the scope of judicial discretion. To do so would be to report upon the bills now before it, and that the committee is not prepared to do. It is prepared, however, to say that Congress should, in as far as is possible, specifically prescribe certain conditions upon which persons and corporations shall be permitted to engage in commerce among the States and with foreign nations. These conditions should be of a character that will tend to preserve reasonable competition, or substantially competitive conditions, and to compel independence in both organization and conduct. They should be so clear that the business world can understand them and go confidently forward, guided by them.

Not only should such conditions be imposed upon those who are engaged or propose to engage in commerce among the States, but our legislation should further recite certain known forms of combination and declare them to be unlawful because in restraint of trade. With respect to other forms, we should declare that if restraint is established the burden of proof is upon the persons or corporations involved to show that the restraint is reasonable.

These suggestions are not made solely for the better protection of that general body of our citizens, commonly called the people, who must deal with buy from, and sell to the combinations sought to be regulated, but are made also in the interest of safety and certainty for the men who compose what is ordinarily known as the business community.

There are many forms of combination and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful; but as the statute is now construed there are many forms of organization and many other practices that seriously interfere with competition and are plainly opposed to the public welfare, concerning which it is impossible to predict with any certainty whether they will be held to be due or undue restraints of trade.

The committee does not conceal the difficulty of reaching an agreement concerning the details of the legislation just outlined, but it has no hesitation in reporting that legislation of the general character pointed out is both wise and necessary.

The committee further reports that if the additional legislation, the general scope of which has been pointed out, is enacted it will be very desirable to accompany such legislation with a measure establishing a commission for the better administration of the law and to aid in its enforcement. It may be fairly said that there is need of such a commission, even though the present statute is not supplemented in any manner; but it is apparent that if the new legislation is enacted the need of a commission will become more imperative.

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

First. If the Bureau of Corporations were converted into an independent commission composed of trained, skillful men, and clothed with adequate authority, there could be gathered more complete and accurate knowledge of the organization, management, and practices of the corporations and associations engaged in national and international commerce than we now have. In saying this the committee does not mean to disparage the work of the Bureau of Corporations as hitherto carried on; but, valuable as the work has been, it is believed that a greater service could be rendered by a commission with a distinct organization with adequate appropriations and added authority. Moreover, it is clear that the constant inquiry into and investigation of interstate commerce in order to ascertain whether the law is being violated should be more closely connected with prosecutions for violations, when found to exist, than at the present time.

Second. When the conditions upon the fulfillment of which persons and corporations may engage in commerce among the States and with foreign nations are imposed, as the committee has heretofore recommended, there will be some of them upon which the Government must act with administrative promptness rather than with judicial deliberation and delay. For instance, suppose Congress were to declare, as the committee thinks it ought to declare, that no corporation should be permitted to engage in interstate or international commerce unless it be honestly capitalized, and that when anything but money is accepted for its stock that the value at which the property is so taken must be its fair, reasonable value. It seems clear that a corporation proposing to enter business should have an opportunity to come to some governmental tribunal and say, here is the property purposed to be taken for stock, and here is the price at which it is to be taken, and thereupon ask for approval or disapproval of the proposition. It would be most unjust in such a case to allow the corporation to go on for years and then be told that it must cease to do business because the value of the property was less than the par value of the stock issued for it.

And, again, suppose that 10 out of 20 manufacturing establishments heretofore in competition with each other desire to consolidate into one enterprise. There ought to be a way in which the men in such a venture could submit their plan to the Government and an inquiry made as to the legality of such a transaction, and if the Government was of the opinion that competitive conditions would not be substantially impaired there should be an approval, and in so far as the lawfulness of the exact thing proposed is concerned there should be a decision, and if favorable to the proposal there should be an end of that particular controversy for all time. Such results as these can be attained in no other way than through a commission which, though administrative in its character, would, in some instances, exercise quasi judicial functions. It is believed that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred and when the difficulty of awarding reparation for the wrong is almost insurmountable.

The committee has not attempted to be comprehensive as to the usefulness of the commission in this field, and has made these suggestions only to indicate in the most general way the assistance that could be rendered in the enforcement of the law.

Third. One of the most serious problems in connection with suits brought under the antitrust act is to find the proper method of disintegrating combinations that have been adjudged unlawful. The dissolution of a corporation or a series of associated corporations must often involve the consideration of plans for reorganization in order that the property which has been unlawfully employed may thereafter be lawfully used in commerce. The courts are not fitted for the work of reconstruction; and whatever jurisdiction they now have or that may hereafter be conferred upon them with respect to such matters, it can not be gainsaid that a commission, the members of which are in close touch with business affairs and who are intimately acquainted with the commercial situation, might be extremely helpful in the required readjustment

Respectfully submitted.

Mr. CUMMINS. We have, then, Mr. President, the authority of the committee, laboring faithfully for a period of four months or more, to the effect that additional legislation is necessary in order that full, fair competition in our industrial life may be maintained.

We have its further authority for the proposal that the additional legislation so enacted as well as the existing statute can be enforced, applied, administered more helpfully through the aid of a commission or tribunal than through the pure judicial process alone.

Such was the situation, Mr. President, when the present administration came in, and it very promptly and very wisely repeated the recommendation of the Committee on Interstate Commerce. I look upon the message of the President of the United States upon this subject as a mere reiteration of the report of the committee to which I have already referred. It is not new; it is not novel; it is simply the assertion of a conclusion to which most of the thinking, patriotic men of the country had already come. The President of the United States is to be applauded and complimented for his wisdom in recommending to the Congress that we make the antitrust statute an instrumentality more effective for the preservation of independent and honorable rivalry in business than it has been or is likely to be without the supplemental enactments to which I have in a general way referred.

All that I have said, Mr. President, is upon the assumption, first, that we desire to perpetuate competition in business in our country, and, second, that we are of the opinion that the statute of 1890 does not sufficiently accomplish the object. If there be those in the Senate who are opposed to competition, opposed to rivalry in business, opposed to that regulating force in our commercial life, such Senator ought, of course, to be against the effort that we are now making. If, further, any such Senator shall believe that the antitrust statute is in and of itself sufficient, that it has preserved and will maintain competition in the United States fully, safely, and effectually, then he, too, should oppose the proposed legislation; but I can not believe——

Mr. NELSON. Will the Senator yield to me for a question.

Mr. CUMMINS. I do.

Mr. NELSON. Is this section 5 in the bill anything more than putting a brake on competition? Under the Sherman law, the antitrust law, the purpose is to prevent all restraints of trade in order that competition may be untrammeled. Under section 5 the object is to determine whether that competition is good or bad, whether it is unfair, whether there is too much of it. How can you say that that is in aid of the Sherman law?

Mr. CUMMINS. That suggests one of the plainest things, Mr. President, in the bill. Assuming that what my friend from Minnesota calls the Sherman law, the authorship of which is disputed, however, is intended to preserve competition, and I believe it is, the section in this bill relating to unfair competition will, in my judgment, be a readier instrumentality for the maintenance of competition than the antitrust law itself.

The only unfair competition that the section will ever touch is that competition which has for its object the destruction of competition. There is no unfair competition that is consistent with the endurance of any competition. If the Senator will examine the decisions of the Supreme Court, or reexamine them—because I know he is familiar with them—he will find that unfair practices in competition have been denounced oftener as violations of the antitrust law than any other phase of industrial combination. So the question propounded by the Senator from Minnesota is an easy one to answer. Unfair competition means the extinction of competition. The antitrust law has for its object the preservation of fair, full competition; and in order to preserve fair competition unfair competition must cease to exist. The two can not survive in the same industrial field or as they are related to the same commodity and commerce.

I intend, however, Mr. President, to give further attention to section 5 when I reach it in the course of my review of the bill. I was referring to the history of the movement for additional legislation supplemental to the antitrust law and in harmony with its object. The movement has now taken this form: The House of Representatives has passed three measures, one of them creating a commission with substantially no power save the power of inquisition or investigation. Second, a bill which makes certain acts which are believed to be incompatible with competition unlawful. The former bill was referred to the Interstate Commerce Committee and has been reported to this body, and is now under consideration, the report being a proposal to substitute a bill which had been prepared by the Interstate Commerce Committee of the Senate for all that part of the House bill following the enacting clause. The second bill to which I have referred is now before the Judiciary Committee of the Senate, and it is not my purpose to comment upon it. The third bill relates principally to a new regulation for the issuance of railroad bonds or stocks. To be accurate, it is not confined to railway companies, but extends to all common carriers. The latter bill is now before the Interstate Commerce Committee.

I have referred to these three measures because, in my opinion, they ought to have been parts of a single measure. I think the Senate should have had before it all these bills, and whatever suggestions or amendments were made by the committees having them in charge, before we entered upon the consideration of any one of them. They are so inseparably connected with each other, they are so interwoven in their legislative texture, that it becomes almost impossible to exercise intelligent judgment with regard to one without considering the proposals in the others. But we have the bill before us and it is our duty to consider it as best we can.

I now refer to the commission bill and generalize upon it in so far as I can in order to be brief in my remarks. It is, the larger part of it, an effort to give the trade commission full and complete powers of investigation.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I beg pardon.

Mr. THOMAS. The Senator from Iowa is now approaching one of the vitally important features of the bill, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Lea, Tenn.	Ransdell	Swanson
Camden	Lewis	Robinson	Thomas
Chamberlain	Martin, Va.	Shafroth	Thompson
Clapp	Martine, N. J.	Sheppard	Thornton
Clarke, Ark.	Nelson	Shively	Walsh
Cummins	Norris	Simmons	Warren
Jones	O'Gorman	Smith, Ariz.	Works
Kenyon	Oliver	Smith, Md.	
Kern	Overman	Smoot	
Lane	Page	Sterling	

The PRESIDING OFFICER. Thirty-seven Senators have answered to the roll call. A quorum is not present. The Secretary will call the names of the absent Senators.

Mr. CUMMINS. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate do now adjourn. [Putting the question.] The ayes seem to have it.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. OLIVER (when his name was called). Has the senior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The PRESIDING OFFICER. He has not voted.

Mr. OLIVER. If I were at liberty to vote, I would vote "yea." I refrain from voting on account of my pair with the senior Senator from Oregon.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Maryland [Mr. LEE] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], and I wish this announcement of the pair and the transfer to stand for the day. I vote "nay."

The roll call was concluded.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is absent on official business, and that he is paired with the Senator from New Mexico [Mr. FALL].

Mr. THOMAS. I transfer my pair with the senior Senator from New York [Mr. ROOT] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "nay."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST] and vote "nay." I wish to state also that the junior Senator from Georgia is confined to his room by sickness.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Mississippi [Mr. VARDAMAN]. This announcement may stand for the day. I wish also to announce the unavoidable absence of the junior Senator from Georgia [Mr. WEST] on account of illness.

Mr. POMERENE entered the Chamber and voted "nay."

The result was announced—yeas 18, nays 34, as follows:

YEAS—18.

Brady	Clapp	Jones	Page
Brandegee	Crawford	Kenyon	Poindexter
Bristow	Cummins	McCumber	Smoot
Burton	Dillingham	Nelson	
Catron	Gallinger	Norris	

NAYS—34.

Ashurst	Martin, Va.	Sheppard	Thomas
Bankhead	Martine, N. J.	Shields	Thompson
Bryan	Newlands	Shively	Thornton
Camden	O'Gorman	Simmons	Tillman
Chamberlain	Overman	Smith, Ariz.	Walsh
Kern	Pomerene	Smith, Ga.	Warren
Lane	Ransdell	Smith, Md.	Williams
Lea, Tenn.	Robinson	Stone	
Lewis	Shafroth	Swanson	

NOT VOTING—44.

Borah	Gore	McLean	Smith, Mich.
Burleigh	Gronna	Myers	Smith, S. C.
Chilton	Hitchcock	Oliver	Stephenson
Clark, Wyo.	Hollis	Owen	Sterling
Clarke, Ark.	Hughes	Penrose	Sutherland
Colt	James	Perkins	Townsend
Culberson	Johnson	Pittman	Vardaman
du Pont	La Follette	Reed	Weeks
Fall	Lee, Md.	Root	West
Fletcher	Lippitt	Saulsbury	White
Goff	Lodge	Sherman	Works

So the Senate refused to adjourn.

The VICE PRESIDENT. The roll call discloses that a quorum is present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, in justice to those Senators who have just entered the Chamber, I ought to recapitulate my argument of the last hour; but assuming that they were detained from the Chamber by imperative duties elsewhere, I shall for this occasion forbear. If in the future I find it necessary to inform them with regard to the argument I have already made, I shall then do what I really ought to do at this time.

Mr. THOMAS. Mr. President, I suggest that we have order in the Senate.

The VICE PRESIDENT. The Senate will be in order.

Mr. CUMMINS. It is very difficult, I know, Mr. President, to suppress the noise incident to the departure of Senators, and I have no desire to delay their departure. I pause for a moment simply to enable Senators to go.

Mr. OVERMAN. I want to say that the Committee on Appropriations is in session considering appropriation bills, and I think probably the Committee on Foreign Relations is also in session. We are obliged to leave the Chamber if we are going to have any meeting to consider and get appropriation bills through the Senate.

Mr. CUMMINS. I am not suggesting this in any resentful frame of mind.

Mr. OVERMAN. I should like myself to hear the Senator from Iowa if my duties permitted me to remain in the Chamber to do so.

Mr. CUMMINS. This is a common occurrence. If it had occurred for the first time this afternoon I should be a little discouraged and disheartened.

Mr. OVERMAN. I want to say that there are three appropriation bills in conference. There is a meeting now in progress on the District of Columbia appropriation bill, another on the legislative appropriation bill, and another on the sundry civil bill. Therefore the consideration of these measures requires the presence in committee of nearly the entire membership of the Appropriations Committee.

Mr. CUMMINS. Though I have no power to do so and while I thereby shall lose the presence of the Senator from North Carolina, I give him leave of absence.

Mr. President, I wish we could have a show of hands, for I should like to know how many Senators have read this bill. [A pause.] There are more Senators who have read this bill than I believed, Mr. President. It will enable me to go forward with my discussion with less attention to detail than I otherwise might have felt compelled to give.

Mr. CLAPP. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, of course I should not make the request, but I suggest to the Senator that, in addition to the request he made, he ask how many of the Senators have read the speech of Mr. Woodrow Wilson denouncing the spirit and influence of this kind of legislation. That, too, would be interesting.

Mr. CUMMINS. Mr. President, I did not refer to that, because I did not desire to give it any prominence whatever. It ought to have no weight with a thinking man. Therefore I have not referred to it. I may say this, however, Mr. President, if the President had during the campaign—and he was then less informed upon this subject than he now is; and a wise man changes his mind when he is convinced of his error—even if the President during the campaign very emphatically repudiated legislation of this sort, and he has since seen the error of his former conclusion, I am glad that he is willing and courageous enough to say so. That is the reason I have not referred to his utterances during the campaign.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. CLAPP. Does the Senator from Iowa positively know that the President has changed his views as they were expressed in the speech to which I have referred?

Mr. CUMMINS. No; I only know that he has changed his expression.

Mr. CLAPP. With reference to this subject?

Mr. CUMMINS. Yes.

Mr. CLAPP. I confess I have not seen it. I have seen some change of expression with reference to other subjects, but not with reference to this one.

Mr. CUMMINS. I suppose the Senator means in the way of public speeches or addresses. Does the Senator from Minnesota doubt that the President of the United States is in favor of legislation of this character?

Mr. CLAPP. Mr. President, I would doubt that the President of the United States was in favor of leaving to some experts in Washington to say to business men what they could do in view of the speech which he made with reference to that matter. I have not seen any statement of the President that would contradict the position which he then took.

Mr. CUMMINS. Does the Senator from Minnesota doubt that the President of the United States favors the bill which passed the House of Representatives?

Mr. CLAPP. The trade commission bill?

Mr. CUMMINS. I refer to the trade commission bill.

Mr. CLAPP. I have no proof that the President favors it; if the Senator has such proof, I should be glad to have him present it.

Mr. CUMMINS. Possibly he is opposed to it. However, I do not care whether he is opposed to it or not. I assume that he has changed his mind with regard to that subject, and I welcome him to the ranks of the progressive thinkers of the country.

Mr. NELSON and Mr. NEWLANDS addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. I want to call the Senator's attention to the fact that section 5 of the Senate substitute was not in the bill as it passed the House of Representatives. The President may have indorsed the bill passed by the other House, but that does not involve an indorsement of section 5 of the Senate substitute.

Mr. CUMMINS. I will say for his satisfaction or gratification that I know that the President has indorsed section 5. It is not a question of surmise with me; that is, if I may credit a fellow Member of the Senate and a fellow Member of the House, section 5 has had the explicit indorsement of the President of the United States. I now yield to the Senator from Nevada.

Mr. NEWLANDS. I simply wish to say that the Senator from Minnesota [Mr. CLAPP] must have lost recollection of the President's message delivered some months ago, in which he expressly recommended a trade commission bill.

Mr. CLAPP. Mr. President, does the Senator refer to any message delivered in the Senate?

Mr. NEWLANDS. Not in the Senate, but a message delivered in the House of Representatives.

Mr. CLAPP. Ah!

Mr. NEWLANDS. An address to the Congress of the United States, in which——

Mr. CLAPP. Was it read to the Senate?

Mr. NEWLANDS. In which the President discussed the subject.

Mr. CUMMINS. The message has been printed and delivered to every Member of the Senate.

Mr. CLAPP. In which the President favored the present trade commission bill that has been reported by the Senate committee?

Mr. CUMMINS. The message was delivered to Congress some time before the bill passed the House of Representatives.

Mr. NEWLANDS. It was a message of recommendation regarding legislation upon the subject of trusts.

Mr. CLAPP. Oh, upon the subject of trusts!

Mr. NEWLANDS. And included in his recommendation was the suggestion that there should be a trade commission bill.

Mr. CLAPP. That was before the bill passed the House.

Mr. NEWLANDS. Yes.

Mr. CLAPP. The bill that passed the House did not confer any authority on the commission to interfere with practices calculated to destroy competition, and, consequently, I will say to the Senator from Iowa we can not take the House bill as it came over as any evidence of the views of the President upon this question. We are still in the dark on that subject.

Mr. CUMMINS. I do not quite understand the Senator from Minnesota. I assume, though, that he has cited the opinion of the President expressed during the campaign as a reason why this bill should not pass.

Mr. CLAPP. Oh, Mr. President, not by any means.

Mr. CUMMINS. Will the Senator from Minnesota indicate what his purpose was?

Mr. CLAPP. My purpose was to refer to the attitude of the President with reference to this proposition embraced in this bill, not as a reason why it should not pass by any means, because I may say that it is for Congress to settle the question as to what should pass and not for the President, but there is a broad distinction between citing the attitude of the President to show his own position and citing it as an evidence of what Congress has a right to do or should do with reference to legislation. I think the Senator concedes that difference.

Mr. CUMMINS. The difference is very obvious. I am sure that the Senator from Minnesota knows that I believe with him as to the respective duties of the Congress and of the President of the United States, but among the privileges of the President is one of recommending as often as he may see fit legislation to Congress; and the President did recommend, as I said a few moments ago, additional legislation, and his recommendation in that respect was not essentially different from the report of the Interstate Commerce Committee made at a time when my friend from Minnesota was its chairman and as the result of investigations through which he led the committee. I think, with distinguished honor and success. I have only referred to the matter to show that the best thought of this country demanded additional legislation for the regulation of our commerce, and I think that that has been pretty fairly established.

I now resume my observations upon the bill at the point at which they were interrupted a half hour ago. I had said that the bill, in its major part, was a bill to create a commission with powers of investigation for the purpose of ascertaining whether the business of the country was conducted in accordance with the commands of the antitrust law. It is given complete, comprehensive power in that regard, and, so far as the bill is now before the Senate, there are but two other features in it, two things which the trade commission is authorized to do, aside from investigating the affairs of corporations, in order to determine whether they are conducting themselves in restraint of trade or with the object of establishing a monopoly. I now turn to those two features.

I take it that there is no Senator who seriously questions the propriety of giving to this commission the fullest powers of inquiry. Now, the first——

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. Does the Senator object to my reading a few sentences from the President's message covering the question of a trade commission?

Mr. CUMMINS. I have no objection, but allow me to say to the Senator from Nevada that I am convinced that the purpose of the Senator from Minnesota [Mr. CLAPP] in making his suggestion was to show that the President of the United States during the campaign had seemed to have little sympathy with government by commission.

Mr. CLAPP. And, Mr. President, also very little sympathy with the plan that had already been worked out by the Interstate Commerce Committee in a report prepared and signed by and largely the work of the senior Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. The truth is that his speeches during the campaign seemed to be, so far as they referred to this subject, a conscious and intentional criticism of the work of the Interstate Commerce Committee.

Mr. NEWLANDS. I understood the President's criticism during the campaign to be with reference to the trade commission as proposed by the Progressive Party, which was a trade commission of a highly paternal character.

Mr. CUMMINS. That may be so.

Mr. NEWLANDS. And that it had no reference whatever to such a proposal as this or the proposal that was made by the Interstate Commerce Commission under the Taft administration.

Mr. CUMMINS. I supposed that his discussion of the matter during the campaign related largely to the investigation which had been conducted by the Interstate Commerce Committee.

Mr. NEWLANDS. I understood it to be a reference to the Progressive program.

Mr. CUMMINS. I do not understand that it referred to the report, because the report was not made until after the campaign.

Mr. SMITH of Georgia. Mr. President, I think I can state, if the Senator will permit me, to what the President directed his criticism. It was the suggestion that there should be a commission which could pass upon the character of the conduct of certain trusts, permitting some of them supposed to be good trusts to continue, and to discriminate between good monopolies and bad monopolies. There may have been some other criticisms, but I know I have seen that criticism from him several times and heard it from him at the time personally.

Mr. CUMMINS. Mr. President, I resume again and mention the two things in this bill which are apart from the inquisitorial power conferred upon the trade commission. The first is this—and I want Senators to give some attention to it, because I regard it as one of the most valuable and helpful additions to our legislation:

(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

I believe that, if this commission had been organized five years ago and had been given authority to deal with the subject as is suggested in this paragraph, we would have been spared a part of our humiliating experience in the administration of the antitrust law. In referring to the experience as a humiliating one, I am not disparaging the eminent court which rendered the decree which I have in mind; but I am referring to the obvious, apparent, confessed inadequacy and inability of any court to deal with these questions as they are presented in the way of the reorganization of corporations or the disintegration of corporations or the re-creation of a shattered unit of industry. No court can do that successfully. Its procedure, its processes, its information are not well fitted for that work; and in the Standard Oil Co. case, in the Union Pacific case, and in the American Tobacco Co. case, after the court had found that there had been a violation of the antitrust law and had proposed a reorganization or readjustment, instead of an injunction dissolving and disintegrating the property and requiring its sale, if the court could have referred to a skilled as well as patriotic and trained body of men the form of the decree to be entered in each of these cases, I venture to say that we would have accomplished more than we have accomplished in these prosecutions. Such is one of the valuable suggestions of this measure. It not only is in harmony with the antitrust law, but it is an additional weapon to secure full and complete enforcement of the antitrust law.

I read now another provision:

Wherever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated, and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable, and the report shall be made public in the discretion of the commission.

I believe the organization of the body of men here proposed can be of vast benefit in the enforcement of the law through the exercise of the power I have just read. It is impossible for the Department of Justice to watch with the daily care

that is necessary the processes of these great industrial organizations and ascertain whether they are complying with the decrees that have been entered against them. It is not fair or even proper work for the Department of Justice, while it is clearly well fitted for the trade commission.

I now come to the only part of this bill which has hitherto received any attention at all. All these parts which plainly make for the public good, which are plainly intended to better the administration of the antitrust law, are forgotten, and our thought is constantly centered upon section 5, which does introduce a new substantive law. So far we have had no new substantive law. So far the bill concerns itself with the enforcement of the law already in existence. We come now to raise a new standard of conduct. We come to announce a new rule to govern the operations of all corporations and all trade associations.

I say in the beginning that I am not entirely satisfied with the phraseology of this section. I should like to see it amended in some of its provisions, but I am heartily in favor of its central idea. I am not disturbed in the least degree by the earnest assertions, here and elsewhere, that it is unconstitutional, that it delegates legislative power, or that it prescribes a rule of conduct so uncertain and so vague that it can not be enforced.

Mark you, my consideration of it will relate entirely to its enforcement in a civil proceeding. Those who have preceded me have seemed to overlook the well-known principle that there may be a rule of conduct entirely adequate in civil proceedings that may fall when it is tested by the more rigid and inexorable law of criminal proceedings. A man's rights with regard to property and the rights of his property may be affected by a rule which would be overthrown if it were attempted to deprive him of his liberty by the application of the rule. I do not say that it would not be sufficient in a criminal sense, but I have no doubt whatsoever of its sufficiency in a civil sense.

I read now the substantive part of this section:

> That unfair competition in commerce is hereby declared unlawful.

It is said that "unfair competition" does not prescribe a standard of conduct, a rule of law. That has been assumed by those who have directed their arguments against the section. It has been assumed rather than proven. It has been suggested that we ought to make it more certain by giving it a definition.

I challenge anyone here to give any definition of "unfair competition" that will be as certain, as easily understood, as surely applied, as the words themselves. They are understandable. The business community knows what "unfair competition" is. I will not assert that there may not be and will not be difference of opinion with regard to whether or not a particular act is an act of unfair competition; but that difference of opinion exists with respect to every assertion of constituted authority. If it were not so, our courts would have little to do.

Let us see. Before resorting to certain authorities that I intend to present to the Senate I desire to recall to your minds certain analogous words and phrases that have found their way into the statutes both of the United States and of the several States.

For instance, in Connecticut there is a statute which prescribes as a standard of conduct or a rule of law "unfair use." That has been under inquiry by the courts, and has been construed by the courts of Connecticut. The phrase has been held sufficient to satisfy the demands of the law. It was so held in Mason *v.* Hoyle (56 Conn.).

In the California code there will be found the phrase "unfair proceeding," and that also has been applied and has been found to be sufficient. It related, as I remember it, to certain methods in judicial procedure. If "unfair proceeding" can be well enough understood to guide the conduct of men, it seems to me it ought to be conceded that the same thing is true as to "unfair competition," with its wider application. That is to say, its application is wider in the sense that it has been known for years and years, and has gradually taken on in the minds of the business world a certain sense which is easily recognized, but which it would be as impossible to define as it would be to recite all the acts which would constitute unfair competition.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. WALSH. Will the Senator from Iowa kindly tell us the nature of the statute in which the expression was used and the character of the case in which the question was presented and the significance given to the expression?

Mr. CUMMINS. I had but little time, and I did not note on my memorandum the character of the proceedings; but I will give the Senator a reference to it, so that it can be easily examined. The case to which I refer is In re Loomis Estate (71 Pac. Rep., p. 171).

In the statutes of Minnesota—I had rather hoped the senior Senator from Minnesota [Mr. NELSON] would be here——

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. SMITH of Georgia. Will the Senator give me the page of the case in Fifty-sixth Connecticut to which he referred?

Mr. CUMMINS. Page 255.

Mr. SMITH of Georgia. I thank the Senator.

Mr. CUMMINS. Under the statute of Minnesota there is used, with reference to the standard of responsibility, liability, and fidelity the word "unfaithfulness." I think it relates to the conditions under which officers or directors of banks or, possibly, other corporations, will become liable to one who may be injured. That word, used in the statute, was considered in the case of Bank *v.* Harper (61 Minn., 375), and in Rice *v.* Warehouse Co. (92 Northwestern Reporter, p. 225). Now, if you can set up a standard of law by the use of the word "unfaithfulness," what will those who doubt the sufficiency of "unfair competition" allege against the former phrase? Is not "unfaithfulness" quite as vague, quite as uncertain, as "unfair competition?"

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. CUMMINS. I yield to the Senator.

Mr. DILLINGHAM. Does the Senator know whether the duties of bank directors in that State were defined by law, and whether they had taken an oath to perform those duties faithfully?

Mr. CUMMINS. I suppose their duties are designated just as clerks' duties are. A corporation has certain powers. The cashier of a bank has the exercise of certain of those powers, the president certain of those powers, and the members of the board of directors certain of them. This word was used with regard to prescribing the rule by which it should be determined whether an officer or a director of the bank was liable for not responding in full measure to his duty, not performing his duty in the way in which it should have been performed; but of course there was no recitation of the different acts which constituted the duty either of the director or of the officer.

The Congress of the United States in 1857, in an act of Congress with regard to overflowed and swamp lands, used the words "unfit for cultivation." What is the difference between that standard and the standard prescribed by the words "unfair competition"? Wherein is "unfit for cultivation" more certain, direct, sure, than the words "unfair competition"? It required a great deal of construction to reach finally a conclusion with respect to the meaning of the words "unfit for cultivation"; and yet no better words than those could have been devised to accomplish the purpose which Congress had in mind.

I have omitted to say that it will be conceded, I assume, that any rule of conduct in civil matters sufficient for a court to apply is sufficient for a commission to apply. There is no difference, in other words, between the quality of the standard or the rule which we create for a court and that which we create for a commission. In either case the legislative will must be expressed. We can not delegate our legislative powers to either a commission or a court.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I yield to the Senator.

Mr. THOMAS. Does not the Senator think that words which are designed to prescribe a standard of conduct should be more precise than words which describe a condition of property?

Mr. CUMMINS. No, Mr. President; I do not see any difference between the two things. In either case, either a court or a tribunal appointed for the purpose must take the standard, and, by it, judge of the lawfulness of some act. If the standard or test is so vague and uncertain that it can not be applied, then the law is void; but if either court or commission can take the standard—that is, can take the legislative will—and apply it with reasonable certainty to the affairs of mankind, the demand of the law is met.

There have been two cases decided under the phrase "unfit for cultivation." I do not mean to say that in any of these cases the question of whether they did prescribe a sufficient rule was raised. I only mean to say that the courts have taken these phrases and have used them as rules of conduct and have decided cases upon them.

I now refer to a phrase that is very familiar to all lawyers—"undue influence."

What is "undue influence"? I suppose that if we had proposed to put that phrase in this law it would have been instantly assailed as insufficient; but "undue influence" is the phraseology of many laws in many States. I am not now speaking merely of the words of courts as they have decided cases. I am speaking of the use of the words in a substantive way—in statutes—for the purpose of guiding courts and officers of the law.

The words "undue influence" are a sufficient rule of law, and as such have been applied in hundreds of cases. I have many of them cited on my memorandum; and I think there never has been a claim by even the most technical lawyer that they do not furnish a rule of law sufficient to guide and direct men in their affairs.

Why, take the antitrust statute as it is now. What is the rule of the antitrust statute now as declared by the Supreme Court in the Standard Oil Co. case and in the American Tobacco Co. case, the two cases in which the minority opinion of one decade became at last the majority opinion in another? I am not quarreling with the construction which the Supreme Court gave to the antitrust statute; but as it is now it declares that every contract, combination, and so forth, which unduly restrains trade or commerce shall be unlawful. That is the law of this country at the present time. So we have now a statute which under the interpretation of the highest court in the land reads, "That undue restraint of trade or commerce is unlawful."

Can anyone explain the difference between "undue" and "unfair," so far as this particular objection is concerned? What is "undue restraint of trade"? It is that restraint of trade which, according to the best judgment of the civilization of which it is a part, obstructs unnecessarily and unreasonably the channels of business. What is "unfair competition"? Unfair competition is made up of those methods which have not for their object the profit of the person who practices them so much as the destruction of the competitor against whom the methods are used.

But I proceed. "Undue concealment" is another phrase of the law found in more than one statute.

"Unconscionable" is also a favored declaration of the law, not as a description of a particular act done, but as a guide to future acts to be performed. If there is any more latitude in "unfair" than there is in "unconscionable," my mind is utterly unable to grasp it.

"Undue prejudice" is used in the statutes of more than one State, notably in the statute of Mississippi.

"Unequal," in the constitution of Oklahoma, was construed as synonymous with "unfair."

"Unjustly" is a word that is often used in defining or declaring a rule of conduct, and it has been applied a great many times. Among others I find the case of McGear *v.* Young, 44 Southwestern Reporter, 194. If "unjustly" is certain, is "unfair" less certain?

"Unjustly" and "surreptitiously" both occur in the Revised Statutes of the United States, in section 4920; and they were construed in Yates *v.* Houston, 8 Appeal Cases, 93.

"Unreasonably" is a word that is often used in the statutes; and I am not now speaking of rates charged by common carriers.

Mr. President, "unreasonable delay" is a common expression of the law. I mean now in the substantive law in which standards of conduct are fixed. Those words will be found in the statute of Illinois, and in the statutes of Colorado, and one or two other States.

"Unreasonable distress," used with reference to the levying of a landlord's warrant has been held a rule of law sufficient to sustain the statute.

"Unreasonable time" has also been sustained. That term occurs in the statutes of Ohio, Virginia, and North Dakota. "Unsafe" is another rule of conduct that has been maintained. It is found at least in the statutes of Wisconsin.

"Unsound mind" is another rule of law. Mark you, I am not recalling these phrases as used by the court to describe a particular act which has come before the court for adjudication. I am recalling them only from statutes in which they have been used for prescribing a standard or a rule of conduct for future guidance. "Unsound mind" is the most illusive, the most uncertain, the most difficult standard to apply of all these phrases which I have discovered. When I remember the difference of opinion which exists among men who are competent to judge with regard to the soundness of mind of a particular person in doing a particular thing, I am glad to be fortified by discovering that there is in the statutes of this country a rule so vague as that. But it is there, and it is a part of the law of the land, and we ought not to shrink therefore, so far as the legal proposition is concerned, when we come to consider the sufficiency of the words "unfair competition."

"Unusual covering." We used that ourselves in the tariff law of 1890, and we have used it since. I have not examined the tariff law of last year to see whether my Democratic friends have incorporated it there, but if they have not it is a departure from the old practice. "Unusual covering," to prescribe a rule for the customhouse officers with respect to the wrapping or boxing or covering of anything imported into the United States. There has been no difficulty about administering that law. No one has ever complained that the word "unusual" made it hard to discover whether a particular commodity or importation was in the form in which it ought to be received at a certain rate.

"Unusual means." That phrase occurs in the Wisconsin statute; "unusual number" in Massachusetts. "Unusual punishment" is very common in constitutions as well as in law. "Wholesome milk." What is wholesome milk? Yet that phrase has been held sufficient to sustain a law.

"Unworthy." The word "unworthy" in the civil law, and now in the law of Louisiana, is sufficient to constitute a guide and standard of conduct and to sustain a law. I must add that the word "unworthy" in and of itself might not be sufficient, but when it is coupled up with the subject to which it is applied it then becomes sufficiently definite; and it is used, as suggested in the civil law, in connection with succession—unworthy of succeeding to the estate of the ancestor. You will find it now in the civil code of Louisiana.

"Urgent necessity" is a phrase found in the law of some of the States, and notably in Rhode Island.

These are, I think, very helpful and instructive comparisons. They are very helpful to one who really wants to strengthen the law. Of course, if we do not want to strengthen the law, it is not difficult to find technical objections to any phraseology.

Mr. KERN. Would the Senator from Iowa like to yield now for an executive session?

Mr. CUMMINS. Yes; I would be very glad to yield for that purpose.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10528) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes; recedes from its disagreement to the amendment of the Senate numbered 28 and agrees to the same with an amendment in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 31, 226, and 227; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS, managers at the further conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have been unable to agree.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

JOSEPH F. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move that the Senate further insist upon its amendments numbered 1 and 30. They are the only amendments still in dispute.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it be until to-morrow at 11 o'clock a. m.

Mr. SMOOT. For that particular day?

Mr. KERN. Yes; for that particular day.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that we proceed to the consideration of the calendar under Rule VIII and consider only bills to which there is no objection.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will announce the first bill on the calendar.

The SECRETARY. A bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

LANDS OF FORT ASSINNIBOINE MILITARY RESERVATION.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

Mr. WALSH. I should like to inquire who made the objection.

The VICE PRESIDENT. The Senator from Utah [Mr. SMOOT].

Mr. SMOOT. I will say to the Senator that I have no particular objection to the bill, but I understand that the two Senators from Montana have not yet agreed upon it.

Mr. WALSH. Oh, yes. There never has been any disagreement about it at all. It was reported very early in the session, and we have been very faithfully waiting an opportunity at all times to get consideration for it. I know of no objection to the bill from any quarter.

Mr. SMOOT. Then I have been misinformed. I misunderstood the situation or I never would have made an objection before.

Mr. WALSH. I will say to the Senator from Utah that the commissioner asked that action be deferred until he could give some attention to a substitute proposed, but no proceedings have been taken. I should like very much to have the bill considered.

Mr. SMOOT. I withdraw the objection, Mr. President.

The Senate, as in Committee of the Whole, resumed the consideration of the bill which had been reported from the Committee on Public Lands with amendments.

The VICE PRESIDENT. The bill has been read, and the amendments of the committee will be stated.

Mr. SHAFROTH. Is this the joint resolution authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co.?

The VICE PRESIDENT. No; it is Senate bill 655, authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement.

Mr. NELSON. I should like to hear the bill read.

The VICE PRESIDENT. It will be read.

The Secretary read the bill.

The first amendment of the Committee on Public Lands was, in section 2, page 2, line 1, before the word "classes," to strike out "two" and to insert "four"; in line 2, after the word "lands," to insert "third, coal lands; and, fourth, mineral lands"; in line 4, before the word "thousand," to strike out "seventy-five" and insert "fifty"; and in line 7, before the word "thousand," to strike out "seventy-five" and insert "fifty," so as to make the section read:

SEC. 2. That before said lands are opened to entry the Secretary of the Interior shall have said lands classified by an inspector or special agent of the Department of the Interior into four classes—first, agricultural lands; second, timber lands; third, coal lands; and fourth, mineral lands—and in making such classification all lands susceptible of cultivation that do not contain in excess of 50,000 feet of merchantable timber to the 40-acre tract shall be classified as agricultural lands, and all lands containing in excess of 50,000 feet of merchantable timber to the 40-acre tract shall be classified as timber lands.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 12, after the word "State," to insert "but not to entry or location under sections 2306 and 2307 of the Revised Statutes," so as to read:

SEC. 3. That when so classified all of said lands classed as agricultural land shall be opened to settlement and entry under the homestead laws of the United States, but not to entry or location under sections 2306 and 2307 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, in section 3, page 2, after the word "aforesaid," in line 18, to insert the following proviso:

And provided further, That any rights which may have attached to any of said lands under any of the public land laws of the United States prior to the passage of this act may be perfected and the land so affected may be patented upon proof of compliance with the laws under which such rights so attached: *Provided further*, That lands classified as timber lands shall be disposed of under rules and regulations to be provided by the Secretary of the Interior with the authority to dispose of the timber and land separately when deemed advisable: *Provided further*, That the lands classified as coal lands shall be subject to disposition under the homestead laws as herein provided for lands classified as agricultural, but those making entry of such lands must agree to a reservation to the United States of the coal deposits therein and of the right in the United States, or those claiming through the United States, to prospect for, mine, and remove the same, and such coal deposits shall be disposed of as provided by section 3 of the act of June 22, 1910 (36 Stat., p. 583), but no purchase of the coal deposits shall confer any right to the surface of the lands excepting such as is necessary to the mining and removal of the coal deposits: *Provided further*, That lands classified as mineral shall be disposed of under the mining laws.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 11, after the word "law," to strike out "at the fixed price thereof," and to insert "at the price fixed therefor by the former entry; but in all cases the full amount of purchase money must be paid on or before the offer of final proof"; and in line 21, after the word "commutation," to insert "but in instances where commutation is permissible hereunder, the entryman shall pay, in addition to the price fixed for entry, the sum of $1.25 per acre, as consideration for the privilege," so as to make the section read:

SEC. 4. That entrymen upon said lands shall, in addition to the regular land office fees, pay the sum of $1.25 per acre for said land, such payments to be made as follows: Twenty-five cents per acre at the time of making entry and 25 cents per acre each and every year thereafter until the full sum of $1.25 per acre shall have been paid: *Provided*, That for a period of six months subsequent to the date on which the lands are opened to settlement entrymen upon said lands shall, in addition to the regular land office fees, pay the sum of $2.50 per acre for said land, such payments to be made as follows: Fifty cents per acre at the time of making entry and 50 cents per acre each and every year thereafter until the full sum of $2.50 per acre shall have been paid. In case any entryman fails to make annual payments, or any of them when due, all right in and to the lands covered by his entry shall cease; and any payments theretofore made shall be forfeited and the entry canceled, and the land shall be again subject to entry under the provisions of the homestead law at the price fixed therefor by the former entry; but in all cases the full amount of purchase money must be paid on or before the offer of final proof: *Provided, however*, That the commutation provision of the general homestead law shall be applicable to all persons making homestead entry on said land under the provisions of this act, save and excepting entries made hereunder in accordance with the provisions of the enlarged homestead act, approved February 19, 1909, which shall not be subject to commutation, but in instances where commutation is permissible hereunder, the entryman shall pay, in addition to the price fixed for entry, the sum of $1.25 per acre, as consideration for the privilege.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 14, after the word "fort," to insert "except the guardhouse at said post"; and in line 20, after the name "Assinniboine," to insert "except the guardhouse at said post," so as to read:

SEC. 6. That the Thirteenth Legislative Assembly of the State of Montana having enacted a law for the purpose of establishing an agricultural, manual training, or other educational or public institution upon the present site of Fort Assinniboine, Mont., duly approved by the governor of Montana, and to be in full force and effect after the 4th day of July, 1913, and upon the transfer to the State of Montana by the President of the United States of 2,000 acres of land, situate in said abandoned Fort Assinniboine Reservation and embracing the military buildings at said abandoned fort, except the guardhouse at said post; the President of the United States is hereby authorized and directed to transfer, grant, and set over to the State of Montana all right, title, and interest of, in, and to the said 2,000 acres of land hereby reserved, embracing the buildings at Fort Assinniboine, except the guardhouse at said post, upon payment therefor by the State of Montana to the United States of the sum of $2.50 per acre.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 22, after the word "acre," to insert the following proviso:

Provided, That the State of Montana shall be required to make its selection of 2,000 acres within one year from the date of the passage of this act.

The amendment was agreed to.

The next amendment was, in section 7, page 6, line 3, after the word "Reservation," to strike out "shall not be subject to entry, but" and to insert "except those portions thereof classified as coal or mineral lands," so as to read:

SEC. 7. That sections 16 and 36 of the land in each township within said abandoned Fort Assinniboine Military Reservation, except those portions thereof classified as coal or mineral lands, shall be reserved for the use of the common schools of the State of Montana, and are hereby granted to the State of Montana.

The amendment was agreed to.

The next amendment was, in section 7, page 6, after the name "Montana," in line 6, to insert the following:

Provided, That the State may, if it so elects within one year from the date of the passage of this act, accept, subject to the reservation

in the United States of the coal deposits therein, the portion of said sections 16 and 36 classified as coal lands, in full satisfaction of the grant herein made for common schools: *Provided*, That for all lands lost to the State because classified as coal or mineral indemnity may be taken, as provided for in sections 2275 and 2276 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, in section 7, page 6, after the word "east," in line 22, to insert the following proviso:

Provided further, That in case of failure of Mary A. Herron, or her heirs, to make entry within six months from the date of the passage of this act, the lands will become subject to settlement and entry in accordance with the provisions of section 4 of this act, the price to be fixed by the period of entry reckoned from the date of the expiration of the reservation in favor of Mary A. Herron and her heirs.

The amendment was agreed to.

Mr. SHAFROTH. I should like to ask the Senator from Montana whether there has been any Senator especially objecting to the consideration of this bill heretofore?

Mr. WALSH. I have never heard of anyone doing so.

Mr. SHAFROTH. It was early on the calendar, and some Senator has evidently been asking that it go over. I did not know whether or not it was a general objection made by some Senator. I myself have no objection to the bill; I merely wish to know whether any other Senator has any special objection to it. I do not know whether or not it ought to pass.

Mr. WALSH. I do not know of anyone who objects to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The joint resolution goes over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Mr. President, I ask that that bill be transferred to the Calendar under Rule IX.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAFROTH. What is the object of that?

Mr. SMOOT. It is a bill which will take considerable time to discuss, and it can be brought up under Rule IX when there is time for the Senate to discuss it.

Mr. SHAFROTH. Very well.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

Mr. CLAPP. Mr. President, it seems to me that all of the bills that take half the time when the call of the calendar is in progress under Rule VIII should go over under Rule IX.

Mr. WARREN. There is no doubt about it.

Mr. CLAPP. Then, it would save this endless repetition. Wherever we take up the calendar half the time is spent in calling bills which have uniformally been objected to when they have been called. If they should go to Rule IX that would end their coming up except when they might be brought up on motion.

Mr. THOMAS. I suggest that this particular bill go over because of the absence of the Senator from South Dakota [Mr. STERLING].

Mr. SMOOT. I do not believe there will be an objection as to this bill when the Senator from South Dakota is here, provided certain amendments are made; but the Senator from Minnesota [Mr. CLAPP] is perfectly correct in the statement which he has just made.

Mr. SHAFROTH. I should like to ask the Senator from Utah if a bill is transferred to Rule IX, whether it takes the same relative position on the calendar under Rule IX that it had under Rule VIII?

Mr. CLAPP. No; it would go on the list under Rule IX as of the date when it was so transferred; but inasmuch as these bills after they go to Rule IX can only be brought up on motion, it really does not make much difference in what order they stand on the calendar under Rule IX.

Mr. SHAFROTH. After 1 o'clock has come, as to the bills on the calendar under Rule VIII, they can be taken upon on motion, and there is a right we might lose by placing bills on the calendar under Rule IX.

Mr. CLAPP. I do not think such a transfer changes that right at all. The only difference would be, of course, that if the bill goes under Rule IX, it takes an affirmative vote to again bring it up. I do think as to bills—I am not now referring to the bill in which the Senator from South Dakota is interested—that are put on this calendar, and which, day after day, we pass over when objection is made, it would be better to clear the calendar under Rule VIII of such bills instead of calling them every time we take up the calendar under this rule.

Mr. SMOOT. Let the bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.

Mr. WARREN. I ask that that may go to the calendar under Rule IX. We can get at it there any time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution goes to the calendar under Rule IX.

The resolution (S. Res. 84) providing that any Senator, upon his own request, may be recorded and counted as present in order to constitute a quorum was announced as next in order.

Mr. SMOOT. Let that go over under Rule IX, Mr. President.

Mr. SHAFROTH. I object to its going over under Rule IX.

Mr. SMOOT. Then, I object to its present consideration, Mr. President.

The VICE PRESIDENT. The resolution, being objected to, goes over.

The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The joint resolution (S. J. Res. 26) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KERN. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 3023) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. SMOOT. Mr. President, the senior Senator from Idaho [Mr. BORAH] is absent, and on that account I ask that the bill go over. I have myself no objection to the bill, I will say.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China, for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America, was announced as next in order.

Mr. SMOOT. Let that be passed over.

Mr. POMERENE. I hope the Senator will not insist upon his objection.

Mr. SMOOT. I insist upon it.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River in Mecklenburg County, in the State of Virginia, approximately 20 miles below the town of Clarksville, in said State, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3971) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. KERN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives, was announced as next in order.

Mr. SMOOT. I ask that that go over.

Mr. SHAFROTH. Mr. President, I have had a notice on the calendar as to that joint resolution since the 2d of last March, and I want to get a hearing for it.

Mr. SMOOT. I know there are Senators who are not here to-day who desire to speak upon it, and I do not think we need to spend any time discussing it now, because I shall object to its consideration to-day.

Mr. SHAFROTH. Well, I ask unanimous consent that, after the consideration of the river and harbor bill and after the consideration of the trade commission bill——

Mr. SMOOT. If the Senator prefers a request for unanimous consent the roll will have to be called; we will not be able to secure the presence of a quorum, and will have to adjourn.

Mr. SHAFROTH. Very well; I will not make the request.

The VICE PRESIDENT. The joint resolution will be passed over.

The resolution (S. Res. 254) to create a special committee of five Senators to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes, was announced as next in order.

Mr. BRANDEGEE. Mr. President, I think that resolution may as well go over under Rule IX. It has come up and been objected to over and over again.

The VICE PRESIDENT. Is there objection to the resolution going to the calendar under Rule IX? The Chair hears none, and it is so ordered.

The bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 121) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, was announced as next in order.

Mr. WALSH. Mr. President, I have some amendments to propose to that bill, but I do not have them at hand, and therefore I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, was announced as next in order.

Mr. THOMAS. I am very anxious to get final action on that measure, but I agreed with the junior Senator from Oregon [Mr. LANE] that I would not call it up in his absence, and therefore I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2902) to reduce fees in the United States district courts, to fix the salaries of the clerks of such courts, to increase the mileage and per diem of witnesses and jurymen therein, and to repeal section 840 of the Revised Statutes and all other conflicting laws, was announced as next in order.

Mr. WARREN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4161) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9318) to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes," was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a Postal Savings System, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PANAMA CANAL TOLLS.

The resolution (S. Res. 289) requesting the President to inform the Senate what "other matters of even greater delicacy and nearer consequence" are referred to in his message of March 5, 1914, was announced as next in order.

Mr. BRANDEGEE. I suggest that Senate resolution 289 might as well go over under Rule IX. It relates to a matter which has been considered and disposed of by the Senate. I think it ought not to be on the calendar at all.

Mr. KERN. Mr. President, I hardly think measures ought to be sent to the calendar under Rule IX in the absence of the Senators who are interested in them.

Mr. BRANDEGEE. As the Senator will observe, this resolution concerns a matter in connection with the repeal of the exemption clause of the Panama Canal act, which has been disposed of. It is a resolution of inquiry and can not serve any useful purpose on the calendar. It might as well be stricken from the calendar, but I do not care to make that motion.

Mr. KERN. I beg the Senator's pardon. I thought he was referring to the bill following that.

Mr. BRANDEGEE. No; I refer to Order of Business No. 270, Senate resolution 289.

The VICE PRESIDENT. Does the Senator move that the bill be indefinitely postponed?

Mr. BRANDEGEE. I do not want to make that motion in the absence of the Senator who introduced the resolution. I think the object will be accomplished if it is placed on the calendar under Rule IX.

The VICE PRESIDENT. In the absence of objection, the resolution will go to the calendar under Rule IX.

PUBLIC HEALTH SERVICE.

The bill (S. 2616) to promote the efficiency of the Public Health Service was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SWANSON. I hope the Senator will not object to the consideration of that bill.

Mr. SMOOT. I have a number of amendments which I intend to propose to the bill which I have brought to the attention of the head of the service. I do not have the amendments at hand. If I had them here, I would be glad to have the bill considered and I would offer the amendments to-day.

Mr. SWANSON. This bill has gone over a number of times, and I hope it will soon be considered.

Mr. SIMMONS. I want to inquire of the Senator from Utah whether we are going to consider any bills on the calendar or whether the calendar is being called merely for amusement?

Mr. SMOOT. The Senator knows, if he has been here, that up to this time the bills which have gone over have done so on the objection of Senators; but it will not be long now until we reach bills which have not been considered or objected to heretofore.

Mr. SIMMONS. Will the Senator, then, advise me where those bills are upon the calendar?

Mr. SMOOT. I think they will commence with the next bill following this.

Mr. SWANSON. I hope the Senator will not object to the bill to promote the efficiency of the Public Health Service.

Mr. SMOOT. As I have said to the Senator, I do not object because I desire that the bill be not acted upon, but because I have not at hand the amendments which I desire to offer.

SADDLE MOUNTAIN NATIONAL PARK.

The bill (S. 531) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park, was announced as next in order.

Mr. KERN. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

PATENTS TO TOWN LOTS PURCHASED AT PUBLIC SALE.

The bill (H. R. 4938) providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases was considered as in Committee of the Whole. It provides that in all cases where town lots were sold by the United States at public sale, and the purchaser at such sale had transferred his interest in any such lot prior to the 11th of October, 1911, and patent has not been issued in the name of the original purchaser, the Commissioner of the General Land Office may issue a patent in the name of the transferee where full payment of the purchase price has been made and satisfactory evidence of the transfer has been furnished if it be shown that the original purchaser is dead, or that after due inquiry his whereabouts can not be ascertained, and that the instrument of transfer given by the original purchaser has been lost or destroyed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERAL LANDS IN INDIAN RESERVATIONS.

Mr. STERLING. Mr. President, I should like to call attention to Calendar No. 99, being the bill (S. 2651) providing for the purchase and disposition of certain lands containing kaolin,

kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry. I understand the bill was reached during my absence from the Chamber. I have just come in. I should like to have that bill considered by the Senate.

I will say, Mr. President, that the bill has already been considered as in Committee of the Whole. The amendment offered by the Senator from Washington [Mr. POINDEXTER], to which there was some objection, has been withdrawn, and the bill as amended as in Committee of the Whole is ready, as I understand, to be reported to the Senate.

Mr. SMOOT. If the amendment that was offered by the Senator from Washington has been withdrawn, then I have no objection to the present consideration of the bill.

Mr. THOMAS. I withdraw my objection to the bill. I asked to have it go over simply because the Senator from South Dakota was not in the Chamber at the time it was called.

Mr. SHAFROTH. I should like to ask the Senator from South Dakota whether the entire amendment offered by the Senator from Washington was withdrawn or whether only the proviso contained in his amendment was withdrawn?

Mr. STERLING. I will say to the Senator from Colorado that the RECORD will show that the entire amendment to section 2 of the bill was withdrawn.

Mr. SHAFROTH. I have no objection to it. Can the Secretary inform me what is the status of the bill?

The VICE PRESIDENT. The question is on agreeing to the amendment as amended. The Senator from Colorado would like to know the status of the bill.

The SECRETARY. The committee struck out all after the enacting clause and inserted certain words printed in italics. There are three prints.

Mr. SHAFROTH. My recollection is that a provision contained in section 2 was withdrawn. I do not know whether or not it was all withdrawn, but my recollection is that the provision in section 2, reading as follows, was withdrawn:

Provided, That upon every producing mine developed thereon the Secretary of the Interior shall levy and collect a reasonable royalty at a rate to be fixed by him, the proceeds thereof to be paid into the tribal funds of the Indians for whose benefit said reservation was made.

If that is withdrawn, I have no objection to the bill.

The VICE PRESIDENT. It is withdrawn.

Mr. STERLING. My understanding is that the entire amendment is withdrawn.

Mr. SHAFROTH. Was the whole section withdrawn, or only that paragraph or proviso?

The VICE PRESIDENT. Section 2 is withdrawn. The bill is composed of only one section.

Mr. PAGE. Mr. President, I should like to ask the Senator whether this bill comes with a unanimous report from the committee?

Mr. STERLING. I think it did come with a unanimous report from the committee.

Mr. PAGE. And these amendments were all considered?

Mr. STERLING These amendments were carefully considered. The original bill was amended in committee, and then later in Committee of the Whole at the suggestion of the committee. The Senator will see that it refers to the disposition of lands containing the minerals kaolinite, fuller's earth, and so forth, on Indian reservation lands, no provision having been made in any previous law for the disposition of this class of minerals. I will say that it is of considerable importance to my State, because they think they have the mineral fuller's earth there.

Mr. PAGE. I should like to inquire whether the rights of the Indians in this matter can be in any way adversely affected?

Mr. STERLING. I think not. Provision is made in the bill for the deposit in the Treasury of the funds realized from the lands for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited.

Mr. PAGE. May I inquire whether the Senator thinks this bill is one which was properly referred to the Committee on Public Lands, rather than to the Committee on Indian Affairs?

Mr. STERLING. I think it was properly referred to the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That all lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within such parts of Indian reservations as have heretofore been opened to settlement and entry under acts of Congress which did not authorize the disposal of such mineral lands, shall be open to exploration and purchase and be disposed of under the general provisions of the mining and coal-land laws of the United States, and the proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited: *Provided*, That the same person, association, or corporation shall not locate or enter more than one claim, not exceeding 160 acres in area, hereunder: *Provided further*, That none of the lands or mineral deposits, the disposal of which is herein provided for, shall be disposed of at less price than that fixed by the applicable mining or coal-land laws, and in no instance at less than their appraised value for agricultural purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the purchase and disposal of certain lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within portions of Indian reservations heretofore opened to settlement and entry."

CAMPAIGN CONTRIBUTIONS.

Mr. SMOOT. I asked that Order of Business No. 86, Senate bill 2242, should be transferred to Rule IX.

The VICE PRESIDENT. That has already been done.

Mr. SMOOT. Yes; but I ask that that action may be reconsidered and that it may take its place under Rule VIII, at the request of several Senators.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

LOUISVILLE & NASHVILLE RAILROAD CO.

Mr. LEA of Tennessee. I make the same request with regard to Order of Business No. 208, Senate resolution 254, which was passed over and transferred to Rule IX in my absence.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

CAPT. HAROLD L. JACKSON.

The bill (S. 3768) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, was considered as in Committee of the Whole. It authorizes the President to restore Capt. Harold L. Jackson, retired, to the active list of the Army of the United States with the same rank and relative position he would hold if he had not been retired: *Provided*, That such restoration shall be in temporary excess of the number authorized only until such time as a vacancy shall occur in the grade of major of Infantry: *Provided further*, That prior to his restoration to the active list this officer shall have passed an examination for promotion to the grade of major of Infantry, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE RULES.

Mr. WILLIAMS. Mr. President, I was necessarily at the meeting of the Foreign Relations Committee, and I do not understand what became of Order of Business No. 109, Senate resolution 84.

The VICE PRESIDENT. It went over on objection.

Mr. WILLIAMS. The unanimous-consent agreement under which we are now working is that one objection shall carry a measure over?

The VICE PRESIDENT. One objection carries it over.

Mr. WILLIAMS. I am very sorry anybody objected to that resolution, but of course under the agreement the objection carries it over.

S. W. LANGHORNE AND H. S. HOWELL.

The bill (S. 2334) for the relief of S. W. Langhorne and the legal representatives of H. S. Howell was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. WALSH. Mr. President, I wish to say a word with respect to the bill before the Senator insists upon his objection.

The matter was up before the Senate some time ago upon a call of the calendar, and in the course of the consideration an inquiry was made by the Senator from Kansas [Mr. BRISTOW] as to whether it was one of the cases that arose when it was the practice of the Government to require the land officers themselves to provide quarters. The Senator said at the time that he had no objection to it unless it fell within that class, and if it did he wanted to object. I have the report before me now, and I trust the Senator will——

Mr. SMOOT. I will ask the Senator what time this was?

Mr. WALSH. It was from November, 1885, to July, 1890.

Mr. SMOOT. Then I object to the consideration of the bill. I know that there have been before the Committee on Claims at least a dozen or more such claims, and they have all——

Mr. WALSH. I will say to the Senator that the land officers succeeding these gentlemen were placed in exactly the same position, and they sued and recovered a judgment against the United States for the rent of the offices. The case is referred to in the report here. It is the case of United States against Swigett, reported in Eighty-third Federal Reporter, page 97. So the right of the parties under the law to recover in this action has actually been adjudicated.

The fact is, as disclosed here, that the Senator is in error. I am sure he would not object to it otherwise. The report says:

The reason for withholding such allowance seems to have been the inadequacy of the congressional appropriation for contingent expenses of district land offices to meet the expense of rent for all of those offices, and hence the Secretary of the Interior, in his discretion under section 2255, Revised Statutes, withheld such allowance from local officers whose annual compensation in salary, fees, and commissions reached the maximum of $3,000.

Subsequently two other land officers were appointed, and they were in the same situation. They sued in the Federal court of Helena and recovered, as stated in the report to which I have invited the attention of the Senator. So the obligation of the Government of the United States in this matter has been already adjudicated by the court.

Mr. SMOOT. Mr. President, I wish to say to the Senator that the case is exactly the same as at least a dozen other cases, and on several occasions I have tried to have an omnibus bill to cover them all. I am quite sure the Senator from Kansas, if he were here, would insist upon that. Therefore I object to the consideration of this bill at this time.

The VICE PRESIDENT. The bill will be passed over.

JOHN T. HAINES.

The bill (S. 543) to correct the military record of John T. Haines was considered as in Committee of the Whole. It provides that John T. Haines, deceased, who was a captain in the Eleventh Regiment United States Cavalry, and who was nominated by the President for appointment as major of Cavalry to rank from the 3d day of March, 1911, said nomination being confirmed by the Senate after the death of said Haines, which occurred after his nomination, shall be held and considered to have become a major of Cavalry in the service of the United States on the 3d day of March, 1911, and to have held that office until the date of his death; and the President is authorized to issue a commission as major of Cavalry in the name of John T. Haines with rank to date from March 3, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RADIUM-BEARING ORES.

The bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHIEF WARRANT OFFICERS IN REVENUE-CUTTER SERVICE.

The bill (S. 2806) relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service was considered as in Committee of the Whole. It provides that the Secretary of the Treasury may, under such regulations as he shall prescribe, appoint as chief warrant officer any warrant officer in the Revenue-Cutter Service who has served a total of not less than 15 years with credit in that service. Such chief warrant officer shall have the pay and allowances of a third lieutenant and shall rank as such, next after commissioned officers: *Provided*, That the number of such chief warrant officers shall not exceed five in each class: *And provided further*, That hereafter, in computing the length of service which shall entitle a warrant or petty officer to longevity pay or to be placed on waiting orders under the eighth section of the act approved April 16, 1908, entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," all creditable service in the Army, Navy, Marine Corps, or Revenue-Cutter Service shall be included.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERSONNEL OF THE REVENUE-CUTTER SERVICE.

The bill (S. 1802) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908, was announced as next in order.

Mr. SMOOT. I should like to ask the Senator reporting the bill if a similar provision was not introduced, affecting naval officers, and killed in the Naval Committee?

Mr. RANSDELL. I can not say. This bill affects pilots only, and is favorably reported upon by the Treasury Department.

Mr. MARTINE of New Jersey. This bill affects only seven men.

Mr. RANSDELL. It affects seven men who were pilots and who were excluded under a former ruling. The Treasury Department thinks the ruling was very unfair, and strongly recommends the passage of the bill.

Mr. SMOOT. It may be perfectly appropriate to pass the bill, but——

Mr. RANSDELL. I have before me the report of the Secretary of the Treasury. He says it affects only these seven men who were pilots, and who performed the work which ordinarily entitles them to the same grade.

Mr. MARTINE of New Jersey. It involves an increase of only $2,214. It was thought to be manifest justice, and that better results would be obtained.

Mr. NELSON. Mr. President, I wish to say to the Senator from Utah that this bill is simply to correct an omission that was made in the act of 1908, where the word "pilot" was omitted. It is to put these men in the same class as the other enlisted men and give them the benefits of the bill.

Mr. MARTINE of New Jersey. That is correct.

Mr. SMOOT. I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in computing the length of service which shall entitle a warrant or petty officer to longevity pay under the eighth section of the act approved April 16, 1908, entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," all service rendered under the official designation of "pilot" in the Revenue-Cutter Service shall be included.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 6060), to regulate the immigration of aliens to and the residence of aliens in the United States, was announced as next in order.

Mr. LEA of Tennessee (and other Senators). Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8846), making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

ABANDONMENT OF DESTITUTE, INFIRM, OR AGED PARENTS.

The bill (S. 1653), providing against the abandonment of destitute, infirm, or aged parents, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That whoever, being an adult resident of the District of Columbia and possessed of or able to earn means sufficient to provide maintenance, shelter, food, care, and clothing for his or her parent or parents within said District who is or are destitute of means of subsistence and unable, either by reason of old age, infirmity, or illness, or otherwise, to support himself or herself, neglects or refuses to maintain and supply such parent or parents with necessary maintenance, shelter, food, care, and clothing, shall be punished by a fine of not more than $500 or be imprisoned in the workhouse of said District at labor for not less than three months nor more than one year, or by both such fine and imprisonment; and should a fine be imposed it may be directed by the court to be paid in whole or in part to such parent or parents or to the custodian of such parent or parents: *Provided*, That before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court, in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of one year to the parent or parents, or to the custodian of such parent or parents, or to an organization or individual approved by the court as trustee, and to release the defendant from custody on probation for the space of one year upon his or her entering into a recognizance to the District of Columbia, with or without sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied by information and due proof, under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him

or her under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the parent or parents, or to the custodian of such parent or parents.

SEC. 2. That proof of the circumstances or of neglect to furnish such parent or parents in destitute or necessitous circumstances necessary and proper food, clothing, or shelter shall be regarded as prima facie evidence that such neglect is willful.

SEC. 3. That it shall be the duty of the superintendent in charge of the workhouse of the District of Columbia, in which any person is confined on account of a sentence under this law, to certify at the end of each week the number of days' labor performed by said person so confined, and upon said certification the proper authorities of the District of Columbia shall pay over to the parent or parents, or to the custodian of such parent or parents, a sum equal to 50 cents for each day's labor performed by said person so confined; and all expenditures under the provision of this act shall be made and accounted for in the same manner as are other expenditures of the District of Columbia.

SEC. 4. That in any case where a parent has been or shall be committed to the Government Hospital for the Insane, and such parent is indigent or is in destitute or necessitous circumstances, the foregoing provision of this act shall apply: *Provided, however*, That in such cases the money collected as hereinbefore set forth shall be paid over and disbursed to the proper authorities of the District of Columbia toward the care and maintenance of the said insane person at the Government Hospital for the Insane.

SEC. 5. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act, and shall have the powers necessary to carry this act into effect. Prosecutions under this act shall be had in the name of the District of Columbia upon information by the corporation counsel of the District of Columbia or any of his assistants.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACQUISITION OF MONTICELLO.

The next business on the calendar was the joint resolution (S. J. Res. 120) creating a joint committee of Congress, and authorizing said committee to acquire, by purchase or condemnation, the property known as Monticello, and embracing the former home of Thomas Jefferson and the family graveyard in which his remains were interred, with such lands and grounds appurtenant thereto as the committee shall find necessary in order to carry out the various public objects and purposes in said resolution set forth, all of said property being located in Albemarle County, Va.

Mr. SMOOT. Let the joint resolution go over.

The VICE PRESIDENT. It will go over.

HIGHWAY IMPROVEMENT.

The bill (S. 3545) to provide for the highway-improvement work by the United States Department of Agriculture in cooperation with the highway departments of the several States was announced as next in order.

Mr. BURTON. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

CASUALTIES INCIDENT TO WAGE EARNERS.

The Senate resolution (S. Res. 68) directing the Secretary of Labor to investigate and report upon mortality incident to various wage earners was announced as next in order, and was read, as follows:

Resolved, That the Secretary of Labor be, and he is hereby, directed to investigate and report, as far as it is practicable, upon the mortality and the disability by accident or by disease incident to or resulting from the various occupations in which the wage earners of the United States are engaged.

Mr. SMOOT. I should like to ask the Senator who has the resolution in charge if this investigation has not already been made and if we have not spent nearly $40,000 in printing the report?

Mr. SWANSON. It has not been made. I was chairman of the subcommittee that reported it to the full Committee on Education and Labor, and the Committee on Education and Labor directed it to be reported. It does not cost any more money. There is no appropriation made for it. The material has been nearly gathered by these insurance companies and casualty companies, and I think we can get the information without much expense to the Government. It has not been gathered in the way that it is desired, and it is the wish of insurance companies, labor organizations, and others to have these statistics systematized so as to form an idea as to the casualties which occur in gainful occupations.

Mr. GALLINGER. I will ask the Senator if there is an appropriation carried in the resolution?

Mr. SWANSON. There is none.

Mr. GALLINGER. Is not this a part of the duty of the Secretary of Labor?

Mr. SWANSON. It has not been specialized in the enumeration of his duties and we felt that he should be directed to do this work; and the Department of Labor felt that the appropriation made could be utilized much better if this resolution were passed.

Mr. PAGE. I should like to ask the Senator from Virginia if this matter has ever been before the Committee on Education and Labor?

Mr. SWANSON. I was chairman of the subcommittee that had the hearings on it. Then I reported it favorably to the Committee on Education and Labor. Then the committee was polled, and I think every member who was approached on the matter signed in favor of the report.

Mr. PAGE. I do not know that I oppose the measure, but I do not recall that the Committee on Education and Labor ever had it before it.

Mr. SHEPPARD. I made a poll of the committee on the floor, and explained it to the Senator from Vermont, and he joined in signing the report.

Mr. PAGE. As I said, I do not remember it now. I only know that we did not have any hearings before the committee.

Mr. SWANSON. There were no hearings in the full committee. I was chairman of the subcommittee, and we had hearings fully on the matter and the people interested, the insurance companies, actuaries, labor organizations, and the department were heard, and there was no objection to the adoption of the resolution. No expense is incurred to the Government.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS AND RESOLUTIONS PASSED OVER.

The joint resolution (S. J. Res. 93) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable was announced as next in order.

Mr. LEA of Tennessee. Let the joint resolution go over.

The VICE PRESIDENT. It will go over.

Senate resolution 313, referring to the Court of Claims the bill (S. 1495) to compensate the Old Point Improvement Co. for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., was announced as next in order.

Mr. NELSON. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 4425) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over to-day.

The VICE PRESIDENT. It will go over.

Senate resolution 312, requesting of the Secretary of War information as to expenditures upon rivers, harbors, and canals of the United States by the Government since the adoption of the Constitution, was announced as next in order.

Mr. SMOOT. I will ask the Senator from Oregon [Mr. CHAMBERLAIN] if that information is now necessary? I thought the Senator was in the Chamber. I ask that the resolution may go over. I do not think it is necessary now.

The VICE PRESIDENT. The resolution will go over.

DOMMICK TAHENY AND JOHN W. MORTIMER.

The bill (S. 1058) for the relief of Dommick Taheny and John W. Mortimer was announced as next in order, and was read.

Mr. WALSH. Unless some one will explain the nature of the bill I am going to object to its consideration.

Mr. CLAPP. If the report shows the bill should pass that should be sufficient. The Senator objects, I assume, because the Senator in charge is not present.

Mr. SHAFROTH. I ask for the reading of the report.

Mr. SMOOT. I will say to the Senator from Montana that there can be no question whatever about any claim bill that has been reported by the Senator from Kansas [Mr. BRISTOW]. I think it is a just claim or he never would have reported it to the Senate.

Mr. WALSH. I object to the consideration of the bill.

The VICE PRESIDENT. The bill will go over.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 1, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 30, 1914.

MEMBER OF THE EXCISE BOARD.

Cotter T. Bride to be a member of the Excise Board for the District of Columbia.

UNITED STATES ATTORNEY.

Fred H. Brown to be United States Attorney for the district of New Hampshire.

UNITED STATES MARSHAL.

Charles J. O'Neill to be United States marshal for the district of New Hampshire.

POSTMASTERS.

GEORGIA.

William M. McElroy, Norcross.

IDAHO.

James V. Hawkins, Coeur d'Alene.

MASSACHUSETTS.

Douglas H. Knowlton, South Hamilton.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 30, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, amid the shifting scenes and rapidly changing conditions incident to the advancing civilization of our day, we pray for a closer walk with Thee, a broader conception of Thy plans and purposes; a keener perception of human nature, more of the Christ spirit that we may adjust ourselves to the new conditions and move forward without friction or strife; upholding the good, eliminating the evil; until brotherly love shall become the ruling passion in the hearts of all. That Thy kingdom may come and Thy will be done in earth as it is in heaven. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OGLESBY, for five days, on account of important business.

To Mr. SUMNERS, for 10 days, on account of important business.

To. Mr. ASHBROOK, for 10 days, on account of important business.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 10523, the District of Columbia appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina calls up the conference report on the District of Columbia appropriation bill and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. MANN. I object. The statement, as I understand it, is only supplemental to the original statement.

Mr. PAGE of North Carolina. The statement is supplemental to the original statement.

Mr. MANN. And the original statement under the present request would not be read.

Mr. PAGE of North Carolina. No; it would not.

Mr. MANN. I think as long as the House is going to act on the whole matter there ought to be something read that would cover the case, and I ask for the reading of the report.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read the conference report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 912).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 9, 10, 11, 18, 19, 20, 24, 26, 36, 37, 38, 50, 51, 54, 59, 61, 64, 68, 77, 89, 90, 91, 92, 94, 97, 98, 99, 101, 103, 104, 105, 107, 109, 115, 122, 130, 131, 132, 133, 134, 150, 151, 152, 157, 161, 168, 169, 170, 171, 183, 187, 190, 191, 202, 203, 204, 212, 218, and 224.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 16, 17, 22, 25, 27, 29, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 55, 57, 58, 63, 67, 69, 70, 71, 72, 73, 75, 76, 79, 81, 82, 83, 84, 85, 86, 87, 93, 95, 96, 100, 108, 111, 114, 117, 118, 119, 120, 121, 123, 125, 126, 127, 128, 129, 138, 139, 140, 142, 143, 144, 145, 148, 149, 153, 155, 156, 159, 162, 163, 167, 172, 173, 174, 175, 179, 184, 186, 192, 193, 194, 197, 198, 199, 200, 201, 205, 207, 209, 210, 213, 217, 219, 220, 221, 222, and 225, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,610"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,034"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit all of the matter inserted by said amendment after the word "Columbia" in line 1; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Philadelphia, Baltimore & Washington Railroad Co., and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, $110,000. And authority is hereby given said commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the construction authorized by this appropriation, and to construct said viaduct and bridge and the approaches thereto, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder: *Provided*, That the cost of constructing said viaduct and bridge, including approaches thereto, shall be borne and paid one-half by said railroad companies in proportion to the widths of their respective rights of way, and the remaining one-half by the United States and the District of Columbia; and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States; and the same shall be valid and subsisting liens against the franchise and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid; and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the commissioners of said District in the Supreme Court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co., or said Baltimore & Ohio Railroad Co., or both; and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company; and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the manner provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,500"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For paving with asphalt the north approach to the Highway Bridge across the Potomac River from Water Street to the west intersecting park driveway nearest to the Highway Bridge, a distance of about 1,900 feet, and for paving with granite block the balance of the north approach from the west intersecting driveway to the bridge structure and the south approach to the bridge, $27,000: *Provided*, That the Commissioners of the District of Columbia are authorized and directed to do this work

with their portable asphalt plant if, in the judgment of the officer in charge of public buildings and grounds, such work can be economically performed by the use of said plant: *And provided further*, That the said Commissioners of the District of Columbia are authorized to transfer to the officer in charge of public buildings and grounds for the above work any granite blocks removed from streets in the District of Columbia whose roadways are authorized herein to be repaved with a smoother pavement, the cost of hauling the blocks so transferred from the streets to the site of the work to be charged against this appropriation."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$270,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, insert the following: ": *Provided*, That this sum shall not be available for the payment of traveling or subsistence expenses"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, for playgrounds, $43,265, which sum shall be paid wholly out of the revenues of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80 and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of a site for a new Eastern High School, $150,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 46 of the bill, line 25, after the word "athletics," insert the following: "including school playgrounds"; and on page 46, line 25, after the word "gardens," insert the following: "school publications"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "20 drivers, at $840 each"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$912,141.53"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,120"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,700"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For completion of the pound and stable as follows: For metal folding shutters for the wagon shed, $1,000; painting inside walls, $50; erecting flagpole, $75; screens and awning, $100; and fire hose, $100; in all, $1,325."

And the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,350"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,800"; and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,450"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,800"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stenographer, $1,400"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,325"; and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,280"; and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,780"; and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,120"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu

of the matter inserted by said amendment insert the following:

"For the preparation of plans and specifications for the erection of hospital buildings, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, $15,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For agent, $1,800; clerk, $1,200; placing and investigating officers—1, $1,200; 1, $1,003; 5, at $900 each; record clerk, $900; clerk, $720; messenger, $360; in all, $11,680."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,180"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,740"; and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,790"; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "supervisor of boys, $720"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,580"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,280"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,100"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,990"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$177,490"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph the following:

"There shall be assessed as special benefits for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line upon the aforesaid plans, such sum or sums as the jury hereinafter provided for may determine, on such lots, and pieces, or parcels of land abutting the area of improvement, and adjacent thereto, and any other lots, pieces, or parcels of land in the District of Columbia that such jury shall determine are specially benefited by reason of said reclamation and development, in the manner following, that is to say: It shall be the duty of the Secretary of War, for the purpose of said assessment, to divide into sections, in such manner as he may deem best, the entire area of improvement; as soon as practicable after the reclamation and development of each section is completed, he shall furnish to the Commissioners of the District of Columbia a plat of such section showing the area reclaimed and developed, and thereupon it shall be the duty of said Commissioners to institute in the Supreme Court of the District of Columbia, sitting as a district court, by petition, a proceeding in rem for the assessment of benefits. The proceedings in such case shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, in so far as the same are applicable. It shall be the duty of the jury provided for in said proceeding to find as special benefits the increase in value which such reclamation and development has added to each lot, piece, or parcel of land abuttting such improvement, and adjacent thereto, and any other lot, piece, or parcel of land in the District of Columbia, which it may find will be specially benefited by reason of said improvement; and of the amount which said jury shall find such lots, pieces, or parcels of land so benefited it shall assess one-half thereof upon such lot, piece, or parcel of land. In determining the amounts to be assessed against said lots, pieces, or parcels of land, the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may specially receive from such reclamation and development, and where any part of any lot, piece, or parcel of land has been dedicated for the purpose of such reclamation and development, the jury in determining whether the remainder of said lot, piece, or parcel of land is to be assessed for benefits and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of land so dedicated. The said assessments shall be levied and collected under the provisions of said subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, and shall be paid into the Treasury of the United States, to the credit of the United States and of the District of Columbia in equal parts, and when finally ratified and confirmed by the court shall severally be a lien upon the land assessed and shall be collected as special-improvement taxes in the District of Columbia, and shall be payable in five equal annual installments with interest at the rate of 4 per cent per annum from and after 60 days after the confirmation of the verdict of the jury. Where not otherwise herein provided for, all of the provisions of said subchapter 1 of chapter 15 of said Code of Law for the District of Columbia shall be applicable to the levying and collecting of said special assessments."

And the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: Strike out "$2,000" where it occurs in said amendment and insert in lieu thereof "$1,800"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$86,935"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 28, 31, 226, and 227.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report, as to each of the said amendments, namely:

The conference report submitted herewith differs from the conference report submitted on June 12, 1914, and printed as

House Report No. 817 of this session in the following particulars:

On amendment No. 101: Strikes from the bill the provision, inserted by the Senate, allowing free tuition to school pupils whose parents are employed officially or otherwise in the District of Columbia.

On amendments Nos. 103, 104, and 105: Strikes out the appropriations of $33,000 for an addition to the John F. Cook School, $66,000 for an addition to the Powell School, and $45,000 for a site and new school building in the sixth division.

On amendment No. 109: Strikes out the appropriation of $50,000 proposed by the Senate for the central dispensary and emergency hospital.

On amendment No. 178: Appropriates $15,000 for plans and specifications for a new municipal hospital instead of $300,000 proposed by the Senate for the erection of such a hospital.

The committee of conference have been unable to agree on the following amendments:

Amendment No. 28: Providing for assessment of cost of street, avenue, or road pavements against the abutting property.

Amendment No. 30: Appropriating $4,150 to pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square numbered 2833 in the city of Washington.

Amendment No. 226: Providing for the deposit of the surplus revenues of the District of Columbia in the Treasury of the United States to the credit of "Miscellaneous receipts."

Amendment No. 227: Providing for the repeal of all laws and parts of laws to the extent that they are inconsistent with this bill.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I now ask the Clerk to report amendment No. 28, in disagreement.

The Clerk read as follows:

That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however,* That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

The assessments herein provided for shall be levied and paid for in the following manner, namely: Where the width of the roadway actually to be paved is 40 feet or less between the curbs, or between the gutters, where no curbs exist, after deducting the amount required to be paved by the street railway companies, the total cost of the work, including the expenses of assessments, shall be assessed against the abutting property owners, one-half to each side; where the width of the street thus to be paved, after deducting the amount required to be paved by the street railway companies, shall exceed 40 feet, the cost of construction as herein provided for shall be levied and paid for as follows: The cost of constructing 20 feet on each side of said street shall be assessed against the abutting property owner, and the cost of paving the remaining portion of said street, including the cost of intersections, shall be paid for by the government of the District of Columbia out of funds available for that purpose.

Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as now provided by law: *Provided,* That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the fund available for similar public work.

Mr. PAGE of North Carolina. Mr. Speaker, I move to concur in the Senate amendment with an amendment striking out the language of the House provision and inserting the following, which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of the matter stricken out from pages 22, 23, and 24 in the printed bill insert the following:

"Hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb, or from gutter to gutter where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however,* That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments hereinbefore provided for shall be levied in the following proportion, namely: One-third of the total cost upon the real property abutting on each side of the street, avenue, or road, between the points where the roadway is paved or resurfaced and the remaining one-third of the total cost shall be charged against the general fund of the District of Columbia.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided,* That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts."

Mr. MANN rose.

Mr. PAGE of North Carolina. Does the gentleman from Illinois desire some time?

Mr. MANN. I would like to have the gentleman from North Carolina explain his proposed amendment.

Mr. MONDELL. Mr. Speaker, I desire to have the gentleman tell us the difference between these two amendments.

Mr. PAGE of North Carolina. This amendment which I propose now differs from the so-called Borland amendment. The Borland amendment placed upon the abutting property owners the entire cost of paving the streets, whereas the matter which I propose to insert in lieu of it modifies that by placing one-third of the cost on the joint treasury of the District of Columbia and the United States and one-third upon the property owners on each side of the street, of course leaving in effect the present regulation as regards the obligation of the street car railways to pave within the space occupied by them.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Certainly.

Mr. MANN. I notice the amendment provides that the assessments shall be levied in the following proportion, namely, one-third of the total cost upon the real property, and so forth, and the remaining one-third of the total cost to be charged against the general fund of the District of Columbia. Where does the other third come in?

Mr. PAGE of North Carolina. One-third is to be charged to the property owner on each side of the street.

Mr. MANN. Oh, I understand. I see the amendment provides that one-third of the total cost shall be assessed against the real property abutting on each side of the street.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. STAFFORD. Under the Borland amendment the levy applied only to the property owners where it extended for 40 feet.

Mr. PAGE of North Carolina. I think that is true.

Mr. STAFFORD. And under the amendment now proposed no exception is made as to property owners on streets wider than 40 feet?

Mr. PAGE of North Carolina. I will say to the gentleman, to be entirely frank with him, that it was intended that that provision should apply to this amendment; that it should apply only to those streets of 40 feet, and it will be so when finally adopted.

Mr. STAFFORD. Then in conference it is the purpose of the conferees to limit the payment only to 40 feet of space?

Mr. PAGE of North Carolina. Forty feet of space.

Mr. STAFFORD. And the assessments to be borne in this respect?

Mr. PAGE of North Carolina. Yes.

Mr. SISSON. And for the information also of the House, on all of the circles which are peculiar to Washington the present system of paving the circles will be borne by the two treasuries, just as it is borne now. So if this amendment as proposed when put into the bill does not include that item, it will be arranged so that the streets to be paved will be just as it was in the Borland amendment—streets wider than 40 feet the excess shall be borne by the two treasuries.

Mr. STAFFORD. I was more concerned with the little property owners on large avenues. It would be a great burden upon them for us to impose one-third upon them if it is more than 40 feet wide.

Mr. PAGE of North Carolina. I will assure the gentleman that if there is any excess of 40 feet provision will be made. I yield to the gentleman from Wyoming.

Mr. MONDELL. Do I understand the gentleman to say it is the intention of the managers on the part of the House to insert in the amendment which you propose to substitute the provisions contained in the last part of the paragraph on page 23, with regard to streets over 40 feet in width?

Mr. PAGE of North Carolina. Yes, sir; that will be done.

Mr. MONDELL. Then it is your intention to adopt language involving this principle and in harmony——

Mr. PAGE of North Carolina. With the original provision.

Mr. MONDELL. You could not adopt this language as it stands, because if you do then the property owner, when a street is more than 40 feet in width, would pay for the paving of the other surface.

Mr. PAGE of North Carolina. We recognize that, and it will be taken care of. That will be taken care of.

Mr. MONDELL. But the theory of this provision in regard to wider streets will be carried out as an addition or an amendment to the proposition.

Mr. PAGE of North Carolina. Absolutely; that is it exactly; that is the intention of the conferees.

Mr. MANN. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman from Illinois.

Mr. MANN. As I recall, the original provision was to put the whole cost of paving 40 feet——

Mr. PAGE of North Carolina. On the abutting property; yes, sir.

Mr. MANN. And this provision puts two-thirds of the cost?

Mr. PAGE of North Carolina. That is true.

Mr. MANN. Although both provisions require assessments to be made according to the frontage of the street.

Mr. PAGE of North Carolina. The frontage on the street that is paved, the frontage of the property.

Mr. MANN. Did the gentleman take into consideration the matter which was discussed in the House as to the sharp corner lots?

Mr. PAGE of North Carolina. The gentleman means at the intersection of streets?

Mr. MANN. Triangular lots.

Mr. PAGE of North Carolina. Yes, we did; and wherever the rectangle has a width of more than 40 feet I can give the gentleman the same assurance as I did as to streets of more than 40 feet wide, that that will not be placed upon the abutting property.

Mr. MANN. A great many lots in the city that run into triangles come down to a point where they are only a few feet wide.

Mr. PAGE of North Carolina. We catch that, I will assure the gentleman.

Mr. MANN. To make the property pay for the full width of both sides looks like a gross injustice as compared with inside property.

Mr. PAGE of North Carolina. Well, that property, I will say to the gentleman, is extremely valuable property.

Mr. MANN. Most of it is not.

Mr. PAGE of North Carolina. I agree that a large part is not.

Mr. MANN. In most cases, or in many cases, it is very narrow, and you can not even put a building on it.

Mr. PAGE of North Carolina. That is true, but in most of those cases I believe the city has adopted the policy of taking it over.

Mr. MANN. No; the city does not buy these pieces of property. There are no places where they are bought. A man has a triangular lot that runs to a point which is only a few feet wide, very narrow in many cases where there are residences, and it is still left as vacant property and can not be built upon, and it will put a heavy burden upon him to make him pay the full width on both streets.

Mr. SISSON. I will say to the gentleman from Illinois I can at once appreciate the force of what he says, for this reason: If a man should have a residence inside a point which actually belongs to the District parking, he might be compelled to build, as the gentleman suggests, sidewalks on both sides of the property. Is that what the gentleman has in mind?

Mr. MANN. No; I did not have reference to sidewalks, but to street paving.

Mr. SISSON. He would have to pay for sidewalks under the present law. If we did not take care of that he would have to pay for one-third of the street on either side of his property.

Mr. MANN. Yes.

Mr. SISSON. Because he has got two frontages. Now, it is the intention of the conferees to take care of that so that a man would not be called upon to pay for more than 20 feet of paving.

Mr. MANN. Now, I will be frank to say in our town—and, of course, people know more about their local matters than we do—assessments are made according to benefits and not upon the theory of special taxation, which is quite a different thing.

Mr. SISSON. That is true.

Mr. PAGE of North Carolina. If the gentleman will yield——

Mr. SISSON. Here is the clause that involves the property:

That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

Now, I will state to the gentleman if that language is not sufficiently clear to cover what he has in his mind it might work a hardship upon some property owner.

Mr. MANN. It is sufficiently clear, but it works the wrong way.

Mr. SISSON. I do not know that it works the wrong way if the language means what the conferees have in their minds. It is our intention to have the language so specific as to mean exactly what the conferees have in mind.

Mr. MANN. Well, if you would make the assessment on the property according to the benefits you would have no difficulty, but when you endeavor to make the assessment according to the linear frontage you impose that burden upon a piece of property that may not be more than 3 feet wide at the corner of paving the street on both sides of it.

Mr. SISSON. I will say to the gentleman that while that matter was in mind and has been incidentally mentioned there are many difficulties that confront you in the enforcement of that sort of a law. I believe you have it in Chicago——

Mr. MANN. I think it is the law in nearly every place where they raise money by special assessment.

Mr. SISSON. The gentleman is mistaken about that, because in 55 per cent of the cities of the United States and in all the modern cities of the United States the property owner pays one-half of the street and all of the sidewalk assessment. An investigation of the conditions throughout the United States will show that.

Mr. MANN. He does not by special taxation. Where you raise the money by linear frontage it is double taxation.

Mr. SISSON. If you did that in the District of Columbia, it would not be linear footage, except as to cost of the sidewalks, that would determine the tax, because benefits are based here on the number of square feet—all your assessments and all charges upon the number of square feet involved.

Mr. MANN. It is based upon the linear frontage of the abutting property, though. You take, for instance, Connecticut Avenue, where I have the pleasure of riding on the street cars, and on one side of the street all the way nearly are sharp-cornered triangular lots. Some of them, if it is business property, may be built upon, but with many of them the triangle is too shallow to build upon even. It is left vacant. Now, if you assess the street paving according to the linear frontage, here is a property that may not be over 5 or 10 feet wide, and yet it is likely to pave two streets.

Mr. SISSON. Now, that is not true in reference to the old portion of the city, because all of those points, with very few exceptions, have been acquired by the District of Columbia.

Mr. MANN. I beg the pardon of the gentleman. I ride around town, and I do not know of a single one that is owned by the city. They own triangles where the triangle is surrounded by a street, but they do not anywhere own the corner of the lot where the lot is a triangle itself.

Mr. SISSON. I had in mind the triangular pieces of land which the gentleman mentioned a moment ago.

Mr. MANN. The triangles are another proposition. The triangles belong to the city, or the Government is acquiring them.

Mr. SISSON. It was the purpose of the managers on the part of the House to take care of a piece of property where one property owner would be compelled to build the streets on both sides of his property. It is not our intention to tax him with one-third of the street on one side of his property and one-third on the other. And that would occur——

Mr. MANN. It would occur under the amendment.

Mr. SISSON. Under the amendment, unless the amendment I have in mind is cared for. But in order that that might be properly drawn, we thought it wiser to let the engineer commissioner, who understands the measurements of the streets, to make a measurement of the streets to take care of those exceptional cases.

The SPEAKER. The question is on the motion of the gentleman from North Carolina [Mr. PAGE] to concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 27 of the bill, after line 11, insert the following:

"Payment for ground and damages on account of condemnation proceedings: To pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, $4,150."

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist on its disagreement to this amendment.

The SPEAKER. The gentleman from North Carolina moves that the House further insist on its disagreement to Senate amendment No. 31.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for a division.

Mr. PAGE of North Carolina. Mr. Speaker, we would like a division on that vote.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a division.

The House divided; and there were—ayes 81, noes none.

So the motion was agreed to.

Mr. MANN. Now, what was the motion?

The SPEAKER. The motion was to further insist. The Clerk will report the next amendment.

The Clerk read as follows:

Page 103 of the bill, strike out all of section 8, as follows:

"SEC. 8. That to the extent the revenues of the District of Columbia for the fiscal year 1915 shall exceed the proportionate part of the appropriations made in this or any other act, and chargeable against said revenues, the same shall be covered into the Treasury of the United States to the credit of 'Miscellaneous receipts.'"

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves that the House further insist on the House disagreement to Senate amendment No. 226.

Mr. MANN. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield.

Mr. MANN. What seems to be the disposition of the Senate conferees on that, so far as disclosed?

Mr. PAGE of North Carolina. I should think the gentleman who asks that question, from the fact that this item appears here with the Senate still insisting, would draw a very correct inference of the attitude of the Senate conferees toward this amendment.

Mr. MANN. I have an idea about it. Take, for instance, the amendment that we just disagreed to, and that was a Senate amendment. Under the practice of the two bodies, where one proposes something which the other will not agree to the one who proposes must yield. Now, the Senate must yield on the amendment on which we further insisted on a disagreement, too. If the Senate is utterly opposed to this and maintains that position, it seems to me in the end the House will have to recede. I wondered whether it was not advisable soon, at least, to get this bill where it could be a law.

Mr. PAGE of North Carolina. I will say to the gentleman I think if my motion is carried that the date is not very far in the future when there will be an agreement upon this bill.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MONDELL. Do I understand from what the gentleman has just said that the House conferees are about prepared to yield on this?

Mr. PAGE of North Carolina. I did not intend to say that. I made my statement at just what the words meant, that if the House should further insist on its disagreement to this amendment, I thought the probability was that we would reach a full agreement on this bill in the very near future.

Mr. MONDELL. And as the Senate will not yield, the House will?

Mr. PAGE of North Carolina. That is an inference that the gentleman can draw in his own mind.

Mr. MANN. That is the sensible thing to do.

The SPEAKER. The question is on agreeing to the motion of the gentleman from North Carolina [Mr. PAGE] to further insist on its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, let the next amendment be reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment numbered 227, page 103 of the bill, insert the following as a new section:

"SEC. 8. That all laws and parts of laws to the extent that they are inconsistent with this act are repealed."

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from North Carolina moves that the House further insist on its disagreement to the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House agree to the request of the Senate for a further conference.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves that the House agree to the conference asked for by the Senate. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, presented for printing under the rules the report on the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, as follows:

[House Report No. 914, Sixty-third Congress, second session.]

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, submitted the following report, to accompany H. R. 12579:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, having had the same under consideration, reports the bill back without amendment, and recommends to the House that all of the Senate amendments to said bill, numbered from 1 to 168, inclusive, be disagreed to, and that the House request a conference with the Senate on said amendments.

EXTENSION OF REMARKS.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to extend and revise the remarks I made yesterday.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Tulley, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Georgia, Mr. SHEPPARD, and Mr. BRADY as the conferees on the part of the Senate.

THE GENERAL DAM ACT.

Mr. UNDERWOOD rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. UNDERWOOD. Mr. Speaker, I do not see anyone here to present the conference report on the legislative appropriation bill. Pending that, Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the Adamson dam bill.

Mr. MANN. Mr. Speaker, may I ask if it is the intention to call up the legislative conference report to-day?

Mr. UNDERWOOD. I think it is; and as soon as the gentlemen in charge of the bill come into the House, I have no doubt the floor will be yielded for that purpose.

The SPEAKER. The Clerk will report the Adamson dam bill.

Mr. MANN. Mr. Speaker, the Clerk can not report the bill. It is a Union Calendar bill.

The SPEAKER. It is not a Union Calendar bill.

Mr. MANN. It ought to be. I guess it is.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Georgia [Mr. ADAMSON] is just coming on the floor, and I will let him take charge of the matter.

Mr. MANN. Mr. Speaker, I make the point of order that this is a Union Calendar bill.

The SPEAKER. Why?

Mr. MANN. It provides for the raising of revenue.

Mr. UNDERWOOD. In what way? I think, Mr. Speaker, the gentleman from Illinois is mistaken about that proposition.

Mr. MANN. One of the provisions of the bill, on page 4, paragraph (a), is that, as a part of the conditions and stipulations, such approval shall provide "for reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans as heretofore provided," and so forth. Paragraph (b) provides "for the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance by the United States of headwater improvements," and so forth, "such charges to be fixed from time to time by the Secretary of War and Chief of Engineers," and so forth. And there are various other provisions, as (c), for instance, "that in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States," and so forth. Paragraph (d) provides "for the payment or securing the payment to the United States of such sums and in such manner," and so forth.

The SPEAKER. The gentleman need not go any further. This bill ought to be on the Union Calendar, and will be transferred to it.

Mr. MANN. I have no objection to its coming up in regular order.

Mr. UNDERWOOD. Mr. Speaker, I do not think this is on the Union Calendar. Clearly I think the Speaker has misinterpreted the reading of this language.

Now, Mr. Speaker, what places a bill on the Union Calendar?

The SPEAKER. Taking money out of the Treasury, or bringing it in, or disposing of Government lands.

Mr. UNDERWOOD. There are three propositions, and if they are involved in the bill it goes on the Union Calendar. One is appropriating money or raising money; another is disposing of the public lands; the other is the creation of an office. Those are the three things. If those are not involved in a bill, it goes to the House Calendar, unless it belongs to the Private Calendar. Now, this proposition that the gentleman from Illinois [Mr. MANN] refers to in no way affects either of these conditions.

The SPEAKER. What does the gentleman say about "(a)," at the top of page 4?

Mr. UNDERWOOD. That is what I was going to read. In the first place, as a part of the conditions stipulated, the approval shall provide so-and-so. This bill is providing, Mr. Speaker, for a contract between the United States Government and some individual or corporation that desires to build a dam, and it provides what the contract shall contain—that as a part of the conditions and stipulations of such approval it shall provide for the reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans heretofore provided and for such supervision of construction as may be necessary in the interest of the United States. Now, does that take any money out of the Treasury? Not at all. Does that put any money into the Treasury? Not at all.

The SPEAKER. Where is it to come from?

Mr. UNDERWOOD. It provides for a contract that is going to be made in the future about the building of a dam. It does not provide that there shall be an appropriation out of public funds of the Treasury or for the payment of money into the Treasury.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. MANN. What will become of this money when the United States is reimbursed for these expenses, unless the money goes into the Treasury?

Mr. UNDERWOOD. Of course it will go into the Treasury, but this is not making provision for an appropriation out of the Treasury.

Mr. MANN. No; but it is for raising revenue.

Mr. UNDERWOOD. No it is not. It is providing the terms of a contract to be made in the future.

Mr. MANN. Ah, yes——

Mr. UNDERWOOD. But that is not raising revenue.

Mr. MANN. Certainly it does raise revenue. It authorizes the Secretary of War to raise revenue; and not only authorizes but requires him to do so if he makes such a contract.

Mr. UNDERWOOD. Not at all.

Mr. MANN. Certainly. Reimbursing the United States is raising revenue.

Mr. UNDERWOOD. It provides as a condition precedent to the making of a contract, or a condition of the contract, to reimburse the United States for all the expenses incurred by the United States in reference to the project. Would a dam bill, or a bridge bill which provided the terms on which a bridge could be built across a river, but also provided that if any expenses were required to be incurred by the Government of the United States because of the building of that bridge, those expenses should be reimbursed as a condition precedent—would that be a question of raising revenue? The rules clearly contemplate, in the class of bills that the gentleman refers to, first, a bill making a direct appropriation out of the Treasury; secondarily, a bill raising revenue for the Treasury, the purpose of it being to raise revenue. This is neither of those. This relates purely to the terms of a contract.

Mr. MANN. What does the gentleman say as to section 14, which provides for leasing surplus water power owned by the United States?

Mr. UNDERWOOD. That section reads:

That the Secretary of War, upon the advice and with the approval of the Chief of Engineers, may lease to any applicant having complied with the laws of the State in which the dam is constructed or to be constructed by the United States, the right to develop power from the surplus water over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War and Chief of Engineers for the best interests of the United States; and in awarding such lease preference shall be given to the applicant whose plans are deemed by any action of Congress or by the Secretary of War and Chief of Engineers to be best adapted to conserve and utilize in the public interest the navigation and water-power resources of the region, and all such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress.

That is only a part of the contract, Mr. Speaker.

Mr. MANN. Oh, no; the gentleman is mistaken. This has nothing to do with the contract.

Mr. UNDERWOOD. Oh, but it has. It is the general contract that we are putting into the law.

Mr. MANN. But it gives the Secretary of War power to make a lease.

Mr. UNDERWOOD. Certainly.

Mr. MANN. And to receive the rental.

Mr. UNDERWOOD. Certainly; but that does not dispose of the public lands by this act.

Mr. MANN. Certainly it does. That is exactly what it does. And section (c), at the bottom of page 4, disposes of the public lands. That section reads:

(c) That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per cent of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers.

Mr. UNDERWOOD. That is clearly a part of the contract, Mr. Speaker. It is not the disposition of the public lands or the rental of the public lands.

Mr. MANN. The gentleman from Alabama will notice that that is the direct authority, not a part of the contract.

Mr. UNDERWOOD. It says:

(c) That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges—

And so forth.

This is merely putting on the statute book the terms of a contract that these people are required to make. It is not the leasing to-day of a particular piece of land; and that is what is contemplated by the disposition of land. If this was a bill to convey the title to a piece of land by grant or by lease, it would come within the terms of the rule, and the bill would have to be on the Union Calendar; but this bill conveys no title. It carries no title at this time. It is merely writing on the statute books the terms under which a dam can be built and the contract that the builder of the dam must make with the United States Government. There is no disposition of lands in the proposition.

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LENROOT. I should like to ask the gentleman's view of this situation: There are a great many revocable permits now outstanding for dam companies upon public lands. The moment this bill is passed these revocable permits are nullified and they take under subdivision (c), which is a grant.

Mr. UNDERWOOD. I do not concede what the gentleman says I do not think these revocable permits would be affected by this bill, in direct terms.

Mr. LENROOT. Section 17——

Mr. UNDERWOOD. I know that the gentleman contends that section 17 would relate to lands in the West. I think that is purely a misapprehension. This bill is limited in its terms to the navigable waters of the United States, and does not affect the terms of the public lands of the far West. The boundary of this bill, to begin with and to end with, is the navigable streams of the United States.

Mr. GRAHAM of Illinois. But what is included in the term "navigable waters"?

Mr. UNDERWOOD. That is a question for the department to determine—whether it means 3 feet or 3 inches of water.

Mr. GRAHAM of Illinois. Do they not determine it in favor of the smaller limit—3 inches or 1 inch?

Mr. UNDERWOOD. That is a question that it is not necessary to go into under this bill.

Mr. GRAHAM of Illinois. But if that were true, would not that include all the streams of the West and everywhere else?

Mr. UNDERWOOD. I do not agree with that construction or that statement. I think a navigable stream is well defined, not only by law but in the War Department.

But that is a side issue to this proposition. What I contend, Mr. Speaker, is that this is not a bill under the terms of which there is conveyed the title to public lands. If it does convey title to public lands, what public lands does it convey the title to, either by lease or grant? It does not in its terms levy a tax. If it does, what tax does it levy? It does not make an appropriation out of the Treasury. If it does, how much? Therefore it does not belong on the Union Calendar; it merely provides a contract under which a dam may be built and the terms with which the builder of the dam must comply in the future.

Mr. MANN rose.

The SPEAKER. The Chair will ask the gentleman from Illinois before he proceeds what he says about paragraphs (a), (b), (c), and (d), whether they are enactments of law or provide for a contract?

Mr. MANN. I say that it does not make any difference whether we directly raise revenue or whether we authorize a department official to raise revenue which is to be paid into the Treasury. On the matter of raising a tax, the gentleman from Alabama is mistaken in the rule. There is nothing in the rule about making a tax. The rule is:

> First, a calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.
>
> Second, a House calendar, to which shall be referred all bills of a public character not raising revenue nor directly or indirectly appropriating money or property.

What does this bill do? Section 4 authorizes and directs the Chief of Engineers, in making contracts for the use of water power or for the construction of dams, to provide first for the reimbursement to the United States certain expenses. That is raising revenue; that requires the Secretary of War to raise revenue. Paragraph (b) provides for the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance, and so forth. That is raising revenue. We have in the bill powers granting some one the right to construct a dam and develop hydroelectric power, and we say that the Secretary of War may grant that permission and shall require the payment to the United States of reasonable charges for it.

Paragraph (c) provides that in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, and so forth.

Section 14 provides that the Secretary of War shall lease to any applicant the right to develop power from the surplus water over and above that required for navigation at any navigation dam now or hereafter constructed.

We have many navigation dams in the United States. At many of them there is surplus water which may be used for the development of water power, and we authorize the Secretary of War to lease that surplus water power and to make charges for it. What is the difference between that and authorizing the Secretary of War to lease any piece of ground we have and charge for it? What is the distinction between raising revenue by leasing or selling? Would anyone contend that if we authorized the Secretary of War to sell these navigation dams that would not be disposing of public property? That is an appropriation of public property to raise revenue.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. LA FOLLETTE. On page 3 of the report the committee says:

> Yielding to the pressure from many directions we have included in the present bill authority for the Secretary of War to accommodate communities and derive some revenue for the Government from projects constructed wholly at the expense of the Government by leasing on satisfactory terms, with proper safeguards, the surplus water not needed for navigation at such projects.

The committee evidently thought that this was raising revenue.

Mr. MANN. Of course it was intended to raise revenue.

Mr. UNDERWOOD. What clause in the bill does the gentleman contend raises revenue?

Mr. MANN. Section 14 and section 4. Any money that is received from the outside and paid into the Treasury of the United States is revenue. The rule does not provide that you raise revenue by taxation. You can raise revenue by selling property. The reason of the rule is that bills of this character shall be considered in Committee of the Whole House on the state of the Union under the rules relating to the Committee of the Whole. The transfer of this bill from the House Calendar to the Union Calendar does not affect the unanimous-consent order which is already pending. The question is on how it shall be considered.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. I would like to know if the gentleman from Illinois understands or claims that there would be any difference in the method in which the bill was disposed of, whether in the House or in the Committee of the Whole House on the state of the Union, further than the latitude of general debate?

The SPEAKER. There is no difference——

Mr. MANN. Oh, Mr. Speaker, there is a great difference.

The SPEAKER. The gentleman from Illinois did not hear what the Chair was going to say. One difference is the method of procedure. The gentleman from Georgia, or somebody for him, would have to move to go into Committee of the Whole House on the state of the Union, and then there is a difference as to the consideration of amendments.

Mr. MANN. If this bill is considered in the House, the gentleman from Georgia would have the power within five minutes to move the previous question on the bill and amendments.

Mr. ADAMSON. But the gentleman from Illinois knows that the gentleman from Georgia would not do that.

Mr. MANN. I do not know. If we considered every amendment in the House, there would be a chance for a roll call on every amendment.

Mr. UNDERWOOD. Mr. Speaker, I did not have the rule before me, and I desire now to call the Chair's attention to the exact language in the rule:

> There shall be three calendars, to which all business reported from committees shall be referred, viz:
>
> First, a Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

Of course, this is not a bill raising revenue nor is it a general appropriation bill. The question is whether it is a bill of a public character directly or indirectly appropriating money or property. That does not mean a bill the effect of which may convey property. Of course, there is no money involved. It does not mean a bill that may direct a way in the future whereby property may be disposed of. Suppose we had a bill before this House providing that no public land shall be sold until advertised in the newspapers in the city of Washington, would that go to the Union Calendar or the House Calendar? It seems to me manifestly it would not be appropriating public property, but it would be the terms on which public property could pass, limiting the terms. It would not be conveying a particular piece of property. The provision of this bill in no way appropriates a piece of public property or a piece of money. It does provide for the terms on which overflowed lands, for instance, may pass from the Government under certain conditions.

Mr. ADAMSON. Mr. Speaker, will the gentleman permit me to make a suggestion in aiding his argument right at this point?

Mr. UNDERWOOD. Certainly.

Mr. ADAMSON. The entire scheme of this bill is to utilize private capital to promote the navigability of navigable streams without expense to the Government and without the raising of revenue by the Government further than reimbursement enough to prevent any expense, and all in connection with navigation. The bill does not furnish title to anyone. If we grant consent to a corporation to build a dam in a navigable stream, that corporation must go and secure title itself or lease. We have

nothing to do with it. It was represented to us that on many of the large streams in the country, not out in the West, not in the public domain, there were small bits of Government land left ungranted, the title to which still remained in the Government, and people who wanted to develop one of these large properties had to secure title in some way.

If they had to buy land from a private owner they would have to get such as the Government owned from the Government, and they would have to go to some Government official to get it; and in putting in the conditions which the Secretary of War must write in every contract of approval, we simply provided that as to that land that belongs to the Government the corporation would have to get title to it before it could build the dam, and that is all there is to that. It is not a scheme to sell Government land at all, but merely a provision by which a corporation may get land from the Government where it owns a little tract of land, just as it would get it from a private individual.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes; if the gentleman from Alabama, who has charge of the time, will yield.

Mr. LENROOT. What does the party have to do to get the land from the Government?

Mr. ADAMSON. He has to get it on such terms as the party who owns it will grant it to him.

Mr. LENROOT. It is granted in the gentleman's bill on payment of 5 per cent of the value.

Mr. ADAMSON. That is simply one specification of how he can do it, but it is not a separate provision in the bill; it is a condition of contract which the Secretary makes that conveys the Government land it may be necessary to use. He can not proceed until he gets that piece of land.

Mr. UNDERWOOD. Mr. Speaker, in order not to take up the time of the Chair unnecessarily, and to try to make the point clear where I think the distinction is, it all comes out of the construction of the words "directly or indirectly appropriating money or property." The contention that I make is that a bill goes to the Union Calendar which appropriates property in the way of a grant. For instance, if a bill were to pass this Congress providing for a land grant to certain railroads for building railroads, that they should have so much land within alternate sections in such a territory, that would be appropriating property; but it can not be said that any bill deciding the terms on which property may be disposed of in the future, and not specifically carrying title to a particular piece of property, is the class of bill that is intended to go to the Union Calendar.

In other words, the object of the rule in requiring a bill to go to the Union Calendar was to allow greater latitude of debate, as the gentleman from Illinois [Mr. MANN] properly says, not that I think there will be any effort to cut off a reasonable debate in this case, but it was for the purpose of allowing greater latitude of debate that certain bills were required to go upon the Union Calendar, such as a revenue bill, raising revenue—and that does not mean any bill that may incidentally raise revenue—a general appropriation bill, conveying out of the Treasury the moneys of the Government, and a bill appropriating, not regulating, not fixing the terms of the future disposition of public lands, but appropriating public lands. What does "appropriating" mean? It can not mean anything else except the conveyance of title. It does not mean a bill fixing the terms for the future disposition of lands, for that does not appropriate the property, for the title may never pass. Appropriating means parting with, and what are you parting with in this bill? Nothing at this time. You are fixing the terms on which the Government land may be parted with or appropriated in the future, and there are no public lands parted with in this bill.

The SPEAKER. What does the gentleman say to the word "indirectly" in that rule?

Mr. UNDERWOOD. The language is "directly or indirectly appropriating money or property." I do not think there is anything in this bill that indirectly appropriates property. It is merely fixing the terms on which in the future under certain conditions property may be passed. But it is not a conveyance of any particular piece of property. You can not appropriate property without designating what property you are appropriating.

Mr. MONDELL. Mr. Speaker——

Mr. MANN. Mr. Speaker, just a word. The gentleman from Alabama [Mr. UNDERWOOD] draws a distinction between authority to sell property and the actual sale of property by the United States. Now, we pass a homestead law. Who will claim that a homestead law is not a Union Calendar bill?

Mr. UNDERWOOD. Yes; but the homestead law names the property.

Mr. MANN. I beg the gentleman's pardon; the homestead law does not name anything of the kind.

Mr. UNDERWOOD. It may name all the lands in the United States.

Mr. MANN. Oh, I knew the gentleman would have to change his position.

Mr. UNDERWOOD. Certainly not; but it does name it.

Mr. MANN. The homestead law does not part with a foot of property.

Mr. UNDERWOOD. But it makes all the laws of the United States subject to its terms——

Mr. MANN. But it does not part with a foot of property. It only provides the conditions upon which persons may obtain the property of the United States. That is the way as to all, practically, of the land laws. We pass a bill here directly appropriating property to some city for park purposes. That is a Union Calendar bill. If we pass a law authorizing the Secretary of the Interior to convey that property, that is not a direct appropriation of it according to the gentleman's theory, but it is a Union Calendar bill. If we pass a bill permitting the Secretary of the Interior to dispose of any public lands, that is a Union Calendar bill. Here we have a bill authorizing the Secretary of War, first, to dispose of part of the public lands, not by sale but by lease. That is a Union Calendar bill, and would be if it did not require the payment of rental, but when in addition we require the payment of rental, that is a bill raising revenue, and the gentleman can not draw a distinction between bills which appropriate the property of the Government by gift or sale and bills which authorize and permit a department officer to dispose of the property.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GRAHAM of Illinois. If this bill were enacted into law, would the passage of any other law be necessary for money to be received into the Treasury under this bill?

Mr. MANN. Certainly not. Now, Mr. Speaker, this bill was referred to the House Calendar, I think, very naturally. The original dam bill was a House Calendar bill. It did not in any way raise revenue or appropriate property of the United States. The amended dam bill which we passed, I think, was a House Calendar bill, and it did not appropriate any property or authorize the use of any of the Government property or provide for the raising of any revenue, and that is the very reason we have this bill here. Gentlemen now wish in the bill to authorize the raising of revenue to the Government, to reimburse the Government for its expenses, particularly where it has reservoirs at the headwaters of rivers, and then to convey by lease the use of surplus water power at dams which we have on navigable streams. That is the purpose of it.

Mr. ADAMSON. If the gentleman will permit, the reservoir provision was in the law in 1910.

Mr. MANN. There was no provision in reference to payment.

Mr. ADAMSON. That feature is not changed by this bill at all; it is like what it was.

Mr. MANN. It is decidedly changed by this bill, because you have a long provision in this bill on the subject which directs the Secretary of War if there are a number of dams upon a stream where there are reservoirs at headwaters to apportion the benefits to the owners at the dams and charge them for the use of it not to exceed in total 5 per cent on the cost.

Mr. ADAMSON. If the gentleman will permit me, I said that that feature has not been changed which requires them to be used for the benefit——

Mr. MANN. Then, the other dam bill was a Union Calendar bill. I do not know whether it was considered on the Union or the House Calendar.

The SPEAKER. Now, sometimes a proposition is plain to everybody, and sometimes it is exceedingly close. The rule under which this reference is made is as follows:

First, a Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred any bills raising revenue, general appropriation bills—

That is a particular class—

and bills of a public character directly or indirectly appropriating money or property.

The Chair is of the opinion that this bill raises revenue. That is the intention of a certain portion of the House, at least; it remains to be seen whether it constitutes a majority or not. Of course, it is a kind of indirect way of raising revenue. That is proposition No. 1. The Chair thinks that it indirectly appropriates Government money or property. Now, it says in

section 14, leaving out the part which the gentleman raised the point of order on—section 4, about the contract—that the Secretary of War shall lease, after consulting with the Chief of Engineers. Well, now, a lease may run for 999 years or 999,000,000 years, the Chair supposes. We have fallen into the habit in this country of making two kinds of long leases, one for 99 years and one for 999 years. Now, as far as this generation is concerned, a lease of 99 years is the same as selling, and the Chair believes that the bill ought to be on the Union Calendar for both reasons, that it intends to raise revenue and that it authorizes a lease of Government property. The latter part, of course, appropriates Government property indirectly. It may never make a lease, but still they have the power to do all the leasing they want to do, and therefore the Chair rules the bill ought to be on the Union Calendar.

The Chair desires further to call attention to another rule which has not figured in the discussion, but which has been privately called to the Chair's attention by the gentleman from Massachusetts [Mr. GARDNER]. Clause 3 of Rule XXIII provides as follows:

> All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Under this rule it has been held that a bill which sets in motion a train of circumstances destined ultimately to involve certain expenditures must be considered in Committee of the Whole. It seems clear to the Chair that this bill authorizes an official, in certain contingencies, to make contract which will cause the United States to part either temporarily or permanently with property belonging to the United States; and for this reason it seems that the bill should be considered in the Committee of the Whole.

Mr. ADAMSON. Mr. Speaker, I assume that as soon as the conference report is out of the way it will be still in order under the unanimous consent to move to go into the Committee of the Whole House on the state of the Union.

WITHDRAWAL OF PAPERS.

Mr. DONOVAN, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of House bill 6094 (to remove charge of desertion against Thomas Ellis), Sixty-third Congress, no adverse report having been made thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 15279), making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The SPEAKER. The gentleman from South Carolina calls up the conference report on the legislative, executive, and judicial appropriation bill.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the statement.

The statement was read.

CONFERENCE REPORT (NO. 911).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 43, 47, 48, 76, 218, 219, and 220.

That the House recede from its disagreement to the amendments of the Senate numbered 28, 29, 78, 79, 176, 177, and 234, and agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,420"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendments numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121: That the House recede from its disagreement to the amendments of the Senate numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121, and agree to the same with an amendment as follows:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, $1,200; in all, $4,200.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,000.

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,200.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,000.

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $1,800; clerk, $1,000; assistant assayer, $1,200; in all, $4,000.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, new machinery, etc., $500.

"Assay office at Helena, Mont.: Assayer in charge, $1,800; chief clerk, who shall also perform the duties of cashier, $1,400; assistant assayer, $1,200; in all, $4,400.

"For wages of workmen and other employees, $2,500.

"For incidental and contingent expenses, $1,000."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $1,800; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $3,000."

And the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,850"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Washington, D. C., new post-office building: For 3 assistant engineers, at $900 each; 3 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 3 oilers, at $720 each; 12 watchmen; additional to 1 watchman acting as lieutenant of the watch, $120; 15 laborers; 1 assistant plumber, $720; 2 female laborers, at $480 each; 15 charwomen; in all, $38,700."

And the Senate agree to the same.

Amendment numbered 212: That the House recede from its amendment to the amendment of the Senate numbered 212, and agree to the said Senate amendment.

The committee of conference have been unable to agree on the amendment of the House to the amendment of the Senate numbered 1, and on the amendments of the Senate numbered 20 and 30.

JOSEPH F. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On amendments Nos. 28 and 29: Appropriates, as proposed by the Senate, $1,000 for a stenographer to the Joint Committee on Printing.

On amendments Nos. 43 and 47: Strikes out the appropriation of $4,500, proposed by the Senate, for an assistant to the Secretary of State.

On amendments Nos. 48 and 52: Strikes out the appropriation of $4,500, proposed by the Senate, for an assistant to the Secretary of the Treasury.

On amendment No. 76: Strikes out the provision, proposed by the Senate, to pay to Thomas P. Kane the difference in the compensation of the Comptroller of the Currency and the Deputy Comptroller of the Currency during the period he acted as Comptroller of the Currency.

On amendments Nos. 78 and 79: Increases the salary of the Commissioner of Internal Revenue from $6,000 to $6,500, as proposed by the Senate.

On amendment No. 85: Appropriates $20,000, instead of $10,000 as proposed by the House and $30,000 as proposed by the Senate, for freight on bullion and coin.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, and 124, relating to mints and assay offices: Appropriates for the mint at Carson, Nev., and the assay offices at Boise, Idaho; Deadwood, S. Dak.; Helena, Mont.; and Salt Lake City, Utah, in the exact terms of the current law, except that an assayer's assistant, at $1,000, is omitted from the assay offices at Deadwood and Helena, and an assistant assayer, at $1,200, is omitted from the assay office at Salt Lake City.

On amendments Nos. 168 and 169: Appropriates for three members of a board of appeals in the office of the Solicitor for the Interior Department at $4,000 each instead of at $4,500 each, as proposed by the Senate.

On amendments Nos. 176 and 177: Appropriates $2,750 for an Assistant Commissioner of Indian Affairs, at $2,750, as proposed by the Senate.

On amendment No. 195, relating to the new post-office building at Washington: In addition to the employees provided for by the Senate, 2 additional elevator conductors at $720 each, 1 oiler at $720, 3 laborers at $660 each, and 3 charwomen at $240 each are provided for.

On amendment No. 212: The provision for commercial attachés in the Department of Commerce is agreed to as proposed by the Senate.

On amendments Nos. 218, 219, and 220: Strikes out the amendments proposed by the Senate increasing the amount for rent of quarters for the Census Office and the provision for a water-cooling plant therein.

On amendment No. 234: Inserts section 5, proposed by the Senate, with reference to the use of motor-drawn and horse-drawn passenger-carrying vehicles for all branches of the public service.

The committee of conference have been unable to agree on the following amendments:

Amendment No. 1: On the amendment of the House to the amendment of the Senate providing for mileage of Senators at 5 cents per mile.

Amendment No. 20: Providing for the purchase of an automobile for the Speaker and the Vice President.

Amendment No. 30: Restoring the provision for mileage of Representatives according to existing law.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the adoption of the conference report.

Mr. RAINEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. RAINEY. I want to ask permission to amend this conference report.

The SPEAKER. The gentleman can not do it. The report will have to be adopted either as a whole or rejected as a whole.

Mr. RAINEY. Then I want to resist the motion. I ask for some time.

Mr. JOHNSON of South Carolina. How much time would the gentleman want?

Mr. RAINEY. I would like to have 20 minutes.

Mr. JOHNSON of South Carolina. I can not yield that much time.

The SPEAKER. How much time?

Mr. RAINEY. I ask for 20 minutes.

The SPEAKER. What does the gentleman from South Carolina [Mr. JOHNSON] say?

Mr. JOHNSON of South Carolina. I do not think we can spend that much time on it, Mr. Speaker. I am willing to yield 5 or 10 minutes to the gentleman.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] is recognized for 10 minutes.

Mr. RAINEY. Mr. Speaker, what I want to call attention to again is Senate amendment No. 212, which provides for commercial attachés. Now, the other day, when this was up, I offered an amendment to the section, and the amendment prevailed. When the original bill came up in the House of Representatives it had this section in it, and upon a point of order made by me it went out. What I contend is that these commercial attachés ought not only to be accredited by the Secretary of State, but, in accordance with custom and usage and the organic law, they ought to be appointed by him and ought to report to him. This amendment violates every principle recognized by every civilized Government in the world and recognized by this Government up to the present time. If it prevails, it means a larger appropriation for this purpose next year. The Department of State has few functions to discharge abroad now, except the functions that are diplomatic and which are discharged by our ministers, and in these days of wireless telegraphy and ocean cables even our ministers do not have much to do with diplomatic matters; at any rate, they are not allowed much discretion. Consuls exist for the purpose of attending to just these matters and few other matters. Now, if you take away from the Department of State the authority it has always had, if you permit these commercial attachés to act under the Secretary of Commerce and report to him, you not only duplicate work abroad but you impinge upon the Department of State, and the time will come in the near future when the Secretary of Commerce will be the premier of the national administration, and not the Secretary of State.

In the Secretary of State's office they have a sort of executive civil service, which they apply to consular offices, which works in an entirely satisfactory manner. They do not have it in the Department of Commerce, and this proposed Senate amendment provides that the Secretary of Commerce shall provide examinations for these trade attachés who are to travel in "joy rides" around the world. According to the arguments made in favor of this section the other day, their individual activities are to be limited to no particular section, but it gives to every one of them a secretary, with a salary of $1,500 a year, who is not to be appointed by virtue of even the examination provided in this very section. I rather think from the reading of this Senate amendment that the trade attachés are to be permitted to select their own secretaries.

Now, it seems to have become the custom nowadays in this House, and throughout the country, to gratuitously heap insults upon the Secretary of State. I do not mean that this is done in a personal way. What I mean is that there is a disposition to overlook this great department, to detract from it, and to underestimate its importance. Just the other day we refused the Secretary of State, who always under every administration is the hardest worked man in the Cabinet—and the present Secretary of State is no exception to the rule—a confidential secretary at $4,500 a year. Now, this committee stands for assistants, I do not know how many, and no man knows, to the Secretary of Commerce, for which we are to pay $100,000 a year. It is useless to say that these great departments are agreed upon this. I do not know whether they are or not. Even if the heads of these departments are agreed on this matter, that does not affect the merits of the proposition.

Now, let me read from the organic law establishing the Department of Commerce in 1903. I read from section 5:

All consular offices of the United States, including consuls general and consuls, and commercial agents—

That is what you are trying to appoint here—

are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to

the subjects enumerated in section 3 of this act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor.

Now, that is exactly what is being done now. Under the amendment I want to make to this, if I have a chance to make it—I have been refused that opportunity, however, by the committee—these attachés will be appointed if they are needed, and as many as are needed under the executive civil service observed there in the State Department, and they will report, just as the organic act now requires the commercial agents to report, to the Secretary of State, their reports to be transmitted to the Secretary of Commerce.

Mr. GOOD. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. GOOD. Is the gentleman aware of the fact that both the Secretary of State and the Secretary of Commerce are in complete accord on this provision—that it shall be as we have agreed upon?

Mr. RAINEY. I am not aware of that fact at all.

Mr. GOOD. The hearings show that the Secretary of State appeared before the committee and said that he was perfectly satisfied that appointments should be made by the Secretary of Commerce, and the only thing he suggested was that he thought he ought to have copies of some of the reports that were made to the Secretary of Commerce, so that there might be no conflict with regard to certain matters.

Mr. RAINEY. I suppose there is an effort to harmonize matters, but I do not care whether there is or not. I do not know how many Cabinet officers have consented to this arrangement. It is in violation of the organic law and of all the theories which have prevailed among the nations of the world for a thousand years. It means that in the future the Department of Commerce will be the great department in this Government. It minimizes the Department of State, and it violates every precedent this Government has followed from its foundation to the present time and every precedent which every civilized nation in the world has followed for centuries. I hope this report will be voted down. If it is, the House may get a chance afterwards to pass upon this question.

The SPEAKER. The question is on agreeing to the conference report.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. McCoy].

The SPEAKER. The gentleman from New Jersey [Mr. McCoy] is recognized for five minutes.

Mr. McCOY. Mr. Speaker, I had intended to present to the House certain facts which led up to the adoption by the Senate of this amendment as it now stands in the bill if I had had the time to get them into shape. Those facts, in brief, would show that this is a matter on which the Secretary of Commerce has been working for a year. They would show that many commercial bodies of the United States have approved of this scheme exactly as it is now presented. But I would not have taken the time even for that if it had not been for the remark of the gentleman from Illinois [Mr. Rainey], that the adoption of this amendment would be an insult to the Secretary of State.

Now, I want to say that I was one of the Members of the House who voted the other day to give to the Secretary of State an additional secretary whom he wanted at $4,500 a year; so that personally I have no disposition, I am sure, to insult the Secretary of State. But the statement of the gentleman from Illinois goes further than that. If his statement is true, and if his statement could be believed, that this is actually an insult or intended to be an insult to the Secretary of State, then it comes to this, that the Secretary of Commerce has intended by this matter and by the proposition herein contained to heap insult on the Secretary of State.

I do not believe that there is any Member of this House, and I do not believe that the gentleman from Illinois himself, would contend that the Secretary of Commerce had made a proposition for the purpose of insulting the Secretary of State.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Illinois?

Mr. McCOY. Certainly.

Mr. RAINEY. I am sorry that the gentleman misunderstood me. It was far from my intention to convey the impression that any member of this committee or any Member of this House intended to insult any member of the Cabinet. What I meant to say was that this amounts to an insult to this great department. If I was unfortunate in the use of terms, it is my fault. I want to acquit the gentleman from New Jersey of any such intention, and also to acquit every member of this committee and every Member of this House of any such intention; but that is in effect what it is. It is not a personal affront, but it is a challenge that takes away from the State Department powers that it has always had, and which the very organic act which I just read, establishing the Department of Commerce, concedes to it, and this in violation of that act.

Mr. McCOY. Mr. Speaker, I am glad to have the gentleman say that my interpretation of his remarks was wrong, for I think I know him well enough to believe that he would not really claim what I have stated. But I so understood what he said.

Now, the gentleman from Iowa [Mr. Good] has said that the Secretary of State and the Secretary of Commerce are practically in accord on this matter, and it is simply a well-advised attempt on the part of the Secretary of Commerce to build up the foreign commerce of the United States. I think that it would be a calamity if the Senate amendment were not adopted and if that work were not left in the hands of the man and to be worked out by the brain of the man who had the genius to conceive the whole scheme.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Illinois?

Mr. McCOY. I yield to the gentleman.

Mr. RAINEY. Does the gentleman think that it would be a calamity—the amendment I am seeking an opportunity to propose—which permits the appointment of these attachés in accordance with the custom and the existing law and prevents duplication? Does the gentleman think it would be a calamity to have this work done under the authority of the State Department as it has always been done heretofore?

Mr. McCOY. I would say to the gentleman that I think that he is utterly mistaken in believing that this particular work has ever been done by the State Department.

Mr. RAINEY. I am not mistaken. It has always been done. We do not get a particle of information from abroad upon which our tariffs are based that does not come through the Department of State.

Mr. McCOY. This plan is not for the purpose of getting information upon which to frame any tariff bill, but it is for the purpose of getting information by these especially qualified men to be given to the manufacturers of this country, so that they may know more thoroughly than they know to-day the conditions which prevail abroad in order that they may be able to meet those conditions and build up our foreign trade.

Mr. RAINEY. Mr. Speaker, will the gentleman permit another interruption?

Mr. McCOY. Certainly.

Mr. RAINEY. Is the gentleman aware of the fact that we now have a bureau in the State Department controlled by officials known as trade advisers, who are performing these same functions and who are transmitting the information and advice which they get from abroad to the Secretary of Commerce, based on this information from the Department of Commerce, then issues every day information in the form of a pamphlet or little magazine that is sent broadcast throughout the country?

Mr. McCOY. Yes; I know that the Bureau of Foreign and Domestic Commerce issues these daily bulletins.

Mr. RAINEY. Where do they get the information contained in them?

Mr. McCOY. Through the consuls. But I know, from information conveyed to me by the Secretary of Commerce, that this new scheme will not duplicate any work that is now being done, but that it will result in having special work done under the direction of the man who has thought out the plan along different lines from those that are now being followed, and for the sole benefit of the manufacturers of the United States who are now seeking and who have got to seek in the future more than they have done in the past foreign markets, and who therefore must be informed about the conditions of foreign markets.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. McCOY. Yes.

Mr. BYRNS of Tennessee. I want to say that there is absolutely no want of harmony between the State Department and the Commerce Department on this proposition.

Mr. McCOY. So I understand; and the matter has been worked out satisfactorily in every way to all the parties concerned. I do not see why there should be any hesitation at all when the people who are vitally interested—if you please to say that the Secretaries are vitally interested—why there should

be any hesitancy in the House and in the Senate in putting through a scheme to which nobody objects and which is designed to promote the public benefit.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Texas?

Mr. McCOY. Yes.

Mr. GARRETT of Texas. I understand the committee have been laboring in this matter for the purpose of expanding our trade abroad and developing the commerce of the country?

Mr. McCOY. Yes.

Mr. GARRETT of Texas. That is all right. But has the committee been looking after the sale of raw material—cotton and other things—sold to foreign countries? And what benefit will the farmers get if this project is put into effect?

Mr. McCOY. Of course similar benefit will accrue to the farmers.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN].

STATUE OF JOHN TYLER.

The SPEAKER. Before the gentleman from Illinois [Mr. MANN] begins the Chair announces as the committee to attend the unveiling of the statue of President John Tyler Messrs. MONTAGUE, FITZGERALD, BAKER, MANN, and MURDOCK.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The House resumed consideration of the conference report on the bill H. R. 15279, the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. First, I should like to express my thanks to the Speaker for the compliment just accorded me in naming the committee.

Mr. Speaker, there seems to be some controversy as to whether the action which has been taken by the conferees in restoring the Senate amendment and throwing out the House change is an insult to the Secretary of State. I take it that the Secretary of State will be able to swallow the insult without any difficulty. Here is an appropriation of $100 000 to allow the appointment of some commercial attachés without regard to the requirements of the civil-service law. In a way these are political jobs, very necessary at this time; and I have no doubt whatever that the Secretary of State, who has proven his ability in many directions, but in no direction more completely than in his efforts to secure patronage for his friends, will be able to swallow the insult and secure from the Secretary of Commerce his share of the jobs.

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Mississippi [Mr. HARRISON].

The SPEAKER pro tempore (Mr. UNDERWOOD). The gentleman from Mississippi is recognized for three minutes.

Mr. HARRISON. Mr. Speaker, I am sure that there has been no insult offered by any House amendment or by anyone in this House against the Secretary of State quite so great as the insult which has just been offered him by the gentleman from Illinois [Mr. MANN].

The enlargement of our foreign trade is too big a question for us to now quibble over as to who shall make the appointments in carrying on this important work. I am sure that there is entire harmony and understanding between the departments presided over by the Secretary of Commerce and the Secretary of State over this important matter. I think, by all means, it should come under the jurisdiction of the Secretary of Commerce. The function of building up and enlarging our foreign trade is inherently a function of the Department of Commerce. Already we have under that head a Bureau of Foreign and Domestic Commerce. That particular branch of the Commerce Department already has performed and is performing an important work. They have frequently sent out agents into foreign countries, and have gathered, published, and distributed data to the commercial and manufacturing interests of this country that has been of most wonderful benefit to them. I know it has had that effect in several instances in my section. The same thing is true of New England. The Commerce Department knows more about foreign commerce than the Department of State would know, it is more in line with their work, and this service that we now propose to inaugurate ought to be done in conjunction with the work now being done by the Bureau of Foreign and Domestic Commerce under the supervision of the Secretary of Commerce, and I am sure that the Secretary of State and the State Department will not accept it as an insult when we so provide. Being so enthusiastically for this service, I sincerely hope that the issue will not be beclouded over this minor contention, and that the Senate amendment and this report will be adopted.

Mr. MONDELL. Will the gentleman yield to me three minutes?

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I am glad that the conferees have adopted the Senate amendment in the form in which they have. I think these attachés should be under the Department of Commerce. I am not altogether certain that they will aid very much in restoring the dwindling commerce of the country, but at any rate it is our duty to make the effort. I think the gentleman from Illinois [Mr. RAINEY] is unduly disturbed with regard to the effect that this policy will have upon the standing of the Secretary of State. He seems to think that if the Secretary of Commerce is given authority to control these attachés, it will become a question as to who is premier in the foreign affairs of the country, the Secretary of State or the Secretary of Commerce. I hope it is not so bad as that. That question, as to who shall shine supreme in the foreign policy of the Government, the present Secretary of State or the present Secretary of Commerce, is an alternative that few of us would desire to be confronted with, much less to settle or decide. So I think it is better to assume that no reflection on the Secretary of State is intended in this matter, and that here is an attempt—I fear it will not be very helpful, but at least it is an attempt—to stem the dwindling of our foreign trade, and possibly to assist in restoring some of the trade which we have lost under this administration.

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I should not have had anything to say upon this proposition had it not been for the intimation that the adoption of this report would in effect be an insult to the Secretary of State and the great department of which he is the distinguished head.

As a member of the committee of conference I distinctly want to disclaim that the adoption of this report can possibly be so construed. I do not understand that there is the slightest difference between the two departments on this proposition or that the distinguished Secretary of State, for whom I have always had the highest personal admiration and esteem, either wishes or believes that these purely commercial attachés ought to be appointed by his department rather than by the Department of Commerce, which has to do with the matters with which they will have to deal. These attachés who are to be appointed under this provision are to have the duty of collecting information relative to markets and the supply and demand for our products abroad, in order that that information may be distributed among the manufacturers and commercial interests in this country, for the purpose of developing our foreign trade and supplying information as to the best foreign markets for our products. Their duties come peculiarly within the province of the Department of Commerce. In section 5 of the act organizing that department these duties, among others, are prescribed for that department: "To foster, promote, and develop the various manufacturing interests of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets; and by such other methods and means as may be prescribed by the Secretary or provided by law." Now these attachés are for the purpose of enabling the Secretary of Commerce to fully perform these duties, which are so important in the complete and full development of our foreign-trade interests.

The gentleman from Illinois [Mr. MANN] has intimated that these positions are political. I want to say that those who know the distinguished and highly efficient Secretary of Commerce will rest assured that he will choose the very best men he can get for these positions after the most careful and painstaking investigation. I hope that the conference report will be adopted.

Mr. RAINEY. Mr. Speaker, may I have two minutes?

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, a moment ago I read from the organic law creating the Department of Commerce, which expressly forbids this very thing. Now, I want to read from the debates which occurred in the Senate when the original act was passed creating the Department of Commerce. On the 16th day of January, 1902 (pages 725–726 of the CONGRESSIONAL RECORD), the original act as presented to the Senate provided for the

appointment of these trade attachés, or commercial agents as they are called in the original act, just as is now sought to be done by this Senate amendment. This is the debate that occurred at that time:

[From the CONGRESSIONAL RECORD, Senate, Jan. 16, 1902, pp. 725–726.]

IN THE MATTER OF SENATE BILL 569, TO ESTABLISH THE DEPARTMENT OF COMMERCE.

Mr. LODGE. I desire to offer two or three small amendments, all of which have a common purpose, and that purpose is, to leave it within the control of the State Department to separate in the consular correspondence those portions which are diplomatic and political from those which are commercial, so that the commercial part may all be transferred to the Department of Commerce, but that any thing diplomatic or political shall be retained in the State Department. That work, of course, must be done in that department, in my opinion.

I shall offer a further amendment at the end of the bill providing for an officer in the State Department to take charge of that specific work, which * * * it is my proposition to transfer to the new department.

In line 6, section 5, page 5, after the words "Secretary of," I move to strike out "Commerce" and insert "State," so that the consuls, etc., shall act under the direction of the Secretary of State. It seems to me it is improper for them to have two masters.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 5, section 5, line 6, after the words "Secretary of," it is proposed to strike out "Commerce" and insert "State," so as to read:

"And all consular officers of the United States, including consul generals, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to the commerce, industries, and markets of the countries and places to which such consular officers are accredited.

Mr. NELSON. There is no objection to the amendment.

The amendment was agreed to.

Mr. LODGE. In the same section, on page 5, line 10, after the words "to send," I move to insert "under the direction of the Secretary of State," so as to read:

"To send, under the direction of the Secretary of State, reports quarterly, or oftener if required," etc.

The amendment was agreed to.

Mr. LODGE. And the Secretary of State, as I understand, needs somebody to do the work which the bill imposes on his department; that is, to go over all these consular reports, separate the commercial part and send it to the new department, and also to transmit to the consuls their instructions, the object being to retain the work of editing the consular reports in the State Department, which I think is very essential, because that is the diplomatic and political department.

Mr. BACON. I quite agree with the Senator.

Mr. HALE. Mr. President, somewhere in the bill that I saw as originally reported was a provision that our consuls at foreign ports should report to the Secretary of this new department.

Mr. SPOONER. That is on page 5.

Mr. HALE. That seemed to me to be faulty. Now, if the object of the Senator from Massachusetts is to cure that defect, he has in view precisely what I had, as to which I proposed to offer an amendment—that instead of the consular officers, who are officers of the State Department and appointed by the State Department, as they ought to be, and reporting to the State Department, as it seems to me they ought to do, the provision originally, as I understood it, was that they should have a divided allegiance and report directly to another department, which seemed to me not a good thing to do.

Mr. LODGE. On page 5 the bill has been so amended as to read:

"And all consular officers of the United States, including consul generals, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State"——

Mr. HALE. That is the provision to which I allude.

Mr. LODGE. The Senate has stricken out the word "commerce" and inserted the word "State," so as to read "Secretary of State." I am reading the provision as it has been amended.

Mr. HALE. That is proper.

Mr. LODGE. The clause continues—

"to gather and compile, from time to time, upon the request of the Secretary of Commerce, useful and material information and statistics in respect to the commerce, industries, and markets of the countries and places to which such consular officers are accredited"—

And so forth, so that it relieves them from two masters.

Mr. HALE. And does not in any way impair or undermine either the duties or dignities of the office of Secretary of State?

Mr. LODGE. Certainly not.

Mr. HALE. I think that ought to be done.

Mr. LODGE. It leaves him entirely in control of the Consular Service, as he ought to be, and authorizes the Secretary of the new Department of Commerce to say, "I want such and such information," and then the Department of State transmits it to the Department of Commerce. This is to permit an officer to do the work of editing and separating the consular reports.

Mr. HALE. I think, then, the bill has been very greatly improved. The State Department has not much real business to do, except in relation to the Consular Service. The diplomatic part—the part that is performed by ambassadors, ministers, and ministers resident—is more a matter of negotiation, which is ordinarily done outside of these offices; but the time when the State Department touches real business, the transaction of business of commerce in relation to which our citizens abroad have any interest, all comes under the Consular Service. * * * I should not, for one, be willing to consent that the duties of the Secretary of State or his responsibilities or his dignity should be impaired.

[Page 763.]

Mr. NELSON. The bill was originally in a form that required all consular officers to make reports relating to commercial matters directly to the Department of Commerce. The Senator from Massachusetts [Mr. LODGE], after conferring with the State Department, came to the conclusion that oftentimes in consular reports diplomatic matters, or matters of quasi diplomatic character, were mixed with commercial matters, and therefore in order not to get the two confounded those commercial reports from consuls should first be sent to the State Department and edited by that department before being sent to the Department of Commerce. That is the object, and this amendment was drawn in harmony with that view.

Mr. SPOONER. I am obliged to the Senator for calling my attention to the amendment. I was not aware of it. It has put the language in a form which makes it altogether acceptable to me.

And as a result of the above discussion the law was framed as it now is. And this is an attempt to amend the original act establishing the Department of Commerce by restoring the matter which was stricken out at that time. It is a long step backward, and a most dangerous step to take. It will lead to tremendous confusion in the future. The time will come when, in order to avoid conflict between these great departments, you will be compelled to take away from the State Department a very large portion of the functions it now performs. Trade attachés are provided by other Governments; but they always act through and under and report to the departments of state of the several Governments employing this method of looking after matters of foreign trade.

Mr. JOHNSON of South Carolina. Mr. Speaker, we are not undertaking to deprive the State Department of any authority that it now possesses. We are not undertaking to deprive the consular office of any of its privileges. We are providing in this bill a new method, an additional method of building up our foreign commerce. This plan has been carefully worked out by the Secretary of Commerce, and it has been discussed by the Secretary of Commerce and the Secretary of State. There is no conflict whatever between them. The bill has been agreed upon in conference, and is the same as was agreed upon by the Committee on Appropriations in the first instance. This being legislation, it was subject to a point of order and went out on a point of order. The Senate restored the provision in the exact language that the House had originally reported it. I think that this language is the proper language. The authority is placed under the proper Secretary, and I believe the plan now inaugurated will be of great benefit to the foreign commerce of the United States.

Mr. FITZGERALD. Mr. Speaker, this matter was carefully looked into by the committee. The attachés, or agents, are not to perform any diplomatic service whatever. The purpose is to enable the Government, so far as it properly may, to appoint agents to aid in the development of trade between the United States and foreign countries.

Mr. RAINEY. Will the gentleman yield?

Mr. FITZGERALD. No; I can not yield; I have only two minutes. I asked some questions in regard to the matter under investigation to ascertain whether there would be a conflict or impropriety in these agents being appointed by the Secretary of Commerce, and I made my inquiries of the Secretary of State. These estimates originated in the Department of Commerce. They were submitted to the President and were adopted by him as a part of the work to be done by this administration in making possible the development of a wider field and a wider market abroad for the products of the United States. I consulted the Secretary of State, and he believed that there was not any infringement on his jurisdiction. It is not the kind of work to be done, or such as should be done, by employees under the Department of State.

Before the Department of Commerce and Labor was created the Department of State had undertaken to do some of this work because there was no other regularly constituted branch of the Government service by which it could be done. The Committee on Appropriations, with the approval of Congress, has endeavored to properly segregate these duties which belong to the Department of Commerce and those which belong to the Department of State. It has endeavored to confine to the Department of State the duties which are peculiarly those of a diplomatic character and which belong to the Department of State, and to confine to the Department of Commerce those peculiar duties which will result in the proper encouragement and legitimate development of the commerce of the United States through governmental instrumentality, both at home and abroad. The amendment agreed upon in conference carries out this purpose, and I hope that the conference report will be adopted.

Mr. MURDOCK. Mr. Speaker, before action is taken——

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Kansas.

Mr. MURDOCK. Are the questions of mileage and automobiles still in disagreement?

Mr. JOHNSON of South Carolina. They are still in disagreement.

Mr. MURDOCK. And the adoption of this report does not affect those at all?

Mr. JOHNSON of South Carolina. No.

The SPEAKER pro tempore (Mr. UNDERWOOD). The question is on the adoption of the conference report.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—53 ayes and 13 noes.

So the conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, that disposes of all matters in the legislative bill except three Senate amendments, No. 1, No. 20, and No. 30. Nos. 1 and 30 deal with the mileage proposition and 20 deals with the automobiles. In order to get the matter before the House, I ask unanimous consent to consider amendments 1 and 30 together.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that amendments 1 and 30 be considered together. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendments No. 1 and No. 30.

The question was taken, and the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, amendment No. 20 deals with automobiles for the Vice President and the Speaker of the House. I move that the House further insist on its disagreement to Senate amendment No. 20.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment No. 20.

Mr. GOOD. Mr. Speaker, I rise to make a preferential motion. I move that the House recede from its disagreement to Senate amendment No. 20 and concur in the same.

Mr. JOHNSON of South Carolina. Does the gentleman desire any time?

Mr. GOOD. About three minutes.

Mr. JOHNSON of South Carolina. I yield to the gentleman three minutes.

Mr. GOOD. Mr. Speaker, when this matter was before the House the other day I made some statement in regard to what I believe was the true situation so far as the Vice President was concerned. Following that statement there was some acrimonious debate in regard to the matter in which it was suggested that I had put the Vice President in a false light. I have since that time made some inquiry, and I believe the situation was just as I stated the other day—that while the Vice President will not ask, or, as was said on the floor of the House, lobby for this automobile, that when he is consulted in regard to the item he has no hesitancy in saying that the appropriation ought to be made. I think I am authorized by the other conferees on the part of the House to say that the Senate conferees insist upon their amendment. They insist that so far as the Senate is concerned there shall be an appropriation to give the Vice President of the United States a respectable conveyance in the way of an automobile, and they insist that the automobile that he has at the present time, which was purchased in 1909, is not a respectable conveyance. I believe this amendment ought to be agreed to without question. The Senate should not and will not yield so far as this item is concerned.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. GRAY], and I want to say that this question has been very thoroughly discussed and I think the Members all have their minds made up, and I hope we will then have a vote.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield for a question before he yields to the gentleman from Indiana?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. Are these two items the only two things that are keeping back the enactment of this bill into law?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. This is the last day of the fiscal year, and if these items are agreed to the bill will become a law to-day?

Mr. JOHNSON of South Carolina. Yes. I yield three minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Speaker, four years ago, in 1910, the Democrats of this House voted en masse against automobiles for the Speaker and Vice President. Mr. CLARK, now Speaker, voted against them. Mr. UNDERWOOD, now majority leader, voted against them. All of the Democrats voted against them. They denounced and condemned the appropriations for these automobiles; denounced them as a wanton waste of the public funds, as a criminal extravagance with the people's money. They made these appropriations a campaign issue. They went to the people upon that issue. Why is it that what was then a criminal waste of public funds in 1910 is justifiable to-day? I want the Democrats who have come into the House since that time to understand this change of front—the position then and now. I want you to understand that this vote is a test of Democratic consistency; that this vote is a test of Democratic sincerity [applause]; that this vote is a test of Democratic honesty to voters; that this vote is a test of Democratic good faith to the people. [Applause.]

It is not what men promise they will do before they go into office, nor what they declare they stand for afterwards, but the test of sincerity is what they do when they are clothed with power and authority. We are clothed with power and authority to-day, and constancy, sincerity, honesty, and good faith demand that we vote now for what we declared for and promised the people then. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOWLER], and then I hope that we may be able to have a vote upon this.

Mr. FOWLER. Mr. Speaker, on the 24th of this month the New York Sun, in commenting on what was done in the House with this question a few days ago, made the following reference to what I said at that time:

> Mr. FOWLER intimated that it was his solemn belief that the automobile was a device of the devil—
>
> [Laughter]—
>
> and that there was something inherently wrong with men who used them.

This statement is in keeping with the long-established policy of this paper. It rarely stumbles on the truth. [Laughter.]

Mr. Speaker, while I have no prejudice against the automobile, and while I never have intimated in my life that it originated in sin, and while I did not say what the Sun has unjustly attributed to me, yet I am ready to say now that some men who operate the automobile are akin to the devil, if the press reports of their inhuman, reckless, and criminal conduct are true. The evil does not lie in the automobile as a vehicle, but it results from its unlawful and criminal use. [Laughter and applause.]

Mr. Speaker, according to statistics 1,613 poor pedestrians lost their lives during the year 1913 on account of the reckless use of the automobile, and 6,733 people sustained injuries. The following is a list of fatalities resulting from disasters in this country during last year, 1913, as reported by the Chicago Tribune of December 30, 1913:

Loss of life by disasters during the year 1913.

By drowning	7,128
In mines	2,229
By automobiles	1,613
By fires	1,015
By cyclones and storms	628
By explosions	561
By electricity	251
By asphyxiation	225
By lightning	186
By elevators	85

This table shows that more people lost their lives in this country last year by the use of automobiles than resulted from explosions, electricity, lightning, elevators, and asphyxiation, and the most serious feature about the whole matter is the rapid increase of deaths and injuries from this source—702 people lost their lives from automobile injuries in 1911, 1,317 in 1912, and 1,613 in 1913. The death rate more than doubled in two years. The following figures show that the injuries have more than doubled during the last two years:

Injuries.

[From the Chicago Tribune, December 20, 1913.]

By automobiles in 1911	3,329
By automobiles in 1912	5,756
By automobiles in 1913	6,733

Street fatalities in New York.

[From New York Times.]

	1911	1912	1913
By automobiles	142	221	302
By trollies	109	134	108
By wagons	172	177	170
Total	423	532	580

Highway killings.

[From New York Times.]

	1911	1912	1913
By automobiles	132	127	144
By trolleys	67	79	79
By wagons	31	28	32
Total	230	234	260

Number of automobile accidents in New York for 1913, 1,485; number of arrests made, 62, or 1 in every 25, while in 1 acci-

dent out of every 15 the driver ran away without giving aid to the injured or disclosing his identity. One hundred and two such cases occurred in New York City in 1913, which is an average of more than 2 a week, notwithstanding it is a felony to escape in such an unmanly and inhuman way.

Mr. Speaker, the New York Times of February 8, 1914, states that the National Highway Protective Society reports the following to be the rate of automobile fatalities for 1913 in some of the large cities in the world:

AUTOMOBILE FATALITIES.

Los Angeles, Cal., 153 to the 1,000,000.
Atlantic City, 87 to the 1,000,000.
Utica, N. Y., 70 to the 1,000,000.
New York City, 64 to the 1,000,000.
London's rate for 1912, 46 to the 1,000,000.
Berlin, 23 to the 1,000,000.
Paris, 27 to the 1,000,000.
Vienna, 3 to the 1,000,000
Glascow, 12 to the 1,000,000.

The death rate in the cities is large and the death rate in the small towns and in the country is small. This is true only in some cases, as in New York the rural death rate is 27 to the 1,000,000, while in New Jersey the rate is 50 to the 1,000,000. The rate for the entire State of New York is 50 to the 1,000,000, and New Jersey 44 to the 1,000,000.

DEATHS.

By street cars in New York, 23 to the 1,000,000.
By wagons in New York, 38 to the 1,000,000.
By street cars in Buffalo, 47 to the 1,000,000.
By street cars in Albany, 40 to the 1,000,000.
Atlantic City had no deaths by street cars or wagons.

Rate of deaths in the whole State by street cars in New York was 2 to the 1,000,000, as compared to 11 in New Jersey.

New York death rate by wagons, 22 to the 1,000,000.

New Jersey death rate by wagons, 10 to the 1,000,000.

Death rate by street cars, 1912, London, 5 to the 1,000,000; Paris, 25 to the 1,000,000.

Death rate by wagons, 1912, London, 24 to the 1,000,000; Paris, 16 to the 1,000,000.

Mr. Speaker, these tables reveal a recklessness in the use of the automobile which is sufficient to either condemn its use or to justify the regulation of its use by law. The wagon is used for commercial purposes, chiefly, and far more universal than the automobile, yet death and injury is much more frequent from the use of the automobile. The death rate from automobiles in America is much higher than in Europe. This undoubtedly results from the haughty practices of the rich in speeding their cars at a high rate, regardless of the evil results. Their criminal conduct is such that the poor footpad is in constant danger of losing his life while on the roads or streets. They get off by small fines in court instead of long terms in the penitentiary. A good conviction for murder is what they often deserve.

Mr. Speaker, there is a prejudice against the automobile which has its origin in the abuse of its use by the reckless, idle rich, and it will be a long time before it dies out. We have much need for the automobile, but it must respect the rights of the common people and conform its use to the good of the public.

Mr. Speaker, I have no objection whatever to a decent use of an automobile, but I have opposition to the way in which it is proposed to pay for the two provided for in this bill. I stand for the Treasury of my country, and I am not in favor of going down into the pockets of the people of my district and of my country to pay for automobiles for other men to ride in. I understand the Vice President of the United States has an automobile at the expense of the people of this country. If it is not good enough and fine enough for him, let him buy one for himself and pay for it. I understand the Speaker does not want one. The great danger to our Treasury lies in the precedent of buying an automobile for any officer of the Government. You give one to the President, one to the Vice President, and one to the Speaker at public expense, and then to be consistent you must give one to the head of every department of this Government, and then will follow an excuse for one for every head of all the bureaus and divisions of the departments of Government. And after a while Members of Congress will be asking for one for each Member. [Applause and cheers.] That will probably not be the end of it, Mr. Speaker. We have 400,000 employees in this Government, and each of them is as much entitled to an automobile as the Members on the floor of this House [cries of "Oh, no!" "Oh, no!"] or the heads of divisions and bureaus. Oh, yes; whenever anybody talks of favors for the poor man, or a square deal for him, you give him the horselaugh. [Applause and cheers.] Shame on such conduct. We should render to Cæsar what is due Cæsar and no more, and we ought to give to labor what is due labor, the same as we do to capital. At each extravagant step, I imagine I can hear the Treasury of my country shouting "Bankruptcy! Bankruptcy!" "My country, 'tis of thee, sweet land of liberty, of thee I sing."

Mr. Speaker, if this House votes for this extravagance I hope it will be known to every voter in this land. Every man who votes for it will have to go on record unless there is a quorum here or unless I should fail to get a sufficient number to stand up on my demand for the yeas and nays.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I will ask the gentleman from South Carolina to yield to me for five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois, and I ask unanimous consent that at the conclusion of that time the previous question shall be considered as ordered.

Mr. GARNER. Oh, just one moment. The gentleman from Illinois is going to speak for five minutes, and I think the gentleman from South Carolina ought to reserve some time for himself.

The SPEAKER pro tempore. Does the gentleman withdraw his request?

Mr. JOHNSON of South Carolina. Yes.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, two years ago about this time there was gathering over at Baltimore the advance guard of the Democratic national convention. Among the great men who were being considered for the nomination for the Presidency by that convention was the then and present Speaker of this House. Everyone knows that at one time in that convention CHAMP CLARK had received a majority of all the votes in the convention, and that that majority continued on nine roll calls.

Under every other circumstance except the peculiar rule of the Democratic convention that majority would have nominated Mr. CLARK for the Presidency, and if nominated he would have been elected. [Applause.] I do not propose to draw any comparison between our Speaker and the present President of the United States, for both of whom I entertain profound respect, but it is fair to say that if CHAMP CLARK had been nominated and elected President of the United States we would all have been proud of him in that position. [Applause.] He was defeated for the Presidency by the old-fashioned and to me peculiar rule of the Democratic convention. But it is not my intention to express any opinion concerning the merits or demerits of the rule—that is for the Democratic Party to determine—but it was a peculiar thing that with the great majority of the chiefs of the party present, with almost a certainty of success in advance, I think, that the man who could secure a majority of the votes, ballot after ballot, was in the end defeated for the nomination. This House made what reparation it could in the reelection of CHAMP CLARK [applause] as its Speaker. I think he makes a great Speaker [applause]; that he considers the duties of his office impartially, above partisan advantage; that he brings to that office great ability, great patience, great good nature, and great statesmanship. [Applause.] I believe we ought to make him a slight recognition of his great ability as Speaker of this House, remembering, as we may, that but for a chance he would now be the President of the United States, enjoying the privilege of many automobiles and privileges in many other directions. I think the people will be prouder of us if we show our faith and our pride in him and give him an automobile. [Loud applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question recurs on the motion of the gentleman from Iowa, who moves that the House recede and concur in the Senate amendment.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. FOWLER. Mr. Speaker, I ask for a division—to save time. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and sixty Members are present, not a quorum. The Doorkeeper——

Mr. MANN. I suggest that some gentleman move a call of the House.

Mr. GARNER. We are dividing on the question.

Mr. MANN. No; we are not.

The SPEAKER pro tempore. The question was taken, and the Chair announced the ayes seemed to have it. Thereupon the gentleman from Illinois [Mr. FOWLER] first demanded a division and then made the point of order there was no quorum present, and the Chair rules that is a division of the House. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. DONOVAN. Mr. Speaker, I suggest, in view of what took place the other day, we ought to have order here in order to obviate a repetition of what then occurred. Gentlemen should take their seats and not roam around here as they are doing.

The SPEAKER pro tempore. The House will be in order.

Mr. HAMLIN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. HAMLIN. For a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HAMLIN. Is this vote on the motion made by the gentleman from Iowa?

The SPEAKER pro tempore. The proposition before the House is Senate amendment No. 20, which provides for an automobile for the Speaker and for the Vice President. The House had heretofore disagreed to the amendment, and the gentleman from Iowa now moves to recede and concur in the Senate amendment, and a vote of "aye" is in favor of the amendment.

The question was taken, and there were—yeas 138, nays 120, answered "present" 7, not voting 168, as follows:

YEAS—138.

Aiken	Evans	Kahn	Raker
Allen	Fairchild	Keister	Reed
Ansberry	Farr	Kelley, Mich.	Riordan
Avis	Ferris	Kennedy, Conn.	Roberts, Nev.
Bell, Cal.	Fess	Kennedy, Iowa	Rogers
Booher	FitzHenry	Kent	Scott
Brittea	Flood, Va.	Kettner	Seldomridge
Brodbeck	Fordney	Kinkaid, Nebr.	Sharp
Broussard	Francis	Kirkpatrick	Sinnott
Brown, N. Y.	French	Lee, Ga.	Smith, Idaho
Brown, W. Va.	Gallagher	Lee, Pa.	Smith, Minn.
Buchanan, Ill.	Gallivan	Lenroot	Sparkman
Bulkley	Gardner	Logue	Stafford
Burgess	Gillett	McCoy	Stephens, Cal.
Burke, S. Dak.	Gilmore	McKellar	Stevens, Minn.
Burke, Wis.	Glass	McLaughlin	Stout
Campbell	Goeke	Mann	Talbott, Md.
Carter	Good	Miller	Taylor, Colo.
Chandler, N. Y.	Green, Iowa	Mitchell	Taylor, N. Y.
Church	Greene, Mass.	Mondell	Ten Eyck
Clark, Fla.	Gregg	Montague	Towner
Cline	Harris	Moore	Townsend
Conry	Hart	Morrison	Treadway
Cramton	Hawley	Murray, Mass.	Tuttle
Curry	Hay	Murray, Okla.	Underhill
Danforth	Hayden	Neely, W. Va.	Vare
Davis	Hayes	Nolan, J. I.	Vollmer
Difenderfer	Heflin	Patton, Pa.	Volstead
Donohoe	Helgesen	Payne	Walsh
Drukker	Holland	Peters, Mass.	Watson
Dunn	Howell	Phelan	Whaley
Dupré	Hughes, Ga.	Platt	Winslow
Edmonds	Humphrey, Wash.	Pou	Woodruff
Esch	Igoe	Ragsdale	
Estopinal	Johnson, Utah	Rainey	

NAYS—120.

Abercrombie	Dickinson	Houston	Rayburn
Adair	Dillon	Hull	Rouse
Adamson	Dixon	Jacoway	Rubey
Alexander	Donovan	Johnson, Ky.	Rucker
Ashbrook	Doolittle	Johnson, S. C.	Russell
Aswell	Doughton	Keating	Sabath
Bailey	Elder	Key, Ohio	Sims
Baltz	Faison	Kindel	Sisson
Barkley	Falconer	Kitchin	Small
Barton	Fergusson	Konop	Smith, Saml. W.
Bathrick	Fitzgerald	La Follette	Steenerson
Beakes	Foster	Lever	Stephens, Miss.
Borchers	Fowler	Lindbergh	Stephens, Tex.
Bowdle	Frear	Lloyd	Stevens, N. H.
Brockson	Gard	Lonergan	Stone
Bryan	Garner	MacDonald	Sutherland
Buchanan, Tex.	Garrett, Tenn.	Maguire, Nebr.	Switzer
Burnett	Garrett, Tex.	Mapes	Talcott, N. Y.
Byrnes, S. C.	Goodwin, Ark.	Moon	Tavenner
Byrns, Tenn.	Graham, Ill.	Morgan, Okla.	Taylor, Ark.
Candler, Miss.	Gray	Murdock	Thacher
Caraway	Hamilton, Mich.	Nelson	Thompson, Okla.
Carr	Hamlin	O'Hair	Thomson, Ill.
Claypool	Hardy	Oldfield	Tribble
Collier	Harrison	Padgett	Underwood
Connelly, Kans.	Haugen	Page, N. C.	Walker
Cooper	Helm	Palmer	Watkins
Cox	Helvering	Park	Williams
Cullop	Hensley	Quin	Wingo
Dent	Hinebaugh	Rauch	Woods

ANSWERED "PRESENT"—7.

Blackmon	Connolly, Iowa	Sloan	Willis
Butler	Prouty	Taylor, Ala.	

NOT VOTING—168.

Ainey	Edwards	Langham	Plumley
Anderson	Fields	Langley	Porter
Anthony	Finley	Lazaro	Post
Austin	Floyd, Ark.	L'Engle	Powers
Baker	George	Lesher	Reilly, Conn.
Barchfeld	Gerry	Levy	Reilly, Wis.
Barnhart	Gill	Lewis, Md.	Roberts, Mass.
Bartholdt	Gittins	Lewis, Pa.	Rothermel
Bartlett	Godwin, N. C.	Lieb	Rupley
Beall, Tex.	Goldfogle	Lindquist	Saunders
Bell, Ga.	Gordon	Linthicum	Scully
Borland	Gorman	Lobeck	Sells
Browne, Wis.	Goulden	Loft	Shackleford
Browning	Graham, Pa.	McAndrews	Sherley
Bruckner	Greene, Vt.	McClellan	Sherwood
Brumbaugh	Griest	McDermott	Shreve
Burke, Pa.	Griffin	McGillicuddy	Slayden
Calder	Gudger	McGuire, Okla.	Slemp
Callaway	Guernsey	McKenzie	Smith, J. M. C.
Cantor	Hamill	Madden	Smith, Md.
Cantrill	Hamilton, N. Y.	Mahan	Smith, N. Y.
Carew	Hammond	Maher	Smith, Tex.
Carlin	Hardwick	Manahan	Stanley
Cary	Henry	Martin	Stedman
Casey	Hill	Merritt	Stephens, Nebr.
Clancy	Hinds	Metz	Stringer
Coady	Hobson	Morgan, La.	Sumners
Copley	Howard	Morin	Taggart
Covington	Hoxworth	Moss, Ind.	Temple
Crisp	Hughes, W. Va.	Moss, W. Va.	Thomas
Crosser	Hulings	Mott	Vaughan
Dale	Humphreys, Miss.	Neeley, Kans.	Wallin
Davenport	Johnson, Wash.	Norton	Walters
Decker	Jones	O'Brien	Weaver
Deitrick	Kelly, Pa.	Oglesby	Webb
Dershem	Kennedy, R. I.	O'Leary	Whitacre
Dies	Kiess, Pa.	O'Shaunessy	White
Dooling	Kinkead, N. J.	Paige, Mass.	Wilson, Fla.
Doremus	Knowland, J. R.	Parker	Wilson, N. Y.
Driscoll	Korbly	Patten, N. Y.	Witherspoon
Eagan	Kreider	Peters, Me.	Young, N. Dak.
Eagle	Lafferty	Peterson	Young, Tex.

So the motion to recede and concur was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. OGLESBY with Mr. PROUTY.

Mr. SAUNDERS with Mr. PORTER.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. PATTEN of New York with Mr. NORTON.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. LOBECK with Mr. MORIN.

Mr. HOWARD with Mr. MERRITT.

Mr. VAUGHAN with Mr. SHREVE.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. LEVY with Mr. POWERS.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BLACKMON with Mr. AUSTIN.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. BARNHART with Mr. ANDERSON.

Mr. CALLAWAY with Mr. ANTHONY.

Mr. BELL of Georgia with Mr. GRAHAM of Pennsylvania.

Mr. CARLIN with Mr. BARCHFELD.

Mr. CASEY with Mr. BROWNE of Wisconsin.

Mr. COADY with Mr. CARY.

Mr. DIES with Mr. PLUMLEY.

Mr. FINLEY with Mr. HULINGS.

Mr. GODWIN of North Carolina with Mr. JOHNSON of Washington.

Mr. GORDON with Mr. KELLY of Pennsylvania.

Mr. GORMAN with Mr. KIESS of Pennsylvania.

Mr. LAZARO with Mr. PARKER.

Mr. LESHER with Mr. MCGUIRE of Oklahoma.

Mr. LINTHICUM with Mr. MCKENZIE.
Mr. MCCLELLAN with Mr. RUPLEY.
Mr. REILLY of Connecticut with Mr. SELLS.
Mr. SHERLEY with Mr. MADDEN.
Mr. SHERWOOD with Mr MANAHAN.
Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.
Mr. STRINGER with Mr. SLEMP.
Mr. THOMAS with Mr. WALTERS.
Mr. WILSON of Florida with Mr. TEMPLE.
Mr. WEBB with Mr. CALDER.

Mr. SLOAN. Mr. Speaker, I am paired with the gentleman from Oklahoma, Mr. WEAVER. I believe I voted "yea," and I wish to change my vote and vote "present."

The name of Mr. SLOAN was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, I have a general pair with the gentleman from Georgia, Mr. BARTLETT. I would like to withdraw my vote of "yea" and vote "present."

The name of Mr. BUTLER was called, and he answered "Present."

The SPEAKER pro tempore. On this vote the yeas are 138, nays 120, answered "present" 7—a quorum. The motion is agreed to.

The Doorkeeper will open the doors.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to change the form of the motion that I made a while ago on amendment No. 1. I moved that the House further insist on its disagreement. The House had amended the amendment of the Senate, and the form of the motion should have been that I move that the House further insist upon the amendment of the House to the amendment of the Senate.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to correct the motion that was made by him a few minutes ago in the way in which he has indicated. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I move that the House ask for a conference with the Senate upon the remaining amendments.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House ask a further conference with the Senate.

The motion was agreed to.

The SPEAKER pro tempore announced the following conferees:

Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the trade attachés.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks made this afternoon on the pending bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent to extend by remarks in the RECORD on the subject of automobiles.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to extend his remarks in the RECORD on the subject of automobiles. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had still further insisted upon its amendments to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, numbered 28, 31, 226, and 227, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER as the conferees on the part of the Senate.

AMENDMENT OF GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053, a bill to amend the act regulating the construction of dams on navigable streams.

The SPEAKER pro tempore. The gentleman from Georgia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053——

Mr. ADAMSON. And pending that motion, I do not wish to undertake to limit debate at this time. I prefer to proceed a while and ascertain the temper and desire of the House on the subject. At present, I would like to ask unanimous consent that the control of whatever time we do consume may be equally divided between the gentleman from Minnesota [Mr. STEVENS] and myself, with the assurance to all gentlemen who wish in any way, wholly or partially, to antagonize the bill, that on this side of the House they shall have perfectly fair treatment in the yielding of time; and I think they will on the other side.

The SPEAKER pro tempore. The gentleman from Georgia, pending the motion that the House resolve itself into the Committee of the Whole House on the state of the Union, requests that general debate on the bill in Committee of the Whole be controlled by himself on one side and the gentleman from Minnesota [Mr. STEVENS] on the other side, the time to be equally divided. Is there objection?

Mr. FERRIS. Reserving the right to object, I want to make an inquiry. Would the gentleman from Georgia, in the event that it developed that certain of us would want to make some objections to this bill, and in the event we can not agree on some amendments that seem important to us, as I understand it, yield part of the time to one opposing the bill?

Mr. ADAMSON. Any gentleman on this side of the House, without regard to his position or views, will have perfectly fair treatment.

Mr. FERRIS. So I anticipated. Of course, it is true as the matter now stands, that the gentleman from Minnesota [Mr. STEVENS] and the gentleman in charge of the bill are both favorable to the bill.

Mr. ADAMSON. The gentleman from Minnesota can speak for himself on the subject. The gentleman from Oklahoma [Mr. FERRIS] knows that he can get consideration from me.

Mr. FERRIS. I so understood it; but there are others who thought they might have some objection to the bill, and, in the event they had, did not want to be precluded.

Mr. ADAMSON. If I was as smart as I am fair, I would be a wonder. [Laughter.]

Mr. MURDOCK. If the gentleman from Minnesota [Mr. STEVENS] is not able to yield sufficient time, can we depend on the gentleman from Georgia for time?

Mr. ADAMSON. If the liberality of the gentleman from Minnesota should unexpectedly fail, I will stand his security to take care of my friend from Kansas [Mr. MURDOCK].

Mr. MURDOCK. If his supply of time should fail.

Mr. ADAMSON. Of course, the time may be cut short; but I am not going to insist on it until everybody has a reasonably fair chance.

Mr. STEVENS of Minnesota. Mr. Speaker, I desire to ask the gentleman from Georgia [Mr. ADAMSON] if there will be any objection in the course of the general debate to speeches which will not be confined to the bill?

Mr. ADAMSON. Mr. Speaker, speaking for myself, I would prefer that, inasmuch as there are so many people wanting to say so much about the bill, we confine the debate to the bill; but I do not know of any way to do it under the rule in the Committee of the Whole.

Mr. LENROOT. Reserving the right to object, may I not suggest that we have this understanding, that during the first portion of the debate, at least, the time will be yielded to those who wish to speak on the bill, so that Members may have an opportunity to get acquainted with the bill itself?

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Georgia [Mr. ADAMSON] to the fact that on a bill of this kind in the Committee of the Whole any gentleman who attempts to address the committee and not speak to the bill will have his speech subject to a point of order.

Mr. ADAMSON. I am glad the Speaker rules so, and I do not think I will consent to vary it.

Mr. GARDNER. Mr. Speaker, if the Speaker will allow me to say it, I think the Speaker is making a mistake as to the usual custom. The point of order lies in Committee of the Whole and not in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The Chair will not attempt to decide the question, because that is a question for the determination of the Chairman of the Committee of the Whole House on the state of the Union, and I think the latitude in debate is confined to revenue bills and general appropriation bills.

Mr. ADAMSON. Mr. Speaker, the suggestion of my friend from Wisconsin [Mr. LENROOT] is that during the first hours of the debate we shall stick to the bill.

Mr. STEVENS of Minnesota. Mr. Speaker, I desire to save time, but I have had quite a number of inquiries from gentlemen who desire to speak on general subjects. I think the suggestion of the gentleman from Wisconsin [Mr. LENROOT] is en-

tirely wise and fair to the House, and, so far as I am concerned, in the early stages of the debate I shall endeavor to confine it to the legitimate discussion of the provisions in the bill; but at the same time I think it is only fair to notify the House that some gentlemen have applied to me for time who do not desire to discuss exclusively the provisions of the bill.

Mr. ADAMSON. Mr. Speaker, when the committee rises again consideration can be given to that matter. In the meantime I would like to get into the discussion of the bill for a few hours.

The SPEAKER pro tempore. The question before the House is the request of the gentleman from Georgia [Mr. ADAMSON] that general debate be controlled on this bill by himself and by the gentleman from Minnesota [Mr. STEVENS], the time to be equally divided. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GARNER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053, amending the general dam act, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

Mr. TOWNSEND. Mr. Chairman, I ask unanimous consent to address the House for 10 minutes upon a subject not entirely related to the bill under consideration, the time to be yielded to me by the gentleman from Georgia [Mr. ADAMSON]. That arrangement will suit his convenience.

The CHAIRMAN. Will the gentleman yield for a moment for the Chair to suggest to the chairman of the Committee on Interstate and Foreign Commerce that the first reading of the bill be dispensed with?

Mr. ADAMSON. Mr. Chairman, I was going to do that, but the gentleman from New Jersey [Mr. TOWNSEND] wanted to get in as early as possible. I told him he would have to get unanimous consent. I shall be glad to accommodate him with 10 minutes if gentlemen will agree to it. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, will the bill be printed in the RECORD?

Mr. ADAMSON. Yes. I will make my request in consequence of the suggestion of the gentleman from Oklahoma [Mr. FERRIS], that in lieu of its being read it be printed in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the full text of the bill:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when consent has been or may hereafter be granted by Congress, either directly or indirectly, through any duly authorized official or officials of the United States, to any persons to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and after such approval it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

"SEC. 2. That as a part of such approval such conditions and stipulations may be imposed as the Secretary of War and the Chief of Engineers may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate in connection therewith, without expense to the United States, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress *then* may deem necessary in the interests of navigation, in accordance with plans *made a part of such approval;* and also that *in case such facilities of navigation shall not be made a part of such original approval and construction*, whenever Congress shall deem such facilities necessary, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions, *and in such original approval, at the discretion of the Secretary of War and Chief of Engineers, may be required to maintain and operate such lock without expense to the United States.*

"SEC. 3. That as a part of said approval the Secretary of War and the Chief of Engineers *shall require* that the plans, specifications, and location for any dam shall be such as shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power *and for other beneficial public purposes*, and *best adapted to conserve and utilize, in the interests of navigation and water-power development, the water resources of the region.*

"SEC. 4. That as a part of the conditions and stipulations such approval shall provide—

"(a) For reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans as heretofore provided, and for such supervision of construction as may be necessary in the interest of the United States.

"(b) For the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance by the United States of headwater improvements, including storage reservoirs, on any such stream, such charges to be fixed from time to time by the Secretary of War and Chief of Engineers and *to be based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to 5 per cent of the total investment cost, in addition to the necessary annual expense of the operation of such headwater improvement.*

"(c) *That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per cent of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers, and in fixing such charges consideration shall be taken of the benefits accruing thereby to the interests of navigation as well as to the business of such grantee.*

"(d) For the payment *or securing the payment to* the United States of such sums and in such manner as the Secretary of War and the Chief of Engineers may deem reasonable and just substantially to restore conditions upon such stream as to navigability as existing at the time of such approval, *whenever the Secretary of War and the Chief of Engineers shall determine that navigation would be injured by reason of the construction, maintenance, and operation of such dam and its accessory works.*

"SEC. 5. That the operation of navigation facilities which shall be constructed as a part of or in connection with any such dam, whether at the expense of such grantee or of the United States, shall at all times be subject to such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by any such dam, as shall be made by the Secretary of War and Chief of Engineers, *and in the use and operation of such navigation facilities the interests of navigation shall be paramount to the uses of such dam by such grantee for power purposes.* Such rules and regulations may include the maintenance and operation by such grantee, at its own expense, of such lights and other signals as may be directed by the Secretary of War and Chief of Engineers and such fishways as shall be prescribed by the Secretary of Commerce, and for failure to comply with any such rule or regulation such grantee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $500 for each month's default, in addition to other penalties herein prescribed or provided by law.

"SEC. 6. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise.

"SEC. 7. That any grantee who shall fail or refuse to comply with the lawful order of the Secretary of War, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding *$1,000*, and every month such grantee shall remain in default shall be deemed a new offense and subject such grantee to additional penalties therefor; and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proper proceedings in the district court of the United States in the district in which such structure or any of its accessory works may, in whole or in part, exist, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have jurisdiction over all such proceedings and shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the requirements of this act and the lawful orders of the Secretary of War and the performance of any condition or stipulation imposed under the provisions of this act; *and if the unlawful maintenance and operation are shown to be such as shall require a revocation of all rights and privileges held under authority of this act, the court may decree such revocation. In case of such a decree, the court may wind up the business of such grantee conducted under the rights in question, and may decree the sale of the dam and all appurtenant property constructed or acquired under authority of this act*, and may declare such dam and accessory works to be an unreasonable obstruction to navigation and cause their removal at the expense of the grantee owning or controlling the same, except when the United States has been previously reimbursed for such removal, or may provide for the sale of the dam and all accessory and appurtenant works constructed under authority of this act for the further development of water power, and may make and enforce such other and further orders and decrees as equity demands; *and in case of such a sale for the further development of water power the vendee shall take the rights and privileges and shall perform the duties which belonged to the previous grantee, and shall assume such outstanding obligations and liabilities arising out of the mainte-*

nance and operation of said dam and accessory works for power purposes as the court may deem equitable in the premises.

"Sec. 8. That no property or project installed and operated under the provisions or benefits of this act shall be assigned or transferred except upon the written consent of the Secretary of War, except by trust deed or mortgage issued for the purpose of financing the business of such owner, and any successor or assign of such property or project, whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original owner hereunder.

"SEC. 9. That the rights herein granted shall continue for a period of 50 years *from and after the date of the completion of the structure described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided.*

"Sec. 10. That at any time after the expiration of said 50 years the Secretary of War may terminate the rights hereby granted upon giving to the owners thereof one year's notice in writing of such termination, and upon the taking over by the United States, or by any person authorized by Congress, of all of the property dependent in whole or in part for its usefulness upon the rights hereby granted, which shall include all necessary and appurtenant property created or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and all other property the value and usefulness of which would be destroyed or seriously impaired by such termination, and upon paying the fair value of said property, together with the cost to the grantee of the lock or locks or other aids to navigation and all other capital expenditures required by the United States, and assuming all contracts entered into prior to the receipt by it of said notice of termination which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made. The fair value of said property and the reasonableness and good faith of such contracts shall be determined by agreement between the Secretary of War and the owners of such property, and in the event of their failure to agree, then by proceedings instituted by the United States, or by any person authorized by Congress, in the district court of the United States within which any portion of such dam may be located. In the determination of the value of said property upon the termination of said grant as above provided no value shall be claimed by or allowed for the consent hereby granted, nor for good will, profit in pending contracts, nor other conditions of current or prospective business.

"Sec. 11. That in all cases where the electric current generated from or by any of the projects provided for in this act shall enter into interstate or foreign commerce, the rates, charges, and service for the same to the consumers thereof shall be just and reasonable, and every unjust and unreasonable and unduly discriminatory charge, rate, or service therefor is hereby prohibited and declared to be illegal; and whenever the Secretary of War shall be of the opinion that the rates or charges demanded or collected on the service rendered for such electric current are unjust, unreasonable, or unduly discriminatory, upon complaint made therefor and full hearing thereon the Secretary of War is hereby authorized and empowered to determine and prescribe what shall be the just and reasonable rates and charges therefor to be observed as the maximum to be charged and the service to be rendered; and in case of the violation of any such order of the Secretary of War the provisions of this act relative to forfeiture and failure to comply shall apply. That in the valuation for rate-making purposes of the property existing under said approval of the project there may be considered any lock or locks, or other aids to navigation, and all other capital expenditures required by the United States.

"The Secretary of War is further authorized and directed to include among the conditions for his approval of any plans or any project herein provided, as an express condition thereof, a clause reserving to the Secretary of War the same rights, powers, and duties set forth in this section, together with the same penalty for violation thereof: Provided, That whenever the State in which such current shall be used shall have provided by law adequate regulation for rates, charges, and service to the consumers for such electric current and such regulation shall not be unduly discriminatory or unjust against the service or charges in any other State arising from the use of the power from the same project, and such facts shall be established to the satisfaction of the Secretary of War, then in such case the provisions of this section shall not apply to the rates, charges, and service in and for such State.

"SEC. 12. That the grantee shall commence the construction of the dam and accessory works within one year from the date of the approval herein provided, and shall thereafter, *in good faith and with due diligence, prosecute such construction, and shall, within the further term of three years, complete and put in commercial operation such part of the ultimate development as the Secretary of War and the Chief of Engineers shall deem necessary to supply the reasonable needs of the then available market, and shall, from time to time thereafter, construct such portion of the balance of such ultimate development as said Secretary of War and Chief of Engineers may direct and within the time specified by said Secretary of War and Chief of Engineers so as to supply adequately the reasonable market demands until such ultimate development shall be completed; and extensions of the periods herein specified, not to exceed two years, may be granted by the Secretary of War, on recommendation of the Chief of Engineers, when, in his judgment, the public interest will be promoted thereby. In case the grantee shall not commence actual construction within the time herein prescribed, or as extended by the Secretary of War, then the authority as to such grantee shall terminate, and in case any dam and accessory works be not completed within the time herein specified or extended as herein provided, then the Attorney General, upon the request of the Secretary of War, shall institute proper proceedings in the proper district court of the United States for the revocation of said authority, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 8 of this act.*

"SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be authorized in accordance with the provisions of this act *whenever Congress determines that the conditions of consent have been violated.* In such case the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in such dam.

"Sec. 14. That the Secretary of War, upon the advice and with the approval of the Chief of Engineers, may lease to any applicant having complied with the laws of the State in which the dam is constructed or to be constructed by the United States, the right to develop power from the surplus water over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War and Chief of Engineers for the best interests of the United States, and in awarding such lease preference shall be given to the applicant whose plans are deemed by any action of Congress or by the Secretary of War and Chief of Engineers to be best adapted to conserve and utilize in the public interest the navigation and water-power resources of the region, and all such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress.

"Sec. 15. That no works constructed, maintained, and operated under the provisions of this act shall be owned, trusteed, or controlled by any device or in any manner so that they may form a part of, or in any manner effect, a combination in the form of an unlawful trust or form the subject of an unlawful contract or conspiracy to limit the output of electric energy or in restraint of the generation, sale, or distribution of electric energy, or the exercises of any other business contemplated: Provided, however, That it shall be lawful under the approval of the Secretary of War for different grantees to exchange and interchange currents, to assist one another whenever necessary, by supplementing the currents or power, and enable any grantee to secure assistance to carry on the business and supply his customers, accounting therefor and paying therefor under regulations to be prescribed by the Secretary of War.

"In no case shall such an arrangement be permitted to raise the price, render unjust or unfair any practice, work, or discrimination, or operate in restraint of trade.

"SEC. 16. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and plural, as the case demands.

"Sec. 17. That all provisions in this act contained fixing conditions upon which the consent of Congress is granted for the construction of dams shall apply alike to all existing enterprises in operation or authorized, as well as to new projects to which the consent of Congress may hereafter be granted. All conflicting provisions contained in any act of Congress granting consent to the construction of any dam are hereby repealed, and all such previous authorizations are so altered, amended, and modified hereby as to conform to all of the conditions and provisions incorporated in this act."

The CHAIRMAN. The gentleman from New Jersey [Mr. TOWNSEND] asks unanimous consent to address the House for 10 minutes on a subject not entirely related to the bill under consideration. Is there objection?

Mr. COOPER. Reserving the right to object, Mr. Chairman, do I understand that general debate has begun?

Mr. ADAMSON. The Speaker pro tempore of the House ruled that on a bill of this character the debate would have to be confined to the subject of the bill. The gentleman from New Jersey [Mr. TOWNSEND] wanted to say something—I do not know what—and asked me for 5 or 10 minutes, and it will suit my convenience very well just at this time, before beginning my argument, to yield to him or to somebody else.

Mr. HAMILTON of Michigan. Mr. Chairman, I did not understand that the Speaker——

Mr. COOPER. When did the Speaker, or the Chairman of the Committee of the Whole, rule that he himself had the right to decide that general debate must be confined to the bill?

Mr. ADAMSON. I do not know that any Speaker has ever ruled it, but the Speaker pro tempore, just before yielding the chair to the Chairman of the Committee of the Whole, indicated that that was his opinion, although he left it to the Chairman of the Committee of the Whole to decide.

Mr. COOPER. Well, Mr. Chairman, reserving the right to object, I wish at this point to say that I am opposed to the gentleman from New Jersey asking the permission of anybody to discuss any subject it may please him to discuss during general debate.

One of the most valuable privileges for a legislative body is the right of free speech—a privilege which under the rules is known in this House only during general debate. If it be proposed now to establish this new rule, or precedent, then hereafter a House machine need only to control the selection of measures to be considered here in order absolutely to limit the subjects which gentlemen can discuss on this floor and bring to the attention of the country.

This is a matter vastly too important to be trifled with. Similar efforts have been attempted before in the history of the House, but these always met with defeat. The present effort ought to be promptly defeated, because if successful in creating a precedent it would, under the rules, leave the House with no right at any time to discuss anything, however important, not relating strictly to some measure that might chance to be up here.

The CHAIRMAN. If the gentleman from Wisconsin will permit, the Chair's understanding of the rule applicable to general debate when the House is in Committee of the Whole House on the state of the Union is——

Mr. ADAMSON. Mr. Chairman, before the Chair rules, I would be glad to make a remark——

The CHAIRMAN (continuing). That you can talk about any subject you want, and the Chair, under the present circum-

stances will hold, unless the committee instructs otherwise, that any subject can be discussed while in Committee of the Whole on the bill.

Mr. HAMILTON of Michigan. Mr. Chairman, it was not my understanding that the Speaker pro tempore ruled that general debate would not be in order.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER. Then, if the ruling of the Chair is what I understand it to be, it is entirely unnecessary for the gentleman from New Jersey [Mr. TOWNSEND] to ask unanimous consent to discuss any subject he now may desire to discuss.

Mr. ADAMSON. Mr. Chairman, I did not anticipate rousing my eloquent friend from Wisconsin to make such a deliverance. I am in full sympathy with him as to the general principles on the subject, and I showed my willingness to allow something else to be talked about by offering to yield to the gentleman from New Jersey [Mr. TOWNSEND]. But when the matter was mentioned before the House went into the Committee of the Whole, I had made the suggestion, at the mention of the gentleman from Wisconsin [Mr. LENROOT], and the occupant of the chair, then presiding as Speaker pro tempore [Mr. UNDERWOOD], said that his idea was that under the consideration of this bill debate must be confined to the subject. Therefore I indicated my willingness that the gentleman from New Jersey [Mr. TOWNSEND] might talk about anything he pleased, provided he approached the subject by obtaining permission if it was necessary to do so.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. HAMILTON of Michigan. I understood the Speaker pro tempore to say that it was his impression that general debate would not be in order, but that he would not rule on that question at that time; and I think the RECORD will show that.

Mr. ADAMSON. He said he would not rule on that, but would leave it for the Chairman of the Committee of the Whole.

Mr. MURDOCK. The Chairman has ruled.

Mr. ADAIR. Regular order!

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] is recognized, and the gentleman from Georgia yields to the gentleman from New Jersey.

Mr. ADAMSON. It is now understood that under the rules the gentleman may talk about any subject he pleases. Therefore I yield 10 minutes to the gentleman from New Jersey [Mr. TOWNSEND] to talk about whatever he chooses to discuss. [Applause.]

Mr. TOWNSEND. Mr. Chairman, I have to-day introduced a House resolution which, if adopted, will direct the Interstate Commerce Commission to examine the affairs of the Wabash Pittsburgh Terminal Railway Co., with a view to ascertaining certain very interesting facts which have engaged the attention of a great many men interested in observing the operations in high finance throughout the country. I think, in fact, in spite of the debate which preceded my modest request for 10 minutes, that I come under the rule as to speaking pertinently, because there are certain physical or topographical conditions in Pittsburgh which result in making the possession of a terminal railroad there almost what might be defined as a natural resource.

On June 21 last a newspaper reporting the sale of bonds on the New York Stock Exchange listed the sale of 3,000 Wabash Pittsburgh Terminal Co.'s first 4 per cent bonds at 7½ cents on the dollar. These bonds were part of an issue of $30,236,000 sold through well-known New York bankers at from 90 to 92. There, in stock-exchange figures, is the story of the wrecking of the Wabash Pittsburgh Terminal Railway Co., whose bonds were disposed of at from 90 to 92 and bought by many life insurance companies, savings banks, and numerous private purchasers, who have seen their property dissipated and wrecked, and have been unable to secure aid or restitution or redress from the courts or from the Department of Justice of the United States under a former administration.

From May 9, 1904, when the Wabash Pittsburgh Terminal Railway Co. was organized under the laws of Pennsylvania, until to-day no other story of high finance, as the alleged facts are presented to me, sets forth such a tangled tale of trickery, shifty dealing, repudiation, denunciation of contracts, and spoliation as this. My purpose in bringing the matter before Congress, in the hope that thereby may result official investigation, is, first, that such investigation may lead to restitution, in part at least, to defrauded investors, to the punishment of the looters, to the reestablishment of this corporation upon a sound and healthy and honest basis, and to rid Wall Street of one of the scandals which has brought hundreds of reputable financiers into undeserved disrepute.

I have many acquaintances who are so-called Wall Street men; they are residents of my district; they have talked with me about these matters; and I know that no class of men in the country are more eager to have the causes of this wreck investigated than are they. They have no part in such proceedings, and they detest the men who do carry on such proceedings as thoroughly as do any other honest men.

One citizen of my district, who for many years has had an office in Wall Street, wrote to me recently this significant comment:

> In a nutshell, the characteristic difference between the Wabash Pittsburgh looting and the New Haven looting may be one of intent. It seems probable that the latter was accomplished as an incident in the pursuit of power, without intent, or even expectation, of wrecking the property. On the other hand, there is much circumstantial evidence to create the suspicion that the wreck of the Wabash Pittsburgh Terminal was the goal aimed at almost from the beginning, and that the plan from an early stage was to take property by plain robbery under legal forms.

Much has been published, chiefly in financial papers, about this matter, but it is probable that the general public have not been informed of some facts, knowledge of which is necessary for even a partial understanding of what has the appearance of wrecking and looting which have brought the price of more than $30,000,000 worth of bonds from almost par to the nominal price of 7½ cents on the dollar.

Prior to 1904 the Pennsylvania Railroad and its allies enjoyed practically a monopoly of the freight business of Pittsburgh, the greatest freight-producing center in the country. The great shippers of that city, including Mr. Carnegie, determined to provide real competition, both in freight and passenger business at that point, and with the promise of substantial patronage financial operations were carried on to provide ways and means which would give that competition so much desired.

Without at this time going into the details of the preliminary work, it seems necessary only to recall that the Pittsburgh-Toledo syndicate was formed, whose managers were George Gould; Joseph Ramsey, jr., then president of the Wabash Railroad and of the Wheeling & Lake Erie Railroad; Louis Fitzgerald; James Hazen Hyde, of life insurance investigation fame; and Myron T. Herrick, now United States ambassador to France. This syndicate bought through Washington Connor, as I am informed, 51 7/10 per cent of the stocks of various classes of Wheeling & Lake Erie Railroad Co. and built a line of railroad from Pittsburgh to Jewett, Ohio, some 60 miles, making a connection at Jewett with the Wheeling & Lake Erie, which system connected at Toledo with the Wabash system and thence to the Pacific Ocean. It was also understood that connection would be made with the Western Maryland and with the Atlantic seaboard. This Jewett line was built in the most expensive manner as to low grades, tunneling, bridges, and so forth. Tunneling, bridges, and grading were for two tracks, although only one line of rails was laid.

The property acquired and constructed by this syndicate was turned over to the Wabash Pittsburgh Terminal Railway Co. In addition to the Jewett line and the controlling ownership in the Wheeling & Lake Erie turned over by the syndicate to the Wabash Pittsburgh Terminal Railway Co., the latter acquired the stock of the Pittsburg Terminal Railroad & Coal Co., which owned the West Side Belt Line, a 20-mile railway furnishing connection with the important freight-producing industries of Pittsburgh and other railways. The coal company also owned 15,000 acres of Pittsburgh seam-coal lands, much surface land, and several coal mines lying on the belt line. The total cost of all this property has been estimated, by an expert in whose judgment I have entire confidence, at approximately $50,000,000 over and above some liabilities assumed. Part of the acquisition of this property was through purchases directly by payment of the purchase price in bonds, and part through funds derived from the sale of bonds through New York bond houses referred to above. My information is that among the purchasers of these bonds, who in many cases still own them, were the Equitable Life Insurance Co., Metropolitan Life Insurance Co., Scottish Union Insurance Co., Aetna Life Insurance Co., Baltimore Life Insurance Co., Berkshire Life Insurance Co., Casualty Co. of America, Provident Life Insurance Co., Milwaukee Insurance Co., State Mutual Insurance Co., Traders' Insurance Co., American Insurance Co., Phoenix Insurance Co., Alleghany Bank of Secured Savings, Pittsburgh Bank of Savings, Pottsville Safe Deposit Bank, and Scranton Savings Bank.

Why such purchasers felt justified in making their purchases is suggested by some of the statements made by the bond houses who advertised these 4 per cents. I quote from a circular of one of the well-known bond houses:

> The railways, terminals, and contracts owned by the Terminal Co. comprises a connection into Pittsburgh probably impossible to

duplicate, and places it in the best possible condition to move the immense tonnage of the district, assuring a large and profitable traffic from the beginning.

The circular of another well-known bond house, dated November 14, 1904, reads in part:

The bonds are further secured by the deposit with the trustee of the controlling interest in the Wheeling & Lake Erie Railroad Co., and are also secured by traffic and trackage contracts between the Terminal Co., the Wabash Railroad Co., and the Wheeling & Lake Erie Railroad Co., whereby 25 per cent of the gross earnings of the two latter companies derived from business east of Chicago and St. Louis from all classes of traffic, both east and west bound, interchanged with the Terminal Co. or passing over its road, is pledged to meet any deficiency of income necessary to pay interest charges on both its first and second mortgage bonds. The Terminal Co. also owns the controlling interest in the Pittsburgh Terminal Railroad & Coal Co. This company embraces a belt line which connects with all roads entering Pittsburgh, besides owning a large amount of coal and surface land.

Upon such assurances as these the bonds were all subscribed for, and, in several instances, I am informed, courts made them legal investments for trust funds. I am not asserting that statements made by any bond house handling these bonds were not justified or were even highly colored. I have the opinion of an expert, who writes:

On the whole, it is my judgment that the terminal property would be more valuable than its cost, either to the system of which it was to form a part or to the Erie, to the Baltimore & Ohio, or to the Pennsylvania, or to the Canadian Pacific, if the latter ever entered Pittsburgh.

The story of what seems to be its deliberate wrecking is too long and involved to be gone into now. The freight contracts entered into with the railroads were denounced, claims were lodged against its securities, complicated legal proceedings designed to frighten bondholders were threatened or begun, freight was diverted from its railroad lines, the Wabash Railroad withdrew its cars, lease of the subsidiary company's coal mines was abrogated, products of the mines were shipped over rival roads, and one after another those apparently having both the power and the purpose of wrecking the company proceeded to exercise that power, and the purpose was accomplished. Both the Pittsburgh Terminal Railway Co. and the Wheeling & Lake Erie were thrown into the hands of a receiver; defrauded bondholders organized a protective committee, ostensibly in their interests, and the committee received deposits of a large majority of the bonds. This first committee did nothing for two years, and a second bondholders' movement was started. But through some means which it would be interesting to have cleared up both of these committees appeared to be under the control of interests unfriendly to the bond owners.

It seems to me that either Congress or the Department of Justice or the Interstate Commerce Commission should seriously undertake to learn who is responsible for this state of affairs.

I have in my possession a copy of a letter sent to a man connected with one of the best-known banking houses in New York City in which the writer says:

I am not interested in the general market, save as an indication of business conditions. I am much interested in the Wabash Pittsburgh situation, and I think that every legitimate banking house in New York is vitally interested in that situation, the most of them do not realize it or have any proper conception of the deep discredit that is cast upon all American finance by the continuance of this scandalous situation.

I believe that if the high-grade banking houses of New York knew of one-tenth of the direct loss that each and every one of them suffer through such actions on the part of a few individuals they would take a united action to purge the Street.

Here we have a 4 per cent first mortgage upon a property that every competent and honest judge admits is worth far more than the bond issue; a property that is necessary to Pittsburgh and that could not possibly be duplicated for many times the bonds; a property that is capable under a proper program, and without large capital additions, of almost instantly producing net earnings on its first mortgage.

We have these bonds sold to savings banks, life insurance companies, and conservative private investors as a sound guaranteed investment.

We then see one security after another taken away, or attempted to be taken away; we see the property put into a condition where its earnings go down year after year almost to the vanishing point; and we see what appears to many to be a deliberate attempt to get this property for almost nothing.

We also see the big, high-grade houses standing aside as if the whole matter were none of their business.

In response to this the man I have referred to, upon receipt of the letter of which I have quoted, responded:

I agree with every statement you make. * * * The newspapers are more to blame than anyone interested in this fraud on the public. Under the pretext of fearlessly exposing everybody they protect their friends. I consider the receivership of the Wheeling & Lake Erie and the Wabash Pittsburgh Terminal among the most outrageous pieces of crooked work ever perpetrated in Wall Street, but the edict has gone forth to all newspapers that they are not to be exposed, so what are you going to do about it?

[Applause.]

Mr. ADAMSON. In the temporary absence of the gentleman from Minnesota [Mr. STEVENS] I yield to the gentleman from Washington [Mr. HUMPHREY].

[Mr. HUMPHREY of Washington addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, this bill is a navigation bill. A great many people talk about it as a water-power bill, and the most that is said about it treats it as a water-power bill.

This bill is limited strictly to the navigable streams of the United States, and its paramount purpose is to develop and maintain navigation in those navigable streams.

Navigability, the purpose of the bill, bears the same relation to the development of water power, so far as this bill is concerned, that the bird we are trying to catch bears to the bait with which we bait the trap. We realize that water power—hydroelectric power—is useful for a great many purposes and can be made profitable; and being useful and promising profit, it may be sufficient to tempt capital to construct for the benefit of the people of the United States those creations which are so expensive that the Treasury of the United States is unable or unwilling to undertake them, to make navigable three or four thousand miles of large streams in the country which ought to be navigated for the benefit of the people.

It is true we have not caught many birds with the bait, because capital is a wary old bird. It is hard to fool; and although in the past we have granted 95 authorizations to build dams for the improvement of navigation through the temptation and incentive of private gain to the investors, we have only succeeded in seeing about 13 constructed and put in operation. The profits did not prove as great as we thought they would be when we tried to persuade investors. Then a great clamor of objection was raised by those who figured out on paper how easy it would be to take the capitalists by the nose and lead them into the enterprise, and how they could figure out the maximum success of every enterprise, and figure out the realization of every hope and expectation; and they saw tremendous gains, millions and millions of profit, in the matter.

I think before we get through with this debate we will be able to satisfy all gentlemen that the bait was not as attractive, that the results have not been sufficient thus far to attract capital, and that we have not been receiving the benefit which we had hoped to receive by freeing the Treasury from the expense of promoting navigation through persuading private capital to do it for us.

Here are two lists which show some of the difficulties in the way of inducing private capital to do this important work for us free of cost—one a list of failures known to every banker, the other a list of financiers who refused to undertake financing the Keokuk Dam, which has cost $28,000,000, made 25 miles of slack-water navigation over the rough shoals of Des Moines Rapids, and has not yet found a market for half of its output, though it offers to suppy everybody in the vicinity in any quantity large or small:

Partial list of water-power developments which have been through receiverships or proved bad investments.

	Horsepower.
Hudson River, Spies Falls, Mechaniesvilie, N. Y	52,000
Michigan Lake Superior Power Co., Sault Ste. Marie, Mich	23,000
Great Shoshone & Twin Falls Water Power Co., Pocatello, Idaho	10,000
Animas Power & Light Co., Durango, Colo	4,500
Central Colorado Power Co., Denver, Colo	40,000
Wisconsin Railway, Light & Power Co., Hatfield, Wis	8,000
McCall Ferry Power Co., McCall Ferry, Pa	80,000
Hanford Irrigation & Power Co., Priest Rapids, Wash	4,000
Yadkin River Power Co., Rockingham, N. C	25,000
Hauser Lake (Mont.) Power Co	15,000
Chattanooga & Tennessee River Power Co., Chattanooga, Tenn	40,000
St Lawrence River Power Co., Massena, N. Y	60,000
Austin Dam, Tex	25,000
Stanislaus Electric Power Co., San Francisco	50,000
Whitney plant on Yadkin River	20,000
Miscellaneous small water powers	50,000
	506,500

List of financial interests declining the Keokuk and Hamilton water-power investment previous to its financing.

National City Bank, New York; F. A. Vanderlip.
North American Co.; C. W. Wetmore.
J. P. Morgan & Co.; J. P. Morgan.
Spencer, Trask & Co.; Mr. Bulkley.
Hallgarten & Co.; H. H. Wehrhane.
Kuhn, Loeb & Co.; Otto Kahn.
Speyer & Co.; Mr. Schuster.
American Tobacco Co.; James B. Duke.
Standard Oil Co.; E. C. Bedford.
Harvey Fisk & Sons; Pliny Fisk.
Amalgamated Copper Co.; John D. Ryan.
Guggenheims; Mr. Lipman.
Edwin Hawley, New York.
Brown Bros., New York; Mr. Delano.
Mississippi Valley Trust Co., St. Louis; Breckenridge Jones.
Merchants' Loan & Trust Co., St. Louis; Festus J. Wade.
Third National Bank St. Louis; Charles Huttig.
First National Bank, Chicago; E. K. Boiset.
N. W. Harris & Co., New York, Chicago, and Boston; Mr. Harris.
John I. Biggs, Milwaukee.

Drexel & Co., Philadelphia; E. C. Stotesbury.
Kuhn Bros., Pittsburgh; W. S. Kuhn.
Brown, Shipley & Co., London; Mr. Jones.
Baring Bros., London.
Rothchilds, London; Lord Rothschild.
A. B. Leach & Co.; A. B. Leach.
James B. Colgate & Co.; J. B. Colgate.
F. R. Smithers & Co.; F. S. Smithers.
William R. Sheldon & Co.; George R. Sheldon.
James Ross, Montreal.
Tucker, Anthony & Co.; Messrs. Tucker and Anthony.
William B. Bonbright & Co.; William P. Bonbright.
Braithwaite & Co., London; Mr. Braithwaite.
Kountze Bros.; Luther Kountze.
William Soloman & Co.; William Soloman.
Commonwealth Edison Co., Chicago; Samuel Insull.
E. H. Rollins & Son, Boston; all members of firm.
F. S. Pearson, New York and England.
Lee, Higginson & Co.; Mr. Higginson.
E. D. Smith & Co., New York; Mr. Smith.
White, Weld & Co., New York; Mr. White.
Equitable Life Insurance Co.; Alvin W. Krech.
E. N. Dickerson, New York.
Morgan, Harjes & Co., Paris; Mr. Harjes, sr.
William Mackenzie, Toronto.
Bank of Montreal; E. S. Clouston.
William Nelson Cromwell, New York.
T. P. Shonts, New York.
French Thompson-Houston Co.; Mr. Garfield.
General Electric Co.; C. A. Coffin, president.
Westinghouse Electric Co.; John F. Wallace.
Sir Ernest Castle, Edinburgh, Scotland.
Robert Fleming, 2 Princess Street, London, England.
Strong, Sturgis & Co., New York.
E. D. Adams, New York City.
J. G. White & Co., New York.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Iowa?

Mr. ADAMSON. Yes.

Mr. TOWNER. This is an entire rewriting of the general dam act of 1910, as I understand?

Mr. ADAMSON. If the gentleman has a copy of the bill, he will see that it is so printed as to indicate the old law and the amendments.

Mr. TOWNER. I have the copy which was handed to me, part of it being in italics.

Mr. ADAMSON. Of course the method which we adopted is one which is very much in vogue, both in the House and Senate, to present the amendments in the shape of rewriting the original law with the amendments written in.

Mr. TOWNER. I have no objection whatever to that. I mean that in a general way this is a rewriting of that act.

Mr. ADAMSON. That is true.

Mr. TOWNER. Retaining some parts of it, but making some material changes.

Mr. ADAMSON. That is true.

Mr. TOWNER. Will the gentleman inform the House what are the important points upon which this bill diverges from the general dam act of 1910?

Mr. ADAMSON. If the gentleman from Iowa will be kind enough to allow me to proceed in my own way I will make it clear to him, if I can.

Mr. TOWNER. I was afraid that the gentleman from Georgia was going to stop.

Mr. ADAMSON. I have no intention of stopping. I hope you will stay with me until you think I am getting tired, and then ask me something, for it may be that you will make me think of something important that I might overlook.

When I came to Congress, 17 years ago, I came with the idea that we could improve the transportation facilities of several thousand miles of river with which I was acquainted by acts of Congress, improving navigation. The Chattahoochee River had been surveyed by the Government for some 500 or 600 miles, and estimates had been made that for $6,000,000 it could be navigated not only from Apalachicola to Atlanta but 75 miles farther north.

The Coosa River and tributaries, which, with the exception of 75 miles interruption by shoals, could be navigated for 900 miles, opening up more business than promised by any other river in the country, running through several States with great productiveness and having a great population, had been not only surveyed, but estimates had been made and two or three dams started. Thirty-three dams the War Department had laid out to cover the 75 miles, at an expense of about $20,000,000.

I thought it was easy, from what I had heard folks say about the river and harbor bills, to come up here and get these two rivers fixed up. They were the ones I knew the most about. There were others in two or three States which, if added to it, would make about 2,500 miles of navigation.

When I came here I found that to get $6,000,000 from the Rivers and Harbors Committee to open up the Chattahoochee and $15,000,000 or $20,000,000 to open up the Coosa was a pretty big proposition. We went down the Coosa River with the Rivers and Harbors Committee, and I stole them away at Montgomery from the Alabama people and took them over on a special train to the Chattahoochee and had them look at it. While at Wetumpka, standing at an old dismantled lock, never finished, although a good many dollars were sunk in it, a gentleman from Michigan, Mr. Bishop, a member of the House committee, said: "If I can get the property rights and the Government will consent, I will finish this structure and take chances on the water power for my pay." There had been some authorization and some construction by private capital for developing navigation. I did not know much about hydroelectric power then, and although I have studied it for 17 years since, just as I have other business before my committee, it looks like I know less about it and the other things now than I did then. Mr. Bishop said that could be done there, and I said, "Why can not it be done elsewhere? Why can not we supplement the efforts of the Treasury, and where the work is too expensive, why can not we induce private capital, tempted by the water power, to save the Treasury the expense of putting up the dam in shoal streams?" He said he thought it could be done. I came here and introduced a bill giving Government consent for private capital to build dams. I worked on it several years, and finally interested the gentleman from Illinois [Mr. MANN], then a member of the committee, and the distinguished chairman of that committee, Col. Hepburn, who appointed a subcommittee. We worked on that until it looked like it was feasible. It would save the trouble of debating the original proposition every time an original bill was introduced. We framed up a bill, and the gentleman from Illinois [Mr. MANN] put his name on it, and we passed it. It became the general dam act. Under that act we passed 25 authorizations. President Roosevelt signed them all. Two of those authorizations out of the 25 have been constructed.

Afterwards, however, the President saw some kind of new light, and he decided that that bill was not drastic enough. I do not suppose he had learned that 23 of the authorizations out of the 25 had not moved a peg, but he listened to the cry that the people were being cheated, that the great water-power monopolies were being formed, and that the Government was losing, and he vetoed a bill. Then the gentleman from Minnesota [Mr. STEVENS], the gentleman from Georgia [Mr. BARTLETT], and the gentleman from Alabama [Mr. RICHARDSON], and some other Members were appointed a committee to redraft the general dam act. The gentleman from Illinois [Mr. MANN], the author of the act, and I opposed it. We said that it was sufficient. We said that 2 successes out of the 25 was not a big enough boo to raise this fuss about. Until we got more than 2 out of 25 we could not agree that this law ought to be any more drastic than it is. The gentleman from Illinois [Mr. MANN] and I both assured the President that he could do many things under the act that he was not doing; that he could protect the Government as a corporate entity and benefit the people along the rivers and secure the benefits of navigation in the first instance and water power and hydroelectric power in the other instance.

Mr. STEVENS of Minnesota. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. STEVENS of Minnesota. To make the gentleman's statement strictly accurate, is not this the fact, that President Roosevelt vetoed the Rainy River Dam and the James River Dam; that in order to save the lands on the Rainy River Dam, Mr. Roosevelt consented that Rainy River should be passed over his veto upon the promise some of us made that a supplemental act should be passed to the existing law that should extend the power of Congress beyond those we got under the Constitution? It was that promise we kept in framing the act of 1910.

Mr. ADAMSON. I was not in all those conferences, and therefore can not give all the details as can the gentleman from Minnesota. I was speaking of the attitude of the gentleman from Illinois [Mr. MANN] and myself.

We were opposed to any amendment of it, but the gentleman from Minnesota [Mr. STEVENS] did report to the full committee amendments to the general dam act, and stated to us that it was made by agreement with the President and his advisers, and that that Rainy River veto might be overridden, and that these amendments would be made and would be satisfactory to the people who were opposing our scheme to improve navigation through the building of water-power dams, and our committee acted on the statement of the gentleman from Minnesota, and he can tell the House whether that agreement was made or not. I opposed the amendment in this House. The gentleman from Illinois [Mr. MANN] did not actively support the amendment, though I do not know that he said anything. I know that he opposed making it on the ground that it was sufficient as originally passed. I stood by him and made a speech on that line, but

the amendment of 1910 was made, and I believe 21 authorizations were signed subsequently to that by the President.

Mr. Taft went right ahead signing them until about the middle of his term, when somehow or other he happened to see a new light, although nothing had been realized under the authorizations, none had been built, but suddenly he joined the opposition, those who saw too much profit and gain in the water-power constructors and too little benefit to the country, which in its last analysis meant that the profit and glory of the country consisted in doing nothing, not only forbidding private capital to construct dams but depriving the people along those numerous rivers, heading away up into the interior, of navigation which would furnish them cheaper and better and more transportation facilities. Suddenly he turned around and vetoed a bill, and I will describe to you what the result of that was. One of the few bills which ever was realized upon by construction was a bill to authorize a dam at Lock No. 12 in the Coosa River. The engineers had made a plan of the 33 little dams, but a water-power company had gone and persuaded the engineers that about three big dams would cover the whole reach of 75 miles, and they would cost the Government nothing because private capital would build them, thus perfecting the 800 or 900 miles of navigation that I spoke about. We authorized the dam at Lock No. 12, and that was constructed after they got the plans and everything ready in two years. It made a pool 65 or 70 feet deep. It backed water over the shoals about 26 miles, making good slack-water navigation. In building that dam the company spent more money than the Government has spent on the Coosa River since Adam and Eve walked together on the earth misleading and producing mankind. They asked for another dam. Why? They could not find within 500 miles of that dam a market for the horsepower, the current, the electric force. The little towns and cities down there were not born yesterday. They have got a good deal of civilization among them, a good deal of inventive genius, and most of them have provided themselves with electric plants; and, contrary to the theory of some people who theorize on this subject without producing any practical results, when you put up an electric-power plant like that in a community that is able to furnish power to everybody it puts down the price of coal, with which it is in competition, and enables some of those people to run coal plants cheaper than they could before, and pretty cheap at that. So that they had no market for the 40,000 or 50,000 horsepower that they were generating. They have not only got to build the plant but they have to build a market, they have to build a town and a lot of factories, because it does not take much to run a factory.

Eleven thousand horsepower runs I do not know how many factories and other enterprises at Augusta, Ga., which is said to be the new Lowell of the South; but I do not agree to that, because Augusta, Ga., has to yield the palm to Columbus, Ga., which I have the privilege to represent, and it runs a lot of the biggest factories in this country, besides a great many other enterprises, and all they have generated around there put together, my recollection is, is about 27,000 horsepower. From 1,000 to 3,000 horsepower is sufficient in most cases to operate an enterprise or light an average town.

Mr. GREEN of Iowa. And about how much did this dam cost?

Mr. ADAMSON. This Coosa River Dam cost $2,000,000, and it generates forty or fifty thousand horsepower. They could not find a market for it, because the towns around were supplied. It does not take much to run the factories within reach of it, and they looked around to find a market. A company came along and said, "If you will get power enough, we will put up a cyanamide plant and run it here, but 50,000 horsepower will not suffice, for we have to have 100,000 horsepower." They came to Congress and asked permission to make 30 miles more of slack-water navigation on the Coosa by putting a dam in at Lock 18. The War Department approved it, and the bill went through this House and it went through the Senate, but President Taft vetoed it. That was after he had a change of heart about the subject. Let me tell you what it cost the country. That cyanamide plant, by using the combined forces of the two dams, would have been able to run continuously, and under the scorching fires of electric furnaces have been able to extract from the air enough of the nitrate elements as fertilizers for which we paid Chile twenty-two and a half million dollars a year, and to have supplied all of that country and dispensed with exporting from Chile at all. It could have used the phosphate rocks in numbers of places in that country and have extracted the phosphate and avoided the trouble and expense of running the expensive sulphuric-acid plants to secure that phosphate, and all we would have needed to complete a perfect fertilizer to supply the wasted lands of all that cotton and corn producing country would have been the potash which now, under great difficulty and at great cost, we get from Germany. And if my good friend from Oklahoma [Mr. FERRIS], who intimates a disposition to oppose or amend this bill, would give his attention to securing potash on the public domain to exempt us from paying tribute to Germany on that account, he would accomplish a great thing for this country.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. FERRIS. We have enough potash in this country to last the United States for thousands of years, and we have a bill on the calendar that is going to conserve it, keep it from waste, and take care of that very thing.

Mr. ADAMSON. I am trying to talk about that, and commend my friend for it, because while men make vague and visionary hints and insinuations and charges about what we were trying to do with this navigation bill, so far as I know, this is the first time any effort was ever made to bring constructive measures to this House to utilize these resources. And if the gentleman from Oklahoma and his associates should succeed in that they will be entitled to the plaudit of "Well done, thou good and faithful servant." But I want to say to you that, outside of that, I do not believe that all the public lands, which they think we are infringing upon and which we have no disposition to infringe upon, are worth money enough to compensate the people for the loss they have sustained through the obstruction in the last 14 years of the operations and developments expected under this legislation. Now, that dam proposition was vetoed by the President. The other $2,000,000 investment was not made, because it could not be made. These people are still denied not only the navigation on that river but they are denied the benefits that would have been derived from the use of the hydroelectric power. That is only one instance, and the power remains unsold to-day; the money which was to have built it has gone. I understand it went to Niagara Falls, in Canada, and I understand some other plants that expected to get an opportunity, through Congress, to put up some dams and manufacture other articles have been driven to other parts of the world. We have lost that opportunity.

Mr. BURNETT. Will the gentleman permit?

Mr. ADAMSON. Certainly.

Mr. BURNETT. The gentleman refers to the dams on the Coosa River. I will state to the gentleman that the one which was secured through act of Congress has been completed.

Mr. ADAMSON. Yes.

Mr. BURNETT. And that that plant has been established and power is beginning to be now transmitted to the industries all over that country, and they are being run much cheaper than by coal even in the Birmingham district.

Mr. ADAMSON. I suppose the gentleman from Alabama was not in during my remarks.

Mr. BURNETT. I understood the gentleman to say that they had abandoned the other proposition.

Mr. ADAMSON. Oh, no; Lock 18. I have explained to the House what has been done down there——

Mr. BURNETT. I was out until just now.

Mr. ADAMSON. That they had developed 40,000 or 50,000 horsepower and were furnishing it in competition with coal, but that even then those people who had built it had found it hard to get a market, and they had resorted to the cyanamide scheme and were to build at Lock 18, but that was defeated by the veto of President Taft, and the country was deprived of the navigability of the Coosa River, and that immediate country was deprived of the use of that money to be invested there and the product of the plant that would have been built there. Now, Mr. Chairman, these two rivers I have mentioned are but two of a great many. There are three or four thousand miles of rivers that could be utilized under the terms of a bill like this if we should pass it and stick to it. It would cost the Government nothing to furnish navigation that would afford the people transportation up into the interior. Not only do the railroads not furnish that satisfactory transportation as to rates and practices, but they are unable to furnish enough transportation. The growing business of the country is congested on the railroads and we want water transportation on every river that heads far up into the country because practically, though modified under the recent decisions of the long and short haul clause, they have been discriminating in favor of the ends of the line and consequently against stations in the interior. That would have been obtained long ago if these rivers could have been made navigable. The projects before the Committee on Rivers and Harbors are very numerous and costly, so costly as to be prohibitive in many cases. They run

along, the committee brings in a little bill every year and are villified and abused and called logrollers and pork-barrel packers. If this bill were allowed to pass and permit the utilization of private capital to relieve the Treasury of all these expenses, why perhaps if we could make the proposition sufficiently attractive to capital, they would open up all this navigation and at the same time furnish the people light, and the cleanest, best, and cheapest fuel, electric force enough to manufacture not only fertilizers but every other conceivable thing that the genius of the country could think of, and build a network of trolley lines all over that fair country. I was not in favor of this amending bill as an original proposition. I still think the original dam act as the gentleman from Illinois placed his name on it and had it, by our assistance, passed through the House, was sufficient to take care of the interests of the Government and of the interest of the people, because the people can be benefited in a great many ways that do not come through acts of Congress.

They can be benefited in a great many ways besides paying taxes into the Treasury, but I took this attitude. If we can not have progress, if we can not get along under the existing law, let us see what amendments we must make, and see if the inducements held out will be liberal enough to entice capital to build these dams, and if so, we will amend the bill. We will make peace and secure contracts with capital, but if we can not secure contracts there is no use in passing the bill. So two years ago Mr. STEVENS of Minnesota and I took up the subject and made a tentative agreement with the Secretary of War, and really had made an agreement which would have secured the passage of a number of little bills, the defeat of which some gentlemen said saved $30,000,000, but all of them put together would not have amounted to as much power, hardly half as much, as the dam completed at Lock No. 12 of the Coosa River, nor would many of them have attracted capital to promote them. However, that agreement did not work, because in the House a gentleman who did not understand the agreement and had come in late objected to its consideration. When informed of the agreement he tried to withdraw his objection, but it was too late. When this administration came in I submitted the question to the administration.

So Mr. STEVENS and I—and he did more than I did and better work than I did, I will admit—prepared a bill and sent it to the administration, and the administration worked on it and sent it back, and we worked on it and sent it back, and they worked on it and sent it back, until our minds concurred on this bill. So we introduced this bill and reported it, and I believe it will be a great blessing to the country if passed. I believe it will promote the navigation of the streams. I believe it will result in bringing about a few developments of water power and hydroelectricity that will prove of incalculable value to the country. Now, Mr. Chairman——

Mr. GOODWIN of Arkansas. Will the gentleman yield right there?

Mr. ADAMSON. Yes.

Mr. GOODWIN of Arkansas. To what extent has aid been given to navigation by virtue of the improvements given to those dams?

Mr. ADAMSON. If there is a sure-enough stream, one with three or four shoals in it, and you build one dam, and the other bills to complete the current are vetoed, you can not get a boat entirely through the stream. There are 25 miles of slack water above that dam on the Coosa River at No. 12. There are three little locks built above it by the Government, but there are intervening shoals between those little locks and this one. One dam above, in my judgment, would make a hundred miles of navigation available, maybe 200. Two dams below this, I think, would open it entirely to the Gulf. I want the authority of Congress to build the other dams necessary there, to see if we can persuade capital to build them. I believe the development of the Coosa River up to the headwaters, as high as you could develop it, which is 100 miles above Rome on each tributary, would be of more importance to this country commercially than the Panama Canal even, or any other thing you could think of, because it would develop a great country which is all good country, with a population of good folks.

Mr. BURNETT. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. BURNETT. That river runs through several of my counties. The building of the dam that has been constructed and the construction of the one that the President vetoed would have opened 50 miles of the 87 miles of obstructed navigation.

Mr. ADAMSON. Then one additional dam would have opened the entire course.

Mr. BURNETT. I think so.

Mr. ADAMSON. That is my idea about it.

Mr. BURNETT. And we would have saved the Government some four or five millions of dollars; and extending 100 miles up it would have given 100 miles of unobstructed navigation on the river where navigation would be perennial. It does not go dry in the summer season.

Mr. ADAMSON. So far as the State which gave me birth is concerned, I think the present law is sufficient to enable it to develop all its water resources and become an empire, if it decides it is necessary to do so. Here is a list showing what Georgia has done in spite of all objection; it also shows how little power is necessary to operate single projects or light single towns:

Developed water powers of Georgia.

Stations.	Present horsepower development.	Ultimate horsepower development.
GEORGIA RAILWAY & POWER CO.		
Tallulah Falls, Tallulah River	85,000	85,000
Mathis storage dam		10,000
Bull Sluice, Chattahoochee River	17,500	17,500
Dunlap Shoals	3,400	3,400
	105,900	115,900
AUGUSTA CANAL, SAVANNAH RIVER.		
Augusta factory	1,079	1,079
Eentrprise	1,085	1,085
Sibley	1,429	1,429
King	2,516	2,516
Sutherland	215	215
A. & A. Ry., east plant	1,065	1,065
Murray Hill	164	164
Clark Milling Co.	167	167
A. & A. Ry., west plant	1,402	1,402
City pumps	850	850
Other powers	1,486	1,486
	11,458	11,458
GEORGIA-CAROLINA POWER CO.		
Stevens Creek development, Savannah River	3,125	31,250
ATHENS RAILWAY & ELECTRIC CO.		
Station No. 1, Mitchells Bridge	1,025	1,025
Station No. 2, Tallassee Shoals	1,300	1,300
Station No. 3, Barnett Shoals	5,600	5,600
	7,925	7,925
GAINESVILLE RAILWAY & POWER CO.		
Chestatee River near Dahlonega	1,500	1,500
CENTRAL GEORGIA POWER CO.		
Ocmulgee River 40 miles above Macon	22,000	22,000
COLUMBUS POWER CO.		
No. 1, North Highlands	8,770	8,770
No. 2, North Highlands	1,990	1,990
No. 3, City Mills	1,076	1,076
No. 5, Goat Rock	9,600	40,000
	21,436	51,836
EAGLE AND PHOENIX MILLS.		
Chattahoochee River at Columbus	5,900	5,900
ALBANY POWER & MANUFACTURING CO.		
Muckafoonee Creek near Albany	2,500	2,500
Grand total	181,744	250,209

That these dams when built should be regulated by the War Department, with respect to the navigation, none can deny; but can anyone reasonably and fairly say that these developments should not have gone forward and go forward in the future if Congress refuses to permit the building of dams in the navigable streams of the country?

Present developments of hydroelectric water power in the State of Georgia now amount to over 180,000 horsepower, and the ultimate developments at all the projects already undertaken on the various streams in the State of Georgia will amount to over 250,000 horsepower.

In the Chattahooche River there has been developed to date a little over 40,000 horsepower, but in that river there is a possible development of an additional 300,000 horsepower. In the Coosa River there is a possible development of over 300,000 additional horsepower, but there is only one development on this stream of about 40,000 horsepower, so that we see in these two streams alone there is less than one-tenth of

the horsepower developed, which would open 1,500 miles of much-needed navigation.

If Congress may fear to trust the State of Georgia and its people to regulate and control the development of its water power, why not inquire if the people and the development of the natural resources of Georgia, the increase of its manufacturing operations, have been hurt, and whether the people of Georgia have been injured and oppressed by any monopolies in the development of nearly 200,000 horsepower in that State now in operation? No; the contrary is true.

In the States of Georgia, South Carolina, and North Carolina there are now nearly 4,000 miles of hydroelectric transmission lines, and very little of the 4,000 miles traversing these States carry a kilowatt of power from a development on a navigable stream under consent of Congress. If these hydroelectric developments in these three States have not been oppressive, if the manufacturing operations of these States have thriven and grown, is it not conclusive that our bill is a wise one?

The committee offers a bill that it is believed will invite and attract capital to construct dams in the navigable streams of the country, improving the navigation of these streams and developing water power at the same time. At the present time there is not a single dam in a single navigable stream in this country under construction by private capital. If the House will pass the bill just as the committee has reported it, within a year's time it is believed that construction of dams in the navigable streams of this country by private capital will begin and continue. It is true that there is no market for the power that will be developed at many of these dams, but markets will be created at or near these dam sites for manufacturing air fertilizers and other electric-furnace products.

If the bill is passed hydroelectric developments that have been going to Canada and to Europe and are now going to these countries will stop and the developments will, as they should, be made upon the navigable streams of our own country.

Mr. CLINE. Will the gentleman yield for a question?

Mr. ADAMSON. Yes.

Mr. CLINE. I understand that out of 25 of the authorizations that have been made under the present law there have been only 2 acceptances?

Mr. ADAMSON. There have been 95 in all, but not under the present law. I think there were 51 before the original law was passed, 25 between 1906 and 1910, and 19 since the amendment of 1910.

Mr. CLINE. The purpose of this act is to liberalize it to a certain extent at least, so as to induce capital to invest?

Mr. ADAMSON. That is it—to make the proposition attractive to capital, so that they will save the Government the expense of building the locks and dams.

Mr. CLINE. Will the gentleman have the kindness to advise the committee in what important respect in this bill you propose to make it more liberal so that capital will invest? What important restrictions do you propose to remove?

Mr. ADAMSON. I am going to take up the bill by sections and discuss every one of them as soon as I have completed the general statement.

Mr. FESS. You spoke of sending the bill to the administration and it coming back here. Would this stand, then, as an administration measure?

Mr. ADAMSON. The administration agreed to it.

Mr. FESS. I notice that there has been some report that the Secretary of the Interior stands for one plan.

Mr. ADAMSON. Unless the rules not only hold that it is germane, but also that it is compulsory, for me to discuss the vagaries and romance of local newspapers I will decline to talk about them.

Mr. FESS. What I wanted to know was whether this was the administration bill or not.

Mr. ADAMSON. Yes; and it never would have been introduced until it was, because I worked for a year to find one that would suit the administration and according to which they would sign bills. And if the administration had turned out to be so rigorous as to veto such bills I would not have wasted so much time on it.

I was going on to say that so far as I am locally concerned—of course, my activities are not confined to locality, because I love everybody, and see clever, good folks in every section, and I want to see every inch of this Union developed—my State has sufficient power under the existing Federal law to take care of itself as to navigation and water power, because every stream of any consequence in it is entirely within the State of Georgia and can be managed by the laws of the State, and we are doing it. But I want to call your attention to one trouble, and it has been generated, in my opinion, absolutely by the people who have obstructed the development under this plan.

When it began a great many people owned the land along these shoaly streams. They were comparatively poor people, who had inherited or purchased it in some way, and that land was of little value aside from the shoals for water-power privileges. They held those lands until hydroelectricity possibilities began to be realized by the people of the country and then we began to get authority from Congress to develop those electric possibilities by water power; and then certain people began to obstruct development, and the President began to refuse to sign our bills. It was just like holding back or cornering grain or other products. Syndicates began to secure and hold dam sites as something that would be of value to the public in the future, for which a high price would be demanded. They have gone down along those streams and bought riparian rights, and they have been developing some little water power somewhere and saying to mankind, "You shall not have these others to develop. We will hold them and sell the power generated at the plants we have installed, and when we find a market for all that we will develop another one, and not before, and we will deal that out to you at a high price until it is exhausted, and then we will develop another one." They object to permitting competition to set up business, just as people do in establishing cotton factories and other manufacturing institutions. They say, "We have a business now, and we do not want any competition. We want to do our business, and if you charter any more we will have competition which will be detrimental if not ruinous to us."

But, bless your life, Mr. Chairman, if you carry that principle out you would fear that somebody else's children would compete with your children, and then procreation would end with other people. People have cried "Monopoly!" and said, "You are building up monopoly of water power." Their obstruction has let the Water-Power Trust monopolize the ownership of these dam sites, obstructed development, and allowed syndicates to freeze out the poor fellows who, not permitted to develop their holdings, were not able to hold unproductive property; and now we are confronted with the proposition that the water-power syndicates really own the land and refuse to develop power sites or allow others to do so.

If our friends want to help us out, they will tell us the way to secure the sites held by the syndicates, so that other capital may be willing to pay for the lands and improve the shoals. It may be that unless the States proceed to provide condemnation proceedings we shall have to come to Congress, on account of the fact that it is a navigation project, and secure authority to condemn lands or water powers in the hands of syndicates holding them unoccupied and unimproved. At this time a great many States have laws to enable the water-power companies to condemn other folks' land, but I have been unable to find a single case where you can dislocate a dog in the manger and take the manger from him when he had more mangers than he would use. [Laughter.]

That is the situation that confronts us. It is not our fault. We offer a proposition that will permit people to develop water powers instead of turning them loose and letting these syndicates get hold of all of them.

Now, Mr. Chairman, I will try to gratify a few gentlemen who have asked me some questions by giving a cursory glance at the provisions of the bill, and if anybody desires to ask me a question as I go along I shall be glad to try to answer.

The first two pages of the bill seem to be the old law entirely. On the top of page 3 is the first amendment that I see, to section 2. That relates to the conditions that the Secretary of War is to place upon them, such as he may deem necessary in the interest of navigation, "and also that in case such facilities of navigation shall not be made a part of original approval and construction," and so forth. It simply enlarges the language, and we thought it broadened it a little.

Farther down there is a little more new language inserted—

> And in such original approval, at the discretion of the Secretary of War and Chief of Engineers, may be required to maintain and operate such lock without expense to the United States.

You see, it is contemplated in this bill that these people will not only put a dam in, which, if we were going to put in, would cost us a million or two dollars, but they have got to put the lock in free of expense to the Government. They have got to furnish the land and put in the lock free of cost, and they have got to operate the lock and light it. Certainly a few hundred thousand dollars besides the dam will be a saving to the Government if the navigation of the river can be secured.

Mr. CLINE. Mr. Chairman, will the gentleman yield there?

Mr. ADAMSON. Yes.

Mr. CLINE. Is that not the point where you can get the dog out of the manger?

Mr. ADAMSON. If we can get possession of that dam site, now held by some fellow who has another one that he is using but does not want this one used.

Mr. CLINE. The point I want to call attention to is this: In the Chandler-Dunbar case, that was owned by a company that did not propose to improve it, and yet the General Government gave the parties who proposed to make the improvement the authority to dam the land that was owned by the company that refused to improve it themselves.

Mr. ADAMSON. The Government put in that project, and the riparian owners claim that they had a right to the surplus waters that the Government did not use for navigation. The Supreme Court has always held, as has been recognized by folks who understood the question, that the Government has paramount control of the bed of the stream from bank to bank, and whatever right a man acquired in the stream, he knew that his rights were subordinate to the control of the Government in the bed of the stream.

Mr. CLINE. Of course the Government could confer upon the company the right to build a dam on those lands?

Mr. ADAMSON. Yes. My idea is that this being a navigation bill, improving the navigable waters of the United States in the interest of interstate commerce, the Government could either condemn the land or could authorize a purchaser under the term of this bill to build a dam and condemn the land for that purpose, the current and the force of electricity being intended to be generated and distributed among the public.

I would prefer it if the States would provide a condemnation law rather than coming to the Federal Government for it; but it looks like the tendency is to come to Congress for everything, and it is getting worse and worse. Those gentlemen who are pining for home may as well get used to long sessions, because Congress can not do all of the legislation and get away in a week.

Mr. WILLIS. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. WILLIS. Before leaving section 2 I want to know whether I understood the gentleman's statement. Suppose a subsequent Congress should decide that additional locks and dams would be necessary in the interest of navigation, does the gentleman say that these additional locks, and so forth, would be constructed at the expense of the Government or at the expense of the private person making application for them?

Mr. ADAMSON. My understanding is that the Secretary of War may require it at the outset, or if he decides at a subsequent date, he may do so.

Mr. LENROOT. Will the gentleman point out where he gets that understanding?

Mr. STEVENS of Minnesota. I think the gentleman from Georgia is mistaken. If the Government refuses to require it in the first place, the owner of the dam must donate the site.

Mr. ADAMSON. The Government must require it when approving the specifications if it ever expects to demand it. If the Secretary of War does not at the time foresee that any portion of the river can be utilized for navigation, he may leave that out; but if he does, and the Government afterwards decides to use the other part of the river, it will have to put the locks in.

Mr. STEVENS of Minnesota. Yes; and the reason for that is that complaint was made that it was unfair to the investors, and men would not invest unless they could know in advance the approximate amount of the investment. A lock costs one-half of the cost of the dam itself, and it was necessary, in order to treat capital fairly, to let them know in advance about what investment they might expect, and that was the reason the change was made.

Mr. ADAMSON. I realize the wisdom of the provision.

Mr. WILLIS. If the gentleman will yield further. I understand the gentleman from Minnesota to state that it would be unfair to the investors. Does not he think that it would be unfair to the people by the Secretary of War having appropriated it and making it impossible for them to reach it?

Mr. STEVENS of Minnesota. You would have no investment; nobody with any sense would invest a cent in it. Section 4 requires that as a part of the original proposition. The Secretary of War and the Chief of Engineers each make a comprehensive plan for the whole waterway which shall be paid for by the applicant for the dam. Our Corps of Engineers are men of intelligence and experience, and design as a part of the comprehensive plan what ought to be done for the improvement of that stream; and it is only fair to the country and the people and the investors, and it is the only way you can get an investment. You can not get them any other way. It is only fair to everybody that this comprehensive plan should be understood and obeyed, and if any change is made by anybody who is desirous of change, he ought to pay for it.

Mr. SMITH of Minnesota. I would like to ask the gentleman from Minnesota a question.

Mr. ADAMSON. I will yield to the gentleman for that purpose.

Mr. SMITH of Minnesota. Do I understand that the investor pays for the whole cost of the original project?

Mr. STEVENS of Minnesota. If the gentleman will look at the bill, a part of section 3 is to be paid for out of paragraph A, and it may be divided by the Secretary of War and the engineers. Paragraph A will pay for the work under section 3.

Mr. ADAMSON. Mr. Chairman, I was going to remind the gentlemen who ask questions that we are not arbitrarily passing a law that can be directly enforced, establishing these relations between the people, the Government, and the grantees. We are trying to provide a contract which will secure what we want by inducing the other fellow to do what we want him to do. We make him pay all the expenses of the investigation, and we approve of the plans and specifications. He pays for a survey of the entire river with a view to navigation and the possibility of full development. We do not want to deprive the people of the benefit of it. When we have made a comprehensive survey of the entire subject we make the grantee pay for all that; then the Secretary of War—and we have to vest the authority in somebody, and the War Department has had jurisdiction over navigable streams ever since we have worked on them—then he decides, in order that capital may know what to depend upon and just what is going to be required.

If that stream is going to be used farther up, if we are going to need a lock in the dam, he is required to put it in right then. But it is human to err, and if after all that survey and investigation the Chief of Engineers is unable to foresee what is going to be needed in the future, of course the Government will have to pay for the lock if it decides to put it in afterwards. It seems to me, however, that there is considerable liberalization there.

I suppose what my colleagues would like to have me do is to go on and talk about the particular questions on which there may be differences. You will notice that in imposing these terms we do not care for what purpose the grantee uses that power, whether it is to light a town or to run a furnace, or other mechanical uses. What we want is the navigation of the river, and we hope he will make enough, or think he will, in some way, to induce him to build the dam and locks. So we have said on page 3—

> and for other beneficial public purposes, and best adapted to conserve and utilize, in the interests of navigation and water-power development, the water resources of the region.

And then on page 4, paragraph (b), he goes ahead and imposes the charges already provided for in the present law; and then we say:

> To be based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to 5 per centum of the total investment cost, in addition to the necessary annual expenses of the operation of such headwater improvement.

I do not know, arbitrarily or dogmatically, whether 5 per cent is enough or not, but I have been thinking that if we got enough of them to build along a stream where we had built a reservoir at the head to pay 5 per cent on the investment we were doing pretty well. Then we provide—

> (c) That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per centum of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers, and in fixing such charges consideration shall be taken of the benefits accruing thereby to the interests of navigation as well as to the business of such grantee.

That is a provision that has caused some friction. A good many men have made suggestions to me about it. I have already remarked that the only interest I personally knew of in connection with this bill was in the way of little fragments of land scattered up and down the large streams in the older part of the country. Most of the valuable Government lands have long ago been taken up. These are little nooks and corners in the swamps that nobody wanted. The man who owns the land

on both sides of the river may want to construct a dam, and it may back the water up 30 miles. The first he knows he is on two or three pieces of Government land. I had in mind to enable him to extricate himself from the difficulties of that situation in an easy way by settling with the same man from whom he got his approval; and, without differentiating or discriminating against anybody, Congress has the power to authorize any officer to perform any function like that.

I am not insisting on that at all. I would be willing that he go to the Secretary of the Interior and buy the land from him as well as from anybody else. It makes no difference to me. Now, so far as interference with the public domain is concerned, I confess that I do not know as much about that as some men in this House know about it. I am so busy with the affairs before my own committee that when a constituent of mine writes to me about the public lands I refer the question to Brother FERRIS or some other gentleman on the Committee on Public Lands, and I generally find out what I want a great deal more easily than by neglecting my own business to study their business. I can not help but believe that in this House a member of a great committee not only serves his country but does God service if he attends to the business of that committee and keeps up with his work in that direction. So you will have to excuse me from knowing all about questions which relate to the public lands. I shall expect my friend from Minnesota [Mr. STEVENS] to combat any attacks that may be made upon that feature of the bill.

I do not know how much navigable water there is in the public domain. If there are any navigable streams in the public domain, certainly no man in the House wants to transfer the jurisdiction over that navigable water from the Secretary of War to the Secretary of the Interior. The Secretary of War has organized a splendid corps of engineers, who have done great work in this country, and I do not see any propriety or necessity for transferring jurisdiction if there should be found any navigable streams in the West.

I have no disposition——

Mr. SPARKMAN. I desire to ask the gentleman if there is any proposition of that kind?

Mr. ADAMSON. I do not know. If I understand the diplomatic correspondence that has gone on among us, that is the only substantial difference I have been able to find between the two bills.

Mr. SPARKMAN. I see in another bill introduced by another gentleman, which is said to deal with nonnavigable waters, a proposition of that kind. I did not know there was any intention to try to engraft it on this bill.

Mr. ADAMSON. I have said what conversations I had. It occurred to me, on an examination of the bills before the House, that was the only substantial difference between them.

Mr. SPARKMAN. I agree with the gentleman in saying the Secretary of War has everything to do with navigable waters.

Mr. FERRIS. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. FERRIS. I had not intended to get into this colloquy very much, because I am trying in good faith to carry on negotiations with the gentleman in regard to some amendments which I very much hope can be agreed to, but the gentleman made a remark a moment ago, which is, of course, a proper one—that each member, to use a slang phrase, should stick to his own committee.

Mr. ADAMSON. I do not think I said it that way. I was complimenting the gentleman. The gentleman from Oklahoma always furnishes me information concerning public lands, and perhaps may furnish me some on this before we get through.

Mr. FERRIS. The affection of the gentleman is appreciated and reciprocated, I am sure. I am making reference to a question of jurisdiction, which is one of the really important matters in this bill. I know the gentleman does not want the RECORD to say that there is anything in the Public Lands Committee bill that follows this bill that attempts even for a moment to invade the jurisdiction of navigable streams. At the same time I want to suggest that the gentleman knows that the War Department openly claims that they have jurisdiction now, and they claim it openly. This contention, they say, entitles them to have this section 17, which repeals everything that has been done with respect to water-power questions from the time legislation on the subject began. I know the gentleman does not occupy that position, because he wrote a letter a short time ago to me and stated that he did not want to meddle with public-lands affairs, and this bill does do it, and I wondered if the gentleman was going to try to agree to an amendment that would at least separate these little irrigation plants and power development of the public land in the West from this legislation, which is a mingling of navigation with water-power, irrigation, and all sorts of questions.

Mr. ADAMSON. I do not think the gentleman from Oklahoma, as brilliant and smart as he is and accurate and discriminating as he is, understands either the War Department or the bill or myself, if the gentleman will pardon me.

Mr. FERRIS. I understand the letter which the gentleman wrote me; I understand that.

Mr. ADAMSON. If I had written it myself, perhaps the gentleman would not. I had the clerk to write it in typewriting.

Mr. FERRIS. No; the gentleman wrote it in longhand.

Mr. ADAMSON. I would hesitate to question the gentleman's veracity, but some of my friends would not believe him if he said he read it. [Laughter.]

Mr. FERRIS. The gentleman wrote it and, marvelous as it may seem, I read it.

Mr. MONDELL. I do not want to break in on the argument of my friend——

Mr. ADAMSON. I yield to the gentleman.

Mr. MONDELL. But I would like to call the gentleman's attention to paragraph B, page 4, which provides for the payment by the lessee of reasonable charges for benefits that may accrue to his project from headwater improvements and in which it is provided the amount paid shall not exceed in any one year an amount in excess of 5 per cent of the total investment cost in addition to the necessary annual expenses in the operation of such headwater improvements. Does that provision intend to provide for these payments for headwater improvements until the investment cost shall have been returned to the Government, then thereafter only such payments as are necessary to cover the expense of operation, or is that expected to be a continued payment, not to exceed 5 per cent of the cost of the headwater improvements?

Mr. ADAMSON. The gentleman will understand by recurring to the beginning of that section that that is only one of the authorizations to the Secretary of War as to putting conditions into his approval. I do not think that attempted to go into as much detail, perhaps, as the gentleman's question would ask about.

Mr. MONDELL. I supposed the committee had some theory in regard to this matter of paying for headwater improvements, and that paragraph is not entirely clear to me, and I thought the gentleman could give me his interpretation of it.

Mr. ADAMSON. My own idea of it was that if the Secretary of War ever managed to secure 5 per cent of the entire cost that the whole matter would be refunded within the period of the life of these consents.

Mr. MONDELL. If the lessee paid 5 per cent of the investment cost, the investment cost would all be returned in 20 years, during which period the lessee would also have paid his proportion of the upkeep cost. Does the gentleman understand that paragraph to mean that this payment of approximately 5 per cent of the investment cost is to go on forever, or is it to cease when the Government shall have been reimbursed for its investment cost?

Mr. ADAMSON. The consent by a subsequent section lasts 50 years.

Mr. MONDELL. I understand; but the Government has its investment cost returned to it, as I understand, in 20 years.

Mr. ADAMSON. I do not know whether that 5 per cent would do that, in addition to the interest, or not.

Mr. STEVENS of Minnesota. Mr. Chairman, will the gentleman yield to me?

Mr. ADAMSON. Yes.

Mr. STEVENS of Minnesota. Mr. Chairman, if the gentleman will allow me, this is the theory on which that was constructed, and I claim the blame for some of the language that was used in it.

Mr. ADAMSON. I did not want to accuse the gentleman of it myself, but I swore to it when he invented it.

Mr. STEVENS of Minnesota. Several years ago when the Appalachian and White Mountain proposition was before the House, I opposed it. I thought it was a fake and would not work, and I have not yet changed my mind.

Mr. MONDELL. Nor had any reason to.

Mr. STEVENS of Minnesota. But if the United States is obliged to buy these lands on the ground that they will help navigation, I thought, in all fairness, that if anybody was helped by it, they ought to pay for these lands, so that I drafted the original provision, and the theory of it is this: Money is worth to the United States what it can borrow it for, which is about 3 per cent, so that we should charge these people 3 per cent, if we can get it, on the amount of the investment for the interest the United States puts into the property. We should

then compel them to pay for it, if we can do it, in addition to that.

Mr. ADAMSON. That would be the other 2 per cent.

Mr. STEVENS of Minnesota. With the 2 per cent for 50 years, that would be the hundred per cent. We compel these people who ask for these storage reservoirs and mountain reservoirs to pay for them in 50 years. There is nothing in this to stop payment at the end of 50 years. My own judgment is that this will not yield so much, but if they have mulcted this Government for many millions of dollars we want to get it back if we can.

Mr. MONDELL. Mr. Chairman, if the gentleman from Georgia will allow me, the paragraph I refer to has reference to headwater improvements, which I understand to mean improvements made at the expense of the United States above the project.

Mr. ADAMSON. I understand they climb up to the head of the stream and impound the waters there when they find a good place for storage.

Mr. MONDELL. And the provision is made that the lessee or the lessees securing the benefit of those headwater improvements shall make a payment not to exceed in any one year an amount equal to 5 per cent of the total investment cost in addition to the necessary annual expense of the operation of the headwater improvements. If the theory is that the headwater improvements are to be paid for, but without interest, and that thereafter the lessees are only to pay the cost of upkeep, then the language does not indicate that view. If, on the contrary, it was the thought of the committee that the beneficiaries under these headwater improvements were to pay perpetually—that is, for 50 years—5 per cent of the cost of the headwater improvements, the Government would in the period of 50 years have received in all two and a half times the original cost of the headwater improvements besides the cost of upkeep.

Mr. ADAMSON. Mr. Chairman, we have been reminded very often in our contest to secure this legislation that we ought to get all for the Government that we could.

The gentleman from Minnesota [Mr. STEVENS] has apologized to you and confessed that he helped get this thing up. I voted against it when it was put in, and I think he is the best one to explain it. I merely submitted to it, just as I did to a good many other things that I did not think necessary to put in.

Mr. STEVENS of Minnesota. I assume the responsibility.

Mr. ADAMSON. I am not going back on you. I am simply going to ask you to be the leading counsel in answer to it.

Mr. MONDELL. I would like to ask the gentleman how he will interpret that section?

Mr. STEVENS of Minnesota. There is no limit to this charge. It goes just as long as this is on the statute book and in its present form.

Mr. MONDELL. It is considerable of a charge in that case. May I ask the gentleman another question?

C relates to public lands. I take it, if granted, there will be very few public lands, only small isolated tracts here and there, if any, connected with one of these projects, but you provide for payment for the use of those lands equal to 5 per cent of the fair value. Now, that payment is to be perpetual?

Mr. ADAMSON. The gentleman from Oklahoma and I were talking about it and some other kindred subject when the gentleman did me the pleasure to interrupt me.

Mr. MONDELL. I regret I did not hear that part of the discussion.

Mr. ADAMSON. I was going on. It was not exactly fair to him to drop off the conversation just where we had it.

Mr. MONDELL. The gentleman understands I am not asking the question as to the propriety of your including public lands. The only question in my mind was as to the charge you proposed to make for the use of the public land.

Mr. ADAMSON. I hope the gentleman from Wyoming will give me his suggestion before I proceed to reply to the gentleman from Oklahoma [Mr. FERRIS].

Mr. MONDELL. My suggestion would be that if in connection with one of these projects there should be any public lands used or submerged—I imagine in no event would there be any considerable proportion of the project, probably none at all in the great majority of the projects; but in case you used any at all, if it seemed fair to charge for the land, either a cash payment at one time or a payment extending over a considerable period of years—at some time or other public lands should be paid for.

Mr. ADAMSON. It is the wish of the gentlemen interested in the conservation of the public lands that we eliminate that 5 per cent, and if the House is willing to do so we are willing.

Mr. MONDELL. And not pay anything for them?

Mr. ADAMSON. No. We leave it that the Secretary of War may charge him what he can get him to pay, but to strike out the maximum charge of 5 per cent.

Mr. MONDELL. What is the idea of getting more for the public lands than their fair cash value?

Mr. ADAMSON. The idea of the gentlemen who complained to me is that they can get more than 5 per cent. Some of the water-power people who talked to us about it said if we did not put it in they could get it at a good deal less. I do not know how that is.

Mr. KENT. I would like to ask why the Secretary of War should decide on matters relating to the public domain? That is within the province of the Secretary of the Interior.

Mr. ADAMSON. I suppose the gentleman did not hear my explanation of that. I said I did not care what officer the Government would select. I suppose, if this went in, and we had to have the plans approved by the Secretary of War, it would be more convenient for him to deal with the entire subject. I supposed it was only a convenience. I would just as soon, when we grant a consent to a company to build a dam in a navigable stream, that they may get their title from the Government, the same as a citizen. I want to add that you can not get up any preference in my mind between the two men who hold the two Cabinet portfolios of the Government. I would just as soon buy land from one of them as the other.

Mr. CLINE. I find in the bill, on page 4, paragraph 3, it says that in fixing such charges there shall be considered benefits to the interest of navigation as well as to the business of the owners of the project. I suppose those are eligible to be taken into consideration in considering the basis of taxation?

Mr. STEVENS of Minnesota. Yes.

Mr. CLINE. In that the language is ambiguous, and I would like to have your view about it.

Mr. STEVENS of Minnesota. My view of that paragraph is that it will be greatly changed. When the subcommittee prepared the bill—and I will state to the committee frankly how it happened—the Senate had a bill, and we had several bills, one coming from the War Department, a bill of the Secretary, and one which the gentleman from Georgia prepared, and one that I prepared, and, I think, two or three from the Senate. One of the Senate bills contained this proviso, which I thought was a good thing and thought it could be inserted, because there is hardly a river in the South and West along which some public land will not be found belonging to the Interior Department altogether. And I think the title of many little plats of land would be in the Department of Commerce—little lighthouse reservations and range marks, and things like that. But we put in a general provision covering all the lands of the United States, putting the terms as they were in the Senate bill. I have no pride of opinion about that. My own opinion is that it should be changed; that each department ought to lease its own lands and fix its own terms and conditions, and leave out this clause as to relative value if navigable. That is my own judgment. Following the path of least resistance, we put the Senate provision in it. So, if the gentleman will allow me, I will say that I will be the one who would be in favor of striking out that last phrase.

Mr. CLINE. If the benefits to the interests of navigation are to be considered as one of the elements for fixing the assessment, that would not be permanent; it would be constantly changing, because as the benefits of navigation increased the basis would be largely increased?

Mr. STEVENS of Minnesota. Yes. It is one of the things that would lead to difficulty and uncertainty.

Mr. CLINE. And the object of the assessment will be to arrange a fair basis?

Mr. STEVENS of Minnesota. Yes; a fair basis at the beginning. If that were stricken out and each department allowed to run its own affairs, the Interior Department to run its own lands, and the Department of Agriculture to run its own lands, and the War Department and the Navy Department to run their own reservations, and the Treasury Department to run its reservations, I think that would be the fair and businesslike way to work it out, and I would be very glad to prepare an amendment for that purpose.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. ADAMSON. Certainly.

Mr. RAINEY. Is this the only provision in the bill that provides for a possible revenue to the Government through the operation of the dams?

Mr. ADAMSON. We thought, Mr. Chairman, that we were securing great benefits to the Government and the people if we could secure the building of these locks and dams without cost to the Government. We have not incorporated in this bill the idea that the gentleman espouses—of levying a tax upon these dams in that way.

Mr. RAINEY. I understand the position of the committee; but is there any other provision in the bill from which you could expect any revenue?

Mr. ADAMSON. No, sir. We did not think it could be done in that way. But we did have the bill introduced to blaze the way for that.

Mr. RAINEY. With reference to this particular clause, what rivers in the country at the present time have any headwater improvements?

Mr. ADAMSON. I stated—I do not know whether the gentleman heard me or not——

Mr. RAINEY. I think not——

Mr. ADAMSON. I stated that I never was an enthusiastic advocate of putting that headwater business in this bill. I will ask the gentleman to address those questions to the gentleman from Minnesota [Mr. STEVENS].

Mr. RAINEY. I will ask the gentleman from Minnesota what rivers in the country are now provided with headwater improvements that may possibly yield revenue for these purposes?

Mr. STEVENS of Minnesota. The largest river I had in mind was the Mississippi. At the head of the Mississippi there are six of the largest storage reservoirs in the world. I think they would benefit the water power and yield revenue.

Mr. RAINEY. Whether they would assist water-power development and yield revenue is dependent upon the construction of the engineers?

Mr. STEVENS of Minnesota. Oh, yes. Under the White Mountain and Appalachian plan I think it was the theory of those who promoted that project that the Connecticut River and probably the Androscoggin and the Merrimac Rivers in New England, and in the South I think the North Carolina and South Carolina rivers, would yield water power.

Mr. RAINEY. Have they storage reservoirs?

Mr. STEVENS of Minnesota. No. They have headwater improvements in the way of forestation and reforested areas. I should move to strike out "storage reservoirs" or else specifically include the other, to make it comprehensive and take in all of these headwater improvements.

Mr. RAINEY. In drafting this particular clause, then, the idea was to get revenue from storage reservoirs and reforested headwaters?

Mr. STEVENS of Minnesota. Yes; from everything in reach.

Mr. RAINEY. That would depend upon the construction of the engineers as to the effect reservoirs and reforestation have upon water-power development?

Mr. STEVENS of Minnesota. Yes.

Mr. RAINEY. Would the gentleman allow me to read a statement made by the Chief of Engineers as to headwater improvements and storage reservoirs, under date of May 14, 1914?

Mr. ADAMSON. Yes.

Mr. RAINEY. I read:

WAR DEPARTMENT,
Washington, May 14, 1914.

Hon. HENRY T. RAINEY,
United States House of Representatives.

SIR: In reply to your letter of May 8, 1914, requesting information regarding reservoirs and forests at the headwaters of navigable streams, and especially with reference to the Mississippi River, I have the honor to inclose herewith a report on the subject by the Chief of Engineers, United States Army, containing the information desired by you.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 14, 1914.

The SECRETARY OF WAR.

SIR: 1. Referring to letter of the 8th instant from Hon. H. T. RAINEY, M. C., to you asking for certain information in regard to reservoirs and forests at the headwaters of navigable streams, and particularly with reference to the Mississippi River, I have the honor to report that no charges have ever been imposed by this department on the operators of power developments on navigable streams on account of any advantage which may accrue to them through the maintenance of reservoirs or forests.

2. There are extensive reservoirs at the headwaters of the Mississippi River, which were built for the purpose of benefiting navigation. Whether the operation of these reservoirs in the interest of navigation will produce any beneficial effect on the power development at Keokuk is a question which has not been investigated, but it is known that the effect of the operation of these reservoirs is not beneficial to power developments at Minneapolis.

3. The season of lowest water on the upper Mississippi—that is, the time when water is most needed for the power developments—is during the winter, the season at which navigation is closed. During this season the outlets of the reservoirs are closed to the minimum, for the purpose of storing water in the reservoirs in order that it may be released during the low stages of the navigation season. The result is that the natural low-water flow during the winter is still further reduced, thereby reducing the amount of power which can be developed from the water wheels. These reservoirs are the only ones in the United States which have been built in the interest of navigation.

4. The effect of forests on the flow of navigable streams has been very thoroughly investigated by the Engineer Department in connection with the improvement of navigable streams, and these investigations fail to show that forests have any beneficial effect upon the stream flow, particularly during low water. I presume that before a change should be made to the operators of a power dam on a navigable stream for additional water due to forests established at its headwaters, it would be necessary to prove that the forests had contributed a definite additional flow to the low-water volume. The effect of forests on the flow of any stream can only be told by a series of observations extending over a sufficient period of time to eliminate changes due to varying amounts of rainfall. Such a series of observations should be not less than 100 years in length, and preferably longer than this, for each condition—that is, in forested and denuded condition—in order to arrive at any results which would be of positive value.

Very respectfully,

DAN C. KINGMAN,
Chief of Engineers, United States Army.

Now, inasmuch as the engineers hold that in order to get any revenue on account of reforested headwaters of rivers it is necessary to experiment a hundred years with stream flows when the hills at the headwaters are in a denuded condition, and then to reforest the headwaters, which would take another hundred years, and then experiment for another hundred years with the reforested headwaters, in order to determine whether any benefit would accrue from this kind of an improvement to those dams for which a tax could be levied; and inasmuch as the engineers hold that the storage dams on the Mississippi are always closed at the time of the year when they could be of any benefit to the dams for water-power purposes—and that would probably apply to headwaters anywhere—and that they have not produced the slightest effect on the water-power dams up at Minneapolis, very near where these storage reservoirs are located, I should like to have the gentleman explain how it is possible that at any time within the next 300 years any revenue can be derived from this particular clause, which he admits he is responsible for and has so carefully drawn? What is the use of having it in there? What is the use of trying to convince the country that there is anything in this bill that may at any time in the future yield the slightest revenue to the Government?

Mr. STEVENS of Minnesota. I thought I told this committee only a few moments ago—I do not know whether the gentleman heard me—that I thought the plan to acquire headwater forest areas in the White Mountains and the Appalachians was a failure. I said so frankly. I voted against it. I do not know how the gentleman from Illinois voted. I voted against it because I thought then it would amount to nothing. But in order to acquire those areas constitutionally some officials of the Government—I think they are officials of the Interior Department—are obliged to certify that those areas are beneficial to navigation. Under those circumstances where officials of the United States Government do certify to those facts, and upon those certificates millions and millions of dollars are paid by the United States, I thought it was only fair and just that a provision should be put in this bill to compel those who might receive some benefit out of it to pay all we could get out of it. I told the House frankly that I did not expect much out of these reforested areas, and I told the House before the gentleman said so. As I say, I had no faith in the whole proposition, but I thought it would be only fair and just and patriotic to put a provision in the bill to carry out the attitude of those who do think that there may be some improvement and compel those who might be benefited out of it to pay for that benefit.

Now, as to the reservoirs on the Mississippi River above Minneapolis, there are 300 miles of navigation. Those reservoirs do benefit navigation to the extent of 18 inches for 100 days in the driest period of the summer. Those facts are well settled, so that there is no dispute about them.

The statistics as to the benefit to the water power I did not know and did not care about. I knew that if navigation was benefited to that extent, as is conceded, it might be that this water might be of some benefit to the numerous power projects above St. Paul, probably a dozen or fifteen of them. It made no difference how much. I did not know and did not inquire. It was my business to draft a provision of the bill to compel them to pay if we could get anything out of them, and for that reason I was responsible for putting in this provision, not having much faith in it, I am frank to say, but trying to get all we

could out of it. If the gentleman wants to move to strike it out, let him make that motion.

Mr. RAINEY. I am going to move to amend it by substituting a provision that will mean something and that will yield some revenue when the time comes.

Mr. ADAMSON. Mr. Chairman, I do not care to incorporate in my speech such a long colloquy about something for which I am not responsible. I was just eight years ahead of the gentleman from Illinois in his objection to this thing. But we did not erect these reservoirs. They were put there by somebody else, not by our responsibility. But we did do our duty eight years ago instead of now. His row is entirely behind time. We did our duty eight years ago by providing in the amendment to the general dam act that if there were any such things as a result of what we were providing for, the grantees erecting those creations should, if they got any benefit from them, pay for it. That is all there is to that. We did not build the reservoirs.

Mr. RAINEY. Will the gentleman yield?

Mr. ADAMSON. I have not finished answering the gentleman's other question.

Mr. RAINEY. The gentleman is answering something I did not ask.

Mr. ADAMSON. I thought the gentleman was objecting to this provision.

Mr. RAINEY. I am not opposed to storage reservoirs. I believe they do aid navigation.

Mr. ADAMSON. Then, I will say that I do understand the gentleman, and I will answer him.

Mr. RAINEY. They do aid navigation, but neither storage reservoirs nor reforested headwater areas will help water-power projects, and the engineers say so.

Mr. ADAMSON. If they do not help water power, the War Department would not charge him anything, but if they derive any benefit from it they shall pay for it. Is the gentleman opposed to that? Now, I will say to the gentleman that I do understand him, and I will answer him. He wants to prevent forever the erection of any dam, by providing a tax by the Federal Government on the new creation. I prefer the theory of the constitutional method, that if the Government needs a tax, to levy uniform excise taxes on all water power, developed and undeveloped. The gentleman from Minnesota [Mr. STEVENS] has blazed the way, if the Federal Government needs to rob the States of the few remaining sources of taxation by taxing the water power. I prefer to leave that source of taxation to the States, but if the Government is to tax it, let us do it constitutionally. Now, Mr. Chairman, I will incorporate in my remarks the bill which the gentleman from Minnesota introduced:

A bill (H. R. 17327) to provide revenue for the Government by levying a uniform excise tax on all persons, companies, corporations, or other associations operating power plants for the generation of hydroelectric energy or other form of water power for commercial use.

Be it enacted, etc., That from and after the 1st day of July, 1914, there shall be assessed, levied, collected, and paid annually by each and every person, company, corporation, or other association, not including State or any municipal subdivision thereof, operating a power plant for the generation of hydroelectric energy or other form of water power for commercial use upon any of the waters within the United States, a uniform tax of one-fifth of $1 per annum for each horse-power per year of the power generated at said plant and available for transmission or other commercial use. The quantity of power thus taxable at each power site shall be determined annually by the Commissioner of Internal Revenue, and the tax here'n provided for shall be assessed by said commissioner and collected for the fiscal year ending the 30th day of June next preceding the time for levying, collecting, and paying said tax, and said tax shall be assessed, collected, and paid on or before the 1st day of October next succeeding said fiscal year.

SEC. 2. That it shall be the duty of every person, and of the president or other chief officer of any corporation, company, or association taxable hereunder, to keep full, regular, and accurate account of the gross quantity of water power developed and the quantity available for transmission or other commercial use, and it shall be the duty of any such person and any such president or other chief officer to file, on or before the 1st day of August next succeeding each fiscal year, with the collector of internal revenue in the district in which such person, corporation, company, or association shall be located or be engaged in the business of developing hydroelectric power or other form of water power for commercial use a statement, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue shall prescribe, showing in terms of horsepower the gross quantity of power developed and the quantity, in like terms, available for transmission or other commercial use by said person, company, corporation, or association at its power site during the whole fiscal year last preceding the date of filing said statement; and any person, corporation, company, or association making default in the payment of the tax so assessed, or in the performance of any other duty imposed by this act, shall forfeit as a penalty for each such default the sum of $10,000, and in addition, for a default in the payment of the tax, 5 per cent of the amount of taxes due for each month of such default until the same is paid, payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue laws.

Now, that is the only legal way to do it. We have been familiar with the position of the gentleman from Illinois [Mr. RAINEY] on the question, and gave consideration to his bill on this subject and what he has said on the subject repeatedly in this House and elsewhere. We prefer the constitutional course.

Now, this colloquy has led so afield from what the gentleman from Oklahoma and I were talking about that I fear the honorable amende I was trying to make will be as far out of date as the charge of the gentleman from Illinois as to the benefit that reservoirs are at the head of the stream. I would not do him any injustice. He and I have had some little flirtations colloquies in private, but it is our hope that we can manage these things. I do not want to interfere with the public lands. He is not only more competent than I am to handle the public lands, but he is as competent as anybody else I have known. I would not remove him from the position for anything in the world. He says he does not want to interfere with navigation, but as I understand my genial friend, who wants to inject into the law some innovation or novation—and as to what the novation is and what it will apply to and fix it for all time and eternity, which I do not think can be practically done—he is hopeful and I am hopeful that we can get together.

Although he and I are diametrically opposed perhaps we can agree, and if we do I think all other gentlemen ought to agree with us. As to what he said about the Secretary of War and section 17 I have tried my best to remove the fears of several of my beloved friends who have been afraid that we would tear up creation by section 17. Section 17 has no reference to water-power dam, or reclamation or irrigation projects, or any public land or private land, or any land on the face of the earth except dams put in navigable streams prior to this act.

Mr. KENT. Section 17 repeals the Ten Commandments.

Mr. ADAMSON. Well, most of them have gone out of use anyway. There are two things we are doing in this bill—we are providing that all new locations shall conform to the conditions fixed by the Secretary of War, and we are providing that they shall be regulated as to charges and practices like other structures. Does any gentleman here wish the Keokuk Dam, or any of the old dams created before the general dam act was enacted, to go free of regulation? There have been lots of complaints about some of them before us. We are studying their regulation now. Why can not we make applicable not only the terms under which they shall put in a lock but regulate the charges and practices? And that is all we are trying to do. Will any man say it is not right and fair? Here is the way I have written it in my second effort, and if it is satisfactory to the gentlemen I will offer it, and if it is not, perhaps I can respond to some more of their suggestions, and do still better:

SEC. 17. That all of the provisions contained in sections 2, 3, 4, 5, 11, and 15 of this act fixing conditions of the consent of Congress and regulating practices and charges between the grantees and their customers, for the construction, maintenance, and operation of dams in the navigable waters of the United States, shall apply alike to all existing enterprises in operation or previously authorized in the navigable waters of the United States as well as to new projects in the navigable waters of the United States to which the consent of Congress may hereafter be granted. All conflicting provisions contained in any previous act of Congress granting consent for the construction, maintenance, and operation of any dam in the navigable waters of the United States are hereby repealed, and all such previous authorizations are so amended and modified hereby as to conform as to the conditions and provisions in said sections 2, 3, 4, 5, 11, and 15 of this act.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. KENT. I was going to ask the gentleman if anywhere in the bill there is a definition of what constitutes navigable waters.

Mr. ADAMSON. Not in this bill.

Mr. KENT. Are navigable waters waters that will float a toothpick or a log, or waters that have a navigable outlet?

Mr. ADAMSON. Mr. Chairman, the courts have been sitting for thousands of years and legislatures have been working for thousands of years and governments have been administering laws for thousands of years, and the only approach to a definition of navigability under present conditions is this: First, are you actually navigating the stream? Second, has the Government undertaken to improve the navigability of such stream? And that is all there is to it.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. LENROOT. Is the gentleman aware that many courts have held that a stream that will float a log is a navigable stream?

Mr. ADAMSON. I do not think that we want to go to that extent.

Mr. LENROOT. But it enters into that question.

Mr. BRYAN. And does the gentleman take the position that where a boat can not navigate a stream, where the Government has not undertaken the improvement of the navigability of that

stream, in such case it is not to be construed legally as a navigable stream?

Mr. ADAMSON. If it is not actually being navigated now and the Government is not undertaking to improve it, it is not now a navigable stream, but the second condition is a continuing one. Congress at any time may undertake the improvement of any stream in the country, and probably will undertake the improvement of some additional to what are now being improved. I do not know. I am leaving that with the discretion of the only authority who has ever been named by the Government to determine such matters, and whenever a proposition is presented to the Secretary of War to approve the plans and specifications for a dam in a navigable stream the Secretary of War will then and there decide whether that is within his jurisdiction or not, whether it is really actually navigable or whether it is intended to be made navigable, and if neither condition exists or is in prospect he will say to the grantee, "I have nothing to do with it."

Mr. BRYAN. The gentleman knows that headwaters of streams like the Missouri often contain not enough water for an alligator to roll over in, and yet that stream is a navigable stream under the interpretations of the War Department and the law of the country.

Mr. ADAMSON. That is theory and not practice. I would not give five seconds' consideration to it.

Mr. STEVENS of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. STEVENS of Minnesota. As a matter of fact, has not the executive department in its construction of what constitutes a navigable stream considered navigation in fact as to whether a stream was navigable? And in the cases that I have examined, for example, the Kansas-Colorado case, which is the principal one on that subject, the United States—the executive department of the United States—states to the court that the upper reaches of the Arkansas River were not navigable, and of course they were not navigable, as a matter of fact. They could float a log down them; but they were not navigable, as a matter of fact. So that has not the construction of the executive department been that wherever navigation was practically existent or practical to be promoted in the interest of the people that only the navigable parts of the stream might require this?

Mr. ADAMSON. Mr. Chairman, I think the contingencies suggested by the gentlemen who have asked these questions are too remote and far-fetched to be seriously considered in the consideration and passage of this bill. Of course you can sit down and spin theories and bring up fears and imaginary cases that might lead you to refuse to do anything, and I personally have no sympathy for this floating-log business; I have no sympathy with following these little streams up to the head branch except to find good, pure water to drink; that is all I want. I can not interfere with the rulings of the court which are made on general grounds through generations. It would make such distinctions as might unsettle private rights all over the country and possibly have to be rewritten in all the statutes on the statute books.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. I desire to finish answering the gentleman entirely, if the gentleman will permit. The idea I got from the reference is that there may be a stream which it would be never profitable to navigate, and if it should be made navigable by the Government money the cost would be prohibitive and the returns not profitable. For the same reason private capital does not undertake it, the navigation itself would not be sufficient to amount to anything; and if it were, it would be so expensive and the water power returns so meager that private capital would not undertake it; but there may be streams, like the Chattahoochee or the Coosa, where there are 300 or 400 feet of falls within 30 or 35 miles, and if you could get by those falls there would be many hundred miles of navigation above.

It is not probable that the Government will do anything in the near future, and private capital might do it. On the other hand, there might be such a poor prospect of navigation above it would never be undertaken for years, yet if the opportunity offered to meet the heavy expense of removing the barrier, the Government might decide that the river be made navigable all the way. Now I yield to the gentleman from Oklahoma.

Mr. FERRIS. What I started to say was more of a statement than a question, but I will simply ask the gentleman a question or two——

Mr. ADAMSON. I am trying to finish this speech and let gentlemen go home.

Mr. FERRIS. Does or does not the gentleman think that the question of what is "navigability" is an extremely mooted question?

Mr. ADAMSON. I think the only practical way to deal with the administration of a thing is to deal with the exact law—with what the gentleman understands to be that law.

Mr. FERRIS. The gentleman, in his good humor and genius, does not answer my question. Is it not a fact that the courts are all in a maelstrom of disagreement as to what is the law in respect to the navigability of a stream?

Mr. ADAMSON. I have told the gentleman all I know about it.

Mr. FERRIS. Does not the gentleman think that is so?

Mr. ADAMSON. Of course the courts are occupied by men, and many men of many minds, and many birds of many kinds.

Mr. FERRIS. Very well; but there is a question of doubt——

Mr. GARRETT of Tennessee. It is a question of fact under existing law.

Mr. ADAMSON. It is a question of the fact of existing navigability. A stream that the Government will hereafter make navigable, or navigability in the last analysis, depends on, first, whether it is in fact navigable at the present time or the Government is trying to make it so.

Mr. FERRIS. I do assert that the courts are very much in doubt and opinions are very much in conflict in regard to what is in fact "navigability," and does not the gentleman agree with me that some well-defined line of demarcation ought to be drawn now in dealing with legislation so that in the future we will have a definition of "navigability"?

Mr. ADAMSON. I believe it would be cheaper to say we will give up the public lands than to retard navigation all over the country. The people might be benefited in the future by the navigation of these rivers and the generation of hydroelectric power above what all the public lands might be worth.

Mr. FERRIS. Can the gentleman conceive of any reason why Congress should not, in dealing with matters so important as this bill deals with, absolutely define what navigability is?

Mr. ADAMSON. I know a good reason. It is because the gentleman does not know how, and I do not know, and nobody else knows how, and it would not be possible to agree, in an arbitrary manner, on anything that would do any good at all.

Mr. FERRIS. One can be devised to follow a line of general practice, so that the Secretary of War can deal with his jurisdiction and the Secretary of the Interior can deal with his jurisdiction, and they are now dealing practically with that very thing. Why is it the gentleman refuses to agree, and what harm could there be in agreeing on what "navigability" is, and avoid all this conflict?

Mr. STEVENS of Minnesota. My question goes to that very point. A few years ago quite a number of bills were introduced into the House, and referred to the Committee on Interstate and Foreign Commerce, to provide that certain rivers or certain parts of rivers should be nonnavigable thereafter. The gentleman will remember it.

Mr. ADAMSON. Of course.

Mr. STEVENS of Minnesota. The gentleman will remember that our committee reported some of those bills, and we were very severely criticized by the House and by the press of the country for attempting to declare rivers or parts of rivers nonnavigable, as an attempt to take away from the people of this country an opportunity to benefit from transportation facilities. And since that we have never reported a bill on that subject.

Mr. FERRIS. If the gentleman will pardon me, no one that I know of advocates such a thing as that.

Mr. STEVENS of Minnesota. Your proposition would practically amount to that. And no one would be otherwise than ridiculous to try to do it. We have submitted an amendment to you that does define it, and you gentlemen have not submitted anything or tried to arrive at it.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Minnesota if there is not a further reason, which is that to declare a negation upon a proposition of that sort is a kind of legal absurdity—is it not?

Mr. FERRIS. Nobody asked that.

Mr. GARRETT of Tennessee. To declare a stream nonnavigable where, as a matter of fact, it may be navigable?

Mr. STEVENS of Minnesota. The gentleman misunderstood that.

Mr. FERRIS. The gentleman from Tennessee is not trying to hold that we are contending that?

Mr. GARRETT of Tennessee. Oh, no. The gentleman from Minnesota [Mr. STEVENS] stated that the Committee on Interstate and Foreign Commerce had declined to report any bills

in recent years, because a former bill was criticized so vigorously by some people who feared there was an effort to take from the whole people rights that might belong to them by reason of declaring a stream nonnavigable. I merely suggested that, independent of the proposition and independent of the public criticism, there might be that it is rather of a legal absurdity to declare a negative upon a thing which, after all, is a matter of fact rather than a matter of law.

Mr. STEVENS of Minnesota. I think, Mr. Chairman, that is what I stated, that navigation is a matter of fact. The courts have so held, and the departments of the Government so construe it, and for that reason, because it is an absurdity, the committee has agreed not to take it into consideration further than that. And, therefore, when it has been desired to improve some stretch of the stream, it has been found that the United States would be obliged to pay very heavy damages in the way of removing bridges, and improvements of that kind.

Mr. GARRETT of Tennessee. I have had in recent years, if the gentleman will permit me, some requests from a large number of persons interested in the question of drainage, interested in the change of channels, of certain streams that flow through my district, to secure the passage through Congress of bills that would declare those streams nonnavigable. I have carried the matter before the War Department for settlement rather than to undertake to settle here in Congress as to whether the matter of navigation was a question of fact.

Mr. KENT. I am very humbly trying to get at facts. Here is the Sacramento River in my State. The lower part of that river is navigable, and the lower part of the San Joaquin River is navigable. Are the tops of those rivers navigable or nonnavigable under the purview of this act? If the San Joaquin River is navigable from the bottom to the top, it knocks out every safeguard we put in the Hetch Hetchy bill. We want to know definitely what you mean by this bill, and to explain in this bill what is navigable or nonnavigable.

Mr. ADAMSON. When a proposition is made either to Congress or the Secretary of War for a bill in accordance with this law, and plans and specifications are presented to the Secretary of War under it, he will know whether that river is navigable or not.

He will also know whether it is going to be made navigable or not. He will have his board of engineers to ascertain what comprehensive plan ought to be formed for the improvement of the river, and the whole matter will be decided practically then and there. I am not as familiar with these rivers and projects as is the gentleman from California [Mr. KENT], but it has never entered our minds or hearts to conceive of the possibility of interfering with Hetch Hetchy, or anything like it.

Mr. KENT. That is only one of many examples.

Mr. ADAMSON. Is it put in there by authorization of Congress for navigation purposes?

Mr. KENT. The San Joaquin River is navigable.

Mr. ADAMSON. The language of the bill is, "structures put in by authorization of Congress for navigation purposes in the navigable rivers of the United States." The gentleman says it is not navigable above Hetch Hetchy, and never was.

Mr. KENT. But your bill provides that every act of Congress creating a dam is subject thereafter to this particular bill.

Mr. ADAMSON. In navigable waters.

Mr. KENT. No; in any river.

Mr. ADAMSON. If the gentleman insists upon defining the meaning of "navigability," he can look back two or three thousand years and find judges who could not come nearer to it than our own Supreme Court has done on that subject, except the old idea abandoned by us that it was limited to tidewater, and if it is their purpose or desire to put in any of the suggested definitions, while they do not mean to say that, and do not say that probably, we might as well say that any stream that touches the public domain or that is on the public domain is not navigable. I do not think there is much navigable water on the public domain. I do not know of anyone who wants to build these water-power dams on the public domain, but I do not want to get into any conflict with them that will interfere with the operation of this bill.

Mr. STEVENS of Minnesota. I referred to the Kansas-Colorado case just a moment ago with reference to the Arkansas River. Does not the gentleman recall that the Arkansas River has been improved by act of Congress to a certain extent, and that many hundreds of thousands of dollars have been expended upon it, but in the upper reaches of the river Congress has decided that it is not navigable, and the Supreme Court has so decided, and, as was stated by the gentleman from Tennessee [Mr. GARRETT], it has decided what is navigable and what is not?

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. SMITH of Minnesota. On the Mississippi River between Minneapolis and Little Falls we have half a dozen dams, probably, authorized by Congress. The dam just above Minneapolis, known as the Coon Creek Dam, 6 or 8 miles from St. Anthonys Falls, has no lock in it. The citizens wanted to know from the War Department why there was no lock in it, and the War Department said, "Because the river above the falls is not navigable." The War Department nevertheless insists upon controlling the river, which extends over 200 miles, or possibly 300 miles, beyond and above the falls. The Government, through the War Department, insists upon controlling that river because they claim it is navigable. The people of the community want a lock in the Coon Creek Dam. The War Department says the reason why a lock is not put in is because the river is not navigable.

I suggest that, Mr. Chairman, for the purpose of calling attention to the importance of defining, if possible, what a navigable river is, so that the citizens and authorities of the State may know what portions of a stream they can take charge of and develop.

Mr. ADAMSON. When you pass this law you will have all the authority you want, in my judgment, if it is true you can not navigate above that dam and this bill should pass.

Mr. SMITH of Minnesota. That has been the situation for years above St. Croix.

Mr. ADAMSON. Then you hit the very thing that the gentleman from California [Mr. KENT] objects to. We say that, inasmuch as new dams must have locks put in them at the expense of the promoters and be regulated under the authority of the Federal Government, if the State fails to do it—which is substantially the provision of the other bill—we say that the old ones ought to be regulated, too; and if necessary to navigation they ought to be required to put a lock in; and if this bill passes they would have to do it.

Mr. KENT. The gentleman quoted "the gentleman from California." What we want to know is in the name of sense what a navigable stream is. We will take up these other matters later.

Mr. ADAMSON. I wish I was smart enough to know anything that the gentleman from California does not know, and I promise that if I ever learn anything that he does not know I will tell him.

Mr. LENROOT. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. LENROOT. The gentleman stated to the gentleman from Minnesota [Mr. SMITH] that if this bill was passed a lock would be required in the Coon Creek Dam that he speaks of, to be put in at the expense of the dam company.

Mr. ADAMSON. Yes.

Mr. LENROOT. Can the gentleman point to any provision of the bill that will require that?

Mr. ADAMSON. Section 17.

Mr. LENROOT. It gives them all the privileges, with none of the burdens.

Mr. ADAMSON. It gives them none of the privileges, and it puts on them all the burdens. It plainly states the provisions of the consent and the regulations, and I have rewritten the amendment so as to put it in emphatically in every solitary line, so there can be no question about it.

Now, Mr. Chairman, I have occupied the floor a long time. I know you will all concede it is not my fault, but I should very much like to finish my speech and conclude my remarks.

Mr. PLATT. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. PLATT. There is very high authority to the effect that a heavy dew constitutes navigability. That is the authority of Abraham Lincoln.

Mr. ADAMSON. I do not think this bill goes to that extreme, and I do not think Abraham Lincoln was writing a law when he got off that joke.

Mr. KENT. Section 17 repeals Abraham Lincoln.

Mr. ADAMSON. Oh, no.

Mr. FERRIS. I had not intended to get into any colloquy about this matter this afternoon, but this debate has not been altogether a fair one. It has been a hop, skip, and jump, and a leap-frog effort to get by a lot of questions that we might just as well meet face to face, because they are coming. The first one is this: As a matter of fact, the Interior Department and the Agricultural Department have been faithfully and patriotically developing water power in the West for a series of years.

Now, the War Department and the Board of Engineers have not been doing anything in the West. Here comes a bill that takes away—lock, stock, and barrel—everything they have done and repeals everything they have done or will do. Now, the gentleman is not going to force this bill onto us, and it may as well be said now that he had better agree to some amendments, or we will try to make this bill fit the West, where it will probably be more in operation than anywhere else.

I do not want to interfere with navigation; I know nothing about navigation; and I do not want to have anything to do with it; but this bill, poorly arranged, as I believe, and lacking in almost every detail of what a water-power bill should be, will not come in here and pass this House with the jumble of language that it contains without this House knowing what it means and what it is and where it comes from. [Applause.]

Mr. ADAMSON. Mr. Chairman, I do not think anything has been said by me to provoke this outburst on the part of the patriotic and eloquent gentleman.

Mr. FERRIS. What has provoked it is the lack of the gentleman saying something that he ought to say. He is here in charge of the bill, and he ought to say something instead of dodging and hopping around as he has.

Mr. ADAMSON. On the contrary, I have emphatically said everything that I think ought to be said. I have said this is a navigation bill and not a water-power bill. I have said the navigation in my country is more valuable than all the public lands, if we can promote it. I have said the hydro-electric power, with which we could tempt promoters, is worth more to the consumers and the development of the country than all the public lands in the country. I have congratulated the gentleman on his courage and ability in bringing forward a water-power bill and other conservation bills relating to the public domain. I do not care anything about meddling with the public domain. I have kept off the public domain, and do not want to have anything to do with it. I want the gentleman to exercise his ability, and to use all his profound knowledge and skill in drawing and passing good bills relating to that subject, and I do not intend to try to defeat in this House any bills that he brings in here.

I think, talking about amendments, that the only amendment that any bill really needs is for him to add in one or the other of the good places in his bill a statement that the provisions of his bill shall not interfere with the jurisdiction of the Secretary of War or the Chief of Engineers in superintending navigation on the navigable streams of the United States.

Mr. FERRIS. If the gentleman from Georgia thinks that this House or this Congress will turn over carte blanche, without a cent of revenue, to the Board of Engineers of the War Department, or to anyone else, the water power of this country, he is greatly mistaken.

Mr. ADAMSON. If the gentleman from Oklahoma imagines that this House and the people will ever consent to divesting the War Department of the jurisdiction over navigable streams and navigation in the navigable streams of this country, or that the people are going to forego the benefits of navigation in the navigable streams of this country, he is entitled to another think coming.

Mr. LENROOT. But the gentleman is aware that his bill divests Congress itself from the jurisdiction of this subject and places it under the War Department.

Mr. ADAMSON. The gentleman may know more about writing a bill, having been at it so long, but I do not agree with the suggestion he makes. We do not seek or intend to divest anybody of anything. We desired to promote navigation. The proposition here about public lands was not put in on my suggestion.

Mr. FERRIS. Now, Mr. Chairman, my affection runs over for the gentleman all the time, and I do not want to lose my equilibrium for a minute; but the gentleman throughout his entire speech, and even in the letter to me, protested in good faith his willingness to strike the jurisdiction of the Interior Department and the Agricultural Department out of the bill, and now he refuses to do anything about it. We do not want kind words; we want something done.

Mr. ADAMSON. Section 17 does not repeal anything but conflicting provisions in the navigation propositions to which we have given consent. I submit to the gentleman that the amendment makes that clear and positive. In the second place, I have no disposition to interfere with the administration by the Interior Department of the public domain, nor serving the interests of the Government by making all the returns they can. I have no objection on earth to the proposition that after the Secretary of War has passed the plan for the erection of a dam in order to promote navigation that the grantee should then go to the Secretary of the Interior and secure from him consent under the terms on which he grants permits. It is just like getting title from a private individual, or anyone who holds the title.

Mr. FERRIS. The theory of the two bills are as far apart as daylight and darkness. Your theory is that you figure on a 5 per cent rate on lands which probably cost $1.25 an acre, which amounts to nothing. Our theory is that we ought to impose conditions for the benefit of the public interested and the people who are to use the water power in the future. There is a public interest to conserve as well as the power interests. It is our duty to look after both.

Mr. ADAMSON. I have explained the 5 per cent charge and stated that I was willing for it to go out.

Mr. FERRIS. That improves it that much, but there remains much more to be done.

Mr. ADAMSON. I do not think there is any difference between us, substantially, except the proposition that the gentleman has been talking about just now as to the definition of navigation.

Now, Mr. Chairman, I want to close to-night, and I will close to-night, although I have not alluded to several sections of the bill. However, I believe we can approximately get together on everything except the navigation proposition, and if the gentleman can propose a definition of navigation in the history of legislation and administration, and the interest of the people and the Government, which we can agree upon, I would be glad to have it. He confesses that our bill is so loosely drawn he can shed light on the subject, and if he can I would be glad to be the beneficiary and recipient of that light.

Now, if the gentleman will bear with me, the gentleman from Kansas [Mr. MURDOCK] is to leave town, and he wants five minutes. I yield five minutes to the gentleman from Kansas.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had still further insisted upon its amendments to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, numbered 1 and 30.

AMENDMENT OF GENERAL DAM ACT.

The committee resumed its session.

Mr. MURDOCK. Mr. Chairman, there is more than one conflict in this measure. First, there is a conflict between the two great committees—the Public Lands Committee and the Committee on Interstate and Foreign Commerce. There is a conflict between the Secretary of the Interior and the Secretary of War. There will eventually be a conflict between the advocates of State rights and Federal control. The people are not interested in the conflict between the committees and the Cabinet officers, but everyone is interested in the preservation of the Nation's rights in the inauguration of this national water-power policy.

There is a water-power possibility in the United States of 25,000,000 horsepower annually. We have developed in water power 6,000,000 only out of the 25,000,000. Three-fourths of the developed water power of those 6,000,000 has passed into private hands. Ninety per cent of the developed water power in public-land States is owned now by 28 private corporations, and 6 of these control together over 56 per cent of the power developed. This is the measure of concentration in the control of water power in this country.

I think that the striking feature of the situation surrounding the consideration of this bill is the anxiety here to nominate specifically in the bond the rights of the Nation, and the unwillingness to submit to the grace of departmental regulations or of judicial construction. There is warrant for this attitude. Within my time in Congress I have seen the House pass a bill authorizing the construction of a dam across the Mississippi River at Keokuk. The argument was made on the floor of the House at the time of the passage of that authorization that a benefit was to come to the people of the valley in that vicinity. Every day since the construction of that dam that valley from Keokuk on the north to St. Louis on the south has been in revolt against the exorbitant charges of the Keokuk Dam Co. My mail and the mail of every other Member of this House has been filled at times with protests against the exactions of that company which enjoyed its great grant free of

charge, and as the gentleman from Washington [Mr. BRYAN] now suggests in perpetuity.

Mr. UNDERWOOD. Was the dam the gentleman speaks of one of those dams built by authorization of Congress?

Mr. MURDOCK. Yes.

Mr. ADAMSON. Yes; it was.

Mr. UNDERWOOD. Then, if this bill goes through with section 17 in it, it would make that dam subject to the terms of this bill and give the right of recapture at the end of 50 years, and also make the dam subject to regulation and control by the State or by the National Government. It would remedy the evils the gentleman complains of.

Mr. MURDOCK. It would do it if this bill were correctly drawn, but I do not read in this bill any provision for a limited 50 years' grant. I read into the terms of this bill a grant in perpetuity, and I want to say to the gentleman——

Mr. UNDERWOOD. Oh, I really would like to hear the gentleman, because my understanding of this bill is that at the end of 50 years the Government has got the absolute right to recapture. If the gentleman's conclusions are the other way, I think he is mistaken, but I would like to see how he construes it upon the question of perpetuity.

Mr. MURDOCK. Will the gentleman listen to the reading of section 9 of the Adamson bill?

SEC. 9. That the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the structure described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided.

Mr. UNDERWOOD. But the gentleman does not read it all. Go on and finish.

Mr. MURDOCK. I can read in section 12.

Mr. ADAMSON. But section 10 is the next section.

Mr. MURDOCK. Section 10 carries out the same idea I am now about to explain. These great works are not constructed at one time. They will be built piecemeal, and the indefiniteness of your date of beginning will result in indefiniteness at the end of your 50-year period, and not only that, but you ask the Government in that section to take over these properties at the end of 50 years at a fair value.

Mr. UNDERWOOD. No; the gentleman has not read it all.

Mr. MURDOCK. And it ought to read, and it will read before it goes through Congress, "at actual cost," as pertaining to the permanent appurtenances of the work.

Mr. UNDERWOOD. The gentleman ought to be fair in presenting that proposition, because I think that is the most important provision of this bill.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ADAMSON. Mr. Chairman, I intend to yield the gentleman more time, but right here I want to state for the benefit of my friend from Alabama [Mr. UNDERWOOD] and the gentleman from Kansas [Mr. MURDOCK] both, that as I view it, substantially there is no difference between this provision and the provision in the other bill. I intend to meet one criticism by offering an amendment to specify the completion of the lock and dam as the completion of the project, because that is to be built at once. The development can be put in by piecemeal, and the bill provides that it be so put in, but the completion is to be the lock and dam. It was omitted from the language here, but we intended to offer it.

Mr. MURDOCK. In my opinion, if the gentleman will put into the bill a definite provision of that kind, then it will be possible for the Government to take over the work at the end of the 50 years.

Mr. ADAMSON. That we intend to do.

Mr. MURDOCK. But I want to call attention to this: Even with that provision added, what right has Congress to provide that at the end of the 50-year period the Government shall pay for water-power site, for water rights, for rights of way, for franchises, at a fair value? Why should it not pay the actual cost of those things?

Mr. ADAMSON. All that is a matter of speculation, and the water companies want us to pay the cost. The testimony of the leading water-power men before our committee said that all they wanted was the cost.

Mr. MURDOCK. But the Government ought not to pay the unearned increment on any of the permanent appurtenances.

Mr. UNDERWOOD. The gentleman from Georgia has not answered the gentleman from Kansas, but there is nothing in this bill as it is written that requires the Government at the end of the 50 years to pay any unearned increment; if so, I would not support it.

Mr. MURDOCK. I think the gentleman, upon an examination of the bill, will find in the interpretation of these words "the fair value"——

Mr. UNDERWOOD. Let us be fair about it. What is the unearned increment? It is not the dam; it is not the dam site: the real unearned increment is the value of the franchise and the good will. Now, the gentleman has not read into the RECORD all of this provision. The land is the only proposition about which there can be any controversy as to whether a fair value or actual cost should be taken.

Mr. MURDOCK. If the gentleman will direct his atttention to line 16, section 10——

Mr. UNDERWOOD. If the gentleman will allow me to finish.

Mr. MURDOCK. Certainly.

Mr. UNDERWOOD. I want to call his attention to page 10, line 8, where in connection with this very matter it says:

In the determination of the value of said property upon the termination of said grant, as above provided, no value shall be claimed by or allowed for the consent hereby granted—

That is the franchise—

nor for good will, profit in pending contracts, or other conditions of current or prospective business.

Now, in other words, at the end of 50 years there is nothing that the people from whom it is recaptured can demand pay for except the money that they have expended in building the dam, the land, erecting the power station, and the equipment of the line. Well, now——

Mr. MURDOCK. Will the gentleman yield right there?

Mr. UNDERWOOD. Certainly.

Mr. MURDOCK. Of course, it comes out of my time; but I want to get this straight and I want to get the gentleman straight, and I believe I will. What about rights of way for the lines of transmission?

Mr. UNDERWOOD. I think that is a fair proposition, and I will say this: I think the only question of difference between these two bills on the question of recapture is the land involved, because I take it that, so far as the dam is concerned, the power house or dam, it is that the fair value is fixed by this bill and to be determined by the Government, because those things depreciate in value instead of increasing in value, the machinery, the house, and the dam, and of course it is possible that the land that is involved might increase in value. Now, there is the real and only issue between these two bills on the question of recapture. The Ferris bill provides it shall be paid for at the cost; this bill provides that the land shall be paid for at a fair value. Now, then, I am not very much concerned which the House adopts, because I think it is a very small equation in a very large project, but if you take the actual cost the difficulty is that in the organization of these plants you will make a temptation to the men who organize to put up the price and juggle with the price.

If you leave it open for somebody in the future to determine and take actual cost you may have a juggling of price when you begin the enterprise and get the result at the end of 50 years. Whereas if you take the fair valuation, what have you got involved? You have a dam site which could not increase in value. The land across which the dam runs belongs to the Government and will go back without cost. Now, you have the power site on the bank, which can not be a very large tract of land and will not increase in value. It probably would not except a city were to grow around it.

Now, the other proposition is the cost of water. Probably in developing a new territory the right of way may be worth very much less to-day than at 50 years from now. Why, these men go out and develop an enterprise. They have bought the land. They have blazed the way for an enterprise. Is it fair to them that they should have that small amount of increase as to what should be the fair value of that land when it is recaptured or the actual cost?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. UNDERWOOD. I do not see that there is much difference in the bill. But I think there is the only difference involved.

Mr. MURDOCK. Yield to me one minute.

Mr. ADAMSON. I yield one minute to the gentleman.

Mr. MURDOCK. The gentleman from Alabama has come into my speech with one of his own, and has conceded in the course of his remarks that the very section of the bill which I have criticized can be improved. I am in favor of the amendment of this bill, and I shall not vote for it until it is amended, and amended so no doubts as to our rights shall remain. He speaks of the rights of the men who construct these great works. The

people have a right in this situation, and the people ought to have a right—the right to require that every section written in this bill shall be free of ambiguity and indefiniteness. Every definition in this bill ought to be clear.

Mr. UNDERWOOD. Certainly.

Mr. MURDOCK. And we ought to provide that at the end of 50 years this work can be taken over by the Government at actual cost. We ought to provide when it is taken over by the Government that the Government should not pay for unearned increment.

Now, I repeat there ought to be no faltering here on the score of demanding specification of the Nation's rights to the last letter of definition. There should be no vestige of doubt left as to the right of recapture of water-power works by the Government after the expiration of the 50-year period. There should be nothing left in the measure that can be construed into a grant in perpetuity. There should be voted into the bill those amendments which will permit the Government, at the end of the 50-year period, to take over the permanent improvements of the work—the water-power site, the water rights, the right of way, the value of the franchise—at actual cost, not at the "fair value," as provided in the pending bill. There should be, as well, the inclusion of such terms as will remove entirely from the field of uncertainty the remuneration of the Government for the valuable grants it makes under the provisions of the law.

Section 9 of the proposed measure reads, as I have pointed out before:

That the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the structure described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided.

Not only should the provision as to "fair value" be changed, but the words which fix the date of the beginning of the 50-year period at the "completion" of the structure should be so changed that the corporation can not, by continuous, piecemeal construction, make the expiration of the period indefinite.

On the score of protection of the Government against the loss of the unearned increment, the testimony of Secretary of the Interior Lane, recently before the Committee on the Public Lands of the House, is illuminating. Secretary Lane said:

I had this proposition stated to me by one of the engineers as a basis of capitalization of an existing plant. They raised all their money on mortgages. All of the money that went to the plant went in on mortgages. They sold their bonds at 80 cents on the dollar. That left a margin of 20 cents. Then they issued capital stock. They had an amortization fund by which they returned at the end of the period the full face value of the bonds—80 per cent plus 20 per cent. They got the interest on the bonds and in addition they got a dividend upon the stock, which represented nothing whatever except the interests of the promoters.

Now, then, at the end of a 50-year period, we will say, they would have had a complete return of their investment—they would have had interest upon all the money that went in, interest upon the 20 per cent in addition to what went in, and a full dividend upon the stock, which represented water. Now, then, they want, at the end of that time, to sell the proposition back to the United States upon the basis of whatever the property is worth, whatever the water rights may have arisen to, whatever the rights of way may have become—to get back that in addition. Now, I think that is too much.

The overissue of securities would not alone appear in the selling price of the property, but there would be almost inevitably a tremendous increase in actual values of the holding. Secretary Lane, touching this point, gave an analogous experience while he was a member of the Interstate Commerce Commission, saying:

In the Western Advance Rate case, the Chicago, Burlington & Quincy Railroad, in defending its increase in rates, relied upon the legal proposition that it had a right to a return upon the full value of its property.

We asked them what they had put into the property, and they said $275,000,000. We asked them how they came to make out an estimate of $525,000,000 upon which they wished a return. They said that they had taken out of the property $50,000,000 in profits, which they had returned to the property. "Well," we said, "that makes, then, a total of $325,000,000 in cash that you have put in. There is a difference of $200,000,000 left. Why do you want a return upon that $200,000,000?" "Because that is the value of the land that we hold," they said. "That is the unearned increment of our right of way and terminal property since this road was established, and we want the rate increased, because, in point of law, under the Smythe case, we are entitled to a return upon that present value."

Now, that is a condition that we ought not to run up against when we are going to buy back these water-power properties.

It seems to me that all the reasonable demand that can be made by men of finance and every requirement of law will be fully met if we say to these people, "You can have a reasonable return upon every dollar that you put into this property; and so far as we are concerned we will allow the control of that to go into the hands of those States that have devised machinery for its control; but certainly if these properties are to revert to the United States or to the States or to the municipalities it can not be that we shall be asked to pay back at the end of 50 years a value that has been given to these properties by the increase in the population of the States themselves."

I have referred to the actual experience of the public in the recent past with great water-power companies. When the Keokuk Dam across the Mississippi River was authorized, it was reasonable to believe that the people would, in return for this grant, receive benefits commensurate. But the complaint, as I have pointed out, is now almost continuous from that section. Let me quote., in instance of this, an editorial from a recent issue of the Burlington (Iowa) Evening Post:

Dr. G. Walter Barr, who has charge of the publicity department of the Keokuk Dam enterprise, read an address on the 20th of February before the annual meeting of the Iowa Engineering Society at Council Bluffs on the "Commercial value of the hydroelectric dam at Keokuk." We notice that in one of his paragraphs Dr. Barr refers to the "cheap power" as being an advantage to the towns located within the sphere of influence of the power zone. Now, the facts do not bear out the designation of the power furnished by the Keokuk Dam as "cheap power." It is not cheap power; it is high-priced power. The "cheap power" is only in evidence in the inspired press. Power from the Keokuk Dam is being sold to communities at a higher rate than was charged before for power made with coal. For this reason none of the industrial centers in the power zone are securing any new factories. Not a single new factory of consequence has moved into Hannibal, or Quincy, or Keokuk, or Fort Madison, or Burlington since the power was turned on. This unsatisfactory condition is the result of a carefully thought-out plan on the part of the power company. Where it has failed to buy up the power plants in cities and towns along its transmission lines it has forced the local companies to take power from it at an exorbitant price under the threat of installing a rival plant and cutting the price to a level which would bankrupt the local company. All of the newspaper and banquet-table talk about the "cheap power" is the sheerest nonsense. The power is not being sold cheap. Uniformly everywhere that it is sold it is being sold at an increased price over the schedules in force when power was made with coal.

Testimony of a similar nature is found in the St. Louis Post-Dispatch. An article in that newspaper reads:

An investigation of the operation of the great dam and electric power plant at Keokuk, Iowa, made by a Post-Dispatch reporter, shows that contrary to public expectation the harnessing of the Mississippi has not reduced the price of electricity in St. Louis, and unless the State steps in to regulate rates will not be effective to decrease prices within the next 99 years.

The reason for this is that water power, the modern and cheap means of creating electric current, has not in this instance been set to compete with the old method where enormous consumption of coal makes the process highly expensive, but on the contrary, the Union Electric Light & Power Co. and the United Railways have contracted to take 60,000 horsepower of Keokuk current daily or one-fifth the dam's capacity for the next century at prices to be determined by the market price of coal.

Electrical engineers agree that current can be produced in a coal-burning steam plant of any size exceeding 3,000-horsepower capacity for less than 4 mills a kilowatt-hour, where coal costs $1.42 a ton, the present St. Louis price. This estimate includes all operating and "overhead" charges for current at the switchboard.

The Union Electric and the United Railways are paying approximately 6½ mills per kilowatt-hour for Keokuk current. What it costs Union Electric to generate current in its steam plant can not be stated exactly because of the flexibility of the item of "overhead" charges—which includes interest on watered stock—but Alten S. Miller, who resigned as president of the company in 1911, estimated that the cost was 4 mills at that time, and A. C. Einstein, the present president, admits that the Keokuk current is costing more than the homemade power.

But the dam company, the Mississippi River Power Co., does not receive all of the approximately 6 mills per kilowatt-hour paid by Union Electric and United Railways, which amounts, in round numbers, to $1,000,000 a year, for the dam company does not sell direct to them. It carries its current 130 miles from the dam to the town of Florissant, in St. Louis County, which is about 10 miles from the point of delivery to the United Railways and Union Electric, at Page Avenue and the city limits.

At Florissant the dam company delivers the current to the Mississippi River Power Distributing Co., receiving approximately 4½ mills per kilowatt-hour in return. The distributing company then carries the current the remaining distance to the United Railways and Union Electric.

This "distributing" company, which is capitalized at only $5,000, receives approximately 2 mills per kilowatt-hour for its services, which, it is estimated, gives the company a net profit of about $250,000 annually.

The history of the Keokuk Dam enterprise dates back 50 years, and until Hugh L. Cooper, constructor of a dam at Niagara Falls, took an interest in the project in 1905, the successive attempts to raise capital for construction were failures.

Cooper was engaged in his work at Niagara when a group of Iowans, prominent politically, obtained a charter from Congress in February, 1905, to construct a dam at Keokuk, Iowa. In September, 1905, Cooper took an option on the charter and began to search for capital. In order to obtain the millions necessary to carry out the huge undertaking he decided that contracts must be executed in advance, to show investors that there was a market for the current at profitable rates, giving an assured income sufficient at least to pay interest charges on bonds for 40 years or more.

Cooper, naturally, was attracted to St. Louis as a possible market for current in large quantities, and in 1908 formed an engineering partnership with W. V. N. Powelson, who resigned the presidency of the Union Electric Light & Power Co., at St. Louis, to join him.

Whether through fear that a Keokuk Dam company might invade the St. Louis district in competition with local utilities, or whether through a desire to create a new corporation that would yield tremendous profits on a comparatively slight investment, it is a fact that the agents of the North American Co. at St. Louis readily assented to bind up under long contracts the Union Electric and other utilities they controlled here when approached by Cooper.

In October, 1908, Cooper negotiated contracts with Breckenridge Jones, Festus J. Wade, James Campbell, and other North American

agents at St. Louis, to guarantee the purchase of at least $1,080,000 of water-power current a year for 99 years by the United Railways, Union Electric and Laclede Gas Light companies, all owned at the time by the North American Co.

The dam company, styled the Mississippi River Power Co., was to supply 60,000 horsepower at a rate of $18 a horsepower, for at least 14.1 hours in each 24, making the rate approximately 4½ mills a kilowatt-hour.

Jones, Campbell, Wade, and other directors of the North American and local utility companies entered into this contract through the agency of the new corporation styled the Mississippi River Power Distributing Co., having then and now a capital stock of only $5,000.

The distributing company in turn made contracts for 99 years with the United Railways, Union Electric, and Laclede Gas Light companies, owned and directed by the same group of individuals, to take the 60,000 horsepower under the same load factor at a rate of $25 a horsepower, or approximately 6⅓ mills a kilowatt-hour.

In July, 1909, the North American interests sold the Laclede Gas Light Co. to the Busch-Walker syndicate of St. Louis. The new owners engaged five consulting engineers to analyze the water-power contract under which they had agreed to take about 4,000 horsepower. The reports were all in accord, and declared the contract to be a burden because of the excessive price and for other reasons. The Laclede served notice that it would not observe the contract made between parties that were identical at the time, and the North American directors promptly shifted the contract to the Union Electric, which already had shouldered a 30,000 horsepower contract under these terms.

The net result of creating the intermediary company to "distribute" the hydroelectric current in the St. Louis district has been to guarantee the new subsidiary of the North American a minimum revenue of $1,500,000 a year from the Union Electric & United Railways, of which the Keokuk Dam Co. will receive $1,080,000 a year.

The gross earnings of the distributing company will be at least $420,000 a year, out of which it must pay only interest on $1,500,000 of bonds and the cost of operating a cable from Florissant to Page Avenue Heights, St. Louis County, where it transforms the Keokuk power from 110,000 to 13,200 volts and changes the United Railways current from an alternating to direct current.

The Keokuk Dam Co. built and operates transmission cables from the dam to Florissant, St. Louis County, a distance of 137 miles, and is compensated by the rate of $18 per horsepower.

The distributing company built cables between Florissant and Page Avenue Heights at the city limits, a distance of less than 10 miles. It built transformer stations for the Union and United Railways' current at the city limits, and shoulders the expense of operating the transformers and receives a rate of $7 per horsepower for this service and investment, or 38 per cent in addition to what the dam company gets for its current. Experts say that $75,000 should cover the annual "overhead charges" of the distributing company and $100,000 should cover the cost of operation and depreciation of property. If the total cost to the distributing company is $175,000 a year, its owners are assured annual profits of at least $245,000 a year, or $409 for dividends and surplus on each of the 5,000 shares of capital stock held by the North American Co.

The service of the distributing company in reducing the voltage of current from 110,000 to 13,200 is of doubtful value to either the Union or the public, because the current is classed still as "unrefined" at 13,200 volts, and must be stepped down to 110 and 220 volts before it can be used commercially.

The Keokuk Dam Co., claiming to have an investment of $26,000,000, will earn almost enough from its St. Louis contract alone to pay its fixed charges and operating expenses, although it agrees only to furnish 60,000 of its 300,000 horsepower capacity to St. Louis.

The dam company issued $15,000,000 of 5 per cent bonds before the dam was completed and offered $3,000,000 more last April. The interest charge on the entire $18,000,000 will be $900,000 a year.

The dam company has issued $6,000,000 of preferred stock to bear 6 per cent dividends, which will be cumulative after 1915, or a charge of $360,000 a year.

In its prospectus issued to investors the company has estimated its operating expense to supply 120,000 horsepower at $400,000. The total of these three charges—$1,660,000—is only $580,000 a year more than it is guaranteed from its St. Louis customers. Engineers say the company can generate current at far less than 4 mills a kilowatt hour when operating at 60 or 75 per cent of its capacity, but the "soft-coal" clause in its contract will enable it to increase the charges for current while decreasing the cost of generation.

There has been no evidence offered by the dam company press agents to substantiate the statement that it represents an investment of $26,000,000. In addition to the securities mentioned, the company has issued $16,000,000 of common stock, much, if not all, of which was given as a bonus to promoters and purchasers of bonds and preferred stock.

The first $3,364,500 of bonds were sold in the United States, Canada, and England on the following basis: Each bond of $1,000 with a bonus of $200, par value, common stock, for $875, payable in four semiannual installments.

If the subsequent bond sales were negotiated on as great or a greater discount, the dam company netted less than $15,750,000 on its $18,000,000 of bonds, from which was deducted the brokers' commission. The fact that these bonds have been quoted at around 82 since the project was started indicates to brokers that the company offers received something less than $15,000,000 from its bond issue, its most valuable security to date. Brokers say it is doubtful if the company could have realized anything like $11,000,000 in disposing of its $6,000,000 of preferred shares and that portion of its common stock which it may have transferred for cash.

The dam was built and is controlled by the Stone & Webster corporation, of Boston, which controls about 50 public utility and water-power companies in various parts of the United States. The North American Co. purchased $500,000 of bonds and received a bonus of $100,000, par value, of common stock in the dam company. Most of the money put into the project was invested by capitalists in Boston, Canada, and England.

There are now before this House, or, rather, in committee pigeonholes, bills seeking to bring relief to the people of the vicinity of Keokuk from the exactions of the powerful corporation. One of the bills gives the Secretary of War power to fix rates. The people are crying in vain for relief. How much better would it have been for the Congress to have protected them in the first place and before this valuable grant was made without money and without price.

How mandatory it is that the Congress shall now in the matter of water-power sites set down in unmistakable terms the rights of the Nation in the contract. How indefensible it is to inaugurate this great policy with uncertain definitions and dubious terms.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. UNDERWOOD having assumed the chair as Speaker pro tempore, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I desire to present a conference report on the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, for printing under the rules.

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 915).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have been unable to agree.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

Mr. COX. Mr. Speaker, is it the purpose of the gentleman to call up this conference report to-night?

Mr. JOHNSON of South Carolina. I did not intend to do so.

Mr. COX. It will take its regular course and be printed in the RECORD?

Mr. GARNER. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. If the report was considered this afternoon and the previous question was ordered on it, when would the vote come? Would it come to-morrow immediately after the approval of the Journal?

The SPEAKER pro tempore. Not on Calendar Wednesday.

Mr. GARNER. Not if you order the previous question, Mr. Speaker?

The SPEAKER pro tempore. The Chair does not like to decide a question that is not really involved.

Mr. COX. In order to order the previous question, you will have to have a quorum here.

Mr. GARNER. The point I want to get at is that this is the last day of the fiscal year, and the idea is to get this bill completed at the earliest possible moment. I am advised by some of my colleagues here who say that even though that is the case they would not permit it, and so I will not press the parliamentary question.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that Thursday be substituted for Calendar Wednesday, in order that we may get through with the appropriation bill.

The SPEAKER pro tempore. Under the rule the Chair is not entitled to present the proposition to the House until Wednesday.

Mr. GARRETT of Tennessee. Thursday has already been made Calendar Wednesday, anyhow.

Mr. GARNER. No; we did not get that agreement.

The SPEAKER pro tempore. The Chair thinks that the request would have to come to-morrow. But the Chair is ready to hear the gentleman. He does not think that Calendar Wednesday can be set aside until Wednesday.

HOUR OF MEETING THURSDAY.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourn Wednesday, July 1, that it adjourn to meet at 11 o'clock a. m. on Thursday, July 2.

Mr. STAFFORD. Of course, Mr. Speaker, I always wish to accommodate the gentleman from South Carolina, and I will have no objection, if it will be an accommodation to him, to have the House meet on Thursday at 11.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 13679. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915;

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 14034. An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915;

H. R. 13679. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 1, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of deficiency in the appropriation for submarine mines for the fiscal year ending June 30, 1914 (H. Doc. 1104); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting for the consideration of Congress, in connection with the general deficiency bill, an item of legislation in relation to the quarantine station, San Juan, P. R. (H. Doc. 1105); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MURDOCK: A bill (H. R. 17574) for the selection of postmasters from the classified service; to the Committee on the Post Office and Post Roads.

By Mr. PETERS of Massachusetts: A bill (H. R. 17575) to purchase an oil painting entitled "Our Glory—the Battleship *Oregon*"; to the Committee on the Library.

By Mr. TAYLOR of New York: A bill (H. R. 17576) providing for the sale of United States Reservation No. 316, in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. TAGGART: Resolution (H. Res. 558) that exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick be made a special order for Saturday, the 18th day of July, 1914; to the Committee on Rules.

By Mr. TOWNSEND: Resolution (H. Res. 559) requesting the Interstate Commerce Commission to examine the affairs of the Wabash Pittsburgh Terminal Railway Co.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 17577) granting an increase of pension to Charles Boller; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 17578) granting an increase of pension to George Radell; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 17580) for the relief of John McGowan; to the Committee on Military Affairs.

By Mr. GOLDFOGLE: A bill (H. R. 17581) for the relief of Rebecca Forsch, as administratrix de bonis non of Samuel Schiffer, deceased; to the Committee on War Claims.

By Mr. HENSLEY: A bill (H. R. 17582) granting an increase of pension to Frank Schumer; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17583) granting an increase of pension to Emily A. Potter; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 17584) granting a pension to Hans C. Nielsen; to the Committee on Pensions.

Also, a bill (H. R. 17585) granting a pension to Helen M. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17586) granting an increase of pension to Lillie E. Spaulding; to the Committee on Invalid Pensions.

By Mr. PETERS of Massachusetts: A bill (H. R. 17587) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories, such as described in the act of Congress approved February 7, 1913, imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 17588) granting an increase of pension to Orlando A. Newton; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 17589) granting an increase of pension to Ahvilla R. Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17590) granting an increase of pension to Eliza Dickinsin; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 17591) granting an increase of pension to John W. Dillehay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17592) granting a pension to Alverda McKinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17593) granting an increase of pension to Joseph T. Dennis; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 17594) for the relief of W. T. Brogdon; to the Committee on Claims.

By Mr. CANTRILL: Resolution (H. Res. 560) authorizing the payment of $1,200 to G. D. Ellis; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petitions of 54 citizens of Monroeton, sundry citizens of Smithhill and Center Moreland, and 46 citizens of Alba, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Gouldsboro, Pa., favoring prohibition amendment; to the Committee on Rules.

By Mr. ALLEN: Petition of 145 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. ANTHONY: Petition of Hon. Arthur Capper and other citizens of Topeka, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of John O'Neil and other citizens of Horton, Kans., protesting against national prohibition; to the Committee on Rules.

Also, petition of Mrs. Maggie England and other officials of the Woman's Christian Temperance Union at Leavenworth, Kans., favoring national prohibition; to the Committee on Rules.

Also, petitions favoring national prohibition, signed by 330 members of churches and church organizations, in the following towns and cities in Kansas: Topeka, Reserve, Robinson, Oneida, Delia, Atchison, Effingham, and Muscotah; to the Committee on Rules.

Also, petition of Mrs. Jennie Henderson and other citizens of Horton, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of Rev. Charles M. Sheldon and other citizens of Topeka, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of M. L. Doering, Lorette Strickler, and others, of Topeka, Kans., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of the Sunday School Association of Atchison, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. BORCHERS: Petition of 242 citizens of Urbana, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BUCHANAN of Illinois: Petition of Mrs. S. P. Bourland, Mrs. A. S. Sadin, and others, of Illinois, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petitions of A. F. Ottman and others of Edgemont, S. Dak., protesting against national prohibition; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Resolutions adopted by the North American Skat League at its seventeenth annual convention at Milwaukee, Wis., June 14, 1914, protesting against the passage of House joint resolution 168, Senate joint resolution 50, Senate joint resolution 88, and against all similar prohibition measures; to the Committee on Rules.

Also, resolutions adopted by the First Methodist Episcopal Church of Sheboygan Falls, representing 164 people, and the Epworth League of Sheboygan Falls, Wis., representing 60 people, asking for the passage of the Hobson resolution providing for an amendment to the United States Constitution in favor of national prohibition; to the Committee on Rules.

By Mr. BUTLER: Petitions of 98 citizens and the Woman's Christian Temperance Union of Lansdowne; 50 citizens of Fernwood; 68 citizens of Concordville, and 35 citizens of Parksburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also (by request), memorial of the Borough Council of the borough of Coatesville, Pa., favoring passage of the Hamill retirement bill for Federal employees; to the Committee on Reform in the Civil Service.

By Mr. CALDER: Petition of sundry citizens and the Sixth Avenue Baptist Church, of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CANDLER of Mississippi: Petition of sundry citizens of Columbus, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Manufacturers' and Dealers' League of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. DAVIS: Memorial of the Minnesota State Association, indorsing the Hamill bill relative to retirement of Government employees; to the Committee on Reform in the Civil Service.

By Mr. DICKINSON: Petitions from 24 persons of the sixth district of Missouri, favoring the passage of the amendment to the Constitution prohibiting the manufacture, sale, or importation of intoxicating liquors; to the Committee on Rules.

Also, petition of sundry citizens of Rich Hill, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petitions of sundry citizens of Bethel, Bridgeport, Summerfield, Easton, and Trumbull, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

Also, petition of the Central Labor Union of Bridgeport and citizens of Connecticut, against national prohibition; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of the Kings Highway Church, of Bridgeport, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petitions of the Finlay-Pratt Hardware Co. and 8 other merchants and companies, of Carlsbad; Earickson & Co. and 9 other merchants, banks, and companies, of Fort Sumner; the Cash Mercantile Co. and 12 other merchants and companies, of Artesia; the Portales Drug Co. and 26 other merchants and companies, of Portales; R. B. Ellison and 7 other merchants and companies, of Santa Rosa; Ziegler Bros. and 8 other merchants and companies, of Carrizozo, Tularosa, and Mescalero; C. W. Morgan and 6 other merchants and companies, of Alamogordo; the Seligman Bros. Co. and 22 other merchants and firms, of Santa Fe; the Joyce-Pruitt Co. and 22 other merchants and companies, of Roswell; the Comley Lumber Co. and 12 other merchants and companies, of Clayton; the Nara Visa Lumber Co. and 9 other merchants and companies, of Nara Visa; J. D. Cross and Triplett Bros., of Texico; the Elk Drug Store, 18 other firms and companies, and the Chamber of Commerce, of Tucumcari; E. C. Sims and 5 other merchants and companies, of Vaughn and East Vaughn; M. L. Davis and 2 other merchants and companies, of Elida; the Brooks Mercantile Co. and 6 other merchants and companies, of Cimarron; the Estancia Savings Bank and 7 merchants and companies, of Estancia; the Raton Supply Co. and 23 other merchants and companies, of Raton; O. C. Hinman and 14 other merchants and companies and the Chamber of Commerce, of Silver City; the Chamber of Commerce and 18 merchants and companies, of Deming; Charles Ilfeld Co. and 31 other merchants and companies, of Albuquerque; Freeman Bros. and 14 other merchants and companies, of Las Cruces; the Winters Drug Co. and 25 other merchants and companies, of Las Vegas and East Las Vegas, all in the State of New Mexico, favoring the enactment of legislation to compel concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

Also, memorials of Patricio Martinez and 27 other citizens of Abiquiu; George Hyde and M. A. Rooney and 123 other citizens of Fort Sumner, Moriarty, Tularosa, and Watrous; G. J. Kammerer and 24 other citizens of Elizabethtown; W. F. Largent and 2 other citizens of Red River; William F. Meyer and 2 other citizens of Costilla; Luis Ch. Chavez, of Leyba; Julio Garcia, of La Cueva; Antonio Jose Luna and 2 other citizens of Polvadera; 30 citizens of Array; 5 citizens of Santa Rita; 13 citizens of Raton; 22 citizens of Cerro; 25 citizens of Mogollon; 8 citizens of San Pedro; 12 citizens of Knowles; and 29 citizens of Clayton, all in the State of New Mexico, protesting against national prohibition; to the Committee on Rules.

Also, petitions of Jesus Ma. Torres, J. I. Eaton, A. D. Coon, and 19 other citizens of Socorro, and of H. W. Metz, H. C. Armstrong, R. E. Smith, and 35 other citizens of Raton, all in the State of New Mexico, protesting against national prohibition; to the Committee on Rules.

Also, petitions of the Berino Sunday School, of Berino, representing a membership of 34, and of Rev. Dorsey Memborn, W. R. Newsome, A. W. Crowder, and 77 other citizens of Berino, Anthony, and Center Valley, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, petitions of mass meeting of citizens of Espanola, Velarde, Tularosa, Bernalillo, and Estancia, the latter signed by 25 citizens, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, petition of the Methodist Episcopal Church of Cuervo, N. Mex., representing a membership of 100, and of W. R. Smith, W. L. Wilson, and V. Barnhart, and 40 other citizens of Cuervo, N. Mex., favoring national prohibition; to the Committee on Rules.

Also, petition of M. M. Crocker, F. G. Roberts, R. M. Reynolds, and 51 other citizens of Lordsburg, N. Mex., favoring national prohibition; to the Committee on Rules.

By Mr. FESS: Petition of sundry citizens in mass meetings at Washington Courthouse, Ohio, and Xenia, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petition of the North American State League against national prohibition; to the Committee on Rules.

Also, petition of the Merchants' Association of New York relative to antitrust legislation; to the Committee on the Judiciary.

Also, petition of the North Side Board of Trade, of New York, urging postponed action on antitrust bills; to the Committee on the Judiciary.

By Mr. GARRETT of Tennessee: Petitions of 700 citizens of Halls, citizens of Troy, and J. L. Noel, of Kenton, all in the

State of Tennessee, favoring national prohibition; to the Committee on Rules.

By Mr. GRAY: Petitions of Mrs. H. C. Anthony, presiding officer, Mrs. H. A. Carter, secretary, Connersville; Prudence Winterrowd, presiding officer, Margaret T. Hoop, secretary, Shelbyville; Florence C. Larimore, presiding officer, Nora C. Roberts, secretary, Greenfield; Mary A. Stubbs, presiding officer, Mrs. J. H. Hodgin, secretary, Richmond; Lois Compton, presiding officer, Maud E. Hudelson, secretary, Newcastle, of mass meetings held in said respective cities, and Mary Alice Moorman, president Franchise League, Richmond, all in the State of Indiana, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of H. B. Prater and other voters of McCordsville, Ind., and Alden Mote and 5 other members of the Grace Methodist Episcopal Church, of Richmond, Ind., favoring national prohibition; to the Committee on Rules.

Also, petitions of Frank B. Moorman and other citizens of Batesville, Ind., and William H. Luking and other citizens of Connersville, Ind., protesting against national prohibition; to the Committee on Rules.

Also, petition of Steward Rogers and other citizens of New Palestine, Hancock County, Ind., favoring national prohibition; to the Committee on Rules.

Also, petition of 60 citizens of Richmond, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. GRIFFIN: Petition of the Manila Merchants' Association, favoring modification of tariff law as to sugar; to the Committee on Ways and Means.

Also, petition of sundry citizens of Brooklyn, N. Y., favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of H. J. Harding, Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the Philadelphia Board of Trade, relative to antitrust legislation; to the Committee on the Judiciary.

Also, petition of the Merchants' Association of New York, relative to antitrust legislation; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petitions of 225 citizens of Fort Fairfield, 150 citizens of Westfield, and granges of Atkinson, Milo, and Sebec, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petitions of sundry citizens of South Haven and Otsego, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. HART: Petition of 25 citizens of Leonis, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. HELM: Petition of Lizzie M. Willis, Blanche Hunter, and others, of Shelbyville, Ky., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of Mrs. C. D. Wright, Emma C. Walter, and others, of West Newton, Pa., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of Jean C. Bailey, Helen C. Campbell, and others, of Greensburg, Pa., and Mrs. Ray E. Motz, Mrs. Mamie Rhinehart, and others, of Monessen, Pa., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. LIESS of Pennsylvania: Petitions of Mrs. A. B. Hitchcock, of Knoxville; Mrs. James G. Covey, of Coudersport; Mrs. Louise L. Chatham, of Williamsport; Mrs. Mary B. Miller, of Wellsboro, all in the State of Pennsylvania, and others, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. KINDEL: Petitions of sundry citizens of Colorado, against national prohibition; to the Committee on Rules.

By Mr. KINKAID of Nebraska: Petitions of Mary Senill Hayward, and others, of Chadron, and W. E. Taylor, Hetty M. Jacobs, and others, of Custer County, Nebr., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petitions of Mrs. Frederick Eggert, Lavina L. Noir, and others, Mrs. A. C. Newell, Isaac Swett, and others, Esther P. Lovejoy, Mrs. A. E. Boothwick, and others, all of Portland, Oreg., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of 275 citizens of Pine Grove, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of the South Methodist Sunday School, South Manchester, Conn., and various citizens of Cheshire, Conn., favoring submitting the prohibition amendment; to the Committee on Rules.

By Mr. McCOY: Petition of 35 voters of the ninth congressional district of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. MacDONALD: Petition of Monitor Lodge, No. 163, Order of Vasa of America, Ishpeming, Mich., favoring monument to John Ericsson; to the Committee on the Library.

Also, petition of various Presbyterian, Methodist, and Baptist Churches and 82 citizens of Marquette, 250 of Newberry, 600 of Ishpeming, and 150 of Gladstone, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

Also, petitions of the cigar makers' union and sundry citizens of Escanaba, Mich., and various cigar makers' unions of Sault Ste. Marie and Calumet, Mich., against national prohibition; to the Committee on Rules.

Also, petition of the Women's Relief Corps of Crystal Falls, Mich., against changing the United States flag; to the Committee on Military Affairs.

Also, petition of the board of directors of the Detroit Board of Commerce, of Detroit, Mich., favoring waterway development; to the Committee on Rivers and Harbors.

Also, petition of the Upper Hay Lake Grange, of Sault Ste. Marie, Mich., favoring House bill 11897, the Bathrick bill for rural credits; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Manistique, Mich., and Mackinac County, Mich., favoring pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Gogebic County, Mich., favoring bill for memorial to John Ericsson; to the Committee on the Library.

Also, petition of 10,175 citizens of the State of Michigan, protesting against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of Katharine L. Paddock, Eleanor L. Merriam, and others of Malone, N. Y., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of sundry citizens of Plattsburg; sundry citizens, the Woman's Christian Temperance Union, and churches of Parishville; members of Ausable Chasm Church and Sunday school, all of the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. MOORE: Petition of Florence L. Piersol, Elizabeth Price Lewis, and others, of Philadelphia, Pa., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. NELSON: Petition of 90 citizens of Plattsville, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of Randolph T. Ode, of Providence, R. I., relative to House bill 7267 for repayment to the Stevens Institute of Technology of a collateral inheritance tax; to the Committee on Claims.

Also, petition of the Quarterly Conference of the Methodist Episcopal Church of Portsmouth, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of various members of the Emanuel Reformed Church of Poughkeepsie, N. Y., and sundry citizens of Pawling, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petitions of D. R. Peterson and others, of Penyr, Cal., and Rev. Frank Porter Flegal, of Newcastle, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. RAUCH: Petition of the Peru (Ind.) Labor Trades Council, American Federation of Labor, and citizens of Indiana, against national prohibition; to the Committee on Rules.

Also, petitions of 1,485 citizens of Fairmont, 1,892 citizens of Marion, 295 citizens of Huntington, 1,195 citizens of Wabash, 100 citizens of Laketon, 50 citizens of Upland, 125 citizens of Jonesboro, 66 citizens of Hartford City, 375 citizens of Swayzee, 500 citizens of Star City, sundry citizens of Roann and vicinity and Evangelical Association of Bunker Hill, 34 citizens of Galveston, 195 citizens of Montpelier, sundry citizens of Medaryville, 375 citizens of Gas City, 46 citizens of Ubee, 16 citizens of Amboy, 25 citizens of Ijamsville, 250 citizens and more of Warren, 200 citizens of Matthews, 60 citizens of Upland, the Woman's Christian Temperance Union of Amboy, 258 citizens of Markle, all of Indiana, and the Indiana Epworth League Institute, favoring national prohibition; to the Committee on Rules.

Also, petition of W. H. Hickerson, of Warren, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petitions of Ed. Whalen, W. F. Wootan, and 15 other residents of National, Humboldt County, Nev.; and Frank J. Kinghorn, Ed. Phillips, and 11 other residents of Battle Mountain, Lander County, Nev., protesting against the adoption of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. SCULLY: Memorial of the North American Skat League, H. F. L. Westerfield, and William J. Richton, all in the State of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of 30 citizens of Colorado Springs, Colo., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Petition containing 45 signatures of residents of Cœur d'Alene, Idaho, protesting against enactment of legislation providing for an amendment to prohibit the manufacture, sale, and importation of intoxicating liquors; to the Committee on Rules.

Also, memorial of various representatives of 12,000 Christian Endeavorers in conference at North Yakima, Wash., favoring national prohibition; to the Committee on Rules.

Also, papers to accompany House bill 17163, for the relief of the board of regents of the University of Idaho; to the Committee on Claims.

By Mr. TREADWAY: Petition of the Massachusetts Hotel Men's Association, protesting against national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of Jane Olcott, Agnes F. Belts, and others, of Elmira, N. Y., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Elizabeth J. Kemper and other members of the Woman's Christian Temperance Union of Bellefontaine, Ohio, in favor of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of 200 citizens of Mena, Ark., and sundry citizens of Crawford, Ark., favoring national prohibition; to the Committee on Rules.